

**River Plan / South Reach – Responses to Questions from Ruth Spetter
Updated December 9, 2019**

Statewide Planning Goal 15, Willamette River Greenway

1. How is the bureau using/referring to/addressing Statewide Goal 15?

Compliance with Goal 15 is the fundamental objective of the River Plan / South Reach. The various components of the plan address the statewide planning goal's objective.

2. How does Goal 15 address existing uses of property 100s of feet from the river?

The objective of Goal 15, "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway" applies to all parcels within the Willamette River Greenway. In the City of Portland, the Greenway boundary was established in the original 1979 *Willamette Greenway Plan* and the City has planned for these areas as a part of Greenway planning efforts since then. The City of Portland did not plan for portions of Multnomah County when the Greenway boundary was established. The City began planning for the unincorporated urban pockets of Multnomah County in the early 2000's.

Habitat connectivity is an important consideration for environmental resources along and adjacent to the river and your property is located directly adjacent to high value natural resources on the Peter Kerr property (owned by the City of Portland). Additionally, trees on your site are a part of a larger complex of tree canopy, which includes a number of Oregon white oaks and other large trees, that extends both north and south from the Peter Kerr property.

3. Why do you believe Goal 15 requires this zoning of the property and if it is not Goal 15 what are you relying upon for direction?

The River Environmental overlay zone is consistent with other regulations applied in the city. Because your property is within the Greenway boundary we apply our Greenway zoning to it. The River overlay zones will totally replace Greenway zoning once a similar planning process for the North Reach is completed.

4. Why are the properties on Hwy 43 included when the goal's focus is clearly on properties abutting the river?

The purpose of the RP/SR is to plan for the areas within the Greenway Boundary. While the City of Portland currently has planning authority for unincorporated urban Multnomah county, Portland did not apply the original zoning. We will contact Multnomah County to get the legislative intent for the original boundary.

Site Characteristics/Classifications

5. Affirm the following about the property:

- a. **It is not considered "riparian" and riparian functional values do not apply** - Vegetation located within 300 feet of rivers, streams and wetlands provide important functions for the water bodies including storing and slow rainwater which reduces in-water erosion and flooding, improving water quality by reducing pollutant and sediment contribution to the water, providing habitat near water which is critical for wildlife in Portland, etc. On steep slopes, these functions are provided by trees

located up to 780 feet from water bodies. The science was documented in 2012 Natural Resources Inventory and is based on extensive research done by Metro for Title 13, Nature in Neighborhoods.

The trees on your property provide riparian corridor functions for the Willamette River. The trees are ranked as “low” meaning they provide secondary, not direct, functions. The decision is to apply the River e-zone to riparian corridors that provide a high or medium function. Your property is not included in the River e-zone because of riparian functions; it is included because it is forest canopy that is located on a steep slope and is part of a Special Habitat Area that include Oregon White Oaks.

- b. **My property is not within a riverfront community, not in the river setback, not in recreational area, not in river use area, 100s of feet from the river and separated by the river by land, other structures, railroad tracks and a tunnel** – The property is not on the riverfront or in the river setback and not in defined as a river recreational area. Your property line is 165 feet or more from the Willamette River ordinary high water mark. A railroad track and tunnel are east of your property.

Evaluation/Protection of Natural Resources

6. What important features and/or functions are proposed for protection on my property?

Your property has been included because it has trees and vegetation on steep slopes and the trees are part of a forest patch that includes Oregon white oak, as well as its adjacency to the Peter Kerr Property, where sensitive and rare species have been documented. Portions of your property are defined as Special Habitat Area (SHA). The recommendation is to apply the River environmental overlay to Oak Habitat and to forest on steep slopes zoning.

7. Upon what information/report/data was the protection determination made?

The analysis of Inventory Site WR23, Dunthorpe, which contains your property, can be found Volume 3, starting on page 186. The ranking of natural resources is conducted using the City’s Natural Resources Inventory methodology (adopted by City Council in 2012 as a part of the new *2035 Comprehensive Plan*). Environmental zoning is applied to all high- and medium-ranked riparian resources as well as Special Habitat Areas.

Location/Type of Proposed Regulations

8. Would my property be included in the River Plan if not in the GW?

If your property were not in the Greenway boundary a determination would be made as to whether you would be included or not. In some cases, due to a site’s relationship to properties within the Greenway boundary, we have included them in the River Plan/South Reach. If your property were outside the River Plan, it would be under consideration as a part of the Environmental Overlay Zone Map Correction Project.

9. Why are the properties on Hwy 43 so heavily regulated when not in flood plain, on a river bank, riparian, without river contact, without docks, not in a recreation area, without any trails, separated from the river by railroad tracks and a tunnel, does not provide marine uses.

The proposed environmental zoning (River Environmental) is consistent with other regulations applied in the city. The River Environmental does not preclude development. Instead, it simply requires that environmental impacts be mitigated to a no-net-loss (in habitat function) standard.

Definitions

10. Where are terms used in the Zoning Code defined (e.g., development, exterior alterations, etc.)?

Unless there is a specific modification for the individual Zoning Code chapter, these terms are defined in Zoning Code Chapter 910, Definitions. If there is no zoning code definition, then the dictionary definition is used.

11. Where are the vegetation categories (e.g., forest, herbaceous, shrublands, etc.) defined?

These are defined in the Appendix 6 of the Natural Resources Inventory. See the copy we have provided you.

12. What are “functional values” and where are they defined?

Functional values are the rankings of the riparian and wildlife habitat functions into low, medium and high. These are presented for each inventory site in the Natural Resources Protection Plan. The methodology is documented in the 2012 Natural Resources Inventory.

Volume 1, Part 1 – Specific Questions

13. Where can I see the 20 year urban design concept for the south reach and how does it apply to my property?

The urban design concept is located on page 18 of Volume 1, Part 1. The concept depicts the targeted future of the River Plan / South Reach area.

14. Is my property currently affected by any transportation planning related to this project? (p77)

Objective #5 on page 80 proposes some improvement to bus service down to Lake Oswego, West Linn and Oregon City. Improved service would be located on Hwy 43.

15. Is my property part of the South Portland Macadam Plan District area? (p79)

Your property is not a part of the Macadam Plan District.

16. Please explain the last paragraph on page 79 – does it apply to my property?

These design guidelines do not apply to your property.

17. How does my property fit within the definition of properties in Dunthorpe?

We have generally called the unincorporated Multnomah County area in our study area “Dunthorpe”. Based on what we have heard from some stakeholders, maybe this isn’t the most accurate description. Please propose what you think we should call the area.

18. How does the Dunthorpe community language support the extensive environmental zoning on my property?

The justification for environmental zoning on your property is contained in Volume 3, Natural Resources Protection Plan. The more general policy discussion is contained in the Volume 1, Watershed Health and Resilience, section (starting on pg 26).

Volume 1, Part 2 – Specific Questions

19. Why are policies proposed for 2035 addressed here?

Through our outreach efforts with tribal governments and the public, more generally, we have identified a number of updates to the 2035 Comprehensive Plan that will better describe coordination efforts and engagement with tribal nations. Updates to existing, related documents is common with Bureau of Planning and Sustainability projects.

20. Affirm that 33.10 does not apply to my property. (p9)

These paragraphs are not directly relevant to your property.

21. How and where is “construction staging area” defined? (p10-11)

Construction staging area is not defined specifically in the Zoning Code (Title 33), including in the River Overlay Zones chapter. When that is the case, Bureau of Development Services uses the dictionary definition and/or generally-understood definition of the term. Title 11, Trees, includes a definition, which is “a designated area for the storage of equipment and vehicles, stockpiles, waste bins, and other construction-related materials during a construction project. Any construction trailers are to be included in the construction staging area. In some cases, more than one staging area may be established on site.”

33.430, Environmental Overlay Zones (p13)

22. Affirm that all comments regarding trails do not apply to my property

These paragraphs are not relevant to your property.

23. Affirm that 33.440 does not apply to my property. (p17-28)

This chapter currently applies to your property but will not once the River Overlay Zones chapter is applied as a part of the River Plan/South Reach.

24. Affirm my property is not river recreational (p30)

The River Recreational (r*) is not proposed to be applied to your property.

33.475.020.A.3, River Environmental overlay zone

25. Affirm it only applies to conserve and enhance important natural resources and values

The River Environmental overlay zone “protects, conserves and enhances important natural resource functions and values, while allowing environmentally sensitive development.” (33.475.020.A.3.)

26. Why is my property now encircled by environmental zoning now when not before?

Your property has existing environmental zoning and the River Plan / South Reach is proposing an expansion of the environmental zone to account for high-value natural resources on your site. This expanded area of environmental zoning recognizes the updated evaluation of natural resources on your property, conducted as a part of the adoption of the *Natural Resources Inventory* (2012) as part of the Comprehensive Plan.