

## IMPACT STATEMENT

**Legislation title:** Adopt the Environmental Overlay Zone Map Correction Project; amend Title 33; amend the Zoning Maps; amend the Natural Resource Inventory; repeal and replace prior ezone plans (Ordinance; amend Title 33).

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**Purpose of proposed legislation and background information:**

The Environmental Overlay Zone Map Correction Project (Ezone Project) updates the mapping of natural resources in the Natural Resource Inventory and remaps the environmental overlays (ezones) to apply protections to the mapped resources. Portland's ezones are zoning code overlays that protect significant natural resources, such as streams, forests, and wetlands. The ezones are part of Portland's Statewide Land Use Planning Goal 5 compliance program.

In addition to updating the mapping of natural resources and ezones, the Ezone Project also includes amendments to the zoning code to create new standards and exemptions that allow for the installation of burial plots, septic systems, and fire breaks in the ezones. The code amendments also include clarifications to standards and exemptions that allow for vegetation maintenance within the ezones, and they include standards that allow for modifications to flood control structures for safety purposes that result in minor increases in the development footprint.

Between 1989 and 2003, the City of Portland adopted 13 area specific natural resource protection plans. These plans followed Statewide Land Use Planning Goal 5 procedures to inventory natural resources, determine the significance of the resources, and identify conflicting uses of resources. The plans followed Goal 5 requirements, ~~and~~ to conduct an Economic, Social, Environmental, and Energy analysis to determine which of the resources should be protected, and how.

In 2005, Metro adopted Title 13: Nature in Neighborhoods, which utilized a new, standardized methodology for assessing and protecting natural resources, including riparian resources and critical wildlife habitat, and provided a pathway for jurisdictions to come into compliance with Goal 5 requirements. In 2010, Metro found Portland's natural resource protections to be in substantial compliance with Title 13.

In 2012, Portland adopted a citywide Natural Resource Inventory (NRI) as a factual basis for the 2035 Comprehensive Plan (Comp Plan). The NRI utilized natural resource mapping methodologies that were consistent with the techniques that were employed by Metro for the Nature in Neighborhoods project. Based on the updated mapping, There were many acres of vegetation and miles of streams ~~that were~~ included in the NRI ~~that were~~ located outside of the existing ezones. The Comp Plan included directives to update the natural resource mapping and to update the ezone maps to extend protections to the previously unprotected resources. The purpose of the ezone project is to fulfill these directives.

**Financial and budgetary impacts:**

Adoption of the Ezone Project will result in minimal short-term and minimal long-term financial impacts to the City. Specifically, those impacts will affect the Bureau of Development Services (BDS).

The Ezone Code (Chapter 33.430 Environmental Zones) includes rules that limit impacts of new development to natural resources and requires mitigation when impacts do occur. BDS staff review permit and land use review applications to determine if applicants are meeting standards and exemptions, and to determine if proposed mitigation is commensurate with impacts. The Ezone Project will change the locations where ezones are applied, adding new ezones to some properties and deleting ezones from others. There are currently 12,989 acres of ezones citywide. The Ezone Project increases that total to 13,325. This is an increase of about 2.5%.

In the short-term, BDS staff will need training on the few changes that are being made to the Zoning Code by the Ezone Project, and they will need to familiarize themselves with new documents that detail the natural resource functions and ecosystem services that are provided by the protected resources. They will also need to review and understand the changes to how information is displayed on the Zoning Maps.

Long term impacts are not expected to be significant. There will likely be fewer requests for map error corrections because the Ezone Project is remapping the ezones using much more detailed and accurate information than was previously used when the ezones were originally adopted. This will reduce staff time devoted to map error corrections in both BPS and BDS. If the changes to the ezones result in more permit applications or land use review applications for sites with ezones, it could lead to more person hours being devoted to reviewing applications for sites with ezones. But the BDS fee schedule for this work is intended to provide a revenue stream that is adequate to meet the needs of reviewing permits and land use cases

In summary, the Ezone Project is not expected to result in any significant financial or budgetary impacts to the City.

**Community impacts and community involvement:**

Natural resources provide ecosystem services that benefit the entire community. Trees and water features help to moderate air temperatures, thereby reducing heat island effect, and trees and other vegetation help to absorb and retain precipitation, thereby reducing runoff and erosion, and prevent or reduce flooding in nearby properties that are located downstream. Vegetation helps to hold steep hillsides in place, thereby preventing erosions and landslides. By protecting natural resources, the City of Portland reduces the current and future capacity needs of the constructed sewer and stormwater system. The protections that ezones apply to natural resources help to reduce community susceptibility to natural hazards and it helps to make the community resilient to climate change. Remapping the ezones ensures that a larger proportion of Portland's natural resources are protected from development impacts, and that ezones are not applied unnecessarily in locations where no resources are located.

The Ezone Project included extensive community outreach and engagement. An initial round of mailings was sent to the owners of impacted properties between July 2018 and

June 2019. In total, 16,838 postcards were sent out. Between August of 2018 and October of 2019, project staff presented at 36 neighborhood association meetings around the project area to inform attendees about the project, to answer questions, and to demonstrate how to use the Ezone Map App to look up impacts to individual properties. These meetings were attended by 622 people. Staff also held six drop-in hour sessions to allow property owners to meet one-on-one with project staff to discuss the potential impacts of ezones on their individual sites. These drop-in hour sessions were attended by 48 people, in total.

An additional round of mailings was sent out to all impacted property owners in November of 2019, at the time of the release of the Ezone Project Discussion Draft. These mailings were intended to go not only to property owners, but also to lessees and renters of properties with existing or proposed ezones. Following the release of the Discussion Draft, project staff hosted 3 open house events in December of 2019 and January of 2020. These events included self-guided presentations and opportunities for property owners to meet one-on-one with project staff members to discuss the impacts to their individual sites. The open house events were attended by a total of 152 people.

Throughout the public outreach phase of the project, between August 2018 and July 2020, staff encouraged property owners to review natural resource mapping on their sites and to request site visits and meetings with staff to correct any errors in natural resource mapping. By July of 2020, project staff had conducted more than 400 site visits on private and public property.

While the Ezone Project was ongoing, the Bureau of Environmental Services conducted the Wetland Inventory Project (WIP), which was a parallel project to update citywide wetland mapping. The outcome of this project was integral to the work of the Ezone Project, because ezones are applied to wetlands. Ezone Project staff helped to conduct outreach for WIP, and to schedule wetland determinations when they were requested by property owners. WIP staff and consultants working for BES conducted over 270 wetland determinations on private property between 2019 and 2021.

As project staff completed site visits, they continually made corrections and updates to natural resource mapping. When the Proposed Draft was released in June of 2020, the draft ezones incorporated all of the new natural resource mapping that was generated by the site visits. At the time of the release of the Proposed Draft, more than 16,000 notices were mailed to impacted property owners.

The Planning and Sustainability Commission held eight briefings and work sessions and three public hearings on the Ezone Project. More than 300 individuals and members of groups testified, either in person or in writing, over the course of the three hearings. There was a wide variety of testimony, ranging from people that supported updating the ezones, or who requested increased protections for water features or certain natural areas, to people who disagreed with the application of ezones to private property. Many who testified argued that the natural resource mapping and/or the proposed ezones were not correct on their site. Project staff offered site visits to all who questioned the natural resource or ezone mapping on their sites. Around 200 additional site visits were conducted by project staff during PSC hearings.

On September 28, 2021, the PSC voted to recommend an amended version of the Ezone Project to City Council. The Recommended Draft includes updates to feature mapping and

draft ezones that were made as a result of testimony that was received and site visits that were conducted. The draft also includes amendments that were made to address concerns that were raised by people who commented on specific aspects of the project, including burial plots, septic systems on constrained sites, and wildfire concerns.

Testimony on the Recommended Draft will likely be mixed. There are many who support remapping the ezones to protect resources that were missed when the ezones were first adopted. Some will likely request greater protections for natural areas or larger protection zones around stream and wetland riparian areas. There will also be a number of people who will dispute natural resource mapping on their sites, or who will request that no changes be made to the ezones. Project staff were able to address the concerns of many of the people who had disagreements with natural resource mapping on their sites during the PSC hearing process. Many fewer people testified at the third hearing than at either of the previous two hearings. But there are several that still have complaints or objections. Many of these people will likely return to testify at City Council hearings.

**100% Renewable Goal:**

Natural resources, including vegetated areas and water features, help to moderate temperatures and reduce heat island effect. This effect is particularly pronounced in areas that are near large patches of forest vegetation. The application of ezones to forest vegetation helps to reduce peak temperatures during heat waves and summer months, in general. Lower ambient temperatures lead to lower temperatures inside homes and buildings, reducing the cooling needs and energy demands of air conditioning systems. Reducing electricity demands for cooling leads to an overall reduction in home and business energy use. This will make it easier to meet Portland’s energy needs using renewable energy and help to make it possible for Portland to meet the goal of meeting all community energy needs with renewables by 2050.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount