



City of Portland
Bureau of Development Services
Land Use Services Division

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**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL
ON A GREENWAY GOAL EXCEPTION AND COMPREHENSIVE PLAN
AMENDMENT**

CASE FILE: LU 09-160242 GE CP
WHEN: Wednesday April 28, 2010 at 2:00 PM
WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Date: April 5, 2010
To: Interested Person
From: Stacey M Castleberry Land Use Services, (503) 823-7586

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Greenway Goal Exception and Comprehensive Plan Amendment. On March 17, 2010, the Hearings Officer issued a recommendation of approval (with conditions) of the requested Greenway Goal Exception and Comprehensive Plan Amendment. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the zoning maps and site plan are attached. I am the staff person handling this case - please contact me with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

Applicant: Multnomah County Bridge Division Attention: Michael Eaton 1403 SE Water Ave Portland, OR 97214 (503) 988-3757 x 247	Representative: Michael Hoffman, CH2M Hill 2020 SW 4th Ave, Suite 300 Portland, OR 97201 (503) 736-4035
Owners: City of Portland 1221 SW 4th Ave #140 Portland, OR 97204	City of Portland 1120 SW 4th Avenue, #1204 Portland, OR 97204-1912
City of Portland Bureau of Parks and Recreation 1120 SW 5th Avenue, #1302 Portland, OR 97204-1933	City of Portland BES Facilities 1120 SW 5th Avenue, #1000 Portland, OR 97204-1912
TriMet 710 NE Holladay Street Portland, OR 97232	Riverview Cemetary Assoc 8421 SW Macadam Avenue Portland, OR 97219-3044
Mildred Barbour 7080 SW 76th Avenue Portland, OR 97223-7485 Macadam Bay, INC. 1400 SW 5th Avenue, #770 Portland, OR 97201-5542	FMC Properties 7524 SW Macadam Avenue Portland, OR 97219-3017

Site Address: Sellwood Bridge and Vicinity

Legal Description: TL 4900 BLOCK M, FULTON PK; LOT 1&2, WILLAMETTE OAKS PK; LOT 3-6, WILLAMETTE OAKS PK; LOT 10&11, WILLAMETTE OAKS PK; TL 300 0.32 ACRES, SECTION 22 1S 1E; TL 500 0.15 ACRES, SECTION 22 1S 1E; TL 4500 0.91 ACRES, SECTION 22 1S 1E; TL 400 0.24 ACRES, SECTION 22 1S 1E; TL 100 2.58 ACRES SPLIT MAP R330344 (R991220930), SECTION 22 1S 1E; TL 4600 0.36 ACRES, SECTION 22 1S 1E; TL 200 5.55 ACRES, SECTION 22 1S 1E; TL 5000 1.52 ACRES, SECTION 22 1S 1E; TL 4800 1.07 ACRES SPLIT MAP R330342 (R991220910), SECTION 22 1S 1E; TL 4700 0.32 ACRES SPLIT MAP R330329 (R991220770), SECTION 22 1S 1E; TL 100 181.25 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 27 1S 1E; TL 200 3.02 ACRES, SECTION 27 1S 1E; TL 300 1.18 ACRES, SECTION 27 1S 1E

Tax Account No.: R300406940, R913700010, R913700050, R913700190, R991220080, R991220090, R991220470, R991220490, R991220770, R991220790, R991220860, R991220890, R991220920, R991220930, R991270010, R991270710, R991270770, R991220470

State ID No.: 1S1E22AC 04900, 1S1E22AC 02600, 1S1E22AC 02700, 1S1E22AC 03100, 1S1E22DB 00300, 1S1E22DB 00500, 1S1E22AC 04500, 1S1E22DB 00400, 1S1E22D 00100, 1S1E22AC 04600, 1S1E22DB 00200, 1S1E22AC 05000, 1S1E22AC 04800, 1S1E22AC 04700, 1S1E27 00100, 1S1E27A 00200, 1S1E27A 00300, 1S1E22AC 04500

Quarter Section: 3730, 3830, 3831

Neighborhood: Sellwood-Moreland, contact Mat Millenbach at 503-239-1134. South Portland NA., contact Jim Davis at 503-248-9820.

Business District: None

District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010. Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Macadam Plan District

Other Designations: Macadam Design District

Zoning: CG, CS, OS, R5, d, g, q, r, c, p, s -General Commercial, Storefront Commercial, Open Space, Residential 5,000 base zones with the Design, Greenway Water Quality, Greenway River General, Greenway River Recreational, Environmental Conservation, Environmental Protection, and Scenic Resources overlay zones.

Case Type: GE CP—Willamette River Greenway Goal Exception and Comprehensive Plan Amendment

Procedure: Type III, with a public hearing before the Hearings Officer, who will make a recommendation to City Council. City Council will make the final decision.

Proposal: The City of Portland Zoning Code requires that development within the Willamette Greenway setback be either river-dependent or river-related (33.440.210 C.2). A Greenway Goal Exception is required for development that is not river dependent or river related.

The Zoning Code defines bridges supported by piers or pillars, as opposed to fill, as river-dependent; and bridge exits and entrance ramps supported by piers or pillars, as opposed to fill, as river related (33.910.030). Bridges and ramps supported by fill are not river-dependent or river-related. Entrance and exit ramps for the replacement Sellwood Bridge are proposed to be constructed on fill in some areas, and require a Greenway Goal Exception where this fill is to be placed within the greenway setback. The applicant, Multnomah County, therefore seeks a Greenway Goal Exception and Comprehensive Plan Amendment to allow placement of fill within the Willamette River Greenway setback area.

This application for Greenway Goal Exception and Comprehensive Plan Amendment is the first phase of the local land use review process. At a future time, following advanced engineering design, the applicant will apply for approval of development-specific Greenway, Environmental, and Design review. Those land use reviews are not part of the current application.

Project Background: This application for this Greenway Goal Exception/Comprehensive Plan Amendment is limited to the review of placing fill within the Greenway Setback: the Sellwood Bridge replacement project as a whole does not require a Greenway Goal Exception/Comprehensive Plan Amendment. Still, for a complete understanding of this

application, it is helpful to understand the project and its background in full, as described below by the applicant.

The existing Sellwood Bridge is structurally deficient and functionally obsolete and must be replaced. The bridge has inadequate structural integrity to safely accommodate various types of heavy vehicles (including transit vehicles, trucks, and emergency vehicles) and to withstand moderate seismic events. The bridge does not meet current seismic standards.

In June 2003, cracks in both the east and west concrete approaches of the existing bridge were discovered and subsequently restrained with external steel clamps. In 2005, the weight limit for vehicles travelling across the bridge was reduced from 32 tons to 10 tons. This limit caused the diversion of truck traffic and 94 daily Tri-Met bus trips, which formerly crossed the bridge. Before the weight restriction was imposed, bus usage across the bridge was substantial and served many travel markets, including those between the Sellwood, Westmoreland, and Milwaukie areas and southwest Portland and the city center. Since the weight restriction, the bus routes have been rerouted, making the use of public transportation between these key markets unattractive.

In May 1999, Metro made recommendations for the *South Willamette River Crossing Study*, which included the Sellwood Bridge. The study, initiated by Metro's Joint Policy Advisory Committee on Transportation, identified needed improvements for cars, transit, bikes, and pedestrian traffic crossing the Willamette River between southeast Portland and Oregon City.

The Sellwood Bridge Project was listed on the Metro 2004 RTP financially constrained list for RTP program years 2004 to 2009. In November 2008, the Sellwood Bridge Project Draft Environmental Impact Statement (DEIS) was released to the public. Formal comments on the document were collected through December 22, 2008. In February 2009, the Policy Advisory Group selected a Locally Preferred Alternative (LPA), based on the recommendations of the public and the project's Community Task Force.

Project Description: As noted earlier, this application for a Greenway Goal Exception and Comprehensive Plan Amendment is explicitly for the approval of placing fill within the Greenway Setback. Therefore, the Sellwood Bridge "project" discussed in this application relates only to areas within the Greenway setback where fill is being proposed. Subsequently, the "project site" of this proposal is limited to the areas within the Greenway Setback where fill is proposed, not the greater Sellwood Bridge Project area that will be reviewed by the City in later, development-specific land use reviews. The project description provided herein describes the bridge project in full for informational purposes only.

Multnomah County is proposing to place fill within the Greenway setback for the purpose of enabling the replacement of the existing Sellwood Bridge with a new bridge and the reconfiguration of the existing interchange area at Oregon Highway 43 just west of the western bridgehead. The entirety of the Sellwood Bridge Project "Locally Preferred Alternative" will contain the following elements:

- A new bridge will replace the existing bridge;
- The centerline of the new alignment will be approximately 15 feet south of the existing Tacoma Street centerline to allow for continuous traffic flow at the crossing throughout construction;
- The east end intersection of Tacoma Street and SE 6th Avenue will have a pedestrian-actuated (controlled) signal;
- The west end traffic interchange with Highway 43/Macadam Avenue will be signalized (stop light);
- The bridge span over the Willamette River will be 64 feet wide or less, containing two traffic lanes, two shoulder/bike lanes, and two pedestrian sidewalks, and a streetcar line;
- The existing Willamette Shoreline trolley line will be relocated eastward; and
- An 18-foot wide multi-use trail (14-foot paved; two 2-foot shoulders) will be constructed from the new bridge north to SW Miles Street. The trail will be located along the east side of the trolley line.

Two bridge types are under consideration: Concrete Box girder and Deck Tied Arch. The existing river crossing has five piers within the ordinary high water (OHW) elevation. The new bridge type would have either 4 piers (concrete box girder) or 6 piers (deck-tied arch) within the OHW elevation. The bridge span will be large enough to provide the required 200 feet of horizontal navigation clearance.

The new bridge for the Locally Preferred Alternative would be located on the existing alignment extended south. The new Sellwood Bridge structure will require the placement of fill within the Willamette River Greenway setback area to raise the bridge approach to the bridge deck span and associated roadway connection ramps.

Reconstruction of the interchange at the west approach of the bridge would include expanding the roadway embankments, replacing the existing pavement, and constructing new ramps and interchange structures. Multiple bridge structures are assumed necessary to support the ramps in the west-side interchange within an identified slide escarpment. Outside of the existing landslide area, typical construction materials and structures are assumed.

The placement of fill within the Willamette River Greenway setback area will also be required for the construction of an 18-foot-wide multi-use trail and the relocation of the Willamette Shoreline trolley right-of-way located just east of Highway 43 (SW Macadam Avenue).

Although the project will necessitate the placement of fill in specific locations, on balance, direct project actions will result in a net reduction of fill in the Greenway setback area. This is primarily the result of significant excavations to lower SW Macadam Avenue in the interchange area, lower the trolley line underneath the main bridge stem and bridge approach, and to lower the trolley line and Staff Jennings/Powers Marine Park driveway underneath SW Macadam Avenue.

The estimated amount of fill and excavation associated with the LPA in the Greenway setback, is summarized as an overall net cut of 36,615 cubic yards of soil for the multi-use trail, the Sellwood Bridge and approaches, and the Trolley line relocation.

There will be no fill placed in the Greenway setback on the east side of the Willamette River.

There will be no fill placed riverward of the Greenway setback on either side of the Willamette River.

Requested Goal Exception and Plan Amendments: The Sellwood Bridge Project entails development within the Willamette River Greenway setback area that includes uses, such as bridge approaches on fill, that are neither river-dependent or river related. For this reason, an exception to Statewide Planning Goal 15, Willamette River Greenway, is required. The regulations governing exceptions to statewide planning goals are set out in OAR 660, Division 4.

As with Goal 15, the City's Willamette Greenway Plan considers bridge approach ramps constructed on fill to be neither river-dependent nor river-related. To proceed with constructing bridge approach ramps on fill within the Greenway Setback, a Greenway Goal Exception is required.

Applicable Review Procedures and Standards: Under Portland Code Section 33.440.330, a Greenway Goal Exception and Comprehensive Plan Amendment is processed as a Type III procedure and must be approved by City Council.

It should be noted that, although this application is requesting an amendment to the City's Comprehensive Plan (by way of an exception to the Willamette Greenway Plan), this application is not requesting a change to the map designations of the Comprehensive Plan. Rather, this application seeks an exception providing reasons why the restriction in Goal 15 and the City's Greenway Goal implementing regulations on non river-related/dependent development within the Greenway Setback should not apply to the placement of fill within the Greenway Setback proposed as part of the Sellwood Bridge Project.

Approval Criteria

The Willamette Greenway Plan is implemented through the application of regulations found in Chapter 33.440 of the City of Portland Zoning Code (Greenway Overlay Zones). Greenway Goal Exception approval criteria are specifically found in **33.440.360 B**. However, additional requirements are specified by the Zoning Code for Statewide Goal Exceptions, in chapter **33.850**, as listed below. This application must address the following regulations that are applicable to the taking of the Greenway Goal Exception:

- Statewide Goal Exception (**Zoning Code 33.850.040**)
- State Exception to State Goal 2: Land Use Planning (**OAR Division 4; 660-004-0022(6)**)
- Greenway Goal Exception (**Zoning Code 33.440.360**)
- Comprehensive Plan Amendment (**Zoning Code 33.810.050**)

As part of the approval criteria for the **Comprehensive Plan Amendment**, the relevant goals and policies of the following must be addressed:

- City of Portland Comprehensive Plan.
- **State Land Use Goals.** The State Land Use Goals are available at www.lcd.state.or.us.
- **Metro Urban Growth Management Functional Plan** www.metro-region.org under 2040 Growth Concept. .
- As part of the approval criteria, address the relevant goals and policies of the neighborhood and community plans. The applicable plans for this property are:
 - Corbett, Terwilliger, Lair Hill Policy Plan (CTLH)
 - Southwest Community Plan

DECISION MAKING PROCESS

Review of the Case File: The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact the receptionist at 503-823-7617 to schedule a time to review the file. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at www.ci.portland.or.us

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97201.

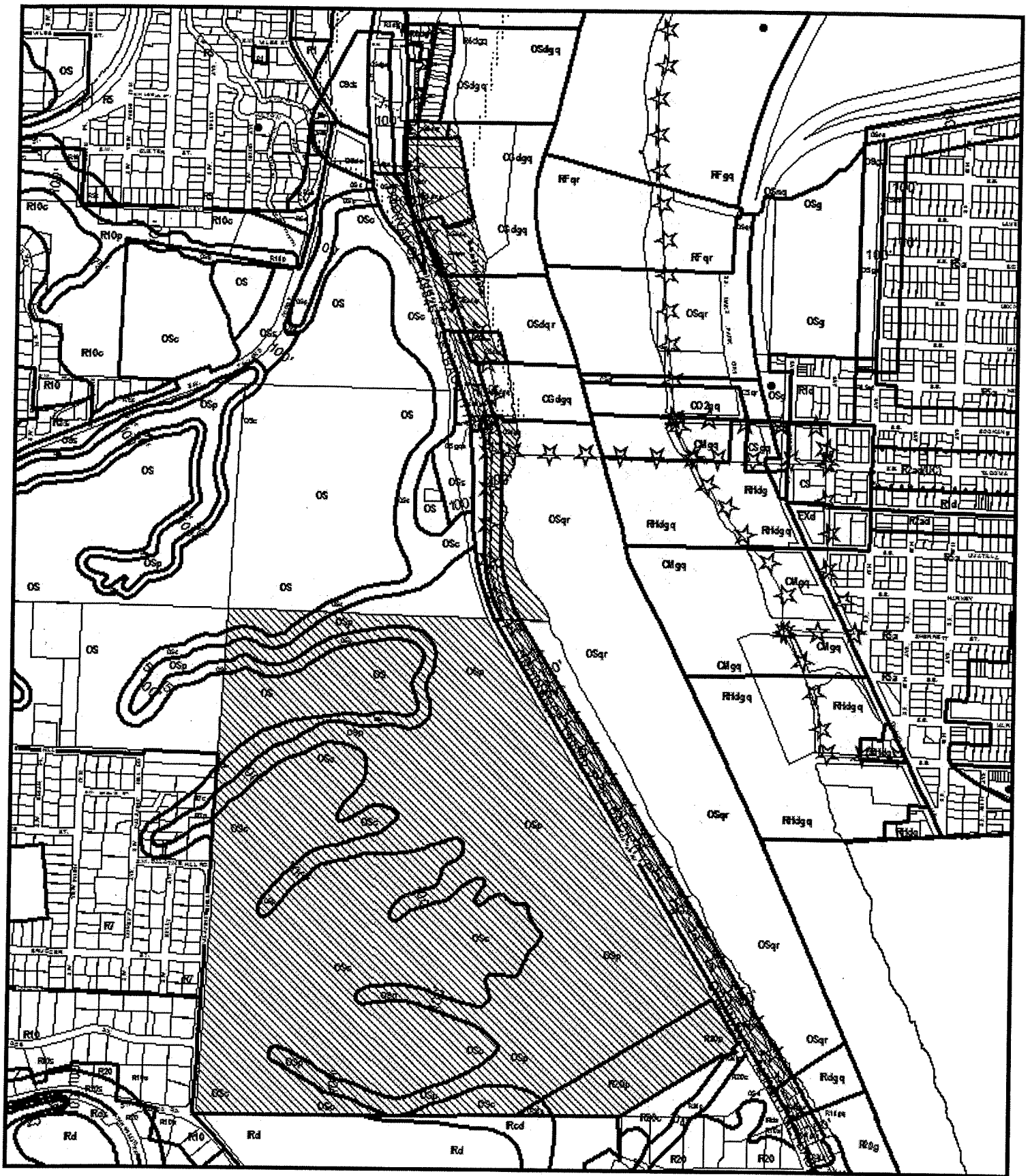
APPEAL PROCESS

The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or www.trimet.org/routes_times.htm) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

Attachments:

1. Zone Map
2. Site Plan
3. City Council Hearing Process

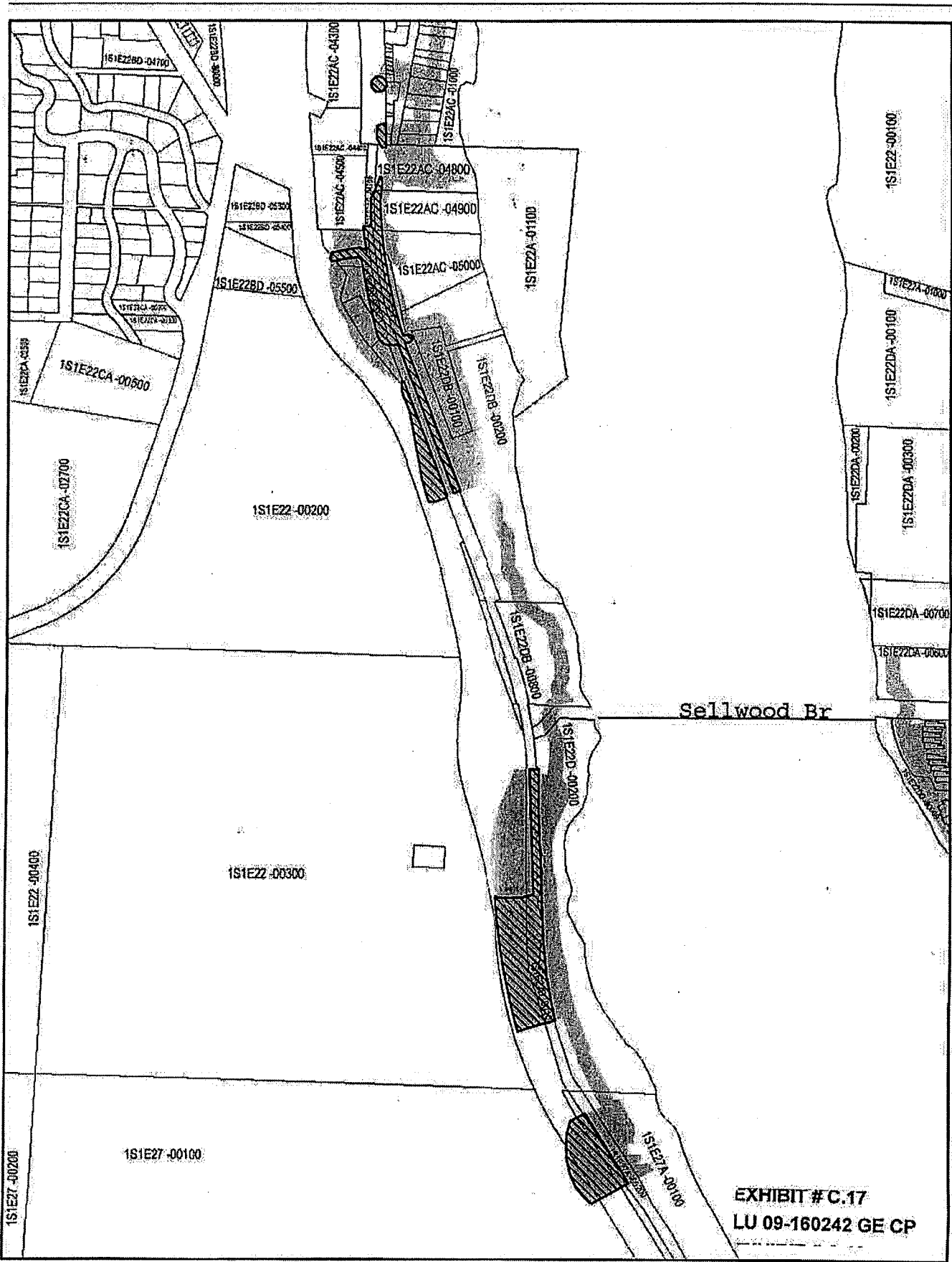


ZONING

 Site






File No. LU 09-160242 GE_CP
 3730, 3829, 3830, 3929, 3930,
 3931, 4029, 4030, 4031
 1/4 Section
 Scale 1 inch = 800 feet
 State_Id 1S1E27 100
 Exhibit B (Dec 30, 2009)

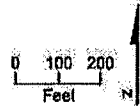


Sellwood Br

EXHIBIT # C.17
 LU 09-160242 GE CP

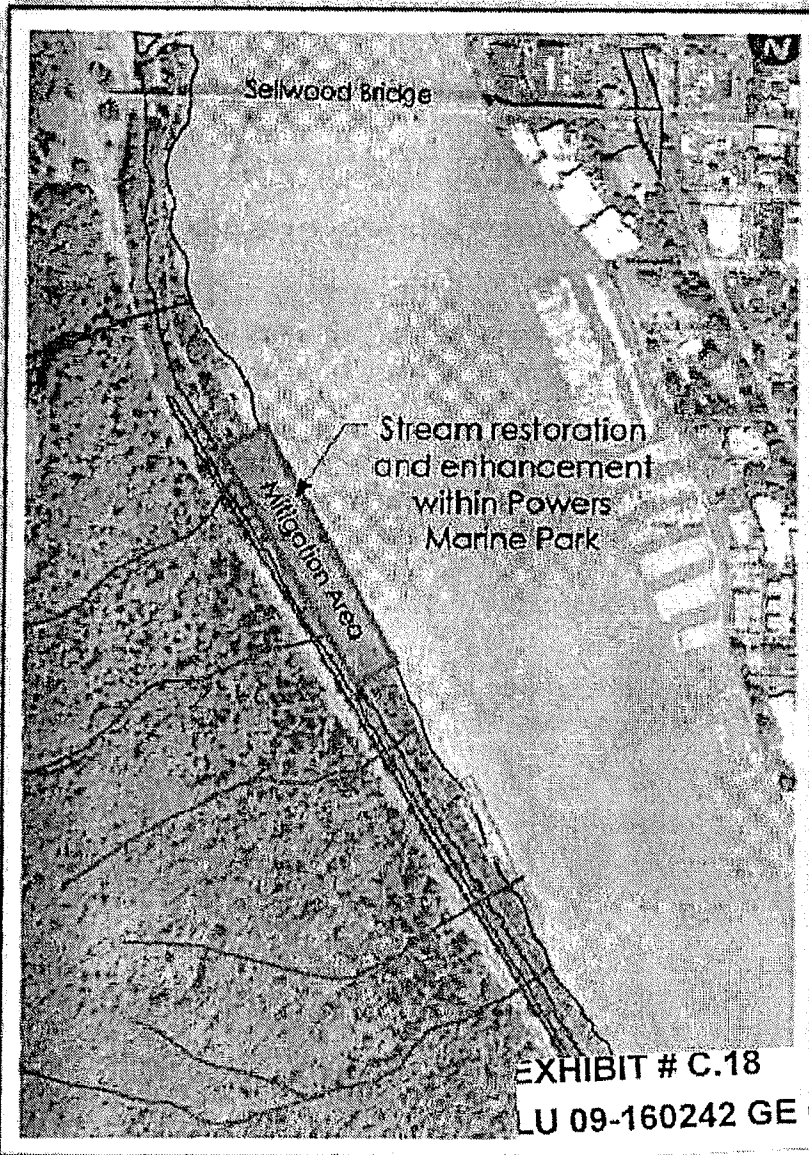
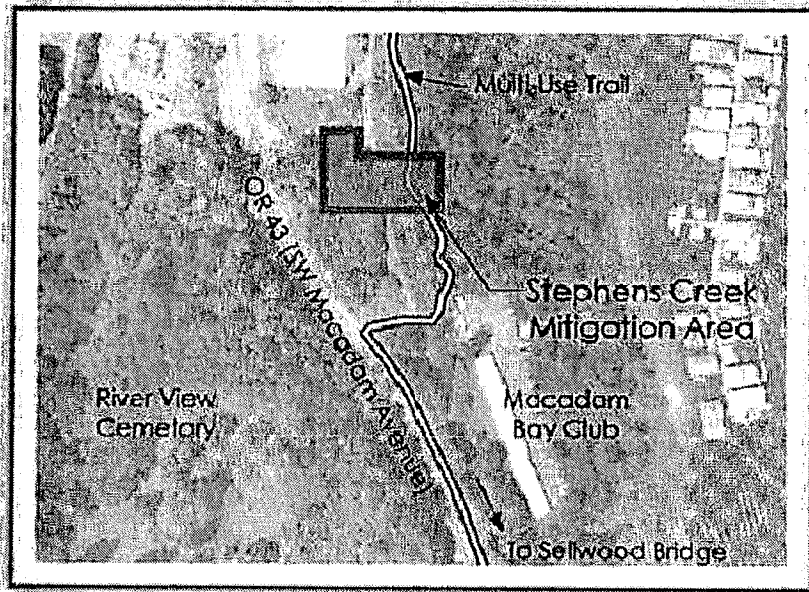
LEGEND

-  Site
-  (Areas of fill within Greenway Setback)
-  Greenway Setback, 50 to 200 Feet



Project Site
 Greenway Goal Exception Application
 City of Portland

tion Areas at Willamette Moorage and Powers Marine Parks



**GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR
EVIDENTIARY/DE NOVO HEARINGS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.