

# ORDINANCE No. 184277

Authorize the development of rules for the River Restoration Program (Ordinance; add Code Section 17.38.055)

The City of Portland ordains:

## Section 1. The Council finds:

1. In September 2000, Mayor Vera Katz launched a community conversation to develop a vision for the Willamette River, and more than 1000 Portlanders from throughout the city participated; and,
2. On March 21, 2001, the City Council adopted Resolution No. 35978, endorsing the River Renaissance Vision and calling for City government, businesses and industry, community organizations, neighborhoods and other agencies to revitalize the Willamette River as the centerpiece of Portland. The vision includes five themes: a clean and healthy river; a prosperous working harbor; Portland's front yard; vibrant waterfront districts and neighborhoods; and partnerships, leadership and education.
3. On December 8, 2004, City Council adopted the amended River Renaissance Strategy and set forth the following principles to guide decision-making about City and Portland Development Commission investments, programs, and projects:
  - a. Consider the interrelated nature of the city and region's economic, natural, social and cultural systems, striving to optimize benefits in each of these areas;
  - b. Allocate the responsibility for the costs and impacts of accomplishing the River Renaissance vision among public and private stakeholders in an equitable way;
  - c. Develop meaningful measures to monitor progress and success;
  - d. Consider the effects of current decisions on future generations, to preserve their choices and opportunities, and to reduce future costs and liabilities;
  - e. Rely on civic leadership to demonstrate the River Renaissance approach through words, actions and public investments; and
  - f. Target investment to maximize benefits and spur innovation.
4. On April 15, 2010, City Council adopted Ordinance No. 183694, adopting River Plan/North Reach, and directing City bureaus to implement the programs, projects, regulations and financing tools to implement the plan. The River Plan is the first update of the Willamette Greenway Plan in more than twenty years, and is designed to comply with Statewide Planning Goal 15 (Willamette Greenway).
5. The North Reach, the first stretch of the river to receive detailed planning, extends from the confluence with the Columbia River to roughly the Fremont Bridge. The planning process involved several levels of stakeholder and community involvement. The River Plan Committee provided guidance and a public forum for discussing issues and staff recommendations.
6. River Plan/North Reach amends City Code Title 33 (Chapters 33.475 and 33.865) to include specific regulatory requirements for landscaping, vegetative enhancement and mitigation of

development impacts. Administrative responsibilities may include administration of fees and charges, development and certification of mitigation banks and other strategies and actions to ensure compliance with City Code, and achievement of River Plan goals.

7. BDS intends to assign administrative responsibilities for the in-lieu mitigation fees to the Bureau of Environmental Services (BES). In so doing, BES, working with the Office of Healthy Working Rivers (OHWR), will be able to conduct a comprehensive River Restoration Program that integrates the goals of River Plan/North Reach and the City's Watershed Management Plan.
8. BES will rely on the following scientific and financial reports and studies to develop rules for the administration of in-lieu mitigation fees:
  - a. *Habitat Valuation Methodology*. Prepared for the Bureau of Planning and Sustainability by Tetra Tech. October 2010.
  - b. *Science Panel Report*. Memo from Kaitlin Lovell to Sallie Edmunds. November 1, 2010.
  - c. *Willamette River Mitigation In-Lieu Fees*. Prepared for the Bureau of Planning and Sustainability by Tetra Tech. October 2010.
  - d. *Updated Restoration Site Cost Estimates*. Memo from Paul Ketchum and Kristen Acock to Sallie Edmunds. June 9, 2009.
  - e. *How to Calculate River Plan / North Reach In-Lieu Fees*. Prepared by the Bureau of Planning and Sustainability. November 4, 2010.

NOW, THEREFORE, the council directs:

- a. the Director of Environmental Services is hereby authorized to adopt administrative rules to implement the River Restoration Program and implement River Plan/North Reach.
- b. City Code Chapter 17.38 is amended to include the following:

17.38.055 River Restoration Program

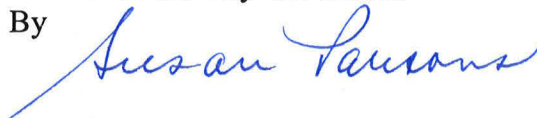
The Director of Environmental Services is authorized to develop administrative rules for implementation of a River Restoration Program including but not limited to, a mitigation bank and in-lieu fee program for implementation of Title 33 River Plan/North Reach zoning code and accept and expend funds received from in-lieu fees, mitigation bank credits, donations, program administrative fees or other sources for environmental restoration, enhancement and improvement activities.

Passed by the Council,  
Dan Saltzman  
Commissioner of Public Affairs

Dawn Hottenroth/Dan Vizzini  
November 1, 2010

DEC 01 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By



Deputy

1508 - 1558 <sup>✓ 140</sup>

Agenda No. **184277**  
ORDINANCE NO.  
Title

✓ Authorize the development of rules for the River Restoration Program (Ordinance; add Code Section 17.38.055)

<p><b>INTRODUCED BY</b> Commissioner Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>NOV 12 2010</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>✓</i></p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <i>✓</i></p> <p>Prepared by: Hottenroth/Vizzini Date Prepared: November 1, 2010</p> <p>Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> <i>EM</i></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date November 17, 2010</p> <p>City Attorney Approval <i>✓</i></p>	<p><b>ACTION TAKEN:</b></p> <p>NOV 17 2010 PASSED TO SECOND READING DEC 01 2010 3:30 PM TIME CERTAIN</p>

**AGENDA**

**TIME CERTAIN** ☒  
Start time: **2 PM**

**Total amount of time needed: 2.5 hrs (3 of 6)**  
(for presentation, testimony and discussion)

**CONSENT** ☐

**REGULAR** ☐  
Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA		COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	

✓ Toni DK