

RESOLUTION No.

Accept report on *How to Calculate River Plan / North Reach In Lieu Fees* as direction for the development of the administrative rules and the fee schedule to implement the River Plan / North Reach (Resolution).

WHEREAS, on April 15, 2010 the City Council unanimously adopted the River Plan / North Reach (Ordinance 183694) and directed that it be effective on January 1, 2011.

WHEREAS, the River Plan / North Reach contains requirements to mitigate for impacts from development in the River Environmental Overlay Zone and a requirement to enhance vegetation in the North Reach.

WHEREAS, during the development of the Plan, industrial property owners asked for the option of paying the City of Portland to conduct mitigation/planting in lieu of meeting the requirements on site.

WHEREAS, the in lieu fees required by the River Plan / North Reach are the following:

- Vegetation Enhancement Standard
- Minimum Landscape Area Standard in zones IG2 and EG2
- River Environmental Overlay Zone Standards for Bulkheads
- River Environmental Review (Off-Site Mitigation Approval Criterion)
- Title 24 Balanced Cut and Fill Requirement

WHEREAS, on April 15, 2010 the City Council also adopted Resolution 36778 directing City staff to return to City Council for a Fall 2010 public hearing including the following:

- “River Review:
 - the methodology for calculating the temporary fee-in-lieu of mitigation. The City will offer the fee in lieu option until there is a functioning mitigation bank in the North Reach. Development of the scientific methodology will include review by a science panel and a report to City Council.
 - a threshold under which the use of HEP/HEA is not required to calculate the off-site mitigation fee-in-lieu.”

WHEREAS, Exhibit A, *How to Calculate River Plan / North Reach In Lieu Fees* and its Appendix A describe the methodology for calculating the River Plan in lieu fees. Appendix B describes the science panel that was convened to review the methodology and Appendix C describes how the in lieu fee costs were developed.

WHEREAS, Exhibit A outlines the general process and provides the basis for calculating the in lieu fee, the actual process will be adopted through a BES administrative rule and the actual fees will be adopted by City Council as a fee schedule.

WHEREAS, the Vegetation Enhancement Standard, the Minimum Landscape Area Standard found in zones IG2 and EG2 and the River Environmental Overlay Zone Standards for

Bulkheads are permanent in lieu fees, those associated with the River Environmental Review Off-Site Mitigation Approval Criterion will expire in two years when a mitigation bank is in place that serves the area.

WHEREAS, the City is not able to offer a balanced cut and fill in lieu fee at this time due to lack of currently available mitigation sites.

WHEREAS, City staff plan to develop a threshold under which the use of the model described in Attachment A to the report *How to Calculate River Plan / North Reach In Lieu Fees* would not be required to calculate the off-site mitigation fee-in-lieu. That proposal will be part of the final BES Administrative Rule adoption process for the mitigation in lieu fees.

WHEREAS, the establishment of in lieu fees does not require any amendments to Title 33.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the State of Oregon, that the City Council accept the report *How to Calculate River Plan / North Reach In Lieu Fees* as shown in Exhibit A, as direction for the development of administrative rules and fee schedules to implement the River Plan / North Reach.

Adopted by the Council,

Mayor Sam Adams
Sallie Edmunds
November 10, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Deputy