

June 16 08

Re: Comments on the North Reach River plan

Ms. Sallie Edmunds
River planning manager
Bureau of Planning
1900 SW 4th
Portland , Oregon 97201

Dear Ms.Edmunds:

Thirty years ago there was a great deal of support afforded the Port of Portland with their effort to reserve the entire frontage along the Willamette and Columbia rivers in the Portland area for Prime industrial users that require the use of the river.

Thirty years ago the changes we know today involving the demand and variety for close in residential housing was unknown.

As times and conditions changed during those thirty years the industrial use dead lock concept along the river began to give way for the development of new residential communities that would replace some of the prime water front dock side facilities.

As the needs for close in residential expansion continued, it became apparent there needed to be some level of enforcement that could insure a compatible coexistence between industrial users and near by residential communities.
That form of enforcement was provided by the Portland City Council on the date they approved city ordinance #33-262. (See page 2-3)

Supporters of the proposed updated river plan that suggests a twenty year zoning freeze on all the areas that are mapped and referred to as prime industrial lands most likely have not read ordinance 33-262. Even though some industrial properties may still retain the original heavy industrial zone designation, on site operations are clearly restricted if the property abuts residential neighborhoods. The fact is that the original heavy industrial zoning in those cases is inappropriate and should remain in a posture for change should it be required.

The 40 acre industrial property known as the Linnton Plywood site is an example of one of those situations. The present zoning designation that was applied some thirty years ago needs to remain unlocked and available for change for a more appropriate land use designation when the time comes in today's market. I therefore request a special consideration be given for the forty acre site located in the heart of the Linnton Community.

I have included a copy of ordinance #33-262 for your review and a list of recent development activity On page 4.

Visions for Linnton Committee
Glen Gordon

**CHAPTER 33.262
OFF-SITE IMPACTS**

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 174743, effective 7/21/00; Ord. No. 176469, effective 7/1/02.)

Sections

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33.262.010 Purpose

The regulations of this chapter are designed to protect all uses in the R, C and OS zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.262.020 Applying These Regulations

Nonresidential uses in all zones which cause off-site impacts on uses in the R, C, and OS zones are required to meet the standards of this chapter. Exempted equipment and facilities are stated in 33.262.030 below.

33.262.030 Exemptions

The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

33.262.040 Relationship to Other Regulations

The off-site impact standards are in addition to all other regulations of the City Code. The standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Fire Code.

33.262.050 Noise

The City noise standards are stated in Title 18, Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

Chapter 33.262 Title 33, Planning and Zoning

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33.262.060 Vibration

A. Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

B. Exceptions. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily onsite

for measurements when there are doubts about the level of vibration.

33.262.070 Odor

A. Odor standard. Continuous, frequent, or repetitive odors may not be produced.

The odor threshold is the point at which an odor may just be detected

B. Exception. An odor detected for less than 15 minutes per day is exempt.

33.262.080 Glare

A. Glare standard. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

B. Strobe lights. Strobe lights visible from another property are not allowed.

33.262.090 Measurements

A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code, and enforced through the provisions of Title 22.

33.262.100 Documentation in Advance

In situations where the Director of BDS is empowered to require documentation in advance that a proposed use will conform with these standards, all of the following additional information is required of the applicant prior to approving a building permit:

Title 33, Planning and Zoning Chapter 33.262

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A. Use description. A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant is not required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors;

B. Abatement devices. An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard; and

C. Expert evaluation. An evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off- site impact standard or standards in question.

***Attachment list of waterfront developments along the Willamette**

1. Now South waterfront condos & offices

Formerly industrial zoned Zidell Scrap yard & ship dismantling.

2. Now River Place condos & commercial

Formerly industrial plywood mill

3. Now McCormick Pier condos & commercial

600 naito parkway

Set vacant for many years

Formerly McCormick shipping Line & a pier

4. Now Yards at Union Station condos

Formerly a large rail-switching yard

5. Now Waterfront Park

Formerly Albers Mill

6. Now police horse barn

Formerly Crown Mill

7. Now Fremont 2 condos & town homes

12 acres

Now it's 72 condos & 104 townhouses. Only a little over half of it is developed.

Formerly Terminal # One.