



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

MEMO

DATE: January 30, 2015

TO: Planning and Sustainability Commission

FROM: Eric Engstrom, Roberta Jortner

CC: Susan Anderson, Director
Joe Zehnder, Chief Planner

SUBJECT: Chapter 7 Consent List, February 10 PSC Work Session

The attached table outlines staff-recommended changes to the draft goals and policies contained in Proposed Comprehensive Plan Chapter 7, *Environment and Watershed Health*.

We are transmitting these recommendations with the staff report on Economic Development (Chapter 6) and Goal 9, given the strong public interest in how the City is addressing industrial land and watershed health goals as well as the relationship between Chapter 6 and 7 goals and policies. The Planning and Sustainability Commission could endorse these changes without further discussion or commissioners may choose to identify items from this consent list to discuss on February 10, 2015.

The PSC received comments on Chapter 7 from several participants in the Industrial Land/Watershed Health (IL/WH) Working Group. This group met with staff from November 2012 to December 2013, providing information and helping shape the IL/WH strategy package. Commenters from the IL/WH Working Group include representatives from the Audubon Society of Portland, Portland Business Alliance, Port of Portland, the Bureau of Environmental Services, PSC Commissioner Mike Houck, along with community leaders representing neighborhood issues, Native American cultural concerns and underrepresented and underserved communities. Comments on Chapter 7 goals and policies also come from a number of individuals, industry representatives, the Multnomah County Drainage District and the Oregon Department of Fish and Wildlife.

As noted in the Economic Development and Goal 9 staff report, commenters had different opinions about whether the goals and policies of Chapter 7 are stronger or weaker than those of Chapter 6, the relative usage and strength of verbs, and whether there are inherent conflicts between the two chapters



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or individual policies. Some commenters expressed support for the specific policies or the overall direction of the chapter, and several offered specific language changes.

The Comprehensive Plan policies are ambitious. They establish multiple objectives for the finite land and waters of the city. They mirror the Portland Plan's direction to sustain long-term economic prosperity, neighborhood vibrancy, community equity and healthy watersheds over the long-term. Successful implementation of diverse Comprehensive Plan policies, including those of Chapters 6 and 7, will require creative and innovative planning, strategic and robust investment, community engagement and partnerships, and political will. While challenging to accomplish, this should not be viewed as an inherent conflict but rather as an opportunity.

In recommending Chapter 7 policy changes, staff strived to maintain the aspirational nature of the chapter as well as balance the strength of policies between the two chapters. As noted in the "Rationale" column, many of the recommended changes are intended to make the intent or the content of a goal or policy clearer and easier to understand. Some changes will fill gaps or inadvertent omissions on important policy topics, while others simply make the policy richer and more illustrative. A couple of new policies are proposed in response to public comment. Staff is also proposing some additional chapter restructuring and policy consolidation to improve chapter flow and the readability of individual policies. In general, staff did not recommend adding qualifying or balancing language to the policies themselves. Staff will rely on clear direction in the Comprehensive Plan to "strike a reasonable balance" in meeting all the goals and policies of the Comprehensive Plan.

In closing, the Chapter 7 policy change table does not include policies or comments where no change is being recommended; however, staff evaluated all the comments carefully and documented their recommendations both to revise and not to revise. We would be happy to respond to PSC questions about policy changes that are not recommended as well.

Recommended Policy Changes

This list is presented as a consent list. Individual items would not be discussed in Commission, except where noted. Commissioners should identify any other items they would like to discuss by emailing staff by the end of day on the Friday prior to the commission work session.

Note: Under the "Discuss" column staff has indicated with a check mark which issues they recommend for discussion. Please add check marks in the boxes of any additional issues you wish to discuss.

No.	Goal/Policy	Who testified	Staff recommendation	Rationale	Discuss?
1	Goal 7B	Audubon Society of Portland, Bureau of Environmental Services	Maintain current draft goal language that clearly calls for maintaining and improving conditions over time. Add general language pertaining to public health and safety, fish and wildlife, social and economic benefits. Add: "ecosystem services and functions. Add hyperlink to definitions of "ecological functions" and "ecosystem services."	This revision is intended to maintain clear intent while responding to concerns that in making the policy shorter it had lost its meaning and educational value.	<input type="checkbox"/>
2	Intro, 5 th bullet GP7.1	Commissioner Houck	Change: "...opportunities to reduce carbon emissions and for natural resources to sequester carbon."	This revision recognizes that natural resources (vegetation, soil, wetlands) provide an important carbon sequestration function.	<input type="checkbox"/>
3	Section heading and Intro GP7-7	Perkins Coie for Schnitzer Steel Industries, Inc.	Change section title: Planning for Natural Resources Protection . Change last sentence: "..., and actions <u>plans, regulations, and coordinated acquisition programs to protect air, soil, water, climate, and significant natural resources and watershed health</u> . They also call for consideration of tradeoffs <u>such as impacts on public health and safety, equity, and the economy</u> in developing environmental protection programs <u>plans and regulations</u> ."	The revised title and narrative language, including references to environmental plans and regulations and specific tradeoff examples, more clearly reflects the nature and intent of this policy section. The addition of acquisition programs clarifies that the City will employ tools in addition to regulations to help protect and maintain natural resources and functions.	<input type="checkbox"/>

No.	Goal/Policy	Who testified	Staff recommendation	Rationale	Discuss?
4	Intro, GP7.1	Individual	Add mention of “wildfire” in fifth bullet (along with landslides and flooding).	This revision provides a more comprehensive list of natural hazards.	<input type="checkbox"/>
5	Intro, 10 th bullet GP7.1	Commissioner Houck	Add <u>Climate Change Preparation Strategy</u> , and <u>Parks plans</u> .	This revision provides a more comprehensive list of plans warranting coordination.	<input type="checkbox"/>
6	Intro, GP7.9	Audubon Society of Portland	Add reference to “carrying capacity” in the narrative, introducing the section “Improving environmental quality and preventing degradation.”	Recognizes the concept of carrying capacity (included in Working Draft policy) but relies on the more widely understood term “cumulative impacts” in policy 7.6. See item #8 below.	<input type="checkbox"/>
7	Reorder chapter sections and move certain policies	Staff	Move section entitled “Improving environmental quality and preventing degradation” up to be the first section. Move policies 7.1, Environmental Quality, 7.2, Climate Action, and 7.3 Biodiversity to the section entitled “Improving environmental quality and preventing degradation.”	The section is intended to provide foundational and overarching policies calling for improvement of environmental quality, watershed functions, and the urban forest, and to address climate change. It is appropriate that this section precedes and sets the stage for more specific policy sections that apply to establishing and updating environmental plans and regulations.	<input type="checkbox"/>
8	7.6 Environmental protection programs and 7.7 Environmental protection program updates	Audubon Society of Portland; Perkins Coie for Schnitzer Steel Industries, Inc.; Staff	Consolidate these two policies. Replace references to “environmental protection programs” with “environmental plans and regulations.” Maintain intent to update and improve plans and regulations over time based on considerations listed in both policies. Add reference to “cumulative” impacts. Do not add Goal 5-related language such as reference to ESEE consequences; instead, generalize the language to ensure that	This consolidation and revision will clarify intent, reduce redundancy, and address issues raised in public comments.	<input type="checkbox"/>

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			<p>the policy applies in the context of complying with land use planning goals 5, 6, 7, and 15, and other goals if applicable. For example, replace “consequences of allowing conflicting uses” with more general consideration of impacts and tradeoffs.</p>		
9	7.8 Land acquisition priorities and coordination	BES, Perkins Coie for Schnitzer Steel Industries, Inc.; Staff	<p>Add a sentence establishing the City’s intent to maintain or improve ecological functions and services in conjunction with environmental plans and regulatory updates.</p> <p>Reward: replace language calling for a prioritized list of land acquisition priorities with language to “maintain a coordinated land acquisition program as a tool to preserve and enhance natural resources, and ecological functions and services.” Eliminate the second part of the policy calling for a process to coordinate land acquisition with other programs. Rely on policy 6.44 Impact analysis, which addresses this issue, 8.7 Internal coordination. Consider revising 8.7 to specifically mention land acquisition.</p>	<p>This revision is important to meet goals for improved watershed health, and to maintain parity with Chapter 6 policies; e.g., 6.12 Land supply, and 6.36 Prime industrial land retention.</p> <p>This revision will improve the clarity and readability of this policy, and will reduce redundancy.</p> <p>Addressing coordination of land acquisition among City agencies in 8.7 would recognize and elevate the role of land acquisition as a tool to provide a broad range of infrastructure and public service benefits.</p>	<input type="checkbox"/>
10	7.10 Regulatory hierarchy: avoid, minimize, mitigate	Staff	<p>Reward: “Maintain regulations requiring require that potential impacts of new development....”</p>	<p>This revision clarifies that the policy is intended to guide regulations that apply to new development proposals, not to the establishment of environmental plans where City may decide to protect some resources and not others, depending on the tradeoffs.</p>	<input type="checkbox"/>

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11	7.11 Mitigation effectiveness	Audubon Society of Portland; Perkins Coie for Schnitzer Steel Industries, Inc.; Oregon Dept. of Fish and Wildlife; Commissioner Houck	<p>Encourage <u>Require</u> mitigation approaches and locations that maximize the intended natural resource benefits most effectively compensate for adverse impacts on locally and regionally significant natural resources and functions. Require onsite-mitigation unless-off-site mitigation to take place within the same watershed and within the city urban service area unless the will improve-mitigation can be accomplished more effectively elsewhere <u>will</u> <u>more effectively elsewhere</u> <u>ness</u>.</p>	<p>This revision clarifies the intent of the policy and the purpose of mitigation. It is also intended to provide more flexible guidance regarding the mitigation location, while making clear that mitigation is generally to remain within the same watershed and within Portland's service area, and must compensate for both local and regional impacts. The policy also recognizes that mitigation may at times be achieved more effectively elsewhere, such as current Port of Portland off-site mitigation for impacts on grassland species supporting habitats on Government Island.</p>	<input type="checkbox"/>
12	Add new policy	Staff	<p>Add a new policy to encourage improvement of natural resource function through development.</p>	<p>Current city regulations already do this (e.g., environmental zoning site enhancement standards adopted in 2005). This will support additional regulatory or non-regulatory provisions, incentives, and other investments to enhance site conditions in conjunction with development (e.g., ecological site design). This policy addresses in a clearer and more appropriate manner public comments suggesting that mitigation policies call for improved ecological conditions.</p>	<input type="checkbox"/>
13	7.12 State and federal coordination	Audubon Society of Portland; Perkins Coie for Schnitzer Steel Industries, Inc.; Individual; Staff	<p>Delete this policy to reduce redundancy.</p>	<p>Rely on overarching Comp Plan policies 1.5 Consistency with state and federal regulations, 1.6 Intergovernmental coordination, and more specifically 6.17e Regulatory climate (as amended).</p>	<input type="checkbox"/>

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14	7.13 Ecosystem services	Commissioner Houck, Staff	Move this Ecosystem Services policy to the previous section (Planning for natural resources).	The policy is intended to call for assessment of impacts on ecosystem services in developing long-range plans and regulations (e.g., through an ESEE analysis), not in conjunction with reviewing individual development proposals.	<input type="checkbox"/>
15	7.14 Air quality, 7.16 Water quality, 7.22 Natural hazards.	Audubon Society of Portland, Staff	Remove phrase “especially for underserved and under-represented communities” from 7.14 Air quality, 7.16 Water quality, and 7.22 Natural hazards. Add separate policy calling for land use and investment plans to improve the equitable distribution of access to clean air, water, nature, etc., especially for underserved and underrepresented communities.	A separate policy would be more comprehensive in establishing intent to improve and reduce disparities in access to a healthy environment for underserved and underrepresented communities. This approach would also clarify and simplify policies 7.14, 7.16, and 7.22, which are intended to apply equitably to all Portlanders.	<input type="checkbox"/>
16	7.15 Hydrology	Staff, BES	Remove the qualifier “where practicable.”	This phrase is being removed from all Comp Plan policy language as a matter of convention. Practicability is called for by Comp Plan implementation policies generally, and will also be achieved by striking a reasonable balance among policies.	<input type="checkbox"/>
17	7.15 Hydrology, 7.16 Water quality, 7.17 Habitat and biological communities, 7.18 Habitat connectivity, 7.19 Urban forest, and 7.21 Invasive species.	Audubon Society of Portland, Bureau of Environmental Services	Pursue alternate language to more clearly state the City’s intent to improve, enhance or restore conditions in each of these policy areas. Work with City Attorney to maintain clarity as to what is or is not a land use action.	Commenters note that the introductory phrase “Ensure that plans and investments are consistent with and advance efforts to...” obscures the City’s intent to enhance and restore natural resources. This language reflects City Attorney recommendations so as to avoid making programmatic actions under certain city programs (e.g., urban forestry, watershed revegetation) a land use decision.	<input type="checkbox"/>

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18	7.17 Habitat and biological communities	Audubon Society of Portland	Reword: "...quality, of fish and wildlife habitat and habitat corridors, and communities, and help support recovery and prevent new listings of species under the <u>Endangered Species Act</u> ."	Appropriate for Comp Plan policy focused on habitat and biological communities to provide direction regarding existing or potential ESA listings. Also consistent with City Council Resolution 35715 (July 22, 1998), calling for contribution to recovery of listed species.	<input type="checkbox"/>
19	7.18 Habitat connectivity	Individual	Reword. Add: " <u>Preventing and repairing</u> habitat fragmentation."	Revision is consistent with intent to improve habitat conditions.	<input type="checkbox"/>
20	7.19a Urban forest	Staff	Reword: remove the phrase "as an element of discretionary land use reviews" from this policy calling for preservation of large, healthy trees.	Existing City zoning standards encourage preservation of large, healthy trees absent a discretionary land use review; e.g., landscape standards, environmental zone tree replacement standards, and Johnson Creek floodplain standards.	<input type="checkbox"/>
21	7.19f Urban forest	Portland Parks and Recreation	Reword: " <u>Encourage planting of Pacific Northwest hardy, and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.</u> "	Revision provides more specific guidance. Rely on policy 7.21 Invasive species to provide guidance on that topic.	<input type="checkbox"/>
22	<u>New 7.19h</u> Urban forest	Individual	Add 7.19h to address wildfire risks. <u>Support a healthy urban forest and safe, livable neighborhoods by addressing wildfire hazard risks and management priorities in land use and investment planning and implementation.</u>	This new sub-policy recognizes land use planning and investments in urban forest management as important contributors to wildfire hazard risk reduction.	<input type="checkbox"/>
23	7.23 Low impact development and best practices	Audubon Society of Portland, Oregon Dept. of Fish and Wildlife, Individual	Reword: remove the phrase "especially for City-owned, managed, or funded facilities" from the policy.	This revision clarifies that the policy is intended to apply broadly to public and private development alike.	<input type="checkbox"/>

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24	7.23 Low impact development and best practices, 7.24 Impervious surfaces, 7.25 Hazards to wildlife, and 7.26 Access to nature	Audubon Society of Portland, Bureau of Environmental Services	Move policies from Chapter 7 back into the Designing with Nature section of Chapter 4, Design and Development. The policies are development and design-focused, and are intended to apply across the city.	This will also address public comments stating that the Ch. 4 Designing with Nature section is weak. Placing these policies in Ch. 4 will help “mainstream” them among planners and the development community. (Note: already presented as change to Ch. 4)	<input type="checkbox"/>
25	7.24 Impervious surfaces	Perkins Coie for Schnitzer Steel Industries, Inc.; Staff	Reword: Limit and impervious surfaces to reduce impacts on hydrologic function, air and water quality, habitat connectivity, and tree canopy, and urban heat island, caused by impervious surfaces.	This revision refocuses the policy on desired outcomes rather than a specific action, providing opportunity to use multiple approaches to reduce adverse impacts of impervious surfaces.	<input type="checkbox"/>
26	7.26 Access to nature	Perkins Coie for Schnitzer Steel Industries, Inc.; Staff	Access to nature. Add: “...visual access to nature <u>for all Portlanders, while also protecting maintaining the functions and values of significant natural resources...</u> ”	This revision clarifies and reinforces the intent to achieve equitable distribution of access to nature, and the importance of maintaining the functions and values provided by natural resources.	<input type="checkbox"/>
27	7.30 Adaptive management	Multnomah County Drainage District	Reword: “Evaluate trends in watershed and environmental health...to guide and support improvements...”	This revision makes the policy more proactive, consistent with the goal to maintain and enhance ecosystem functions and services, as well as watershed conditions.	<input type="checkbox"/>
28	7.31 Restoration partnerships	Audubon Society of Portland	Restoration partnerships: replace “soil conservation organizations” with “Soil and Water Conservation Districts.”	This revision provides a more accurate agency reference.	<input type="checkbox"/>
29	7.36 Mining reclamation	Oregon Dept. of Fish and Wildlife	Reword to take into consideration goals for fish and wildlife and their habitats, including species at risk and rare or declining habitats.	This revision addresses a gap in the current policy language.	<input type="checkbox"/>
30	7.37-49, Willamette and Columbia River watershed-specific policies	Perkins Coie for Schnitzer Steel Industries, Inc.	Add policies calling for natural resource protection and restoration programs to recognize the needs of water-dependent and water-related uses, while also	These watershed-specific policies will supplement and further specify citywide policies that call for the evaluation of tradeoffs and the ability to meet multiple	<input type="checkbox"/>

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			encouraging ecologically sensitive development design and practices.	City goals when updating environmental plans and regulations.	
31	7.38 Sensitive habitats (Columbia R. watershed)	Oregon Dept. of Fish and Wildlife	Add bottomland forest and shallow water habitats to the list of habitat types.	This revision will make the policy more inclusive of sensitive habitats in this watershed that the City would aspire to enhance.	<input type="checkbox"/>
32	7.39 Flood protection coordination (Columbia R. watershed)	Perkins Coie for Schnitzer Steel Industries, Inc.	Change title from "Flood Protection Coordination" to "Flood Management Coordination."	This revision better denotes the breadth of flooding- and floodplain-related activities that need to be coordinated.	<input type="checkbox"/>
33	7.40 Floodplain protection and restoration	Oregon Dept. of Fish and Wildlife	Reword: "Promote restoration and protection of floodplain habitat as a flood protectio <u>management and ecological enhancement</u> strategy."	This revision more clearly and accurately reflects the intent and content of the policy.	<input type="checkbox"/>
34	7.47 Riparian corridors; and 7.52 Riparian corridors (Willamette R. and Columbia Slough watershed-specific policies) and	Staff	Remove phrase "where practicable."	This phrase is being removed from all Comp Plan policy language as a matter of convention. Practicability is called for by Comp Plan implementation policies generally, and will also be achieved by striking a reasonable balance among policies.	<input type="checkbox"/>
35	7.52 Riparian corridors (Columbia Slough watershed-specific policies)	Multnomah County Drainage District, Oregon Dept. of Fish and Wildlife	Reword. Add: "...increase the width, quality, and <u>native plant diversity</u> of vegetated riparian buffers along the Columbia Slough <u>channels and other drainageways</u> , where practicable , while also managing the slough for flood control."	This revision establishes policy intent regarding the quality of riparian corridors, and provides additional clarity.	<input type="checkbox"/>
36	New Columbia Slough watershed-specific policy	Port of Portland	Add policy: Portland International Airport. Protect, restore, and enhance natural resource values through environmental zoning, voluntary	Policy recognizes the need for PDX-specific approaches for managing natural resources, especially to prevent and	<input type="checkbox"/>

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37	Glossary	Staff	strategies, and the implementation of special development standards in the plan district and the Portland International Airport/Middle Columbia Slough Natural Resources Management Plan. Consider adding definition of "parks."	reduce wildlife-related hazards to aircraft.	<input type="checkbox"/>
38	Glossary	Staff	Consider revising glossary definition of "encourage" to indicate that implementation could include a range of regulatory and non-regulatory approaches.	Many testifiers on a range of topics have requested stronger language than "encourage," usually requesting "require." Assumptions seem to be that "encourage" would be implemented through voluntary means rather than through requirements or regulations. This revision would recognize that the City can and does encourage different land use, development, and infrastructure approaches through a range of voluntary and regulatory tools and incentives and that decisions about which tools might be applied in the future will evolve over time.	<input type="checkbox"/>