

## **Minutes of the River Plan Committee – North Reach**

**September 18, 2007**

**5pm – 7:00 pm**

**Portland Bureau of Planning, 1900 SW 4<sup>th</sup> Avenue, Room 4a (4<sup>th</sup> floor)**

**Committee Members Present:** Pauline Anderson, Don Hanson, Jason Graf, Bob Naito, Greg Wolley

**Absent:** Melissa Powers, Krystyna Wolniakowski

**City Staff Present:** Brian Campbell, Sallie Edmunds, Deborah Stein, Grant Morehead, Shannon Buono, Arianne Sperry, Mindy Brooks, Bob Glascock, Matt Lustig, Joan Hamilton (Recorder), Planning; Bob Hillier, PDOT; Evan Hofeld, Water; Brad Carter, BDS

**Others Present:** Dan Dishongh, Steve Durrant, Frank Hammond, Wayne Kingsley, Curt Schneider, Jan Segunda, Greg Theisen, Pat Wagner, Dan Yates, Cy Young

Don Hanson convened the meeting.

### **1. Committee Business**

- The Committee unanimously approved Bob Naito's motion to approve River Plan Committee minutes for February 22, 2007, May 15, 2007, and June 19, 2007.
- Sallie Edmunds announced that Brian Campbell has accepted a position as Interim Principal Planner of the Policy and Code Planning Division of the Planning Bureau pending a national search to fill the position that Cary Pinard resigned to go to graduate school. Edmunds noted that Campbell is her new boss. The Committee confirmed that Campbell no longer will serve as a member and Vice Chair, but there's no reason to vote for a new officer so long as Hanson continues to attend and facilitate meetings.

### **2. Reflections on Boat Tour**

Committee members described their observations from the boat tour, particularly the advantages of filling in gaps in understanding of what had been described at meetings. They said the tour:

- provided understanding of the extent of industrial activity in the harbor;
- demonstrated the scale of some industrial operations (huge Gunderson site);
- showed a mix of activities on the harbor including nonindustrial;
- demonstrated unique business clusters;
- revealed different shoreline conditions (dock structures in river, reinforced slopes, sheer walls, and natural areas);
- showed variety of wildlife in and along the harbor; and
- demonstrated where the trail might work or not be feasible.

### **3. Updates**

**Industrial Development Natural Resource Integration Task Group** – Sallie Edmunds and Don Hanson reported there have been two Task Group meetings. They said the first meeting involved polarized groups focused on either the working harbor or the environment; however, after group members received a ‘homework assignment’ to develop ideas acceptable to both factions, they returned with moderate proposals that may be workable. They noted that the Portland Tribune published an article only about the first meeting, when there was significant dissent, but not on the more conciliatory second meeting. They expressed optimism about future meetings.

### **Trail Issues**

**Document Distributed: Memorandum: Rails w/Trails Safety Issues (9/18/2007)**

<http://www.portlandonline.com/shared/cfm/image.cfm?id=169699>

Shannon Buono responded to the committee’s request at the May meeting for examples of how other communities have designed trails related to railways and industrial areas. She cited research from two studies: *Rails-with-Trails: Lessons Learned*, written by Alta Planning + Design for United States Department of Transportation, August 2002; and *Rails-with-Trails, Design Management and Operating Characteristics of 61 Trails Along Active Rails Lines*, prepared by Rails-to-Trails Conservancy, November 2000. [Edmunds noted Buono once worked for Rails-to-Trails Conservancy, which is based in Washington D.C. and has a regional office in San Francisco]

Buono said the studies both conclude that well designed trails can be beneficial to the community and the railroads so long as there is collaboration between railroads and stakeholders with sufficient concern for the railroads’ operating practices. She described benefits to railroads as reduced vandalism and dumping on tracks as well as financial compensation. She said studies indicate a majority of trails are covered by state, county, or local recreational use statutes and insurance protection. She concluded that her memo covers rail-with trail design considerations and examples of several existing rails-with-trails. She stressed the need for further conversations with railroad companies.

### **Outreach/Events**

Sallie Edmunds reported sending flyers to about 3600 property owners in the North Reach area that announced briefings on September 5 and 6 regarding the natural resource inventory and an open house on the harbor reinvestment strategy. She reported a total of 11 people attended the two briefings. She announced that the National Brownfield Association will present recommendations and strategies on overcoming redevelopment barriers on vacant brownfields in the working harbor on October 3, 9:30-11:30 a.m., at the World Trade Center.

### **4. Balanced Cut and Fill**

**Document Distributed: Balanced Cut and Fill Draft Recommendations**

<http://www.portlandonline.com/shared/cfm/image.cfm?id=170285>

Ariane Sperry provided background on the City’s balanced cut and fill provisions, in *City Code Title 24, Building Regulations*, which provide that fill placed at or below the flood protection elevation level shall be balanced with removal of at least an equal amount of soil from within the same flood hazard area in order to maintain capacity to

store water during a flood. She explained that Portland adopted provisions to comply with Metro's Title 3, which implements State Goals 6 and 7 (water quality and natural hazards) by regulating excavation within the FEMA 100-year floodplain and Portland's 1996 flood inundation area. She explained that the National Flood Insurance Program (NFIP) makes flood insurance available to floodplain property owners in communities that adopt and enforce minimum flood protection measures, so Portland's regulation helps reduce flood insurance premiums for flood insurance policy holders. She explained that staff has talked with numerous agencies and stakeholders, identified issues, and developed recommendations to improve the City's regulations:

- Develop an off-site cut and fill bank with in-lieu fees.
- Revise regulation to allow excavation below ordinary high water to balance fills below ordinary high water. (Currently excavation does not count as compensating for fill if the area will be filled with water in non-storm winter conditions because it would not increase capacity for flood storage). Agencies that do floodplain restoration work often shift material around underwater. Their fills below the water surface count but their cuts do not, so they then need to find another location to excavate. This amendment would reduce such "double-cutting."
- Recommend scoping, securing funding for, and conducting a hydraulic/hydrologic analysis evaluating the potential implications of eliminating balanced cut and fill requirements in the Lower Willamette. (Contaminated Sites Task Group and Port of Portland have suggested eliminating the City's requirements, because the Willamette is too large for fill to make an impact and because it is a highly regulated system more affected by dams than flood waters. A study would examine impact of requirements or lack of them and requires discussions with multiple agencies).

She invited comments on recommendations by October 12, 2007.

#### **Committee's & Public Comments:**

- Bob Naito asked for clarification of applicability of various regulations to a permit involving cut and fill.
- Dan Dishongh asked about the impact of underwater work on fish and wildlife and whether Indian tribes are consulted.  
Wayne Kingsley, Greg Theisen, and Cy Young explained that a federal permit is issued by Army Corps of Engineers, which acts as a clearinghouse for sending notifications. They said there are extensive federal environmental regulations associated with the permit, and the Corps solicits comments from numerous public environmental agencies, other interested public agencies, and private individuals. Additionally, other parties may receive notice of a Corps permit from the Oregon Department of State Lands, which sends notice to a wider list of stakeholders, including adjacent property owners and affected tribal governments.
- Don Hanson questioned how off-site provisions would allow coordinated timing of cut and fill in a situation in which a builder would develop one site and dig a hole in another. Sperry suggested it would be good for actions to be concurrent,

although balanced cut and fill focuses more on the impact of cumulative actions over time. Hanson agreed modeling studies should be done if groups are advocating for elimination of the City's cut and fill requirements. Edmunds described plans to talk with Metro and other jurisdictions about implications for the entire lower Willamette, not just the North Reach.

- Greg Theisen mentioned that allowing off-site solutions could produce significant benefits, such as cutting in Johnson Creek instead of the Willamette.
- Wayne Kingsley noted the importance of regulations that apply to the entire river. He cited the amount of fill that will be needed to restore Ross Island and the excavation that will be needed to compensate for construction of OHSU's Schnitzer Campus at South Waterfront<sup>1</sup>. He stressed the complexity of Superfund cleanup and the need to consider whether regulations will make cleanup more difficult. Edmunds asserted that amendments are intended to make cleanup easier.
- Jan Segunda stressed that global warming will cause rivers to rise.

## 5. Industrial Infrastructure Investments

### Documents Distributed:

- **Working Harbor Reinvestment Strategy: Sanitary Sewer and Stormwater Infrastructure Analysis: Draft Report:**  
RPT: <http://www.portlandonline.com/shared/cfm/image.cfm?id=168219>
- **Working Harbor Reinvestment Strategy Water System Infrastructure Analysis:**  
PPT: <http://www.portlandonline.com/shared/cfm/image.cfm?id=170519>
- **Working Harbor Reinvestment Strategy Transportation Infrastructure Analysis:**  
PPT: <http://www.portlandonline.com/shared/cfm/image.cfm?id=168215>

Steve Kountz reported that the Working Harbor Reinvestment Strategy is a 10-year public investment strategy to encourage private industrial development. Challenges include aging infrastructure, brownfields, and other concerns. He explained that previously the City interviewed 60 business leaders to learn their priorities for public investment on the harbor. [Business Interviews Summary](#). City staff assessed infrastructure needs related to transportation, water, and sewer systems. Kountz reported that Bob Hiller (PDOT), Evan Hofeld (Water), and Virgil Adderley (BES) focused on three tasks for their infrastructure evaluation:

1. Assess system needs based on forecast growth and findings from business interviews;
2. Look at 15 vacant constrained sites in the harbor for their infrastructure needs related to development potential; and
3. Rate projects based on their potential as economic catalysts.

He described next steps to develop a project list that will be adopted as part of the River Plan, including recommendations for implementation by different agencies.

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<sup>1</sup> Staff Note: The South Waterfront area is exempt from balanced cut and fill requirements. Staff recommendations will not change this.

**Bob Hillier**, Freight Planning Coordinator, explained that PDOT obtained a DLCD technical assistance grant to hire consultant URS to help PDOT 1) identify and rank transportation projects that would support the working harbor; 2) identify local and regional transportation improvements for 15 employment opportunity sites (vacant or underutilized parcels); and 3) evaluate deficiencies noted in interviews, and recommend study projects to carry forward.

URS developed a matrix that identified deficiencies named in business interviews. They assessed funding, priority, cost estimate, and whether previous commitments existed in planning and policy documents, including the City's Transportation System Plan (TSP) and Freight Master Plan, Metro's Regional Transportation Plan, and the Port of Portland's master plan. They examined 15 opportunity sites in three subareas of the North Reach: NW Industrial/Linnton, St. Johns/Rivergate, and Swan Island. Problems for subareas relate to access, congestion, or capacity problems. URS developed a ranked project list based on economic development benefits.

Hillier described highest ranking projects and listed recommendations for further action that include a range of activities at strategic locations, as well as development of a rail system study/strategy and a fund for smaller-scale industrial area transportation improvements. He announced that PDOT is starting an update of the Transportation System Plan, which will allow new projects identified in this study to get into the funding pipeline; the TSP will be reworded to reflect more clearly that economic benefits are grounds to prioritize projects for funding; and PDOT will continue to search for innovative funding mechanisms.

#### **Committee and Public Comments**

- Thank you for acknowledging that Linnton is also a community where people live. A circulation study and traffic lights will improve safety at crossings.
- Application of economic development criteria to rate projects will need to consider existing parcels as well as new ones, because improvements could elevate properties that now have substandard services.
- *Will costs all involve public money?* Road projects typically involve public money. System Development Charges (SDCs) can apply to capacity-improving projects and are spread equitably around the city. Railroads are private entities, so their expenses relate to their operational costs.
- This is good work that is long overdue. Fed Ex is leaving Swan Island because of difficult access.
- *Will Hayden Island be studied?* Hayden Island is not in the scope of this project. Environmental constraints prevent full use of the industrial area.

**Evan Hofeld**, Engineering & Planning group, explained that the Bureau of Water Works used a 10-year development forecast to develop a demand estimate, and they assessed capacity based on the criteria of a 5000 gpm fire flow requirement. The fire flow requirement is zoning-based for the heavy industrial area. The study looked at existing conditions of the water system and patterns of the highest water users who use 1000 or

more ccf per month. He reported that Water's modeling results were confirmed by consultant Black & Veatch, and showed that most areas have the ability to meet 5000 gpm fire flow requirements, except in two places: 1) Linnton – north area and Linnton Plywood site; and 2) Central Rivergate district near intersection of North Burgard and Lombard Streets. He identified solutions that include connecting mains and linking into the existing water system in the distribution network.

He stressed there's a problem in upsizing mains and creating storage capacity without demand – water can't sit too long in the system without losing quality. He concluded that the majority of the system can meet the 5000 gpm fire flow requirement, and with on-site mitigation can meet most development needs, so the recommendation is not to undertake projects without identifying specific development. He said every new development would require hydraulic analysis to determine fire flow demand for the area, and improvements could be made at that time. He said Water Works will seek opportunities to coordinate work with other City projects.

### **Committee's and Public Comments**

- Don Hanson and Hofeld discussed mitigation possibilities that would compensate for boosting gpm range to meet fire flow requirements. Hofeld confirmed that features such as sprinkler systems and fire resistant materials could be reviewed by the fire marshall for new developments.
- Jan Segunda raised concerns about insufficient water pressure to combat a fire spreading up the hillside from a biodiesel operation in Linnton. Hofeld indicated some improvements are scheduled there, but Segunda expressed concern about the work not being scheduled until 2009.
- Dan Dishongh expressed concern that boosting pressure on the main line would make the lateral system fail. Hofeld said levels of service will be maintained, and Water tries to avoid high fluctuations or excessive pressures. He confirmed that the City can evaluate the condition of pipes based on records of installation dates, knowledge of type of material and age, and a database of leak history. He said some pipes can last up to 200 years.

Steve Kountz reported on BES findings for Virgil Adderley, who was not present. Kountz said BES examined the existing system capacity for forecasted growth at all 15 sites, and they evaluated their Capital Improvement Plan for sewer and stormwater in the harbor area. He said half of the projects are big pipe projects, while the rest relate to upgrading pump stations and pipes. He noted three deficiency areas identified, and the first two would be considered for inclusion in the Capital Improvements Plan.

1. Upgrade of pump station near Time Oil Site (\$2.7 million)
2. Possible stormwater line extension to the vacant former Rhone Poulenc site from the Front Avenue line or on-site retention for Rhone Poulenc.
3. PGE site in North Linnton, about one mile from the nearest sewer line. There's no CIP recommendation because it would be too expensive to extend a pressure sewer line to a single site. An on-site septic system would be possible for smaller water users, while a package treatment plant would be recommended for larger water users.

Kountz noted that economic development potential was not analyzed or necessary for only two projects. He noted that industrial business owners cited the City's high stormwater rates and that overcharge large-site industrial areas relative to their use of City services. He said businesses pointed out they are billed hundreds of thousands a year but discharge little or no runoff into the City's system. Kountz said BES explains in the report that the City has been a leader over the last 30 years in stormwater and CSO management, which makes rates higher, but other cities are now catching up and increasing their rates. The report also explains that Portland rates are based on amount of impervious surfaces, because that has been the most cost effective, easy to administer rate structure citywide. Rates reflect typical citywide conditions of a grid street system and small sites, which are not characteristic of industrial areas where options include on-site retention or outfalls into the river. Kountz recommended that BES review the rate structure in the industrial area.

#### **6. Public Comments**

- Jan Segunda recommended rethinking Arkema's designate as a brownfield site because it is so contaminated.
- Pat Wagner remarked that putting money into asphalt is throwing money into a black hole, but every dollar put into transportation provides return by reducing congestion.

The meeting adjourned.