



Bureau of Planning and Sustainability

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MEMO

DATE: June 12, 2020

TO: Planning and Sustainability Commission

FROM: Debbie Bischoff, Senior Planner, Bureau of Planning and Sustainability

SUBJECT: River Recreation: *Governmental Roles and River Plan / South Reach Recommendations*

INTRODUCTION

The purpose of this memo is to provide information about the roles and responsibilities of the City of Portland and other key government agencies as it relates to river recreation, including recreational boating, in preparation for public testimony at the hearing on June 23. The memo describes applicable policies and plans that have shaped the recommendations in the *River Plan/South Reach Proposed Draft* (January 2020). It also highlights future aspirations and recommendations for in-river recreation contained in the draft plan.

GOVERNMENTAL ROLES AND RESPONSIBILITIES

There are numerous government entities that have roles and responsibilities over river activities in the Willamette River. The following list includes those with key roles. *Also see Attachment 1.*

STATE

The Oregon State Marine Board (OSMB) The OSMB is responsible for recreational boating safety including rule making, education, licensing and grant funding for facilities. The OSMB is currently considering new boating regulations for the Lower Willamette (including the South Reach area).

The Department of State Lands (DSL) manages all state-owned waterways (submerged lands under Ordinary High Water) and issues permits for uses, development and activities.

Department of Land Conservation and Development (DLCD) provides policy direction for managing urban growth under its statewide land use planning program and is responsible for the 19 Statewide Planning Goals. Local government plans must be consistent with and implement all of the relevant goals.



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For river recreation, two important goals are Goal 15: Willamette River Greenway and Goal 8: Recreational Needs.

Goal 15: “to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

Goal 8: “to satisfy the recreational needs of the citizens of the state and visitors, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

COUNTY

Multnomah County

Multnomah County Sheriff’s Office River Patrol is the primary enforcer of laws associated with river recreation and uses, including speed limits, boater safety, and length of stay in one location.

CITY

City of Portland

The City of Portland is responsible for planning and development within the city of Portland and for urban unincorporated Multnomah County. The City of Portland does not regulate boating but does regulate development attached to the land such as docks, and other city rules. The City also plans for and provides river recreational facilities and is responsible for fire and rescue/emergency responses. See *Attachment 1 to this memo for more information.*

Planning and Sustainability Commission (PSC) The PSC is a City Council appointed commission of volunteers with knowledge and an interest in planning and sustainability topics who have as their responsibility the stewardship, development and maintenance of the City’s Comprehensive Plan, Climate Action Plan and the Zoning Code. They hold public hearings, discuss issues and proposals, and develop recommendations to share with City Council.

Bureau of Planning and Sustainability (BPS) BPS is the lead bureau for the city’s long-range planning and sustainability agenda and coordinates with government bureaus and agencies at all levels to ensure consistency with and implementation of planning and climate change policy mandates. BPS staff undertake community planning projects, like the River Plan/South Reach, to implement and ensure consistency with adopted plans and policies. Because the policy guidance contains numerous and often divergent policies, planning staff and decisionmakers must consider and balance different objectives to achieve positive outcomes in their planning recommendations.

The City’s **2035 Comprehensive Plan** (2018, amended in 2020) is the primary citywide guiding blueprint for accommodating future population growth and development. The comprehensive plan was recently updated and covers a variety of topics such as Urban Form, Environment and Watershed Health and Public Facilities and Services. In addition to the comprehensive plan, the City must also be in



conformance with Statewide Planning Goals and the Metro Regional Framework Plan, along with other adopted plans, policies and rules.

The *2035 Comprehensive Plan* includes numerous policies that are relevant to the river recreation discussion and have guided the River Plan / South Reach. *A few key policies are provided here but more are listed in Attachment 2.*

Policy 3.71 Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically located sites along the length of Portland's riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Policy 3.76 River Access. Enhance and complete Portland's system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

Policy 3.81 Willamette River South Reach. Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

Policy 8.99 Recreational facilities. Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

URBAN DESIGN CONCEPT AND RECOMMENDATIONS

City planners began the research and public engagement for River Plan/South Reach over two years ago. *See Attachment 3 for a list of a few key references of relevant planning and policy documents that informed this topic.* Planners held numerous events and open meetings with interested community members to gain insights on river recreation. *See Proposed Draft Vol. 1, Pt. 1, Pg. 16 for a list of publicized events held.*

From the start, both in-river and on-land recreation were key topics. The South Reach area is fortunate to have significant acreage of publicly-owned open spaces in recreational use (approximately 300 acres) along the riverfront for public enjoyment.

The proposed draft contains a vision statement and an urban design concept that illustrates existing and future recreation opportunities. *See Attachment 4 for the Urban Design Concept for Recreation. Also found in Vol 1, Pt.1, pg. 20 of the Proposed Draft.* Excerpts from the vision state:



“People recreate safely on the river operating a variety of watercraft from numerous riverside locations, and river swimming is a popular sport in the summer...The state, county, city and boating community have developed a plan so that paddlers, rowers, sailors, motorboaters, tour boats, water skiers and swimmers can safely share the river without impacting habitat.” (Vol 1, Pt. 1, Pg. 18, Proposed Draft)

The In-River Recreation discussion can be found in Section 5. Under C. Recreation, in Volume 1: Policies, Objectives and Recommendations (Vol. 1, Pt. 1, Page 56, Proposed Draft). The section identifies key issues and opportunities and suggests actions to achieve desired outcomes.

The River Plan / South Reach includes the following five objectives related to River Recreation:

Objective #7 – Study potential public swimming opportunities with amenities for families in the South Reach.

Objective #8 – Support public fishing opportunities in the South Reach.

Objective #9 – Upgrade existing boating facilities and create new boating facilities to make motorized and nonmotorized boating more accessible.

Objective #10 – Minimize the impacts of in-river boating and other recreational facilities on fish and wildlife habitat through facility design, improvements and public education.

Objective #10 – Develop and expand partnerships that promote and address boater education and safety and reduce conflicts between different watercraft and minimize the impacts of watercraft on shallow water habitat, riverbank erosion and floating structures.

The plan includes one or more recommendations to address each objective. Most of the in-river recreation recommendations are addressed in the Action Plan section. These include actions to build a boat launch at the SE Spokane Street right-of-way at the river, develop a swimming beach in an area that is recommended from a public swimming beaches study, and motorboat facility improvements, such as locating a fueling and pump out station and rebuilding the Sellwood Riverfront Park dock. *See Vol. 1, Pt. 2, pgs. 356-359 in the Proposed Draft for in-river recreation action items that implement the above objectives.*

However, there are a couple of other recommendations that are addressed through Zoning Map and Code provisions in the plan. These include a recommendation to apply the Open Space Comprehensive Plan Map and Zoning Map designation to property owned by Multnomah County and other public entities in the vicinity of the former Staff Jennings Marina Center site. This property is anticipated to be used for river/riverside recreation. *See Vol. 1, Pt. 2, pg. 213, Proposed Draft.*



The other is a Zoning Code recommendation for a development standard for new residential docks to limit the size and location of new docks and their impacts on shallow water habitat and threatened and endangered fish species in the Willamette River. (See Vol 1, Pt.2, pg. 61 in Proposed Draft).

Since the *River Plan/South Reach Proposed Draft* was released, the Planning and Sustainability Commission (PSC) held a public hearing and received testimony on February 25 and held work sessions on March 10, May 12 and May 26. The PSC has taken straw polls to support changes to river recreation in the following ways:

1. **Added new Action R9H** requested by OSMB to “Identify funding for recreational boating development, replacement or improvements to be implemented, operated and maintained by Portland Parks and Recreation or by another entity with guaranteed public access in perpetuity.” Timeframe: 6-20 years, Lead: PPR, Partners: OSMB, Private
2. **Updated Action R11C** as requested by Multnomah County – “Advocate for Multnomah County to ~~fund and reinstate~~ increase funding for the Multnomah County Sheriff’s River Patrol Unit to support, patrol and enforce activities, including in the Lower Willamette/South Reach area in 2020. (Timeframe, lead and partners the same as in plan.)
3. **Revised zoning code proposals** for new, significant repair and replacement of private residential docks to limit the size and location of new docks, reduce natural resource impacts of existing docks when significantly repaired and replaced.



ATTACHMENT 1: Key Government Agencies with River Recreation

STATE

Oregon State Marine Board (OSMB) serves Oregon's recreational boating public through education, enforcement access and stewardship for a safe and enjoyable experience. The OSMB makes and carries out rules related to boating safety; study, plan and recommend boating facility improvements, and publicizes safe boating, including providing boater education classes and requires boat licensing and fees. The OSMB is primarily funded by motorboat licensing and fees and the majority of that revenue supports grants for public boating facilities and law enforcement contracts.

Department of State Lands (DSL) is responsible for managing land under the state's ownership including navigable waterways like the Willamette River. Among its responsibilities, the DSL authorizes leases for commerce and recreational activities that are located on the Willamette River. For example, DSL reviews and permits leases for public and private docks, river-associated businesses, fishing and river recreation events. The agency is also responsible for removal-fill and wetlands conservation laws and associated permitting, managing mitigation banking and fee-in-lieu programs, and aquatic resources planning. Recent agency efforts with the OSMB and other partners on the Lower Willamette River include addressing live-aboard boaters who exceed the permitted camping allowance of 30 days at one location within a five-mile area and tackling derelict (unsafe) boats.

MULTNOMAH COUNTY

Multnomah County Sheriff's Office (MCSO) River Patrol Unit partners with the U.S. Coast Guard and others to provide safe commercial and recreational access and passage along waterways including the Willamette River. The unit enforces laws and search and rescue services, provides security protection to moorages, marinas and houseboat communities and responds to life threatening calls for services such as boat collisions, drownings and environmental hazards. The unit provides enforcement of boating rules.

CITY OF PORTLAND

Portland Harbor Master inspects the harbor and reports violations of City code, Fire Code and other laws respecting the use of wharves, docks, landings, vessels, watercraft or harbor to proper authorities of the city, county, state or U.S. government. One example, is Portland Title 28, floating structures building code rules. The Harbor Master, who is with Fire and Rescue, also coordinates with local, county, state and federal authorities who have authorities on the river on safe navigation and other waterway matters. The Harbor Master is also responsible for coordinating with other enforcement agencies like the MCSO, Portland Police Bureau and the USCG to respond to river-related emergencies.

Portland Parks and Recreation (PPR) responsibilities include planning for and providing public recreation facilities, programs, activities, and services for current and future community members. One aspect of these services relates to river recreation. PPR provides recreational boating facilities at some of its riverfront parks and has in recent years begun planning and coordinating with other agencies and organizations for public river swimming beaches. PPR coordinates with OSMB on boating facility upgrades through grants, and is an interested partner in advancing boater education and safety. It also coordinates with DSL on waterway leases and other DSL activities. The agency sets rules for its properties but does not set rules for boating in the river. PPR also completes master planning processes

with the public to plan specific improvements at its properties that are implemented through capital improvements program funding.

FEDERAL

The U.S. Coast Guard plays an important role in security and movement of vessels in the navigational channel of the Willamette River, is not a key agency in the South Reach because the USCG's primary geographic area of concern is the navigational channel in the central and north reach areas.

ATTACHMENT 2: Relevant River Recreation Comprehensive Plan Policies

Note: For a complete list of policies relevant to River Plan/South Reach, see Appendix A in Volume 1 of Proposed Draft.

Policy 3.11 Significant places. Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city. Consider these especially at:

- High-visibility intersections
- Attractions
- Schools, libraries, parks, and other civic places
- Bridges
- Rivers
- Viewpoints and view corridor locations
- Historically or culturally significant places
- Connections to volcanic buttes and other geologic and natural landscape features
- Neighborhood boundaries and transitions

Policy 3.4 All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

Policy 3.69 Historic and multi-cultural significance. Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally-permitted fish species

Policy 3.71 Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland's riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Goal 8.H: Parks, natural areas, and recreation. All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Policy 3.73 Habitat. Enhance the roles of the Willamette and Columbia rivers and their confluence as an ecological hub that provides locally and regionally significant habitat for fish and wildlife and habitat restoration opportunities.

Policy 3.76 River access. Enhance and complete Portland's system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

Policy 3.77 River management and coordination. Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection,

regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

Policy 3.81 Willamette River South Reach. Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

Policy 3.82 Willamette River Greenway. Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway. See Figure 3-9 — Willamette Greenway Boundaries.

Policy 8.95 Park planning. Improve parks, recreational facilities, natural areas, and the urban forests in accordance with relevant master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input. Consider development master or management plans for properties that lack guiding plans or strategies.

Policy 4.27 Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources, through application of zoning, incentive programs, and regulatory tools.

Policy 4.54 Cultural diversity. Work with Portland’s diverse communities to identify and preserve places of historic and cultural significance

Policy 4.77 Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

Policy 4.78 Access to nature. Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.

Policy 6.12 Economic role of livability and ecosystem services.

Conserve and enhance Portland’s cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

Policy 7.1 Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

Goal 7.B: Healthy watersheds and environment

Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

Policy 7.4 Climate change. Update and implement strategies to reduce carbon emissions and impacts and increase resilience through plans and investments and public education.

Policy 7.7 Water quality. Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the impacts of water quality on the health of all Portlanders.

Policy 7.8 Biodiversity. Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

Policy 7.9 Habitat and biological communities. Improve, or support efforts to improve, fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

Policy 7.19 Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.

Policy 7.33 Fish habitat. Provide adequate intervals of ecologically-functional shallow water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

Policy 7.36 South Reach ecological complex. Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City, to enhance the area as a functioning ecological complex.

Policy 7.39 Riparian corridors. Increase the width and quality of vegetated riparian buffers along the Willamette River.

Policy 7.41 River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

Goal 8.H: Parks, Natural Areas, and Recreation

All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Policy 8.95 Park planning. Improve parks, recreational facilities, natural areas, and the urban forest in accordance with relevant master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input. Consider developing master or management plans for properties that lack guiding plans or strategies.

Policy 8.97 Natural resources. Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

Policy 8.103 Public-private partnerships. Encourage public-private partnerships to develop and operate publicly-accessible recreational facilities that meet identified public needs

ATTACHMENT 3: A Few Key Planning References

Oregon's Statewide Land Use Planning Goals (1973) There are 19 state goals and guidelines on land use planning with topics like citizen involvement, housing, natural resources and the Willamette River Greenway. Achieved through local government comprehensive planning and zoning ordinances to implement the plans.

Willamette Greenway Plan (1987) This plan implements Statewide Planning Goal 15 for the City of Portland. Relevant key objectives include increasing public access to the river and reserving land for river-dependent and river-related recreational uses. The River Plan/South Reach is an update to this plan for the South Reach area.

2035 Comprehensive Plan (2016, amended 2020) Is the city's guiding planning and policy document for the future accommodation of population growth and development. It defines "River Pattern Areas" and includes river and recreation-related policies among others that are relevant to River Plan/South Reach. All plans and implementation projects/programs must be consistent with and implement the comprehensive plan.

Willamette River Recreation Strategy (2012), Portland Office of Healthy Working Rivers. This is a plan for public boating facilities along Portland's riverfront. It addresses motorized boating and light watercraft facilities, building off of existing facilities to plan for the future. This plan has informed the *River Plan/South Reach* for its information on existing facilities, boater input, issues, trends and guidance on future improvements. The strategy also includes best management practices for designing docks that minimizes impacts on fish and wildlife.

Willamette Park Redevelopment and Phasing Plan (2012), Portland Parks and Recreation. A long-term park concept and improvement plan. Includes improvements to the motorboat dock (Phase 1 completed) and a separate light watercraft launching area, with a layback of the riverbank, habitat restoration and a seasonal public swimming area (Phase 2 to be completed with funding).

ATTACHMENT 4: Urban Design Concept for Recreation



FIGURE 9. CELEBRATE A MIX OF