MEMO

May 26, 2009

TO: Portland Planning Commissioners
FROM: Sallie Edmunds, River Planning Manager
SUBJECT: Supplemental Packet for the River Plan / North Reach

Last week you received a packet with discussion topics to be presented and discussed at today’s Planning Commission meeting. This supplemental packet includes amendments and additions to several topics in that packet and a revised recommendation for Industrial-Residential Interface. Enclosed is supplemental material for the following topics:

1. Conservation and Protection Overlay Zones – Revised cover sheet and zoning maps
2. River Restoration Program – Revised cover sheet
3. River Environmental /Other Code Issues – Revised cover sheet and example illustrations
4. Contaminated Sites – Revised cover sheet and background information
5. Industrial-Residential Interface – Revised packet as a follow up to the May 12, 2009 Planning Commission meeting.

Additions are underlined and deletions are denoted with a strikethrough.
River Plan / North Reach
Planning Commission Work Session
Responses to comments on the Proposed Draft
May 26, 2009

Comments and responses submitted for all Planning Commission public hearings are attached. Please see Sections 2.a and 3.b for comments and responses submitted for the April 14, 2009 hearing.

TOPIC: Conservation and Protection Overlay Zones (revised cover sheet with attached zoning maps)

1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC: The conservation and protection overlay zone comments relate to the location and extent of the proposed overlay zones on specific properties along the Willamette Bluff. Related comments pertain to Special Habitat Areas, the relationship between the draft Willamette River NRI and ESEE to the proposed conservation and protection overlay zones, and the application of the protection overlay zone to land within 50 feet of open stream channels and wetlands.

2. STAFF PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

a. Amendments for Discussion with Planning Commission

Staff proposes amendments as outlined below. Related comments and responses are attached.

Revised Amendment 1: Staff has made proposed modifications to the Willamette Bluff Special Habitat Area (SHA) to more accurately map steep slopes and trees located at the top and toe of the slope using new GIS data. This is the data used to apply the environmental protection overlay zone to the majority of the Willamette Bluff SHA, therefore there will be changes to the overlay zone boundaries to reflect changes to the SHA. Please see attached maps #2324, #2325, #2326, #2327, and #2527.
RELATED COMMENTS: #16, #68, #155, #156, #157, #158, #176, #357, #372, #418, #424

Planning Commission preliminary decision on Revised Amendment 1.

☐ Support ☐ Other action: ____________________________________________

Amendment 2: Staff proposes to amend the location of the proposed environmental protection zone on Kathleen Anderson's lot and on another parcel that was identified by Bureau of Development Services staff (R342108). The amendments allow for developable area.
RELATED COMMENTS: #153, #179

Planning Commission preliminary decision on Amendment 2.

☐ Support ☐ Other action: ____________________________________________
Amendment 3: Staff proposes to make minor refinements to the location of the proposed environmental
conservation overlay zone in the vicinity of N. Reno and N. Decatur streets and on John Soares’ parcel.
The refinements more accurately reflect the location of trees. RELATED COMMENTS: #151, #177

Planning Commission preliminary decision on Amendment 3.

☐ Support ☐ Other action: __________________________

New Amendment 4: Staff proposes to amend the proposed environmental protection overlay zone on
Portland Parks and Recreation property in the vicinity of N Willamette Blvd and N Jessup St, to apply a
conservation overlay zone to the flatter portion of ‘Overlook Bowl’. This is consistent with the staff
recommendation to apply a protection overlay zone to the most steeply sloped (approximately 20% and
greater slope) portions of the Willamette Bluff Special Habitat Area (SHA) and to trees located at the top
and bottomed of the slope. A conservation overlay zone is recommended for flatter portions of the
Willamette Bluff SHA because these areas are part of the 7-mile wildlife connectivity corridor but do not
pose as significant a landslide risk as steeper portions of the bluff. Please see attached map #2427.
RELATED COMMENTS: #418, #424

Planning Commission preliminary decision on New Amendment 4.

☐ Support ☐ Other action: __________________________

b. Minor Amendments

   Minor amendments are included in the staff response section of each comment.

2. No comments were submitted for the April 14, 2009 hearing.

c. Technical Amendments

No technical amendments are proposed.

3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS

a. Comments and responses submitted for the December 9, 2008 and January 13, 2009
   hearings.

b. Comments and responses submitted for the April 14, 2009 hearing.

Planning Commission preliminary decision on comments or amendments related to 2.b., 2.c., or 3.

☐ Support ☐ Other action: ____________________________________
River Plan/North Reach Proposed Zoning

Bureau of Planning - City of Portland, Oregon

i = River Industrial Zone

g* = River General Zone

r* = River Recreational Zone

e = River Environmental Zone

c = Environmental Conservation Overlay

p = Environmental Protection Overlay

Public Trail

 Ordinary High Water Mark (O.H.W.M.)

= area between arrows

City Boundary

October 28, 2008

Map 1/4 Section 2325
River Plan/North Reach Proposed Zoning
Bureau of Planning - City of Portland, Oregon

i = River Industrial Zone
g* = River General Zone
r* = River Recreational Zone
c = River Environmental Zone
p = Environmental Conservation Overlay
= Environmental Protection Overlay
Public Trail
Ordinary High Water Mark (O.H.W.M.)
--- = area between arrows

October 28, 2008

Map 1/4 Section 2327
River Plan/North Reach Proposed Zoning
Bureau of Planning - City of Portland, Oregon

i = River Industrial Zone
g* = River General Zone
r* = River Recreational Zone
e = River Environmental Zone
c = Environmental Conservation Overlay
p = Environmental Protection Overlay
= Public Trail
Ordinary High Water Mark (O.H.W.M.)
area between arrows

October 28, 2008

Scale (Feet)

City Boundary

Map 1/4 Section 2527
River Plan/North Reach Proposed Zoning
Bureau of Planning - City of Portland, Oregon

i = River Industrial Zone
g* = River General Zone
r* = River Recreational Zone
e = River Environmental Zone
c = Environmental Conservation Overlay
p = Environmental Protection Overlay
Public Trail
Ordinary High Water Mark (O.H.W.M.)
= area between arrows

October 28, 2008

Map 1/4 Section 2427
River Plan / North Reach
Planning Commission Work Session
Reponses to comments on the Proposed Draft
May 26, 2009

Comments and responses submitted for all Planning Commission public hearings are attached. Please see Sections 2.b.2 and 3.b for comments and responses submitted for the April 14, 2009 hearing.

TOPIC: River Restoration Program (revised cover sheet)

1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC: The comments reflect broad support for the River Restoration Program but also a strong desire for cost and revenue estimates, a feasibility study, a funding strategy and a monitoring mechanism. One commenter misinterpreted the River Restoration Program as one that was intended to allow the City to meet its environmental obligations at industry's expense. Many other comments that relate to the River Restoration Program also relate to in lieu fees. See the handout titled "Recommended amendments to proposals that include a fee-in-lieu option", dated February 24, 2009.

2. STAFF-PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

a. Amendments for Discussion with Planning Commission

Staff proposes amendments as outlined below. Related comments and responses are attached.

Amendment 1: Amend the Action Agenda for Watershed Health to include additional information about the restoration sites including the estimated cost to acquire, restore and manage the sites, to include the Department of State Lands as the owner of the in water portion of sites and additional information such as prioritization and clean up costs as available.

RELATED COMMENTS: #29, #65, #89, #248, #258, #268, #285, #298, #342

Planning Commission preliminary decision on Amendment 1.

☐ Support ☐ Other action: __________________________

Amendment 2: Amend Volume 1A to provide more detail about the proposed River Restoration Program, and develop a work plan to put the program in place.

RELATED COMMENTS: #37, #184, #246, #280, #354, #369

Planning Commission preliminary decision on Amendment 2.

☐ Support ☐ Other action: __________________________
**Amendment 3:** Amend Volume 1A Action Agenda and Map 6 to add Cathedral Park as a proposed restoration site and delete Terminal 1 Cove. Additional opportunity sites, other than the 20 sites currently proposed, may be identified in the future.

**RELATED COMMENTS:** Staff-initiated amendment

Planning Commission preliminary decision on Amendment 3.

☐ Support   ☐ Other action: ____________________________

**b. Minor Amendments**

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Minor amendments are included in the staff response section of each comment.

2. Comments and responses submitted for the April 14, 2009 hearing. Minor amendments are included in the staff response section of each comment.

**c. Technical Amendments**

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Technical amendments are included in the staff response section of each comment.

2. No comments were submitted for the April 14, 2009 hearing.

**3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS**


b. Comments and responses submitted for the April 14, 2009 hearing.

Planning Commission preliminary decision on comments or amendments related to 2.b., 2.c., or 3.

☐ Support   ☐ Other action: ____________________________
River Plan / North Reach
Planning Commission Work Session
Responses to comments on the Proposed Draft
May 26, 2009

Comments and responses submitted for all Planning Commission public hearings are attached. Please see Sections 2.a, 2.c, and 3.b for comments and responses submitted for the April 14, 2009 hearing.

TOPIC: River Environmental Overlay Zone and Other Code Issues (revised cover sheet)

1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC:

Many of the comments in these topic areas are focused on the proposed restoration standard, the river environmental overlay zone mitigation criteria, and the costs for complying with the restoration and mitigation requirements off-site (in-lieu fees). Some of the comments express concern that, overall, the in-lieu fees are too high and worry that the fees will inhibit development. Other comments suggest that the in-lieu fees are too complicated. Some comments include alternative proposals such as a single in-lieu fee or a multi-tier fee in exchange for meeting the restoration standard and going through river review. Other alternatives include capping or scaling the restoration in-lieu fee.

On the other hand, some suggested that the in-lieu fees are too low, and will not cover the cost of mitigation for impacts caused by development or provide enough revenue for the River Restoration Program. At least one comment points out that the cost for land acquisition is not factored into the cost for the in-lieu fee. Some requested more information about the restoration costs before providing support for the in-lieu fees.

Some of the comments are related to mitigation ratios and whether mitigation on-site is a higher priority than off-site mitigation at one of the restoration sites. Other comments are focused on particular river environmental overlay zone exemptions, development standards or river review approval criteria. The exemption for dredging generated several comments from stakeholders and several stakeholders commented on the process for providing site-specific information about natural resources during a review.

Some comments focus on the wording of the proposed code, consistency with other code sections and clarification of intent. The bulk of these comments come from the Bureau of Development Services.

Several comments recommend eliminating the requirement that the applicant pay a fee if the river bank is not bioengineered and instead provide an incentive for property owners to include bioengineering rather than rock armoring.

2. STAFF PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

   a. Amendments for Discussion with Planning Commission

   Staff proposes amendments as outlined below. Related comments and responses are attached.
New Amendment 1: Staff have revised and expanded the conceptual framework for assessing mitigation through river review, and have created two options to be considered for replacing the river bank restoration standard. The amendments to the mitigation approval criteria are described in the attached handout titled "Mitigation: How much mitigation is enough?". The options for replacing the river bank restoration standard are described in the two attached handouts titled "Option 1: Revegetation and Mitigation", and "Option 2: Tiered Mitigation".

Staff recommends that the Planning Commission support Option 1. The reasons for the staff recommendation include:

1. Option 1 will be easier to implement because it is similar to other zoning code standards and seems more objective than Option 2;

2. Option 1 will allow applicants to get credit for existing vegetation but Option 2 will not;

3. Option 1 includes a cap that is limited by project value versus Option 2 which is based on the size of impact area. With Option 2 several stakeholders expressed concern that low value projects with large impact area will be subject to a substantial mitigation requirement and they view that as a penalty; and

4. The cost for compliance with Option 1 is more predictable than with Option 2.

<table>
<thead>
<tr>
<th>Planning Commission preliminary decision on New Amendment 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Support       ☐ Other action: ________________________________</td>
</tr>
</tbody>
</table>

New Amendment 2: Amend the river environmental overlay zone exemptions for dredging so that it exempts dredging in the federal navigation channel, and dredging outside the navigation channel when the dredging occurs in water that is already 35 feet deep or deeper (i.e. dredging that is proposed in water that is less then 35 feet deep will not be exempt from the regulations). In addition, the maintenance of existing slips and berths will be exempt if the U.S. Army Corps of Engineers has approved the maintenance plan. This amendment was drafted with the input of the Bureau of Environmental Service, the Portland Development Commission, the Port of Portland and the Working Waterfront Coalition.

<table>
<thead>
<tr>
<th>Planning Commission preliminary decision on New Amendment 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Support       ☐ Other action: ________________________________</td>
</tr>
</tbody>
</table>

b. Minor Amendments

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Minor amendments are included in the staff response section of each comment.

2. No comments were submitted for the April 14, 2009 hearing.

c. Technical Amendments

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Technical amendments are included in the staff response section of each comment.
2. Comments and responses submitted for the April 14 hearings. Technical amendments are included in the staff response section of each comment.

3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS


   b. Comments and responses submitted for the April 14, 2009 hearing.

<table>
<thead>
<tr>
<th>Planning Commission preliminary decision on comments or amendments related to 2.b., 2.c., or 3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Support □ Other action: ___</td>
</tr>
</tbody>
</table>
Option 1 – Revegetation

Scenario 1a
New building encroaches into wooded floodplain
Site: 10 acres
Project Value: $7 million

Revegetation in lieu fee
435,600 sq. ft. x .15 x $5.70/sq. ft. $437,778
Fee Cap = Project Value x 1% or 200,000 $70,000

Mitigation in lieu fee *
Land: 3,000 sq. ft. x $11.20/sq. ft. $33,600
Water: None $0

Total project in lieu fees $103,600
Percent of project value 1.48%

* This example assumes 100 percent loss of all functional values in area within the river e zone affected by development. A multiplier for temporal loss has not been added to this example. See the mitigation handout for explanation of how the cost for mitigation may go up or down.
Option 1 – Revegetation

Scenario 1b
New building avoids wooded floodplain
Site: 10 acres
Project Value: $7 million

Revegetation in lieu fee
435,600 sq. ft. x .15 x $6.70/sq. ft. $437,778
Fee Cap = Project Value x 1% or 200,000 $70,000

Mitigation in lieu fee
Land: None $0
Water: None $0

Total project in lieu fees $70,000
Percent of project value 1.00%

May 22, 2009
Option 1 – Revegetation

Scenario 2
New development including building and dock
Site: 10 acres
Project Value: $25 million ($20M for building + $5M for dock)

Revegetation in lieu fee
435,600 sq. ft. x .15 x $6.70/sq. ft. $437,778
Fee Cap = Project Value x 1% or $200,000 $200,000

Mitigation in lieu fee *
Land:
  Above top of bank: 5,000 sq. ft. x $7.69/sq. ft. $38,450
  Riverbank: 100 linear ft. x $2,850 $285,000
  100 linear ft x 30 ft x $5.50/sq. ft. (acquisition) $16,500
Water: 60,000 sq. ft. x $48.25/sq. ft. $2,895,000

Total project in lieu fees $3,434,850
Percent of project value 13.74%

* This example assumes 100 percent loss of all functional values in the area within the river e zone affected by development. A multiplier for temporal loss has not been added to this example. See the mitigation handout for explanation of how the cost for mitigation may go up or down.
Option 2 - Tiered

Scenario 1a
New building encroaches into wooded floodplain
Site: 10 acres
Project Value: $7 million

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Subarea</td>
<td>$257,950</td>
</tr>
<tr>
<td>Upland: 77,000 sq. ft. x .5 x $6.70/sq. ft.</td>
<td></td>
</tr>
<tr>
<td>River Environmental (land) Subarea *</td>
<td>$33,600</td>
</tr>
<tr>
<td>Land: 3,000 sq. ft. x $11.20</td>
<td></td>
</tr>
<tr>
<td>River Environmental (water) Subarea</td>
<td>$0</td>
</tr>
<tr>
<td>Water: None</td>
<td></td>
</tr>
</tbody>
</table>

**Total project in lieu fees**

| Percent of project value | $291,550 |

* This example assumes 100 percent loss of all functional values in area within the river e zone affected by development. A multiplier for temporal loss has not been added to this example. See the mitigation handout for explanation of how the cost for mitigation may go up or down.

DRAFT

May 22, 2009
Option 2 - Tiered

Scenario 1b
New building avoids wooded floodplain
Site: 10 acres
Project Value: $7 million

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Upland: 80,000 sq. ft. x .5 x $6.70/sq. ft.</th>
<th>$268,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Subarea</td>
<td></td>
<td></td>
</tr>
<tr>
<td>River Environmental (land) Subarea</td>
<td>Land: None</td>
<td>$0</td>
</tr>
<tr>
<td>River Environmental (water) Subarea</td>
<td>Water: None</td>
<td>$0</td>
</tr>
</tbody>
</table>

Total project in lieu fees $268,000
Percent of project value 3.83%

May 22, 2009
Option 2 - Tiered

"e" overlay zone

Scenario 2
New development including building and dock
Site: 10 acres
Project Value: $25 million ($20M for building + $5M for dock)

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Subarea</td>
<td>$67,000</td>
</tr>
<tr>
<td>Upland: 20,000 sq. ft. x .5 x $6.70/sq. ft.</td>
<td></td>
</tr>
<tr>
<td>River Environmental (land) Subarea *</td>
<td>$38,450</td>
</tr>
<tr>
<td>Above top of bank: 5,000 x $7.69</td>
<td></td>
</tr>
<tr>
<td>Riverbank: 100 linear ft. x $2,850/linear ft.</td>
<td>$285,000</td>
</tr>
<tr>
<td>100 linear ft. x 30 ft. x $5.50/sq. ft. (acquisition)</td>
<td>$16,500</td>
</tr>
<tr>
<td>River Environmental (water) Subarea *</td>
<td>$2,895,000</td>
</tr>
<tr>
<td>Water: 60,000 sq. ft. x $48.25/sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

Total project in lieu fees $3,301,950
Percent of project value 13.21%

* This example assumes 100 percent loss of all functional values in the area within the river e zone affected by development. A multiplier for temporal loss has not been added to this example. See the mitigation handbook for explanation of how the cost for mitigation may go up or down.
Planning Commission Work Session
May 26, 2009

Topic: Contaminated Sites (revised background information)

Note: This topic packet contains comments and amendments that were contained in both the contamination and in lieu fee topic packets in your February 2009 materials.

Cleanup under DEQ Oversight
Remediation of contamination under the authority of DEQ is required to meet the City's substantive requirements but does not have to follow the City's land use process. Therefore the River Plan/North Reach Proposed Plan includes the following major substantive requirements:

- The requirements ensure that the remediated site is suitable for uses allowed by the base zone and river dependent or river related uses, if practicable.
- If significant alteration of the river bank is included in the remediation plan, then the proposed requirements encourage the applicant to design the bank using soil bioengineering techniques rather than rock armoring.
- If the remediation plan includes alteration within the river environmental overlay zone, the requirements direct the applicant to replant the area that has been altered if practicable.

The proposed requirements are not intended to direct the clean up remedy. The River Plan proposal has been written to allow DEQ the flexibility to utilize whatever remedy is necessary to protect human health and the environment.

Cleanup under EPA Oversight
Cleanup actions conducted under federal CERCLA legislation are required to comply only with federal and state laws that are determined to be Applicable or Relevant and Appropriate Requirements (ARARs). Generally, ARARs are standards and requirements under federal environmental laws, more stringent state environmental laws, and state facility-siting laws. State laws and local regulations that are not determined to be ARARs may be classified as "To Be Considered" material and may have some influence over the final remedy.
River Plan / North Reach
Planning Commission Work Session
Responses to comments on the Proposed Draft
May 26, 2009

Comments and responses submitted for all Planning Commission public hearings are attached. Please see Section 2.a for comments and responses submitted for the April 14, 2009 hearing.

TOPIC: Contaminated Sites (revised cover sheet)

1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC:

Many of the comments on this topic describe the substantive requirements in 33.475 as being overly-prescriptive, limiting remediation design alternatives, and hindering the flexibility required to respond to the unique situation on each site. The comments also recommend eliminating the requirement that the applicant pay a fee if the river bank is not bioengineered. Instead they recommend an incentive for property owners to include bioengineering rather than rock armoring. Another concern was the requirement that the final remedy should not preclude the use of the site for uses allowed by the base zone. DEQ also expressed concern about the requirement for flush-mounted groundwater monitoring wells and staff will change that standard. Several comments from the Bureau of Development Services, DEQ and the Port of Portland relate to the wording of the code, consistency with other code sections, and clarification of intent. A comment received as part of the April 14, 2009 hearing asked staff to reinstate the requirement that the applicant pay a fee if the river bank is not bioengineered.

2. STAFF-PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

a. Amendments for Discussion with Planning Commission

Staff proposed amendments are outlined below. Related comments and responses are attached.

Amendment 1: Subsection 33.475.480.C requires that the clean up actions and final remedy not preclude the use of the site consistent with the uses allowed by the base zone and requires that, if the site is in the river industrial overlay zone, the final remedy not preclude the use of the site for river-dependent or river-related activities. In response to comments that describe this requirement as too prescriptive, staff recommends adding the words “to the extent practicable”. This change will ensure that subsection 33.475.480.C does not end up dictating or conflicting with the final remedy.

RELATED COMMENTS: #343

Planning Commission preliminary decision on Amendment 1.

☐ Support ☐ Other action: ________________________
New Amendment 2: Amend the River Plan code to not require applicants to pay an in lieu fee if the bank design uses rock armoring. Provide applicants with an incentive if they include soil bioengineering rather than rock armoring.
RELATED COMMENTS: #291; #300, #308, #312, #337, #365, #386, #387, #388, #440

Planning Commission preliminary decision on New Amendment 2.

☐ Support ☐ Other action: ________________________________

New Amendment 3: Revise page 55 of Volume 1A to read: "Submit the River Plan/North Reach, including zoning code, zoning maps, and other relevant regulations and policies to EPA for consideration as ARARs and To Be Considered material for the Portland Harbor Superfund cleanup. This will ensure that the EPA knows and can take into account the City’s River Plan goals during design of the Portland Harbor Superfund cleanup."
RELATED COMMENTS: Staff-initiated amendment

Planning Commission preliminary decision on New Amendment 3.

☐ Support ☐ Other action: ________________________________

b. Minor Amendments

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Minor amendments are included in the staff response section of each comment.

2. No comments were submitted for the April 14, 2009 hearing.

c. Technical Amendments

1. Comments and responses submitted for the December 9, 2008 and January 13, 2009 hearings. Technical amendments are included in the staff response section of each comment.

2. No comments were submitted for the April 14, 2009 hearing.

3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS


b. Comments and responses submitted for the April 14, 2009 hearing.

Planning Commission preliminary decision on comments or amendments related to 2.b., 2.c., or 3.

☐ Support ☐ Other action: ________________________________
River Plan / North Reach
Planning Commission Work Session
Responses to comments on the Proposed Draft
May 26, 2009

Comments and responses submitted for all Planning Commission public hearings are attached. Please see Section 3.b for comments and responses submitted for the April 14, 2009 hearing.

TOPIC: Industrial-Residential Interface

1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC:

Many of these comments are supportive of the proposed noise impact zone and the recommendation to limit and/or prohibit residential uses in the EG2 zone in the Baltimore Woods area. There are a few property owners that are concerned about losing their ability to develop their lots in multi-dwelling residential use.

2. STAFF PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

a. Amendments for Discussion with Planning Commission

Staff proposes amendments as outlined below. Related comments and responses are attached:

Revised Amendment 1: Revise the proposed regulations for the Baltimore Woods subdistrict and the conditional use review approval criteria for residential uses in the EG1, EG2, IG1, IG2, and IH zones as follows:
1. Revise the Baltimore Woods subdistrict regulations to require property owners to sign and record an industrial impacts disclosure statement with the County after the conditional use has been approved and before a building permit for residential use is issued;
2. Limit the maximum height for new residential uses in the Baltimore Woods subdistrict to 40 feet;
3. Revise conditional use review approval criteria 33.815.130.E for residential uses in the EG1, EG2, IG1, IG2, and IH zones to require that the proposal be designed and developed so that housing is protected from potential nuisance impacts, including noise, lights and odor coming from uses allowed by right in the zone and EG1, EG2, IG1, IG2 and IH zones within 1000 feet of the site, and require that the proposal include site and building designs, a landscape plan, and a transportation plan that will limit to the maximum extent practicable any conflicts between residential, employment, and industrial uses. to more clearly prohibit residential uses on sites that do not have an already established residential use in the EG2 zone. Established residential use will mean that there is a dwelling unit in the EG2 zone or there is an approved land use review that permits dwelling units in the EG2 zone and the land use review has not expired. This change will ensure that the residential uses that currently exist or have been approved but not yet built out are allowed to continue and new residential uses are not allowed to be established in the subdistrict.

RELATED COMMENTS: Staff-initiated amendment
New Amendment 2: Revise the Riverfront Communities section of Volume 1A in the following way: Revise the second recommendation under Objective 1 to clarify that the vitality of the Linnton village is dependent on more than just finding appropriate uses for the Linnton village: "Work with the Linnton community to develop an action program to improve the vitality of the Linnton village, including establishing access to the river for the community as depicted on Map 2: Proposed Overlay Zones and identifying and recruiting appropriate industrial uses that are compatible with existing nearby residences. This action program should be consistent with the City Council decision described in Previous Planning in Linnton."

RELATED COMMENTS: Staff-initiated amendment

b. Minor Amendments

No minor amendments are proposed.

c. Technical Amendments

No technical amendments are proposed.

3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS


b. Comments and responses submitted for the April 14, 2009 hearing.