Decision Table A, Continued: Watershed Health & Resilience Amendments

Attachments: Memo A-10, Enforcement; Memo A-22, River Setback; Memo A-25, Ross Island

This table starts with the topics/proposed amendments that staff thinks that the PSC should discuss. Those are marked with a check in the "discuss" box. The topics below the double line are topics that staff thinks that the PSC could take a straw poll on as a group. At the beginning of the meeting staff will ask the PSC if there are any items below the line that they would like to discuss. If so, those would be pulled from a consent agenda and will be discussed.

Ref #	Comment	Commenter(s)	Topic	Comment or Request Amendment(s)	Staff recommendation	Staff rationale	Discuss?	PSC straw poll
A-22A		Mike Houck	River Setback	Expand the river setback from 50 feet landward of top of bank to 100 feet landward of top of bank.	**No update to the plan.** Maintain the proposed 50-foot river setback for all properties along the Willamette River.	This would limit the number of tax lots where less than 25 percent of the allowable development coverage remains outside of the river setback. A small increase in the number of non-conforming structures (14 structures) would result. See Memo A-22.	☒	☐ Support staff rec ☐ Other
A-22B		Mike Houck	River Setback	Expand the river setback from 50 feet landward of top of bank to 100 feet landward of top of bank.	**Amendment.** Apply the River Environmental overlay zone to all land within 100 feet of the top of bank.	Application of the River Environmental would require mitigation of development impacts on natural resources in this area. A total of 15.8 additional acres would be in the River Environmental overlay zone, including 13 tax lots not previously proposed for the River Environmental overlay zone. See Memo A-22.	☒	☐ Support staff rec ☐ Other
A-22C		Mike Houck	River Setback	Expand the river setback from 50 feet landward of top of bank to 100 feet landward of top of bank.	**No update to the plan.** Maintain the proposed riparian buffer area within 170 feet of ordinary high water for all floodplains (both FEMA 100-year floodplain and 1996 Flood Inundation Area).	Projects in the riparian buffer area are required to mitigate natural resources impacts to achieve "beneficial gain." This requirement will ensure improvement of habitat in this vital area for endangered and threatened salmon and steelhead that migrate via the Willamette River. See Memo A-22.	☒	☐ Support staff rec ☐ Other
A-23		Mike Houck	Willing Seller	Vol 1, Pt 1, Pg 45 – make the following change to the fourth action for Objective #6 (proposed updates are underlined and strikethrough): ~~Investigate the development of~~ Develop a program similar to the Bureau of Environmental Services Johnson Creek Willing Seller Program for properties along the Willamette River, including the South Reach.	**No update to the plan.** Maintain the existing language in the action item.	Current statutory requirements limit the ability to dedicate funds for area-specific willing seller programs. BES is evaluating different strategies for establishing a Willamette River-specific willing seller program but is not able to commit to its establishment at this time.	☒	☐ Support staff rec ☐ Other

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A-10A		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.	**Amendment.** Within the River Setback (33.475.210) and Riparian Buffer Area (Map 475-6) remove proposed exemptions for removal of trees regardless of size, including nuisance and non-native trees, and require approval through standards (33.475.440.K) or River Review (33.865). Removal of other non-native vegetation (e.g., ivy, blackberry) within the River Setback would remain exempt as proposed. Outside of the River Setback and Riparian Buffer Area, the proposed exemptions for some (e.g., dead/dying/dangerous) tree removal would remain in place.	Requiring a minimum of a plan check with Bureau of Development Services for any tree removal within the River Setback or Riparian Buffer Area will ensure only trees that are allowed to be removed will be and that all removed trees are replaced. A landscaping plan will be on file to be used for future enforcement (if necessary). It is important to allow removal of invasive vegetation that is not trees (e.g. blackberry, ivy) through an exemption to encourage that enhancement work to continue. See Memo A-10.	☒	☐ Support staff rec ☐ Other
A-10B		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.	**Amendment.** Establish a simple and fast landscaping permit process to allow an applicant to follow the standards of 33.475.440.K. This process would require the submittal of a simple landscaping plan including location, species and size of trees to be removed, as well as a planting plan that meets the zoning code standards (33.475.440.K). Inspection would be required after planting is complete.	If recommendation A-10A passes, the existing process would for property owners to apply for a zoning permit that BDS staff would approve. BPS and BDS are exploring ways to make that process simple and fast for tree removal that meets the standards of 33.475.440.K. See Memo A-10.	☒	☐ Support staff rec ☐ Other
A-10C		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.	**Amendment.** For all landscaping or mitigation plantings, extend the monitoring period to three (3) years and at the end of the monitoring period require proof that the code requirements are met.	A longer monitoring period will ensure that replacement plants get established and that if any plants die, they are replaced again. The reporting would occur at the end of the monitoring period. BPS and BDS are exploring options to ensure final reporting occurs and is approved by staff. See Memo A-10.	☒	☐ Support staff rec ☐ Other
A-24		Jeff Bachrach Ruth Spetter	Application of River Environmental Overlay Zone	Modify staff's proposed River Environmental overlay application on Ruth Spetter's property.	**No update to the plan.** Maintain proposed application of the River Environmental overlay on Ruth Spetter's property.	Staff conducted an extensive review of Ruth Spetter's property and discussed it with the property owner a number of times. Based on the evaluation of the site and its contribution to a larger City-designated Special Habitat Area, the River Environmental application proposed in the Proposed Draft is consistent with established City goals, policies and processes.	☐	☐ Support staff rec ☐ Other
A-4		Mike Houck	Encroachment into the River Setback	Remove the allowance for encroachment of up to 5 feet into the setback (33.475.210.E).	**No update to the plan.** Maintain the encroachment allowance.	This allowance provides property owners flexibility for a small amount of encroachment into the setback as long as an equal contiguous area outside the 50-foot setback will be protected. This allowance was negotiated as a part of the Central City 2035 process and was valued by riverfront Central City property owners.	☒	☐ Support staff rec ☐ Other

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A-8		Mike Houck	Minimum Tree Diameter for Planting/ Replanting	Require that all trees planted to replace any tree removals to be a minimum of 1.5 inches diameter at breast height (DBH).	**No update to the plan.** 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 may require increased watering and other inputs to ensure longevity of the plant. The recommendation for implementation of a 3-year monitoring period in A10-C would ensure that required plantings are established and maintained.	☐	☐ Support staff rec ☐ Other
A-9		Mike Houck	Enforcement: 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.	See A-10 recommendation.	See A-10 rationale.	☐	☐ Support staff rec ☐ Other
A-19		Mike Houck	Trail Signage	Vol 1, Pt 1, Pg 38 – add the following to the fourth bullet in Key Issues and Opportunities (proposed updates are underlined): Ensure adequate signage is provided along trails that direct users to stay on the trail to prevent erosion and other impacts. <u>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</u>.	**No update to the plan.** Maintain existing language without addition.	In the March 10 work session, Table A supported, with modifications, the amendment. However, in subsequent discussions with Portland Parks it has become clear that Parks is, to the extent possible, moving away from the installation of signage on sites to reduce maintenance requirements and clutter in parks and open spaces. Educational materials are now provided through the City of Portland website.	☐	☐ Support staff rec ☐ Other
A-25		Mike Houck Katie Larsell	Ross Island	Provide an update on future plans for Ross Island.	**No update to the plan.**	See Memo A-25.		

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A-26		Mike Houck	Restoration	Vol 1, Pt 1, Pg 41 – add the following to the fourth bullet in Objective #4 (proposed updates are underlined): Continue to support efforts to obtain Water Resources Development Act (WRDA) funding for identified restoration projects in the South Reach. <u>Seek to add the Ross Island complex and Lagoon as an identified restoration project</u>. WRDA reauthorization is currently pending congressional approval.	**Amendment.** Staff supports the amendment with modification.	Staff recommends the following amendment to the action item: Continue to support efforts to obtain Water Resources Development Act (WRDA) funding for identified restoration projects in the South Reach. WRDA reauthorization is currently pending congressional approval. <u>Consider the submittal of a second package that includes the Ross Island complex and lagoon as an identified restoration project</u>. This change is needed because additions cannot be made to the WRDA package after they have been submitted to the federal government. Another package with the restoration of the Ross Island complex and lagoon would need to be developed and submitted separately.	☐	☐ Support staff rec ☐ Other
A-27		Mike Houck	Docks	There is a need to establish a limit on number and extent of docks in the South Reach.	Changes to dock regulations will be discussed as a part of Table B, Recreation.			