



June 25, 2010

**Memorandum**

TO: City Council members

FROM: Mayor Adams

SUBJECT: Progress Report on the River Plan/North Reach

As you know, on April 15th the City Council voted unanimously to adopt the River Plan / North Reach. While Council supported the plan, we also recognized that it still needed more work, and passed a resolution that directed staff to do the following:

1. Develop the methodology for calculating the temporary fee-in-lieu of mitigation. The City will offer the fee in lieu option until there is a functioning mitigation bank in the North Reach.
2. Convene a science panel to review the scientific portions of the in lieu fee calculation method, and report the results to City Council.
3. Consider developing a threshold under which the use of HEP/HEA would not be required to calculate the off-site mitigation fee-in-lieu.
4. Explore additional river environmental overlay zone development standards for lower impact proposals.
5. Discuss allowing the payment of a fee in lieu of meeting the mitigation standards.
6. Refine the River Environmental Overlay Zone boundaries, if appropriate, based on a ground truthing.
7. Appoint the North Reach Advisory Committee (NORAC) by June 15, 2010.

The purpose of this memo is to provide you with a progress report on these items, and give you an update on a few other items that relate to the River Plan / North Reach.

**River Plan / North Reach Appeal**

Soon after adoption, Gunderson, Schnitzer Steel and the Working Waterfront Coalition appealed the Plan to the State Land Use Board of Appeals. The substance of the appeal is not yet known. The Audubon Society of Portland, Willamette Riverkeeper, the University of Portland and the Cathedral Park Neighborhood Association have all filed as interveners. We are currently in the process of finalizing the record and will not know the substance of the appeal until several weeks after the record is settled.

**Work underway to address tasks in City Council's resolution**

Even though the Plan is under appeal, the City is continuing to move forward to address the work outlined in the resolution. I convened a group to begin to explore the need for additional standards and exemptions, or refinements to existing standards and exemptions. The first step was to compare the adopted plan and code with past Greenway cases. The results showed that of the 53 Greenway land use review cases within the North Reach from 2000 – 2010, more than half of the proposals would no longer be subject to discretionary land use review. Many of these projects would no longer require a review because they are located outside of the river environmental overlay

zone, while others would be able to meet the new streamlined code.

The City convened a Science Panel to review the HEP/HEA (impact evaluation) model, and provide technical scientific advice to City staff. I directed staff to include a public comment session to the Science Panel's agenda, and a public report out session. I also had my staff video tape the panel's deliberations. Copies of the DVD are available by calling my office. It is my understanding that the written proceedings will be available in mid July. (Resolution item 2)

Both industrial and environmental stakeholders expressed process concerns about the Mayor's stakeholder meetings and the Science Panel. These concerns included a desire to include more stakeholders, increase the scope of the work to be done, and hold professionally facilitated meetings. Environmental stakeholders also expressed the frustration that industry can better afford to send people to meetings while they have fewer representatives. Conversations at the meetings, and via email, have become increasingly tense.

It is for those reasons that I have decided to take a different approach to tackling the remaining River Plan issues. Rather than convene more meetings to work through the issues, I have asked City staff to develop a proposal for my review based on the extensive discussions and research to date. The proposal will include a report on development of the fee in lieu and proposed administrative rules to implement the recommendations in the report (Resolution items 1, 3, 5). The proposal will also include staff recommended amendments to the River Plan (Resolution items 4, 6).

I will release a public review draft of this proposal in late August, and hold an open house in early September to get feedback on the draft. We will use that feedback to inform the materials that are filed for Council consideration. See the attached "Path Forward" for more details on my proposed schedule.

### **North Reach Advisory Committee**

With regard to the North Reach Advisory Committee (NoRAC), the resolution directed the Office of Healthy Working Rivers to appoint NoRAC members by June 15, 2010. Although the recruitment process produced an excellent pool of candidates, we would like to recruit additional candidates to round out the group. The slate of proposed appointees will be presented to City Council on August 4, 2010 (Resolution item 7).

### **Next Progress Report**

You will receive a progress report on all of this at your council session on August 4<sup>th</sup> at 2pm. Thank you for your continued attention to the River Plan / North Reach and associated activities.

Sincerely,



Mayor Sam Adams

Attachment

## ATTACHMENT

### River Plan / North Reach

The path forward

June 25, 2010

#### JULY

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**July 19<sup>th</sup>**                      **Release Science Panel results via River Plan News**  
**Late July**                      **Open House on Science Panel results (4:30 - 6 pm)**

#### AUGUST

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**August 4**                      **City Council (2 pm) Progress Report**  
Brief the Council on what will be in the public review draft, and touch on the results of the Science Panel and how we are responding to the feedback received.

**August 25**                      **Release the Public Review Draft via River Plan News**  
This will include the draft admin rules that will implement the information in the report, and any proposed amendments to the River Plan / North Reach.

#### SEPTEMBER

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**Early September**              **Open House on the Public Review Draft**  
**September 30**                      **File documents for the City Council Hearing**

#### OCTOBER

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**October 13 or 20**              **City Council Hearing on:**  
**Resolution: Accept report on development of fee in lieu**  
**Ordinance: Amendments to River Plan**  
**Ordinance: University of Portland Development Agreement**  
**Ordinance: Siltronic Conservation Easement**

#### NOVEMBER

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**Early November**              **Release draft Administrative Rules and announce hearing via River Plan News**

#### DECEMBER

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**Early December**              **Hearing on draft Administrative Rules for BDS**

#### JANUARY

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**January 1, 2011**              **Effective date of River Plan / North Reach**