

DATE: April 14, 2022
TO: City Council and Interested Parties
FROM: Daniel Soebbing
SUBJECT: Environmental Overlay Zone Map Correction Project Potential Amendments List

On April 14, 2022, City Council will hold a public hearing on City Commissioners' potential amendments to the Environmental Overlay Zone Map Correction Project (Ezone Project) Recommended Draft. A summary of the potential amendments is provided in the table below. The code language and accompanying commentary are provided on the following pages. Information on testifying on the potential amendments—either in writing or orally—can be found on the [Ezone Project webpage](#).

Summary of Potential Amendments

#	Amendment Name	Sponsor	Amendment Summary
1	Amendment to the Septic Standard	Ryan	Amend the draft septic system replacement standard (33.430.155) to apply to new septic systems. This amendment also includes technical clarifications to assign a environmental review process for septic systems that cannot meet standards and to clarify which approval criteria apply when environmental review is required.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portland.gov/bps
 1900 SW 4th Avenue, Suite 7100, Portland Oregon, 97201 | phone: 503-823-7700 | tty: 503-823-6868

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 503-823-7700, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ກາງນາຍາວ ຫຼື ກາງນາຍາວ ຫຼື ກາງນາຍາວ | الترجمة التحريرية أو الشفوية | Portland.gov/bps/accommodation

2	Technical Amendments: Natural Resource Inventory Special Habitat Area Criteria	Rubio	Minor technical updates to the NRI to align terminology and special habitat area mapping criteria with the adopted Airport Futures NRI and terminology that is used elsewhere in the NRI.
3	Minor and Technical Zoning Code Amendments	Rubio	Minor amendments to the zoning code to update zone map symbology, edit the boundary of the Pleasant Valley Natural Resource Protection Plan
4	Minor and Technical Amendments to Comp Plan and Comp Plan supporting documents	Rubio	Update the list of Natural Resource Protection Plans in the Comp Plan and update Ezone and NRI maps that are part of the factual basis of the BLI and the Comp Plan
5	Edits to Natural Resource Data and Manual Conversions from p zone to c zone	Rubio	Ezone Project staff are proposing changes to ezone mapping in 52 locations. These proposed changes were made as a result of site visits and/or staff review of draft ezone mapping on specific sites.

How to Read this Document

~~Strikethrough~~ and underline are used to show potential changes to the current code. Text **shading** is used for informational purposes to highlight where potential code amendments depart from the Recommended Draft code language.



Amendment #1a: Apply Septic Standard to All Residential Development

Amend the septic replacement standard to apply to new septic systems.

In the City of Portland, residential sites are only allowed to install or use septic systems for wastewater disposal if they are not located near a sanitary sewer system. Sanitary sewers have been fully built out in most parts of Portland, but there are a few areas in which there are no public sewer systems, and in which sewer systems are not likely to be built in the foreseeable future.

The Recommended Draft of the Ezone Map Correction Project includes a new standard for the replacement of existing septic systems on developed lots. This new standard for septic system replacement was created to address situations in which a site is already developed, and a septic system has already been installed, but the septic system needs to be replaced. Septic systems and septic drain fields have a finite lifespan. All septic systems need to be replaced eventually, and sites that were developed more than 30 years ago often were not required to identify locations for future septic system replacement at the time of development. When a septic drain field is replaced, it generally cannot overlap with the old septic drain field. The septic replacement standard allows for the replacement of septic systems within ezones without the need for Environmental Review provided that the total area of the septic system is less than 2,000 sq ft, that no trees are removed to build the septic system, that the septic system is set back from streams and wetlands, and that area where the septic system is installed is replanted with native vegetation.

At the first City Council hearing on the Ezone Project, a request was made to amend the septic standard to allow it to apply to new development. Under the existing Ezone Code, if a septic system is required as part of new development, the development standards require that the septic system be included in the total disturbance area that is specified in Table 430-1. For a site in the low-density residential zones (R10, R20, or RF), the maximum disturbance area would be 5,000 sq ft per lot. A typical residential septic system and drain field occupies a surface area between 1,000 and 2,000 sq ft. In some cases, it may not be possible to fit a septic system and other necessary elements of a residential site (such as houses, decks, utilities, and vehicle access) within the allotted disturbance area. If the maximum disturbance area standard or other standards cannot be met, Environmental Review would be required to approve development.

This amendment would allow the septic standard to be applied to new development, thereby providing a pathway to permit approval for some sites that would previously have been subject to Environmental Review under the current code. If a proposed septic system could not meet standards, it would be subject to Environmental Review.

There are additional proposed changes to the language of the standard to make it consistent with other standards in 33.430.



33.430.155 Standards for Septic Systems

The following standards apply to septic systems. All of the standards must be met.

- A. The maximum disturbance area allowed within the resource area on the site for the septic system is no greater than 2,000 square feet;
- B. No trees greater than 6 inches in diameter may be removed;
- C. The proposed disturbance area is located at least 50 feet from the top-of-bank of a stream or edge of any wetland; and
- D. The proposed disturbance area is replanted with a minimum of eight ground cover plants per 10 square feet. The ground cover plants must be a minimum size of four inch pots and must be native species listed in the Portland Plant List.



Amendment #1b: Technical amendments to Environmental Review code

Amend sections of Environmental Review code to clarify what type of Environmental Review procedure applies to septic systems that cannot meet standards, and to clarify what approval criteria must be met when septic systems are subject to Environmental Review.

Septic systems are added to a list of development types that would be subject to Type II Environmental Reviews if standards cannot be met. The review criteria require applicants to demonstrate that the proposed location of the septic system minimizes the impacts to natural resources relative to other possible alternatives, that the proposed mitigation is commensurate to the impacts to natural resources, and that the proposed location minimizes impacts to water bodies and resources that are located in protection zones.

Add “septic systems” to 33.430.230.B.3, 33.430.250.A.1, and 33.430.250.A.3

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. Septic systems;
 - ~~4.~~ Environmental zone boundary modifications;
 - ~~5.~~ All other uses and development in resource areas of Environmental Conservation zones; and
 - ~~6.~~ 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.

33.430.250 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, septic systems, 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, septic systems, 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, utilities, and septic systems;
 - 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. [No change]

B.-G. [No change]



Amendment #2A: Technical Amendment to NRI SHA Criteria

The adopted Natural Resource Inventory (NRI) was a collaborative project that was jointly created by BPS and BES. Both bureaus continue to use the NRI as a working document. It is part of the factual basis of the 2035 Comprehensive Plan, and the NRI is used to inform zoning and land use projects, such as the Ezone Project. The NRI data is being updated by the Ezone Project. This technical amendment is intended to make textual changes to the NRI document.

The most recent update to the NRI (2012) relied heavily on the 2011 Middle Columbia/Airport Futures Project. Special Habitat Areas (SHAs) are important natural resource classifications that are part of the NRI. The SHA eligibility criteria for Upland Habitat were taken directly from Appendix E of the Middle Columbia/Airport Futures Plan. But a list of Grassland-associated species that was included in Appendix E was omitted when the SHA Upland habitat criteria was incorporated into the NRI. BES relies upon the NRI to help inform and prioritize their habitat restoration and revegetation work. BES considers upland species composition when planning and prioritizing upland habitat preservation and restoration projects. Inclusion of the list of Grassland-associated species in the NRI SHA classification criteria would aid BES in their work.

If this amendment is adopted, the Ezone Project adopting ordinance will be updated with a directive to adopt an amended version of the NRI that contains this correction.

Amend NRI Section 3C2.3 Step 3: Species Lists and Special Habitat Areas to include the following text:

For the purposes of the G criterion, grassland-associated species include:

American Kestrel
 Camas Pocket Gopher
 Chipping Sparrow
 Common Nighthawk
 Deer Mouse
 Gray-tailed Vole
 Northern Harrier
 Oregon Vesper Sparrow
 Savannah Sparrow
 Short-eared Owl
 Streaked Horned Lark
 Western Meadowlark
 White-tailed Kite



Amendment #2B Technical Amendment to NRI Appendix 2

Amend the last column of the table header in Appendix 2 of the Natural Resource Inventory (Adopted in 2012) to read: "SHA At-Risk Species."

Appendix 2 of the NRI contains a table that lists special status fish and wildlife species that have been identified in the City of Portland. The last column in the table is a checkbox that is intended to indicate if a listed species has been determined to have an "at-risk" status, which would indicate that the species is reliant on a habitat type that is rare or likely to be impacted by development. At-risk species have special status, and the habitats that they rely on are designated as Special Habitat Areas (SHAs). In many resource sites, the Ezone Project is proposing to apply ezones areas that are designated as SHAs. The last column of the Appendix 2 table header in the adopted document is mislabeled. It reads, "City of Portland Sensitive Species." The header is intended to read "SHA At-Risk Species."

If this amendment is adopted, the Ezone Project adopting ordinance will be updated with a directive to adopt an amended version of the NRI that contains this correction.

Amend table header in Appendix 2 of the NRI. Replace the words "City of Portland Sensitive Species" with "SHA At-Risk Species":

Existing Table Header:

Appendix 2: Special Status Fish and Wildlife Species in Portland

Code	Species Name	Scientific Name	USFWS	ODFW	ORNHIC Rank	List	NWPCC	PIF Focal Species	OWEB	ABC	City of Portland Sensitive Species
A	Northern Red-legged Frog	Rana aurora aurora	Species of Concern	SV	G4T4/S3	2	X		X		<input checked="" type="checkbox"/>
A	Clouded Salamander	Aneides ferreus		SV	G3/S3	3					<input checked="" type="checkbox"/>

Amended Table Header:

Appendix 2: Special Status Fish and Wildlife Species in Portland

Code	Species Name	Scientific Name	USFWS	ODFW	ORNHIC Rank	List	NWPCC	PIF Focal Species	OWEB	ABC	SHA At-Risk Species
A	Northern Red-legged Frog	Rana aurora aurora	Species of Concern	SV	G4T4/S3	2	X		X		<input checked="" type="checkbox"/>
A	Clouded Salamander	Aneides ferreus		SV	G3/S3	3					<input checked="" type="checkbox"/>




Amendment #3a: Zoning Map Symbolology Change










Amend the Index of Symbols on the Official Zoning Maps to reflect changes in how the ezones will be symbolized on the Official Zoning Maps.

Following the adoption of the Ezone Project, the citywide zoning maps will need to be updated to reflect the changes. In the new maps, the Environmental Conservation Overlay Zone, Environmental Protection Overlay Zone, and the Pleasant Valley Natural Resource Overlay Zone will be represented by colors, instead of letters. The index of symbols on the official zoning maps (which follows the Table of Contents at the start of the Zoning Code) will have to be updated to match the new map symbolology.

Index of Symbols on the Official Zoning Maps

	Symbol	Full Name	Chapter
Base Zones	CE	Commercial Employment	33.130
	CI1	Campus Institutional 1	33.150
	CI2	Campus Institutional 2	33.150
	CR	Commercial Residential	33.130
	CM1	Commercial/Mixed Use 1	33.130
	CM2	Commercial/Mixed Use 2	33.130
	CM3	Commercial/Mixed Use 3	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
	IG1	General Industrial 1	33.140
	IG2	General Industrial 2	33.140
	IH	Heavy Industrial	33.140
	IR	Institutional Residential	33.150
	OS	Open Space	33.100
	R1	Residential 1,000	33.120
	R2	Residential 2,000	33.120
	R2.5	Residential 2,500	33.110
	R3	Residential 3,000	33.120
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
	R10	Residential 10,000	33.110
	R20	Residential 20,000	33.110
RF	Residential Farm/Forest	33.110	
RH	High Density Residential	33.120	
RMP	Residential Manufactured Dwelling Park	33.120	
RX	Central Residential	33.120	
Overlay Zones	b	Buffer Overlay Zone	33.410
	c or 	Environmental Conservation Overlay Zone	33.430
	d	Design Overlay Zone	33.420
	e	River Environmental Overlay Zone	33.475
	f	Future Urban Overlay Zone	33.435
	g	River General Overlay Zone	33.440



	g*	River General Overlay Zone	33.475
	h	Aircraft Landing Overlay Zone	33.400
	i	River Industrial Overlay Zone	33.440
	k	Prime Industrial Overlay Zone	33.471
	m	Centers Main Street Overlay Zone	33.415
	n	River Natural Overlay Zone	33.440
	 p_or	Environmental Protection Overlay Zone	33.430
	q	River Water Quality Overlay Zone	33.440
	r	River Recreational Overlay Zone	33.440
	s	Scenic Resource Overlay Zone	33.480
	 v_or	Pleasant Valley Natural Resources Overlay Zone	33.465
	x	Portland International Airport Noise Impact Overlay Zone	33.470
	z	Constrained Sites Overlay Zone	33.418
	Special	(XX)	Comprehensive Plan Map Designation
		Areas of difference between current zoning and Comprehensive Plan Map Designation	All
		Plan Districts	33.500s
		Historic and Conservation Districts	33.445
		Natural Resource Management Plans	NRMP documents
		Major Public Trails	33.272
		Historic Landmarks	33.445
		Conservation Landmarks	33.445



Amendment #3b: Amend Ezone Code to Reflect Change in Zoning Map Symbology

Amend the Descriptions of the Environmental Protection overlay zone and Environmental Conservation overlay zone to reflect new symbology that is being used to signify the ezones in the official zoning maps.

Following the adoption of the Ezone Project, the citywide zoning maps will need to be updated to reflect the changes. In the new maps, the Environmental Conservation Overlay Zone, Environmental Protection Overlay Zone, and the Pleasant Valley Natural Resource Overlay Zone will be represented by colors, instead of letters. The descriptions of the p zone and c zone in the Environmental Zone code will need to change to reflect the new map symbology

Amend Ezone Descriptions in 33.430.040 to reflect new Official Zoning Map symbology:

33.430.040 Overlay Zones and Map Symbols

There are two environmental overlay zones.

- A. The Environmental Protection overlay zone is applied wherever the City determines that highly significant resources and functional values are present. The Environmental Protection overlay zone is shown on the Official Zoning Maps with either the "p" symbol or a dark green color.
- B. The Environmental Conservation overlay zone is applied wherever the City determines that significant resources and functional values are present. The Environmental Conservation overlay zone is shown on the Official Zoning Maps with either the "c" symbol or a light green color.



Amendment #3c: Amend Pleasant Valley Natural Resources Overlay Zone code to Reflect Change in Zoning Map Symbology

Amend the Description of the Pleasant Valley Natural Resources overlay zone to reflect new symbology that is being used to signify the ezones in the official zoning maps.

Following the adoption of the Ezone Project, the citywide zoning maps will need to be updated to reflect the changes. In the new maps, the Environmental Conservation Overlay Zone, Environmental Protection Overlay Zone, and the Pleasant Valley Natural Resource Overlay Zone will be represented by colors, instead of letters. The description of the v zone in the Pleasant Valley Zone code will need to change to reflect the new map symbology

Amend Map Symbol Description in 33.465.040 to reflect new Official Zoning Map symbology:

33.465.040 Map Symbols

The Pleasant Valley Natural Resources overlay zone is shown on the Official Zoning Maps with either the “v” symbol or a beige color.



Amendment #3d: Amend Pleasant Valley Natural Resource Protection Plan Area

Amend the Pleasant Valley Natural Resource Protection Plan Area Map, Map 465-1, to align with the edge of the Urban Services Boundary.

The Urban Services Boundary (USB) was changed in 2018 with the adoption of the 2035 Comprehensive Plan. Several parcels at the southern end of the Pleasant Valley plan district, south of SE Clatsop St, were excluded from the USB. City of Portland planning and zoning no longer apply to these parcels. This amendment would change Map 465-1 to reflect this change.

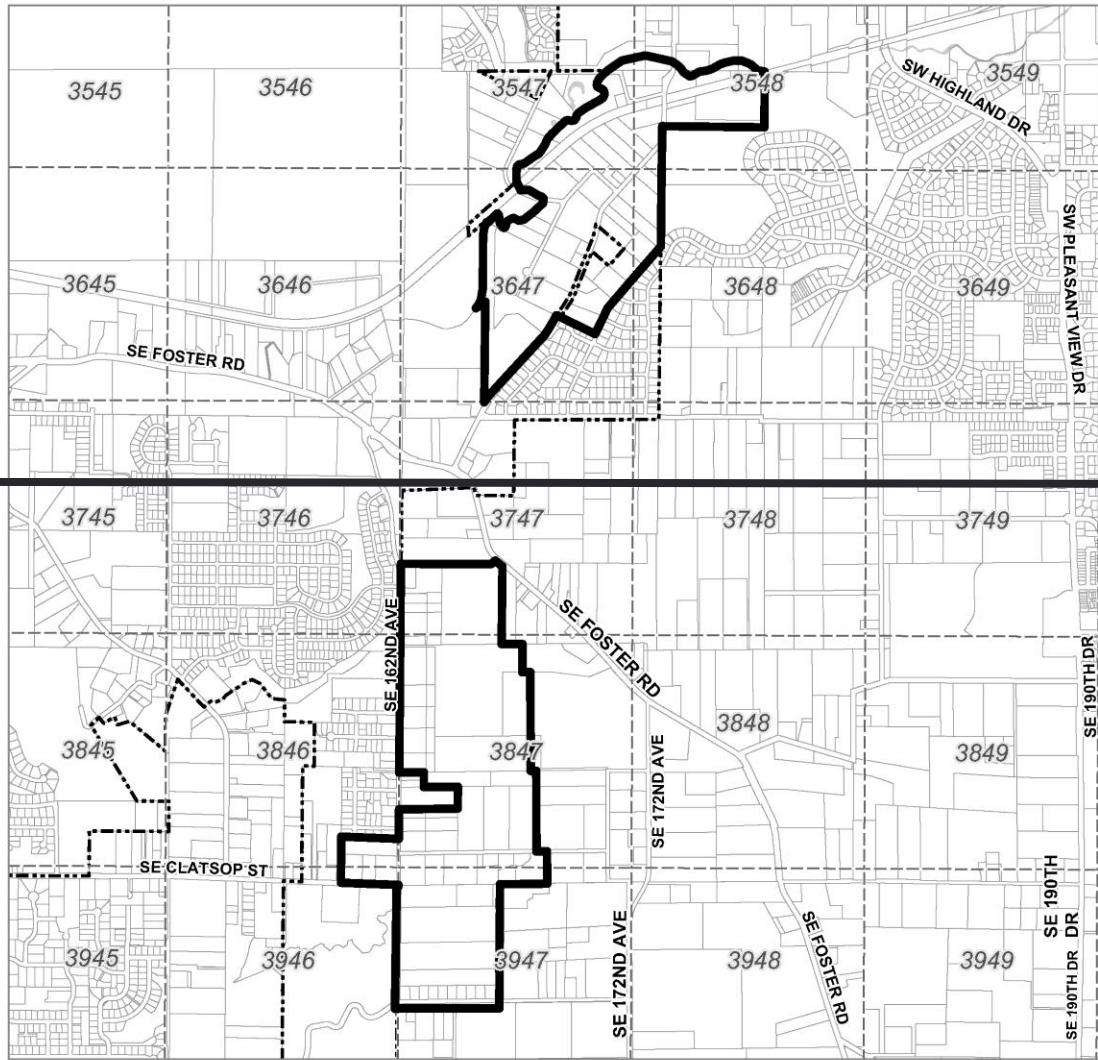


Existing Version of Map 465-1:

Pleasant Valley Natural Resources Protection Plan Area

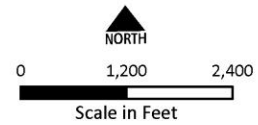
Map 465-1

Map Revised January 1, 2015



- City Boundary
- Protection Plan Area

Map Note: Small numbers within boxes represent Portland quarter section index



Bureau of Planning and Sustainability
Portland, Oregon

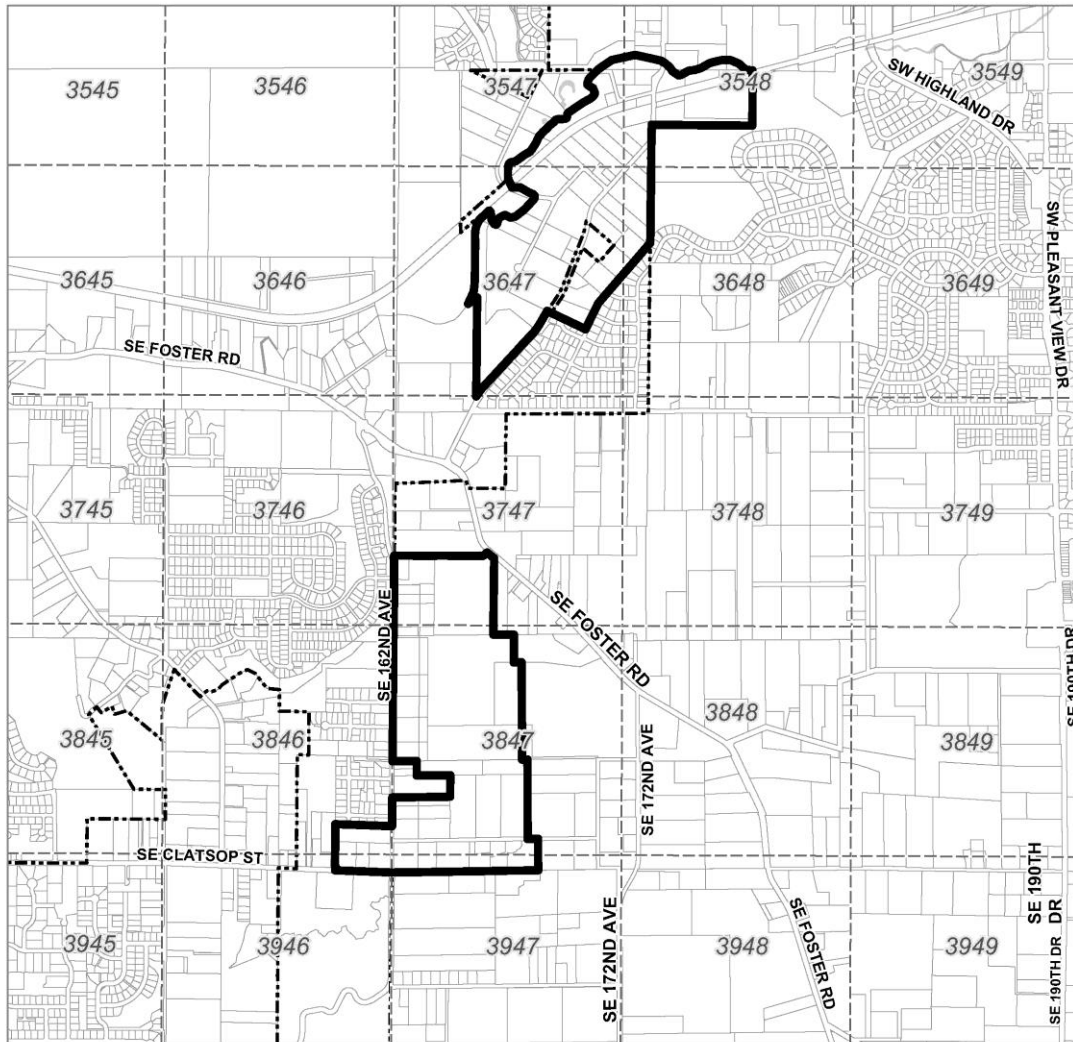


Amended Version of Map 465-1:

Pleasant Valley Natural Resources Protection Plan Area

Map 465-1

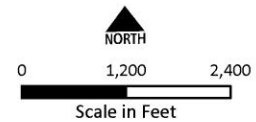
Map Revised Xxxx XX, 201X



- - - - - City Boundary

Protection Plan Area

Map Note: Small numbers within boxes represent Portland quarter section index



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon



Amendment #4a: Add Ezone Project to Comp Plan Table of Adopted Environmental Plans

This amendment adds the Environmental Overlay Zone Map Correction Project to Figure 7-2 of the 2035 Comprehensive Plan (adopted in 2018). Figure 7-2 is a list of adopted natural resource protection plans.

If this amendment is adopted, the Ezone Project ordinance will be amended with a directive to adopt an amended version of the Comp Plan.

Amend Comp Plan Figure 7-2:

Plan	Ordinance No.	Effective dates
Columbia Corridor Industrial and Environmental Mapping Project	NA	1989
Balch Creek Watershed Protection Plan	163770	1990
Columbia South Shore Plan	163609, 167127	1990, 1993
Johnson Creek Basin Protection Plan	164472	1991
Northwest Hills Natural Areas Protection Plan	164517, 168699	1991, 1995
Southwest Hills Resource Protection Plan	165002	1992
East Buttes, Terraces and Wetlands Conservation Plan	166572	1993
Fanno Creek and Tributaries Conservation Plan	167293	1994
Skyline West Conservation Plan	168154	1994
Boring Lava Domes Supplement to the Johnson creek Basin Protection Plan	171740	1997
Portland International Raceway Plan	172978	1999
Multnomah County-Portland Unincorporated Urban Areas Functional Plan Compliance Project	County Ordinance No. 967	2001
Pleasant Valley Plan	178961	2004
Cascade Station/Portland International Center Plan	179076	2005
Portland International Airport Plan	184521	2011
Environmental Overlay Zone Map Correction Project		

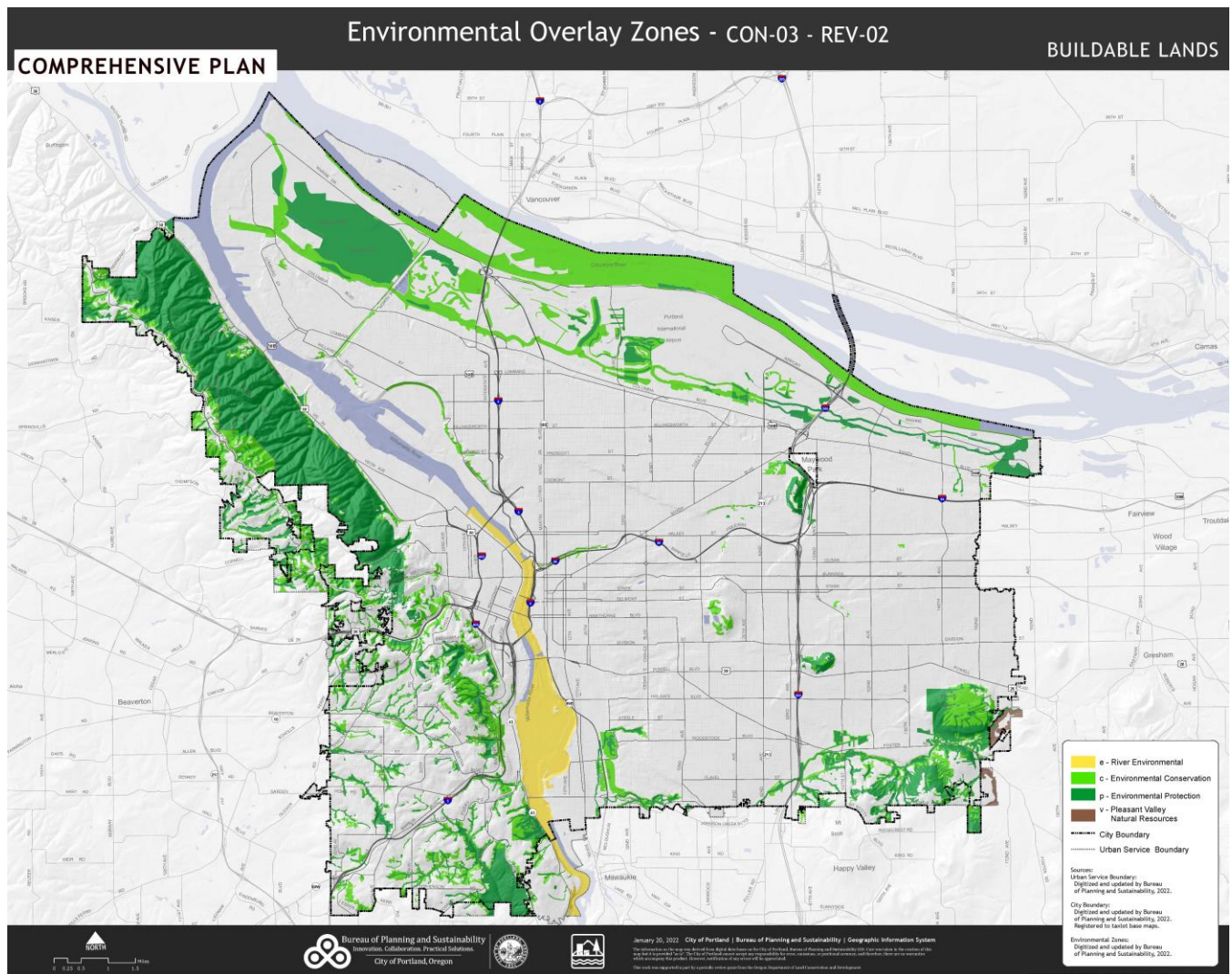


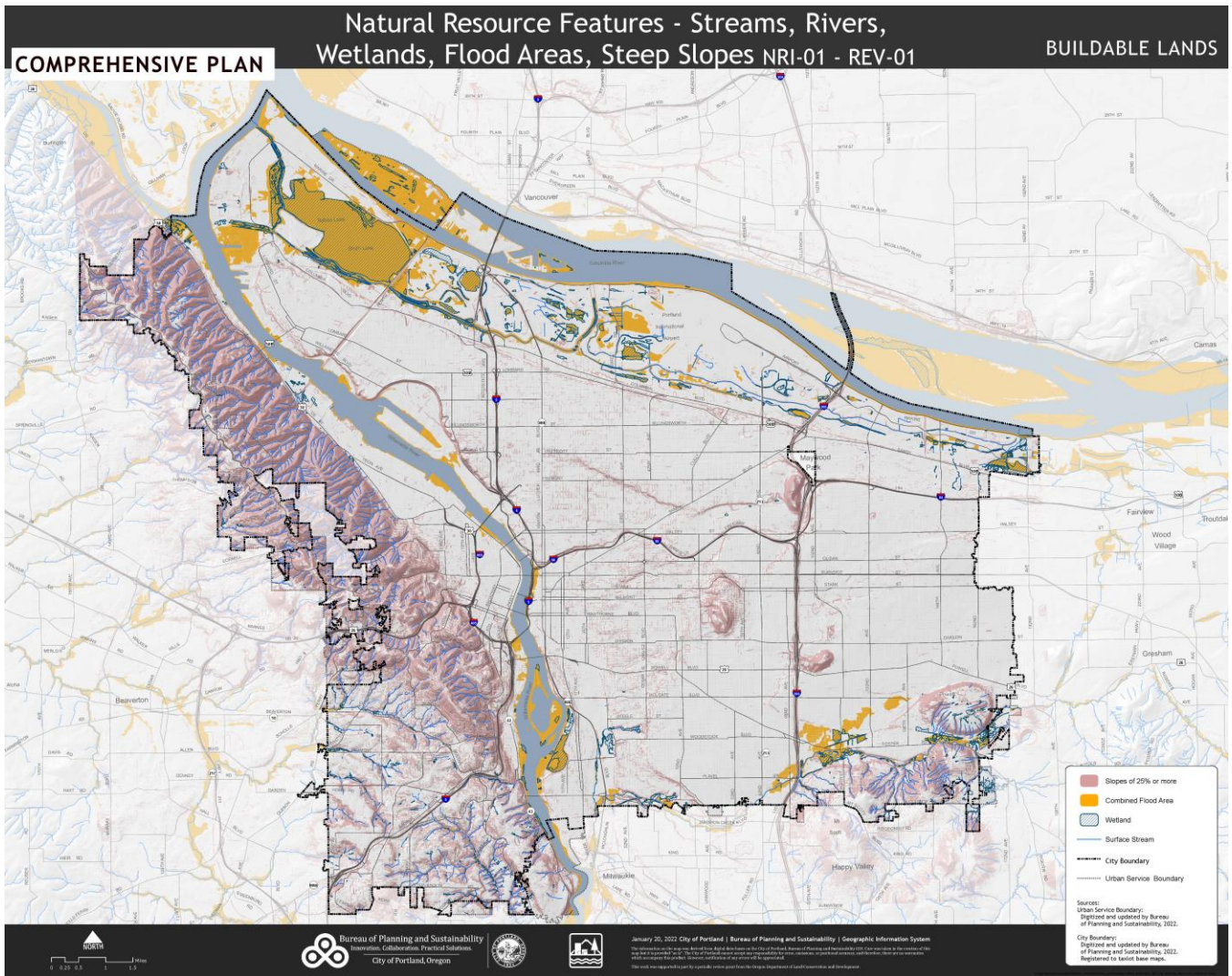
Amendment #4b: Amend BLI NRI and Ezone Comp Plan Maps

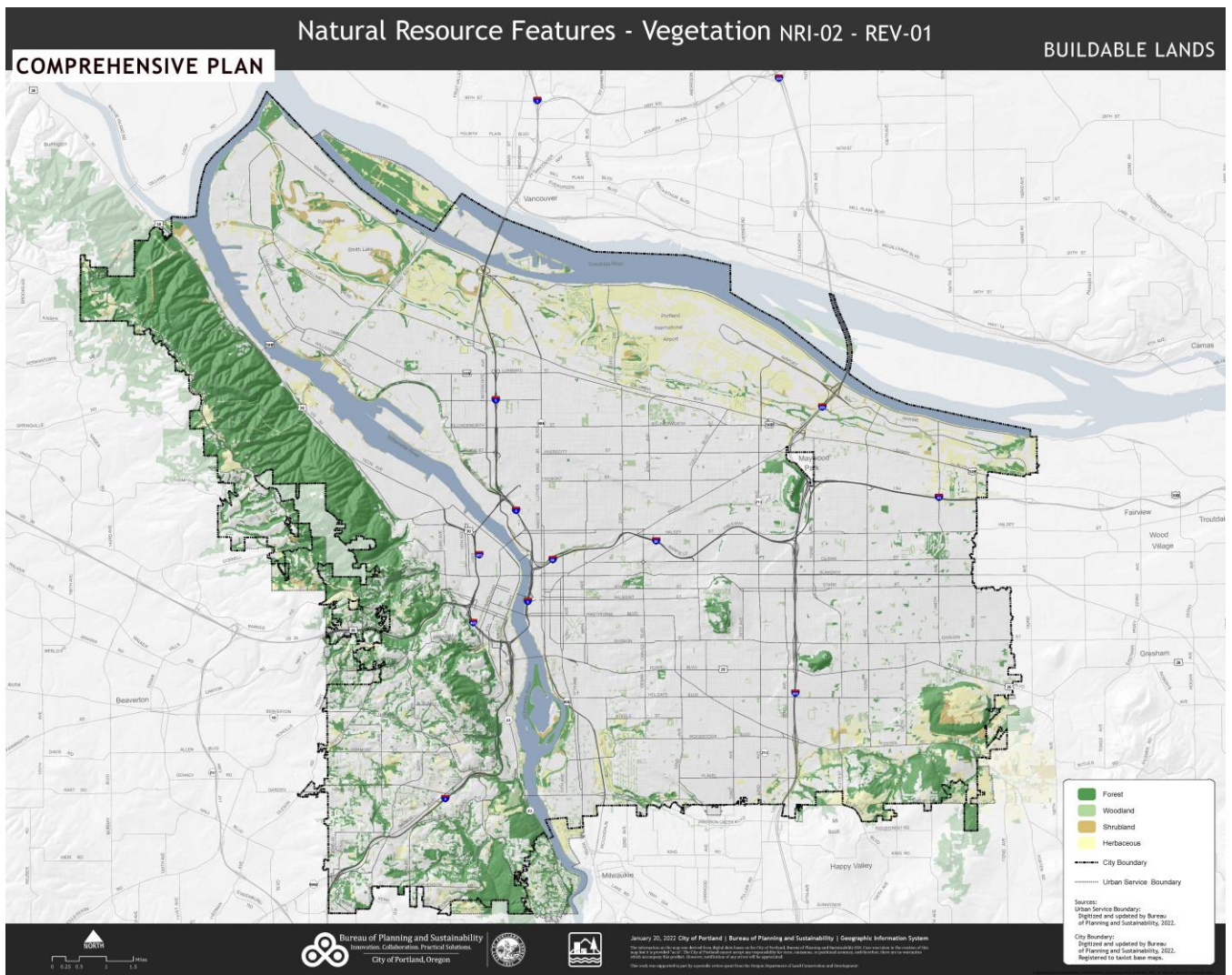
Amend adopted maps of natural resource data and ezones that are part of the factual basis of the Buildable Lands Inventory and the 2035 Comprehensive Plan.

The Buildable Lands Inventory (BLI) is a predictive economic model that takes into account population and job growth projections as well as physical and regulatory constraints to determine how much land there is in Portland that could be feasibly developed and if there is sufficient capacity to meet demands. The factual data that is used to generate the BLI is displayed in a series of maps that were adopted along with the Comp Plan. The map series includes three maps that are composed of information that is being significantly edited by the Ezone Project: Environmental Overlay Zones; Natural Resource Features - Streams, Rivers, Wetlands, Flood Areas, Steep Slopes; and Natural Resource Features – Vegetation.

If this amendment is adopted, a directive will be added to the Ezone Project ordinance to adopt versions of the following maps that contain up to date ezone and natural resource data.







Amendment #5: Edits to Natural Resource Data and Ezone Computer Program Inputs

Adopt edits to natural resource data and inputs to the computer program that generates the draft ezones. These edits were made as a result of site visits and project staff review of draft ezones that apply to specific sites. Edits are proposed on 52 sites in the Ezone Project area.

The amendments include edits to vegetation mapping, stream mapping, wetland mapping, and manual conversions from protection zone to conservation zone. Manual conversions are applied on specific sites that are either vacant, or which have been determined to have additional development capacity, and which would be highly constrained by the draft protection zone if a conversion was not applied. The proposed edits to the natural resource data and manual conversions are listed in a separate memo. The memo contains a table that lists the sites of each of the edits. Also included in the memo are before and after maps that are intended to illustrate the edits that were made.

If this amendment is adopted, staff will rerun the computer program that generates the draft ezones to create amended version of the draft ezones. The draft ezones follow the natural resource mapping data. When edits are made to stream, vegetation, or wetland mapping, the draft ezones shift to match the edits.

