

Westside Discussion

Natural Resources & Development Design Packet

October 25, 2018

GREENWAY AND RIVER OVERLAY ZONES COMPARISON

Topic	Greenway Overlay Zones (33.440) – Currently applied in South & North reaches	River Overlay Zone (33.475) – Currently applied in Central Reach	Initial Considerations for the South Reach
Overlays (See Attachment 1 for more info)	River General (g) River Natural (n) River Recreational (r) River Water Quality (q)	River General (g*) River Environmental (e)	It is expected that the River Overlay zones will be applied to the South Reach. River g* will be applied to all areas in the overlay zone. River Environmental (e) will be applied to high- and medium-ranked natural resources (at minimum).
Use Restrictions	Recreational (r) – only river-dependent or river-related recreational uses (see Attachment 2 for definitions) Other zones – none	The base zones specify allowed uses.	It is expected that the base zones will establish use restrictions except for a newly-developed River Recreation (r*) overlay zone. Current Greenway Overlay zone use restrictions would likely be incorporated into the (r*) zone. Q: Should any unique use provisions be applied in the South Reach?
Setback from top of bank (TOB)	General (g) – 25 ft Natural (n) – 25 ft Recreational (r) – 25 ft Water Quality (q) – 50 ft (slope<25%); up to 200 ft (slope>25%); 50 ft from any wetlands	River General (g*) – 50 ft River Environmental (e) – no additional setback	Based on previous research and decision making on the river setback requirement, it is likely that the River Plan/South Reach will propose a minimum setback of 50' from top of bank. A larger setback may be warranted in some areas, including natural areas.

Topic	Greenway Overlay Zones (33.440) – Currently applied in South & North reaches	River Overlay Zone (33.475) – Currently applied in Central Reach	Initial Considerations for the South Reach
Development in the setback from TOB (when not exempt)	River-related/river-dependent uses –approval through greenway review Other uses – require Greenway Goal exception and greenway review; Greenway Goal exception only required in (q) within first 25 feet landward from TOB	River-related/river-dependent uses –allowed Historic or Conservation Landmarks – up to a 10% increase floor area and/or exterior improvement (building must end up no closer to river) Other uses – encroachment up to 5 ft into the setback is allowed as long as an area equivalent is added to the setback elsewhere; otherwise requires a Greenway Goal exception	The River Overlay zones provide a little more flexibility for development in the setback than the Greenway Overlay zone, while still providing adequate protection of riverbank areas. The definition of river dependent and river-related is intended to limit uses and development in the setback. Any changes to these existing definitions (see Attachment 2) would have to demonstrate why they are needed and appropriate in the setback.
Development riverward of TOB (when not exempt)	River-related/river-dependent uses –approval through greenway review Other uses – require Greenway Goal exception and greenway review		
Development landward of setback (when not exempt)	Not required to be river-related or river-dependent Approval through greenway review	Not required to be river-related or river-dependent In the River (e) overlay zone, there are standards for a range of development in the River Environmental (e) overlay, including: <ul style="list-style-type: none"> • Rail rights-of-way, utility lines, & stormwater outfalls • Placement of piles • Trails (see below) • Public viewing areas and view corridors (see below) • Resource enhancements, application of soil amendments • Site investigative work • Development in City parks • Removal or pruning of vegetation (see below) • Mitigation (see below) • Placement of temporary floating structures Any development actions with standards as an option must comply with the standards for removing or pruning vegetation when vegetation is removed. Development that is not able to demonstrate compliance through standards or for which there are no established standards must utilize River Review.	The standards of the River Overlay zone will be applied in the South Reach. The incorporation of standards in the River Overlay zones reduces the number of projects required to undergo River review, reducing the time and effort necessary for approval of development project while also ensuring protection of natural resources. Q: Are there other common activities that the City could develop standards for?

Topic	Greenway Overlay Zones (33.440) – Currently applied in South & North reaches	River Overlay Zone (33.475) – Currently applied in Central Reach	Initial Considerations for the South Reach
Landscaping	<p>One tree per 20 ft of river frontage</p> <p>One shrub per 2 ft of river frontage (areas of high human use are exempt)</p> <p>Remaining non-paved areas must be living ground cover</p> <p>Native plants required</p> <p><i>Note: Trees and shrubs should be located in setback & riverward; grouping of trees is encouraged.</i></p>	<p>Establishes requirements for 3 subareas extending from ordinary high water to 50 feet landward from TOB. (See Attachment 3)</p> <p>Each subarea has 3 planting density options to meet requirements. (See landscaping requirements attached.)</p> <p>Trees may not be planted within scenic (s) overlay zones</p> <p>Allowance for landscaping to be elsewhere on site when bank is steep and armored:</p> <ul style="list-style-type: none"> • Average slope of ≥ 30 percent and covered with riprap, OR • Riprap area is 4 feet deep or more • Allows for the payment of a fee-in-lieu when additional landscaping is not possible 	<p>The River Overlay zones may be appropriate for the South Reach. However, the South Reach project team is evaluating options for meeting the various needs of the South Reach riverbank.</p> <p>Grouping of trees and shrubs along the riverbank will continue to be encouraged.</p> <p>Q: Are there other suggestions on how landscaping should be managed in the South Reach?</p> <p>Q: Does the River Overlay structure and process provide adequate flexibility?</p>
Vegetation replacement	<p>Tree replacement outside the river setback is guided by Title 11, Trees.</p> <p>Trees in and riverward of the setback must be mitigated (see below).</p>	<p>Replacement is required for all trees larger than 1.5 inches diameter.</p> <p>Replacement can be met via two options, either planting only trees (Option A) or a combination of trees and shrubs (Option B). (See Attachment 3)</p> <p>Vegetation planted to meet the landscaping requirement count toward meeting the replacement standard.</p>	<p>The River Environmental (e) zone establishes a standard for tree replacement, similar to other parts of the Zoning Code. This again provides for a more streamlined process for ensuring compliance, when compared to the existing Greenway Overlay zone requirement.</p> <p>The two options (trees only or trees and shrubs) provide additional flexibility to meeting the replacement requirements and should be considered for South Reach.</p>
Exterior Lighting	None	<p>Within all of River (g*):</p> <ul style="list-style-type: none"> • Must not project light upward or to the side of the fixture. • Top and sides must be shielded with opaque materials. <p>Within 25 ft landward of river setback:</p> <ul style="list-style-type: none"> • Lights allowed only for parks and open spaces; a major public trail; public viewing areas; or river-dependent or river-related development. • Fixtures must be at least 25 feet apart and set back at least 5 ft from TOB and 30 ft from any water body or wetland 	<p>It makes sense to apply a similar exterior lighting standard for South Reach as has been applied in the River Overlay zones. The South Reach is an area with abundant fish and wildlife and exterior lighting restrictions will help protect fish and wildlife habitats from impacting glare.</p>

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		<ul style="list-style-type: none"> Lamps with specific lighting characteristics must be selected Lights must not project directly into the Willamette River 	
Major public trails	<p>Comply with the requirements of Chapter 33.272, Major Public Trails</p> <p>Meet the <i>Willamette Greenway Plan</i> trail design guidelines</p> <p>Natural (n) & Water Quality (q) – trail must minimize environmental impacts</p>	<p>Establishes standards for trails in the River Environmental (e) overlay zone, including the following:</p> <ul style="list-style-type: none"> Trail must be at least 10 ft wide and construction disturbance at least 5 ft from TOB; both must be at least 30 ft from wetland or water body Establishes limits on the width of the trail and total disturbance area. 	<p>Trail development in the South Reach would continue to have to meet Major Public Trails requirements in 33.272 and Portland Parks and Recreation Trail Design Guidelines. Specific standards for trails in the River Environmental that were developed for the Central Reach make sense to consider in the South Reach.</p>
Public Viewpoints & Corridors	<p>Meet the <i>Willamette Greenway Plan</i> design guidelines</p>	<p>Required to provide a public viewing area designed to meet requirements in <i>Central City Fundamental Guidelines</i>.</p> <p>Tree removal allowed; replanting outside of view corridor required.</p>	<p>It is expected that the River Plan/South Reach will allow for tree removal in view corridors and establish design criteria for viewpoints and other scenic resources.</p>
Nonconforming uses & development	<p>Allowed to continue</p> <p>May be changed to an allowed river-dependent or river-related development</p> <p>May be changed to another nonconforming development within existing building</p> <p>No expansion within or riverward of setback, except in (q), where development can expand as long as building coverage is not increased</p>	<p>Allowed to continue</p> <p>Same as existing</p> <p>Same as existing</p> <p>No expansion within or riverward of setback. Expansion is defined as adding floor area.</p>	<p>An increase in the river setback in South Reach, would create additional nonconforming uses and development.</p> <p>Application of this part of the River Overlay zones in the South Reach would result in a stricter limitations on expansion within the river setback.</p>
Exemptions (selected)	<p>Allow one of two paths: review or exemption.</p> <p>Exemptions include:</p> <ul style="list-style-type: none"> Changes to interior with no exterior alterations Removal of vegetation on Nuisance Plants List Removal of trees not located within or riverward of the greenway setback or within (n) or (q) overlays (Title 11, Trees, still applies) 	<p>Provides for standards, review or exemption.</p> <p>Exemptions include:</p> <ul style="list-style-type: none"> Same as existing Same as existing Removal or pruning of non-native trees not more than 1.5 inches in diameter; replanting of disturbance area is required 	<p>Exemptions in the Greenway Overlay and River Overlay zones are generally similar. No significant changes are expected at this time.</p> <p>Q: Are there any additional activities not listed here that should be exempted?</p>

Topic	Greenway Overlay Zones (33.440) – Currently applied in South & North reaches	River Overlay Zone (33.475) – Currently applied in Central Reach	Initial Considerations for the South Reach
	<ul style="list-style-type: none"> • Normal maintenance and repair of existing development • Dredging, channel maintenance and removal of gravel from rivers • Excavations and fills under 50 cubic yds 	<ul style="list-style-type: none"> • Planting of native vegetation • Operations and maintenance of existing structures, improvements and associated development • Dredging, channel maintenance, and removal of materials in water deeper than 35 feet deep • Removal of structures and debris landward of ordinary high water or more than 30 feet from a wetland 	
Habitat Mitigation Requirements	<p>All significant detrimental impacts on functional values will be offset through mitigation.</p> <p>A mitigation plan must be developed to ensure the development will not contribute to a cumulative loss of functional values over time.</p>	<p>Establishes standards for mitigation for a number of project types. Mitigation must occur at a 1.5:1 ratio of mitigation area to project impact area.</p> <p>Mitigation must occur in the River Environmental (e) overlay zone in the Central Reach.</p> <p>Mitigation can occur on site or on a separate site owned by the applicant or under the control of the applicant via an easement, deed restriction or other legal instrument.</p> <p>Nuisance plants must be removed and replanted with native species within the mitigation area.</p> <p>Establishes three vegetation planting density options, focused on small, medium and large trees, respectively. Each option has two available paths to demonstrate compliance.</p>	<p>The mitigation standards in the River Environmental (e) overlay zone provide more certainty for project applicants and, again, avoids the need for a land use review if the standards can be met. These are expected to be applied in the South Reach.</p> <p>Q: Do you have suggestions for alternative mitigation requirements in South Reach?</p>

Additional Standards Under Consideration

Standard	Threshold Criteria	Requirement(s)	Initial Considerations for the South Reach
Bird-safe Glazing Standard (33.510.223)	Applies to new and major remodeling projects: <ul style="list-style-type: none"> • New development: façade must have 30 percent or more glazing (i.e., windows) within the first 60 feet of building. • Major redevelopment: at least 75 percent of the façade must be altered and the new development criteria (above) are met. 	At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the <i>Portland Bird Safe Windows List</i> : <ul style="list-style-type: none"> • Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the façade; • Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and • The glazed portions of sky bridges or fences. 	Based on the variety of resident and migratory bird species present in the South Reach, a bird-safe glazing requirement seems beneficial. There may be adjustments to the existing standard needed for the South Reach. The bird-safe standard would not apply to single-family or lower-density residential uses.
Floodplain Overlay Zone (new)	Properties located within the FEMA 100-year floodplain and 1996 flood inundation area	Flood Capacity: <ul style="list-style-type: none"> • Maintain or increase flood capacity by requiring at least balanced cut-and-fill on site or in the same vicinity. Habitat Improvements <ul style="list-style-type: none"> • Require habitat improvements to offset impacts of development in the floodplain, including planting density requirements for trees, shrubs, and other vegetation. 	The South Reach team is evaluating options for more effectively managing floodplains to ensure adequate flood capacity and expansion of habitat to increase climate change resilience within the city.

ATTACHMENT 1

POLICY AND REGULATORY CONTEXT

The River Plan / South Reach will ensure ongoing compliance with Statewide Planning Goal 15, Willamette River Greenway, with this to update the *Willamette Greenway Plan* for the City's southern reach of the river.

Oregon Statewide Planning Goal 15, Willamette River Greenway

Oregon cities and counties are required to comply with 19 Statewide Planning Goals. Statewide Planning Goal 15, Willamette River Greenway, establishes a goal to be achieved by city and county jurisdictions in their plans regulating lands along and adjacent to the Willamette River. The overall aim is the following:

“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

To support that goal, Goal 15 includes “Use Management Considerations and Requirements”, several of which are relevant for new development in the South Reach. These include:

- c. Access** – Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas;
- d. Fish and wildlife habitat** -- Significant fish and wildlife habitats shall be protected;
- g. Vegetative fringe** -- The natural vegetative fringe along the River shall be enhanced and protected to the maximum extent practicable;
- j. Development away from river** -- Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities;
- k. Greenway setback** -- A setback line will be established to keep structures separated from the river in order to protect, maintain preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette River Greenway, as identified in the Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

Willamette Greenway Plan

The *Willamette Greenway Plan* (1987) was adopted by the City to meet the statutory requirements of Statewide Planning Goal 15 Willamette River Greenway.

Objectives:

- Restoring the Willamette River and its bank as a central axis and focus for the City and its neighborhoods and residents.
- Increasing public access to and along the Willamette River.
- Conserving and enhancing remaining natural river banks and riparian habitat.
- Maintaining the economic viability of Portland's maritime economy for river-dependent and river-related industrial uses.
- Reserving land within the Greenway for river-dependent and river-related recreational uses.

SOUTH REACH GREENWAY AND RIVER OVERLAY ZONES

Overlay zones play a critical role in future development along the Willamette River since they include the unique regulatory provisions that implement the policy context. Currently, Greenway overlay zones apply in the South Reach. Recent planning established a new River Overlay zones chapter (33.475) to guide development in the Central Reach. As a part of that process, the City expected that the River Overlay zones would be applied to properties in the South Reach, though reach-specific variation may be needed. Below is a summary of the existing Greenway and River overlay zones. A more detailed comparison is also provided.

Greenway Overlay Zones

Greenway Overlay zones are focused on areas adjacent to the Willamette River. Greenway overlay zones aim to protect and enhance the unique qualities of the Willamette River, including natural and scenic amenities and recreation. South Reach Greenway Overlay zones include:

River General (g) – Allows for uses and development that are consistent with the base zoning, allow for public use and enjoyment of the waterfront and enhance the river’s natural and scenic qualities.

River Natural (n) – Protects, conserves and enhances land of scenic quality or of significant importance as wildlife habitat.

River Recreational (r) – Encourages river-dependent and river-related recreational uses that provide a variety of public access opportunities to and along the river and enhances the river’s natural scenic qualities.

River Water Quality (q) – Protects functional values of water quality resources by limiting or mitigating the impact of development in the setback. The (q) overlay zone overlaps other greenway overlay zones.

Specific requirements have been adopted by the City to achieve the goals of each greenway overlay zone. These development standards are applied to new development and redevelopment projects.

River Overlay Zones

The River Overlay Zones chapter was established as a part of the *Central City 2035* effort and created new development regulations for sites along the Willamette River in the Central Reach. Two new overlay zones, described below, were established as a part of this effort. Additional river overlay zones will be created as a part of South Reach and future North Reach planning.

River General (g*) – Covers entire sites and includes development standards for the river setback, landscaping and lighting. There are no use restrictions outside of the river setback area in this overlay zone. Instead, base zones govern the allowed uses including urban scale residential, commercial, mixed-use development and open space/recreation uses that bring people to the riverfront.

River Environmental (e) – Applied to high or medium ranked riparian corridors and wildlife habitat in the Central Reach. All river, riverbank and riparian areas within at least 50 feet of the top of bank are ranked high or medium. The width of the riparian area may be wider than 50 feet from the top of bank depending on the natural resources present, including vegetated floodplains and riparian vegetation. The River Environmental overlay zone does not apply to low-ranked natural resources.

The River Environmental overlay zone aims to streamline environmental review by establishing standards for a variety of development activities and, therefore, reducing the number of projects that must go through a land use review. The approach is modeled after that used in Chapter 33.430, Environmental Zones.

ATTACHMENT 2

KEY ZONING CODE DEFINITIONS (33.910)

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed building size, as long as the development does not include a building size that is specifically prohibited by the current development standards.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river such as a dock or gangway. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

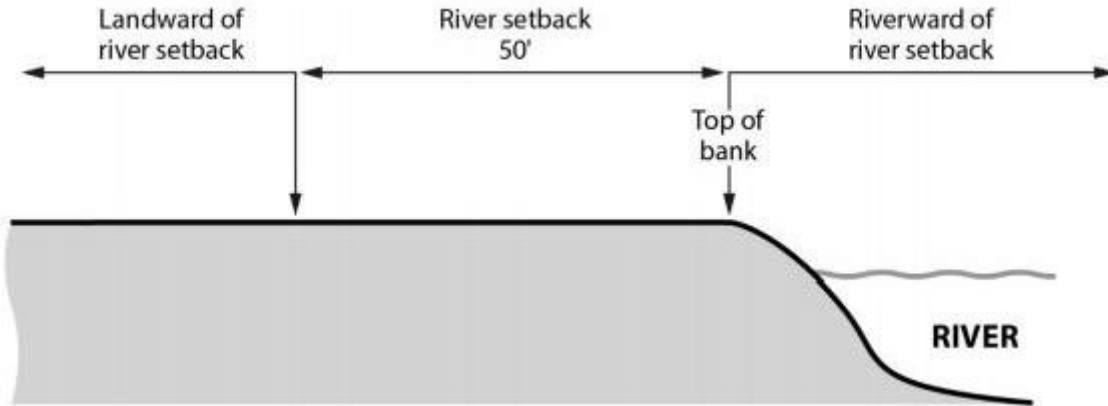
River-Related. A use or development that is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. The following are considered river-related development:

- Trails and viewpoints adjacent to the river;
- Resource enhancement projects;
- Passenger waiting and queuing areas, security checkpoints, and machine shops associated with marine passenger docks for subregional travel and marine passenger terminals for regional travel;
- Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill; and
- Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

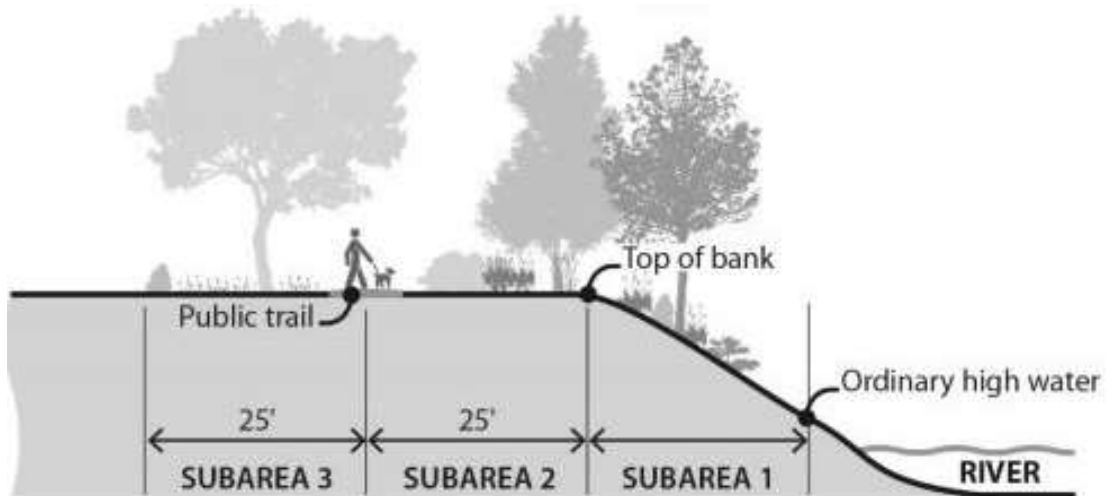
ATTACHMENT 3

RIVER OVERLAY ZONE SETBACK & LANDSCAPE STANDARD EXCERPTS (Portland Zoning Code 33.475)

River Setback



Landscape Subareas & Options



Subarea	Planting Density 1: Small Trees[1]	Planting Density 2: Medium Trees[1]	Planting Density 3: Large Trees[1]
Landscaping Subarea 1	One tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet. Trees may be clustered. All plants must be native.	One tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet. Trees may be clustered. All plants must be native.	One tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet. Trees may be clustered. All plants must be native.
Landscaping Subarea 2	<p>One tree and one of the following two options for every 100 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Three shrubs and four other groundcover plants.</p>	<p>One tree and one of the following two options for every 200 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Six shrubs and eight other groundcover plants.</p>	<p>One tree and one of the following two options for every 300 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity.</p> <p>Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Nine shrubs and 12 other groundcover plants.</p>
Landscaping Subarea 3	One tree for every 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.	One tree for every 200 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.	One tree for every 300 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.

[1]Tree size is based on Title 11.60.020.C Canopy Size

Standards for Mitigation Planting Density Standard (33.475.440.K, Standards for removal or pruning of vegetation)

Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 12	2	Not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

ATTACHMENT 4

RIVER OVERLAY MITIGATION STANDARD EXCERPT (Portland Zoning Code 33.475)

Standards for Mitigation Planting Density Standard (33.475.440.L, Standards for mitigation)

	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	<p>One tree and one of the following two options for every 100 square feet:</p> <p>Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Three shrub and four other groundcover plants.</p>	<p>One tree and one of the following two options for every 200 square feet:</p> <p>Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Six shrub and eight other groundcover plants.</p>	<p>One tree and one of the following two options for every 300 square feet:</p> <p>Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Nine shrub and 12 other groundcover plants.</p>

[1] Tree size is based on Title 11.60.020.C Canopy Size