VII. GREENWAY – PCC 33.820.070.J.

The river campus area of the UP campus is zoned General Employment (EG) with a Greenway General (g) overlay. The University will maintain a Greenway setback defined as the Top of Bank on Figure 1 of Exhibit H-17 of the Hearings Officer’s final decision under LU 12-166257 CU MS AD (HO 4120027)(Appendix C) and as illustrated on Figure 22.

**Top of Bank**

The University has nearly completed a historic clean up and restoration of a long contaminated stretch of its recently acquired riparian lands and adjacent banks along the Willamette River. UP purchased its river campus from Triangle Park LLC. The purchase was contingent on the Environmental Protection Agency agreement to release UP from any liability for contamination on the property caused by previous ownerships in exchange for UP’s commitment to clean up this contaminated site and restore it for beneficial re-use by UP. The cleanup is being conducted under the Comprehensive Environmental Response and Liability Act (CERCLA) Removal Action program under EPA oversight.

Thus, the entire river campus has been the subject of lengthy negotiations with the Environmental Protection Agency (“EPA”). The projected EPA Action Memorandum (due after the scheduled May 4th closure of the public comment period) will require, among other things, that UP maintain a two foot cap of clean soil that will be placed on slopes ranging from 4 horizontal:1 vertical (4:1) to 5.5:1, after the excavation of most of the contaminated soil on the riverbank. The steepness of the slope is shallowest below elevations of 15 ft where river scour is highest.
The slope above the Ordinary High Water mark (elevation 20.1 ft) will be restored with native plants on the City of Portland approved plant list. The EPA restoration requirements for the river bank will equal or exceed the City of Portland base zone requirements for Greenway landscaping. The CERCLA required remediation and clean-up work will include partial removal of old docks and piers along the bank to allow the excavation and capping of any remaining contaminated soils along the river bank and to allow for bank restoration.

To accomplish the restoration objectives, it was imperative in this master plan to define the TOB and any required Greenway Setback. Figure 22 shows the new Greenway Setback co-terminus with the revised TOB line.
The area between the upper edge of site restoration and Top of Bank, shown below in Figure 23, will be planted to the standard of PCC 33.440.230.
This proposal to establish the Greenway setback co-terminus with the TOB line is consistent with the purpose of PCC 33.440.010. The University's voluntary agreement with the EPA to remediate and restore the riparian corridor will protect, conserve, enhance and maintain the natural qualities of lands along this segment of the Willamette River. The restoration plan is a comprehensive resource enhancement that aims to restore the riparian corridor consistent with preservation of juvenile salmonid habitat and upland species.

The City’s Bureau of Environmental Services has reviewed the University's plan and states:

“This area will provide high quality fish and wildlife habitat; approximately 117,000 square feet of shallow water habitat will be created and 2,200 feet of the Willamette Shoreline will be revegetated with native species. Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep waters cool.”

The BES review continues with recognition of the important riparian and wildlife habitat that will be created and preserved with the remediation and site restoration plan. By establishing the TOB as the Greenway setback, each of the purposes for the Greenway regulations are satisfied. The site will have a rich riparian corridor that extends into the shallow water of the river and provide more riparian resource than the code development standards for landscaping within the Greenway setback.

The Greenway trail will not be located in this enhanced riparian corridor but will instead be located within the upland on land partially dedicated by the University for that use. Thus the elements that would otherwise be required within the 25 foot Greenway setback are instead located in an even larger area of land in a manner that heightens the function of both while conserving the natural resources that are the primary objective of the Greenway regulations.
Greenway Trail

The current City of Portland Greenway Trail alignment is shown on Map 440-1 of the PCC. The trail runs along Willamette Blvd in the vicinity of the University with a connection to the Waud Bluff Trail. The trail is not located on the river campus within the Greenway setback.
This alignment and other alignment options are currently being reviewed by the Project Advisory Committee for the North Portland Greenway. A representative from UP sits on that Committee. At the time of this master plan submittal, the North Portland Greenway trail committee has recommended Segment 3 which provides a 12-14 foot wide trail along the railroad alignment with a 3-foot buffer (18 inches on either side). A drawing of the recommended alternative is shown below.

This recommended alignment will require dedication of more land from the University in addition to the 25-foot Greenway setback and it will bi-furcate the river campus with a public access. However, the University supports the objectives of the Greenway plan and the objectives of the trail access. As a result, the University supports the recommended trail alignment in Segment 3.
This trail alignment recommendation is also consistent with our discussions with the EPA. Based on our discussions with the National Marine Fisheries of NOAA (NMFS) and the EPA Action Memorandum for the river campus, it is almost a certainty that the NMFS will not permit a Greenway Trail within the Greenway. The EPA, working with NMFS, requires that this area have limited public access to protect the health of the riparian restoration and the juvenile salmonid habitat. The EPA consulted with NMFS under the Endangered Species Act to dictate the requirements of the bank restoration aspect of the removal action within the Greenway. UP has prepared a Biological Assessment (“BA”) which required an evaluation on how the critical habitat will be impacted beneficially by removal of the contamination that is above EPA human health standards based upon fish consumption and the creation of a gentler slope that will create more critical habitat. Amongst the federal agencies, there is significant focus on the projected UP Greenway restoration. NMFS has already advised, as have the NRD Trustees for Portland Harbor, that it opposes the creation of a trail or any other device that would encourage public use/impacts to the shoreline area.

The University will continue to work with the North Portland Greenway Committee on further planning for Segment 3 to ensure through its participation that the alignment is consistent with UP’s federal cleanup obligations, its desire to support the objectives of the Greenway code and the need for residents and visitors to build a continuous trail connection through this part of North Portland.

**Anticipated Reviews**

The University intends to commence re-grading of the river bank and grading of the river campus pursuant to the EPA’s approved removal action this year. This work will include partial removal of dilapidated docks and piers, cutting of the riverbank and re-grading the bank and fill landward of the Greenway Setback.

ORS 465.315(3) exempts the “on-site” portion of any hazardous substance removal or remedial action from Greenway review. The University has notified the City that the remedial action is exempt from Greenway review pursuant to this section. Nevertheless, the University has also provided the City a copy of the BA which explains the remedial action items and demonstrates that the action is consistent with Greenway objectives.

The landward side of the Greenway setback shall be the Top of Bank, as identified in the Hearings Officer’s decision as Exhibit H.17a. While the EPA remediation work will be located within and riverward of the Greenway setback, at no point can development that is not river-dependent or river-related encroach beyond the Top of Bank unless approved through a Greenway Goal Exception. Anticipated uses include a baseball complex, classrooms, practice fields, maintenance and public facilities, landscaping, roads, parking and other like uses.