

**A G E N D A**

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**METRO**

**Agenda**

**MEETING:** METRO COUNCIL WORK SESSION MEETING  
**DATE:** March 24, 2005  
**DAY:** Thursday  
**TIME:** 3:30 PM  
**PLACE:** Metro Council Annex

**CALL TO ORDER AND ROLL CALL**

**1. NATURE IN NEIGHBORHOODS FUNCTIONAL PLAN ELEMENTS**

**ADJOURN**

## M E M O R A N D U M

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**METRO**

**To:** Metro Council  
**From:** Andy Cotugno  
**RE:** Nature in Neighborhoods materials for policy discussions  
**Date:** March 24, 2005

Please see attached information to further inform your policy discussions regarding the Nature in Neighborhoods draft Functional Plan. Two documents are included:

1. Policy Issue #14: Application of the program to developed habitat areas and redevelopment. This discussion describes the issues related to restoration requirements when currently developed areas near streams and rivers are redeveloped.
2. Staff proposed targets for performance objectives, including data on existing conditions and how much would have to be achieved to meet the proposed targets.

## **Nature in Neighborhoods Functional Plan--Policy Issue #14**

### **Application of Program to Developed Habitat Areas and Redevelopment**

On several occasions, Councilor Liberty has raised an important policy issue regarding how the program will help restore habitat areas associated with developed properties that are being redeveloped. For example, the intensive redevelopment that is underway in the South Waterfront area of Portland presents opportunities for significant habitat restoration and improvement, especially given that the redevelopment will likely result in significantly increased property values in that area.

#### **How Were Developed Areas Treated in the Habitat Inventory?**

The developed areas in which restoration opportunities may exist include both areas that have been mapped as Class I and II riparian habitat, as well as some areas identified as Class III riparian habitat and riparian impact areas. This includes:

1. Developed areas that have been mapped as Class I and II resources, such as:
  - Fully developed areas that are near streams and underneath tree canopy, such as residential neighborhoods; and
  - All areas that are within 50 feet of streams, which are considered Class I riparian areas whether or not they are developed (and these areas generally coincides with the existing Title 3 Water Quality Resource Areas);
2. Developed floodplains, which are included within Class III riparian areas; and
3. Riparian impact areas—recall that riparian impact areas were those areas within 150 ft. of the stream that would have qualified as riparian habitat but for the fact that they are developed.

#### **How Does the Current Draft of the Program Treat Redevelopment Activity in These Areas?**

1. Backyard exemption. All current residential property owners may engage in any activity that is currently permitted without having to obtain a building permit, grading permit, tree removal permit, or land use decision.
2. Replacement, Alteration, Repair and Maintenance. This includes minor repairs and maintenance, replacement of entire structures in case of accidental destruction such as a fire, and complete redevelopment of a property. The current draft functional plan allows any of these activities provided that the activity does not result in encroachment closer to the water feature that is the basis for identifying the area as habitat. Removed vegetation must be replaced (native for native, other for other). However, there is no mitigation

requirement provided that the replacement, alteration, repair or maintenance does not encroach farther into the habitat.

## **Policy Options**

### **I. Program Approach in Mapped Class I and II Habitat—Options:**

- A. **Current Approach.** All redevelopment would be allowed provided that it does not encroach further into undeveloped habitat areas or closer to the relevant water feature. If it would encroach into such areas, then the program's general development rules would apply (e.g. avoid-minimize-mitigate standard).
- B. **Additional Mitigation Requirements.** Require mitigation for redevelopment that would significantly increase the intensity of the development on a site. For example, if a site had a one story commercial building that was going to be replaced by a ten-story office building, require mitigation to reflect the new, additional impacts that the new development will have on the habitat areas.
- C. **Apply All Elements of Program to Redevelopment Proposals.** Apply an avoid-minimize-mitigate standard to all redevelopment projects. Thus, notwithstanding that a site is already developed, require redevelopment proposals to show that there is no practicable redevelopment alternative that would not involve redevelopment of the entire area that is currently developed. (Note: Title 3 already applies the avoid-minimize-mitigate test to redevelopment in all Water Quality Resource Areas.)

### **II. Opportunities in Developed Floodplains and Riparian Impact Areas**

- A. **Current Approach.** The Council has made a preliminary "allow" decision for these areas. If any new approach is selected, it will require an adjustment to that decision.
- B. **Designate These As Low HCAs (or a variation of them).** There are two kinds of requirements that could be applied to these areas to achieve some level of future habitat restoration upon redevelopment:
  - 1. **Apply the same approach to redevelopment in these areas as is applied to redevelopment in mapped habitat, i.e., whichever approach selected under section I, above; and**
  - 2. **Condition Upzoning With Restoration Requirements.** Develop a rule that requires local governments to include restoration conditions whenever they approve any zoning change that would allow more intensive development in these areas.



### Staff Proposed Performance Objectives and Targets

for use in clarifying regional expectations, identifying monitoring priorities and potentially in evaluating functional plan compliance

Objective	Target	Current Status and Targeted Condition	Considerations in Setting Target
1. Preserve and improve streamside, wetland, and floodplain habitat and connectivity.	1a. <u>10% increase in vegetated acres within 50 feet</u> of streams (on each side) and wetlands in each subwatershed over the next 10 years (2015).	<b>1a. Current condition (regional data):</b> <ul style="list-style-type: none"> <li>64% vegetated</li> <li>14,065 vegetated acres</li> </ul>	<ul style="list-style-type: none"> <li>Most riparian regulatory programs are focused within the first 50 feet of streams and wetlands,</li> <li>Mitigation, enhancement and restoration projects typically occur in this area</li> <li>A higher target for increasing vegetation cover within 50 feet of streams and wetlands is justified based on the high level of existing protection</li> <li>Some local regulatory programs protect land within 150 of streams and wetlands, especially in steep slope areas</li> <li>The 150 foot distance includes the outer distance of all primary ecological functions for riparian areas (with the exception of large undeveloped floodplains)</li> <li>As redevelopment occurs, habitat within 150 of streams and wetlands can be restored</li> <li>Applying the "avoid, minimize, and mitigate" tests to undeveloped floodplains would increase protection levels compared to existing Title 3 "cut and fill" requirements for flood areas</li> </ul>
		<b>10% increase:</b> <ul style="list-style-type: none"> <li>70% vegetated</li> <li>1,406 acre increase in vegetation over 10 years</li> </ul>	
	1b. <u>5% increase in vegetated acres within 50 to 150 feet of streams</u> (on each side) and wetlands in each subwatershed over the next 10 years (2015).	<b>1b. Current condition (regional data):</b> <ul style="list-style-type: none"> <li>59% vegetated</li> <li>15,235 vegetated acres</li> </ul>	
		<b>5% increase:</b> <ul style="list-style-type: none"> <li>62% vegetated</li> <li>762 acre increase in vegetation over 10 years</li> </ul>	
	1c. <u>Preserve 75% of remaining undeveloped floodplains</u> in each subwatershed over the next 10 years (2015).	<b>1c. Current condition (regional data):</b> <ul style="list-style-type: none"> <li>% of undeveloped floodplains</li> <li>total acreage of undeveloped floodplains</li> </ul>	
		<b>25% loss:</b> <ul style="list-style-type: none"> <li>% of undeveloped floodplains</li> <li>total acreage of undeveloped floodplains</li> </ul>	
2. Preserve large areas of contiguous habitat and avoid fragmentation.	2a. <u>Preserve 60% of vacant Class A and B</u> upland wildlife habitat in each subwatershed over the next 10 years (2015).	<b>2a. Current Condition:</b> <ul style="list-style-type: none"> <li>15,000 acres of vacant Class A and B upland wildlife habitat</li> </ul>	<ul style="list-style-type: none"> <li>Vacant Class A and B upland wildlife habitat within the UGB is most vulnerable to loss over time compared to other upland wildlife habitat located in developed areas or in parks</li> <li>Acquisition programs and habitat friendly development practices (e.g., cluster development, on and off site density transfers) can help preserve upland wildlife habitat within the UGB</li> <li>Reforestation programs can help restore upland wildlife habitat</li> <li>Relaxation of Title 1 capacity requirements can help to preserve upland habitat</li> </ul>
		<b>60% retention:</b> <ul style="list-style-type: none"> <li>9,000 acres of vacant Class A and B upland wildlife habitat remaining</li> </ul>	
	2b. Of the upland habitat preserved, <u>retain 80% of the number of patches 30 acres or larger</u> in each subwatershed over the next 10 years (2015).	<b>2b. Current Condition:</b> <ul style="list-style-type: none"> <li>23,428 acres of upland habitat in 133 patches 30 acres or larger</li> </ul>	
		<b>80% retention:</b> <ul style="list-style-type: none"> <li>106 upland habitat patches 30 acres or larger</li> </ul>	
3. Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat.	3a. <u>Preserve 70% of habitat acres within corridors with a vegetative width of 200 feet</u> in each subwatershed over the next 10 years (2015).	<b>3a. Current Condition:</b> <ul style="list-style-type: none"> <li>acres of habitat within corridors exceeding 200 feet in width</li> </ul>	<ul style="list-style-type: none"> <li>Upland wildlife habitat is vulnerable to loss, and connectivity between riparian corridors and adjacent upland wildlife habitat can be expected to decline, especially within the UGB</li> <li>Acquisition and habitat friendly development practices (cluster development, on and off site density transfers) can help slow the loss of habitat connectivity</li> </ul>
		<b>70% retention:</b> <ul style="list-style-type: none"> <li>acres of habitat within corridors exceeding 200 feet in width</li> </ul>	
4. Preserve and improve special habitats of concern.	4a. <u>Preserve 80% of habitats of concern acres</u> in each subwatershed over the next 10 years (2015).	<b>4a. Current condition:</b> <ul style="list-style-type: none"> <li>% of all habitat designated as HOCs</li> <li>total acres of HOCs</li> </ul>	<ul style="list-style-type: none"> <li>Habitats of concern are located in both Class I riparian areas and Class A upland wildlife habitat.</li> <li>Bottomland hardwood forests, wetlands, riverine islands are mostly located in Class I riparian areas and are afforded more protection compared to habitats of concern located in Class A upland habitats</li> </ul>
		<b>80% retention:</b> <ul style="list-style-type: none"> <li>% of all habitat designated as HOCs</li> <li>total acres of HOCs</li> </ul>	