

## Ordinance No. 183694 As Amended

Adopt and implement the River Plan/North Reach. (Ordinance; amend Title 33 and amend the Comprehensive Plan and zoning maps)

The City of Portland Ordains:

Section 1. The Council finds:

### General Findings

1. Portland's *Comprehensive Plan* and its implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission (LCDC) in May 1981, and again on January 25, 2000 and updated as a result of periodic review in June 1988, March 1991 September 1992 and May 1995.
2. Oregon Revised Statutes (ORS) 197.640 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the Comprehensive Plan and land use regulations with State plans and programs.
3. On November 5, 1987, the City Council adopted the Willamette Greenway Update (Ordinance No. 160237) to provide the direction, policy and implementation measures in order to meet the requirements of Statewide Planning Goal 15, Willamette River Greenway.
4. On November 25, 1998 the Portland City Council (Resolution 35742) directed the Bureau of Planning to do a comprehensive update of the Willamette Greenway Plan and implementing regulations to address several legal and regulatory issues.
5. Significant changes have occurred since the Council adopted the Greenway Plan in 1987 including the following:
  - a. A 1994 U.S. Supreme Court case, *Dolan v. City of Tigard*, involving Tigard's trail requirements, provided for enhanced property rights protections. Governments must now ensure that required dedications are related and proportional to the impacts of the proposed development.
  - b. Willamette River spring Chinook salmon and Steelhead trout were listed as threatened under the Endangered Species Act in the late 1990s and Coho and Columbia River Chum salmon were added in 2005. The Act prohibits harming these species or their habitat and calls for actions to restore populations to sustainable levels. Pacific lamprey is currently under review for listing. On June 14, 2000, the City of Portland declared its intent to create a recovery plan for

salmon and trout listed under the federal Endangered Species Act based on a comprehensive framework (Resolution 35894)

c. On December 1, 2000, the U.S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) placed the river sediments within a 6.2 mile stretch of the North Reach on the National Priorities List. The Bureau of Environmental Services is the lead agency for the City (Resolution 35962). Since the designation, studies have been conducted to determine levels and locations of contamination, best clean-up methods, and parties to be held responsible for clean up costs. Uncertainty regarding the outcome of the investigation, assignment of liability and assessment of past damages to natural resources has left many properties in the North Reach vacant or underutilized, despite the demand for harbor area sites.

d. The 2002 U.S. Maritime Transportation Security Act, developed as part of homeland security protections, requires river-dependent industries that receive vessels that are of a certain size, carry certain substances, or that travel internationally, to establish facility security plans. These plans often restrict public access to and near these regulated facilities.

e. In 1998 and in 2005, Metro adopted Titles 3 and 13, respectively. These titles require local governments to reduce flood and landslide hazards, control soil erosion, protect water quality, and protect, conserve, and restore riparian corridors and wildlife habitat. The areas subject to these titles include those inundated in 1996.

f. In 2002 Metro added approximately 4,000 industrial acres to the urban growth boundary to accommodate the projected regional growth over the next 20 years and updated Title 4 to protect existing industrial land. The update designated most of the North Reach as a Regionally Significant Industrial Area and called for additional regulations to protect other industrial and employment lands.

g. On March 8, 2006 the Portland City Council (Resolution 36384) adopted *Actions for Watershed Health, the 2005 Watershed Management Plan* to promote watershed health goals. The resolution directs bureaus to consider the Watershed Management Plan guidance in all decisions related to planning, capital investments and other river-and watershed related actions.

h. In 2006 the state Land Conservation and Development Commission updated the administrative rule implementing Statewide Planning Goal 9 to require communities to have an adequate supply of employment land to meet growth expected in 20 years.

- i. The adopted natural resource inventory for the Willamette River is over 20 years old and out of date. Many of the natural resource areas that Metro and the City identified as being significant contributors to watershed health are not protected.
6. On March 21, 2001 the City Council endorsed the River Renaissance Vision (Resolution 35978) as a call to action for City government, businesses and industry, community organizations, neighborhoods and other agencies to revitalize the 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.
7. On December 8, 2004 the City Council adopted the River Renaissance Strategy (Resolution 36276) that called for the update of the Willamette Greenway Plan, established policy guidance and the following River Renaissance principles:
  - 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;
  - Allocate the responsibility for the costs and impacts of accomplishing the River Renaissance Vision among public and private stakeholders in an equitable way;
  - Develop meaningful measures to monitor progress and success;
  - Consider the effects of current decisions on future generations, to preserve their choices and opportunities, and to reduce future costs and liabilities;
  - Rely on civic leadership to demonstrate the River Renaissance approach through works, actions and public investments; and
  - Target investment to maximize benefits and spur innovation.
8. In 2005 the City of Portland adopted the Portland Watershed Management Plan that established new watershed health principles and goals for the City of Portland. The goals are to improve water quality, hydrologic functions and fish and wildlife habitat and populations.
9. The *Plan* was developed over a three and one half year period by the City of Portland Bureau of Planning and Sustainability in cooperation with other bureaus and agencies and with participation from residents, business persons and other interested citizens. The process included a Planning Commissioner-chaired River Plan Committee, stakeholder task groups and considerable general public outreach.
10. On April 26, 2006, the City Council endorsed the River Concept (Resolution No. 36405) as guidance for the development of the River Plan/North Reach.

11. On October 23, 2008 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
12. On November 14, 2008 notice of the proposal as required by ORS 227.186 was sent to all property owners potentially affected by proposed zoning map and code changes.
13. On December 9, 2008, January 13, 2009 and April 14, 2009 the Portland Planning Commission held public hearings on the Proposed River Plan / North Reach. In addition to these three hearings the Planning Commission held three briefings and five work sessions before voting to forward the River Plan / North Reach to City Council on June 23, 2009. Planning Commission also asked staff to advance several implementation components prior to any City Council hearings on the River Plan / North Reach.
14. From August – November 2009, Mayor Adams facilitated a stakeholder group to explore resolution to outstanding River Plan / North Reach issues.
15. On November 24, 2009 Planning Commission held a briefing to hear a staff report on River Plan / North Reach implementation components and to transmit the Recommended River Plan / North Reach to City Council for consideration.
16. On November 25, 2009 notice of the December 16, 2010 City Council public hearing was mailed to those who presented oral and written testimony at the Planning Commission public hearing. In addition, the City emailed notice of the hearing to its River Plan News email list.
17. On December 2, 2009 Mayor Adams decided to use the public hearing time to hold a town hall meeting. On December 11, the Bureau of Planning and Sustainability mailed postcards to about 5000 people notifying them that Mayor Adams would hold a town hall meeting on December 16, 2009 in lieu of a hearing and that the first City Council public hearing on the River Plan / North Reach would be held on January 28, 2010.
18. At the December 16, 2009 town hall, Mayor Adams announced that the hearing had been postponed to January 28, 2010.
19. On January 14, 2010 Mayor Adams decided to postpone the January 28, 2010 public hearing until February 17, 2010. On January 22, 2010, the City sent postcards and/or formal notices to about 5000 people to notify them of the new hearing date.
20. The recommended River Plan / North Reach updates the existing Willamette Greenway Plan to better meet local, state, and regional goals. It includes Comprehensive Plan Policies, objectives and recommendations.

21. These recommendations are consistent with the statewide planning goals, Metro's Functional Plan and the City's Comprehensive plan for the reasons stated in the findings in Exhibit D.
22. Implementation of the recommended River Plan / North Reach requires LCDC's approval of proposed changes to the Willamette Greenway boundaries within the North Reach before the River Plan becomes effective. The City has initiated the process necessary to seek LCDC's approval of the proposed Greenway boundary changes.
23. Implementation of this plan requires adoption of several administrative rules. These rules will be adopted prior to the date that the River Plan / North Reach becomes effective on January 1, 2011.
24. Implementation of the plan also requires use of scientific model to determine required off site mitigation. This model will be presented to City Council for a public hearing and approval prior to the date that the River Plan / North Reach becomes effective on January 1, 2011.
25. It is in the public interest that the recommendations contained in the *Plan* be adopted to serve as a guide to public and private decision making and investment in the Willamette River's North Reach.

NOW, THEREFORE, the Council directs:

- a. The River Plan / North Reach Recommended Draft, Volume 1A: Policies, Objectives, and Recommendation (excluding Appendix A and The Future of the North Reach), contained in Exhibit A, is hereby adopted.
- b. Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, is hereby amended as shown in Exhibit B, River Plan / North Reach Recommended Draft, Volume 1B: Code Amendments and Zoning Maps. The commentary shown in Exhibit B is adopted as legislative intent and further findings.
- c. Portland Comprehensive Plan Policy 2.7, The Willamette Greenway Plan, and Policy 8.11, Special Areas, are hereby amended as shown in Exhibit B.
- d. The Zoning Maps of the City of Portland are hereby amended as shown in Exhibit B.
- e. The Portland Comprehensive Plan map designation on the McCormick and Baxter site (located at 6900 N. Edgewater Street) is hereby amended from Industrial Sanctuary to Mixed Employment and the zoning is changed from IH to EG2 subject to the following conditions:
  1. Daily trip generation on the site is limited to 2,350 trips, and pm peak hour trips are limited to 395 trips.

2. Retail sales and service and office uses on the site are limited to 12,000 square feet.
- f. River Plan / North Reach Recommended Draft, Volumes 3A, and 3B, The Willamette River Natural Resource Inventory contained in Exhibit C are hereby adopted.
  - g. River Plan / North Reach Recommended Draft, Volume 3C: Economic, Social, Environmental and Energy Analysis and Recommendation for Riparian Corridors and Wildlife Habitat contained in Exhibit C and amended by City Council is hereby adopted.
  - h. The Findings Report contained in Exhibit D is hereby adopted as findings of fact.
  - i. The zoning maps contained in Exhibit E shall become effective on July 1, 2010 and shall replace zoning map 1/4 sections 2221, 2321 and 2322 contained in Exhibit B 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 a development agreement is not approved and signed by all parties by July 1, 2010, zoning map 1/4 sections 2221, 2321 and 2322 contained in Exhibit B shall remain in effect and the zoning map contained in Exhibit E shall have no force and effect.

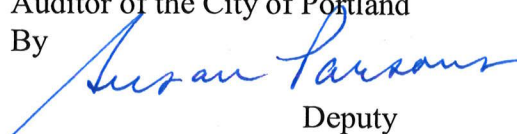
Section 2. This Ordinance shall be in full force and effect on January 1, 2011.

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: APR 15 2010

Mayor Sam Adams  
Sallie Edmunds  
April 8, 2010

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

  
Deputy



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Agenda No.  
**ORDINANCE NO. 183694** As Amended  
 Title

Adopt and implement the River Plan/North Reach. (Ordinance; amend Title 33 and amend the Comprehensive Plan and zoning maps)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>FEB 11 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz <i>[Signature]</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i>	<b>ACTION TAKEN:</b> FEB 17 2010 <b>CONTINUED TO</b> MAR 24 2010 <b>2 P.M.</b> TIME CERTAIN MAR 24 2010 <b>RESCHEDULED TO</b> APR 01 2010 <b>2 P.M.</b> TIME CERTAIN APR 01 2010 <b>PASSED TO SECOND READING</b> APR 15 2010 <b>2 P.M.</b> <b>As Amended</b>
Prepared by: Sallie Edmunds Date Prepared: 02/10/2010	
<b>Financial Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date Feb. 17, 2010	
<i>[Signature]</i> <b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 6 pm</b>  <b>Total amount of time needed: 4 hours</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

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