

DRAFT Minutes of the River Plan Committee – North Reach

June 5, 2008

5pm – 8pm

Portland Bureau of Planning, 1900 SW 4th Avenue, Room 7a (7th floor)

Committee Members Present: Don Hanson (chair), Bob Naito, Greg Wooley, Pauline Anderson, Jason Graf

Absent: Krystyna Wolniakowski, Melissa Powers

City Staff Present: Sallie Edmunds, Brian Campbell, Eric Engstrom, Matt Lustig, Shannon Buono, Arianne Sperry, Roberta Jortner, Diane Hale, Deborah Stein, Steve Kountz

Others Present: Doug Adams, Jim Kuffner, Megan Walseth, Curt Schneider, Dan Dishongh, Phil Grillo, Rob Mathers, Cy Young, Glen Gordon, Pat Wagner, Marti Gordon, Doug Polk, Barbara Quinn, Bob Sallinger, Wayne Kingsley, Pam Arden, Art Wagner, Gabriel Sheridan, Greg Theisen, Jan Secunda, Darese Weller

Handouts:

Agenda

River Plan / North Reach Discussion Draft

River Plan / North Reach Discussion Draft: Errata Sheet

Bureau of Development Services Comments Memo

1. Committee Business

Hanson proposed to approve the meeting minutes from January 15, 2008. The Committee unanimously approved the minutes.

2. Overview of the River Plan / North Reach: Content and Process

Edmunds outlined the River Plan / North Reach process. The River Concept, adopted by City Council in April 2006, provided guidance for detailed planning during the North Reach planning process. The process also involved several task groups, meetings with property owners, City bureaus and other agencies, two mailings to all property owners and businesses within the harbor area, and a monthly e-newsletter distributed to over 450 people.

Edmunds outlined the North Reach discussion draft, which contains an introduction and overview of the process; hand drawn illustrations depicting the desired future of the North Reach; narrative descriptions of the desired future for North Reach sub-areas; and recommendations for zoning code amendments, investments, development of various city programs, partnerships and additional studies grouped into four topic areas. Edmunds outlined highlights of the four topic sections:

Economic Prosperity

Key problems the Plan is trying to address include development pressure on industrial land leading to concerns about the integrity of riverfront industrial districts and the overall supply of industrial land in the region; property owners and industrial stakeholders have said the greenway code requirements and process are inflexible, overly

burdensome and sometimes vague; and issues with freight movement. Recommendations include retaining the i-overlay zoning to continue to reserve riverfront land for river-dependent and river-related uses; prohibiting quasi-judicial comprehensive plan map amendments on land that is identified as Regionally Significant Industrial Area in the harbor; improving regulations to increase certainty and flexibility for industrial riverfront; and fueling private reinvestment in the district through public investments in infrastructure.

Watershed Health

Key problems the Plan is trying to address include very little remaining habitat in the North Reach and fish species listed a threatened under the endangered species act; compliance with Metro's Title 13, Nature in Neighborhoods; protecting natural resource areas identified by Metro; and adopting an avoid, minimize, mitigate approach to address resources, as is applied in the rest of the City. Recommendations include adopting the refined Natural Resource Inventory (NRI), applying the proposed river environmental overlay zone (e-overlay) to resources ranked high and medium along the river; applying the existing environmental overlay zones to high and medium ranked resources in upland areas; and developing a Restoration Site Program funded by a 1% fee on development along the river, mitigation from state and federal permits, and superfund related mitigation.

Access

Key problems the Plan is trying to address include limited access to the river in the North Reach and inadequate connectivity along the river; and responding to the Supreme Court case decision for Dolan v. City of Tigard requiring governments to show that dedications required as a condition of approval are related to the proposed development and proportional to the impacts of the proposed development. Recommendations include refining the near term Greenway trail alignment and presenting a desired future alignment; increasing connectivity in North Reach districts through new transportation facilities; and amending the zoning code to require evaluation of the rough proportionality of trail requirements.

Working with State and Federal Partners

Key problems the Plan is trying to address include complicated and sometimes conflicting regulations from City, state, and federal agencies reviewing below the ordinary high water mark (OHWM); and limited applicable City guidance to consider during cleanup of contaminated land. Recommendations include improving regulatory efficiency below OHWM and encouraging development and redevelopment in the working harbor; and improving regulations to make it easier for property owners to conduct cleanup by developing clear regulations.

3. River Plan Committee Reflections

Anderson asked if the discussion draft is targeted toward the general public or stakeholders. She said she has questions from a citizen's perspective about some of the technical aspects of the draft. Edmunds thanked Anderson for her review and said she looked forward to reading her comments. Naito asked when the code will be ready.

Edmunds said it will be developed over the summer and incorporated into the River Plan / North Reach draft released in August. Graf asked for clarification on the intent of the new code and overlay zone, and requested that staff include an introduction to the code section leading the reader through the transition from the Greenway approach to the overlay zone approach. He would also like to see more graphic representation of each segment of the river, even in a conceptual manner. Wolley said the document is very readable, but would like clarification about which action items are likely to occur and which ones are not. Graf said that prioritizing the investment and action items would be helpful. Hanson said the task group approach worked well because it allowed for a detailed conversation and sets the process up for refinement.

4. Public Comments (Comments have been edited for clarity and brevity)

Doug Adams – Linnton Neighborhood Association (LNA): Adams said that there is no input from Linnton residents in the document, it doesn't represent what the Linnton community wants, and thinks staff should branch out and get residents who live in the North Reach involved.

Jim Kuffner/Megan Walseth - University of Portland/Ball Janik: Kuffner began by thanking the Team for past and future River Plan work and said that the University of Portland (UP) continues to look forward to working with staff. UP has been on the bluff for over a century and has been trying to acquire property below the bluff for the last few years. The thought of extending the campus to the waterfront has been very inspiring. Kuffner said UP will submit written comments before June 12, and introduced Megan Walseth. Walseth said they are setting up a meeting with Planning staff to better understand how UP can fit into the River Plan / North Reach. UP strongly believes that it is important is to incorporate the upper and lower campuses functionally, architecturally, and visually, if the acquisition goes through. Walseth said a special habitat area or restrictive environmental overlay zone has been proposed to cover the entire boundary area between the upper campus and potential lower campus. UP will be very concerned if development is completely prohibited with those proposed designations. UP is very willing to work with the City to do sensitive development, mitigation and habitat enhancement, which have been elements of the development plan all along.

Naito asked which zone is proposed for the site. Walseth said they are proposing a base zone of EG2. The lower property will have river general and river environmental, and the boundary area between the upper and lower property will have the standard environmental overlay zone used citywide.

Naito asked if UP had any issues with the proposed 1% fee? Kuffner said that he understands the benefits of public-private partnerships and pointed out that UP is a non-profit entity with limited funds, but UP has amazing students that can work with the City and believes the university could provide valuable in-kind contributions to the City.

Curt Schneider - npGreenway: npGreenway has looked at the plan and is very happy about the trail alignment. Schneider said they want to know where the big pipe will be

located on Swan Island, and wonders if there is a possibility of getting an easement on top of the pipe for the Greenway Trail. Edmunds said it is her understanding that the easement for the pipe is primarily underground, and does not cover the surface area above the pipe.

Dan Dishongh – LNA: Dishongh said he has been present during most of the meetings. Linnton is first live/work community in the area and he thinks LNA needs longer than ten days to respond to the discussion draft.

Hanson said the Committee would come back to that issue.

Phil Grillo – Working Waterfront Coalition (WWC): Grillo said the WWC had been involved in the process for years, and thanked the staff and volunteers for their hard work. WWC will provide more detailed written comments before the June 12 deadline. The committee and task group structure used in this process has helped stakeholders hear each other, more so than in a hearing setting, and WWC hopes the setting continues even if it slows down the process. Grillo said economic prosperity is perhaps the key driver in the North Reach to environmental restoration and prosperity. Environmental restoration is primarily development driven as written in this document, so it is important to understand the impact of fees and regulations on development and development opportunities. Grillo cited three statements from p. 37 of the draft: employment is projected to grow by 5800 jobs between 2005 and 2015 and ~ 880 acres will be affected by development or redevelopment; industry has invested 440M in 36 harbor sites since 2004; and most of the land is used by industries that need multi-modal transportation facilities. In terms of competitiveness, very few sites are currently available in the harbor that aren't brownfields. Grillo said that assets need to be protected in order to achieve employment and development goals. This is important to the City as a whole.

Rob Mathers - Kinder Morgan Energy Partners: Mathers thanked staff and volunteers for their hard work and said there had been more outreach in this process than other processes in the past. Kinder Morgan has participated and appreciates doing so, but that doesn't mean they buy into the document. He said they are concerned about the incompatibility of restoration sites and public access with industrial uses. Industry needs to be able to conduct business in the industrial area.

Glen Gordon - LNA: Gordon said that the Linnton community had been working for 10 years and it appears the work will be thrown in the toilet with this draft. The community received the document three days prior to this meeting and has not had time to fully review the document and prepare comments. The community wants more time. He said that this plan suggesting the zoning be frozen along the river, doesn't consider the sacrifice and hardship the neighborhoods adjacent to the area will be asked to endure. The Planning Commission and staff worked with the community for 10 years on the Linnton Plan, and they recommended City Council approve a study looking at the possibility of amending some of the area. Gordon asked how the communities so involved could not be involved at all by staff, and said the community didn't receive a questionnaire. He said the document is not well rounded from a community's standpoint.

Ordinance 33262, off-site impacts, requires industrial development adjacent to other communities to meet certain standards related to issues of noise, safety, noxious fumes and other health hazards. Gordon concluded by asking the Planning Commission to consider two points before making a final decision: don't do any action that permanently puts this zone in place for 20 years – there is already an industrial use on the property, and don't water down the effect of 33262, which is the only thing communities have left when a conditional use review doesn't occur. Gordon said that Linnton is a viable community that has worked hard to develop a workable plan and requested the committee consider the plan.

Marti Gordon - LNA: Gordon read a statement prepared by Linnton Land Use Chair, Ed Jones, outlining three points: it is bad policy to effectively exempt industrial land from the balancing process that is at the heart of land use decisions; the industrial policy in the draft is inconsistent with other parts of the discussion draft; and meaningful public involvement cannot take place within the timeline set forth by staff.

Doug Polk - LNA: Polk commented specifically on the errata sheet, strongly recommending that the discussion draft not include the industrial protection measures outlined under “page 28” bullet two on the errata sheet. He said this action negates many years of work by LNA and other NW neighborhoods. In developing the Linnton Plan, LNA and other NW neighborhoods were charged by City Council to identify industrial lands within neighborhood boundaries that should be preserved for long term industrial use. Polk said the Guilds Lake industrial sanctuary plan was adopted after many meetings. NINA wanted to make their neighborhood plan citywide, and the plan had to be sent back more than once to fix language. In an October, 1998 meeting, Linda Davis of Cogan Owens Cogan, a consulting firm hired by NINA to develop the NW industrial sanctuary plan, outlined a political compromise agreed upon by the neighborhood associations: a reduction in sanctuary lands in exchange for stronger protection within the sanctuary. Polk said NINA's idea was to have the Guilds Lake plan go to the channel entry and have a steel curtain. LNA was working on a neighborhood plan at the time, and it would have been dead if that language was approved. The line was drawn at the St. Johns Bridge. Polk also said that Appendix B of the draft, Public Outreach, doesn't include the NW examiner articles about the NINA NW industrial sanctuary working group. Polk emphasized that if the language outlined in the Errata Sheet is approved, the neighborhood plan is dead.

Barbara Quinn - Cathedral Park Neighborhood Association: Quinn observed that staff has done a good job of balancing multiple interests during the North Reach process. St. Johns is very interested in seeing the Decatur St. alignment continue north from Cathedral Park along Decatur St., which is the recommended alignment. Quinn said there is a crisis with salmon and she understands that this planning is occurring to make sure we don't lose species. Therefore, she wants to see on-site mitigation whenever possible, or at least nearby when on-site is not possible. Quinn said that Cathedral Park residents and Friends of Baltimore Woods would like to see protections on upland areas in general, and want Baltimore Woods listed as a Special Habitat Area.

Bob Sallinger - Audubon Society: Sallinger thanked staff and others involved in the process, and stated that the North Reach is probably the most difficult and complicated place to protect and restore the environment in the region. There has been a long history of continual conflict, and this is the first time he has seen participants reverse the course of conflict. Sallinger said he served on many committees and task groups throughout the process, and particularly acknowledged the Integration Task Group as one of the most productive committees he has seen. The North Reach is important for industry, but this confluence area is also very important for wildlife, such as migratory birds and listed fish species. The plan is described as a string of pearls, and Audubon is interested in protecting both the string and the pearls. The pearls are anchor sites that would be permanently protected and provide habitat for fish, and the string are corridors providing habitat for birds and other wildlife. Sallinger encouraged the committee to consider on-site mitigation where possible, but allow off-site investment in the anchor sites when on-site mitigation doesn't make sense. Audubon likes the 1% fee because it distributes the cost of restoration among everyone in the North Reach, not just property owners along the river. Audubon encourages staff to include an option to masterplan properties instead of complying with regulations, allowing for more creativity and flexibility; strongly supports the City regulating projects below ordinary high-water because of the City's divergent interest in protecting species before they are listed; is concerned with balanced cut and fill and implications for salmon habitat; is concerned about setbacks; and is concerned with the City's commitment to acquire the pearls, which is the linchpin of this plan.

Wayne Kingsley – Northwest Pipe: Kingsley is going to submit written comments.

Pam Arden – npGreenway: Arden thinks the plan needs to include a trail alignment that proceeds through the industrial area to Kelley Point Park, providing a different perspective on the City and allowing people to see the working riverfront. It might not happen in our lifetime, but a placeholder could be added that would allow for scoping. She said that other nations, such as the Netherlands, manage to find a way for industrial areas and trails coexist.

Art Wagner - LNA: Wagner said the Planning Bureau and the WWC are trying to lock the Riverfront industrial area zoning in place. Wagner thanked the volunteers that have taken part in this process, then said that the Planning Bureau has undertaken a policy to deny elected officials the chance to govern effectively, has deliberately acted to contradict State Goal 1 (Public Involvement), and has a permanent campaign of culture to preserve industrial land driven by industrial interests. Wagner said that at a meeting he attended about river industrial zoning in 2007, a Planning staff person verbalized a Planning Bureau policy as, "what's important is that we make these changes to the rules protecting all the industrial land on the river, in such a way that doesn't allow elected officials who do not have the same attitude as the current administration will find them very hard to change". Wagner said the Planning Bureau is trying to speed the River Plan / North Reach through the process before a new Council takes over. Linnton wants more time to review the Plan.

Gabriel Sheridan – Cathedral Park Neighborhood Association: Sheridan encouraged staff to keep the entire 30 acres of Baltimore Woods and the large parcel north of Decatur St. as part of the special habitat area. He also supports connecting Cathedral Park and Pier Park with a trail. Sheridan encourages special habitat area protection for the area north of the UP expansion plans. He said Lewis and Clark discovered a burial ground on the site, where Native Americans placed their dead in the trees. The original trees have been cut, but second growth trees are still there and he encourages preservation of the area.

Greg Theisen – Port of Portland: Theisen thanked staff and volunteers for their effort. He passed the document around at the Port and received a lot of feedback about the need for more guidance in the document on the Plan's main themes. Whereas the River Renaissance Vision and Strategy are broad documents, the Port suggests the River Plan should be more directed and focus primarily on two themes: economic prosperity and natural resources. He said the discussion draft may address these things in the many existing elements, but the path connecting these themes is not clear. The Port supports the foundation of the Plan and thinks the outlined strategies support the goals of River Renaissance. A strategy supported by the Port that is not included in the draft would explore and support funding partnerships modeled after Transit Oriented Development.

Pat Wagner - LNA: Wagner commended the volunteers and staff who have worked on this document. Wagner explained she worked with LNA in its attempt to create a land use plan for the entire Linnton community. She said the acknowledgment of her and Dan Dishongh thanking them for working on the discussion draft was ridiculous, and the public outreach portion of the draft is inaccurate and very misleading. She found out about the River Plan by accident when she was at the Planning Bureau for another meeting, and wondered why staff hadn't notified the Linnton community about the process. Wagner called the Planning Bureau to request representation on the task group committees, and was told that Bob Short and Crunch McDonald were the neighborhood representatives. Linnton conveyed that they did not feel represented by these people, and Planning Bureau staff said other community members were welcomed to attend the meetings. Wagner said people who aren't sitting at the table don't count at meetings. There are 10 events listed in the public outreach summary of the draft that are specifically linked to Linnton, which is completely untrue and puts the integrity of the entire document in doubt.

Wagner continued by saying the process has been flawed from the beginning, and is in direct conflict with State Goal 1, calling for community input. Linnton symbolizes the River Renaissance as a live/work community, and it has been completely ignored in this process. Improper heavy industrial zoning was placed on 35 acres in the middle of Linnton in the 1970s. She said although industry worked well thirty years ago, it doesn't work well in Linnton now and has caused the community to become blighted. This process has been flawed because the meetings are set at a time and place that is convenient for the industrial community who are attending meetings through their jobs, and knowingly inconvenient for people that have to work and support families. The meetings are also downtown where parking is prohibitively expensive.

Wagner outlined the 11 untrue events as follows: [note: only 9 events were highlighted]
Sept. 14, 2006: Linnton's land-use chair was never included and never contacted about this meeting.

Nov. 15, 2006: This meeting was convened to discuss Wagner's discovery that the trail had been moved to the highway, and the only people in attendance were Sallie, Shannon, Marguerite, Dan and Pat. She said it was not a public meeting.

Jan. 22, 2007: This was not a public meeting because it involved only a few people and it was only about the trail issues.

April 3 and 9, May 8, and July 10, 2007: These meetings were mediation sessions between members of WWC and the Linnton community who were chosen by invitation from the Mayor's office. The meeting rooms had space constraints and there was no public outreach accompanying the sessions. The River Plan was far from anyone's minds.

April 17, 2007: Wagner chaired this Linnton Neighborhood Association meeting and she says there was no mention of River Plan. Planning staff were talking about trails.

May 29, 2007: Linnton's land use chair didn't know about or attend this meeting.

Wagner said the other events in this document were perceived as private meetings or not relevant to Linnton by its residents, and residents did not receive invitations. Wagner finished by suggesting that representatives of non-profits involved in this process, such as the Audubon Society, are well-respected people and should not approve this document until these questions have been resolved.

5. River Plan Committee Directions to Staff

Campbell said that staff looked forward to receiving the detailed written comments that several River Plan Committee members had prepared, and welcomed any other comments. Hanson said he was concerned about the comment period and wondered if it needed to be extended. Campbell said the document was released on May 23rd and comments are due June 12, which seemed like a reasonable amount of time. He said staff is trying to keep to the Planning Commission schedule in September, but could extend the comment deadline to June 20 and take additional comments at a later date if necessary. Hanson said that the Planning Commission hearings should be held during evening meetings, and Campbell confirmed that they are.

Dishongh said that LNA meets every other month and the next meeting is in July, so it would be sometime after the first Wednesday in July before they could transmit comments. He said the process had been going on for over two years, and asked why staff is constricting the approval phase into 4 or 5 months. Another audience member said that waiting until the Planning Commission hearings to suggest changes seems to be late in the process, and Linnton wants to provide input before then. Sallinger also questioned the timeline, noting that the Council is changing in January. Going before Council in December, a Council without buy-in, would not be favorable. He also said that a 30-day cycle for comment should be a minimum, because organizations with boards need a month to make a decision. He also said that the Planning Commission hearing wouldn't be well attended in August, but staff corrected him that the hearing is in September.

Wagner (Pat) said that the mill owners hadn't been notified about the Plan and will want to review the document. Hanson asked what staff had done to notify the property owners. Edmunds replied that two mailers had been sent to all property owners within the North Reach asking them to sign up for the e-newsletter used to send project updates. Staff asked the Linnton residents in attendance what method of communication is best to reach the community. Residents said that the official neighborhood association mail address is preferred.

6. Review Next Steps

Hanson summarized that staff and the Committee had heard the Linnton community's request for more time, and would discuss the issue further. Graff said he had worked with his neighborhood association frequently, and residents cannot always rely on the City to do the outreach; they must work hard to reach their neighbors. Wooley commented that the concerns of the Linnton community are the two basic tenets of environmental justice, an executive order by President Clinton in 1994: communities that are impacted by a project should have early and meaningful involvement in the process, and the burden and the benefits of the plan should be equitably distributed among those impacted by the plan. He said that many projects have been derailed because community involvement was not completed in the right way. Meetings were held when people couldn't attend and translation services weren't provided, and traditionally it has been low-income communities and people of color that received a disproportionate burden. He encouraged staff to listen to everyone and keep these tenets in mind as they consider scheduling in the future.

Hanson adjourned the meeting at 7:45 pm.