

RIVER PLAN / NORTH REACH

Stakeholder Meeting with Mayor Adams

City Hall—Rose Room

October 22, 2009

8 – 9:30 am

Draft AGENDA

1. Welcome/Introductions
2. Review and discuss Mayor Adams' proposal
3. Next Steps

CURRENT RIVER PLAN / NORTH REACH SCHEDULE

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

River Plan / North Reach

Proposed Conceptual Amendments for Discussion on October 22, 2009

October 21, 2009

A. Amendments related to the River Environmental Zone (also see Phased Implementation Approach-Phase One, 1.)

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 any of the following:

- a. Use the City-developed science-based HEP/HEA procedure to quantify the impacts from development, and to ensure that the mitigation plan will fully compensate for the loss of resource values and the temporal loss of the existing resources.
- b. Provide a qualitative justification for how the proposed plan will address no net loss and temporal loss
- c. Pay a fee in lieu of mitigation that will be developed. 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 explore 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. Off-site mitigation will occur when/if an applicant chooses to pay a fee in lieu of conducting, maintaining and managing the mitigation themselves
- d. Off site mitigation can occur anywhere in the North Reach if the applicant can demonstrate that the mitigation plan can achieve no net loss.

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:

Develop a certification process to allow mitigation banks to accept City mitigation.

B. Amendments related to the Mitigation Bank

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

5. **Text change:**
Add sole operation by a private mitigation bank to the range of options under consideration.

C. Amendment related to the Vegetation Standard (also see Phased Implementation Approach-Phase One, 3.)

Conceptual Zoning Code Amendments (Volume 1B):

6. **Vegetation area flexibility (33.475):**
Allow ecoroofs that meet the Stormwater Management Manual's *Ecoroof and Rain Garden Facility Design Criteria* as an alternative to meeting the vegetation standard.

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

7. **Action item:**
Direct BES and OMF to establish a financing program that can offer low interest loans for ecoroofs on industrial buildings in the North Reach.
8. **Action item:**
Direct BES to develop ecoroofs designs that provide habitat function. Once these designs are complete, and peer reviewed, allow the use of these designs in mitigation plans.
9. **Action item:**
Request the Natural Resource Trustees to count any actions taken to comply with the vegetation standard toward a property owners NRDA obligation.

D. Amendments related to Monitoring

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

10. **Action item:**
Conduct a 2-year monitoring program that involves coordinated evaluation by City staff with assistance from a stakeholder group. The product will be a written report to the Planning Commission 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.

River Plan / North Reach Environmental and Enhancement Proposals: Phased Implementation Approach

for discussion on October 22, 2009

River Plan Goals	River Plan Implementation Measures
PHASE ONE	
<ul style="list-style-type: none"> ▪ Optimize the economic benefits of expanded industrial development in the North Reach and the environmental benefits of protection of natural resource areas. Ensure that future development avoids natural resource areas while avoiding impacts that negatively impact development potential. ▪ As development occurs, ensure that there is no net loss of existing natural resource functions by requiring that mitigation offset impacts. ▪ Focus mitigation on a targeted sites, where multiple mitigation actions can be combined, and connectivity between the targeted sites. ▪ Ensure the long-term survivability and functionality of mitigation sites. ▪ Improve permitting coordination among City, state and federal agencies. ▪ Provide a way for applicants to pay for mitigation without having to build a mitigation site and manage and maintain the site in perpetuity. ▪ Ensure the enhancement of natural resources occurs in the North Reach. 	<p>1. An environmental overly zone will be applied to protect high and medium ranked natural resources in the North Reach, including the river.</p> <p><u>Avoid and Minimize Impacts:</u></p> <ul style="list-style-type: none"> ▪ Development in the zone will be managed by development standards, and when standards can't be met, discretionary review is required. ▪ Some development types and activities will be exempt from meeting the environmental code altogether. ▪ When discretionary review is required the applicant will be required to avoid impacts to resources while achieving the development objectives. <p><u>Mitigation (not net loss):</u></p> <ul style="list-style-type: none"> ▪ When avoidance is not possible, impacts must be minimized. Mitigation for natural resource impacts must be in-kind, ensure no net loss of existing resource functions, and ensure that the temporal aspect of losing mature habitat and waiting for a mitigation site to grow (temporal loss) is compensated for. ▪ The applicant will be able to use the City-developed science-based (HEP/HEA) procedure for the quantifying impacts from development, quantifying the temporal loss of resource function, and evaluating whether the proposed mitigation plan compensates for the identified impact and temporal loss. ▪ The applicant will also be allowed to provide a qualitative justification for how their proposed mitigation plan will address no net loss and temporal loss. ▪ Mitigation required by state or federal agencies can count toward City mitigation requirements (no duplicative mitigation).

River Plan Goals	River Plan Implementation Measures
	<p><u>Where can mitigation occur:</u></p> <ul style="list-style-type: none"> ▪ On-site mitigation opportunities will be explored first. ▪ Off-site mitigation will be allowed when 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. ▪ Mitigation areas, whether on-site or off-site, must be protected and maintained in perpetuity. ▪ A fee in lieu of mitigation will be developed based on the City's HEP/HEA procedure. This will allow off-site mitigation for applicants who are unable or unwilling to conduct, manage and maintain their own mitigation site. <p>2. The City will develop and implement an enhanced coordination process for the City, state and federal agencies that regulate the area below Ordinary High Water. The process will involve meetings between the applicant and the regulating agencies to help ensure that the project design and mitigation decisions are consistent and do not conflict or overlap.</p> <p>3. A development standard will be applied to all development within the river overlay zones to achieve conservation and enhancement of vegetation in the North Reach.</p> <ul style="list-style-type: none"> ▪ The standard will require that up to 15% of each site be vegetated. ▪ Existing vegetation can count toward meeting the standard. ▪ Vegetation on or near the river bank will count at a higher ratio and result in a reduction of the total amount required. ▪ An fee-in-lieu option will be incorporated into the standard to allow additional flexibility. ▪ Ecoroofs built to City Stormwater Management Manual specifications will also be allowed to count toward meeting the standard. ▪ The existing greenway setback standard and greenway landscape standard will be eliminated. The elimination of the setback standard will increase the amount of land available for development in the North Reach.

River Plan Goals	River Plan Implementation Measures
PHASE TWO	
<ul style="list-style-type: none"> ▪ Focus mitigation on a landscape level plan that includes targeted sites, where multiple mitigation actions can be combined, and connectivity between the targeted sites. ▪ Improve the long-term survivability of mitigation sites. ▪ Improve permitting coordination among City, state and federal agencies. ▪ Provide a way for applicants to pay for mitigation without having to build a mitigation site and manage and maintain the site in perpetuity. 	<ol style="list-style-type: none"> 1. The City will develop a mitigation bank certification process to allow for privately operated banks that can sell mitigation credits for city-required development permits. The City certification process will be compatible with and supplement the state and federal certification process. <ul style="list-style-type: none"> ▪ A City-certified bank must use the City-developed science-based (HEP/HEA) procedure for quantifying impacts from development, accounting for temporal loss of resource function, and evaluating whether the proposed mitigation plan compensates for the impact and any temporal loss. ▪ A City-certified bank must focus on City-identified restoration sites. The list of sites identified in the River Plan will be updated as new sites are identified which meet the site selection criteria. 2. The City will work toward establishing a mitigation bank and providing a supply of credits.