



Date: February 24, 2020  
To: Portland Planning and Sustainability Commission  
From: Audubon Society of Portland  
Re: South Reach Plan Proposed Draft

Dear Portland Planning and Sustainability Commission,

Thank you for the opportunity to comment on the South Reach River Plan Proposed Draft (January 2020). Audubon Society of Portland has been participating in the river planning process since its inception with the initiation of River Renaissance in 2001.

Audubon strongly supports the priority of the South Reach Plan to “Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.” This is consistent with priorities that the city has set for the South Reach dating back to River Renaissance. We believe that the Plan captures well the opportunity that is present in the South Reach when it writes:

*The Willamette River South Reach and associated floodplain and riparian areas includes some of the only remaining contiguous high-value natural resources within the City of Portland. Due to the extent of parks and natural areas along this stretch of the river, the South Reach provides many ecosystem services not observed in other reaches, including numerous sites containing shallow water habitat, bottomland hardwood forests and native oak stands and rare plant species. These natural resource areas provide unique habitat opportunities for fish and wildlife that reside and migrate through this highly urbanized environment. The importance of the South Reach natural resources is reinforced by its relationship to the regional ecosystem and connections to adjacent migration corridors.*

*--Volume 3 at page 72*

**Overall, the South Reach River Plan does a good job advancing this objective and we appreciate the work that has gone into this plan. However, at a time that calls out for bold action to protect our environment there are key places where the plan is too timid. We urge you to go further.** Our comments are divided into two sections: General Comments and Page Specific Comments.

#### **GENERAL COMMENTS:**

- 1) The proposed setbacks are insufficient:** The South Reach Proposed Draft currently proposes to expand river setbacks from 25 to 50 feet. While this represents an improvement over current river protections, it is insufficient to meet the ecological aspirations of the South Reach Plan. We would

contest the draft plan's assertion that both Metro and the City have determined that 50 feet is the "absolute minimum width necessary to protect rivers, streams and wetlands." Our understanding is that both the City and Metro have determined that setbacks in the range of 150 to 300 feet are necessary to achieve a full range of ecological functions. In fact, City of Portland scientists with the Bureau of Environmental have continued to advocate strongly for a scientifically supported 100' minimum setback. While 50 feet might be reasonable in the heavily developed Central Reach, it represents a remarkably weak approach in the South Reach which still has significant intact habitat and where the City has prioritized the protection of habitat and natural resources.

We understand from discussions with city staff that the driver behind the decision to go with 50 foot setbacks was that expanding setbacks to 75 or 100 feet would effectively double the number of existing structures located within the setback. The City should view this dilemma not as a basis for continuing to institute an insufficient setback, but rather as a reflection of the urgency of getting the setbacks right going forward. Setting the setback at 50 feet will only ensure that even more structures encroach into this ecologically sensitive 100-foot zone in the future, whereas moving the setback to 100 feet now will prevent new development and allow the City to reduce existing development over time. The decision the City makes on this issue will determine whether the current problematic situation improves or degrades going forward.

We urge the City to set a high standard for riparian protection in the South Reach rather than going for the "absolute minimum." In an age of climate change and endangered salmon populations, the City must take every opportunity to set truly aspirational goals. We recommended a setback throughout the South Reach of at least 100 feet.

- 2) The Proposed Draft lacks adequate mechanisms to reduce existing development within the proposed setback over time:** Regardless of whether the setback is expanded to 50, 100 or some other width, it is critical that the South Reach Plan include specific regulatory and non-regulatory (incentive based) strategies to ensure that existing development within the setback is reduced over time. The failure to include these types of mechanisms remains in our opinion is one of the biggest weaknesses in the Central Reach River Plan and relegates the expansion of the Central Reach setbacks from 25 to 50 feet to be little more than a paper victory. It would be unfortunate for the City to perpetuate this significant deficiency into the South Reach Plan. Expanded setbacks will only have real meaning if the City also includes aggressive strategies to ensure that existing development is moved back from the river when redevelopment occurs. We appreciate the complexity and potential controversy associated with such measures, but failure to meaningfully address this issue will simply perpetuate the status quo. The landscape transformation necessary to restore our river and create more resilient landscapes in the face of climate change will be incremental in nature and will take decades to accomplish. It is therefore essential that the City have strong mechanisms in place to ensure that it can take maximum advantage of each redevelopment opportunity that occurs in order to advance these goals.
- 3) Audubon strongly supports the inclusion of specific strategies to address the FEMA Floodplains Biological Opinion:** Portland Audubon strongly supports the inclusion of a variety of policies and strategies to meet the obligations of the FEMA Floodplains Salmon Biological Opinion that was

released in 2016 in response to a lawsuit by Audubon Society of Portland et al. It is critically important that the City update its floodplain regulations on the timeline set forth in the BiOp in order to ensure that the City remains eligible for the National Flood Insurance Program (NFIP). Moreover, compliance with the BiOp will ensure that the City has in place common sense provisions to protect people and property, improve ecological function, protect imperiled species and create a more resilient landscape in the face of climate change. Overall, we believe that the South Reach Plan does a good job of incorporating new policies and strategies to address this challenge. We would note in particular our support for applying the river environmental zone to both developed and undeveloped floodplain—this is consistent with the mandates contained in the BiOp. We have included several additional specific recommendations in our more detailed comments below.

- 4) **Greenway Vegetation:** One of the biggest environmental challenges in the South Reach is the ongoing illegal removal of vegetation in the greenway by adjacent property owners. This ongoing issue significantly undermines efforts to restore the South Reach to ecological health. We recommend two things to address this ongoing concern: First, we would recommend applying the River Environmental Zone to low ranked herbaceous areas along the river that currently lack trees and shrubs, but which have the potential to be restored to a multi-layered vegetative condition. Second, the City should impose significant penalties for illegal removal of vegetation along the river and should move to a more aggressive strategy of periodically surveying the South Reach to proactively identify where illegal removal has occurred (rather than depending solely on public reporting to trigger enforcement.) In particular, we would recommend very strong penalties for any repeat offenders. Adoption of these two strategies will send a clear message that illegal removal of vegetation along the river is viewed as a significant offense and that significant penalties can be triggered.
  
- 5) **Application of Bird Safe Building and Lighting Standards:** We appreciate and support the application of birdsafe building and lighting standards in the South Reach Plan. We believe these standards should be applied citywide either through the adoption of individual area plans or comprehensively at a citywide scale. We support the proposed application of the Bird Safe Building Standards to the entire plan area. We would urge the City to also apply the lighting standards to the entire plan area as well. As currently proposed, the lighting standards would only apply within the setback, which would render them near meaningless. Light pollution is a problem across our entire landscape and the standards should be addressed comprehensively. We want to ensure that these standards effectively capture things like street lighting, trail lighting, exterior building lighting, signage, etc. We also want to ensure that the lighting standards are able to be updated once currently ongoing work is completed on the Citywide Dark Skies Initiative. Finally we believe that the lighting standards on page 61 of Volume 1 could be more robust would recommend adding the following:
  - a. Minimize/ eliminate unnecessary exterior lighting
  - b. Minimize total lumens output to reduce glare and bounce
  - c. Specify 3000 K or below to minimize emission of blue output (1-1.3 scotopic/ photopic ratio)
  - d. Specify use of adaptive controls such as dimmers, timers and motion sensors

- 6) **Green Roofs:** We would urge the City to apply the same green roof standard to the South Reach Plan as were applied in the Central City Plan.
- 7) **Top of Bank:** It appears that the City will apply a “default top of bank” where data currently does not exist regarding the top of bank. We would urge the City to use more robust default criteria to ensure that in locations where top of bank has not been identified, that it is erring on the side of protection rather than incursion. We would also urge the city to contract as soon as possible with an appropriate organization to survey areas where the top of bank is currently undefined and resolve this issue prior to adoption of the plan. The South Reach is a relatively limited geographic area and it seems reasonable to us to resolve this issue rather than kick it down the road.
- 8) **Waverley Country Club:** The City currently provides urban services to Waverley Country Club, but has not annexed it into the city and therefore cannot apply its code to this property. This site; contiguous to South Reach, though outside the City limits in unincorporated Clackamas County, represents one of the most significant opportunity sites in the South Reach for riverbank restoration. It makes no sense for the City to provide services but then not be able to hold the property owners to baseline environmental standards. We would urge the City to prioritize two pathways to be called out as action items of this plan to remedy this situation. First, the City should initiate steps with the property owner to annex the property into the City of Portland, and thus bring it into its code application. If the owner does not comply with this action, Portland City Council should initiate conversations with Clackamas County Commissioners to work towards an Intergovernmental Agreement (IGA), between the two jurisdictions to establish the City’s role as the principal provider of municipal services for this property. A similar IGA already exists between the City of Portland and Multnomah County that establishes the City of Portland as the principal provider for all unincorporated Multnomah County parcels within the City of Portland's urban services boundary, and it is long overdue to have a similar arrangement with Clackamas County.
- 9) **Docks:** We would urge the City to take a more aggressive approach to docks. Currently there is a proliferation of private docks in the South Reach while at the same time the City has been severely restricted in its ability to establish new docks for public use. It is important that the City not only put in place code to require dock construction techniques that minimize threats to salmon, but also that it put in place provisions that ensure that public docks are prioritized over private docks.
- 10) **Application to the North Reach:** The South Reach Plan indicates that its code language will eventually be applied to the North Reach. While there are many elements of the South Reach Plan which are applicable to the North Reach, we believe that it will be important to carefully consider and put in place specific strategies that will promote the restoration and ecological recovery of this most degraded reach of the Willamette including strategies to create shallow water habitat and adjacent riparian areas for listed salmonid species interspersed throughout the North Reach and also to establish a functional greenway along the Willamette. As written, we do not believe that the South Reach or Central Reach Plans are sufficient to accomplish those objectives in the North Reach. The North Reach will require a significant process of its own.

**11) Two decades (and counting) is too long of a time period to develop the Portland River Plan:** Nearly two decades have elapsed since the City began the process of updating its code related to the Portland reaches of the Willamette River. Even with the anticipated adoption of the South Reach Plan in 2020, the City will still only be two thirds of the way through this process with the complex and controversial North Reach still to go. This is far too long of a time period to develop this type of a plan. The result of such an elongated timeline is that much of the early work that forms the foundation of this plan is now more than a generation out of date, Portland has undergone major changes in terms of demographics and community priorities, public and NGO costs associated with plan development have skyrocketed and most importantly, the river has been managed under out of date policies and regulations for nearly two decades. While we appreciate the complexity of developing something like River Plan, we believe that a plan like this should take no more than 3-5 years to develop including ample opportunity for public engagement and input and that a 3-5 year plan development timeline is reasonably proportional to the 15-25 year timeframe that a plan is likely to be in effect before it needs to undergo another major revision. We would strongly urge the City to immediately initiate work on the North Reach River Plan upon adoption of the South Reach Plan and to aim to have it completed in 18 months.

**12) The City provided inadequate time for the public to review the South Reach Plan Discussion Draft:** The City only provided 36-days for the public to review this three volume plan which spans more than 800 pages. BPS was well aware that this is too short of a timeline because multiple organizations expressed concerns and had to request extensions about a similar timeline on a South Reach Discussion Draft, which was much more narrowly distributed in October 2019. Even among groups with staffing resources, this kind of timeline leaves virtually no opportunity for coordination, discussion or outreach to their broader constituencies. It is difficult to understand the compressed public comment periods given that the South Reach Plan has been under development for nearly a year and a half. The result is that significant opportunities for greater public engagement at this critical juncture were missed and groups with lesser resource levels were probably excluded altogether. **We would strongly urge the City to ensure that that it builds in at least 60-days for public comment periods on large complex plans.**

**13) A track changes version of the current draft would be helpful so that readers can easily discern changes from one draft to the next:** Many groups submitted substantial comments on the November 2019 Discussion Draft. We appreciate all the changes that were made. However, it would help expedite review if the City provided a comprehensive track changes version of the current draft were provided.

**PAGE SPECIFIC COMMENTS:**

**Volume 1 Part 1: Chapter I, Introduction: Policies, Objectives and Recommendations**

Land Use, Zoning and Development (Page 6): The document should explain how the land use designation in the first two bullets of this section (current versus 2035 Comp Plan) would be resolved over time.

Regional (page 12): Provide more information regarding what it means to come into compliance with Title 3 and Title 13. What specifically must the City do?

**Volume 1, Part 1: Chapter II, The Future of South Reach**

Future of the South Reach (Page 18):

- Include something about experiencing and enjoying nature. We see this as broader than simply “viewing wildlife.” The South Reach ought to include real opportunities for quiet enjoyment of nature. This should be included in the bold print paragraph at the beginning.
- Audubon continues to strongly oppose the inclusion of commercial facilities in parks, especially non-essential facilities such as snack stands. There is no reason given the availability of commercial activity in close proximity to the South Reach to convert limited park spaces for commercial use.
- This section should include something about water quality
- The section in climate resilience should be significantly more robust and should include an expanded greenway in which development has been significantly pulled back from the river edges.

Recreation Opportunities Map (Page 23): Why is there a sailboat icon on Ross Island---is the City assuming public boat access to Ross Island? Thank you for adding an icon delineating where quiet enjoyment of nature will be prioritized. Please consider adding the area around Elk Rock Island and the Peter Kerr Property/ Elk Rock Garden, Ross Island Lagoon and Holgate Channel. In addition, please move the sailboat icon off of Ross Island and onto the river itself since there is no public boat access allowed on Ross Island.

Watershed Health (Page 24): Thank you for adding verbiage describing restoration of banks and uplands along Willamette River Greenway to benefit fish as well as migratory birds. One additional question here is the use of the word “ample” to describe the amount of shallow water habitat. While this area represents the healthiest portion of the Willamette within the City “ample” is still an overstatement. We would recommend substituting “retain significant areas of” in place of “provide ample.”

Watershed Health Map (Page 26):

- It is not clear why virtually the entire riverbank along the South Reach is not coded as a habitat area---The City should have as its goal, restoration along the entire south reach.
- This map should also include floodplains

- The City also needs to address Waverly Golf Course—its omission represents a huge gap in restoration objectives in the South Reach in an area with very high potential for restoration.

**Volume 1, Part 1: Chapter III, Policies, Objectives, and Recommendations**

Key Issues and Opportunities (Page 29): While an expansion of the setbacks from 25 to 50 feet is an improvement over current conditions, it is disappointing that the City has chosen to take such a conservative approach to this issue. As the plan notes, both Metro and the City have determined that 50 feet is the “absolute minimum width necessary to protect rivers, streams and wetlands.” While 50 feet might be reasonable in the heavily developed Central Reach, it represents a remarkably weak approach in the South Reach which still has significant intact habitat and where the City has prioritized the protection of habitat and natural resources. We urge the City to set a high standard for riparian protection in the South Reach rather than going for the “absolute minimum.” In an age of climate change and endangered salmon populations, the City must take every opportunity to set truly aspiration goals.

Birdsafe Building (Page 30): We strongly support the inclusion of strong lighting and glazing standards throughout the South Reach. See comments in “General Comments” section for specific recommendations on how the lighting provisions could be strengthened.

Docks (Page 30): We also have noted the significant increase in docks serving private residences. We do not understand why these docks are being permitted when public docks (for example at South Waterfront) cannot get permitted. There is a fundamental equity issue associated with permitting private docks while public access to the river remains severely limited. We strongly support the City putting in place mechanisms to ensure that new docks are better prioritized, while also ensuring that impacts on listed fish are minimized.

Removal of vegetation (Page 31): We strongly support more aggressive enforcement of vegetation protections along the river. There should be significant penalties associated with illegal removal of vegetation.

Objectives and Actions #1 (Page 32):

- We would strongly encourage the City to apply a 100 foot setback rather than the proposed 50 foot setback
- The plan should include clear strategies (incentives, code, etc.) for ensuring that setback targets are met over time (i.e. that existing development is moved out of the floodplain).
- The City should find a way to address the riparian edge of Waverley Golf Course, which represents a major opportunity area for restoration.

Objectives and Actions # 2 (Page 33):

- Apply River Environmental to all high and medium ranked resources within setback as well as low ranked resources that contain significant tree canopy or restoration potential.
- The goal should not be to reduce costs of environmental violations for applicants—the city should be increasing penalties in order to reduce the number of violations.

Ross Island (Page 35): Ross Island has three associated islands (not two): Toe, East and Hardtack. It also provides habitat for a wide array of mammals, which are not mentioned in the first paragraph.

Ross Island (Page 39): Thanks for including information on the restoration of Ross Island Lagoon. Please add that it is also a priority to work with RIS&G to get the entire island under a single management plan.

Objectives and Actions #4 (Page 41):

- Add Waverley Golf Course to 5<sup>th</sup> bullet: We would urge the City to specifically initiate discussions regarding an Intergovernmental Agreement with Clackamas County to manage unincorporated areas within the City's urban services district.
- Add a bullet about private property along the lines of: work with groups such as Friends of Trees, Depave, Audubon/ Columbia Land Trust (Backyard Habitat Certification Program) to promote restoration and connectivity on private property in the South Reach.

Objectives and Actions #6 (Page 45)

- First paragraph: Add, “to ensure that new development is designed to minimize flood risk and protect salmon...” The FEMA BiOp is driven by salmon protection so this species should be explicitly mentioned.
- Add consideration of regulatory strategies (i.e. land use regulations) to ensure that existing development in floodplain, especially in setback area, is reduced over time. As written, the focus is entirely on voluntary strategies.

Objectives and Actions #1 (Page 50):

- Add bullet regarding increasing opportunities for partnerships with conservation and community groups to support restoration, community science, etc.

Objectives and Action #5 (Page 56):

- The plan should make it an explicit goal to annex Waverly Golf Course into the City. It makes no sense for the city to provide services but allow Waverly to avoid other obligations that come with being part of the City. If the City is going to provide services, it should also require a setback from the river, greenway trail, etc. The City should initiate discussions regarding an Intergovernmental Agreement with Clackamas County to manage unincorporated areas within the City's urban services district.

Riverfront Communities (Page 73):

As a general comment on this section, it appears that the plan does nothing to facilitate reduction of existing development within the greenway over time. In some cases (for example Miles Place), it seems to lock in existing development. The City should explicitly adopt policies (regulatory and non-regulatory) which facilitate reduction of development in the greenway as well as in existing floodplains over time.

## **Volume 1, Part 2: Implementation Tools**



Page 31 of: We strongly support applying the River Environmental Zone to the developed floodplain and changing the goal of this zone from “no net loss” to “compensate for impacts and improve natural resource features and functions over time.” Both changes are consistent with the FEMA BiOp as well as the City’s goals to improve the health and resilience of our environment over time. However, while the commentary is clear that this zone now applies to developed floodplains, the actual code language is less clear. We would recommend making this explicit in the zone language.

Page 32 of Implementation tools: For the reasons cited, we support applying the river environmental zone to the interior of Hardtack and Ross Islands.

Page 42 of Implementation Tools: We would urge the City to only allow mitigation credits to be allowed for banks within the South Reach rather than within the entire Lower Willamette. Mitigation banks should be reasonably proximal to the impact area.

Page 42 of Implementation Tools: For the record, we continue to strongly oppose the development of commercial spaces in public parks. We are particularly concerned about commercial spaces such as food outlets that are in no way river related or river dependent in waterfront parks. 1,500 square feet is a large allowance for development in a place such as Sellwood Riverfront Park and would fundamentally change the nature of this park.

Page 43, Mitigation Bank Credits (C): Why was this section changed from the November draft from “applicant must provide proof of the purchase of the appropriate number of credits” to applicant must provide proof of purchase of credits”?

Page 45 of Implementation Tools: The Setback standard of 50 feet is too small for reasons cited above in this letter. The City should go beyond the bare minimum to achieve ecological health in the South Reach. It seems remarkably unambitious that the City would establish the same low threshold for setbacks in the South Reach as it applied in the much more heavily developed and constrained Central Reach. The City should explain why it is going with such a low setback. Moreover, the City needs to establish regulatory and non-regulatory strategies to reduce existing development in the setback area over time. Without these types of mechanisms, the wider setback is at best a paper victory.

Page 50 of Implementation Tools (33.475.220.B.2.c(2): We are concerned about the exception to landscaping requirements when landscaping is deemed by the fire marshal to be a safety hazard. It is difficult to envision a situation in which riverbank landscaping would create a specific fire hazard. More clarity here would be appreciated.

Page 53 of Implementation Tools (33.475.220.B.2.c(5): We oppose the change that would allow revegetation projects to occur anywhere in the River Environmental Zone rather than in the same reach as where impacts occur. Revegetation should be reasonably proximal to the impact area. There are plenty of opportunities within the reaches to accomplish revegetation without going outside the reach.

Page 57: Why was the word “legal” removed before non-conforming uses (the term “legal” was added in the November discussion draft and removed in the January discussion draft)? Without the word “legal” the current draft would appear to authorize illegal non-conforming uses.

Page 60 Docks: The City should establish a clear goal to reduce the number of docks and to prioritize public rather than private docks.

Page 61: 33.475230 (Exterior lighting): We do not see why the word “avoid” was removed with relation to light pollution. Why not “avoid and minimize” as originally written rather than simply “minimize?” The new explanation that has been provided on page 60 is entirely unsatisfactory: that the goal is to minimize rather than avoid since lighting is not being avoided. Nobody is suggesting that lighting should be avoided, but we are suggesting that glare and spill should be avoided. The goal should always be to avoid where possible and minimize (and mitigate) where avoidance is not possible. This explanation strikes us as somewhat bizarre and at odds with the avoid, minimize, mitigate hierarchy used by the city and most other entities when it comes to environmental impacts.

Page 64 of implementation tools: We strongly support the inclusion of birdsafe building practices in the South Reach.

Page 77: Nonconforming uses 33.475.250.D: This section in our opinion needs a major overhaul. This is where the City could make real progress in terms reducing existing development in the setback area. Instead, the proposed code does nothing to either regulate or incentivize reduction over time as redevelopment occurs. The City should incorporate effective mechanisms to reduce development in the setback area over time.

Page 77: Nonconforming uses 33.475.250.D(1): We are concerned that language in the November draft specifically stating that the footprint (building coverage) of a house in the river setback cannot be increased has been removed in the current draft. While the current draft specifies that a building can be “expanded vertically within the building footprint,” we believe that the more explicit language in the prior draft prohibiting expansion of coverage was important for clarity.

Page 77: Nonconforming uses 33.475.250.D(2): We are concerned about the new language in the January draft regarding expansion of seawalls. We believe that this language is too permissive given the significant negative impacts that seawalls have on river ecology. There should be provisions included that ensure that removal of seawalls and restoration is actively explored and promoted whenever a seawall is modified.

Page 78: Exemptions from regulations:

- We are concerned that 33.475.405 (D) is too expansive. We would recommend eliminating or narrowing this section.
- (H) We again encourage the City to find mechanisms to reduce, not perpetuate existing development in setback areas

- (J) If the tree removal threshold is set at 1.5” dbh within the river overlay zone, replacement standards must stipulate that required replacement trees be larger than 1.5” dbh in size. This will ensure that a loophole is not created that allows for the planting of small trees (<1.5” dbh) and their immediate removal. The code is supposed to ensure the retention of existing vegetation along the riverbank. Additionally, trees planted as mitigation for tree removal in the river overlay zone should require a maintenance plan to ensure a higher survival rate.
- (K) Consistent with prior comments, we oppose exemptions to build on top of existing docks. This makes it less likely that docks will be removed over time.
- (L) The pruning allowances for trees are too broad and will result in continued de-vegetating of the greenway.
- (P) the Security camera exemption seems too broad and could be used as a pretext for removing vegetation from the greenway
- (V)(6) Trails should be at least 25 feet from top of bank rather than 15 feet

Page 85: Why was the figure regarding trail vegetation pruning and maintenance that was added to the November draft removed in the January draft?

Page 90: 33.475.440.B: We support the new “riparian buffer area” 170 feet landward of OHW in which beneficial gain must be demonstrated

Page 93: Trail Standards: The distance from top of bank is too small. We could recommend at least 25 feet. In addition, the disturbance area for major trails (16-foot wide trails and 24-foot wide disturbance area) is excessively generous. This means that the standards could functionally allow the disturbance area for major trails to consume 24 feet out of a 50-foot wide greenway.

Page 99: Standards for vegetation pruning and removal: We support the proposed restrictions during nesting season. We would note that dead trees (as opposed to dangerous trees) could actually provide nesting habitat. In fact, snags are often some of the most important nest trees. We would urge the city to only allow for the removal of dangerous trees during the restricted time period.

Page 103: Tree Replacement requirements: Shouldn’t larger trees be replaced on an inch for inch basis consistent with the big tree mitigation standards? Why is the City not using inch for inch replacement for removal of trees above 30 inches in diameter?

Page 101-103: Mitigation: As per prior comments, we believe that all mitigation should occur within the South reach.

Page 107 Standards for structures: We are concerned about the provision to allow for one 300 square foot land-based structure per swimming site. Given that the proposed code would allow up to 8 swimming sites per reach, this means that there could be as many as 8 temporary 300 square foot land-based structure allowed in the greenway per reach as well. This seems excessive. Also there are not provisions for protecting and restoring habitat that could be impacted by these structures included in the code.

Page 115: Corrections to Violations of the River Environmental Zone: Given the prevalence of illegal cutting of trees and removal of vegetation in the South Reach, these requirements seem inadequate. We would urge the City to include more severe penalties, especially for sites where there are repeat violations.

Page 125: Cleanup of contaminated sites: Should large trees be replaced on an inch for inch basis. Also again recommend mitigation be with the reach.

Page 195-199: We support the inclusion of code to bring the city into compliance with the 2006 FEMA BiOP

### **Volume 1, Part 2: Action Plan**

- W1C: We are assuming that the city will use the default top of bank where TOB has not been explicitly identified. Is that correct?
- W3A: Pleased to see planning for RI/ Oaks Bottom Plan prioritized
- W4C: Seems like scheduling this work at Willamette Park 6-20 years out is a long timeline given that the plan was developed in 2012
- W4E and W4F: Add Audubon/ CLT Backyard Habitat Program to list of partners
- W6A and W6B: Strongly support these efforts to meet Fema BiOp
- W6C: City should commit to developing incentives rather than “consider” for removal of impervious surfaces
- W6D: Strongly support city developing a Willamette Floodplain willing seller program
- R1B: Dog parks—language should be clarified here to make it clear that off leash areas will not be located in natural areas.
- R5B: The City should prioritize annexing Waverley so that it can apply environmental code. City should pursue and IGA with the County within 5 years.
- Objective 9: Add another action regarding exploring expansion of no wake areas
- C7A: City should not be working to expand development within setback

### **Volume 2, Chapter II, Scenic Resources Protection Plan**

In general, we are supportive of the work done in this volume. We do have some questions regarding sites SRSW04, SRSE03, SRSE06, SRSE07 and SRSE08. While we think these viewpoints are all valuable, we would urge the city to recognize that it is acceptable to have obstructed views during portions of the year when trees are leafed out. These sites are in or over natural areas where seasonal variation in vegetation should be part of the experience. We are particularly concerned about SRSE07 and SRSE08 as it would appear that both views of the city skyline could eventually be blocked out by a relatively large stand of trees (enclosed in the red rectangles). Maintaining this view in the long run could result in a large scale removal of trees at Oaks Bottom and on Ross Island which would be strongly opposed. The City should reevaluate these sites based on the potential natural resource impacts.

We would also recommend eliminating SRSW08 given the presence of large mature trees and the relatively low public benefit (low access) to this site.

### **Volume 3: Chapters I-IV, Natural Resources Protection Plan**

Page iv: We support protection of both the undeveloped (strictly limit) and developed (limit) floodplains. This is consistent with the FEMA BiOp

Page v: we would urge the City to consider rank patches of trees less than ½ acre in size. The science increasingly demonstrates the importance of smaller patches for connectivity, urban heat island, air purification, etc. We also think that the ranking of the Oaks Bottom Complex and Powers Marine Park as medium for wildlife habitat seems low. These are some of the most valuable wildlife habitat areas in the City (especially the Oaks Bottom Complex). If they are only ranking medium for wildlife habitat, something is off in the calibration of the ranking system.

Vii Map: It seems odd that the southern tip of Ross Island would only get a medium combined ranking while the rest of the island (outside developed areas) gets a high ranking. The southern tip is contiguous with the rest of the natural area (i.e. part of a habitat mosaic). It does not make sense to give it a different ranking from the rest of the undeveloped island.

Page 8-9 Birds: In the future, we should add language about birds that reflects the decline of many common species as well as species that are currently formally listed on various watch lists. In fact, many species that we currently take for granted in Portland are experiencing significant local long-term declines. Data is now available and could be added.

Page 9: Peregrine Falcons:

- Bob Sallinger should be listed as the source of all the Peregrine Information (I provided the information to the Intertwine Alliance).
- The Fremont Bridge is believed to be the “most productive” nest site in Oregon (not the “most common”).
- Peregrines are nesting on both Portland area bridges and cliffs (not just bridges)
- Currently there is a known nest site in the South Reach at Elk Rock Cliffs. Falcons have also nested on the Sellwood Bridge.

Page 10: Add, raccoon, to list of animals found in more intensely developed urbanized areas. It would also be good to add something about the role of yards in providing habitat and connectivity in developed areas.

Page 22: Regulatory and Policy Framework

- Add a section on the Intertwine Alliances Biodiversity Guide.
- Might also want to reference the birdsafe building guide that the City Developed with Audubon in the section regarding the MBTA

Page 61: Buildings, fences and other barriers

Add window collisions to the list of potential mortality factors. It would be good to note here that collisions are ranked as the second highest cause of anthropogenic mortality for birds in North America accounting for as many as 1 billion bird deaths annually.

### **Volume 3: Chapters V, Natural Resources Protection Plan**

Page 80: Add osprey on pilings, utility poles, etc.

Page 86: Map—the southern tip of Ross Island should not be ranked low and medium—it is part of a mosaic of habitats on the island that should all be ranked high

Page 87: The southern tip and interior of Ross Island should all be “strictly limit” for the reasons previously outlined. We are very surprised to see the interior of Ross Island get only a “limit” designation. There is something off in the calibration of rating system if the interior of RI gets only a limit recommendation.

Page 87: It does not make sense to only protect half the river beginning at Waverley golf course. Even if Waverley is outside the City, the protections should still apply on the river.

#### General Comments on Volume 3:

- The volume needs to more clearly delineate what it means to “strictly limit” versus “limit” conflicting uses. The volume never really provides a clear explanation.
- The City should consider providing a “limit” designation on some low ranked herbaceous areas. These areas represent significant opportunities to increase ecological function. By applying an “allow” designation to all of these areas, the City limits the likelihood that ecological function will be improved and creates a one way dynamic in which once areas are de-vegetated, they are not typically restored. We are particularly concerned about this dynamic on the west bank of the Willamette where adjacent property owners have intentionally and often illegally removed vegetation. They should not now be rewarded by having this potential habitat adjacent to the river ranked low and given an allow decision.
- It would be helpful to include a map of areas that are given a limit decision strictly because they are in the developed floodplain. It would be interesting to know how much land this new application has brought into a protected status in the South Reach.

#### Other:

- I would suggest including maps of projected changes in flooding in the South Reach over the next century.

Thank you for your consideration of these comments.

A handwritten signature in black ink that reads "Bob Sallinger". The signature is written in a cursive, slightly slanted style.

Bob Sallinger  
Conservation Director  
Audubon Society of Portland

Micah Meskel  
Activist Program Manager  
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