

RESOLUTION No. 36784

Accept a Memorandum of Understanding between Siltronic and City of Portland (Resolution).

WHEREAS, the Bureau of Planning and Sustainability has prepared a land use policy document and implementing regulations entitled The River Plan / North Reach (River Plan) and the Planning Commission has recommended the River Plan for adoption by the City Council; and

WHEREAS, the River Plan addresses economic prosperity, watershed health and access to the Willamette River and includes a Natural Resources Inventory that provides the basis for the new River Environmental (e) zone and refinements to the existing Environmental Protection (p) and Environmental Conservation (c) zones; and

WHEREAS, Siltronic owns an approximately 80-acre parcel of partially developed land (the Property) within the boundary of the River Plan; and

WHEREAS, the River Plan designates part of the undeveloped upland portions of the Property as a Special Habitat Area, proposes application of the e, c and p overlay zones to undeveloped portions of the Property, and designates part of the Property as the Doane Creek restoration site; and

WHEREAS, Siltronic, through a prior development agreement with the City, has contributed to the City's economy by developing two silicon wafer fabrication plants and related facilities on approximately half of the Property and seeks to pursue development on the remaining half; and

WHEREAS, Siltronic and the City have discussed ways to achieve mutually supportive environmental protection and economic development objectives on the Property, resulting in a Memorandum of Understanding that anticipates Siltronic will give the City a conservation easement over the portions of the Property that serve significant natural resource functions and the City will reduce the environmental overlay zones on the part of the Property not subject to the conservation easement; and

WHEREAS, Siltronic and the City anticipate that the Memorandum of Understanding will form the basis for negotiation and execution of a Development Agreement and understand that the Memorandum of Understanding is not intended to obligate either party to take any particular action and is not legally binding; and

WHEREAS, City Council adopted a version of the Memorandum of Understanding at its meeting on April 15, 2010 that, due to a procedural error, did not include amendments that were discussed by the public and City Council and were intended to be incorporated into the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED that the Memorandum of Understanding attached as Exhibit A supersedes the Memorandum of Understanding that was adopted on April 15, 2010 and is accepted by the City Council as a framework for negotiating a Development Agreement with Siltronic; and

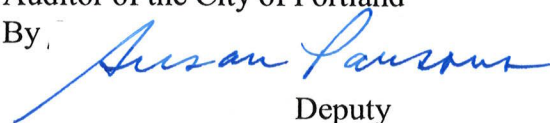
BE IT FURTHER RESOLVED that the Bureau of Planning and Sustainability, with assistance from the Bureau of Environmental Services, the Portland Development Commission and other affected City bureaus, is directed to proceed with negotiating a Development Agreement with Siltronic to be approved by the City Council and signed by both parties no later than July 1, 2010.

Passed by the Council: MAY 05 2010

Mayor Sam Adams
Prepared by Brian Campbell
April 29, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By,



Deputy

612

140

Agenda No.
RESOLUTION NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i></p> <p>Prepared by: Brian Campbell Date Prepared: April 29, 2010</p> <p>Financial Impact Statement</p> <p>Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date May 5, 2010</p> <p>City Attorney Approval <i>[Signature]</i></p>	<p style="text-align: right; color: blue;">APR 30 2010</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	