

Decision Table A: Watershed Health & Resilience Amendments

Attachments: None

Ref #	Comment	Commenter(s)	Topic	Comment or Request Amendment(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
A-1	103427 93433 103444	Mike Houck Ted Labbe Jeanne Galick	Nonconforming Development	For new construction within the river setback, the height and floor area ratio (FAR) should be limited to their current size. All new development that includes increases in height or FAR should be required to move outside the greenway setback.	Maintain proposed allowances within the setback.	Existing BDS policy is to allow for the expansion of nonconforming houses in the river setback as long as the building coverage is not increased. The River Plan / South Reach proposals codify this allowance, providing additional clarity on the issue.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
A-2	103427 93433 103444 103432 103429	Mike Houck Ted Labbe Jeanne Galick Kaj Jenson Dianne Ensign	Nonconforming Development	The City should identify additional mechanisms, including incentive programs, to move development out of the setback over time.	No update.	The Proposed Draft contains an action item to investigate the development of a program similar to BES' Johnson Creek Willing Seller program. The feasibility of a similar program for the Willamette River will need to be evaluated, given the cost of land and development in the area.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-3		Mike Houck	Nonconforming Development	Vol 1, Pt 2, Pg 77 – 33.475.250 Nonconforming Uses and Development: I do not have specific language for this section but allowing grandfathering of existing footprints for redevelopment will ensure there will be no ecological lift over time and is contrary to what is projected to be future floodplain expansion over time due to climate change. Grandfathering of development in the 1996 flood inundation zone and in light of future floodplain expansion is not consistent with the desire for resilience in the face of climate change.	No update.	The City is not able to force existing development out of the floodplain unless it is prepared to purchase those properties. City policy is to identify development and uses that no longer comply with the Zoning Code and limit what can be done there. In the case of a complete redevelopment of a property, any new development would be required to move out of the river setback. An important component of addressing climate change is updating the City's floodplain maps to address climate change. Objective #7 in Part 1 of Volume 1 includes an action to work with FEMA and/or other organizations to estimate potential changes in flood risk. At that time, staff recommends that the River Environmental be applied to any additional floodplain areas identified in the updated model. Specific recommendations related to nonconforming development are addressed in Items A-1 and A-2.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-4		Mike Houck	Encroachment	Vol 1, Pt 2, Pg 47 – delete 33.475.210.E., Encroachment into the Setback:	Discuss this issue as a part of the April 14 river setback discussion.			
A-5	103427 93433	Mike Houck Ted Labbe	Vegetation Management, Landward of Setback	Limit pruning and removal of all trees greater than three inches diameter at breast height (dbh), instead of the current proposed six inches (dbh).	Maintain exemption for trees less than 6 inches dbh landward of the river setback.	Exempting trees less than 6 inches dbh landward of the river setback in the River Environmental overlay zone is consistent with tree regulations in the City's other overlay zones. The City strives, to the extent possible, to maintain consistency in applicable regulations across the city. A reduced dbh threshold is warranted in the river setback but not landward of it.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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A-6		Mike Houck	Landscaping	Vol 1, Pt 1, Pg 32 – add the following (updates in bold and underlined): Landscaping within the river setback to provide a diversity of native vegetation, <u>including trees common to riparian zones on the Willamette River</u> , that stabilizes the riverbank and meets a variety of habitat objectives.	No update.	The River Environmental overlay zone does not require that trees specified in the river setback be common to the Willamette River riparian zones. The code simply requires that native plants, as defined in the <i>Portland Plants List</i> , are specified. Future updates to the Portland Plant List could include identifying trees common to riparian zones of the Willamette and Columbia rivers (and others, as necessary). Those lists could then be specifically identified in the Zoning Code, where desired.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-7	93405 103427	Urban Forestry Commission Mike Houck	Tree Removal and Pruning During Nesting Season	Apply the proposed seasonal restriction on vegetation removal and pruning to the River Environmental Overlay Zone generally , or at least to the River Setback, as well as the riparian buffer area.	No update.	Staff understands the concern with tree removal during the nesting season but believe that enforcement of this requirement for the entirety of the River Environmental will be challenging and require significant City resources for implementation. The River Environmental overlay zone will be applied to a majority of the planning area.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-8	103427 93433	Mike Houck Ted Labbe	Increase Size of Trees Required to be Planted	Require that all trees planted to replace any tree removals to be a minimum of 1.5 inches diameter at breast height (DBH).	Maintain existing language which requires a minimum of ½” caliper trees to be planted.	If a tree is required by the City to be planted to meet landscaping requirements or as mitigation, it is required to be maintained and, in no circumstances, would be allowed to be removed. Any trees required to be planted in the River Environmental must be a native species. Based on input from Bureau of Environmental staff that purchase large numbers of trees, requiring larger trees to be planted would increase the cost, reduce the types of trees available to be planted and require increased watering and other inputs to ensure longevity of the plant.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-9	103427 93433	Mike Houck Ted Labbe	Vegetation Monitoring and Reporting	Require that replacement trees be maintained and documented to the City for a longer period of time. Requests are for a minimum of three or five years, post-planting.	No update.	The monitoring and reporting period will be evaluated as a part of the overall assessment of River Overlay Zones enforcement identified in Item A-4.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-10	103446	BES	Enforcement	BES proposes working with BPS and BDS to identify a more sustainable and consistent enforcement mechanism and adequate penalties to ensure the protection of river resources.	Add action item to the Watershed Health and Resilience section focused on a collaborative effort between BES, BPS, and BDS to identify options to improve enforcement processes and evaluate mechanisms, including penalties, to ensure the protection of river resources.	Enforcement of existing Greenway overlay zone regulations has been recognized as a challenge, especially as it pertains to riverbank vegetation pruning and removal. Annual removal and severe pruning does not allow riverbank vegetation to reach maturity and provide important habitat functions and ecological benefits. Reevaluation of these processes and penalties is needed.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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A-11		Mike Houck	Corrections to Violations of the River Environmental Overlay Zone	<p>Vol 1, Pt 2 – 33.475.450. Corrections to Violations of the River Environmental Overlay Zone (updates in bold and underlined):</p> <p>Pg 117 – B. Correction Options. 1. a.1. 1.a.(1) No more than 12 <u>cumulative</u> diameter inches were removed.</p> <p>1.b .(1) More than 12 <u>cumulative</u> inches of tree were removed</p> <p>Pg 119 – 2. c. (7) For violations involving trees, <u>five</u> two times the number of diameter inches removed must be planted on the site.....Planted trees must be a minimum of 1 ½ inch in diameter....</p> <p>Pg 121 – 3. Option Two, b. (5) Trees must be a minimum of ½ inch <u>1 ½ inch in diameter</u>....</p> <p>c. For violations involving the removal of trees, two <u>five</u> times the number of cumulative diameter inches removed must be planted on the site....Planted trees must be a minimum of <u>1 ½ inch</u> ½-in in diameter....</p>	No update.	<p>The size of trees to be planted is addressed in Item A-8 above. Any amendment to change that minimum size would be applied throughout the River Overlay Zones chapter.</p> <p>Other components of the corrections to violations process will be evaluated as a part of the overall assessment of River Overlay Zones enforcement identified in Item A-4.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-12	103441 103476	Lou Lustenberger Ronald Ragen	Riprap	Large trees should not be required in riprap because roots loosen the riprap and the trees become more vulnerable during flooding, causing the riprap to collapse. Other vegetation types can be planted in riprap without compromising the bank.	No update.	The River Overlay Zones chapter includes an allowance providing required landscaping elsewhere on the site when riprap that meets specific criteria is present, including (1) the average slope is 30 percent or steeper; or (2) the riprap is at least four feet deep.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-13		Mike Houck	Ross and Hardtack Islands	Vol 1, Pt 1, Pg 35 – update the second paragraph under Key Issues and Opportunities with the following (updates in bold and underlined): When discussing Oaks Bottom Wildlife Refuge, Ross Island, and its <u>three</u> nearby Islands (<u>Hardtack Island, East and Toe Islands</u>), and the Holgate Channel, it is best to address them as a complex due to their close proximity and ecological interactions.	<p>Staff recommends keeping the reference to the land mass that is the combined Ross and Hardtack islands as Ross Island.</p> <p>Early in the document, staff will add a clarification that the area is technically two islands, Ross and Hardtack, and that, to avoid confusion, the combined area is addressed as Ross Island throughout the document.</p>	Staff believes that most community members know the combined Ross Island and Hardtack Island as Ross Island. Separating out Hardtack Island could create confusion for those not familiar with the history of the islands.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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A-14		Mike Houck	Existing Natural Areas and Open Spaces	Vol 1, Pt 1, Pg 35 – update the first paragraph under Key Issues and Opportunities with the following (updates in bold and underlined): ... Each of these areas include distinctive habitats that are not easily found in other parts of the region and many support critical fish, wildlife and/or plant species. <u>Smaller habitat areas, particularly on the river’s west bank, are also important local resources that should be protected and where necessary restored. Examples include Cottonwood Bay, Heron Pointe Wetland, the mouth of Stephen’s Creek and the former Butterfly Park near Cottonwood Bay.</u>	Staff supports this change.	It is useful to identify these smaller habitat areas in the section.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-15		Mike Houck	Restoration	Vol 1, Pt 1, Pg 41 – add a new action to Objective #4 (updates in bold and underlined): <u>Develop partnerships with conservation and community groups to support restoration and community science efforts throughout the South Reach.</u>	Staff supports this new action.	Recognition of the role of conservation and community groups in restoration is important.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-16		Mike Houck	Mitigation	Vol 1, Pt 1, Pg 45 – add the following to the first bullet of Objective #6 (updates in bold and underlined): ...The River Environmental requires that any impacts within the floodplain also be mitigated within the floodplain. Mitigation can be completed either on the project site or off site <u>within the South Reach.</u>	No update.	The Proposed Draft code requires that mitigation be located within the River Environmental overlay zone. On-site mitigation is prioritized but off-site mitigation is allowed anywhere within the River Environmental. This provides flexibility for property owners when on-site mitigation is not possible. If credits purchased from a mitigation bank are used to meet mitigation requirements, the applicant is required to purchase credits from a mitigation bank in the Lower Willamette River that is as close as possible to the disturbance area. The proposed amendment would unnecessarily limit mitigation options. Staff could revisit this proposal when a South Reach mitigation bank is available.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-17		Mike Houck	Mitigation	Vol 1, Pt 2, Pg 43 – add the following to 33.475.050.C, Mitigation Bank Credits Mitigation Credits (updates in bold and underlined): If credits will be purchased.....the applicant must provide proof of the purchase of the <u>appropriate number</u> of credits.	No update.	This section of the code addresses what supplemental permit application materials are required. Bureau of Development Services will ensure that proof of the necessary mitigation bank credits is provided, based on direction provide by Bureau of Environmental Services.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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A-18		Mike Houck	Exterior Lighting	<p>Vol 1, Pt 2, Pg 61 – 33.475.230 Exterior Lighting (updates in bold and underlined): A. Purpose, first bullet Minimize <u>to the maximum extent practical</u>.....</p> <p>Add to B. General Standards, 3. Minimize total lumens output to reduce glare and bounce</p> <p>4. Lighting should not exceed 3000 K to minimize emission of blue output (1-1.3 scotopic/photopic ratio)</p> <p>5. Adaptive controls such as dimmers, timers and motion sensors should be used to the degree practicable to reduce unnecessary lighting.</p>	<p>Make the following update: Move the requirement that lamps must fall between 3000K or within an S/P ratio range of 1 to 1.2 from 33.475.230.C., Additional standards for areas near the Willamette River, to 33.475.230.B, General Standards.</p> <p>The other two recommended changes (minimizing total lumens and adaptive controls, to the degree practicable) are discretionary and cannot be applied in a clear and objective manner.</p>	<p>Moving the requirement into 33.475.230.B, General Standards, will require that all exterior lighting within the River General meet this standard, reducing the overall lighting output.</p> <p>The other two discretionary items will be considered as a part of the larger Dark Skies project. This project will evaluate the components and implementation of non-discretionary citywide lighting standards.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-19		Mike Houck	Trail Signage	<p>Vol 1, Pt 1, Pg 38 – add the following to the fourth bullet in Key Issues and Opportunities (updates in bold and underlined): Ensure adequate signage is provided along trails that direct users to stay on the trail to prevent erosion and other impacts. Provide interpretive signage as a means to educate the public regarding the ecological significance of the area and add to their nature-based recreational experience.</p>	<p>Staff supports this change, with modification.</p>	<p>Staff believes the language should be updated per the following: Ensure adequate signage is provided along trails that direct users to stay on the trail to prevent erosion and other impacts. Signage should also educate the public regarding the ecological significance of the area.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-20		Mike Houck	Scenic Resources	<p>Vol 1, Pt 1, Pg 62 – add the following to Objective #12 (updates in bold and underlined): Identify new Willamette River Greenway viewpoints to increase the community’s visual connection to and appreciation of the Willamette River, while ensuring protection and management of the river’s riparian habitat and natural resources.</p>	<p>Staff supports this update, with modification.</p>	<p>The addition further emphasizes the need to preserve views while also ensuring compatibility between view corridors and nearby natural resources.</p> <p>Suggested modification: Identify new Willamette River Greenway viewpoints to increase the community’s visual connection to and appreciation of the Willamette River, while ensuring protection and habitat function of nearby natural resources.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
A-21		Mike Houck	New Viewpoint	<p>Vol 1, Pt 2, Pg 169 – Map 490-1, Designated Viewpoints: Add a Designate Viewpoint at what was formerly the Willamette Butterfly Park which has been relocated in Willamette Park. This is one of the premier viewpoints in the city and should be indicated as such on this map and established as a formal Designated Viewpoint.</p>	<p>Staff is happy to include this viewpoint in the Scenic Resources Protection Plan (SRPP) and evaluate it similar to other viewpoints.</p> <p>Note that Map 490-1 identifies those viewpoints that are required to provide amenities during development or redevelopment. It does not include all South reach designated viewpoints.</p>	<p>Staff is happy to evaluate additional viewpoints for inclusion in the list of South Reach City-designated public viewpoints. Staff will utilize the Scenic Resources Protection Plan methodology to evaluate the viewpoint.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other