



Bureau of Planning and Sustainability
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**City of Portland - Request for Metro Determination
Of Substantial Compliance with Title 13, Nature in Neighborhoods
FAQs – July 12, 2012**

1. What is the purpose of Title 13? How does it apply to the City of Portland?

- Metro adopted Title 13 in 2005.
- It establishes requirements to protect and restore designated natural resource areas (rivers, streams, floodplains, wetlands, habitat areas) in the Metro region.
- Metro-area cities and counties, including Portland, must show that they have programs in place to meet these requirements.
- Cities and counties may comply with Title 13 using regulations and/or non-regulatory approaches (e.g., land acquisition, revegetation).
- Programs can apply citywide or to specific areas within the city.

2. How is the City of Portland complying with Title 13?

- Portland implements a rich array of programs that together meet Title 13 substantial compliance requirements, including:
 - an updated natural resource inventory;
 - existing zoning regulations (e.g., environmental and greenway overlay zones, plan districts); and
 - non-zoning regulations (e.g., stormwater requirements, tree codes) and non-regulatory programs (e.g., willing-seller land acquisition, invasive plant control, watershed revegetation).
- ***No new regulations are proposed with this compliance package.***



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For more detail...

- Long-standing City **overlay zones** apply to almost 84% of the Title 13 Habitat Conservation Areas (HCAs) in City-identified high- and medium-ranked riparian corridors and almost 2,900 additional acres of natural resources outside the HCAs. The overlay zone regulations require development projects to meet standards to prevent detrimental impacts where practical and require mitigation for unavoidable impacts.
- **Plan district regulations and non-zoning regulations** provide additional protections for the Title 13 HCAs.
- Well-established **non-regulatory programs** such as land acquisition and revegetation both protect and restore Portland's watersheds.

3. What does it mean to be in “substantial compliance” with Title 13?

- There is no specific definition or formula to determine if a local jurisdiction in “substantial compliance” with Title 13.
- Metro uses its discretion to determine if local programs meet the intent and the letter of Title 13 and evaluates whether local programs are well-established and will likely continue into the future.
- This approach provides consistency and flexibility, allowing cities and counties to build on existing programs and develop approaches that will work in their communities.

4. What types of Title 13 resources aren't within City overlay zones? Do they have any other protections?

- Many Title 13 resource areas outside existing City overlay zones have some level of protection through other City, state or federal requirements (e.g., City drainage reserves for streams, state/federal wetland permits).
- Some of these are in public ownership and aren't at risk of development (e.g., land purchased from willing sellers to help them move out of flood-prone areas along Johnson Creek).
- The City will continue investing in and honing its programs to improve watershed conditions in partnership with property owners and community organizations.



5. Where will Metro’s determination apply? Will it apply to West Hayden Island?

- This request applies within City limits and specific urban pockets of Multnomah County, such as Dunthorpe, Linnton and Sylvan.
- Because West Hayden Island is not currently within the city and an annexation decision is pending, it is not included in this compliance request.

6. Will the Title 13 compliance determination apply to the Willamette River as River Plan/North Reach is held up in court, and the City hasn’t finished updating the greenway plan for the rest of the river?

- Metro’s Title 13 compliance determination will apply citywide, including along Willamette River.
- The City’s existing Willamette Greenway Plan and regulations (e.g., greenway setback, planting requirements, greenway review) help protect and enhance Title 13 HCAs along the Willamette.
- The City will update the more than 20-year-old greenway plan and regulations for the North, Central and South reaches of the Willamette.
- Each of these efforts will be designed to meet multiple objectives as required by Statewide Land Use Planning Goal 15, Willamette Greenway.
- For the North Reach, the City will revise the plan for adoption once the appeal process for the River Plan is resolved. The Central Reach planning effort is currently underway in conjunction with the Central City planning process. The South Reach planning effort will follow.

7. The deadline to comply with Title 13 was in 2009; why has Portland taken until now to comply?

- The City could have pursued a determination of substantial compliance when Title 13 was adopted based on existing programs; however, several key planning projects were underway that would further strengthen policies and protections for Title 13 resource areas.
- The City asked Metro for more time to work on these projects and successfully carried out most of the actions identified in the extension requests.



8. The City's existing overlay zones extend beyond Title 13 HCAs. Can the City be more restrictive than Title 13? Should the City eliminate some of this environmental zoning?

- Title 13 establishes minimum requirements; cities and counties may adopt more stringent requirements.
- The City established the environmental overlay zones to meet Goal 5 requirements before Title 13 was adopted.
- The City's overlay zones address riparian corridors and upland areas, while Title 13 HCAs addresses resources in riparian corridors only.
- Title 13 prohibits local jurisdictions from repealing their Goal 5 programs.

9. How does Title 13 relate to Goals in the recently adopted *Portland Plan*, including for a healthy connected city and economic prosperity and jobs?

- The City's Title 13 compliance package supports Portland Plan 2035 Objectives relating to watershed health and other actions to achieve a Healthy Connected City, ranging from an updated natural resources inventory to programs that protect and restore important habitat areas.
- Continuing investment in these programs is needed to meet Portland Plan goals over time.
- Existing zoning regulations in the compliance package reflect a balancing of all the Statewide Land Use Planning Goals and City Comprehensive Plan goals, including environmental and economic development goals.
- The City's compliance package does not include new regulations that would further limit development and associated employment.



10. Will the City keep investing in programs to protect and restore natural resources once Metro finds Portland in compliance with Title 13? Will the City establish a firm commitment to continue these efforts?

- Although the City has long-standing programs to protect and enhance natural resources, we still have unmet watershed health goals and targets.
- Continued investments are needed to meet other compliance obligations (e.g., Clean Water Act, Safe Drinking Water Act, Endangered Species Act and Oregon Land Use Program).
- Such investments will be needed to address significant projected population growth (135,000 new households by 2035) and the impacts of climate change.
- Watershed conditions can improve markedly in places where proactive protection and restoration actions have taken place.
- To document our intent to continue these efforts, the City is proposing to enter into an agreement with Metro. The agreement will outline projects to complete, ongoing programs to continue and priorities for collaboration with Metro on issues of regional concern.

