# RIVER PLAN / NORTH REACH

Stakeholder Meeting with Mayor Adams City Hall—Rose Room November 16, 2009 8 – 9:30 am

## **AGENDA**

- 1. Welcome/Introductions
- 2. Report on incentives to make ecoroofs an attractive alternative to the vegetation standard (Working Waterfront Coalition)
- 3. Report on contingent liability (City Attorney)
- 4. Review revised list of amendments

  See handouts: Revised list of amendments; Revised Vegetation

  Enhancement Standard
- 5. Discuss measures of success (if time allows)
- 6. Next Steps

### RIVER PLAN / NORTH REACH SCHEDULE

11/18	Release Recommended Draft Plan
11/24	Planning Commission Briefing at 12:30 pm (confirmed)
12/16	City Council Hearing at 6:30 pm (confirmed)

# River Plan / North Reach Proposed Conceptual Amendments for Discussion on November 16, 2009 November 6, 2009

#### A. Amendments related to the River Environmental Zone

#### Conceptual Zoning Code Amendments (Volume 1B):

- 1. Determining impacts and ensuring no net loss of natural resource function (33.865). The applicant will be able to use any of the following:
  - a. Use the City-developed science-based HEP/HEA procedure to quantify the impacts from development, and to evaluate the mitigation plan to ensure that it fully compensates for the loss of resource values and the temporal loss of the existing resources.
  - b. Provide a qualitative justification for how the proposed mitigation plan will address no net loss and temporal loss.
  - c. Pay a fee in lieu of mitigation. The fee in lieu option will require use of the HEP/HEA procedure for quantifying impacts. The fees collected will be placed in a fund that will be used only for mitigation conducted in the North Reach.
  - d. Purchase mitigation credits from a bank certified to sell City credits in the North Reach. The bank will have to use the City-developed HEP/HEA procedure in order to be certified.

#### 2. Location of mitigation (33.865).

- a. On site mitigation opportunities will be explored first.
- b. Off-site mitigation will be allowed when the on-site mitigation opportunities are not adequate to sustain environmental benefits over time, or if on-site mitigation will conflict with current or future development goals.
- c. If off-site mitigation is allowed, the mitigation can occur at one of the River Plan / North Reach restoration sites. Off-site mitigation will occur through the use of a public or private mitigation bank, paying the City a fee in lieu of mitigation, or through a private agreement between the applicant and the owner of one of the River Plan / North Reach restoration sites.

### 3. Mitigation area long-term maintenance and management (33.865).

- a. Mitigation plans must include a deed restriction or easement over the mitigation area to ensure protection of the mitigation area.
- b. A long-term maintenance plan must be included that shows how the mitigation site will be maintained over time. The plan could include periodic reporting or a bond/endowment to ensure that maintenance is performed.
- c. If the applicant chooses to pay a fee in lieu of mitigation, the City will address long-term management and maintenance plans and an endowment.

#### Conceptual Amendment to River Plan/North Reach Volume 1A:

#### 4. Action item:

Edit the Watershed Health section of Volume 1A to include the following action item: Develop a process for the City to use to certify mitigation banks for use in the North Reach. The process should require the applicant to seek certification by the state and federal agencies.

## B. Amendments related to the Mitigation Bank

## Conceptual Amendment to River Plan/North Reach Volume 1A:

## 5. Text change:

Edit a portion of Volume 1A page 32 to read as follows: The City wants one or more mitigation banks that accept City, state and federal development related mitigation to operate in the North Reach. These banks could be run by the City in cooperation with other entities or could be privately owned.

# C. Amendment related to the Vegetation Standard

#### Conceptual Zoning Code Amendments (Volume 1B):

## 6. Revised Enhanced Vegetation Standard (33.475):

See handout: Vegetation Enhancement Standard

## Conceptual Amendment to River Plan/North Reach Volume 1A:

#### 7. Action item:

Direct BES and OMF to establish a low interest loan financing program for ecoroofs on industrial buildings in the North Reach.

Lead agency: OMF

#### 8. Action item:

Direct BES to develop ecoroofs designs that provide habitat function.

Lead agency: BES

### D. Amendments related to Evaluation

#### Conceptual Amendment to River Plan/North Reach Volume 1A Working with our Partners:

#### 9. Action item:

Conduct a 2-year evaluation of the River Plan / North Reach with assistance from a multi interest stakeholder group. The product will be a written report to the Planning Commission and City Council that will include feedback on aspects of the plan that are ambiguous or unintended, and on the overall effectiveness of the plan in achieving its goals. The report may inform future code or program amendments.

Lead agency: Office of Healthy Working Rivers

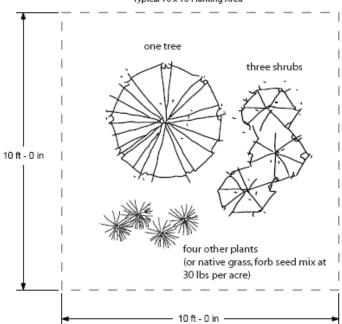
#### 33.475.XXX Vegetation Enhancement Standard

- **A. Purpose.** The vegetation enhancement standard is intended to increase the quality and quantity of vegetative cover in the North Reach. Enhancing vegetation in the North Reach will improve the natural qualities of lands along the Willamette River Greenway, increase the quality and quantity of riparian and wildlife natural resources and functional values, increase wildlife habitat connectivity, and improve water quality and other watershed health conditions. This standard is not intended to provide mitigation for impacts to the natural qualities of the Willamette River Greenway from development, but rather improve natural conditions overall.
- **B.** When the standard applies. The vegetation enhancement standard applies to new development and exterior alteration within the River Overlay zones.
- **C. Vegetation enhancement standard.** The applicant must meet one of the following options. Adjustments or modifications to this standard are prohibited.
  - 1. Option 1. Spend an amount equal to one percent of project value, or \$200,000, which ever is less, on planting vegetation on an area of the site that is within the River Overlay zones. The vegetated area must meet the planting area standards of Subsection E, below. Project value is determined based on Subsection F, below;
  - Option 2. Spend an amount equal to one percent of project value, or \$200,000, which ever is less, on an ecoroof. The ecoroof must meet the Stormwater Management Manual's *Ecoroof and Rain Garden Facility Design Criteria*. Project value is determined based on Subsection F, below; or
  - 3. Option 3. Make a payment to the City equal to one percent of project value, or \$200,000, which ever is less. The payment will be directed to the River Restoration Fund and will be spent on planting vegetation on a Cityowned site in the North Reach. Project value is determined based on Subsection F, below.
- **D. Cap.** The following caps apply. The vegetation enhancement standard will be met when one of the caps is met:
  - 1. On-site vegetation cap.
    - a. The amount of on-site vegetation required to be planted is capped at 15 percent of the total site area that is within the River Overlay zones. Once 15 percent of the total site area within the River Overlay zones is vegetated, the applicant is no longer required to spend one percent of project value coming into compliance with the vegetation enhancement standard:
    - b. Existing vegetation, vegetation planted to meet other Title 33 standards, such as for required setbacks or parking lots, and vegetation planted to meet other City Code requirements, such as the Stormwater Management Manual, does not count toward the cap;
    - c. Each square foot of vegetation planted within or adjacent to the river environmental overlay zone counts as 1.5 square feet toward the cap

- when the vegetated area meets the planting area standards of Subsection E, below:
- d. Each square foot of vegetation planted riverward of the top of bank counts as three square feet toward the cap when:
  - (1) The average slope of the river bank is not greater than 20 percent (1:5). Slopes greater than 20 percent may be retained within the root zones of existing trees over 10 inches in diameter, or as necessary to make a stable 1:2 transition at boundary of the vegetated area. The river bank is the area between the ordinary high water mark and the top of bank; and
  - (2) The planting area meets the standards of Subsection F, below;
- e. Each square foot of vegetation planted on an ecoroof that meets the Stormwater Management Manual's *Ecoroof and Rain Garden Facility Design Criteria* counts as .5 square feet toward the cap.
- 2. Payment cap. The total amount to be paid to the City is capped at an amount equal to the cost for the City to plant vegetation in an area equal in size to 15 percent of the total site area that is within the River Overlay zones. Once the payment cap is met, the applicant is no longer required to pay one percent of project value to the City: The Bureau of Development Services will adopt and maintain an off-site vegetation cost schedule. (Note: City's cost to plant vegetation is estimated to be \$6.70/sq. foot)
- **E.** On-site vegetation planting standards. An on-site vegetation planting area must meet the following standards. Adjustments or modifications to the standards are prohibited:
  - 1. All prohibited and nuisance plants listed on the Portland Plant List must be removed from the planting area.
  - 2. All structures and debris must be removed from the planting area except for large wood and bioengineered structures that are used to reduce localized erosion and improve bank stabilization and are located on the river bank. Examples of bioengineered structures include bundles of plant materials, or soil cells wrapped in geotextile fabrics.
  - 3. Required plants. The following plant standards apply. See Figure 475-6, Example Planting Plan:
    - a. Plants and plant densities:
      - (1) One tree, three shrubs, and four other ground cover plants are required to be planted for every 100 square feet of planting area. Trees may be clustered. Plants must be selected from the *Portland Plant List*; or
      - (2) One tree and three shrubs are required for every 100 square feet of vegetated area, and the planting area must be seeded with a native grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered. Plants and seeds must be selected from the *Portland Plant List*.

- b. For nonvegetated areas that will be revegetated to meet the minimum vegetated area standard, the soil must be amended as follows:
  - (1) The revegetation area must have 12 inches of growing medium;
  - (2) The medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume);
  - (3) Placement of the growing medium is not allowed when the ground is frozen or saturated; and
  - (4) Temporary erosion control measures are required until permanent stabilization measures are functional.

Figure 475-6
Example Planting Plan
Typical 10 x 10 Planting Area



- 4. Installation and maintenance. The following installation and maintenance requirements apply:
  - a. Installation. Plant materials must be supported when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
  - b. Maintenance. Maintenance of vegetated areas is the ongoing responsibility of the property owner. Required vegetation must be continuously maintained in a healthy manner. Plants that die must be replaced in kind.

- c. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All vegetated areas must provide a temporary irrigation system, as stated in option 1 or 2.
  - (1) Option 1. A temporary irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established.
  - (2) Option 2. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the vegetation has become established. An inspection fee, paid at the time of permit application, will be required.
- d. Protection. All required vegetated areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.
- e. Monitoring and Reporting. Monitoring of vegetated areas is the ongoing responsibility of the property owner. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.
- 5. Exception. Where an area has been deemed in compliance with subsubparagraph 33.475.480.D.2.a(1), the same area can be counted toward meeting the minimum vegetated area standard and will be deemed in conformance with the standards of this subsection.
- **F. Determining project value.** Project value is determined based on the entire project, not individual building permits. For purposes of this standard, project value includes:
  - 1. The total value of all construction work for which a permit is required, including site preparation as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or equipment, and the contractor's profit;
  - 2. Project value does not include costs associated with:
    - a. Normal maintenance and repair;
    - b. Nonconforming development upgrades required by this title;
    - c. Stormwater management system installation or upgrades;
    - d. Pollution control equipment;
    - c. Approved on-site mitigation for development within the River Environmental overlay zone, or resource enhancement that occurs within the River Environmental overlay zone;

- e. Voluntary restoration that has been approved by the Bureau of Environmental Services:
- f. Removal or remediation of hazardous substances conducted under ORS 465.200 through 465.545 and 465.900. If capping includes buildings or paving for parking lots or roads, then the costs associated with construction of the building, road or parking lot is included in project value;
- g. Alterations required by approved fire/life safety agreements;
- h. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- i. Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings; and
- j. Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.



## TRACKING PROGRESS AND MEASURING RESULTS

The following measures are recommended in *Volume 1A: Policies, Objectives and Recommendations* to track the progress in implementing the River Plan / North Reach.

# **ECONOMIC PROSPERITY**<sup>1</sup>

Measurement	Indicator
Increase in maritime tonnage of goods handled in the working harbor	Cargo handled in short tons
Increase in private capital investment in the working harbor and Columbia Corridor industrial areas, especially in cleanup sites	Total value in buildings in each harbor industrial district
Job growth in regional target industries and the manufacturing sector generally within the working harbor and Columbia Corridor industrial areas	Increase in target industry jobs

## **WATERSHED MANAGEMENT**<sup>2</sup>

Measurement	Indicator
Healthier populations of native fish and wildlife that use the river and streams for rearing, migration and year-round habitat*	Change in percentage of stream sites rated as severely impaired, marginally impaired, or acceptable for fish habitat using an index of biotic integrity every 3-5 years; abundance and spatial distribution of spawners and juvenile salmonids per mile; growth rates of juvenile salmonids; ratio of non-native to native aquatic species.
Annual water quality improvements in monitored streams*	Change in water quality at DEQ monitoring sites in the North Reach (Willamette River, Columbia Slough, Swan Island Channel)
Increase the area and improve the quality of natural resources in the North Reach, including native vegetation on the bluffs and river banks, and tree canopy throughout the project area	<ul> <li>Acres of resource area by habitat type acquired and restored</li> <li>Acres of resource area by habitat type conserved or protected</li> <li>Acres/lineal feet of vegetation (natural forest, woodland, shrub, grassland) that increases habitat corridor connectivity</li> <li>Ratio of vegetated to non vegetated river banks</li> <li>Feet of tributary streams daylighted</li> <li>Acres increase in tree canopy</li> <li>Width and quality of vegetated riparian corridors</li> <li>Acres of floodplain enhanced or restored</li> </ul>

### ACCESS<sup>1</sup>

Measurement	Indicator
Increase in the linear feet of off-street Willamette River Greenway Trail segments on both sides of the Willamette River	Linear feet of trail added
Improved watercraft access to and from the City's parkland	Improvements completed or planned at existing facilities

### RIVER COMMUNITIES<sup>1</sup>

Measurement	Indicator
An increasing number of residents, workers, and shoppers perceive that waterfront commercial and residential districts are enjoyable places to live, work, and visit.	Percent of Portlanders reporting at least one visit to the Willamette River in the City of Portland Citizen Survey
More private and public development activities contribute directly and indirectly to the vibrancy of the waterfront as a place for public use and enjoyment as well as development and investment.	Dollars of investment within the river overlay zones as recorded in City building permits

## WORKING WITH OUR PARTNERS<sup>3</sup>

Measurement	Indicator
Decrease in the time-to-decision for permits requiring approval of multiple agencies.	<ul> <li>Change in median time required to complete reviews for Willamette River development permits</li> </ul>
Increase in cleanup of and reinvestment in contaminated sites.	<ul> <li>Number of brownfield sites in the working harbor that receive No Further Action designation by DEQ</li> <li>Number of brownfield sites that are redeveloped for industrial use in the working harbor.</li> </ul>

<sup>&</sup>lt;sup>1</sup> These measures are currently being tracked in the annual State of the River Report.

<sup>&</sup>lt;sup>2</sup> Some of these are currently being tracked in the annual State of the River Report (indicated by \*) or by the Portland Watershed Management Plan, while others are newly recommended measures. New measures may require additional data collection, analysis, and funding and therefore may not be tracked in initial years.

<sup>&</sup>lt;sup>3</sup> These measures may require additional data collection, analysis, and funding and therefore may not be tracked in initial years.