

## River Plan / North Reach

Responses to comments on the Proposed Draft  
February 24, 2009

### TOPIC: Conservation and Protection Overlay Zones

**1. BRIEF SUMMARY OF COMMENTS ON THE TOPIC:** The conservation and protection overlay zone comments relate to the location and extent of the proposed overlay zones along the Willamette Bluff. Related comments pertain to Special Habitat Areas, the relationship between the draft Willamette River NRI and ESEE to the proposed conservation and protection overlay zones, and the application of the protection overlay zone to land within 50 feet of open stream channels and wetlands.

### 2. STAFF PROPOSED AMENDMENTS IN RESPONSE TO COMMENTS

#### a. Amendments for Discussion with Planning Commission

Staff proposes amendments as outlined below. Related comments and responses are attached.

**Amendment 1:** Staff has made proposed modifications to the Willamette Bluff Special Habitat Area (SHA) to more accurately map steep slopes and trees located at the top and toe of the slope using new GIS data. This is the data used to apply the environmental protection overlay zone to the majority of the Willamette Bluff SHA, therefore there will be changes to the overlay zone boundaries to reflect changes to the SHA. Please see the map included in the Natural Resources Inventory topic packet.  
RELATED COMMENTS: #16, #68, #155, #156, #157, #158, #176, #357, #372

**Amendment 2:** Staff proposes to amend the location of the proposed environmental protection zone on Kathleen Anderson's lot and on another parcel that was identified by Bureau of Development Services staff (R342108). The amendments allow for developable area.  
RELATED COMMENTS: #153, #179

**Amendment 3:** Staff proposes to make minor refinements to the location of the proposed environmental conservation overlay zone in the vicinity of N. Reno and N. Decatur streets and on John Soares' parcel. The refinements more accurately reflect the location of trees.  
RELATED COMMENTS: #151, #177

#### b. Minor Amendments

Comments and responses are attached. Minor amendments are included in the staff response section of each comment.

**c. Technical Amendments**

No technical amendments are proposed.

**3. COMMENTS THAT DO NOT REQUIRE AMENDMENTS**

Comments and responses are attached.



**2. a. PUBLIC COMMENTS RELATED TO AMENDMENTS FOR  
DISCUSSION WITH PLANNING COMMISSION**



## Report of River Plan Comments

<u>Topic 1:</u>	Conservation or protection overlay zones	<u>Topic 2:</u>	All	<u>Topic 3:</u>	All	<u>Comment Type:</u>	Major policy
<u>Comment ID:</u>	All	<u>Staff Entered:</u>	All	<u>Commentor:</u>	All	<u>Hearing Date:</u>	All
<u>Geo Area:</u>	All	<u>Volume:</u>	All	<u>Comment Addressed?:</u>	All	<u>TOC Section:</u>	All
<u>Staff Assigned:</u>	All	<u>Comment Edited?:</u>	All	<u>Document Edited?:</u>	All	<u>Individual Review:</u>	All

### Topic 1: Conservation or protection overlay zones

<b>Comment ID:</b>	16	<b>Commentor:</b>	University of Portland - Megan Walseath
<b>Comment:</b>	UP asks that the p zone be pulled back from the building locations in UP's campus concept plan, which is attached. (Two of the impacted buildings locations result from p zoning that was not proposed in the initial draft.) The three areas where the proposed p zoning overlays impact planned buildings represent approximately one acre. Those areas will retain c zoning and, thus, will continue to be subject to intense environmental review.		
<b>Response:</b>	<p>The Willamette Bluff provides roughly seven miles of wildlife habitat extending from Chimney and Pier Park in the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, and proximity to the Willamette River. Relatively uninterrupted vegetation along the bluff extends four miles from the Railroad Bridge to N. Going Street. Most of the bluff is extremely steep and portions have been impacted by wildfire and landslides. Multiple properties have experienced areas of slumping on the slope.</p> <p>The proposed protection overlay zone is intended to provide stringent protection for the steep slopes of the Willamette Bluff wildlife corridor. The protection overlay is also proposed for trees located at the upper break-in-slope and toe of the slope to help maintain slope stability and prevent landslides. The proposed protection overlay zone has been updated since the draft plan was released. Use of new GIS LiDAR data for topography has resulted in improved mapping of the bluff. Minor mapping refinements have been made near University of Portland.</p> <p>The areas identified by the University of Portland for potential construction are steep (20% slope or greater) and two of the locations contain large trees. In order to consistently manage the Willamette Bluff and protect public health and safety, the proposal is to apply a protection overlay to these areas. Staff does not recommend making the changes requested because development in these locations could result in encroachment into the wildlife corridor, tree removal, and advance impacts on the steep slope, potentially increasing erosion and landslide propensity. Development in these locations should be designed to avoid the area proposed for protection overlay zones.</p>		

<b>Comment ID:</b>	68	Ray Piltz
<b>Comment:</b>	<p>I am a property owner at 7444 N Willamette and I am representing four different neighbors. My neighbors are concerned about the inability to do any building on the back of the property due to this conservation zone. So far we haven't been able to find out how close we can come to that and nobody seems to have an answer. I bought this property because of the view. Now I don't know which way to go and I sure don't want to build 40 feet back from the property line because then we would have no view! I don't know who to see about this and so far don't have any answers. If someone could let us know, I could convey it to the other property owners.</p>	
<b>Response:</b>	<p>The Willamette Bluff provides roughly seven miles of wildlife habitat extending from Chimney and Pier Park in the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, proximity to the Willamette River. Relatively uninterrupted vegetation along the bluff extends four miles from the Railroad Bridge to N. Going Street. Most of the bluff is extremely steep and portions have been impacted by wildfire and landslides.</p> <p>The proposed protection overlay zone is intended to provide stringent protection for the steep slopes of the Willamette Bluff wildlife corridor. The protection overlay is also proposed for trees located at the upper break-in-slope and toe of the slope to help maintain slope stability and protect public health and safety. The proposed protection overlay zone has been updated since the draft plan was released. Use of new GIS LiDAR data for topography has resulted in improved mapping of the bluff.</p> <p>On Mr. Piltz property, the proposed protection overlay would apply to approximately 1,600 square feet of his lot. This portion of the property is steep. The proposal also includes a 25 foot wide environmental conservation overlay zone adjacent to the protection overlay zone that acts as a transition area. Within this area, lighting and noise, and likely tree removal would be regulated, but not necessarily prohibited, and new development would need to be set back five feet from the protection overlay zone. Existing structures located in either overlay zone can be maintained.</p> <p>Staff spoke with Mr. Piltz on three occasions between November 24th and December 4th, 2008. Staff provided information regarding the requirements of the protection and conservation overlay zones during those conversations. Staff also spoke with two of Mr. Piltz's neighbors regarding proposal. Staff offered to do a site visit and can still conduct a site visit to confirm the location of the steep slope and vegetation.</p>	

Comment ID:	151	Commentor:	Bureau of Development Services
<b>Comment:</b>	<p>Map 2020: On R323784 and R323786, the reason for placing the "p" overlay zone may require a more thorough explanation. If the reason is that it is forested habitat rather than woodland, specific discussion for this site in the NRI is needed. Also for the existing residential development within the EG2 zone at N. Reno Ave and N. Decatur St, the c-zone boundary appears it was intended to be drawn to provide transition area at the back of the lots. The boundary shifts to the east at the SE end and would apply resource area over the back yards of these existing houses where there is little to no vegetation existing. Is this the intention?</p>		
<b>Response:</b>	<p>Regarding the six acre forest Weyerhaeuser Ave (aka Crown Cork) -- This resource area is a relatively large patch of forest vegetation containing native Oregon white oak. It is designated in the NRI as a Special Habitat Area. The site-specific ESEE recommendation to strictly limit development by applying a protection overlay zone is explained on page 168 of the ESEE report. It states that limiting development by applying the conservation overlay zone could result in encroachment into part or all of this resource area. A strict limitation on conflicting uses would protect these important and unusual resources while allowing continued use and development on more than two-thirds of the property. It would not be feasible to mitigate for impacts on the wildlife habitat, scenic, recreational and educational values provided by this relative large forest patch containing native oaks.</p> <p>Regarding existing residential development in EG2 -- The conservation overlay zone includes both resource area and a transition area. The resource portion is based on the Special Habitat Area (SHA), which is part of an extensive wildlife habitat corridor with steep slopes, trees located at the break-in-slope or toe of the slope, and some remnant Oregon white oaks. In some cases, portions of yards are included in the SHA, generally associated with the canopy of trees located at the top break in slope. The transition area extends outward from the resource area for 25 feet. The transition area may extend over yards and structures including houses. Within the transition area noise and lighting are regulated.</p> <p>Minor refinements to more accurately map natural resource features have been made on the parcels near the intersection of N Reno and N Decatur. These refinements may change the exact location of the overlay zones on some properties.</p>		
<b>Comment ID:</b>	153	Commentor:	Bureau of Development Services
<b>Comment:</b>	<p>Map 2222: Properties R324176 &amp; R324108 are zoned for 6 &amp; 3 units, respectively. Placing 85-90% of these sites into p-zoning provides conflicting signals to the property owners. Similar situations where apparently conflicting signals are sent have created serious regulatory problems and could also result in Measure 49 claims that the city would have difficulty withstanding. You should be aware that we are currently in discussions with the owner of R324176 to divide her land and a land use review has been submitted for creation of 2 lots (LU 08-182313 LDP GW). Development pockets will be provided for each property identified by BDS.</p>		
<b>Response:</b>	<p>Property R324176 currently has an application in to divide the lot. This application is vested in the existing code and will not be required to comply with the River Plan, including the updated environmental overlay zones.</p>		

<b>Comment ID:</b>	155	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	<p>Map 2223/2323: We are concerned about the amount of "p" overlay on properties along the bluff for several reasons. First, the previous ESEE's for Site WR10 recommend limiting development rather than strictly limiting. This appears to place the most restrictive overlay zone in areas that are already disturbed and that will most likely be disturbed. The "p" overlay zone may be appropriate for the bluff, but may not be warranted on the more level portions of the properties at the top of the bluff. Second, the documents cited in support of this mapping change are too general. The residential areas should be more closely examined in the ESEE and have stronger documentation provided as to why the existing "c" zone is not currently or would not provide adequate protection. Finally, placing "p" overlay zones in those areas will surely result in property owners unknowingly violating the regulations and also creating a corridor of nonconforming development within the environmental zone.</p>		
<b>Response:</b>	<p>The Willamette Bluff is roughly seven miles of wildlife habitat extending from Chimney and Pier Park in the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, and proximity to the Willamette River. Portions of the bluff have also been impacted by wildfire and landslides.</p> <p>The current proposal is to apply a protection overlay to the steep slopes of the Willamette Bluff wildlife connectivity corridor. The protection overlay zone is also proposed to apply to trees located at the break-in-slope and the toe of the slope because of their importance for slope stability. A conservation overlay zone is proposed for vegetation that is part of the wildlife corridor but located in more flat areas. Staff are currently making refinements to the NRI data to incorporate new GIS LIDAR information. That will result in some changes to the location of the protection and conservation overlay zones on some properties.</p> <p>The area proposed for protection overlay zone along the Willamette Bluff is largely unbuild because it is very steep (20% or greater). The proposal means that new development in these steeply sloped areas should be strictly limited to that which is necessary for access, provides an overriding public benefit and/or enhances the natural resources. A conservation overlay zone could allow encroachment into this resource and mitigation would be difficult to mitigate due to the unique characteristics of the bluff. If the protection zone is adopted, the City should provide sufficient information to property owners to prevent inadvertent violations.</p>		
<b>Comment ID:</b>	156	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	<p>We are concerned that some of the "c" and "p" overlay zoning is placed over individual trees and their canopies which extend over the roofs of houses and these trees are not entirely contiguous to larger forested areas. As a general rule, we have found that if tree canopies are used to determine overlay zones, care should be taken when such canopies extend over the top of development, including houses. These areas experience high edge effect and therefore, generally have lower functional values. Several of these sites with this zoning application are identified in the bullets listed below.</p> <p>Map 2527/2528: Protection overlay is placed over development on several lots - R168146, R119603, &amp; R211486. The "p" overlay seems to be placed over isolated trees and canopy that extends over homes. When you view aerial photos more closely, there is a cleared area between the one tree on the lot on R168146 and the forested area in the adjacent park. Again, the most prudent approach may be to consider existing development while protecting resources and remove overlays from those areas.</p>		
<b>Response:</b>	<p>On the properties noted here a change is being proposed. After further review staff have determined that this forest patch does not meet the criteria of the Special Habitat Area. Therefore, the SHA designation will be removed in the NRI. The forest patch will receive a low relative rank. These changes will be reflected in the revised NRI report.</p> <p>The site-specific ESEE recommendation for the WR10: Willamette Bluff inventory site will be updated to state that low ranked forest patches located adjacent to the Willamette Bluff SHA should be managed by applying the conservation overlay zone. The rationale is that these forest patches provide important remnant habitat that is utilized by many of the same wildlife species that use the more contiguous Willamette Bluff habitat corridor. Two such forest patches exist in the WR10: Willamette Bluff inventory site; both are located near N Going and Greeley. One patch currently is within the conservation overlay zone and the site-specific ESEE recommendation would maintain that management level.</p>		



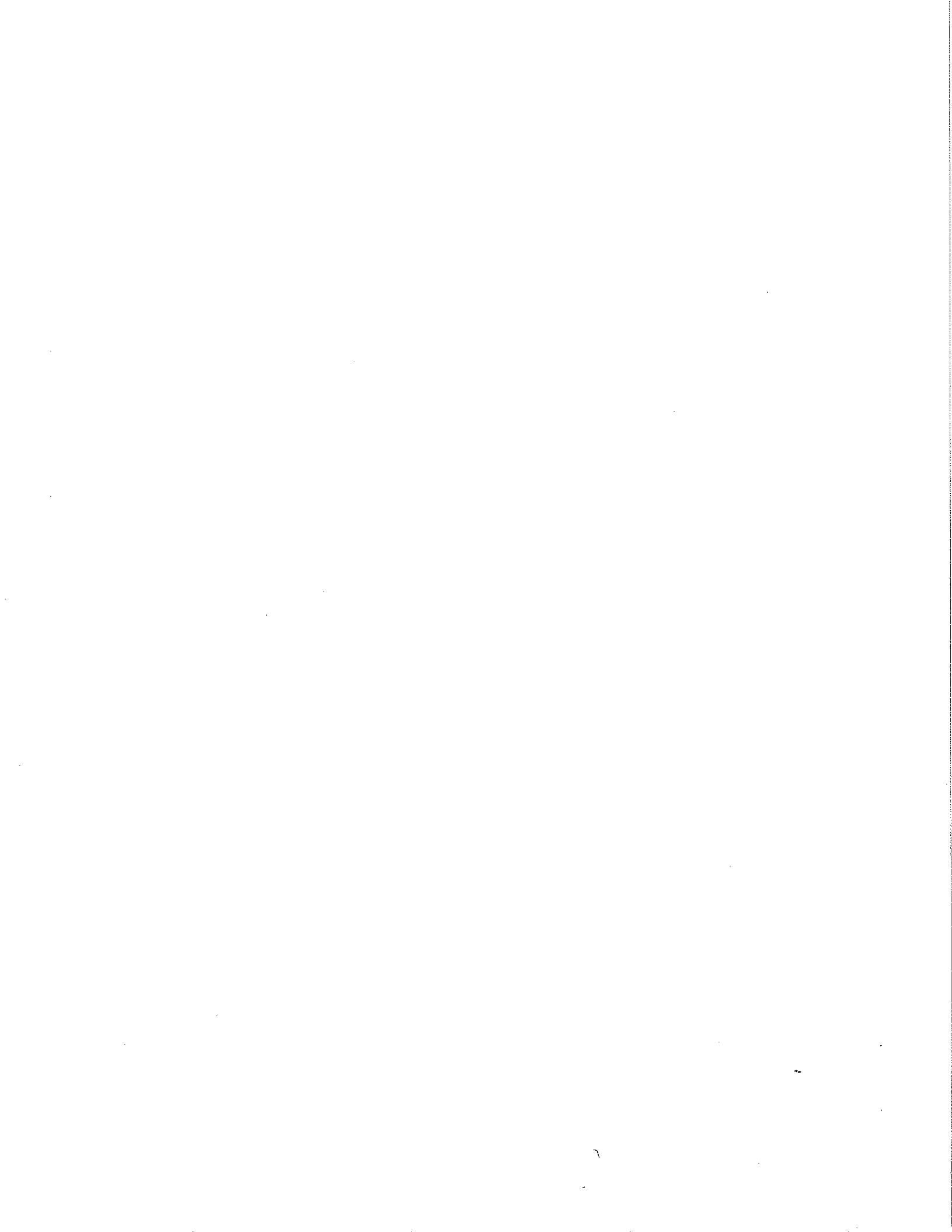
<b>Comment ID:</b>	157	Bureau of Development Services
<b>Comment:</b>	Map 2528: We are concerned about the removal of conservation zoning across R168154, R117075, R117076, R117077, and R117078. These lots are heavily forested with slopes greater than 20%. They have been identified in the past as having resources worth preservation, and given the methodology used in this study, appear to warrant an overlay zone. Why is the "c" overlay being removed?	
<b>Response:</b>	A change is being proposed here -- Staff will update the site-specific ESEE recommendation for the WR10: Willamette Bluff inventory site to propose that the low ranked forest patches located near the Willamette Bluff SHA be managed with a conservation overlay zone. The rationale is that consistent with previous City decisions on some of the same resource areas, these forest patches provide important remnant habitat that is utilized by many of the same wildlife species that use the Willamette Bluff. Two such forest patches in the WR10: Willamette Bluff inventory site; both are located near N Going and Greeley. The forest patch identified by BDS is currently within the conservation overlay zone and the revised site-specific ESEE recommendation would maintain that management level.	
<b>Comment ID:</b>	158	Bureau of Development Services
<b>Comment:</b>	For vacant properties, has there been consideration of providing an appropriately sized area on the lot for future development? Providing a developable area outside the environmental zone would allow us through a land use review to more consistently protect resources when there is the alternative for them to build on the site outside environmental zones. This is of critical importance in areas where "p" overlay zoning is proposed on all or the majority of a vacant lot. It puts the City in a very vulnerable position in regard to Measure 49 claims, generates public ill-will toward land use planning, and provides owners no viable alternative for the use of their land.	
<b>Response:</b>	Amend maps. On properties where the proposed protection overlay zone would cover most of the lot, a development pocket will be provided. The development pocket will be located on a portion of the property that is flatter, has less large structure vegetation and/or is located near access (e.g. a street). The conservation overlay zone will be proposed to apply to the development pocket. Development within the conservation overlay zone would be allowed through land use review and unavoidable impacts would need to be mitigated.	
<b>Comment ID:</b>	176	Robert Stuepenagel - 5940 N Willamette Lane
<b>Comment:</b>	I do oppose the proposed boundary of the conservation zone. Now it's at the bottom of the bluff below Willamette Lane, and it is proposed to be moved to the top of the bluff to Willamette Lane itself. This will greatly restrict the allowed uses in this area. I feel the boundary should be at the bottom of the bluff where it currently exists.	
<b>Response:</b>	The Willamette Bluff represents roughly seven miles of wildlife habitat extending from Chimney and Pier Park in the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, and proximity to the Willamette River. Portions of the bluff have also been impacted by wildfire and landslides.  The current proposal is to apply stringent protections for the steep slopes of the Willamette Bluff, including trees located at the break-in-slope and toe of the slope, to maintain slope stability. This is important not only for the protection of natural resources, but also for the protection of public health and safety. Some changes are proposed to the location of the SHA boundary, and thus the location of protection overlay boundary, based on refinements to more accurately capture steep slopes in the SHA. Staff are using LiDAR data to make those refinements.  New development would need to be set back five feet from the protection overlay zone boundary on Mr. Stuepenagel's property. Retaining the current overlay zone boundary location would not provide protection for the steep slopes, varying between 15 and 25 percent, and wildlife habitat corridor.  The conservation overlay zone is proposed as a 25 foot buffer around the steeply sloping protection zone. The conservation zone will serve as a transition area and there are very few regulations tied to the conservation zone in this case. The transition area regulations require that most development setback 5 feet from the edge of the protection zone, although truck parking areas and exterior storage areas must be setback 10 feet from the resource area. In addition, the transition area regulations limit the wattage of lights that are directed in the resource area.	

<b>Comment ID:</b>	177	<b>Commentor:</b>	John Soares - 9539 N Decatur Street
<b>Comment:</b>	<p>In the proposed zoning maps that the EG2 zone is being proposed with a conservation overlay, I think the conservation zone line is arbitrarily drawn and it runs right through my house. I am concerned that it will prevent my future use of the land, even my landscaping. I want to move the line just a little bit to the edge of the Woods at my NW property line. There are a couple of trees where the canopy overhangs my house, but the deep woods start about 15 feet from my property line.</p>		
<b>Response:</b>	<p>The conservation overlay zone on the subject property includes resource area and a transition area. The first 25 feet of the conservation overlay is the transition area. The transition area is intended to buffer the natural resources and may include existing structures. There are very few regulations tied to the conservation zone in this case. The transition area regulations require that most development setback 5 feet from the edge of the protection zone, although truck parking areas and exterior storage areas must be setback 10 feet from the resource area. In addition, the transition area regulations limit the wattage of lights that are directed in the resource area.</p> <p>Adjacent to the transition area, the resource area on Mr. Soares' property is intended to include the tree canopy associated with the forested area that extends north from his property. The forested area is part of the bluff system that extends for seven miles from Chimney and Pier Park in the north to the Fremont Bridge to the south. Near Mr. Soares' property the bluff is fragmented by development; isolated patches of wildlife habitat and Oregon white oaks remain.</p> <p>Staff performed a site visit to Mr. Soares property in January. The location of the trees were documented and minor refinements to the forest patch information have been made. The resource area of the conservation overlay zone is proposed to change slightly to follow the tree canopy and the wildlife habitat associated with the bluff. The resource area includes undeveloped portions of Mr. Soares' property. The transition area will continue to extend out 25 feet from the resource area.</p>		
<b>Comment ID:</b>	179	<b>Commentor:</b>	Kathleen Anderson - Property Owner
<b>Comment:</b>	<p>I have an undeveloped piece of land and have an active land division application in. I would like to know if I will be able to develop my land after the division is complete. The environmental protection zone that's proposed just pops right onto the property out of the green zone, whereas it goes along the bottom of the other properties. Why does it pop right up there instead of just going up on a green zone?</p>		
<b>Response:</b>	<p>The current land division application is vested and once the final plat is approved, the applicant will have 10 years to construct on the lot under the code in effect when the application was submitted. That means, the protection zone will not affect construction on the lots for 10 years.</p> <p>That said, the subject property is part of the Willamette Bluff wildlife corridor, extending along steep slopes for roughly seven miles from Chimney and Pier Park in the north to the Fremont Bridge in the south. Areas of the bluff support Oregon white oak and Pacific Madrone which require specific sun, soil and water conditions found along the bluff. Some areas of the bluff have low structure vegetation and portions of the bluff have been impacted wildfires and landslides.</p> <p>The current proposal is to apply stringent protection the steep slopes of the Willamette Bluff, including trees located at the break-in-slope and toe of the slope, to maintain slope stability and protect public health and safety. The proposal is to apply a protection overlay zone to the steep slope on the subject property, and to provide a development pocket along the easement extending from N Bradford Street. A conservation overlay zone is proposed to apply to the development pocket to ensure that adverse impacts on natural resources is avoided, minimized and/or mitigated.</p>		

<b>Comment ID:</b> <b>Comment:</b>	357 The University has been coordinating and working with staff to develop an overlay configuration that strikes an appropriate balance between the University's planning needs and environmental protection goals. While I think we're close, the University is still asking that the p zone, the protection zone, be drawn back in three specific areas that total about an acre. Now, keep in mind that under the proposed adjustment those relevant areas would still have the conservation, or c, overlay so there would still be a very rigorous environmental review at the time of development.	University of Portland - Renee France	<b>Commentor:</b>
<b>Response:</b>	The Willamette Bluff represents roughly seven miles of wildlife habitat extending from Chimney and Pier Park to the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, and proximity to the Willamette River. Portions of the bluff have also been impacted by wildfire and landslides. Additionally, the steep slopes of the bluff are prone to erosion and landslide.  The proposed protection overlay zone is proposed to apply a stringent level of protection for the steep slopes of the Willamette Bluff wildlife corridor, including trees located at the break-in-slope and toe of the slope, to maintain slope stability. The proposed protection overlay zone has been updated using new GIS LIDAR technology that more accurately maps topography. Minor refinements have been made in the vicinity of the University of Portland.  In the areas identified by the University of Portland, the slopes are steep (20% or greater). Two of the identified locations contain large trees. It would be appropriate for future development to avoid these areas except under very limited circumstances. As such, the proposal is to strictly limit development in these areas by applying the City's protection overlay to these areas. Staff proposes no additional refinements to the SHA, beyond those made to more accurately capture steep slopes, or the overlay zone boundaries.  Near the corner of N. McCosh Street and N. Portsmouth Ave, the site-specific proposal is to apply a conservation overlay zone. This recommendation recognizes the importance of balancing natural resource protection and the social benefits of connecting the upper and lower campus. The conservation overlay zone requires development to minimize impacts to natural resources and to mitigate unavoidable impacts.		
<b>Comment ID:</b> <b>Comment:</b>	372 I have expressed concerns about the accuracy of the proposed rezoning, environmental c and p zone on my property, and was well-received by staff and was impressed with their ability to not only be responsive, but also their willingness to do a site visit. I met with the three planners yesterday and shared my concerns. I wanted to express my appreciation for that.	Paul Scarlett	<b>Commentor:</b>
<b>Response:</b>	Staff conducted a site visit to Mr. Scarlett's property to discuss the methodology and rationale for assigning the protection overlay and conservation overlay zones on the Willamette Bluff. Staff also verified the location of the slope and vegetation. Minor refinements have been made to reflect the on-site conditions, although the location of the protection and conservation overlay zone boundaries will remain largely unchanged.		



## **2. b. PUBLIC COMMENTS RELATED TO MINOR AMENDMENTS**



## Report of River Plan Comments

Topic 1: Conservation or protection overlay zones      Topic 2: All      Topic 3: All      Comment Type: Minor policy

Comment ID: All      Staff Entered: All      Commentor: All      Hearing Date: All

Geo Area: All      Volume: All      Comment Addressed?: All      Document Edited?: All      Individual Review: All

Staff Assigned: All      Comment Addressed?: All      Document Edited?: All      Individual Review: All

### Topic 1: Conservation or protection overlay zones

<b>Comment ID:</b>	152	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	Map 2250: A stream is daylighted for about 25 feet, the NRI indicates medium functional value, no SHA, but a "p" overlay is applied. Again a "c" overlay may be more appropriate.		
<b>Response:</b>	The open stream segment identified by BDS represents part of a category of "short stream segments" that are proposed to be protected by applying a conservation overlay in the ESEE Analysis. The map will be corrected in the next draft.		
<b>Comment ID:</b>	351	<b>Commentor:</b>	Siltronic Corporation - Neil J. Nelson
<b>Comment:</b>	The City's environmental overlay should not be applied to all of our undeveloped land. The City should apply its overlay zones only to lands that possess environmental conditions which have been inventoried, evaluated, quantified and analyzed as to an appropriate level of protection. The City has not performed such an analysis of our property. Therefore, any effort to apply these overlay zones on the basis of property ownership alone, is unjustified. We do not believe the City can justify legally, applying the environmental protection overlay on the existing environmental conservation (EC) overlay property or imposition of an EC overlay on presently unencumbered property.		
<b>Response:</b>	Staff has met with Siltronic staff and are working on a development agreement to ensure that potential buyers of that site have development certainty. Staff proposes to amend the document to indicate this follow up item in case it is not complete before adoption of the Plan.  The draft Willamette River Natural Resources Inventory (NRI) documents the location of existing natural resource features (streams, wetlands, vegetation, etc.) in the North Reach. The draft inventory report provides narrative descriptions, maps, and model-based resource rankings based on the riparian corridor and wildlife habitat functions provided by those resource features. The NRI also identifies Special Habitat Areas that contain critical habitats or provide uniquely important functions. The undeveloped portion of Siltronic's property located upland from the existing building and parking lot has been designated a Special Habitat Area. This area is part of a habitat connectivity corridor between Forest Park and the Willamette River. This area also provides wildlife access to water from the adjacent Doane Creek (also part of the SHA), which drains to the site from Forest Park. During a site visit deer were documented using the area for grazing.  The draft ESEE analysis is an evaluation different levels of natural resource management; this is done to comply with statewide Land Use Goal 5 and Metro Title 13. Based on the analysis, the proposal is to manage Special Habitat Areas and other high ranking natural resources with environmental overlay zones.		
<b>Comment ID:</b>	366	<b>Commentor:</b>	Siltronic Corporation - Neil J. Nelson
<b>Comment:</b>	An environmental conservation overlay already exists along the BNSF right of way along the southerly boundary of our site. We believe that operation of this existing overlay is an adequate means to achieve the City's desired natural resource connection from the River west to Hwy 30.		
<b>Response:</b>	Staff has met with Siltronic staff and are working on a development agreement to ensure that potential buyers of that site have development certainty.		





### **3. PUBLIC COMMENTS THAT DO NOT REQUIRE AMENDMENTS**



## Report of River Plan Comments

Topic 1: Conservation or protection overlay zones      Topic 2: All      Topic 3: All      Comment Type: No edit required

Comment ID: All      Staff Entered: All      Commentor: All      Hearing Date: All

Geo Area: All      Volume: All      Comment Addressed?: All      Document Edited?: All      Individual Review: All

Staff Assigned: All      Comment Addressed?: All      Document Edited?: All      Individual Review: All

### Topic 1: Conservation or protection overlay zones

Comment ID:	17	Commentor:	Friends of Baltimore Woods
<b>Comment:</b>	The Baltimore Woods area contains important upland deciduous habitat including more than 30 increasingly rare Oregon white oaks. This habitat acts as a link between the continuous habitat along the Willamette Greenway to the south and Smith and Bybee wetlands to the north. Preserving this habitat is critical to maintaining connectivity for wildlife, especially birds, as the Woods are located within the Pacific Flyway. The Friends hope to not only preserve existing habitat but to work with neighbors to improve native habitat in their backyards.		
<b>Response:</b>	Thank you for confirming the importance of the Baltimore Woods and for indicating your intention to work with neighbors to improve native habitat in their backyards.		
<b>Comment ID:</b>	71	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	Placing the "p" overlay on developed residential properties with the intention of allowing additional development through exemptions is problematic from an implementation perspective. Exemptions do not allow staff to work with property owners in an effort to avoid, minimize and mitigate for any impacts to resources and do not protect resources and values as effectively as the use of standards because exempting a project eliminates BDS' opportunity for working with the applicant to explore alternatives or limit the disturbance area. Also, the "p" overlay implies there are significant natural resources on a site. If the site is already developed, how can there be significant natural resources there? An alternative approach, given the developed nature of some of these properties, may be to place a "c" overlay on the developed or disturbed areas instead, and allow alterations to development through the use of standards or land use review if standards are not met.		
<b>Response:</b>	The current proposal is to apply a protection overlay to the steep slopes of the Willamette Bluff wildlife corridor, much of which is zoned residential. The protection overlay zone is also proposed for trees located at the break-in-slope and the toe of the slope because of their importance for slope stability.  The area proposed for protection overlay zone along the Willamette Bluff is largely unbuild because it is very steep (20% or greater), and a significant wildlife habitat corridor. In some cases, decks extend out over the slope and may be located in the proposed protection zone. Maintenance, repair and replacement of those structures would be exempt from review. New development would be strictly limited. Along the bluff the proposal is not intended to apply protection zone to primary structures.  The conservation overlay zone is proposed for vegetation that is part of the wildlife corridor but located in more flat areas, including some residential yards. The conservation overlay zone is also proposed for the smaller, isolated vegetated habitat areas on the bluff along N. Edison and Decatur Streets.		

<b>Comment ID:</b>	86	<b>Commentor:</b>	Friends of Cathedral Park - Barbara Quinn
<b>Comment:</b>	We strongly support the group Friends of Baltimore woods and their advocacy for the preservation and restoration of Baltimore woods connectivity corridor as native Oregon oak habitat, wildlife connectivity corridor, trail amenity, upland deciduous watershed, restoration opportunity and buffer between the residential neighborhood and adjacent industrial noise and lights. We would like to see consistency in zoning and overlays in the entire Baltimore woods corridor supporting its recognition in the NRI as a special habitat area due to native Oregon oak and connectivity.		
<b>Response:</b>	Thank you for your comments.		
<b>Comment ID:</b>	150	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	Map 2018/2019: On R288424, a drainage way appears to be piped upstream and downstream of the property, thus indicating low functional value. In addition, this area is not designated as having a high relative value in the ranking, is not an SHA, and has a vegetation classification as shrubland. Based on the identified low functional values, why apply the "p" overlay? A "c" overlay may be the appropriate designation to be placed on this property, or more specific language must be added to justify the application of "p" overlay in the NRI and ESEE.		
<b>Response:</b>	<p>(note - this is Linnton Community Center)</p> <p>The natural resources located here includes 230 feet of open stream channel. The stream originates in Forest Park and is piped under Highway 30 and then again under the industrial development before discharging to the Willamette River. The open stream segment is surrounded by a narrow area of vegetation including shrubs, Himalayan blackberry and several large trees. The stream and vegetation provide multiple riparian corridor functions as described in the NRI report, thus receiving a high combined relative rank. Existing development, including Highway 30, rail lines, a parking lot and a building, are also located in close proximity to the open stream segment and vegetation. These developed areas impact the functions provided by the natural resources.</p> <p>The proposal is to apply a protection overlay zone to open streams and wetlands and land within 50 feet. As identified in both Metro and the City's NRIs (and consistent with Metro Title 3), the land within 50 feet of an open stream has a direct and significant impact on the water quality, hydrology, channel morphology and habitat of the stream. These stream segments are remnants of the stream system from the west hills to the Willamette River. They provide important functions now and may become anchors for restoration in the future. Applying a protection overlay zone in these situations would be consistent with the program applied to a number of other streams in developed parts of city (e.g. industrial Lands along Johnson Creek and the Columbia Slough South Shore). It would be inconsistent and unfair to treat this stream system differently than similar systems in other neighborhoods.</p> <p>The protection zone would allow existing uses to remain and be maintained. It also allows rights-of-way, driveways, walkways, outfalls and utilities. Additional development can be approved when it provides a public benefit and/or enhances the natural resources. Protecting the significant natural resources in the protection zone will advance the City's compliance with multiple regional, state and federal regulations including Metro Title 3, the Clean Water Act and the Endangered Species Act. Staff will review the ESEE report to ensure these points are clear.</p>		

Comment ID:	154	Commentor:	Bureau of Development Services
<b>Comment:</b>	<p>We are concerned that some of the "c" and "p" overlay zoning is placed over individual trees and their canopies which extend over the roofs of houses and these trees are not entirely contiguous to larger forested areas. As a general rule, we have found that if tree canopies are used to determine overlay zones, care should be taken when such canopies extend over the top of development, including houses. These areas experience high edge effect and therefore, generally have lower functional values. Several of these sites with this zoning application are identified in the bullets listed below.</p> <p>Map 2223: The bluffs above McCormick/Baxter and Triangle Park have received the "p" overlay even though the wildlife habitat model did not rank them as having high or medium resource value. Through this section, there is a break in the tree canopy, with much denser tree canopy to the north and south. A review of this section in Garth using the 2007 Color-infrared aerial photo reveals an area devoid of vegetation. The NRI identifies the SHA as having perching habitat, as a connectivity corridor, scattered trees, with steep topography. We would like to discuss this mapping at this site.</p>		
<b>Response:</b>	<p>Because the intent is to manage natural resources that are providing multiple watershed health functions, including rain water uptake, nutrient cycling, wildlife habitat, etc., there are areas without forest coverage that are proposed for overlay zones. Depending on the situation, the vegetation assemblage may include individual trees and those trees may overhang development. Most of the natural resources in the North Reach are highly impacted by adjacent development and experience edge effect. These resources also contribute significantly to watershed health.</p> <p>In general, it is intended that developed areas further than 50 feet from an open channel or stream not have an overlay applied to them, except the 25 foot transition area which often applies to primary structures.</p> <p>Specific to Map 2223: The Willamette Bluff represents roughly seven miles of wildlife habitat extending from Chimney and Pier Park in the north to the Fremont Bridge in the south. The bluff is unique in Portland in terms of aspect, soil type, soil moisture, vegetation assemblages, and proximity to the Willamette River. The Willamette Bluff provides a wildlife corridor generally paralleling the river. For these reasons it is designated as a Special Habitat Area and receives an overlay high rank in the NRI. The vegetation along the bluff varies, with areas of forest, woodland, shrubland and herbaceous cover. All these vegetated areas are part of the wildlife movement corridor.</p> <p>In addition to being part of the wildlife connectivity corridor, the Willamette Bluff above McCormick/Baxter and Triangle Park is very steep and subject to landslides and wildfire. The current proposal is to afford the greatest level of protection to the steep slopes and to trees located at the break-in-slope and toe of the slope to maintain slope stability and protect public health and safety.</p>		

<b>Comment ID:</b>	159	<b>Commentor:</b>	Bureau of Development Services
<b>Comment:</b>	<p>We are concerned that some of the "c" and "p" overlay zoning is placed over individual trees and their canopies which extend over the roofs of houses and these trees are not entirely contiguous to larger forested areas. As a general rule, we have found that if tree canopies are used to determine overlay zones, care should be taken when such canopies extend over the top of development, including houses. These areas experience high edge effect and therefore, generally have lower functional values. Several of these sites with this zoning application are identified in the bullets listed below.</p> <p>Many of the jogs and points in the proposed overlay zone boundaries are extremely fine and BDS is very concerned that this will cause serious mapping and surveying problems for applicants and staff. We recommend that the mapping protocols identified on Page 111 be modified to refine and simplify the resulting boundaries. Canopy boundaries should be followed for establishing overlay zone boundaries but it may be best if a more generalized approach is followed, rather than following the outlines too closely. We note that zone boundaries are being drawn around individual trees that are not surrounded by other trees on two or even three sides and do not support this approach. Please view Maps 1719, 1819, 1820, 1918, 1919, 2019, 2120, 2121, 2221, 2322, 2325, 2426, 2524, 2525, 2526, 2626, 2728 for irregular jogs in e-zone boundaries. Please view maps 2324 for irregular jogs in c-zone boundaries.</p>		
<b>Response:</b>	<p>Because the intent is to manage natural resources that are providing multiple watershed health functions, including rain water uptake, nutrient cycling, wildlife habitat, etc., there are areas without forest coverage that are proposed for overlay zones. Depending on the situation, the vegetation assemblage may include individual trees and those trees may overhang development. Most of the natural resources in the North Reach are highly impacted by adjacent development and experience edge effect. These resources also contribute significantly to watershed health.</p> <p>In general, it is intended that developed areas further than 50 feet from an open channel or stream not have an overlay applied to them, except the 25 foot transition area which often applies to primary structures.</p> <p>Regarding smoothing the overlay zone boundary -- The location of the proposed environmental overlay zones is based on the inventory of natural resource features. The feature information is provided in the NRI report. In this way, the location of the overlay zone is directly tied to a given resource feature. If the overlay zone is smoothed, it will be no longer possible to explicitly state why the zone boundary is located where it is.</p>		
<b>Comment ID:</b>	238	<b>Commentor:</b>	NAIOP - Mike Wells
<b>Comment:</b>	<p>New environmental conservation 'c' and protection 'p' zones will restrict use of property, require review and mitigation for impacts. Additionally, these new zones will detract new businesses and expansion opportunities of existing businesses.</p>		
<b>Response:</b>	<p>The environmental protection zone has been proposed for the highest ranked natural resource areas in the North Reach. The protection zone primarily covers streams, wetlands, areas directly adjacent to streams and wetland, and steep slopes. The zone is intended to protect highly significant natural resources and in some cases protect public health and safety. The environmental conservation zone is proposed for medium value natural resources. The conservation zone primarily covers vegetated areas farther from, but still contiguous to waterbodies, vegetated floodplain and upland vegetation that is not on a steep slope. The conservations zone allows environmentally sensitive development. The development permit process includes a two-track system that allows some amount of development without a land use review.</p>		
<b>Comment ID:</b>	245	<b>Commentor:</b>	Bureau of Environmental Services
<b>Comment:</b>	<p>Adopt refinements to the 'c' and 'p' overlay zones within the North Reach Plan. We strongly support the application of the City's existing environmental conservation 'c' and environmental protection 'p' overlay zones to important natural resources located within the River Plan study area but outside the new river environmental overlay zone (Map 6).</p>		
<b>Response:</b>	<p>Thank you.</p>		

<b>Comment ID:</b>	263	<b>Commentor:</b>	Metro - Tim O'Brien
<b>Comment:</b>	<p>The City's proposal to utilize the District Plan approach will provide the flexibility that is needed to develop a program that will meet numerous state and federal requirements for the Willamette River as well as regional protection goals under Title 13. The following point should be recognized as a key component of the City's District Plan approach that will promote substantial compliance with Title 13:</p> <p>The proposed River Plan would not apply protections to specific hardened, non-vegetated banks, some of which are identified as Title 13 HCAs. However, the River Plan also proposes to apply the Environmental Zone to valuable riparian vegetation areas on sites that Metro exempted from Title 13. This represents a good example of the flexibility that is intended in the District Plan approach, where exemptions in one area are balanced by additional protection on other sites that allow the District Plan as a whole to meet the intentions of Title 13.</p>		
<b>Response:</b>	Thank you for your comment.		

