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111 SW 5TH AVE
PORTLAND OR 97204-3604
EZ0500

Wednesday Insider

One critic of a state bill that would regulate the interior design industry says 'nothing good can be gained by legislation.' **Page 4**

DJJC

Conflicting reports

McGraw-Hill Construction and the U.S. Department of Commerce reported some significantly different numbers for December 2010. **Page 3**

15 new construction bidding opportunities listed today. **PAGES 6-7**

30 property transfers listed today. **PAGES 11-14**

23 new public notices and calls for bids published today. **PAGES 15-42**

River Plan may be dead in the water

Now that the Oregon Land Use Board of Appeals has remanded the plan, city of Portland has limited time to issue response

By NICK BJORK
nick.bjork@djcOregon.com

The latest effort by the city of Portland to strengthen zoning and regulate development along the Willamette River has hit a legal snag that could end the process before zoning even becomes effective.

The Oregon Land Use Board of Appeals last week remanded the only adopted portion of the city's River Plan – intended as an update of the 1987 Willamette Greenway Plan – to the city for more work. Now city officials have until Feb. 11 to decide whether to submit a new plan, appeal the LUBA decision or scrap the plan entirely.

The River Plan's North Reach portion, which covers the areas along the Willamette River north of the Broadway Bridge, was approved unanimously by City Council in April 2010. According to the plan, it "seeks to balance job and industry growth in Portland's working harbor, while adding protections for threatened species along the Willamette River."

But opponents – mostly businesses and property owners within the North Reach area – feel the updated zoning, new mitiga-

tion fee system and development review process that came out of the plan are too strict and will hurt businesses.

The plan was immediately appealed to LUBA by two companies – Gunderson LLC and Schnitzer Steel – as well as the Working Waterfront Coalition, an industry group that represents nearly 40,000 employees that work in the North Reach area.

While the appeal focused on several different aspects of the River Plan, the main sticking point was that the plan renders some industrial land undevelopable. And under state law, the city needs a plan in place for replenishment.

The appealing parties contended, and LUBA agreed, that the plan contradicts a subsection of Oregon's land-use planning goal, which focuses on economic development in relationship to land supply. Under Goal 9, the city has an obligation to maintain an adequate supply of industrial land.

According to the remand, "Because the likely result of applying the new regulations is that the city's supply of land potentially available for new or expanded industrial development would be

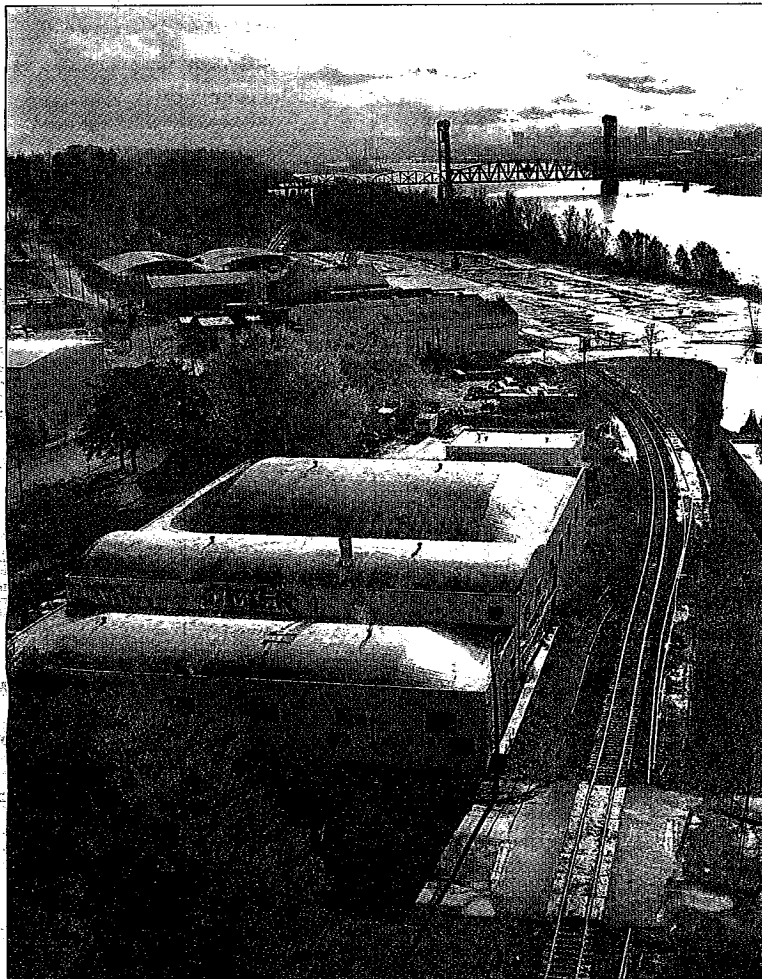
effectively reduced, perhaps significantly so ... (the city must determine) based on an adequate factual base, whether any such impacts on the inventory are consistent with the city's Goal 9 obligation to maintain an adequate supply of industrial land."

The problem is that the net loss of land isn't known. The appealing parties conservatively estimated that 692 acres of industrial land would be lost in the North Reach area, while the city argued that zero acres would be lost. LUBA's remand said the number of acres lost could likely fall anywhere between the two.

In order to meet the goal, LUBA said the city would need to determine an estimate of the industrial acreage that would be lost, assess the potential impact on the overall land supply and determine if more industrial land would need to be added to the supply.

According to the city's testimony before LUBA, the point is moot because regardless of a loss of industrial land, the city still has a sufficient supply as laid out in the city's 2009 Economic Opportunities Analysis.

See DEAD, Page 3



Dan Carter/DJC

The Oregon Land Use Board of Appeals has remanded the newly adopted River Plan to the city of Portland for more work. The River Plan's North Reach portion, the only part completed, affects properties along the Willamette River north of the Broadway Bridge to the confluence of the Willamette and Columbia rivers.

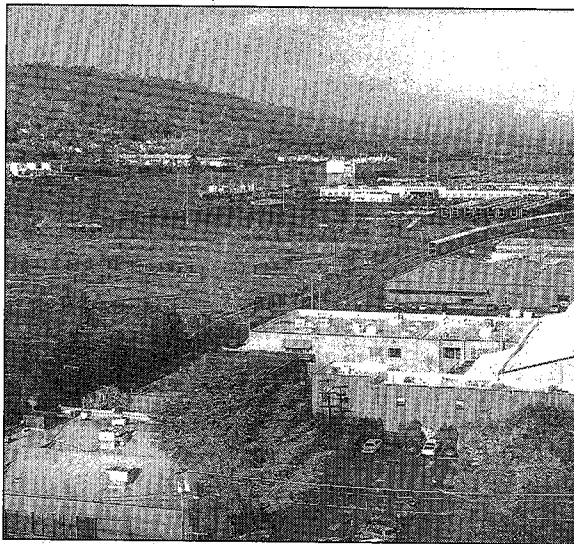
Dead: City could submit revised River Plan to LUBA or LCDC

Continued from Page 1

But LUBA said the city can't argue based on the analysis because it hasn't been adopted as part of the city's comprehensive plan. Under state law, any document that makes assumptions about complying with state law must be part of a city's comprehensive plan.

The remand went on to state: "The (analysis) has problems of its own that lead us to conclude that even if the city could properly rely on the 2009 (analysis), it does not provide an adequate factual base on which the city could base its decision that the (River Plan) will not have an impact on the city's industrial land base that violates Goal 9."

The city has until Feb. 11 to decide whether to appeal the LUBA remand. If the city were to decline, officials would have until the summer to change the plan and resubmit it for approval either to LUBA or the Land Conservation and Development



Dan Carter/DJC
The North Reach portion of the River Plan, approved by City Council in April 2010, was immediately appealed by two businesses and an industry group.

Commission, depending on the city's chosen route.

Phillip Grillo, an attorney with Miller Nash LLP, filed the petition and represented the Working Waterfront Coalition. He believes a plan could be devised that would satisfy all parties.

"From the very beginning we've

offered to go through a mediation process with the city and anyone else with a stake in this plan," Grillo said. "We continue to think that the opportunity is still there to do so, and we hope the city is willing to do so."

City officials failed to return inquiries by press time.