

Ordinance No. 183946 As Amended

*Authorize Agreement for Development with Siltronic Corporation regarding contingent commitments for development and restoration on the Siltronic property. (Ordinance).

The City of Portland Ordains:

Section 1. The Council finds:

1. On April 15, 2010 the Portland City Council adopted the *River Plan / North Reach* (The Plan) by Ordinance #183694.
2. The Plan updates the existing Willamette Greenway Plan to better meet local, state, and regional goals. The 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.
3. Siltronic owns an approximately 80-acre parcel of partially developed land (the Property) within the boundary of the Plan.
4. Siltronic, through a 1978 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.
5. The 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 a restoration site.
6. Consistent with its initial 1978 development plans for the Property, Siltronic seeks to maximize the amount of developable land on the Property in order to give Siltronic a higher level of certainty that it will be able to quickly respond to development/employment opportunities on the Property.
7. At a Portland Planning Commission hearing on January 13, 2009, Siltronic requested that the City not apply the e, c and p overlays that the Draft Plan proposed to apply to undeveloped portions of the Property.
8. Siltronic and the City discussed ways to achieve mutually supportive environmental protection and economic development objectives on the Property, resulting in a Memorandum of Understanding (MOU) that anticipates that 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.

9. On April 15, 2010, Council adopted an MOU by Resolution # 36779. Due to a procedural error, amendments that were intended to be inserted into the MOU were not included.
10. On May 5, 2010, City Council adopted a revised MOU by Resolution #36784 and directed staff to negotiate a development agreement based on the framework provided by the MOU.
11. On April 15, 2010, as part of the Plan adoption (Ordinance #183694), Council approved maps showing revised environmental and river overlay zoning for the Siltronic site and stated its intent that the revised maps will replace the maps applying environmental zoning to the Siltronic site as part of the Plan only if a development agreement between Siltronic Corporation and the City of Portland is approved by the City Council and signed by all parties no later than July 1, 2010. If this contingency is satisfied, the revised zoning maps will become effective when the *River Plan / North Reach* becomes effective on January 1, 2011, unless the Council approves a later effective date.
12. An Agreement for Development between the City of Portland and Siltronic Corporation has been prepared and City staff recommend that the Council approve and execute that Agreement.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are authorized to enter into the Agreement for Development in substantially the form of the document attached to this Ordinance as Exhibit A.
- b. The Bureau of Planning and Sustainability will negotiate a Conservation Easement that is consistent with the attached Agreement for Development and the Council will approve and accept the Conservation Easement before January 1, 2011.
- c. The Bureau of Planning and Sustainability will prepare and the Council will adopt amendments to the *River Plan / North Reach* ESEE to support the revised environmental zoning maps for the Siltronic site before January 1, 2011.
- d. The Bureau of Planning and Sustainability and the Bureau of Environmental Services will negotiate conveyance provisions and a protocol for evaluating the environmental status of the Property before January 1, 2011.
- e. If the actions specified in directives "b," "c" and "d" above are completed after January 1, 2011, the revised environmental and river overlay zones for the Siltronic site shown on the attached Exhibit E will become effective on the date that all actions in directives "b," "c" and "d" above have been approved by the Council by ordinance. If the Council approves the actions in directives "b," "c" and "d" on different dates,

the revised environmental and river overlay zones shown on Exhibit E will become effective on the latest of the three dates.

Section 2. The Council declares that an emergency exists because the Agreement for Development needs to be signed before July 1, 2010 to satisfy the zoning amendment contingency adopted by Council in Ordinance #183694; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Section 3. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: JUN 23 2010

Mayor Sam Adams
Diane Hale
June 10, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By


Deputy

Exhibit List

A - Agreement for Development
E - Revised Zoning Maps

~~915~~ 955
Agenda No. 183946 As Amended
ORDINANCE NO.
Title *with*

*Authorize the Mayor and Auditor to sign an Agreement for Development ~~between the City and~~ Siltronic Corporation regarding contingent commitments for development and restoration on the Siltronic property. (Ordinance).

INTRODUCED BY Commissioner/Auditor: Mayor Adams	CLERK USE: DATE FILED <u>JUN 11 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i>	By: <u><i>[Signature]</i></u> Deputy
Prepared by: Diane Hale Date Prepared: June 10, 2010	ACTION TAKEN: JUN 17 2010 CONTINUED TO JUN 23 2010 9:30 A.M.
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date June 10, 2010	
City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:15 pm Total amount of time needed: 45 minutes (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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	✓	