

Decision Table E: Miscellaneous Zoning Code & Text Amendments

This table includes a variety of minor and technical amendments to the River Plan / South Reach. Staff does not think that any of these warrant additional discussion by the PSC. However, if the PSC would like to discuss any of them, please let staff know in advance if possible. Any items not pulled for discussion will be included in one straw poll. Discussion items will be subject to separate straw polls unless PSC chooses to follow a different process.

Table E-1, Zoning Code Updates

Ref #	Commenter(s)	Topic	Page	Comment or Request Amendment(s)	Staff recommendation	Staff rationale	Discuss?	PSC straw poll
E-1	BPS	Standards for Land Divisions and Planned Developments	New	33.430.160.I Update text related to right-of-way and roadway widths to be consistent with proposed changes to 33.475.440.P.8 (see Item E-24).	Amendment. Text updated to be consistent with 33.475.440.P.8. .	It is important to maintain consistency in the River Environmental and Environmental overlay zone requirements.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-2	BDS	Public Trails Reference	15	33.430.190 The second “major” should be deleted from the description.	Amendment. Text updated. .	Second “major” inadvertently not deleted in Proposed Draft.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-3	BDS	Chapter Purpose Statement	31	33.475.010. Should “historical” be added as a quality in the purpose statement?	Amendment. Text updated. .	Historic resources and qualities must be considered as a part of the River overlay zones, along with economic, natural, scenic and recreational resources and qualities.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-4	BDS	River Overlay Zones Purpose Statement	31	33.475.020.A.3 Add “river” in front of “environmental” in the third sentence.	Amendment. Text updated. .	Update clarifies that the text is referring to the River Environmental overlay zone.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-5	BDS	River Setback Purpose	43	33.475.210.A In the first sentence, should river-dependent and river-related “uses” be replaced with “purposes” or “development”, since this section is about development not uses?	No update to the plan.	The sentence states that a setback is necessary in the areas along the river where not reserved for river-dependent or river-related uses. Changing “uses” to “purposes” or “development” would not increase the accuracy of the statement.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-6	BDS	Nonconforming Use (NCU) Compliance Threshold	59	33.475.220.E.1 Update to match new NCU threshold, \$300,000.	Amendment. Text updated. .	The nonconforming use threshold was recently updated.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-7	BDS	River Environmental Exemptions	77-79	33.475.250.D.2.b For alterations to existing seawalls, add “and the length along the river frontage” to things that “cannot be increased.”	Amendment. Text updated to include reference to increased length. .	Length should have been identified as a feature that cannot be increased (along with height).	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-8	BDS	River Environmental Exemptions	81	33.475.405.D Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased. Is “total square footage” intended to apply to exterior improvements or building floor area? Should it specify replacement in the same location?	No update to the plan.	This exemption identifies operations, maintenance, repair, etc. of a variety of activities so the term “total square footage” is included to address the expansion of things that are not buildings or utilities, such as roads, trails and paths, etc.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-9	BDS	River Environmental Exemptions	83	33.475.405.H Add “or structures” to things that can be altered if the footprint is not changed.	No update to the plan.	Operation, maintenance, alterations, repair, and replacement of existing structures is addressed in 33.475.405.D. It is unclear why structures should also be included in 33.475.405.H.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-10	Mike Houck	River Environmental Exemptions	83	33.475.405, Items Exempt From These Regulations L.1.a. Amendment: <u>Temporary disturbance area must be replanted and non-native trees must be replaced with native species common to the Willamette River riparian and upland areas in a 3:1 ratio (three trees planted for each tree removed) to meet the relevant subarea standards of Table 475-1.</u> L.1.b Amendment: <u>Temporary disturbance area must be replanted and non-native shrubs and ground cover must be replaced with native shrubs and ground cover species common to the Willamette River riparian and upland areas in a 3:1 ratio (three shrubs planted for each shrub removed) to meet the relevant subarea standards of Table 475-1.</u>	No update to the plan.	The proposed replacement ratios are consistent with those in the Environmental Conservation overlay zone. One of the goals of the River Plan / South Reach is to increase consistency in the regulation of natural resources throughout the city.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-11	BDS	River Environmental Exemptions	83	33.475.405.L Consider expanding the allowances for pruning trees in, riverward, and landward of the river setback. There have been instances where trees needed to be pruned to keep warning signage clear for utility crossings, or because trees were encroaching into public trails. These requests have usually come from Urban Forestry, perhaps an exemption could be written to allow the City Forester to approve pruning without River Review	No update to the plan.	These situations appear to be uncommon. The River Environmental includes a standard for tree and vegetation removal and pruning (33.475.440.K.), which will require only a plan check for approval.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-12	BDS	River Environmental Exemptions	85	33.475.405.L Consider adding “the perimeter of” before stormwater facility to this exemption.	No update to the plan.	The existing language, which states “fencing around stormwater facilities”, is adequate. What is defined as the perimeter would be difficult to determine.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-13	BDS	River Environmental Exemptions	87	33.475.405.W Either remove this exemption for land divisions or make it clear it applies to development within already approved and recorded plats. We realize this language is used in 33.430, but it causes confusion for applicants and staff.	Amendment. Remove exemption.	Proposed Draft exemption was modeled after similar language in 33.430 but, after further staff discussions, it was determined that this exemption is not relevant for the River Environmental overlay zone.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-14	BDS	Property Line Adjustments	87	33.475.405.W. There are approval criteria for PLAs in 33.865, but no River Environmental standards in 33.475. This means that any PLA on a site with a River ‘e’ overlay will be subject to River Review unless it meets this exemption. Please consider adding standards.	Amendment. A new subsection, Standards for Property Line Adjustments, is added in 33.475.440.Q..	The addition of standards will allow for approval of a property line adjustment without River Review, as long as the requirements are met.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-15	BDS	Review Procedures	89	33.475.420 and 33.475.420.A & .B Add Property Line Adjustments to the list of activities that may trigger review.	Amendment. Text updated.	Staff inadvertently neglected to add property line adjustments to this list in the Proposed Draft.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-16	BDS	Removal	93	33.475.440.D.2 <u>Removal may include cutting piles or dolphins down to the river bottom, rather than removing them completely</u> More clarity about removal of piles would be useful. Is removing piles completely exempt? What about cutting piles below river bottom? Or extracting them completely?	Amendment. Text updated to clarify when cutting piles or dolphins is removal.	Updates to the text clarify when cutting to piles or dolphins is “removal”.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-17	BPS	Nesting Season Riparian Buffer Area Removal and Pruning	99	33.475.440.K.2. The prohibition of removal or pruning in the riparian buffer area should be moved to after 33.475.440.K.4, which describes activities for which the standards can be used.	Amendment. Nesting season vegetation removal and pruning prohibition moved down to 33.475.440.K.5.	After further evaluation of this new requirement it was determined that it should be located below the subsection that identifies what activities can utilize the standard (33.475.440.K.4).	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-18	BDS	Vegetation Removal and Pruning Standards	99	33.475.440.K.5.b. Make this language regarding removal and pruning of vegetation match the updated code in 33.430.080.D.7.a (1) of the E-Zone Map Correction project. BDS staff spent considerable time working with BPS to fine-tune that language.	No update to the plan.	The updated language provided for the Environmental Zone Map Correction Project has not yet been reviewed by the public and decision makers. This subsection should be updated for consistency as a part of the final updates adopted as a part of the Environmental Zone Map Correction Project.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-19	BPS	Vegetation Removal and Pruning Standards	99	33.475.440.K.5.d. Update the allowance for tree removal associated with other development standards in the chapter so that the original intent of providing additional flexibility for projects meeting the identified standards is preserved.	Amendment. Subsubsection updated to allow for removal of non-nuisance trees less six inches when associated with the standards listed below. The updated language maintains intent of the previous language, which allowed for removal of trees up to 12 inches, but reduces the maximum tree allowed to be removed down to six inches.	This change preserves the additional flexibility given to the nine development activities types listed in this subsection (33.475.440.K.d (1) – (9)).	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-20	BDS	Standards for All Residential Structure Types	111-113	33.475.440.O.4 Mitigation is required as specified in Subsection L for increases in building coverage and exterior improvement area for alterations to existing development. The mitigation ratio refers to “project disturbance area.” Please clarify that the required amount of mitigation area for alterations is based on the increased building coverage and exterior improvement area (not overall disturbance area on the site). Also, the 1.5:1 mitigation ratio may be hard to meet for alterations to existing development. 33.430.140.D requires a .5:1 ratio.	Amendment. Text updated to clarify the necessary mitigation area and mitigation ratio, based on the increased building coverage and exterior improvement area.	This update makes the River Environmental requirements consistent with those in the Environmental overlay zones.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-21	BDS	Docks and Land Divisions	113	33.475.440.P Consider providing language that addresses existing or proposed docks in resource tracts created as part of a land division. For example, can a gangway for a shared dock be placed in the resource tract? Or can an existing dock remain and be used as a shared dock in the newly created resource tract?	No update to the plan.	Allowance for dock in a resource tract is counterintuitive, as the dock and associated gangway would be considered disturbance area. Exceptions would be needed to a number of the subsections in this subsection (e.g., P.1, P.2, P.4, P.6, etc.) to accommodate the proposed allowance.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-22	BDS	Building Setbacks and Land Divisions	113	33.475.440.P Consider a land division standard allowing building setbacks to be reduced to zero, if moving development further from river resources. If the new lots aren't partially in the River Environmental zone, the allowance of 33.475.440.O.5 won't apply.	No update to the plan.	Reduction in a building setback to zero should not be allowed per standards. The language is the same as in the Environmental Overlay Zones chapter (33.430).	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-23	BDS	Standards for Land Divisions and Planned Developments	113	33.475.440.P.4 Should this subsection reference Paragraph P.3 and not Q.3?	Amendment. Text updated.	Inadvertently referenced the Paragraph Q, rather than Paragraph P.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-24	BDS	Standards for Land Divisions and Planned Developments	115	33.475.440.P.8 Clarify that the ROW and roadway width standards for land divisions apply to new streets (not existing streets that the site fronts on). "New right-of-way and roadway widths do not exceed..."	Amendment. Text updated.	Update adds clarity on which types of rights-of-way that must meet the requirements in Table 475-6.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-25	BDS	Stormwater Outfalls	113	33.475.440.P As written it is not clear whether an outfall associated with a land division can use the standards for outfalls. Consider including a reference to the stormwater outfall standards in 440.C or providing an allowance for stormwater outfalls for land divisions that includes one, 6-inch outfall per land division site. This is similar to what was suggested for the minor updates to 33.430 through the E-Zone Map Correction Project.	Amendment. Reference to the standard for stormwater outfalls (Subsection C.) added to this standard (33.475.440.P.10.).	An applicant should be able to use the 33.475.440.C., Standards for stormwater outfalls, when using P., Standards for land divisions and planned developments.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-26	BDS	Land Division Standards	115	33.475.440.P.10 The River 'e' land division standards address tree removal. As written, 33.630 tree preservation standards and criteria will also apply resulting in two layers of regulation for the same trees. Trees in Environmental overlay zones are exempt from 33.630. Consider a similar exemption in 33.630 for trees in River 'e' zones.	Amendment. Code updated to include the River Environmental overlay zone in 33.630 exemptions.	A goal of the River Plan/South Reach is to ensure consistency between the River Environmental and the Environmental overlay zones.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-27	Mike Houck	River Environmental Corrections to Violations	115	33.475.450, Corrections to Violations of the River Overlay Zone Regulations, A. Purpose: Amendment Change: The purpose of the correction regulations is to ensure <u>immediate</u> the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone.	No update to the plan.	Resolution of environmental violations will involve a process to evaluate the violation and work with the property owner to resolve the issue, if necessary. Immediately reversing the impacts of the violation is not a realistic expectation.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-28	BPS	River Environmental Corrections to Violations	119	33.475.450.B.2.c.(6) Update text to remove reference to requirements of 33.248.090 and replace it with a requirement to file a performance guarantee to ensure monitoring and maintenance.	Amendment. Text updated.	A performance guarantee, which is used in other parts of the Zoning Code, requires the applicant to submit payment to the City for work to be completed. Once the required actions to resolve the violation have been completed, the payment is returned to the applicant. Requiring a performance guarantee will ensure that work is completed per BDS direction.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-29	BPS	River Environmental Corrections to Violations	119	33.475.450.B.3.b.(6) Update text to remove reference to requirements of 33.248.090 and replace it with a requirement to file a performance guarantee to ensure monitoring and maintenance.	Amendment. Text updated.	A performance guarantee, which is used in other parts of the Zoning Code, requires the applicant to submit payment to the City for work to be completed. Once the required actions to resolve the violation have been completed, the payment is returned to the applicant. Requiring a performance guarantee will ensure that work is completed per BDS direction.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-30	BDS	River Review Procedure	181	33.865.030.B An applicant reading only 33.865.030 will not realize that Type III River violation review is required for violations within a wetland, stream channel, drainageway, or water body. Please add this to 33.865.030.	Amendment. Remove strikethrough of latter part of existing language.	The existing language includes a reference to 33.475.450.B for corrections of violations that should not have been deleted.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-31	BPS	Items included in the Proposed Development Site Plan	183	33.865.040.A.2 Update the list of items shown on the proposed development site plan to include in-water pilings, sheet walls, and other structures that will impact the river bottom.	Amendment. 33.865.040.A.2.d. added to include the requirement to show any proposed in-river development activities that may impact the river bottom.	Staff is recommending additional requirements for docks and other overwater structures. To best evaluate these proposals, it will be important to ensure that any proposed in-river development activities are identified in the proposed site plan.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-32	BPS	Items included in the Mitigation or Remediation Site Plan	187	33.865.040.A.4 Update the list of items shown on the mitigation or remediation site plan to include any in-water pilings that will be removed.	Amendment. 33.865.040.A42.h. added to include the requirement to show the location of any in-water pilings to be removed as a part of mitigation or remediation.	An available strategy for mitigating or remediating the impacts of docks and other overwater structures is to remove existing pilings. In those cases where piling removal is proposed as a mitigation or remediation strategy, removal(s) should be identified in the mitigation or remediation plan.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-33	BDS	Approval Criteria for Land Divisions, Property Line Adjustments, and Planned Developments	195	33.865.100.A.1.a This land division criterion requires that uses and development be located outside of the floodplain, except for ROW, driveways, walkways, outfalls and utilities meeting certain criteria, and requires all other areas in the floodplain to be placed in an environmental resource tract. There does not appear to be an allowance for river-dependent/related development or uses to be located within the floodplain adjacent to the river on newly created lots even through review. Please keep in mind that this code will also apply to the Central Reach.	Amendment. Text updated to allow river-dependent and river-related uses and development within the floodplain.	River-dependent and river-related uses are allowed in the floodplain (and setback) and this update recognizes that allowance for land divisions, property line adjustments, and Planned Developments.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-34	BDS	Approval Criteria for Land Divisions, Property Line Adjustments, and Planned Developments	195	<p>33.865.100.A.1.c This criterion implies that the number of required units or lots can be reduced through the River Review, which is not the case. Recommend revising to “reduction in the number of proposed or required units or lots”. We realize this is existing language from 33.430, but it is misleading.</p> <p>Also, Environmental overlay zones are subtracted from site area to calculate minimum density in residential zones. Consider adding the River Environmental Overlay to these provisions.</p>	<p>No update to the plan.</p> <p>Amendment. 33.610 and 33.611 updated to include the River Environmental overlay zone.</p>	<p>Removal of “required” would make the code inconsistent with 33.430. A more comprehensive review of where this reference exists should be conducted to remove similar language throughout the Zoning Code.</p> <p>This update is needed because approval criteria for land divisions, property line adjustments, and Planned Developments are a new addition to 33.865.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-35	BDS	Approval Criteria for Land Divisions, Property Line Adjustments, and Planned Developments	195	<p>33.865.100 A.1.d.1 Heading in d. refers to ROW, driveways, walkways, outfalls and utilities, but only outfall and utility are listed in the criterion d.1</p> <p>Change “environmental protection zone” to River Environmental overlay zone.</p>	<p>No update to plan.</p> <p>Amendment. Text updated.</p>	<p>It is purposeful that only outfalls and utilities are required to meet this criterion.</p> <p>Text inadvertently referenced the environmental protection zone instead of the River Environmental overlay zone.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-36	BDS	Approval Criteria for Land Divisions, Property Line Adjustments, and Planned Developments	195	<p>33.865.100.A.1.e Please add an approval criterion for mitigation of impacts to identified resources and functional values associated with land divisions, PLAs and PDs. s</p>	<p>Amendment. Criteria for mitigation of impacts added as 33.865.100.A.1.e.</p>	<p>Approval criteria for mitigation of impacts are needed for River Reviews of land divisions, property line adjustments and Planned Developments.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-37	BDS	Approval Criteria for Land Divisions, Property Line Adjustments, and Planned Developments	195-197	<p>33.865.100 A.1.d and A.3 Certain criteria apply to ROW, driveways, walkways, outfalls, and utilities associated with a land division, but not in other situations. Was holding these features to a higher standard when part of a land division intended?</p>	<p>No update to the plan.</p>	<p>This is not a higher standard than elsewhere in the code. The criteria for ROW, driveways, walkways, outfalls and utilities are the same as those in 33.430, Environmental Overlay Zones.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-38	BDS	Approval Criteria for All Other Proposals	197	<p>33.865.100.A.3.b Add “other” between ‘than’ and ‘practicable’.</p>	<p>Amendment. Text updated.</p>	<p>Fixes existing typo.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-39	BDS	Approval Criteria for All Other Proposals	197	<p>33.865.100.A.3.d Add “as described in the resource inventory” after “resource”. (end of 1st sentence).</p>	<p>No update to plan.</p>	<p>An update of all locations in 33.865 and 33.475 with this language would be required. The applicable natural resource protection plans are identified in 33.475.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-40	BDS	Approval Criteria for All Other Proposals	199	33.865.100 A.3.d (3) & (4) Please provide detailed commentary language that gives insight into what the approval criteria are looking for in terms of mitigation. Some of the “factors to consider” bullets seem open ended. As do words such as “uniqueness” and “relative condition.”	No update to the plan.	33.865 will be readopted as a part of the Central City 2035 Plan re-adoption, expected on May 28. Commentary in the Central City code provides guidance on how to interpret the approval criteria terminology.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-41	BDS	Corrections to violations of the River Environmental Overlay Zone Standards	203	33.865.120.C Consider adding a criterion that directs the applicant to mitigate for the violation, in addition to required remediation. This could reflect what is required under the Option 1 and 2 correction options, such as 33.475.450.B.2.c (3) requiring a “second area, equal in size to the area disturbed by the violation activity.”	Amendment. Updated the approval criteria for corrections to violations to require the planting of a second area equal to the area of disturbance.	This addition makes the approval criteria consistent with a similar requirement in options 1 and 2 for correcting violations in 33.475.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

Table E-2, Volume 1 Text Updates

Ref #	Commenter(s)	Topic	Page	Comment or Request Amendment(s)	Staff recommendation	Staff rationale	Discuss?	PSC straw poll
E-42	Mike Houck	Vegetation and scenic views	31	Update last paragraph with the following (underlined): <i>Establishing an improved process for ensuring that vegetation within the river setback is preserved, replaced with native species if removed and allowed to grow fully to provide habitat for birds, pollinators, and mammal species is an important consideration in the South Reach. This should be achieved while also providing <u>city-designated</u> public viewpoints so that everyone can enjoy scenic views throughout the South Reach.”</i>	Amendment. Staff supports this update.	The addition of “City-designated” will provide more clarity on what is meant by public viewpoints.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-43	Mike Houck	Lighting	32	Add the following (underlined) to fourth sub-bullet of Objective #1, Action 1: Exterior lighting is designed to limit impacts on fish, <u>birds</u> and other wildlife and their habitats by avoiding or minimize light glare via light fixtures that are shielded and meet specific specifications.	Amendment. Staff supports this update.	Reference to bird will be added.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-44	Mike Houck	Application of River Environmental overlay zone	33	Add the following (underlined) to Objective #1, Action 2, first sentence: Apply the River Environmental (e) overlay zone to all high- medium <u>and low</u> -ranked natural resources (in developed floodplains) and floodplains, as well as the 100-year floodplain and 1996 Flood Inundation Area (see Map B-1, Draft River Environmental Overlay Zone, for proposed River Environmental overlay zone areas in the South Reach).	Amendment, with modification. Staff recommends a modified update to the text for greater clarity.	Staff believes the following provides greater clarity on where the River Environmental will be applied: “Apply the River Environmental (e) overlay zone to all high- and medium-ranked natural riparian resources and , all floodplains, as well as including the FEMA 100-year floodplain and 1996 Flood Inundation Area, <u>and all Special Habitat Areas</u> (see Map B-1, Draft River Environmental Overlay Zone, for proposed River Environmental overlay zone areas in the South Reach).”	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-45a	Mike Houck	Impact avoidance and location of required mitigation	33	Add the following (underlined) to Objective #1, Action 2, second sentence: The River Environmental overlay zone ensures development impacts are avoided to the <u>maximum</u> extent possible in these important natural areas and, when impacts can't be avoided, mitigation is required. Any loss of features and/or function must be mitigated in the River Environmental overlay zone, <u>with priority given to sites in the South Reach.</u>	No update to the plan.	The addition of maximum to this statement does not add to the direction provided by the action item. Existing code follows a mitigation hierarchy that includes the following: <u>First tier:</u> on-site mitigation; <u>Second tier:</u> at an off-site mitigation bank that is as close to the impact area as possible; and <u>Third tier:</u> off-site on another property owned or controlled by the property owner.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-45b	Mike Houck	Mitigation	45	Add the following (underlined) to Objective #6, Action 1: The River Environmental 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 <u>within the South Reach.</u>	No update to the plan. See E-44a.	See E-45a rationale.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-46	Mike Houck	Vegetation removal	33	Update Objective #2 with the following (strikethrough and underlined): Removal of existing non-nuisance trees and vegetation on the riverbank should be <u>avoided</u> minimized <u>and, where not possible to avoid, minimized and mitigated</u> to provide habitat and other ecosystem benefits at and adjacent to the river, while also creating connections to upland habitat areas.	Amendment. Staff supports this update with modifications.	Staff believes the following update will best communicate the intent of the amendment: "Removal of existing non-nuisance trees and vegetation on the riverbank should be <u>avoided</u> and, if necessary, <u>minimized and mitigated</u> to provide habitat and other ecosystem benefits at and adjacent to the river, while also creating connections to upland habitat areas."	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-47	Mike Houck	Resolution of environmental violations	33	Update Objective #2, Action 2 with the following (strikethrough and underlined): Clarify and expedite <u>all the</u> environmental violations process by allowing for the use of <u>using</u> standards when specific criteria are met. Allowing...so that impacts can be reversed more quickly <u>immediately.</u>	No update to the plan.	Resolution of environmental violations will involve a process to evaluate the violation and work with the property owner to resolve the issue, if necessary. Immediately reversing the impacts of the violation is not a realistic expectation.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-48	Mike Houck	Contribution of Smaller Habitat Areas	35	Update the first paragraph under Key Issues and Opportunities with the following (underlined): ...Each of these areas include distinctive habitats that are not easily found in other parts of the region and many support critical fish, wildlife and/or plant species. <u>Smaller habitat areas, particularly on the river's west bank, are also important local resources that should be protected and, where necessary, restored.</u> Examples include Cottonwood Bay, Heron Pointe Wetland, the <u>mouth of Stephen's Creek and the former Butterfly Park near Cottonwood Bay.</u>	Amendment. Staff supports this update with modifications.	It is useful to identify these smaller habitat areas in the section. Staff recommends the following update: "Each of these areas include distinctive habitats that are not easily found in other parts of the region and many support critical fish, wildlife and/or plant species. <u>Smaller habitat areas, particularly on the river's west bank, are also important local resources that should be protected and, where necessary, restored.</u> Examples include Cottonwood Bay, Heron Pointe Wetland, the <u>Stephens Creek confluence and the area former known as Butterfly Park within Willamette Moorage Park.</u> "	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-49a	Mike Houck	Addressing Ross Island	35	Update the second paragraph under Key Issues and Opportunities with the following (underlined): When discussing Oaks Bottom Wildlife Refuge, Ross Island, and its <u>three nearby Islands (Hardtack Island, East and Toe Islands)</u> , and the Holgate Channel, it is best to address them as a complex due to their close proximity and ecological interactions.	Amendment. Staff supports this update with modifications. Staff recommends keeping the reference to the joined Ross and Hardtack islands as Ross Island. Early in the document, it can be clarified that there are two islands, Ross and Hardtack, that were connected in in 1920's and that the term "Ross Island" will be used to represent the joined Ross and Hardtack islands in the remainder of the document.	Staff believes that most community members know the currently-joined Ross Island and Hardtack Island as Ross Island. Separating out Hardtack Island could create confusion for those not familiar with the history of the islands. Replacing Ross Island with Ross/Hardtack Island may be less confusing.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-49b	Mike Houck	Addressing Ross Island	39	Update the third paragraph under Key Issues and Opportunities with the following (strikethrough and underlined): Areas of shallow water habitat include Ross, Hardtack, East and Toe Islands <u>island</u> , Holgate Channel, the Stephens Creek confluence, Powers Marine Park (discussed in the previous section) and the mudflat north of the Willamette Park boat ramp.	No update to the plan.	See E-49a for staff's proposal to address these updates.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-49c	Mike Houck	Addressing Ross Island	41	Update Objective #4, Action 1 with the following (underlined): Implement restoration projects to expand shallow water habitat within the South Reach, including along the shorelines of Ross, <u>Hardtack, East and Toe Islands, Ross Island Lagoon</u> , Willamette Park and in Holgate Slough.	No update to the plan.	See E-49a for staff's proposal to address these updates.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-50	Mike Houck	Natural Areas and Open Space Restoration	38	Update Objective #3 with the following (underlined): 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 live-aboard boaters and other issues. Ensure no loss of resources and <u>ecological</u> functions in these areas over time. <u>Where degradation has occurred implement restoration to return these areas to full ecological function.</u>	No update to the plan.	The statement to ensure no loss of resources and functions is consistent with how development impacts are evaluated and mitigation requirements are determined. The goal may not always be to return these to full ecological function. Reaching full ecological function may go beyond the condition prior to the impacts identified in the objective.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-51	Mike Houck	Shallow Water Habitat	39	Update the fourth paragraph under Key Issues and Opportunities with the following (strikethrough and underlined): To the extent possible, new <u>New</u> shallow water habitat areas should be established on public and private lands. Increasing shallow water habitat along the mostly-private Riverdale/Dunthorpe riverbanks would add valuable "rest stops" for fish continuing further upstream.	Amendment. Staff supports this update.	Staff will remove "To the extent possible" to strengthen the directive in the sentence.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-52	Mike Houck	Ross Island Restoration	40	Update the second paragraph with the following (underlined): Reclamation of the banks of Ross Island and the lagoon has been ongoing since the early 1980s to address the impacts of dredging conducted by Ross Island Sand and Gravel throughout most of the 20th Century..... The completion of this reclamation plan represents another important South Reach restoration opportunity. <u>Additional restoration of city-owned area of Ross Island and restoration opportunities beyond those required of RIS&G should be pursued to continue improvements to fish and wildlife habitat throughout the four-island archipelago. Public ownership of Hardtack and East Island would aid in those efforts.</u>	Amendment. Staff supports this update with modifications. Staff recommends the addition of the following in a new paragraph: “...The completion of this reclamation plan represents another important South Reach restoration opportunity. <u>Additional restoration of the City-owned portion of Ross Island and restoration opportunities beyond those required by Ross Island Sand and Gravel’s Ross Island Reclamation Plan (most recently updated in 2002) should be pursued to continue improvements to fish and wildlife habitat on and around Ross Island, East Island and Toe Island.”</u>	The proposed update adds a reference to Ross Island Sand and Gravel’ Reclamation Plan to provide more specificity to the addition.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-53	Mike Houck	Comprehensive Plan Policy	40	Update Policy 7.9 with the following (underlined): Policy 7.9 Habitat and biological communities. Improve, or support efforts to improve, fish and wildlife habitat and biological communities. Use plans and investments, <u>including additional acquisitions</u> to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that...”	No update to the plan.	Staff believes the existing reference to investments, which would include acquisitions, is adequate.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-54	Mike Houck	Riverine and Upland Habitat Restoration	41	Update Objective #4 with the following (underlined): Restore the Willamette River and its riverbanks to improve and increase habitat for Threatened and Endangered salmon and steelhead <u>and other fish and wildlife species</u> , as well as upland areas to strengthen connections to surrounding habitat corridors.	Amendment. Staff supports this update.	The recognition of other the role of the river and its riparian area for other fish and wildlife species is important.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-55	Mike Houck	<i>Willamette Park Redevelopment and Phasing Plan</i>	41	Update Objective #4, Action 3 with the following (underlined): Fund the continued implementation of the <i>Willamette Park Redevelopment and Phasing Plan (2012)</i> , including the laying back of the bank south of the boat ramp to create more shallow water habitat and beach area. <u>Replace native trees impacted by this action with native trees to provide important upland habitat.</u>	No update to the plan.	The River Environmental overlay zone will be applied to the area proposed for bank layback. The River Environmental will require any trees removed to be replaced by native tree species.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other

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E-56	Mike Houck	Partnerships with Community Groups	41	Update Objective #4, Action 5 with the following (strikethrough and underlined): Investigate options for <u>Establish 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 Riverdale/Dunthorpe neighborhood of Multnomah County. Work with groups such as Friends of Trees, Depave, Audubon, Columbia Land Trust to promote restoration and habitat connectivity on private properties throughout the South Reach.</u>	No update to the plan.	Staff does not wish to identify specific organizations that may play a role in these public private partnerships, but rather allow for any interested organizations to contribute.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-57	Mike Houck	Incentives to Reduce Impervious Surfaces	45	Update Objective #6, Action 3 with the following (strikethrough and underlined): Develop <u>Consider incentives for reduction of existing impervious parking lots and other surfaces in the River Environmental overlay zone to improve stormwater management during flood events.</u>	No update to the plan.	BES is currently evaluating additional incentives to address impervious surfaces and other stormwater considerations but is not comfortable committing at this time to the development of an incentive program specifically for the River Environmental overlay zone.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-58	Mike Houck	River Setback	45	Add an action to Objective #6: <u>Develop regulations to ensure existing development in the floodplain, including the setback, is reduced over time.</u>	Amendment. Staff supports this update with modifications. Staff recommends the addition of the following action: <u>Develop additional programs and incentives as a part of the Floodplain Management Update Program to ensure development in the floodplain, including the setback, is reduced over time.</u>	River Plan / South Reach regulations and actions aim to minimize future floodplain development and ensure floodplain habitat is increased when development is allowed. The City's Floodplain Management Update Program will evaluate and identify additional strategies to reduce the impacts of future floodplain development.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other
E-59	Mike Houck	Natural Area Partnerships	50	Add an action to Objective #1: <u>Develop partnerships with conservation and community groups to support restoration and community science efforts throughout the South Reach.</u>	Add a new action under Objective #4 in Watershed Health and Resilience: <u>Continue existing partnerships and pursue funding to develop new partnerships with individuals, and conservation and community groups to support restoration and community science efforts throughout the South Reach.</u> Timeframe: Ongoing Lead: BES Partners: Public, PPR	The City of Portland values community engagement in conservation and restoration efforts to encourage stewardship of natural areas. BES's Community Partnerships Division could lead these efforts.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
E-60	Mike Houck	Riverfront Communities	87	Add an action to Objective #8 with the following: <u>Bring into public ownership areas of the Willamette River adjacent to Ross, Hardtack and East Islands currently owned by Ross Island Sand and Gravel that would allow for better enforcement of live-aboard boats that are not adhering to state regulations.</u>	No update to the plan.	Staff believes that the Department of State Lands is the most appropriate agency to take ownership of these areas, which were given by DSL to Ross Island Sand and Gravel. The City of Portland does not generally own or manage lands below ordinary high water.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec <input type="checkbox"/> Other