

PART 2. IMPLEMENTATION TOOLS

A. 2035 COMPREHENSIVE PLAN AMENDMENTS

1. 2035 Comprehensive Plan Policy Amendments

This section presents staff's proposed 2035 Comprehensive Plan policy amendments. The section is formatted to facilitate readability by showing draft amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Policy 1.15

This policy addresses intergovernmental coordination but does not currently reference tribal nations. This amendment officially recognizes tribal nations as governments.

Policy 2.12

This policy references roles and responsibilities for various entities but does not reference governmental agencies or tribal governments. This amendment acknowledges the need to coordinate with other agencies and tribal governments.

Policy 1.15 Intergovernmental coordination. Strive to administer the Comprehensive Plan elements and implementation tools in a manner that:

- a. Supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.
- b. Supports the cultural practices and fiscal health of tribal nations.

Policy 2.12 Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including government agencies and tribal nations in addition to community and neighborhood leadership, business, organizations, and individuals.

B. ZONING CODE AND MAP AMENDMENTS

1. Zoning Code Amendments

This section presents staff's proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

33.10.030.B.1

This update removes the word “environmental” from the reference to the “river environmental” overlay zone to clarify that rights-of-way within any of the River overlay zones, including River General, River Recreational, and River Environmental, are subject to the requirements of Title 33.

33.10.030.C.

The clarification for waterbodies subsection of when the zoning code applies is amended to state that the zoning code regulates dredging in the Central and now South reaches but not in other portions of the Willamette River and any other waterbody. This clarification is part of updating the Willamette River Greenway regulations for the South Reach. The *Natural Resources Protection Plan* for the South Reach identified significant natural resources including riverbeds, streams, drainageways and wetlands that play an important role in the life cycle of aquatic species, including the federal Endangered Species Act listed fish. Land use review will ensure that dredging activities have the least detrimental impact of aquatic habitat as practicable, and that the mitigation is conducted to offset any unavoidable impacts to aquatic habitat.

33.10 Legal Framework and Relationships

10

33.10.030 When the Zoning Code Applies

- A. **[No Change]**
- B. **Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:
 - 1. Rights-of-way in the greenway, river ~~environmental~~, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
 - 2.-5. **[No Change]**
- C. **Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on water bodies. The zoning code does regulate dredging in the Willamette River Central and South reaches, but does not regulate dredging on or in any other portion of the Willamette River or any other water body.
- D. **[No Change]**

Commentary

33.296.030.F.4.c.(2)

Subparagraph (2) ensures that temporary construction staging areas located within environmentally sensitive areas are always subject to the environmental and greenway regulations regardless of whether the staging area is temporary or permanent. This regulation is intended to avoid lasting detrimental impacts on these resources.

The amendment proposed here adds the River Environmental overlay zone to the list of environment-related overlay zones. This amendment should have been proposed as part of the River Plan / Central Reach project, but was inadvertently missed.

3.296 Temporary Activities

296

33.296.030 Temporary Activities Allowed

A.-G. [No change]

F. Construction activities

1.-3. [No change]

4. Construction staging areas

a.-b. [No change]

c. Staging area standards. Adjustments to the following standards are prohibited

(1) [No change]

(2) Staging areas that last longer than 3 years are subject to the regulations for permanent uses, except for staging areas located within an Environmental, River Environmental, or River Natural overlay zone, in which case the staging area is subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.

(3)-(5) [No change]

G.-I. [No change]

Commentary

33.430 Environmental Overlay Zones

The table of contents for this section has been updated to remove the "Major" from the title of Section 33.430.190, Standards for Major Public Trails. As a part of the *Central City 2035 Plan*, major was incorrectly added to the title of this standard.

33.430 Environmental Overlay Zones

430

Sections:

General

- 33.430.010 Purpose
- 33.430.015 Purpose of the Environmental Protection Zone
- 33.475.017 Purpose of the Environmental Conservation Zone
- 33.475.020 Environmental Reports
- 33.430.030 Relationship to Other Environmental Regulations
- 33.430.033 Relationship to Scenic Resources Zone
- 33.430.035 Other City Regulations
- 33.430.040 Overlay Zones and Map Symbols
- 33.430.050 Subareas of Environmental Zones
- 33.430.060 Where These Regulations Apply
- 33.430.070 When These Regulations Apply
- 33.430.080 Items Exempt From These Regulations
- 33.430.090 Prohibitions

Development Standards

- 33.430.110 Purpose
- 33.430.120 Procedure
- 33.430.130 Permit Application Requirements
- 33.430.140 General Development Standards
- 33.430.150 Standards for Utility Lines
- 33.430.160 Standards for Land Divisions and Planned Developments
- 33.430.165 Standards for Property Line Adjustments
- 33.430.170 Standards for Resource Enhancement Projects
- 33.430.175 Standards for Right-of-Way Improvements
- 33.430.180 Standards for Stormwater Outfalls
- 33.430.190 Standards for ~~Major~~ Public Trails
- 33.430.195 Standards for Tree Removal in the Scenic Resources Zone

Environmental Review

- 33.430.210 Purpose
- 33.430.220 When Review is Required
- 33.430.230 Procedure
- 33.430.240 Supplemental Application Requirements
- 33.430.250 Approval Criteria
- 33.430.260 Use of Performance Guarantees
- 33.430.270 Special Evaluation by a Trained Professional
- 33.430.280 Modification of Base Zone Development Standards

Natural Resource Management Plans

- 33.430.310 Purpose
- 33.430.320 Scope
- 33.430.330 Procedure
- 33.430.340 Components
- 33.430.350 Approval Criteria for Adoption and Amendment

Commentary

33.430.190 Standards for Major Public Trails

This section has been updated to remove the “Major” from Major Public Trails. As a part of the *Central City 2035 Plan*, major was incorrectly added to this standard. The standard was intended to apply to all public trails and not just Major Public Trails.

33.430.190 Standards for ~~Major~~ Public Trails

The following standards apply to ~~major~~ public trails and viewing areas developed in conjunction with the major public trail. All of the standards must be met.

- A. [No change]
- B. [No change]
- C. [No change]
- D. [No change]
- E. [No change]

Commentary

33.440.030.B Where these regulations apply

The City of Portland is in the process of updating the regulations for the Willamette River Greenway boundary. Planning for the central reach was completed as a part of the *Central City 2035 Plan*, completed in 2018. Central reach regulations are now in 33.475, River Overlay Zones, and applies to non-industrial properties in that reach.

South reach regulations will be revised with adoption of the *River Plan / South Reach*, and the River Overlay Zones chapter will be applied to all of the south reach. Chapter 33.440, Greenway Overlay Zones, will no longer apply. The changes made to 33.440.030.B remove references to the south reach (where these regulations apply) and south reach-specific exceptions from the chapter.

The exception for the interior of Ross and Hardtack islands has been removed because this chapter will no longer apply to Ross and Hardtack islands.

Chapter 33.440 continues to apply to a few industrial zoned sites in the central reach and the entirety of the north reach. Planning for those areas will commence after the *River Plan / South Reach* is completed. When north reach planning is complete, Chapter 33.440 will no longer apply anywhere in the city and will be rescinded.

33.440 Greenway Overlay Zones

440

33.440.030 Greenway Overlay Zones

A. Purpose. [No change]

B. Where these regulations apply.

1. General. The regulations of this chapter apply to all land and fills and structures in water within the North ~~and South~~ reaches and industrially zoned sites within the Central reach of the Willamette Greenway ~~Plan boundary~~. The North ~~and South~~ reaches and industrially zoned sites within the Central reach of the Willamette Greenway ~~Plan boundary~~ are shown on Map 440-1, and are designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones.
2. Exceptions. ~~a. The interior of Ross and Hardtack Islands will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan is in effect.~~ ~~b.~~ The major public trail standards of Section 33.440.240 apply to all lands within the Willamette Greenway Plan boundary designated with the major public trail symbol but which are outside of the greenway zones.

C.-D.[No change]

Commentary

Maps 440-1 Willamette Greenway Public Access Map (existing Maps 1-5)

Map 440-1 is a series of maps that delineate the Willamette Greenway Boundary and where the regulations of 33.440 apply. These maps also include major trail alignments, access paths and connection points to other pedestrian paths and bicycle routes.

The changes to all 440-1 maps is to depict the major public trail alignments within the Willamette River Greenway boundary that were adopted in the *2035 Comprehensive Plan* (2016). There no longer are primary and interim greenway trail designations.

There is a minor change to Map 4 of 5 that deletes the northern portion of the south reach boundary from the map and replaces it with a note to "See Map 475-1" because this area will now be subject to the requirements of 33.475, River Overlay Zones.

The deletion of Map 5 of 5 removes the rest of the south reach area from the regulations of Chapter 440, because the requirements of 33.475, River Overlay Zones apply to the entire south reach area.

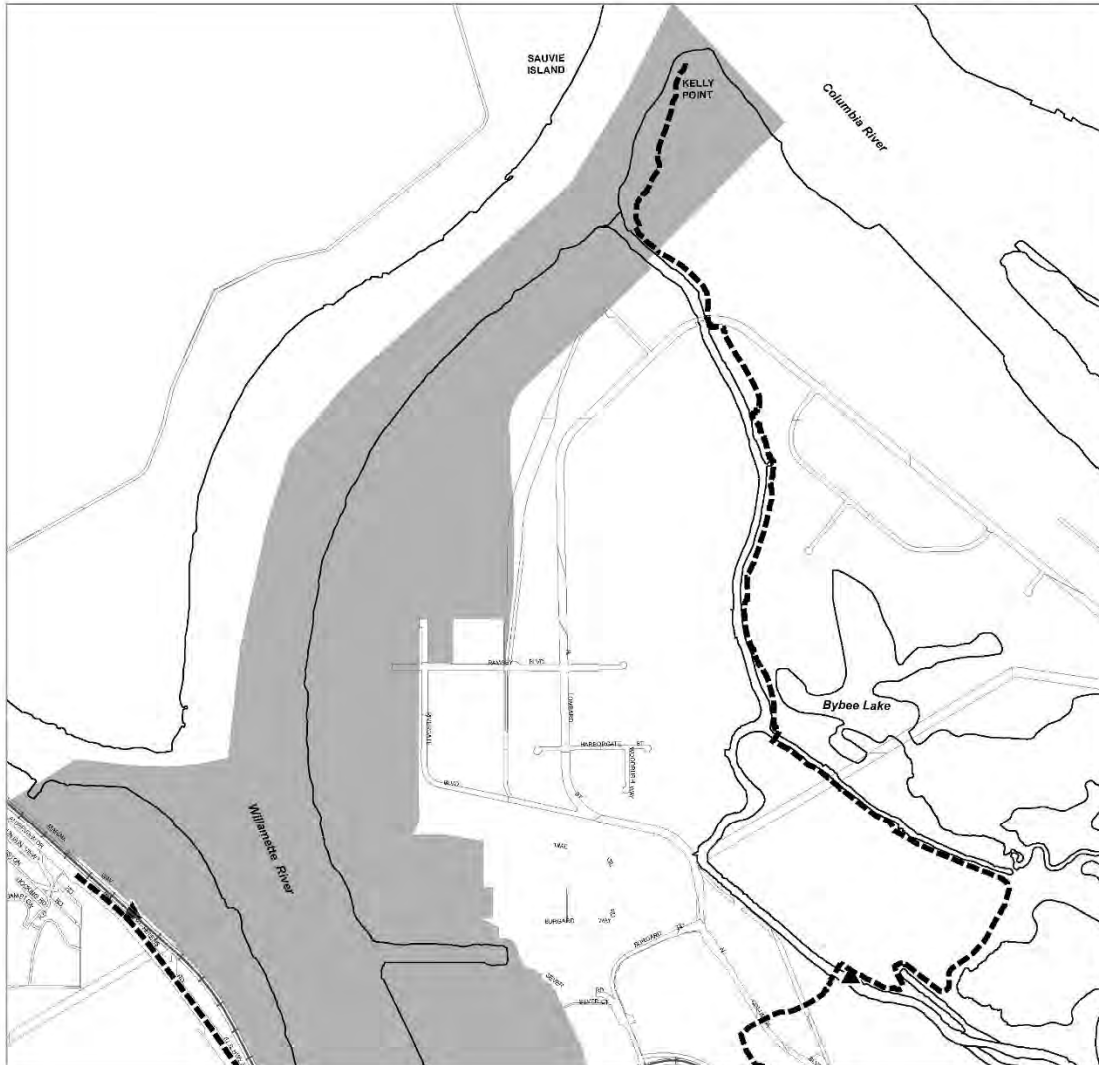
The remaining 4 maps are renumbered to be one of four in the series.

Willamette Greenway Public Access Map

Map 440-1

Map 1 of 5 4

Map Revised Xxxx X, 201X



Legend

--- City Boundary

■ Greenway Boundary

--- Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 440-1 (Map 2 of ~~54~~)

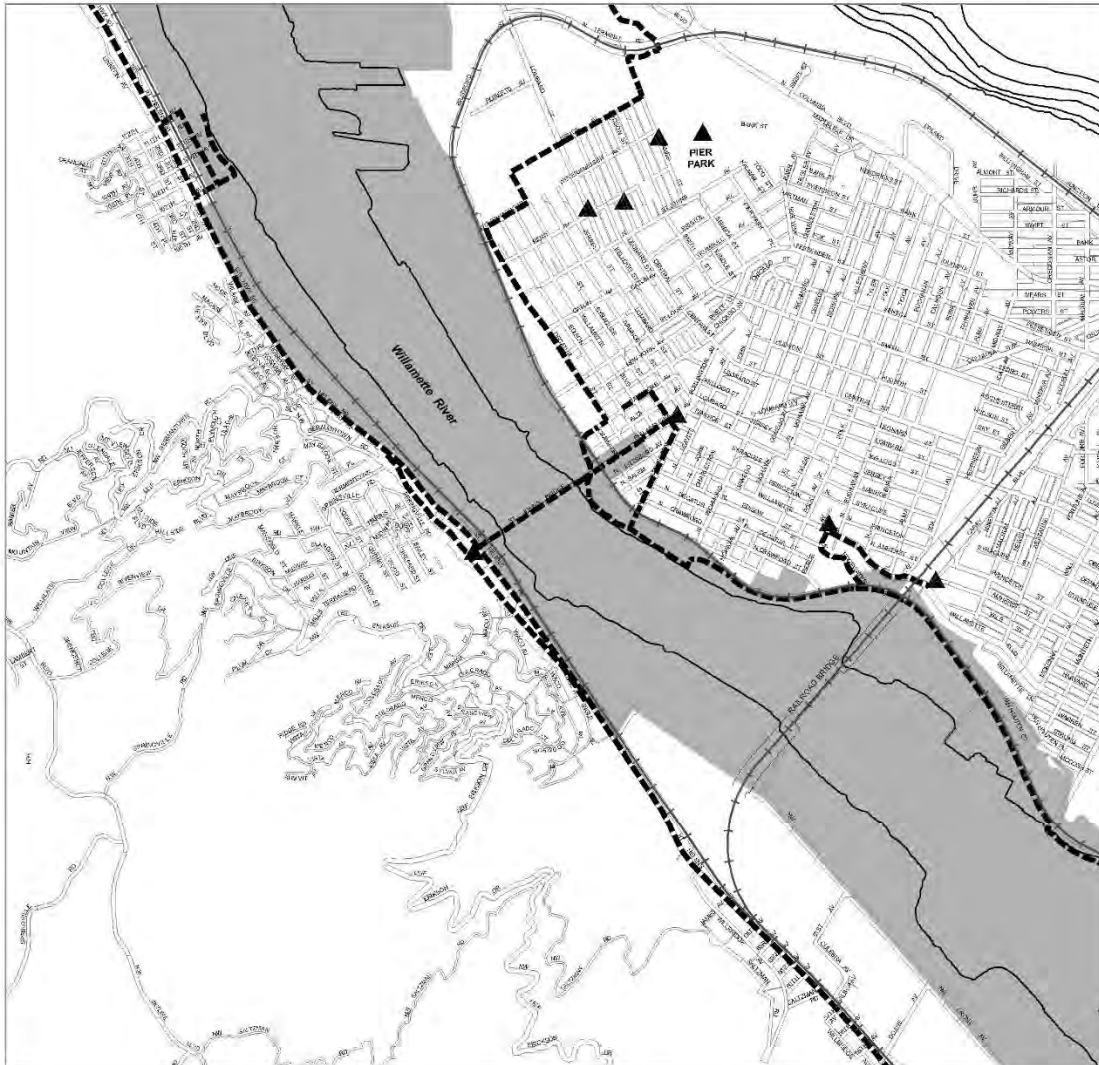
This map is updated to reflect the Major Public Trails alignment adopted in the 2035 *Comprehensive Plan* (2016) that include the Willamette River Greenway trails. There are no longer primary and interim greenway trail designations. The map series notation is revised to indicate deletion of Map 5 of 5.

Willamette Greenway Public Access Map

Map 440-1

Map 2 of 5 4

Map Revised Xxxx X, 201X



Legend

--- City Boundary

Greenway Boundary

Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 440-1 (Map 3 of ~~54~~)

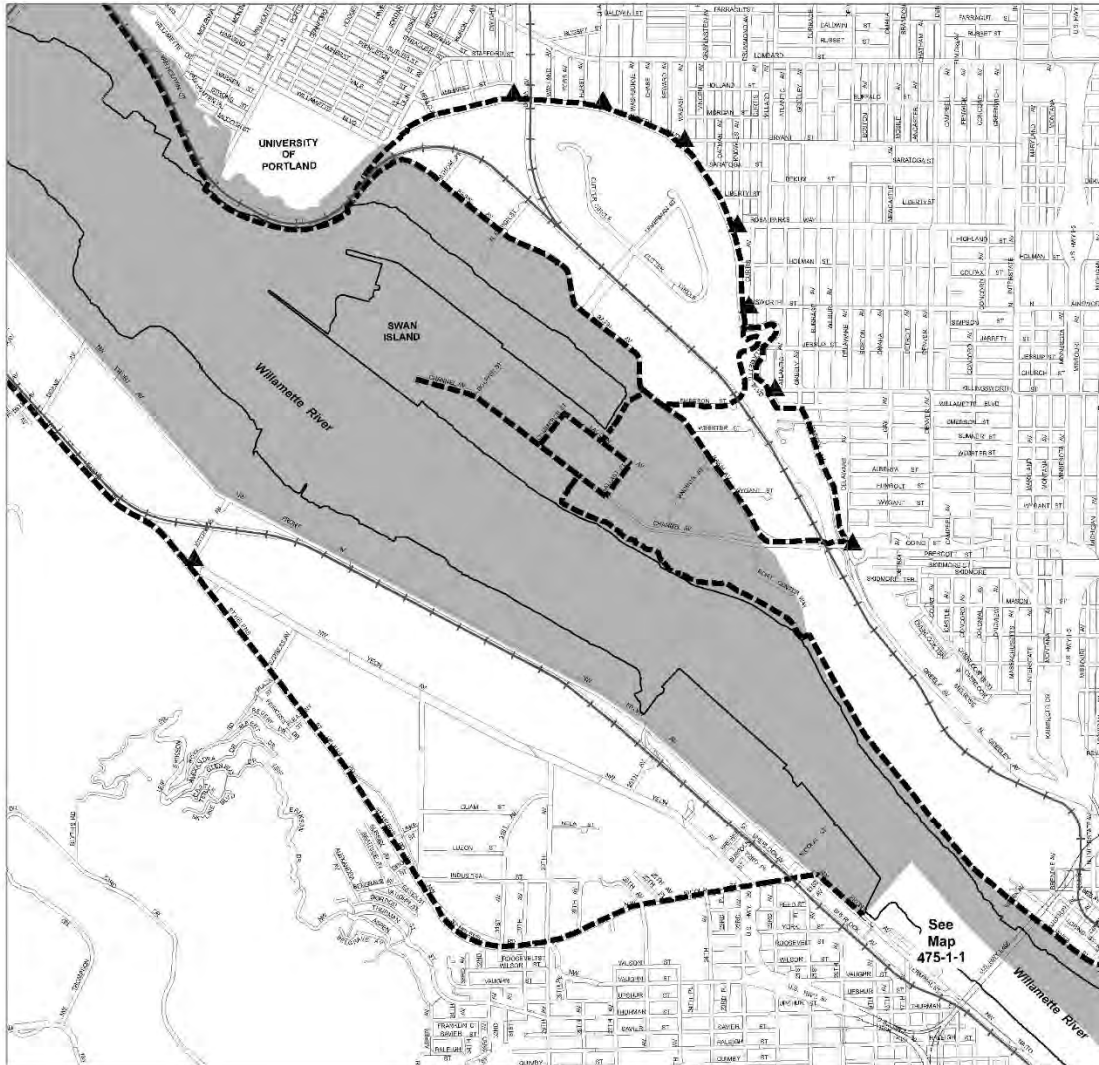
This map is updated to reflect the Major Public Trails alignment adopted in the 2035 *Comprehensive Plan* (2016) that include the Willamette River Greenway trails. There are no longer primary and interim greenway trail designations. The map series notation is revised to indicate deletion of Map 5 of 5.

Willamette Greenway Public Access Map

Map 440-1

Map 3 of 5 4

Map Revised Xxxx X, 201X



Legend

--- City Boundary

■ Greenway Boundary

--- Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 440-1 (4 of ~~54~~)

This map is amended to only include the north reach area that includes industrially zoned properties in the central reach and the southern part of the north reach area. The map deletes out the northern most portion of the south reach, which is now addressed in Chapter 33.475 River Overlay Zones and primary Willamette Greenway trail alignments and access paths that are outside of the north reach area shown on this map. The map series notation is revised to indicate deletion of Map 5 of 5.

Willamette Greenway Public Access Map

Map 440-1

Map 4 of 5 4

Map Revised Xxxx X, 201X



Legend

--- City Boundary

Greenway Boundary

----- Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



0 2,000 4,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 440-1 (5 of 5)

This map is deleted since the south reach area will now have its Willamette River Greenway boundary regulations addressed in Chapter 33.475 River Overlay Zones. The River Overlay Zones chapter is the replacement to the Greenway Overlay Zones chapter and includes the central and south reaches.

Willamette Greenway Public Access Map

Map 440-1

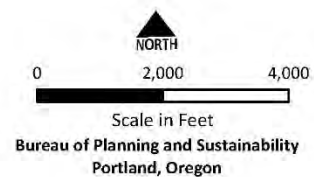
—Map 5 of 5

Map Revised Xxxx X, 201X



Legend

- City Boundary
- Greenway Boundary



Commentary

33.475 River Overlay Zones

As a part of the River Plan / South Reach update to the *Willamette Greenway Plan*, the River overlay zones (33.475) will be applied to the South Reach study area, which includes the riverfront portion of the unincorporated Multnomah County neighborhood of Dunthorpe. The River overlay zones currently apply within the Central Reach portion of the Willamette River Greenway in Portland. There are currently two River overlay zones—River General and River Environmental. The River Recreational overlay zone is being added to the chapter with the update and addition of the South Reach portion of the Willamette Greenway.

Other updates to the River overlay zones include the allowance of a limited amount of Retail Sales and Service use on a few locations in the River Recreational overlay zone, the addition of a bird-safe glazing requirement and an archeological resources protection requirement in the South Reach. Additional detail on these new requirements is provided in the commentary associated with their respective sections of the code.

Future river planning for the North Reach will focus on the unique characteristics of that reach and will apply the River overlay zones in that area. When that occurs, Chapter 33.475 will replace Chapter 33.440, *Greenway Overlay Zones*, entirely within the City of Portland.

33.475 River Overlay Zones

475

Sections:

General

- 33.475.010 Purpose
- 33.475.020 River Overlay Zones
- 33.475.030 Where These Regulations Apply
- ~~33.475.040 When These Regulations Apply~~
- 33.475.050 Supplemental Permit Application Requirements

River General ~~and River Recreational~~ Overlay Zone

- 33.475.200 Use Regulations
- 33.475.205 When These Regulations Apply
- 33.475.210 River Setback
- 33.475.215 Marine Passenger Docks and Marine Passenger Terminals
- 33.475.220 Landscaping
- 33.475.225 Residential Docks
- 33.475.230 Exterior Lighting
- 33.475.235 Bird-safe Glazing
- 33.475.240 Public Viewpoints
- 33.475.245 Archaeological Resources Protection
- 33.475.250 Nonconforming Uses and Development
- 33.475.260 Property Line Adjustments

River Environmental Overlay Zone

- 33.475.400 Use Regulations
- 33.475.403 When These Regulations Apply
- 33.475.405 Items Exempt From These Regulations
- 33.475.410 Environmental Report
- 33.475.420 Review Procedures
- 33.475.430 Prohibitions
- 33.475.440 Development Standards
- 33.475.450 Corrections to Violations of River Environmental Overlay Zone Development Standards

Clean Up of Contaminated Sites

- 33.475.500 Removal or Remediation of Hazardous Substances

Map 475-1 ~~Central Reach~~ River Overlay Boundary

Map 475-2 Willamette River Top of Bank

Map 475-3 Governor Tom McCall Waterfront Park and Eastbank Crescent

Map 475-4 Archaeological Sensitivity Areas

Map 475-5 Retail Sales and Service Allowed in OS

Map 475-6 Riparian Buffer Area

Commentary

33.475.010 Purpose

The purpose statement now includes the South Reach for application of the River Overlay Zones regulations. It also acknowledges more directly the importance of a well-functioning floodplain to the river and riverfront area.

33.475.020.A.2 River Recreational

The River Environmental overlay zone is applied to protect important high-, medium- and some low-ranked natural resources along the Willamette River. These natural resources are identified in the *Willamette River South Reach Natural Resources Protection Plan* (2020), which will be adopted as part of the River Plan / South Reach project, and the previously-adopted *Willamette River Central Reach Natural Resources Protection Plan* (2018). The only low-value resources identified in the natural resources protection plans to which the River Environmental overlay zone will now be applied are developed floodplains. As a part of the *Central City 2035 Plan* the River Environmental overlay zone was not applied to developed floodplain. Applying it now to the developed floodplain recognizes the importance of improving both flood capacity and habitat in these areas to minimize future flood impacts. The River Environmental overlay zone will now be applied to developed floodplain in both the south and central reaches of the Willamette River.

Application of the River Environmental overlay zone to developed floodplains draws on the guidance included in the National Marine Fisheries Service (NMFS) Biological Opinion on the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). Completed in 2016, the Biological Opinion directed FEMA to ensure the preservation and expansion of habitat and flood capacity with new development in the floodplain. The directive required FEMA to address vegetation management (i.e., tree replacement), stormwater management and flood storage capacity (specifically, in cases of fill) to avoid impacts to fish species listed as Threatened or Endangered under the Federal Endangered Species Act (ESA).

The inclusion of developed floodplain will better address the vegetation management component of the NMFS directive. Future updates to the City's Stormwater Management Manual and Title 24.50, Flood Hazard Areas, will address the other two components. FEMA NFIP regulations and maps may be modified in the near future and result in necessary changes to the requirements of this section.

Additionally, the language has been updated to clearly identify the goal of improvement of natural resources over time as the goal of mitigation requirements.

33.475.020.A.3 River Environmental

In addition to the existing River General and River Environmental overlay zones, the River Recreational (r*) overlay zone will be applied in the South Reach. The River Recreational overlay zone is applied to public park sites where river-dependent and river-related recreational uses are encouraged. This is to maximize the relationship of public recreation activities that take advantage of close proximity to the Willamette River and enhance the river's natural and scenic qualities.

33.475.010 Purpose

The River Overlay zones generally promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, and recreational qualities of lands along the central and south reaches of the Willamette River. This purpose is achieved by applying regulations that control development of land, change of use and intensification of use. The regulations reflect the desired character of the central and south reaches of the Willamette River—a character that includes:

- A healthy river, floodplain, and watershed;
- A thriving riverfront with regional gathering spaces, active and passive recreational uses, maritime and commercial activities, and a welcoming mixed-use community; and
- Access to, along and in the river.

The River Overlay Zones also implement the City’s responsibilities under ORS 390.310 to 390.368.

33.475.020 River Overlay Zones

A. Purpose. The River Overlay ~~z~~Zones implement the land use pattern identified in the *Central City 2035 Plan (2017*~~2018)~~ *and River Plan/South Reach (2020)*. There are ~~two~~three River Overlay zones each with their own purpose:

1. River General. The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.
2. River Recreational. The River Recreational zone encourages river-dependent and river-related recreational uses, which provide a variety of types of public access to, along, and in the river, and which enhance the river’s natural and scenic qualities.
- ~~3.~~ 2. River Environmental. The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. Mitigation is required for unavoidable impacts and is intended to ~~have no net loss~~compensate for impacts and improve of natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in ~~at two~~ detailed ~~study~~studies titled *Willamette River Central Reach Natural Resources Protection Plan (2017)* and Willamette River South Reach Natural Resources Protection Plan (2020). This overlay zone always applies in combination with one of the other River Overlay zones.

Commentary

33.475.020.B. Map Symbols

This subsection reflects the addition of the River Recreational overlay zone map symbol. The new River Recreational (r*) overlay zone has been added and will apply to a number of South Reach parks. The asterisk is used to differentiate it from River Recreational overlay zone that is applied in the north reach and follows the Greenway Overlay zone regulations contained in 33.440.

When the City updates the Willamette Greenway Plan for the North Reach, the regulations of 33.440 will be replaced by 33.475 at that time. The final 33.475 will include the addition of the River Industrial Overlay Zone and the asterisks will be removed from the map symbols.

33.475.030 Where These Regulations Apply

This section identifies where and when the regulations in this chapter apply to uses and development on the land and in the water. Map 475-1 depicts the area within which the river overlay zones and associated regulations apply in the South and Central reaches.

For clarity, the descriptions of which sections of this chapter apply for the various River overlay zones have been moved from the previous 33.475.040, When These Regulations Apply. Information on the River General, River Environmental and the removal or remediation of hazardous sites has been relocated to this section. Additionally, information on the new River Recreation (r*) overlay zone has been added.

The existing *Willamette Greenway Plan* (1987) exempts the interior of Ross and Hardtack islands from the regulations of the Greenway Overlay Zones. In the Greenway Overlay Zones chapter (33.440), it states that "the interior of Ross and Hardtack Islands will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan is in effect". The *Ross Island Management Plan* was established as a part of the Ross Island Sand and Gravel conditional use approval in 1980 and is now outdated and difficult to implement. Therefore, this exception will not be maintained in the River Overlay Zones chapter. All future development on Ross and Hardtack islands will be subject to this chapter.

33.475.040 When These Regulations Apply

This section has been deleted and the relevant requirements for when the regulations apply and exemptions have been moved into the River General, River Recreation, and River Environmental sections. River Plan / South Reach updates to the existing code are identified in the commentary for those sections.

- B. Map symbols.** The River Overlay Zones are shown on the official zoning maps with the following symbols:

<u>Overlay Zone</u>	<u>Map Symbol</u>
River General	g*
<u>River Recreational</u>	<u>r*</u>
River Environmental	e

33.475.030 Where These Regulations Apply

- A. General.** The regulations of this chapter apply to the land and the water within the Central Reach and South Reach portions of the Willamette Greenway Plan boundary shown on Map 475-1 and designated on the Official Zoning Maps with the River General (g*), the River Recreational (r*), and the River Environmental (e) overlay zones. The regulations of this chapter do not apply to the River General (g) or River Recreational (r) overlay zones located within the Greenway Overlay zone boundary shown on Map 440-1. See Chapter 33.440, Greenway Overlay zones for regulations that apply to the River General (g) and River Recreational (r) overlay zone within the Greenway Overlay zone boundary.

1. River General and River Recreational overlay zones. The regulations in Sections 33.475.200 through 33.475.260 apply to all sites in the River General and River Recreational overlay zones.
2. River Environmental overlay zone. The regulations in 33.475.400 through 33.475.450 apply to all sites in the River Environmental overlay zone
3. Removal or Remediation of Hazardous Substances. The regulations in 33.475.500 apply to actions to remove or remediate hazardous substances that have been approved or selected under Oregon or federal cleanup law. The regulations in 33.475.500 only apply to the portions of the site where the removal or remediation actions will occur; development or exterior alterations on other portions of the site outside of the removal or remediation areas must meet all other applicable regulations and procedural requirements of this chapter. Remedial actions within public rights of way and actions not approved or selected by a state or federal cleanup authority must meet all other applicable regulations and procedural requirements of this chapter and may not use 33.475.500. The applicant conducting the removal or remediation action may choose to meet the regulations of 33.475.500 or all other applicable regulations of this chapter.

33.475.040 When These Regulations Apply

- A. ~~River General overlay zone.~~** The regulations in Sections 33.475.200 through 33.475.260 apply to any changes to land or development in the River General overlay zone including rights of way.
- B. ~~River Environmental overlay zone.~~** The regulations in 33.475.400 through 33.475.450 apply in the River Environmental overlay zone as follows:
- ~~1. Unless exempted by Paragraph B.2., the regulations apply to:~~

Commentary

- a. ~~Development;~~
 - b. ~~Planting, removing, cutting, mowing, clearing, burning or poisoning trees or vegetation;~~
 - c. ~~Changing topography, grading, excavation or filling; and~~
 - d. ~~Resource enhancement.~~
2. ~~Exemptions. The following items are exempt from the River Environmental overlay zone regulations:~~
- a. ~~Change of ownership;~~
 - b. ~~Temporary emergency procedures necessary for the protection of life, health, safety, or property;~~
 - c. ~~Changes to the interior of a building where there are no exterior alterations;~~
 - d. ~~Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation system, stormwater facilities, nonpotable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased;~~
 - e. ~~Dredging, channel maintenance, and the removal of materials from the river as follows:~~
 - (1) ~~Dredging, channel maintenance, and the removal of material within the federal navigation channel.~~
 - (2) ~~Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:~~
 - ~~Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or~~
 - ~~Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.~~
 - (3) ~~The placement of dredged materials within the River Environmental overlay zone is not exempt.~~
 - f. ~~Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from the edge of a wetland;~~
 - g. ~~Installation of temporary erosion control measures;~~
 - h. ~~Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;~~
 - i. ~~Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the *Nuisance Plants List*;~~

Commentary

- j. ~~Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the Nuisance Plants List and no trees 1.5 or more inches in diameter are removed;~~
- k. ~~Development located on an existing dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;~~
- l. ~~Removal or pruning of trees that are not more than 1.5 inches in diameter and other vegetation that is not listed as native on the Portland Plant List. The removal or pruning must be done with handheld equipment. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance area located outside and landward of the river setback must be replanted to meet the subarea 3 standard of Table 475-1.~~
- m. ~~Planting of native vegetation listed on the *Portland Plant List* when planted with hand held equipment or equipment with a wheel surface to ground pressure of no more than 7.5 psi;~~
- n. ~~Public street and sidewalk improvements meeting all of the following:~~
 - ~~(1) Improvements must be within an existing public right of way used by truck or automobile traffic; and~~
 - ~~(2) Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.~~
- o. ~~Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;~~
- p. ~~Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees and disturbed area is planted with the following (top of bank is shown on Map 475-2):~~
 - ~~(1) Three shrubs per 100 square feet; and~~
 - ~~(2) Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;~~
- q. ~~Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank and disturbance area is planted with the following (top of bank is shown on Map 475-2):~~
 - ~~(1) Three shrubs per 100 square feet; and~~
 - ~~(2) Grass and forb seed mix at a ratio of 30 pounds per acre;~~
- r. ~~Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the public right of way provided that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);~~

Commentary

~~s. Installation of fencing in the following situations:~~

~~(1) Fencing on an existing paved surface;~~

~~(2) Fencing around stormwater facilities that meet the Stormwater Management Manual; or~~

~~(3) Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;~~

~~t. Installation of signage provided no trees over 1.5 inches in diameter are removed; and~~

~~u. Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.~~

~~**C. Removal or Remediation of Hazardous Substances.** The regulations in 33.475.500 apply to actions to remove or remediate hazardous substances that have been approved or selected under Oregon or federal cleanup law. The regulations in 33.475.500 only apply to the portions of the site where the removal or remediation actions will occur; development or exterior alterations on other portions of the site outside of the removal or remediation areas must meet all other applicable regulations and procedural requirements of this chapter. Remedial actions within public rights of way and actions not approved or selected by a state or federal cleanup authority must meet all other applicable regulations and procedural requirements of this chapter and may not use 33.475.500. The applicant conducting the removal or remediation action may choose to meet the regulations of 33.475.500 or all other applicable regulations of this chapter.~~

33.475.050 Supplemental Permit Application Requirements

The following information is required when a permit for development or exterior alteration in the River Overlay Zones is reviewed for compliance with this chapter.

A. Supplemental site plan. The following supplemental site plans are required when a permit for development or exterior alteration within the River Overlay zones is reviewed for compliance with this chapter. Five copies of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches; and

1. An existing conditions site plan including:

a. Location of all base zone and overlay zone lines on the site;

b. Location of the top of bank, river setback line and the landscaping sub areas;

c. Outline of any existing development, including existing river bank stabilization treatments, stormwater treatment facilities, environmental enhancement or mitigation areas, and trails and paths;

Commentary

33.475.050.A.1.d.

The River Environmental overlay zone includes all floodplain areas, including the 100-year floodplain and 1996 Flood Inundation Area. The 1996 Flood Inundation Area is the geographic extent, based on aerial imagery, of the full 1996 flood zone in Portland. This amendment requires that the 1996 Flood Inundation Area be shown on site plans submitted to the City. In some cases, additional requirements related to tree replacement and violation correction options have been added for the floodplain areas. See below for specific commentary on the additional requirements.

33.475.050.A.1.e. and f.

These subparagraphs have been updated to remove the requirement to document the location of trees and vegetation within 50 feet of where ground disturbance and vegetation removal will occur. Instead, the requirement will be to provide tree and vegetation documentation within and adjacent to the area where ground disturbance and vegetation removal will occur.

33.475.050.A.2.b.

The River Environmental overlay zone includes all floodplain areas, which is made up of the 100-year floodplain and 1996 Flood Inundation Area, and, in some cases, additional requirements related to tree replacement and violation correction options have been placed on those areas. This update requires that the 1996 Flood Inundation Area be shown on site plans submitted to the City.

33.475.050.A.2.c.

For proposed development or exterior alterations, submitted plans should identify the location of any cut proposed to offset the impact of any proposed fill. If fill is proposed in the 100-year floodplain or 1996 Flood Inundation Area, the proposed cut must also occur within the 100-year floodplain or 1996 Flood Inundation Area.

- d. Extent of the 100-year floodplain and 1996 Flood Inundation Area;
 - e. The location, size including trunk and canopy crown diameter, and species of trees that are 1.5 inches or greater in diameter that are within and adjacent to the area where ground disturbance or vegetation removal will occur, ~~or that are within 50 feet of the area where ground disturbance and vegetation removal will occur~~;
 - f. Vegetation other than trees within and adjacent to the area where ground disturbance or vegetation removal will occur, ~~and vegetation other than trees within 50 feet of the area where ground disturbance and vegetation removal will occur~~. Vegetation may be shown as the area of cover with a list and percent cover of plant species present; and
 - g. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.
2. A proposed development or exterior alterations plan including:
- a. Outline of the proposed project area, including:
 - (1) limits of the temporary and permanent disturbance areas, equipment staging and maneuvering areas, ingress and egress areas, and areas to be left undisturbed;
 - (2) areas of ground disturbance, stockpiling or grading;
 - (3) outfalls and river bank stabilization treatments;
 - (4) trails and paths;
 - (5) areas of vegetation to be left undisturbed including the root protection zone for trees;
 - (6) environmental enhancement or mitigation areas,
 - b. Location and size (cubic yards) of fill to be placed within the 100-year floodplain and 1996 Flood Inundation Area;
 - c. Location, size (cubic yards), and design of proposed cut within the 100-year floodplain and 1996 Flood Inundation Area;
 - ed. Location and description of all proposed erosion control measures;
 - de. Location and description of all proposed stormwater management facilities;
 - ef. Location of proposed fencing and identification of where the fencing is temporary and where it is permanent;
 - fg. Location of exterior lighting; and
 - gh. A landscaping plan indicating the size, species, and location of all vegetation to be planted.

B. Photos of the site. Submission of photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

Commentary

33.475.300.B. Use Regulations

The River Recreational (r*) overlay zone is added to the River Overlay Zones chapter from the Greenway Overlay Zones chapter. The use regulations limit the primary uses to river-dependent and river-related recreational uses to take advantage of the river and riverfront area for recreation activities. Other recreational activities that do not relate to the river need not be the primary recreational activities at these locations. There is a use allowance for a limited amount of Retail Sales and Services uses and development at 3 sites in the South Reach: Willamette Park, Multnomah County property (formerly the Staff Jennings Boating Center) and Sellwood Riverfront Park (see Map 475-5). The intent of allowing up to 1,500 square feet of Retail Sales and Services uses and development is to provide a limited amount of services that support river recreation activities and users like recreational equipment rentals, refreshments and sundries. This provision is not allowed in all OS zoned properties. The 3 sites identified have or are planned to have active river/riverfront recreation activities.

33.475.210.A. Purpose

The river setback requirement that currently applies to sites with the River General (g*) overlay zone in the Central Reach now also applies to sites zoned River General (g*) zoned in the South Reach. Reference to the Central Reach has been removed since it no longer applies only to this reach.

33.475.210.C. The River Setback

For clarity, the discussion of options for top of bank in cases where the river bank has been altered has been moved into a separate paragraph.

River General and River Recreational Overlay Zones

33.475.200 Use Regulations

- A. River General overlay zone.** There are no special use restrictions in the River General overlay zone.
- B. River Recreational overlay zone.** Primary uses in the River Recreational overlay zone are limited to recreational uses that are river-dependent or river-related. On sites shown on Map 475-5, Retail Sales and Service use is allowed as an accessory use when the total amount of Retail Sales And Service use does not exceed 1,500 square feet of net building area.

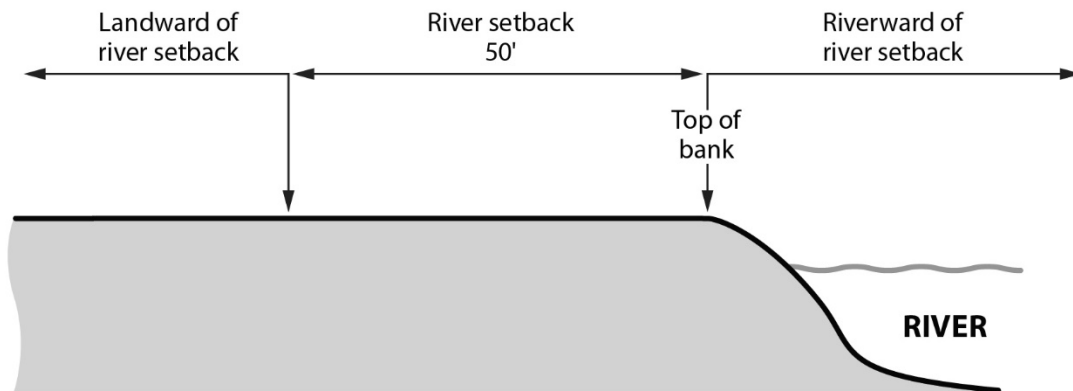
33.475.210 River Setback

- A. Purpose.** The purpose of the river setback is to keep structures separated from the river in areas where the land is not being reserved for river-dependent and river-related uses. Separating structures from the river facilitates protection, maintenance, restoration, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River ~~in the Central Reach~~ by reserving space for the conservation and enhancement of natural vegetation and the opportunity for public access. In addition, OAR 660-015-0005 requires the establishment of a setback line.
- B. General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, in the River General overlay zone, a marine transportation terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock is river-dependent, but the parking lot and offices are not.
- C. The river setback.** The river setback extends from the top of the bank to a point 50 feet landward of the top of bank. See Figure 475-1. Top of bank is shown on Map 475-2. Where top of bank is not shown on Map 475-2, top of bank is determined as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank.

Where alteration to the river bank carried out to meet 33.475.440.H results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and new top of bank line must be submitted for verification that the top of bank has been measured according to the standard in 33.930.150, Measuring Top of Bank, and then recorded with the County recorder. In all cases the river setback line must be at least 5 feet landward of the new top of bank line.

Commentary

**Figure 475-1
River Setback**



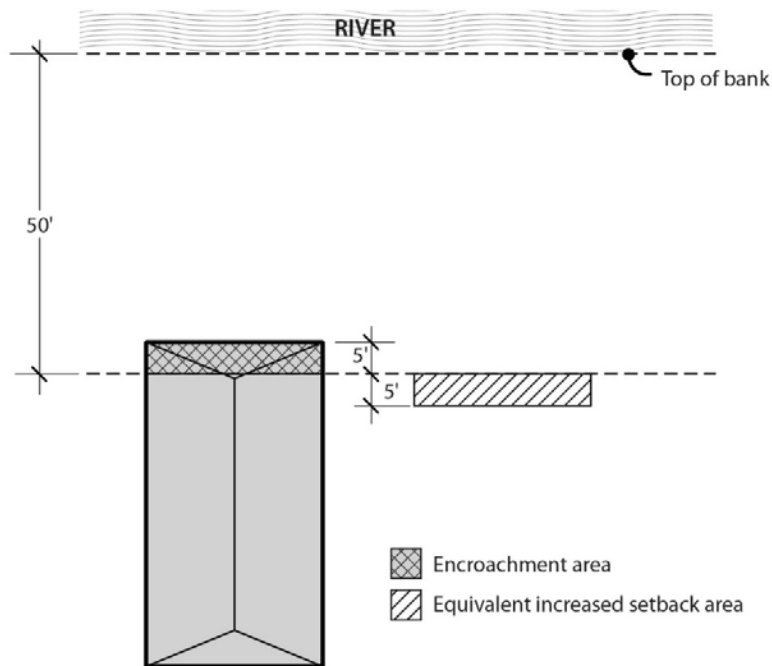
D. River setback standards.

1. Development landward of the river setback. Development, exterior alterations, excavations, and fills landward of the river setback are not required to be river-dependent or river-related.
2. Development within or riverward of the river setback. Except as follows, development, exterior alterations, excavations, and fills within or riverward of the river setback must be river-dependent or river-related:
 - a. Development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed to encroach into the river setback as described in Subsection E. Development, exterior alterations, excavations, and fills located riverward of the setback must be river-dependent or river-related, except as allowed by 33.475.250.D;
 - b. Development within a Historic or Conservation landmark located within or riverward of the river setback is not required to be river-dependent or river-related, and the floor area of the landmark and the exterior improvement area associated with the landmark can be increased up to a total of 10 percent within the river setback when the alteration does not bring the building or exterior improvement area closer to the river.
 - c. All other development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed if approved through a Greenway Goal Exception.

- E. Encroachment into the setback.** Development that is not river-dependent or river-related may encroach up to 5 feet into the river setback provided that the setback is increased by an area equivalent in size to the encroachment area. The area that is increased must be located adjacent to the original setback. See Figure 475-2.

Commentary

Figure 475-2
Encroachment into the River Setback



33.475.215 Marine Passenger Docks and Terminals

- A. Purpose.** River-related development provides goods or services that are directly associated with river-dependent land or waterway use. River-related development is typically allowed within the river setback, however certain river-related development associated with a marine passenger dock, while river-related in nature, does not need to be fully located within the river setback. In order to ensure that these particular types of river-related development do not overwhelm or dominate within the river setback, the total amount of footprint allowed within the setback is limited. The limitation will ensure that the river setback can accommodate other river-related or river-dependent development and provide opportunities for recreation, public access, and the conservation and enhancement of natural, scenic and historic resources.
- B. Standard.** Passenger waiting and queuing areas, security checkpoints, and machine shops associated with marine passenger docks for subregional travel or marine passenger terminals for regional travel are limited to a 5,000 square foot footprint within or riverward of the river setback.

Commentary

33.475.220 Landscaping

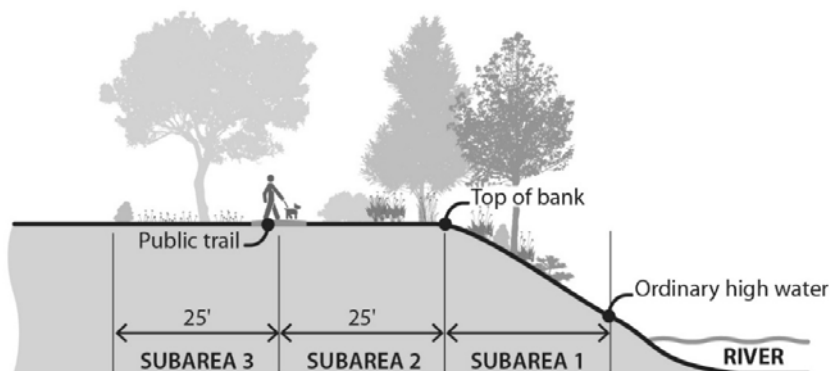
The following regulations to new development and exterior alterations to existing development apply in the River General and River Recreational overlay zones. Adjustments are prohibited.

A. Purpose. The landscaping regulations are intended to increase vegetation along the Willamette River. Adding a diversity of vegetation within the river setback will improve multiple ecosystem functions, increase fish and wildlife habitat, provide shade, cool the air, and create visual diversity. The regulations are also intended to accommodate safe and enjoyable public access to and along the Willamette River.

B. Required landscaping.

1. Governor Tom McCall Waterfront Park and the Eastbank Crescent beach shown on Map 475-3 are exempt from this Section.
2. Required landscaping for all other areas. For areas not exempt from this section, land within and riverward of the river setback that is not covered with a building or other structure, an existing parking area or developed with a trail or viewing area must be landscaped to meet Table 475-1, Landscaping Planting Density. Subareas are shown on Figure 475-3 and described below. There are three planting densities allowed within each subarea. The applicant may choose which planting density standard to apply within each subarea, and more than one planting density may occur on a site. For example, the applicant may choose planting density 1 for all the subareas, or planting density 2 for subarea 1, planting density 3 for subarea 2, and planting density 1 for subarea 3.
 - a. Subareas:
 - (1) Subarea 1. Subarea 1 extends from the ordinary high water mark to the top of bank of the Willamette River.
 - (2) Subarea 2. Subarea 2 extends from the top of bank to a point 25 feet landward of the top of bank of the Willamette River.
 - (3) Subarea 3. Subarea 3 extends from a point 25 feet landward of the top of bank to a point 50 feet landward of the top of bank of the Willamette River (top of bank is shown on Map 475-2). When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, Subarea 3 extends into the increased setback area.

**Figure 475-3
Landscaping Area**



Commentary

33.475.220.B.2.c.(2)

An exception from the landscaping requirements has been added when providing the required landscaping would significantly interfere with a river-dependent or river-related use or development or when adding the landscaping is deemed by the Fire Marshal to be a safety hazard.

33.475.220.B.2.c.(5)

This section is updated to change the requirement to state that revegetation projects can be completed anywhere within the River Environmental overlay zone, rather than in the same reach of the Willamette River. This will allow more flexibility in the location of Bureau of Environmental Services (BES) revegetation projects while still achieving the vegetation goals of the River Environmental overlay zone.

- b. Vegetation planted to meet the resource enhancement standards of 33.475.440. H or the mitigation standards of 33.475.440.L may be counted towards meeting the landscaping standard.
- c. Exceptions.
- (1) Landscaping is not required within portions of sites where contamination removal or remediation actions meet the standards of 33.475.500;
- (2) Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard;
- (3) Trees and shrubs are not required within utility easements but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre;
- ~~(3)~~(4) Trees and shrubs are not required within a scenic (s) overlay zones but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may not be planted within a scenic (s) overlay zones; or
- ~~(4)~~(5) If the area to be landscaped within subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3) and the area with an average slope of 30 percent or steeper is armored with rip rap, or the area within subarea 1 has rip rap that is at least four feet deep, then the required subarea 1 landscaping may be planted on an area of the site that is landward of the river setback but within the River overlay zones, or the applicant may pay a revegetation fee-in-lieu as described below. If the landscaping will be provided on-site, the total area outside of subarea 1 to be landscaped must be equivalent in size to the area that would have been required to be landscaped in subarea 1. More than one landscaped area may be provided to achieve the total, but other required landscaping may not count toward the total:
- Revegetation fee-in-lieu use and administration. The revegetation fee is collected by Bureau of Development Services and is administered by the Bureau of Environmental Services (BES). The fees collected are used for revegetation projects on public or private property within the ~~same reach of the Willamette River as the site~~River Environmental overlay zone. The reaches are shown on Map 475-1.
 - Calculation of required fee-in-lieu contributions. Applicants must contribute the cost to purchase and plant trees, shrubs and groundcover plants as set out in the next bullet. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor and maintenance.

Commentary

Table 475-1

Landscaping plant density requirements contained in Table 475-1 have been updated to make the requirements more user-friendly by reducing the level of complexity of subarea 2 and subarea 3 planting requirements. Additionally, the table has been updated to allow for clustering of trees in all three subareas. Allowing for clustering will enable property owners to meet landscaping requirements while also preserving views along the riverbank. Shrubs and ground cover are expected to be dispersed throughout out the subareas, as required by Table 475-1.

Table 475-1 Landscaping Planting Density			
Subarea	Planting Density 1: Small Trees[1]	Planting Density 2: Medium Trees[1]	Planting Density 3: Large Trees[1]
Landscaping Subarea 1	<p>At least One tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet <u>of subarea</u>.</p> <p>Trees may be clustered. All plants must be native.</p>	<p>At least One tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet <u>of subarea</u>.</p> <p>Trees may be clustered. All plants must be native.</p>	<p>At least One tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet <u>of subarea</u>.</p> <p>Trees may be clustered. All plants must be native.</p>
Landscaping Subarea 2	<p><u>Option 1:</u> Same as Subarea 1</p> <p><u>Option 2:</u> At least one tree and three shrubs must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.</p> <p><u>Trees may be clustered.</u></p> <p>One tree and one of the following two options for every 100 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Three shrubs and four other groundcover plants.</p>	<p><u>Option 1:</u> Same as Subarea 1</p> <p><u>Option 2:</u> At least one tree and six shrubs must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.</p> <p><u>Trees may be clustered.</u></p> <p>One tree and one of the following two options for every 200 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Six shrubs and eight other groundcover plants.</p>	<p><u>Option 1:</u> Same as Subarea 1</p> <p><u>Option 2:</u> At least one tree and nine shrubs must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre</p> <p><u>Trees may be clustered.</u></p> <p>One tree and one of the following two options for every 300 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Nine shrubs and 12 other groundcover plants.</p>

Commentary

<p>Landscaping Subarea 3</p>	<p><u>At least One tree must be planted for every 100 square feet of subarea, and the entire subarea must be and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.</u></p> <p><u>If shrubs are provided, a minimum of 3 shrubs must be planted for every 100 square feet of subarea.</u></p> <p><u>Trees may be clustered.</u></p> <p>Trees must be separated from other trees by at least 20 feet on-center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.</p>	<p><u>At least One tree must be planted for every 200 square feet of subarea, and the entire subarea must be and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.</u></p> <p><u>If shrubs are provided, a minimum of 6 shrubs must be planted for every 200 square feet of subarea.</u></p> <p><u>Trees may be clustered.</u></p> <p>Trees must be separated from other trees by at least 20 feet on-center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.</p>	<p><u>At least One tree must be planted for every 300 square feet of subarea, and the entire subarea must be and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.</u></p> <p><u>If shrubs are provided, a minimum of 9 shrubs must be planted for every 300 square feet of subarea.</u></p> <p><u>Trees may be clustered.</u></p> <p>Trees must be separated from other trees by at least 20 feet on-center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.</p>
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[1] Tree size is based on Title 11.60.020.C Canopy Size

Commentary

33.475.220.C.3.b.

This subsection has been updated to only require confirmation from a landscape architect or engineer that the growing medium is heavier than water in subarea 1. Confirmation is needed in subarea 1 to ensure that the growing medium selected will not be washed away over time, increasing the likelihood of success for vegetation planted in the area.

- Required fee-in-lieu contribution. The applicant must contribute the cost to purchase, plant and maintain one tree, three shrubs and four ground cover plants per 100 square feet of required planting area before a building permit will be issued. The fee calculation will be rounded up to the next multiple of \$10. The minimum area to be used in this calculation is 100 square feet. Calculations that are not a multiple of 100 will be rounded up to the next multiple of 100.

C. Landscaped area site preparation. Before installing the required landscaping, the following standards must be met:

1. All prohibited and nuisance plants listed on the *Portland Plant List* must be removed within and riverward of the river setback.
2. All structures and debris located within and riverward of the river setback must be removed except for river-dependent and river-related structures, non-conforming development, erosion control measures, flood control facilities, large wood, and bioengineered structures. Examples of bioengineered structures include bundles of plant materials or soil cells wrapped in biodegradable fabrics.
3. If the area to be planted is not currently vegetated, the soil must be amended with 12 inches of growing medium. If the planting area ~~is in subarea 1~~ has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3), and is armored with rip rap, the growing medium may be placed in planting wells. The composition of the growing medium must meet one of the following:
 - a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and that any growing medium to be located in subarea 1 is heavier than water.
4. Placement of the growing medium is not allowed when the ground is frozen or saturated; and
5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

D. Plant requirements. Trees must be a minimum ½-inch caliper, bareroot, or live stakes, unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used.

Commentary

33.475.220.E. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use

This amendment ensures that when the project value threshold is exceeded for an alteration to a site with nonconforming development the project will come more into compliance with applicable standards. This section requires that any upgrades required by this chapter be completed first. This language is consistent with other portions of the code.

33.475.225 Residential Docks

There are numerous residential docks along the Willamette River in the South Reach, including the unincorporated Multnomah County area of Dunthorpe. While docks may provide enjoyment for the property owner, these private overwater structures have negative impacts on critical fish habitats, especially for endangered and threatened juvenile fish species like Chinook, Coho and Sockeye Salmon, and Steelhead Trout. This section of the Willamette River is also a key migratory habitat for Pacific Lamprey and Coastal Cutthroat Trout. Overwater structures create shaded areas on the river's surface and have been found to change fish gathering areas and behavior and the relationship between predator and prey species. Dark areas under docks are where predatory fish species like Pikeminnow, Walleye, Smallmouth Bass, and Largemouth Bass hide and eat juvenile salmon as they migrate to the Columbia River along the Willamette River's edges and shallow habitat areas.

This proposal is based on residential dock guidelines developed by the Oregon Department of Fish and Wildlife (February 2016). Adjustments to this standard are not allowed. However, an applicant could apply for a larger residential dock through River Review, 33.865. Larger residential docks would have to be designed to minimize the impacts of the overwater structure on critical fish habitat and related environmental impacts.

While use of this dock standard will help facilitate review of an application, the placement of the dock will still be subject to a River Review.

- E. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the requirements of this section, and the alterations are over the threshold of Paragraph E.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, C, and D, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
1. Thresholds triggering compliance. The requirements of Subsections A, B, C, and D must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$168,550. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
 2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites with Ground Leases, required improvements must be made to the entire site.
 3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

33.475.225 Residential Docks

- A. Purpose.** Limiting the size and coverage of residential docks on the Willamette River will reduce the impacts of these private over-water structures on fish, wildlife and their habitats. Invasive fish species will have less shaded area created by the dock structure to prey on endangered and threatened fish species.
- B. Dock size standards.** The following standards apply to the floating portions of private boat docking structures located in a Residential zone. Adjustments are prohibited. Modifications may be allowed through River Review. See 33.865.
1. The total square footage of the floating portions of a boat docking structure must not exceed 144 square feet;
 2. The dimensions of the floating portions of a boat docking structure must not exceed:
 - a. 6 feet wide and 24 feet long for a dock that serves 1 site; or
 - b. 6 feet wide and 48 feet long for a dock that serves 2 or more sites.

33.475.230 Exterior Lighting

- A. Purpose.** The standards for exterior lighting are intended to:
- ~~Avoid or m~~Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river-dependent operations associated with docks.

Commentary

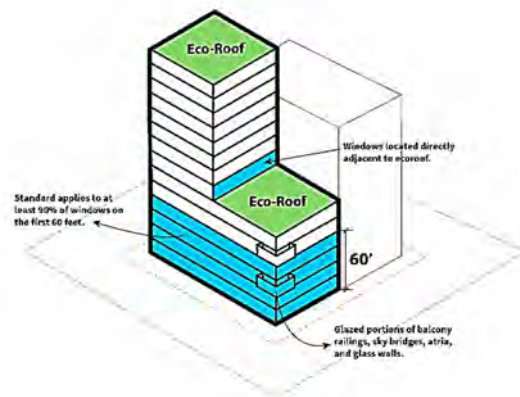
33.475.235 Bird-safe Glazing

This provision responds to City Council Resolution 37034 (Oct. 2, 2013) directing City bureaus to seek opportunities to incorporate bird-friendly building design into City plans and projects, including the Comprehensive Plan, the City's Green Building Policy, and others. These standards are already required within the Central City plan district (33.510.223), which includes the Central Reach of the Willamette River. This proposal applies bird-safe glazing to new development and redevelopment in the South Reach.

Bird strikes can occur anywhere there is exterior clear glass, and particularly when the glass is near features that provide habitat for birds such as water, both natural and human-made features, and vegetation, such as street trees or ecoroofs, or when the glass reflects the sky. Given the large number of resident and migrant bird species present in the South Reach, ensuring bird-safe design of new commercial and mixed-use buildings is critical. This includes opaque or translucent spandrel glazing, which may be reflective.

The intent of this standard is to require new development and major remodels (except remodels of historic buildings) to use bird safe glazing techniques on windows that pose the highest risk for bird collisions. This tends to be the first 60 feet where the glazing is likely to be near street trees and landscaping and next to ecoroofs.

The standard requires bird safe glazing within the first 15 feet adjacent to an ecoroof; however, the intent is to apply the standard to the first floor adjacent to and above the ecoroof as shown in the diagram, even if that floor is more than 15 feet. The standards do not apply to low-density residential structures (including detached single-dwelling units, duplexes, and triplexes), historic landmarks or contributing resources in historic or conservation districts.



The Portland Bird-Safe Windows List is an Administrative Rule administered by the Bureau of Planning and Sustainability. The list includes the required window glazing patterns and application techniques that reduce incidences of bird strikes. The Administrative Rule is periodically updated to reflect current science and industries advancements.

Finally, the last component of the standard states that glass fences must meet the standard. Glass barriers that separate outdoor areas are considered fences. These barriers can be of any height or length.

B. General standards. The following standards apply to all exterior lights located within the River General overlay zone.

1. Exterior lights must not project light upward or to the side of the fixture; and
2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials.

C. Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
 - a. Park and Open Area uses;
 - b. The major public trail;
 - c. A public viewing area; or
 - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart;
4. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2; and
5. Exterior lights must not project directly into the Willamette River.

33.475.235 Bird-safe Glazing

A. Purpose. The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.

B. Development subject to the bird-safe exterior glazing standards. The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

33.475.240.B

This section is updated to add the *Willamette River South Reach Scenic Resources Protection Plan* to the source documents to be used to identify designated viewpoints within the River General (g*) overlay zone. Guidance for the design of south reach viewpoints will be added to 33.480, Scenic Resource Zone. A reference to that guidance has been added to this section. Central City viewpoints will still utilize guidance in the *Central City Fundamental Design Guidelines*.

33.475.245 Archaeological Resources Protection in the South Reach

Areas along the Willamette River in the South Reach were used by Native Americans for thousands of years prior to European American settlement in the 19th Century. This new code section provides a process for identifying whether any Native American archaeological resources exist prior to ground disturbing development in areas that have been determined most likely to have those resources (high sensitivity areas). If archaeological resources are identified, regulations intended to protect the resources are applied.

The regulations of this section are based on the archaeological resource-related regulations of the Columbia South Shore plan district, 33.515.262. The primary changes have been to reorganize and clarify the Columbia South Shore provisions, to make implementation of archaeological resource identification and protection regulations easier in the south reach.

33.475.245.B Definitions.

The definitions are essentially unchanged from the Columbia South Shore provisions. Note that the definitions refer to guidelines, processes and definitions determined by the State Historic Preservation Office, the agency that houses Oregon's Archaeological Services Program and administers the state's cultural resource protection programs and regulations.

C. Bird-safe exterior glazing standards. At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the façade;
2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
3. The glazed portions of sky bridges or fences.

33.475.240 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along ~~major~~ public trails where the public can view and enjoy the natural, scenic, historic, cultural, recreational and economic qualities of the Willamette River.
- B. Viewpoint Requirement.** All sites with a designated viewpoint(s) in *the Central City Scenic Resources Protection Plan (2018)* and *the River Plan / South Reach Scenic Resources Protection Plan (2020)* are required to provide a public viewing area~~(s)~~. Inside the Central City plan district, the viewpoint design is addressed through the Central City Fundamental Design Guidelines. Outside the Central City plan district, guidance on viewpoint design can be found in 33.480, Scenic Resource zone. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails. The Trails Maintenance and Liability section is applicable when the viewpoint is located along the physically contiguous trail segment.

33.475.245 Archaeological Resources Protection

- A. Purpose.** Archaeological and historical evidence shows that Native Americans lived along the Columbia and Willamette rivers in the Portland region prior to European American contact and settlement. Pre-contact archaeological resources have historic, cultural, and scientific value to the general public and associated Native American tribes, whose ancestors lived in the area and harvested natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbing activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places. The regulations of this section provide a process to survey areas with a high probability of having archaeological resources prior to ground disturbing activities and development and to protect any identified archaeological resources and their functional values.
- B. Definitions.** The following definitions apply for the purposes of implementing this section:
1. Archaeological resource. A resource identified through a State Historic Preservation Office (SHPO) archaeological permit process that meets one or both of the following:
 - a. An archaeological site associated with use by Native Americans prior to European-American contact that meets SHPO guidelines plus a 5-foot vertical buffer and a 5-foot horizontal buffer, as shown in Figure 475-4. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or
 - b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate tribe through a SHPO permit.

33.475.245.C Where these regulations apply.

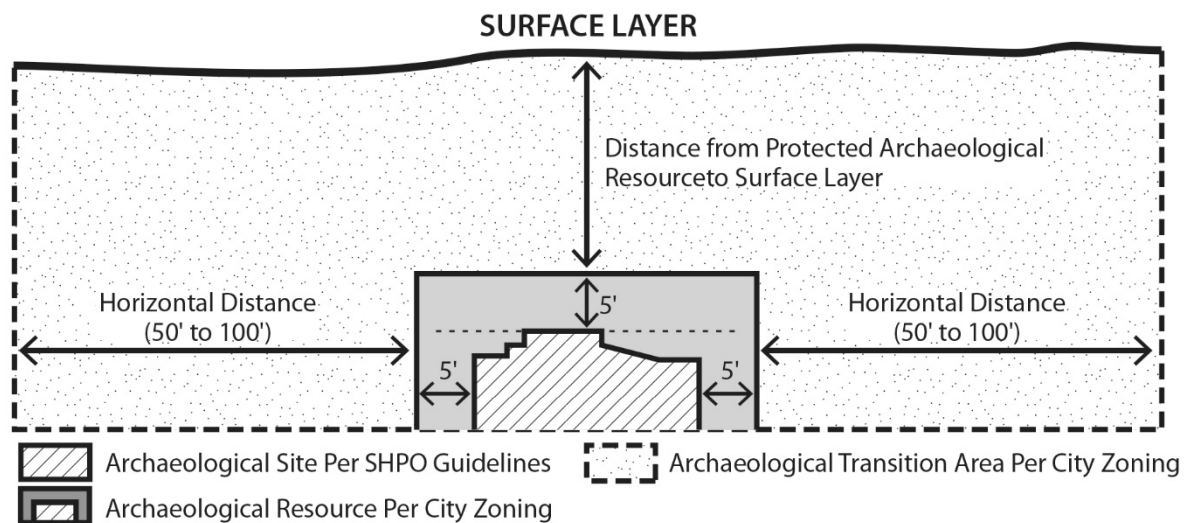
The regulations apply in "high sensitivity areas," in the South Reach as shown on Map 475-4, where an archaeological consultant has determined that archaeological resources are most likely to be found (see Appendix x, Volume x, [WCRI technical memo]). These areas were mapped based on an archaeological resource sensitivity model that considers factors such as previous archaeological surveys, precontact land forms and vegetation, and historical accounts of usage by Native Americans.

33.475.245.D. When these regulations apply.

Development with disturbance areas of 200 SF or less are not subject to the provisions of this section. Generally, structures less than 200 SF do not require a building permit.

2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally out from the edge of the archaeological resource. Archaeological features associated with a resource, not identified through auger probes, may also be encountered in the transition area.
 - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
 - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.
3. Appropriate tribe. One or more tribes identified by the Oregon Legislative Commission on Indian Services.
4. Qualified archaeologist. An archaeologist on the SHPO list of qualified archaeologists knowledgeable in Native American lifeways in the Portland Basin in the pre-contact period.
5. Consultation with appropriate tribes. A process that follows SHPO procedures for tribal consultation on state archaeological permits.

Figure 475-4
Archaeological Resource Subareas



- C. **Where these regulations apply.** The regulations of this section apply within the high sensitivity areas shown on Map 475-4.
- D. **When these regulations apply.** The regulations of this section apply to new development and alterations to existing development that causes more than 200 square feet of disturbance within a high sensitivity area.

Commentary

33.475.245.E. Archaeological resource identification.

Applicants must provide information showing whether archaeological resources are known to exist on the portion of the site within the high sensitivity area. If no resources exist, the resource classification and protections of subsections F. and G. do not apply; if resources exist, F. and G. apply.

33.475.245.E.2 Archaeological survey.

The survey must be performed by a qualified archaeologist (SHPO determines the qualifications) and include a visual inspection and a subsurface investigation. The parameters of the survey are determined by the archaeologist. The results of the survey are provided in a survey report to BPS. If no resource is found, BPS issues a zoning confirmation letter waiving additional compliance with this section. This letter may also be used to comply with this section with future development proposals (245.E.1).

If resources are found, additional materials must be submitted, including maps that show site topography, proposed building footprints, location and depth of ground disturbance activities, and the location of the resource. Archaeological reports submitted to SHPO must also be submitted. The information in these materials assist in the application of the resource protection requirements of 275.G.

Note that location-specific archaeological site information submitted to the City is subject to the non-disclosure policies of City Council Resolution No. 35299. BPS keeps a confidential GIS database of the locations of archaeological resources.

E. Archaeological resource identification. Prior to new development or alteration to existing development, the applicant must identify whether archaeological resources exist in the high sensitivity area. If archaeological resources exist, then the regulations of Subsections F. and G. apply. If no archaeological resources exist, then the regulations of Subsection F. and G. do not apply. The applicant must identify whether archaeological resources exist using one of the following two methods:

1. Written documentation. The applicant must provide documentation that specifies that the high sensitivity area has been previously surveyed and that no archaeological resource was identified. The written documentation must be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability; or
2. Archaeological survey. The applicant must conduct an archaeological survey to determine whether archaeological resources exist in the high sensitivity area. The archaeological survey must meet the following standards:
 - a. A qualified archaeologist must perform the survey in consultation with appropriate tribes.
 - b. The survey must include a pedestrian visual inspection of the ground surface of the high sensitivity area. The methodology of the pedestrian visual inspection shall be determined by the qualified archaeologist.
 - c. The survey must include a subsurface investigation with at least 1 subsurface probe. The methodology of the subsurface investigation, including the number, location and dimensions of subsurface probes shall be determined by the qualified archaeologist.
 - d. A survey report describing the methodology of the survey and whether any archaeological resources were found in the high sensitivity area must be submitted to the Bureau of Planning and Sustainability. If no archaeological resource is found, BPS will provide a zoning conformation letter to the applicant waiving any additional compliance with this section. If the survey identifies an archaeological resource, the applicant must provide the following additional materials. In the interest of not disclosing the location of archaeological resources, the materials required below will be stamped "Confidential: Sensitive Information." Bureau of Planning and Sustainability and Bureau of Development Services staff will treat these materials in accordance with the City's nondisclosure policies:
 - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbing activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site;
 - (2) Archaeological survey map. A map showing the locations of all subsurface auger probes completed for the site;
 - (3) Archaeological resource map. A map showing the boundaries of all archaeological resources that are recorded with SHPO or encountered during the archaeological survey. The map must also show the transition area associated with each archaeological resource and any conservation easements intended to protect archaeological resources. The Bureau of Planning and

Commentary

33.475.245.F. Archaeological resource classification.

If a resource is found, a qualified archaeologist must classify the type of resource. The application of the resource protection standards of Subsection G. are based, in part, on the type of resource.

G. Archaeological resource protection standards.

These standards are intended to protect identified resources while still allowing some kinds of development in certain situations. The code is structured so as to prohibit development within the resource area and transition area (see definitions) with exceptions for two categories of activities (note that there is no exception for archaeological resource areas for burials, i.e. ground disturbance activities within the resource area of a burial are prohibited):

G.2.a. Ongoing and low-impact activities.

Certain activities are allowed that are less likely to disturb archaeological resources. These include maintenance activities for structures and landscaping and other listed activities. Construction of paved parking and circulation areas is allowed in the transition area, but not in the resource area.

Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 475-xx; and

- (4) SHPO archaeological reports. Any archaeological reports related to the site filed with SHPO after [insert date of adoption] to verify changes to the state's inventory affecting the development site.

F. Archaeological resource classification. When an archaeological resource has been identified, a qualified archaeologist must classify the archaeological resource as one or more of the following types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.
2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.

G. Archaeological resource protection standards. The following standards apply to identified archaeological resources:

1. Application of development standards. Where more than one archaeological resource is identified together:
 - a. If one of the archaeological resources is a burial, the standards for burials apply to all resources;
 - b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the standards for villages; or traditional, sacred, or cultural use sites apply to all resources;
 - c. If all of the archaeological resources are seasonal campsites or activity areas, the standards for seasonal campsites or activity areas apply to all resources.
2. Ground disturbing activities within the archaeological resource and transition area are prohibited except as follows:
 - a. Ongoing and low-impact activities. Except for the archaeological resource area of burials, the following ongoing and low-impact activities are allowed in archaeological resource and transition areas:
 - (1) Maintenance, repair, and replacement of existing structures, exterior improvements, roads, boat launch areas, and utilities when the activity does not enlarge the existing disturbance area horizontally or vertically;

Commentary

G.2.b. Activities allowed with an archaeological resource recovery plan and MOU.

Activities other than those listed in G.2.a. require an archaeological resource recovery plan and Memorandum of Understanding. The recovery plan allows development to occur after an evaluation of the resource, consultation with appropriate tribes, and an MOU between the owner, applicant, SHPO and appropriate tribe that specifies how recovered resources will be cared for and how site monitoring will occur during construction. For villages and traditional, sacred, or cultural use sites, resource removal is limited to removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area within an archaeological resource. For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated and specified in the recovery plan.

Note: The components and consultation requirements for the archaeological resource recovery plan and MOU provisions are still being refined with City and State agency partners.

- (2) Maintenance of lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
 - (3) Change of crop type or farming technique on land currently in agricultural use;
 - (4) Alterations of buildings that do not increase building coverage and meet all development standards of the base zone; (5) Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and high sensitivity area;
 - (6) Removing a nuisance tree listed on the *Portland Plant List*. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
 - (7) Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
 - (8) Public street and sidewalk improvements that do not enlarge the existing disturbance area horizontally or vertically; and
 - (9) Constructing paved parking lots and circulation areas in the transition area.
- b. Activities allowed with an archaeological resource recovery plan and MOU. For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, ground disturbing activities associated with uses otherwise permitted by this Title are allowed if an archaeological resource recovery plan that meets the following is submitted. Ground disturbing activities other than allowed by Subparagraph G.2.a. are prohibited within the archaeological resource and transition area of a burial:
- (1) An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate tribes, and a private agreement (Memorandum of Understanding) between the applicant, property owner, SHPO and tribes. The required steps include:
 - Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for archaeological resource recovery projects.
 - Consultation with appropriate tribes.
 - The applicant must contact the appropriate tribes, by registered or certified mail, to request comments on archaeological testing and offer a meeting.
 - The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without

Commentary

G.3. Modification of other development standards. The modification of setback, parking and landscape standards on sites with archaeological resources is intended to provide additional development flexibility on sites where the archaeological resource protection standards of this section may otherwise constrain development types and locations.

further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.

- The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the archaeological resource recovery plan. More than one meeting may be held.
 - After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
 - Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, SHPO and at least one appropriate tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.
 - Archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with SHPO and tribal governments must be filed with the building permit.
- (2) For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area within an archaeological resource. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
- (3) For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
3. Modification of other development standards. For sites with identified archaeological resources, the following development standards are modified:
- a. Minimum building setbacks are reduced to zero;
 - b. Minimum number of off-street parking spaces is reduced to zero; and
 - c. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the archaeological resource from the total site area.

33.475.250 Nonconforming Uses and Development

Nonconforming uses and development in the River General overlay zone are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the river setback that is not river-dependent or river-related:

- A. The development may continue;

Commentary

33.475.250.D

Nonconforming uses and development exist where a site met zoning code regulations at the time the developed was established but no longer meets regulations because of subsequent changes to the Portland Zoning Code. For example, many parking lots were built before the City required landscaping. Such development can remain as long as there are no changes to the site.

These regulations currently allow nonconforming uses and development to continue and expand as long as the expansion is landward of the river setback. No additional development is allowed within the setback. This amendment will allow an existing nonconforming house in the setback to expand as long as the building coverage of the house is not increased. In this case, the term building coverage will not include uncovered porches, decks or cantilevered structures. For example, an additional story may be added to an existing house, as long as all other requirements of the base zone are met, but enclosing an existing uncovered deck will not be allowed.

33.475.260 Property Line Adjustments

This amendment will allow a property line adjustment to result in a lot in more than one river overlay zone when the adjustment expands an identified Portland Parks and Recreation natural area park. The amendment reduces cost to the City when park property is being expanded. Without the amendment, the expansion of a natural area park that is in two overlay zones requires a land division.

- B. The development may be changed to an allowed river-dependent or river-related development by right;
- C. The development may be changed to another nonconforming development if within the existing building. If outdoors, it may not be changed to another nonconforming development; and
- D. Except for an existing house, the development may be expanded, but not within or riverward of the river setback. An existing house may be expanded within the river setback when the existing building coverage is not increased. For the purpose of this standard, building coverage does not include uncovered porches, decks or cantilevered structures. Expansion includes adding additional floor area.

33.475.260 Property Line Adjustments

Property line adjustments may not result in a property that is in more than one river overlay zone except as follows; ~~unless the second overlay is the River Environmental overlay zone. Adjustments are prohibited.~~

- A. The second overlay zone is the River Environmental overlay zone;
- B. The property line adjustment will result in the expansion of a Portland Parks and Recreation identified Natural Area.

Commentary

33.475.403 When These Regulations Apply

This section has moved from the previous 33.475.040, When These Regulations Apply, to provide more clarity on when these regulations apply and any exemptions, as applicable, for each River overlay zone. Exemptions for the River Environmental overlay zone are provided in a new section, 33.475.405, Items Exempt From These Regulations. The previous 33.475.040 has been deleted.

33.475.403.B.

The term “cutting” used in the previous 33.475.040, When These Regulations Apply, has been replaced by “pruning” to make it clear that the regulations apply to all types of pruning. This is a commonly-used term for any cutting of existing vegetation.

33.475.405 Items Exempt From These Regulations

This section is a new section that has been as moved from the previous 33.475.040, When These Regulations Apply, to provide more clarity on development actions that are exempt in the River Environmental overlay zone. In general, most of the previous exemptions have been maintained in the new section. However, some updates have been made as a part of the River Plan / South Reach project. Those specific updates are identified and described in the commentary below.

River Environmental Overlay Zone

33.475.400 Use Regulation

There are no special use restrictions associated specifically with the River Environmental overlay zone. However, any use restrictions that apply as a result of an accompanying River overlay zone also apply within the River Environmental overlay zone.

33.475.403 When These Regulations Apply

Unless exempted by 33.475.405, the regulations apply to:

- A. Development;
- B. Planting, removing, pruning, mowing, clearing, burning or poisoning trees or vegetation;
- C. Changing topography, grading, excavation or filling; and
- D. Resource enhancement.

33.475.405 Items Exempt From These Regulations

The following items are exempt from the River Environmental overlay zone regulations:

- A. Change of ownership;
- B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation system, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased;
- E. Dredging, channel maintenance, and the removal of materials from the river as follows:
 - 1. Dredging, channel maintenance, and the removal of material within the federal navigation channel.
 - 2. Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - a. Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
 - b. Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
 - 3. The placement of dredged materials within the River Environmental overlay zone is not exempt.
- F. Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from the edge of a wetland;
- G. Installation of temporary erosion control measures;

Commentary

33.475.405.J.

This updated language exempts changes to disturbance areas for certain outdoor activities as long as no trees 1.5 inches or greater are removed within or riverward of the setback and no trees 6 inches or greater are removed landward of the setback. These tree removal thresholds ensure tree removal on the riverbank (i.e., within and riverward of the river setback) is limited to small trees, while removal of larger trees is allowed elsewhere on the site.

33.475.405.L.

Application of the River Environmental overlay zone was generally focused on the river setback as a part of the Central City 2035 central reach planning effort. To ensure the retention of existing vegetation along the riverbank, the tree removal threshold was set at 1.5 inches in diameter at breast height (dbh). As a part of the River Plan / South Reach, the River Environmental overlay zone will also be applied to important natural resource areas landward of the river setback. The tree replacement standard for these areas is set at 6 inches dbh to allow for more flexibility in tree removal and management in these upland areas. The 6-inch threshold is consistent with the tree removal threshold of other environmental zones in the city.

33.475.405.N.

This requirement has been updated to allow the exemption within the developed portion of rights-of-way to avoid the potential for tree removal and other impacts in unimproved rights-of-way. Street and sidewalk improvements in unimproved rights-of-way must meet the relevant requirements of the chapter.

33.475.405.P and Q

These sections have been updated to incorporate the 1.5 inch dbh tree removal threshold within and riverward of the river setback and the 6 inch dbh tree removal threshold for areas landward of the river setback.

- H. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
- I. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the Nuisance Plants List;
- J. Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the Nuisance Plants List and no trees 1.5 or more inches in diameter are removed within or riverward of the river setback and no trees 6 or more inches in diameter are removed landward of the river setback;
- K. Development located on an existing dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;
- L. Removal or pruning of trees as follows:
 - 1. Within or riverward of the river setback. Removal or pruning of trees that are not more than 1.5 inches in diameter and other vegetation that is not listed as native on the *Portland Plant List*. The removal or pruning must be done with handheld equipment. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
 - 2. Landward of the river setback. Removal or pruning of trees that are not more than 6 inches in diameter and other vegetation that is not listed as native on the *Portland Plant List*. Temporary disturbance area must be replanted to meet the subarea 3 standard of Table 475-1.
- M. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
- N. Public street and sidewalk improvements must be within the developed portion of a public right-of-way.
- O. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;
- P. Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 6 inches are removed landward of the river setback, and disturbed area is planted with the following (top of bank is shown on Map 475-2):
 - 1. Three shrubs per 100 square feet; and
 - 2. Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;
- Q. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank, no trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 6 inches are removed landward of the river setback, and disturbance area is planted with the following (top of bank is shown on Map 475-2):

Commentary

33.475.405.R and T

These sections have been updated to incorporate the 1.5 inch dbh tree removal threshold within and riverward of the river setback and the 6 inch dbh tree removal threshold for areas landward of the river setback.

33.475.405.V

This section adds an exemption for smaller soft-surface trails that would have a very limited impact on existing natural resources within the disturbance area. The structure and criteria of this exemption is the same as a similar exemption in 33.430, Environmental Zones. Standards are available for trails that do not meet these criteria.

1. Three shrubs per 100 square feet; and
 2. Grass and forb seed mix at a ratio of 30 pounds per acre;
- R.** Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the developed portions of a public right-of-way provided that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);
- S.** Installation of fencing in the following situations:
1. Fencing on an existing paved surface;
 2. Fencing around stormwater facilities that meet the Stormwater Management Manual; or
 3. Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;
- T.** Installation of signage provided no trees over 1.5 inches in diameter are removed within or riverward of the river setback, and no trees over 6 inches are removed landward of the river setback; and
- U.** Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.
- V.** Trails meeting all of the following:
1. Trails must be confined to a single ownership or be within a public trail easement
 2. Trail width does not exceed 30 inches, stair or ramp width does not exceed 50 inches, and trail grade does not exceed 20 percent except for the portion of the trail containing stairs;
 3. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 475-5;
 4. No native trees 1.5 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
 5. The trail is not paved; and
 6. The trail is at least 15 feet from the top of bank of all water bodies.

Commentary

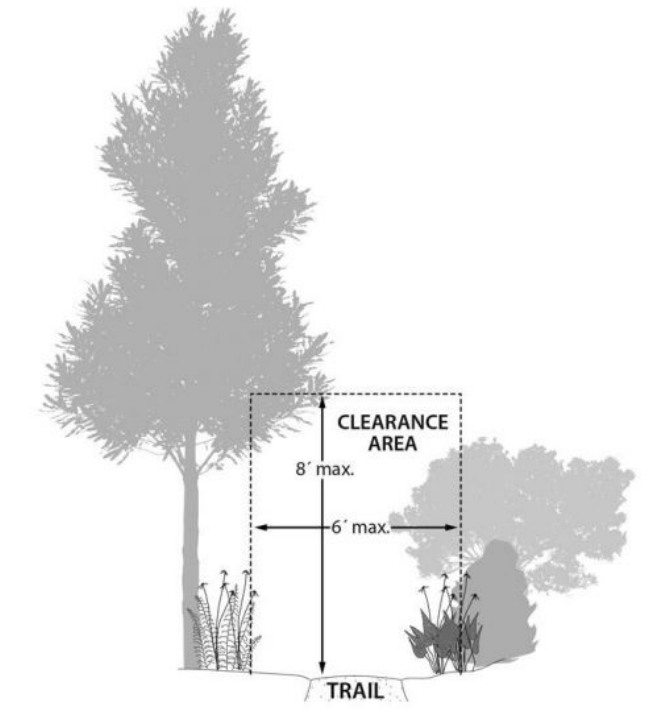
Figure 475-5

A new figure has been added to provide guidance on the allowed vegetation pruning and maintenance allowed for trails exempted in 33.475.405.V.

33.475.410 Environmental Report

The revision to this section adds the *Willamette River South Reach Natural Resources Protection Plan* that will be adopted by Portland City Council as part of the *River Plan / South Reach* in 2020 as a second protection plan to serve as the basis for the application of the River Environmental overlay zone.

Figure 475-5
Trail Vegetation Pruning and Maintenance Area



33.475.410 Environmental Report

The application of the River Environmental overlay zone is based on ~~a two~~ two detailed ~~study~~ studies: ~~the~~ the *Willamette River Central Reach Natural Resources Protection Plan (20172018)* and the *Willamette River South Reach Natural Resources Protection Plan (2020)*. The report identifies the type, location, extent and relative condition of natural resource features and describes the functional values they provide within the study area. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of the report.

33.475.420 Review Procedures

Development and exterior alterations will be reviewed through one of the following tracks:

- A. Standards.** Several specific types of development and exterior alterations are allowed within the River Environmental overlay zone if the proposal meets certain standards. The standards are intended to encourage sensitive development while providing clear limitations on disturbance, including tree removal, and minimizing impacts on resources and functional values. Adjustments to the standards are prohibited. Modification of the standards may be approved through River Review. When a proposal can meet the standards, the applicant may choose to meet the objective standards of this section or go through the discretionary River Review process. When there are no applicable standards, the proposal must be approved through River Review. Compliance with the standards is determined as part of the building permit or development permit application process. The standards are listed in 33.475.440.

33.475.440 Development Standards

The subsection referenced for exempt items has been updated to refer to the new section 33.475.405. These exemptions were moved from 33.475.040.B.2. to provide greater clarity on uses and development that are exempt.

33.475.440.A. Standards for rail rights of way

33.475.440.B Standards for utility lines

In recognition of the unique contributions of floodplains directly adjacent to the riverbank to special status species habitat and flood capacity, a new "riparian buffer area" has been established and incorporated into the extent of the River Overlay environmental overlay zone. The riparian buffer area includes the area 170 feet landward of Ordinary High Water (constrained by the 100-year floodplain and 1996 Flood Inundation Area), and is an area identified in NMFS' Biological Opinion on the FEMA National Flood Insurance Program as a place where additional steps to limit the impact of development is necessary. The riparian buffer area is provided on Map 475-6.

In the riparian buffer area, "beneficial gain" must be demonstrated for development projects that are not river-dependent or river-related. Beneficial gain is defined as no net loss of natural resource area or any functional values and a significant improvement of at least one functional value. Beneficial gain cannot be achieved through a clear and objective development standard, therefore development of rail rights of way and utility lines in the riparian buffer area must undergo River Review.

- B. Review.** River Review is required when the proposed development or exterior alteration is subject to the River Environmental overlay zone regulations and the development or exterior alteration either does not meet the River Environmental overlay zone development standards or there are no River Environmental overlay zone development standards that apply to the proposal. The process and approval criteria for River Review can be found in Chapter 33.865, River Review.

33.475.430 Prohibitions

The following are prohibited within the River Environmental overlay zone:

- A.** The packaging or storage of hazardous substances except as follows:
1. Use of consumer quantities of hazardous substances is allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal use; and
 2. Marine vessel fueling stations are allowed.
- B.** The planting or propagation of any plant listed on the *Nuisance Plant List*; and
- C.** Dumping of trash or yard debris.

33.475.440 Development Standards

Unless exempted by 33.475.405-440.B.2., the standards in this Section apply to development and exterior alterations in the River Environmental overlay zone. All of the applicable standards must be met. Modification of any of these standards requires approval through River Review.

- A. Standards for rail rights of way.** The following standards apply to rail rights-of-way:
1. The disturbance area associated with the development of a rail right-of-way must occur within a corridor that is not more than 20 feet wide. No disturbance is allowed outside of the 20-foot-wide corridor;
 2. Disturbance associated with the rail corridor or development of the rail corridor must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of the top of bank of any other stream, wetland, or water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank ~~(top of bank is shown on Map 475-2);~~
 3. Tree removal is allowed as specified in Subsection K.; and
 4. Mitigation is required as specified in Subsection L.
- B. Standards for utility lines.** The following standards apply to new utility lines and upgrades to existing utility lines, including stormwater conveyance facilities, and private connections to utility lines:
1. The disturbance area for the installation of a utility line or upgrade to an existing utility line, including utility trenching, must be no more than 15 feet wide;
 2. The disturbance area must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of the top of bank of any other stream, wetland, or other water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank ~~(top of bank is shown on Map 475-2);~~

33.475.440.D. Standards for Placement of Piles

The update to this section modifies the language to allow for the removal of piles or dolphins anywhere within the River Environmental overlay zone, rather than within a designated reach. Removal can include cutting the pile or dolphin down to the bottom of river rather than fully removing the entire structure in order to, for example, reduce the risk of disturbing existing soil contaminants.

33.475.440.E. Standards for Public Trails

The update to this section expands the types of trails that can be built utilizing these standards. Previously, the standard inadvertently only applied to trails designated as major public trails, such as the Springwater Corridor Trail and Greenway Trail. In the South Reach, major public trails are shown as a star symbol (★) on the Official Zoning Maps.

The standard can now be used when major public trails or smaller public trails are constructed or altered. The maximum trail width allowed by the standards for a trail designated as a major public trail will remain at 16 feet and the maximum width of the disturbance area will continue to be 24 feet. Only one trail of this size is allowed per site., For all other trails, a maximum trail width of 4 feet is allowed by the standard for trails that are not designated as a major public trail. The maximum disturbance area for these trails will be no more than 8 feet. Any trails that do not meet the criteria in the standard are subject to River Review.

3. Tree removal is allowed as specified in Subsection K.;
 4. The temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
 5. Exemption. If a proposed utility line or upgrade to an existing utility line runs through an area that has already been approved as a permanent disturbance area, or allowed by standards of this section, it is exempt from Paragraphs B.1. and B.2.
- C. Standards for stormwater outfalls.** The following standards apply to the installation of stormwater outfalls:
1. The disturbance area associated with the installation or replacement of a stormwater outfall must not be more than 15 feet wide;
 2. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the water body must not exceed 15 percent at any point;
 3. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of three stakes per square yard. Detailed specifications for installing live stakes are found in the *Erosion Control Manual*;
 4. Tree removal is allowed as specified in Subsection K.; and
 5. Mitigation is required as specified in Subsection L.
- D. Standards for placement of piles.** The following standards apply to the placement of up to four new single piles or two new multiple-pile dolphins for each 100 feet of shoreline:
1. The placement of the piles or dolphins must be associated with a river-dependent or river-related use;
 2. An equal number of piles or dolphins as are placed in the River Environmental overlay zone, plus one, must be removed from the River Environmental overlay zone ~~within the Central Reach. Removal may include cutting piles or dolphins down to the river bottom, rather than removing them completely. The boundaries of the Central Reach are shown on Map 475-1;~~ and
 3. If the applicant does not own the property where the pile or dolphin removal will occur, the applicant must have an easement or deed restriction sufficient to allow the necessary removal.
- E. Standards for public trails.** The following standards apply to the construction of a new ~~major~~ public trail and alterations to an existing ~~major~~ public trail:
1. The trail is located on public property or within a public trail easement;
 2. The trail must be setback at least 10 feet, and disturbance associated with construction of the trail must be setback at least 5 feet, from the top of bank of the Willamette River or a stream (top of bank is shown on Map 475-2);
 23. The trail and disturbance associated with construction of the trail must be setback at least 30 feet from the top of bank of a wetland or other water body;
 3. ~~The total width of the trail must be no more than 16 feet;~~
 4. ~~The total width of disturbance area must be no more than 24 feet;~~

Commentary

33.475.440.F Standards for Public Viewing Areas

This section is updated to add the *Willamette River South Reach Scenic Resources Protection Plan* that will be adopted as part of *River Plan / South Reach* to the source documents to be used to identify designated viewpoints within the River Environmental overlay zone.

4. Maximum trail width:

- a. On sites with the major public trail designation, one trail may be up to 16 feet wide and the disturbance area for the one trail may be up to 24 feet wide;
- b. For all other trails, the total width of the trail must be no more than 4 feet and the total width of disturbance area must be no more than 8 feet wide;

5. Tree removal is allowed as specified in Subsection K; and
6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.

F. Standards for public viewing areas. The following standards apply to the construction of a public viewing area:

1. The viewing area must be associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan (2018)* or *River Plan / South Reach Scenic Resources Protection Plan (2020)*;
2. The total disturbance area must be no more than 800 square feet in area;
3. The permanent disturbance area associated with the viewing area must not be more than 500 square feet in area;
4. The total disturbance area must not be located below the top-of-bank of the Willamette River (top of bank is shown on Map 475-2), stream, or any other water body, and must not be located within 30 feet of a wetland;
5. Tree removal is allowed as specified in Subsection K.; and
6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.

G. Standards for view corridors. The following standards apply to pruning or removing vegetation in a scenic ~~(s)~~ overlay zone.

1. Tree removal and pruning is allowed as specified in Subsection K.; and
2. Temporary disturbance areas must be replanted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.

H. Standards for resource enhancement. The following standards apply to resource enhancement projects:

1. There must be no excavation, fill, or construction activity below ordinary high water mark of any river, stream, wetland or other water body;
2. The riverbank may be re-graded if the slope after grading is shallower than the slope prior to grading and the slope is no greater than 20 percent (20 percent slope represents a rise to run ratio equal to 1:5);

Commentary

33.475.440.K.2

Updates to this section include the addition of a requirement that all vegetation removal or pruning be conducted outside of the primary bird nesting season, which extends from April 15 to July 31. Limiting removal and pruning during this period will avoid potential impacts on nesting birds adjacent to the river and riverbank. If tree removal or pruning is unavoidable during this period, a biologist must be present on-site to identify the presence of nests and avoid impacts on them.

3. Rock armoring must not be used on the surface between the top of bank and the ordinary high water mark of any water body except as required surrounding outfalls (top of bank is shown on Map 475-2); 4. No structures are proposed landward of the top of bank except trails that meet the regulations of 33.475.440.E, and structures associated with public viewing areas that meet the regulations of 33.475.440.F.;
 5. All nuisance plants listed on the *Portland Plant List* must be removed;
 6. Tree removal is allowed as specified in Subsection K.; and
 7. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.
- I. Standards for site investigative work.** The following standards apply to site investigative work. Site investigative work includes soil tests and test pits, land surveys, and groundwater and water quality monitoring stations.
1. No more than 100 square feet of disturbance area is allowed per test pit or monitoring station;
 2. Disturbance associated with site investigative work must be temporary;
 3. No trees are removed; and 4. Temporary disturbance area must be planted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.
- J. Standards for ~~other~~ development in a City of Portland park.** The following standards apply to development in a City of Portland park that is not subject to another set of development standards contained in this Section.
1. The total disturbance area must not be more than 2,200 square feet;
 2. Disturbance area must not be located below the top-of-bank of the Willamette River (~~top of bank is shown on Map 475-2~~), streams, or other water body, or located within 30 feet of a wetland. See Map 475-2 for the top of bank of the Willamette River;
 3. Tree removal is allowed as specified in Subsection K.; and
 4. Mitigation is required as specified in Subsection L.
- K. Standards for removal or pruning of vegetation.** The following standards apply to the removal or pruning of vegetation:
1. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site;
 2. Except for dead, dying and dangerous trees subject to Subsection K.5.b, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31 unless a biologist is present on-site during removal.
 - ~~23.~~ The All vegetation removal or pruning must be conducted with handheld equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;

Commentary

33.475.440.K.5.c.

This section is updated to add the *Willamette River South Reach Scenic Resources Protection Plan* to the source documents to be used to identify designated viewpoints within the River Environmental overlay zone.

33.475.440.K.5.d.

The previous item d. has been deleted from the list and moved into text of the previous item e. This is accomplished by specifically addressing madrone, garry oak and Pacific yew and trees that are not listed on the *Nuisance Plant List*, which includes the non-native trees addressed in the previous item d.

This section is also updated to add the *Willamette River South Reach Scenic Resources Protection Plan* to the source documents to be used to identify designated viewpoints within the River Environmental overlay zone.

The previous item e. is now item d. The labels of subsequent items have been updated based on this change.

33.475.440.K.5.d.(9)

This new subsection allows the removal of trees within the disturbance area associated with residential structures built per the new standard for residential structures. Additional information on the new standard can be found in 33.475.440.O, Standards for residential development.

33.475.440.K.5.e.

This new subsection allows for the thinning of trees planted as a part of a resource enhancement project as long as those trees are less than 3 inches dbh and the relevant landscaping standards of Table 475-1 are still met.

34. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
45. ~~The~~ Vegetation that is removed or pruned is limited to the following:
- a. Vegetation listed on the *Nuisance Plant List*;
 - b. Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist. All sections of wood more than 12 inches in diameter must be placed in the River Environmental overlay zone of the ownership within which the wood was cut unless the City Forester authorizes the removal because the wood is diseased and will threaten the health of other trees;
 - c. Vegetation that exceeds the height restriction of a view corridor with special height restrictions designated in the *Central City Scenic Resources Protection Plan* or River Plan / South Reach Scenic Resources Protection Plan;
 - ~~d. — Trees that are not native trees on the *Portland Plant List*; or~~
 - ed. Madrone, Garry Oak or Pacific Yew that are less than 6 inches in diameter, or other ~~native trees not listed on the *Portland Plant List*~~ *Nuisance Plant List* that are less than 12 inches in diameter may be removed if the removal or pruning is in conjunction with development or an exterior alteration approved under the standards of this section as follows:
 - (1) Within a rail right-of-way or within 10 feet of the rail right-of-way;
 - (2) Within a utility line corridor;
 - (3) Within the disturbance area for installation or replacement of stormwater outfalls;
 - (4) Within a major public trail;
 - (5) Within a public viewing areas associated with viewpoints designated in the *Central City Scenic Resources Protection Plan* or River Plan / South Reach Scenic Resources Protection Plan;
 - (6) Within a ~~Scenic (s)~~ overlay zone;
 - (7) Within a resource enhancement area; or
 - (8) Within the disturbance area associated with development in a City of Portland park; or
 - (9) Within the disturbance area associated with residential structures.
 - e. Removal of trees less than 3 inches in diameter planted within a resource enhancement area when the relevant required landscaping subarea standards of Table 475-1 are still met.
56. Trees removed must be replaced as shown in Table 475-~~23~~ and must meet the following:
- a. Replacement vegetation must meet all of the following:

Commentary

33.475.440.K.6.a.(2)

This subsection has been updated to provide additional clarity on the legal structures needed for off-site tree replacement. The language is more consistent with language included in other sections of the Zoning Code.

Additionally, the subsection has been updated with language that requires off-site tree planting be located within the 100-year or 1996 Flood Inundation Area if on-site tree removal occurred within either of those areas.

Table 475-3

The tree replacement ratios in Table 475-3 have been updated to more specifically address the recommendations in the FEMA National Flood Insurance Program Biological Opinion, which focuses on replacement of trees that are six inches diameter at breast height (dbh) or larger. The replacement ratios for trees between six and 12 inches dbh have been combined with the ratios for trees between 12 and 20 inches dbh. Removal of these trees now requires the planting of three native trees. For trees of this size range, planting a combination of trees and shrubs is no longer an available option.

33.475.440.L Standards for mitigation

The update to this section adds the new standard for residential structures to the list of development actions that may use this section to satisfy mitigation requirements. The standard for residential structures requires that the standards for mitigation be satisfied when alterations to existing development are conducted in an area where the maximum allowed disturbance area has already been exceeded. For more information see 33.475.440.O, Standards for residential development.

33.475.440.L.1

For clarity, the term "project impact area" has been replaced with "project disturbance area." Project disturbance area is defined in the zoning code and aligns with the description within this section that states that this area is "the total area within the River Environmental overlay zone where structures will be built, vegetation will be removed, or ground disturbance will occur as a result of the proposal."

33.475.440.L.2

The update to this section modifies the language to allow for mitigation anywhere within the River Environmental overlay zone, rather than within a designated reach. Additionally, the update establishes a requirement that if the project disturbance area is within the 100-year floodplain or 1996 Flood Inundation Area, the mitigation must also be located in either of those areas.

- (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;
- (2) The planting must occur within the River Overlay ~~Z~~zones. Trees must not be planted within a ~~s~~Scenic ~~{s}~~ overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation~~the applicant must own the property or have an easement or deed that ensures the vegetated area will not be developed. If tree removal on the project site is located in either the 100-year flood plain or 1996 Flood Inundation Area tree planting must also be within the floodplain; and~~
- (3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met; and b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

Table 475 – 23		
Tree Replacement in River Environmental Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 12 <u>20</u>	2 <u>3</u>	Not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

L. Standards for mitigation. The following standards apply to mitigation required by Subsections A., C., ~~and J.~~, and O.

1. Mitigation must occur at a 1.5:1 ratio of mitigation area to project ~~impact~~disturbance area. ~~Project impact area is the total area within the River Environmental overlay zone where structures will be built, vegetation will be removed, or ground disturbance will occur as a result of the proposal.~~ Mitigation area is not counted as part of the project ~~impact~~disturbance area;
2. Mitigation must occur in the River Environmental overlay zone ~~within the Central Reach.~~ The boundaries of the ~~Central Reach~~ River Environmental overlay zone ~~are shown on Map 475-1.~~ If the project disturbance area is located in either the 100-year floodplain or 1996 Flood Inundation Area, the mitigation site must also be within the 100-year flood plain or 1996 Flood Inundation Area, as applicable;
3. If the mitigation area is not on the site where the project occurs, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;

Commentary

33.475.440.L.4. and 5.

The updates to these subsections replace the reference to Subsection J with Subsection K for tree and vegetation removal requirements.

4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection ~~JK~~.;
5. Plantings required for tree removal, as specified in Subsection ~~JK~~, can be counted towards mitigation if the planting is located within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone;
6. Required planting density standards are specified in Table 475-~~34~~. Trees may be clustered. Trees must not be planted within a view corridor shown on Map 480-1. Plants must be selected from the *Portland Plant List*;

Table 475-34 Planting Density			
	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	One tree and one of the following two options for every 100 square feet:	One tree and one of the following two options for every 200 square feet:	One tree and one of the following two options for every 300 square feet:
	Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Three shrub and four other groundcover plants.	Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Six shrub and eight other groundcover plants.	Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Nine shrub and 12 other groundcover plants.

[1] Tree size is based on Title 11.60.020.C Canopy Size

7. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used; and
8. Trees must be a minimum ½-inch caliper, bareroot or live stake, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.

M. Standards for application of soil amendments. The following standards apply to the application of soil amendments:

1. The depth of the soil amendment must be no more than 12 inches;
2. The soil must not be applied below the ordinary high water mark of the Willamette River, streams, or other water body, or within 30 feet of a wetland;
3. The composition of the growing medium must meet one of the following:
 - a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or

Commentary

33.475.440.N Standards for Placement of Temporary Structures for a Seasonal Public Swimming Area

This standard has been updated to include two structures that address seasonal swimming areas. One is a land-based storage container exclusively used for life-safety equipment and the other is the placement of up to eight temporary floating structures in the river. The latter currently applies to the Central Reach and will be expanded to apply to the South Reach. The addition of allowing a temporary land-based structure that is limited in size, exclusively for life safety equipment, reflects the need to ensure safe public swimming by providing access to personal floatation devices and other safety equipment to respond to in-river safety issues when they arise. Temporary public swimming areas are growing in popularity now that the river is cleaner, due in part to the Combined Sewer Overflow project, completed in 2011. The South Reach is a river recreation hub along the Willamette River and it is anticipated that there may be public swimming locations in the future where the placement of temporary structures may be desired.

civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.

4. Placement of soil is not allowed when the ground is frozen or saturated; and
5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

N. Standards for placement of temporary ~~floating~~ structures for a seasonal public swimming area. The following standards apply to temporary ~~floating~~ structures for a seasonal public swimming area:

1. One land-based structure exclusively for storing life-safety equipment is allowed per site and must not exceed 300 square feet of floor area.
2. Temporary floating structures are allowed and must meet the following standards:
 - a. More than one floating structure is allowed per site, but no more than 8 floating structures are allowed per reach of the Willamette River;
 - b. The floating structure must be free-floating or attached to an existing dock, pier or piling. Free floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;
 - c. The structure must not have walls or a roof; and
 - d. The structure must be at least 50 feet away from the riverbank. The 50 feet is measured horizontally from the ordinary low water mark. See Figure 475-9.
- ~~3.1. The structure and a~~ 3.1. All work necessary to install and remove the temporary structures is allowed in the Willamette River only between July 1 and October 31; All temporary structures must be removed by October 31; and
4. The swimming area must be open to the public.
- ~~2. The structure must be located within the OS zone;~~
- ~~3. There are no more than 8 temporary floating structures per reach in the Central Reach at one time;~~
- ~~4. The structure is free floating or is attached to an existing dock, pier or piling. Free floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;~~
- ~~5. The dimensions of the entire temporary structure must not be greater than 12 feet by 50 feet;~~
- ~~6. The structure has no walls and no roof;~~
- ~~7. The structure is at least 50 feet away from the riverbank. The 50 feet is measured horizontally from the ordinary low water mark. See Figure 475-49; and~~
- ~~8. The hours of operation are between 6 am and 10 pm.~~

33.475.440.O Standards for Sites with Residential Development

This new development standard establishes a process by which residential developments are not required to go through discretionary review for approval. The structure of the standard is similar to the general development standard implemented in the Environmental overlay zone chapter (33.430, Environmental Zones).

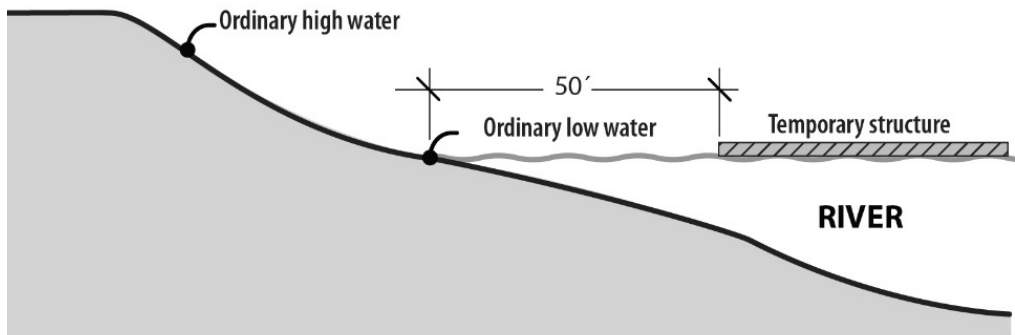
The standard for residential structures establishes a maximum disturbance area allowed within the River Environmental overlay zone in different base zones. Table 475-5 provides the maximum allowed disturbance area for a number of residential zones and all other zones. The amount of area outside of the River Environmental overlay zone must be subtracted from this maximum disturbance area to determine the allowable disturbance area on an individual parcel.

A number of criteria are required to be met to utilize the standard. For both new development and alterations to existing development, the disturbance area must be at least five feet from the river setback boundary and a minimum of 30 feet from other streams, wetlands and water bodies. Tree removal within the disturbance area is allowed if the requirements of Subsection K are met.

In cases where the existing development exceeds the maximum disturbance area included in Table 475-5, alterations are allowed without mitigation if the existing disturbance area is not expanded. Increases in building coverage are allowed if the mitigation requirements of Subsection L are satisfied.

Additionally, a provision is included in the standard to allow for the reduction in the minimum front and street building and garage entrance setbacks to provide greater flexibility in preserving the natural resources within the River Environmental overlay zone. These setbacks can be reduced from the minimum allowed by the base zone to zero, if necessary.

Figure 475-49
Floating Structures



O. Standards for sites with residential development. The following standards apply to sites with residential development:

1. The maximum disturbance area allowed within the River Environmental overlay zone on the site is determined by subtracting all portions of the site outside River Environmental overlay zone boundary from the number listed in Table 475-5.

Table 475-5			
Maximum Disturbance Area Allowed			
	<u>RF, R20, and R10</u>	<u>R5</u>	<u>All Other Zones</u>
<u>Maximum Disturbance Area</u>	<u>5,000 sq. ft. [1]</u>	<u>2,500 sq. ft. [1]</u>	<u>50% of the base zone building coverage</u>

[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

2. The disturbance area is set back at least:
 - a. Five feet landward of the river setback.
 - b. Thirty feet from the top of bank of any other stream, wetland, or other water body landward of the river setback.
3. Tree and vegetation removal is allowed as specified in Subsection K.
4. For alterations to existing development where the existing disturbance area now exceeds the limitations of Table 475-5, alterations are allowed within the existing disturbance area when the following are met:
 - a. The existing disturbance area may not be expanded; and
 - b. Increases in building coverage and exterior improvement area are allowed if the mitigation requirements specified in Subsection L are met.
5. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may

Commentary

33.475.450 Corrections to Violations of River Environmental Overlay Zone

The title of this section has been updated to remove the reference to development standards because the correction process applies to projects that utilize development standards or River Review.

33.475.450 B.1.d.

The correction options are intended to facilitate more timely remediation for damage to resources and functional values that occur as a result of a violation. There are three options for correcting violations. Specific criteria must be met to utilize Option One or Option Two. Option Three requires River Review. All corrections to violations within the riparian buffer area must utilize Option Three to ensure that beneficial gain is achieved. See 33.865, River Review, for more information on the River Review process and requirements.

be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

33.475.450 Corrections to Violations of the River Environmental Overlay Zone ~~Development Standards~~

- A. Purpose.** The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone ~~standards~~.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

- B. Correction Options.** Applicants must choose one of the following options to correct a river environmental code violations.

1. When these options may be used.

- a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:

- (1) No more than 12 diameter inches of trees were removed;
- (2) No ground disturbance occurred riverward of the top of bank of the Willamette River (~~top of bank is shown on Map 475-2~~), in the riparian buffer area, or within 30 feet of the top of bank of a stream, wetland or other water body. See Map 475-2 for top of bank;
- (3) The correction will remove all illegal development; and
- (4) The correction will replant illegal clearing.

- b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:

- (1) More than 12 diameter inches of trees were removed;
- (2) A Madrone, Garry Oak, or Pacific Yew larger than 6 inches was removed; or
- (3) Disturbance occurred riverward of the top of bank of the Willamette River (~~top of bank is shown on Map 475-2~~), or within 30 feet of the top of bank of a stream, wetland or other water body. See Map 475-2 for top of bank.

- c. If the applicant cannot meet Options One or Two, Option Three must be used.

- d. If the violation occurred within the riparian buffer area, the applicant must use Option Three. See Map 475-6 for the riparian buffer area.

- ~~de.~~ If the violation also violates a condition of approval of a land use review, no trees have been removed, and disturbance did not occur riverward of the top of bank of the Willamette River or within 30 feet of the top of bank of a stream, wetland or other water body, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.~~ef.~~ If the violation also violates a condition of approval of a land use review, trees have been

Commentary

33.475.450 B.2.a.

The placement of fill has been added to the list of actions that must be removed as a part of the violation.

33.475.450 B.2.c.(7)

The minimum diameter of trees planted to remediate tree removal has been reduced to $\frac{1}{2}$ -inch from one inch because $\frac{1}{2}$ -inch trees are more available than one inch trees.

33.475.450 B.3.a.

The previous reference incorrectly identified only 33.475.440.B. All applicable standards in 33.475.440 must be met.

removed, and disturbance occurred riverward of the top of bank of the Willamette River or within 30 feet of the top of bank of a stream, wetland or other water body, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

2. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this paragraph must be met. Adjustments and modifications to these requirements are prohibited.
 - a. All ~~items and materials~~items, materials, and fill placed in the area of violation are removed and no new disturbance area is created;
 - b. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting;
 - c. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - (1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-~~34~~34;
 - (2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used. All plants must be native; (3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-~~34~~34;
 - (4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - (5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a Scenic (s) overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots;
 - (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and
 - (7) For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ~~one~~one-½-inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
3. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.
 - a. The applicable standards of paragraphs 33.475.440-~~B~~ must be met;
 - b. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an

Commentary

33.475.450 B.3.c.

The minimum diameter of trees planted to remediate tree removal has been reduced to $\frac{1}{2}$ -inch from one inch because $\frac{1}{2}$ -inch trees are more available than one inch trees.

area of the same size elsewhere on the site must be planted. All of the following must be met:

- (1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-~~34~~4;
 - (2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used. Plants must be native and selected from the *Portland Plant List*.
 - (3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-~~34~~4;
 - (4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - (5) Trees must be a minimum $\frac{1}{2}$ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a scenic (s) overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and
 - (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and
- c. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ~~one~~ $\frac{1}{2}$ -inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
4. Option Three, River Review. This option requires River Review, using the approval criteria and procedures below:
- a. Approval criteria. The applicable approval criteria of Subsection 33.865.120 must be met.
 - b. Review procedures. Reviews are processed as follows:
 - (1) Type III. A Type III review is required for any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or water body
 - (2) Type II. All other reviews to correct violations are processed through a Type II procedure.
 - (3) All River Reviews must provide the information required in Section 33.865.040, Supplemental Application Requirements

Commentary

Clean Up of Contaminated Sites

33.475.500 Removal or Remediation of Hazardous Substances

- A. General.** The following regulations are substantive requirements that apply to actions taken to remove or remediate hazardous substances. All of the regulations must be met unless one or more are demonstrated to be impracticable pursuant to subsection G, below.
- B. Where these regulations apply.** The regulations of this section apply to the portion of the site located within the boundaries of the removal or remediation action.
- C. Review procedure.**
1. Except as described in paragraph C.2, compliance with these regulations is processed through a Type II procedure.
 2. If the action to remove or remediate hazardous substances is subject to this Code but exempt from procedural requirements, the action must comply with the substantive requirements of these regulations to the extent required under state or federal law and the person performing the action must notify the City that the action is exempt. A person conducting a cleanup otherwise exempted from the procedural requirements may choose to obtain a permit.
- D. Relationship to other regulations in this chapter.** Actions to remove or remediate hazardous substances that are approved or selected under Oregon or federal cleanup law are exempt from the procedural requirements of Chapter 33.475. Any part of an action that is not in itself a remedial or removal action must meet all other applicable regulations and procedural requirements of this chapter.
- E. Regulations that apply to actions to remove or remediate hazardous substances.** The following regulations apply to proposals for the removal or remediation of hazardous substances:
1. The removal or remedial actions and the final remedy must not preclude the use of the site consistent with the uses allowed by the base zone or an approved conditional use. If the site is within the River Industrial overlay zone or riverward of the river setback, the final remedy must allow the use of the site for river-dependent or river-related activities unless the site is found to be unsuitable for river-dependent or river-related uses. Generally, this means that the final remedy must allow development of major public trails, dredging necessary to establish or maintain navigation to and from riverfront sites, the placement of piles or dolphins, or the development of a marine facility, dock, or wharf or other river-dependent or river-related structure;
 2. Buildings, structures and equipment required as part of removal or remediation actions must be located and designed taking into account the purpose of the river setback standard which is to keep structures at least 50 feet away from the top of bank of the river, reserve space for public access to the river and development of major public trails, and allow for natural resource enhancement (top of bank is shown on Map 475-2); and
 3. Water quality treatment facilities must be located outside of the River Environmental overlay zone.

Commentary

33.475.500.F.1.b.[2]

The existing code incorrectly included a reference to Map 480-1. There is no such map in the Zoning Code. View corridors associated with viewpoints within the River Environmental overlay zone are identified in the scenic resources protection plans identified in this subsubparagraph. The *River Plan / South Reach Scenic Resources Protection Plan* has been added to the reference documents included in this subsubparagraph.

F. Regulations that apply to actions to remove or remediate hazardous substances that occur in specific areas. The following regulations apply to actions within the River Environmental overlay zone to remove or remediate hazardous substances based on specific locations:

1. The following regulations apply to areas landward of the top of bank (top of bank is shown on Map 475-2):
 - a. Disturbance of the ground and removal of native vegetation must be avoided outside of the actual soil removal areas. If avoiding disturbance or native vegetation removal is not practicable, disturbance and removal must be minimized.
 - b. Where ground disturbance or removal of native vegetation cannot be avoided, the area must be replanted. The replanting standards are as follows:
 - [1] Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted and within 10 feet of any plantings;
 - [2] Planting density. The replanting area must meet one of the following plant and planting density standards specified in Table 475-46. Trees may be clustered. Trees must not be planted within a view corridor designated in the *Central City Scenic Resources Protection Plan or River Plan / South Reach Scenic Resources Protection Plan*, ~~shown on Map 480-1.~~

Table 475-46 Planting Density			
	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	One tree and one of the following two options for every 100 square feet: Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Three shrub and four other groundcover plants.	One tree and one of the following two options for every 200 square feet: Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Six shrub and eight other groundcover plants.	One tree and one of the following two options for every 300 square feet: Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Nine shrub and 12 other groundcover plants.

[1] Tree size is based on Title 11.60.020.C Canopy Size

- [3] Plant diversity. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used;
- [4] Plant size. Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
- [5] The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.

Commentary

Table 475-7

The tree replacement ratios in Table 475-7 have been updated to more specifically address the recommendations in the FEMA National Flood Insurance Program Biological Opinion, which focuses on replacement of trees that are six inches diameter at breast height (dbh) or larger. The replacement ratios for trees between six and 12 inches dbh have been combined with the ratios for trees between 12 and 20 inches dbh. Removal of these trees now requires the planting of three native trees. For trees of this size range, planting a combination of trees and shrubs is no longer an available option.

33.475.500.F.1.c(3)

Tree replacement is allowed anywhere within the River Environmental overlay zone. Replacement of trees removed from within the 100-year floodplain or 1996 Flood Inundation Area must also be conducted within the 100-year floodplain or 1996 Flood Inundation Area.

This subsubparagraph has been updated to clarify the allowed legal structures and agreements for demonstrating adequate control of the proposed tree planting location. The language is more consistent with language included in other sections of the Zoning Code.

33.475.500.F.1.c(4)

The existing code incorrectly referenced subsubparagraph G.1.b(2). The correct reference is subsubparagraph F.1.b(2).

- c. Tree replacement. Trees that are 1.5 inches or greater in diameter that are removed must be replaced based on Table 475-~~57~~:

Table 475-57		
Tree Replacement in Hazardous Substance Cleanup Sites		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 126	2	Not applicable
More than 126 and up to 20	3	1 tree and 3 shrubs Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- (1) Size. The replacement trees must be a minimum ½-inch diameter or bareroot unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.
 - (2) Type. The replacement trees must be native trees selected from the *Portland Plant List*;
 - (3) Location. All replacement trees must be planted within the River Environmental overlay zone, within 50 feet of the River Environmental overlay zone, or within 50 feet of the top of bank of the Willamette River in the ~~Central Reach~~River Environmental overlay zone. See map 475-2. ~~(top of bank is shown on Map 475-2).~~ If the project site is located in the 100-year floodplain or 1996 Flood Inundation Area, the plantings must also be within the floodplain. The person conducting the cleanup must own the property where the trees are planted or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the plantings~~have an easement or deed restriction sufficient to ensure the success of the tree planting;~~ and
 - (4) Replacement trees can be counted toward meeting the requirements of subsubparagraph ~~GF~~.1.b(2).
- d. All vehicle areas and construction staging areas installed for purposes of conducting the removal and remediation actions must be removed from the River Environmental overlay zone when they are no longer necessary for remedy construction. All such areas must be removed by the time the project is complete and the areas must be replanted according to the standards of subparagraph ~~GF~~.1.b, above.

Commentary

2. The following regulations apply to the area between the top of bank and the ordinary high water mark:
- a. When there is an alteration to the area between top of bank and the ordinary high water mark that is greater than 500 square feet or includes more than 50 cubic yards of excavation or fill, changes the ground contours, results in the removal of buildings, requires engineering of the river bank or includes in-water work, the following should be met (top of bank is shown on Map 475-2):
- (1) The area between the top of bank and the ordinary high water mark where the alteration occurs must be designed using biotechnical techniques including soil bioengineering (top of bank is shown on Map 475-2). Figures 475-~~5~~10 and 475-~~6~~11 show examples of biotechnical techniques. In addition to using biotechnical techniques, the following requirements apply:
- Rock armoring or other hard surface armoring methods must not be used between the top of bank and the Ordinary High Water Mark except as needed surrounding outfalls. This is not intended to preclude using rock or other hard surface stabilization methods below the surface if necessary to contain hazardous substances or to preclude the use of rocks or gravel as part of the biotechnical technique;
 - The bank must be sloped or terraced in a way that allows the establishment and maintenance of vegetation as the primary soil stabilization method;
 - If the site is currently used for public recreation, including access to a beach or the river, the bank must be sloped or terraced in a way that allows for at least one public access way to the beach or river;
 - Large wood, including root wads, tree boles and logs, must be used to reduce localized erosion, improve bank stabilization, and improve ecological values and, if the site is currently used for public recreation, support continued use of beaches and the river; and
 - At least eighty percent of the area between the top of bank and the ordinary high water mark that is being altered as a result of the remedy must be planted with shrubs. At least one tree must be planted for every 400 square feet of altered area. All of the area that is not planted with shrubs or trees must be fully covered with ground cover plants. All plants must be selected from the Portland Plant List and should be appropriate for the conditions on the site. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
- (2) If biotechnical techniques are not practicable, as described in 33.475.500.G, and rock armoring is used on the surface between the top of bank and the Ordinary High Water Mark, then the slope of the bank must be shallow enough to allow a combination of rock and vegetation. ~~(top of bank is shown on See Map 475-2).~~ At a minimum, live native willow or dogwood stakes should be planted in adequate soil, in the interstices between the rocks at a ratio of three stakes for every square yard of rock armoring.

Commentary

- b. When there is a minor alteration of less than 500 square feet or less than 50 cubic yards of excavation or fill to the area between the top of bank and the ordinary high water mark, the regulations of paragraph G.1, above apply. ~~(top of bank is shown on See Map 475-2).~~
- 3. In the area that is riverward of the Ordinary High Water Mark, the following apply:
 - a. Avoid in-water permanent structures that will impact the navigation channel or will preclude river-dependent or river-related development from accessing and utilizing the river for public recreation, transportation, tourism, or the transport, transfer and conveyance of goods and materials to and from the upland site;
 - b. Integrate large wood, or other natural wave deflection structures or techniques that mimic the function of large wood, into the near-shore environment. Rock armoring, chemically treated wood, articulated block, and industrial debris is discouraged;
 - c. If the area is a beach or is a shallow water depositional area, then the final design should include all of the following:
 - (1) At least six inches depth of substrate that is ½-inch rounded gravel or smaller in size should be placed over capping material;
 - (2) The submerged slope should be no steeper than 1:7 (rise to run ratio); and
 - (3) Public access from major public trails or abutting upland sites to the river should not be precluded.
 - d. If the area is not a beach or is not a shallow water depositional area, then the final substrate should be rounded rock no larger than 6 inches (D100=6") with an average gradation size of 3 inches (D50=3"). Angular rock is discouraged.
- G. Demonstration of Impracticability.** A person conducting a cleanup may be exempted from compliance with any requirement in this section if the person demonstrates that compliance with the requirement is not capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project remedial purposes. The person must still comply with that requirement to the extent practicable and remains subject to all other applicable requirements. To demonstrate impracticability the applicant must submit an engineering analysis, a cost schedule and any other information, such as desired future use of the site, that supports a demonstration that a requirement cannot be fully met.

Commentary

Figure 475-510
Example 1: Upland and In-Water Contamination Cleanup

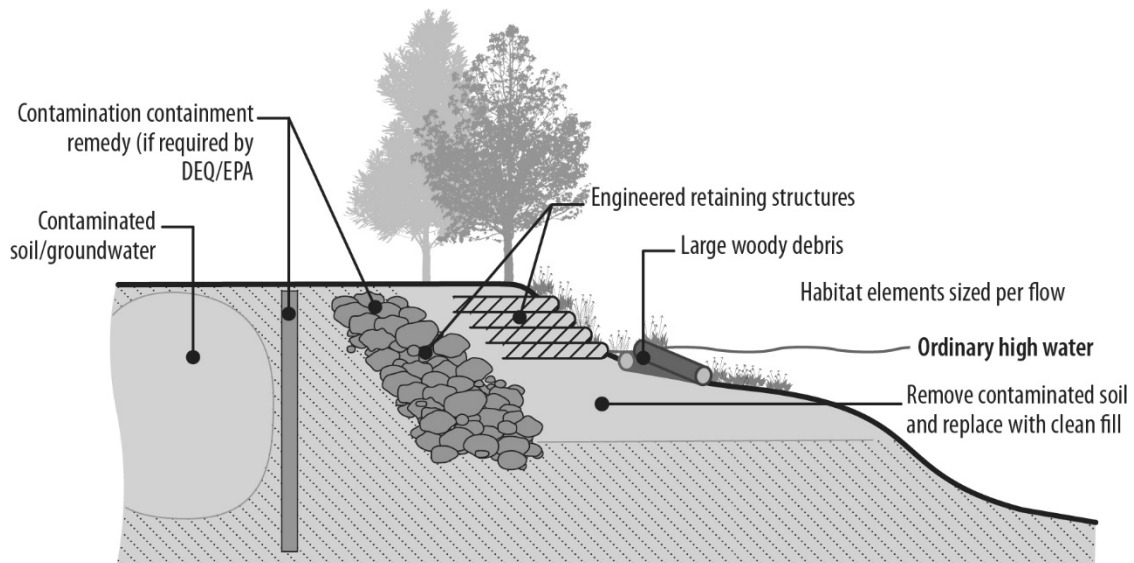
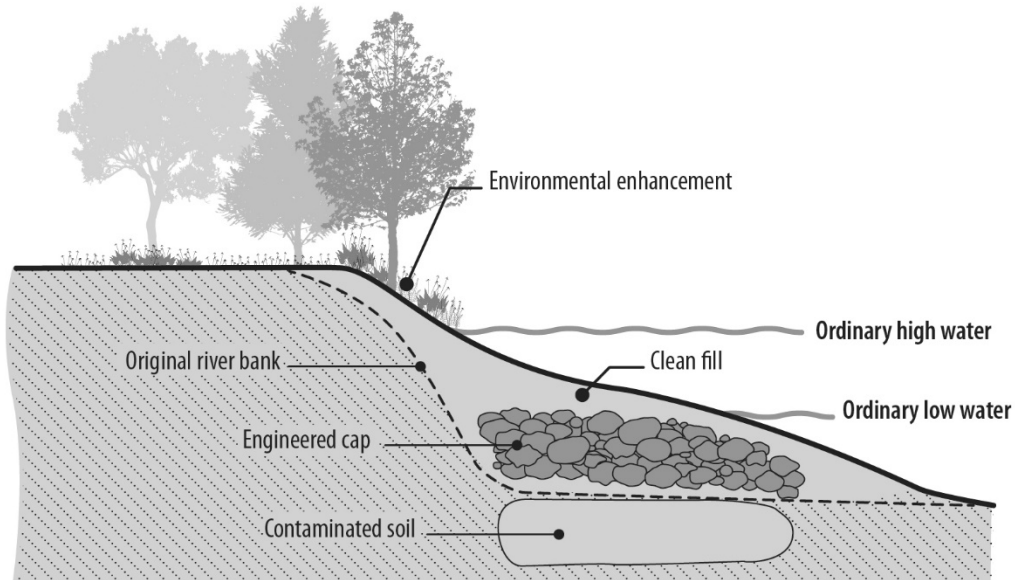


Figure 475-611
Example 2: In-Water Contamination Cleanup



Commentary

Map 475-1

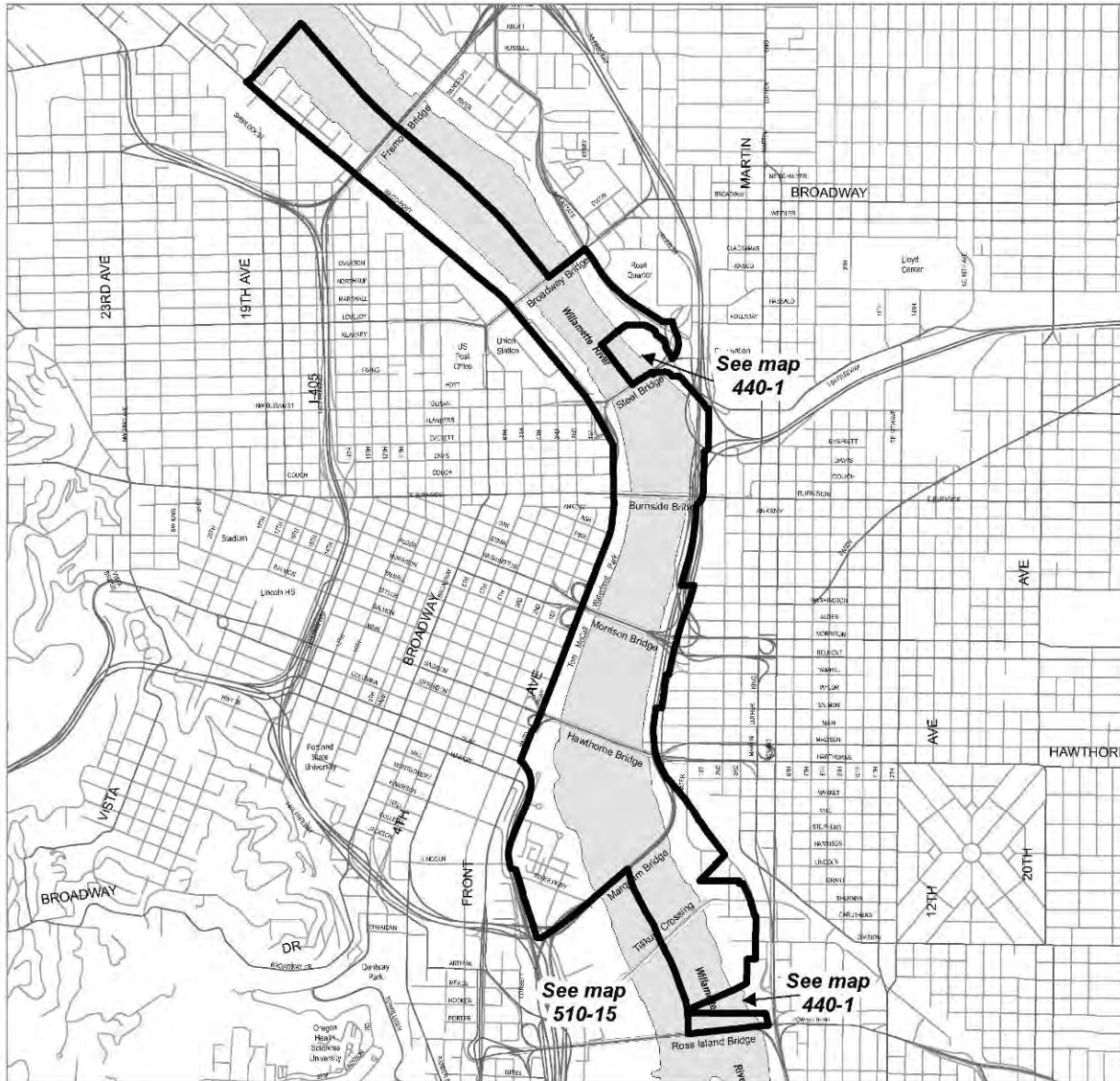
This map adds the south reach portion of the Willamette Greenway Boundary to River Overlay Boundary that is now subject to the regulations of Chapter 475. These are updated Willamette River Greenway regulations for the South Reach.

River Overlay Boundary

Map 475-1

Map 1 of 2

Map Revised Xxxx X, 201X



Legend

- City Boundary
- Urban Service Boundary
- River Overlay Boundary



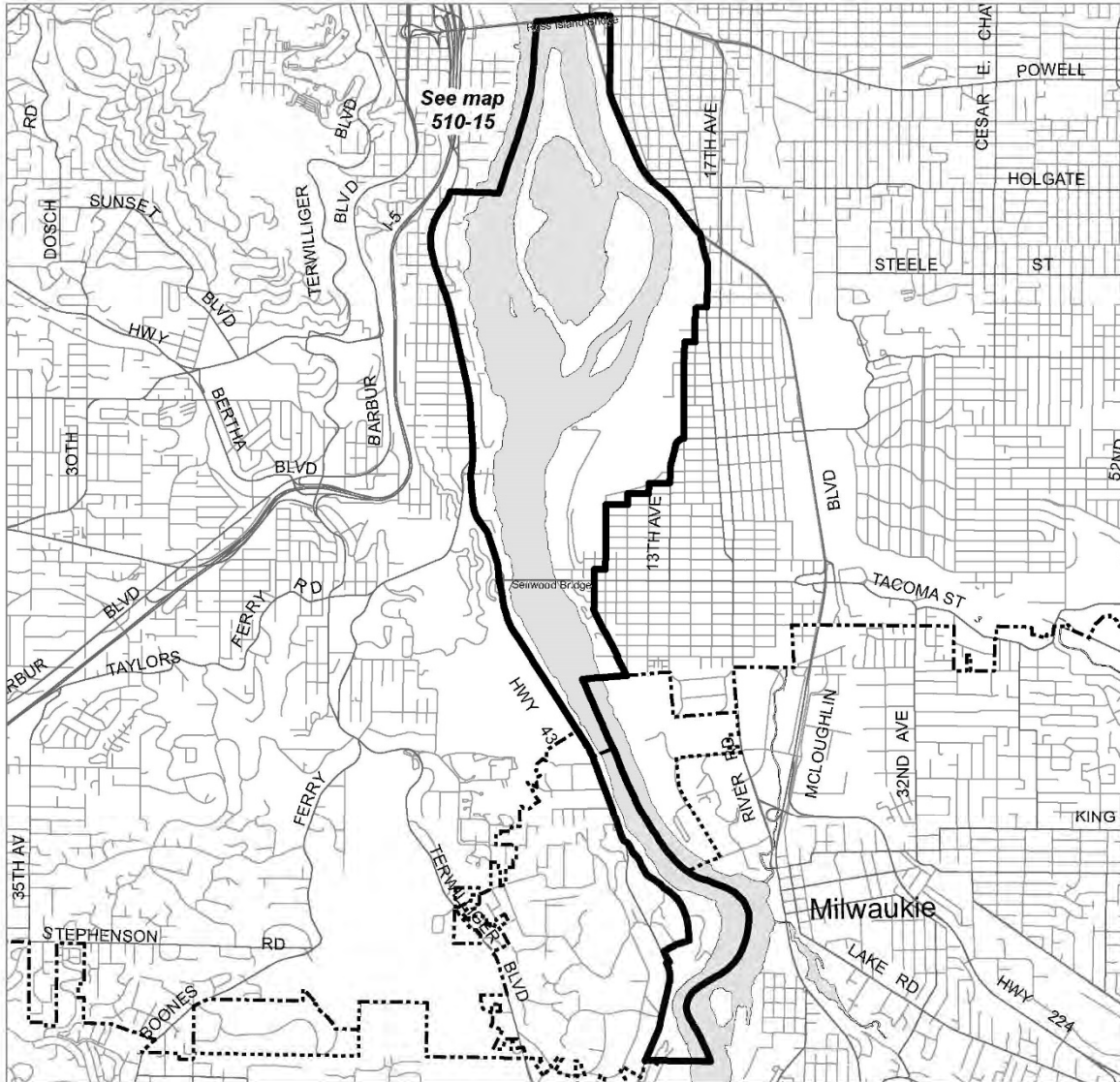
Commentary

River Overlay Boundary

Map 475-1

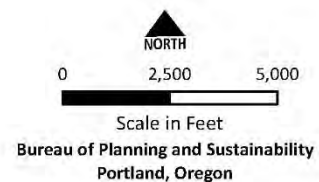
Map 2 of 2

Map Revised Xxxx X, 201X



Legend

- City Boundary
- Urban Service Boundary
- River Overlay Boundary



Commentary

Map 475-2

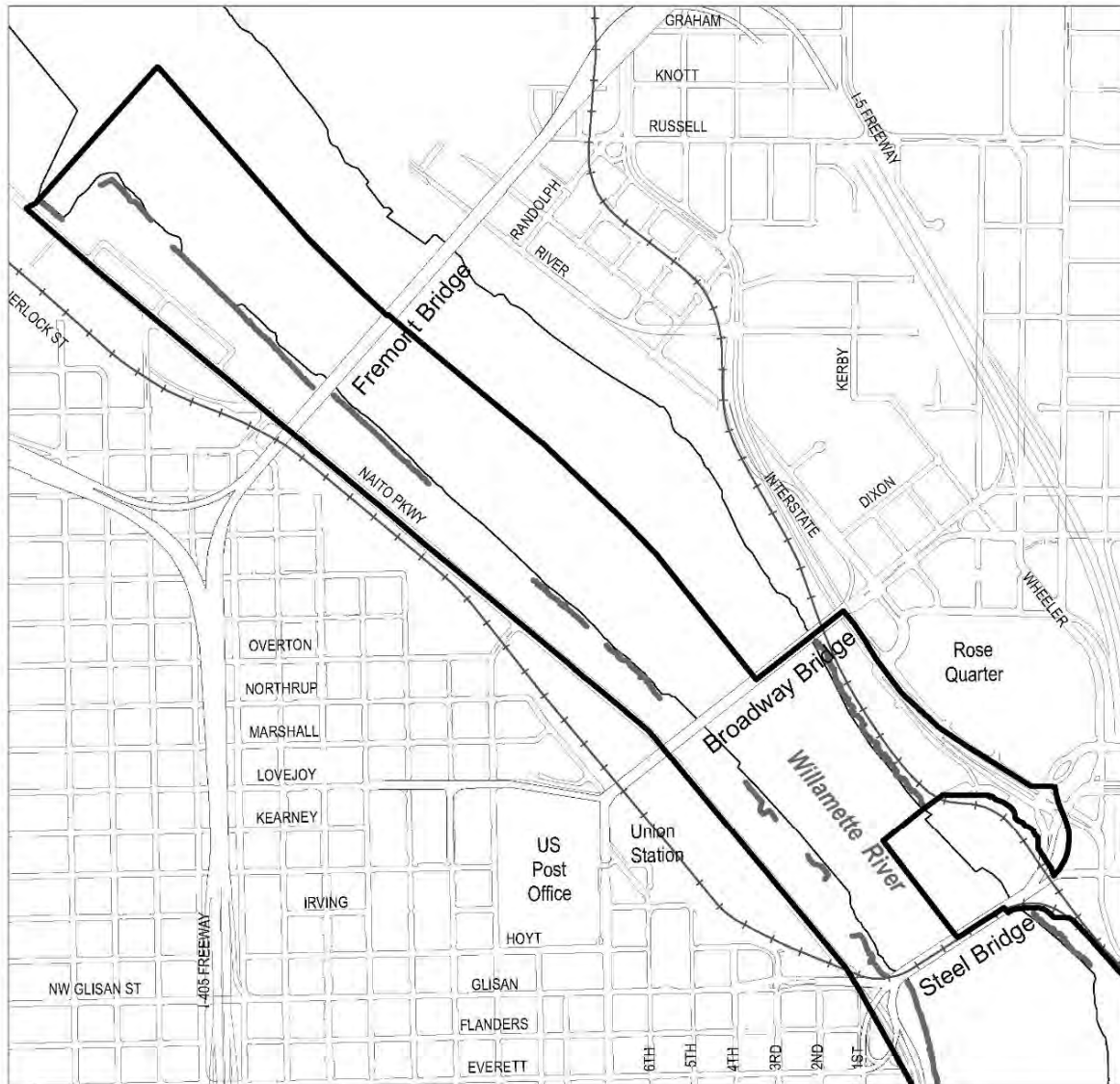
This map adds the south reach portion of the Willamette Greenway Boundary to the Top of Bank map that is now subject to the regulations of Chapter 475. These are updated Willamette River Greenway regulations for the South Reach.

Top of Bank





Map 475-2

Map 1 of 6

Map Revised Xxxx X, 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Top of Bank (where mapped)



Commentary

Top of Bank





Map 475-2

Map 2 of 6

Map Revised Xxxx X, 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Top of Bank (where mapped)



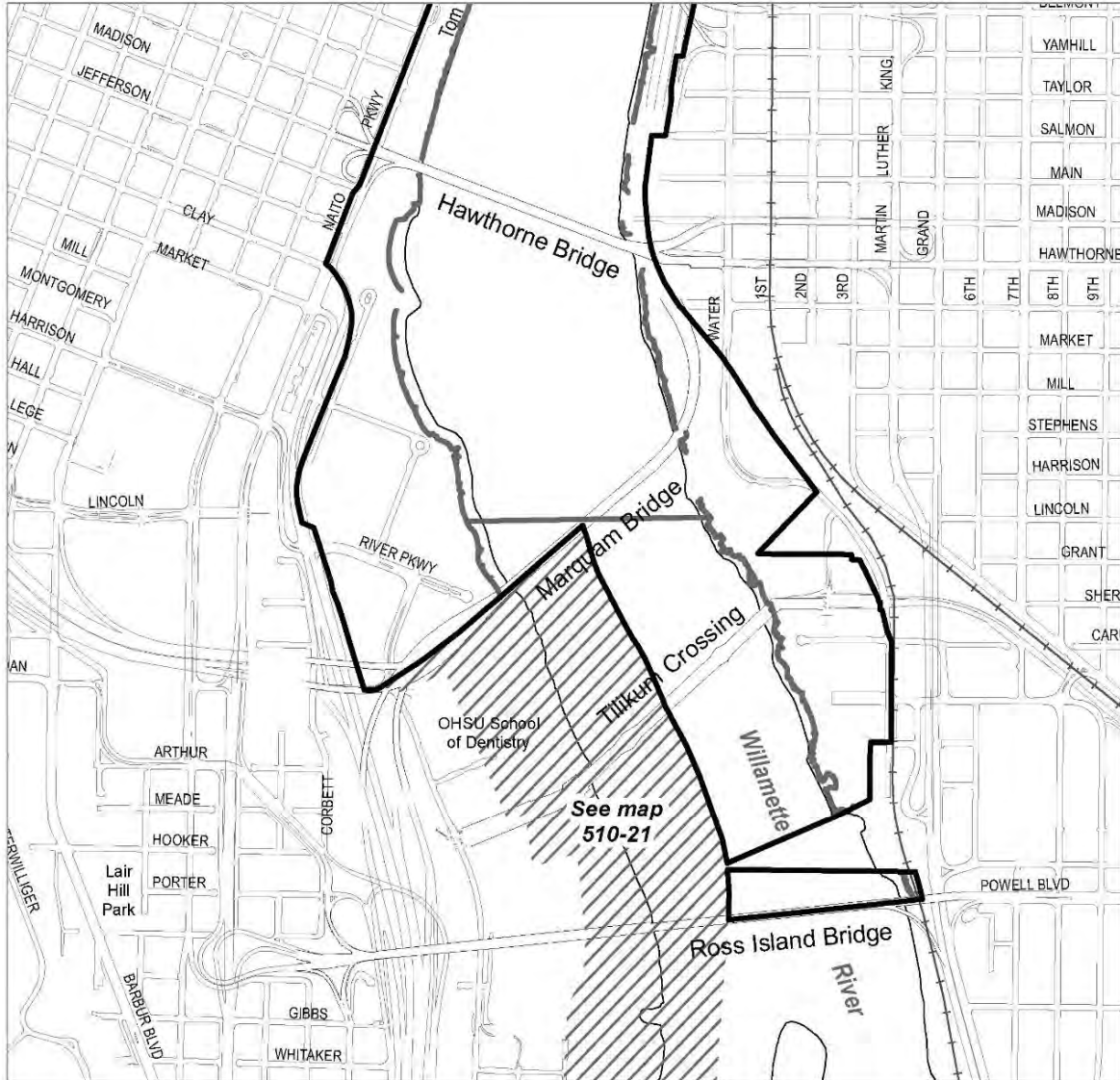
Commentary

Top of Bank





Map 475-2

Map 3 of 6

Map Revised Xxxx X, 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Top of Bank (where mapped)



Commentary

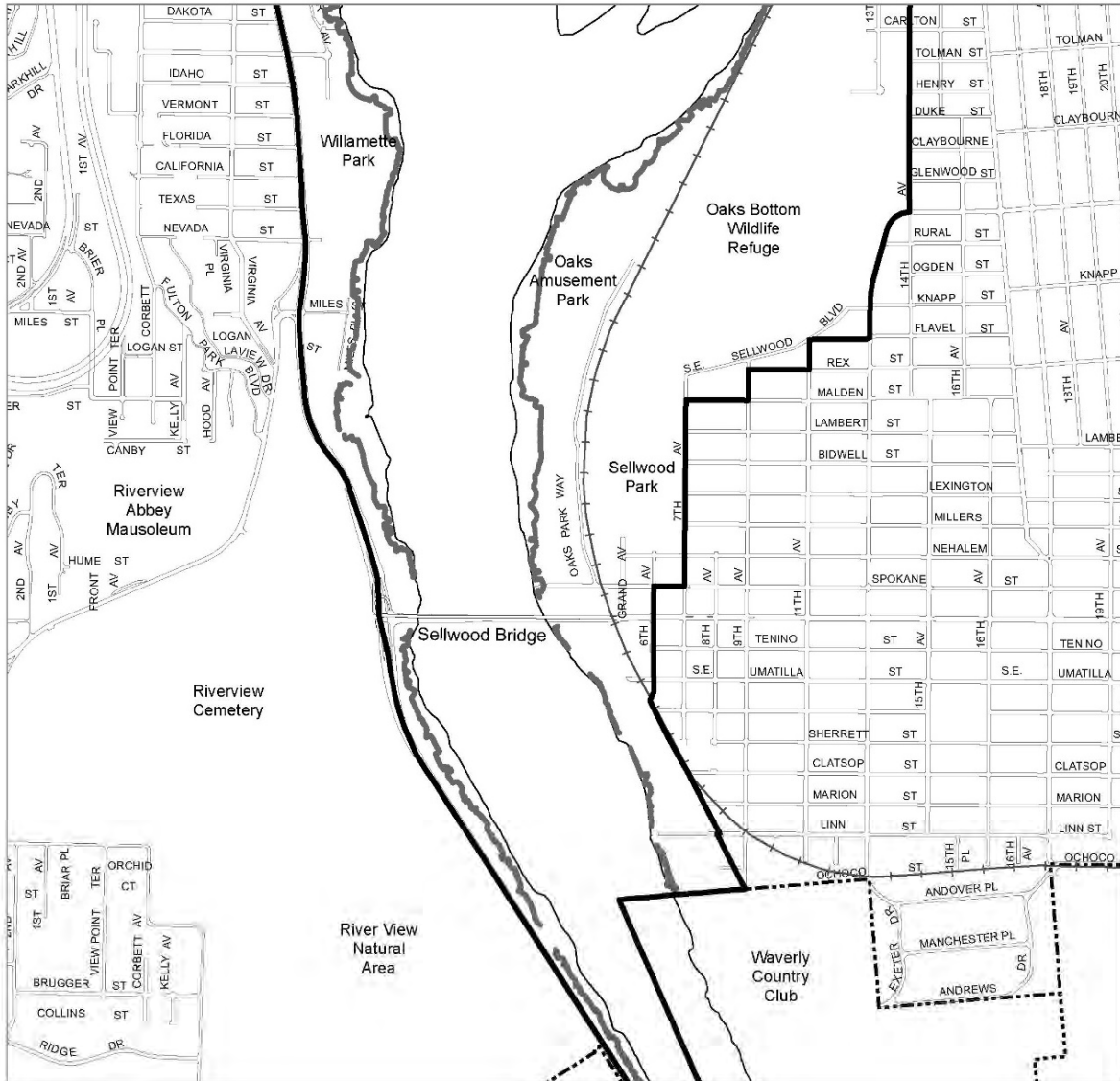
Commentary

Top of Bank

Map 475-2

Map 5 of 6

Map Revised XXXX X, 201X



Legend

- City Boundary
- Urban Service Boundary
- River Overlay Boundary
- Top of Bank (where mapped)



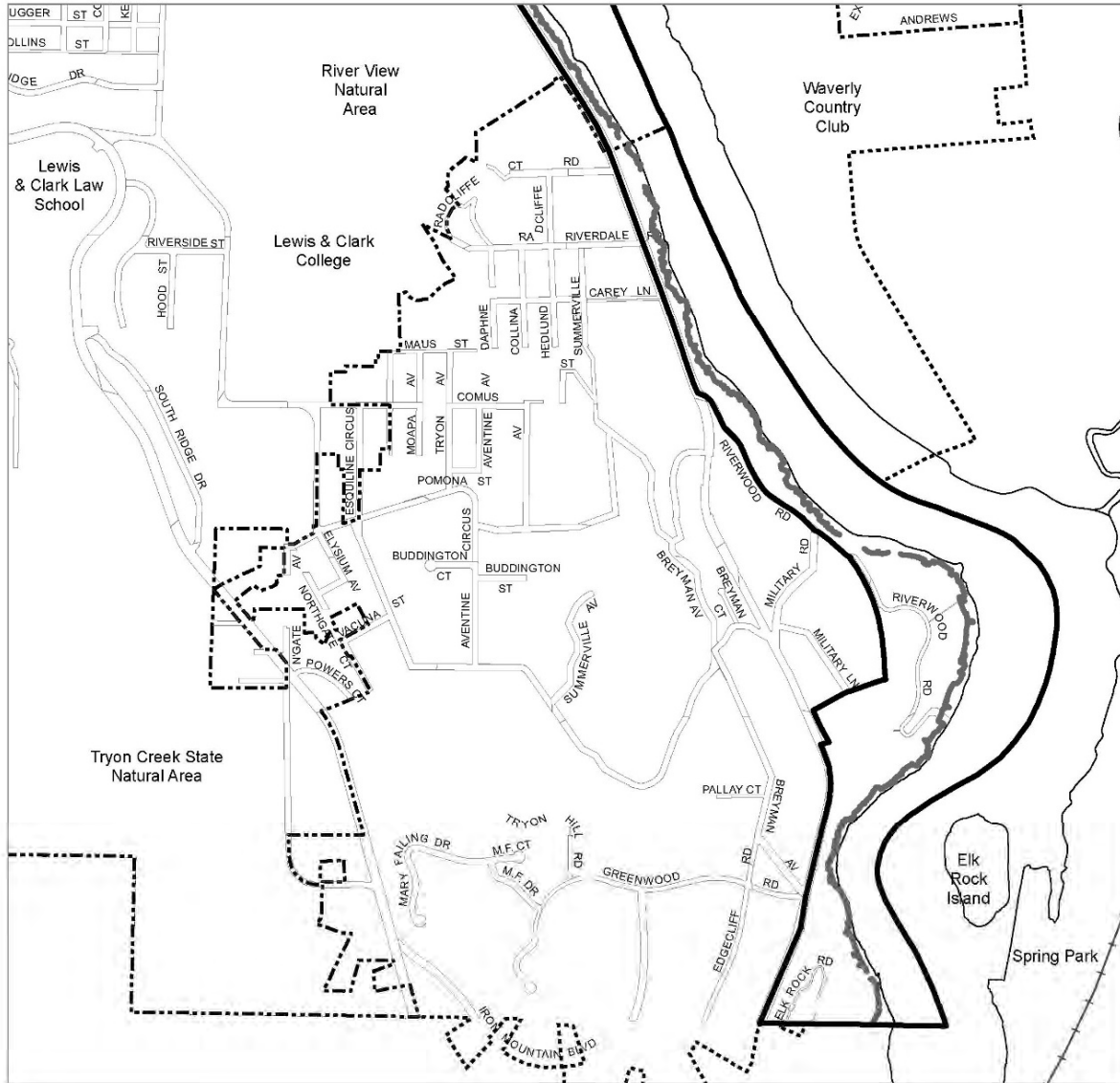
Commentary

Top of Bank





Map 475-2

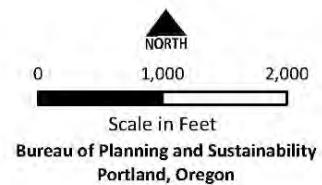
Map 6 of 6

Map Revised Xxxx X, 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Top of Bank (where mapped)



Commentary

Map 475-3

No change to Map 475-3.



Areas Exempt from Landscaping Requirements

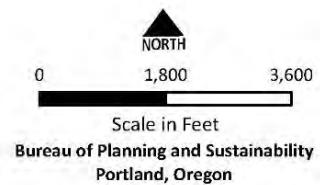
Map 475-3

Map Revised Xxxx X, 201X



Legend

-  River Overlay Boundary
-  Exempt Areas



Commentary

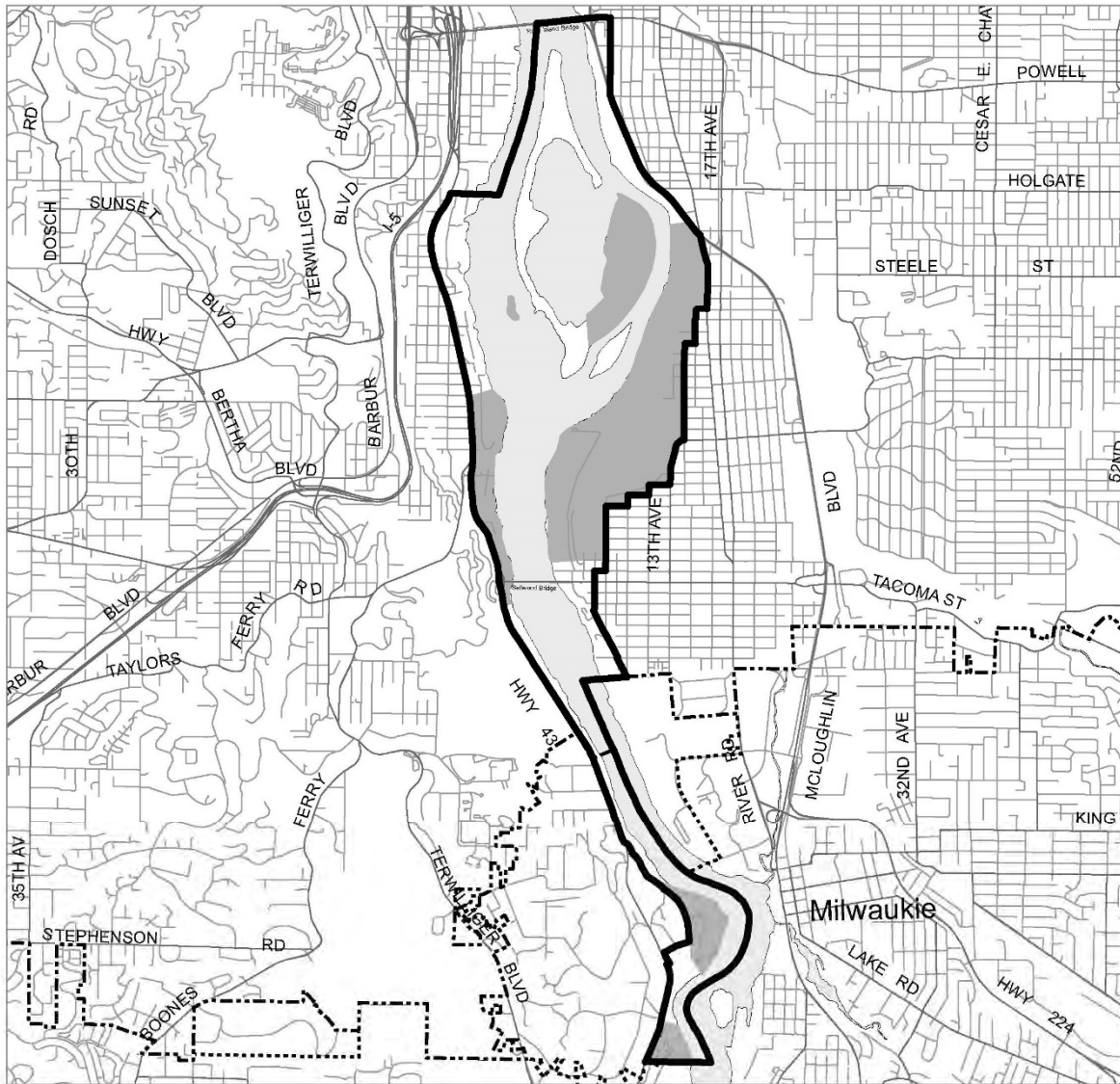
Map 475-4 Archaeological Sensitivity Areas

This new map to chapter 33.475 depicts the high sensitivity areas where archaeological resources may be found in the South Reach area. These areas have been identified in an archaeological resources study completed by Willamette Cultural Resources Associates, LTD for the Bureau of Planning and Sustainability. The areas shown on the map are subject to regulations in 33.475.245.

Archaeological Sensitivity Areas

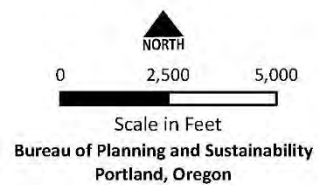
Map 475-4

Map Revised Xxxx X, 201X



Legend

- City Boundary
- Urban Service Boundary
- River Overlay Boundary
- High Sensitivity areas



Commentary

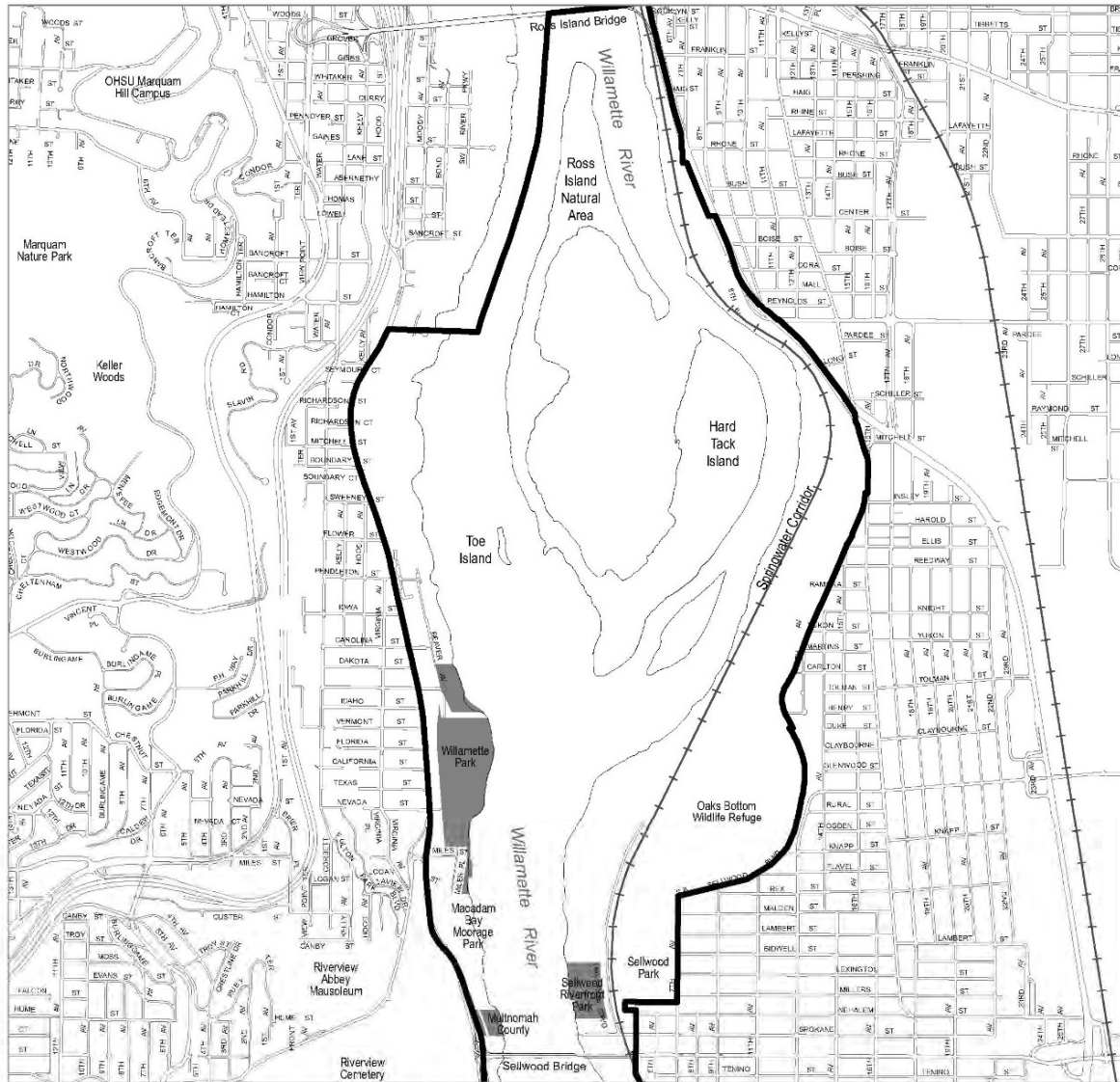
Map 475-5 Additional Uses Allowed in the Open Space Zone

This map depicts three public park sites where a limited amount of Retail Sales and Service Uses are allowed in the River Recreational (r*) overlay zone. The intent of this provision is to allow a limited amount of river recreation-supportive retail development like recreational equipment rentals and refreshments to locate in the Open Space zone at three parks in the South Reach. See 33.475.200.B. for the regulation.



Retail Sales and Services Allowed in OS

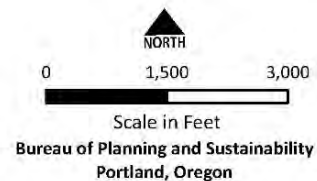
Map 475-5

Map Revised Xxxx X, 201X



Legend

-  River Overlay Boundary
-  OS zoned sites where retail sales and services are allowed



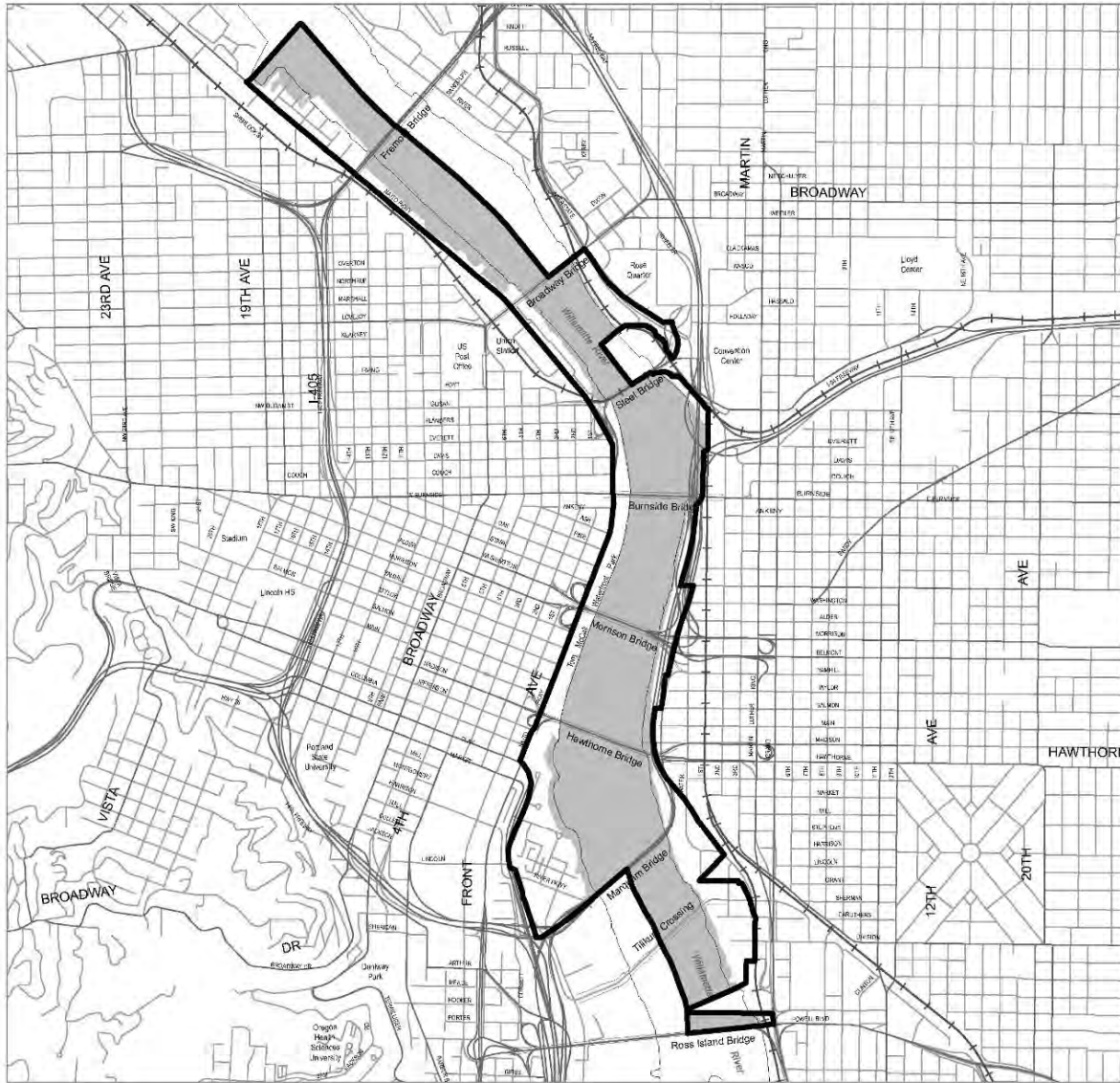
Commentary

Riparian Buffer Area

Map 475-6

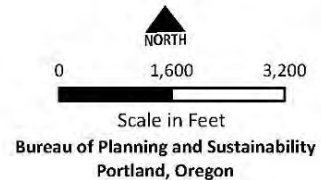
Map 1 of 2

Map Revised Xxxx, X 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Riparian buffer area



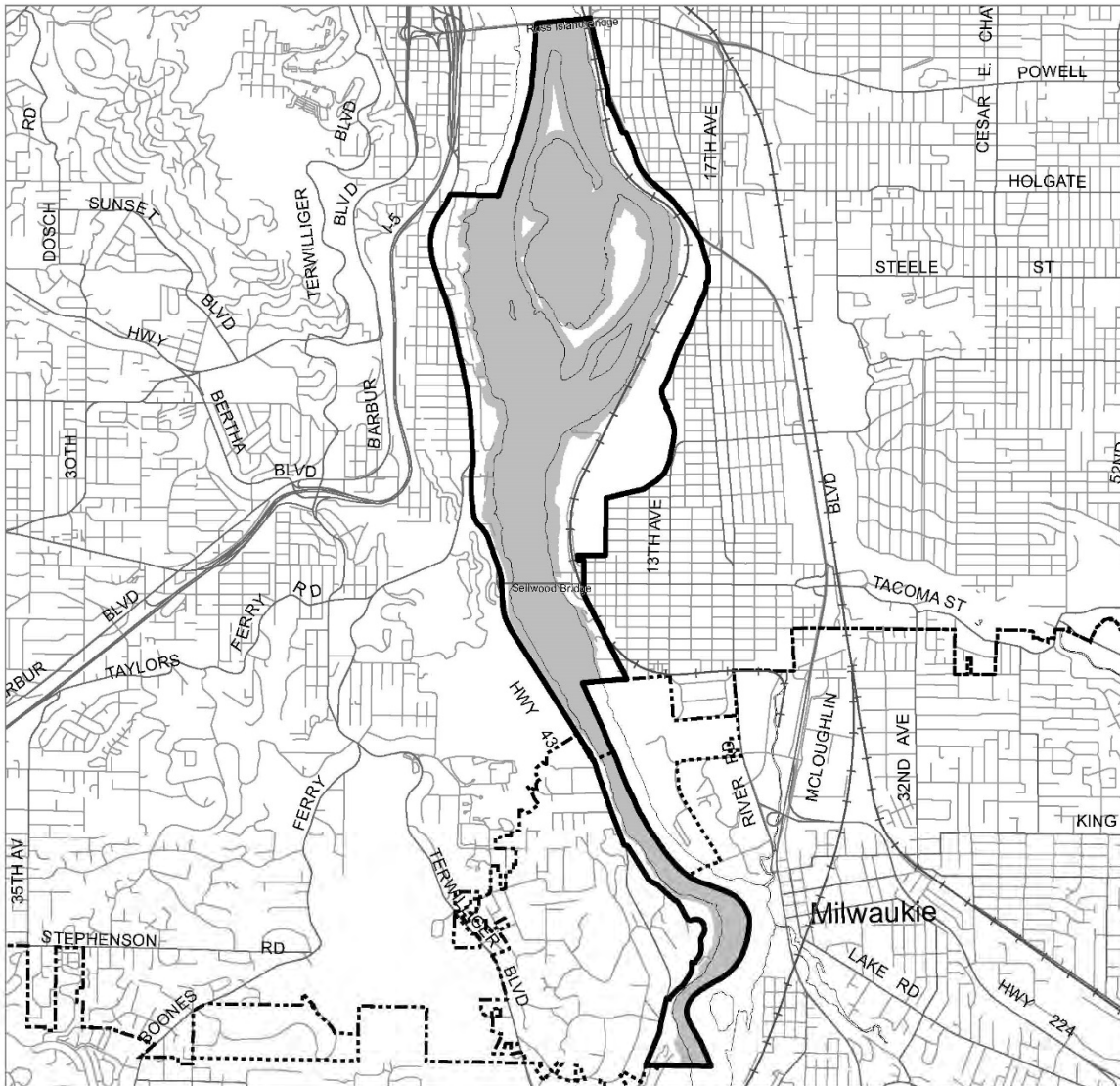
Commentary

Riparian Buffer Area


Map 475-6

Map 2 of 2

Map Revised Xxxx, X 201X



Legend

-  City Boundary
-  Urban Service Boundary
-  River Overlay Boundary
-  Riparian buffer area



Commentary

33.865 River Review

This chapter contains the review process, application requirements and approval criteria for River Review. River Review will replace *Greenway Review* in the South Reach.

33.865 River Review

865

Sections:

- 33.865.010 Purpose
- 33.865.020 When River Review is Required
- 33.865.030 Procedure
- 33.865.040 Supplemental Application Requirements
- 33.865.100 Approval Criteria
- 33.865.110 Modification of Site-Related Development Standards
- 33.865.120 Corrections to Violations of the River Environmental Overlay Zone Standards
- 33.865.200 Use of Performance Guarantees
- 33.865.210 Special Evaluations by a Trained Professional

33.865.010 Purpose

River Review is intended to:

- Protect, conserve and enhance identified resources and functional values in the River Environmental overlay zone, compensate for unavoidable significant detrimental impact to those resources and functional values, and ensure the success of mitigation and enhancement activities;
- Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act;
- Provide flexibility for unusual situations. River Review allows for evaluation of alternative development scenarios that may have less detrimental impact on protected resources, and allows for the evaluation of off-site mitigation proposals;
- Provide a mechanism for the evaluation of detailed, site-specific information on the location or quality of resources and functional values;
- Provide a mechanism for modifying the location of the River Environmental overlay zone to reflect permitted changes in the location or quality of resources and functional values.
- Provide for the replacement of resources and functional values that are lost through violations of the River Environmental overlay zone standards;
- Provide a mechanism to modify the River Environmental overlay zone standards of Chapter 33.475, River Overlay Zones; and
- Allow for modifications to site-related development standards when modification will result in greater resource protection.

Commentary

33.865.030 Procedure

This section is updated to change the procedure by which River Review is completed from Type IIx to Type II. The use of a Type II procedure is consistent with existing process used Environmental and Greenway reviews.

33.865.040 Supplemental Application Requirements

In general, the supplemental application requirements are substantively the same as those required for environmental review. However, in recognition of the unique contributions to special status species habitat of Willamette River floodplains directly adjacent to the riverbank, a new "riparian buffer area" has been established and incorporated into the River Environmental overlay zone. The riparian buffer area includes the area 170 feet landward of Ordinary High Water (limited by the 100-year floodplain and 1996 Flood Inundation Area). The riparian buffer area is identified in the FEMA National Flood Insurance Program Biological Opinion prepared by the National Marine Fisheries Service as an area where additional steps to limit the impact of development are necessary. The riparian buffer area will ensure a net increase in habitat functions in this important floodplain area.

Going forward, several of the required site plans will need to include the 1996 Flood Inundation Area and riparian buffer area. The extent of the riparian buffer area can be found in Map 475-6.

Additionally, a minor change has been made to reduce the number of copies of site plans required for a river review application. Two physical copies and one scaled PDF of each required site plan are sufficient for completeness review. This will reduce the amount of paper used for project submittals.

33.865.020 When River Review is Required

River Review is required in the following situations:

- A.** When a development or regulated activity in the River Environmental overlay zone is not exempt from the River Environmental overlay zone regulations and either does not meet the standards of subsection 33.475.440 or there are no development standards applicable to the proposal;
- B.** When River Review is required to correct a violation of the River Environmental overlay zone regulations, as described in subsection 33.475.450;
- C.** When an applicant wishes to fine tune the boundary of the River Environmental overlay zone based on a detailed environmental study that more accurately identifies the location and quality of resources and functional values. Minor boundary changes are allowed through River Review. Map error corrections are reviewed under 33.855.070, Corrections to the Official Zoning Maps, and removal of the River Environmental overlay zone is processed as a change of overlay zone as stated in 33.855.060, Approval Criteria for Other Changes; or
- D.** To modify the boundary of River Environmental overlay zone to reflect permitted changes in the location or quality of resources or functional values. The modification of River Environmental overlay zone procedure does not apply to changes caused by violations of subsection 33.475.440.

33.865.030 Procedure

A River Review is processed through a Type II~~x~~ procedure, except as described in 33.475.450.B when River Review is required to correct a violation of the River Environmental overlay zone regulations.

33.865.040 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required when the River Review application is for development in the River Environmental overlay zone, or for modification of the River Environmental overlay zone boundary:

- A. Supplemental site plan requirements.** ~~Five~~Two physical copies ~~and one PDF~~ of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.
 - 1. Existing conditions site plan. The existing conditions site plan must show the following:
 - a. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, including structures and topographic contours referenced to determine top of bank, centerline of stream, ordinary high water, or wetland boundary as appropriate. See Section 33.910.030, Environmental-Related Definitions, Top of Bank. In the case of a violation, also identify the location of the wetland or water body prior to alteration;

Commentary

33.865.040.A.1.c.

Existing conditions site plans must now include the boundary of the 1996 Flood Inundation Area. The location of the 1996 Flood Inundation Area is available from the City and is currently used to demonstrate compliance with Title 24.50, Flood Hazard Areas.

33.865.040.A.1.d.

Existing conditions site plans must now include the boundary of the riparian buffer area.

33.865.040.A.2.a.

The proposed development site plan must now include the boundary of the riparian buffer area.

- b. 100-year floodplain and floodway boundaries. In the case of a violation, also identify the location of the 100-year floodplain and floodway prior to alteration;
 - c. 1996 Flood Inundation Area boundary;
 - d. The boundaries of the riparian buffer area. See Map 475-6;
 - ~~ee.~~ Drainage patterns, using arrows to indicate the direction of major drainage flow;
 - ~~ef.~~ Boundaries of the River Environmental overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - eg. Within the River Environmental overlay zone:
 - (1) Distribution outline of shrubs and ground covers, with a list of most abundant species; and
 - (2) Trees over 1.5 inches in diameter identified by species and size, including the location and size of the trunk, canopy crown diameter and the root protection zone. In the case of a violation, also identify the trees that were cut or damaged by showing a stump diameter and species;
 - ~~fh.~~ Outside of the River Environmental overlay zone, trees over 3 inches in diameter, including the location of the trunk and canopy crown cover, identified by species and size;
 - gi. Location and boundaries of designated scenic resources. The location of viewpoints, view corridors and scenic corridors must be shown in relation to the property lines, existing and proposed public trails and boundaries of the River Environmental overlay zone;
 - ~~hj.~~ Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater. In the case of a violation, also identify the topography prior to alteration; and
 - ~~ik.~~ Existing improvements such as structures, buildings, utility lines, stormwater systems, septic or sewer facilities, fences, etc.
2. Proposed development site plan. The proposed development site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the landscaping area subareas;
 - b. Location of all proposed development including buildings, structures, decks, retaining walls, bridges, trails/pathways;
 - c. Location of proposed utility lines and connections, stormwater systems and septic or sewer facilities;
 - d. Location of protected scenic resources;
 - e. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;

Commentary

33.865.040.A.2.h.

This subparagraph has been updated to require a cut and fill calculation for the 1996 Flood Inundation Area in addition to the already-required 100-year floodplain calculation.

33.865.040.A.3.a.

This subparagraph has been updated to require that the construction management site plan include the top of bank and river setback (50 feet landward from top of bank), the riparian buffer area and the landscaping area subareas 1, 2 and 3. Top of bank is shown on Map 475-2. The riparian buffer area is shown on Map 475-6.

33.865.040.A.3.d.

This subparagraph has been updated to require a cut and fill calculation for the 1996 Flood Inundation Area in addition to the already-required 100-year floodplain calculation.

- f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - g. Proposed final contour lines at 2 foot vertical intervals in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater;
 - h. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain and 1996 Flood Inundation Area;
 - i. Delineated areas to be left undisturbed; and
 - j. Location and species of existing trees, shrubs, and ground covers to remain including the required root protection zone per Title 11.
3. Construction management site plan. The construction management site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the required landscaping area subareas;
 - b. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
 - c. Proposed grading plan with existing and proposed contours. The grading plan must show proposed alteration of the ground at 2-foot vertical contours in areas of slopes less than ten percent and at 5-foot vertical contours in areas of slopes ten percent or greater;
 - d. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain and or 1996 Flood Inundation Area;
 - e. Location of all proposed development;
 - f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - g. Areas where existing topography and vegetation will not be affected by the development proposal;
 - h. Location of trees to remain including the required root protection zone per Title 11;
 - i. Location of site access and egress;
 - j. Material staging and stockpile areas; and
 - k. Erosion control measures.

Commentary

33.865.040.A.4.

This paragraph has been updated to add the *Willamette River South Reach Natural Resources Protection Plan* (2020) in the referenced documents for identifying high- and medium-ranked resources that will be impacted on site. To avoid confusion, "Central Reach" has been added to the title of the existing natural resources protection plan referenced in the paragraph. This plan was completed in 2018.

33.865.040.A.4.a.

This amendment adds a requirement to show the location of the riparian buffer area in the mitigation or remediation site plan. This will ensure that a minimum of no-net-loss over time for all resources and functions and a significant improvement of at least one functional value is achieved in the riparian buffer area.

33.865.040.A.4.k.

This subparagraph has been updated to require a cut and fill calculation for the 1996 Flood Inundation Area in addition to the already-required 100-year floodplain calculation.

33.865.040.B.1.

This paragraph has been updated to add the *Willamette River South Reach Natural Resources Protection Plan* (2020) in the referenced documents for identifying significant resources and functional values on the project site.

4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values ~~ranked high or medium~~identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)*, *Willamette River South Reach Natural Resources Protection Plan (2020)* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:
 - a. Location of the River Environmental overlay zone and riparian buffer area in relation to the mitigation site;
 - b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;
 - c. Location, species, and size of each individual tree to be planted;
 - d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;
 - e. The area of the mitigation site in square feet in relation to the project impact area;
 - f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;
 - g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - h. Location of protected viewpoints and scenic overlay zones;
 - i. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;
 - j. Water sources to be used, including volumes;
 - k. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the 100-year floodplain and 1996 Flood Inundation Area; and
 - l. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the *Willamette River Central Reach Natural Resources Protection Plan (2016~~2018~~)* and *Willamette River South Reach Natural Resources Protection Plan (2020)* ~~and a~~ A supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

Commentary

33.865.040.B.1.a.(1)

This subsubparagraph has been updated to add the *Willamette River South Reach Natural Resources Protection Plan* (2020) in the referenced documents for site-specific natural resource features and functional values, as well as special status wildlife and plant species.

33.865.040.B.1.a.(2)

This subsubparagraph has been updated to add the *South Reach Scenic Resources Protection Plan* (2020) in the referenced documents for identification of scenic resources.

a. An impact evaluation includes:

- (1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan (20162018)* and *Willamette River South Reach Natural Resources Protection Plan (2020)* provides site-specific information on the natural resource features including:

- open water;
- shallow water (river depth 0-20 feet);
- beach;
- riparian vegetation;
- upland and bottomland forest;
- grassland;
- flood area and floodplain;
- wetlands, streams and ponds; and
- special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (20162018)* and *Willamette River South Reach Natural Resources Protection Plan (2020)* provides site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan (20162018)* and *Willamette River South Reach Natural Resources Protection Plan (2020)* also provides information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

- (2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic (s) overlay zone and are described in the *Central City Scenic Resources Protection Plan (20172018)* and *South Reach Scenic Resources Protection Plan (2020)*;
- (3) Identification of significant unavoidable detrimental impacts on identified natural and scenic resources and functional values. Actions that could cause detrimental impacts and should be identified include:
- excavation and fill both in the water and above the ordinary high water mark. The quality and source of fill material is an important factor to be considered;

Commentary

- clearing and grading;
 - construction;
 - vegetation removal;
 - tree planting;
 - altering bathymetry;
 - altering a vegetated riparian corridor or upland vegetated area;
 - altering the floodplain; and
 - altering the temperature of the river especially the altering of existing cold water sources.
- (4) Evaluation of practicable alternative locations, design modifications, or alternative methods of development that both achieve the project purpose, taking into account cost and technology, and minimize significant detrimental impacts on identified natural and scenic resources and functional values; and
- (5) Determination of the practicable alternative that best meets the applicable approval criteria.
- b. An impact evaluation for a violation includes:
- (1) Description, by characteristics and quantity, of the natural and scenic resources and functional values on the site prior to the violation; and
- (2) Determination of the impact of the violation on the natural and scenic resources and functional values.
2. Biological assessment. A biological assessment developed for the purposes of a federal or state permit may be submitted in place of some or all of the impact evaluation if the biological assessment includes the information described in subparagraph B.1, above. In the event that the applicant submits a biological assessment in place of some or all of the impact evaluation, the applicant must identify which aspects of the impact evaluation are covered by the biological assessment and, if necessary, identify which pieces of information will be included in the impact evaluation.
3. Supplemental environmental site assessment. A site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the existence, location, type, extent, and quality of the natural resources and functions on the site can be provided as part of the supplemental narrative. The assessment may verify, supplement, or challenge the information in the City's inventory for the purpose of informing the impact evaluation and identifying mitigation obligations;
4. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining natural and scenic resources and functional values at and near the construction site and provide a description of how areas that are not affected by the construction will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

Commentary

5. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts on identified natural and scenic resources and functional values that result from the chosen development alternative or violation. A mitigation or remediation plan includes:
 - a. Natural or scenic resources and functional values to be restored, created, or enhanced within mitigation or remediation area;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operation and a long-term maintenance plan;
 - e. Monitoring and evaluation procedures that include periodic reporting;
 - f. Remedial actions for unsuccessful mitigation;
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings; and
 - h. If off-site mitigation is proposed, demonstration that on-site mitigation is not practicable or ecologically beneficial.

33.865.100 Approval Criteria.

Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

- A. Development within the River Environmental overlay zone.** The applicant's supplemental narrative must demonstrate that all of the following are met:
 1. Resource enhancement projects:
 - a. There will be no net loss of total resource area;
 - b. There will be no net loss of functional values; and
 - c. There will be a significant improvement of at least one functional value.
 2. All other proposals in the River Environmental overlay zone:
 - a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;

Commentary

33.865.100.A.2.c.

The existing references to potential impacts within the Central Reach have been removed. Detrimental impacts on downstream river habitat and other environmental restoration sites are evaluated based on runoff and other byproducts generated on the site. The potential impact of these effects may not be focused solely in the Central Reach.

33.865.100.A.2.d.(1)

This subsubparagraph has been updated to incorporate the requirement that mitigation required for impacts associated with non-river-dependent or non-river-related development within the riparian buffer area must result in "beneficial gain" for floodplain habitat. The National Marine Fisheries Service (NMFS) found that continuing existing National Flood Insurance Program allowances for floodplain development would jeopardize the continued existence of endangered and threatened salmonids in Oregon (*Endangered Species Act (ESA) Section 7(a)(2) Jeopardy and Destruction or Adverse Modification of Critical Habitat Biological Opinion and Section 7(a)(2) "Not Likely to Adversely Affect" Determination for the Implementation of the National Flood Insurance Program in the State of Oregon*). To avoid jeopardy, Portland (and other Oregon communities) must show not only no net loss of floodplain habitat, but an overall net benefit to listed species. Beneficial gain is defined as a minimum of no-net-loss over time for all resources and functions and a significant improvement of at least one of three broad floodplain functional values: channel complexity, floodplain connectivity, or floodplain complexity. Examples of mitigation include, but are not limited to, placement of large woody debris, floodplain reconnection, riparian plantings, and wetland creation. The riparian buffer area serves as valuable habitat for fish and wildlife along the river. The assurance of beneficial gain in these areas recognizes the time required for habitat improvements to reach maturity and become fully functional. An overall net benefit must be achieved for all riparian areas, including the riparian buffer area and floodplain. To reach a net benefit, both city-led public restoration projects and private beneficial gain for project-specific impacts are necessary.

33.865.100.A.2.d.(2)

This subsubparagraph has been updated to incorporate the requirement that any mitigation for tree removal in either the 100-year or 1996 Flood Inundation Area must occur within the relevant floodplain area(s). An additional requirement for tree replacement has been added to ensure that any tree replacement in the floodplain meets or exceeds the replacement requirements in Table 475-2. This will ensure no long-term loss of trees within the floodplain as a result of placement of trees required for mitigation outside of the floodplain. This requirement will ensure habitat for fish and wildlife and the preservation of flood management capacity during flood events.

- b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;
- c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat ~~within the Central Reach~~, or other sites ~~in the Central Reach~~ where environmental restoration is in progress or complete;
- d. Mitigation:
 - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: channel complexity, floodplain connectivity, or floodplain complexity;
 - (2) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the 100-year floodplain or 1996 Flood Inundation Area must meet or exceed the replacement requirements of Table 475-2 and occur within the 100-year floodplain and or 1996 Flood Inundation Area;
 - (3) The amount of natural resource mitigation due as compensation must be based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 of mitigation area to project ~~impact~~ disturbance area, but may be more to address the following:
 - the uniqueness of the resources and functional values impacted;
 - the relative condition of the mitigation area;
 - the distance between the impact area and mitigation area; and
 - the time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
 - (4) Mitigation must occur within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone. The applicant must own the mitigation site, possess a legal instrument that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation (such as an easement or deed restriction);

Commentary

33.865.100.A.2.d.(3)

The term "project impact area" has been replaced with "project disturbance area." Project disturbance area is defined in the zoning code and aligns with the intent of this section. This change provides clarity related to the amount of mitigation required to offset project impacts. Required mitigation may exceed the minimum 1.5:1 ratio.

33.865.100.A.2.d.(6)

The term "project impact area" has been replaced with "project disturbance area." Project disturbance area is defined in the zoning code and aligns with the intent of this section. This change provides clarity related to the amount of mitigation required to offset project impacts. Required mitigation may exceed the minimum 3:1 ratio.

This subsubparagraph has also been updated to remove the requirement that off-site mitigation must be within the Willamette River Central Reach. Instead, placement of off-site mitigation in the same reach (either the central or south reach) is prioritized. If mitigation within the same reach is not practicable, mitigation must occur in the River Environmental overlay zone.

- (5) Mitigation must occur on-site when practicable, and ecologically beneficial. Factors to be considered when evaluating this criterion include:
 - The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - Contamination; and
 - Any other site specific issue or constraint;
- (6) If on-site mitigation is not practicable or ecologically beneficial, the applicant may perform mitigation off-site. The off-site mitigation must meet all other approval criteria in this Subparagraph and the following:
 - Mitigation must occur at a minimum 3:1 ratio of mitigation area to project ~~impact~~disturbance area; and
 - The mitigation area must be located within the same reach as the project site when practicable. Willamette River Central Reach, shown on Map 475-1
If locating the mitigation within the same reach as the project site is not practicable, the mitigation area must be within the River Environmental overlay zone; and
- (7) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

B. Modification of River Environmental overlay zone boundaries. Modifications of River Environmental overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2 are met. For modification of River ~~e~~Environmental zone boundaries based on a more detailed site specific environmental study; that confirms the location of natural resource features identified in the adopted Natural Resources Inventory, the applicant's impact evaluation must demonstrate that Paragraph B.3, ~~below~~, is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which should be included in the River Environmental overlay zone; or
2. Approved loss of resource area. All of the following must be met:
 - a. All approved development in a resource area has been completed;
 - b. All mitigation required of this development has been successful; and
 - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
3. Modification of River Environmental overlay zone boundaries based on a more detailed site-specific environmental study. The River Environmental overlay zone line location may be modified to more accurately reflect the location of natural resources and functional values on the site. All of the following must be met:

Commentary

- a. The modified River Environmental overlay zone boundary must include all natural resource features that receive a high or medium rank using the methodology within the adopted Natural Resources Inventory; and
- b. The modified River Environmental overlay zone boundary must be located no closer than 50 feet from the top of bank of a river, stream, drainageway, wetland or other water body.

33.865.110 Modifications of Site-Related Development Standards

The review body may consider modifications to site-related development standards that are not otherwise prohibited from being adjusted as part of the River Review process. These modifications are done as part of the River Review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

33.865.120 Corrections to violations of the River Environmental Overlay Zone Standards

For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A, above, and Subsection A, and Paragraphs B.2 and B.3, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

- A. The remediation is done in the same area as the violation; and
- B. The remediation plan demonstrates that after its implementation there will be:
 1. No permanent loss of any type of resource or functional values;
 2. A significant improvement of a least one functional value; and
 3. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.865.200 Performance Guarantees

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.865.210 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

2. BASE AND OVERLAY ZONE MAP AMENDMENTS

This section presents staff's proposed zoning and comprehensive plan map amendments. The section is formatted with existing zoning quarter section maps on the left-hand pages and the proposed zoning quarter section maps on the right-hand pages. There are three types of changes shown on these maps:

1. Base zone and comprehensive plan
2. Overlay zones
3. Major Public Trail alignment

Base Zone and Comprehensive Plan Map Amendments

Base zones are the zoning code designations applied to all sites that indicate the types of uses and development that are allowed on each site. For example, base zones can allow residential, a mix of uses such as residential and commercial, industrial, or parks and open spaces.

The Comprehensive Plan map designation depicted in parentheses under the base zone where changes are proposed, shows the long-term desired land use on a site. Often, the base zone and Comprehensive Plan map designations are the same. Some Comprehensive Plan map designations allow more than one base zone to permit a similar type of use and development to occur over time.

Overall, the zoning in the South Reach is appropriate for the type of uses and development that exist or could happen in this geography. There are four mostly minor map changes that are proposed. See commentary below for more information.

Overlay Zones

Overlay zones are applied to individual sites in addition to the base zone to account for unique aspects and priorities within a given area. Specific regulations or guidelines would apply when a new development or redevelopment project is proposed based on the specific overlay zone. A given site may have overlapping overlay zones depending on a variety of considerations.

In the South Reach there are a number of overlay zones that exist today and four of them are related to the Willamette River Greenway: River General (g), River Natural (n), River Recreational (r) and River Water Quality (q). There is also the design overlay zone (d) applied to parcels in the Macadam Plan District and in the Sellwood bridgehead area. There are a few other overlay zones present in the south reach: Environmental overlay zone with the protection (p) and conservation (c) designations, the Scenic overlay zone (s), and the Alternative Design Density (a) and Buffer (b) overlay zones.

As part of this update of the *Willamette Greenway Plan* for the south reach, new Willamette River Greenway regulations called river overlay zones will apply (see proposals in River Overlay Zones code chapter 33.475). There are three river overlay zones applied on the Discussion Draft Zoning maps that follow: River General (g*), River Recreational (r*) and River Environmental (e). The latter generally replaces the current River Natural and River Water Quality overlay zones. The asterisk is used to differentiate the River General and River Recreational regulations that apply in the Central and South reaches in 33.475 from the regulations for similarly-named overlay zones (River g and River r) in the north reach, where the regulations in 33.440 (Willamette River Greenway) still apply.

The *Scenic Resources Protection Plan* to be adopted with this plan includes an evaluation of existing and proposed scenic resources and recommendations for where the Scenic overlay zone applies. Staff

recommended scenic viewpoints are shown on the draft zoning maps that follow. See Volume 2 of the Intergovernmental Review Draft for the update to the *Scenic Resources Protection Plan*.

There are no changes proposed to the Design, Alternative Design Density and Buffer overlay zones in this plan.

Commentary

Commentary on Map Changes

Base zone and comprehensive plan map changes (see hatched area on map)

1. *Map $\frac{1}{4}$ Section 3330* - Re-designate the northern tip of Ross Island from the zone Commercial Mixed Use 2/CM2, Comprehensive Plan map designation Mixed Use - Civic Corridor (MU-C) to Open Space/OS (OS). The City of Portland Parks and Recreation owns this site that currently is split-zoned with these two designations. The site is intended to be a natural area and the OS zone is the most appropriate designation to fulfill the desired land use.
2. *Map $\frac{1}{4}$ Section 3730 (and 3830)* - Re-designate sites zoned OS (OS) and Commercial Employment/CE (MU-C) to CM2 (MU-C). These parcels are owned by the City of Portland Parks and Recreation and includes natural areas and the Macadam Bay floating home community, which has a long-term lease with the City of Portland. The CM2 zoning allows residential development and is more consistent with the nearby zoning along the SW Macadam Avenue corridor than the CE zone, which is more of an employment zone. The rezoning from OS to CM2 is for a small parcel that is connected to the floating home moorage. The only Comprehensive Plan map designation change is for the OS portion of the rezoning.
3. *Map $\frac{1}{4}$ Section 3830* - Re-designate sites zoned CE (MU-C) to OS (OS). The largest parcel adjacent to the Willamette River is owned by Multnomah County. The parcel to the west of it is owned by the City of Portland. The longer, narrower sites to the west of the city property is owned by a number of entities including the State of Oregon, Metro and Multnomah County. These parcels are narrow strips of right-of-way or public trail.

The county parcel is the former Staff Jennings Boating Center that the county purchased for the new Sellwood Bridge project that was completed in 2016. Part of their site was used for the on-ramp to the bridge and a public trail. The remaining area contains a stormwater management facility and mitigation plantings that are part of the bridge project. The site is difficult for motor vehicles to access due to the major public trail and a green wall that is also part of the bridge project. Parking is extremely limited in the area and the site is in the floodplain. All of these factors severely limit redevelopment opportunities.

Portland Parks and Recreation (PPR) and Multnomah County have discussed entering into an agreement in the future that would have PPR maintain and operate the available portion of the County site for river recreation: a boating launch, picnic area, etc. OS-zoned parcels surround the proposed rezoning area. For the above reasons, staff recommends that these parcels be rezoned to OS.

The other sites are natural areas or trail and right-of-way areas that will not be developed. The surrounding area is OS zoning.

Commentary

4. *Map $\frac{1}{4}$ Section 3831* - Rezone part of a vacated right-of-way (formerly SE Umatilla Street) by the river currently owned by the Portland Rowing Club floating home community and marina from High Density Residential/RH (RH) to Mixed Commercial One/CM1 with a comprehensive plan map designation of Mixed Use - Dispersed (MU-D). This re-designation is proposed at the Portland Rowing Club's northern boundary (see oval shape on map) and will eliminate split zoning of the property. The majority of the site is zoned CM1. The existing RH area on this property is about 15' in width, so the hatching of the rezoning does not show up on the map to due its small size.

Overlay Zone Changes

In the introduction to Map Amendments on the previous page, basic information about relevant overlay zones in the South Reach is presented. This section describes the rationale for overlay zone changes that staff is recommending in this plan.

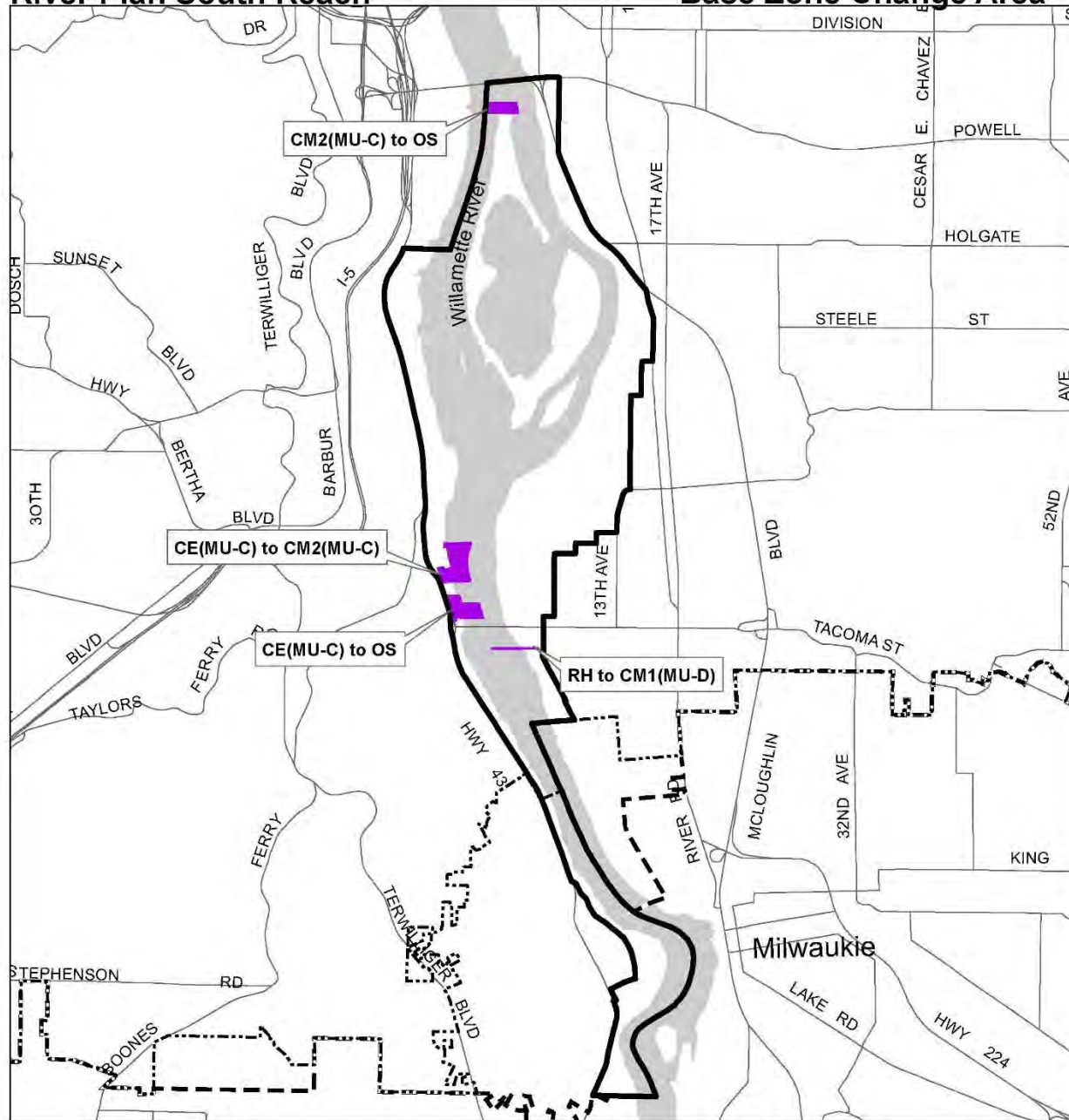
- A. River Recreational (r*) overlay zone is applied to OS zoned public properties that have, or plan to have as their primary use, river-dependent and river-related recreation uses. Other OS zoned sites where the River General (g*) is applied are sites where the primary focus is not river recreation but instead is natural areas and resource protection with limited or more passive recreation like birding.
- B. River Natural (n) and River Water Quality (q) overlay zones to River General (g*) or River Recreation (r*) and possibly the River Environmental (e) overlay zone. These overlay zones are being replaced by the River g* or River r* as the one of the primary river overlay zones.
- C. River Environmental (e) overlay zone is applied to all high- and medium-ranked natural resources, as well as all areas within the FEMA 100-year floodplain or 1996 Flood Inundation Area. The River (e) provides for protection of natural resources and vegetation management to preserve and expand habitat in the South Reach.

Major Public Trail Alignment Change

5. *Map $\frac{1}{4}$ Section 3730* - One small shift in a major public trail alignment for an east-west section from the Springwater Corridor Trail to the riverfront area (see oval on map) that then parallels the river through the Oaks Amusement Park property continuing further south along the riverfront. The current east-west trail alignment section is on the Oregon Yacht Club (OYC) floating home community property. The shift of this alignment to the south on Oaks Amusement Park (OAP) property is proposed. The stars on the zoning map are not meant to indicate the exact location of a future trail. The stars denote that a future trail may be required as part of a development project; depending on the impacts the proposed development would have on the trail system. OYC has no plans to redevelop their property. OAP attracts many visitors and a public trail through the property would bring visitors and employees to the site without requiring an automobile. OAP is completing a master plan for the site and could plan for how a future trail section might fit in with a new master plan.

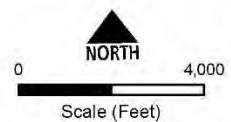
River Plan South Reach

Base Zone Change Area



Legend

- Draft Base Zone/Comprehensive Plan change area
- South Reach Boundary
- Willamette River
- City Boundary
- Urban Service Area Boundary

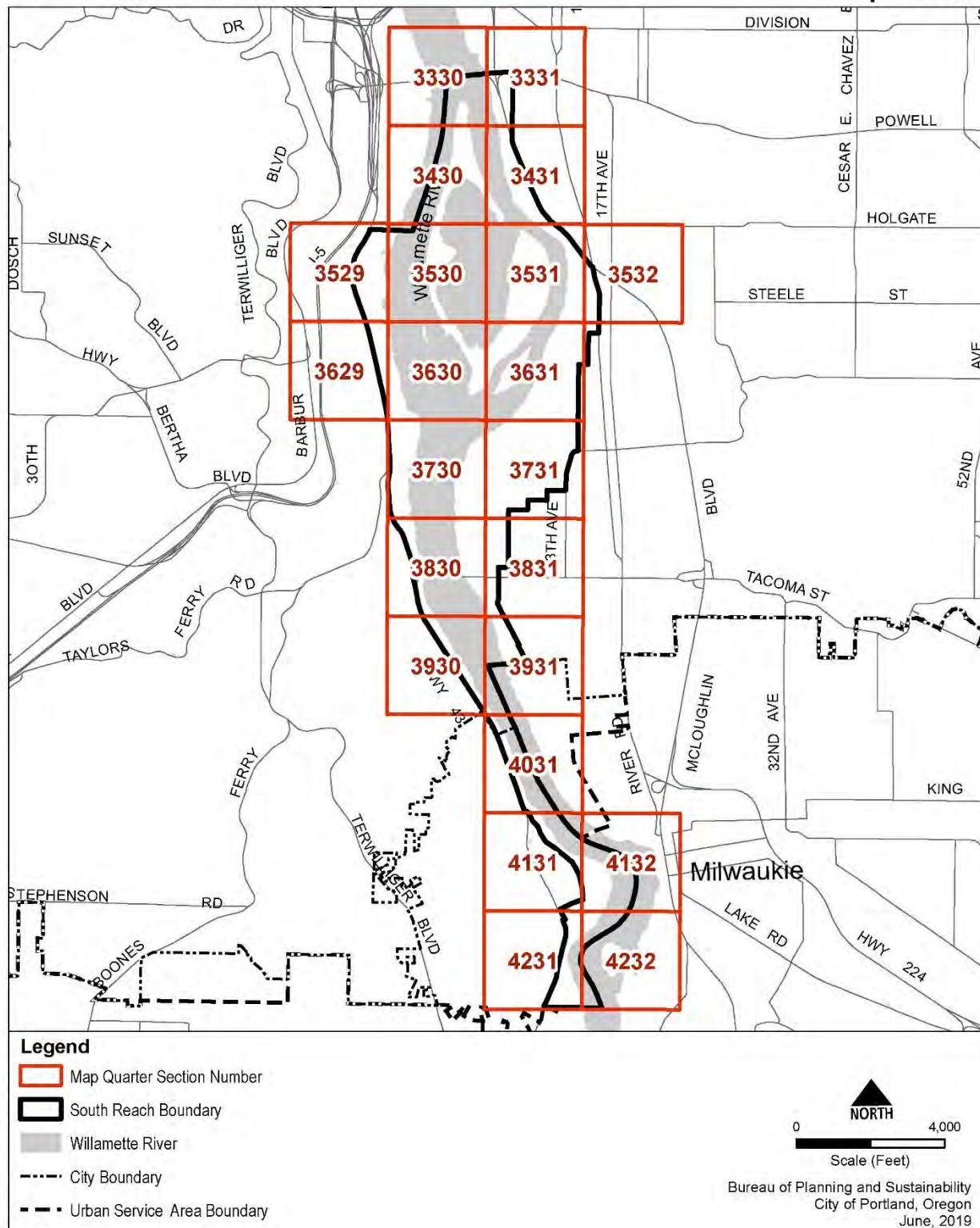


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Map Changes by Quarter Sections

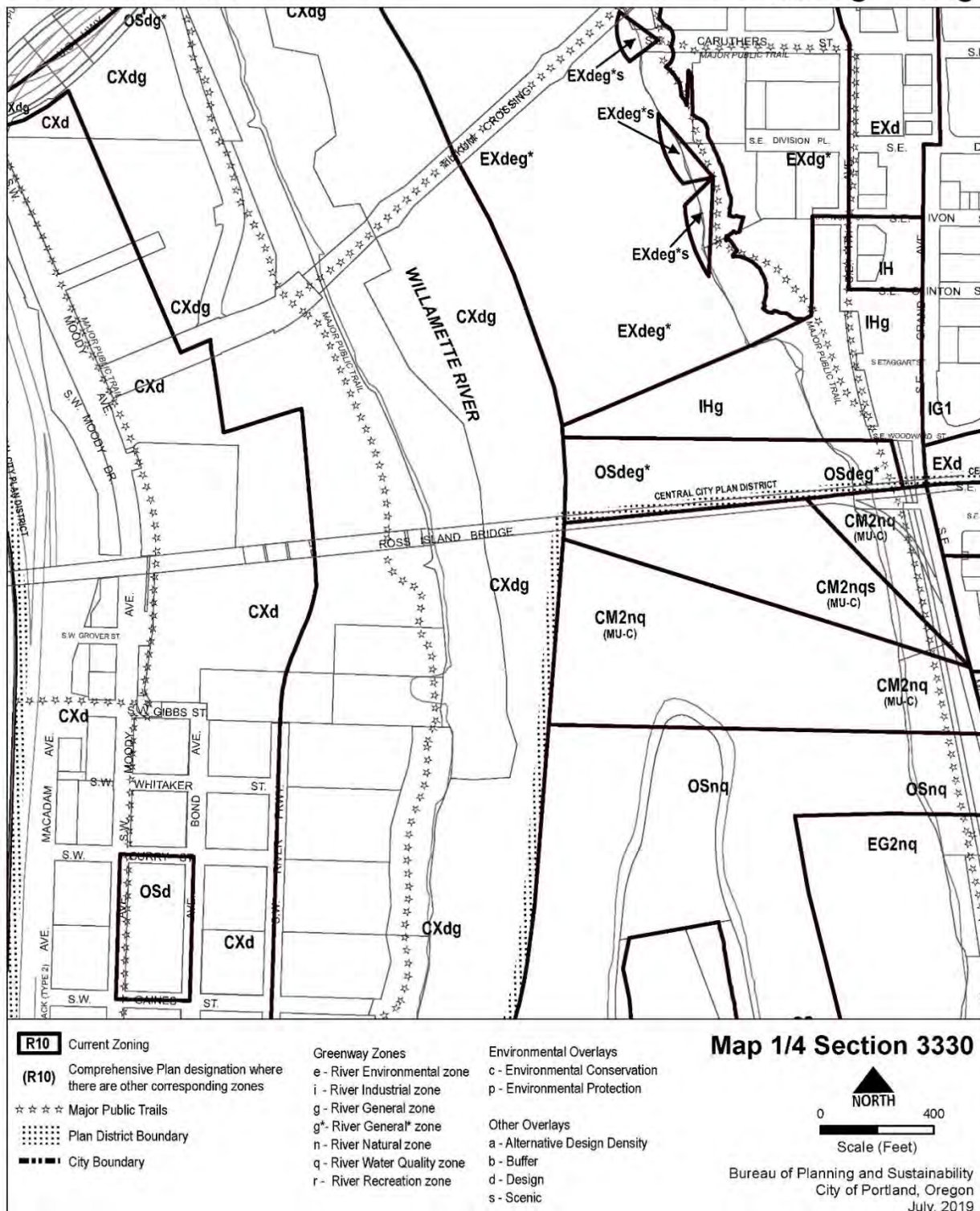
River Plan South Reach

Map Index



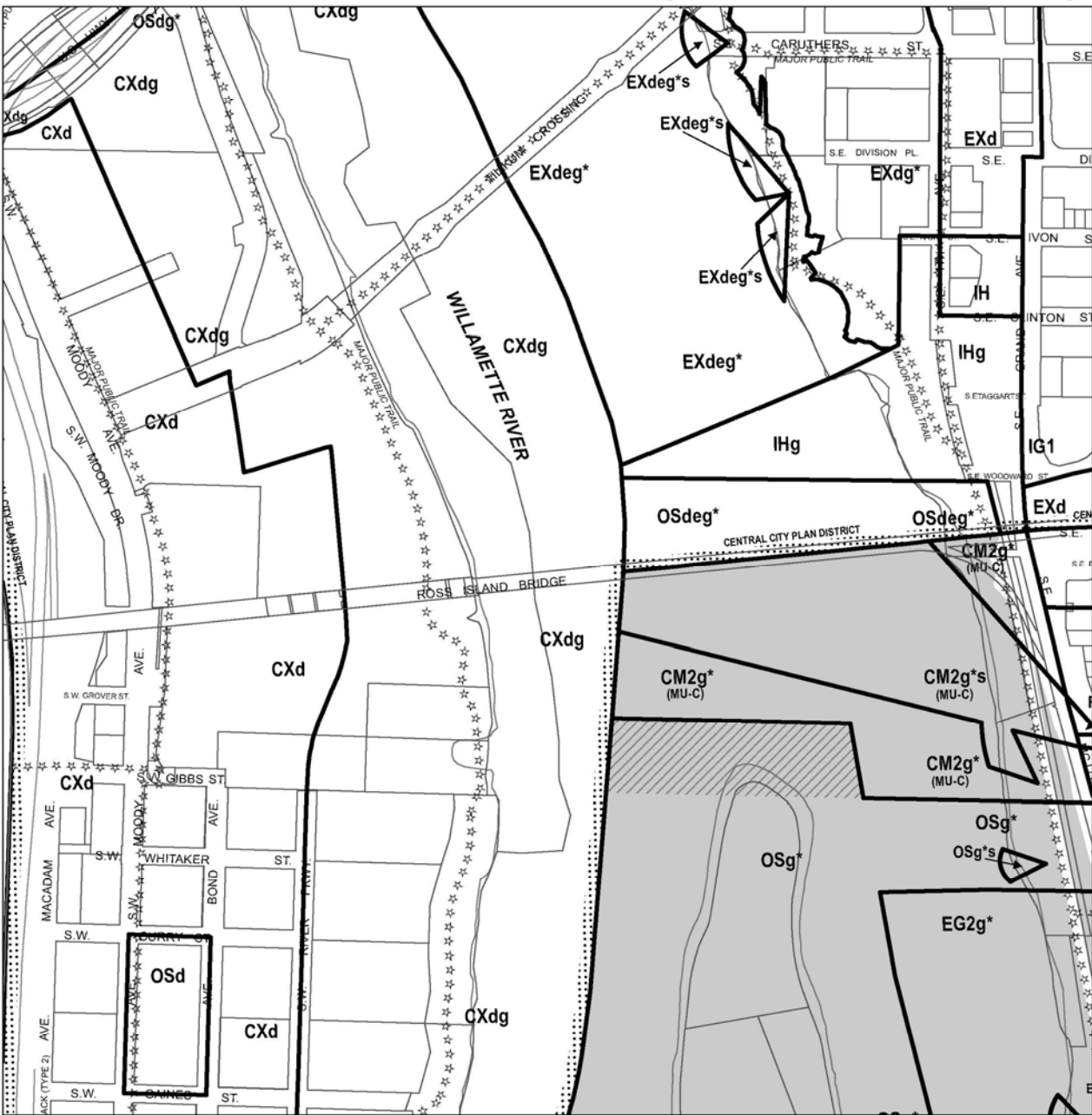
River Plan South Reach

Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

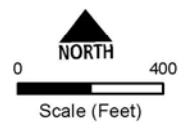


- R10** Draft Zoning
- (R10)** Comprehensive Plan designation where there are other corresponding zones
- Draft River Environmental (e) overlay
- Draft Base Zone/Comp Plan change area
- *** Major Public Trails
- Plan District Boundary

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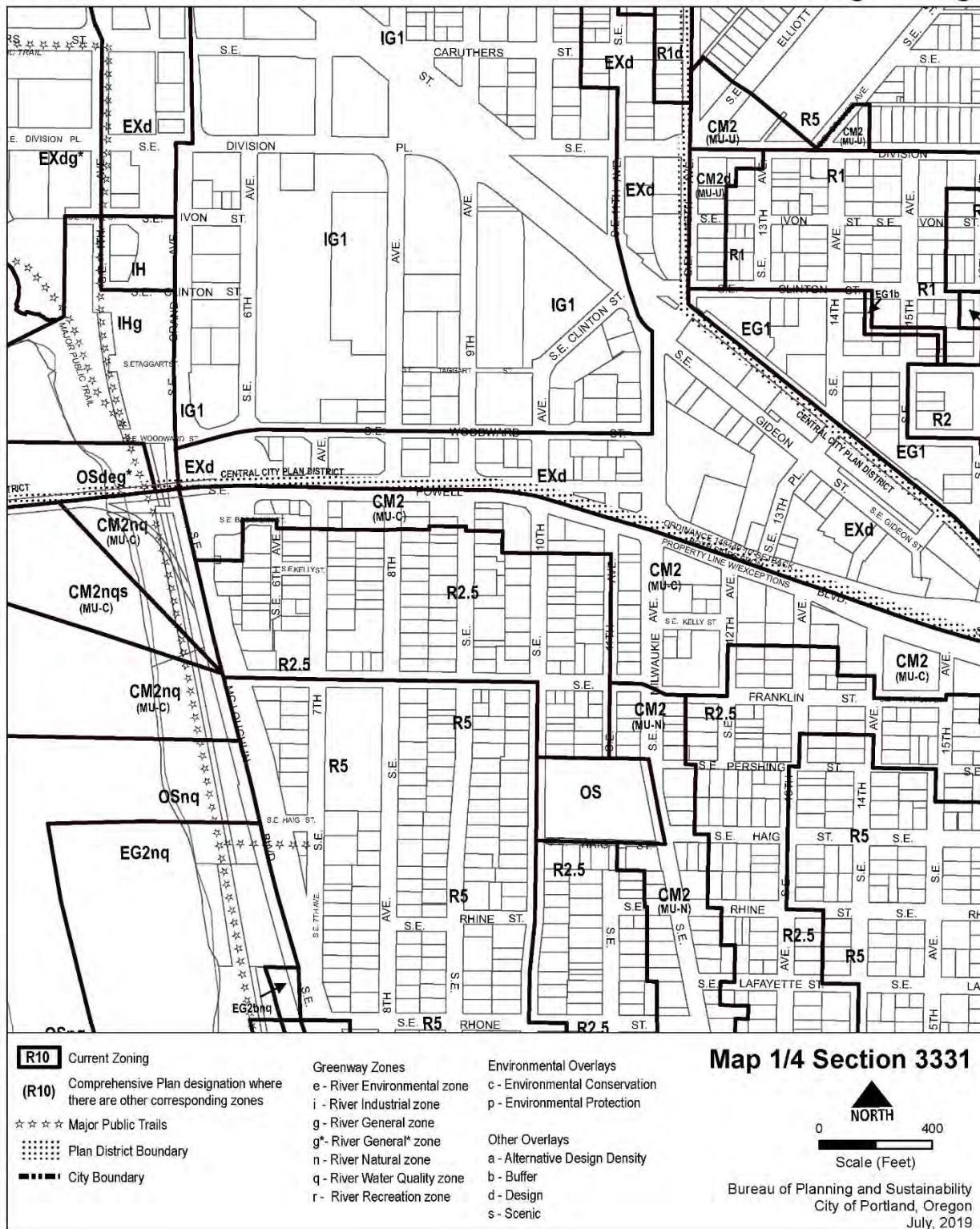
Map 1/4 Section 3330



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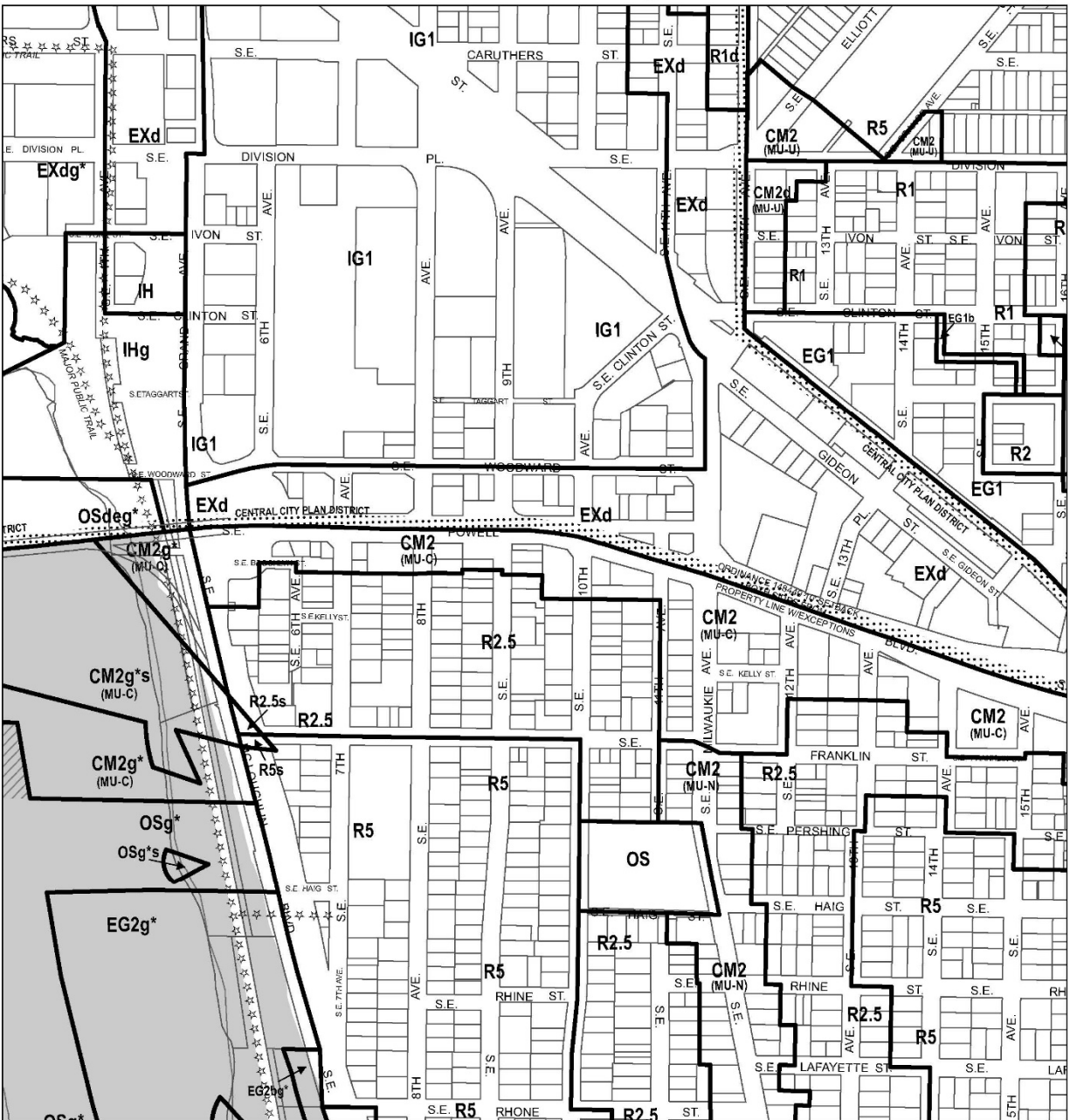
River Plan South Reach

Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

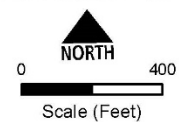


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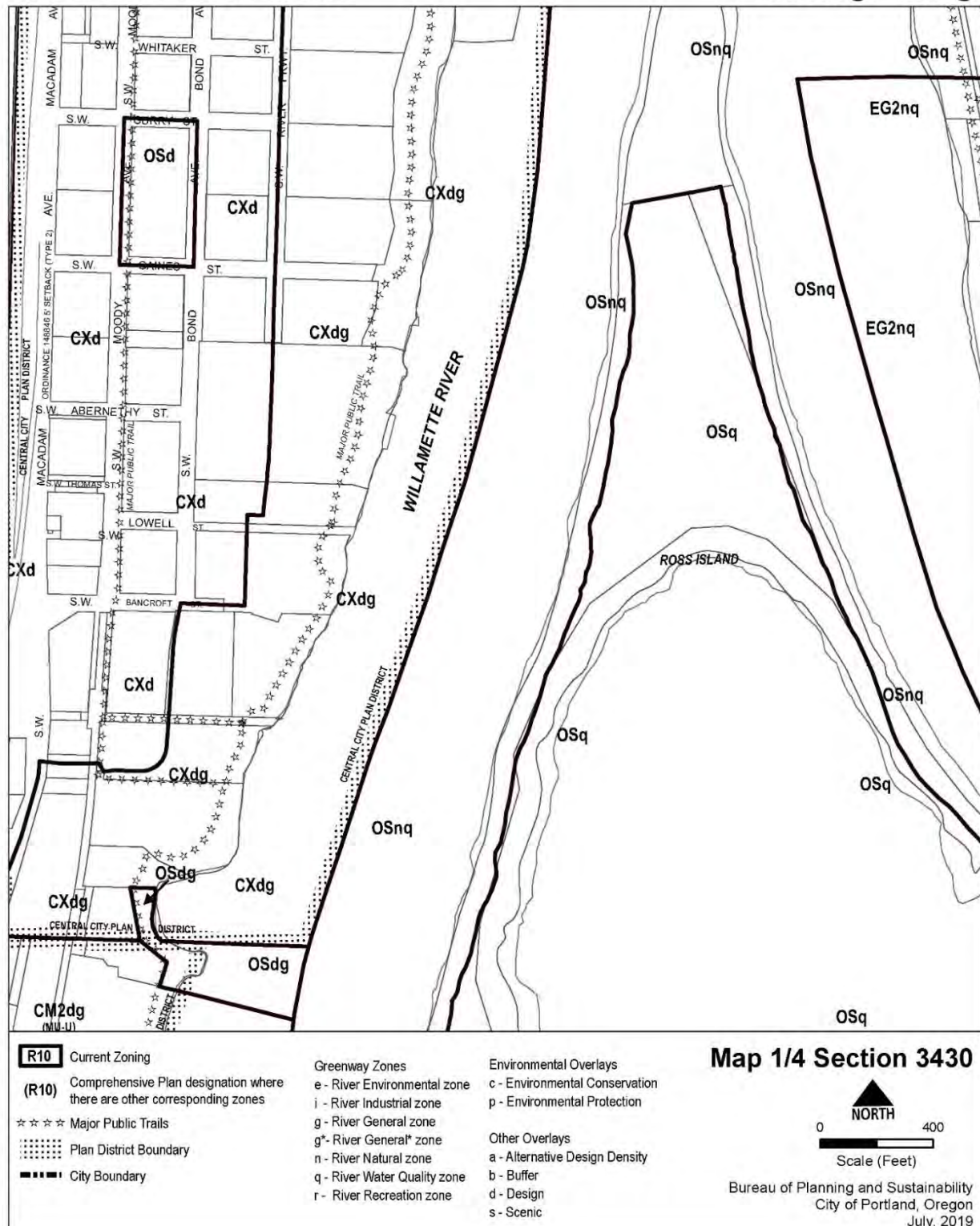
Map 1/4 Section 3331



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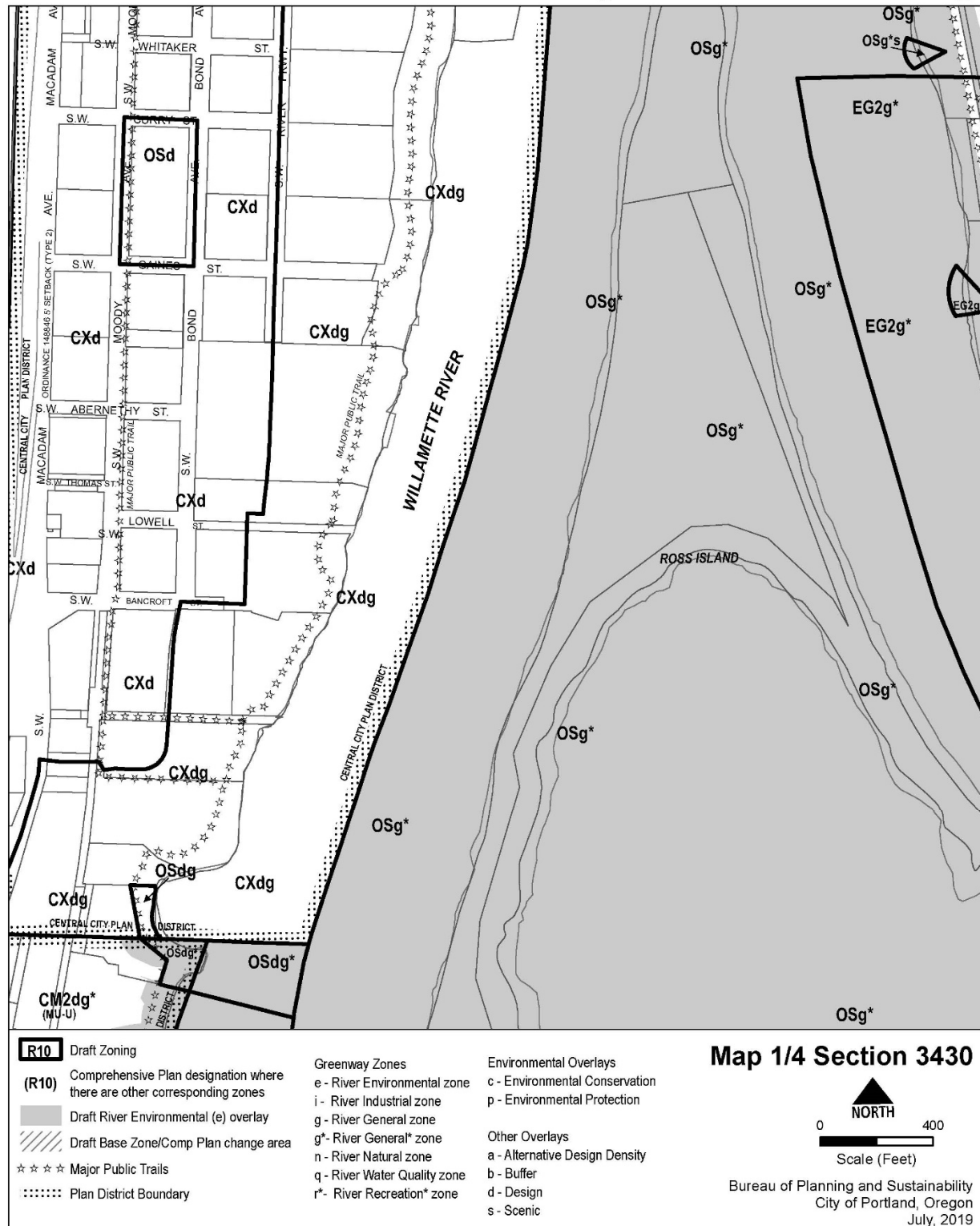
River Plan South Reach

Existing Zoning



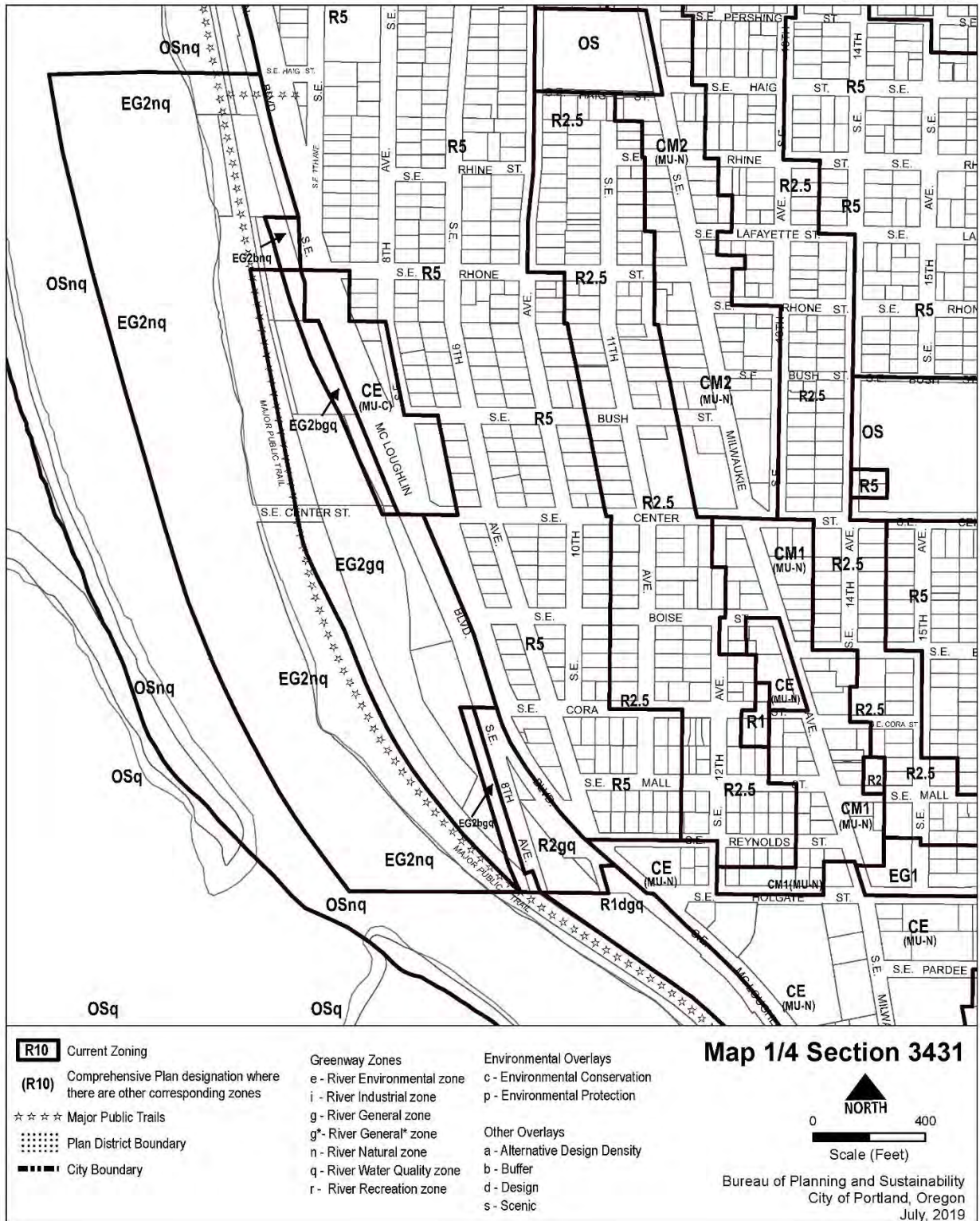
River Plan South Reach

Intergovernmental Draft Zoning



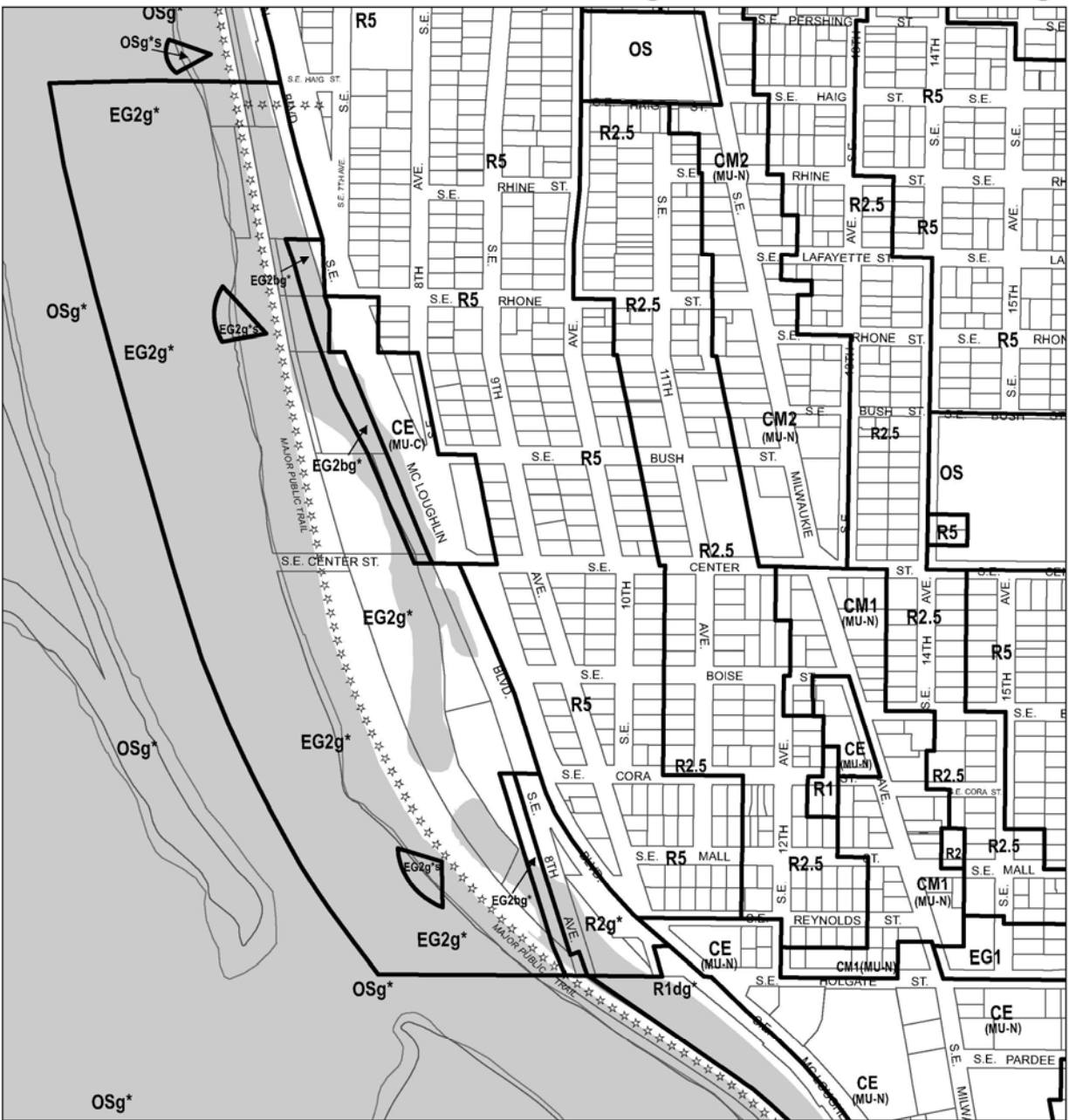
River Plan South Reach

Existing Zoning



River Plan South Reach

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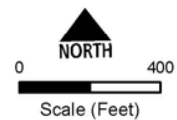


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Map 1/4 Section 3431



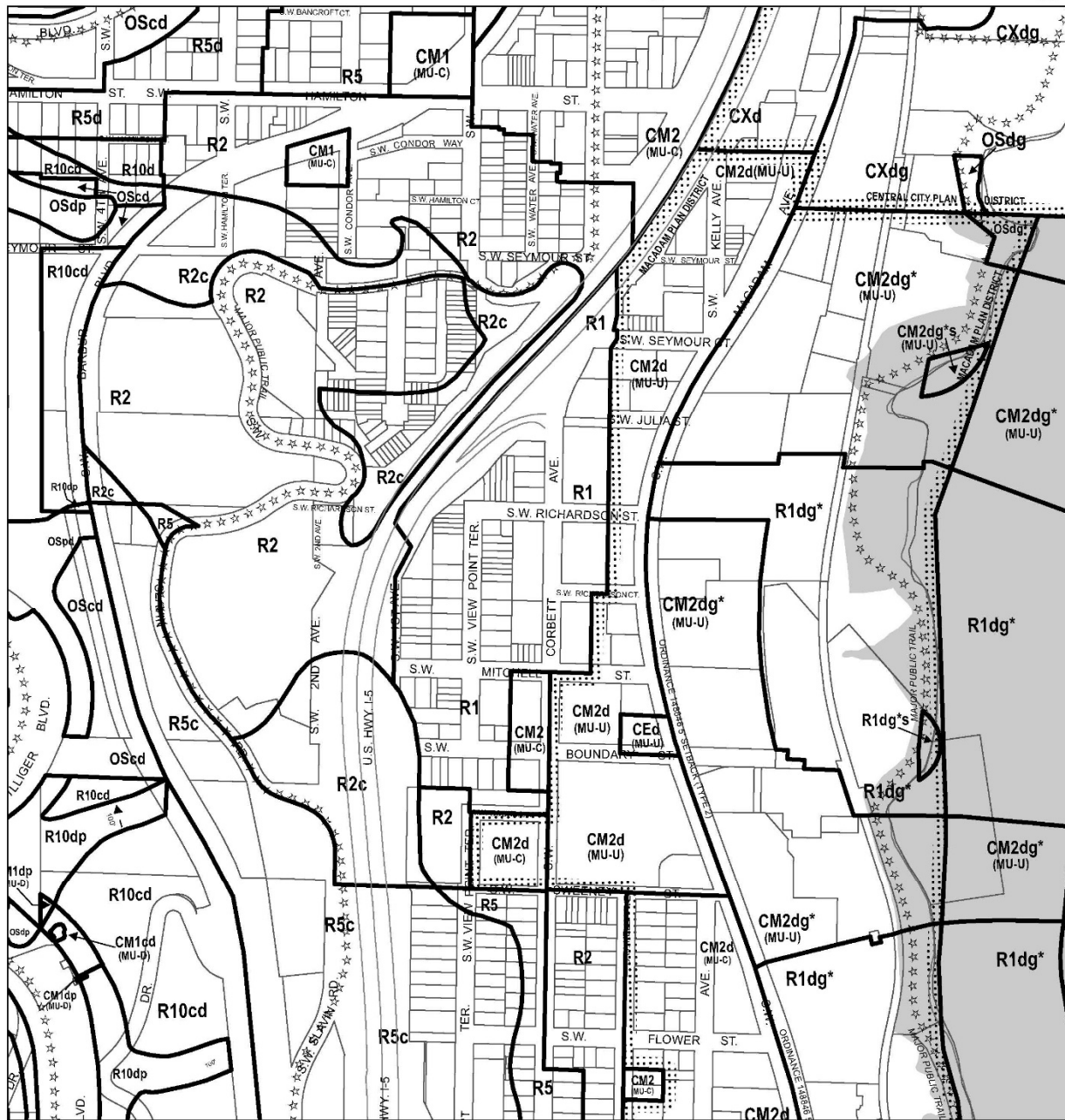
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Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

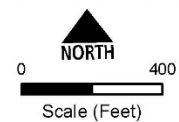


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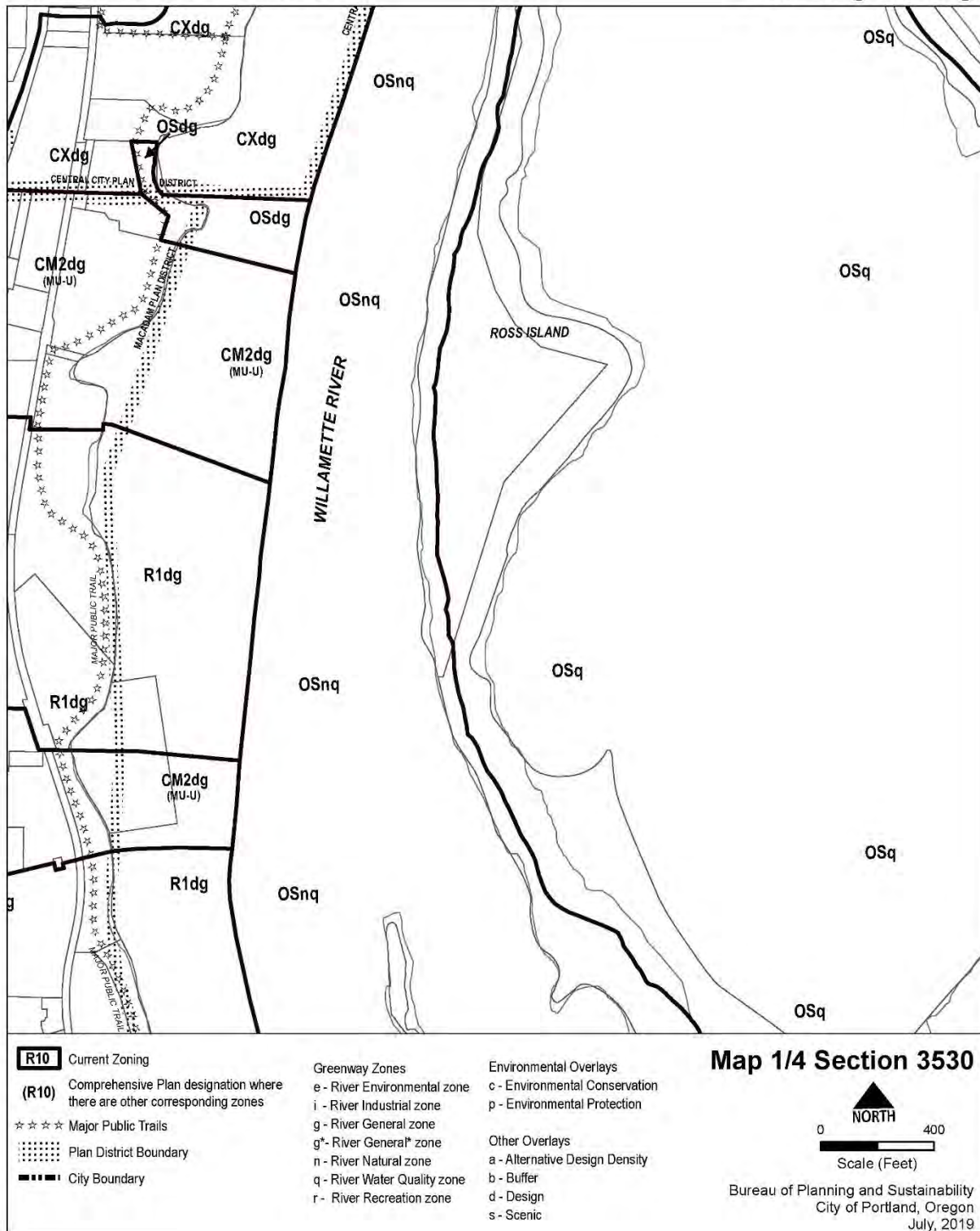
Map 1/4 Section 3529



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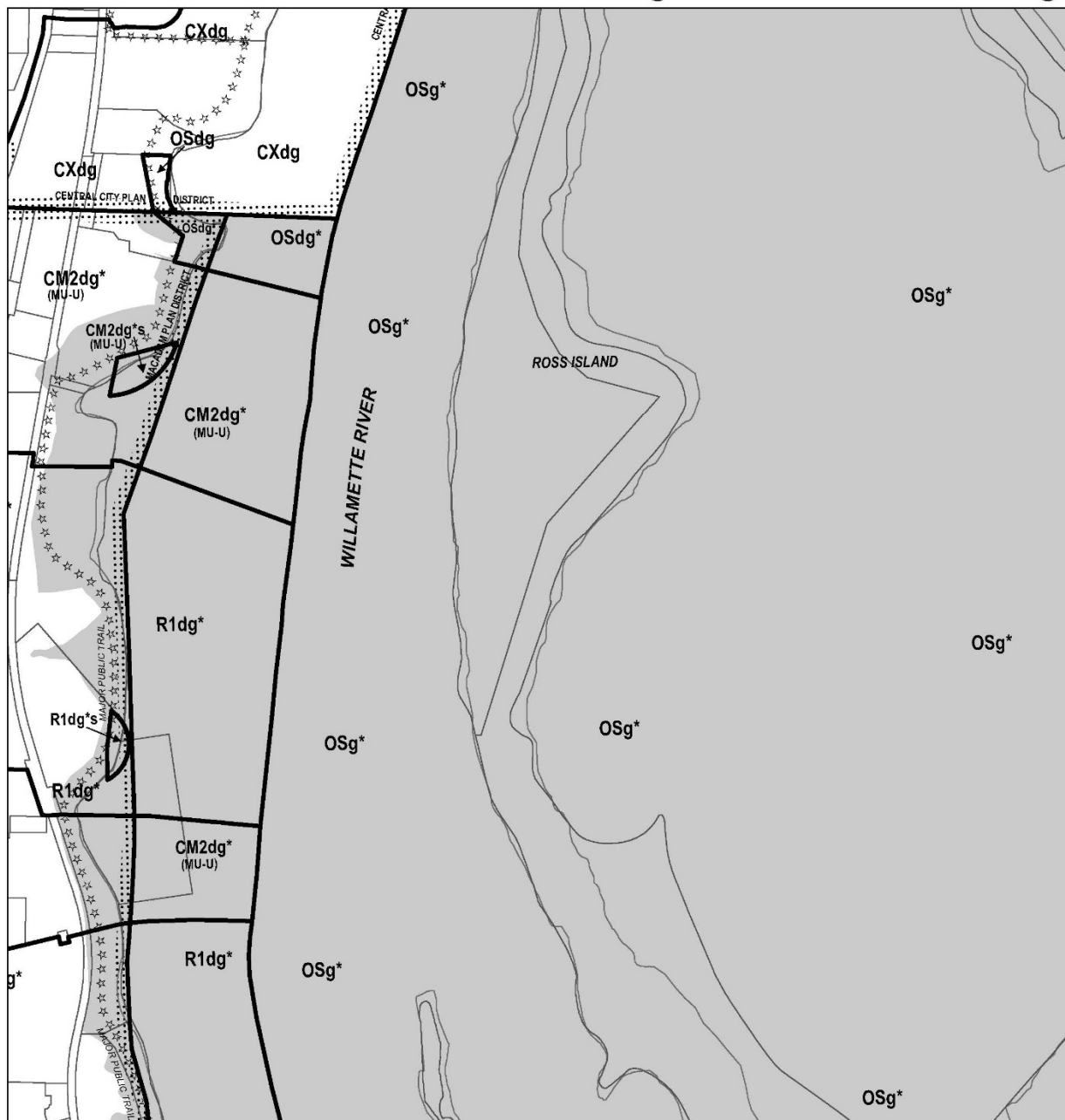
River Plan South Reach

Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

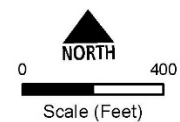


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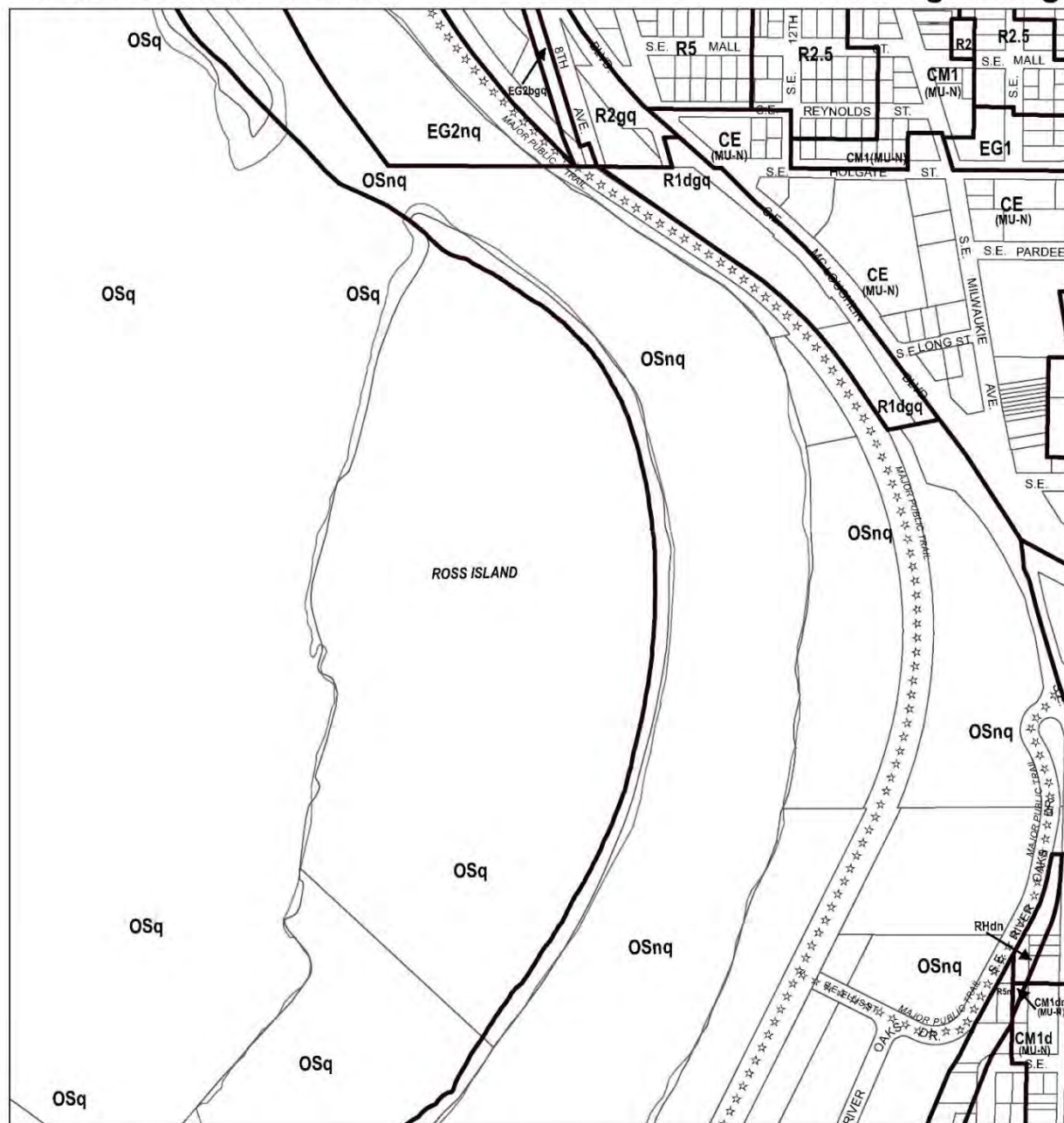
Map 1/4 Section 3530



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River Plan South Reach

Existing Zoning

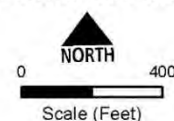


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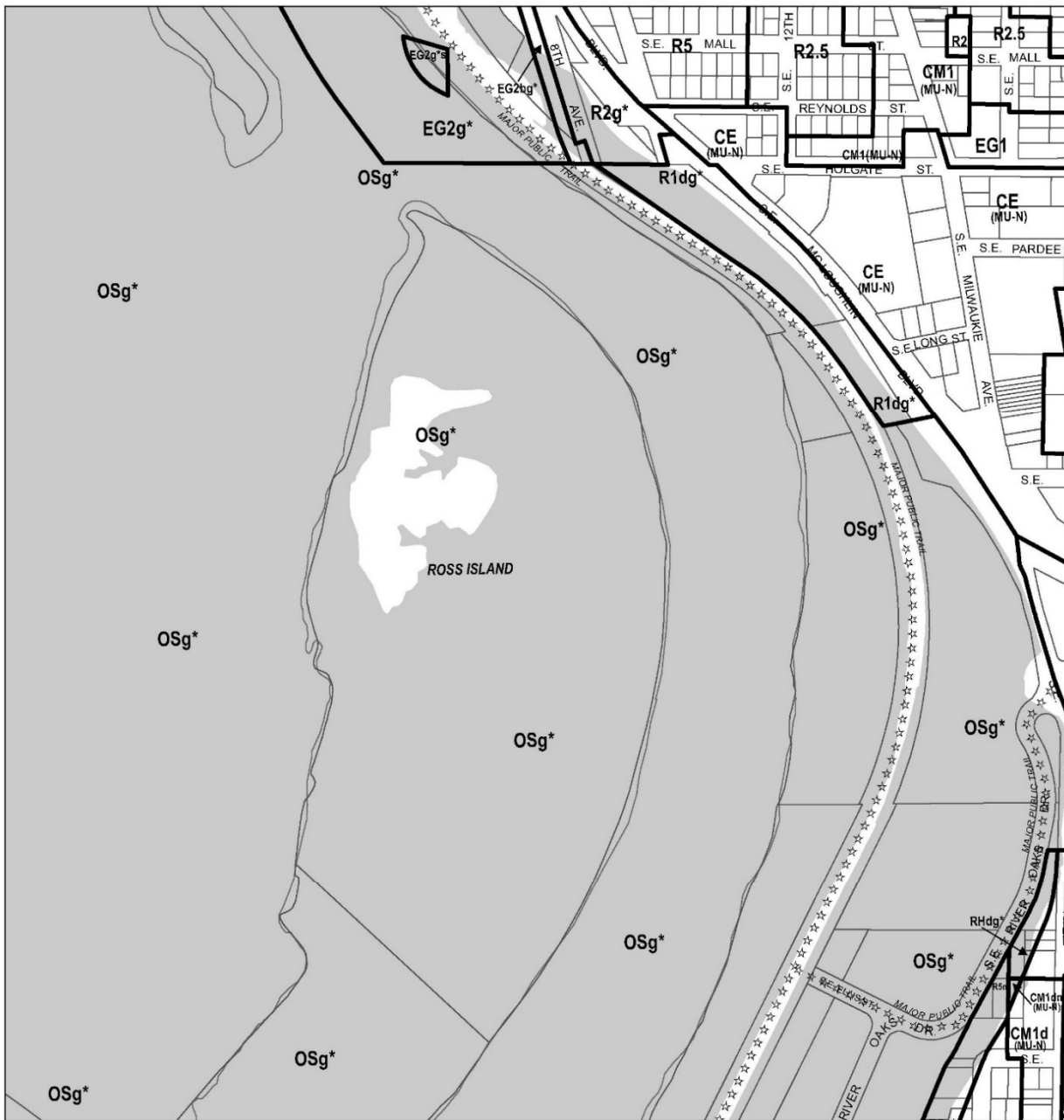
Map 1/4 Section 3531



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River Plan South Reach

Intergovernmental Draft Zoning

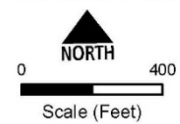


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Map 1/4 Section 3531

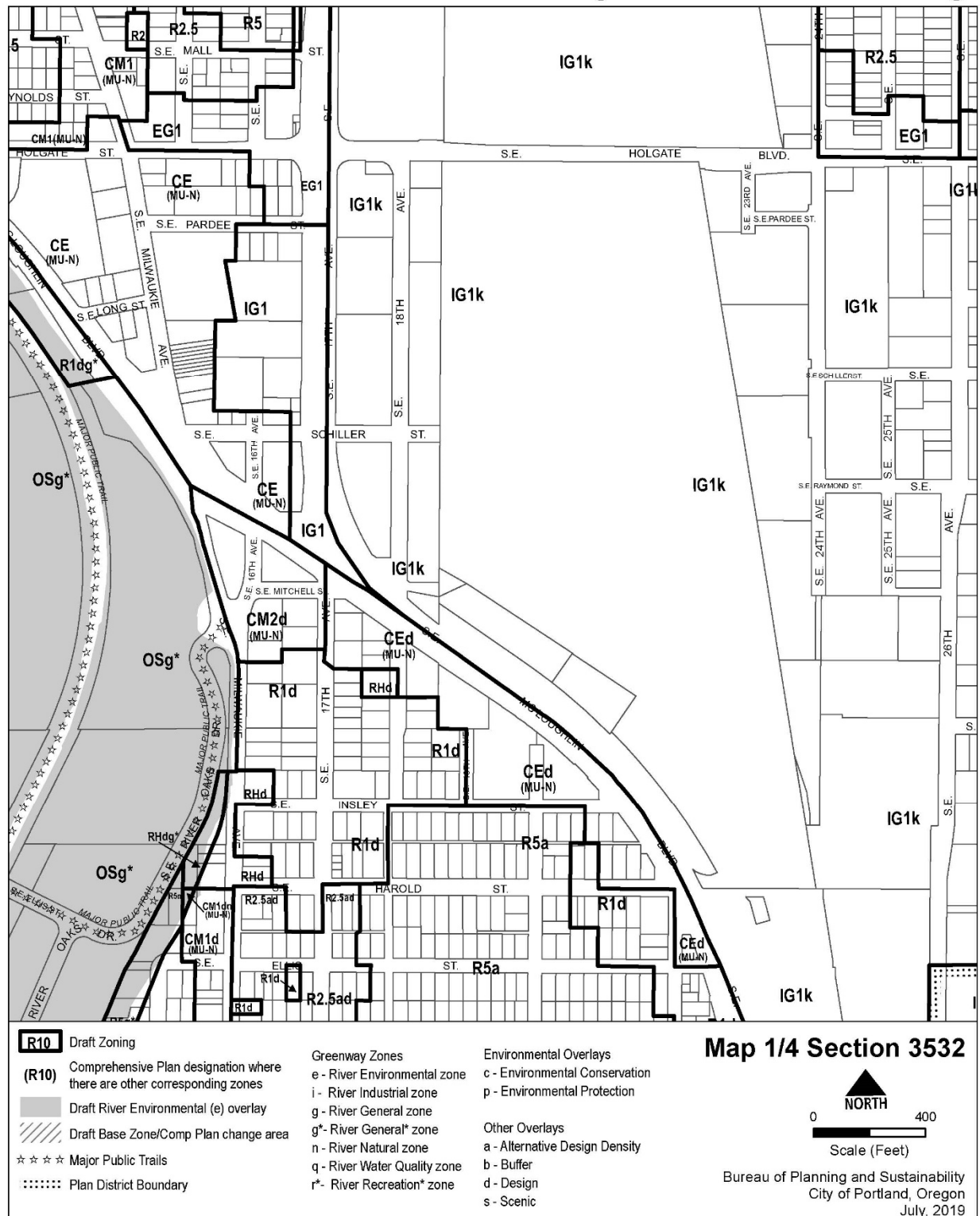


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Existing Zoning



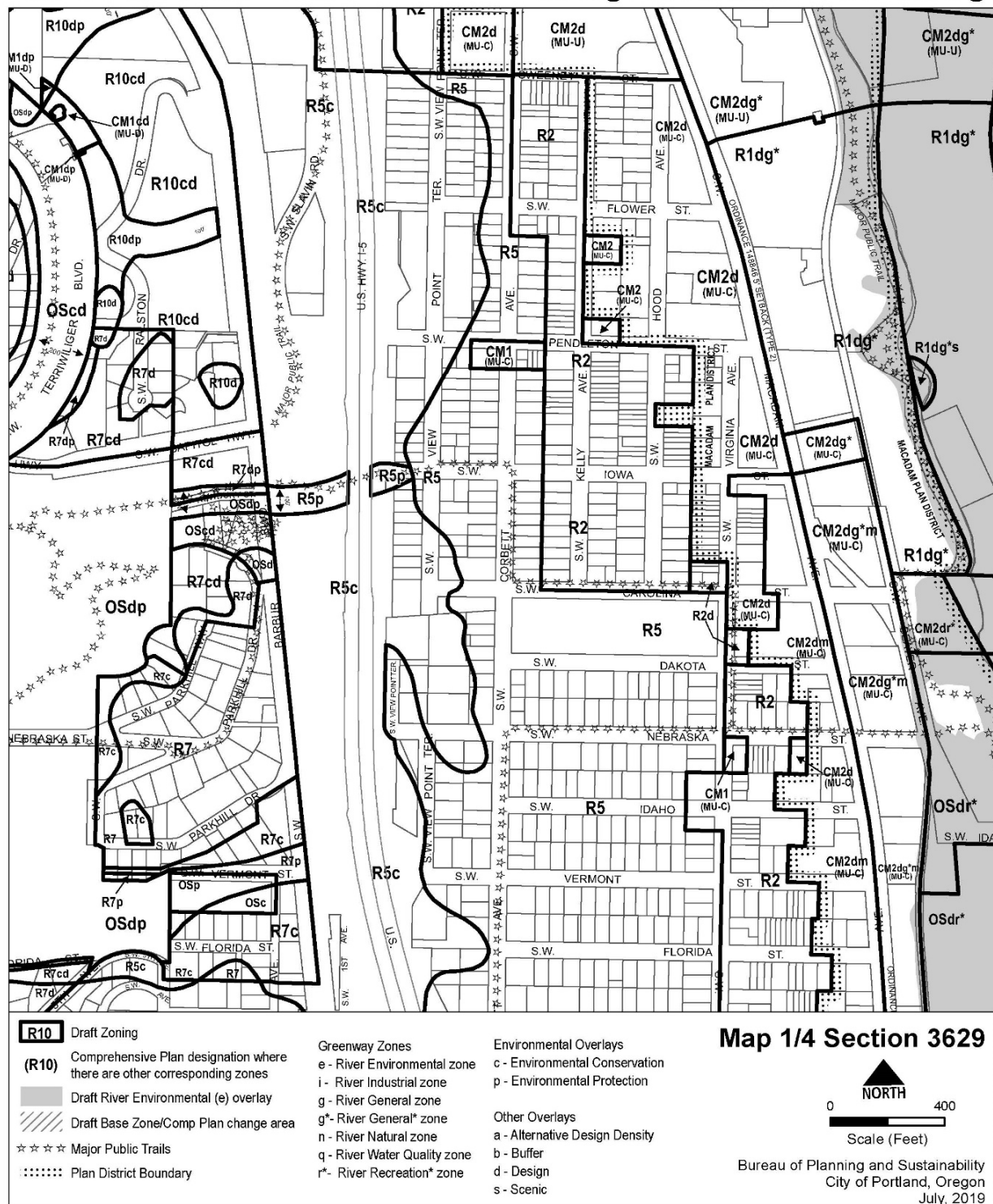
Intergovernmental Draft Zoning



Existing Zoning

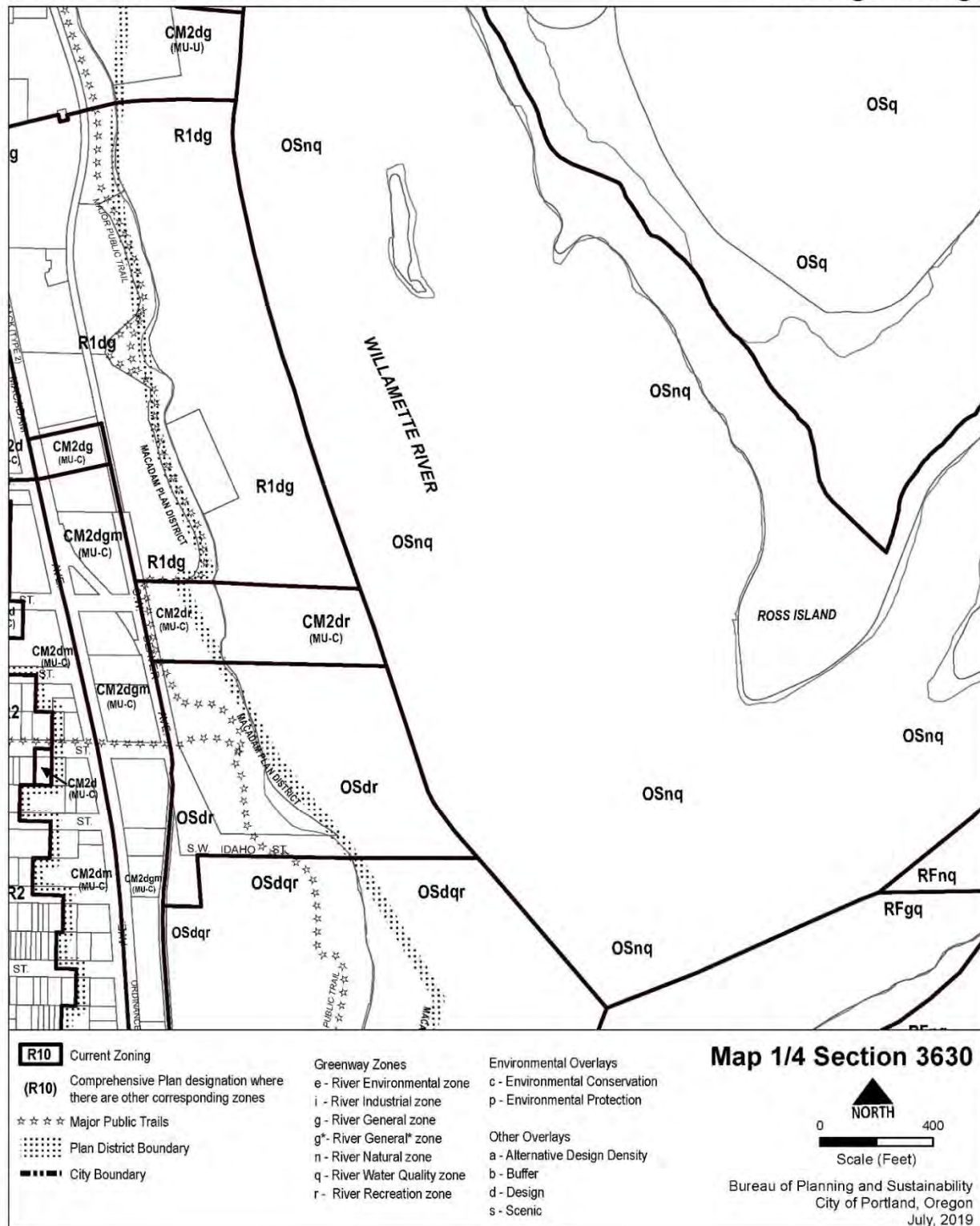


Intergovernmental Draft Zoning

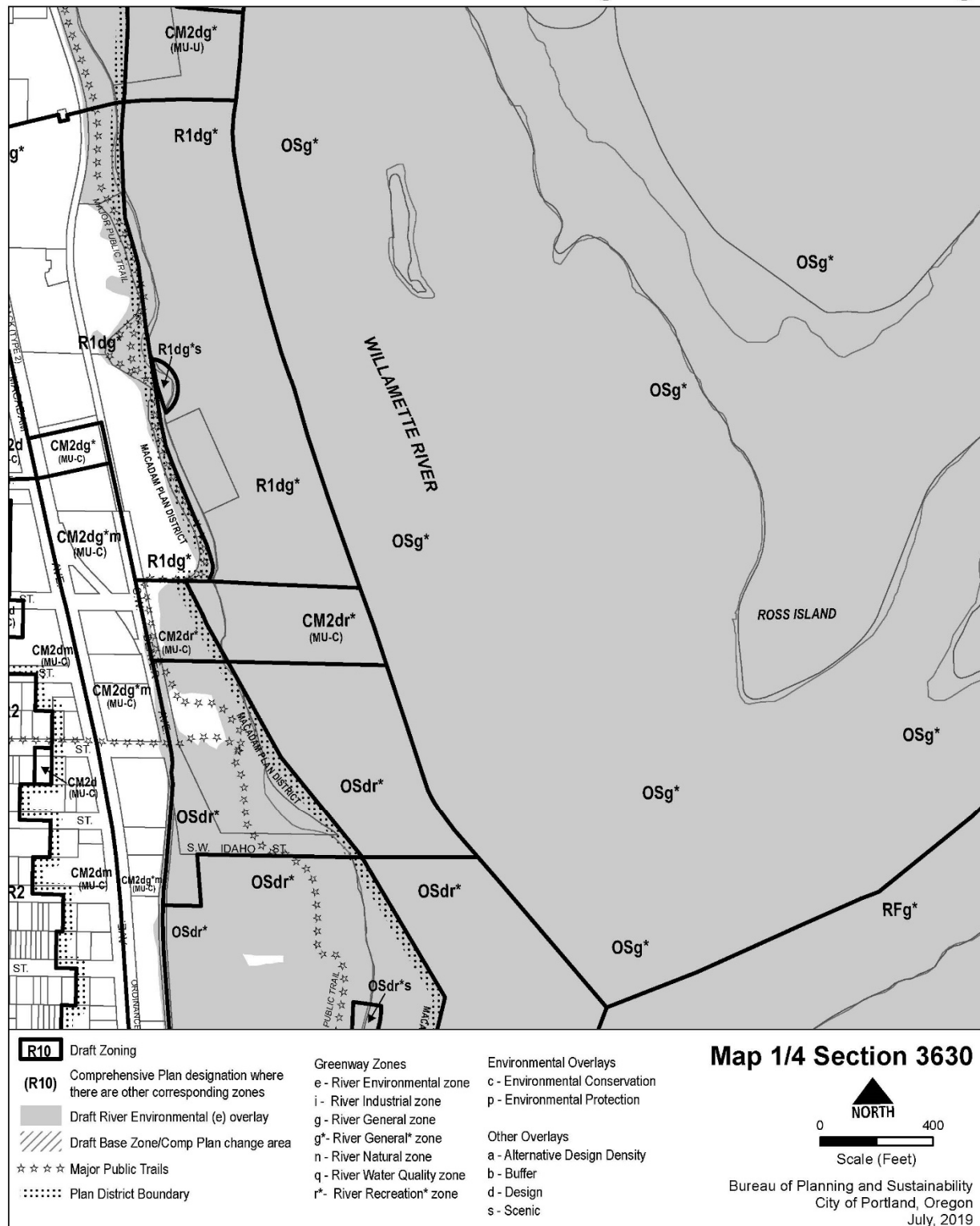


River Plan South Reach

Existing Zoning

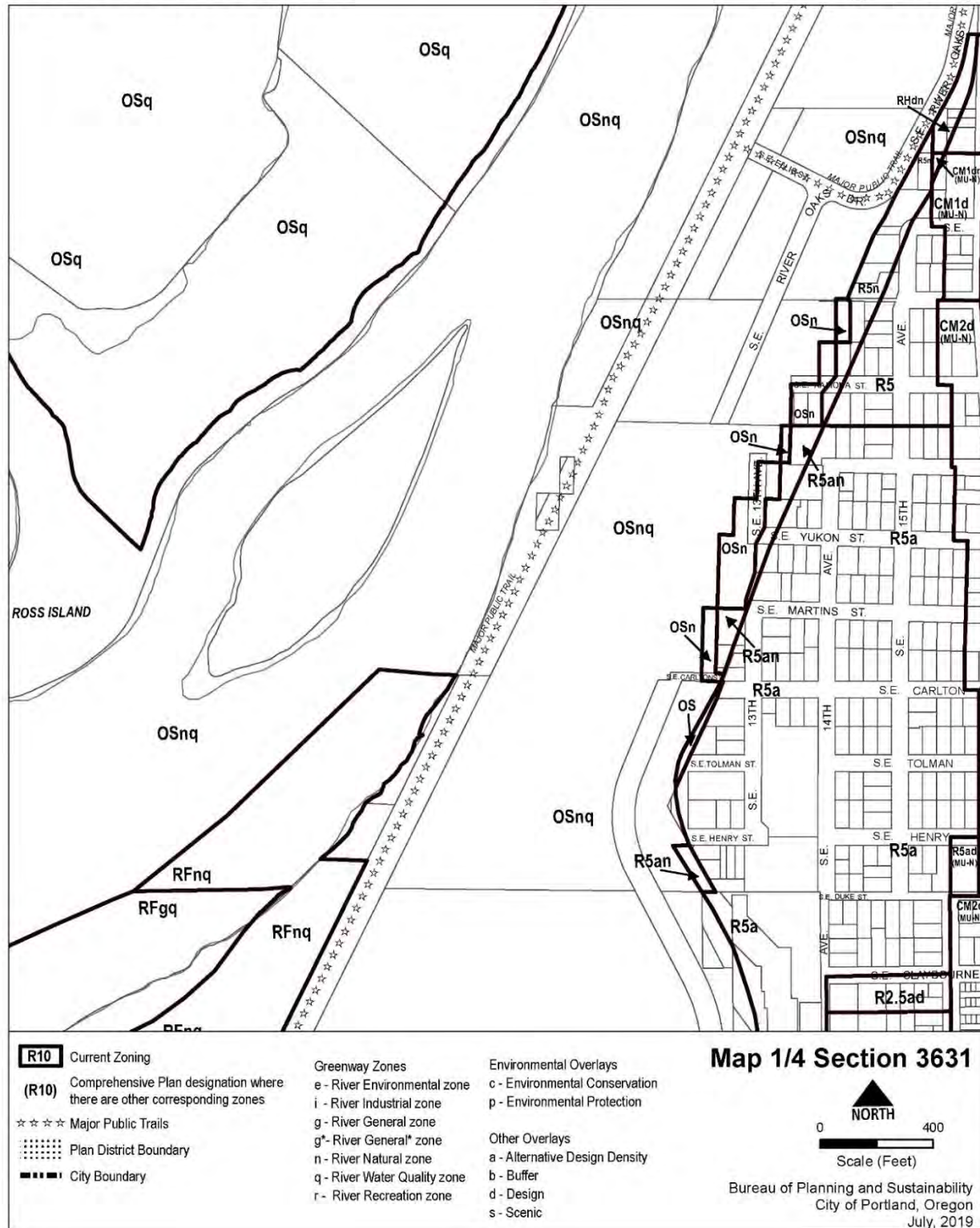


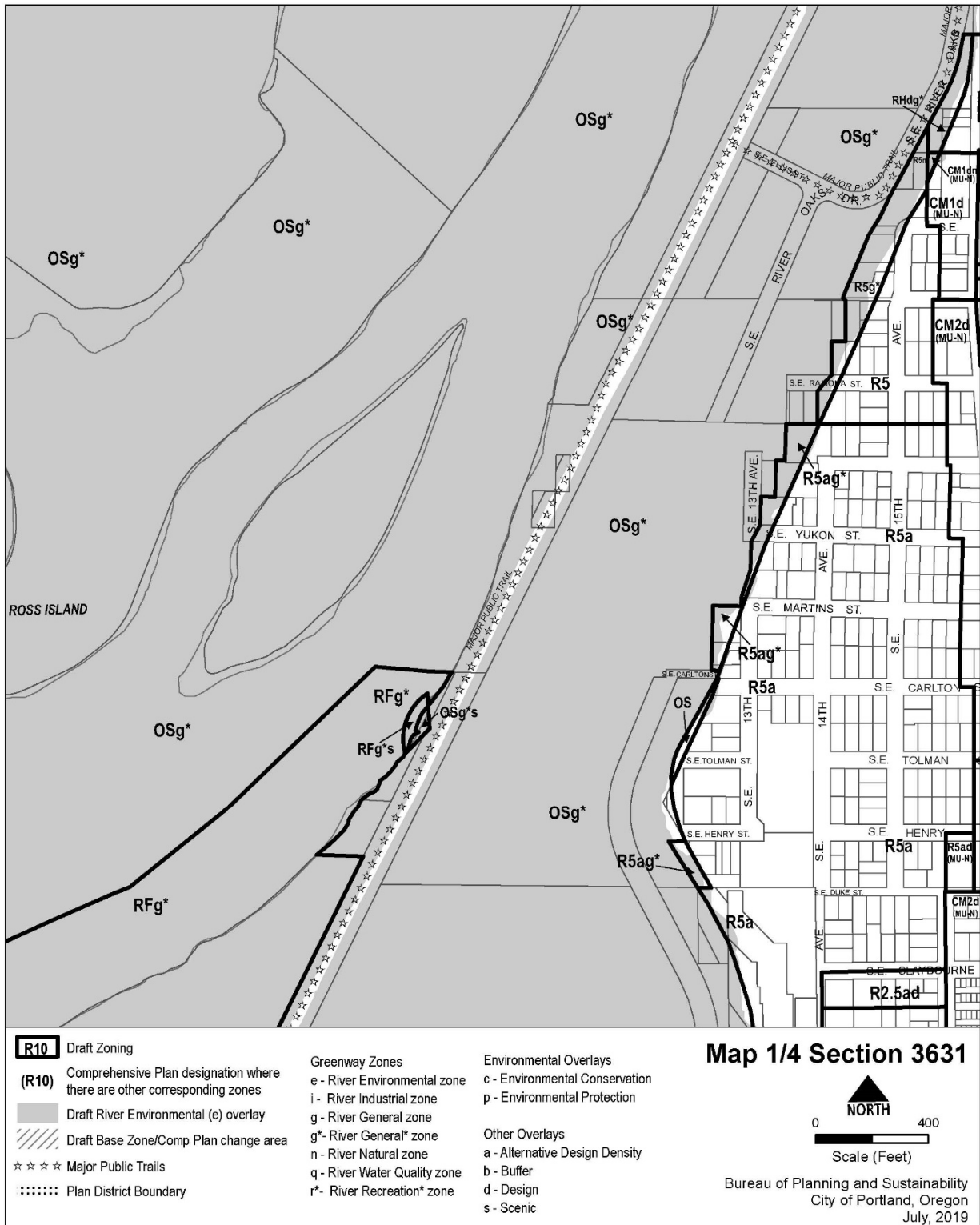
Intergovernmental Draft Zoning



River Plan South Reach

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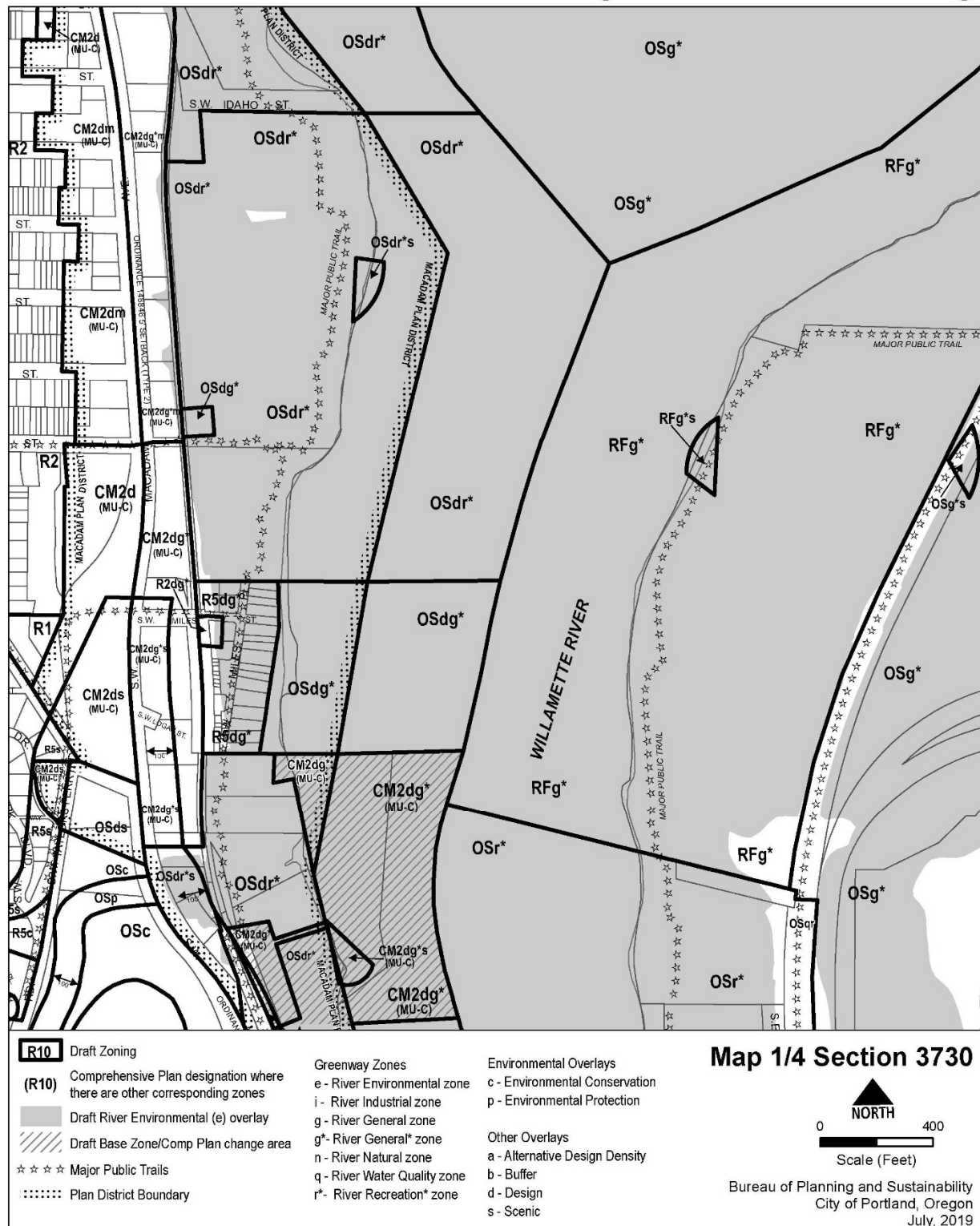




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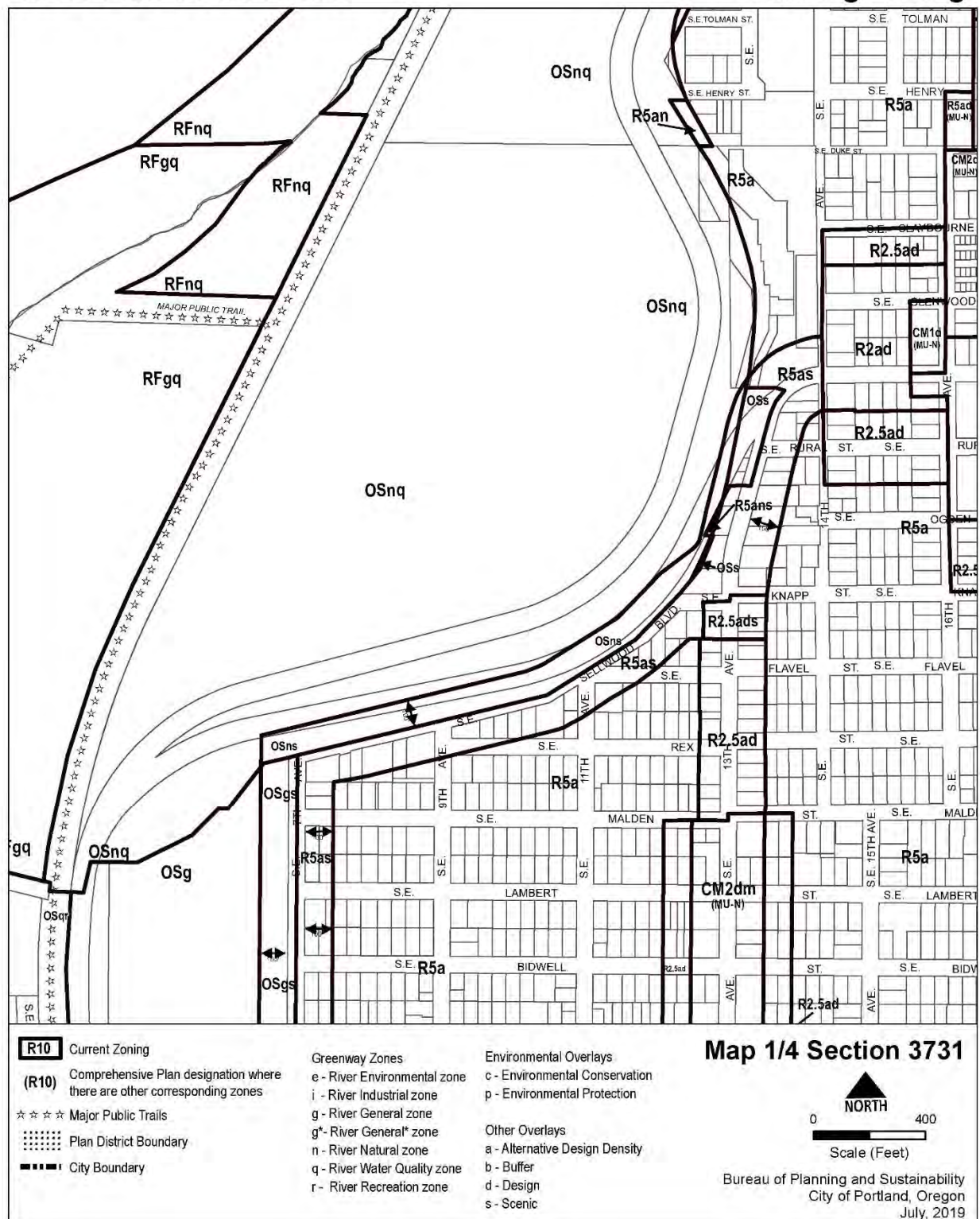


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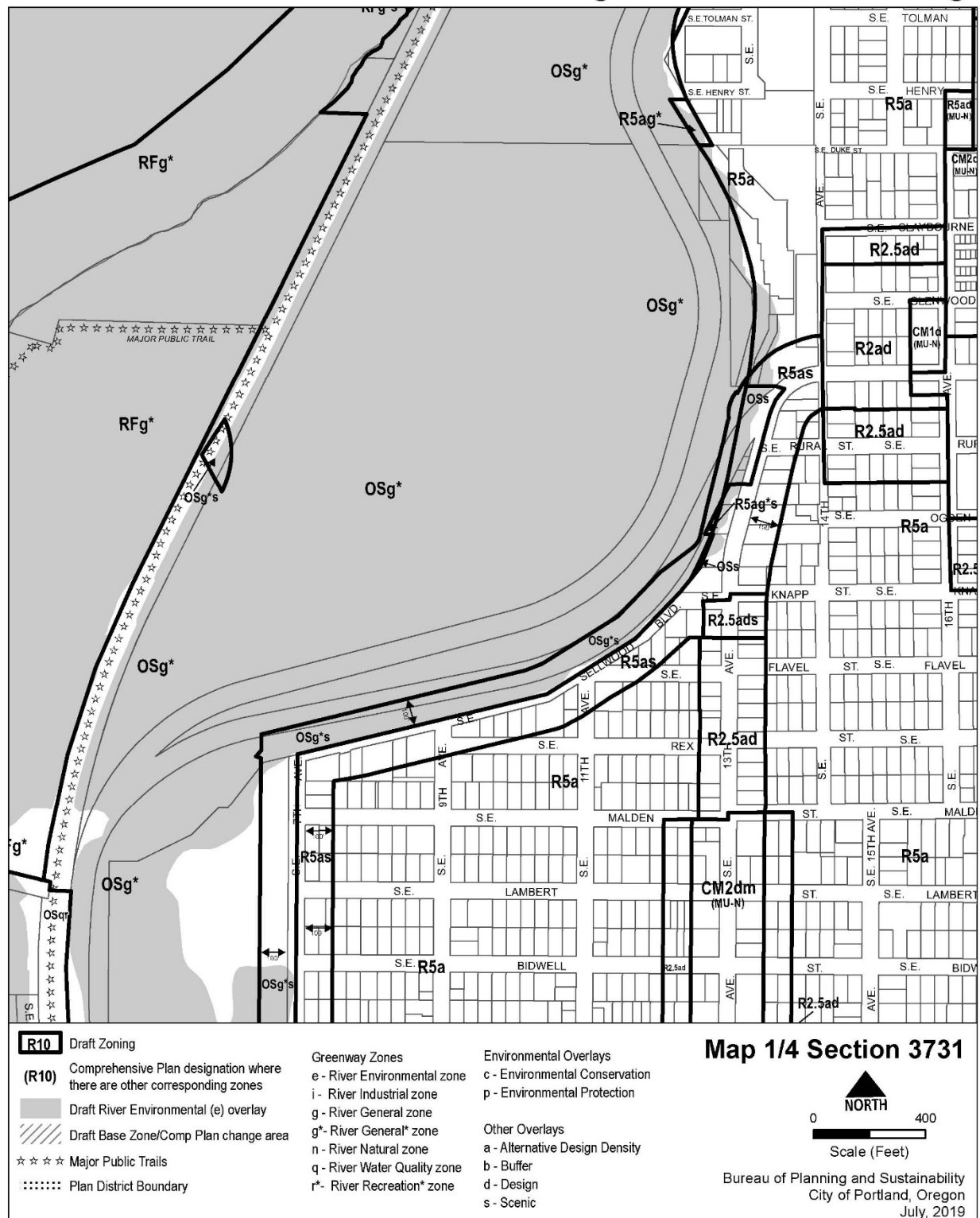
River Plan South Reach

Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

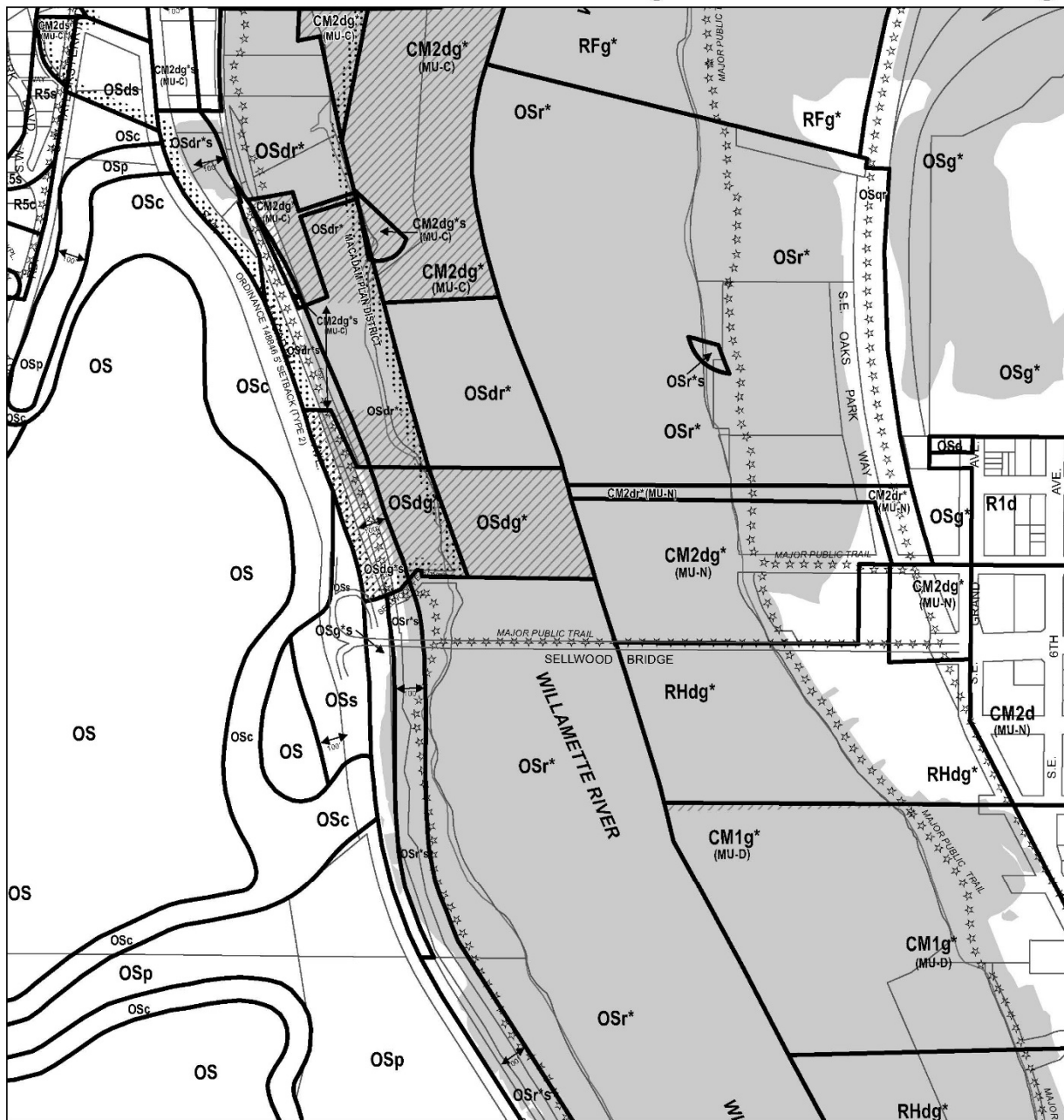


Existing Zoning



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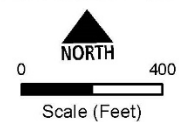


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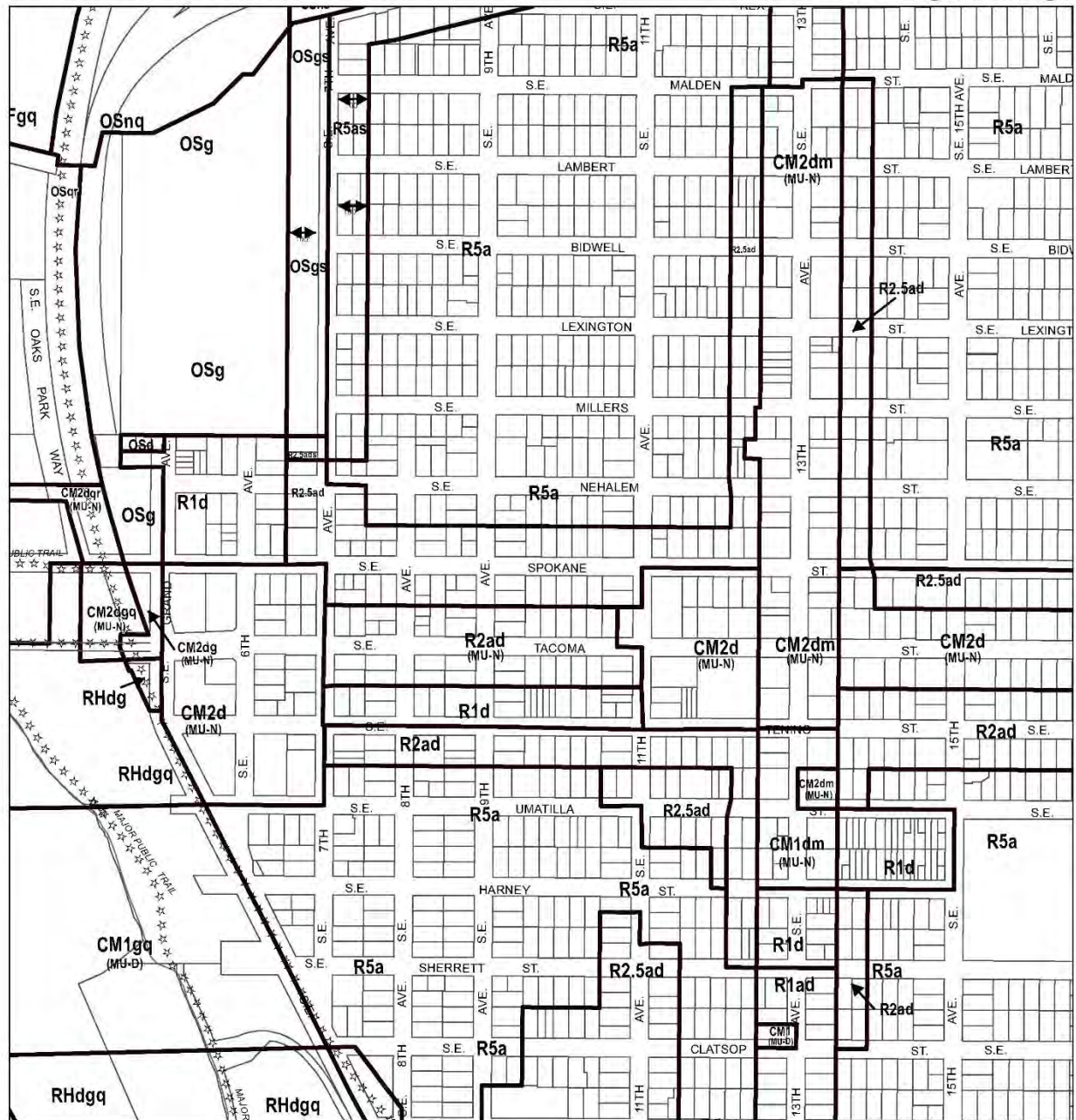
Map 1/4 Section 3830



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River Plan South Reach

Existing Zoning

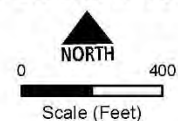


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- Greenway Zones**
- e - River Environmental zone
 - i - River Industrial zone
 - g - River General zone
 - g* - River General* zone
 - n - River Natural zone
 - q - River Water Quality zone
 - r - River Recreation zone

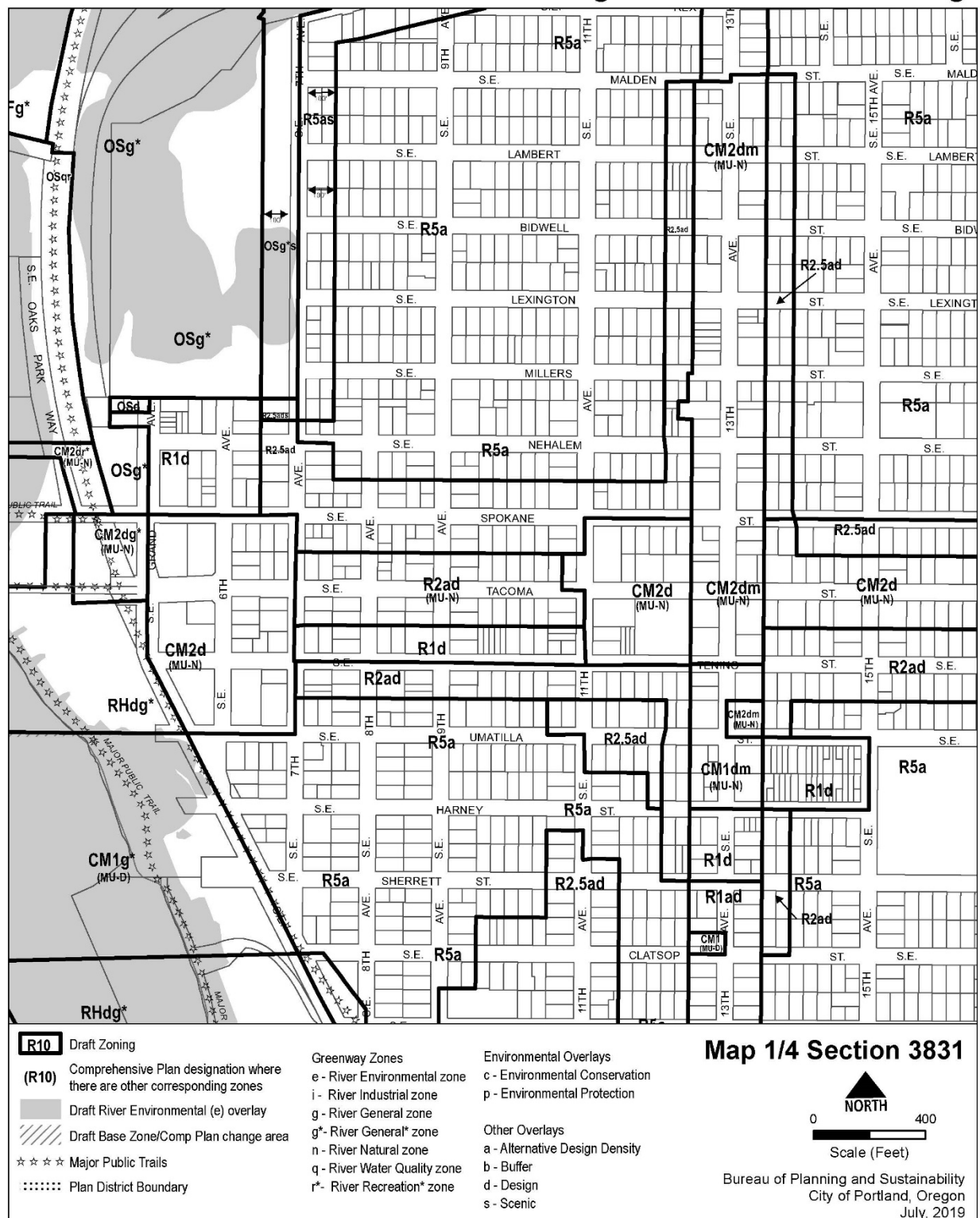
- Environmental Overlays**
- c - Environmental Conservation
 - p - Environmental Protection
- Other Overlays**
- a - Alternative Design Density
 - b - Buffer
 - d - Design
 - s - Scenic

Map 1/4 Section 3831



Bureau of Planning and Sustainability
City of Portland, Oregon
July, 2019

Intergovernmental Draft Zoning

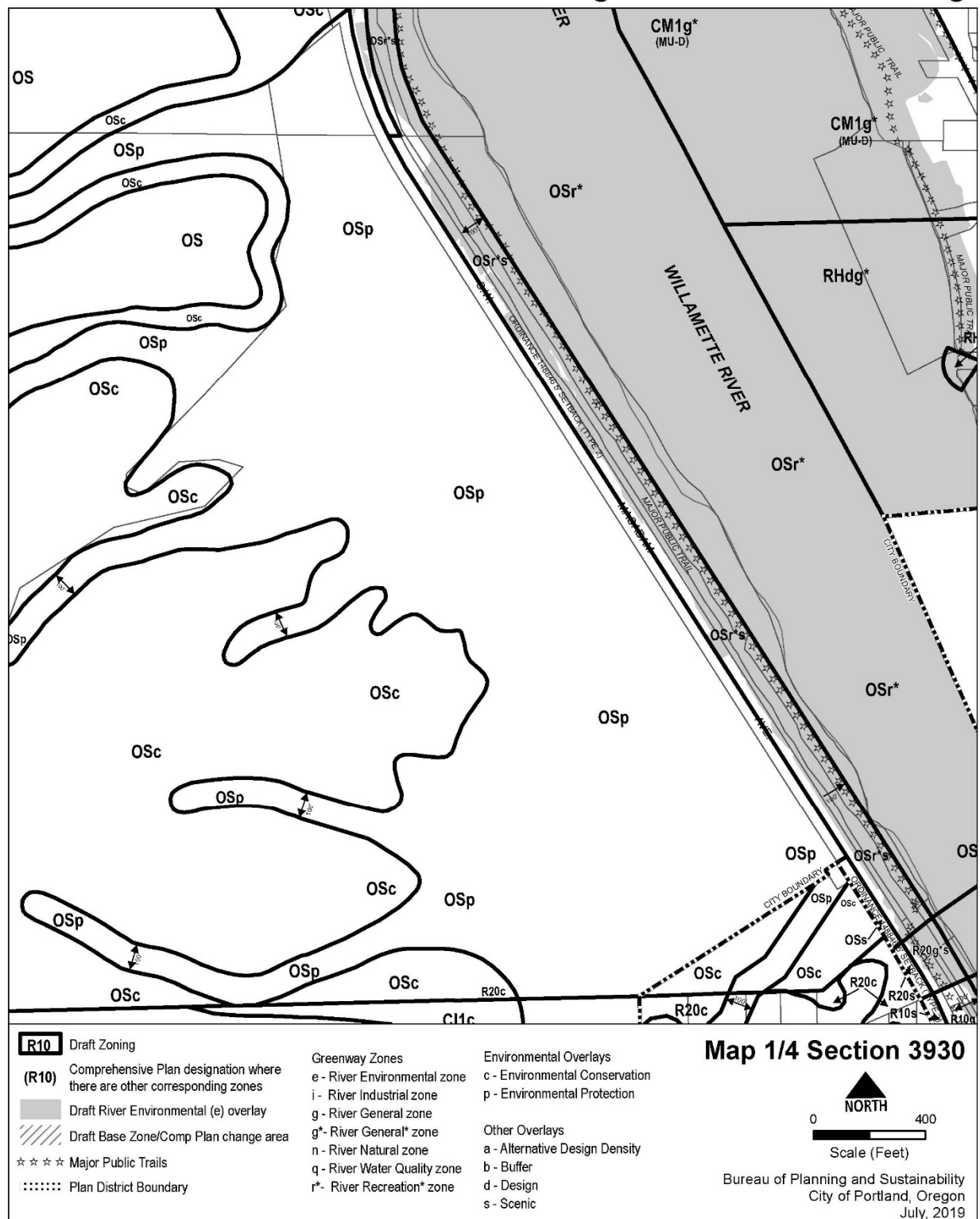


Existing Zoning



River Plan South Reach

Intergovernmental Draft Zoning

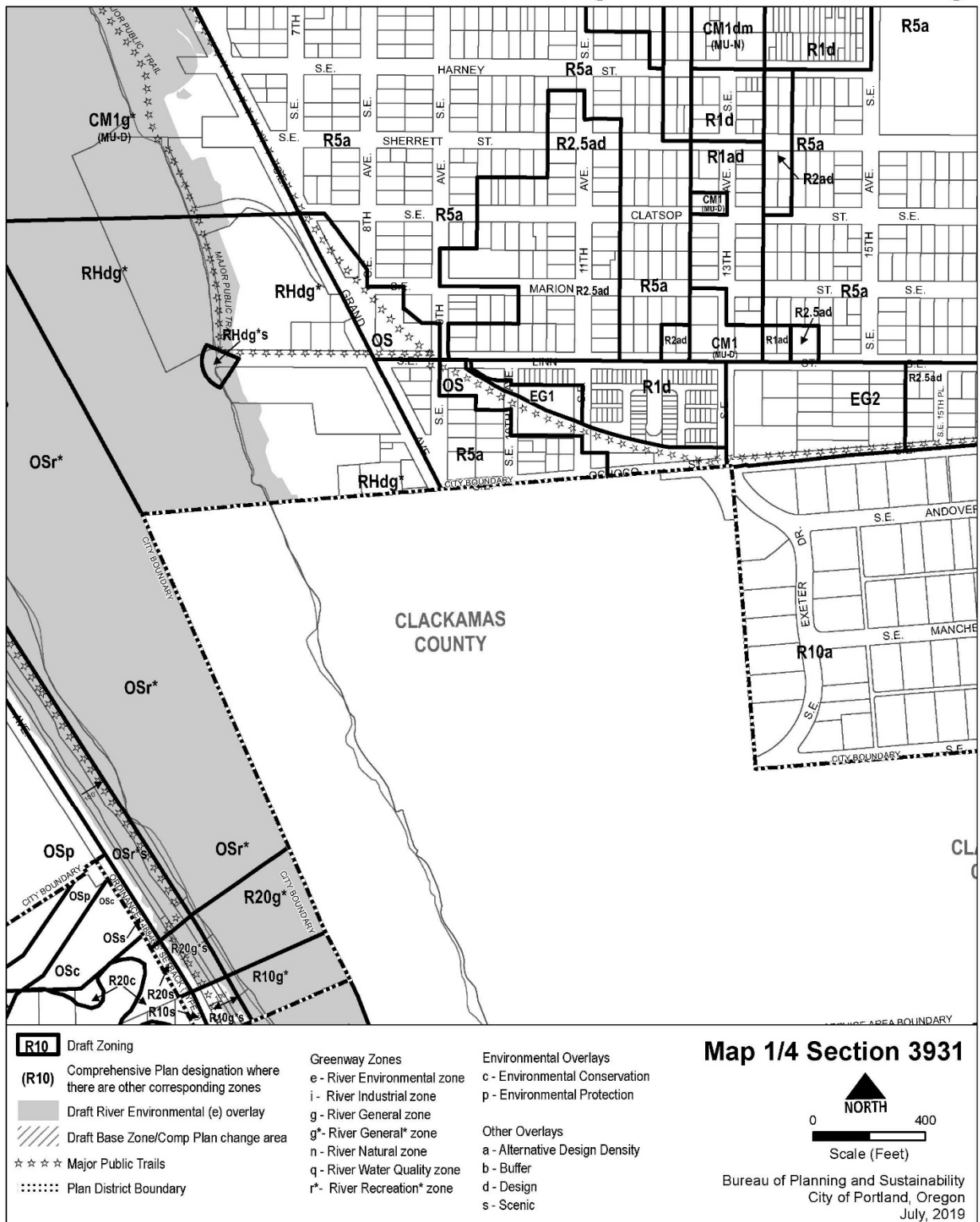


Existing Zoning

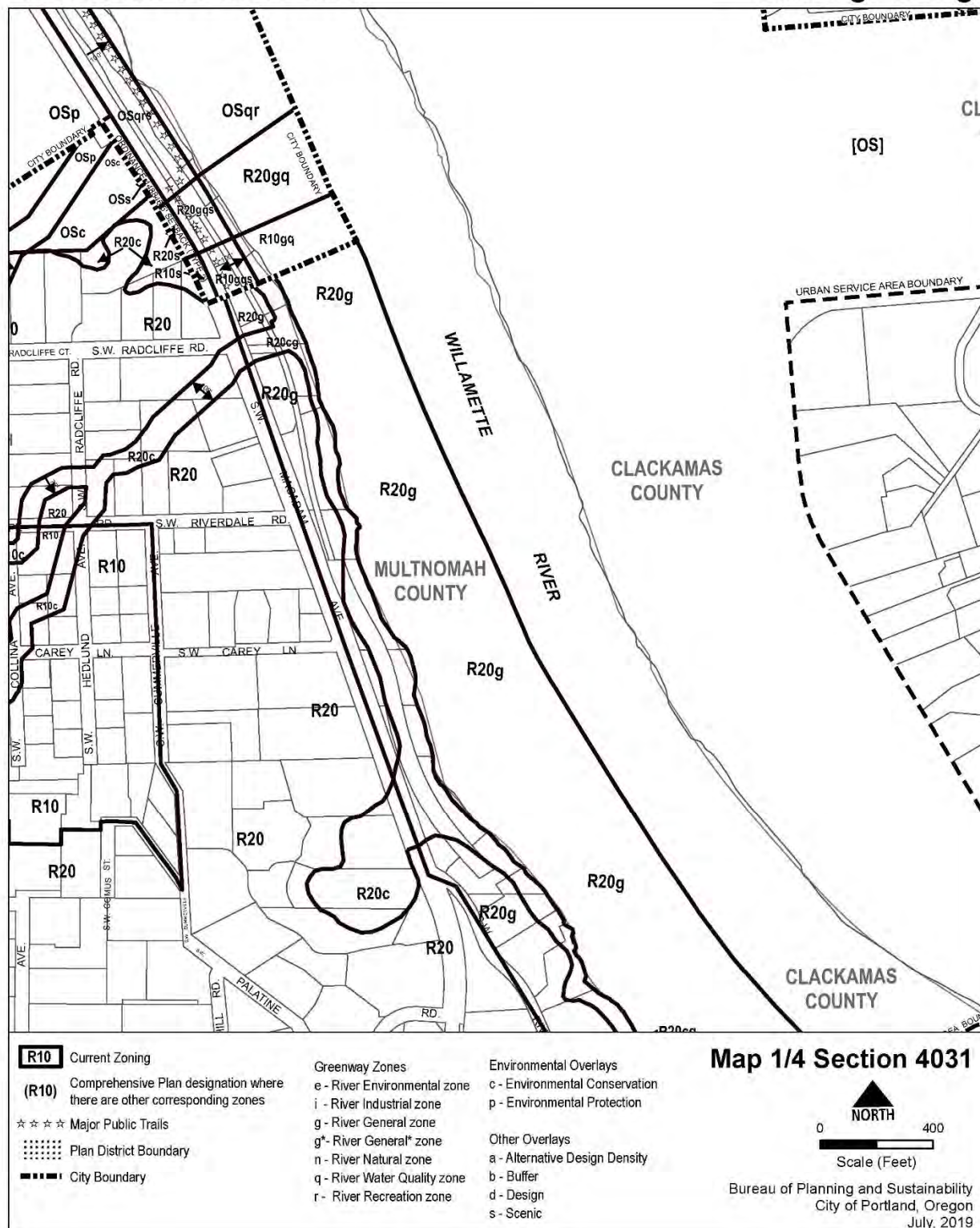


River Plan South Reach

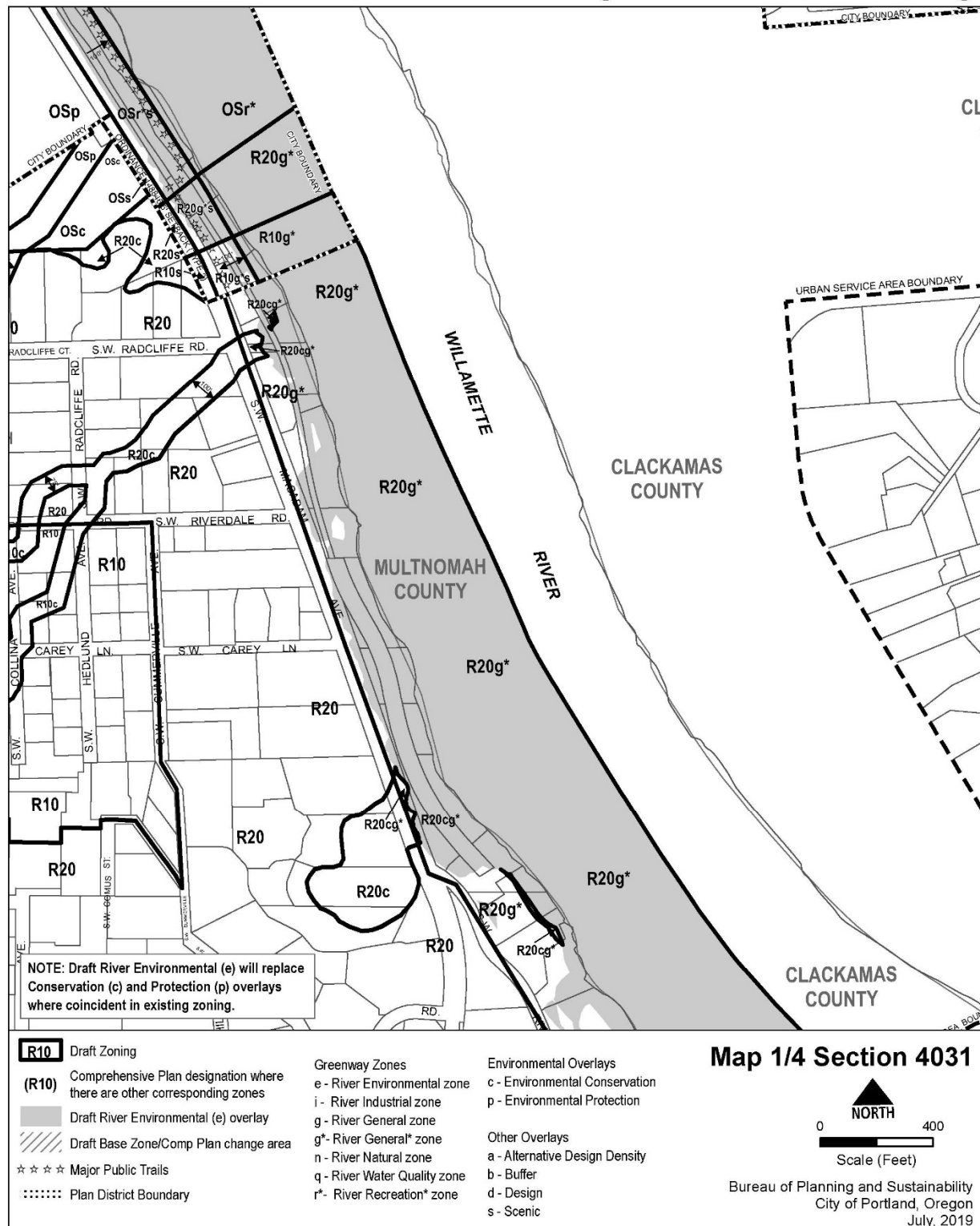
Intergovernmental Draft Zoning



Existing Zoning

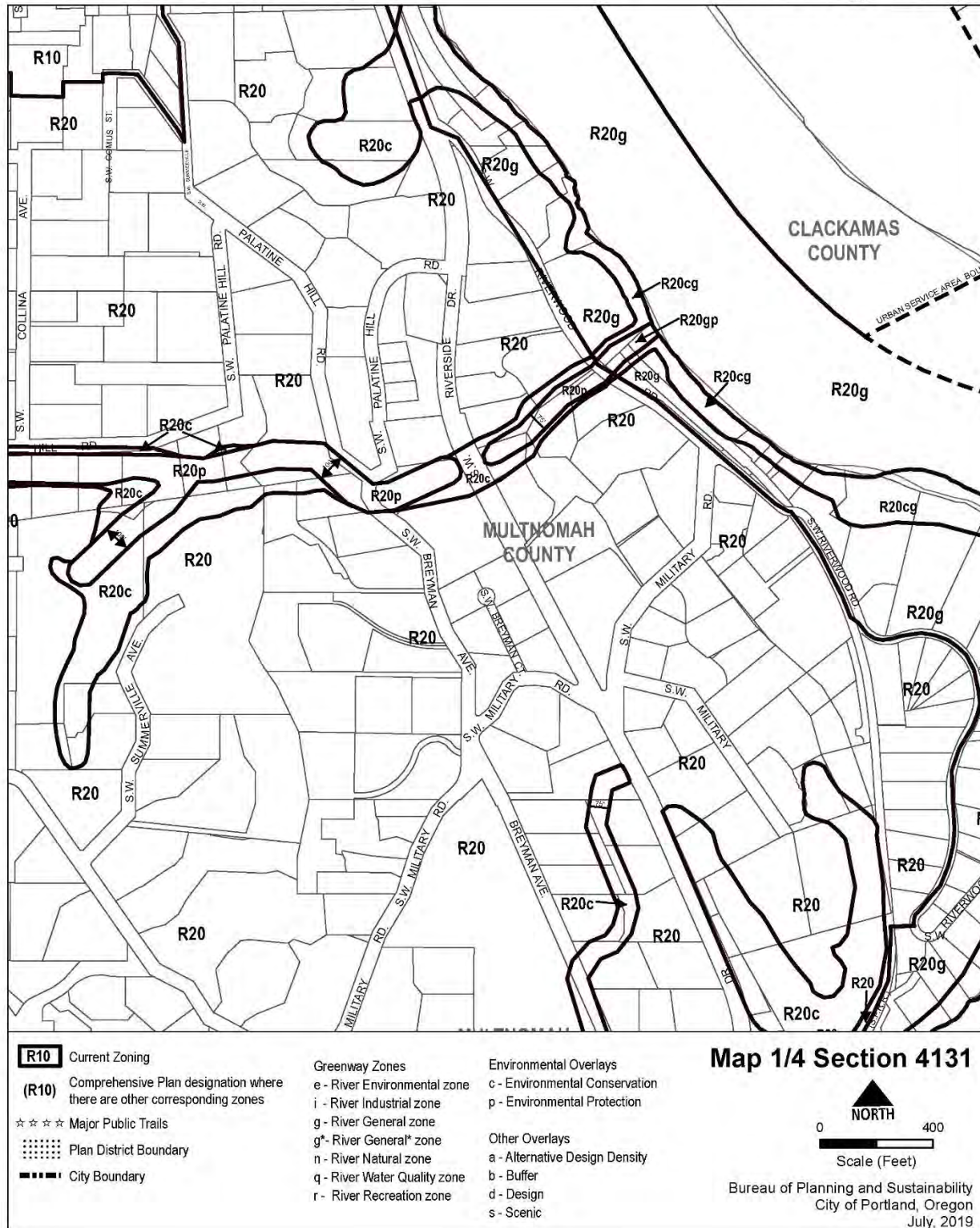


Intergovernmental Draft Zoning



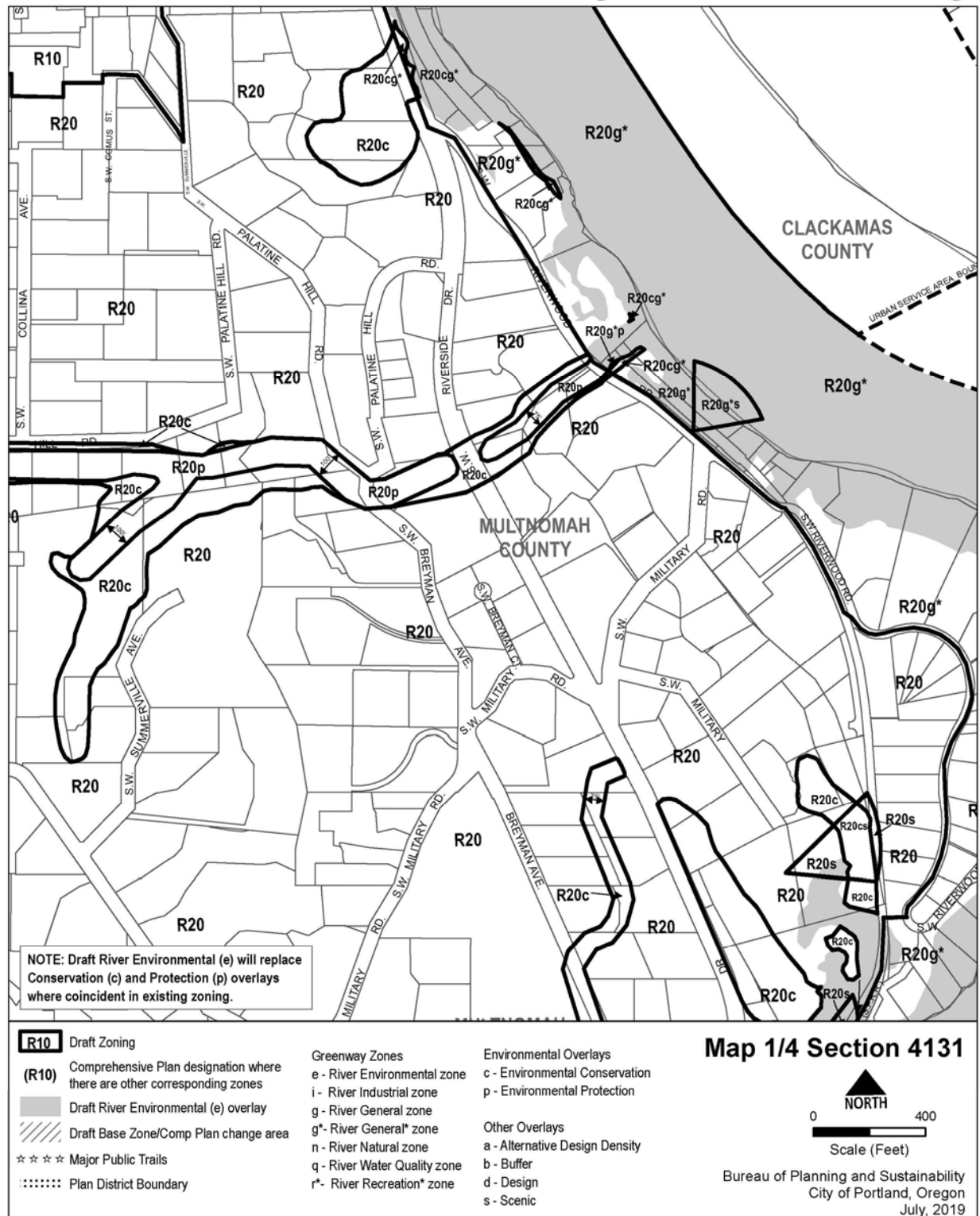
River Plan South Reach

Existing Zoning



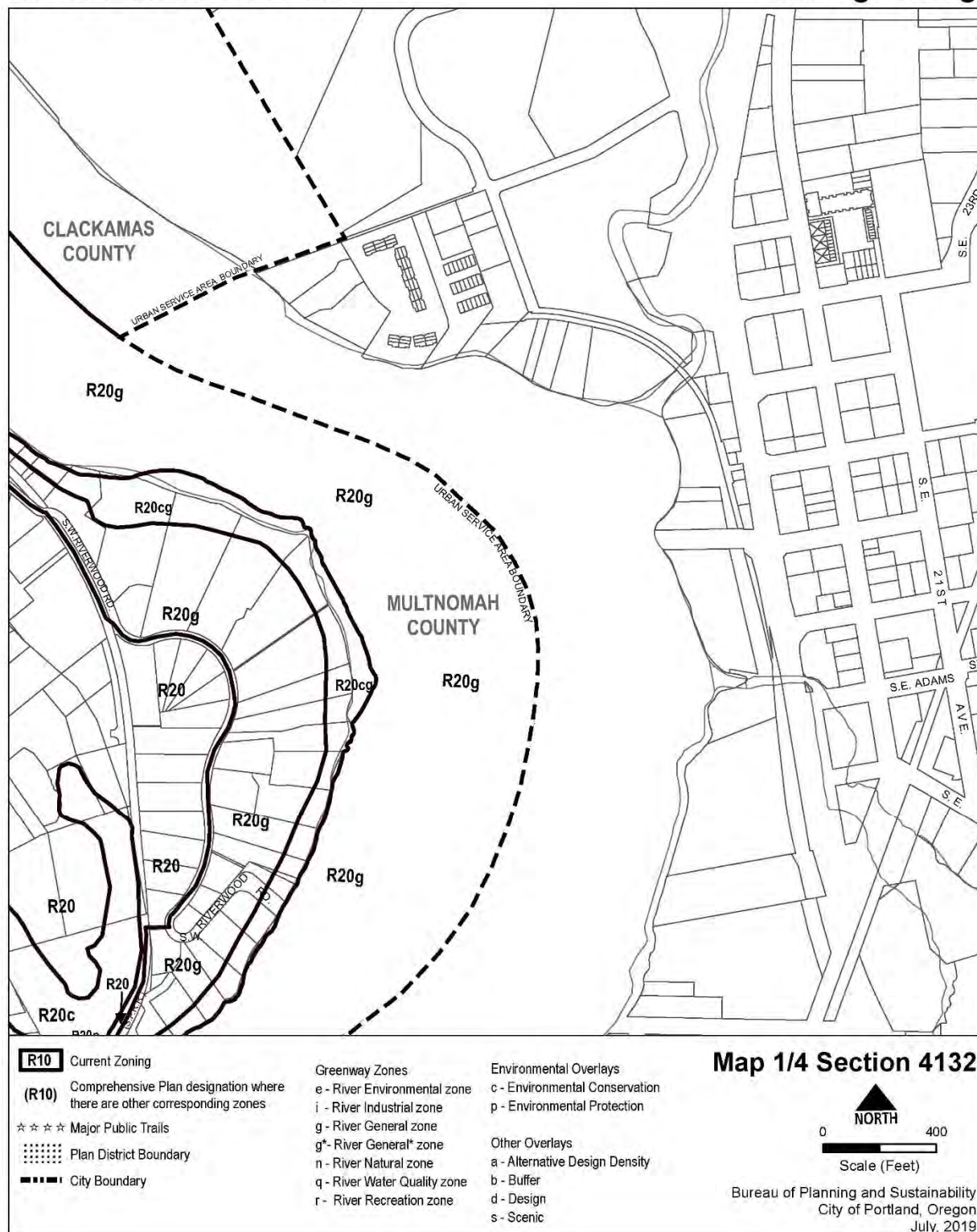
River Plan South Reach

Intergovernmental Draft Zoning



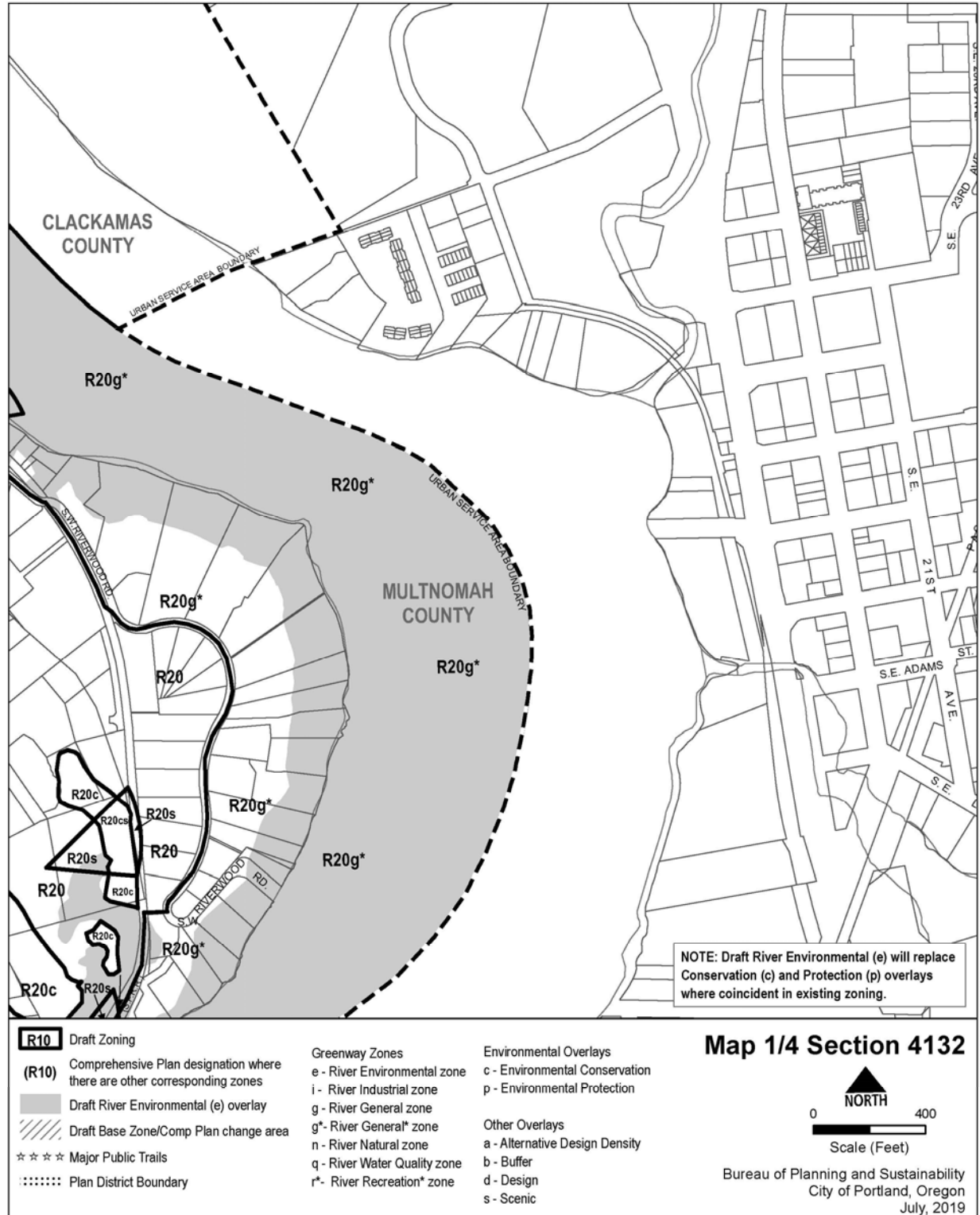
River Plan South Reach

Existing Zoning



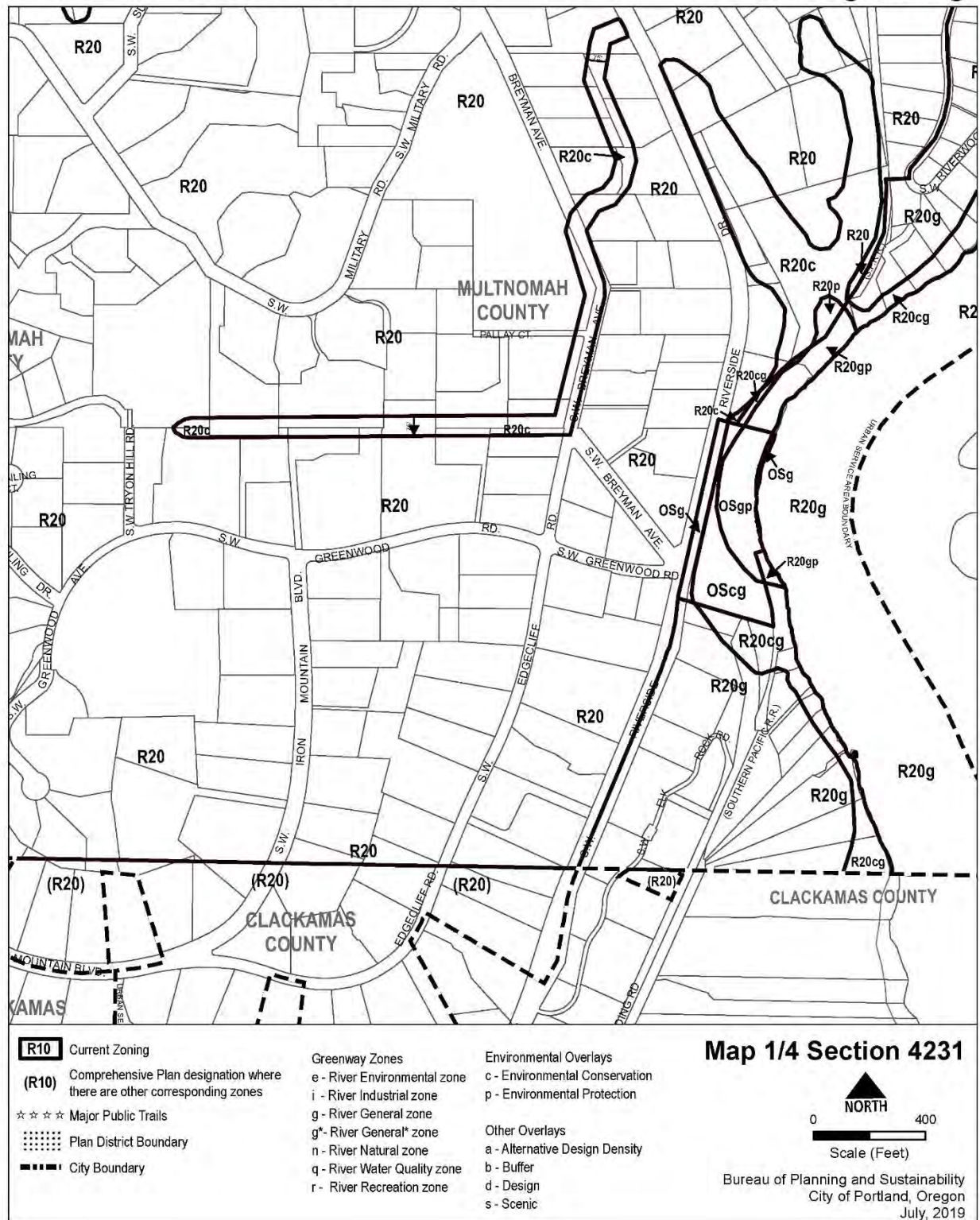
River Plan South Reach

Intergovernmental Draft Zoning



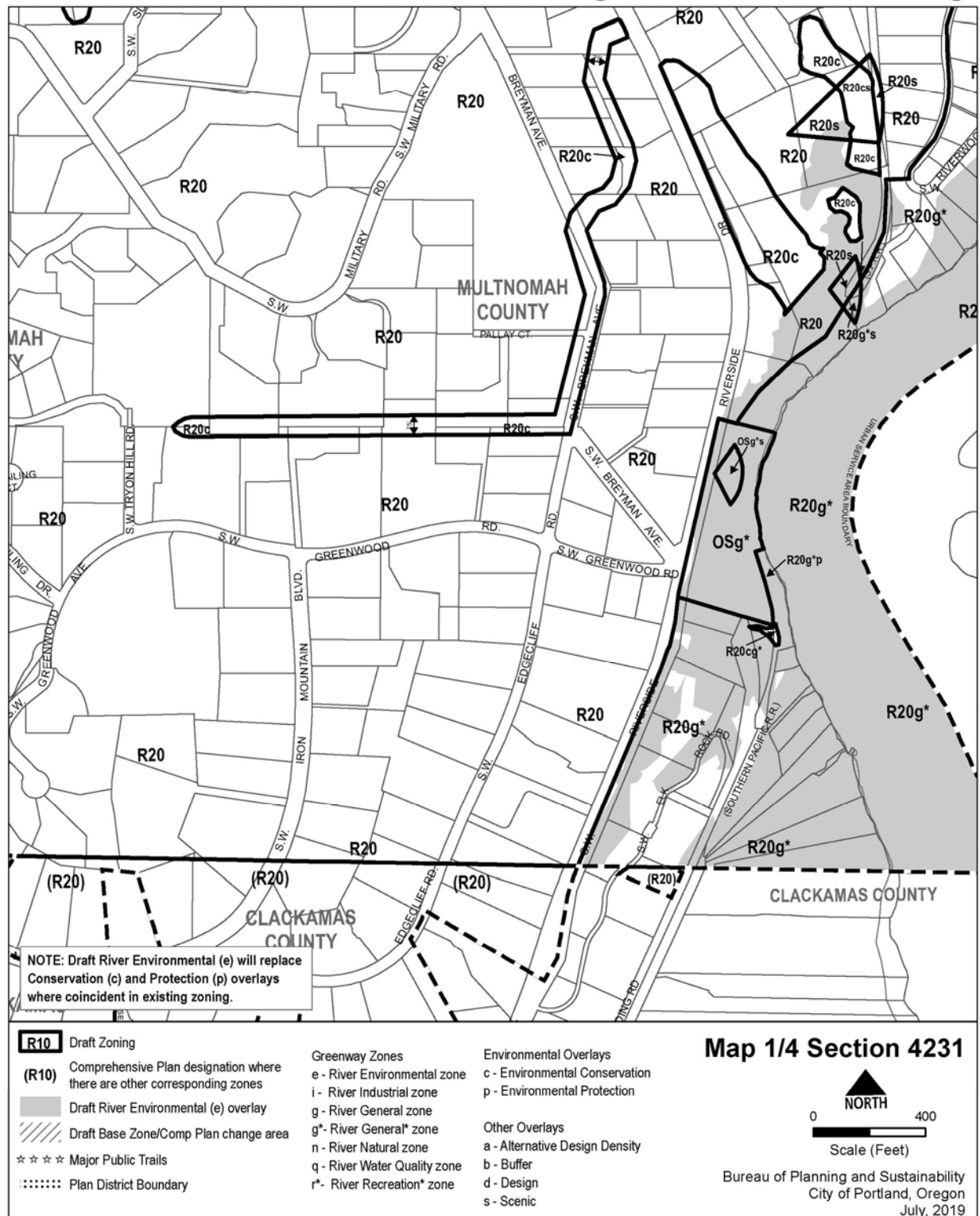
River Plan South Reach

Existing Zoning



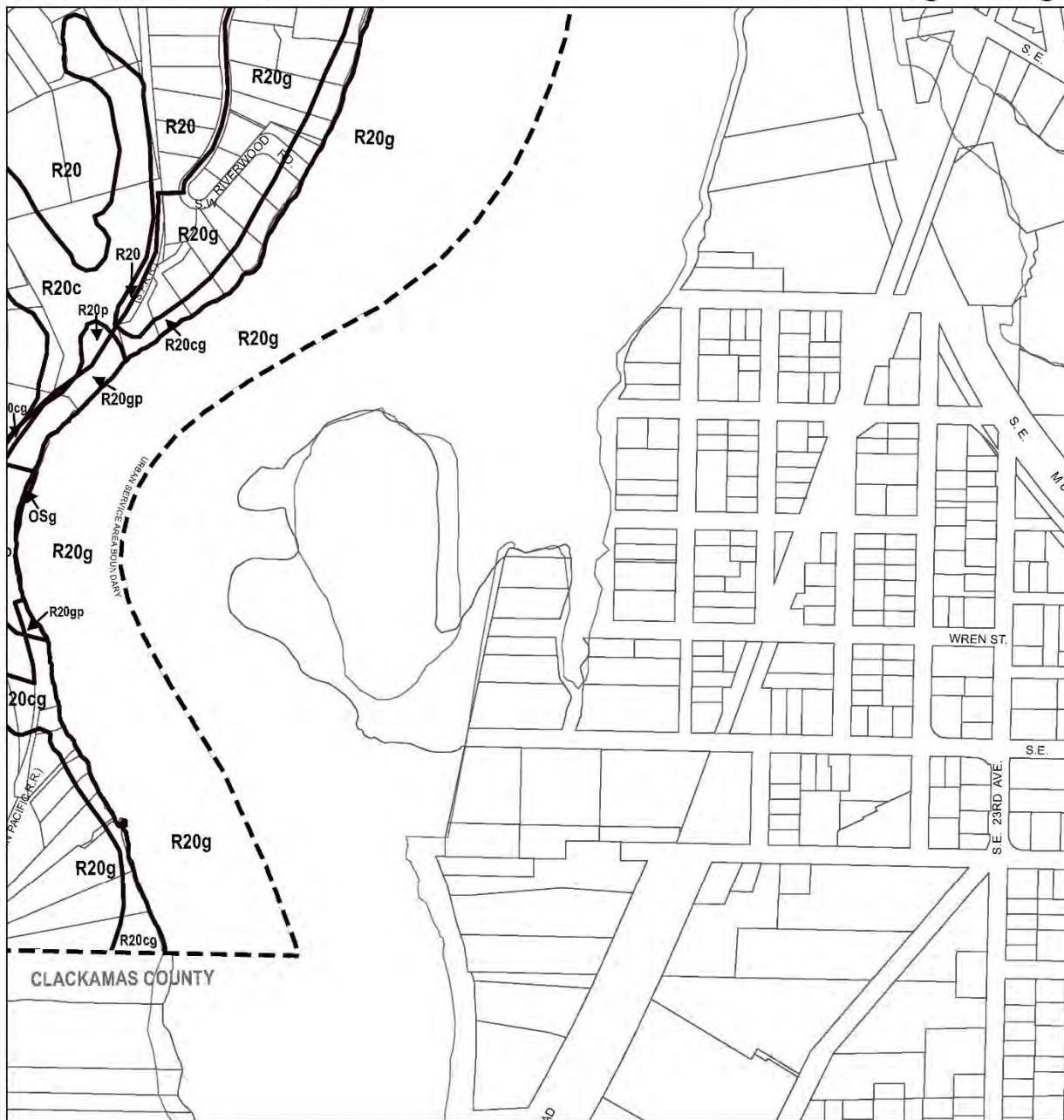
River Plan South Reach

Intergovernmental Draft Zoning



River Plan South Reach

Existing Zoning



R10 Current Zoning

(R10) Comprehensive Plan designation where there are other corresponding zones

☆☆☆☆ Major Public Trails

Plan District Boundary

City Boundary

Greenway Zones

e - River Environmental zone

i - River Industrial zone

g - River General zone

g* - River General* zone

n - River Natural zone

q - River Water Quality zone

r - River Recreation zone

Environmental Overlays

c - Environmental Conservation

p - Environmental Protection

Other Overlays

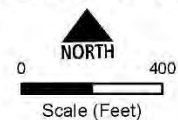
a - Alternative Design Density

b - Buffer

d - Design

s - Scenic

Map 1/4 Section 4232



Bureau of Planning and Sustainability
City of Portland, Oregon
July, 2019

River Plan South Reach

Intergovernmental Draft Zoning

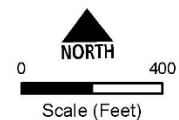


- R10** Draft Zoning
- (R10)** Comprehensive Plan designation where there are other corresponding zones
- Draft River Environmental (e) overlay
- ▨ Draft Base Zone/Comp Plan change area
- ☆☆☆☆ Major Public Trails
- ⋯⋯⋯ Plan District Boundary

- Greenway Zones
- e - River Environmental zone
- i - River Industrial zone
- g - River General zone
- g* - River General* zone
- n - River Natural zone
- q - River Water Quality zone
- r* - River Recreation* zone

- Environmental Overlays
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Map 1/4 Section 4232



Bureau of Planning and Sustainability
City of Portland, Oregon
July, 2019

C. Action Plan

1. Introduction

The following action charts describe projects, programs and other activities that City bureaus, agency partners, community organizations and others will undertake to implement the goals and policies of the River Plan/South Reach. The action charts are adopted by City Council Resolution with the understanding that they are starting places and that some actions will need to be refined, amended or replaced over time. Actions items are non-binding.

Chart Order

The action charts are grouped by four categories: 1) Watershed Health and Resilience; 2) Recreation; 3) NW Tribes and Native American Peoples; and 4) River Communities. Within each of these categories, the actions are ordered to match the discussion earlier in this Volume. If an action has more than one lead implementer it will be listed in the chart for each of the leads.

Action Identifier

The Code column provides the action's unique identifier. Each code begins with one letter, which corresponds to the policy area most closely related to the action. These four policy areas, and their corresponding letter code, are as follows:

W	Watershed Health and Resilience
R	Recreation
NW	NW Tribes and Native American Peoples
C	Riverfront Communities

The policy code for each action is followed by a number. The numbering of actions does not in any way correlate to importance or a priority ranking system.

Timeline

Each action identifies a proposed implementation timeline: Adopt with Plan, Ongoing, Next 5 years, and 6 – 20 years.

Implementers

Each action identifies one or more lead and partner implementers. Implementers include:

BDS	Portland Bureau of Development Services
BES	Portland Bureau of Environmental Services
BPS	Portland Bureau of Planning and Sustainability
City	City of Portland
County	Multnomah County
DEQ	Oregon Department of Environmental Quality
DSL	Oregon Department of State Lands
DOGAMI	Oregon Department of Geology and Mineral Industries
Metro	Metro (regional government)
OAP	Oaks Amusement Park

ODOT	Oregon Department of Transportation
OGR	Office of Government Relations
OSMB	Oregon State Marine Board
PBEM	Portland Bureau of Emergency Management
PBOT	Portland Bureau of Transportation
PPR	Portland Parks and Recreation
PSI	Portland Streetcar, Inc.
PSU	Portland State University
Private	Private sector
Public	General Public
SHPO	State Historic Preservation Office
Tribal	Tribal Governments
TriMet	TriMet (regional transit)
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Development and Natural Resources Management, OBJECTIVE #1: Ensure that new development provides adequate protection for South Reach natural resources, while also protecting other important attributes, including scenic, historic and recreational resources.							
W1A	<p>Apply the River General (g*) or River Recreational (r*) overlay zone to all properties in the established Willamette River Greenway. The River General overlay zone requires the following for development and redevelopment projects:</p> <ul style="list-style-type: none"> o If not river-dependent or river-related, development must be located at least 50 feet from the top of bank. o Landscaping within the river setback to provide a diversity of native vegetation that stabilizes the riverbank and meets a variety of habitat objectives. o Exterior lighting is designed to limit impacts on fish and wildlife and their habitats by avoiding or minimize light glare via light fixtures that are shielded and meet specific specifications. o If more than 30 percent of the building façade is windows, it must meet bird-safe glazing requirements for the first 60 feet in height and adjacent to ecoroofs. 	✓				BPS	
W1B	<p>Apply the River Environmental (e) overlay zone to all high- and medium-ranked natural resources and floodplains, as well as the 100-year floodplain and 1996 Flood Inundation Area. The River Environmental overlay zone ensures development impacts are avoided to the extent possible in these important natural areas and, when impacts can't be avoided, requires mitigation. Any loss of features and/or function must be mitigated in the River Environmental overlay zone.</p>	✓				BPS	

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
W1C	Where adequate data exists, identify and adopt the location of top of bank for South Reach properties. This will provide property owners with clarity on the location of the river setback.	✓				BPS	
W1D	Investigate the potential for establishing a mitigation bank within the City of Portland that would allow projects to mitigate impacts off-site when on-site mitigation is not feasible. Once established, any mitigation bank used for South Reach projects should be located as close to the project site as possible.		✓			BES BPS	BDS
Development and Natural Resources Management, Objective #2: Removal of existing non-nuisance trees and vegetation on the riverbank should be minimized to provide habitat and other ecosystem benefits adjacent to the river, while also creating connections to upland habitat areas.							
W2A	Apply the River Environmental (e) to all land within 50 feet of top of bank (i.e., the river setback), which is defined as high-value riparian resources. The River Environmental overlay zone requires replacement of all trees greater than 1.5 inches diameter at breast height (dbh) removed within the river setback. Landward of the setback, all removed trees greater than six inches dbh must be replaced.	✓				BPS	
W2B	Clarify and expedite the environmental violations process by allowing for the use of standards when specific criteria are met. The use of standards will also reduce the cost of resolving environmental violations for applicants and the City.	✓				BPS	
W2C	Develop a public guidance document describing strategies for meeting the tree and vegetation requirements of the River e overlay zone while also achieving other goals, such as maintaining views along a trail or scenic corridor.		✓			BPS	BDS

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Existing Natural Areas and Open Spaces, Objective #3: Protect existing natural areas and open spaces to minimize user impacts and the effects of adjacent development, including introduction of invasive species, off-trail impacts, erosion, houseless camping and transient boaters and other issues. Ensure no loss of resources and functions in these areas over time.							
W3A	Prepare a coordinated management plan for the Ross Island Natural Area/Oaks Bottom Wildlife Refuge/Oaks Crossing Natural Area complex to identify ways to support ecological functions throughout the complex, improve habitat for fish and wildlife species – including a large number of resident and migrant bird species – that utilize the complex, and minimize impacts of users in this popular area.		✓			PPR BES	BPS
W3B	Continue to manage Elk Rock Cliff to minimize impacts on its various regionally-significant plant species and limit the establishment and spread of invasive species to reduce competition with these unique species.				✓	PPR	
W3C	Identify and evaluate areas where riverbank erosion is occurring due to steep slopes, wakes created by boaters and other issues to determine appropriate stabilization techniques in key areas.				✓	PPR BES	BPS
W3D	Ensure adequate signage is provided along trails that direct users to stay on the trail to prevent erosion and other impacts.				✓	PPR	BPS
W3E	Support the work of the Joint Office of Homeless Services (JOHS) and strengthen coordination between JOHS, City bureaus and State agencies (e.g. DSL and OSMB), to minimize the impacts of transient boaters and houseless camping on the Willamette River and adjacent natural areas and parks. (Same as action item C7A below.)				✓	JOHS City Bureaus	County State

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Watershed and Natural Areas Restoration, Objective #4: Restore the Willamette River and its riverbanks to improve and increase habitat for Threatened and Endangered salmon and steelhead as well as upland areas to strengthen connections to surrounding habitat corridors.							
W4A	Implement restoration projects to expand shallow water habitat within the South Reach, including along the shorelines of Ross Island (including the lagoon), in Willamette Park and in Holgate Slough.				✓	PPR BES	
W4B	Restore the natural connection and functions of the seven perennial and intermittent streams that flow from River View Natural Area into Powers Marine Park to allow for fish and wildlife movement under Highway 43 through larger culverts or other methods.			✓		PPR BES	PBOT
W4C	Fund the continued implementation of the Willamette Park Master Plan, including the laying back of the bank south of the boat ramp to create more shallow water habitat and beach area.			✓		PPR	BES
W4D	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.				✓	BES PPR	USACE
W4E	Investigate options for public-private partnerships and other tools to increase shallow water habitat and improve riverbank and upland habitat on private property, including riverfront property in the Dunthorpe neighborhood of Multnomah County.			✓		BES	Soil & Water Conservation Districts; neighborhood groups

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
W4F	Continue efforts to replace invasive plant species throughout the reach with native species via the Bureau of Environmental Services Revegetation Program, the West and East Multnomah County Soil and Water Conservation Districts programs, Portland Parks and Recreation City Nature Division and others.				✓	BES	PPR, Soil & Water Conservation Districts; neighborhood groups
<u>Watershed and Natural Areas Restoration Objective #5: Identify strategies to reduce or curtail harmful algal blooms (HABs) in the Ross Island Lagoon to address risks to human, fish and animal health created by the HABs.</u>							
W5A	Investigate potential strategies to address the summertime HABs in Ross Island Lagoon and identify potential partners and funding sources for implementing those strategies (including the Oregon Department of State Lands).		✓			TBD	BES; PPR; DSL; DEQ; USEPA; Academia; Community Organizations
<u>Floodplain Management and Climate Resilience, Objective #7: Strengthen development regulations within South Reach floodplains to ensure that new development is designed to minimize flood risk by increasing stormwater management capacity and increasing habitat and identifying opportunities to remove existing development out of the floodplain, when feasible.</u>							
W7A	Apply the River Environmental (e) to all land within the FEMA 100-year floodplain and 1996 Flood Inundation Area, whether the land is undeveloped or developed. The River e requires the replacement of all trees greater than 1.5 inches diameter at breast height (dbh) removed within the river setback. Landward of the setback, all trees greater than six inches dbh that are removed must be replaced. The River e 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.	✓				BPS	

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
W7B	Incorporate a “riparian buffer area” adjacent to the river where development that is not river-dependent or river-related is required to achieve beneficial gain, defined as achieving no net loss in all habitat functions and significant improvement of at least one functional value.	✓				BPS	
W7C	Consider incentives for reduction of existing impervious parking lots and other surfaces in the River e overlay zone to improve stormwater management during flood events.				✓	BES	Community Organizations (e.g. Depave, others)
W7D	Investigate the development of a program similar to the BES Johnson Creek Willing Seller Program for properties along the Willamette River, including the South Reach.		✓			BES	
<u>Floodplain Management and Climate Resilience, Objective #7: Analyze and assess the extent of potential flood risk along the Willamette River under future climate scenarios to better prepare for the effects of changes in precipitation patterns and sea level rise on the Willamette River projected to result from climate change.</u>							
W8A	Work with FEMA and/or other organizations to conduct modeling and analyses using existing data and trends to estimate potential changes in flood risk within the South Reach. Based on this estimate of future flood risk, update City flood maps and apply floodplain development regulations to the expanded floodplain.		✓			BES BPS	FEMA DOGAMI Academia

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Floodplain Management and Climate Resilience, Objective #8: In addition to flood risk, prepare for other expected climate change effects within the South Reach resulting from warmer winters and associated intense rain events and hotter, drier summers. These effects may include increased wildfire risk for urban development adjacent to open spaces and greater potential for landslides as a result of soil saturation in landslide prone areas.							
W9A	Determine the current and potential future risk of wildfire originating from development near and unauthorized campfires within River View Natural Area and Powers Marine Park and identify and implement strategies to reduce the likelihood of wildfires and their potential impacts on natural resources and nearby structures.		✓			PBEM	FEMA
W9B	Evaluate future landslide risk of South Reach properties located in landslide-prone areas, review the current development allowance on these properties to ensure the zoning and other development regulations address this future risk and determine any additional steps needed to reduce landslide risk for existing development.		✓			BPS BDS	PBEM FEMA

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Public Parks and Natural Areas, Objective #1: Complete plans and implement improvements for South Reach parks and natural areas that maximize positive experiences for users of all abilities and connects more people to the river with active and passive recreation.							
R1A	Identify appropriate funding to complete implementation of the Willamette River Master Plan.		✓			PPR BES	BPS Metro
R1B	Plan for the future of Sellwood Riverfront Park as part of the Oaks Bottom Complex Management Plan; address issues identified by the public during South Reach planning including off-leash dog areas and reduction of user conflicts.		✓			PPR	BPS Private
R1C	Plan for the future of less impactful recreation in the natural areas on the east side by completing an Oaks Bottom Complex Management Plan that includes Oaks Bottom Wildlife Refuge, Oaks Crossing Natural Area , Ross Island Natural Area and lands adjacent to the Springwater Corridor Trail.		✓			PPR BES	BPS Metro
R1D	Allow a limited amount of park user-supportive retail services at Willamette Park, Sellwood Riverfront Park and the Multnomah County property (formerly known as Staff Jennings Marina Boating Center).	✓				BPS	PPR
R1E	Explore the funding process and stakeholders for creation of a riverfront park in the Brooklyn neighborhood that was referenced in the <i>Brooklyn Neighborhood Plan</i> and establish a path forward for completion of a riverfront park.			✓		PPR	Public

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
R1F	Identify appropriate funding to make public access and site improvements to the Powers Marine Park and Multnomah County (former Staff Jennings) sites for bicycling, walking and boating.			✓		PPR	County
R1G	Continue to include the public engagement of seniors and people with disabilities in planning and development of recreation facilities in park and natural areas.				✓	PPR	Public
Public Parks and Natural Areas, Objective #2: Develop culturally-specific programming and activities at South Reach parks, natural areas and in-river waters; and promote these programs and activities to a broader demographic citywide. (NOTE: The same objective and action items can be found under NW Tribes and Native Peoples, Objective #4)							
R2A	Work with interested Native Americans, immigrants and communities of color to determine and plan for desired recreational uses, activities and programming at South Reach parks and natural areas.				✓	PPR	Public
R2B	Work with interested Native Americans, immigrants and communities of color to address barriers to successful parks and recreation use in the South Reach.				✓	PPR	Public
R2C	Identify the funding process and stakeholders to plan and promote citywide, culturally-specific uses, activities and programming in South Reach parks and natural areas.				✓	PPR	
Riverfront Trails and Connections, Objective #3: Complete the remaining gaps in the Willamette River Greenway Trail network, connect riverfront trails to the greater regional trail system, and improve safety, comfort and convenience for all trail users.							
R3A	Identify appropriate funding to complete gaps in existing trail corridors when new development or redevelopment occurs or through grants.				✓	PPR	Metro

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
R3B	Realign the “stars” on the zoning map and in the 2035 <i>Comprehensive Plan</i> to shift a small section of the Springwater Corridor Trail riverside loop alignment off the Oregon Yacht Club property and on to the Oaks Amusement Park property.	✓				BPS	PPR Private
R3C	Identify appropriate funding to make improvements to the Springwater Corridor and the Willamette River Greenway trails to reduce conflicts and pinch points between users and add trail-related amenities to serve people of all abilities, where feasible.				✓	PPR	Metro Private Public
R3D	Identify appropriate funding to expand riverfront public access trail maps, wayfinding and signage.		✓			PPR	Metro PBOT
R3E	Identify appropriate funding to design and make trail extensions and connections to Lake Oswego and the larger trail system in SW and SE Portland.			✓		PPR PBOT	Metro
R3F	Identify appropriate funding to map the location of existing motorized vehicle parking spaces near riverfront trails and increase public awareness of their availability.		✓			PPR	
Riverfront Trails and Connections, Objective #4: Seek partnerships that plan, secure funds and develop safe and convenient riverfront access for the Brooklyn neighborhood.							
R4A	Explore the funding process and stakeholders that are partners and lead implementation of a Brooklyn neighborhood riverfront access and riverfront park project; identify and secure funding sources to plan, design, construct, operate, and maintain the new facilities throughout their life cycle.		✓			PPR PBOT	Public

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
<u>Private Recreation, Objective #5:</u> Encourage private recreation and service providers in the South Reach to continue to provide and enhance recreational experiences along and in the Willamette River.							
R5A	Add a provision in the zoning code to allow a limited amount of retail sales and services development that supports and encourages river recreation at specific parks: Willamette and Sellwood Riverfront. (and maybe Powers Marine Park if Portland Parks and Recreation ever manages a portion of the Staff Jennings site)	✓				BPS	PPR
<u>Private Recreation, Objective #6:</u> Support public-private partnerships in developing and/or expanding publicly accessible recreation experiences in the South Reach.							
R6A	Portland Parks & Recreation and Oaks Amusement Park explore a public-private partnership on creating a publicly accessible seasonal swimming beach at Oaks Amusement Park if this location is determined to be feasible per the South Reach swimming beach study.			✓		PPR	Private
R6B	Portland Parks & Recreation explores public-private partnerships that identify funding to help implement park master plans; design and construction of parks, recreation, and open space amenities; and life-cycle maintenance for the new amenities.				✓	PPR	Private
<u>In-River Recreation, Objective #7:</u> Study the potential public swimming opportunities with amenities for families in the South Reach.							
R7A	Identify funding to support a study that would explore the physical, environmental, and social characteristics of a potential swimming beach in the South Reach.			✓		PPR	BPS BES

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
R7B	If feasible per the South Reach swimming beach study, identify funds to design, construct, operate, program, and maintain a future public swimming beach and associated amenities.			✓		PPR	
R7C	Partner with Oaks Amusement Park to develop a public swimming beach if this location is determined to be feasible per the South Reach swimming beach study.			✓		PPR	Private
<u>In-River Recreation, Objective #8: Support public fishing opportunities in the South Reach.</u>							
R8A	Confirm culturally-specific and public fishing desires in the South Reach and develop a list of improvements that can be implemented with other parks expenditures or independently, given available funding.			✓		PPR	Public
R8B	If feasible, provide fishing access at the former Staff Jennings site when recreational improvements are made.			✓		PPR	Public
R8C	Promote citywide public fishing opportunities in the South Reach, where appropriate.			✓		PPR	
<u>In-River Recreation, Objective #9: Upgrade existing boating facilities and create new boating facilities to make motorized and nonmotorized boating in the South Reach more accessible.</u>							
R9A	Identify appropriate funding to study re-establishing and making improvements to the boat launch at the river's edge on SE Spokane Street including area parking and loading.			✓		PPR	PBOT
R9B	Identify appropriate funding to implement phase 2 of the Willamette Park Master Plan that creates a non-motorized boat launch at the park.		✓			PPR	OSMB

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
R9C	Identify appropriate funding to improve the former Staff Jennings site with nonmotorized boating access and other open space amenities.			✓		PPR	County
R9D	Identify appropriate funding to repair or replace motorized boating facility at Sellwood Riverfront Park.			✓		PPR	OSMB
R9E	Seek opportunities to provide boat storage for nonmotorized watercraft at parks and open spaces with boat launches.				✓	PPR	Public Private
R9F	Seek partnerships for funding to help maintain existing boating facilities.				✓	PPR	Public Private
R9G	Explore a potential location(s) for a motor boat fueling station and/or a boat pump out station when there is funding identified for planning, design, and construction and an ongoing funding source commitment to operate and maintain the new facility through its life cycle, including facility replacement.			✓		PPR	OSMB Private
<u>In-River Recreation, Objective #10: Minimize the impacts of in-river boating and other recreation facilities on fish and wildlife habitat through facility design, improvements and public education.</u>							
R10A	Ensure that new docks and launches are designed to not harm endangered and threatened fish in the Willamette River.				✓	PPR	BES
R10B	Coordinate with State, County and local officials on addressing transient boaters in the South Reach to minimize conflicts with river recreationalists and reduce impacts to the environment.				✓	PPR	DSL County OSMB Public

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
In-River Recreation, Objective #11: Develop and expand partnerships that promote and address boater education and safety and reduce conflicts between different watercraft and minimize the impacts of watercraft on shallow water habitat, riverbank erosion and floating structures (e.g. floating homes).							
R11A	Identify funding to work with Oregon State Marine Board, local boating organizations, commercial boating sales and rental companies and others to promote boater education and safety. Implement programs at State and local levels that target boater education and safety.				✓	PPR	OSMB Private
R11B	Advocate for the Oregon State Marine Board and others to continue to work to identify and minimize the impacts of watercraft on shallow water habitat, riverbank erosion and floating structures.				✓	PPR BES	OSMB
Scenic Resources, Objective #12: Identify new Willamette River Greenway viewpoints to increase the community's visual connection to and appreciation of the Willamette River.							
R12A	Evaluate present viewpoints and where necessary, identify new scenic viewpoints in the <i>River Plan / South Reach Scenic Resources Protection Plan</i> for public enjoyment and appreciation of the Willamette River.	✓				BPS	
Scenic Resources, Objective #13: Retire existing Willamette River Greenway viewpoints that do not provide high quality public scenic views and strategically improve existing scenic viewpoints with signage, benches and landscape maintenance to enhance the community's viewing experience.							
R13A	Remove scenic viewpoints in the <i>Scenic Resources Protection Plan</i> that no longer provide high quality public scenic views.	✓				BPS	

Recreation Action Items



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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
R13B	Whenever possible, add amenities (e.g. benches, signage) at designated viewpoints along trails and at other locations.	✓				BPS?	
R13C	Improve the SE Linn St. viewpoint to make it safer for public enjoyment.		✓			PBOT	BES
R13D	Update the Zoning Code to allow for maintenance of vegetation at designated viewpoints to preserve views.	✓				BPS	

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
NW Tribes and Native American Peoples, Objective #1: Improve government to government relations with NW Tribes							
NW1A	Update the <i>2035 Comprehensive Plan</i> Policy 1.15, Intergovernmental Coordination, to recognize tribal nations as governments for intergovernmental coordination.	✓				BPS	OGR
NW1B	Update the <i>2035 Comprehensive Plan</i> Policy 2.12, Roles and Responsibilities, to include government agencies and tribal nations.	✓				BPS	OGR
NW Tribes and Native American Peoples, Objective #2: Engage interested representatives of Native American tribes and other Native American community members in ongoing discussions, programs and projects to promote tribal customs, traditions and culture in the South Reach.							
NW2A	Convene tribal representatives to generate ideas for projects and programs that promote Native American culture and history and educate the public.		✓			OGR City	Tribal
NW2B	Seek funds and coordinate implementation of desired Native American tribal and community projects and programs in the South Reach.		✓			OGR City	Tribal BES PPR BPS
NW2C	Coordinate with tribal representatives and other Native American community members to develop and implement a first foods pilot project in the South Reach.		✓			PPR	Tribal BES

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
NW Tribes and Native American Peoples, Objective 3: Seek ways to better understand the pre-European contact history and culture of Native Americans in the South Reach by identifying, protecting and conserving archaeological and historic resources, and educating the public.							
NW3A	Amend the Portland Zoning Code to require archaeological surveys to be completed as part of development projects in high sensitivity areas.	✓				BPS	
NW3B	Develop and distribute information about Inadvertent Discovery Plans (IDP) to property owners who are developing in moderate and low sensitivity areas as well as the general public.		✓			BPS	BDS SHPO
NW3C	Partner with Native American tribes and Portland State University to complete archaeological survey work on public property and for other projects that support Native American history and culture.		✓			BPS PPR	Tribal PSU
Culturally Significant Natural Resources, Objective #4: Engage interested Pacific Northwest tribal governments and Native American community members to identify and understand indigenous culturally-significant locations and natural resources and develop programs and projects to celebrate and promote tribal customs, traditions and culture in the South Reach.							
NW4A	Work collaboratively with Native American tribal governments and their staff to enhance South Reach natural areas to increase the viability of culturally important fish, wildlife and native plants. This effort should identify key future restoration areas and projects to reestablish important First Foods species.		✓			BES PPR	Tribal
NW4B	Investigate the development of a Citywide tribal cultural resources harvesting program in areas where Native American tribes have historically harvested First Foods and other resources.		✓			PPR	Tribal BES

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Parks, Recreation and Natural Areas, Objective 5: Develop culturally-specific programming and activities at South Reach parks, natural areas and in-river waters; and promote these programs and activities to a broader demographic citywide.							
NW5A	Work with interested Native Americans, immigrants and communities of color to determine and plan for desired recreational uses, activities and programming at South Reach parks and natural areas.		✓			PPR	Tribal Public BES
NW5B	Work with interested Native Americans, immigrants and communities of color to address barriers to successful parks and recreation use in the South Reach.				✓	PPR	Tribal Public
NW5C	Identify funding process and stakeholders to plan and promote citywide, culturally-specific uses, activities and programming in South Reach parks and natural areas.		✓			PPR	Tribal Public BES

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
Brooklyn, Objective #1: Ensure that all South Reach neighborhoods have safe and convenient ways to get to the Willamette riverfront; prioritize completing Brooklyn neighborhoods access to the riverfront in the SE Holgate area.							
C1A	Seek funds to prepare a Brooklyn Neighborhood River Access Project study to consider the best route(s) and alignment, design and costs for pedestrian and bicyclist improvements to access the Willamette River area.		✓			PBOT	PPR Public Private BPS
C1B	Seek funds to implement the riverfront access project in Brooklyn.		✓			PBOT	PPR Public Private
Sellwood, Objective #2: Enhance the Sellwood Bridgehead area as a major gateway into Sellwood that reflects the local character, history and relationship to the river.							
C2A	Develop a Sellwood Bridgehead Development Concept that implements the communities' vision, identity, history and use of the river by Native Americans, as a ferry terminal, and at Oaks Amusement Park. The concept would: <ul style="list-style-type: none"> ○ Address local and regional traffic using SE Tacoma Street and the Sellwood Bridge with improved transit service and incorporate Transportation Demand Management solutions. ○ Respect the historic character of the Sellwood neighborhood by encouraging development that both responds to the bridgehead as a significant place but is balanced in keeping with the urban design motif of the neighborhood. 			✓		BPS	PBOT Public Private

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Action #	Action	Adopt with Plan	Next 5 Years	6-20 Years	Ongoing	Lead	Partner
	<ul style="list-style-type: none"> Enhance bicycling, walking, rolling and running with improved wayfinding, connectivity with the Springwater Corridor Trail, and access to the Willamette River. Incorporate viewpoints and/or view corridor(s) that provide scenic views of /from the bridgehead area. 						
C2B	Implement the Portland 2035 Transportation System Plan Tacoma Main Street Improvements project study recommendations.			✓		PBOT	Public
C2C	Rezone a sliver of the Portland Rowing Club property from High Density Residential (RH) to Commercial Mixed Use 1 (CM1) to eliminate split-zoning on this property.	✓				BPS	Private
<u>Sellwood, Objective #3: Improve the Sellwood transportation system by the riverfront for all modes of travel to safely accommodate residents and visitors to the area.</u>							
C3A	Explore funding and a study to improve the SE Spokane Street/SE Oaks Park Way and Springwater Corridor Trail intersection to increase safety and access for all modes, especially during peak use of the intersection and area, Also, look at parking management strategies to address congestion during peak use of area activities.			✓		PBOT	PPR Public Private
C3B	Work with TriMet to implement the recommendations for improved bus services on Line 99 along with other recommendations from the TriMet Southeast Service Enhancement Plan (2016).		✓			PBOT	TriMet Public Private
C3C	Consider Oaks Amusement Park or another location near the Sellwood Bridgehead as a potential future river transit stop and evaluate it as part of river transit planning.			✓		PBOT	Private OAP

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Southwest Portland, Objective #4: Address regional transportation issues and improvements on the west side of the Willamette River in the South Reach and beyond to reduce reliance on the automobile for commuter and other transportation trips to and through the South Reach.							
C4A	Work with ODOT and other governmental and non-governmental stakeholders to implement the Johns Landing Streetcar Extension project listed in the TSP.			✓		PBOT	ODOT PSI Public Private
C4B	Work with Metro, the City of Lake Oswego and others to implement the Lake Oswego to Portland Trail listed in the TSP.			✓		PBOT	Public Metro ODOT Private
Southwest Portland, Objective #5: Improve the SW Macadam Avenue corridor area for safer and more convenient pedestrian, bicyclist and transit user access to and from the riverfront and along the corridor.							
C5A	Collaborate with ODOT to better understand what the Special Transportation Area classification means for SW Macadam Avenue between SW Bancroft Street and SW Miles Court (already designated), and if the classification can be used to transform SW Macadam Avenue into a more pedestrian and bike-friendly street.				✓	PBOT	ODOT Public Private
C5B	Work with TriMet to implement a new frequent service line between downtown Portland, Lake Oswego, West Linn and Oregon City, and add more bus service on Line 99 between downtown Portland and Milwaukie along with other SW recommendations from the TriMet <i>Southwest Service Enhancement Plan</i> (2016).		✓			PBOT	TriMet Public Private

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C5C	To address bicycle and pedestrian conflicts on the Willamette Greenway, look for an alternative north-south bike connection within the Macadam Corridor. This connection could include a trail in the setback on the Willamette Shoreline Trolley right-of-way, and possible routes that include a combination of SW Corbett Avenue and SW Virginia Street north of Taylor's Ferry Road.			✓		PBOT	TriMet Public Private
Southwest Portland, Objective #6: Acknowledge the constraints of the Miles Place single family residential area and allow maintenance, and upgrades to these developments.							
C6A	Continue the zoning code provision to allow houses in the South Reach that are nonconforming within the river setback to make improvements and expand development within the existing building footprint.	✓				BPS	
Houseless Communities, Objective #7: Community members in the South Reach understand the seriousness of the houseless issue and contribute positively with others to address this humanitarian condition.							
C7A	Support the work of the Joint Office of Homeless Services (JOHS) and strengthen coordination between JOHS, City bureaus and State agencies (e.g., DSL and OSMB) to minimize the impacts of transient boaters and houseless camping on the Willamette River and adjacent natural areas, open spaces and parks. . (Same as action item W3E above.)		✓		✓	JOHS City bureaus	County State