

Developing the River Plan / North Reach: Summary of issues and solutions

Staff Responses to comments on the February 12, 2007 Public Review Draft

| Commenter | Issue | Comment | Staff response | Amend the report | Consider when drafting the plan | No action necessary |
|-----------|--|------------------|--|---|---------------------------------|---------------------|
| | General Comments | | | | | |
| 1 | Cindy Reid | General Comments | I am seeing this plan for the first time on Feb. 14, 2007. While I have not been able to read it in detail, it appears at first scan, to be a plan to undo greenspaces in a way that favors development over natural habitat. The language seems vague in several places. I will be looking at this more carefully and commenting, however, this plan appears to be pro-development - with nature as a sub-text, as usual. More to come. | Thank you for your comment. | | √ |
| 2 | Cyril Young, Department of State Lands | General Comments | The first concern I have is about the overlays as identified in the current Greenway Plan. The LWRMP identifies for DSL certain overlays along the river...These are identified as Development Areas, Public Access Areas, Conservancy Areas and Open Water. I would hope that these overlays are consistent with current overlays as designated in the Greenway Design Guidelines and any proposed modifications to those overlays. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | √ | |
| 3 | Patty Rueter, POEM | General Comments | Over all "overlay zones" dominate the conversation of the document as if this is the way the management of the development would be. Is this so? I think a Performance Based Code might be applicable and it seems that if you are looking at objectives that need to be addressed in a plan, the performance measurements to reaching the objectives and goals through the actions would be best relayed through more performance based – language. | We often hear that performance based code is a smarter way to regulate. However, it's often harder to create standards for performance based types of regulations. Staff will keep this idea in mind as we move forward with developing the River Plan/North Reach. | √ | |
| 4 | npGreenway pg. 1 | General Comments | We believe that this document is an excellent compilation of the issues facing the City, citizens, business and industry, commuters, river cleanup, various forms of recreation and other interests in the proposed revisions to the North Reach of the Willamette River Greenway. | Thank you for your comment. | | √ |
| 5 | Daniel Yates pg. 1 | General Comments | On page 7, item 2 it is good to see that the plan acknowledges that public access does not have to be adjacent to the river. The Marine Transportation Security Act, worker safety and work area requirements should have priority over recreational/transportation trails. | Thank you for your comment. | | √ |

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| 6 Daniel Yates pg. 2 | General Comments | On Page 7, item 2 there is one extremely ill conceived sentence. "The purposes to be achieved by designating and requiring property owners to dedicate right-of-way or recreational trail easements include increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems and helping to create a pleasant, aesthetically pleasing urban environment." Many of these purposes have been ruled on by the US Supreme Court, 9th Circuit and even COP hearing officers and have collectively been ruled unconstitutional takings. Case law has gotten much deeper since Dolan and the City Attorney is aware that any rewrite of the Greenway must accommodate current law or the City will be exposed to significant lawsuits with hefty damages (Tigard paid over one million dollars and Eugene paid over \$4 million a few years ago). Portland's own hearings officer declared the current Greenway code unconstitutional in the Fall of 2006. | The River Plan/North Reach will include amendments to address the requirements of the Dolan decision. | | √ | |
| 7 Daniel Yates pg.1 | General Comments | This plan does little to protect this land for providing economic opportunities of the future and fails to solve the existing regulatory issues that presently put Oregon in a competitive disadvantage. We need to encourage commerce to prosper and allow it greater flexibility in this specific area. | The Developing the Plan document is simply an summary of the implementation issue that have surfaced over the years regarding the Willamette Greenway Plan. | | | √ |
| 8 Daniel Yates pg. 3 | General Comments | The Dolan decision of 1994 and affirming follow-up decisions by other courts should have pushed the city to update its regulations in a timely fashion. Instead the City took the moral low road and has systematically attempted to enforce outdated code relying on the fear of endless court costs and the naivety of property owners that their local government would not attempt to enforce something so blatantly illegal. River-front property owners are hoping that this process of changing the greenway will result in less conflict with City, but if this summary is an indication of the true direction staff is determined to take then I fear the dogs of war will be let loose. Conflict will worsen and the waterfront and local economy will suffer. | The River Plan/North Reach will include amendments to address the requirements of the Dolan decision. | | √ | |

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| 9 Daniel Yates pg. 3 | General Comments | I find it hard to believe that with such a broad summary of complex issues reviewed in the North Reach Plan that the staff would propose the next step is drafting code. I believe that the next step should be refining this summary and getting more buy-in from interested parties and openly lay-out how staff is intending to comply with the spirit and intent of all law relating to the Greenway. Code drafted from this summary will only reinforce a growing perception that this entire process has been a horrible waste of millions of dollars and thousands of hours of staff and volunteer time. | There will be many more steps before code will be drafted. | | | √ |
| 10 Kathleen Wadden, PP&R pg. 1 | General Comments | Issue statements often include solutions. e.g. "Development is too restricted within the setback." (Greenway Setback Issue) Not enough description and explanation of the problems: Suggest more quantification, such as • There are too many appeals about x; fees don't cover time it takes staff to answer questions; not enough information or examples of how to do things so they are approved, applicants can't decipher regulations without assistance • Applications are generally incomplete, don't respond to criteria; proposals inappropriate or unapprovable; results (approved proposals) don't meet City goals; too many violations | To the extent possible, staff has tried to edit issue statements so that proposed solutions appear only in the proposed solution section. However, in a few cases, because of the nature of the issue described, the issue statement includes both an issue and a potential solution. Staff has tried to keep this to a minimum. | | | √ |
| 11 Kathleen Wadden, PP&R pg.1 | General Comments | Easy to get mired in details; simplest approach is to step back and ask What are we trying to accomplish? What is the problem? What will fixing the guidelines accomplish? | Thank you for your comment. River Plan staff will keep this in mind as we go forward with developing the River Plan/North Reach. | | √ | |
| 12 Greg Madden, NINA pg. 1 | General Comments | Throughout the River Renaissance and River Plan processes, NINA has been particularly supportive of city efforts to create a unified set of policies and programs for the Willamette River, and we appreciate the economic and industrial land studies that have helped showcase the working harbor. | No action necessary. | | | √ |
| 13 Greg Madden, NINA pg. 1 | General Comments | During these past six years, NINA businesses have continued to invest, grow and create new jobs. Unfortunately, in many cases our members were challenged by a city permit process that forces us to reconcile competing regulations, make site improvements unrelated to our business operations, and quite frankly, expend scarce resources for some intangible "public" benefit. | Several of the issue statements in the document reflect the concerns stated in this comment. | | | √ |

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| 14 Greg Madden, NINA pg. 2 | General Comments | Looking to the future, we are concerned about how businesses in Portland's harbor will be able to afford their obligations to the Superfund and still remain viable industrial operations. The River Plan Public Review Document dated February 12, 2007 needs to expand on the order of magnitude of the Superfund obligations and acknowledge that policy choices will have to be made....The City must move quickly to develop Greenway Comprehensive Plan and Code language that is supportive of the working waterfront's continued economic viability and removes unnecessary barriers to business investment. | Staff will amend the section on contaminated sites to acknowledge the concerns about Superfund cleanup cost. | √ | | |
| 15 Paul Zalec, Portland and Western Railroad pg. 2 | General Comments | Rail requirements for a healthy working industry are not adequately recognized in the River Plan. Heavy industrial areas rely on secure, safe and efficient rail services as well as access to the global market place to retain and grow its base. The corridor is well served by rail today, but the conflicts between rail and non-industrial access is growing and its impact on rail and rail users is grossly understated in the River Plan document. | In the River Industrial Zoning and Land Conversion section, issue statement number 3 and potential solution number 2 address the concerns raised in this comment. | | | √ |
| 16 Paul Zalec, Portland and Western Railroad pg.2 | General Comments | From our perspective, residential/recreational uses and river-access pose severe current and long-term constraints on efficiency of service, security and public safety. Not only is housing encroaching on the industrial sanctuary that we service, but the notion of housing is also being promoted in town centers without requisite sound buffering, security, safety, capacity or railroad grade crossing separations. Similarly, trail and river access appears to be planned without addressing the noise, security, capacity, public safety and private property issues that are inherent with rail right-of-way and rail service. Clearly, on-going conflict and an erosion of the industrial sanctuary will continue unless these issues are addressed. | These issues are reflected in several sections of this document. Staff will keep these issues in mind as we go forward in developing the River Plan/North Reach. | | √ | |
| 17 Paul Zalec, Portland and Western Railroad pg. 2 | General Comments | It is critically important that we take great care in developing the plan for the North Reach and designing a permit process that will support existing and future investments, recognize private property rights, create jobs and preserve existing industrial sanctuary in the rail corridor. To that end, amendments to the Greenway Code should compliment and balance the industrial base and their business development, rather than facilitate a piling on of requirements to achieve vague, undefined or marginal benefits. | River Plan staff will consider this comment as we go forward with developing the River Plan/North Reach. | | √ | |

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| 18 Howard Werth, Working Waterfront Coalition pg. 1 | General Comments | It is critically important that we take great care in developing the plan for the North Reach and designing a permit process that will support existing and future investments and job creation. To that end, amendments to the Greenway Comprehensive Plan and Code should assist with business development, rather than facilitate a piling on of requirements to achieve vague, undefined or marginal benefits. | River Plan staff will consider this comment as we go forward with developing the River Plan/North Reach. | | √ | |
| 19 Howard Werth, Working Waterfront Coalition pg. 2 | General Comments | The North Reach is primarily a working harbor, and we appreciate that the needs of the working harbor are articulated in parts of this document. This is particularly true in the "Contamination" section. Nonetheless, the issues and potential solutions identified throughout the remainder of the document seem heavily weighted towards recreational, habitat and natural resource considerations. | The River Plan is a multi-objective plan. However, the guiding policy document, the River Concept (2006), calls the North Reach "Portland's Working Waterfront". It also states that the Prosperous Working Harbor and the Clean and Healthy River are the most prominent River Renaissance Vision themes in the North Reach. | | √ | |
| 20 Howard Werth, Working Waterfront Coalition pg. 4 | General Comments | Rail requirements of a healthy working waterfront are not adequately recognized. From a rail perspective, residential/recreational uses and river-access pose severe current and long-term constraints on efficiency of service and public safety. Not only is housing encroaching on industrial areas served by rail, but the housing is also being promoted in towncenters without requisite sound buffering, safety equipment and grade separations. Similarly, trail and river access appears to be planned without addressing the noise, capacity, and public safety issues they bring to rail service, ensuring on-going conflict and an erosion of the industrial sanctuary. | River Plan staff are aware of the need for rail and of the conflicts between rail and other uses. There are issue statements in both the River Industrial Zoning and Greenway Trail sections regarding the potential for conflicts between rail and residential/recreational uses. The issue with housing near industrial areas and the issue of safety regarding trail users in industrial areas are specifically identified in both sections. | | √ | |
| 21 Howard Werth, Working Waterfront Coalition pg. 4 | General Comments | We support specific criteria and numeric solutions for the River Plan goals as, for example, are proposed in the "River Industrial Zoning and Land Conversion" chapter (page 20). We do not support goal statements policies that simply encourage actions for unspecified outcomes. | Staff supports quantifiable measures where we can create them. | | √ | |

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| 22 Howard Werth, Working Waterfront Coalition pg. 5 | General Comments | In as much as several River Plan task groups are still meeting, it is unlikely that this February 12, 2007 document identifies all the know implementation issues or potential solutions. We recommend convergence of committee work prior to completion of amended "issues" document. | The introduction to the "Developing the Plan" document acknowledges that the list of issues and solutions in the February 12, 2007 draft is not final and that additional issues and solutions will be raised and considered as task groups and staff continue their work. River Plan staff believe that it would be more efficient to begin developing an integrated plan and circulate that for review rather than wait for the task group work to complete. | | | √ |
| 23 Howard Werth, Working Waterfront Coalition pg. 5 | General Comments | If Portland is to compete successfully, it must preserve essential transportation infrastructure and the land it serves. Environmental cleanup costs must be contained, and the waterfront businesses must be supported by a nimble public permitting process. | The issues described in this comment are similar to several issue statements in the "Developing The River Plan/North Reach" report, and will be addressed as staff moves forward with developing the River Plan/North Reach proposal. | | √ | |
| Policy Guidance Pages 5 - 7 | | | | | | |
| 24 Cyril Young, Department of State Lands | Policy Guidance | I did not see where the Lower Willamette River Management Plan was referenced as policy guidance for the State. The Lower Willamette River Management Plan (LWRMP) provides policy direction and guidance to the Department of State Lands' (DSL) regulatory and proprietary interest on the river. All new and existing development must comply with the provisions of the LWRMP. | According to the LWRMP, the document provides policy direction and guidance to DSL's regulatory and proprietary interest on the river. While the document is relevant to overall river planning efforts, it is not specific guidance to the City to us in it's land use planning efforts. | | | √ |
| 25 Bob Hiller and Courtney Duke, PDOT pg. 1 | Policy Guidance | Include Goal 1: Citizen Involvement. | Staff has added a reference to Goal 1: Citizen Involvement to the Policy Guidance section of the report. | √ | | |
| 26 Bob Hiller and Courtney Duke, PDOT pg. 1 | Policy Guidance | Page 6, Comprehensive Plan (1980): "There are multiple sections of the Comprehensive Plan (e.g., transportation) that need to be updated to reflect current issues." Comment: Please identify what sections in the Transportation Element needs to be updated. The TSP 2006 Update will be adopted by City Council in April 2007. | The final River Plan/ North Reach will include specific recommendations for updates to the Transportation System Plan. | | √ | |

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| 27 Daniel Yates pg. 1 and 3 | Policy Guidance | I am concerned that this document does not address or balance the economic interests of the community with recreational and environmental interests. I am also concerned that the City of Portland (COP) continues to ignore the State of Oregon goal 15 and goal 9. Specially, City staff refuses to acknowledge that Goal 15 equally protects commercial river-related and river-dependent users and industrial river-related and river-dependent users. Goal 9 protects our economy and requires balance between conflicting goals. I will review several areas of concern that highlight my primary concerns and some additional issues... On page 6, item 5 refers to protection of industrial users and item 6 refers to protection of recreational users, but no where are commercial users protected (except in State Goal 15 and Goal 9). Any new City plan is required to protect commercial users too. | The River Plan/South Reach and Central Reach will address river-dependent commercial uses. | | | √ |
| 28 Howard Werth, Working Waterfront Coalition pg.4 | Policy Guidance | As this process moves forward, it is important that policy choices be made first, as a basis for future regulatory efforts. In other words, the River Plan should contain clear policy choices, particularly in the North Reach where the working waterfront exists. The River Plan's policy choices should then drive the regulatory process that follows, not the other way around. In the end, there should be a clear congruence between the River Plan and any implementing regulations enacted later. | The River Concept (2006), endorsed by the River Plan Committee, the Planning Commission and the City Council, provides policy guidance for the River Plan/North Reach. As staff moves forward in developing the River Plan, we will make a clear connection between the policies that underlie the River Plan/North Reach and implementing regulations. | | √ | |
| 29 Howard Werth, Working Waterfront Coalition pg. 5 | Policy Guidance | While there continues to be a notion that multiple public objectives can be met in the working harbor, it is time to recognize that policy choices must be made. There is not other stretch of the Willamette River that serves the economy as do these few short miles. Our focus for the North Reach must be on it continued economic vitality. | The River Plan is a multi-objective plan. However, the guiding policy document, the River Concept (2006), calls the North Reach "Portland's Working Waterfront". It also states that the Prosperous Working Harbor and the Clean and Healthy River are the most prominent River Renaissance Vision themes in the North Reach. | | | √ |
| 30 Working Waterfront Coalition pg. 1 | Policy Guidance | The state policies section should include some information focused on Goal 15 and how the City has set priorities and interpreted the Goal language; in particular the issue of defining "economic" activity as exclusively industrial. | The Policy Guidance section of this report is not the appropriate place for this type of discussion. | | | √ |
| 31 Working Waterfront Coalition pg. 1 | Policy Guidance | Under River Concept, the North Reach, please emphasize that the North Reach is primarily a Prosperous Working Harbor. | Amend the report to state while the River Plan is a multi-objective plan, the Prosperous Working Harbor and the Clean and Healthy River themes are the most prominent River Renaissance Vision themes in the North Reach. | √ | | |

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| Purpose of Willamette Greenway Regulations--Page 8 | | | | | | |
| 32 | Working Waterfront Coalition pg. 1 | Purpose of Willamette Greenway Regulations | State more clearly that the cited Greenway Regulations are from the adopted zoning code Title 33.440. | Staff has amended this section to include a reference to Title 33.440, Greenway Overlay Zones. | √ | |
| 33 | Working Waterfront Coalition pg. 1 | Purpose of Willamette Greenway Regulations | We support the second issue bullet: the need for specific goals and measurable objectives for areas along the Willamette. | Thank you for your comment. | | √ |
| 34 | Working Waterfront Coalition pg. 1 | Purpose of Willamette Greenway Regulations | We recommend that you add the following issues statement: "Presently there is no inventory of water based assets, particularly for emergency response." | Staff does not understand the issue being called out in this comment. | | √ |
| 35 | Working Waterfront Coalition pg. 1 | Purpose of Willamette Greenway Regulations | The purpose statement should make clear that one approach will not apply uniformly along the Willamette. Also please add that "The current regulations are confusing, conflicting and difficult to administer. The regulations also do not provide guidance on the hierarchy of importance in the North Reach." Also please add that the most important function of the North Reach is to "maintain the economic viability of Portland's maritime shipping facilities based on the economic importance of deep-channel shipping to Portland and Oregon's economy." Regulations should be crafted that support this most important function of this stretch of the river. | Issue bullet number 2 on page 8 points out that stakeholders believe that there are distinct areas or districts along the river and that those districts (including the North Reach specifically) should have its specific goals laid out in the purpose statement of Chapter 33.440, Greenway Overlay Zones. Potential solution statements number 1 and number 3 on page 8 state that the purpose statement of Chapter 33.440 should be revised to more clearly describe what the regulations are intended to do and the purpose statement should specify the different land use priorities for different areas along the river. These suggestions seem to be in line with this comment. In addition, the River Concept states that while the River Plan is a multi-objective plan, the "Prosperous Working Harbor" and the "Clean and Healthy River" themes are the most prominent River Renaissance Vision themes in the North Reach. | | √ |
| 36 | Working Waterfront Coalition pg. 2 | Purpose of Willamette Greenway Regulations | We support the language offered in the third bullet regarding land use priorities. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ |
| Greenway Setback--Page 9 | | | | | | |
| April 12, 2007 | | | | | | |

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| 37 npGreenway pg. 2 | Greenway Setback | Page 9 Development is too restricted within the setback (water dependent/water-related). Comments: Is the setback of development for uses and structures only? Is a trail permitted? Is a platform for viewing that extends out into the river permitted? If not, revisions should specifically include a trail and viewing platform as uses to be permitted. | The River Plan/North Reach will address this issue. | | √ | |
| 38 npGreenway pg. 2 | Greenway Setback | Of the Potential Solutions to Explore we believe the best option is to 'Survey the top of bank riverwide of the River Plan and establish regulations related to that point. Require use of that line until the Greenway Plan is revised or until there is a flood, deposition, or other action that results in a change of more than a set number of feet.' We believe that although this may be expensive for the city initially, it will save considerable money in the long run by having an identified and 'adopted' line for all to use and rely upon. | Staff will keep your position in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 39 Kathleen Wadden, PP&R pg. 1 | Greenway Setback | The issues are apples and oranges: i.e. yes, defining top of bank is murky – various ways to fix that problem. Big questions are what is purpose of setback and can it be achieved in 25 feet? Setback should be large enough to incorporate habitat areas and trail. 25 feet is not large enough. | Staff has amended the Greenway Setback section to add the question of the depth of the setback as an issue statement. | √ | | |
| 40 Kathleen Wadden, PP&R pg. 1 | Greenway Setback | Overall, this section avoids the hard questions and issue statements define solutions. 2nd issue alludes to nature of the problem – i.e. fixed setback versus changing bank configuration. But this issue also raises the question of incentives. That should be a separate issue Second, should the rules apply to everyone? Clearly industrial people want different rules but not clear that benefits of the development outweigh the benefits of riparian quality. That leads to definitions of rr and rd. Again, SOWA design (if not code) provides a clear picture of how to achieve workable solution in that area – will similar effort be made to create a model for North reach? Site specific designs are one step, but an overall approach would make more sense. | As mentioned above, staff have attempted to edit the issue statements so that they do not contain solutions. Potential solution number 3 has been amended to add the notion of creating incentives for laying back the bank. While South Waterfront (SOWA) is very different from the North Reach, some concepts may apply and staff will keep these in mind as we go forward with developing the River Plan/North Reach. | √ | √ | |
| 41 Working Waterfront Coalition pg. 2 | Greenway Setback | There are commercial economic activities that are appropriate in the Greenway setback. Regulations must allow for a divers use of the river to support all aspects of marine use. Goal 15 protects both commercial and industrial river related and river dependent uses. | The River Plan/South Reach and Central Reach will address river-dependent commercial uses. | | | √ |

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| 42 Working Waterfront Coalition pg. 2 | Greenway Setback | The list of issues accurately reflects the concerns of the WWC regarding setback regulations: Top of bank issue needs to be resolved; Laying back a bank is subject to site characteristics and economics. Furthermore, laying back the bank reduces available industrial land, already in short supply; We have not seen any data or reports that support the fourth bullet item. The Stormwater Manual, the Big Pipe and the Superfund cleanup will do more for water quality than any controls within a 50- to 200-foot setback. | Thank you for your comment. Many actions can contribute to improved water quality including effective stormwater management, contaminated site cleanup, and healthy/functioning riparian areas. Laying back the bank is one important action that can improve riparian areas--it is not the only action. | | √ | |
| 43 Working Waterfront Coalition pg. 2 | Greenway Setback | We support several of the potential solutions, and look forward to further discussions. The potential solutions do not include the q-overlay zone issue. | Staff will need additional information regarding the particular issue associated with the q-overlay zone referenced here. Issues regarding the q-overlay zone have been included in several sections of the document including the Greenway Setback and Watershed Health sections. | | | √ |
| 44 Working Waterfront Coalition pg. 2 | Greenway Setback | The setback section is the first part of the document where bank layback is discussed. Bank layback is then mentioned regularly as a viable option for improving the health and functions of the harbor reach. As was mentioned above, too much is made of this option. It is rarely viable or affordable and we remain concerned with the level of attention it receives as bank enhancement in the North Reach. | The River Plan/North Reach may include incentives to encourage property owners to lay back the river bank, but won't require this as a condition of development. However, there are likely going to be times when this would be done as part of an overall remediation and redevelopment design when the bank will be regraded and replanted anyway. | | | √ |
| Watershed Health--Pages 11-13 | | | | | | |
| 45 Patty Rueter, POEM | Watershed Health | Page 13 – the idea of incorporating mitigation requirements into the revised code and examples of approaches will be great. Do you have a list of the mitigation action items that are applicable to the plan area? How is it proposed that these items will be revealed to the developer or land reviewer? | River Plan staff will develop a proposal regarding mitigation as the River Plan/North Reach proceeds. The questions about applicable mitigation actions and how they will be revealed to a property owner will be addressed in the proposal. | | √ | |
| 46 npGreenway pg. 2 | Watershed Health | Pages 12 and 13 Watershed Health. Potential Solutions to Explore: 'Reducing the minimum parking requirements for industrial uses to help reduce impervious cover. Encourage structured parking as a means of reducing impervious surface associated with surface parking. Design parking lot landscaping to address watershed functions.' Comment: The reduced surface parking area is a benefit in savings to the property owner. The public should derive some benefit for 'giving' this benefit. Construction of the trail could be an offset for the reduced surface parking requirement as well. | Staff believes that incentives to encourage low impact development are key to advancing watershed and other objectives. Therefore, staff does not agree that there should be an additional requirement to compensate for "giving" a benefit (cost savings resulting from reduced surface parking in this example). | | | √ |

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| 47 npGreenway pg. 2 | Watershed Health | Regarding this potential solution. 'Permit process assistance and/or a "fast track" process could serve as an incentive for applicants to incorporate green building and site enhancement elements into their projects. Similarly, the pricing structure of greenway reviews could be tiered so that projects which provide public benefits (trails, resource enhancement) or minimize disturbance in a resource area are reviewed through a streamlined process and pay a smaller fee.' Comment: We support this possible solution. | Thank you for your comment. | | | √ |
| 48 Daniel Yates pg. 2 | Watershed Health | We should take this opportunity to exempt commercial and industrial users from senseless landscaping and setback requirements of valuable waterfront land for dubious environmental and recreational value. I would propose that part of the cost of developing their property, maybe 1-2% of the cost of a project, should be put into a city managed fund for mitigation projects that provide greater environmental or recreational benefit/impact for the dollar. These monies could be spent on improving habitat that would provide long term benefit to the entire river/watershed system. | Staff will keep this suggestion in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 49 Kathleen Wadden, PP&R pg. 3 | Watershed Health | Add issue: Acknowledge the potential conflict between water quality/habitat features and trail opportunities on industrial sites. How do we accommodate both instead of either/or. | This issue has been added to the Watershed Health section. | √ | | |
| 50 Kathleen Wadden, PP&R pg. 3 | Watershed Health | Add solution: Revise code to allow recreational development in q and n areas similarly to what was done for e-zone. | This comment has been added as a potential solution. | √ | | |
| 51 Howard Werth, Working Waterfront Coalition pg. 2 | Watershed Health | We are particularly troubled by the "Watershed Health" section, and it is our sense that the planning approach to watershed health is both too narrowly focused and at the same time not based on clear, measurable goals. | Goals underlying the Watershed Health concepts being considered in the River Plan/North Reach are embodied in the Framework for Integrated Management of Watershed Health and the Portland Watershed Management Plan. | | | √ |
| 52 Howard Werth, Working Waterfront Coalition pg.2 | Watershed Health | The fact that the North Reach is part of a highly altered system with very limited natural resource functions should be acknowledged throughout this section of the document. This realization should then set the tone for the rest of the document. | River Plan staff has edited the Watershed Health section to acknowledge that natural resource function is limited in the North Reach due to past development practices. | √ | | |

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| 53 Howard Werth, Working Waterfront Coalition pg. 3 | Watershed Health | Given this level of investment overtime (investments made by WWC members), it is critical that we maximize environmental benefits with limited resources that are not hindered by an inefficient and outdated Greenway Code. In short, do not waste "early action" efforts. It is crucial City planners understand these issues prior to attempting to make policy which would affect the scarce dollars spent here. | Staff agrees that environmental benefits must be considered with recognition of limited resources and highly constrained sites. | | | √ |
| 54 Howard Werth, Working Waterfront Coalition pg. 3 | Watershed Health | As we have discussed with you previously, we request that the River Plan honor the Goal 5 decision made by Metro Council on May 20, 2004. This decision designated 250 full developed acres, flooded in 1996, as "allow". The City's actions must be consistent with not only the facts but also the intent of Metro's Goal 5 decision. | Management approaches to address floodplain and other watershed functions are being considered in light of the array of tradeoffs in this working waterfront. Metro concluded that the economic importance of certain identified properties outweighs the importance of their fish and wildlife habitat. The City has elected to keep properties exempted by Metro on the table for continued consideration, in order to allow for consideration of all river-dependent properties with like situations together (those exempted by Metro and those that were not). Staff will determine where and under what circumstances we should look at potential regulatory approaches to conserve/restore resources and where non-regulatory solutions would be more appropriate, given the array of tradeoffs. | | √ | |
| 55 Howard Werth, Working Waterfront Coalition pg. 3 | Watershed Health | Not only is the environmental benefit of laying back the bank questionable, the net result is a loss in perpetuity of uniquely served industrial land. For these reasons, we don't support bank layback in the North Reach as a standard approach. | River Plan staff will address this issue as the River Plan North Reach proposal is developed in the coming months. The plan may include incentives to encourage property owners to lay back the river bank, but won't require this as a condition of development. However, there are likely going to be times when this would be done as part of an overall remediation and redevelopment design when the bank will be regraded and replanted anyway. | | √ | |

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| 56 Working Waterfront Coalition pg. 2 | Watershed Health | This section focuses on a narrow geographic and ecological definition of watershed. As was pointed out in the Watershed Health Task Group, a watershed is more than just geography, natural resources and ecology. It includes the people who live, work and play with in its boundaries. This section is focused on the environmental watershed health of a much-altered hydrological system. As was said many times within the task group by multiple members "what are our measurable objectives for watershed health?" The question has yet to be answered. Also, very little of the land within the North Reach has not been altered by human activity. That activity has affected the watershed functions that contribute to the health of the lower Willamette. It is inaccurate to suggest that much of this land provides functional contributions. | This is a tough issue that staff continues to wrestle with. Indicators are that we could do a better job on watershed health. However, figuring out how to best select management approaches in this highly urban context is challenging. Staff has edited the Watershed Health section to acknowledge that natural resource function in the North Reach is limited due to past development practices. | √ | | |
| 57 Working Waterfront Coalition pg. 3 | Watershed Health | The first bullet item (potential solutions) hints at measurable objectives. We suggest taking the next step. If the Watershed Management Plan goes beyond principles with specific watershed goals, perhaps that can serve as an example for North Reach Watershed Health. | Staff supports quantifiable measures where we can create them. | | √ | |
| 58 Working Waterfront Coalition pg. 3 | Watershed Health | The second bullet mentions the Natural Resources Inventory (NRI). The NRI maps apply FEMA Flood Insurance Rate Maps as a proxy for natural resource values; we recommend that a non-insurance based data source be utilized. | The Bureau of Planning is not relying solely on the FEMA floodplain maps for use in the NRI. The Bureau of Planning has used a combination of data sources to create floodplain data for generating the NRI. The data that the Bureau is using is a combination of the FEMA 100-year floodplain data and Metro's 1996 flood inundation data, with known areas that no longer have the potential to flood removed. The Bureau will continue to update this data over time. | | | √ |
| 59 Working Waterfront Coalition pg. 3 | Watershed Health | The suggested economic impact analysis and enhancement menu are ideas that would be applied to all industrial zones within the harbor. We look forward to exploring this option further and combining it with off-site enhancement opportunities. | Thank you for your comment. | | | √ |
| 60 Working Waterfront Coalition pg. 3 | Watershed Health | Structured parking is not likely to occur on industrial lands in the near-term. Pervious pavement may be an option for addressing run-off. | Staff will keep this suggestion in mind as we move forward with developing the River Plan/North Reach. | | √ | |

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| 61 | Working Waterfront Coalition pg. 3 | Watershed Health | We would suggest rewording the eighth bullet point to read, "Implement and fund a program establishing conservation banks to allow for off-site enhancement and transfer of landscaping requirements." Any discussion of mitigation needs to be within the context of current conditions. | The potential solution statement has been reworded to reflect the issue raised in this comment. | √ | |
| 62 | Working Waterfront Coalition pg. 3 | Watershed Health | We support concentration verses dispersion of landscaping and enhancement requirements. | Thank you for your comment. | | √ |
| 63 | Working Waterfront Coalition pg. 3 | Watershed Health | The permit process assistance bullet is too narrowly focused. If the primary goal of the River Plan North Reach is a Prosperous Working Harbor, then all business development permits should be "a priority" in that they support economic development. | Staff will consider this as we move forward with developing the River Plan/North Reach | √ | |
| Landscaping--Pages 14 - 15 | | | | | | |
| 64 | Greg Madden, NINA pg. 2 | Landscaping | Landscaping requirements: Current on-site planting requirements interfere with business operations, have limited chance of long-term survival and/or provide only marginal environmental benefits. They also conflict with State DEQ requirements in place to protect citizens from existing contaminated areas. | Many of the sentiments contained in this comment are already reflected in the issue statements for the Landscaping section. Staff will keep these issues in mind as we move forward in developing the River Plan/North Reach. | √ | |
| 65 | Working Waterfront Coalition pg. 3 | Landscaping | The issues covered in this section are comprehensive and respond to concerns raised by permit applicants. In particular the purpose of landscaping requirements, the number of landscaping standards, and the cost of developing planting plans are problematic. The word "mitigation" has a strict legal definition; care must be taken in its use. | Thank you for your comment. | | √ |
| 66 | Working Waterfront Coalition pg. 4 | Landscaping | We support the first six bullet items (potential solutions) | Thank you for your comment. | | √ |
| 67 | Working Waterfront Coalition pg. 4 | Landscaping | Standards for tree removal need to recognize the nature of doing business in the harbor. Where might this standard apply? What overlay zones? | This issue will be addressed in the River Plan/North Reach proposal being developed by staff. | √ | |
| 68 | Working Waterfront Coalition pg. 4 | Landscaping | Please expand language in the second to last bullet as follows: "Consider the economic impact of additional landscaping requirements through the use of an environmental and economic cost benefit analysis." It is likely that this may be accomplished generally through this planning process, but the site constraints of operating and investing in this largely built-out environment are complicated by the need for on-site landscaping. | During the integration phase of the River Plan/North Reach staff will be conducting an analysis of policy choices. The analysis will include economic considerations. | | √ |
| Balanced Cut and Fill--Pages 16-17 | | | | | | |

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| 69 Kathleen Wadden, PP&R pg. 2 | Balanced Cut and Fill | While there may be nothing new in the section on cut and fill, the section does not clearly explain the issues. Paragraphs are too brief and, in some cases, too poorly written for the reader to understand the issues presented. | River Plan staff will review and edit this section where necessary. | √ | | |
| 70 Kathleen Wadden, PP&R pg. 3 | Balanced Cut and Fill | The list of potential solutions reads as much like a series of constructed loopholes as is does a list of reasonable and defensible alternatives. Red and yellow flags appear on the following: <ul style="list-style-type: none"> • Potential solutions include the improbable "calculate the flood rise impacts of reducing or eliminating balanced cut and fill requirements". This sounds like a non-starter and should be deleted. • Another potential solution lists a series of exemptions. All should be explained and heavily scrutinized, especially "intentional in-channel flood storage" and "floodplain enhancement". • The always proposed and rarely thought-through mitigation bank approach is also on the list. • Mechanism (option) to allow cut and fill balance in general area – not just site based. • Valuable to have a discussion with ESA on this issue. This is not to say that the balanced cut and fill requirement doesn't need some flexibility. It is easy to justify a full contemplation of the needs of the property owners having no readily available locations for a balanced cut. | Staff will keep the issues raised in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 71 Howard Werth, Working Waterfront Coalition pg. 3 | Balanced Cut and Fill | Balancing cut and fill (BC&F) within the same flood hazard area, as the City is requiring for insurance purposes, imposes strict limitations on industrial investment and expansion in the Portland harbor. Please revisit the Metro Title 3 regulation and the applicability of BC&F to this stretch of the river. | River Plan staff will explore this issue. The results of our analysis will be folded into the River Plan/ North Reach. | | √ | |
| 72 Working Waterfront Coalition pg. 4 | Balanced Cut and Fill | Staff has heard from the Bureau of Development Services, attorney, consultants and the Port that balanced cut and fill should not be applied to the Lower Reach of the Willamette. We look forward to resolving this issue through the Balance Cut and Fill Task Group. | River Plan staff will explore this issue. The results of our analysis will be folded into the River Plan/ North Reach. | | √ | |
| River Dependent and River Related Definitions--Page 18 | | | | | | |
| 73 Cyril Young, Department of State Lands | River Dependent and River Related Definitions | I wonder if a review of the LWRMP may not help in answering or resolving some of the issues identified in the Public Review document, such as the definitions for river-related and river-dependent. | River Plan staff will review the LWRMP. | | √ | |

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| 74 npGreenway pg. 2 | River Dependent and River Related Definitions | Comment: Below are the definitions of <u>Water</u> dependent and related from the Statewide Planning Goals and Guidelines that apply to Coastal areas only. The definitions could be adapted for non-Coastal purposes, i.e. the term "activity" can help in amending the City's definitions; also water-related provides a definition and then is followed by examples of uses--which the City might explore for possible plan and code language. | The City's existing definitions are taken from the definitions contained in the State Planning Goal. | | | √ |
| 75 Daniel Yates pg. 2 | River Dependent and River Related Definitions | I believe that the current definitions, as required in Goal 15, should be expanded and allow for more uses of the river and not fewer. | Staff will consider this comments as we move forward with developing the River Plan/North Reach. However, staff will focus primarily on land uses and zoning for the North Reach and focus on other land uses during later phases of the River Plan. One of the main goals of the existing Willamette Greenway Plan is to "maintain the economic viability of Portland's maritime shipping facilities, based on the overall economic importance of deep channel shipping to Portland's and Oregon's economy. To achieve this, the Plan provides an overlay zone reserved primarily for river-dependent and river-related industrial uses." | | √ | |
| 76 Kathleen Wadden, PP&R pg. 2 | River Dependent and River Related Definitions | River-dependent definition should include a "test" that distinguishes between uses that really need river access and that there is a public benefit greater than ecological benefits of bank restoration. Definition includes any use that depends on water access. Need some way to evaluate benefits of boat storage versus loading grain as public benefit. Ditto with river related – agree is unclear. Bigger question is whether convenient access to a service should determine bank treatment and integrity of riparian zone. Provide benefits analysis of protecting the river or protecting industries. What is gained and what is lost. | River Plan staff will consider these comments as we develop the River Plan/North Reach. | | √ | |
| 77 Greg Madden, NINA pg. 2 | River Dependent and River Related Definitions | Definition of river-dependent and river-related. Current interpretation of the code restricts ancillary businesses from locating immediately adjacent to primary uses. | Staff has heard many stakeholders express this concern. The issue is reflected in issue statement number 3 in the Greenway Setback section. | | | √ |
| 78 Working Waterfront Coalition pg. 4 April 12, 2007 | River Dependent and River Related Definitions | We concur with the stated issue and look forward to participating in further discussions. | Thank you for your comment. | | | √ |

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| River Industrial Zoning and Land Conversion--Pages 19 - 20 | | | | | | |
| 79 | Bob Hiller and Courtney Duke, PDOT | River Industrial Zoning and Land Conversion | Page 19, River Industrial Zoning and Land Conversion, second bullet: "Housing has recently been allowed through conditional use approvals in EG zones adjacent to industrial lands –e.g., Northwest District Plan." Comment: Please confirm that this statement is correct. | The statement has been amended. | √ | |
| 80 | Bob Hiller and Courtney Duke, PDOT | River Industrial Zoning and Land Conversion | Page 20, Potential Solutions to Explore, first bullet, Comments: a) It's unclear what additional criteria and policy language is needed for protecting industrial lands from conversion into residential and commercial uses that are not already in the adopted Comprehensive Plan (see Goal 5: Economic Development) and the Portland Zoning Code (see Chapter 33.140 – Employment and Industrial Zones); b) "Consider how much industrial land is needed," Metro's Title IV Industrial Lands should provide some insights on industrial lands needs for the region. | Staff have referenced to these sources in drafting options to consider. | | √ |
| 81 | Bob Hiller and Courtney Duke, PDOT | River Industrial Zoning and Land Conversion | Page 20, Potential Solutions to Explore, second bullet: "Allow rail-dependent primary uses." Comment: This should be under the condition that existing and/or active rail lines or spurs are already in place to serve these uses. | River Plan staff will keep this comment in mind as we move forward with developing the River Plan/North Reach. | √ | |
| 82 | Patty Rueter, POEM | River Industrial Zoning and Land Conversion | Page 19 – I notice that you have mentioned as an issue the industrial/residential conflict but I do not see any recommendations for solution. Are there any? | Potential solution statement number 3 outlines several ideas to explore. | | √ |
| 83 | npGreenway pg. 3 | River Industrial Zoning and Land Conversion | Pages 19 and 20 River Industrial Zoning and Land Conversion, Potential Solutions to Explore: 'Consider expanding the primary uses allowed within the i-overlay to more broadly reflect the continuum of multi-modal transportation connections in the harbor. Potential approaches include: Allow supportive accessory business uses on sites where predominant use is river-dependent or river-related (and) Allow rail-dependent primary uses. Comments: npGreenway supports adding uses which would be minimal and not threaten the 'predominant' use intended for the zone, i.e. small coffee shop/café that enables employees of the use and the traveling public to rest and view the working waterfront. Also, consider a threshold expense in a change of use and redevelopment that will trigger a revision to the alignment of the greenway trail on current river dependent use sites to bring the trail closer to the river. | Staff will keep this in mind as we move forward with developing the River Plan/North Reach. | √ | |

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| 84 Kathleen Wadden, PP&R pg. 2 | River Industrial Zoning and Land Conversion | Issues define solutions Acknowledge that the multi-modal transportation continuum applies to fewer places along river. Issue statements should address conversion of uses to ones that do not need to have direct access to the river. No evidence that uses needing water-rail-street connections are waiting for uses on Swan Island to go away. | As mentioned above, staff have attempted to define issue statements so that they do not contain solutions. Staff will keep the other comments in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 85 Working Waterfront Coalition pg. 4 | River Industrial Zoning and Land Conversion | We concur with the stated issue and recommend that this issue, and the prior, include a statement that relates it back to the purpose of the Greenway. This would strengthen the connection between economic development, the Prosperous Working Harbor, and the goals of the Greenway Plan. We also recommend language that connects this issue to the Greenway goals that support historic and economic resources along the waterfront. | Staff will keep this in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 86 Working Waterfront Coalition pg. 4 | River Industrial Zoning and Land Conversion | Housing near industrial districts is problematic as evidenced in St. Johns, where new housing adjacent to rail operations triggers noise and safety complaints. Recall that the Port's suggestions of a noise overlay in St. Johns similar to those around PDX were not adopted. While that suggestion was rejected in 2004, it is time to explore similar workable regulatory mechanisms. | Staff will keep this in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 87 Working Waterfront Coalition pg. 5 | River Industrial Zoning and Land Conversion | We support the first bullet that proposes quantifiable measurements. This approach should be replicated elsewhere in the document. | Staff will keep this in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 88 Working Waterfront Coalition pg. 5 | River Industrial Zoning and Land Conversion | The third bullet should include an option to change the noise/nuisance code to protect industry from encroachment, similar to a "right to farm" approach. | Staff will look into this suggestion. | | √ | |
| Greenway Trail--Pages 21-22 | | | | | | |

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| 89 Nicole Thorburn | Greenway Trail | I would like to lend my support to the idea of connecting No. Portland (Kelly pt. part) to the Esplanade. I feel the River is not accessible to the residents here, yet we are so close to it. I am desperate to walk or ride my bike to nice places in the area; places with miles of travel length. I can go to Forest Park or to the bike lane out to east county (can't remember the name right now), but how nice to go someplace right here. I live blocks from the river! I can see it on a small path in Overlook neighborhood. I can walk down to the river behind Mc Donalds on Swan Island. But there is no where to go! Continueing the Esplanade to Kelly point park makes a lot of sense; it would definately allow our residence more access to our river and to excercise, we could more readily enjoy our environment, have close by family outings and allow us to be a destination to the rest of our wonderful city! | Thank you for your comment. | | | √ |
| 90 Bob Hiller and Courtney Duke, PDOT | Greenway Trail | Page 21, Greenway Trail, second paragraph, third sentence. Comment: Insert "and sidewalks" after bike lane. | Staff amended page 21 to reflect comment. | √ | | |
| 91 Bob Hiller and Courtney Duke, PDOT | Greenway Trail | Page 21, Issues, second bullet, "is the greenway trail a recreational facility or a transportation facility," Comment: It's a transportation facility to the extent that it is also identified in the Transportation System Plan Bicycle and Pedestrian maps with Off-Street Paths, City Bikeway, and City Walkway classifications. Existing TSP designations are based on City policies and the feasibility of constructing trail connections. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 92 Bob Hiller and Courtney Duke, PDOT | Greenway Trail | Page 21, Issues, third bullet, "There are no clear and objective trail standards." Comment: See Portland Zoning Code Title 33.440.240 Public Recreational Trails. If these standards are not adequate then explain why and what changes are needed. Also, check with the Portland Parks Bureau to see if they have adopted trail standards that may be applicable for the River Plan. | Staff clarified that this issue is related to trail design standards. Currently there are no trail design standards in 33.440.240 or 33.272, Public Recreational Trails. | √ | | |
| 93 Bob Hiller and Courtney Duke, PDOT | Greenway Trail | Page 22, Potential Solutions to Explore, first bullet, Comment: Explain how the Planning Bureau currently coordinates with PDOT on regulating recreational trails and what additional outcomes are needed to address Dolan issues? | Staff amended the report to clarify this solution statement. | √ | | |
| 94 Bob Hiller and Courtney Duke, PDOT | Greenway Trail | Page 22, Potential Solutions to Explore, second bullet, Comment: The greenway trail is already in the TSP where its location is consistent with City policy. | Staff amended the report to clarify this solution statement. | √ | | |

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| 95 Patty Rueter, POEM | Greenway Trail | Page 21 – Safety and Security concerns can affect trail alignment. Thank you for mentioning security as a part of the plan albeit I think there should be a bit more mention of Coast Guard as a stakeholder and security issues as a larger factor in the code. Again there is not a solution named for the issue brought up about security. | The safety and security issues statement currently mentions the Coast Guard and the Maritime Transportation Security Act. Potential solution bullet number 4 recommends updating City policy regarding trail alignment, design and access. Safety and security issues will be taken into consideration as those policies are reevaluated. | | | √ |
| 96 npGreenway pg. 3 | Greenway Trail | We believe it would be a good idea to add a little background/history regarding the routing of the trail to this section to the effect that water level and shore-side alignments for the trail have been the preferred routes as noted in the June 2002 Feasibility Study conducted by Portland Parks, Metro and the Port of Portland; also that a water level connection from Cathedral Park to Eastbank Esplanade was approved by the Design Commission, Planning Commission and City Council for the St. Johns Lombard Street Plan. | Staff will review and consider these documents as trail policy is developed for the River Plan/North Reach. | | √ | |
| 97 npGreenway pg. 3 | Greenway Trail | Consideration needs to be given to when a change of use and redevelopment will trigger a revision to the alignment of the greenway trail on current river dependent use sites to bring the trail closer to the river (e.g. grain elevators immediately north of the Steel Bridge). | Issue statement number 6 in the Greenway Trail section addresses this comment. | | | √ |
| 98 npGreenway pg. 3 | Greenway Trail | To improve understanding amongst all users, property owners and potential developers the greenway trail and connections need to be added to the applicable planning and implementation (zoning) maps, the Transportation System Plan, Recreation and Parks Trails, and The Willamette River Greenway Plan documents. The greenway trail and its potential connections to the various neighborhoods and other trails are in some instances now both recreational and transportation access for employees of business and industry along the river and will be in the future when the trails are developed, specifically Waud Bluff connection to Swan Island and adjacent neighborhoods. | Issues statement number 2 in the Greenway Trail section addresses this comment. | | | √ |
| 99 npGreenway pg. 3 | Greenway Trail | Safety and security concerns and trail alignment need to be worked out through design and if necessary in places fencing. | Thank you for your comment. | | | √ |

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| 100 npGreenway pg. 4 | Greenway Trail | Page 22 Greenway Trail, Potential Solutions to Explore: Comments: npGreenway agrees with all of the staff's suggested solutions. We suggest that the specific trail design include a minimum of 12ft wide hard surface for walking, bikes, skateboarding etc. Specifications for this type of trail are located in the Oregon Bicycle and Pedestrian Plan design standards for Multi-Use Paths, section II.6 and can be accessed on the State Parks and Recreation Department website. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 101 npGreenway pg. 4 | Greenway Trail | please consider a threshold expense in a change of use and redevelopment that will trigger a revision to the alignment of the greenway trail on current river dependent use sites to bring the trail closer to the river. | Issue statement number 6 on page 22 addresses this comment. | | | √ |
| 102 npGreenway pg. 4 | Greenway Trail | npGreenway further requests that at the next level of planning, specifically cost estimates for completion of the North Reach alignment, be included in the final plan. | The current project scope and budget for the River Plan/North Reach does not include a trail feasibility/trail cost estimate study. The River Plan North Reach could include an action item calling for this. | | √ | |
| 103 Lenny Anderson | Greenway Trail | I think the notion of employee recreation should be introduced into the discussion along with job access and community recreation. The Greenway Trail along Freightliner is where engineers air out and find solutions for the next generation of heavy duty truck that gets built at the truck plant. | Staff amended issue statement number 2 to include mention of trail users, including employees and commuters. | √ | | |
| 104 Kathleen Wadden, PP&R pg. 3 | Greenway Trail | Insert – discussion of benefits of the trail. Trails are multi- use (bike walk, bird watch.); Paved trails are accessible for baby strollers, walkers and wheelchairs. Immense popularity of walking for exercise. &&% of Portlanders use trails every year – over 50% monthly. Trails are a great equalizer for abilities and interests Portland is a bicycle city: Trails provide local and regional river access... Trails are links to scenic viewpoints. Trails provide options for bike commuters and works who want to exercise on their lunch hour | These are important benefits and staff will keep them in mind as the River Plan/North Reach is developed. | | √ | |
| 105 Kathleen Wadden, PP&R pg. 3 | Greenway Trail | Insert - value of trail connectivity Trails work when they are connected GW trail part of a larger regional system Important to fill in missing links for successful trail | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ | |

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| 106 | Kathleen Wadden, PP&R pg. 3 | Greenway Trail | Insert – Look at sustainable design options to resolve impact in natural areas. | Potential solution bullet number 3 suggests that specific trail design standards be developed for the zoning code. Staff will consider sustainable design options for trails through natural areas as trail design standards are discussed. | | √ | |
| 107 | Kathleen Wadden, PP&R pg. 4 | Greenway Trail | Insert - Adaptive design is more realistic than trail standards as not all trail locations are equal. This provides flexibility – but maybe some minimum standards (like width) might help. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 108 | Kathleen Wadden, PP&R pg. 4 | Greenway Trail | Insert – The goal is a continuous trail on both sides of the river. It may take a long time to develop the trail. Working with property owners on acquiring easements, future easement agreements, providing incentives and land use transitions will help reach this goal. Properties in industrial areas that convert to different uses – which are not industrial river related - (obvious are Univ of Portland and Siltronic) should be required to provide the trail for neighborhood, public and employee use. | Issue statement number 6 in the Greenway Trail section raises this issue and potential solution number 4 has been amended to more clearly address it. | √ | | |
| 109 | Greg Madden, NINA pg. 2 | Greenway Trail | Greenway Trail: A pedestrian trail along the banks of the industrial area or railroad right-of-way is unsafe. It is also unsafe to invite the general public onto many streets within the industrial areas, particularly around petroleum storage facilities. | Thank you for your comment. | | | √ |
| 110 | Howard Werth, Working Waterfront Coalition pg. 3 | Greenway Trail | The WWC supports the goal of a continuous trail along both sides of the river with the understanding the trail will not interfere with existing or planned or potential riverfront uses...With the paramount concern being the safety of waterfront facility operations, it is prudent to design and locate a permanent, safe, continuous trail outside the industrial and water-related/dependent commercial zones. | Staff will keep your position in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 111 | Working Waterfront Coalition pg. 5 | Greenway Trail | The summary of the Dolan/Nolan issue is succinct. Please elaborate on the industrial river-related/river-dependent vs. commercial river-related issue as reflected in the Portland Spirit case. | The Portland Spirit/SK Northwest case is in for a land use review at this time and it would be inappropriate for staff to comment on an active land use case. | | | √ |

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| 112 | Working Waterfront Coalition pg. 5 | Greenway Trail | Why is a recreational or transportation designation important? This issue isn't clear without that explanation. | The issue outlined in the Greenway Trail section raises the question about whether the greenway trail is purely a recreational facility (i.e. a linear park) or a combination of recreational facility and transportation facility (i.e. bike lane or sidewalk). Currently, trails are in some cases designated on the zoning maps, in some cases in the Transportation System Plan, in some cases in both places. The answer to this question is important because it goes to which City policies and priorities are being advanced by trail development, and it can affect which sources of public funding are available for trail development. | | | √ |
| 113 | Working Waterfront Coalition pg. 5 | Greenway Trail | On safety and security, this issue has affected trail alignment questions. It also has an affect on planting and screening requirements and cost. The Eastbank Esplanade, for example, must be served by emergency vehicles. Please add an issue statement about trail costs that result from safety and security requirements. | Staff amended issue statement number 4 in the Greenway Trail section to mention trail development cost. | √ | | |
| 114 | Working Waterfront Coalition pg. 5 | Greenway Trail | The conflict between Greenway Design Guidelines is significant because all apply. Is use of the word acquire correct? Clarification of this policy is necessary. | Staff deleted the word "acquire". | √ | | |
| 115 | Working Waterfront Coalition pg. 3 | Greenway Trail | The discussion of tenant changes and trail development/access covers a "use" that is river-related or river-dependent industrial. Again, what about non-industrial use? Is the trail avoidance a component of the overlay zone and thus stays with the property? The question of nexus and proportionality also plays a role in responding to this issue. | Staff will keep this information in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| 116 | Working Waterfront Coalition pg. 5 | Greenway Trail | Please add an additional issue statement that reads "industrial land owners and railroad operators object to the proposed trail alignment along railroad right-of-way." | River Plan staff will keep this position in mind as we develop the River Plan/North Reach. | | √ | |
| 117 | Working Waterfront Coalition pg. 5 | Greenway Trail | Again, why is it important to coordinate public recreational trails with the City's transportation plans and regulations? What is gained or lost by including the trail designated route in park and transportation system plans? | See staff comments in #112 above. | | | √ |
| Contamination--Pages 23-24 | | | | | | | |

Developing the River Plan / North Reach: Summary of issues and solutions

Staff Responses to comments on the February 12, 2007 Public Review Draft

| Commenter | Issue | Comment | Staff response | Amend the report | Consider when drafting the plan | No action necessary |
|---|---------------|---|---|------------------|---------------------------------|---------------------|
| 118 Cyril Young, Department of State Lands | Contamination | One of DSL's current concerns, as is the City of Portland's, is the clean up of contamination in the designated Portland Superfund site. DSL is currently working closely with DEQ and EPA to provide whatever authorities or exemptions that are required to aid in this cleanup. But DSL shares the City's concerns where these proposed remedies may conflict with future development of the site or restrict the development of the State owned submerged lands. | Thank you for your comment. | | | √ |
| 119 Kathleen Wadden, PP&R pg. 3 | Contamination | No solutions are offered for the timing of "when plantings should be required?" How about after remediation? Landscaping needs to be done in setback area with an understanding that IF a river dependent development is approved, this landscaping can be altered. | Staff revised the potential section to suggest that cleanup activities not be required to meet the landscaping or planting standard unless the cleanup results in significant ground disturbance. | √ | | |
| 120 Working Waterfront Coalition pg. 5 | Contamination | This section is good. It covers the issues and potential problems in a comprehensive manner that suggests positive outcomes for many stakeholders. The introductory statement might expand on how addressing upland and in-water contaminants will improve the functional values of the watershed. Clean-up should be a primary goal of the River Plan North Reach. To that end, we suggest that the City offer language within the River Plan Purpose that recognizes the value of Superfund cleanup and also gives it priority. | River Plan staff will consider this perspective as we move forward with the development of the River Plan/North Reach. | | √ | |
| 121 Working Waterfront Coalition pg. 6 | Contamination | The last sentence of the first bullet point (under issues) should be in the potential solutions section, not under issues. | Staff deleted the last sentence in the first bullet. The potential solutions section already includes the idea of drafting development standards for DEQ-led cleanups. | √ | | |
| 122 Working Waterfront Coalition pg. 6 | Contamination | The Port documented the inapplicability of BC&F in this stretch of the river to BDS. We will present the same information to the BC&F task group. | River Plan staff will consider this information as we move forward with developing the River Plan/North Reach. | | √ | |
| 123 Working Waterfront Coalition pg.6 | Contamination | Scenic can also incorporate the build environment. Portland's Harbor helps support over 81,000 jobs; our "Front Yard" is a working front yard. | River Plan staff will consider this perspective as we move forward with developing the River Plan/North Reach. | | √ | |

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| 124 | Working Waterfront Coalition pg. 6 | Contamination | Please add an issue statement concerning the classification of remediation as development and how that affects clean-up activities. | Contaminated site cleanup often involves a physical change to a site including alterations to landscaping or the topography of a site, and/or clearing and grading. These types of activities are defined as development in the Zoning Code. As such they come with development requirements that may or may not be appropriate for cleanup activities. Staff is considering solutions that exempt cleanup projects from certain development requirements. | | | √ |
| 125 | Working Waterfront Coalition pg. 6 | Contamination | We support the solutions listed in the solutions section | Thank you for your comment. | | | √ |
| Design Guidelines--Pages 25-26 | | | | | | | |
| 126 | Patty Rueter, POEM | Design Guidelines | Page 25- Can you clarify a bit more Issues A, B & F individually rather than lumping them altogether in one pp.? | The perceived problems surrounding Issues A, B and F need to be grouped together because the Issues themselves relate to each other in that they all apply to sites with the greenway trail designation. Staff has attempted to more clearly describe the perceived problem. | √ | | |
| 127 | npGreenway pg. 4 | Design Guidelines | Comments: We agree with the potential solution suggestions. The city might want to consider under "This guideline may be accomplished by..." ensuing contemporary photographs of appropriate design examples with captions, the possibility of a two tier system, similar to those used in some design review codes where a set of standards can be used by an applicant 'outright' whereas if some alternative design is proposed it can be reviewed through the discretionary review process. This could include trail construction as an incentive under the 'outright' use provision. | Staff is considering the use of a two-track or two-tier system for development review where possible as part of the development of the River Plan/North Reach proposal. Several of the potential solution statements throughout the report refer to the use of a development standards track including in the Greenway Trail section and the Contaminated Site section. | | | √ |

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| 128 Kathleen Wadden, PP&R pg. 2 | Design Guidelines | <p>Potential solutions proposed seem on target.</p> <p>My problem is that I can't tell whether the solutions will correct the problems because the issues aren't defined as problems; nor are results (outcomes) articulated very well –at least, not consistently.</p> <p>Avenues to pursue are:</p> <ul style="list-style-type: none"> Evaluate SOWA approach as model – would it work for other areas? Are guidelines the best way to get results City wants (which are not necessarily well-articulated) Should be more clear about developing solutions that meet city goals while making process understandable for applicants. Distinctions between "requirements are hard to understand" and "I can't do what I want" are muddy. Better problem statements would clarify. Acknowledge that outcomes City (or some of us) want are difficult to achieve, require specialized knowledge and technologies. Guidelines and standards should be at the same level - specific enough to elicit workable and effective results (building codes do this pretty well) | Staff will keep these ideas in mind as we move forward with developing the River Plan/North Reach | | √ | |
| 129 Patty Rueter, POEM | Design Guidelines | Staff has accurately captured the challenges applicants have faced in addressing the criteria in the Design Guidelines. | Thank you for your comments. | | | |
| 130 Working Waterfront Coalition pg. 6 | Design Guidelines | Please add the issue "interpretation". Some exploration of constraints to interpretive review is necessary to resolve this issue. | This issue is outlined in issue statement number 2 in the City Process and Staff Role section of the report. Staff amended the issue statement to include the notion of "interpretation". | √ | | |
| City Process and Staff Role--Pages 27-28 | | | | | | |
| 131 Patty Rueter, POEM | City Process and Staff Role | Page 28 Provide education on industrial issues to city staff and have industrial specialists and Department of Homeland Security or Coast Guard security subject matter experts available to consult with staff on industrial development applications. (I know people do not want any more regulations, neither does industry, but the security issues around the North Reach are of great importance and should be a part of the entire picture. | Staff has amended potential solution bullet number 3 in the City Process and Staff Role section of the report. | √ | | |

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| 132 npGreenway 4 | pg. 4 City Process and Staff Role | This is a good summary of the issues and Potential Solutions to Explore and should be adopted and implemented. The proposal to 'Tier the application fees according to the type of review, and to reflect public benefit associated with reviews to protect and enhance natural resources and watershed functions. Consider tiering reviews and fees consistent with the fee structure for environmental review and plan checks' is an excellent incentive. We believe that tailoring the regulations as well as the fee structure to the provision and construction of the riverfront trail could well fit within this incentive package as well. Handbooks of the process and 'how tos' can save time and expense for all. | Thank you for your comments. | | | √ |
| 133 | Working Waterfront Coalition pg. 6 City Process and Staff Role | The sixth bullet (under issues) discusses management and agency coordination. The WWC has experienced major issues with jurisdictional boundaries and expertise between the City and other reviewing agencies. | Thank you for your comment. | | | √ |
| 134 | Working Waterfront Coalition pg. 7 City Process and Staff Role | Exterior alterations and remediation activities also need to be addressed, through a standards track or exemption process. | River Plan staff will try to develop simplified approaches to adding the actives you mention. | | √ | |
| 135 | Working Waterfront Coalition pg. 7 City Process and Staff Role | The proposal to tier the application fee to reflect the public benefit begs the question of "economic benefit". Development, remediation and enhancement activities should be given equal weight when considering their benefits and the potential to "fast track" the permit process. | Staff will look into this further. In the meantime, the potential solution has been removed from the report. | √ | √ | |
| Code Structure--Page 29 | | | | | | |
| 136 | Working Waterfront Coalition Code Structure | The WWC supports the solutions recommended for exploration within this section. In particular, we are interested in the "performance based code" if it can be based on measurable objectives. | We often hear that performance based code is a smarter way to regulate. However, it's often harder to create standards for performance based types of regulations. Staff will keep this idea in mind as we move forward with developing the River Plan/North Reach. | | √ | |
| Cross-Jurisdictional Permitting and Coordination--Page 30 | | | | | | |

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| 137 Daniel Yates pg. 2 | Cross-Jurisdictional Permitting and Coordination | The City is a participant in the Joint Permit process managed by the Army Corp of Engineers. This process requires the permit to be reviewed by the Oregon Department of State Lands, various Federal agencies and the City of Portland. This process has served the country well, but the City of Portland has decided that this process is incomplete or not up to their standards. Recently a Greenway permit was rejected by the City due to the fact that it did not have enough information in its permit relating to dock construction and biological impact. In the past the City accepted that Joint Permit process (which is done after the Greenway process) would evaluate those issues. Now the City has decided it has the expertise to judge those areas that the Army Corp of Engineers, National Marine Fisheries, and Division of State Lands have refined for decades. Portland permitting is already complex, expensive and difficult enough; we do not need additional layers that are well beyond the City's expertise to fairly evaluate. | Thank you for your comments. River Plan staff will consider them as we develop the River Plan/North Reach. | | √ | |
| 138 Working Waterfront Coalition pg. 7 | Cross-Jurisdictional Permitting and Coordination | Additional solutions we would recommend include: 1) As in bullet one, have the City recognize that certain agencies have a larger and more defined role to play in dealing with certain regulations; 2) The City could accept the recommendations of the regulating agency in relation to that agency's expertise or return to using the Joint Permitting process; 3) The City could commit to participating in the public process associated with CERCLA actions and work to have their issues addressed through the process rather than layer on another level of review. | River Plan staff will consider these ideas as we develop the River Plan/North Reach. See the Contaminated Sites section of the report for potential solutions that reflect these ideas. | | √ | |