



# Request for Metro Determination of Substantial Compliance with *Title 13, Nature in Neighborhoods*

Planning and Sustainability  
Commission

July 24, 2012



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.



# Agenda

1. Recommendation
2. Context
3. Compliance Package Overview
4. Portland/Metro Intergovernmental Agreement
5. BES and Metro remarks
6. PSC Q&A
7. Public Testimony
8. PSC Discussion/Action



# Recommendation

Staff requests that the PSC:

1. Recommend that City Council approve the request for determination of substantial compliance
2. Direct staff to work with Metro to draft an Intergovernmental Agreement (IGA) stating intent to continue efforts post-Title 13 compliance.



# Context: What is Metro Title 13?

- Regional requirements to *protect, conserve, and restore* mapped Habitat Conservation Areas
- HCAs are *regionally significant resources* contained in riparian corridors. Resources include:
  - Rivers, streams, drainageways
  - Flood areas
  - Wetlands
  - Vegetation
  - Wildlife habitat
  - Steep slopes



# Context: What is Metro Title 13?

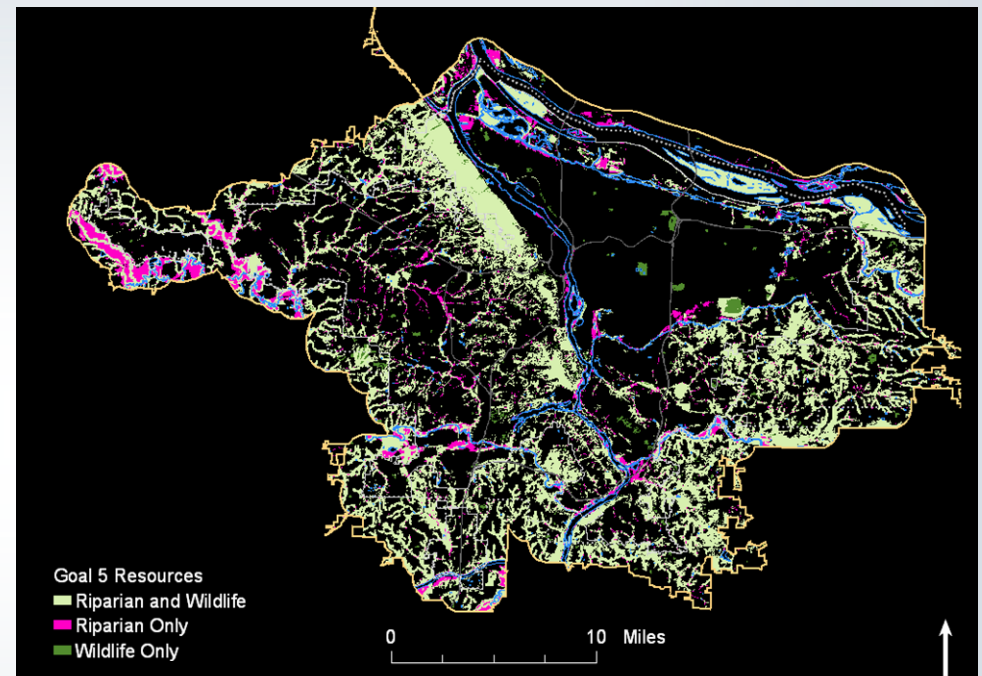
## Natural Resources Benefits

- Health and wellbeing
- Flood storage
- Slope stability/ landslide prevention
- Reduced erosion and sedimentation
- Air and water cleaning and cooling
- Fish and wildlife habitat
- Carbon capture
- Resiliency to climate change
- Increased property value



# Context: What is Metro Title 13?

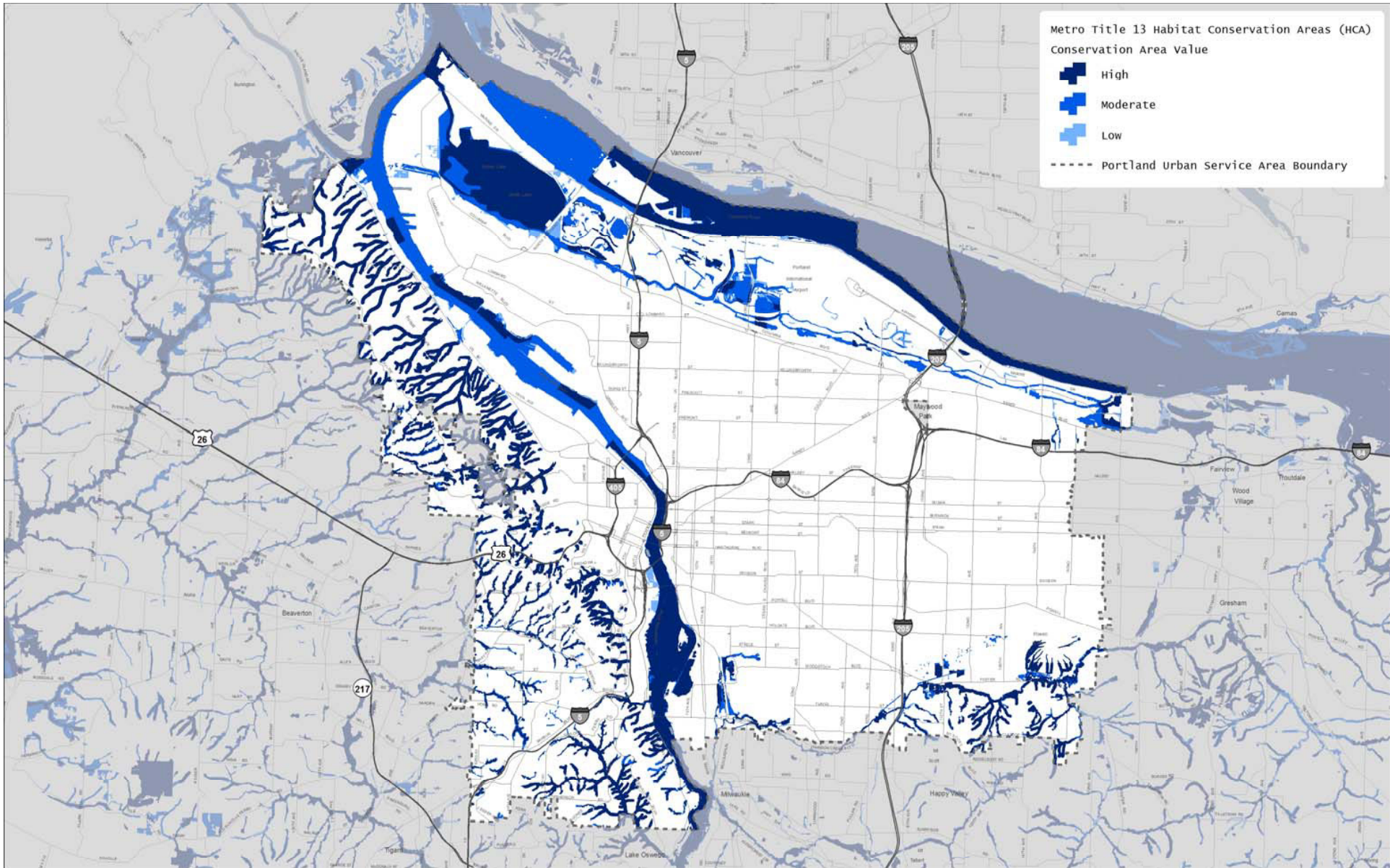
- Began in late 1990s; adopted 2005
- Extensive technical and public review
- The State approved Title 13 in 2007  
*(as region's program for parts of State Land Use Goals 5 & 6)*
- Compliance due - 2009



# Context: What is Metro Title 13?

- Establishes “avoid, minimize, mitigate” hierarchy
- Balances environmental and development goals
- Creates tiered requirements for High, Moderate, Low HCAs
- Flexible compliance options (regulatory, non-regulatory, area-specific)





city of portland | metro title 13 habitat conservation areas (HCAs)

July 23, 2012  
The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for errors, omissions or positional accuracy.



**Bureau of Planning and Sustainability**  
 Innovation. Collaboration. Practical Solutions.  
 City of Portland, Oregon  
 Sam Adams, Mayor • Susan Anderson, Director





# Context: Portland's Compliance Status

- Extensive City natural resource programs in place before Title 13
- City asked Metro for 2 extensions to progress on key projects - accomplishments:
  - Natural Resource Inventory
  - Portland Plan
  - River Plan North and Central Reaches
  - Airport Futures
  - Tree Code
  - Invasive Plant Project



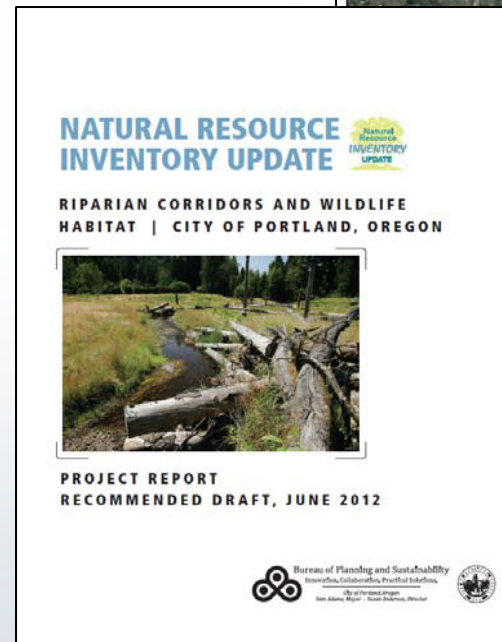
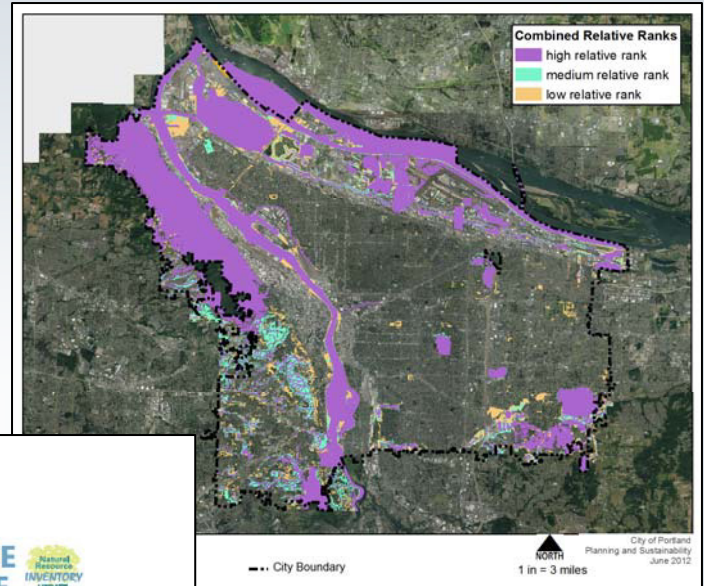
# Title 13 “Substantial Compliance” Package - Overview

- Natural Resource Inventory Update
- Zoning Regulations
- Non-zoning Regulations
- Non-regulatory Programs



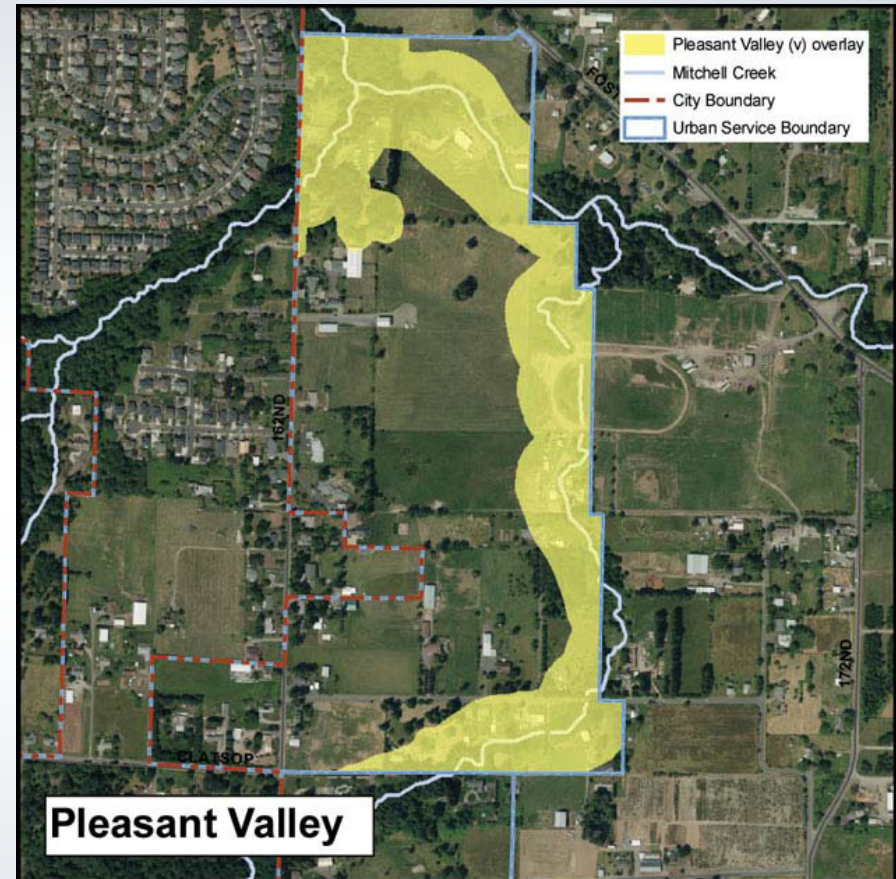
# Natural Resources Inventory (NRI) Update

- Based on Title 13 NRI
- More current, higher resolution data
- Reflects additional studies, field work, and technical review
- Part of Comp Plan Factual Basis



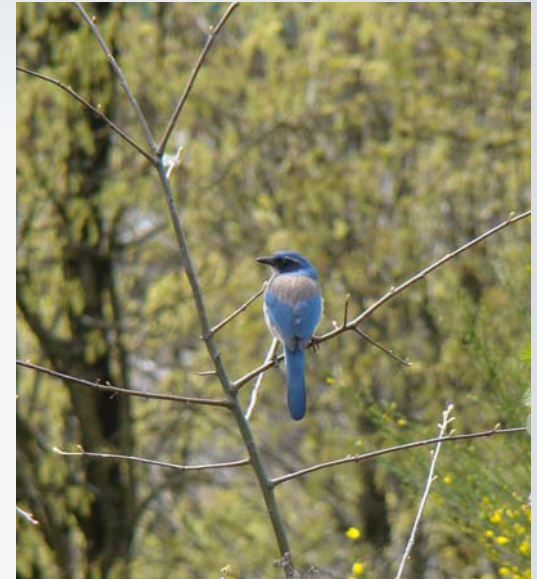
# Zoning Regulations - Overlay Zones

- Greenway Overlay Zones
  - Environmental Overlay Zones
  - Scenic Resource Overlay Zone
  - Pleasant Valley Natural Resource Overlay Zone
- *Foundation of the Title 13 compliance package*



# Zoning Regulations - Overlay Zones

- Overlay zones meet Title 13:
  - Designed to avoid, minimize or mitigate for adverse impacts
  - Vary in stringency to balance goals
  - Provide flexibility - development must meet standards or go through review
  - Address native/invasive vegetation
- <sup>u</sup>Overlays being updated through multi-objective projects (e.g., River Plan, Airport Futures)



# Zoning Regulations - Overlay Zones

- Overlay zone coverage of Title 13 HCAs:

9,775 acres

87% of streams, wetlands, flood areas, riparian corridors, upland habitat

6,350 acres

Willamette & Columbia rivers

**16,125 acres**

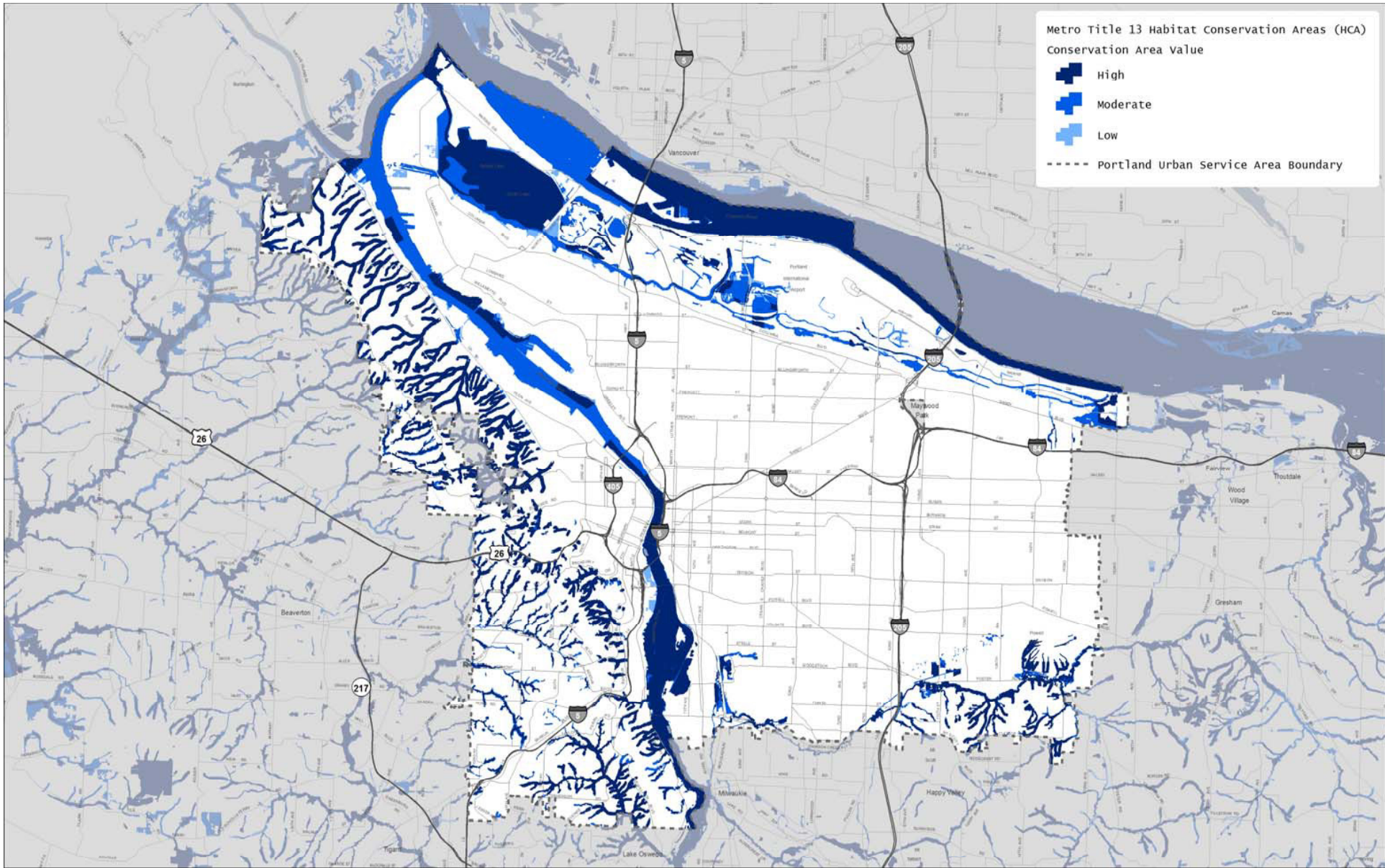
**92% of all HCAs**

+2,900 acres

Riparian resources beyond HCAs

- Nearly all “High” HCAs are w/in overlay zones
- Stringent rules apply to majority of “High” HCAs





city of portland | metro title 13 habitat conservation areas (HCAs)

July 23, 2012  
The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.



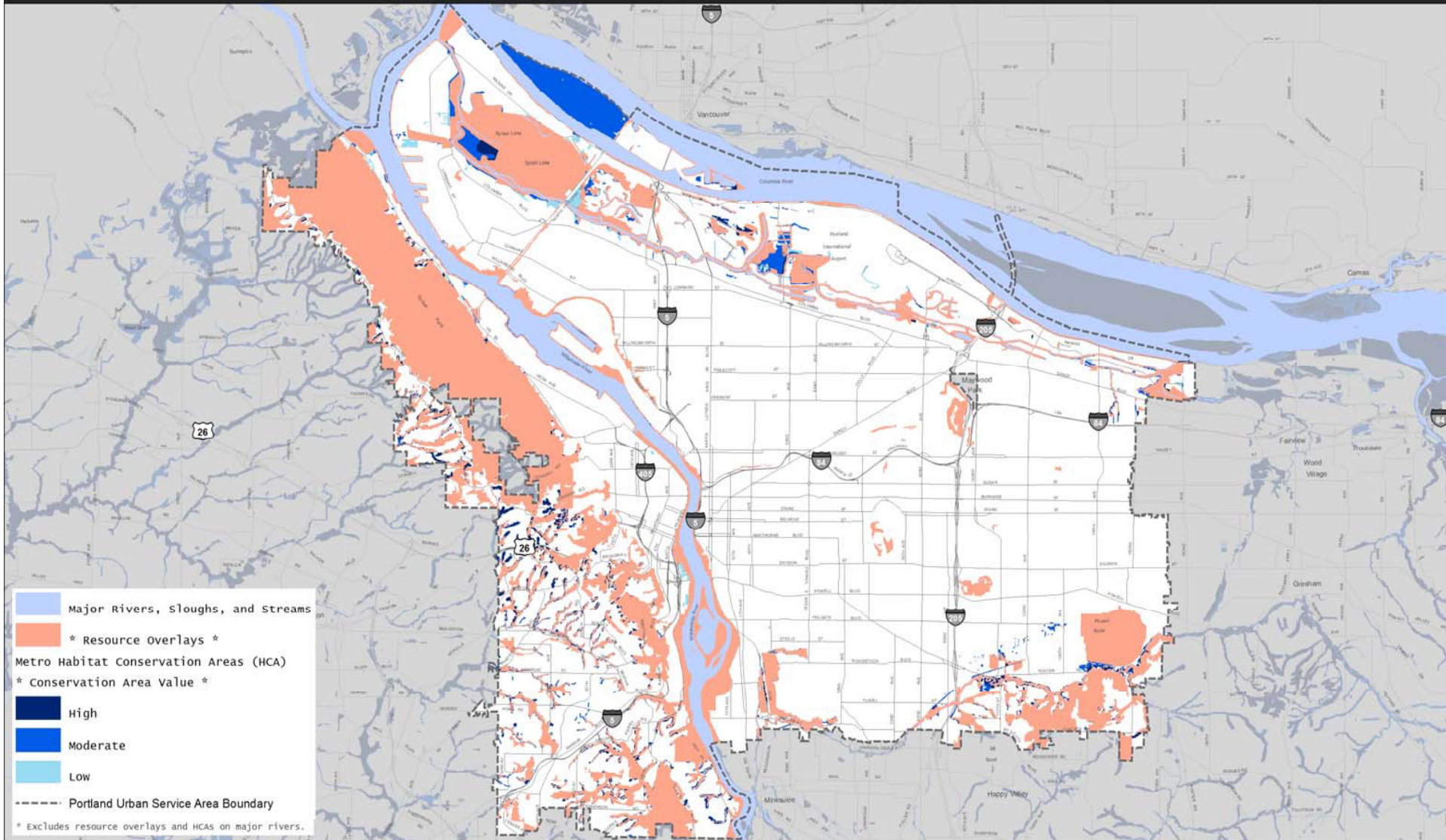
**Bureau of Planning and Sustainability**  
 Innovation. Collaboration. Practical Solutions.  
 City of Portland, Oregon  
 Sara Adams, Mayor - Susan Anderson, Director



**Bureau of Planning and Sustainability**  
 Innovation. Collaboration. Practical Solutions.



# Portland Resource Overlay Zones & Metro Title 13 Habitat Conservation Areas Outside Overlay Zones



July 23, 2012

City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System

The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon  
 Sam Adams, Mayor • Susan Anderson, Director



MapleTree@gsd\pops\GIS\MapOutput\gsd\_map\_10\_1\_10.mxd\_100721.mxd



Bureau of Planning and Sustainability  
 Innovation. Collaboration. Practical Solutions.





# Zoning Regulations - Overlay Zones

Some protections exist for resources outside overlay zones:

- Tributary streams  
Drainage reserve provides “safety net”
- Wetlands  
state/federal permits required
- Publicly owned land  
City land in Johnson Creek floodplain,  
St. Johns Landfill

Also, some HCAs dropped through improved City mapping



# Zoning Regulations - Plan Districts

Area-specific rules supplement/supersede overlay zone regs:

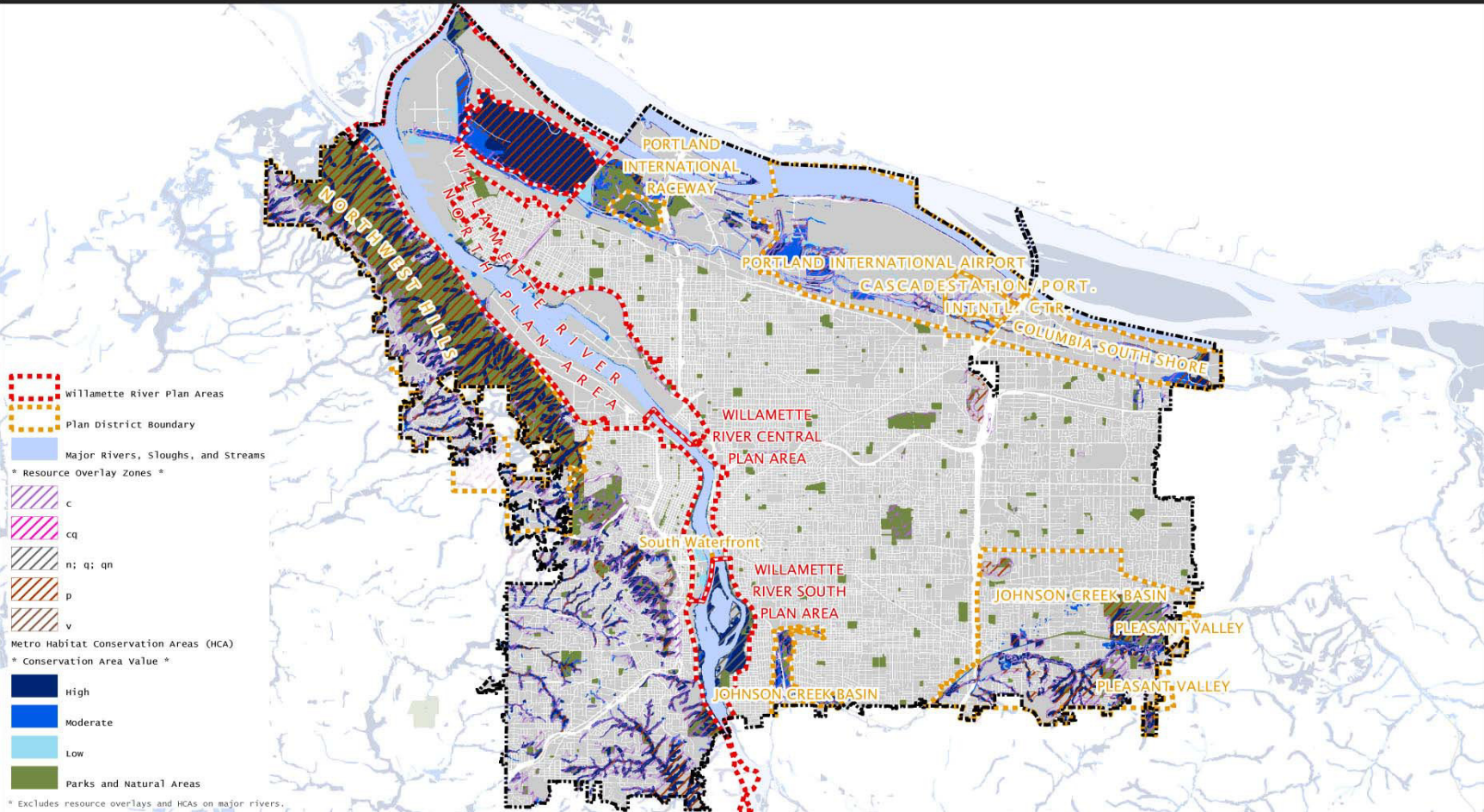
- **Johnson Creek Basin** - tree removal and impervious area limits, TDR
- **Columbia South Shore** - use limits, stronger mitigation
- **NW Hills** - seasonal disturbance limits
- **Pleasant Valley** - maximum densities; TDR
- **Portland Int'l Raceway** - seasonal event/lighting restrictions
- **Central City/S. Waterfront** - wider greenway setback, ecoroof bonus
- **Portland International Airport/Cascade Station PIC** habitat conversion, plant list and landscape standards



# Zoning Regulations - Plan Districts

Plan Districts help protect ~5,780 acres Title 13 HCAs

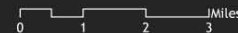
City Plan Districts that Augment Overlay Zone Protections for Title 13 HCAs



June 27, 2012

City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System

The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon  
Sam Adams, Mayor • Susan Anderson, Director



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.



# Zoning Regulations - Plan Districts

## Natural Resource Management Plans

- Forest Park
- Smith & Bybee Lakes
- Pen 1
- East Columbia Neighborhood  
(non-regulatory)



**Land Division Code** - Tree preservation; protection of seeps and springs



# Non-Zoning Regulations - Development

- Stormwater Management Manual
- Drainage Reserve Rule
- Erosion Control Manual
- Floodplain regulations

## Benefits:

- Apply to all new development
- Maintain stream functions, water quality, flood storage, slope stability
- Stormwater Manual encourage green solutions



# Non-Zoning Regulations - Trees and Vegetation

- Tree Codes
- Invasive Plant Required Eradication List



## Benefits:

- Improve quantity, quality, distribution of urban forest
- Prevent spread of invasive plants



# Non-Zoning Regulations - Enforcement

- Illicit Discharge Program
- Spill Response Program



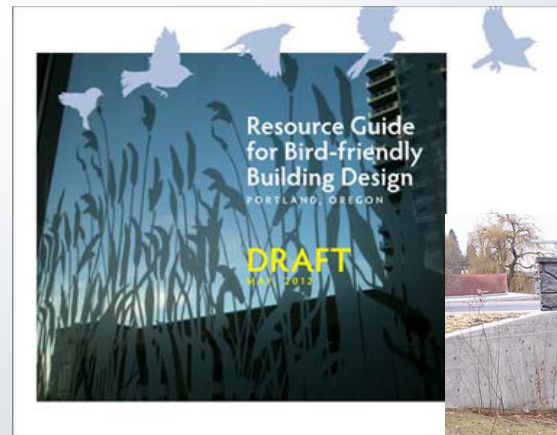
## Benefits:

- Prevent pollutants from entering stormwater system and waterways



# Habitat Friendly Development

- Title 13 says remove code barriers
- Focuses on:
  - reducing impervious area
  - providing habitat
  - safe fish/wildlife passage
- Portland allows, encourages or requires practices in Title 13

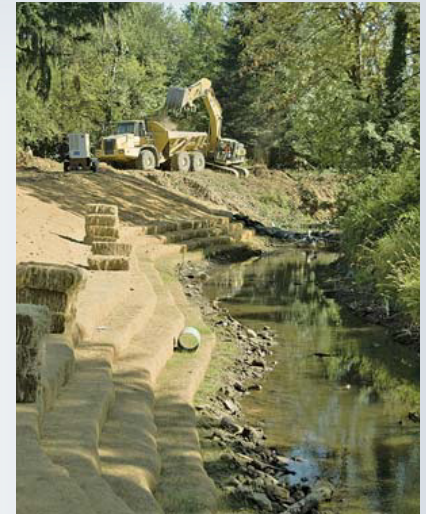




# Non-Regulatory Programs - Protection

## Willing-Seller Land Acquisition

- Johnson Creek Floodplain (261 acres)
- Natural Area (289 acres)



## Benefits:

- Protects public health and safety
- Improved watershed condition
- Supports City compliance - Clean Water Act, ESA



# Non-Regulatory Programs - Resource Management and Restoration

- City Natural Areas Mgt & Protect the Best
- Watershed Revegetation Program

## Benefits:

- Asset management
- Leveraging resources



# Non-Regulatory Programs - Green Infrastructure

- Tree Planting
- Green Streets
- Culvert Replacement
- Portland Ecoroof Program

## Benefits:

- Natural functions in built environment
- Provides multiple benefits



# Non-Regulatory Programs

## Watershed Projects

- Watershed Investment Fund
- Subwatershed/Stormwater System Plans
- Tabor to the River



## Benefits:

- New approaches to urban watershed restoration
- Holistic, cost-effective solutions
- Collaboration and partnerships



# Non-Regulatory Programs

## Education and Stewardship

- Pollution Prevention Ed.
- Community Watershed Stewardship
- Neighborhood Tree Stewards
- Tree Inventory Project



# Monitoring and Evaluation

- Portland Area Watershed Monitoring and Assessment Program - “PAWMAP”



## Benefits:

- Coordinated monitoring across watersheds allows City to track trends and prioritize investments



# Portland/Metro Intergovernmental Agreement

## Purpose:

- Clarify that while the City is in compliance with Title 13, our watershed work continues
- Confirm City intent to:
  - Continue multi-objective planning efforts that address watershed health; and
  - Seek funding to continue ongoing watershed programs
- Confirm City and Metro intent to collaborate on issues of regional concern
- 10-year term w/periodic progress reports



# Portland/Metro Intergovernmental Agreement

## Multi-objective planning efforts:

- Comprehensive Plan (policies, actions)
- West Hayden Island decision
- Willamette Greenway Plan update (aka River Plan)
- Columbia Corridor Plan

## Ongoing programs:

- Tree project/code implementation
- Willing-seller land acquisition
- Restoration and invasive species management
- Green infrastructure investments
- Watershed Monitoring

## Issues of regional concern:

- Meeting goals for healthy economy/jobs and watersheds
- Emergency compliance issues (FEMA/ESA)





# BES and Metro Remarks, then Q&A



# Recommendation

Staff requests that the PSC:

1. Recommend that City Council approve the request for determination of substantial compliance
2. Direct staff to work with Metro to draft an Intergovernmental Agreement (IGA) stating intent to continue efforts post-Title 13 compliance.

