



# ENVIRONMENTAL OVERLAY ZONE MAP CORRECTION PROJECT

Planning and Sustainability Commission  
June 22, 2021 Briefing

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THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

# Today's Briefing

1. **Project Reminders**
2. **Regulatory Context for Natural Resources**
  - a) State Land Use Goals
  - b) Regional Land Titles
  - c) City's 2035 Comprehensive Plan
3. **Stream Protection Policy**
4. **Forest and Uplands Protection Policy**
5. **Site Visit Table**
6. **Next Steps**

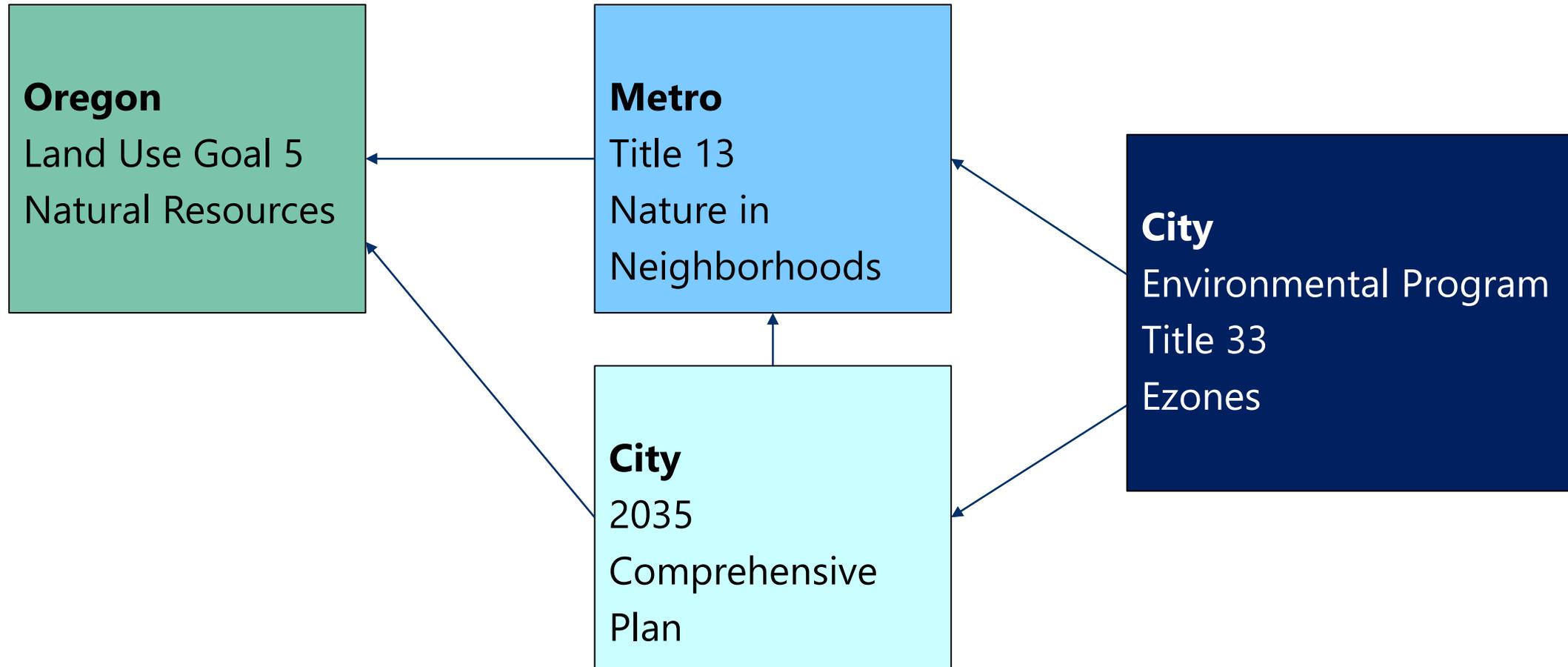


# Project Summary

**Purpose:** To correct the location of the environmental overlay zones (conservation and protection) to better align with existing streams, wetlands, flood areas, tree canopy, steep slopes and wildlife habitat.

**Why:** Because the underlying data about where the resources are located is 15-30 years out of date, resulting in zones that don't always protect the resources as they were intended.

# State and Regional Land Use Structure



# Oregon Land Use Planning Goals

“But there is a shameless threat in our environment and to the whole quality of our life and that is the unfettered despoiling of our land ... Here in the Willamette Basin, all threaten to mock Oregon’s status as the environmental model of this nation.”

~Governor Tom McCall

**1973** – Oregon adopted land use goals

Local jurisdictions must adopt a Comprehensive Plan and implementing ordinances that are consistent with the land use goals.



# Oregon Land Use Goals

Goal 1 Citizen Involvement

Goal 2 Land Use Planning

Goal 3 Agricultural Lands

Goal 4 Forest Lands

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 6 Air, Water and Land Resources Quality

Goal 7 Areas Subject to Natural Hazards

Goal 8 Recreational Needs

Goal 9 Economic Development

Goal 10 Housing

Goal 11 Public Facilities and Services

Goal 12 Transportation

Goal 13 Energy Conservation

Goal 14 Urbanization

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

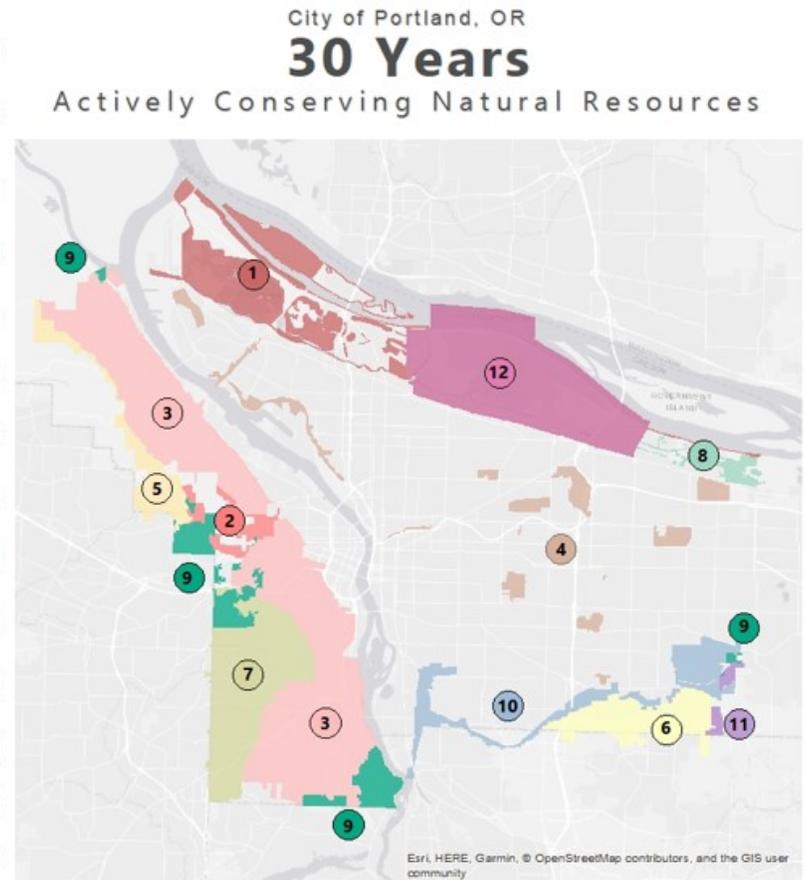
# Oregon Land Use Goal 5

Portland's Environmental Program as adopted through area plans between 1989 and 2002.

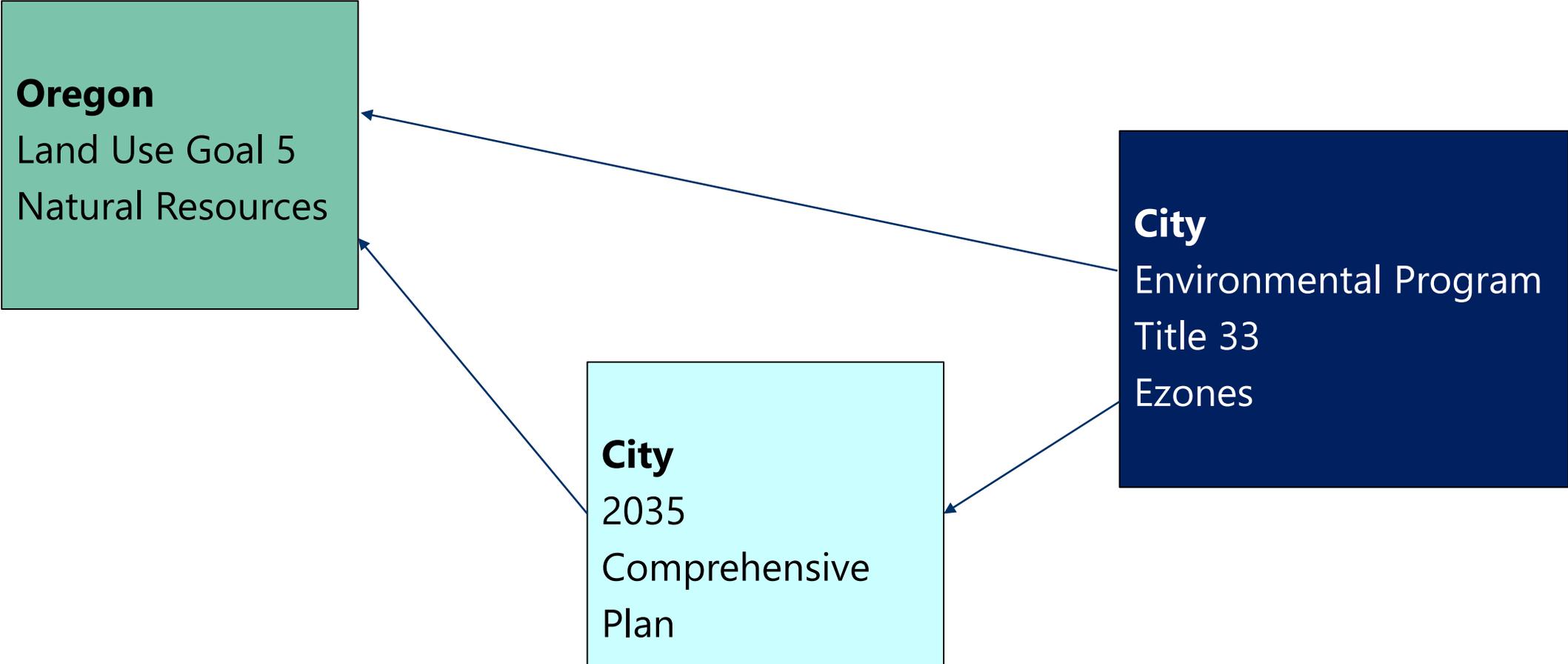
## Goal 5 Requirements:

1. Inventory of natural resources
2. Balancing of protection with other state and city goals (ESEE)
3. Zoning and ordinances to enact the plan

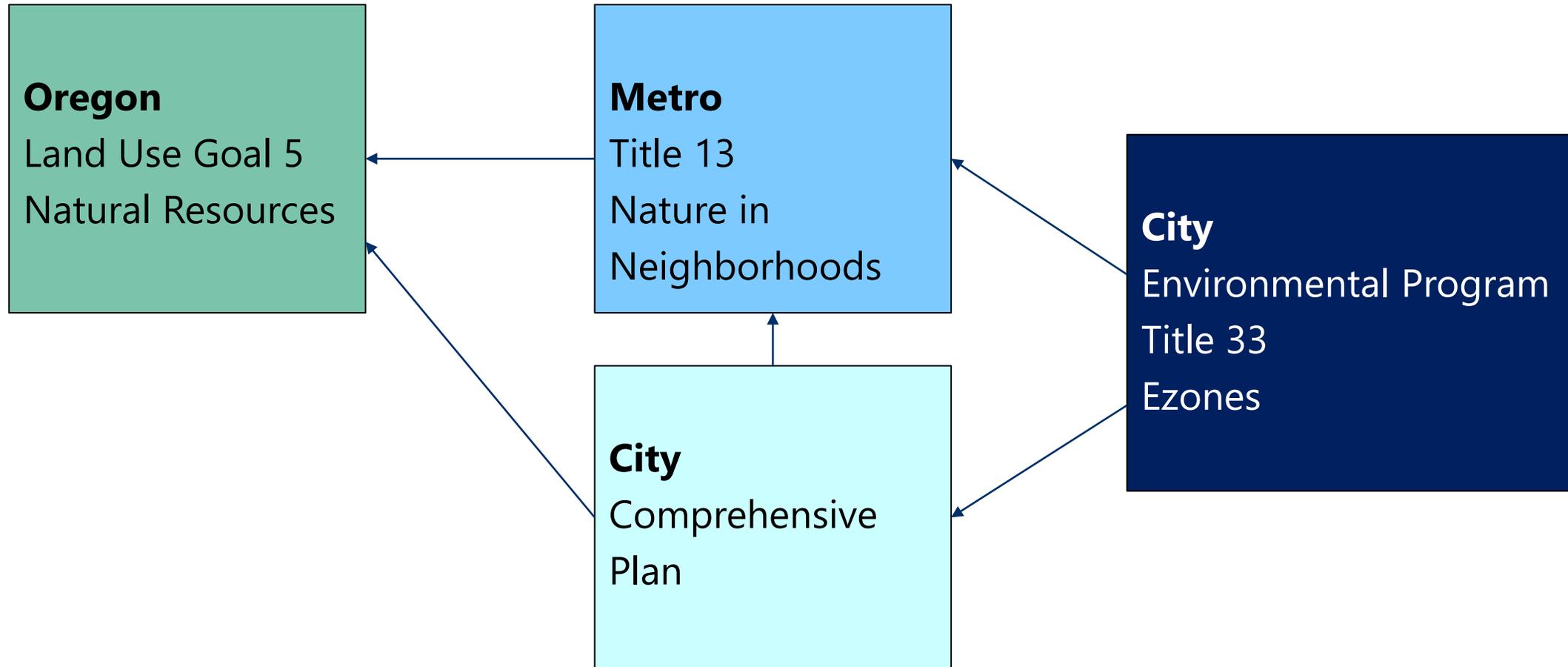
- 1989**  
Columbia Corridor Industrial Area ①
- 1991**  
Balch Creek Watershed Protection Plan ②
- 1992**  
Northwest Hills Natural Areas  
Southwest Hills Natural Areas ③
- 1993**  
East Buttes, Terraces and Wetlands ④
- 1994**  
Skyline West Conservation Plan ⑤
- 1997**  
Boring Lava Domes / Johnson Creek ⑥
- 1999**  
Fanno Creek and Tributaries ⑦
- 2000**  
Columbia South Shore ⑧
- 2002**  
Multnomah County Unincorporated ⑨
- 1991, '97, '01, '03**  
Johnson Creek Basin ⑩
- 2004**  
Pleasant Valley District Plan ⑪
- 2010**  
Middle Columbia Corridor ⑫
- 2012**  
Natural Resource Inventory Adoption ●
- 2022**  
E-Zone Map Correction Project ●



# Oregon Land Use Goal 5 (pre-2005)



# State and Regional Land Use (post 2005)



# Metro Title 13

## Compliance Options:

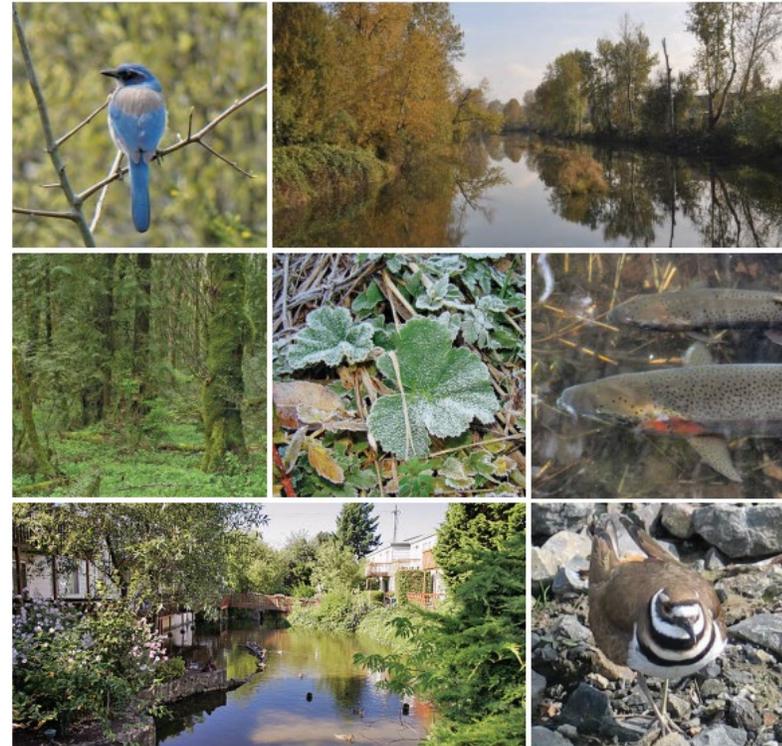
1. Adopt the model ordinance
2. Or demonstrate substantial compliance

## What needs to be protected?

- Streams
- Wetlands
- Riparian areas
- Habitats of Concern

Portland's Natural Resources Inventory and Environmental Overlay Zones were deemed to be in substantial compliance in 2012

## TITLE 13 – NATURE IN NEIGHBORHOODS Request for Metro Determination of Substantial Compliance



December 2012  
Accepted by Portland City Council November 28, 2012  
[www.portlandoregon.gov/bps](http://www.portlandoregon.gov/bps)

 Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.  
City of Portland, Oregon 

# City's 2035 Comprehensive Plan

Natural Resources Inventory (NRI)  
feature definitions and mapping  
methodologies meet Title 13

2012 – NRI adopted as factual basis for  
the Comprehensive Plan update

**NATURAL RESOURCE INVENTORY UPDATE** 

**RIPARIAN CORRIDORS AND WILDLIFE HABITAT | CITY OF PORTLAND, OREGON**



**PROJECT REPORT  
ADOPTED BY CITY COUNCIL, OCTOBER 3, 2012  
ORDINANCE NO. 185657**

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City of Portland, Oregon  
Sam Adams, Mayor • Susan Anderson, Director 

# City's 2035 Comprehensive Plan

## Policy 7.19. Natural Resource Protection

Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including: rivers, streams, wetlands, floodplains, riparian corridors, groundwater and aquatic and terrestrial habitats

## Policy 7.20. Natural Resources Inventory

Maintain an up-to-date inventory

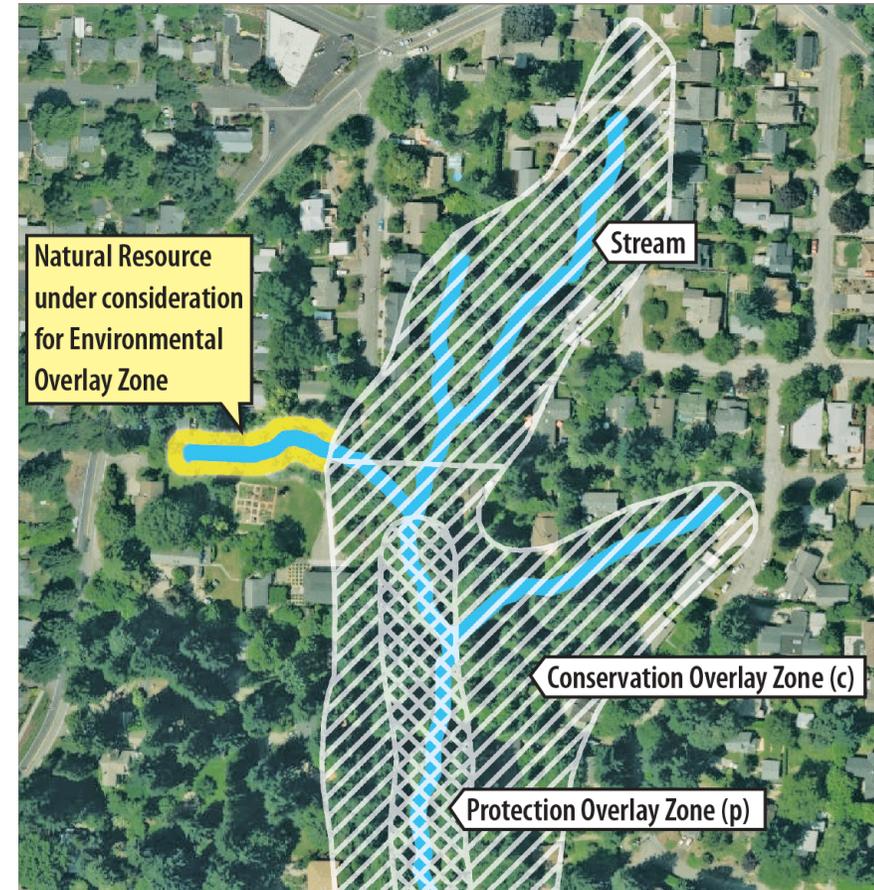
## Policy 7.21 Environmental Plans and Regulations

Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available

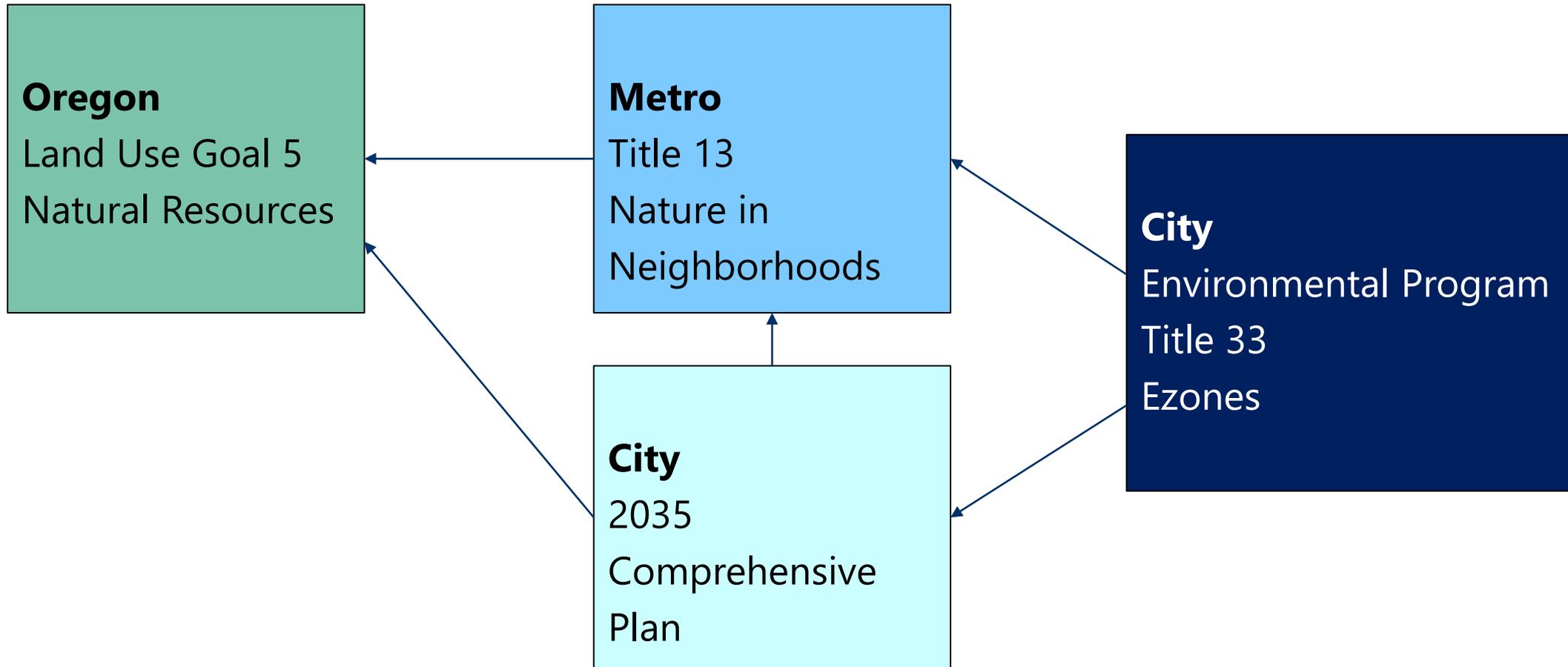


# What is the Ezone Project Correcting?

- 14,027 acres of natural resources are protected (83%)
- 2,776 acres of existing natural resources are not protected
- 8% of streams are not protected
- 12% of wetlands are not protected
- ~8,000 properties have ezones and no natural resources



# State and Regional Land Use Structure



# Stream Definition and Mapping

## Definition:

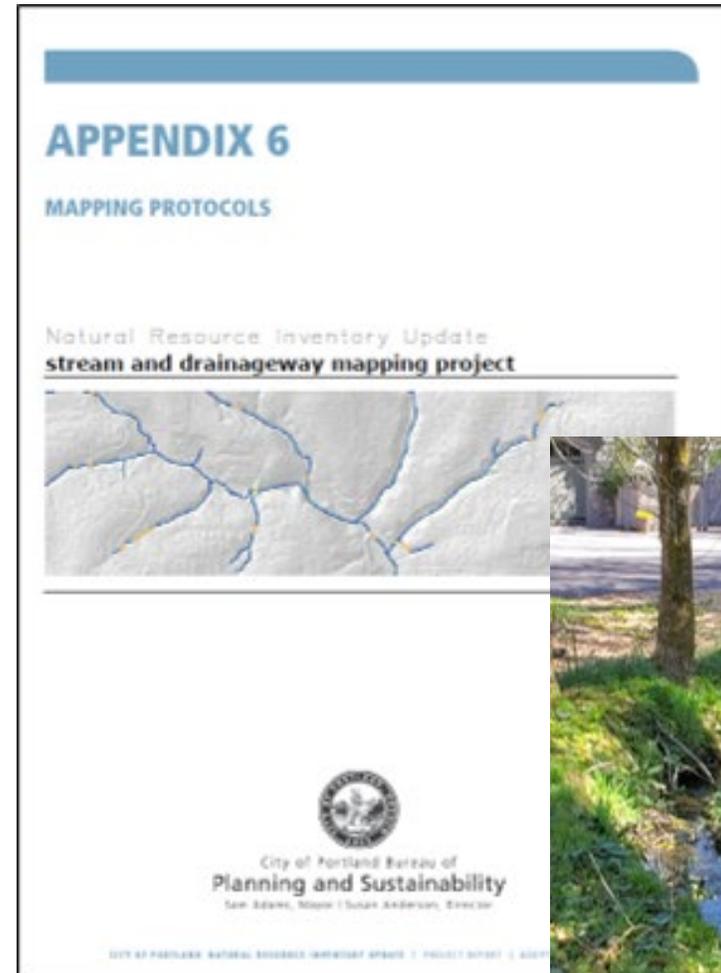
An open channel with a defined bed and bank that carries water for weeks to months during at least the rainy seasons.

## Data Sources:

LiDAR

BES's infrastructure maps

Site Visits (evidence of flow, scouring)



# Metro Stream Protection Requirements

## What is a riparian area?

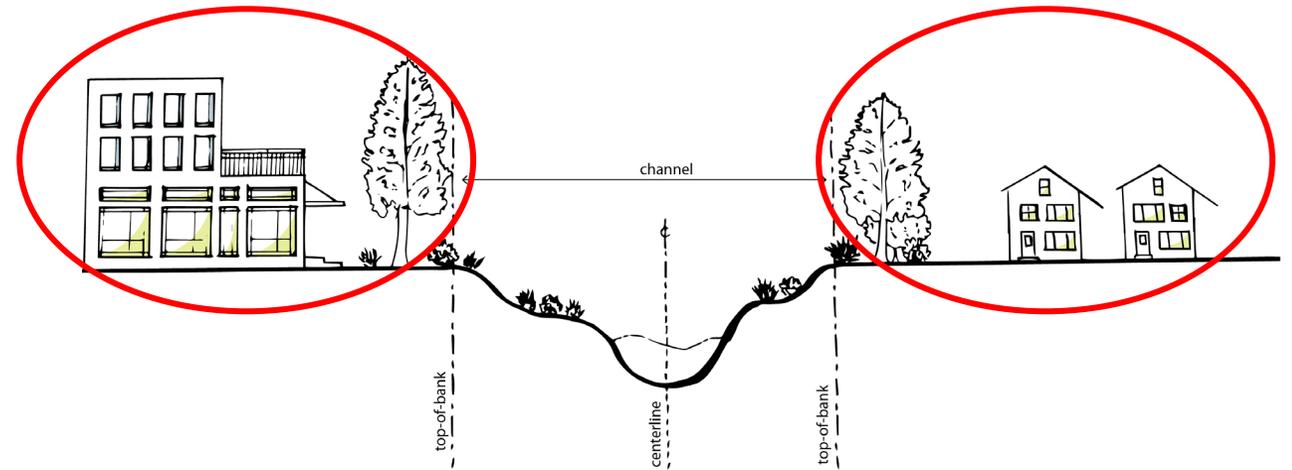
A riparian area is the land around a stream that has a direct impact on the in-stream hydrology, water quality and habitat.

## How wide is the riparian area?

Minimum 50 feet

Average 100 feet

Maximum 780 feet



# City's Existing Stream Protection Policy

1. At a minimum, apply protections to streams and land within 50 feet of streams.
2. Apply protections to tree canopy contiguous to streams.

*Note – The Ezone Project plan documents state explicitly what is being protected in each resource site.*

# Forest and Woodland Definitions and Mapping

## What is a forest vs. woodland?

Forest: > 1/2 acre patch of trees forming >60% canopy coverage

Woodland: > 1/2 acre patch of trees forming 20-60% canopy coverage

## Data Sources:

Aerial photography

Site Visits



Forest patch



Woodland patch

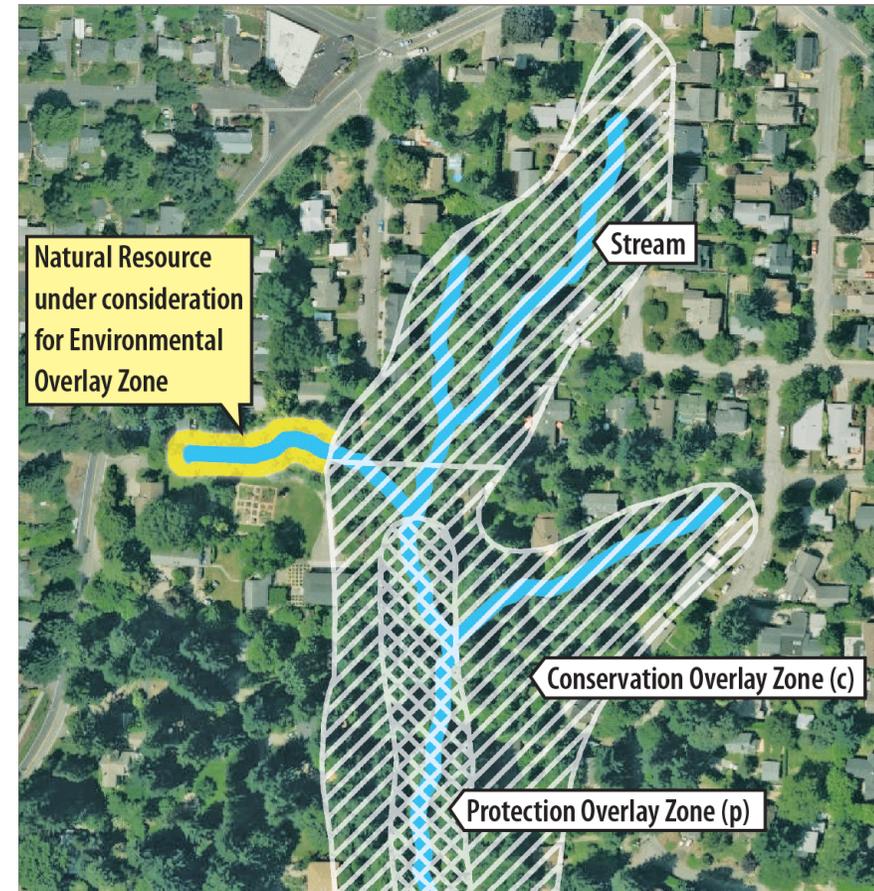
# City's Forest and Woodland Protection Policy

- 1. Apply protections to forests contiguous to and more than 50 feet from streams.**
- 2. Apply protections to identified woodlands and upland forests as directed in area-specific existing plans.**

*Note – The Ezone Project plan documents state explicitly what is being protected in each resource site.*

# Ezone Map Correction Project

**Purpose:** To correct the boundaries of the conservation and protection overlay zones to align with updated maps of the natural resource features (streams, wetlands, riparian areas, tree canopy, steep slopes and wildlife habitat.)



# Site Visits and Testimony Table

**What:** A summary of all site visits that have occurred since June 2020 and all testimony. Includes the resources identified on property, protection policies, corrected ezone maps and summary of staff/property owner discussions.

**Why:** To provide easily accessible information on a property-by-property basis and a summary of outstanding concerns.

**Where:** <https://www.portland.gov/bps/ezones/project-documents> under Planning and Sustainability Commission materials



# Site Visit and Testimony Table

Map Page #	Property Owner Last Name	Property Owner First Name	Property Address	Testified	Testimony ID	Testimony Summary	Site ID	Land Use Base Zoning	Proposed Draft Mapped Features	Proposed Draft ESEE Decision	Site Visit Requested	Site Visit Date	Site Visit Results Feature Map Changes	Resolved	Notes
180 - 181	A	B	9324 SW 55th Ave	N	N/A	N/A	FC11	neighborhood R7	stream riparian area	Apply the highest level of protection (p zone) to streams and land within 50 feet of streams.	X	6/22/2020	Confirmed intermittent stream; updated stream alignment	+	Site visit completed. Did not testify. Assumed resolved.
101 - 103	C	D	2840 SW Fairmount Blvd	Y	185055	Disagreed with the feature mapping on the second, vacant lot owned.	SW9	neighborhood R7	stream forest canopy	Apply the highest level of protection (p zone) to streams and land within 50 feet of streams. Apply a lower level of protection (c zone) to forests contiguous to and greater than 50 feet from streams.	X	7/9/2020	Updated stream alignment - deleted segment of stream. Confirmed vegetation mapping	+	Testified in July that the Ezone Map App had not been changed based on the site visit. The Ezone Map App was updated in December. Did not testify again in February.
214 - 216	E	F	6611 SW Parkhill Dr	Y	174979	Disagreed with mapping the tree canopy because they are non-native and overhang the house and could impact property value.	SW11	neighborhood R7	stream riparian area forest canopy	Apply the highest level of protection (p zone) to streams and land within 50 feet of streams. Apply a lower level of protection (c zone) to forests contiguous to and greater than 50 feet from streams.	X	7/16/2020	Updated tree canopy mapping	o	Following site visit and follow up email detailing changes to resource mapping, property owner expressed an objection to resource mapping and draft Ezones on site. He did not testify at the February hearing.



# Site Visit and Testimony Table

17,000 properties impacted by the project

Before June 2020 staff completed 300 site visits

## Since June 2020:

- 181 site visits requested; no follow up testimony received after the site visit
- 106 testified and requested site visit
  - 3 have voiced continued objections to the feature mapping
  - 63 have voiced continued objections to correcting the ezones
- 125 testified, did not accept staff's offer for a site visit
  - 80 have voiced an objection to correcting the ezones

# Site Visit and Testimony Table

Questions?

Next Steps

1. Keep summary table updated
2. July – opportunity to review specific properties or testimony



# Preview of Next Briefing 7/27/21 - Wetlands

## Agenda items:

1. Wetland Inventory Project map updates
2. Proposed policy - Apply protections to wetlands and land within 50 feet of wetlands.
3. Proposed ezone application to wetlands



# Ezone Schedule - Updated

July 28, 2020 – Public Hearing

Sept 8, 2020 – Work Session

Feb 23, 2021 – Public Hearing

April 13, 2021 – Work Session

May 4, 2021 – Work Session

**June 22 – Briefing (*added*)**

**July 27 – Work Session on Wetlands**

**Aug 24 – Public Hearing (*added*)**

**Aug 25 – Deadline for site visits requests**

**Sept 10 – Close Record/Last Site Visits**

**Sept 28 – Work Session/Vote (*added*)**

**Winter/Spring – City Council**





## THE BUREAU OF **PLANNING & SUSTAINABILITY**

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ອະທິບາຍ | الترجمة التحريرية أو الشفهية | [Portland.gov/bps/accommodation](https://portland.gov/bps/accommodation)



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# Public Engagement

<b>July 2018 – June 2019</b>	16,838 postcards sent to property owners
<b>Aug 2018 – Oct 2019</b>	Staff attended 36 neighborhood meetings
<b>Sept 2018 – Nov 2019</b>	Staff held 6 drop-in hours
<b>Nov 2019</b>	24,714 letters sent to property owners
<b>Dec 2019 – Jan 2020</b>	Staff held 3 open house events

**Posts to Facebook and Nextdoor in 5 languages besides English**

**To date more than 600 site visits have been performed**

# Resource Sites

