

**DATE:** March 1, 2021

**RE:** Zoning Code Replacement

**Update Packet #196 – Annual Dollar Figure Updates and River Plan / South Reach**

*The attached Code Update Pages are the result of the River Plan / South Reach project (Ord. No. 190241) as well as the annual dollar threshold update (2.1% for 2021).*

**Contents**

<b>Chapter</b>	<b>Remove Pages</b>	<b>Insert Pages</b>	<b>Changed because of</b>
33.10	All	All	River Plan / South Reach
33.258	9-12	9-12	Dollar Figures
33.296	3-6	3-6	River Plan / South Reach
33.430	1-2, 13-42	1-2, 13-42	River Plan / South Reach
33.440	All	All	River Plan / South Reach; Dollar Figures; Typo
33.475	All	All	River Plan / South Reach
33.480	All	All	River Plan / South Reach
33.510	21-22, 27-28, 43-44	21-22, 27-28, 43-44	Dollar Figures
33.515	33-34	33-34	Dollar Figures
33.560	1-2	1-2	Dollar Figures
33.565	7-8	7-8	Dollar Figures
33.610	All	All	River Plan / South Reach
33.611	All	All	River Plan / South Reach
33.630	1-2	1-2	River Plan / South Reach
33.730	35-38	35-38	Typo
33.809	All	All	River Plan / South Reach
33.825	1-4	1-4	Dollar Figures
33.846	5-6	5-6	Dollar Figures
33.865	All	All	River Plan / South Reach
33.910	21-40	21-40	River Plan / South Reach
33.930	17-20	17-20	River Plan / South Reach; Typo



## 33.10 Legal Framework and Relationships

# 10

### Sections:

- 33.10.010 Purpose
- 33.10.020 Official Names
- 33.10.030 When the Zoning Code Applies
- 33.10.040 Other City, Regional, State, and Federal Regulations
- 33.10.050 Official Zoning Maps
- 33.10.060 Comprehensive Plan Designations
- 33.10.070 Severability

### 33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

### 33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

### 33.10.030 When the Zoning Code Applies

- A. All land and water.** The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.
- B. Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:
  1. Rights-of-way in the greenway, river, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
  2. The act of creating or dedicating public rights-of-way through a land division;
  3. Development within the design overlay or historic resources protection overlay zone;
  4. Structures that project from private property over rights-of way, such as oriel windows; and
  5. Proposals for park-and-ride facilities for mass transit.
- C. Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies. The zoning code does

regulate dredging in the Willamette River Central and South reaches, but does not regulate dredging on or in any other portion of the Willamette River or any other water body.

- D. **Private rights-of-way.** The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

### 33.10.040 Other City, Regional, State, and Federal Regulations

- A. **Compliance required.** In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- B. **References to other regulations.** All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
- C. **Current versions and citations.** All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

### 33.10.050 Official Zoning Maps

- A. **Content of Official Zoning Maps.** The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, special street setbacks, and existing and planned major public trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.
- B. **Changes to Official Zoning Maps.** A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.
- C. **Boundary lines.**
  - 1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.
  - 2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

### 33.10.060 Comprehensive Plan Designations

- A. **Mapping format.** The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

- B. Map symbols.** Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Mixed Use – Urban Center	MU – U
Mixed Use – Civic Corridor	MU – C
Mixed Use – Neighborhood	MU – N
Mixed Use – Dispersed	MU – D
Institutional Campus	CI
Mixed Employment	ME
Industrial Sanctuary	IS

**33.10.070 Severability**

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

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*(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*



### 33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.** Changes may be made to the site that are in conformance with the development standards of the base zone, overlay zone, plan district or other development standards that apply to the site. Changes that bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
    - a. Landscaping and trees required for the following areas:
      - Exterior display, storage, and work activity areas;
      - Setbacks for surface parking and exterior development areas;
      - Interior parking lot landscaping;
      - Existing building setbacks;
      - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
      - On-site tree density standards of Subsection 11.50.050.C.
    - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
    - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
    - d. Screening; and
    - e. Paving of surface parking and exterior storage and display areas.
    - f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:
      - (1) Landscaped setbacks for surface parking and exterior development areas;

- (2) Interior parking lot landscaping; and
  - (3) Landscaping in existing building setbacks.
  - (4) This exception expires December 31, 2015.
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
- a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$306,300. The following alterations and improvements do not count toward the threshold:
    - (1) Replace a manufactured dwelling in a manufactured dwelling park;
    - (2) Alterations required by approved fire/life safety agreements;
    - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
    - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
    - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
    - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
    - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
    - (8) Landscaping required by 33.475.220; and
    - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900.
  - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
    - (1) Landscaping and trees required for the following areas:
      - Exterior display, storage, and work activity areas;
      - Setbacks for surface parking and exterior development areas;

- Interior parking lot landscaping;
  - Existing building setbacks;
  - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
  - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
  - Sites with accessory surface parking must meet the standards for all bicycle parking;
  - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- (6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:
- Landscaped setbacks for surface parking and exterior development areas;
  - Interior parking lot landscaping; and
  - Landscaping in existing building setbacks.
  - This exception expires December 31, 2015.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
- (2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
    - The term of the lease. There must be at least one year remaining on the ground lease; and
    - A legal description of the boundaries of the lease.
  - The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;

- The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
  - Screening is not required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
  - (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
    - Before a building permit is issued, the applicant must submit the following to BDS:
      - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
      - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
    - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$306,300. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
    - By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the

4. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

**E. Fairs, carnivals, and other major public gatherings.**

1. In the CI1 and RF through RM4 and RMP zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
2. In the IR zone, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
3. In the RX, C, E, I, and CI2 zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.
4. In the OS zone, fairs, carnivals, and other major public gatherings are allowed by right. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

**F. Construction activities**

1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RM4 and RMP zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or manufactured dwelling must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or manufactured dwelling.
2. Building relocation. In all zones except the OS zone, a site may be used once per year to store a building for up to 6 months while the building is awaiting permanent placement. Site development standards of this Title do not apply to the building while it is being stored; however other city requirements may still apply such as stormwater management and erosion control. A performance bond in conformance with 33.700.050, Performance Guarantees or other form acceptable to the Director of BDS must be posted to ensure removal of the building if is not permanently placed within 6 months.

3. Construction parking. In all zones, temporary parking areas are allowed only during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.
4. Construction staging areas
  - a. General construction projects. Staging areas for construction projects in the RX, C, E, and CI2 zones are allowed subject to subparagraph .030.F.4.c. The staging area must be located within 500 feet of the construction site, however in no case can the staging area be located within an OS or single-dwelling zone.
  - b. Public utility projects. Staging areas for public utility improvement projects, such as the installation of sewer pipes, water pipes, and transportation improvements, are allowed in all zones and are subject to the regulations below.
  - c. Staging area standards. Adjustments to the following standards are prohibited
    - (1) Staging areas that last more than one year require that a community relations representative is designated for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.
    - (2) Staging areas that last longer than 3 years are subject to the regulations for permanent uses, except for staging areas located within an Environmental, River Environmental, or River Natural overlay zone, in which case the staging area is subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.
    - (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
    - (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirements does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, I, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.

- (5) Building permit. Prior to the start of the construction project, a building permit must be obtained from the City. The application for the building permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.
- G. Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, warming or cooling shelters, and triage stations.
  - H. Radio Frequency Transmission Facilities.** Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.
  - I. Commercial filming.** In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

### **33.296.040 General Regulations.**

All temporary activities are subject to the regulations listed below.

- A.** New development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.
- B.** Temporary activities may not cause the elimination of required off-street parking, except for Farmers Markets. Required parking may be temporarily occupied by a Farmers Market, as follows:
  1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or
  2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.
- C.** Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.
- D.** Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.

- E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

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*(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190241, effective 3/1/21.)*

## 33.430 Environmental Zones

# 430

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Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area

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Map 430-5 Johnson Creek Basin Protection Plan Area

Map 430-6 Northwest Hills Natural Areas Protection Plan Area

Map 430-7 Skyline West Resource Protection Plan Area

Map 430-8 Southwest Hills Resource Protection Plan Area

Map 430-9 East Columbia Neighborhood Natural Resources Management Plan Area

Map 430-10 (Smith and Bybee Lakes Natural Resources Management Plan Area — repealed on 12/31/13)

Map 430-11 Forest Park Natural Resources Management Plan Area

Map 430-12 Peninsula One Natural Resources Management Plan Area

Map 430-13 Middle Columbia Corridor/Airport Natural Resources Inventory Environmental Mapping Project Area

Map 430-14 Bank Reconfiguration and Basking Features Area

## General

### **33.430.010 Purpose**

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives.

### **33.430.015 Purpose of the Environmental Protection Zone**

The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

- C. The disturbance area must be set back at least:
  - 1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the disturbance area must be set back at least 5 feet from the new top of bank line;
  - 2. Thirty feet from the top of bank of any identified water body within a protection zone on all lots except those zoned R10, R20 or RF; and
  - 3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.
- D. For alterations to existing development, one of the following must be met:
  - 1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone; or
  - 2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:
    - a. The existing disturbance area may not be expanded; and
    - b. Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.
- E. The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;
- F. The proposed development must be set back at least:
  - 1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the proposed development must be set back at least 5 feet from the new top of bank line;
  - 2. Thirty feet from the top of bank of any identified water body within a protection zone on lots zoned R7 through IR; and

3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.
- G. The proposed buildings must be set back at least 5 feet from the edge of the disturbance area;
  - H. Where the distance between a building and the edge of the disturbance area is less than 10 feet, additional temporary disturbance area is allowed. The edge of the additional temporary disturbance area may extend no more than 10 feet from the building. The temporary disturbance area must be replanted with three different native shrub species at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet with the remaining area planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
  - I. Temporary disturbance areas and portions of the resource area where removal of non-native vegetation occurs must be replanted so that the area achieves a 90 percent vegetation cover within one year;
  - J. Tree removal and replacement standards.
    1. Removal of native trees is allowed as follows:
      - a. Trees removed from resource and transition areas must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.
      - b. In resource and transition areas, the combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;
      - c. In resource areas, trees may be removed only if one of the following is met:
        - (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;
        - (2) Within 10 feet of proposed driveways or right-of-way improvements; or
        - (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.
    2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;
    3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and
    4. For replacement of non-native trees and trees in transition areas, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.

<b>Table 430-2 Minimum Site Enhancement Options</b>	
<b>Option</b>	<b>Action</b>
Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <p>1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</p> <p>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance.</p> <p>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued:</p> <ul style="list-style-type: none"> <li>- The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area;</li> <li>- The fee calculation will be rounded up to the next multiple of \$10; and</li> <li>- The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.</li> </ul>

- K.** Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

**L. Nuisance plants.**

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
  - a. Seed the entire area of removal with a native grass seed.
  - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
  - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.
  - d. Planting native species listed on the *Portland Plant List* is required.

**M.** All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

<b>Table 430-3 Tree Replacement in Environmental Overlay Zone</b>		
<b>Size of tree to be removed (inches in diameter)</b>	<b>Option A (no. of native trees to be planted)</b>	<b>Option B (combination of native trees and shrubs)</b>
At least 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

**N.** The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

**O.** Maximum front or street setbacks are as follows:

1. The front building or street setback of the base zone is the maximum building setback for primary structures.

2. On a lot with more than one street lot line the maximum setback standard applies to the street lot line that is farthest from the resource area.
  3. In zones with no minimum front or street setback, the maximum setback is 10 feet.
- P.** Fences are allowed only within the disturbance area;
- Q.** Parking and truck area buffers:
1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;
  2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;
- R.** Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas; and
- S.** Exterior storage and display areas include a ten-foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

### **33.430.150 Standards for Utility Lines**

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met unless exempted by Subsection F.

- A.** The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;
- B.** The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;
- C.** The utility construction does not occur within a stream channel, identified wetland, or water body;
- D.** Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;
  2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and
  3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2

above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

- E. Tree removal and replacement standards are as follows:
  - 1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Table 430-3;
  - 2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
  - 3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
  - 4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
  - 5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.
- F. Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B and D.

### **33.430.160 Standards for Land Divisions and Planned Developments**

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met.

- A. All development is outside the resource area of the environmental protection zone;
- B. Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:
  - 1. The existing house will remain; and
  - 2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.
- C. Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization; and
- D. The total amount of disturbance area allowed within the resource area of the environmental conservation zone is either the amount listed in Table 430-4 or 1 acre, whichever is less, minus the amount of area outside the resource area;

<b>Table 430-4 Maximum Disturbance Area for a Land Division and PD Allowed Within the Resource Area[1]</b>						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

- E.** Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;
- F.** Tree removal is allowed as follows:
  1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per dwelling unit, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;
  2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3; and
  3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.
- G.** The standards of Subsections 33.430.140.B, C, and K through R must be met.
- H.** Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;
- I.** New right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and
- J.** Utility construction must meet the applicable standards of Section 33.430.150. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard.

<b>Table 430-5 Maximum Right-of-way and Roadway Widths</b>			
<b>Base Zone</b>	<b>Type of Street</b>	<b>Right-of Way Width</b>	<b>Roadway Width</b>
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

**33.430.165 Standards for Property Line Adjustments**

The following standards apply to Property Line Adjustments (PLAs) in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.C.11 or 33.430.080.D.11. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

- A. A Property Line Adjustment may not result in any property being entirely in the environmental protection zone, unless that property is entirely in the environmental protection zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.
- B. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 430-6. A property that contains less than the area listed in Table 430-6 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 430-6.

<b>Table 430-6 Minimum Area Required Outside of Resource Area</b>				
	<b>OS through R10 Zones</b>	<b>R7 Zone</b>	<b>R5 Zone</b>	<b>All Other Zones</b>
Minimum Area Required	5,000 sq. ft.	3,500 sq. ft.	2,500 sq. ft.	50% of the base zone building coverage or 1 acre, whichever is less

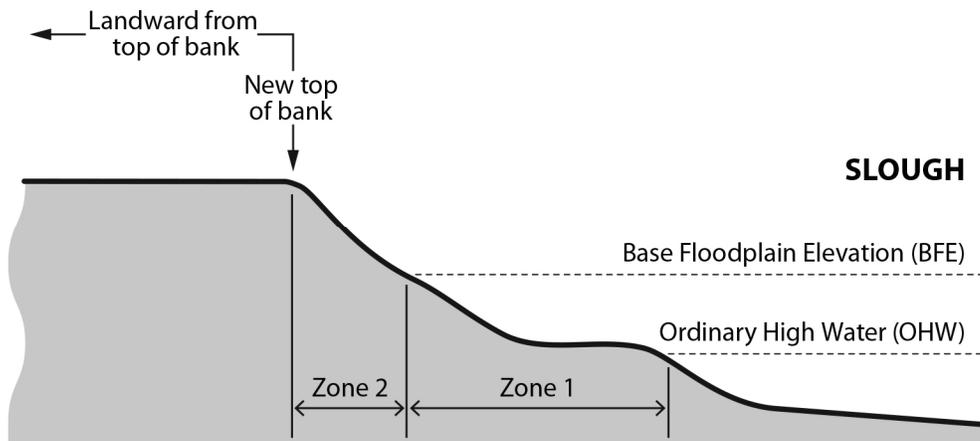
**33.430.170 Standards for Resource Enhancement Projects**

The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-14 may choose to meet all of the standards of subsection A, all of the standards of subsection B, or all of the standards of subsection C. Applicants for projects that will take place outside the area shown on Map 430-14 must meet all of the standards in subsection C.

- A. **Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:
  1. The activity is conducted or authorized by the Multnomah County Drainage District #1 or Peninsula Drainage District #2;

2. The final slope above ordinary high water after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3);
3. Rock armoring may not be used except surrounding outfalls, inlets, culverts and bridge crossings, the rock armoring cannot exceed a distance of 5 feet from those features, and must be planted with live stakes of native plant stock, one half inch in diameter. Stakes must be used at a density of 2 to 3 stakes per 9 square feet. If the armoring is located on a levee, live stakes are not required;
4. The placement of large wood on the bank is allowed to improve bank stabilization if installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:
  - a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 430-3, Tree Replacement;
  - b. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
  - c. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
  - d. Replacement trees must:
    - (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and
    - (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain;
  - e. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.
6. The area between the ordinary high water mark and the new top of bank must be revegetated as specified in Figure 430-3 and Table 430-7, Bank Revegetation.

**Figure 430-3  
Bank Revegetation**



<b>Table 430-7 Bank Revegetation</b>		
<b>Water Body</b>	<b>Zone (See Figure 565-2)</b>	<b>Planting Requirements</b>
Sloughs and drainageways; except on levees	Zone 1	A mix of native emergent wetland vegetation planted at a rate of 50 plugs of vegetation per 100 square feet of area, ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 30 pounds per acre. No trees may be planted in Zone 1.
	Zone 2	A. Outside of the Airport Subdistrict of the Portland International Airport plan district, one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. B. Within the Airport Subdistrict of the Portland International Airport plan district, Option A or ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 20 pounds per acre.
On levees	Zone 1 and 2	A native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees applied at a rate of 50 pounds per acre.

7. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
  - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
  - b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland, or other water body;

- c. The viewing area is not in the floodway;
  - d. Native trees more than 10 inches in diameter are not removed; and
  - e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and
9. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.
- B. Basking features.** The following standards apply to the placement of large wood or large rocks as basking features for wildlife in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. The placement of large wood or large rocks as basking features for wildlife within the Columbia Slough, Whitaker Slough, Buffalo Slough, Peninsula Canal, or other drainageways or identified wetlands is allowed when all of the following are met:
1. The activity is conducted or authorized by the Multnomah County Drainage District #1, Peninsula Drainage District #2 or the City of Portland Bureau of Environmental Services;
  2. No native trees are removed;
  3. The basking feature is installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
  4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
  5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
    - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
    - b. The viewing area is at least 30 feet from the top of bank;
    - c. The viewing area is not in the floodway;
    - d. Native trees more than 10 inches in diameter are not removed; and
    - e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and
  6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

- C. All other resource enhancement projects.** The following standards apply to all other resource enhancement projects not addressed by subsections 170.A or B. All of the following standards must be met:
1. There is no excavation or fill of, or construction activity within any wetland or water body;
  2. There is no net fill, or increase in the amount of soil on the site;
  3. No native vegetation listed on the *Portland Plant List* is removed except as allowed by C.5. below. Non-native trees and vegetation may be removed;
  4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
  5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
    - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
    - b. The viewing area is at least 30 feet from the top of bank;
    - c. The viewing area is not in the floodway;
    - d. Native trees more than 12 inches in diameter are not removed;
    - e. Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
  6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

### **33.430.175 Standards for Right-of-Way Improvements**

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

- A.** The proposed paved roadway portion of the right-of-way must not be more than 26 feet wide and 2600 square feet in area;
- B.** The proposed disturbance area for the right-of-way improvement must;
  1. Be at least 50 feet from the edge of any wetland or waterbody;
  2. Be at least 5 feet from the resource area of any environmental protection zone; and
  3. Be no larger than 3300 square feet in area;
- C.** Planted areas, including stormwater swales, must be planted with native plants from the *Portland Plant List*;

- D. Trees within the right-of-way may be removed within the improvement area and within 10 feet of the edge of the improvement. In no case may the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees other than native trees are exempt from this standard and may be removed without being counted as part of the 225 inches; and
- E. The right-of-way improvements meet the development requirements of the City Engineer or the Permanent Rule for Private Rights-of-Way.

#### **33.430.180 Standards for Stormwater Outfalls**

The following standards apply to the installation of stormwater outfalls. All of the standards must be met.

- A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;
- B. Native trees 12 or more inches in diameter may not be removed. Each native tree at least 6 inches but less than 12 inches in diameter that is removed must be replaced as shown in Table 430-3;
- C. Non-native non-nuisance trees may be removed. Each tree at least 6 inches in diameter must be replaced as shown in Table 430-3;
- D. Trees listed on the Nuisances Plant List may be removed. Each tree at least 6 inches in diameter must be replaced with one tree.
- E. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
- F. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet; and
  - 2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- G. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;
- H. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4 inches in diameter; and
- I. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

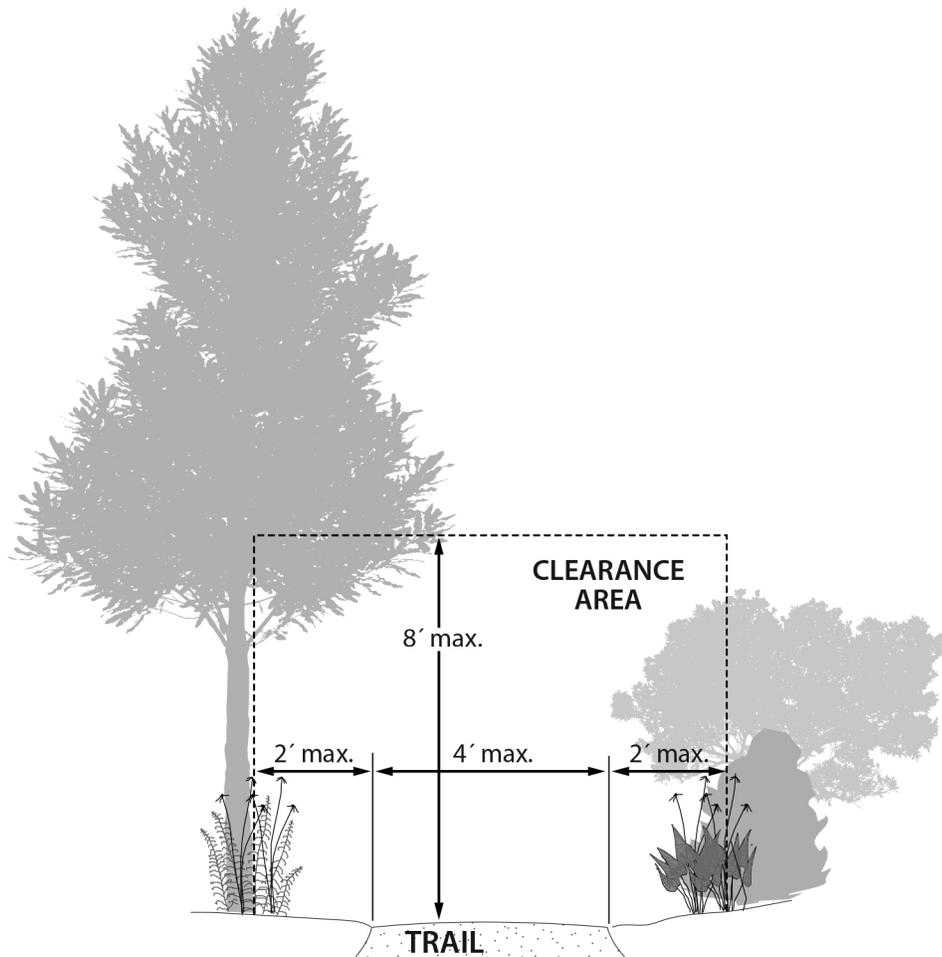
#### **33.430.190 Standards for Public Trails**

The following standards apply to public trails and viewing areas developed in conjunction with the public trail. All of the standards must be met.

- A. The trail is located on public property or within a public trail easement;

- B.** The trail is no longer than 5,000 feet and no wider than 4 feet with a maximum vegetation clearance of 8 feet high and 2 feet on either side of the trail (see Figure 430-4);
- C.** If the trail crosses a waterbody it is constructed above the top of bank;
- D.** If a public viewing area is proposed, the following must be met:
  - 1. The viewing area may create up to 500 square feet of permanent disturbance area;
  - 2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and
  - 3. The viewing area is not in the floodway;
- E.** Tree removal and replacement standards:
  - 1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
  - 2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and
  - 3. Replacement trees must meet the planting standards in 33.430.140.K.

**Figure 430-4**  
**Trail Vegetation Pruning and Maintenance Area**



**33.430.195 Standards for Tree Removal in the Scenic Resources Zone**

The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an Environmental overlay zone and the Scenic Resource zone:

- A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
- B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;
- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
  - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or

2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

### **Environmental Review**

#### **33.430.210 Purpose**

Environmental review is intended to:

- A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;
- B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;
- C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;
- D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and
- E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

#### **33.430.220 When Environmental Review is Required**

Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .190 and for violations of this chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning and Sustainability Commission, or Director of BDS may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.430.400.

#### **33.430.230 Procedure**

Environmental reviews are processed through the following procedures:

- A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.
- B. The following are processed through the Type II procedure:

1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
  2. Public safety facilities;
  3. Environmental zone boundary modifications;
  4. All other uses and development in resource areas of Environmental Conservation zones; and
  5. Development within the Transition Area only.
- C. All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

### **33.430.240 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

- A. Supplemental site plans required.** One copy of each plan must be at a scale of at least one inch to 100 feet. The following supplemental site plans are required:
- Existing conditions;
  - Conditions existing prior to a violation (if applicable);
  - Proposed development;
  - Construction management; and
  - Mitigation or remediation.

A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. The existing conditions site plan must show the following for the entire site:
  - a. Special flood hazard area and floodway boundaries;
  - b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
  - c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;
  - d. Drainage patterns, using arrows to indicate the direction of major drainage flow; and
  - e. Existing improvements such as structures, or buildings, utility lines, fences, etc.
2. The proposed development site plan must show the following:

- a. In areas of the site that have been or will be part of the permanent disturbance area, distribution outline of shrubs and groundcovers, with a list of most abundant species;
  - b. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition;
  - c. A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
  - d. Trees six or more inches in diameter, identified by species, with trees proposed to be preserved and removed indicated. In the case of violations, also indicate those that were cut or damaged by stump diameter and species;
  - e. Proposed development, including proposed buildings, walkways, decks, retaining walls, bridges, garages, utility lines, stormwater management systems; and
  - f. Proposed planting areas.
3. A construction management site plan must show the following:
- a. Areas that will be temporarily or permanently disturbed, including equipment maneuvering areas, and perimeter controls;
  - b. Areas where existing topography and vegetation will be left undisturbed;
  - c. Location of site access and egress;
  - d. Equipment and material staging and stockpile areas;
  - e. Erosion control measures; and
  - f. Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.
4. A mitigation or remediation site plan must show the following:
- a. Dams, weirs, or other in-water structures;
  - b. Distribution outline, species composition, number, and percent cover of groundcovers to be seeded or planted;
  - c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;
  - d. Location, species, number, and size of each tree to be planted;
  - e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
  - f. Water bodies to be created, including depth;
  - g. Water sources to be used, including volumes; and
  - h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

**B. Supplemental narrative.** The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;
  - a. An impact evaluation includes:
    - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
    - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
    - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
  - b. An impact evaluation for a violation includes:
    - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
    - (2) Determination of the impact of the violation on the resources and functional values.
2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
  - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
  - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
  - c. Construction timetables;
  - d. Operations and maintenance practices;

- e. Monitoring and evaluation procedures;
- f. Remedial actions for unsuccessful mitigation; and
- g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

### **33.430.250 Approval Criteria**

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

- A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.** Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:
1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;
    - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;
    - b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
    - c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
    - d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
    - e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
  2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;
  3. Rights-of-way, driveways, walkways, outfalls, and utilities;
    - a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of

- other practicable alternatives including alternatives outside the resource area of the environmental protection zone;
  - b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
  - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.
4. Land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments:
- a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;
  - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and
  - c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.
- B. Resource enhancement projects.** In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- 1. There will be no loss of total resource area;
  - 2. There will be no significant detrimental impact on any resources and functional values; and
  - 3. There will be a significant improvement of at least one functional value.
- C. Public recreational facilities.** In resource areas of environmental zones, public trails, rest points, public viewing areas, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- 1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
  - 2. The public benefits of the proposal outweigh all significant detrimental impacts;
  - 3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and

4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

**D. Modification of zone boundaries.** Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or
2. Approved loss of resource area. All of the following must be met:
  - a. All approved development in a resource area has been completed;
  - b. All mitigation required of this development has been successful; and
  - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.

**E. Other development in the Environmental Conservation zone or within the Transition Area only.** In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;
2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

**F. Other development in the Environmental Protection zone.** In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;
2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;
3. There is a public need for the proposed use or development;
4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;
5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

**G. Corrections to violations.** For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and
2. The remediation plan demonstrates that after its implementation there will be:
  - a. No permanent loss of any type of resource or functional value;
  - b. A significant improvement of a least one functional value; and
  - c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

**33.430.260 Performance Guarantees**

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

### **33.430.270 Special Evaluation by a Professional**

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

### **33.430.280 Modifications That Will Better Meet Environmental Review Requirements**

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

## **Natural Resource Management Plans**

### **33.430.310 Purpose**

Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional, state, and federal agencies.

### **33.430.320 Scope**

Natural resource management plans must cover large ecosystems such as forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

### **33.430.330 Procedure**

Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

### **33.430.340 Components**

The applicant must submit a natural resource management plan with the following components:

- A. Management objectives to maintain or enhance resources and functional values;
- B. Lists of allowed and prohibited uses;

- C. Maps of areas where these uses are allowed and prohibited;
- D. Types of mitigation or enhancement required;
- E. Maps of areas reserved for these mitigation or enhancement actions;
- F. Timetables for development, mitigation, and enhancement; and
- G. Procedures and criteria for approving uses.

**33.430.350 Approval Criteria for Adoption and Amendment.**

A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

- A. Compliance with Sections 33.430.310 through 350;
- B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

**Corrections to Violations of This Chapter**

**33.430.400 Purpose**

The purpose of Sections 33.430.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.430.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

**33.430.405 Correction Options**

Applicants must choose one of the following options to correct environmental code violations.

**A. When these options may be used.**

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
  - a. Tree removal:
    - (1) Only non-native trees have been removed;
    - (2) No more than 12 diameter inches of native trees have been removed; or
    - (3) No more than one of the following has been removed:
      - A Madrone 4 inches or less;
      - A Garry Oak 4 inches or less; or
      - A Pacific Yew 2 inches or less;
  - b. The proposal will remove all illegal development; and
  - c. The proposal will replant illegal clearing.

2. If any of the following apply, the applicant may not use Option One, but may choose either Option Two or Option Three:
    - a. Tree removal. More than 12 diameter inches of native trees have been removed;
    - b. More than one of the following has been removed:
      - (1) A Madrone 4 inches or less;
      - (2) A Garry Oak 4 inches or less;
      - (3) A Pacific Yew 2 inches or less;
    - c. Any of the following has been removed:
      - (1) A Madrone larger than 4 inches;
      - (2) A Garry Oak larger than 4 inches; or
      - (3) A Pacific Yew larger than 2 inches.
  3. If the applicant cannot meet Options One or Two, Option Three must be used.
  4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
  5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.
- B. Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.
1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;
  2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
  3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
    - a. The area disturbed by the violation activity must be replanted;
    - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
    - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;

- d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
  - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
  - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.
- C. Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.
1. The applicable standards of Section 33.430.140 through .190 must be met; and
  2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
    - a. The area disturbed by the violation activity must be replanted;
    - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.
    - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
    - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
    - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
    - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
  3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees

must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

- D. Option Three, Environmental Review.** This option requires Environmental Review, using the approval criteria and procedures below:
1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.
  2. Review procedures. Reviews are processed as follows:
    - a. Type III. The following situations require a Type III review:
      - (1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.
      - (2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.
    - b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.
    - c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

#### **33.430.407 Recurring Violations of This Chapter**

- A. Recurring violations on a site.** Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.
- B. Recurring violations by an individual or business.** Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

### **Notice and Review Procedure**

#### **33.430.410 Purpose**

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

#### **33.430.420 When These Regulations Apply**

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

#### **33.430.430 Procedure**

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application

Requirements, and any additional information required for a building permit or development permit review.

**B. Notice of an application.**

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
  - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
  - The legal description and address of the site;
  - A copy of the site plan;
  - The place where information on the matter may be examined and a telephone number to call; and
  - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

**C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.
2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
  2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

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*(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*

## 33.440 Greenway Overlay Zones

# 440

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Sections:

General

- 33.440.010 Purpose
- 33.440.030 Greenway Overlay Zones
- 33.440.050 Relationship to State and Federal Reviews
- 33.440.060 Sunset Provision

Use Regulations

- 33.440.100 Use-Related Restrictions

Development Regulations

- 33.440.200 Application of the Development Standards
- 33.440.210 Development in the Greenway Setback
- 33.440.220 Floor Area Ratios
- 33.440.230 Landscaping
- 33.440.240 Major Public Trails
- 33.440.250 Public Viewpoints
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- 33.440.300 Purpose
- 33.440.310 Where Greenway Review Applies
- 33.440.320 Items Exempt from Greenway Review
- 33.440.330 Procedures
- 33.440.340 Notice to State Parks and Recreation Division
- 33.440.345 Supplemental Application Requirements
- 33.440.350 Approval Criteria

Map 440-1 Willamette Greenway Public Access

### General

#### 33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and

- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

### **33.440.030 Greenway Overlay Zones**

- A. Purpose.** The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.
1. **River Natural.** The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.
  2. **River Recreational.** The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to, along and in the river, and which enhance the river's natural and scenic qualities.
  3. **River General.** The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities.
  4. **River Industrial.** The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.
  5. **River Water Quality.** The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.
- B. Where these regulations apply.**
1. **General.** The regulations of this chapter apply to all land and fills and structures in water within the North reach and industrially zoned sites within the Central reach of the Willamette Greenway. The North reach and industrially zoned sites within the Central reach of the Willamette Greenway are shown on Map 440-1, and are designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones.
  2. **Exceptions.** The major public trail standards of Section 33.440.240 apply to all lands within the Willamette Greenway Plan boundary designated with the major public trail symbol but which are outside of the greenway zones.

- C. Removal or remediation of hazardous substances.** For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.
- D. Map symbols.** The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i
River Water quality	q

### 33.440.050 Relationship to State and Federal Reviews

In addition to any City requirements, development within or riverward of the greenway setback, including fills, may be regulated by the Oregon Division of State Lands and the U.S. Army Corp of Engineers. City approval does not imply approval by these agencies.

### 33.440.060 Sunset Provision

The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

## Use Regulations

### 33.440.100 Use-Related Restrictions

- A. Generally.** In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.
- B. Use restrictions.**
  1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.
  2. River Industrial zone. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below. There are no special use restrictions on sites that do not have river frontage.
  3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.

4. River Water Quality zone. There are no special use restrictions associated specifically with the River Water Quality zone. However, any use restrictions that apply as a result of an accompanying Greenway Overlay Zone also apply within the River Water Quality zone.

### Development Standards

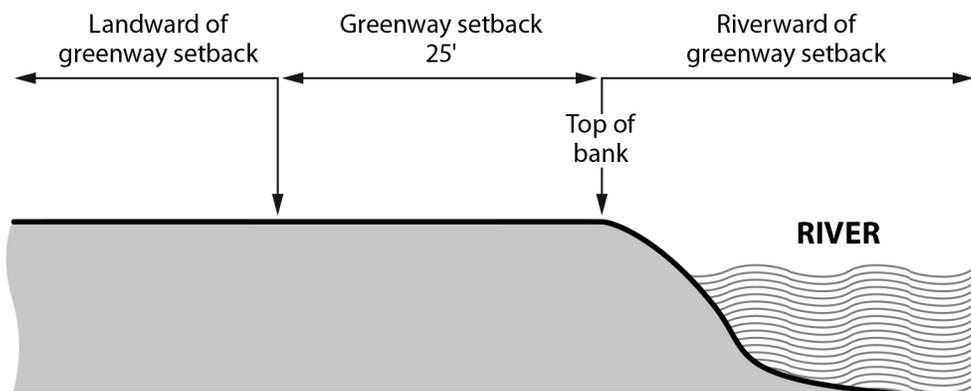
#### 33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

#### 33.440.210 Development in the Greenway Setback

- A. **General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.
- B. **The setback areas.**
  1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

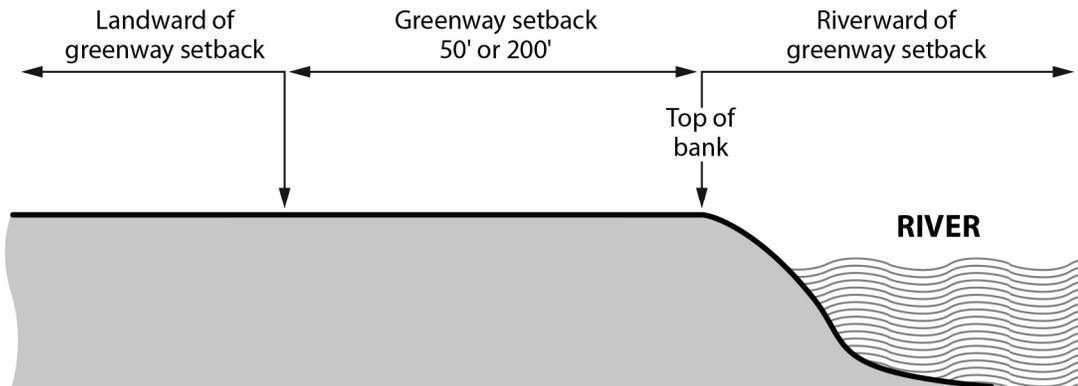
**Figure 440-1  
Greenway Setback**



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.

3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

**Figure 440-2**  
**Greenway Setback in the River Water Quality Zone**



**Table 440-1**  
**Setbacks for River Water Quality Zone**

Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
> 25% for 150 feet or more [2]	200 feet

[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%

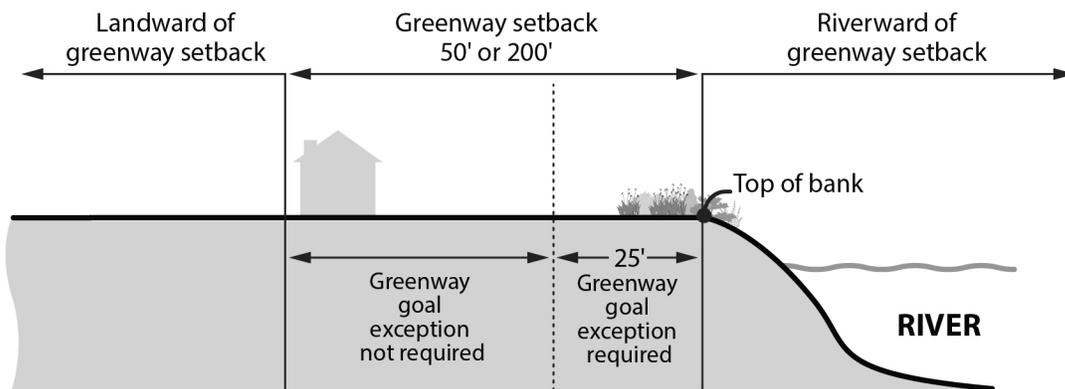
[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the uphill direction from the protected water feature.

**C. Development regulations.**

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.
2. Development within the greenway setback.
  - a. River-dependent and river-related development. Development, exterior alterations, excavations, fills, and associated tree removal within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions.
  - b. Development that is not river-dependent or river-related.
    - (1) General. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.

- (2) Exception. Within the River Water Quality zone, development, exterior alterations, excavations, and fills that are not river-dependent or river-related do not require a Greenway Goal Exception when located outside of the area that is within the first 25 feet landward of the top of bank. See Figure 440-3.
3. Development riverward of the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal riverward of the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

**Figure 440-3**  
**Greenway Goal Exception in the River Water Quality Zone**



### 33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

- A. The site is already subject to a more restrictive FAR; or
- B. The use is an industrial use in an IH or IG base zone.

### 33.440.230 Landscaping

- A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.
- B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.

1. A minimum of one tree for every 20 feet of river frontage.
  2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
  3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
  4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
  5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$306,300. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
  2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
  3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

#### **33.440.240 Major Public Trails**

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

#### **33.440.250 Public Viewpoints**

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

#### **33.440.260 View Corridors**

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

#### **33.440.270 Nonconforming Uses and Development**

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may

be expanded within the greenway setback when the building coverage of the development is not increased.

### **Greenway Review**

#### **33.440.300 Purpose**

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

#### **33.440.310 When Greenway Review Applies**

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

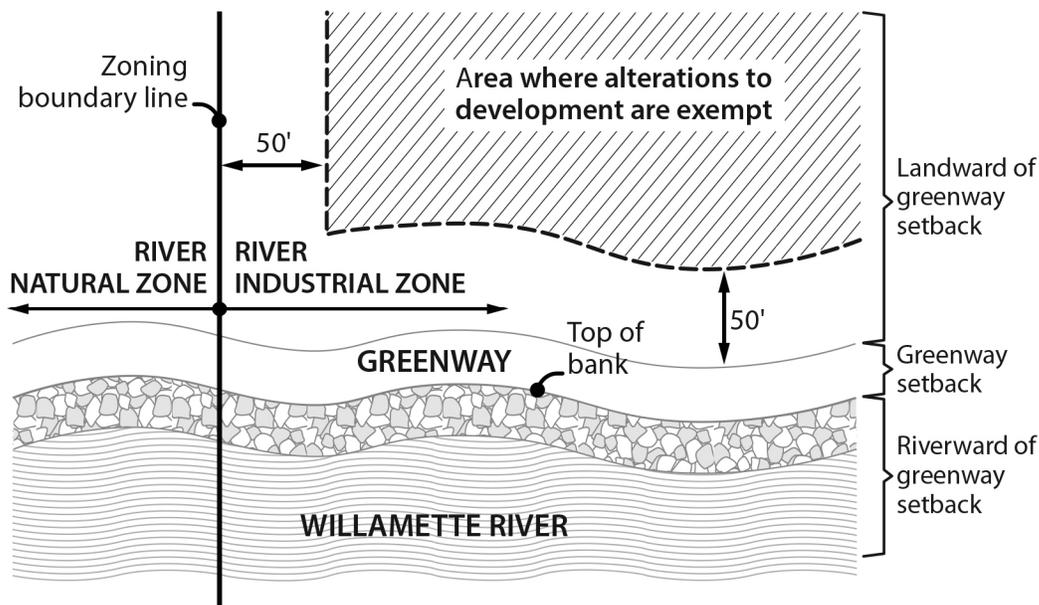
- A. New development;
- B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;
- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;
- E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;
- F. Non river-dependent or river-related primary uses in the River Industrial Zone; and
- G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

#### **33.440.320 Exemptions from Greenway Review**

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

- A. As illustrated in Figure 440-4, alterations to development in the River Industrial zone that are outside of the areas listed below:
  - 1. The greenway setback;
  - 2. Riverward of the greenway setback;
  - 3. Within 50 feet landward of the greenway setback; or
  - 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Major Public Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;
- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;

**Figure 440-4**  
**Exemptions from Greenway Review**



- H. Dredging, channel maintenance, and the removal of gravel from rivers;

- I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs;
- L. Removal of vegetation on the Nuisance Plants List; and
- M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.

### **33.440.330 Procedures**

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Chapter 33.840, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

### **33.440.340 Notice to State Parks and Recreation Division.**

BDS will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

### **33.440.345 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

- A. **Supplemental site plans.** One copy of each plan must be at a scale of at least one inch to 100 feet.
  - 1. An existing conditions site plan, showing the following:
    - a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;
    - b. The top of bank and the setback area and the structures and topographic contours referenced to determine the top of bank. The site plan depicting the top of bank must be drawn accurately to scale, and be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The scale of the drawing must be between 1 inch = 50 feet, and 1 inch = 10 feet. Ground elevations must be shown by contour lines at 2-foot vertical intervals. See the definition of top of bank in 33.910.030;
    - c. Distribution outline of shrubs and ground covers with a list of most abundant species;

- d. Trees identified by species, including the location of the drip line;
  - e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;
  - f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;
  - g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and
  - h. Stormwater management facilities.
2. A development proposal site plan including:
    - a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;
    - b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and
    - c. Areas where existing topography and vegetation will be left undisturbed.
  3. A construction management site plan including:
    - a. Areas that will be disturbed, including equipment maneuvering areas;
    - b. Location of site access and egress;
    - c. Equipment and material staging and stockpile areas;
    - d. Erosion control measures; and
    - e. Tree protection measures for trees to be preserved that meet the requirements of Title 11, Chapter 11.60, Technical Specifications.
- B. River Quality overlay zone.** The following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:
1. A mitigation or remediation plan including:
    - a. Detailed plans or drawings describing any proposed mitigation or remediation activities;
    - b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;
    - c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
    - d. Water bodies to be created, including depth; and
    - e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.

2. Narrative. The following written narratives are required:
  - a. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:
    - (1) Identification, by characteristics and quantity, of the functional values found on the site;
    - (2) Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and
    - (3) Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.
  - b. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction equipment will be controlled, and describe how trees will be protected in conformance with Chapter 11.60, Technical Specifications, and erosion controlled in conformance with Title 10, Erosion and Sediment Control Regulations.
  - c. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:
    - (1) A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:
      - Significant detrimental impacts must be avoided where practicable;
      - Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
        - The mitigation must be on the construction site, and must enhance the same kind of resource.
        - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.
    - (2) Functional values to be restored, created, or enhanced on the mitigation or remediation site;
    - (3) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

- (4) Construction timetables;
- (5) Operations and maintenance practices;
- (6) Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

### **33.440.350 Approval Criteria**

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

- A. For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.
- B. River frontage lots in the River Industrial zone.** In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.
- C. Development within the River Natural zone.** The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.
- D. Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.
- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.
- F. Development riverward of the greenway setback.** The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:
  1. The proposal will not result in the significant loss of biological productivity in the river;
  2. The riverbank will be protected from wave and wake damage;

3. The proposal will not:
  - a. Restrict boat access to adjacent properties;
  - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
  - c. Interfere with fishing use of the river;
  - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

**G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:
  - a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
  - b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;
  - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;
  - d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
  - e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of Subsection 33.440.350.H; and
  - f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
2. Public safety facilities. For public safety facilities, the applicant's impact evaluation must demonstrate that all of the following are met:

- a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
  - b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
  - c. All significant detrimental impacts on functional values will be offset through a mitigation plan;
  - d. The mitigation plan meets the requirements of Subsection 33.440.350.H; and
  - e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- a. There will be no significant detrimental impact on functional values;
  - b. There will be a significant improvement of at least one functional value; and
  - c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.
4. Public recreational facilities. Public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
  - b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;
  - c. The public benefits of the proposal outweigh all significant detrimental impacts;
  - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the *Portland Plant List*;
  - e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

- f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of Subsection 33.440.350.H; and
        - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
  5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:
    - a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;
    - b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
    - c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;
    - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;
    - e. All significant detrimental impacts on functional values will be offset through mitigation;
    - f. The mitigation plan meets the requirements of Subsection 33.440.350.H;
    - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and
    - h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.
- H. Mitigation or remediation plans.** Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:
  1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
    - a. On site and as close as practicable to the area of disturbance;
    - b. Within the same watershed as the proposed use or development; and
    - c. Within the Portland city limits.

2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
  - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
  - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and
  - c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

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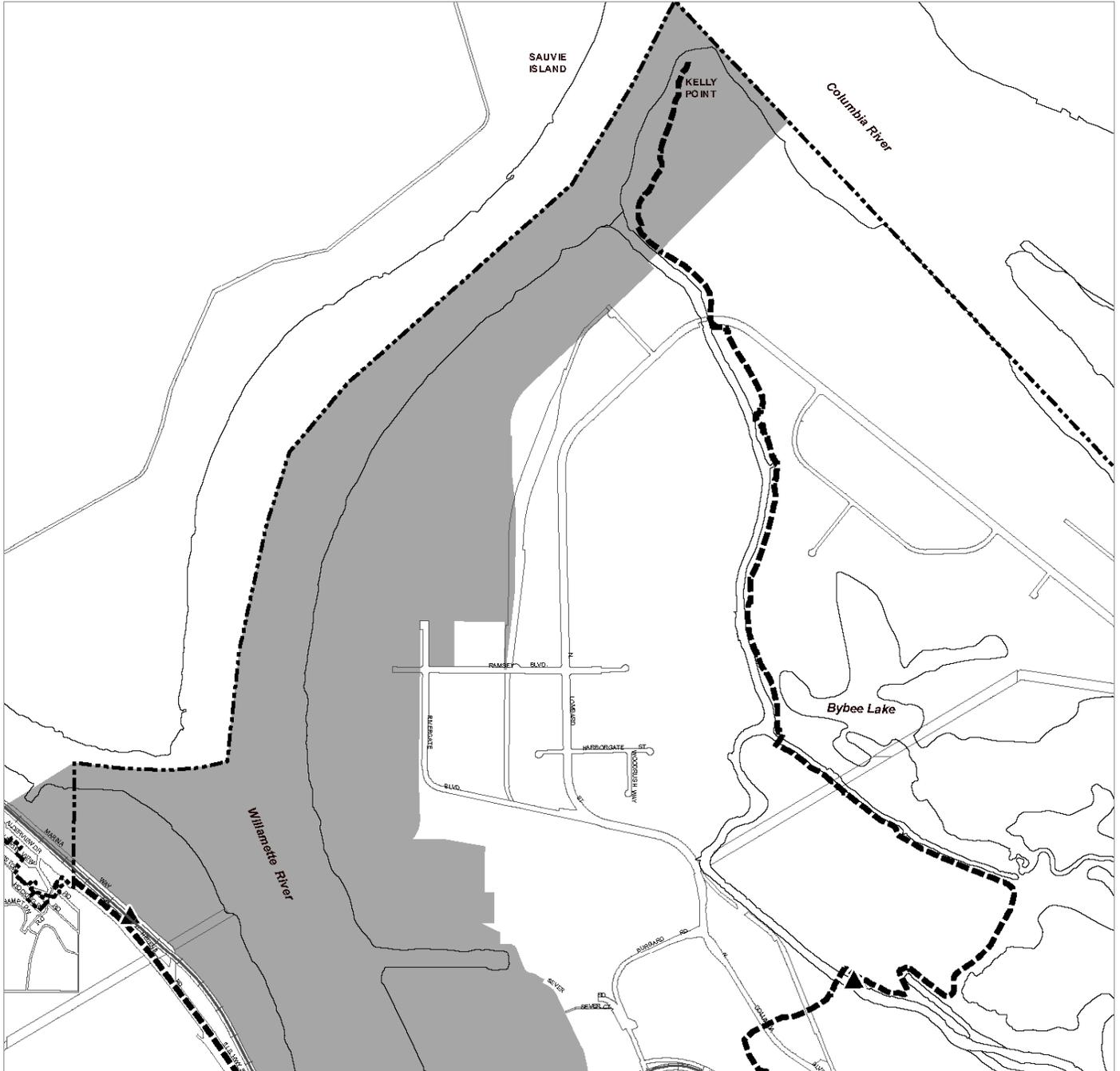
*(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 186053, effective 1/1/15; Ord. No. 189000, effective 7/9/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*

# Willamette Greenway Public Access Map

# Map 440-1

Map 1 of 4

Map Revised March 1, 2021



## Legend

----- City Boundary

Greenway Boundary

----- Major Public Trails



Connection points to  
other pedestrian paths  
and bicycle routes



0 2,000 4,000

Scale in Feet

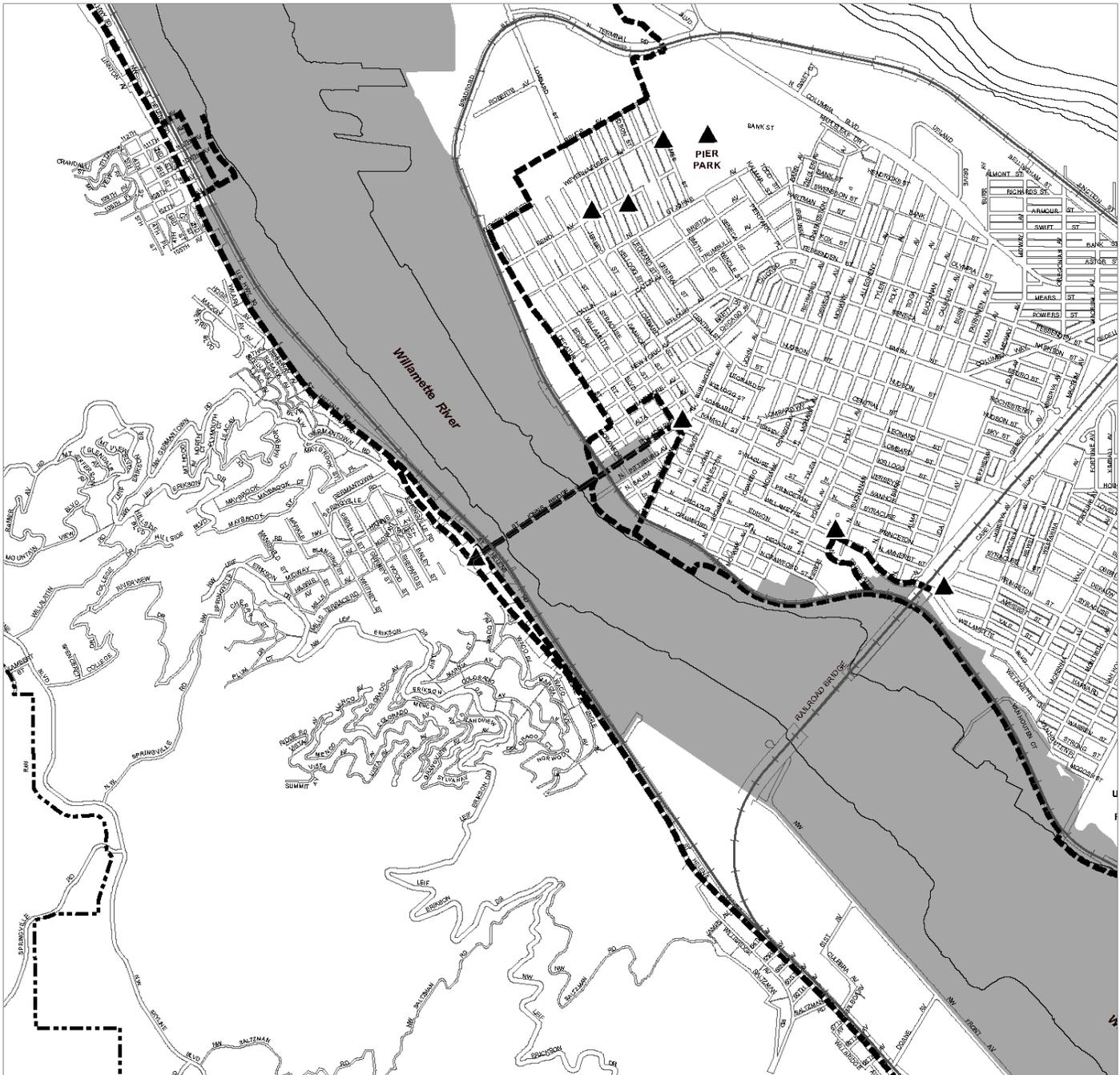
Bureau of Planning and Sustainability  
Portland, Oregon

# Willamette Greenway Public Access Map

# Map 440-1

Map 2 of 4

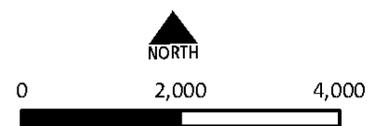
Map Revised March 1, 2021



## Legend

- City Boundary
- Greenway Boundary
- Major Public Trails

▲ Connection points to other pedestrian paths and bicycle routes



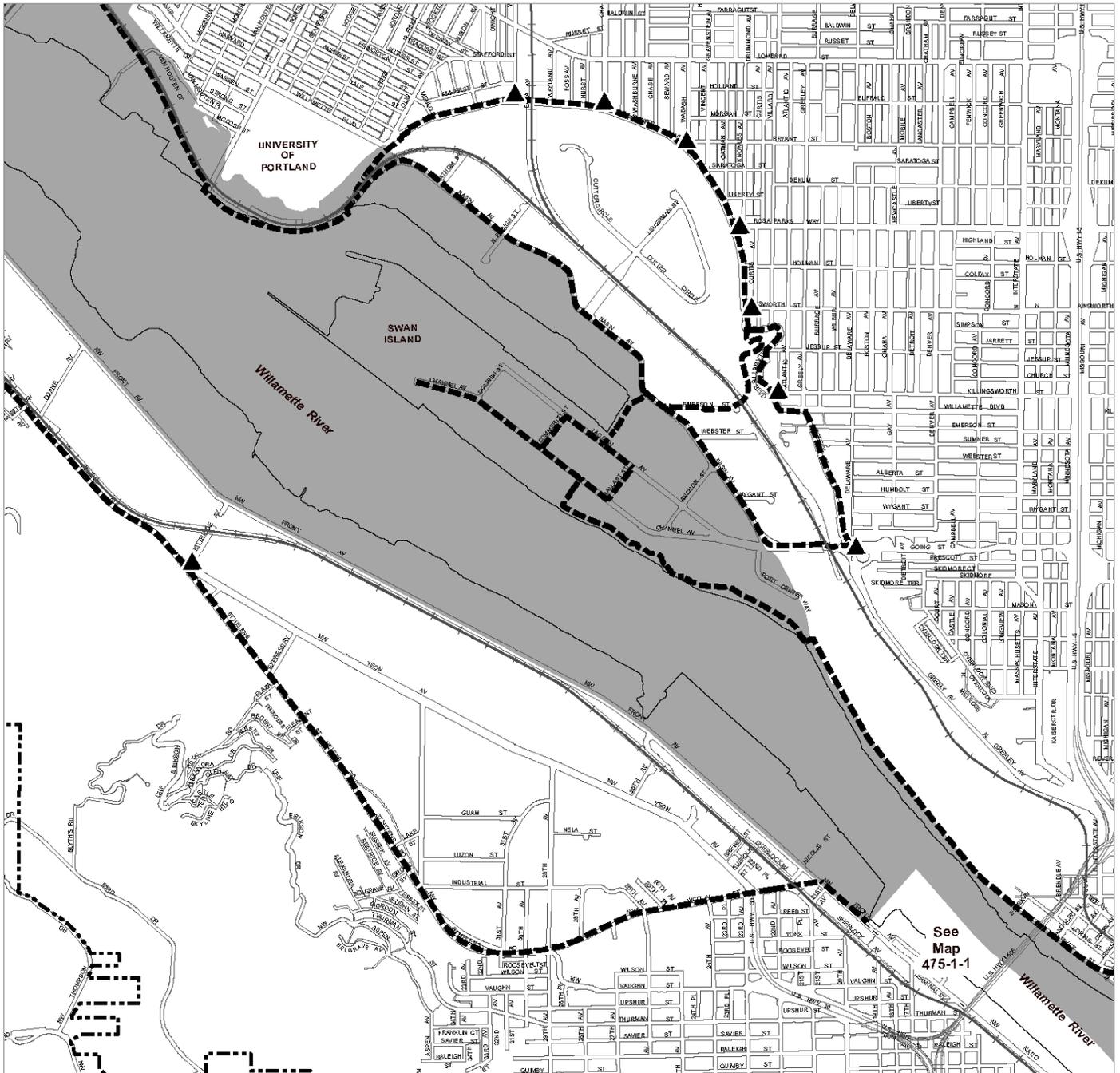
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon

# Willamette Greenway Public Access Map

# Map 440-1

Map 3 of 4

Map Revised March 1, 2021



## Legend

----- City Boundary

Greenway Boundary

----- Major Public Trails



Connection points to  
other pedestrian paths  
and bicycle routes



0 2,000 4,000

Scale in Feet

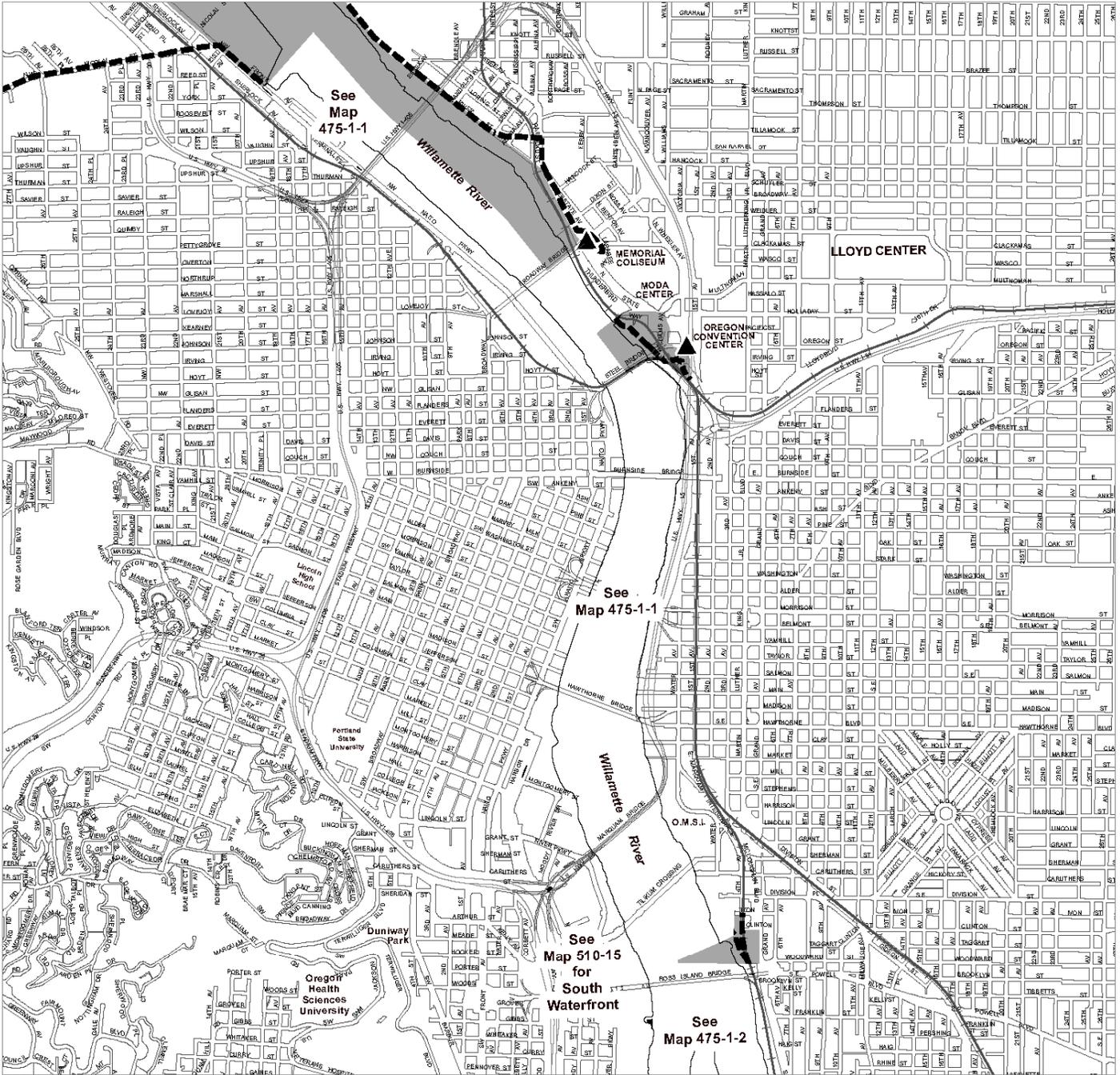
Bureau of Planning and Sustainability  
Portland, Oregon

# Willamette Greenway Public Access Map

# Map 440-1

Map 4 of 4

Map Revised March 1, 2021



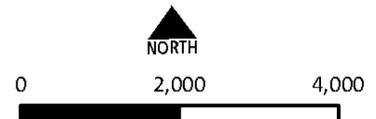
## Legend

----- City Boundary

■ Greenway Boundary

----- Major Public Trails

▲ Connection points to other pedestrian paths and bicycle routes



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

## 33.475 River Overlay Zones

# 475

### Sections:

#### General

- 33.475.010 Purpose
- 33.475.020 River Overlay Zones
- 33.475.030 Where These Regulations Apply
- 33.475.050 Supplemental Permit Application Requirements

#### River General and River Recreational Overlay Zones

- 33.475.200 Use Regulations
- 33.475.210 River Setback
- 33.475.215 Marine Passenger Docks and Marine Passenger Terminals
- 33.475.220 Landscaping
- 33.475.225 Residential Docks
- 33.475.230 Exterior Lighting
- 33.475.235 Bird-safe Glazing
- 33.475.245 Archeological Resources Protection
- 33.475.250 Nonconforming Uses and Development
- 33.475.260 Property Line Adjustments

#### River Environmental Overlay Zone

- 33.475.400 Use Regulations
- 44.475.403 When These Regulations Apply
- 33.475.405 Items Exempt From These Regulations
- 33.475.410 Environmental Report
- 33.475.420 Review Procedures
- 33.475.430 Prohibitions
- 33.475.440 Development Standards
- 33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

#### Clean Up of Contaminated Sites

- 33.475.500 Removal or Remediation of Hazardous Substances

#### Map 475-1 River Overlay Boundary

#### Map 475-2 Willamette River Top of Bank

#### Map 475-3 Governor Tom McCall Waterfront Park and Eastbank Crescent

#### Map 475-4 Archaeological Sensitivity Areas

#### Map 475-5 Retail Sales and Service Allowed in OS

#### Map 475-6 Riparian Buffer Area

### General

#### 33.475.010 Purpose

The River Overlay zones generally promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, historical, and recreational qualities of lands along the Central and South reaches of the Willamette River. This purpose is achieved by applying

regulations that control development of land, change of use and intensification of use. The regulations reflect the desired character of the Central and South reaches of the Willamette River — a character that includes:

- A healthy river, floodplain, and watershed;
- A thriving riverfront with regional gathering spaces, active and passive recreational uses, maritime and commercial activities, and a welcoming mixed-use community; and
- Access to, along and in the river.

The River Overlay Zones also implement the City’s responsibilities under ORS 390.310 to 390.368.

### 33.475.020 River Overlay Zones

**A. Purpose.** The River Overlay zones implement the land use pattern identified in the *Central City 2035 Plan (2020)* and *River Plan / South Reach (2020)*. There are three River Overlay zones each with their own purpose:

1. **River General.** The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.
2. **River Recreational.** The River Recreational overlay zone encourages river-dependent and river-related recreational uses, which provide a variety of types of public access to, along, and in the river, and which enhance the river’s natural and scenic qualities.
3. **River Environmental.** The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The River Environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. Mitigation is required for unavoidable impacts and is intended to compensate for impacts and improve natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in two detailed studies: the *Willamette River Central Reach Natural Resources Protection Plan (2020)* and the *River Plan / South Reach Natural Resources Protection Plan (2020)*. This overlay zone always applies in combination with one of the other River Overlay zones.

**B. Map symbols.** The River Overlay zones are shown on the Official Zoning Maps with the following symbols:

Overlay Zone	Map Symbol
River General	g*
River Recreational	r*
River Environmental	e

### 33.475.030 Where These Regulations Apply

**A. General.** The regulations of this chapter apply to the land and the water within the Central Reach and South Reach portions of the Willamette Greenway Plan boundary shown on Map 475-1 and designated on the Official Zoning Maps with the River

General (g\*), the River Recreational (r\*), and the River Environmental (e) overlay zones. The regulations of this chapter do not apply to the River General (g) or River Recreational (r) overlay zones located within the Greenway Overlay zone boundary shown on Map 440-1. See Chapter 33.440, Greenway Overlay zones for regulations that apply to the River General (g) and River Recreational (r) overlay zones within the Greenway Overlay zone boundary.

1. River General and River Recreational overlay zones. The regulations in Sections 33.475.200 through 33.475.260 apply to all sites in the River General and River Recreational overlay zones.
2. River Environmental overlay zone. The regulations in 33.475.400 through 33.475.450 apply to all sites in the River Environmental overlay zone.
3. Removal or remediation of hazardous substances. The regulations in 33.475.500 apply to actions to remove or remediate hazardous substances that have been approved or selected under Oregon or federal cleanup law. The regulations in 33.475.500 only apply to the portions of the site where the removal or remediation actions will occur; development or exterior alterations on other portions of the site outside of the removal or remediation areas must meet all other applicable regulations and procedural requirements of this chapter. Remedial actions within public rights of way and actions not approved or selected by a state or federal cleanup authority must meet all other applicable regulations and procedural requirements of this chapter and may not use 33.475.500. The applicant conducting the removal or remediation action may choose to meet the regulations of 33.475.500 or all other applicable regulations of this chapter.

### **33.475.050 Supplemental Permit Application Requirements**

The following information is required when a permit for development or exterior alteration in the River Overlay zones is reviewed for compliance with this chapter.

- A. Supplemental site plans.** The following supplemental site plans are required when a permit for development or exterior alteration within the River Overlay zones is reviewed for compliance with this chapter. Five copies of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches; and
1. An existing conditions site plan including:
    - a. Location of all base zone and overlay zone lines on the site;
    - b. Location of the top of bank, river setback line, ordinary high water mark, and the landscaping sub areas;
    - c. Outline of any existing development, including existing river bank stabilization treatments, stormwater treatment facilities, environmental enhancement or mitigation areas, and trails and paths;

- d. Extent of the riparian buffer area, 100-year floodplain, and 1996 Flood Inundation Area;
  - e. The location, size including trunk and canopy crown diameter, and species of trees that are 1.5 inches or greater in diameter that are within and adjacent to the area where ground disturbance or vegetation removal will occur;
  - f. Vegetation other than trees within and adjacent to the area where ground disturbance or vegetation removal will occur. Vegetation may be shown as the area of cover with a list and percent cover of plant species present; and
  - g. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.
2. A proposed development or exterior alterations plan including:
- a. Outline of the proposed project area, including:
    - (1) limits of the temporary and permanent disturbance areas, equipment staging and maneuvering areas, ingress and egress areas, and areas to be left undisturbed;
    - (2) areas of ground disturbance, stockpiling or grading;
    - (3) outfalls and river bank stabilization treatments;
    - (4) trails and paths;
    - (5) areas of vegetation to be left undisturbed including the root protection zone for trees;
    - (6) environmental enhancement or mitigation areas,
  - b. Location of the top of bank, river setback line, ordinary high water mark and the landscaping sub areas;
  - c. Extent of the riparian buffer area, 100-year floodplain, and 1996 Flood Inundation Area;
  - d. Location and size (cubic yards) of fill to be placed within the 100-year floodplain and 1996 Flood Inundation Area;
  - e. Location, size (cubic yards), and design of proposed cut within the 100-year floodplain and 1996 Flood Inundation Area;
  - f. Location and description of all proposed erosion control measures;
  - g. Location and description of all proposed stormwater management facilities;
  - h. Location of proposed fencing and identification of where the fencing is temporary and where it is permanent;
  - i. Location of exterior lighting; and

- j. A landscaping plan indicating the size, species, and location of all vegetation to be planted.
- B. **Photos of the site.** Submission of photographs of the site are not required but are encouraged to supplement the existing conditions site plan.
- C. **Mitigation bank credits.** If credits will be purchased from a City-approved mitigation bank to satisfy the requirements of 33.475.440.L, the applicant must provide proof of the purchase of credits.

### **River General and River Recreational Overlay Zones**

#### **33.475.200 Use Regulation**

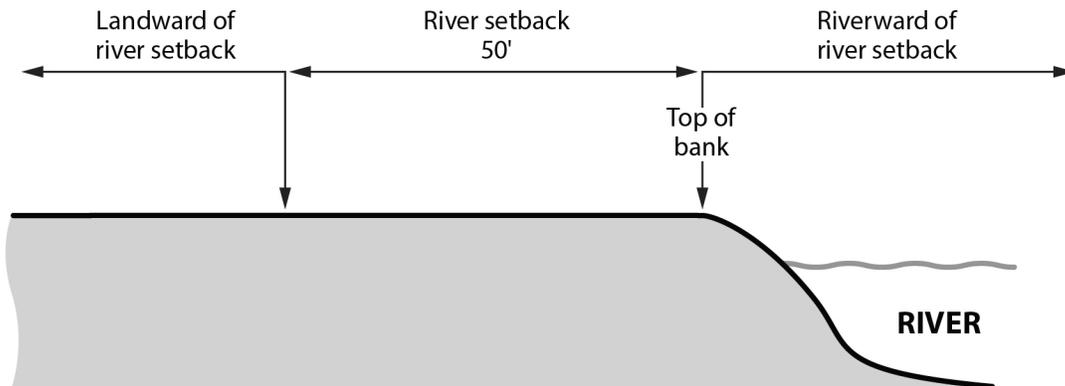
- A. **River General overlay zone.** There are no special use restrictions in the River General overlay zone.
- B. **River Recreational overlay zone.** Primary uses in the River Recreational overlay zone are limited to recreational uses that are river-dependent or river-related. On sites shown on Map 475-5, Retail Sales and Service use is allowed as an accessory use when the total amount of Retail Sales and Service use does not exceed 1,500 square feet of net building area.

#### **33.475.210 River Setback**

- A. **Purpose.** The purpose of the river setback is to keep structures separated from the river in areas where the land is not being reserved for river-dependent and river-related uses. Separating structures from the river facilitates protection, maintenance, restoration, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River by reserving space for the conservation and enhancement of natural vegetation and the opportunity for public access. In addition, OAR 660-015-0005 requires the establishment of a setback line.
- B. **General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, in the River General overlay zone, a marine transportation terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock is river-dependent, but the parking lot and offices are not.
- C. **The river setback.** The river setback extends from the top of the bank to a point 50 feet landward of the top of bank. See Figure 475-1. Top of bank is shown on Map 475-2. Where top of bank is not shown on Map 475-2, top of bank is determined as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank.

Where alteration to the river bank carried out to meet 33.475.440.H results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and new top of bank line must be submitted for verification that the top of bank has been measured according to the standard in 33.930.150, Measuring Top of Bank, and then recorded with the County recorder. In all cases the river setback line must be at least 5 feet landward of the new top of bank line.

**Figure 475-1  
River Setback**

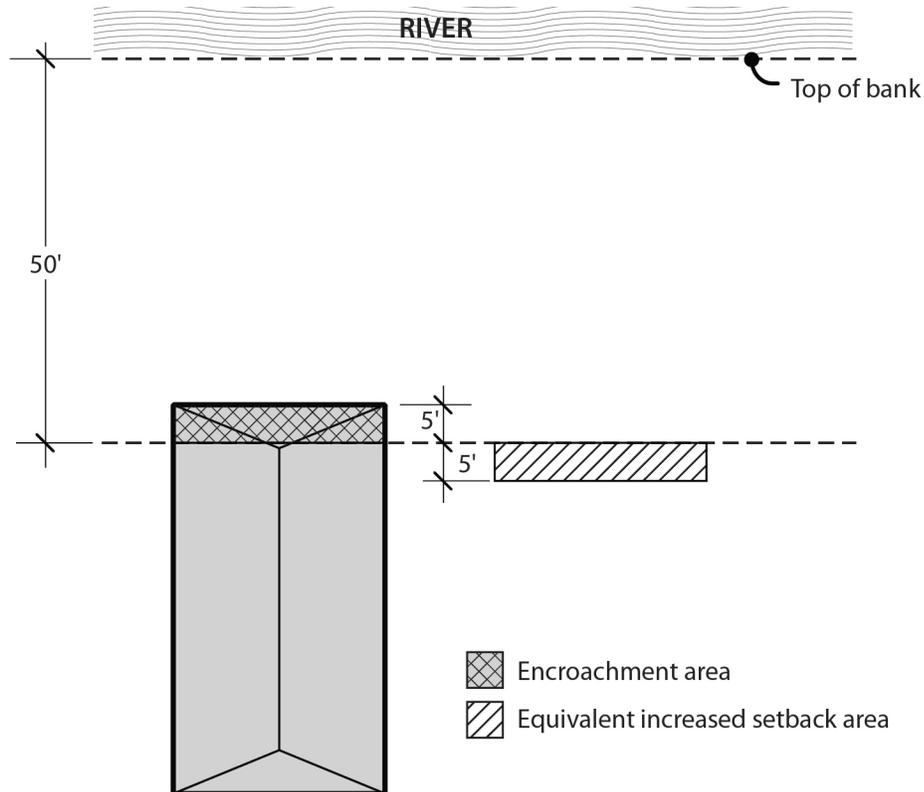


**D. River setback standards.**

1. Development landward of the river setback. Development, exterior alterations, excavations, and fills landward of the river setback are not required to be river-dependent or river-related.
2. Development within or riverward of the river setback. Except as follows, development, exterior alterations, excavations, and fills within or riverward of the river setback must be river-dependent or river-related:
  - a. Development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed to encroach into the river setback as described in Subsection E. Development, exterior alterations, excavations, and fills located riverward of the setback must be river-dependent or river-related, except as allowed by 33.475.250.D;
  - b. Development within a Historic or Conservation landmark located within or riverward of the river setback is not required to be river-dependent or river-related, and the floor area of the landmark and the exterior improvement area associated with the landmark can be increased up to a total of 10 percent within the river setback when the alteration does not bring the building or exterior improvement area closer to the river.
  - c. All other development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed if approved through a Greenway Goal Exception.

**E. Encroachment into the setback.** Development that is not river-dependent or river-related may encroach up to 5 feet into the river setback provided that the setback is increased by an area equivalent in size to the encroachment area. The area that is increased must be located adjacent to the original setback. See Figure 475-2.

**Figure 475-2**  
**Encroachment into the River Setback**



### 33.475.215 Marine Passenger Docks and Terminals

- A. Purpose.** River-related development provides goods or services that are directly associated with river-dependent land or waterway use. River-related development is typically allowed within the river setback, however certain river-related development associated with a marine passenger dock, while river-related in nature, does not need to be fully located within the river setback. In order to ensure that these particular types of river-related development do not overwhelm or dominate within the river setback, the total amount of footprint allowed within the setback is limited. The limitation will ensure that the river setback can accommodate other river-related or river-dependent development and provide opportunities for recreation, public access, and the conservation and enhancement of natural, scenic and historic resources.
- B. Standard.** Passenger waiting and queuing areas, security checkpoints, and machine shops associated with marine passenger docks for subregional travel or marine passenger terminals for regional travel are limited to a 5,000 square foot footprint within or riverward of the river setback.

### 33.475.220 Landscaping

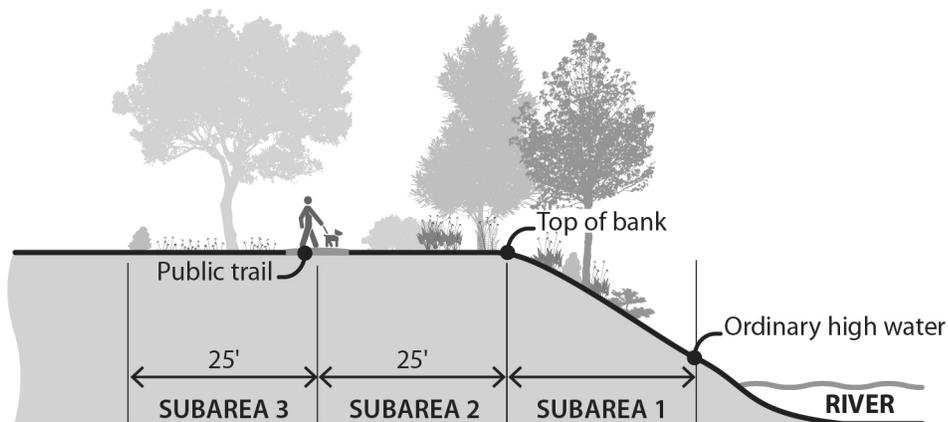
The following regulations apply to new development and exterior alterations to existing development in the River General and River Recreational overlay zones. Adjustments are prohibited.

**A. Purpose.** The landscaping regulations are intended to increase vegetation along the Willamette River. Adding a diversity of vegetation within the river setback will improve multiple ecosystem functions, increase fish and wildlife habitat, provide shade, cool the air, and create visual diversity. The regulations are also intended to accommodate safe and enjoyable public access to and along the Willamette River.

**B. Required landscaping.**

1. Governor Tom McCall Waterfront Park and the Eastbank Crescent beach, shown on Map 475-3, are exempt from this Section.
2. Required landscaping for all other areas. For areas not exempt from this section, land within and riverward of the river setback that is not covered with a building or other structure, existing vehicle area, or developed with a trail or viewing area must be landscaped to meet Table 475-1, Landscaping Planting Density. Subareas are shown on Figure 475-3 and described below. There are three planting densities allowed within each subarea. The applicant may choose which planting density standard to apply within each subarea, and more than one planting density may occur on a site. For example, the applicant may choose planting density 1 for all the subareas, or planting density 2 for subarea 1, planting density 3 for subarea 2, and planting density 1 for subarea 3.
  - a. Subareas:
    - (1) Subarea 1 extends from the ordinary high water mark to the top of bank of the Willamette River.
    - (2) Subarea 2 extends from the top of bank to a point 25 feet landward of the top of bank of the Willamette River.
    - (3) Subarea 3 extends from a point 25 feet landward of the top of bank to a point 50 feet landward of the top of bank of the Willamette River (top of bank is shown on Map 475-2). When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, Subarea 3 extends into the increased setback area.

**Figure 475-3  
Landscaping Area**



- b. Vegetation planted to meet the resource enhancement standards of 33.475.440.H or the mitigation standards of 33.475.440.L may be counted towards meeting the landscaping standard.
- c. Exceptions.
  - (1) Landscaping is not required within portions of sites where contamination removal or remediation actions meet the standards of 33.475.500;
  - (2) Landscaping is not required where the Fire Marshal finds that it would pose a safety hazard;
  - (3) Trees and shrubs are not required within utility easements but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre;
  - (4) Trees and shrubs are not required within a Scenic overlay zone but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may not be planted within a Scenic overlay zone; or
  - (5) If the area to be landscaped within subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3) and the area with an average slope of 30 percent or steeper is armored with rip rap, or the area within subarea 1 has rip rap that is at least four feet deep, then the required subarea 1 landscaping may be planted on an area of the site that is landward of the river setback but within the River overlay zones, or the applicant may pay a revegetation fee-in-lieu as described below. If the landscaping will be provided on-site, the total area outside of subarea 1 to be landscaped must be equivalent in size to the area that would have been required to be landscaped in subarea 1. More than one landscaped area may be provided to achieve the total, but other required landscaping may not count toward the total:
    - Revegetation fee-in-lieu use and administration. The revegetation fee is collected by Bureau of Development Services and is administered by the

Bureau of Environmental Services (BES). The fees collected are used for revegetation projects on public or private property within the River Environmental overlay zone.

- Calculation of required fee-in-lieu contributions. Applicants must contribute the cost to purchase and plant trees, shrubs and groundcover plants as set out in the next bullet. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor and maintenance.
- Required fee-in-lieu contribution. The applicant must contribute the cost to purchase, plant and maintain one tree, three shrubs and four ground cover plants per 100 square feet of required planting area before a building permit will be issued. The fee calculation will be rounded up to the next multiple of \$10. The minimum area to be used in this calculation is 100 square feet. Calculations that are not a multiple of 100 will be rounded up to the next multiple of 100.

<b>Table 475-1 Landscaping Planting Density</b>			
<b>Subarea</b>	<b>Planting Density 1: Small Trees[1]</b>	<b>Planting Density 2: Medium Trees[1]</b>	<b>Planting Density 3: Large Trees[1]</b>
Landscaping Subarea 1	At least one tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet of subarea.  Trees may be clustered. All plants must be native.	At least one tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet of subarea.  Trees may be clustered. All plants must be native.	At least one tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet of subarea.  Trees may be clustered. All plants must be native.
Landscaping Subarea 2	Option 1: Same as Subarea 1  Option 2. At least one tree and three shrubs must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.  Trees may be clustered.	Option 1: Same as Subarea 1  Option 2: At least one tree and six shrubs must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.  Trees may be clustered.	Option 1: Same as Subarea 1  Option 2. At least one tree and nine shrubs must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre  Trees may be clustered.
Landscaping Subarea 3	At least one tree must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.  If shrubs are provided, a minimum 3 shrubs must be planted for every 100 square feet of subarea.  Trees may be clustered.	At least one tree must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.  If shrubs are provided, a minimum of 6 shrubs must be planted for every 200 square feet of subarea.  Trees may be clustered.	At least one tree must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.  If shrubs are provided, a minimum of 9 shrubs must be planted for every 300 square feet of subarea.  Trees may be clustered.

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

**C. Landscaped area site preparation.** Before installing the required landscaping, the following standards must be met:

1. All prohibited and nuisance plants listed on the *Portland Plant List* must be removed within and riverward of the river setback.
2. All structures and debris located within and riverward of the river setback must be removed except for river-dependent and river-related structures, non-conforming development, erosion control measures, flood control facilities, large wood, and bioengineered structures. Examples of bioengineered structures include bundles of plant materials or soil cells wrapped in biodegradable fabrics.
3. If the area to be planted is not currently vegetated, the soil must be amended with 12 inches of growing medium. If the planting area is in subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3), and is armored with rip rap, the growing medium may be placed in planting wells. The composition of the growing medium must meet one of the following:
  - a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
  - b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and that any growing medium to be located in subarea 1 is heavier than water.
4. Placement of the growing medium is not allowed when the ground is frozen or saturated; and
5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

**D. Plant requirements.** Trees must be a minimum ½-inch caliper, bareroot, or live stakes, unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used.

**E. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the requirements of this section, and the alterations are over the threshold of Paragraph E.1, the site must be brought into conformance with the development standards of this Section. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. Thresholds triggering compliance. The requirements of Subsections B, C, and D must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$300,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites with Ground Leases, required improvements must be made to the entire site.
3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

### **33.475.225 Residential Docks**

- A. Purpose.** The residential docks standard is intended to:
- Limit the impacts of new docks on shallow water habitat areas, which are critical for the survival of a variety of aquatic species;
  - Minimize harmful shading that predatory fish species use to prey on fish species listed under the Endangered Species Act;
  - Minimize disruption to water flow patterns and natural sediment transport along the shoreline; and
  - Maintain access to important foraging areas for waterfowl and other wildlife.
- B. Residential dock standards.** The following standards apply to new floating boat docking structures located in a residential zone.
1. The total square footage of the new floating boat docking structure must not exceed 200 square feet. Adjustments are prohibited; and
  2. The new floating boat docking structure may not be located within shallow water habitat. Adjustments are prohibited. Modifications are allowed through river review.

### **33.475.230 Exterior Lighting**

- A. Purpose.** The standards for exterior lighting are intended to:
- Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
  - Reduce light pollution and glare impacts on residential developments;
  - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
  - Provide flexibility for river-dependent operations associated with docks.
- B. General standards.** The following standards apply to all exterior lights located within the River General overlay zone.
1. Exterior lights must not project light upward or to the side of the fixture;
  2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and

3. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.

**C. Additional standards for areas near the Willamette River.** The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
  - a. Park and Open Area uses;
  - b. The major public trail;
  - c. A public viewing area; or
  - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

### 33.475.235 Bird-safe Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. For major remodeling projects, the standards apply per facade when at least 75 percent of the facade is altered and the altered facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each facade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

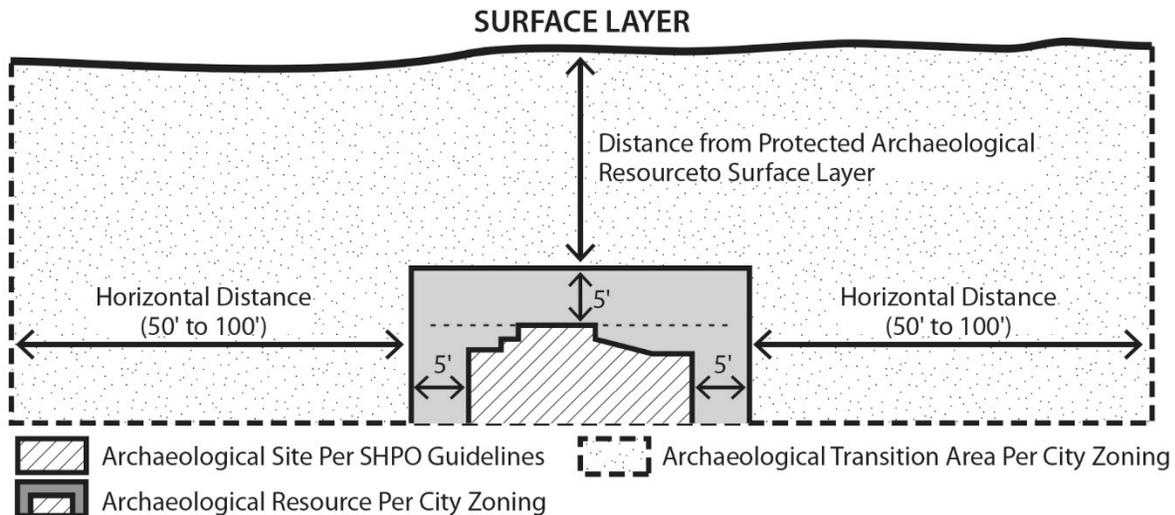
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
3. The glazed portions of sky bridges or fences.

### **33.475.245 Archaeological Resources Protection**

- A. Purpose.** Archaeological and historical evidence shows that Native Americans lived along the Columbia and Willamette rivers in the Portland region prior to European American contact and settlement. Pre-contact archaeological resources have historic, cultural, and scientific value to the general public and associated Native American tribes, whose ancestors lived in the area and harvested natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbing activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places. The regulations of this section provide a process to survey areas with a high probability of having archaeological resources prior to ground disturbing activities and development and to protect any identified archaeological resources and their functional values.
- B. Definitions.** The following definitions apply for the purposes of implementing this section:
1. Archaeological resource. A resource identified by the State Historic Preservation Office (SHPO) that meets one or both of the following:
    - a. An archaeological site associated with use by Native Americans prior to European-American contact that meets SHPO guidelines plus a 5-foot vertical buffer and a 5-foot horizontal buffer. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource. See Figure 475-4; or
    - b. A property of traditional religious and cultural importance as identified by SHPO and documented in writing by an appropriate tribe.
  2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally from the edge of the archaeological resource, as described below. See Figure 475-4. Archaeological features associated with a resource may also be encountered in the transition area:
    - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
    - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.
  3. Appropriate tribe. One or more tribes identified by the Oregon Legislative Commission on Indian Services or the Washington Governor's Office of Indian Affairs as having the greatest interest in the archaeological resource.

4. Qualified archaeologist. An archaeologist on the SHPO list of qualified archaeologists knowledgeable in Native American lifeways in the Portland Basin in the pre-contact period.
5. Consultation with appropriate tribes. A process that follows SHPO procedures for tribal consultation on state archaeological permits.

**Figure 475-4**  
**Archeological Resource Subarea**



- C. **Where these regulations apply.** The regulations of this section apply within the high sensitivity areas shown on Map 475-4.
- D. **When these regulations apply.** The regulations of this section apply to new development and alterations to existing development when the development causes more than 200 square feet of disturbance within the high sensitivity area.
- E. **Archaeological resource identification.** Prior to new development or alteration to existing development, the applicant must identify whether archaeological resources exist in the high sensitivity area. If archaeological resources exist, then the regulations of Subsections F. and G. apply. If no archaeological resources exist, then the regulations of Subsection F. and G. do not apply. The applicant must identify whether archaeological resources exist using one of the following two methods:
  1. Written documentation. The applicant must provide documentation that specifies that the high sensitivity area has been previously surveyed and that no archaeological resource was identified. The written documentation must be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability; or
  2. Archaeological survey. The applicant must conduct an archaeological survey to determine whether archaeological resources exist in the high sensitivity area. The archaeological survey must meet the following standards:

- a. A qualified archaeologist must perform the survey in consultation with appropriate tribes.
- b. The survey must include a pedestrian visual inspection of the ground surface of the high sensitivity area. The methodology of the pedestrian visual inspection shall be determined by the qualified archaeologist.
- c. The survey must include a subsurface investigation with at least 1 subsurface probe. The methodology of the subsurface investigation, including the number, location and dimensions of subsurface probes shall be determined by the qualified archaeologist.
- d. A survey report describing the methodology of the survey and whether any archaeological resources were found in the high sensitivity area must be submitted to the Bureau of Planning and Sustainability. If no archaeological resource is found, BPS will provide a zoning confirmation letter to the applicant waiving any additional compliance with this section. If the survey identifies an archaeological resource, the applicant must provide the following additional materials. In the interest of not disclosing the location of archaeological resources, the materials required below will be stamped "Confidential: Sensitive Information." Bureau of Planning and Sustainability and Bureau of Development Services staff will treat these materials in accordance with the City's nondisclosure policies:
  - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbing activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site;
  - (2) Archaeological survey map. A map showing the locations of all subsurface probes completed for the site;
  - (3) Archaeological resource map. A map showing the boundaries of all archaeological resources that are recorded with SHPO or encountered during the archaeological survey. The map must also show the transition area associated with each archaeological resource and any conservation easements intended to protect archaeological resources. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 475-4; and
  - (4) SHPO archaeological reports. Any archaeological reports related to the site filed with SHPO.

**F. Archaeological resource classification.** When an archaeological resource has been identified, a qualified archaeologist must classify the archaeological resource as one or more of the following types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.

2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
  3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
  4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
  5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.
- G. Archaeological resource protection standards.** The following standards apply to identified archaeological resources:
1. Application of development standards. Where more than one archaeological resource is identified together:
    - a. If one of the archaeological resources is a burial, the standards for burials apply to all resources;
    - b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the standards for villages; or traditional, sacred, or cultural use sites apply to all resources;
    - c. If all of the archaeological resources are seasonal campsites or activity areas, the standards for seasonal campsites or activity areas apply to all resources.
  2. Ground disturbing activities within the archaeological resource and transition area are prohibited except as follows:
    - a. Ongoing and low-impact activities. Except for the archaeological resource area of burials, the following ongoing and low-impact activities are allowed in archaeological resource and transition areas:
      - (1) Maintenance, repair, and replacement of existing structures, exterior improvements, roads, boat launch areas, and utilities when the activity does not enlarge the existing disturbance area horizontally or vertically;
      - (2) Maintenance of lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
      - (3) Change of crop type or farming technique on land currently in agricultural use;
      - (4) Alterations of buildings that do not increase building coverage;
      - (5) Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization

- features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and the high sensitivity area;
- (6) Removing a nuisance tree listed on the *Portland Plant List*. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
  - (7) Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
  - (8) Public street and sidewalk improvements that do not enlarge the existing disturbance area horizontally or vertically; and
  - (9) Constructing paved parking lots and circulation areas in the transition area.
- b. Activities allowed with an archaeological resource recovery plan and MOU. For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, ground disturbing activities associated with uses otherwise permitted by this Title are allowed if an archaeological resource recovery plan that meets the following is submitted. Ground disturbing activities other than allowed by Subparagraph G.2.a. are prohibited within the archaeological resource and transition area of a burial:
- (1) An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate tribes, and a private agreement (Memorandum of Understanding) between the applicant, property owner, SHPO and tribes. The required steps include:
    - Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet SHPO standards for archaeological resource recovery projects.
    - Consultation with appropriate tribes.
    - The applicant must contact the appropriate tribes, by registered or certified mail, to request comments on archaeological survey results and archaeological resource recovery plan and offer a meeting. The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.
    - The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological survey results and discuss the archaeological resource recovery plan. More than one meeting may be held.

- After the meetings, and before applying for a building permit, the applicant must send a letter to the appropriate tribes. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
  - Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, SHPO and at least one appropriate tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.
  - Archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with SHPO and tribal governments must be filed with the building permit.
- (2) For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area within an archaeological resource. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
- (3) For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
3. Modification of other development standards. For sites with identified archaeological resources, the following development standards are modified:
- a. Minimum building setbacks are reduced to zero;
  - b. Minimum number of off-street parking spaces is reduced to zero; and
  - c. For purposes of meeting minimum landscaping requirements, the applicant may exclude the archaeological resource area from the total site area.

### **33.475.250 Nonconforming Uses and Development**

Nonconforming uses and development in the River General overlay zone are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the river setback that is not river-dependent or river-related:

- A.** The development may continue;
- B.** The development may be changed to an allowed river-dependent or river-related development by right;
- C.** The development may be changed to another nonconforming development if within the existing building. If outdoors, it may not be changed to another nonconforming development; and

- D.** The development may be expanded, but, except as allowed below, not within or riverward of the river setback. Expansion includes adding additional floor area;
1. An existing house located in the river setback may be expanded vertically within the existing building footprint. For the purpose of this standard, building footprint is the perimeter of the building established by the exterior faces of the building foundation. Building footprint does not include porches, decks or eaves. Existing exterior building walls that project beyond the building foundation may be expanded vertically, provided the area of the building foundation is not increased; and
  2. An existing seawall located in the river setback may be expanded for structural reinforcement only, and when the following are met:
    - a. The thickness of the seawall may be increased up to 1 foot. The thickness is measured from the riverward face of the seawall to the landward face of the seawall. Tiebacks may be added in addition to the allowed increase in thickness if no permanent disturbance area associated with the tiebacks is proposed;
    - b. The height and length of the seawall may not be increased;
    - c. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
    - d. Vegetation removal is allowed as specified in 33.475.440.K.; and
    - e. Mitigation is required as specified in 33.475.440.L.

### **33.475.260 Property Line Adjustments**

Property line adjustments may not result in a property that is in more than one river overlay zone except as follows:

- A.** The second overlay zone is the River Environmental overlay zone;
- B.** The property line adjustment involves at least one property owned by Portland Parks and Recreation.

## **River Environmental Overlay Zone**

### **33.475.400 Use Regulation**

There are no special use restrictions associated specifically with the River Environmental overlay zone. However, any use restrictions that apply as a result of an accompanying River overlay zone also apply within the River Environmental overlay zone.

### **33.475.403 When These Regulations Apply**

Unless exempted by 33.475.405, the regulations apply to:

- A.** Development;

- B. Planting, removing, pruning, mowing, clearing, burning or poisoning trees or vegetation;
- C. Changing topography, grading, excavation or filling;
- D. Resource enhancement; and
- E. All land divisions and property line adjustments.

### **33.475.405 Items Exempt From These Regulations**

The following items are exempt from the River Environmental overlay zone regulations:

- A. Change of ownership;
- B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C. Changes to the interior of a building;
- D. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation systems, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased. Replacement of an existing floating boat dock structure located in a residential zone and alteration or repair of more than 50 percent of the combined constituent systems of an existing floating boat dock structure located in a residential zone is not exempt;
- E. Dredging, channel maintenance, and the removal of materials from the river as follows:
  - 1. Dredging, channel maintenance, and the removal of material within the federal navigation channel.
  - 2. Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
    - a. Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
    - b. Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
  - 3. The placement of dredged materials within the River Environmental overlay zone is not exempt.
- F. Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from a wetland;
- G. Installation of temporary erosion control measures;
- H. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
- I. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the Nuisance Plants List;

- J.** Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the Nuisance Plants List and no trees 1.5 or more inches in diameter are removed within or riverward of the river setback and no trees 3 or more inches in diameter are removed landward of the river setback;
- K.** Development located on an existing legally-permitted dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;
- L.** Removal or pruning of vegetation as follows:

  - 1. Removal or pruning of non-tree vegetation listed on the Nuisance Plant List and other non-tree, non-native vegetation located within the riparian buffer area or within or riverward of the river setback.
  - 2. Removal or pruning in areas landward of the river setback and outside the riparian buffer area.

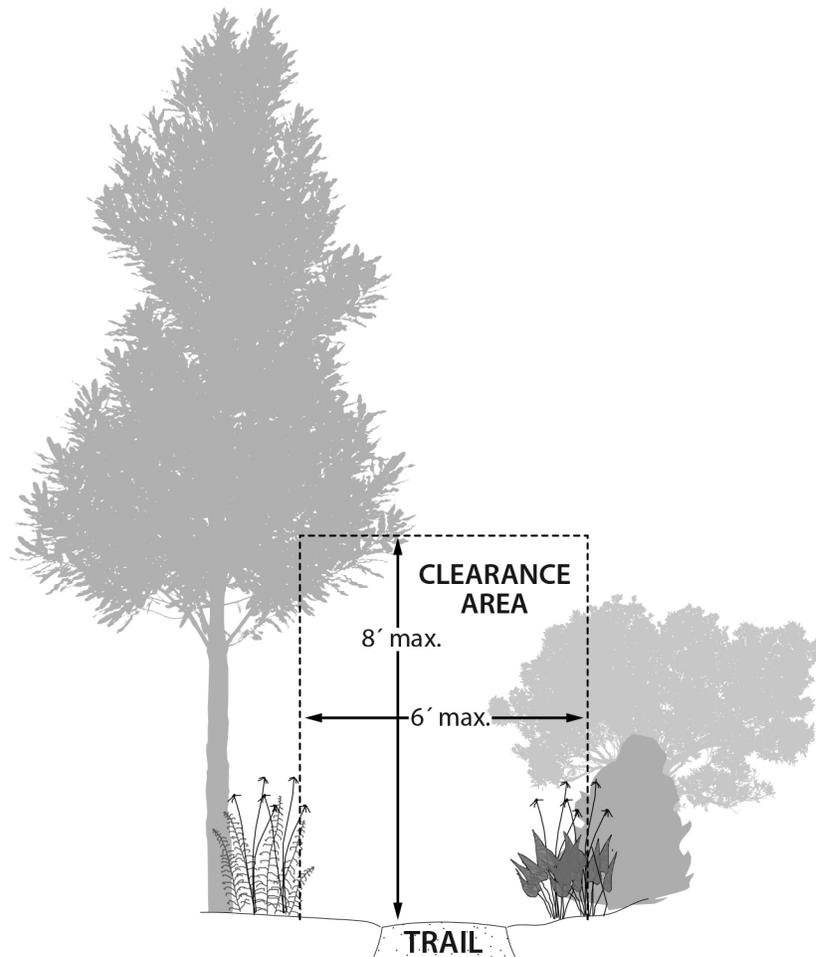
    - a. Removal or pruning of non-native trees and trees on the Nuisance Plants List that are not more than 3 inches in diameter. Temporary disturbance area must be replanted to meet the subarea 3 standard of Table 475-1.
    - b. Removal or pruning of other non-native vegetation and vegetation on the Nuisance Plants List. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
- M.** Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
- N.** Public street and sidewalk improvements that are located within the developed portion of a public right-of-way.
- O.** Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;
- P.** Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 3 inches are removed landward of the river setback, and disturbed area is planted with the following (top of bank is shown on Map 475-2):

  - 1. Three shrubs per 100 square feet; and
  - 2. Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;
- Q.** Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank, no trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 3 inches are removed landward of the river setback, and disturbance area is planted with the following (top of bank is shown on Map 475-2):

  - 1. Three shrubs per 100 square feet; and

2. Grass and forb seed mix at a ratio of 30 pounds per acre;
- R.** Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the developed portions of a public right-of-way provided that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);
- S.** Installation of fencing in the following situations:
1. Fencing on an existing paved surface;
  2. Fencing around stormwater facilities that meet the Stormwater Management Manual; or
  3. Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;
- T.** Installation of signage provided no trees over 1.5 inches in diameter are removed within or riverward of the river setback, and no trees over 3 inches are removed landward of the river setback; and
- U.** Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.
- V.** Trails meeting all of the following:
1. Trails must be confined to a single ownership or be within a public trail easement
  2. Trail width does not exceed 30 inches, stair or ramp width does not exceed 50 inches, and trail grade does not exceed 20 percent except for the portion of the trail containing stairs;
  3. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 475-5;
  4. No native trees 1.5 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
  5. The trail is not paved; and
  6. The trail is at least 15 feet from the top of bank of all water bodies.

**Figure 475-5**  
**Trail Vegetation Pruning and Maintenance Area**



#### **33.475.410 Environmental Report**

The application of the River Environmental overlay zone is based on two detailed studies: the *Willamette River Central Reach Natural Resources Protection Plan (2020)* and the *Willamette River South Reach Natural Resources Protection Plan (2020)*. The report identifies the type, location, extent and relative condition of natural resource features and describes the functional values they provide within the study area. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of the report.

#### **33.475.420 Review Procedures**

Development, exterior alterations, property line adjustments, and land divisions will be reviewed through one of the following tracks:

- A. Standards.** Several specific types of development, exterior alterations, property line adjustments, and land divisions are allowed within the River Environmental overlay zone if the proposal meets certain standards. The standards are intended to encourage sensitive development while providing clear limitations on disturbance, including tree removal, and minimizing impacts on resources and functional values. Adjustments to the standards are

prohibited. Proposals that do not meet all the standards within each relevant section require approval through River Review. When a proposal can meet the standards, the applicant may choose to meet the objective standards of this section or go through the discretionary River Review process. When there are no applicable standards, the proposal must be approved through River Review. Compliance with the standards is determined as part of the building permit or development permit application process. The standards are listed in 33.475.440.

- B. Review.** River Review is required when the proposed development, exterior alteration, property line adjustments, or land division is subject to the River Environmental overlay zone regulations and the development, exterior alteration, or land division either does not meet the River Environmental overlay zone development standards or there are no River Environmental overlay zone development standards that apply to the proposal. The process and approval criteria for River Review can be found in Chapter 33.865, River Review.

### **33.475.430 Prohibitions**

The following are prohibited within the River Environmental overlay zone:

- A.** The packaging or storage of hazardous substances except as follows:
  - 1. Use of consumer quantities of hazardous substances is allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal use; and
  - 2. Marine vessel fueling stations are allowed.
- B.** The planting or propagation of any plant listed on the *Nuisance Plant List*; and
- C.** Dumping of trash or yard debris.

### **33.475.440 Development Standards**

Unless exempted by 33.475.405., the standards in this Section apply to development, exterior alterations, and land divisions in the River Environmental overlay zone. All of the applicable standards must be met. Proposals that do not meet all the standards within each relevant section require approval through River Review.

- A. Standards for rail rights of way.** The following standards apply to rail rights-of-way:
  - 1. The disturbance area associated with the development of a rail right-of-way must occur within a corridor that is not more than 20 feet wide. No disturbance is allowed outside of the 20-foot-wide corridor;
  - 2. Disturbance associated with the rail corridor or development of the rail corridor must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of a wetland or the top of bank of any other stream or water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank;

3. Vegetation removal is allowed as specified in Subsection K.; and
  4. Mitigation is required as specified in Subsection L.
- B. Standards for utility lines.** The following standards apply to new utility lines and upgrades to existing utility lines, including stormwater conveyance facilities, and private connections to utility lines:
1. The disturbance area for the installation of a utility line or upgrade to an existing utility line, including utility trenching, must be no more than 15 feet wide;
  2. The disturbance area must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of a wetland or the top of bank of any other stream or other water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank;
  3. Vegetation removal is allowed as specified in Subsection K.;
  4. The temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
  5. Exemption. If a proposed utility line or upgrade to an existing utility line runs through an area that has already been approved as a permanent disturbance area, or allowed by standards of this section, it is exempt from Paragraphs B.1. and B.2.
- C. Standards for stormwater outfalls.** The following standards apply to the installation of stormwater outfalls:
1. The disturbance area associated with the installation or replacement of a stormwater outfall must not be more than 10 feet wide;
  2. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the water body must not exceed 15 percent at any point;
  3. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of three stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual;
  4. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4 inches in diameter;
  5. Vegetation removal is allowed as specified in Subsection K.; and
  6. Mitigation is required as specified in Subsection L.
- D. Standards for placement of piles.** The following standards apply to the placement of up to four new single piles or two new multiple-pile dolphins for each 100 feet of shoreline:
1. The placement of the piles or dolphins must be associated with a river-dependent or river-related use;

2. An equal number of piles or dolphins as are placed in the River Environmental overlay zone, plus one, must be removed from the River Environmental overlay zone. Removal includes cutting the piles or dolphins off at the river bottom but does not include cutting the pile or dolphin at any point other than the river bottom; and
  3. If the applicant does not own the property where the pile or dolphin removal will occur, the applicant must have an easement or deed restriction sufficient to allow the necessary removal.
- E. Standards for public trails.** The following standards apply to the construction of a new public trail and alterations to an existing public trail:
1. The trail is located on public property or within a public trail easement;
  2. The trail must be setback at least 10 feet, and disturbance associated with construction of the trail must be setback at least 5 feet, from the top of bank of the Willamette River or a stream (top of bank is shown on Map 475-2);
  3. The trail and disturbance associated with construction of the trail must be setback at least 30 feet from a wetland or the top of bank of a water body;
  4. Maximum trail width:
    - a. On sites with the major public trail designation, one trail may be up to 16 feet wide and the disturbance area for the one trail may be up to 24 feet wide;
    - b. For all other trails, the total width of the trail must be no more than 4 feet and the total width of disturbance area must be no more than 8 feet wide;
  5. Vegetation removal is allowed as specified in Subsection K; and
  6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- F. Standards for public viewing areas.** The following standards apply to the construction of a public viewing area:
1. The viewing area must be associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan (2020)* or *River Plan / South Reach Scenic Resources Protection Plan (2020)*;
  2. The total disturbance area must be no more than 800 square feet in area;
  3. The permanent disturbance area associated with the viewing area must not be more than 500 square feet in area;
  4. The total disturbance area must not be located below the top-of-bank of the Willamette River (top of bank is shown on Map 475-2), stream, or any other water body, and must not be located within 30 feet of a wetland;
  5. Vegetation removal is allowed as specified in Subsection K.; and

6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- G. Standards for view corridors.** The following standards apply to pruning or removing vegetation in a Scenic overlay zone.
1. Tree removal and pruning is allowed as specified in Subsection K.; and
  2. Temporary disturbance areas must be replanted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.
- H. Standards for resource enhancement.** The following standards apply to resource enhancement projects.
1. There must be no excavation, fill, or construction activity below ordinary high water mark of any river, stream, wetland or other water body;
  2. The riverbank may be re-graded if the slope after grading is shallower than the slope prior to grading and the slope is no greater than 20 percent (20 percent slope represents a rise to run ratio equal to 1:5);
  3. Rock armoring must not be used on the surface between the top of bank and the ordinary high water mark of any water body except as required surrounding outfalls (top of bank is shown on Map 475-2);
  4. No structures are proposed landward of the top of bank except trails that meet the regulations of 33.475.440.E, and structures associated with public viewing areas that meet the regulations of 33.475.440.F.;
  5. All nuisance plants listed on the *Portland Plant List* must be removed;
  6. Vegetation removal is allowed as specified in Subsection K.; and
  7. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- I. Standards for site investigative work.** The following standards apply to site investigative work. Site investigative work includes soil tests and test pits, land surveys, and groundwater and water quality monitoring stations.
1. No more than 100 square feet of disturbance area is allowed per test pit or monitoring station;
  2. Disturbance associated with site investigative work must be temporary;
  3. No trees are removed; and

4. Temporary disturbance area must be planted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.
- J. Standards for development in a City of Portland park.** The following standards apply to development in a City of Portland park that is not subject to another set of development standards contained in this Section.
1. The total disturbance area must not be more than 2,200 square feet;
  2. Disturbance area must not be located below the top-of-bank of the Willamette River, streams, or other water body, or located within 30 feet of a wetland. See Map 475-2 for the top of bank of the Willamette River;
  3. Vegetation removal is allowed as specified in Subsection K.; and
  4. Mitigation is required as specified in Subsection L.
- K. Standards for removal or pruning of vegetation.** The following standards apply to the removal or pruning of vegetation:
1. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site;
  2. The removal or pruning must be conducted with handheld equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
  3. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
  4. Vegetation that is removed or pruned is limited to the following:
    - a. Vegetation listed on the *Nuisance Plant List*;
    - b. Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist. All sections of wood more than 12 inches in diameter must be placed in the River Environmental overlay zone of the ownership within which the wood was cut unless the City Forester authorizes the removal because the wood is diseased and will threaten the health of other trees;
    - c. Vegetation that exceeds the height restriction of a view corridor with special height restrictions designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
    - d. Trees not listed on the Nuisance Plant List that are less than 6 inches in diameter may be removed if the removal or pruning is in conjunction with development or an exterior alteration approved under the standards of this section as follows:
      - (1) Within a rail right-of-way or within 10 feet of the rail right-of-way;
      - (2) Within a utility line corridor;

- (3) Within the disturbance area for installation or replacement of stormwater outfalls;
  - (4) Within a public trail;
  - (5) Within a public viewing area associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
  - (6) Within a Scenic overlay zone;
  - (7) Within a resource enhancement area;
  - (8) Within the disturbance area associated with development in a City of Portland park; or
  - (9) Within the disturbance area associated with a residential structure.
- e. Trees less than 3 inches in diameter planted within a resource enhancement area may be removed when the relevant subarea standards of Table 475-1 are met. For the purposes of this standard, approved resource enhancement area means the area meets the resource enhancement standards of Subsection H., or was approved through a land use review.
5. Except for dead, dying and dangerous trees, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31.
6. Trees removed must be replaced as shown in Table 475-2 and must meet the following:
- a. Replacement vegetation must meet all of the following:
    - (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;
    - (2) The planting must occur within the River Overlay zones. Trees must not be planted within a Scenic overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation. If tree removal on the project site is located in either the 100-year floodplain or 1996 Flood Inundation Area, tree planting must also be within the 100-year floodplain or 1996 Flood Inundation Area; and
    - (3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When at least five trees are planted for replacement, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply if all of the trees being removed are dead, dying, or dangerous trees, as determined by

the City Forester or an arborist, or are nuisance trees. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services; and

- b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

<b>Table 475 – 2</b>		
<b>Tree Replacement in River Environmental Overlay Zone</b>		
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 20	3	Not applicable
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

- L. **Standards for mitigation.** The following standards apply to mitigation required by Subsections A., C., J., O., and P.
  - 1. Mitigation ratio. Mitigation must be provided as follows:
    - a. On-site mitigation and mitigation purchased from a City-approved mitigation bank must occur at a minimum 1.5:1 ratio of mitigation area to project disturbance area;
    - b. All other mitigation must occur at a minimum 3:1 ratio of mitigation area to project disturbance area.
  - 2. Location of mitigation. The mitigation area must be located as follows:
    - a. If mitigation will be provided as credits from a mitigation bank, the credits must be purchased from a City-approved mitigation bank located along the Lower Willamette River that is as close as possible to the disturbance area;
    - b. All other mitigation areas must be located in the River Environmental overlay zone and if the disturbance area is located within the 100-year floodplain or the 1996 Flood Inundation Area, the mitigation area must also be located within the 100-year flood plain or 1996 Flood Inundation Area.
  - 3. If the mitigation area is not on the site where the disturbance occurs and is not credits purchased from a City-approved mitigation bank, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;
  - 4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection K.;

5. Plantings required for tree removal, as specified in Subsection K., can be counted towards mitigation if the planting is located within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone;
6. Required planting density standards are specified in Table 475-3. Trees may be clustered. Trees must not be planted within a view corridor. Plants must be selected from the *Portland Plant List*;

<b>Table 475-3 Planting Density</b>			
	<b>Small Trees[1]</b>	<b>Medium Trees[1]</b>	<b>Large Trees[1]</b>
<b>Planting Density</b>	<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

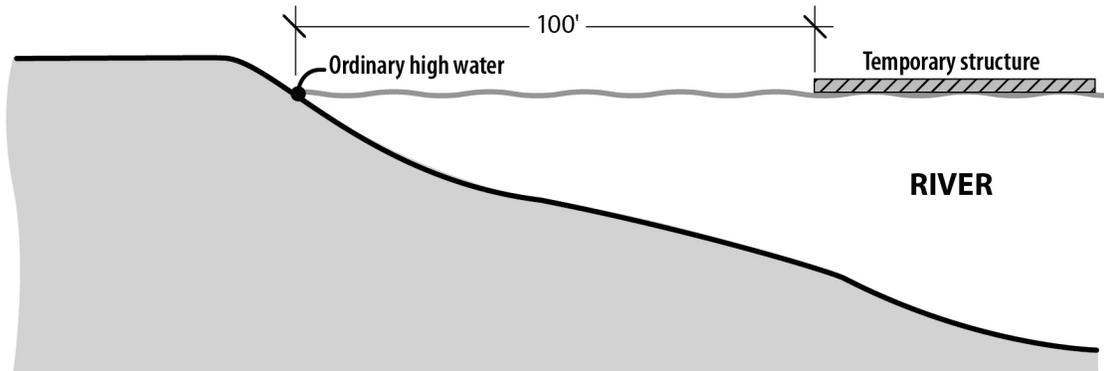
7. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used; and
8. Trees must be a minimum ½-inch caliper, bareroot or live stake, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
9. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When the mitigation area is 1,000 square feet or greater, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the mitigation area is less than 1,000 square feet. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services.

**M. Standards for application of soil amendments.** The following standards apply to the application of soil amendments:

1. The depth of the soil amendment must be no more than 12 inches;
2. The soil must not be applied below the ordinary high water mark of the Willamette River, streams, or other water body, or within 30 feet of a wetland;
3. The composition of the growing medium must meet one of the following:

- a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
  - b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.
4. Placement of soil is not allowed when the ground is frozen or saturated; and
  5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.
- N. Standards for placement of temporary structures for a seasonal public swimming area.**  
The following standards apply to temporary structures for a seasonal public swimming area:
1. One land-based structure exclusively for storing life-safety equipment is allowed per site and must not exceed 300 square feet of floor area;
  2. Temporary floating structures are allowed and must meet the following standards:
    - a. More than one floating structure is allowed per site, but no more than 8 floating structures are allowed per reach of the Willamette River;
    - b. The floating structure must be free-floating or attached to an existing dock, pier or piling. Free floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;
    - c. The structure must not have walls or a roof; and
    - d. The structure must be at least 100 feet away from the riverbank. The 100 feet is measured horizontally from the ordinary high water mark. See Figure 475-6;
  3. All work necessary to install and remove temporary structures is allowed only between July 1 and October 31. All temporary structures must be removed by October 31; and
  4. The swimming area must be open to the public.

**Figure 475-6  
Floating Structures**



**O. Standards for all residential structure types.** The following standards apply to all residential structure types.

1. The maximum disturbance area allowed within the River Environmental overlay zone on the site is determined by subtracting all portions of the site outside the River Environmental overlay zone boundary from the number listed in Table 475-4.

<b>Table 475-4 Maximum Disturbance Area Allowed</b>			
	<b>RF, R20, and R10</b>	<b>R5</b>	<b>All Other Zones</b>
Maximum Disturbance Area	5,000 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage

[1] Subtract the amount of area on the site outside the River Environmental overlay zone from the number given in the table.

2. The disturbance area must be located outside of the riparian buffer area and must be set back at least:
  - a. Five feet landward of the river setback; and
  - b. Thirty feet from the edge of any identified wetland or the top of bank of any identified-water body located landward of the river setback.
3. Vegetation removal is allowed as specified in Subsection K.
4. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback.

5. Except as stated in Paragraph O.6, mitigation is required as specified in Subsection L.
  6. For alterations to existing development where the existing disturbance area now exceeds the limitations of Table 475-4, alterations are allowed within the existing disturbance area if the following are met:
    - a. The existing disturbance area may not be expanded; and
    - b. Increases in building coverage and exterior improvement area are allowed if the mitigation requirements specified in Paragraphs L.2. through L.8. are met for an area equivalent in size to at least 50 percent of the increase in building coverage and exterior improvement area. If the proposed development is less than 100 square feet, the minimum mitigation area will be 50 square feet.
- P. Standards for existing residential docks.** The following standards apply to replacing or altering or repairing floating boat dock structures that existed on March 1, 2021, that are located in a residential zone:
1. If the floating boat dock structure has a total square footage greater than 200 square feet, the total square footage of the floating portions must be reduced by at least 25 percent; and
  2. The non-floating portions of the floating boat dock structure must remain in the same location and must not increase in size.
- Q. Standards for land divisions and Planned Developments.** The following standards apply to land divisions and Planned Developments.
1. All development is landward the river setback;
  2. All development is outside the 100-year floodplain and 1996 Flood Inundation Area;
  3. Where there is a house on the site that is in the 100-year floodplain or 1996 Flood Inundation Area, it may remain if a new lot is created that meets the following:
    - a. The existing house will remain; and
    - b. A new lot is created to contain the existing house as well as a future building site at least five feet from 100-year floodplain and 1996 Flood Inundation Area. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;
  4. Areas of the 100-year floodplain and 1996 Flood Inundation Area that are outside of lots being created under the provisions of Paragraph P.3. are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowner's Association, by a public agency, or by a non-profit organization;
  5. The total amount of disturbance area allowed within the River Environmental overlay zone is either the amount listed in Table 475-5 or 1 acre, whichever is less, minus the amount of area outside the River Environmental overlay zone;

<b>Table 475-5 Maximum Disturbance Area for a Land Division and PD Allowed Within the River Environmental Overlay Zone [1]</b>						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

6. Areas of the River Environmental overlay zone outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all the owners of the land division site, by a Homeowner’s Association, by a public agency, or by a non-profit organization;
7. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body;
8. New right-of-way and roadway widths do not exceed the maximums listed in Table 475-6;
9. Utility construction must meet the applicable standards of Subsection B. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard;
10. Installation of stormwater outfalls is allowed as specified in Subsection C;
11. Vegetation removal is allowed as specified in Subsection K.; and
12. Mitigation is required as specified in Subsection L.

<b>Table 475-6 Maximum Right-of-way and Roadway Widths</b>			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

**R. Standards for Property Line Adjustments.** The following standards apply to Property Line Adjustments (PLAs) in the River Environmental overlay zone. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

1. A Property Line Adjustment may not result in any property being entirely in the River Environmental overlay zone, unless that property is entirely in the River Environmental overlay zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

2. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 475-7. A property that contains less than the area listed in Table 475-7 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 475-7.

<b>Table 475-7</b>				
<b>Minimum Area Required Outside of the River Environmental Overlay Zone</b>				
	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Maximum Area Required	5% of site area	17% of site area	22% of site area	50% of the base zone building coverage

### 33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

- A. Purpose.** The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

- B. Correction Options.** Applicants must choose one of the following options to correct a river environmental code violation.

1. When these options may be used.
  - a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
    - (1) No more than 12 diameter inches of trees were removed;
    - (2) No ground disturbance occurred riverward of the top of bank of the Willamette River in the riparian buffer area, or within 30 feet of a wetland or the top of bank of a stream or other water body. See Map 475-2 for top of bank;
    - (3) The correction will remove all illegal development; and
    - (4) The correction will replant illegal clearing.
  - b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:
    - (1) More than 12 diameter inches of trees were removed;
    - (2) A Madrone, Garry Oak, or Pacific Yew larger than 3 inches was removed; or



- must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots;
- (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and
  - (7) For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½ inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
3. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.
- a. The applicable standards of paragraphs 33.475.440 must be met; and
  - b. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
    - (1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-3;
    - (2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used. Plants must be native and selected from the *Portland Plant List*.
    - (3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3;
    - (4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
    - (5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a Scenic overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and
    - (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met. When the planting area exceeds 1,000 square feet, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the planting area is less than 1,000 square feet. In this case, written proof that

all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services; and

- c. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½-inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
4. Option Three, River Review. This option requires River Review, using the approval criteria and procedures below:
    - a. Approval criteria. The applicable approval criteria of Subsection 33.865.120 must be met.
    - b. Review procedures. Reviews are processed as follows:
      - (1) Type III. A Type III review is required for any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or water body.
      - (2) Type II. All other reviews to correct violations are processed through a Type II procedure.
      - (3) All River Reviews must provide the information required in Section 33.865.040, Supplemental Application Requirements.

### **Clean Up of Contaminated Sites**

#### **33.475.500 Removal or Remediation of Hazardous Substances**

- A. General.** The following regulations are substantive requirements that apply to actions taken to remove or remediate hazardous substances. All of the regulations must be met unless one or more are demonstrated to be impracticable pursuant to subsection G, below.
- B. Where these regulations apply.** The regulations of this section apply to the portion of the site located within the boundaries of the removal or remediation action.
- C. Review procedure.**
  1. Except as described in Paragraph C.2., compliance with these regulations is processed through a Type II procedure.
  2. If the action to remove or remediate hazardous substances is subject to this Code but exempt from procedural requirements, the action must comply with the substantive requirements of these regulations to the extent required under state or federal law and the person performing the action must notify the City that the action is exempt. A person conducting a cleanup otherwise exempted from the procedural requirements may choose to obtain a permit.

- D. Relationship to other regulations in this chapter.** Actions to remove or remediate hazardous substances that are approved or selected under Oregon or federal cleanup law are exempt from the procedural requirements of Chapter 33.475. Any part of an action that is not in itself a remedial or removal action must meet all other applicable regulations and procedural requirements of this chapter.
- E. Regulations that apply to actions to remove or remediate hazardous substances.** The following regulations apply to proposals for the removal or remediation of hazardous substances:
1. The removal or remedial actions and the final remedy must not preclude the use of the site consistent with the uses allowed by the base zone or an approved conditional use. If the site is within the River Industrial overlay zone or riverward of the river setback, the final remedy must allow the use of the site for river-dependent or river-related activities unless the site is found to be unsuitable for river-dependent or river-related uses. Generally, this means that the final remedy must allow development of major public trails, dredging necessary to establish or maintain navigation to and from riverfront sites, the placement of piles or dolphins, or the development of a marine facility, dock, or wharf or other river-dependent or river-related structure;
  2. Buildings, structures and equipment required as part of removal or remediation actions must be located and designed taking into account the purpose of the river setback standard which is to keep structures at least 50 feet away from the top of bank of the river, reserve space for public access to the river and development of major public trails, and allow for natural resource enhancement (top of bank is shown on Map 475-2); and
  3. Water quality treatment facilities must be located outside of the River Environmental overlay zone.
- F. Regulations that apply to actions to remove or remediate hazardous substances that occur in specific areas.** The following regulations apply to actions within the River Environmental overlay zone to remove or remediate hazardous substances based on specific locations:
1. The following regulations apply to areas landward of the top of bank (top of bank is shown on Map 475-2):
    - a. Disturbance of the ground and removal of native vegetation must be avoided outside of the actual soil removal areas. If avoiding disturbance or native vegetation removal is not practicable, disturbance and removal must be minimized.
    - b. Where ground disturbance or removal of native vegetation cannot be avoided, the area must be replanted. The replanting standards are as follows:
      - (1) Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted and within 10 feet of any plantings;
      - (2) Planting density. The replanting area must meet one of the following plant and planting density standards specified in Table 475-8. Trees may be

clustered. Trees must not be planted within a view corridor designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*.

<b>Table 475-8 Planting Density</b>			
	<b>Small Trees[1]</b>	<b>Medium Trees[1]</b>	<b>Large Trees[1]</b>
<b>Planting Density</b>	One tree and one of the following two options for every 100 square feet:	One tree and one of the following two options for every 200 square feet:	One tree and one of the following two options for every 300 square feet:
	Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or	Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or	Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or
	Option 2: Three shrub and four other groundcover plants.	Option 2: Six shrub and eight other groundcover plants.	Option 2: Nine shrub and 12 other groundcover plants.

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

- (3) Plant diversity. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used;
  - (4) Plant size. Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
  - (5) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
- c. Tree replacement. Trees that are 1.5 inches or greater in diameter that are removed must be replaced based on Table 475-9:

<b>Table 475-9 Tree Replacement in Hazardous Substance Cleanup Sites</b>		
<b>Size of tree to be removed (inches in diameter)</b>	<b>Option A (no. of native trees to be planted)</b>	<b>Option B (combination of native trees and shrubs)</b>
At least 1.5 and up to 6	2	Not applicable
More than 6 and up to 20	3	Not applicable
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

- (1) Size. The replacement trees must be a minimum ½-inch diameter or bareroot unless they are oak or madrone, which may be one gallon size.

Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.

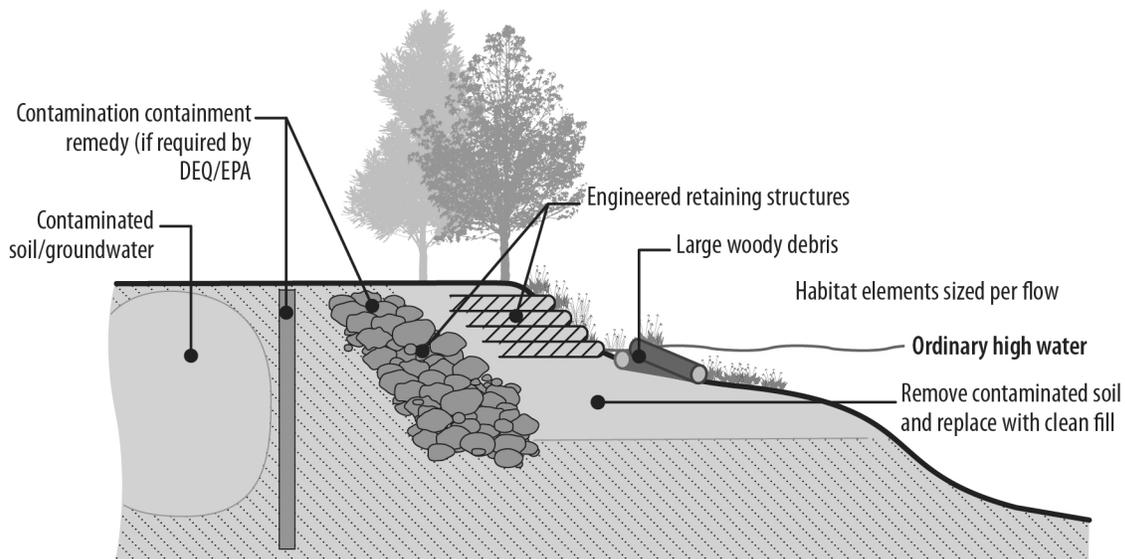
- (2) Type. The replacement trees must be native trees selected from the *Portland Plant List*;
  - (3) Location. All replacement trees must be planted within the River Environmental overlay zone, within 50 feet of the River Environmental overlay zone, or within 50 feet of the top of bank of the Willamette River in the River Environmental overlay zone. See Map 475-2. If the project site is located in the 100-year floodplain or 1996 Flood Inundation Area, the plantings must also be within the 100-year floodplain or 1996 Flood Inundation Area. The person conducting the cleanup must own the property where the trees are planted or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the plantings; and
  - (4) Replacement trees can be counted toward meeting the requirements of subsubparagraph F.1.b(2).
- d. All vehicle areas and construction staging areas installed for purposes of conducting the removal and remediation actions must be removed from the River Environmental overlay zone when they are no longer necessary for remedy construction. All such areas must be removed by the time the project is complete and the areas must be replanted according to the standards of subparagraph F.1.b, above.
2. The following regulations apply to the area between the top of bank and the ordinary high water mark:
- a. When there is an alteration to the area between top of bank and the ordinary high water mark that is greater than 500 square feet or includes more than 50 cubic yards of excavation or fill, changes the ground contours, results in the removal of buildings, requires engineering of the river bank or includes in-water work, the following should be met (top of bank is shown on Map 475-2):
    - (1) The area between the top of bank and the ordinary high water mark where the alteration occurs must be designed using biotechnical techniques including soil bioengineering (top of bank is shown on Map 475-2). Figures 475-7 and 475-8 show examples of biotechnical techniques. In addition to using biotechnical techniques, the following requirements apply:
      - Rock armoring or other hard surface armoring methods must not be used between the top of bank and the Ordinary High Water Mark except as needed surrounding outfalls. This is not intended to preclude using rock or other hard surface stabilization methods below the surface if necessary to contain hazardous substances or to preclude the use of rocks or gravel as part of the biotechnical technique;
      - The bank must be sloped or terraced in a way that allows the establishment and maintenance of vegetation as the primary soil stabilization method;

- If the site is currently used for public recreation, including access to a beach or the river, the bank must be sloped or terraced in a way that allows for at least one public access way to the beach or river;
  - Large wood, including root wads, tree boles and logs, must be used to reduce localized erosion, improve bank stabilization, and improve ecological values and, if the site is currently used for public recreation, support continued use of beaches and the river; and
  - At least eighty percent of the area between the top of bank and the ordinary high water mark that is being altered as a result of the remedy must be planted with shrubs. At least one tree must be planted for every 400 square feet of altered area. All of the area that is not planted with shrubs or trees must be fully covered with ground cover plants. All plants must be selected from the *Portland Plant List* and should be appropriate for the conditions on the site. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
- (2) If biotechnical techniques are not practicable, as described in 33.475.500.G, and rock armoring is used on the surface between the top of bank and the Ordinary High Water Mark, then the slope of the bank must be shallow enough to allow a combination of rock and vegetation. See Map 475-2. At a minimum, live native willow or dogwood stakes should be planted in adequate soil, in the interstices between the rocks at a ratio of three stakes for every square yard of rock armoring.
- b. When there is a minor alteration of less than 500 square feet or less than 50 cubic yards of excavation or fill to the area between the top of bank and the ordinary high water mark, the regulations of paragraph G.1, above apply. See Map 475-2.
3. In the area that is riverward of the Ordinary High Water Mark, the following apply:
- a. Avoid in-water permanent structures that will impact the navigation channel or will preclude river-dependent or river-related development from accessing and utilizing the river for public recreation, transportation, tourism, or the transport, transfer and conveyance of goods and materials to and from the upland site;
  - b. Integrate large wood, or other natural wave deflection structures or techniques that mimic the function of large wood, into the near-shore environment. Rock armoring, chemically treated wood, articulated block, and industrial debris is discouraged;
  - c. If the area is a beach or is a shallow water depositional area, then the final design should include all of the following:
    - (1) At least six inches depth of substrate that is ½-inch rounded gravel or smaller in size should be placed over capping material;
    - (2) The submerged slope should be no steeper than 1:7 (rise to run ratio); and
    - (3) Public access from major public trails or abutting upland sites to the river should not be precluded.

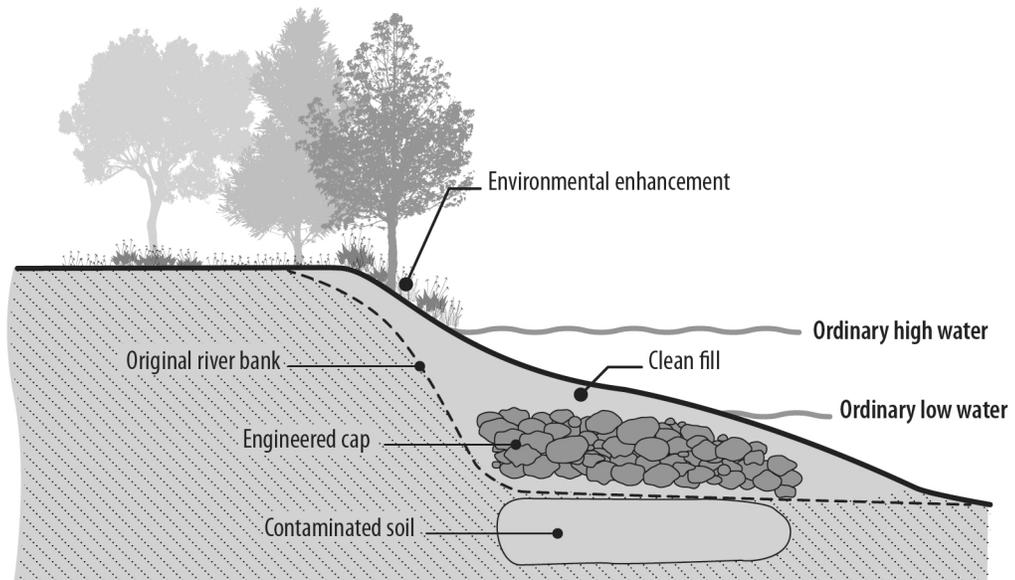
- d. If the area is not a beach or is not a shallow water depositional area, then the final substrate should be rounded rock no larger than 6 inches (D100=6") with an average gradation size of 3 inches (D50=3"). Angular rock is discouraged.

**G. Demonstration of Impracticability.** A person conducting a cleanup may be exempted from compliance with any requirement in this section if the person demonstrates that compliance with the requirement is not capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project remedial purposes. The person must still comply with that requirement to the extent practicable and remains subject to all other applicable requirements. To demonstrate impracticability the applicant must submit an engineering analysis, a cost schedule and any other information, such as desired future use of the site, that supports a demonstration that a requirement cannot be fully met.

**Figure 475-7**  
**Example 1: Upland and In-Water Contamination Cleanup**



**Figure 475-8**  
**Example 2: In-Water Contamination Cleanup**



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*(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*

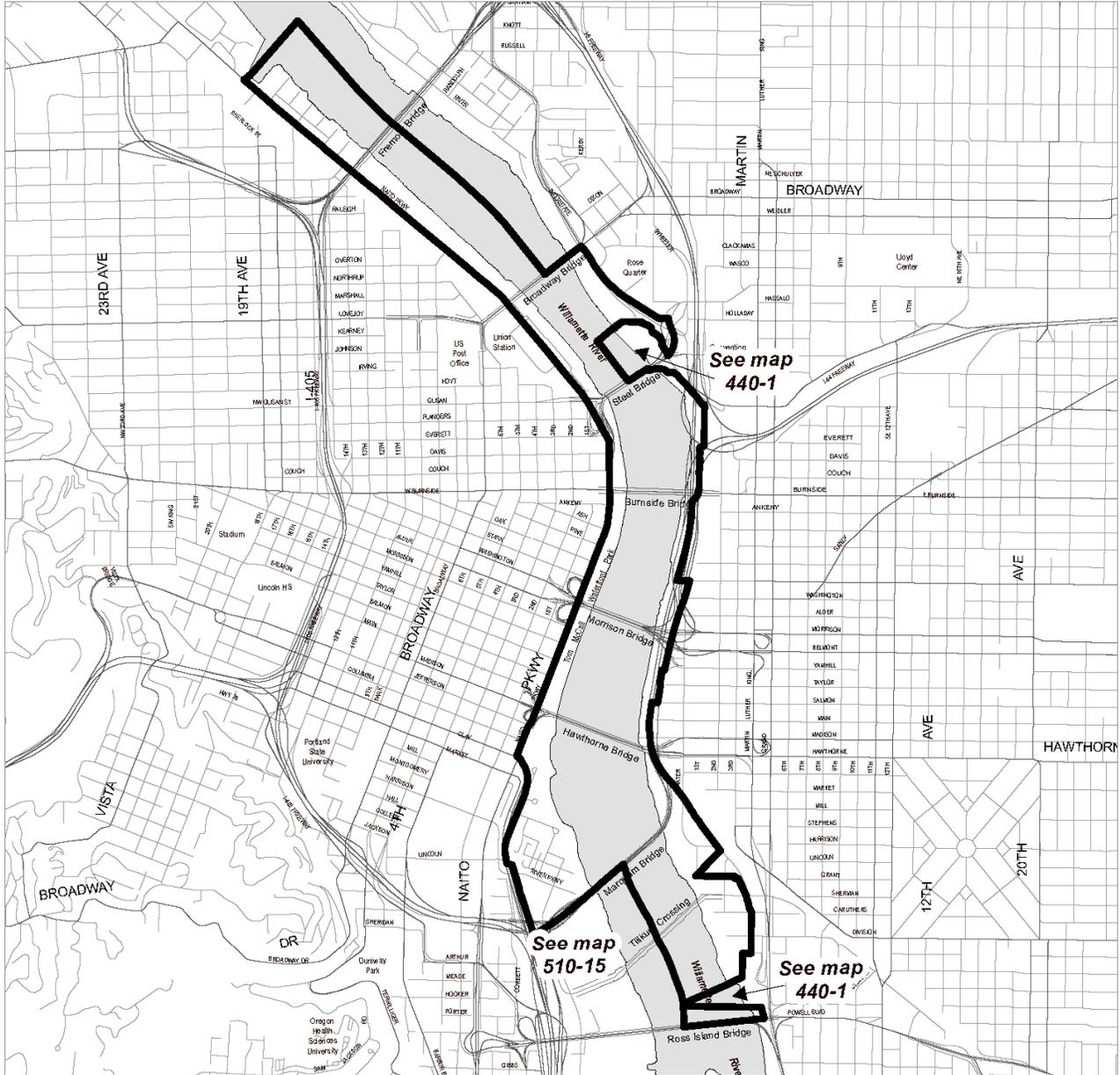


# Central Reach River Overlay Boundary

# Map 475-1

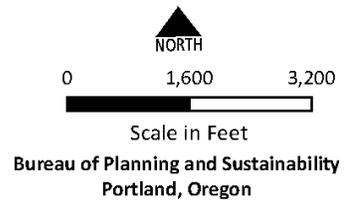
Map 1 of 2

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- River Overlay Boundary

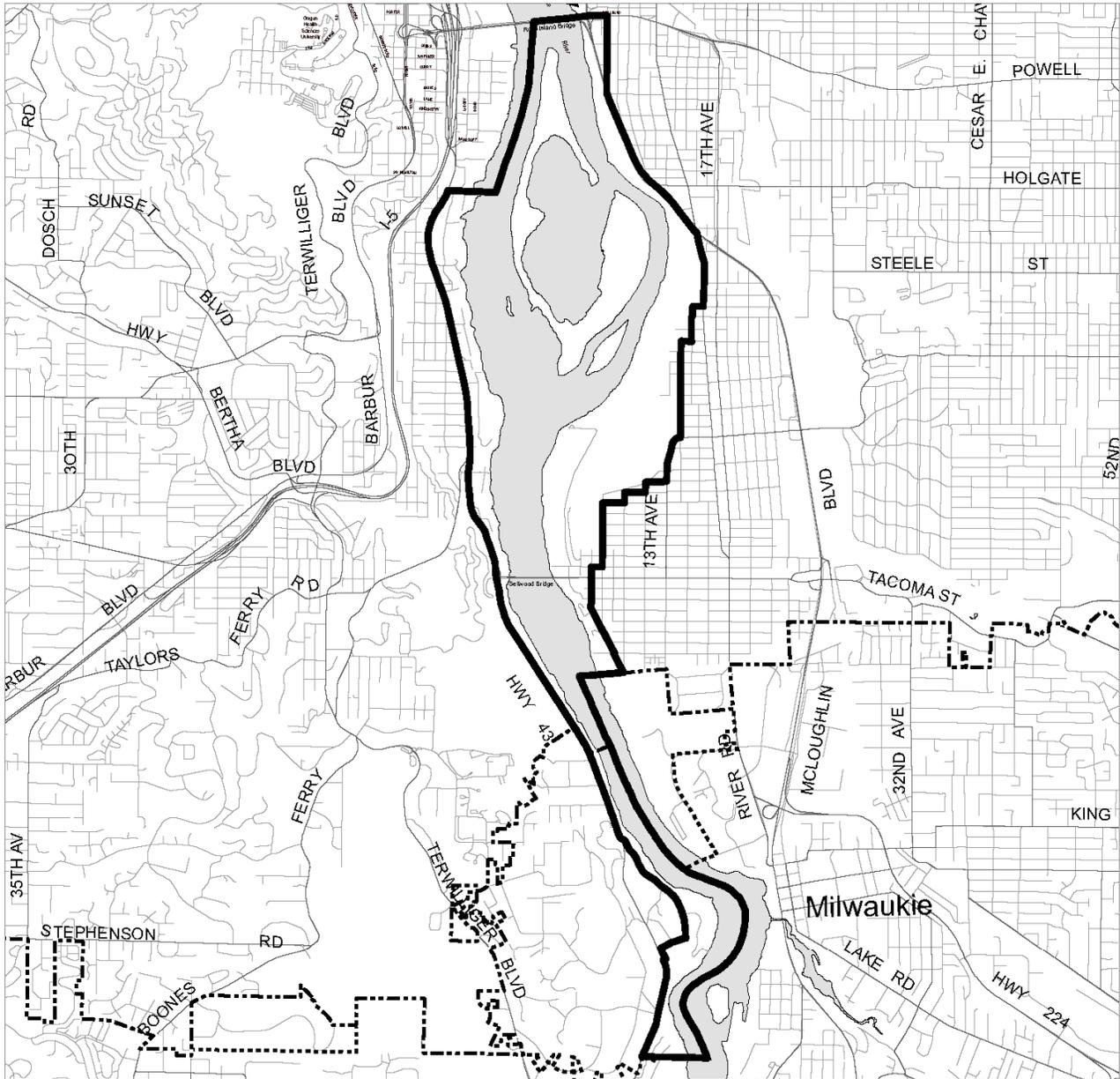


# South Reach River Overlay Boundary

# Map 475-1

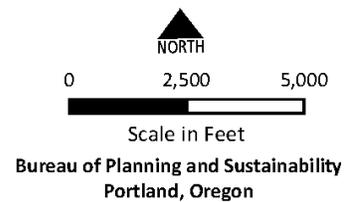
Map 2 of 2

Map Revised March 1, 2021



## Legend

- City Boundary
- ..... Urban Service Boundary
- ▭** River Overlay Boundary

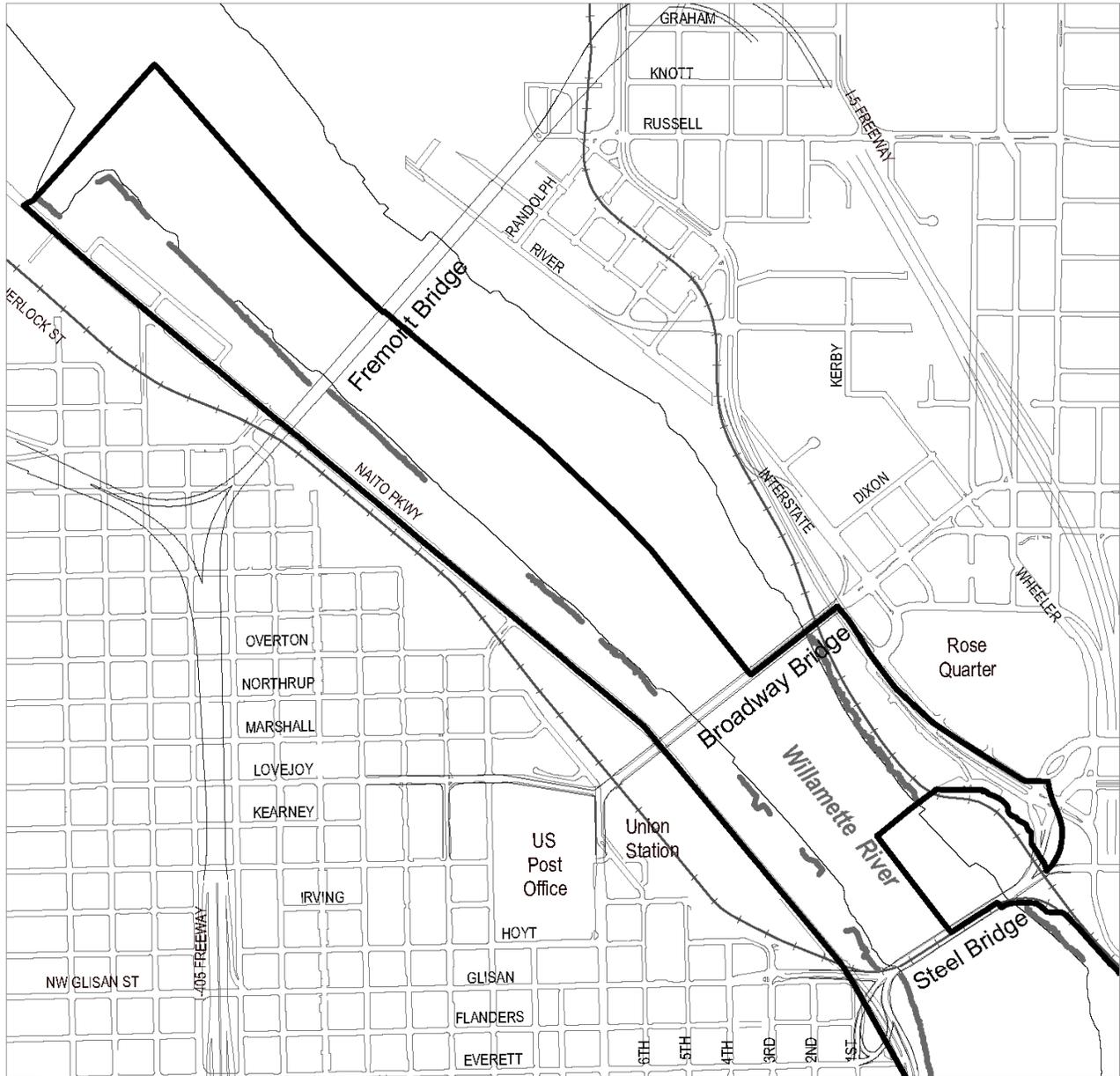


# Central Reach Top of Bank

# Map 475-2

Map 1 of 6

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)



# Central Reach Top of Bank

# Map 475-2

Map 2 of 6

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- ▭** River Overlay Boundary
- Top of Bank (where mapped)

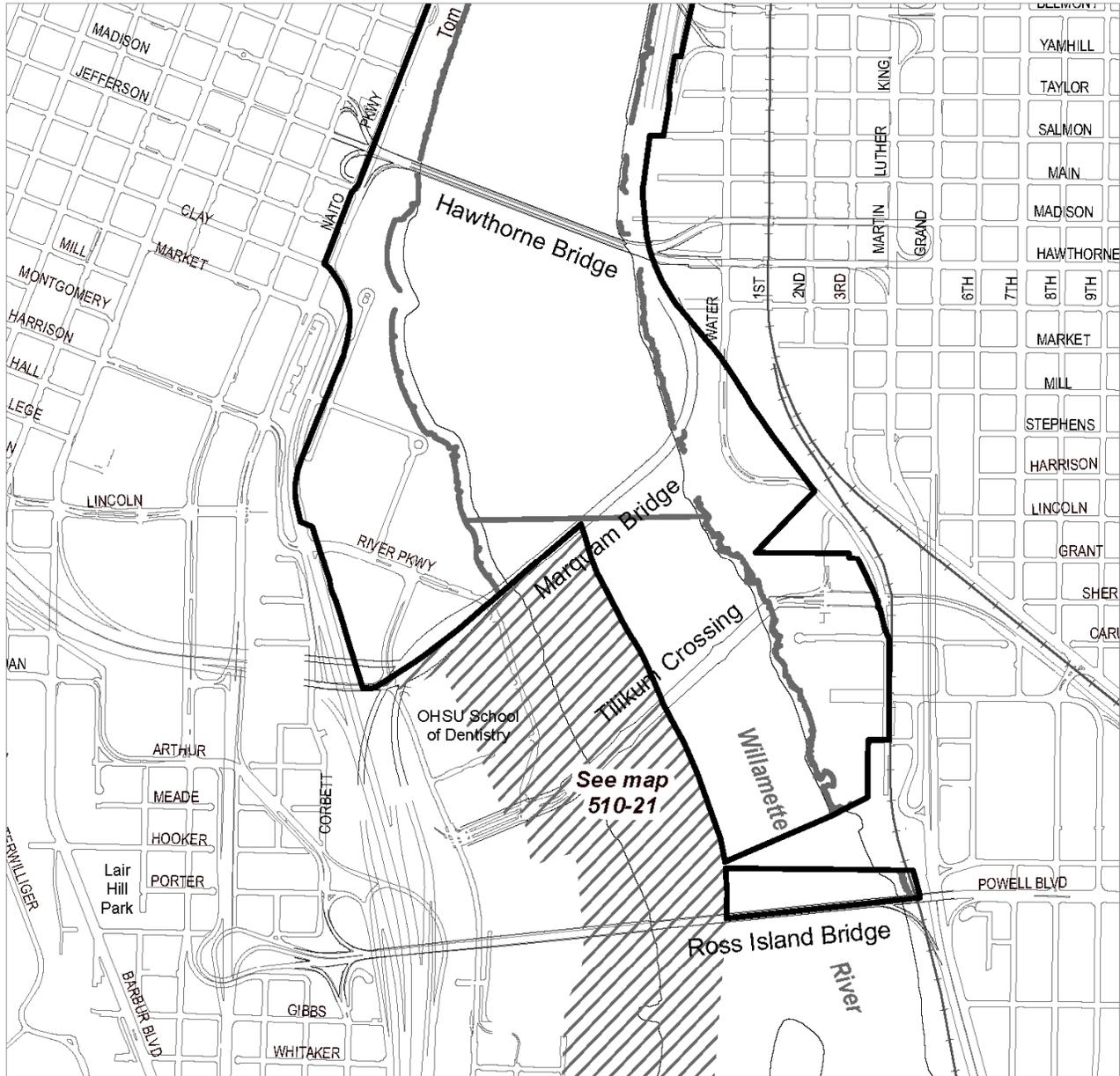


# Central Reach Top of Bank

# Map 475-2

Map 3 of 6

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)

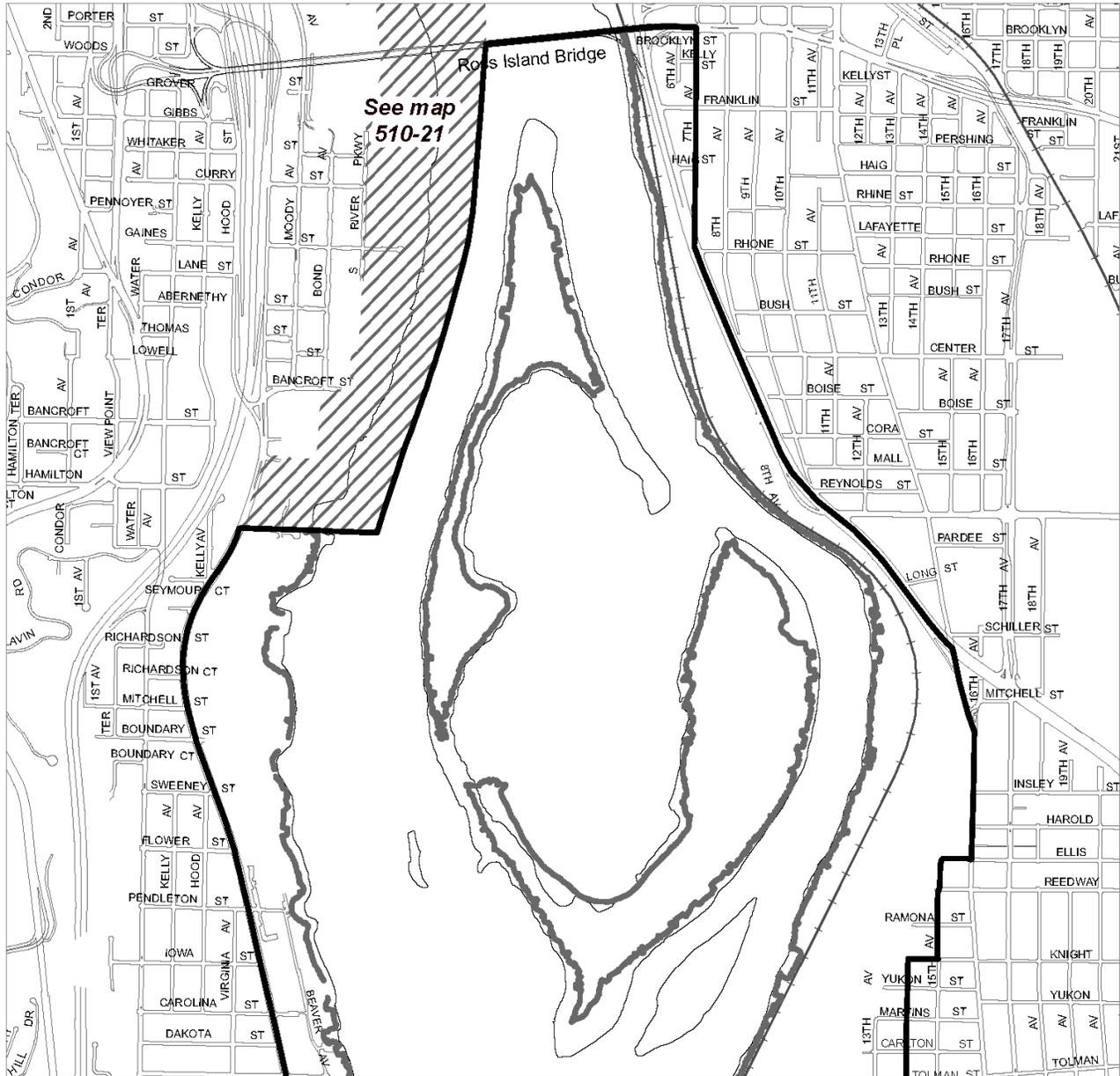


# South Reach Top of Bank

# Map 475-2

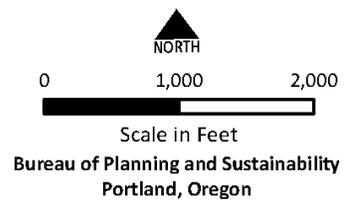
Map 4 of 6

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)

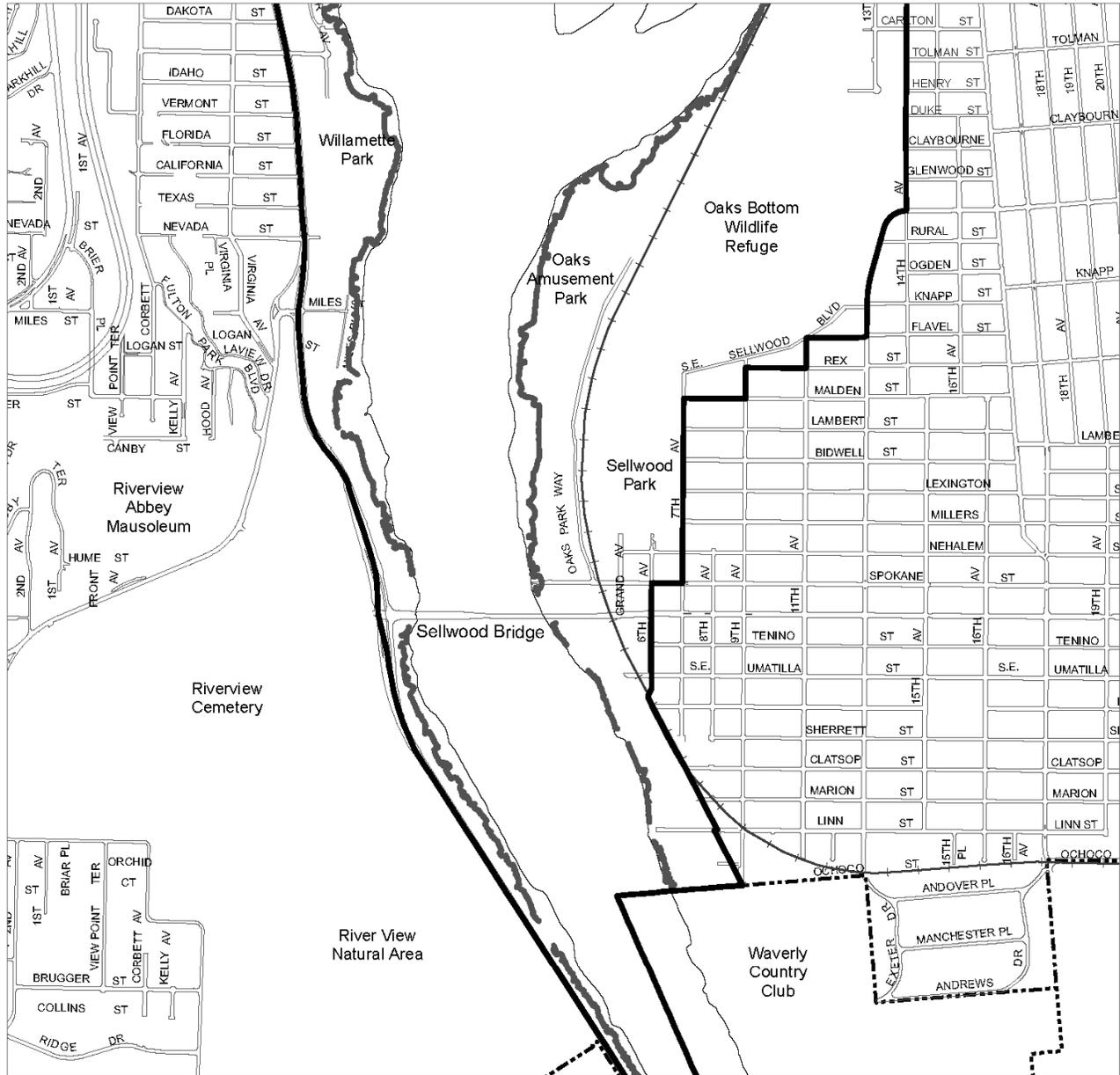


# South Reach Top of Bank

# Map 475-2

Map 5 of 6

Map Revised March 1, 2021

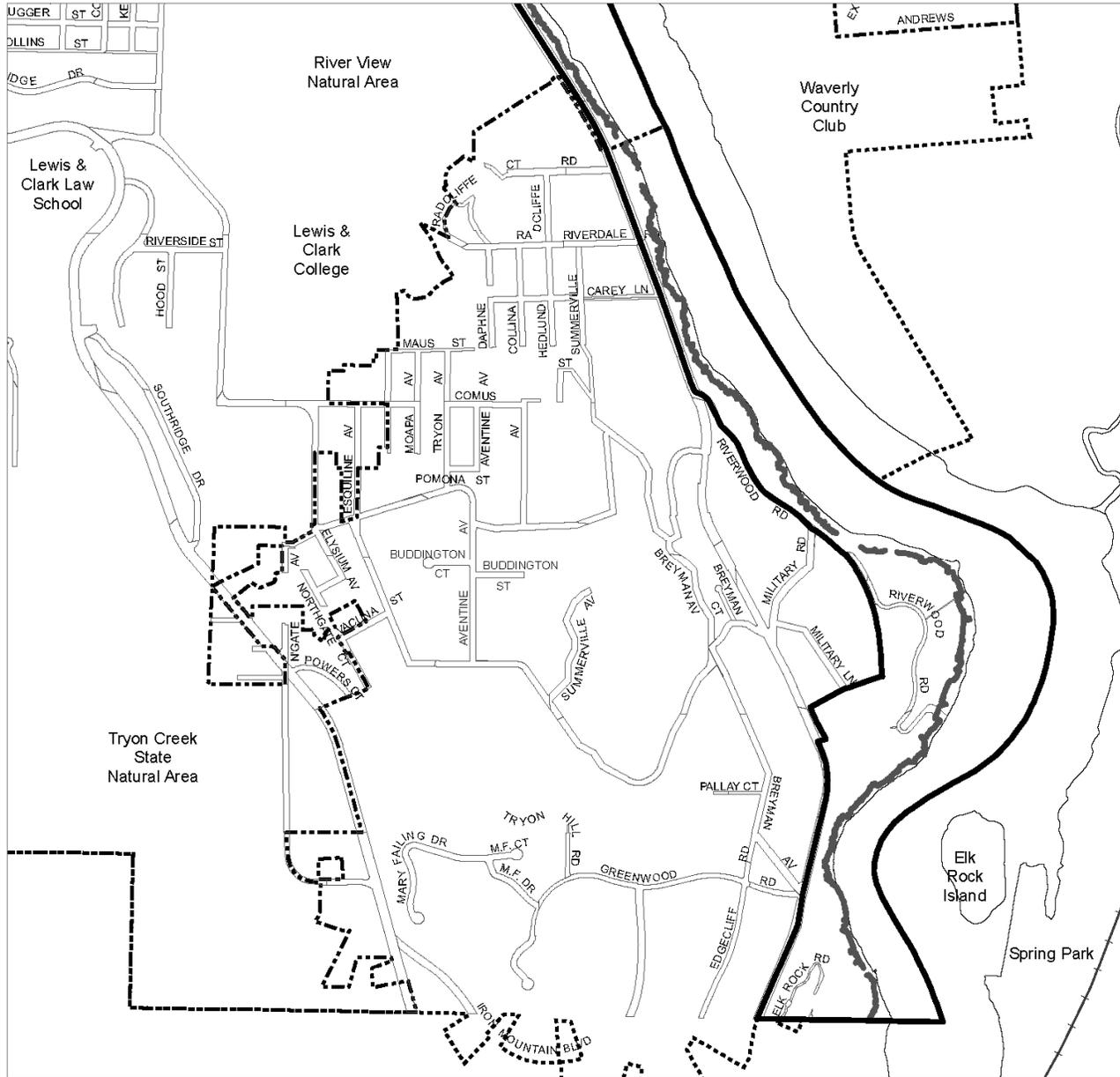


## Legend

- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)



Map Revised March 1, 2021



**Legend**

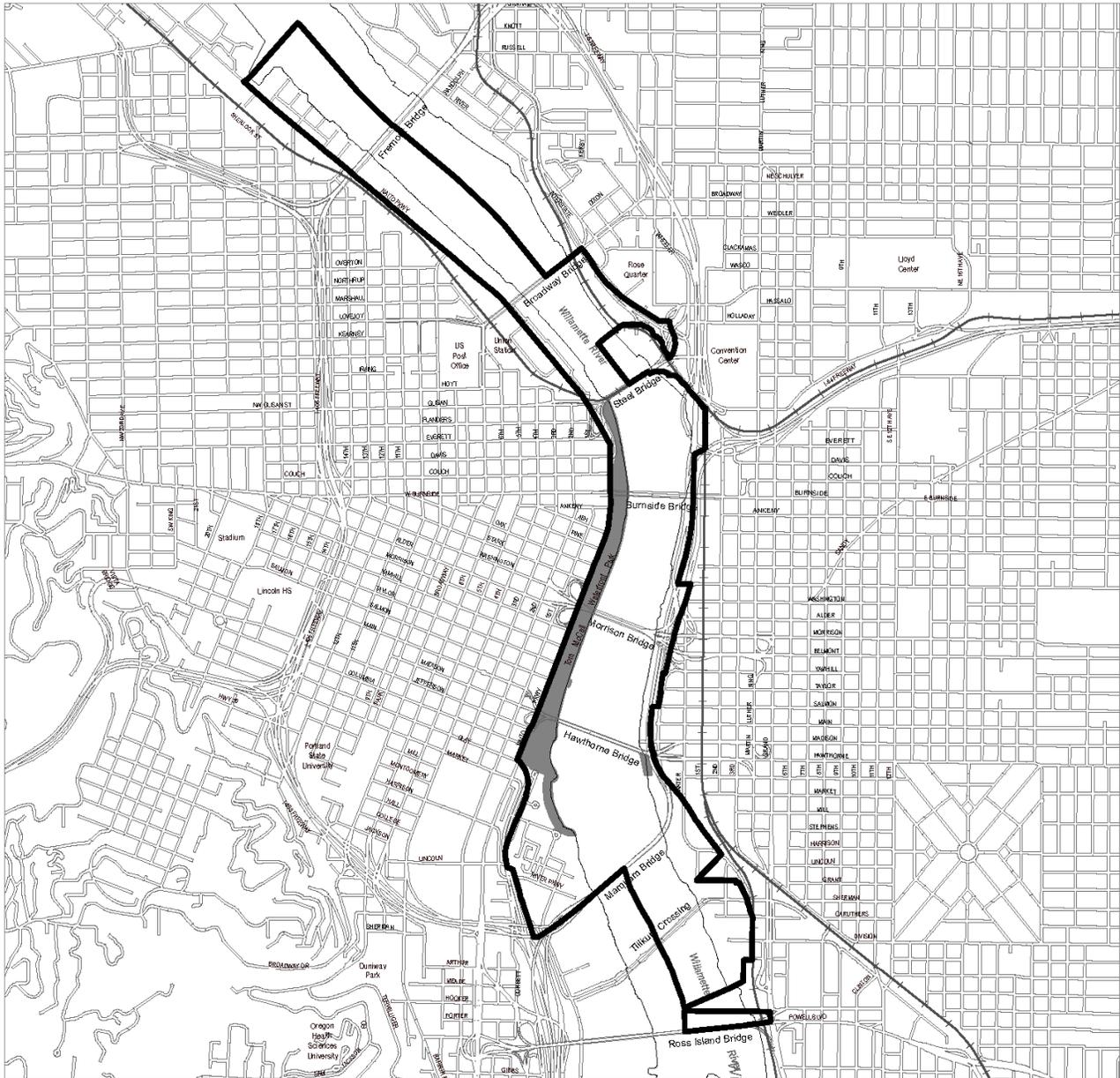
- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)



# Areas Exempt from Landscaping Requirements

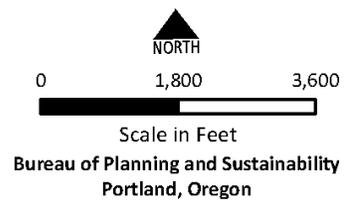
# Map 475-3

Map Revised March 1, 2021



### Legend

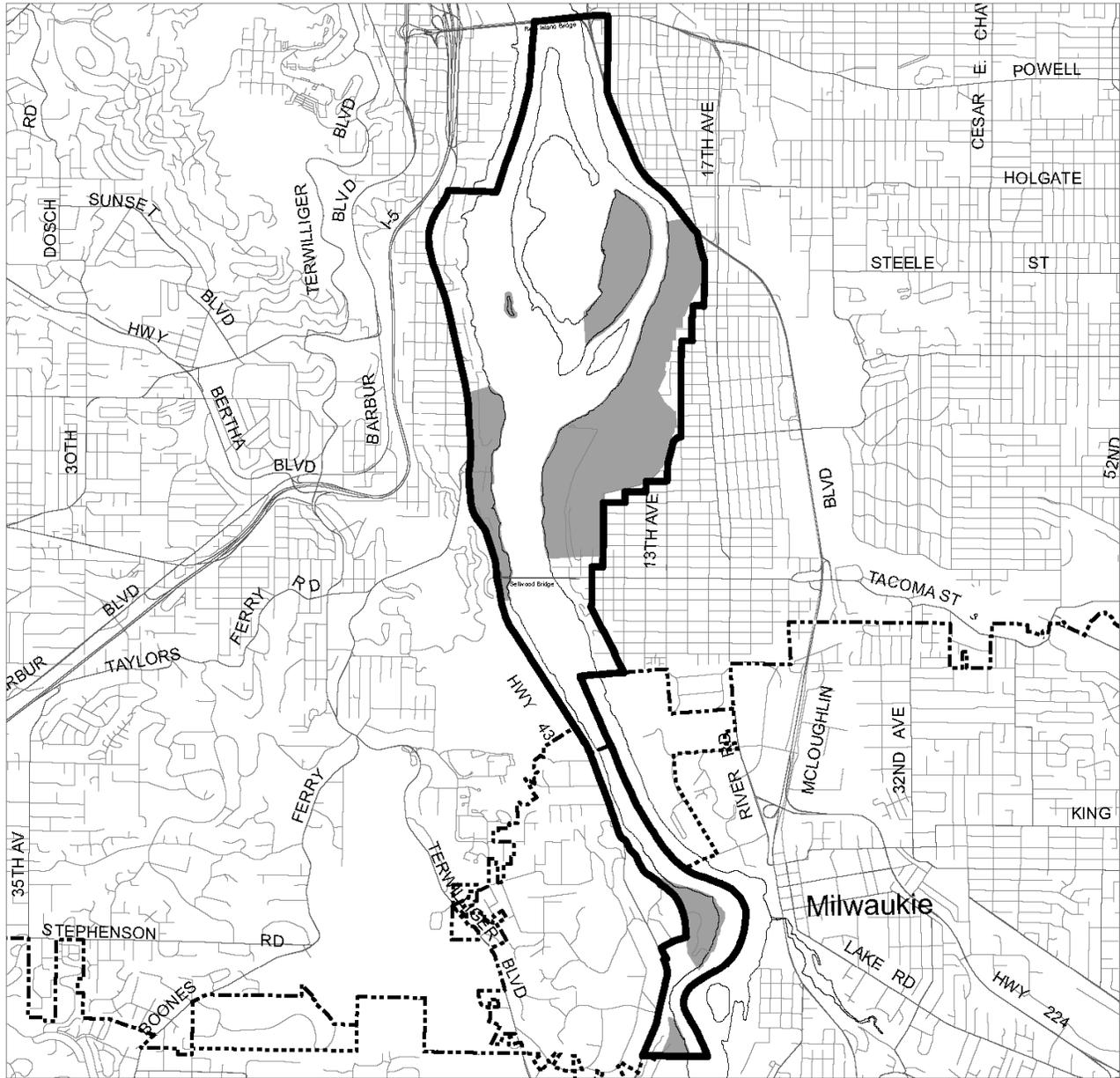
-  River Overlay Boundary
-  Exempt Areas



# South Reach Archaeological Sensitivity Areas

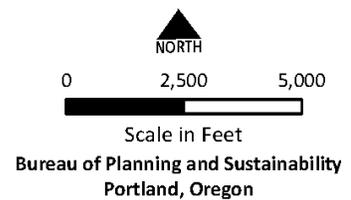
# Map 475-4

Map Revised March 1, 2021



## Legend

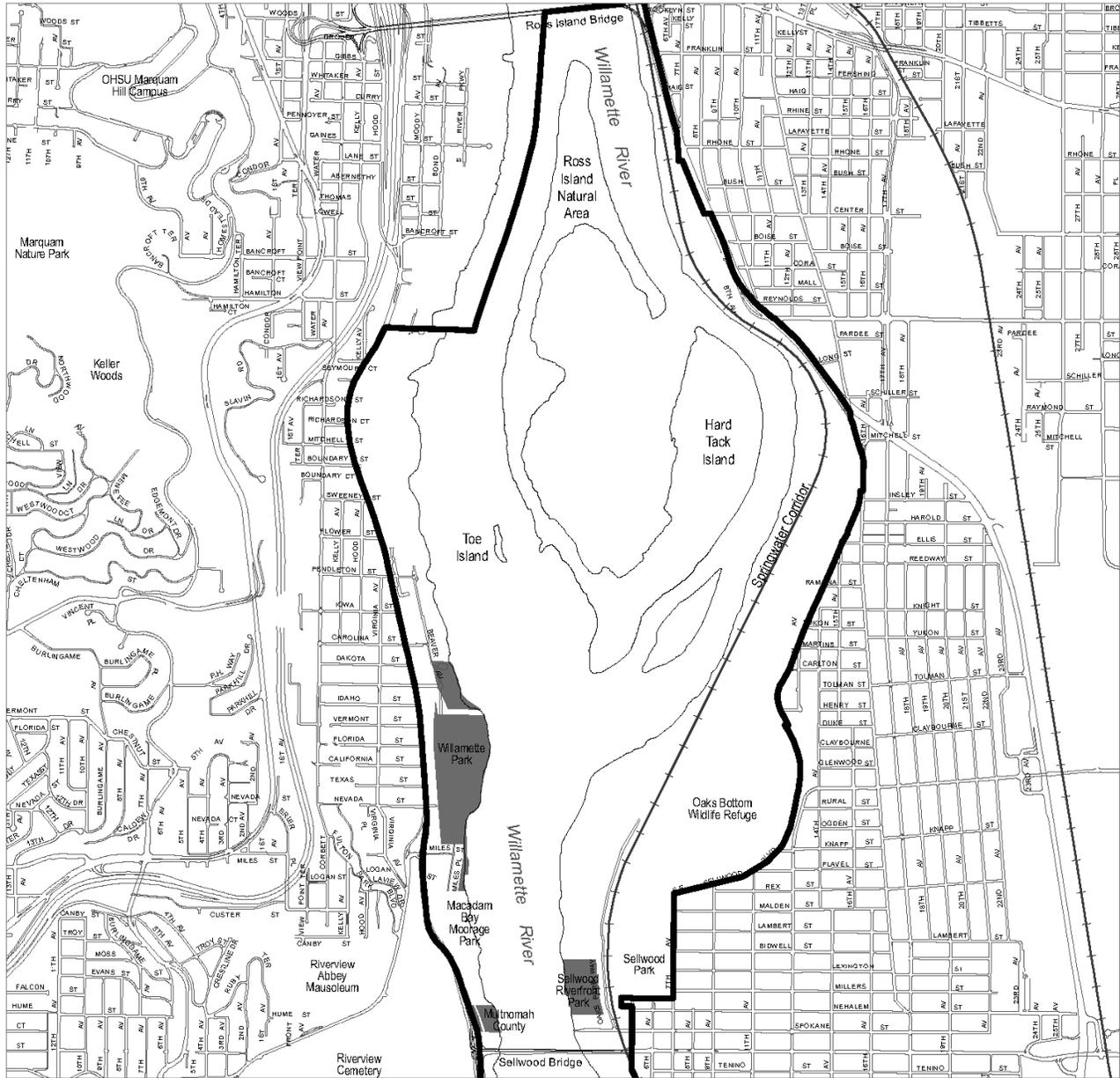
- Urban Service Boundary
- ..... City Boundary
- River Overlay Boundary
- High Sensitivity areas



# South Reach Retail Sales and Services Allowed in OS

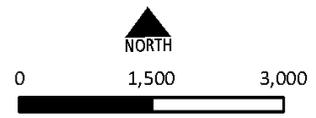
# Map 475-5

Map Revised March 1, 2021



### Legend

-  River Overlay Boundary
-  OS zoned sites where retail sales and services are allowed

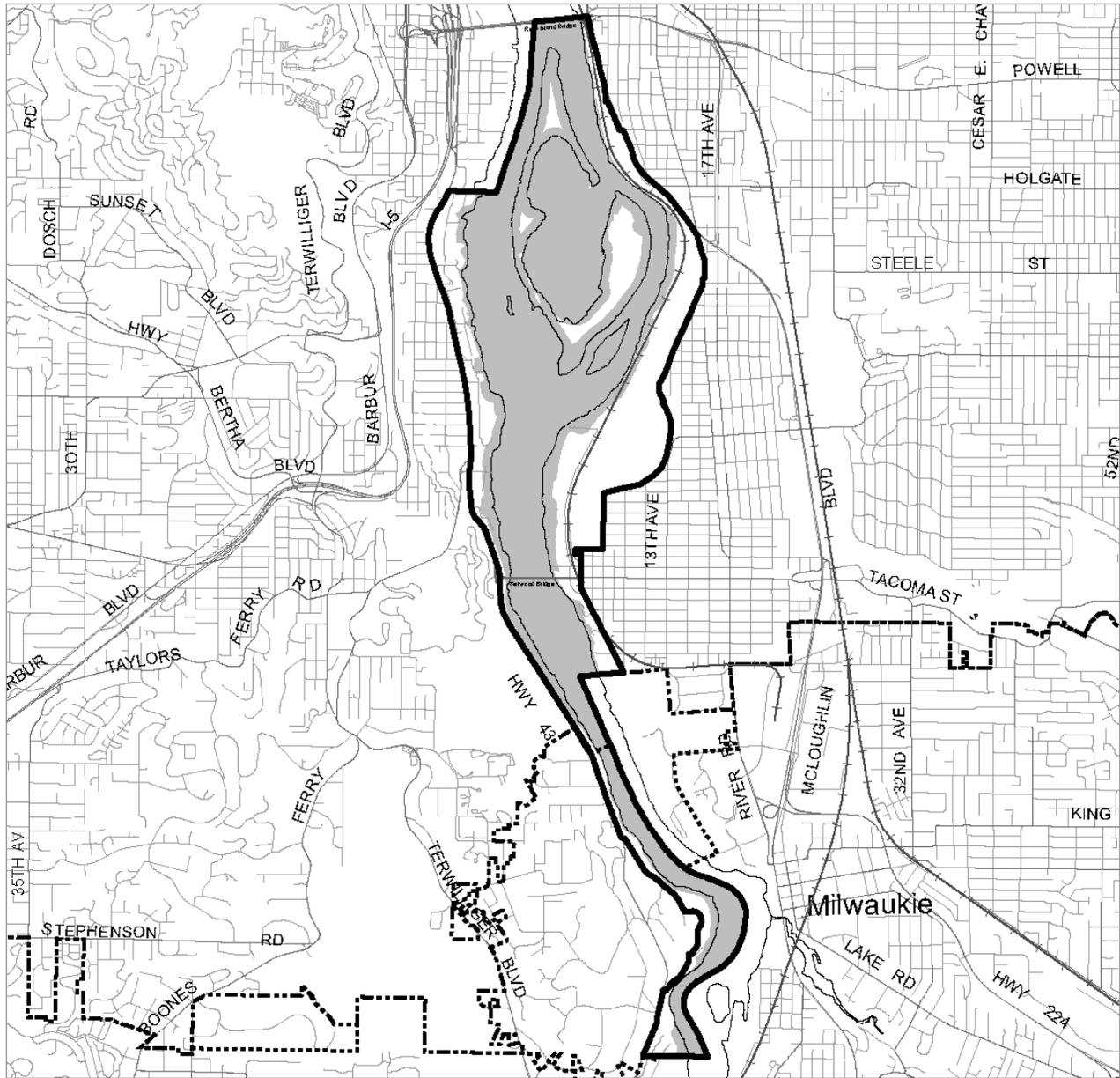


Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon

# South Reach Riparian Buffer Area

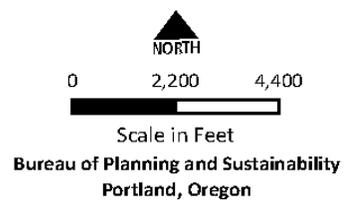
# Map 475-6

Map Revised March 1, 2021



### Legend

- City Boundary
- ..... Urban Service Boundary
- ▭ River Overlay Boundary
- ▭ Riparian buffer area



## 33.480 Scenic Resource Zone

# 480

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### Sections:

- 33.480.010 Purpose
- 33.480.020 Map Symbol
- 33.480.030 Application of the Scenic Resource Zone
- 33.480.035 Where These Regulations Apply
- 33.480.040 Development Standards
- 33.480.050 Tree Removal Review

### 33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources that provide benefits to the public as identified by the City in the *Scenic Resources Protection Plan* (1991) and the *Central City Scenic Resources Protection Plan* (2017);
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and
- Implement the scenic resource policies, goals, and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

### 33.480.020 Map Symbol

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

### 33.480.030 Application

The Scenic Resource zone is to be applied to all significant view corridors, viewpoints, and scenic corridors identified in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*. Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

### 33.480.035 Where These Regulations Apply

Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

### 33.480.040 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*. The standards for each subsection below apply only to areas with that designation in the respective plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified

otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

- A. View Corridors.** The following standards apply to development and vegetation within a view corridor.
1. Purpose. The intent of the view corridor designation and standards is to establish maximum heights within view corridors to protect views from designated viewpoints and to provide a location where the public can safely take in a significant view.
  2. Standards.
    - A. Height limit. All development within the designated view corridors are subject to the height limits of the base zone, overlay zone, or plan district, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Removal of trees or limbs necessary to maintain the view corridor is allowed. When no development is proposed, tree removal is subject to the requirements of Title 11, Trees. Public safety facilities are exempt from this standard.
    - b. Viewpoint standards. The following standards apply to the viewpoint portion of view corridors shown on a Map 480-1:
      - (1) Construction of a viewpoint. Construction of a viewpoint that is at least 16 feet in total area is required as follows:
        - When there is new development;
        - When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site.
      - (2) Viewpoint location.
        - If the viewpoint is identified on a site that also has a major public trail designation, the viewpoint must be located adjacent to the major public trail and must comply with the Use of Trail, Hours of Use, Trespass and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails.
        - A viewpoint shown in a right-of-way must be located within or adjacent to the lanes of pedestrian or bicycle travel.
      - (3) Viewpoint amenities. The viewpoint must include at least two of the following amenities. The amenities must be located within the required viewpoint area:
        - A bench;
        - A light;
        - A sign with information about the view; or
        - A telescope directed at the focal features of the view.

**C. Scenic Corridors.** The following standards apply to development and vegetation within a scenic corridor.

1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs. Property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks, and vehicle areas to preserve the maximum number of trees.
2. Standards.
  - a. Scenic corridor setback. A scenic corridor setback per Table 480-1 applies along street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*.

<b>Table 480-1 Scenic Corridor Setback [1]</b>	
<b>Zone</b>	<b>Minimum Setback from Street Lot Line</b>
IR, CI	1' per 2' of building height, not less than 10'
RM2	3'
EG1, IH	5'
EG2, IG2	25'
All other base zones	20'

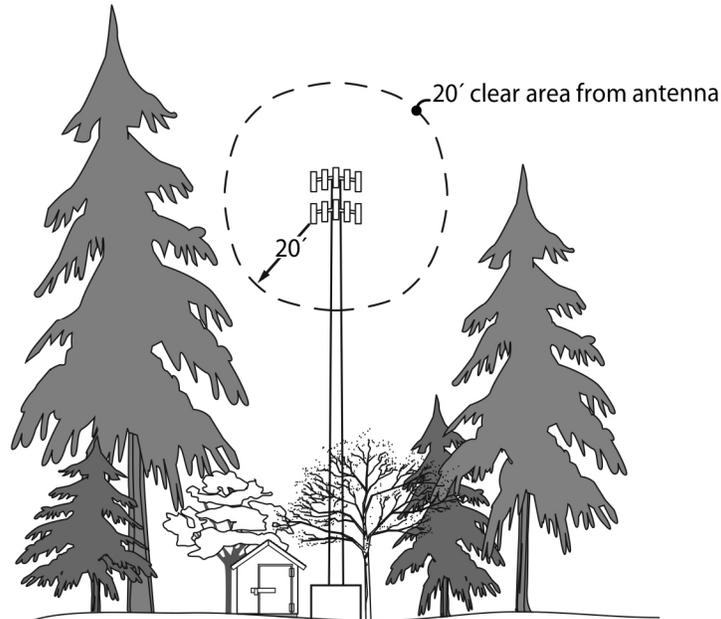
[1] Larger minimum setbacks in overlay zone and plan district supersede this setback

- b. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource.
- c. Structure length. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.
- d. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:
  - (1) The maximum length of any building facade is 100 feet.
  - (2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.
  - (3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.

- e. Landscaping. The entire required scenic corridor setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the scenic corridor setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. Additionally, areas within the adjacent right of way must be landscaped to standards approved by the City engineer. The required landscaping in the setback and adjacent right of way must be provided at the time of development, except as allowed in B.2.e(1) below.
  - (1) When alterations are made to a site with an existing nonconforming use, allowed use, limited use, or conditional use, and the alterations are over the threshold stated in 33.258.070.D.2.a, the site must be brought into conformance with the landscape standards above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
  - (2) Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site and adjacent right of way. If the ground lease is adjacent to a right of way within the scenic corridor, the upgrades required by this chapter also apply to the right of way adjacent to the ground lease.
  - (3) Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in 33.258.070.D.2.b, the landscape standards above, are also included.
- f. Screening. All exterior garbage cans, garbage and recycling collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.
- g. Fences and hedges. The total maximum height of fences, hedges, and berms within the scenic corridor setback, and when allowed in the adjacent right of way is 3-1/2 feet. This provision does not apply to any required screening and buffering.
- h. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the scenic corridor setback and right of way must be retained unless removal conforms to one or more of the following standards:

- (1) The tree is located within a view corridor designated in the *Scenic Resources Protection Plan* (1991) or the *Central City Scenic Resources Protection Plan* (2017);
- (2) The tree is located within the footprint or within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway;
- (3) The tree is determined by an arborist to be dead, dying or dangerous;
- (4) The tree is on the *Nuisance Plants List*;
- (5) The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor on each site;
- (6) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas;
- (7) The tree is within 20 feet of a Radio Frequency Transmission Facility antenna that is a public safety facility. The distance to the antenna is measured vertically and horizontally from the edge of the antenna. See Figure 480-1; or
- (8) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the scenic corridor setback or adjacent right of way according to Table 480-2. Replacement plantings must meet Section 33.248.030, Plant Materials.

**Figure 480-1**  
**Measuring from an RF Transmission Facility Antenna**



<b>Table 480-2</b> <b>Tree Replacement Requirements</b> <b>In Scenic Overlay Zone</b>		
Applicants may choose either Option A or Option B [1]		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
Up to 9	1 tree	Not applicable
More than 9 and up to 12	3 trees	2 trees and 2 shrubs
More than 12	Tree Review Required (see 33.480.050 below)	

[1] Trees and Shrubs must be species listed in the Scenic Resources Protection Plan

**33.480.050 Tree Removal Review**

- A. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 33.480.040.B.2.h is subject to the tree permit requirements of Title 11, Trees.
- B. Tree removal in development situations. When tree removal is proposed as part of development, the standards of Subparagraph 33.480.040.B.2.h apply in addition to the tree preservation standards of Title 11, Trees.

- C. Trees that do not qualify for removal under Subparagraph 33.480.040.B.2.h may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal would require environmental review, only environmental review is required.

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*(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 166572, effective 6/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 171718, effective 11/29/97; Ord. No. 173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*

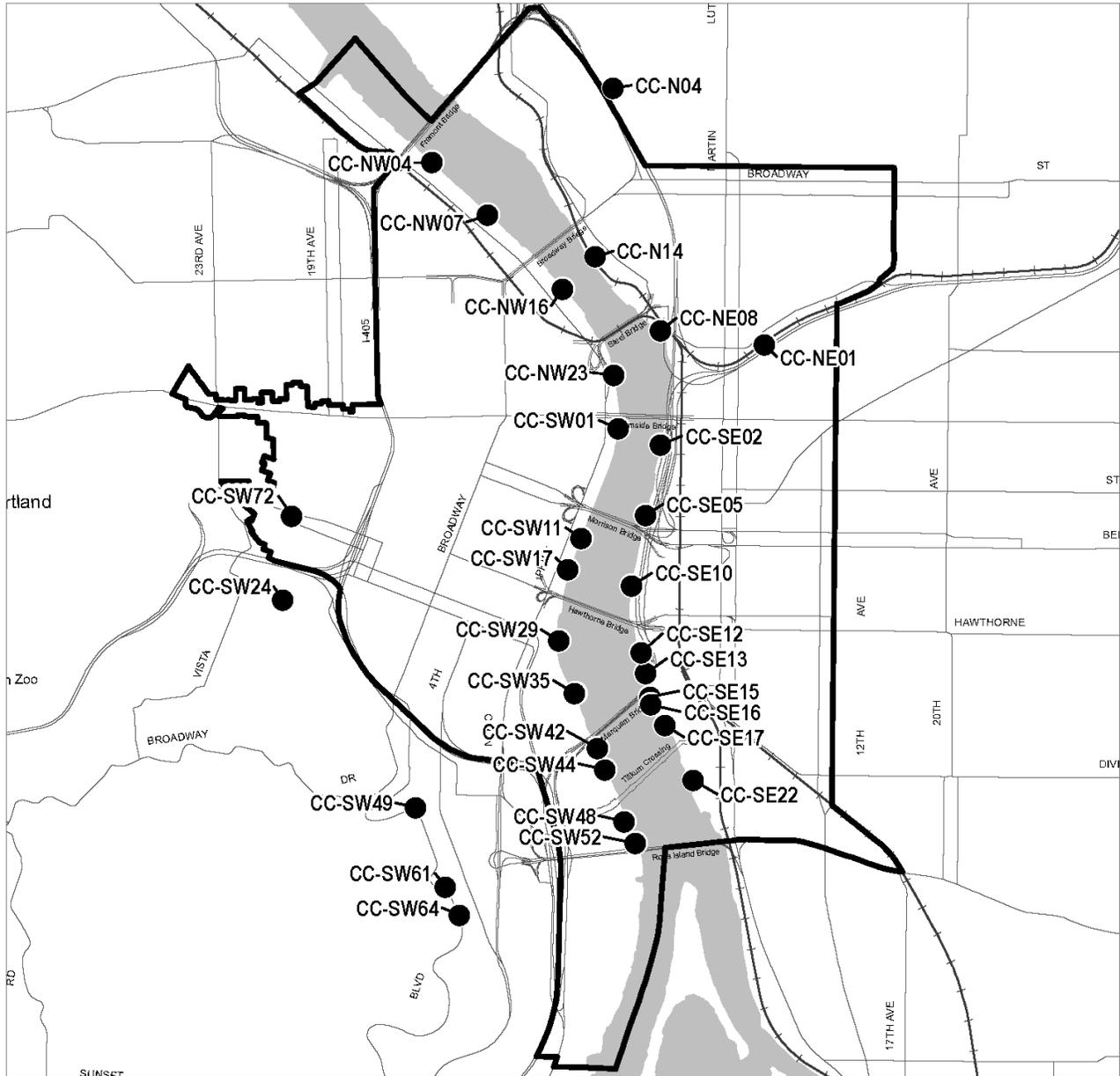


# Central City Designated Viewpoints

# Map 480-1

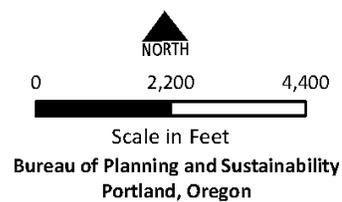
Map 1 of 2

Map Revised March 1, 2021



### Legend

-  City Boundary
-  Designated Viewpoint
-  Central City Plan District Boundary

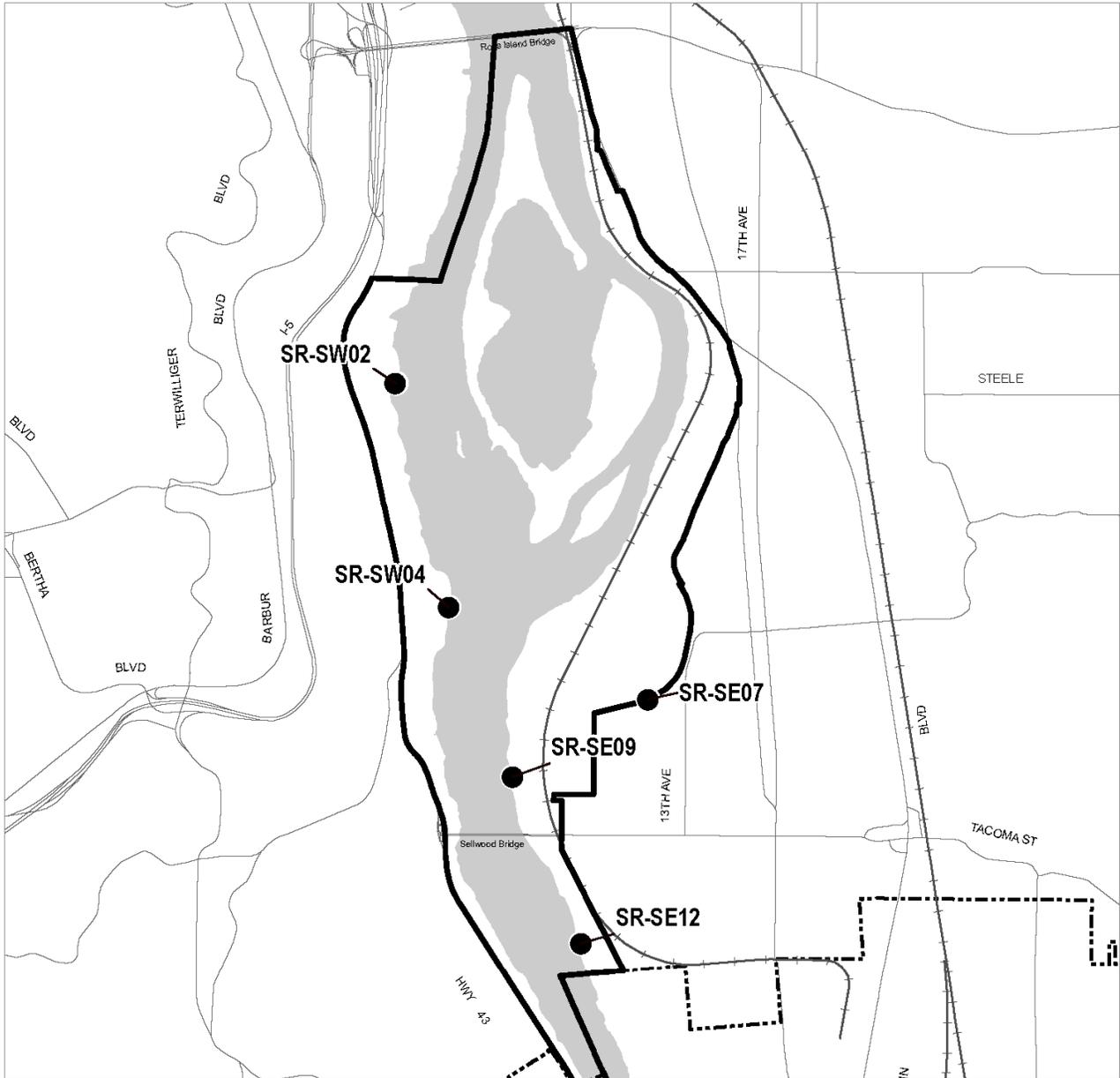


# South Reach Designated Viewpoints

# Map 480-1

Map 2 of 2

Map Revised March 1, 2021



### Legend

- City Boundary
- Designated Viewpoint
- ▭ South Reach River Overlay Boundary



- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-3;
  - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
  - (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
  - (4) Ownership and use. One of the following must be met:
    - The open space and pedestrian connection must be dedicated to the City; or
    - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
  - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
  - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.a.(2) and E.5.f.(5) that apply to South Waterfront Greenway subarea 3;
  - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
  - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

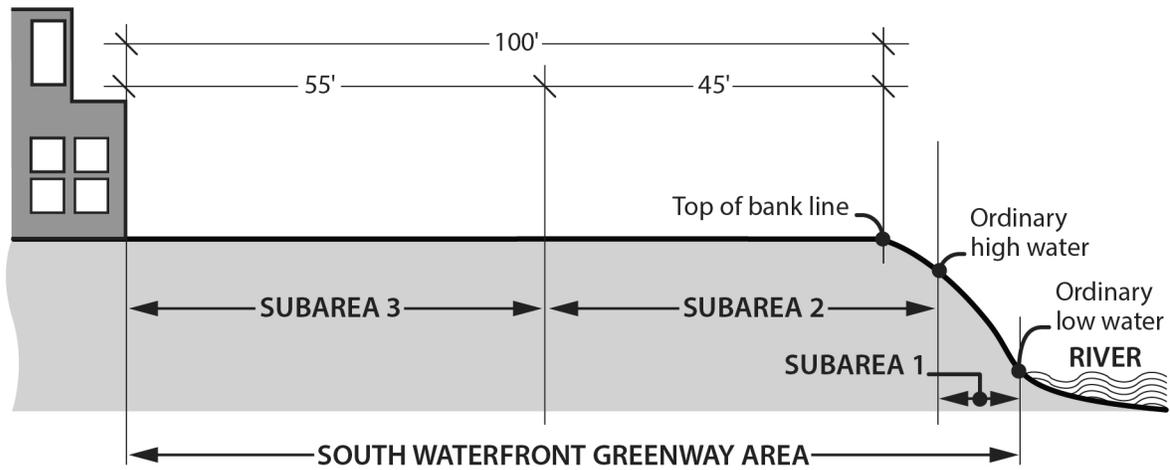
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
  - (2) Ownership and use. One of the following must be met:
    - The open space must be dedicated to the City; or
    - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
  - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
  - (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
  - (5) The bonus floor area may be used only in the South Waterfront subdistrict.
- f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$12.20 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:
- (1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
  - (2) The bonus floor area may be used only in the South Waterfront subdistrict; and
  - (3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.
- D. Floor area transfer options.** Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

- The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
  - Floors of the building above 75 feet must be 10,000 square feet in area or less;
  - Adjustments to the standards of this subparagraph are prohibited; however, modifications through design review may be requested as follows:
    - A modification to the 25,000 square foot limitation may be requested;
    - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.
- Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;
- (6) The applicant must contribute \$24.20 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.F. The design advice request must be submitted before the request for a pre-application conference. In providing their

advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:
  - a. The site must be shown on Map 510-3 as eligible for a height increase;
  - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
    - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
    - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or
    - (3) The historic resource transfer of Paragraph 33.510.205.D.1.
  - c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
    - (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
    - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.

**Figure 510-2**  
**South Waterfront Greenway Area and Subareas**



Greenway Area = from ordinary low water to 100' from top of bank line  
Subarea 1 = from ordinary low water to ordinary high water  
Subarea 2 = from ordinary high water to 45' in from top of bank line  
Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

**D. Required South Waterfront Greenway improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$306,300, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

- (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
    - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
  - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
    - (1) Trees in subarea 2;
    - (2) Shrubs in subarea 2;
    - (3) Ground cover in subarea 2;
    - (4) Trees in subarea 3;
    - (5) Shrubs in subarea 3;
    - (6) Ground cover in subarea 3; and
    - (7) Other required landscaping;
  - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.d., and Subparagraph E.5.e. The requirement to provide an access easement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.

13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.
14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.
15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.
16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.
17. Nonconforming situations
  - a. Required improvements.
    - (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$306,300, paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
    - (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
    - (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.
  - b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
  - c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.
  - d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:
  - a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
  - b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
  - c. In all zones, at least half of the open area must be in common ownership.

### **33.515.280 Columbia South Shore Environmental Review**

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.
- B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.
  1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
  2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.
- C. Procedures.** All required reviews are processed through a Type II procedure.
- D. Approval criteria.**
  1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
    - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
    - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
    - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;

## 33.560 North Cully Plan District

# 560

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### Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

### Map 560-1 North Cully Plan District

#### **33.560.010 Purpose**

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

#### **33.560.020 Where the Regulations Apply**

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$235,550 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

#### **33.560.030 Procedures**

Requests for a North Cully Development review are processed through a Type III procedure.

#### **33.560.040 Submittal Requirements**

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

### **33.560.050 Approval Criteria**

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

### **Special Notification Requirements in the Airport Subdistrict**

#### **33.565.310 Mailed Public Notice for Proposed Development**

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
  - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
  - 2. When the value of the proposed development will exceed \$624,950.
- C. Requirements.** The requirements for mailed public notice are:
  - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
  - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

#### **33.565.320 Posted Public Notice Requirements for Land Use Reviews**

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
  - 1. At each of the two main crosswalks in the arrivals roadway area; and
  - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
  - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
  3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

### **Regulations in the Middle Columbia Slough Subdistrict**

#### **33.565.400 Zoning Map Amendments**

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

#### **33.565.410 Additional Development Standards**

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
  2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
  3. Vegetated setback.
    - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
    - b. Required plants and planting densities. One of the following standards must be met:

## 33.610 Lots in RF Through R5 Zones

# 610

### Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

### 33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

### 33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R5 zones.

### 33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
- C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

Square footage of site;  
÷ Maximum density from Table 610-1;  
= Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

Square footage of site;  
- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;  
x 0.80;  
÷ Maximum density from Table 610-1;  
= Minimum number of lots required.

- D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

Square footage of site;  
x 0.85;  
÷ Maximum density from Table 610-1;  
= Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site.

Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:  
Square footage of site  
- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;  
x 0.68  
÷ Maximum density from Table 610-1  
= Minimum number of lots required.

- E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;

2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

<b>Table 610-1 Maximum Density Standards</b>					
	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>
Maximum Density	1 unit per 87,120 sq. ft.	1 unit per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 5,000 sq. ft.

**33.610.200 Lot Dimension Regulations**

Lots in the RF through R5 zones must meet the lot dimension regulations of this section.

**A. Purpose.** The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

<b>Table 610-2 Lot Dimension Standards</b>					
	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] See 33.930.100.A for how lot width is measured.

- B. Minimum lot area.** Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.

- C. Maximum lot area.** Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.
- D. Minimum lot width.** Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.
1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
  2. Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:
    - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;
    - b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;
    - c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;
    - d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.D at the time of development;
    - e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
    - f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
      - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
      - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
      - (3) Be attached to, and recorded with the deed for the new lot.
- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

- G. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

### **33.610.300 Through Lots**

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

### **33.610.400 Flag Lots**

The following regulations apply to flag lots in the RF through R5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following are met:
    - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
    - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
  2. Up to three lots are proposed, only one of which is a flag lot; and
  3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
1. The pole must connect to a street;
  2. The pole must be at least 12 feet wide for its entire length; and
  3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Minimum lot dimensions.**
1. Flag lots are exempt from the minimum front lot line standard.

2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
  3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

### **33.610.500 Split Zoned Lots**

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

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*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21.)*

## 33.611 Lots in the R2.5 Zone

# 611

### Sections:

- 33.611.010 Purpose
- 33.611.020 Where These Regulations Apply
- 33.611.100 Density Standards
- 33.611.200 Lot Dimension Regulations
- 33.611.300 Through Lots
- 33.611.400 Flag Lots
- 33.611.500 Split Zoned Lots

### 33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

### 33.611.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the R2.5 zone.

### 33.611.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
- C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \div 2,500; \\ & = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.80; \\ & \quad \quad \div 5,000; \\ & = \text{Minimum number of lots required.} \end{aligned}$$

- D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div 2,500; \\ & = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site.

Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.68 \\ & \quad \quad \div 5,000; \\ & = \text{Minimum number of lots required.} \end{aligned}$$

- E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one;

2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

### **33.611.200 Lot Dimension Regulations**

Lots in the R2.5 zone must meet the lot dimension regulations of this section. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

**A. Purpose.** The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street;
- Lots are compatible with existing lots while also considering the purpose of this chapter; and
- Lots are regularly shaped.

**B. Minimum lot area.** Each lot must be at least 1,600 square feet in area.

**C. Minimum lot width.** Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

1. Each lot must be at least 36 feet wide; or
2. Minimum lot width may be reduced below 36 feet, if all of the following are met:
  - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of this section;
  - b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;
  - c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;
  - d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.D, at the time of development;

- e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
  - f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate onsite vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
    - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
    - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
    - (3) Be attached to, and recorded with the deed for the new lot.
- D. Minimum front lot line.** Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph .C.2. above, may reduce the front lot line to equal the width of the lot.
- E. Minimum lot depth.** Each lot must be at least 40 feet deep.
- F. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

### 33.611.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

### 33.611.400 Flag Lots

The following regulations apply to flag lots in the R2.5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
  - 1. One of the following are met:
    - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of

Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or

- b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
  2. Up to three lots are proposed, only one of which is a flag lot; and
  3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
1. The pole must connect to a street;
  2. The pole must be at least 12 feet wide for its entire length; and
  3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Lot dimensions.**
1. Flag lots are exempt from the minimum front lot line standard.
  2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
  3. For the purposes of this subsection, width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

### 33.611.500 Split Zoned Lots

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

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*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21.)*



## 33.630 Tree Preservation

# 630

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### Sections:

- 33.630.010 Purpose
- 33.630.020 Where These Regulations Apply
- 33.630.030 Exempt From These Regulations
- 33.630.100 Minimum Tree Preservation Standards
- 33.630.200 Tree Preservation Approval Criteria
- 33.630.400 Modifications That Will Better Meet Tree Preservation Requirements
- 33.630.500 Tree Preservation Credit
- 33.630.600 Recording Tree Preservation Plans and Related Conditions
- 33.630.700 Relationship To Other Tree Regulations

### **33.630.010 Purpose**

The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The regulations of this chapter require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees. Desired benefits of trees include:

- Protecting public health through the absorption of air pollutants, contamination, and capturing carbon dioxide;
- Buffering from noise, wind, and storms;
- Providing visual screening and summer cooling;
- Reducing energy demand and urban heat island impacts;
- Filtering stormwater and reducing stormwater runoff;
- Reducing erosion, siltation, and flooding;
- Stabilizing slopes;
- Enhancing property values;
- Providing fish and wildlife habitat, including support for native species biodiversity through the preservation and planting of native trees;
- Providing food for people and wildlife; and
- Contributing to the beauty of the City, its natural heritage, and the character of its neighborhoods.

### **33.630.020 Where These Regulations Apply**

- A. Generally. The regulations of this chapter apply to all proposals for land divisions on sites outside the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.
- B. Sites in C, E, I, and CI zones where all of the proposed lots are currently developed with commercial, employment, industrial, or institutional development may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development. Sites in the IH, IG1, EX, and CX zones are not eligible to use this provision.

- C. Proposals to divide sites that are partially within an environmental overlay zone or the Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply to these proposals.

### **33.630.030 Exempt From These Regulations**

The following trees are exempt from the regulations of this chapter:

- A. Trees that are on the Nuisance Plants List;
- B. Trees that are less than 6 inches in diameter;
- C. Trees that are dead, dying, or dangerous as determined by an arborist. The review body may require additional analysis or documentation to confirm the condition of the tree;
- D. Trees where the trunk is within 10 feet of an existing building that will remain on the site;
- E. Trees where the trunk is located completely or partially within an existing right-of-way that is not part of the land division site;
- F. Trees where the trunk is located completely or partially within Environmental, River Environmental or Pleasant Valley Natural Resources Overlay zones. Those trees are instead subject to the regulations of Chapter 33.430, Environmental Zones, 33.475.400, River Environmental Overlay Zone, or 33.465, Pleasant Valley Natural Resources Overlay Zones.

### **33.630.100 Minimum Tree Preservation Standards**

- A. **The applicant must show how existing trees will be preserved.** The options listed below represent minimum tree preservation standards. Additional tree preservation may be required to meet the approval criteria of Section 33.630.200. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Section 33.630.030, Trees exempt from these regulations. The applicant must choose one of the following options:
  1. Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site;
  2. Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site;
  3. Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;
  4. Option 4: Where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on the site;
  5. Option 5: If one or more tree groves are located completely or partially on the site, preserve all of the grove trees located on the site and at least 20 percent of the total tree diameter or canopy area on the site; or
  6. Option 6: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy area on the site.

development by January 1, 2024, the approval does not expire but no additional development may occur without another review. Within the portion of unincorporated Multnomah County that is subject to City zoning, on sites where the final decisions became effective between August 10, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
  - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
  - b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
  - a. Generally.
    - (1) The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
    - (2) Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
  - b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
  - a. Application for approval of a Final Plat for part or all of the site.
    - (1) Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
    - (2) Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
  - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
  - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
  - b. The final plat of the land division has not expired; and
  - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between August 10, 2017, and January 1, 2021 the improvements must have been made by January 1, 2024.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

  - a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
  - b. The PUD or PD has not expired;

- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. Within the City limits, for a PUD or PD receiving final approval between March 8, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, for a PUD or PD receiving final approval between August 10, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024.
12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.
- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).
- D. Expiration of adjustments approved prior to March 16, 2001.** Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

### **33.730.140 Requests for Changes to Conditions of Approval**

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No.*

*175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20.)*

## 33.809 Comprehensive Natural Resource Plans

# 809

### Sections

- 33.809.010 Purpose
- 33.809.020 When a Comprehensive Natural Resource Plan Is Allowed
- 33.809.030 Duration of a Comprehensive Natural Resource Plan
- 33.809.040 Procedure
- 33.809.050 Amendments to a Comprehensive Natural Resource Plan
- 33.809.100 Application Requirements
- 33.809.200 Approval Criteria
- 33.809.250 Overlay Zone Map Refinement

### **33.809.010 Purpose**

For sites within one or more of the City's natural resource overlay zones, a Comprehensive Natural Resource Plan is intended to allow for the following:

- A.** Comprehensive consideration of future plans for sites where multiple development, disturbance, or resource enhancement actions are anticipated over time within one or more natural resource overlay zones. An adopted resource plan may substitute for case by case Environmental Review, Pleasant Valley Resource Review, or River Review. Comprehensive Natural Resource Plans may be completed at various levels of detail. Generally, the more specific the plan, the less review will be required as the future development is built;
- B.** Comprehensive consideration of the long-term cumulative impacts of development within a natural resource overlay zone, with attention paid to site-specific goals and objectives. With a Comprehensive Natural Resource Plan impacts to natural resources may be avoided by coordinating the timing of different development actions;
- C.** Mitigation and resource enhancement strategies that occur throughout the life of the plan, with greater flexibility for when and how specific mitigation actions occur in relation to specific development impacts;
- D.** Comprehensive consideration of resource management and enhancement projects for large natural areas or open space uses;
- E.** A more integrated structure for considering overlay zone mapping refinements; and
- F.** Greater coordination with local, state and federal agencies.

### **33.809.020 When a Comprehensive Natural Resource Plan Is Allowed**

A Comprehensive Natural Resource Plan is allowed as an alternative to Environmental Review, Pleasant Valley Resource Review, Greenway Review, or River Review for sites that are fully or partially within one or more of the following natural resource overlay zones:

- A.** Environmental Protection;
- B.** Environmental Conservation;

- C. Pleasant Valley Natural Resource;
- D. River Natural;
- E. River Water Quality; or
- F. River Environmental.

### **33.809.030 Duration of a Comprehensive Natural Resources Plan**

The Comprehensive Natural Resource Plan may be approved for up to 10 years. The plan must include proposed development, disturbance, or resource enhancement activities, and possible future development, disturbance, or resource enhancement activities that might occur within the next 10 years.

### **33.809.040 Procedure**

A Comprehensive Natural Resource Plan is processed through a Type III procedure. Some proposals in a Comprehensive Natural Resource Plan may be identified as tentatively approved, and subject to an additional Type 1x procedure at a later date. The additional review will evaluate more detailed proposals and ensure conformance with the plan.

### **33.809.050 Amendments to a Comprehensive Natural Resource Plan**

Amendments to a Comprehensive Natural Resource Plan are required for any development within the boundaries of the River Environmental, River Natural, River Water Quality, Pleasant Valley Natural Resources, environmental conservation, or environmental protection overlay zones that is not in conformance with the approved Comprehensive Natural Resource Plan. Amendments are not required for development listed as exempt from the relevant overlay zone regulations. Amendments are subject to the same approval criteria as the initial resource plan. The thresholds and procedures for amendments are stated below.

- A. **Type III procedure.** Unless the resource plan specifically provides differently, the following amendments to a resource plan are processed through a Type III procedure:
  - 1. Any proposed development or disturbance within the environmental protection overlay;
  - 2. A proposed reduction in the area of the environmental protection overlay;
  - 3. An increase in the area proposed for development or disturbance more than 10 percent from what was included in the original resource plan;
  - 4. Substantial changes to conditions of approval; or
  - 5. Proposed development that was previously reviewed, but was denied because it was found not to be in conformance with the approval criteria.
- B. **Type II procedure.** Unless the resource plan specifically provides differently, amendments to a resource plan not specifically stated in Subsection A. above are processed through a Type II procedure.

### **33.809.100 Application Requirements**

An application for a Comprehensive Natural Resource Plan must include the following components:

- A.** An inventory of identified significant natural resources and functional values present within the site. Identified resources and functional values are those identified and described in the applicable City-adopted Natural Resources Inventory. The applicant may choose to provide a site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the location, type, extent, and quality of the City designated natural resources on the site. This assessment may verify or challenge the site feature information in the City's inventory. Site features include, for example, physical aspects of the site such as streams, wetlands, seeps and springs, topography, floodplains, vegetation, special habitat areas, or use of the site by plant/animal species of interest;
- B.** A description of proposed natural resource overlay zoning map refinements to be approved with the adoption of the resource plan;
- C.** A list of proposed development within natural resource areas to be approved with the adoption of the resource plan. The list must identify the development that will be allowed without further land use reviews, and the development that will be tentatively approved;
- D.** Other information necessary to understand the natural resource impacts associated with the listed development proposals;
- E.** A list of management objectives and strategies that will be used to maintain or enhance identified resources and functional values;
- F.** A description of the specific natural resource enhancement and mitigation actions proposed with the resource plan. This may include actions to be taken both on- and off site, as well as specific physical actions and programmatic actions related to natural resource conservation and protection;
- G.** Site plans and other maps necessary to understand the listed development and mitigation actions anticipated over the life of the resource plan, including maps of areas where mitigation and enhancement will occur and where development and uses will occur;
- H.** Timetables for the development, disturbance, mitigation, and resource enhancement actions;
- I.** A summary of anticipated state and federal permits required for the proposed development, disturbance, mitigation, and resource enhancement actions; and
- J.** The supplemental application requirements that would be required if the proposal were going through River Review, Environmental Review, Pleasant Valley Resource Review, or Greenway Review.

### **33.809.200 Approval Criteria**

A Comprehensive Natural Resource Plan, or an amendment to a Comprehensive Natural Resource Plan, will be approved if it meets the following approval criteria:

- A.** The plan establishes coordinated phasing of the development, disturbance, or resource enhancement actions within the natural resource overlay zones, with the goal of avoiding

impacts that might arise if each action were planned separately. The plan includes the timing of anticipated construction access routes, building construction sequencing, and disturbance area boundaries for the site as a whole;

- B. The plan will integrate natural resource conservation, protection and enhancement with other site planning plan goals and objectives;
- C. On balance, the proposed mitigation plan demonstrates that all anticipated significant detrimental impacts on identified resources and functional values will be compensated for within the life of the plan. Each mitigation action is not required to directly correlate with a specific development proposal, but the overall mitigation plan will be evaluated against the overall list of anticipated uses and development actions, including cumulative impacts. The mitigation plan must include performance standards for judging mitigation success, a specific timetable for mitigation actions during the life of the plan, and a specific monitoring schedule; and

The plan must demonstrate that all relevant approval criteria that would apply if the proposal was proceeding through an Environmental Review, River Review, Pleasant Valley Natural Resource Review, or Greenway Review, including approval criteria from an adopted Natural Resource Management Plan, are met. If the proposed Comprehensive Natural Resource Plan (CNRP) will replace a Natural Resource Management Plan (NRMP), approval criteria from the NRMP do not have to be addressed. An NRMP is being replaced if the CNRP covers at least half of the area covered by the NRMP, and if an ordinance has been adopted that repeals the NRMP.

Consideration will be given to the level of detail provided with the plan application. Proposals that address most of the relevant approval criteria, but are not detailed enough to address all of the relevant approval criteria may be identified for tentative approval. Conditions of approval may be imposed to list those aspects of the plan subject to tentative approval, and to specify which approval criteria need further evaluation through a later review. The decision may also specify standards for future development or resource enhancement activities.

### **33.809.250 Overlay Zone Map Refinement**

The boundaries of the environmental conservation, environmental protection, River Environmental, and Pleasant Valley Natural Resource overlay zones may be modified as part of a Comprehensive Natural Resource Plan in any of the three situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

- A. Creation of new resource areas. The natural resource overlay zone will be expanded as part of the Comprehensive Natural Resource Plan to include areas identified for mitigation.
- B. Loss of existing resource areas. The natural resource overlay zone may be removed from an existing natural resource zone where approved development will eliminate the natural resource.
- C. Minor modification of natural resource zone boundaries based on a more detailed site-specific environmental study. The natural resource zone line location may be modified to more accurately reflect the location of the identified resources and functional values on the

site. The identified resources and functional values are those identified and described in the applicable City-adopted Natural Resources Inventory. The applicant may supplement the City's inventory information with a site specific assessment. The proposed new overlay zone line must be consistent with any legislative intent expressed when the overlay was applied to the site.

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*(Added by Ord. No. 184524, effective 7/1/11; Amended by Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 190241, effective 3/1/21.)*



## 33.825 Design Review

# 825

### Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

Map 825-1 Albina Community Plan Area

Map 825-2 Outer Southeast Community Plan Area

Map 825-3 Southwest Community Plan Area

### 33.825.010 Purpose

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area and to promote quality development near transit facilities. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

### 33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

- A.** Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal located in the Central City

Plan District may not exceed the dollar threshold for a Type II procedure, but because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.

<b>Table 825-1 Procedure Type for Design Review Proposals</b>			
<b>Design Districts</b>	<b>Proposal</b>	<b>Threshold</b>	<b>Procedure</b>
Downtown Design District	New floor area	> 1,000 s.f.	Type III
		≤ 1,000 s.f.	Type II
	Exterior alteration	Value > \$483,200	Type III
		Value ≤ \$483,200	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. and value > \$483,200	Type III
		≤ 1,000 s.f. or value ≤ \$483,200	Type II
Gateway Design District	Development proposals	Value > \$2,415,700 included in a Gateway Master Plan Review	Type III
		Value ≤ \$2,415,700 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II
Sellwood-Moreland Design District			
Terwilliger Parkway Design District	Proposals that are visible from Terwilliger Boulevard	Non single-dwelling development	Type III
		Single-dwelling development	Type II
Central Eastside	Development proposals	Value > \$2,415,700	Type III
Goose Hollow			
Lloyd District			
Macadam		Value ≤ \$2,415,700	Type II
River District			
South Waterfront			
<b>Community Plans</b>			
Albina Community Plan area, including Lower Albina	Development proposals	In design overlay zones	Type II
Outer Southeast Community Plan area, excluding Gateway Design District			
Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts			

<b>Table 825-1 Procedure Type for Design Review Proposals</b>			
<b>Plan Districts</b>	<b>Proposal</b>	<b>Threshold</b>	<b>Procedure</b>
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value > \$2,415,700	Type III
Northwest Plan District		In design overlay zones and value ≤ \$2,415,700	Type II
South Auditorium Plan District			
Albina Plan District	Development proposals	In design overlay zones	Type II
Hollywood Plan District			
North Interstate Plan District			
St. Johns Plan District			
<b>Overlay Zones</b>			
"a" Alternative Design Density overlay	Using provisions in 33.405	In single dwelling zones	Type II
"d" Design overlay	Development proposals	Not identified elsewhere in this table and value > \$2,415,700	Type III
		Not identified elsewhere in this table and value < \$2,415,700	Type II
<b>Base Zones</b>			
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C zones	Planned Development	Using the Planned Development bonus provision described in 33.130.212	Type III
C, E, I, RX, CI zones	Facade alteration	≤ 500 square feet in design overlay zones	Type II
RF - R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type IX

- B.** Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:

1. The original design review has not expired;
  2. The building permit for the project has not received final approval;
  3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
  4. The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.
- C. Phased design plans.**
1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
  2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
  3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.
- D. Models of proposals in the Central City plan district.** For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

#### **33.825.035 Factors Reviewed During Design Review.**

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

#### **33.825.040 Modifications That Will Better Meet Design Review Requirements**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

<b>Table 846-1 Procedure Types for proposals affecting Historic Landmarks</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Procedure</b>
Alterations of a landmark-designated interior public space	All	Project value > \$483,200	Type III
		Project value ≤ \$483,200	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$483,200	Type III
		Project value ≤ \$483,200	Type II

2. For Conservation Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.230.B, the review procedure is determined by Table 846-2, below:

<b>Table 846-2 Procedure Types for proposals affecting Conservation Landmarks</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Procedure</b>
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

3. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
New structure	All	Project value > \$483,200	Type III
		Project value ≤ \$483,200	Type II
New accessory structure	RF-RM4		Type I
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF- RM4	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$483,200	Type III
		Project value ≤ \$483,200	Type II

- For Conservation Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B, the review procedure is determined by Table 846-4, below:

<b>Table 846-4</b>			
<b>Review procedures for proposals within Conservation Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
New structure	All		Type II
New accessory structure	RF- RM4		Type I
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF- RM4	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

**C. Phased proposals.**

- For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.
- Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic resource review for each phase.

## 33.865 River Review

# 865

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### Sections:

- 33.865.010 Purpose
- 33.865.020 When River Review is Required
- 33.865.030 Procedure
- 33.865.040 Supplemental Application Requirements
- 33.865.100 Approval Criteria
- 33.865.110 Modification of Site-Related Development Standards
- 33.865.120 Corrections to Violations of the River Environmental Overlay Zone Regulations
- 33.865.200 Use of Performance Guarantees
- 33.865.210 Special Evaluations by a Trained Professional

### **33.865.010 Purpose**

River Review is intended to:

- Protect, conserve and enhance identified resources and functional values in the River Environmental overlay zone, compensate for unavoidable significant detrimental impact to those resources and functional values, and ensure the success of mitigation and enhancement activities;
- Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act;
- Provide flexibility for unusual situations. River Review allows for evaluation of alternative development scenarios that may have less detrimental impact on protected resources, and allows for the evaluation of off-site mitigation proposals;
- Provide a mechanism for the evaluation of detailed, site-specific information on the location or quality of resources and functional values;
- Provide a mechanism for modifying the location of the River Environmental overlay zone to reflect permitted changes in the location or quality of resources and functional values.
- Provide for the replacement of resources and functional values that are lost through violations of the River Environmental overlay zone standards;
- Provide a mechanism to modify the River Environmental overlay zone standards of Chapter 33.475, River Overlay Zones; and
- Allow for modifications to site-related development standards when modification will result in greater resource protection.

### **33.865.020 When River Review is Required**

River Review is required in the following situations:

- A. When a development or regulated activity in the River Environmental overlay zone is not exempt from the River Environmental overlay zone regulations and either does not meet the standards of subsection 33.475.440 or there are no development standards applicable to the proposal;
- B. When River Review is required to correct a violation of the River Environmental overlay zone regulations, as described in subsection 33.475.450;

- C. When an applicant wishes to fine tune the boundary of the River Environmental overlay zone based on a detailed environmental study that more accurately identifies the location and quality of resources and functional values. Minor boundary changes are allowed through River Review. Map error corrections are reviewed under 33.855.070, Corrections to the Official Zoning Maps, and removal of the River Environmental overlay zone is processed as a change of overlay zone as stated in 33.855.060, Approval Criteria for Other Changes; or
- D. To modify the boundary of River Environmental overlay zone to reflect permitted changes in the location or quality of resources or functional values. The modification of River Environmental overlay zone procedure does not apply to changes caused by violations of subsection 33.475.440.

### **33.865.030 Procedure**

River reviews are processed through the following procedures:

- A. Land divisions and planned developments are processed through a Type III procedure;
- B. All other river reviews are processed through a Type II procedure, except as described in 33.475.450.B when River Review is required to correct a violation of the River Environmental overlay zone regulations.

### **33.865.040 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, the following information is required when the River Review application is for development in the River Environmental overlay zone, or for modification of the River Environmental overlay zone boundary:

- A. **Supplemental site plan requirements.** Two physical copies and one PDF of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.
  - 1. Existing conditions site plan. The existing conditions site plan must show the following:
    - a. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, including structures and topographic contours referenced to determine top of bank, centerline of stream, ordinary high water, or wetland boundary as appropriate. See Section 33.910.030, Environmental-Related Definitions, Top of Bank. In the case of a violation, also identify the location of the wetland or water body prior to alteration;
    - b. 100-year floodplain and floodway boundaries. In the case of a violation, also identify the location of the 100-year floodplain and floodway prior to alteration;
    - c. 1996 Flood Inundation Area boundary;

- d. The boundaries of the riparian buffer area. See Map 475-6.
  - e. Drainage patterns, using arrows to indicate the direction of major drainage flow;
  - f. Boundaries of the River Environmental overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
  - g. Within the River Environmental overlay zone:
    - (1) Distribution outline of shrubs and ground covers, with a list of most abundant species; and
    - (2) Trees over 1.5 inches in diameter identified by species and size, including the location and size of the trunk, canopy crown diameter and the root protection zone. In the case of a violation, also identify the trees that were cut or damaged by showing a stump diameter and species;
  - h. Outside of the River Environmental overlay zone, trees over 3 inches in diameter, including the location of the trunk and canopy crown cover, identified by species and size;
  - i. Location and boundaries of designated scenic resources. The location of viewpoints, view corridors and scenic corridors must be show in relation to the property lines, existing and proposed public trails and boundaries of the River Environmental overlay zone;
  - j. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater. In the case of a violation, also identify the topography prior to alteration; and
  - k. Existing improvements such as structures, buildings, utility lines, stormwater systems, septic or sewer facilities, fences, etc.
2. Proposed development site plan. The proposed development site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the landscaping area subareas;
  - b. Location of all proposed development including buildings, structures, decks, retaining walls, bridges, trails/pathways;
  - c. Location of proposed utility lines and connections, stormwater systems and septic or sewer facilities;
  - d. Location of all proposed in-water pilings, sheet walls, or other structures that will impact the river bottom using a bold X;
  - e. Location of protected scenic resources;
  - f. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;

- g. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
  - h. Proposed final contour lines at 2 foot vertical intervals in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater;
  - i. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain and 1996 Flood Inundation Area;
  - j. Delineated areas to be left undisturbed; and
  - k. Location and species of existing trees, shrubs, and ground covers to remain including the required root protection zone per Title 11.
3. Construction management site plan. The construction management site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the required landscaping area subareas;
  - b. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
  - c. Proposed grading plan with existing and proposed contours. The grading plan must show proposed alteration of the ground at 2-foot vertical contours in areas of slopes less than ten percent and at 5-foot vertical contours in areas of slopes ten percent or greater;
  - d. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain and or 1996 Flood Inundation Area;
  - e. Location of all proposed development;
  - f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
  - g. Areas where existing topography and vegetation will not be affected by the development proposal;
  - h. Location of trees to remain including the required root protection zone per Title 11;
  - i. Location of site access and egress;
  - j. Material staging and stockpile areas; and
  - k. Erosion control measures.
4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values identified in the *Willamette River Central Reach*

*Natural Resources Protection Plan (2018), River Plan / South Reach Natural Resources Protection Plan (2020)* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:

- a. Location of the River Environmental overlay zone and riparian buffer zone in relation to the mitigation site;
- b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;
- c. Location, species, and size of each individual tree to be planted;
- d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;
- e. The area of the mitigation site in square feet in relation to the project impact area;
- f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;
- g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
- h. Location of any single piles or multiple-pile dolphins that will be removed;
- i. Location of protected viewpoints and scenic overlay zones;
- j. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;
- k. Water sources to be used, including volumes;
- l. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the 100-year floodplain and 1996 Flood Inundation Area; and
- m. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

**B. Supplemental narrative.** The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)*. A supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

- a. An impact evaluation includes:
- (1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the natural resource features including:
    - open water;
    - shallow water (river depth 0-20 feet);
    - beach;
    - riparian vegetation;
    - upland and bottomland forest;
    - grassland;
    - flood area and floodplain;
    - wetlands, streams and ponds; and
    - special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* also provide information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

- (2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic overlay zone and are described in the *Central City Scenic Resources Protection Plan (2018)* and *River Plan / South Reach Scenic Resources Protection Plan (2020)*;
- (3) Identification of significant unavoidable detrimental impacts on identified natural and scenic resources and functional values. Actions that could cause detrimental impacts and should be identified include:
  - excavation and fill both in the water and above the ordinary high water mark. The quality and source of fill material is an important factor to be considered;
  - clearing and grading;

- construction;
  - vegetation removal;
  - tree planting;
  - altering bathymetry;
  - altering a vegetated riparian corridor or upland vegetated area;
  - altering the floodplain; and
  - altering the temperature of the river especially the altering of existing cold water sources.
- (4) Evaluation of practicable alternative locations, design modifications, or alternative methods of development that both achieve the project purpose, taking into account cost and technology, and minimize significant detrimental impacts on identified natural and scenic resources and functional values; and
  - (5) Determination of the practicable alternative that best meets the applicable approval criteria.
- b. An impact evaluation for a violation includes:
- (1) Description, by characteristics and quantity, of the natural and scenic resources and functional values on the site prior to the violation; and
  - (2) Determination of the impact of the violation on the natural and scenic resources and functional values.
2. Biological assessment. A biological assessment developed for the purposes of a federal or state permit may be submitted in place of some or all of the impact evaluation if the biological assessment includes the information described in subparagraph B.1, above. In the event that the applicant submits a biological assessment in place of some or all of the impact evaluation, the applicant must identify which aspects of the impact evaluation are covered by the biological assessment and, if necessary, identify which pieces of information will be included in the impact evaluation.
  3. Supplemental environmental site assessment. A site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the existence, location, type, extent, and quality of the natural resources and functions on the site can be provided as part of the supplemental narrative. The assessment may verify, supplement, or challenge the information in the City's inventory for the purpose of informing the impact evaluation and identifying mitigation obligations;
  4. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining natural and scenic resources and functional values at and near the construction site and provide a description of how areas that are not affected by the construction will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
  5. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts on identified natural and scenic resources and functional values that result from the chosen development alternative or violation. A mitigation or remediation plan includes:

- a. Natural or scenic resources and functional values to be restored, created, or enhanced within mitigation or remediation area;
- b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
- c. Construction timetables;
- d. Operation and long-term maintenance plan;
- e. Monitoring and evaluation procedures that include periodic reporting;
- f. Remedial actions for unsuccessful mitigation;
- g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings;
- h. If off-site mitigation is proposed, demonstration that on-site mitigation is not practicable or ecologically beneficial; and
- i. If mitigation bank credits will be used, proof of purchase from a City-approved mitigation bank.

**33.865.100 Approval Criteria.**

Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

**A. Development within the River Environmental overlay zone.** The applicant's supplemental narrative must demonstrate that all of the following are met:

1. Land divisions, Property Line Adjustments, and Planned Developments:
  - a. Except for river-dependent and river-related uses and development, proposed uses and development must be outside the 100-year floodplain and 1996 Flood Inundation Areas except as provided under Subparagraph A.1.d. Other areas of the 100-year floodplain and 1996 Flood Inundation Area must be in environmental resource tracts;
  - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside the River Environmental overlay zone;
  - c. Development, including building sites, vehicular access and utilities, within the River Environmental overlay zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development;
  - d. River-dependent and river-related development, rights-of-way, driveways, walkways, outfalls, and utilities;

- (1) The location, design, and construction method of any outfall or utility proposed within the River Environmental overlay zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the River Environmental overlay zone;
  - (2) There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
  - (3) Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts; and
- e. Mitigation:
- (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: channel complexity, floodplain connectivity, or floodplain complexity;
  - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
    - The uniqueness of the resources and functional values impacted;
    - The relative condition of the mitigation area;
    - The distance between the impact area and mitigation area; and
    - The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
  - (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the 100-year floodplain or 1996 Flood Inundation Area must meet or exceed the replacement requirements of Table 475-2 and occur within the 100-year floodplain and or 1996 Flood Inundation Area;
  - (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:

- The potential for the long-term success of the restored resources and functional values in the mitigation area;
  - The amount, size, shape, and connectivity potential of on-site mitigation areas;
  - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
  - Contamination; and
  - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
- Through the purchase of credits from a city approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
  - Through offsite mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the 100-year floodplain or the 1996 Flood Inundation Area, then the offsite mitigation area must also be located within the 100-year flood plain or 1996 Flood Inundation Area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction);
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the mitigation or remediation area.
2. Resource enhancement and mitigation bank projects:
- a. There will be no net loss of total resource area;
  - b. There will be no net loss of functional values;
  - c. There will be a significant improvement of at least one functional value; and
  - d. For mitigation banks, the applicant must possess a legal instrument, such as a conservation easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor and maintain the mitigation.

3. All other proposals in the River Environmental overlay zone:
  - a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;
  - b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than other practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;
  - c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat, or other sites where environmental restoration is in progress or complete;
  - d. Mitigation:
    - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: channel complexity, floodplain connectivity, or floodplain complexity;
    - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
      - The uniqueness of the resources and functional values impacted;
      - The relative condition of the mitigation area;
      - The distance between the impact area and mitigation area; and
      - The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
    - (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the 100-year floodplain or 1996 Flood Inundation Area must meet or exceed the replacement requirements of Table 475-2 and occur within the 100-year floodplain and or 1996 Flood Inundation Area;
    - (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when

practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:

- The potential for the long-term success of the restored resources and functional values in the mitigation area;
  - The amount, size, shape, and connectivity potential of on-site mitigation areas;
  - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
  - Contamination; and
  - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
- Through the purchase of credits from a City approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
  - Through off-site mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the 100-year floodplain or the 1996 Flood Inundation Area, then the offsite mitigation area must also be located within the 100-year flood plain or 1996 Flood Inundation Area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction); and
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the mitigation or remediation area.

**B. Modification of River Environmental overlay zone boundaries.** Modifications of River Environmental overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2 are met. For modification of River Environmental zone boundaries based on a more detailed site specific environmental study that confirms the location of natural resource features identified in the adopted Natural

Resources Inventory, the applicant's impact evaluation must demonstrate that Paragraph B.3 is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which should be included in the River Environmental overlay zone; or
2. Approved loss of resource area. All of the following must be met:
  - a. All approved development in a resource area has been completed;
  - b. All mitigation required of this development has been successful; and
  - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
3. Modification of River Environmental overlay zone boundaries based on a more detailed site-specific environmental study. The River Environmental overlay zone line location may be modified to more accurately reflect the location of natural resources and functional values on the site. All of the following must be met:
  - a. The modified River Environmental overlay zone boundary must include all natural resource features that receive a high or medium rank using the methodology within the adopted Natural Resources Inventory; and
  - b. The modified River Environmental overlay zone boundary must be located no closer than 50 feet from the top of bank of a river, stream, drainageway, wetland or other water body; and
  - c. The modified River Environmental overlay zone boundary must include all mapped floodplain (100-year floodplain and 1996 Flood Inundation Area).

#### **33.865.110 Modifications of Site-Related Development Standards**

The review body may consider modifications to site-related development standards that are not otherwise prohibited from being adjusted as part of the River Review process. These modifications are done as part of the River Review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

#### **33.865.120 Corrections to violations of the River Environmental Overlay Zone Regulations**

For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A and all of the approval criteria listed below in Subsections A through D except the criterion in Paragraph C.1. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

- A. The remediation is done in the same area as the violation; and

- B. A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3.
- C. The remediation plan demonstrates that after its implementation there will be:
  - 1. No permanent loss of any type of resource or functional values;
  - 2. A significant improvement of a least one functional value; and
  - 3. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.
- D. The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the remediation area and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the remediation area.

### **33.865.200 Performance Guarantees**

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

### **33.865.210 Special Evaluation by a Professional**

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

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*(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*

**Main Entrance.** A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

**Maintenance.** Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

**Major Remodeling.** Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

**Manufactured Dwelling.** See Residential Structure Types.

**Manufactured Dwelling Park.** Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

**Manufactured Dwelling Space.** The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

**Manufactured Home.** See Residential Structure Types.

**Marina.** A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

**Market Garden.** A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

**Mass Shelter.** A structure that contains one or more open sleeping areas, or is divided only by non-permanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

**Mass Shelter Beds.** Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

**Medium Truck.** See Truck under Vehicle Types.

**Mitigate.** To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

**Mixed-Use.** The combination on a site of residential uses with commercial or industrial uses.

**Mobile Home.** See Residential Structure Types.

**Motor Home.** See Recreational Vehicle, under Vehicle Types.

**Motor Vehicle.** See Vehicle Types.

**Multi-Dwelling Development.** See Residential Structure Types.

**Multi-Dwelling Structure.** See Residential Structure Types.

**Near Shore Complexity.** A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

**Net Building Area.** Gross building area, excluding parking areas.

**New Development.** See Development, New.

**Noise Contour.** A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

**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 Residential Density.** A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

**Nonconforming Situation.** A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

**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.

**Nondiscretionary Reviews.** A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

**Nuisance Plants List.** The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.

**Operator.** A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

**Ordinary Low Water.** The line on the bank or shore to which the low water ordinarily recedes annually in season. On the Willamette River, ordinary low water is defined as 8' North American Vertical Datum of 1988 (NAVD88) or 5.90' City of Portland datum.

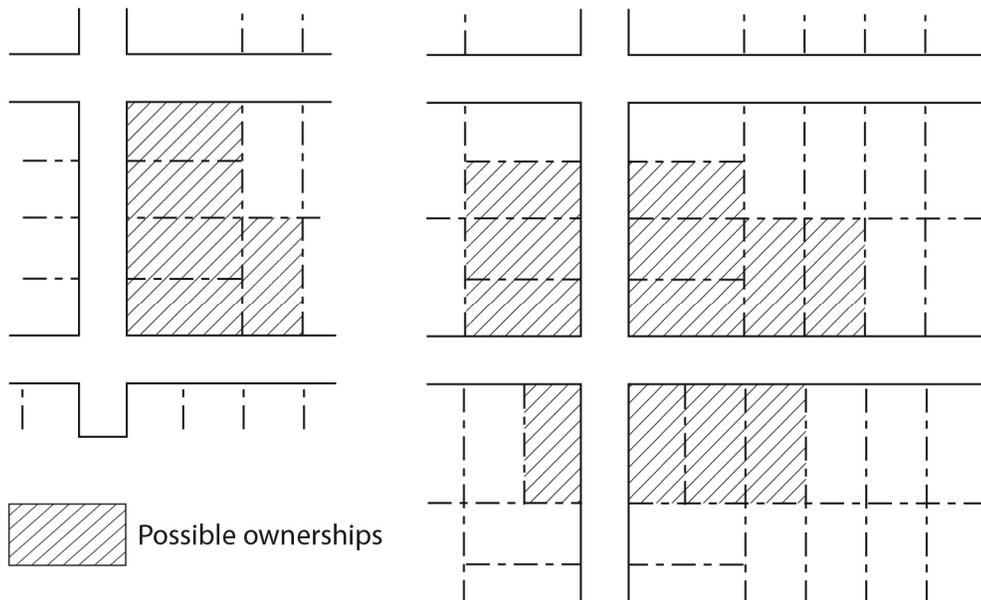
**Organized Sports.** Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

**Outfall.** A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

**Ownership.** An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

**Figure 910-9  
Ownership**



**Parcel.** See Lot.

**Parking Area.** A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

**Parking Space.** A space designed to provide standing area for a motor vehicle.

**Partial Street.** See Street Types.

**Passenger Vehicle.** See Vehicle Types.

**Paved Area.** An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

**Peace Officer.** Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

**Peak Hour Service.** Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

**Pedestrian Access Route.** A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

**Pedestrian Connection.** A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

**Pedestrian-Oriented Development.** See Development Types.

**Permanent Disturbance Area.** See Disturbance Area, Permanent.

**Person.** Any person, partnership, association, or corporation.

**Personal Wireless Service Facility.** A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

**Phased Development Plan.** A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

**Planning and Sustainability Director.** The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

**Plat.** Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat".

**Plaza.** An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

**Plot.** A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

**Pollution Reduction Facility.** A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

**Potential Landslide Hazard Area.** Potential Landslide Hazard Areas are shown on the City's Potential Landslide Hazard Areas Map.

**Practicable.** Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Primary Structure.** A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

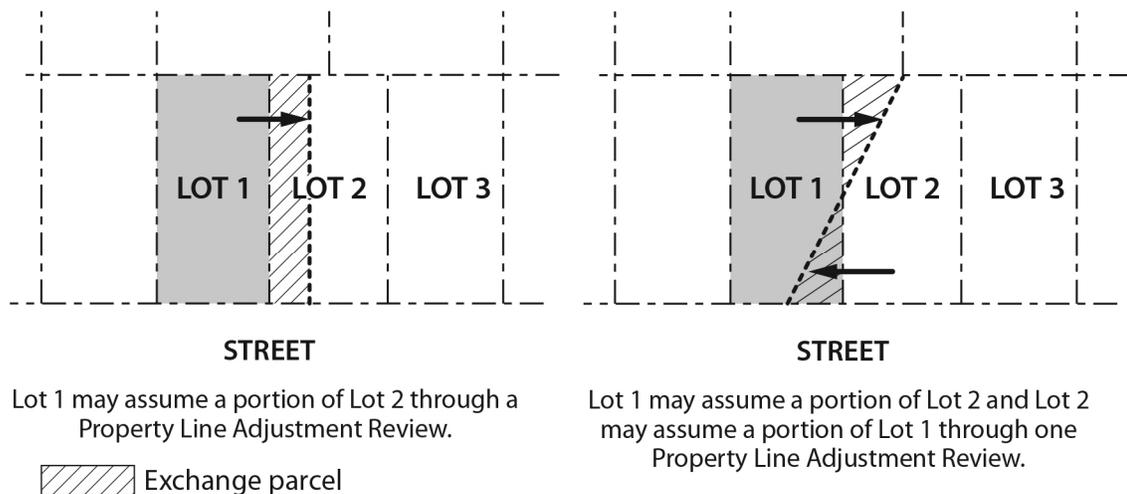
**Primary Use.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

**Private Helicopter Landing Facility.** See Helicopter Landing Facility (HLF).

**Project.** An existing or proposed development.

**Property Line Adjustment.** The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

**Figure 910-10**  
**Property Line Adjustment**



**Pruning.** The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as "topping". Topping a tree is considered destruction of the tree.

**Public Access Easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

**Public Safety Facility.** A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

**Radio or Television Broadcast Facility.** A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

**Rail Right-Of-Way.** See Right-Of-Way, Rail.

**Rear Lot Line.** See Lot Lines.

**Rear Setback.** See Setback.

**Recognized Organization.** An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

**Recreational Vehicle.** See Vehicle Types.

**Recreational Vehicle Park.** A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

**Recycling Drop-Off Center.** A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

**Recycling Operation.** A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

**Regional Attractor.** A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

**Remediation.** The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

**Repair.** Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

**Replacement.** Actions to substitute one material or system for another.

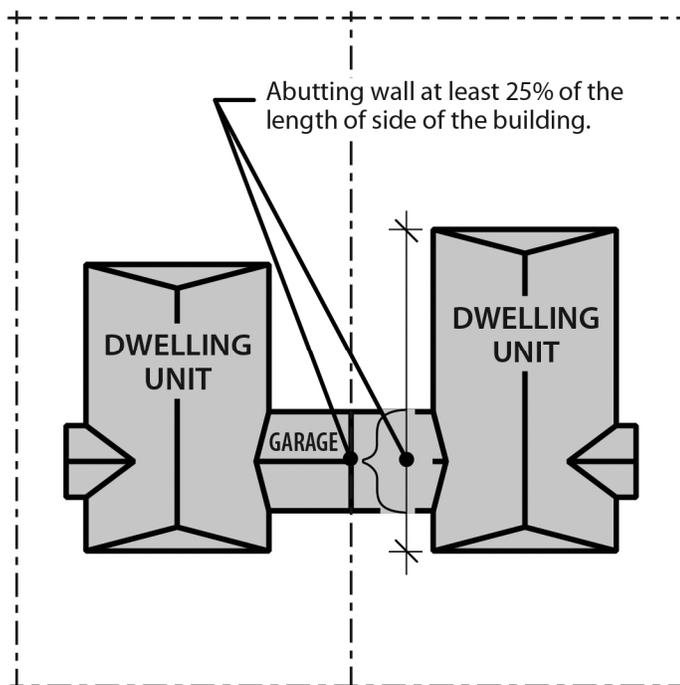
**Residential Facility.** A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

**Residential Home.** A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

### Residential Structure Types

- **Accessory Dwelling Unit.** A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.
- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** A dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

**Figure 910-16**  
**Attached Houses**



- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.
- **Group Living Facility.** A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.
- **House.** A detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
  - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
  - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
  - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Single Room Occupancy Housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.

**Residential Trailer.** See Residential Structure Types.

**Resource Enhancement.** The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions

that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site. Mitigation banks, which sell credits for off-site mitigation, are not considered resource enhancement.

**Retaining Wall.** A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

**Review Body.** The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

**Right-Of-Way.** An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

**Right-of-way, Rail.** A public or private right-of-way, for the purpose of allowing rail travel.

**Riparian Areas.** Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

**Riparian Functional Values.** The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

**River Bank Complexity.** A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

**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. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

**River-Related.** A use or development which 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. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps

supported by piers or pillars, as opposed to fill, are river-related development. 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.

**Roadway.** The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

**Scenic Corridor.** A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

**Scenic Site.** A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

**Scenic View.** A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

**Scenic Viewpoint.** A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

**School Site.** An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

**Seep or Spring.** An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

**Services.** For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

**Setback.** The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

**Shelter Beds.** See Mass Shelter Beds.

**Short-Term Bicycle Parking.** Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

**Short Term Housing.** A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

**Short Term Parking.** Parking having a duration of four hours or less.

**Side Lot Line.** See Lot Lines.

**Side Setback.** See Setback.

**Side Street Lot Line.** See Lot Lines.

**Sign.** As defined in Title 32, Signs and Related Regulations

**Significant Detrimental Impact.** An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

**Single Room Occupancy Housing (SRO).** See Residential Structure Types.

**Site.** For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

**Site Frontage.** The part of a site that abuts a street. See also, Block Frontage.

**Small Scale Energy Production.** Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:

- **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
- **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

**Special Flood Hazard Area.** Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

**Stormwater Facility.** A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

**Stormwater Management System.** A stormwater facility, and a conveyance system or an outfall.

**Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

**Stream Channel.** An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

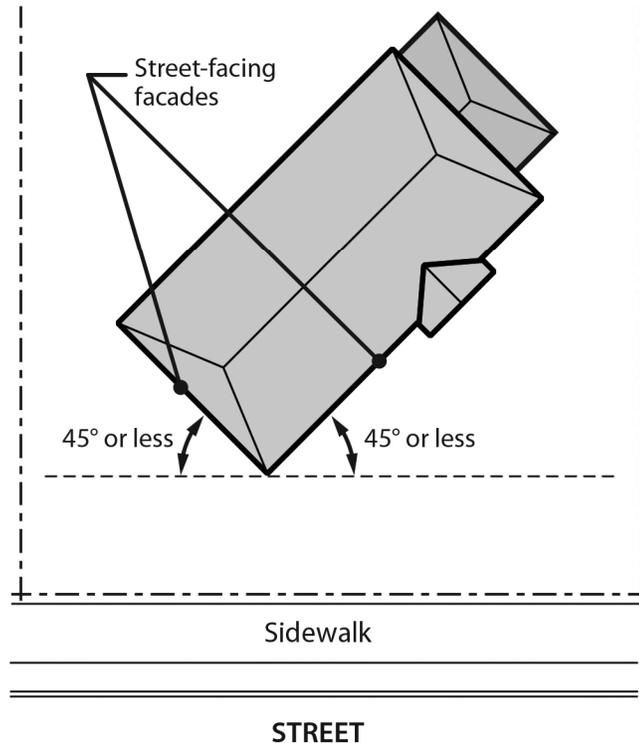
**Street.** See Street Types.

**Street Lot Line.** See Lot Lines.

**Street Setback.** See Setback.

**Street-facing Facade.** All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

**Figure 910-12**  
**Street-facing Facade**



**Streetcar Alignment.** A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

**Streetcar Line.** A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

**Street Types.** See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.
- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- **Through Street.** A street that connects to other streets at both ends.
- **Transit Street.** A street that is classified in the Transportation System Plan as:
  - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
  - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

**Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

**Structured Parking.** A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, triplexes, fourplexes, manufactured dwellings, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

**Superblock.** A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

**Supermarket.** A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

**Surface Parking.** A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

**Temporary Disturbance Area.** See Disturbance Area, Temporary.

**Through Lot.** See Lot-Related Definitions.

**Through Street.** See Street Types.

**Top of Bank.** The largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Section 33.930.150, Measuring Top of Bank. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default location described in Section 33.930.150, Measuring Top of Bank.

**Topping.** The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

**Tower.** A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

**Tract.** A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

**Transit Station.** A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

**Transit Street.** See Street Types.

**Transportation Management Association.** An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

**Tree Grove.** A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

#### **Tree Types**

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be

dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

**Triplex.** See Residential Structure Types.

**Truck.** See Vehicle Types.

**Underground Parking.** Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

**Uplands.** Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

**Utilities.** Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

**Utility Scale Energy Production.** Energy production that does not meet the definition of Small Scale Energy Production.

**Utility Trailer.** See Vehicle Types.

**Valet Parking.** Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

**Vegetation.** All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

**Vegetative Maintenance.** Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

**Vehicle Areas.** All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

**Vehicle Types.**

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
  - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
  - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
  - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
  - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
  - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

**View Corridor.** A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is

based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

**Viewing Area.** Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

**Waste Collection Areas.** Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

**Water Bodies.** Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

**Water Quality Resource Area.** The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

**Wildlife Species of Concern.** Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

**Wind Turbine or Wind Energy Turbine.** A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

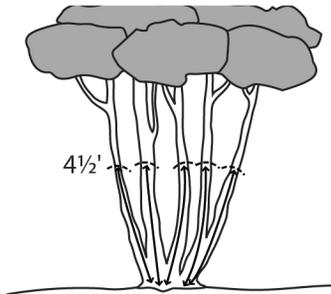
- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

*(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190093, effective 9/11/20; Ord. No. 190241, effective 3/1/21.)*



4. For multi-stemmed trees, the size is determined by measuring all the trunks and adding the total diameter of the largest trunk and one-half the diameter of each additional trunk; see Figure 930-23. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

**Figure 930-23**  
**Measuring Multi-stemmed Trees**

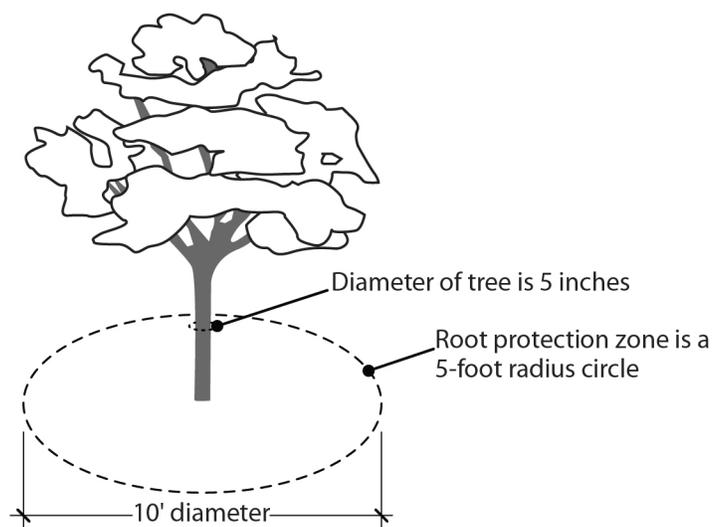


- B. New trees.** New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground or root ball. For coniferous trees, the tree height may also be used.

**33.930.140 Measuring the Root Protection Zone**

The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone. See Figure 930-24.

**Figure 930-24**  
**Measuring the Root Protection Zone**

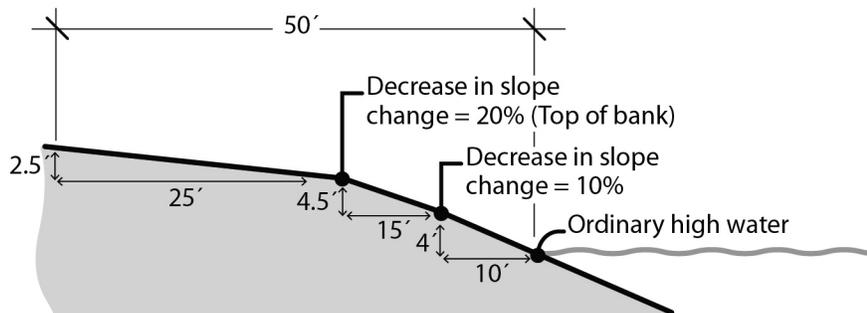


### 33.930.150 Measuring Top of Bank

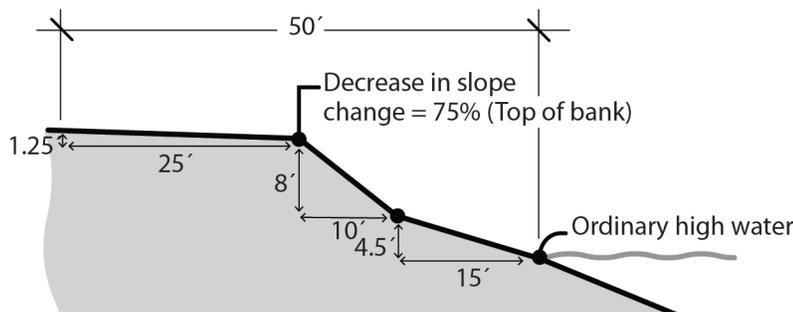
See Section 33.910.030, Environmental-Related Definitions, Top of Bank

- A. **Using Percent Slope.** Percent slope is determined by dividing the vertical rise by the horizontal run, and converting that decimal to a percentage. For example, a slope section that rises 1 foot over a distance of 4 feet is a 25 percent slope.
- B. **Identifying a Decrease in Slope.** A decrease in slope is a change in percent slope from a steeper to a less steep grade. For example, a change from 40 percent slope to 30 percent slope is a decrease in slope of 10 percent. A change from 35 percent slope to 15 percent slope is a decrease in slope of 20 percent. To identify the decrease in slope the slope must be sampled every 3 feet between the ordinary high water mark and a point 50 feet from the ordinary high water mark. See Figure 930-27.

**Figure 930-27a**  
**Example 1: Identifying a Decrease in Slope**



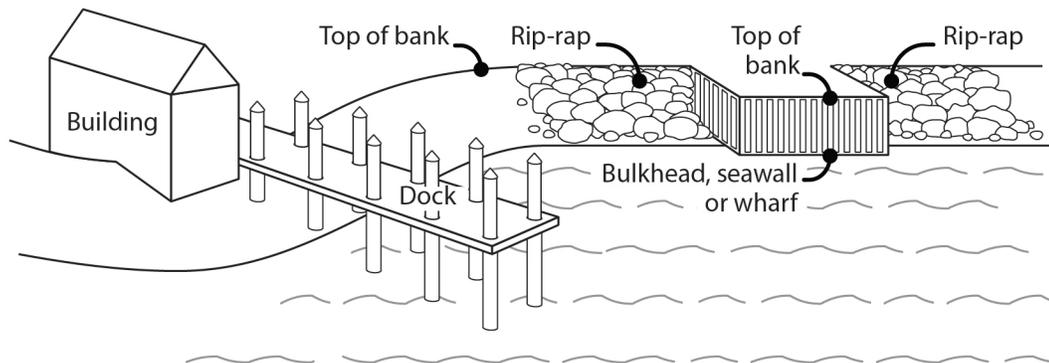
**Figure 930-27b**  
**Example 2: Identifying a Decrease in Slope**



- C. **Relationship to Other Structures. See Figure 930-28.**
  1. Where a structure straddles the top of bank, the top of bank line is drawn as a straight line through the structure, connecting the top of bank line on either side.
  2. Where there is a vertical bulkhead or seawall, the top of bank is the point at the top of the bulkhead that is closest to the river.

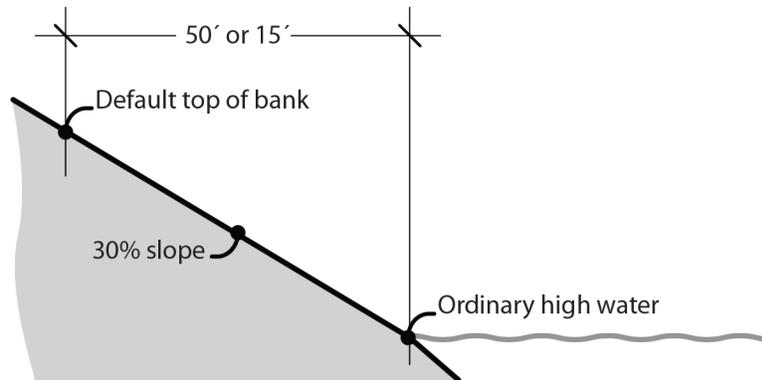
3. Docks, pilings, slips, wharves and other similar structures built over the water are not factored into the determination of top of bank. Where there is a dock, wharf or other structure on the bank, measurements of slope are taken on the underlying dry land.
4. Where the bank itself is a structure, such as a rip-rap slope at the edge of reclaimed land, the top of bank line is based on the predominant slope of that structure, rather than the slope of individual boulders or structural elements.

**Figure 930-28**  
**Top of Bank in Relation to Other Structures**



- D. Default Top of Bank.** If no slope decrease of 10 percent or more is found within 50 feet (measured horizontally) of the ordinary high water mark, then the top of bank will be one of the following default locations, see Figure 930-29. The Willamette River Reaches are shown on Map 440-1 and 475-1:
1. For the Willamette River Central Reach and Willamette River South Reach, the default top of bank is 50 feet (measured horizontally) from the ordinary high water mark.
  2. For the Willamette River North Reach and the Columbia River, the default top of bank is 2 feet (measured vertically) from the ordinary high water mark.
  3. For perennial streams, seeps and wetlands the default top of bank is 15 feet (measured horizontally) from the ordinary high water mark.
  4. For intermittent and ephemeral streams, the default top of bank is 15 feet (measured horizontally) from the centerline of the stream.

**Figure 930-29**  
**Measuring Default Top of Bank**



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*(Amended by: Ord. No.168698, effective 4/17/95; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 184524, effective 7/1/11; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21.)*