ENVIRONMENTAL OVERLAY ZONE MAP CORRECTION PROJECT



VOLUME 1, PART B:

Project Report, Zoning Code and Map Updates



PROPOSED DRAFT June 2020



How to Testify

You may submit comments to the Portland Planning and Sustainability Commission on the Proposed Draft Environmental Overlay Zone Map Correction Project in the following ways:

Use the Map App:

Go to www.portlandmaps.com/bps/mapapp Click on "Ezone Project" and then click the "Testify" button.

By U.S. Mail

Planning and Sustainability Commission **Ezone Map Correction Project Testimony** 1900 SW 4th Avenue, Suite 7100 Portland, Oregon 97201

In person at the public hearings

The hearing, on July 28, 2020 will be held virtually. The meeting starts at 4 p.m. Please check the PSC calendar at https://beta.portland.gov/bps/psc a week in advance to confirm the time of this agenda item. You can use a computer, mobile device or telephone to testify during the hearing.

To testify during the hearing, please visit the project website to register: www.portland.gov/bps/ezones .You will receive a confirmation email containing information about joining the virtual hearing. The deadline to sign up for the July 28 PSC hearing is Monday, July 27 at 4:00 p.m. Individuals have two minutes to testify, unless otherwise stated by the Commission Chair at the meeting.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use the City's TTY at 503-823-6868, or Oregon Relay Service at 711.

Acknowledgements

This plan is the culmination of two years of work across the City of Portland. Many thanks to the thousands of stakeholders, property owners, renters, business owners and interested people who attended dozens of neighborhood and community meetings and invited staff to their homes and businesses to perform site visits.

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Image: Mt Tabor in Winter 2018, Portland, OR

A. INTRODUCTION

The primary tool Portland uses to protect natural resources are environmental overlay zones (ezones). Ezones were applied throughout the city between 1989 and 2002, following guidance from Title 33 and Goal 5. This project is updating the boundaries of the ezones to better align with existing natural resource features. This is done using GIS models to apply the ezones based on the decisions summarized Volume 1, Part A, and further explained in Volume 2, Part A – G.

The proposed amendments to the zoning code are found in **Section B**, including edits to Title 33.430. The majority of the amendments are clarifications or minor corrections. Substantive updates include the following:

- Keeping portions of removed trees on site is only required on sites over 7,000 square feet.
 Previously, keeping portions of removed trees on site was required for all sites, regardless of size.
- 2. Interment within existing burial plots will be exempt if less than 20 cubic yards of soil is removed, if the disturbance area is further than 5 feet from the edge of a protection overlay zone and if no trees or native vegetation are removed; replanting is required. Previously, interment in an existing burial plot would have required Environmental Review.
- 3. Disturbance area for stormwater outfalls will no longer count towards the maximum disturbance area limits and the size of stormwater outfall that can meet standards is increased from 4-inches to 6-inches diameter.

Rationale for each change is provided within the code commentary.

The proposed amendments to zoning maps are found in **Section C**. Each includes the existing and the proposed ezones. Existing ezones are shown as black lines and the proposed ezones are shown in color (dark green for protection 'p' overlay zones and light green for conservation 'c' overlay zones.) In addition, there are some proposed changes to the scenic 's' overlay in areas where the ezones boundaries have been adjusted (the s zone is shown in yellow on the zoning maps). The s zone is being removed where there is corrected p zone and the c zone is being removed where there is a scenic corridor (see Section C.1 for further explanation). Other overlays, such as the design overlay or the historic resource overlay, are not affected by this project. There are no proposed changes to the base zones.

Section D includes instructions for future corrections to the zoning map ezone boundaries. Future corrections are allowed through zoning code section 33.855.070.A. Map error corrections may be made based on site-verified natural resource information.

Proposed Draft 1 June 2020

B. ZONING CODE UPDATES

During the process of reviewing land use cases that addressed zoning code requirements of 33.430, Environmental Zones, staff identified minor clarifications that would make the zoning code clearer and easier to implement without changing the policies or intent of the code. Those code clarifications are presented with strikethrough for text that is to be deleted and underline for new text. Code commentary further explains the edits.

33.430 Environmental Zones

Code amendments to this chapter include a number of minor changes or clarifications. See code amendment sections for more information.

33.430 Environmental Zones

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General

- 33.430.010 Purpose
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Chapter 33.430, Environmental Zones

Maps and 33.430.020 Environmental Reports

The Balch Creek, Fanno Creek, Skyline West, Southwest Hills and Johnson Creek protection plans (inventories, ESEE analyses and decisions) are being repealed and replaced by the Ezone Map Correction Project. The East, Buttes, Terraces and Wetlands and Northwest Hills plans are revised to only apply to specific resources sites; the remaining resource sites (inventories, ESEE analyses and decisions) are repealed and replaced by the Ezone Map Correction Project. Volume 2 of the Ezone Map Correction Project includes the inventories and decisions for each resource site.

The Columbia Corridor and Middle Columbia Corridor/Airport Plan are not repealed or revised and remain in effect in their entirety.

There are three Natural Resource Management Plans that also remain in effect and provide supplemental regulations - East Columbia Neighborhood NRMP, Forest Park NRMP and Peninsula One NRMP

Corrections to Violations of This Chapter

33.430.400 Purpose

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33.430.407 Recurring Violations of This Chapter

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Map 430-1 Balch Creek Watershed Protection Plan Area

Map 430-1 Environmental Overlay Zone Map Correction Project Area

Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area

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

Map 430-4 Fanno Creek and Tributaries Conservation Plan Area

Map 430-5 Johnson Creek Basin Protection Plan Area

Map 430-64 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 430-95 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 430-126 Peninsula One Natural Resources Management Plan Area

Map 430-117 Forest Park Natural Resources Management Plan Area

Map 430-138 Middle Columbia Corridor/Airport Natural Resource Inventory Environmental Mapping Project Area

Map 430-149 Bank Reconfiguration and Basking Features Area

33.430.020 Environmental Reports

The application of the environmental zones is based on detailed studies that have been carried out within <u>fiveten</u> separate areas of the City. The City's policy objectives for these study areas are described in the reports. Each study <u>report</u>-identifies the <u>natural</u> resources <u>features</u> and describes the functional values <u>of the within</u> resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports.

The City has adopted the following <u>five</u>ten environmental study reports:

- Environmental Overlay Zone Map Correction Project
- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan
- ESEE Analysis and Recommendation for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Areas
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis

Chapter 33.430, Environmental Zones

33.430.030

The maps are renumbered.

33.430.030 Relationship To Other Environmental Regulations

Some of the <u>eightfive</u> study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the Zoning Code.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. 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. Maps 430-9, 11 and 12430-5, 6 and 7 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- The Balch Creek Watershed (see Chapter 33.563, Northwest Hills Plan District)
- Cascade Station / Portland International Center Plan District (see Chapter 33.508, Cascade Station / Portland International Center [CS/PIC])
- The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)
- Johnson Creek Basin (see Chapter 33.537, Johnson Creek Basin Plan District)
- Northwest Hills Natural Areas (see Chapter 33.563, Northwest Hills Plan District)
- Skyline West Conservation Plan area (see Chapter 33.563, Northwest Hills Plan District)
- East Columbia Neighborhood Natural Resources Management Plan (separate document)

33,430,080

The language that references Title 11 is not necessary and is removed. All other city Titles and permit requirements always apply.

33.430.080.C

This is a new exemption that clarifies that the dedication of additional right-of-way to expand an existing right-of-way is exempt.

33.430.080.D.7

The exemptions for trimming or removing trees and plants is reordered for clarity. The exemptions for trees is separated from the exemptions for other plants.

33.430.080.D.7.a.1

The code is clarified to state that diseased trees or diseased portions of trees can be removed when they pose an immediate threat to the ecosystem. Diseases in trees can spread very quickly and destroy entire forests.

The intention of D.7.a.1 is to retain large portions of trees on site to maintain habitat functions. Downed trees create cover and places for wildlife to den and nest. Downed trees also decompose, enriching the soil, and providing ideal conditions for new trees to sprout naturally. Sites less than 7,000 square feet are small and typically do not have room to place large portions of trees. Sites larger than 7,000 square feet typically have space to retain large portions of trees. This edit makes it clear that on sites smaller than 7,000 square feet, downed trees do not have to remain on site. In addition, if a site of any size has only transition area and no resource area, downed trees do not have to remain on site.

33.430.080.D.b

Other plants is separated from trees for clarity. There are no substantive changes to the exemptions for other plants.

33.430.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal or pruning allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

- A.-B. [No change]
- **C.** <u>Dedicating right-of-way to widen an existing right-of-way;</u>
- **<u>D.</u>** Existing development, operations, and improvements, including the following activities:
 - 1. 6. [No change]
 - 7. Removing or pruning the following trees and plants:
 - a. Trees. The following trees may be removed or pruned if no development or other activities subject to the regulations of this chapter are proposed and all removal or pruning activities are surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site.
 Permanent erosion control, such as replanting areas of bare soil must be installed after removal or pruning. Title 11 permit requirements also apply to removal or pruning of trees:
 - (1) Dead, dying, diseased, or dangerous trees, or portions of trees, when they pose an immediate danger as determined by the City Forester or an arborist. On sites 7,000 square feet or larger in area, all sections of wood more than 12 inches in diameter must remain or be placed in the resource area of the site on which they were cut or within a commonly-owned environmental resource tract. These sections of wood are not required to remain when:
 - The site contains only transition area; or
 - The City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
 - (2) Non-native trees and trees listed on the Nuisance Plants List;
 - (3) Trees or portions of trees that are within 10 feet of an-existing building or structure attached to a building, such as deck, stairs, and carport; or
 - (4) Trees or portions of trees that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources*Protection Plan or Central City Scenic Resources Protection Plan.

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This exemption is fully replaced with minor edits described on the previous pages.

- b. Other plants. The following may be removed or pruned if removal or pruning activities are surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed after removal or pruning:
 - (1) Plants that exceed the height restrictions of a view corridor with special height restrictions designated in the Scenic Resources Protection Plan or Central City Scenic Resources Protection Plan; or
 - (2) Plants that block a signage along a public recreational trail, within a resource enhancement area, or required by a state or federal agency; or
 - (3) Non-native plants and plants listed on the Nuisance Plant List.
- 7. Removal or trimming of when no development or other activities subject to the development standards or review requirements of this chapter are proposed, if the following are met:
 - a. All vegetation removal or trimming activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.
 - b. The vegetation proposed for removal or trimming is one of the following:
 - (1) Trees or plants listed on the Nuisance Plants List
 - (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist.

 Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
 - Remain, or are placed, in the resource area of the same ownership on which they are cut; or
 - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
 - (3) Non-native non-nuisance trees and plants;
 - (4) Trees or tree limbs that are within 10 feet of an existing buildings and structures attached to buildings, such as decks, stairs, and carports;
 - (5) Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the Scenic Resources Protection Plan or Central City Scenic Resources Protection Plan; or
 - (6) Within the Scenic Resource zone, tree limbs may be trimmed to maintain a view. Tree removal is not exempt.
- 8. 11. [No change]

33.430.080.E.2

A new exemption for dedication of public right of way. This exemption allows development within the right of way.

33.430.080.E.8

The amendment is based on a requirement by the Oregon Department of Environmental Quality who required the City of Portland to install signs visible from the Columbia Slough warning people about eating fish. These signs were not along a trail or part of a resource enhancement project. When a state or federal agency requires signs in the environmental overlay zones, those signs are now exempt as well.

33.430.080.E.9

This is a new exemption that allows interment within existing burial plots in cemeteries. The exemption is intended to minimize impacts on significant resources by required the disturbance to be setback from the resources in the protection overlay zone. Interment within a protection overlay zone requires review.

DE. The following new development and improvements:

- [No Change]
- 2. Public street and sidewalk improvements meeting all of the following:
 - a. Improvements must be within an existing public right-of-way used by truck or automobile traffic; and
 - b. Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.
- 3.-7. [No Change]
- 8. Installation of signage as part of public recreational trail, and as part of a resource enhancement projects, or as required by a state or federal agency;
- 9. Additional disturbance within an existing cemetery when all of the following are met:
 - a. The disturbance is for soil removal for a burial plot;
 - b. No more than 10 cubic yards of soil is removed per burial plot;
 - c. The disturbance area is set back at least 5 feet from the resource area of the environmental protection zone; and
 - d. No native trees 6 inches or more in diameter are removed;
- 9.-11. [Renumber to be 10. 12.]
- **EF.** [No Change]

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.; and
- Tree removal in scenic resources zone subject to Section 33.430.195.

Standards E, J, K, N, Q, R, and S apply to new development and exterior alterations in the transition area. Standards A through C and G through S apply to new development in the resource area. Standards D through S except L apply to alterations to existing development in the resource area. Only standards E, J, K, N, Q, R, and S apply in Transition areas. All of the applicable standards must be met.

A. - B. [No change]

33.430.140.C.1 and F.1

The original C.1 and F.1 are split into wetlands and other water bodies.

33.430.140.C.4

To be consistent with the Natural Resources Inventory (2012) and 2035 Comprehensive Plan policies, all setbacks should be established from the top of bank, not centerline, of streams and drainageways. The top of bank is defined in 33.910 and 33.930.

33.430.140.C.5

The intent is to encourage steep stream banks to be laid back to reduce the steepness and allow for establishment of native vegetation. When an applicant elects for lay back a stream bank, setbacks and location of the protection overlay zone may be established based on the original (pre-lay back) location of top-of-bank, instead of the new location of top-of-bank; provided a minimum five-foot setback from the new top-of-bank is maintained.

33.430.140.F.3. Disturbance area setback

This edit is to be consistent with the 33.430.140.F.2. and to reflect current base zones.

- **C.** The disturbance area must be set back at least:
 - 1. Fifty feet from the edge of any identified wetland,
 - 2. Fifty feet 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 33.430.170.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;
 - 23. 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
 - <u>34</u>. Thirty feet from the <u>centerlinetop</u> of <u>bank</u> of any identified water <u>bodiesbody</u> within a conservation zone except those within the Columbia Corridor,; and
 - 5. When reconfiguration of the bank is carried out in accordance with subsection 33.430.170.A 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.
- D. E. [No change]
- **F.** The proposed development must be set back at least:
 - 1. Fifty feet from the edge of any identified wetland,
 - 2. Fifty feet 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 33.430.170.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;
 - 3. Thirty feet from the top of bank of any identified water body within a protection zone on lots except lots zoned R10, R20 or RF zoned R7 through IR; and

33.430.140.F.4

To be consistent with the Natural Resources Inventory (2012) and 2035 Comprehensive Plan policies, all setbacks should be established from the top of bank, not centerline, of streams and drainageways. The top of bank is defined in 33.910 and 33.930.

33.430.140.F.5

The intent is to encourage steep stream banks to be laid back to reduce the steepness and allow for establishment of native vegetation. When an applicant elects for lay back a stream bank, setbacks and location of the protection overlay zone may be established based on the original (pre-lay back) location of top-of-bank, instead of the new location of top-of-bank; provided a minimum five-foot setback from the new top-of-bank is maintained.

33.430.140.J.4. Tree removal and replacement standards

In many cases the environmental overlay zones are not mapped to include an additional 25 feet of transition area around the significant natural resources documented in the adopted inventory. The result is that trees, which are significant and should be protected per Metro Urban Growth Management Act Title 13 or the Oregon Statewide Planning Goal 5 ESEE decisions, are located within the transition area not the resource area. To ensure that the functions those trees provide (e.g., stabilizing the soil, attenuating runoff from stormwater, reducing erosion and risk of landslide, shading and cooling the air and nearby water bodies, and providing fish and wildlife habitat) are maintained consistent with adopted policies, tree replacement must occur on site within the remaining Environmental overlay zone resource area.

33.430.140.L

Minor edits.

33.430.150 Standards for Utility Lines

This is to clarify that impacts to natural resources within the transition area must meet the general development standards in Section 33.430.140 with regard to tree replacement. 33.430.140.E is not required because it is anticipated that the utilities may impact p-zone per the standards.

- 4. Thirty feet from the centerlinetop of bank of any identified water bodies body within a conservation zone except those within the Columbia Corridor-; and
- 5. When reconfiguration of the bank is carried out in accordance with subsection 33.430.170.A 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.

G.-I. [No change]

- J. Tree removal and replacement standards.
 - 1.-3. [No change]
 - 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.
- **K.** [No Change]
- L. Nuisance plants.
 - 1.-3. [No change]
 - 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. <u>Install one native tree that is at least one-half inch in diameter for every nuisance</u> <u>tree over 6 inches in diameter that is removed.</u>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.-S. [No change]

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 apply in the resource area. Only standard E applies in the transition area. must be met unless exempted by Subsection F.

A.-F. [No change]

33.430.160 Standards for Land Divisions and Planned Developments

Currently, most land divisions that propose a stormwater outfall in an environmental overlay zone trigger an environmental review because the environmental development standards for a land division (33.430.160) do not include reference to the development standards for stormwater outfalls (33.430.180). In addition, triggering an environmental review also triggers a Type III review procedure regardless of the number of lots being proposed (automatic public hearing and decision by Hearings Officer). This amendment adds a reference in section 33.430.160 to the existing stormwater outfall development standards in 33.430.180, thereby reducing the time and cost of the land division when the stormwater needs of the site can be accommodated based on the environmental overlay zone development standards. The stormwater outfall standards have been included in this draft for informational purposes.

33,430,170

Renumber the maps.

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.-B. [No change]

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. Disturbance area associated with construction or installation of stormwater outfalls that meets Section 33.430.180 are not counted towards maximum disturbance area;

E.-I. [No change]

- 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-; and
- **K.** The standards of Subsection 33.430.180 must be met.

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 430-149 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 430-149 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 430-149. 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.-9. [No change]
- 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 430-149. 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.-6. [No change]
- **C.** [No change]

33.430.180

This clarification is to treat stormwater outfalls the same as other utilities lines, 33.430.150. The standards for utility lines only apply in resource areas, not transition areas.

33,430,190

The trail standard is intended to apply to all public trails located in environmental overlay zones, not just trails designated as "major public trails" on the official zoning maps. Therefore, the term major is deleted.

33,430,195

This amendment clarifies that the standard only applies where the c- or p-zone overlaps with a s-zone. The intent of the standard is to allow tree removal to preserve a significant view.

Language to be added is underlined.

Language to be deleted is shown in strikethrough.

33.430.180 Standards for Stormwater Outfalls

The following standards apply to the installation of stormwater outfalls. All of the standards <u>apply in the resource areamust be met.</u> Only standards B through E and H apply in the transition area.

- A.-G. [No change]
- **H.** Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4<u>6</u> inches in diameter; and
- **I.** [No change]

33.430.190 Standards for Major Public Trails

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

A.-E. [No change]

33.430.195 Standards for Tree Removal in the Scenic Resources Zone

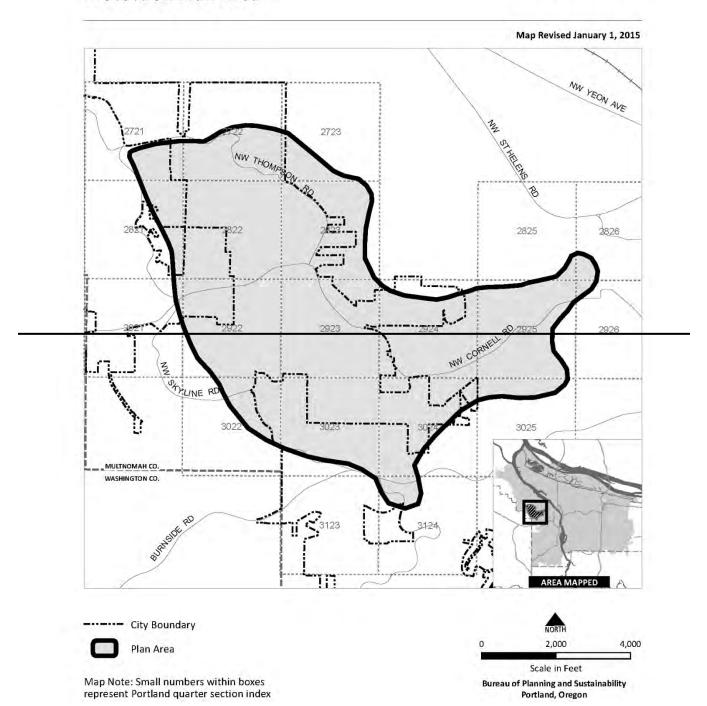
The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an $\underline{\epsilon}$ nvironmental overlay zone and the Scenic Resource zone:

A.-D. [No change]

Map 430-1 is deleted and fully replaced by new Map 430-1

Balch Creek Watershed Protection Plan Area

Map 430-1



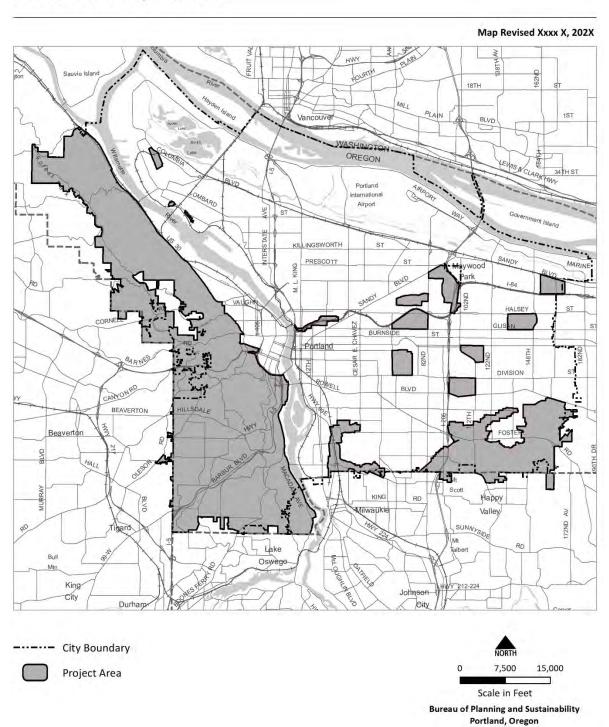
Map 430-1

This is a new map that replaces the following maps:

- Map 430-1 Balch Creek Watershed Protection Plan Area
- Map 430-4 Fanno Creek and Tributaries Conservation Plan Area
- Map 430-5 Johnson Creek Basin Protection Plan Area
- Map 430-7 Skyline West Resource Protection Plan Area
- Map 430-8 Southwest Hills Resource Protection Plan Area

Environmental Overlay Zone Map Correction Project Area

Map 430-1

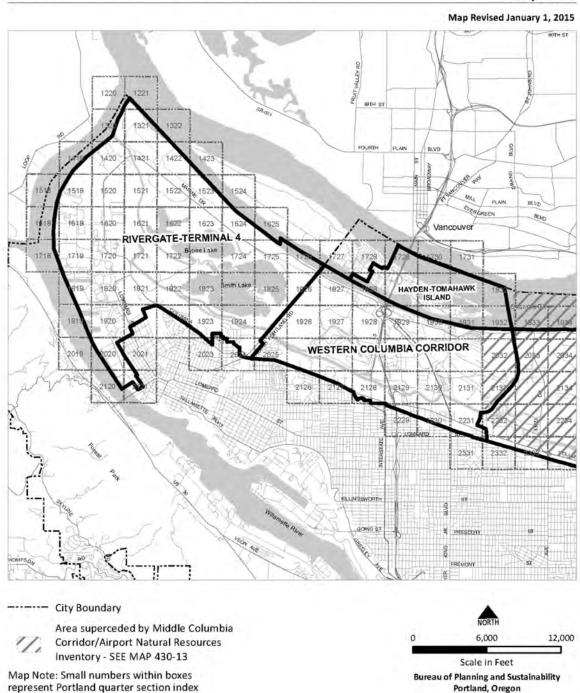


Map 430-2-1 is not changed and is included only for reference.

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-2

Map 1 of 2

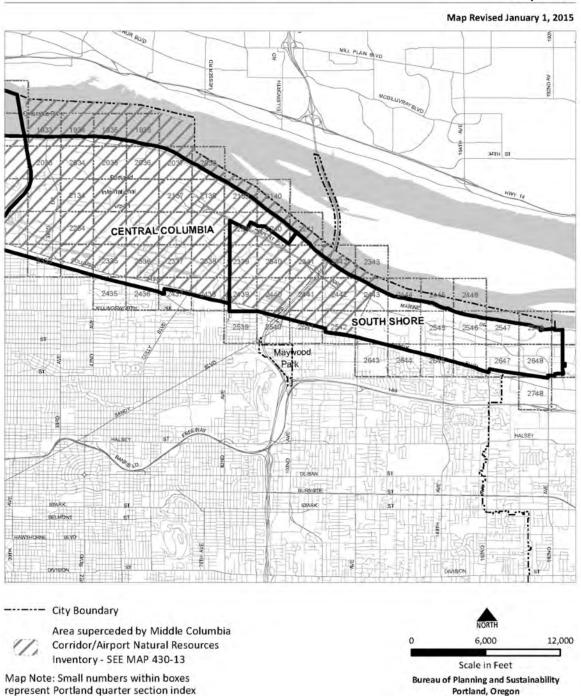


Map 430-2-2 is not changed and is included only for reference.

Columbia Corridor Industrial and Environmental Mapping Project Area

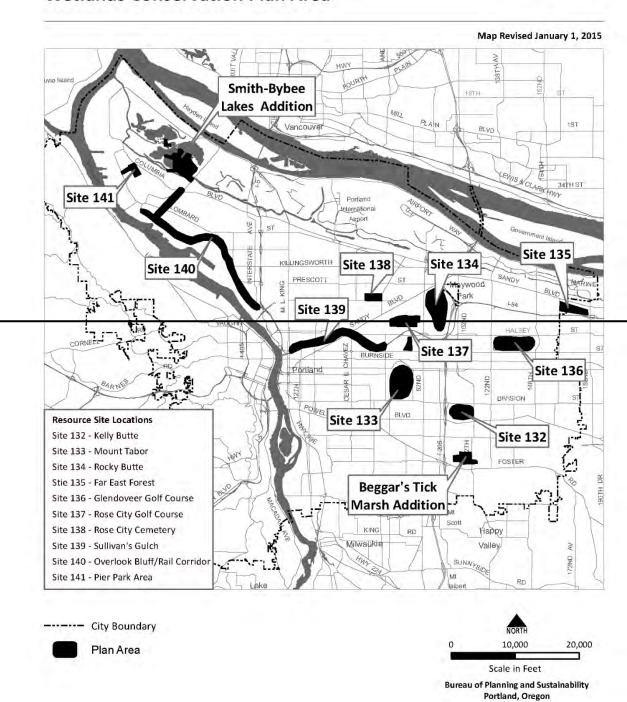
Map 430-2

Map 2 of 2



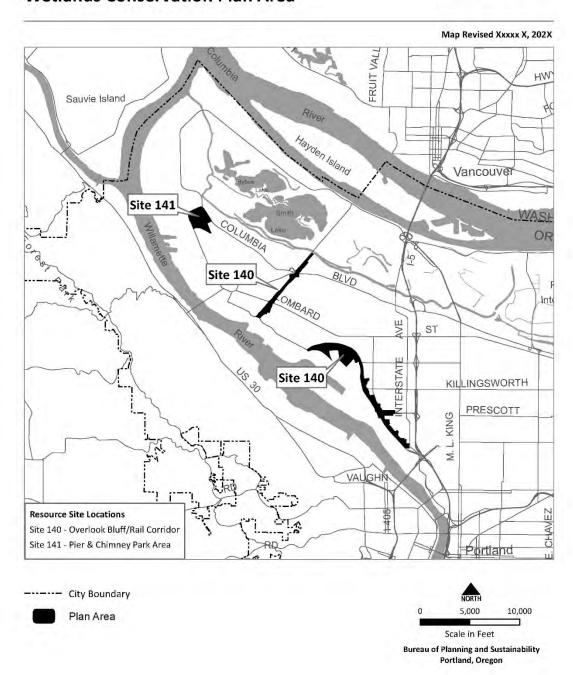
Map 430-3 is deleted and replaced with a new 430-3

East Buttes, Terraces, and Wetlands Conservation Plan Area



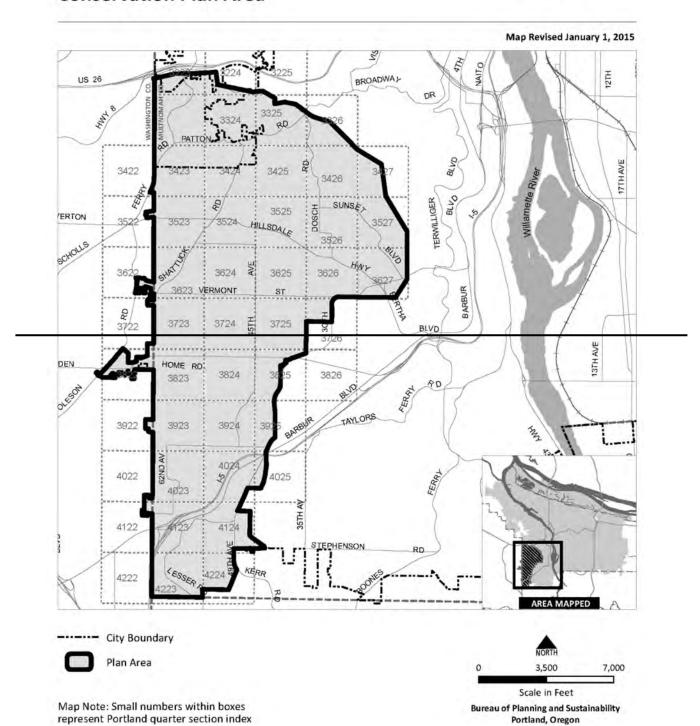
New Map 430-3 includes only the resources sites are remained covered by the East Buttes, Terraces and Wetlands Conservation Plan. These resource sites remain covered by the original plan because they are industrial properties that will be addressed with the update to the Economic Opportunity Analysis. The other resource sites that were within the Conservation Plan are now addressed in the Environmental Overlay Zone Map Correction Project and shown on new Map 430-1

East Buttes, Terraces, and Wetlands Conservation Plan Area



Map 430-4 is deleted and fully replaced by new Map 430-1, Environmental Overlay Zone Map Correction Project.

Fanno Creek and Tributaries Conservation Plan Area

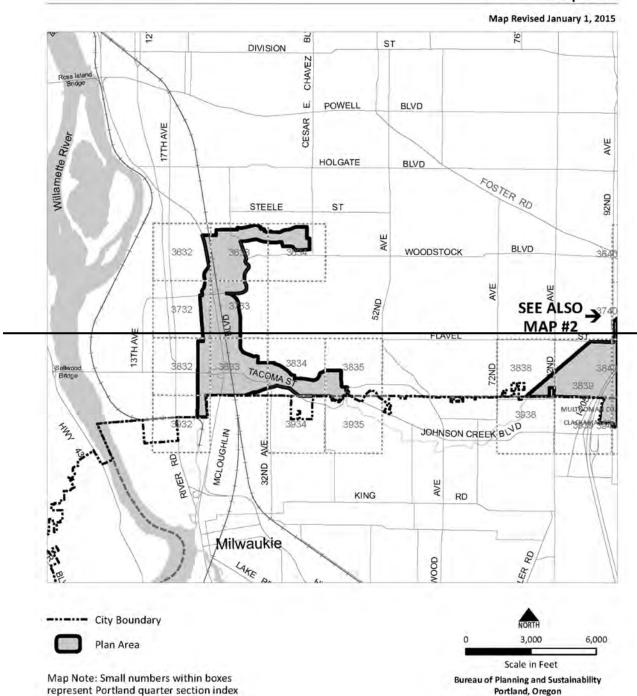


Map 430-5-1 is deleted and fully replaced by new Map 430-1, Environmental Overlay Zone Map Correction Project.

Johnson Creek Basin Protection Plan Area

Map 430-5

Map 1 of 2



Map 430-5-2 is deleted and fully replaced by new Map 430-1, Environmental Overlay Zone Map Correction Project.

Portland, Oregon

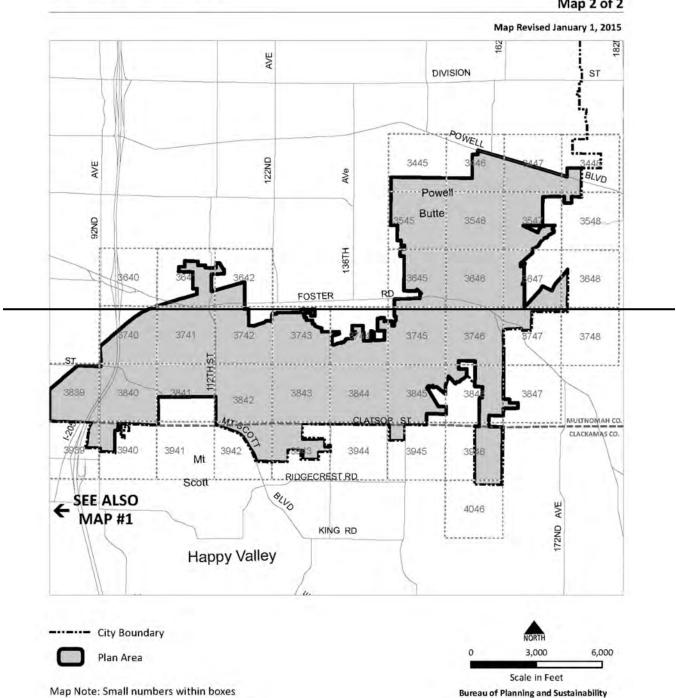
Language to be added is underlined. Language to be deleted is shown in strikethrough.

Johnson Creek Basin **Protection Plan Area**

represent Portland quarter section index

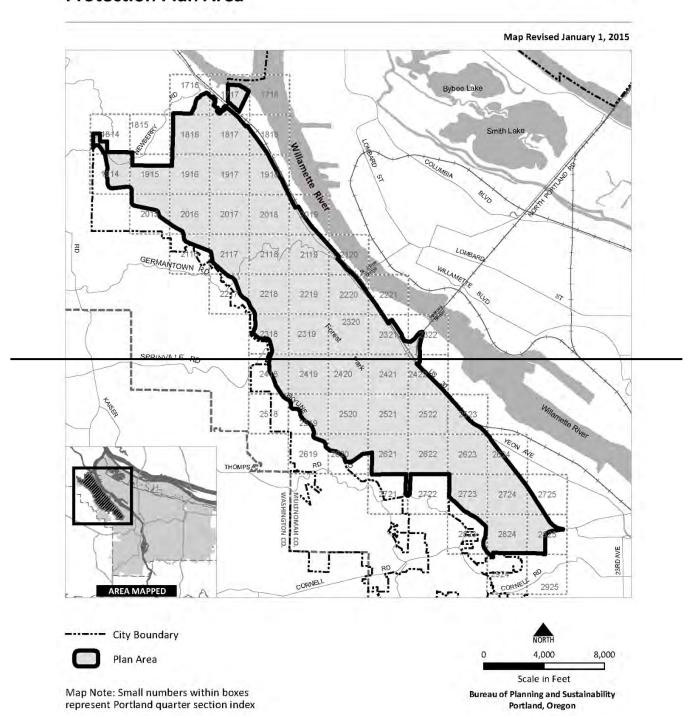
Map 430-5

Map 2 of 2



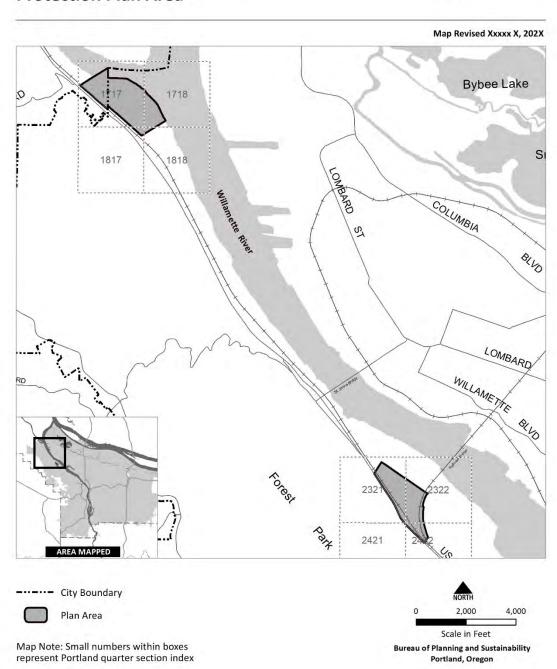
Map 430-6 is deleted and replace by the new Map 430-4.

Northwest Hills Natural Areas Protection Plan Area



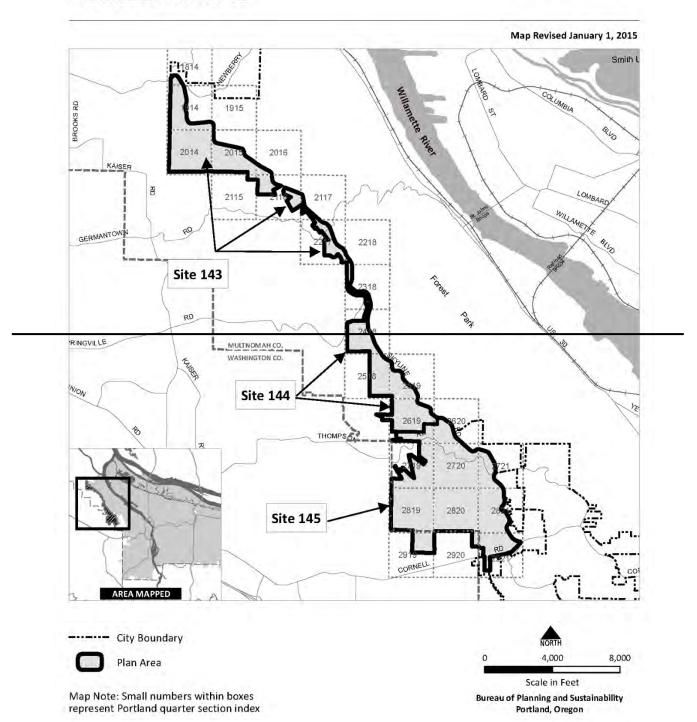
New Map 430-4 replaces Map 430-6 and is updated to reflect only the resources sites that remained covered by the Northwest Hills Natural Areas Protection Plan. These resource sites remain covered by the original plan because they are industrial properties that will be addressed with the update to the Economic Opportunity Analysis. The other resource sites that were addressed in the Protection Plan are now addressed in the Environmental Overlay Zone Map Correction Project and shown on new Map 430-1.

Northwest Hills Natural Areas Protection Plan Area



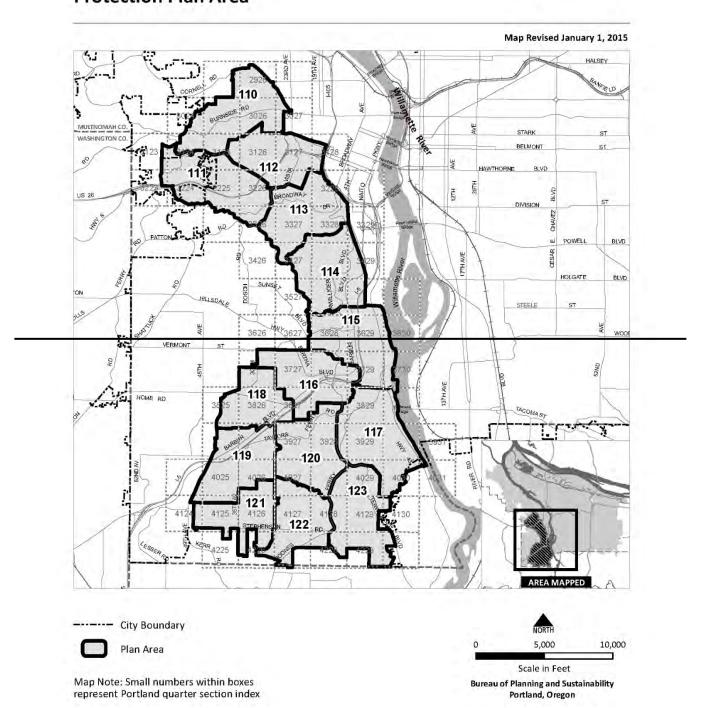
Map 430-7 is deleted and fully replaced by new Map 430-1, Environmental Overlay Zone Map Correction Project.

Skyline-West Resource Protection Plan Area



Map 430-8 is deleted and fully replaced by new Map 430-1, Environmental Overlay Zone Map Correction Project.

Southwest Hills Resource Protection Plan Area



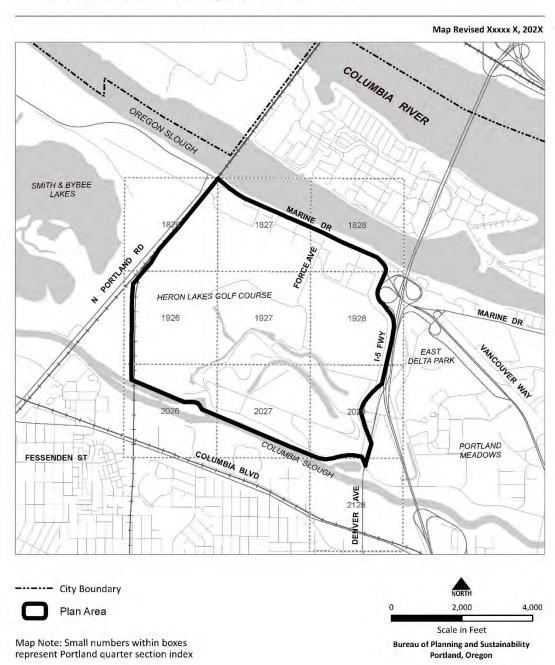
Map 430-9 is renumbered to 430-5, no other changes are made to the map.

East Columbia Neighborhood Natural Resources Management Plan Area



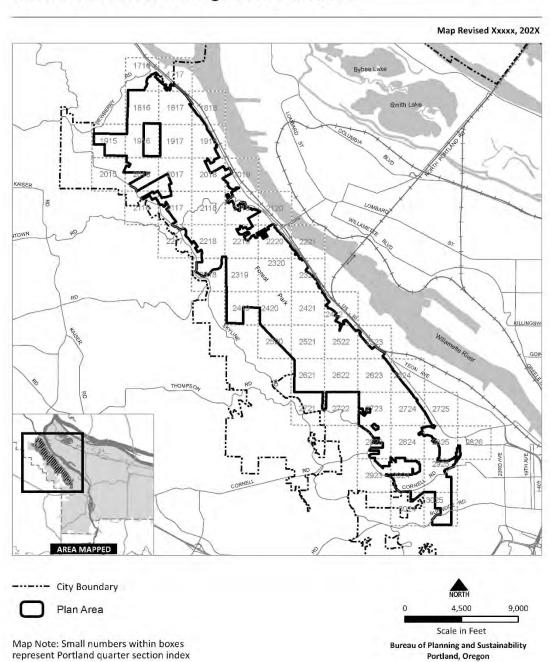
Map 430-12 is renumbered to 430-6, no other changes are made to the map.

Peninsula One Natural Resources Management Plan Area



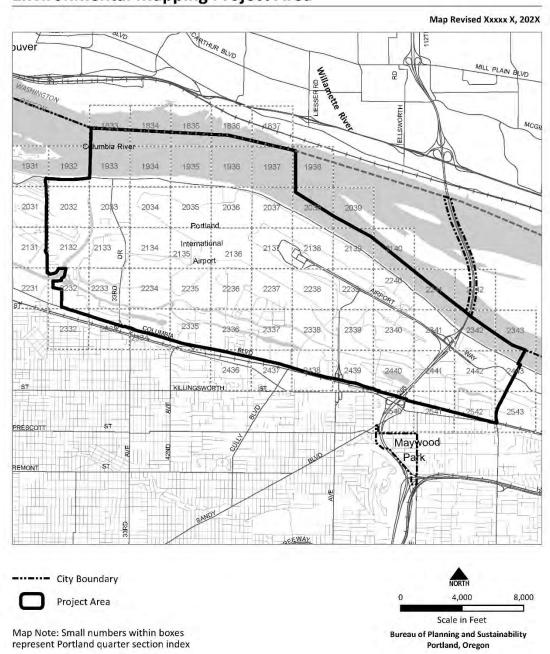
Map 430-11 is renumbered to 430-7, no other changes are made to the map.

Forest Park Natural Resources Management Plan Area



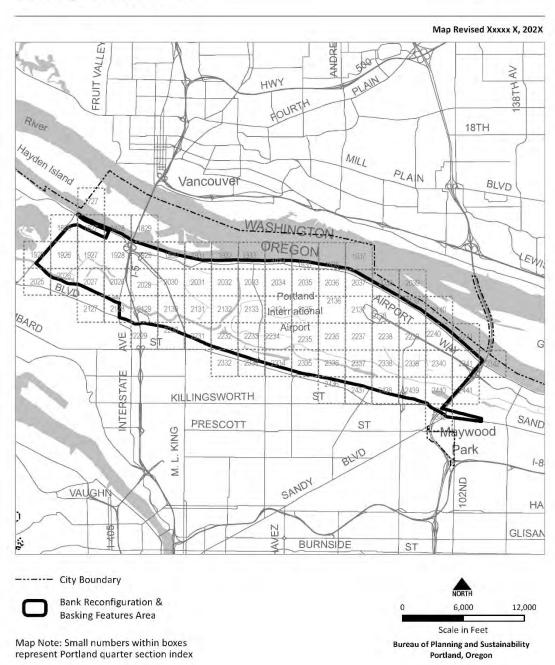
Map 430-13 is renumbered to 430-8, no other changes are made to the map.

Middle Columbia Corridor/Airport Natural Resource Inventory Environmental Mapping Project Area



Map 430-14 is renumbered to 430-9, no other changes are made to the map.

Bank Reconfiguration and Basking Features Area



C. ZONING MAPS

The zoning maps are produced using automated GIS models. The results are very specific and follow the mapped natural resources in most circumstances. There are two situations where the overlay zones are adjusted manually:

- 1. Scenic overlay zones
- 2. Protection Overlay Zone Conversions

Each situation is explained below.

C.1. Scenic Overlay Zones

In 1991, the City adopted the Scenic Resources Protection Plan and applied a scenic 's' overlay zone to view corridors and scenic corridors. Where a scenic corridor overlapped with a conservation 'c' zone, the s zone was retained as more protective and the c zone was removed. While this project is not changing the scenic corridors, s zone boundaries are being adjusted to reflect the correct c and p zone boundaries, as described below.

This project is retaining the 1991 approach to scenic corridors for c zone. Where there is a s zone and the GIS model applies a c zone, the c zone is removed. This is appropriate because the c zone is typically applied to tree canopy and the scenic overlay zone code includes tree preservation requirements.

However, this project is not retaining the previous approach for the p zone. The p zone is typically applied to streams and wetlands; and either the p zone or c zone is applied to land within 50 feet of waterbodies. The s zone is not more protective than the p or c zone for streams and wetlands because the environmental zone code, 33.430, requires a setback from waterbodies and the s zone code, 33.480, does not. Therefore, this project is retaining the p or c zone as they apply to streams, wetlands and land within 50 feet of waterbodies.

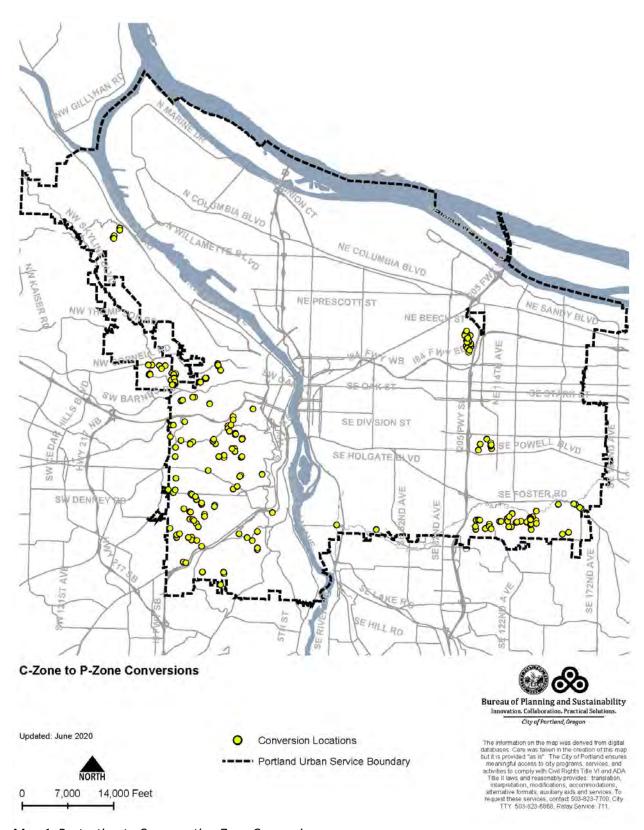
C.2. Protection Overlay Zone Conversions

In rare circumstances, implementation of the decisions found in Volume 2, Part A – G, resulted in the p zone covering the majority of an undeveloped property such that there is insufficient area outside of the p zone to reasonably develop the site per the base zone allowances. Under these circumstances, a portion of the p zone is converted to c zone to provide sufficient area for the property to be reasonably developed. A total of 149 properties had a p to c zone conversion on a portion of the property (Map 1).

The size of the conversion is based on zoning code 33.430.140, Table 430-1, Maximum Disturbance Area Allowed. The conversion from p zone to c zone allows for development through 33.430 standards or Environmental Review. The application of c zones in these cases ensures mitigation for impacts to the significant natural resources.

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¹ A "view corridor" is the airspace between the viewpoint, where one stands/sit to taken in the view, and the focal feature of the view. There are zoning requirements to keep the view corridor free from obstructions like buildings or trees that block the view. A "scenic corridor" is a street or trail with vegetation on each side that provides a scenic walking, biking or driving experience. There are zoning requirements to preserve trees along the corridor.



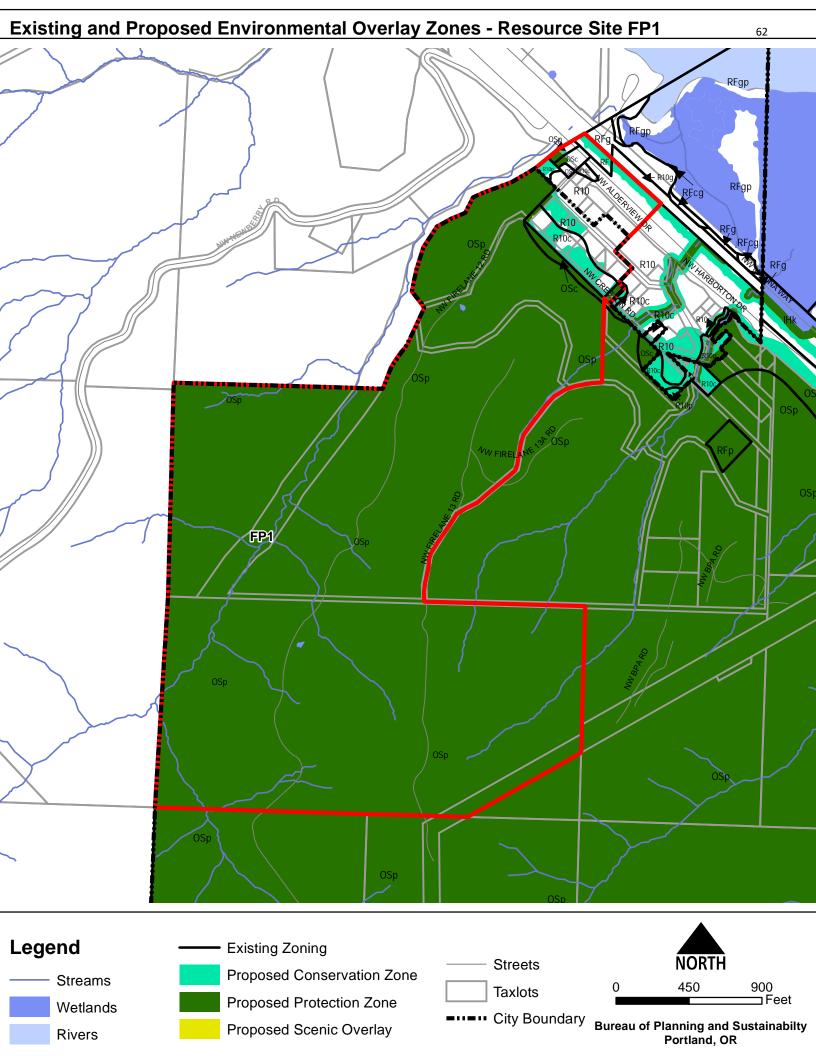
Map 1: Protection to Conservation Zone Conversions

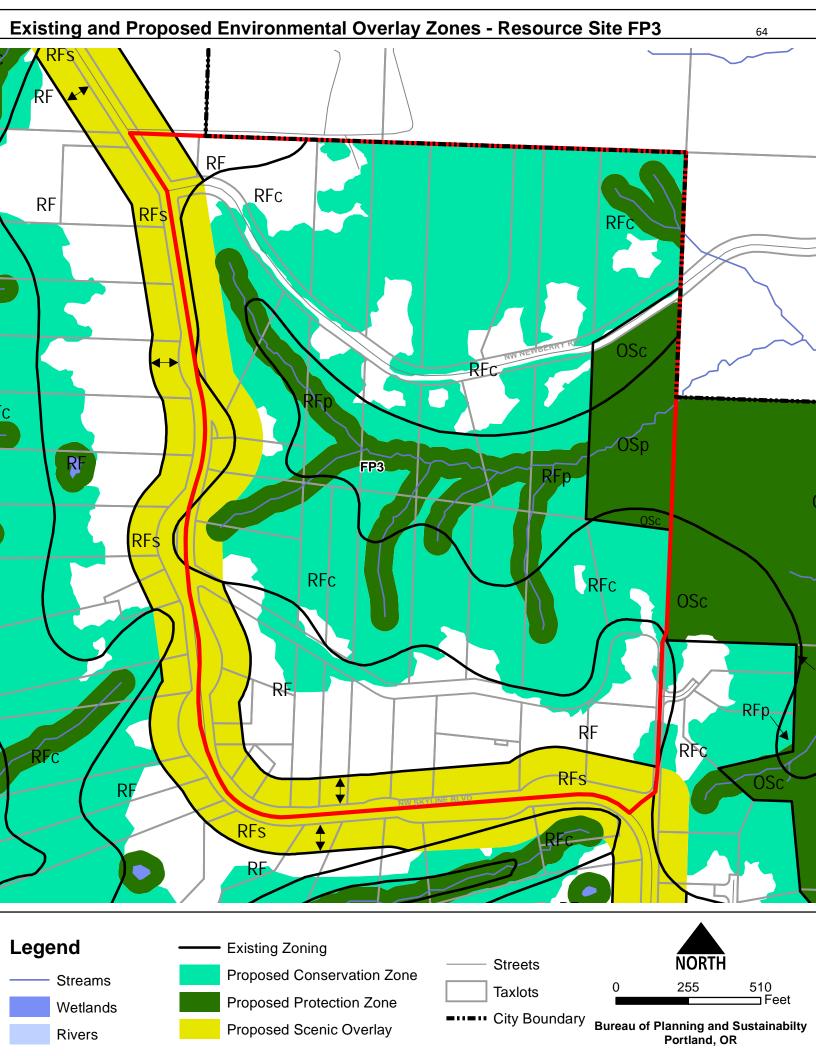
Properties that are eligible for p zone to c zone conversions have greater than 70% p zone coverage, as produced by GIS modeling, and are vacant or are developed but large enough to be divided in accordance with the base zone. Appendix B includes a full list and maps of all properties considered for p zone conversion and an explanation.

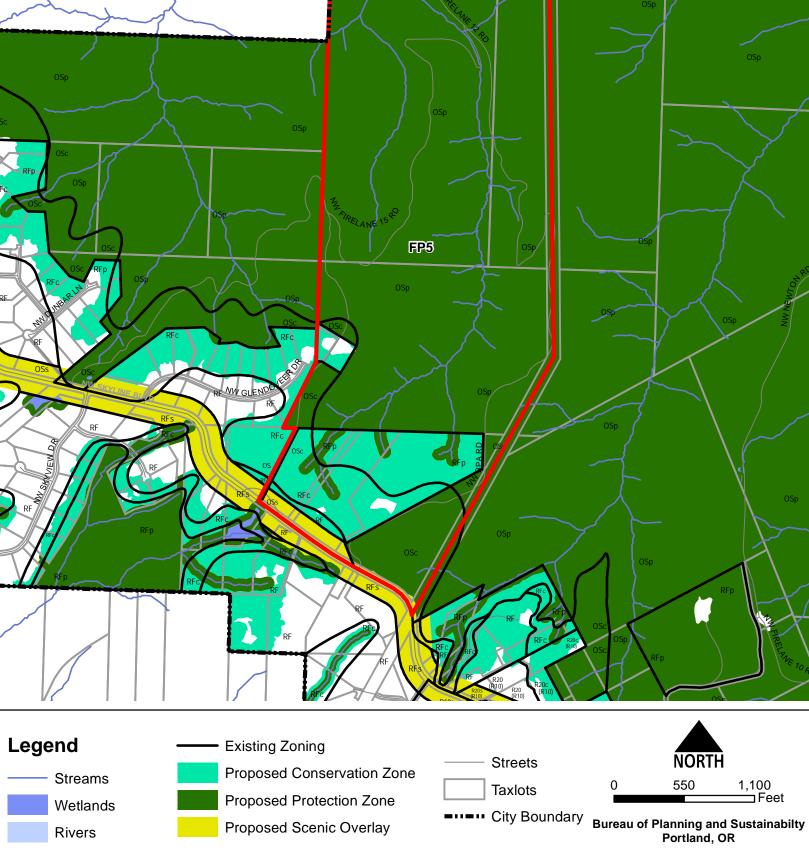
To determine the area suitable for conversion from p zone to c zone, the following criteria (A-D) are used. The list is hierarchical with the highest priority being protection of rivers, streams, wetlands and flood area followed by protection of vegetation on steep slopes. The protection of these features is critical to reducing the risks of flooding, erosion and landslides and providing habitat and wildlife movement corridors. Following are the criteria for converting p zone to c zone on eligible properties:

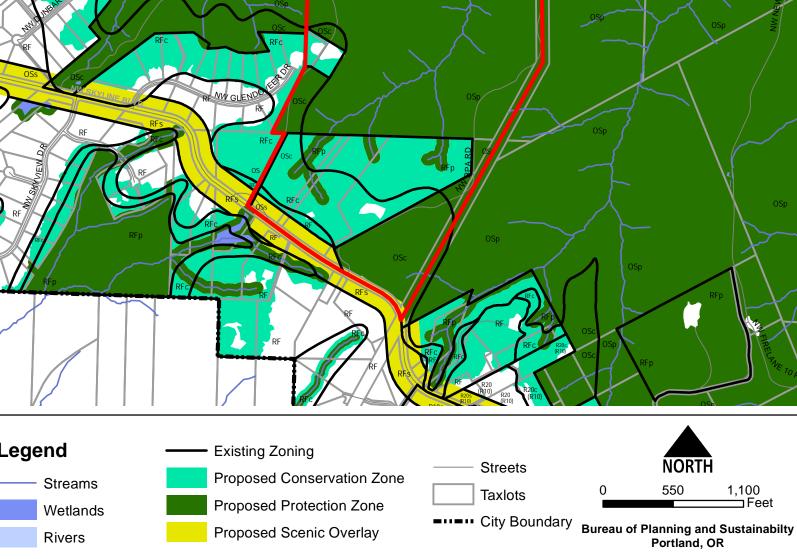
- A. A 50-foot area surrounding rivers, streams, and wetlands should continue to be protected by the p zone. The 50-foot area extends horizontally from the river/stream top of bank or edge of the wetland. Where the entire site is within 50-feet of river/stream top-of-bank, then a minimum 25-foot area of p zone extending horizontally from river/stream top-of-bank or wetland should be retained.
- B. The flood area should continue to be protected by the p zone. The flood area includes the 100-year floodplain and the area inundated during the 1996 flood. Where the entire site is within the 100-year floodplain, then the minimum area of p zone should be the floodplain within 170 feet from the ordinary high-water mark, measured horizontally.
- C. Forest and woodland vegetation located on steep slopes (>25% slope) should be protected by the p zone to the greatest extent possible. Where the entire site is steep, areas of the greatest steepness (>40% slope) should be protected by the p zone.
- D. The conversion area should be located contiguous to a public street or an existing access easement. Where this is not possible, the conversion area should be located as close to a public street or an existing easement as possible, avoiding stream or wetland crossings to the maximum extent practical.

Providing sufficient area for development or lot division does not guarantee that any given property can be developed or divided. Besides the base zone and location of environmental overlay zones, other factors considered through the development review process include street access, street frontage improvements, access to utilities and services (e.g., sewer, water), stormwater management, street and side setback requirements, minimum lots size, compatibility with surrounding existing lots, etc. Please refer to 33.310 of the zoning code for additional information. Also, while it is a priority to preserve divisibility of large properties, the p zone to c zone conversions may not result in enough dividable land to achieve the maximum density allowed by the base zone.



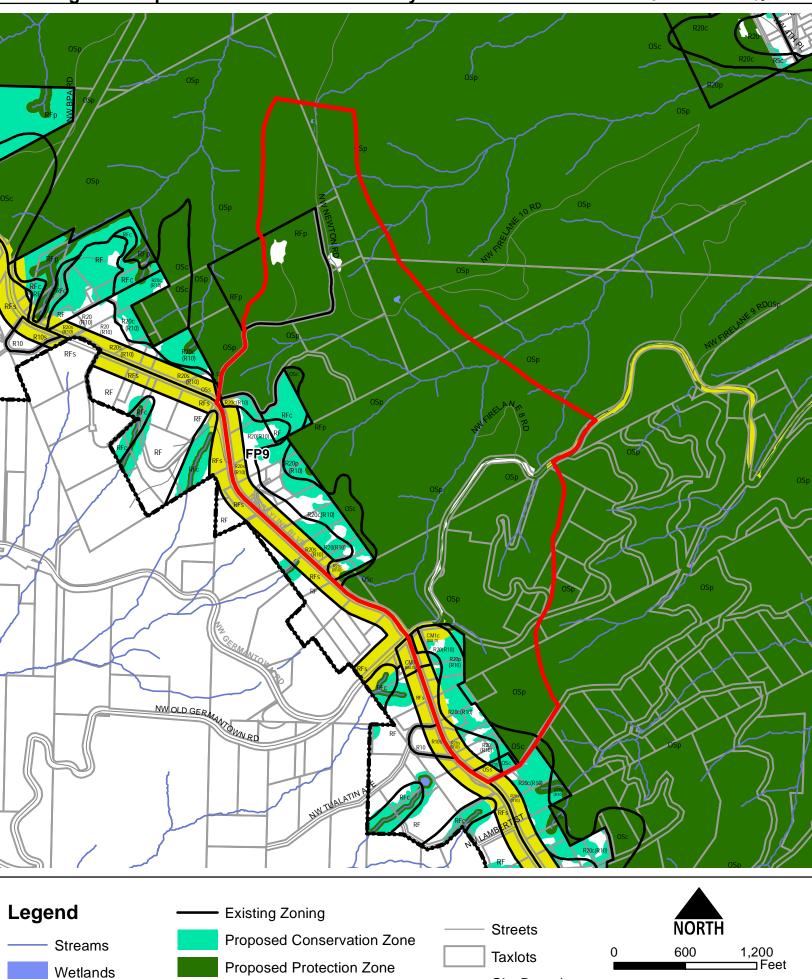






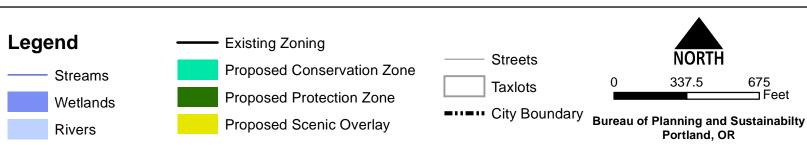
City Boundary Bureau of Planning and Sustainabilty

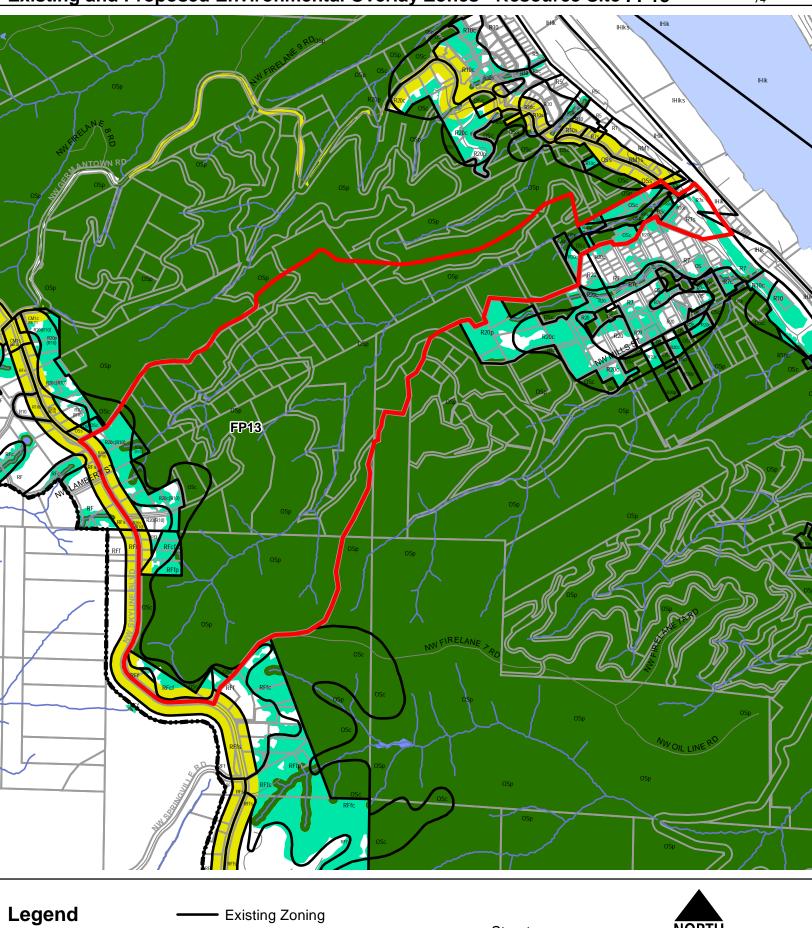
Portland, OR

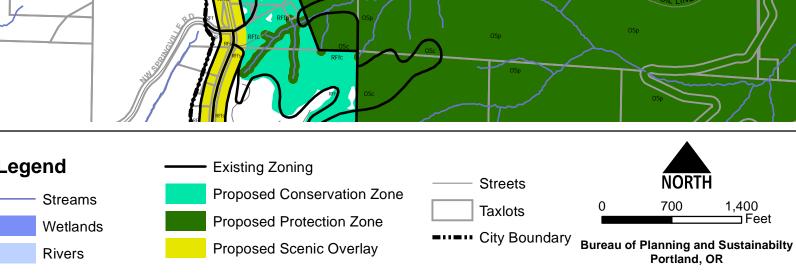


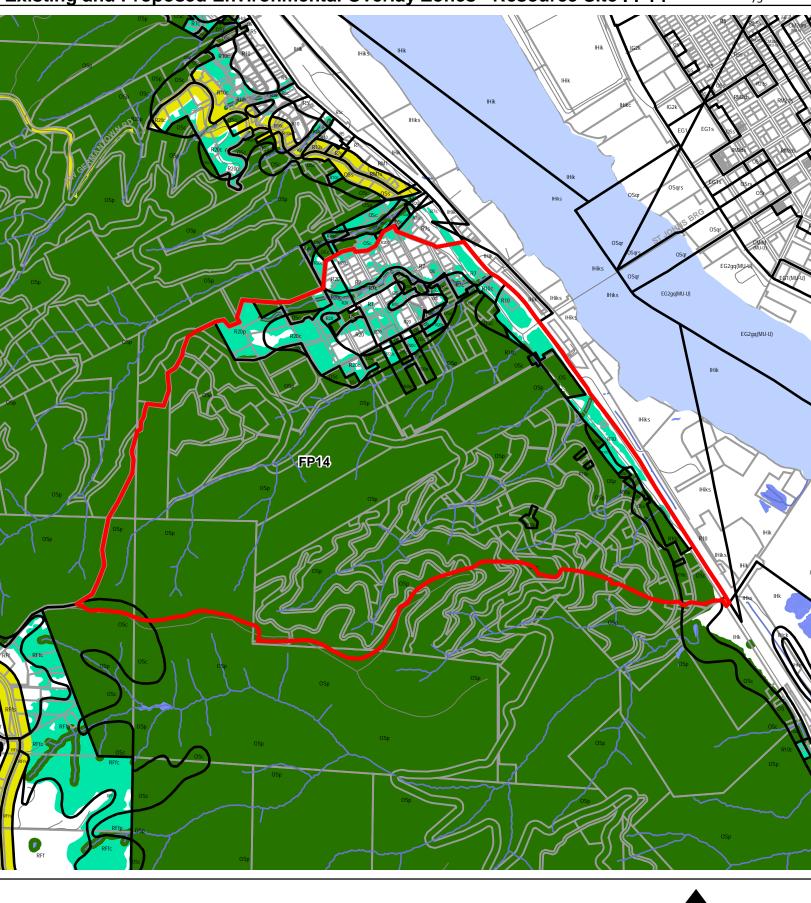
Proposed Scenic Overlay

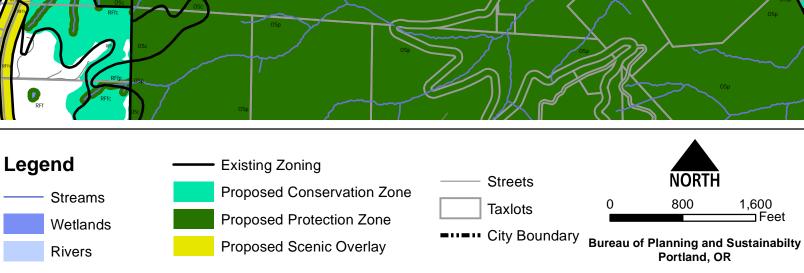
Rivers

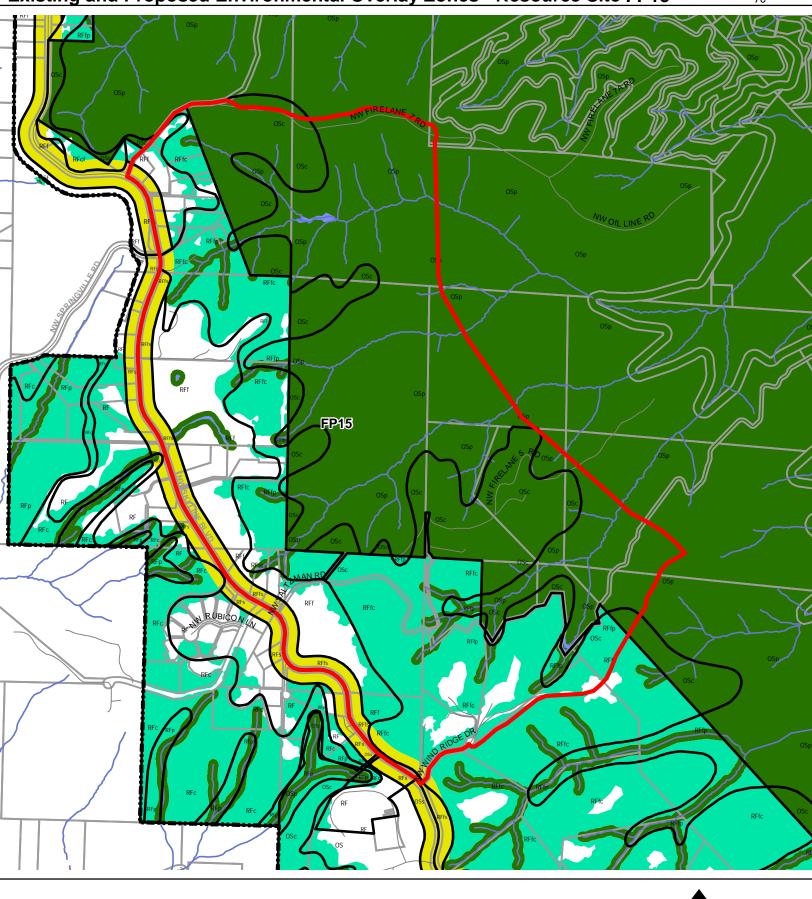




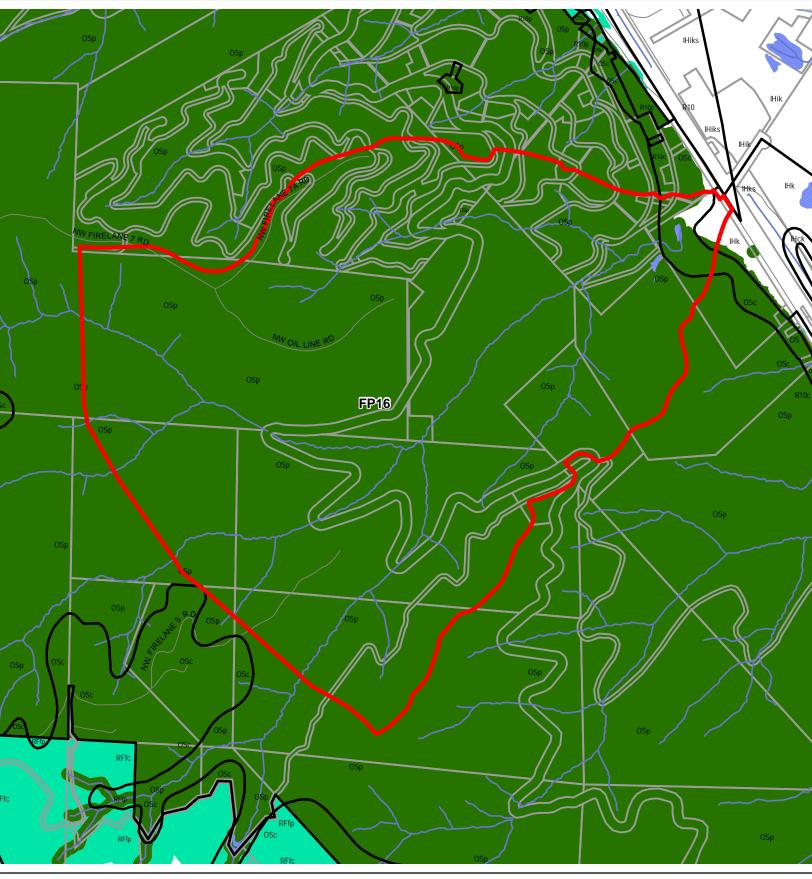




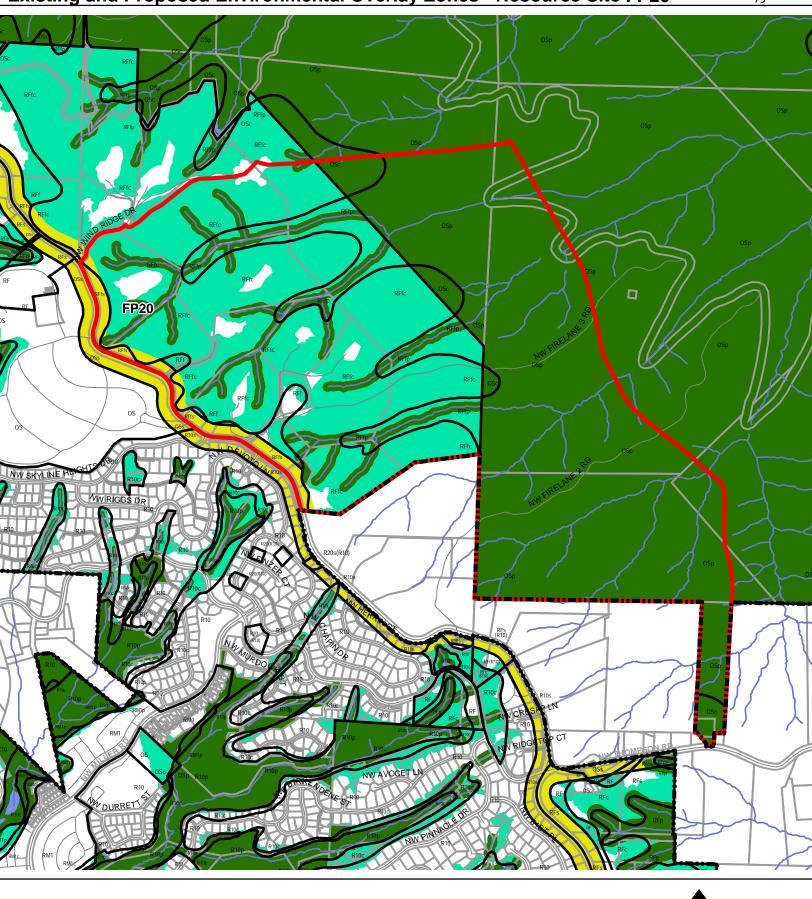






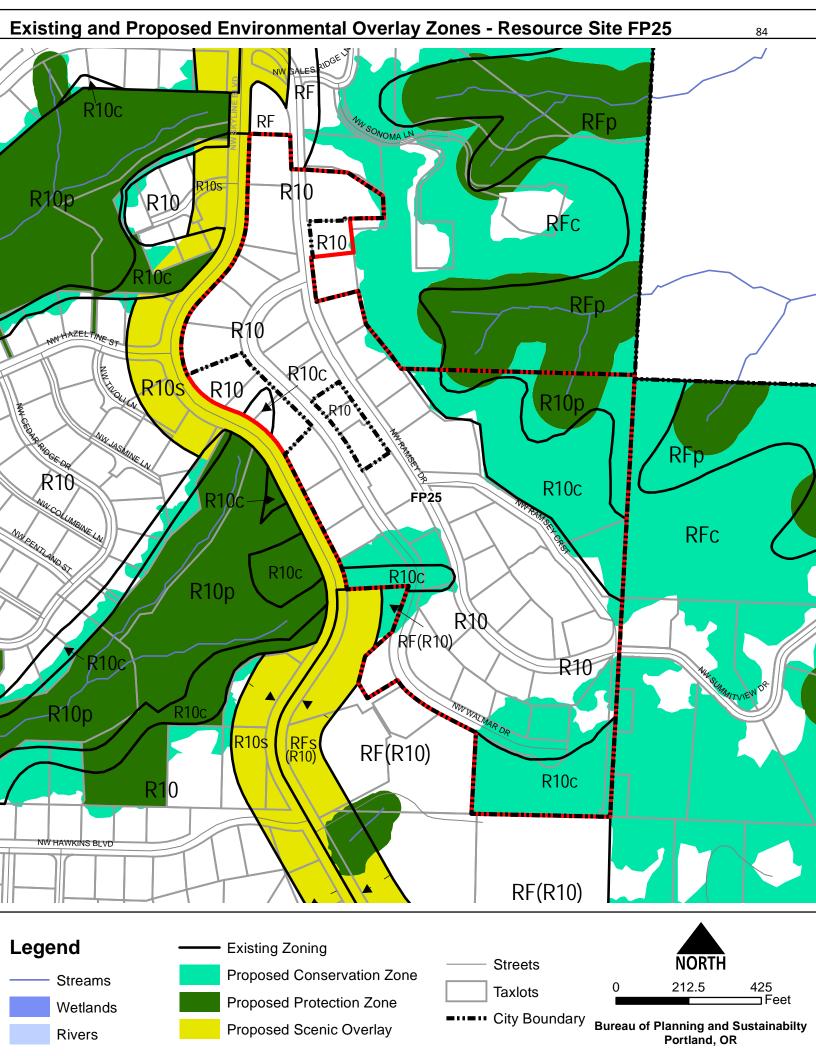


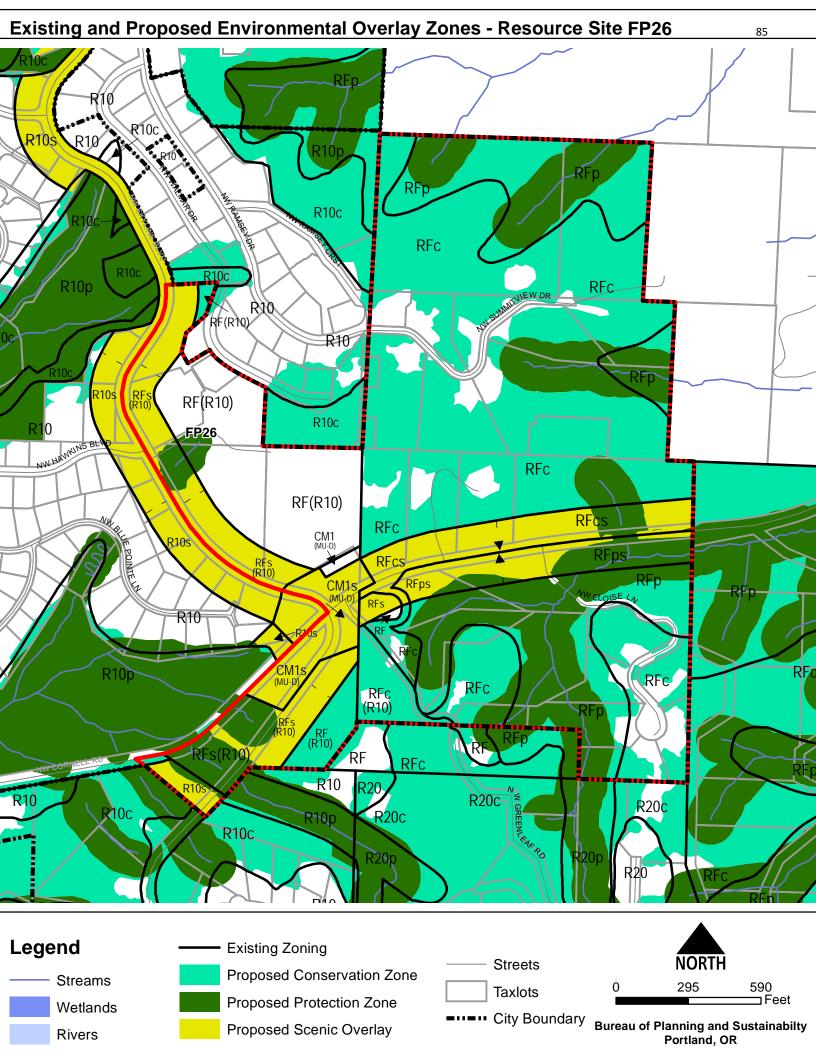






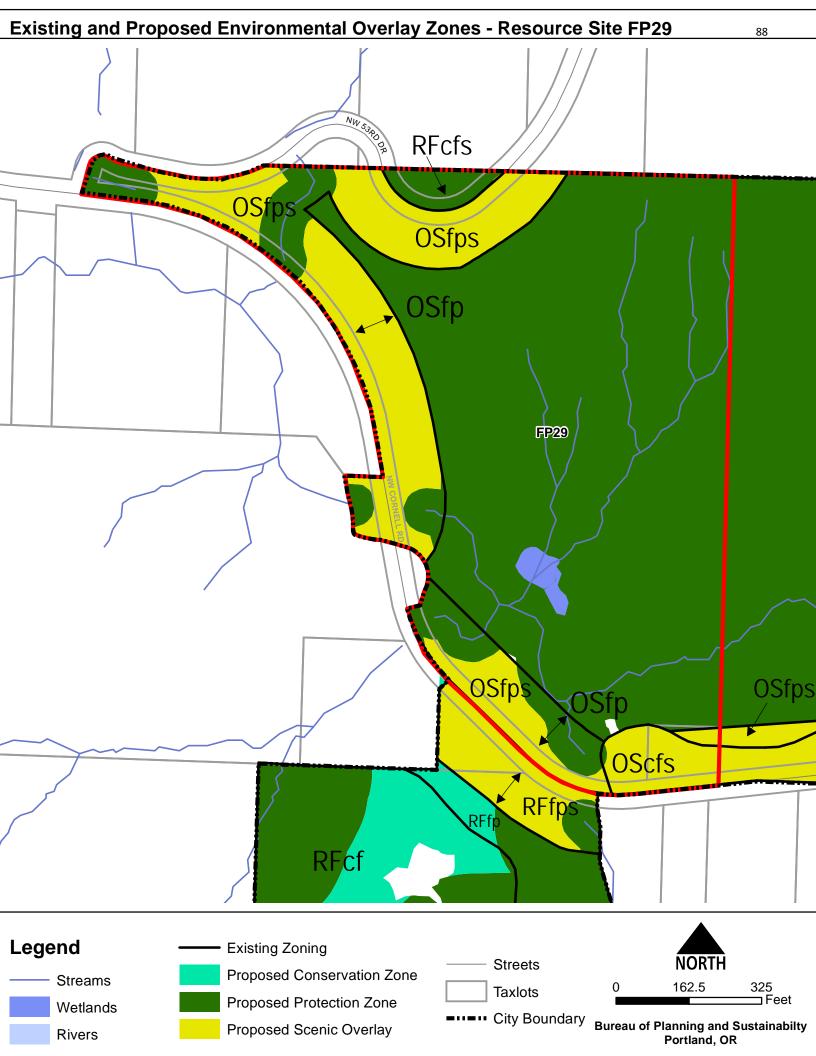




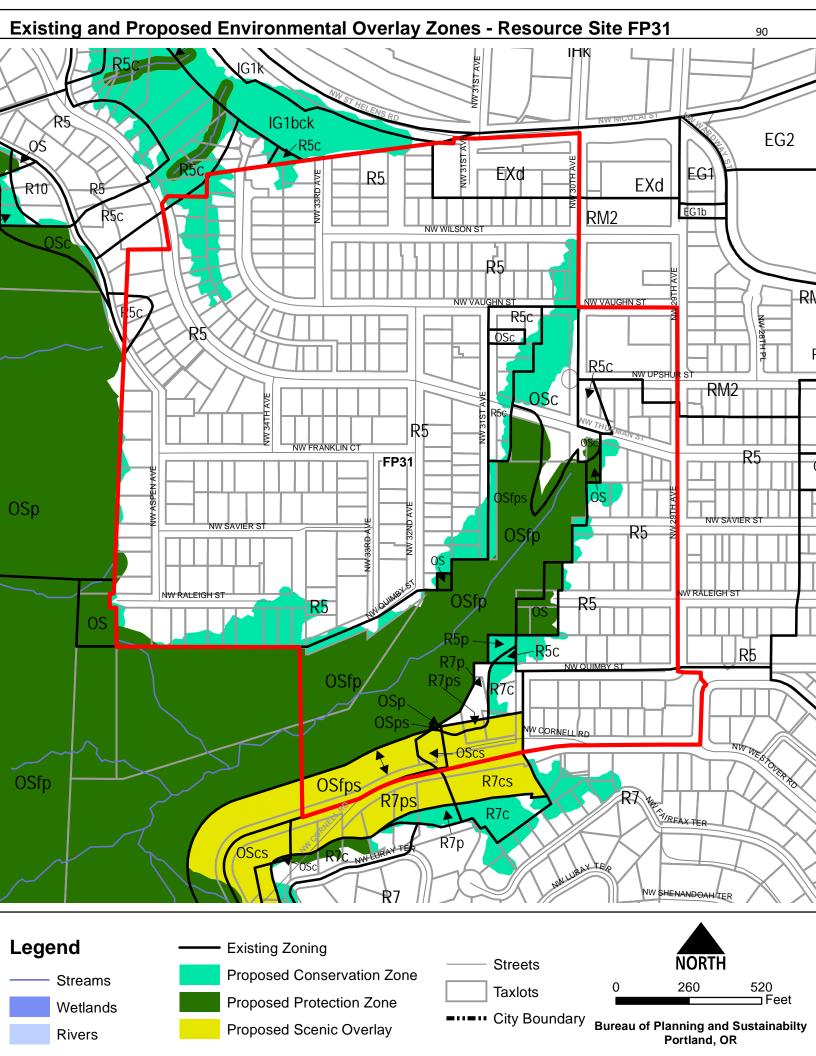


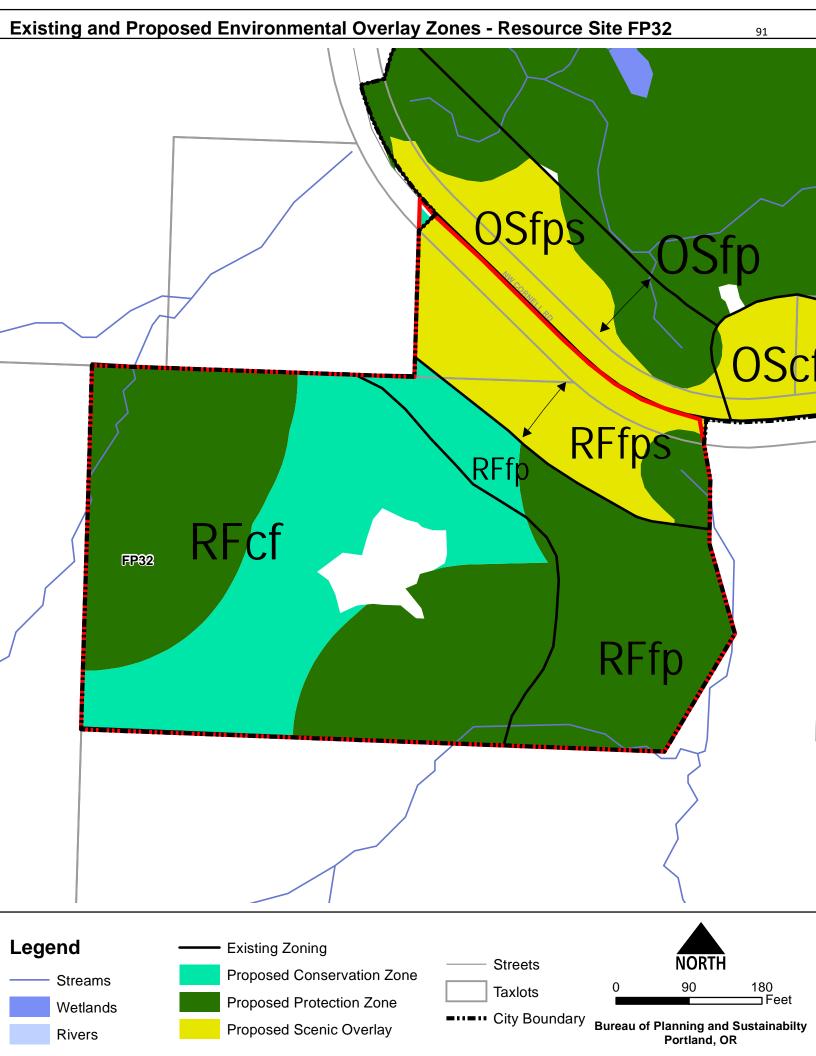
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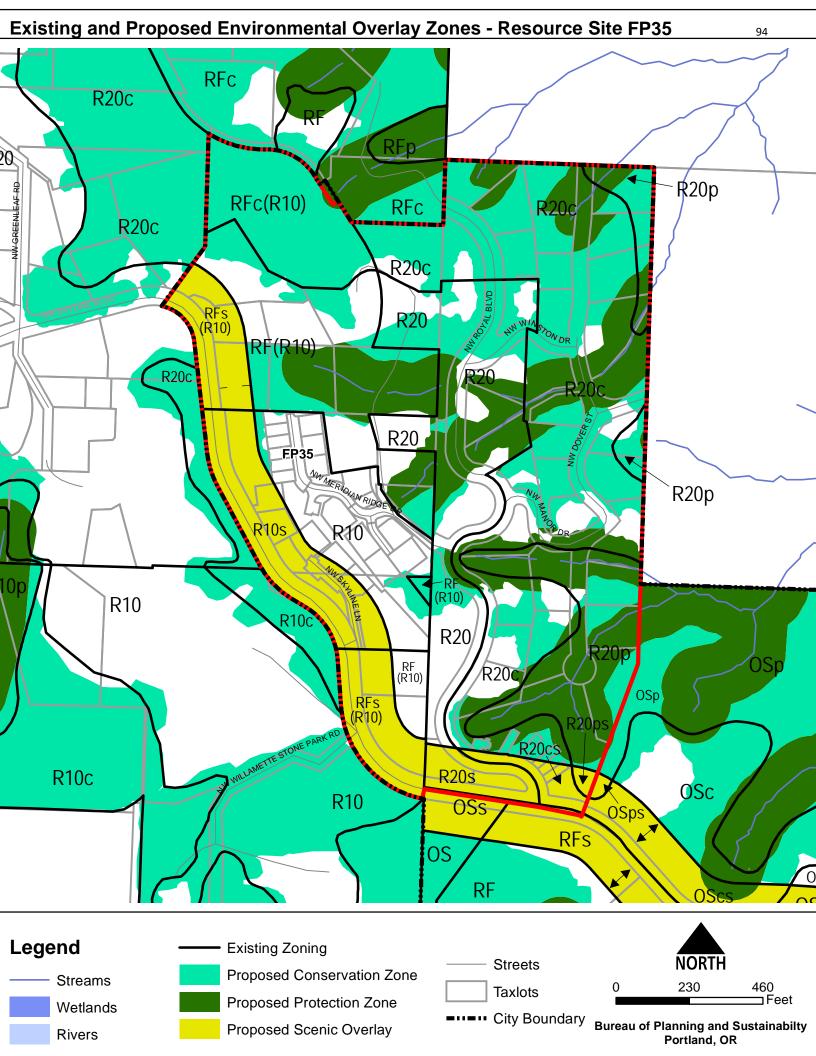
Rivers

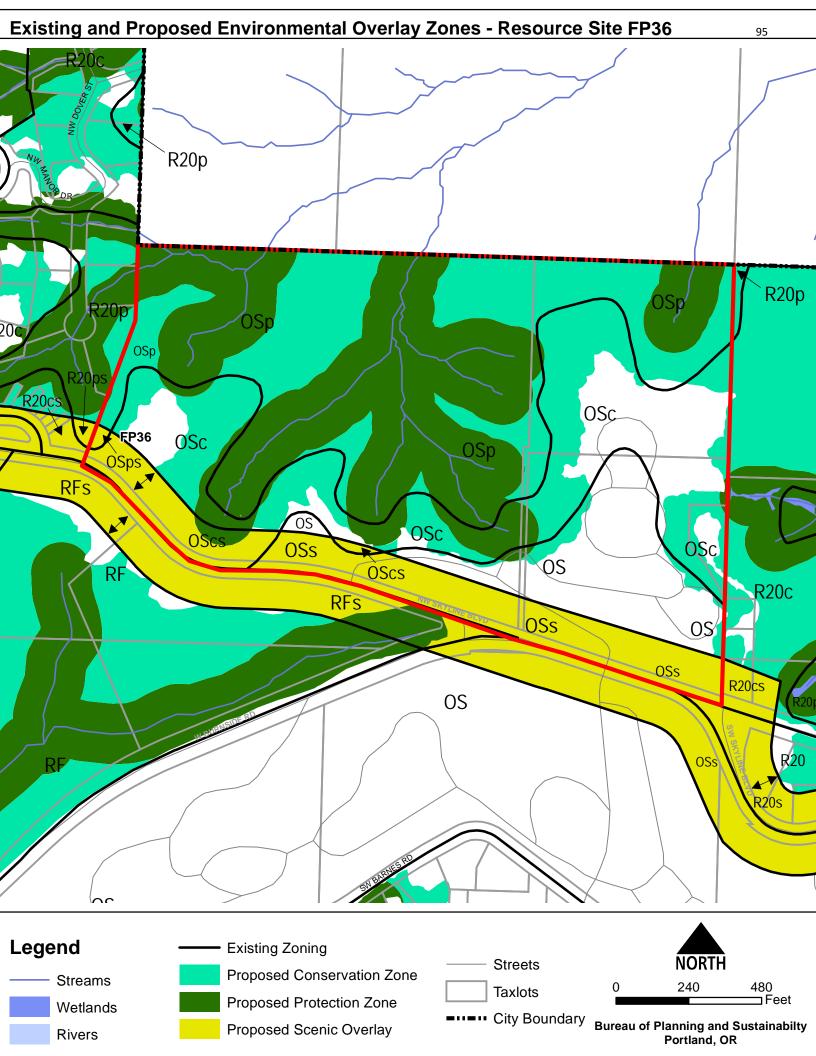


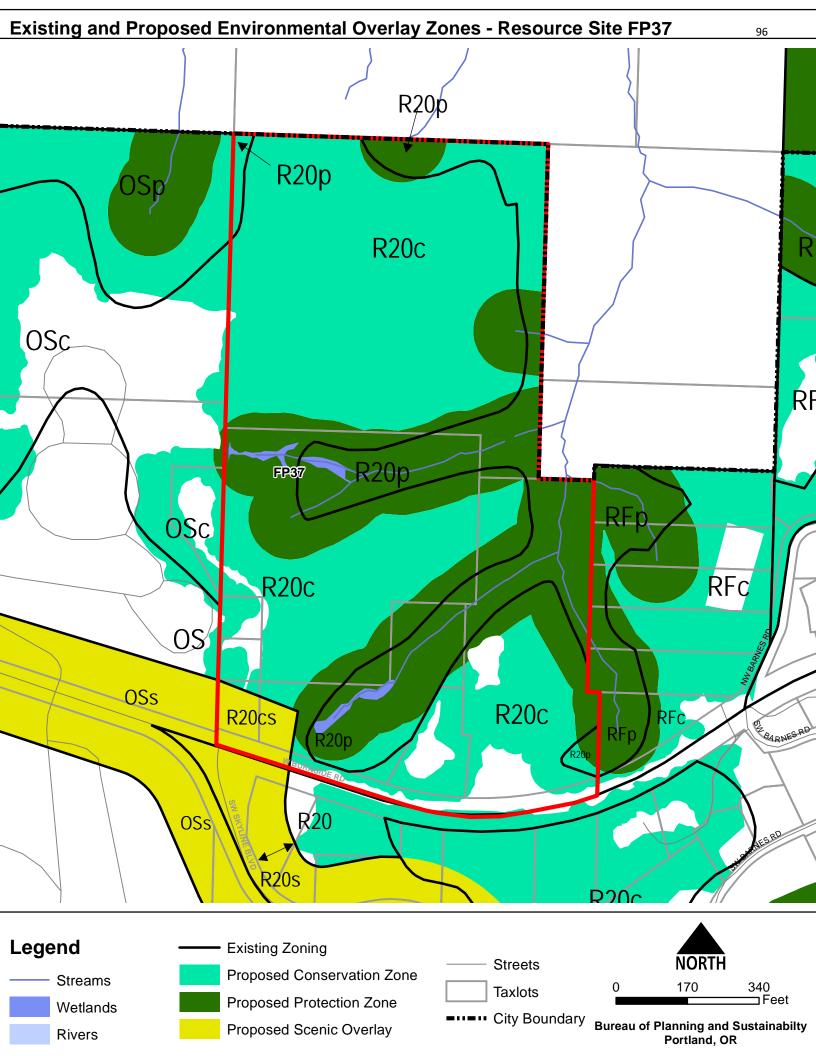
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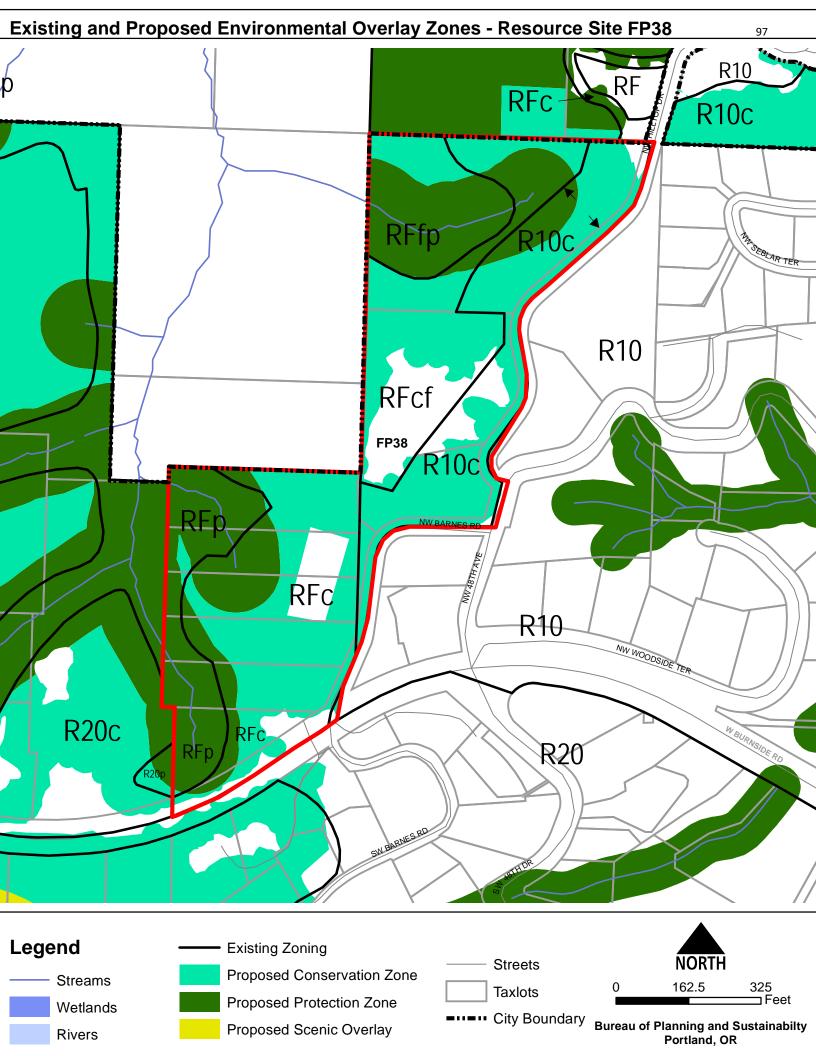


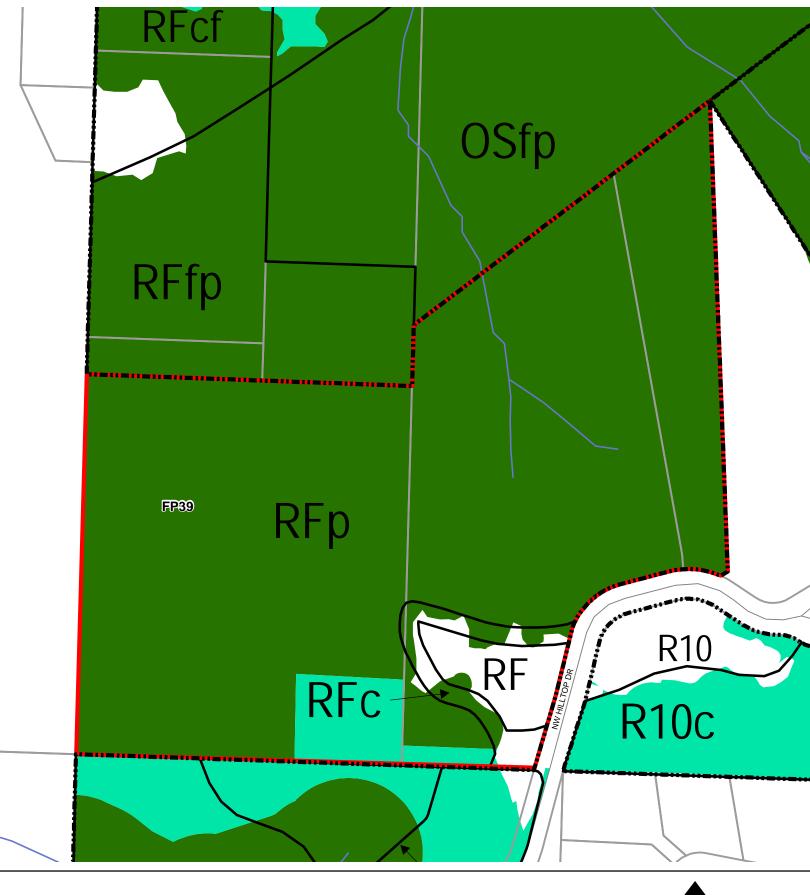




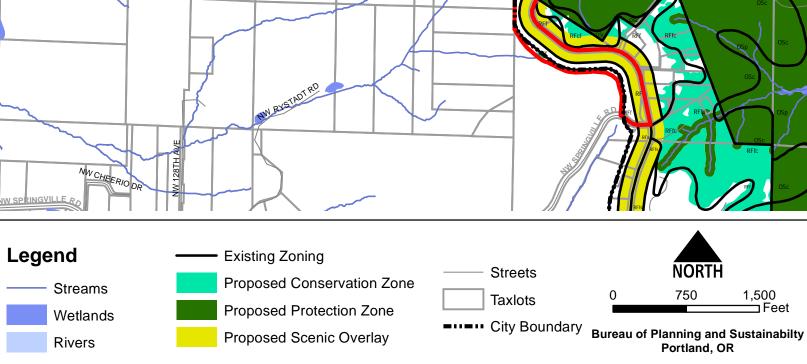


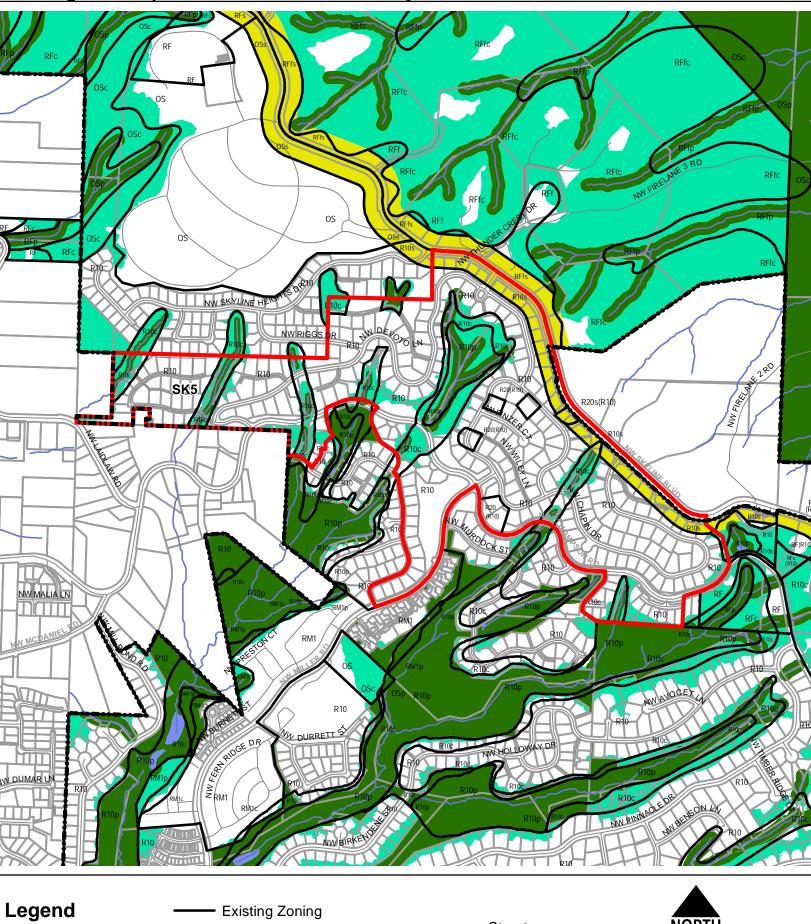




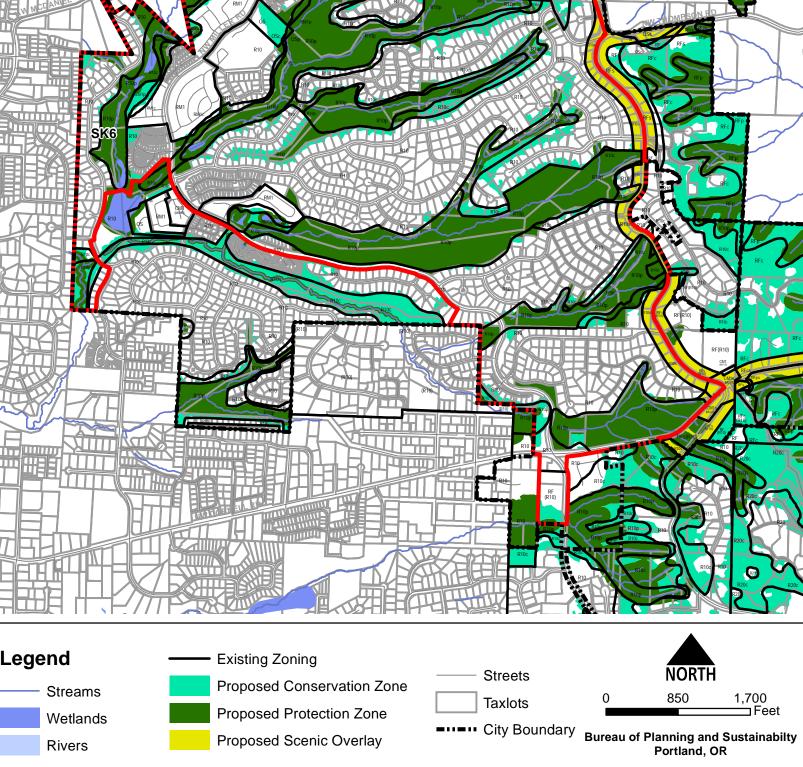


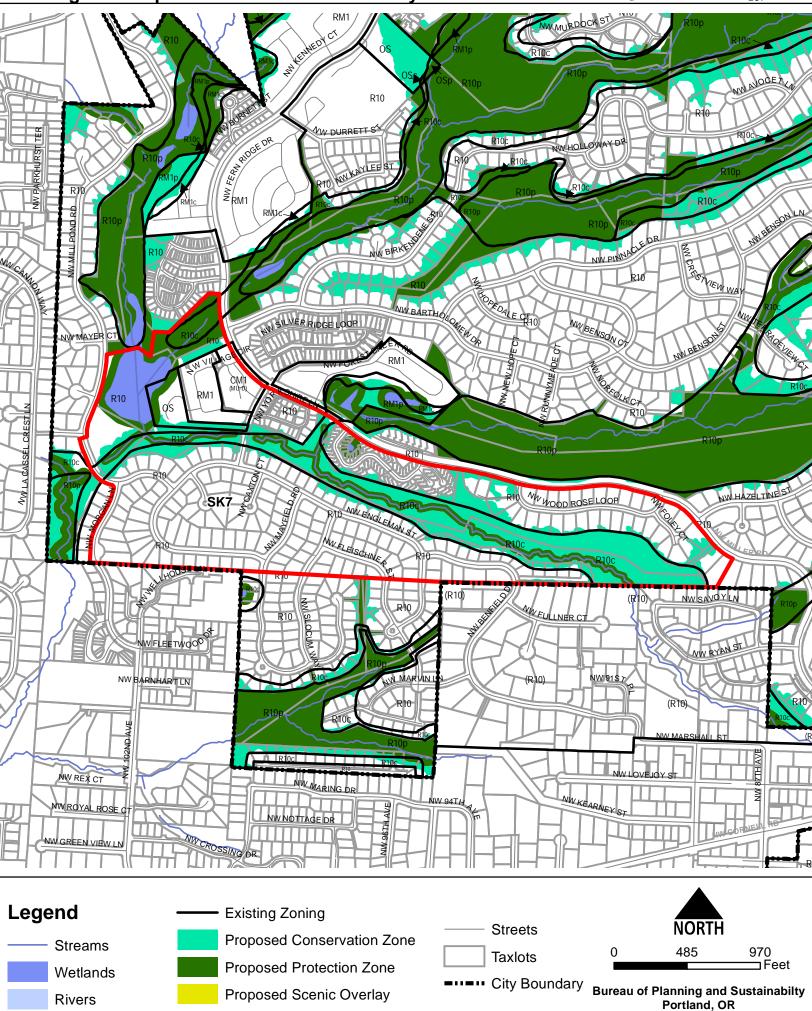




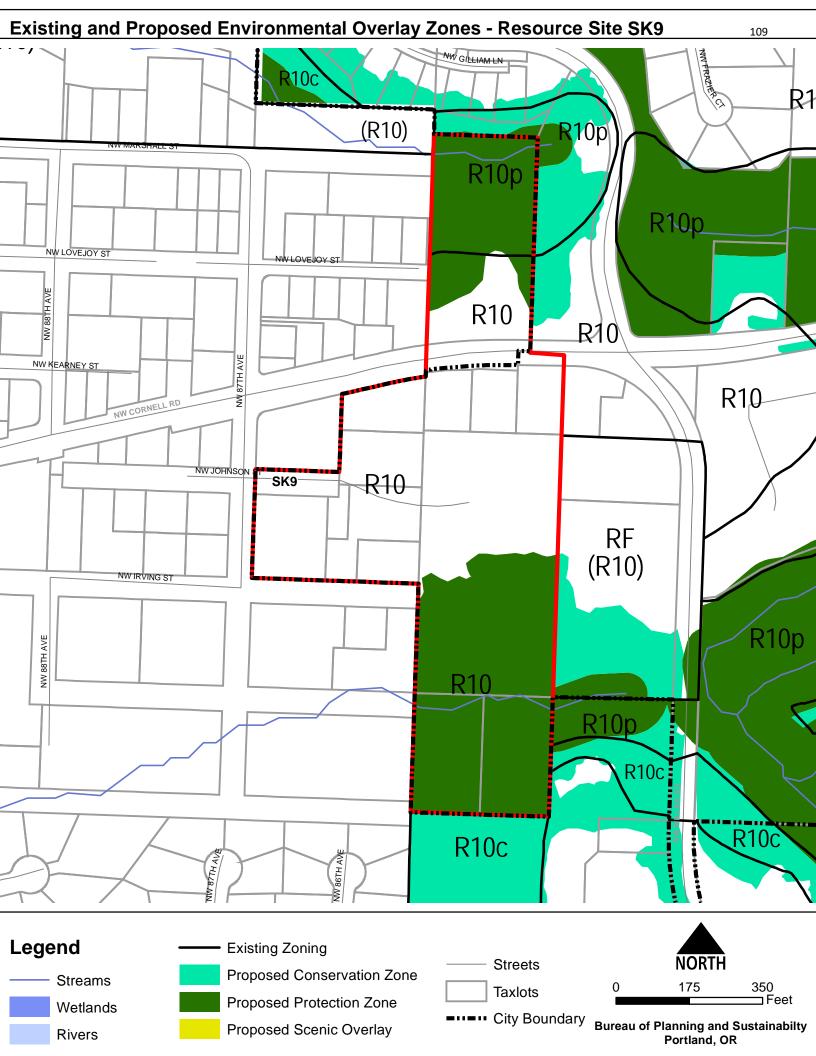


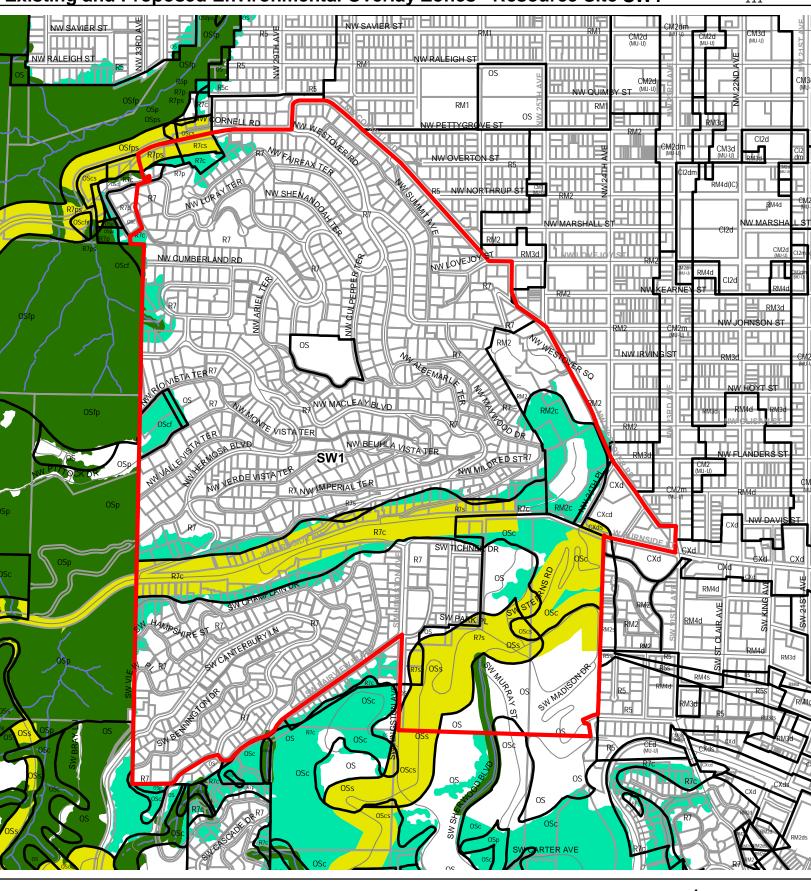


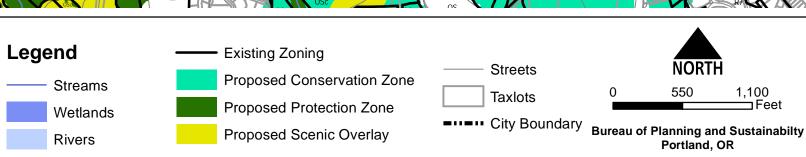


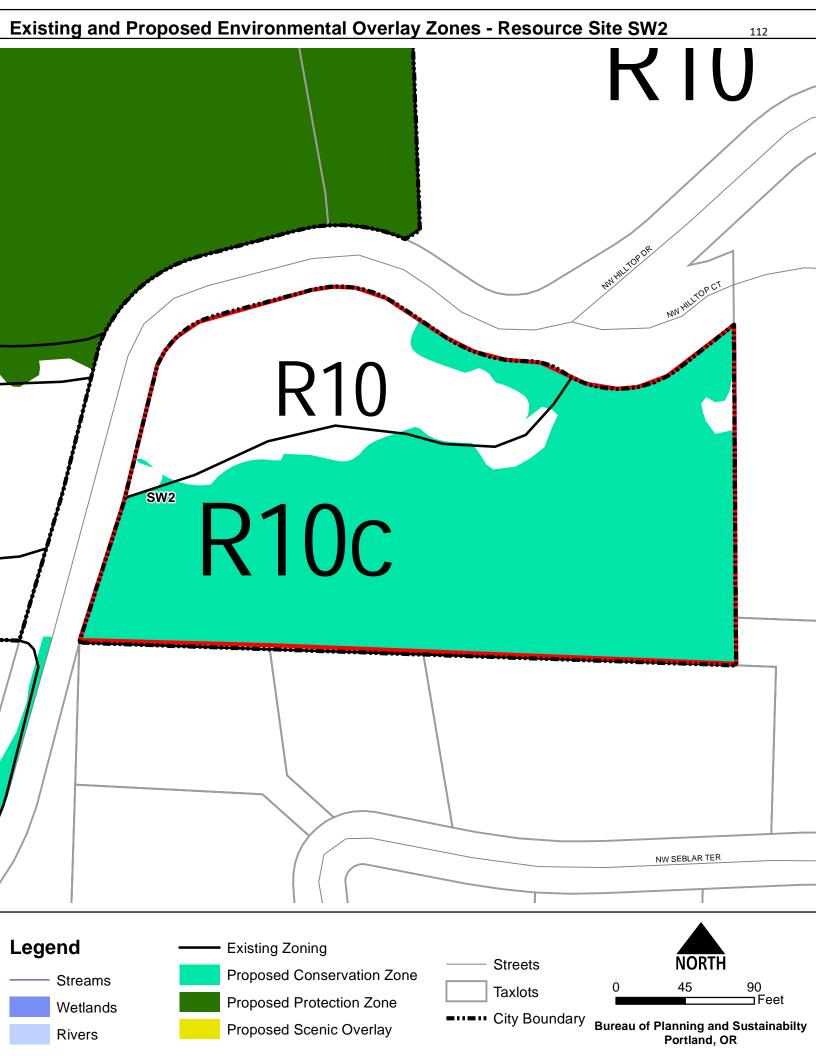


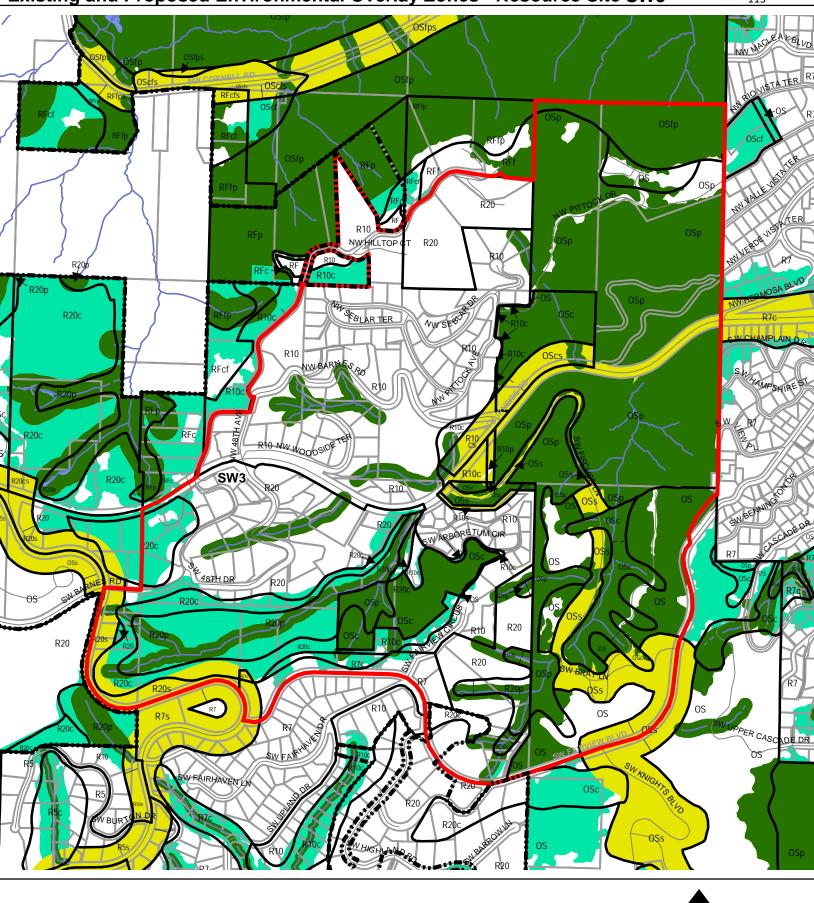


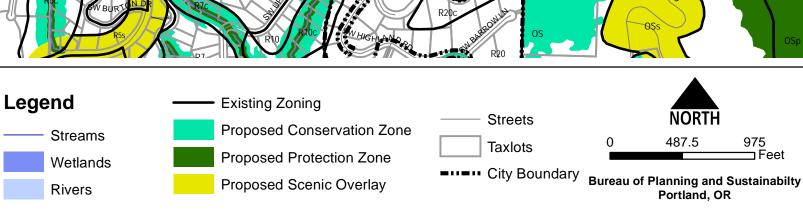


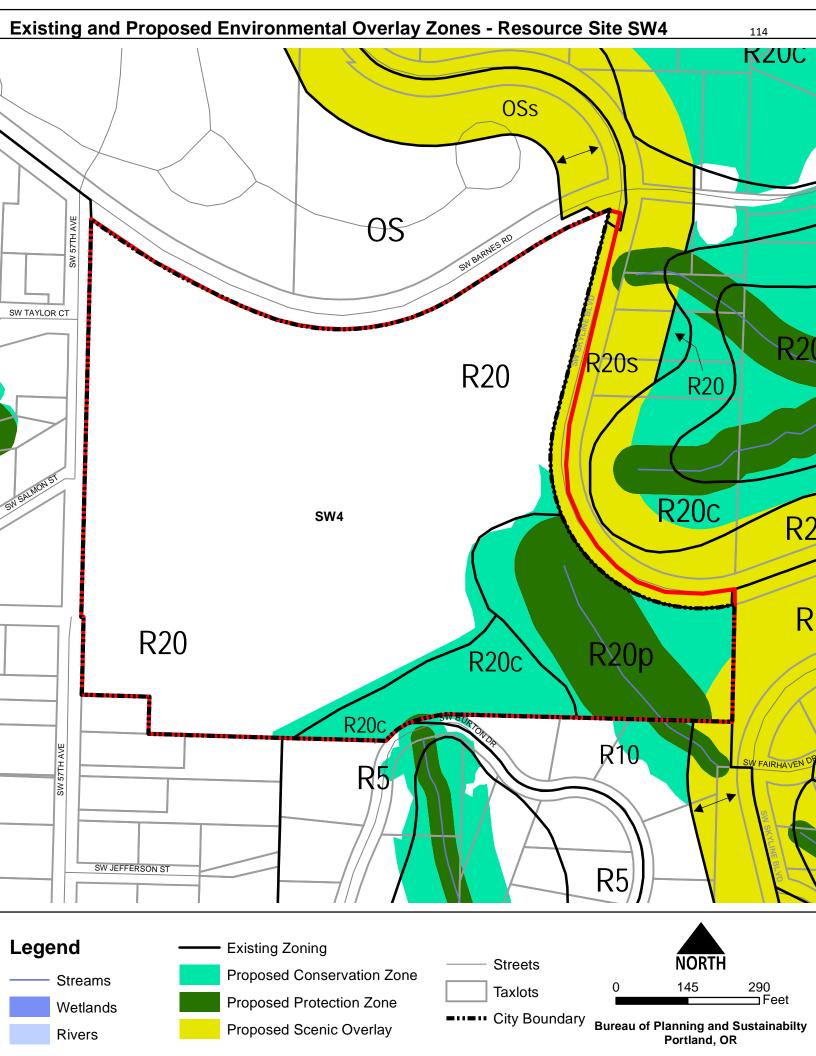


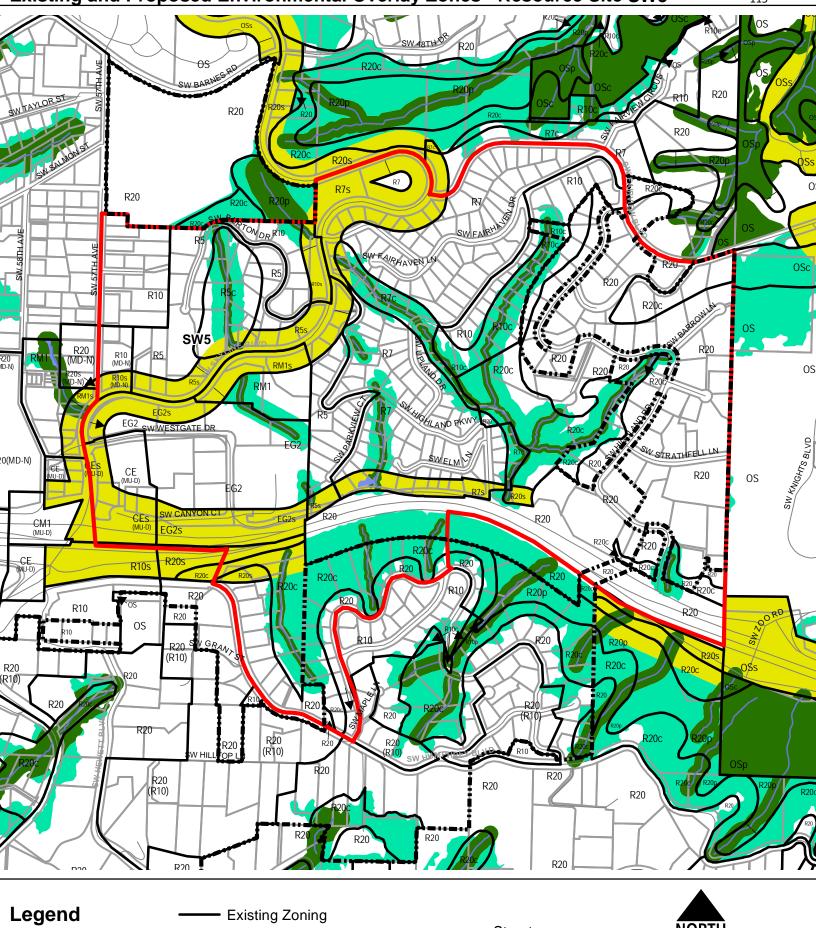


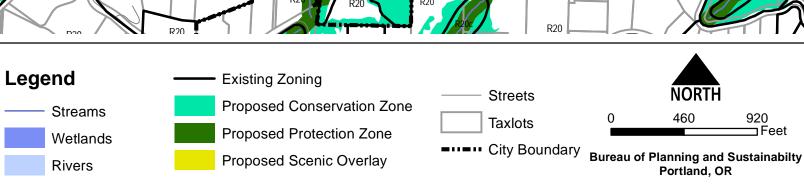


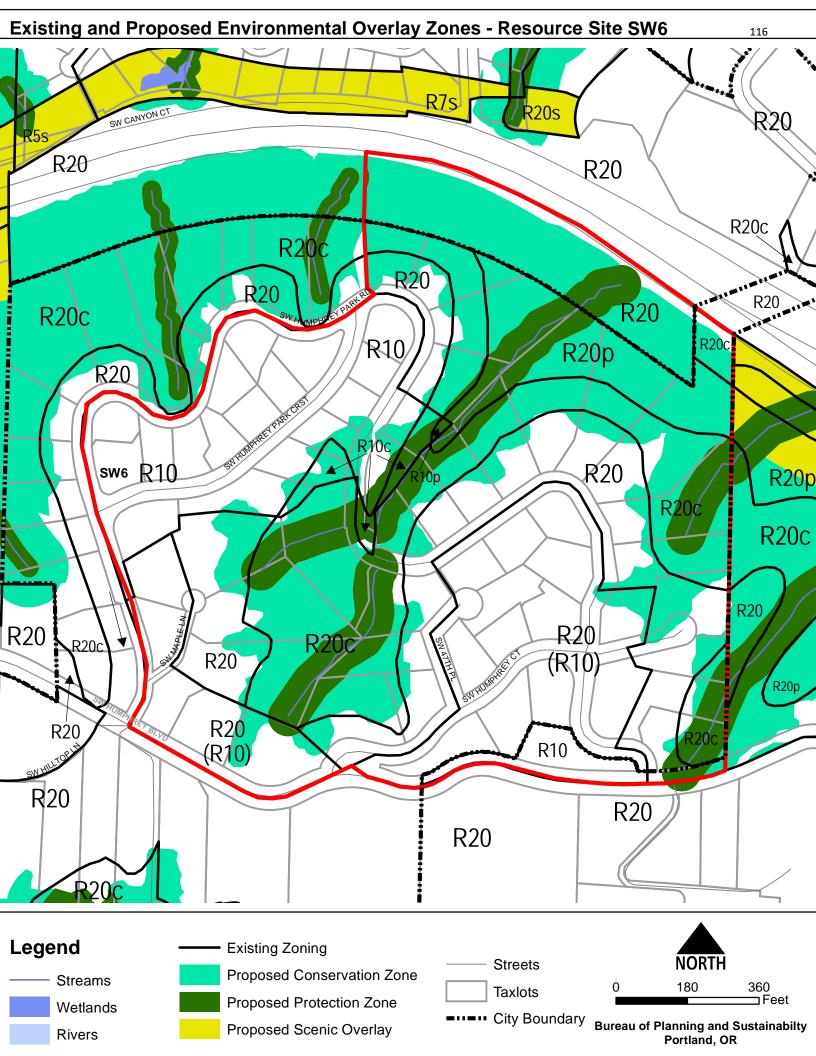




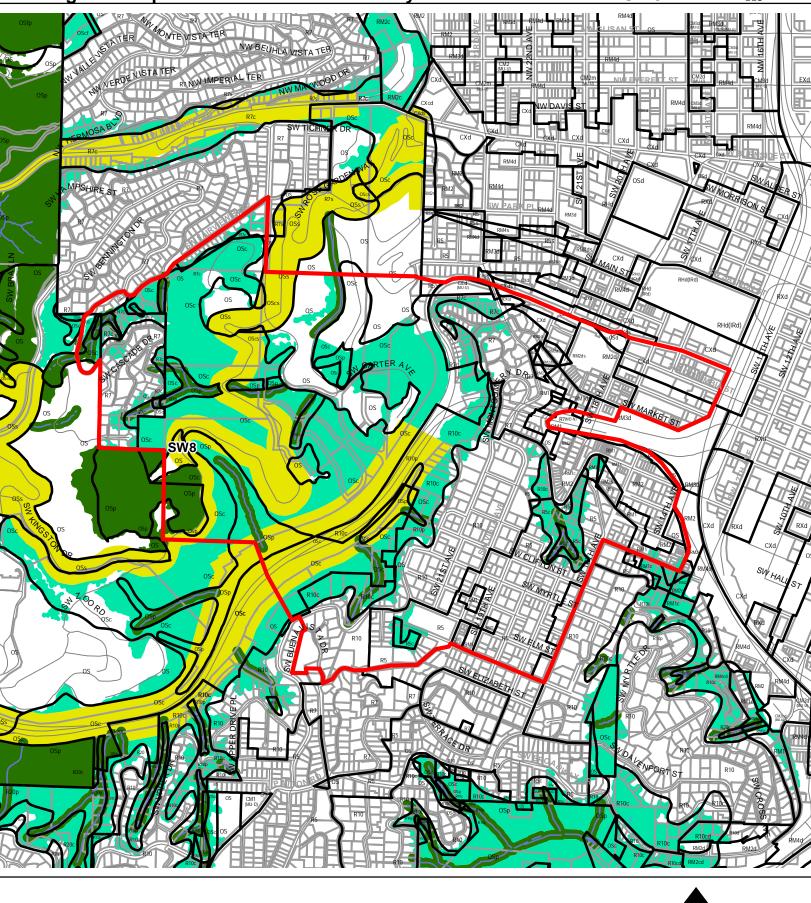




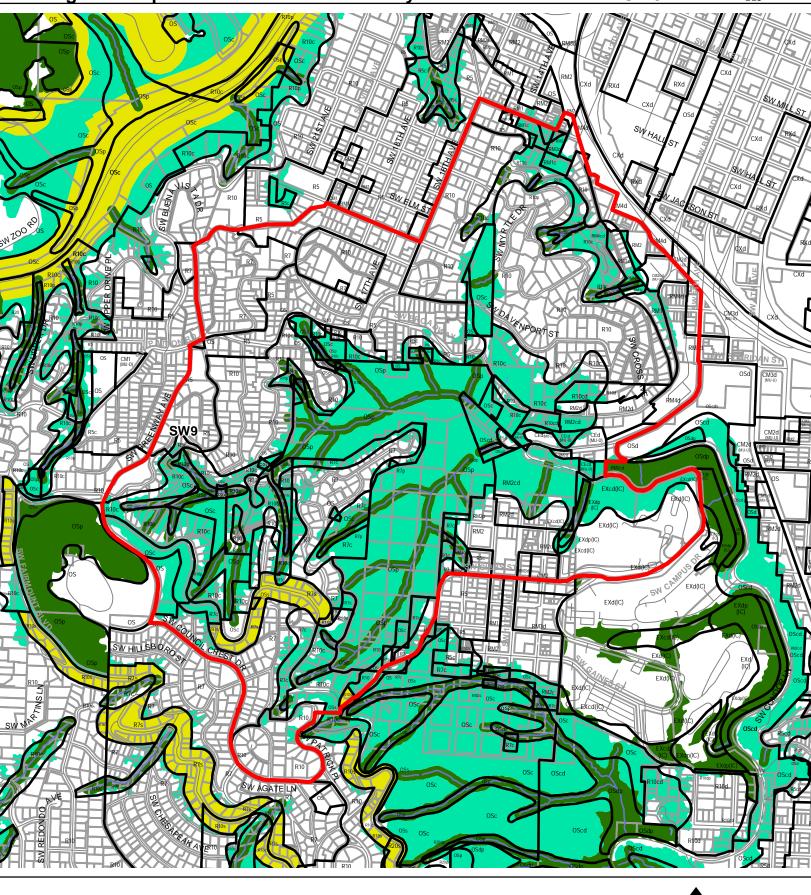


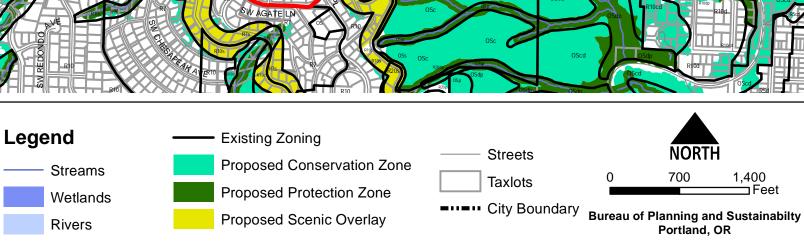


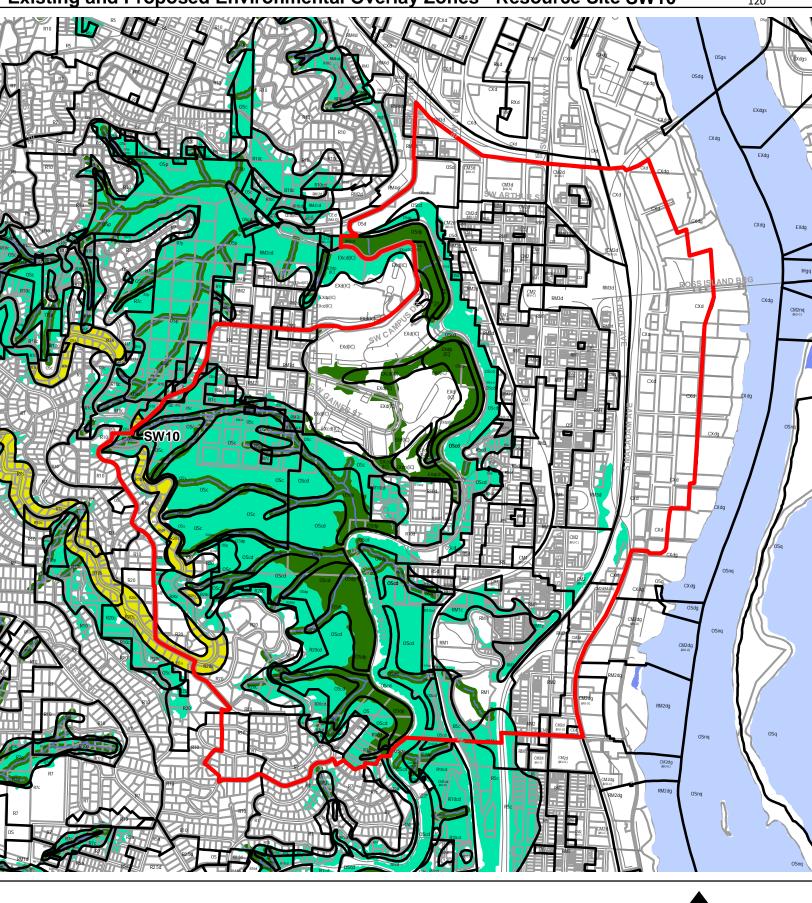
Proposed Protection Zone Wetlands City Boundary **Bureau of Planning and Sustainabilty** Proposed Scenic Overlay Rivers Portland, OR



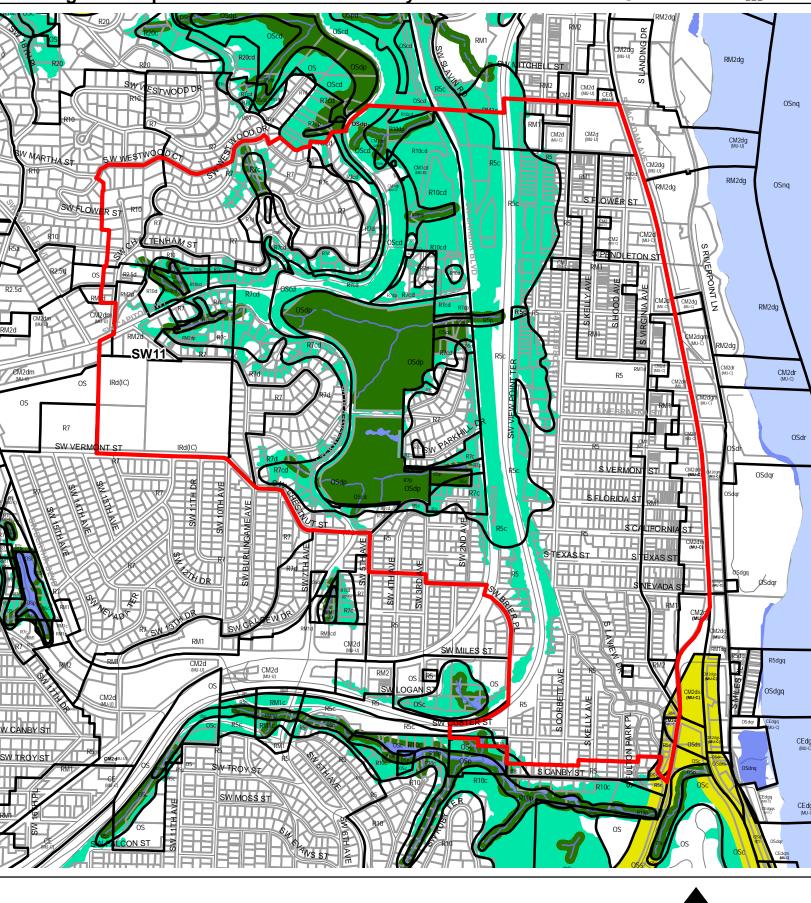


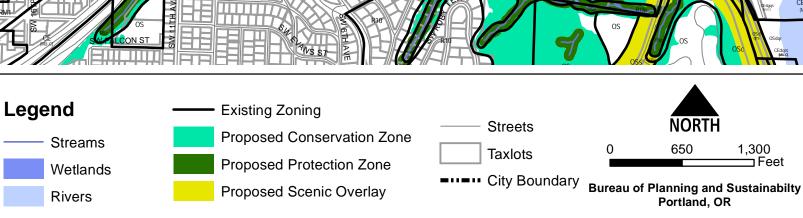












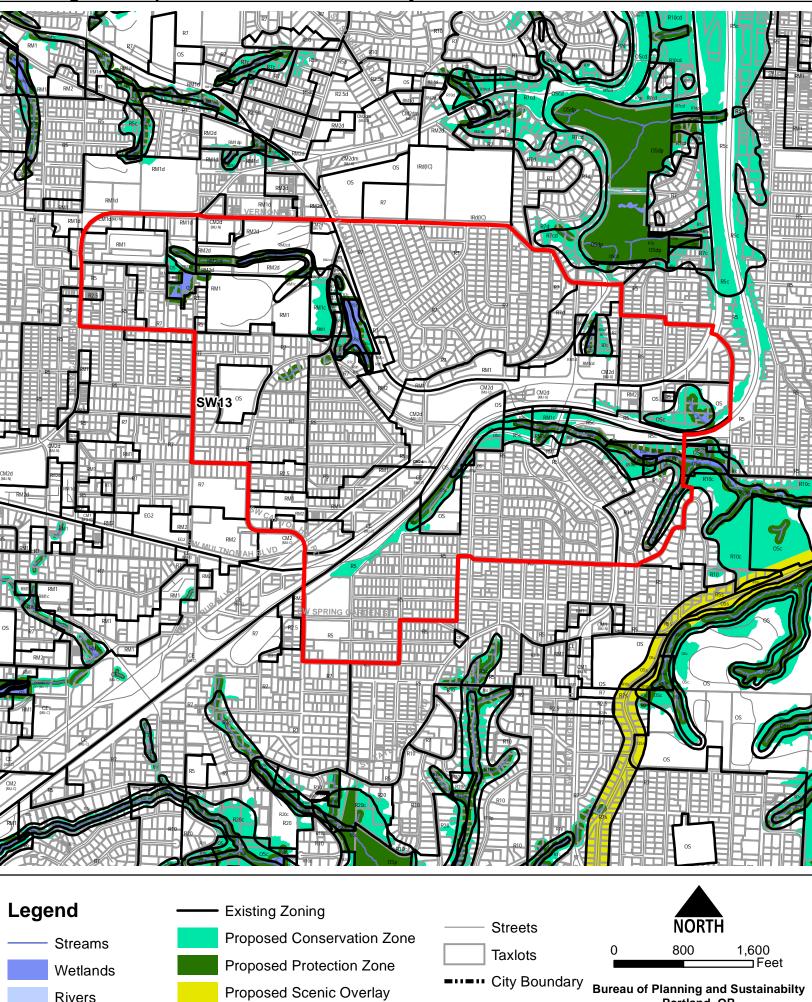
Proposed Scenic Overlay

Rivers

Bureau of Planning and Sustainabilty

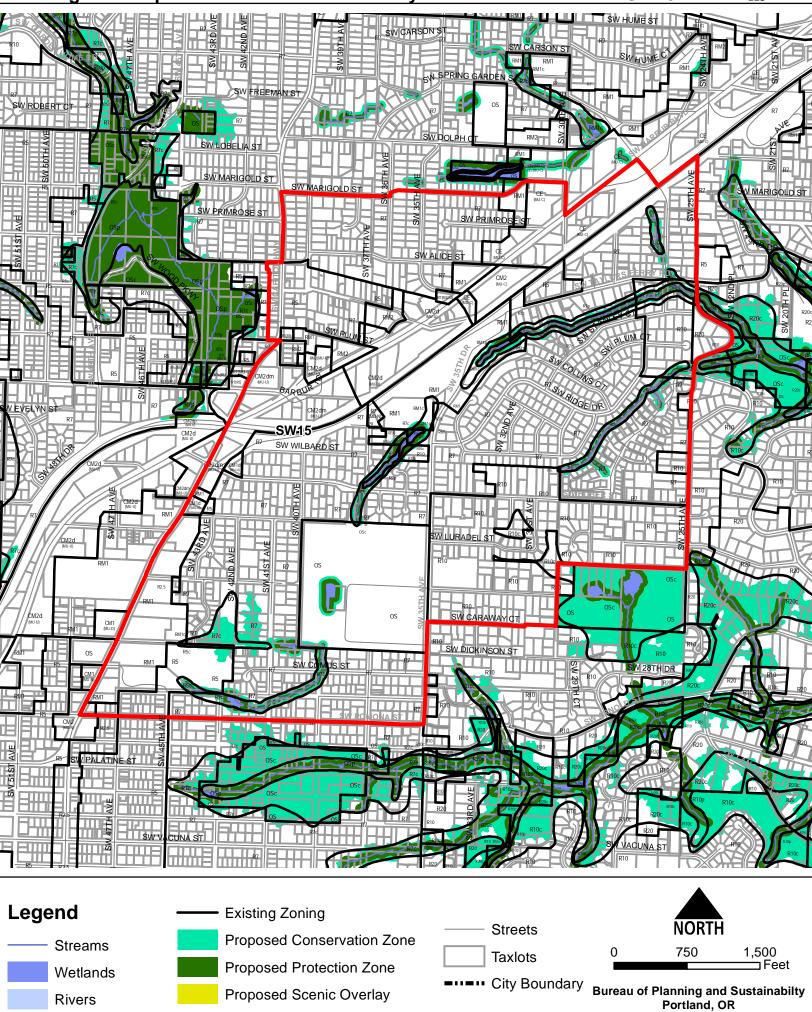
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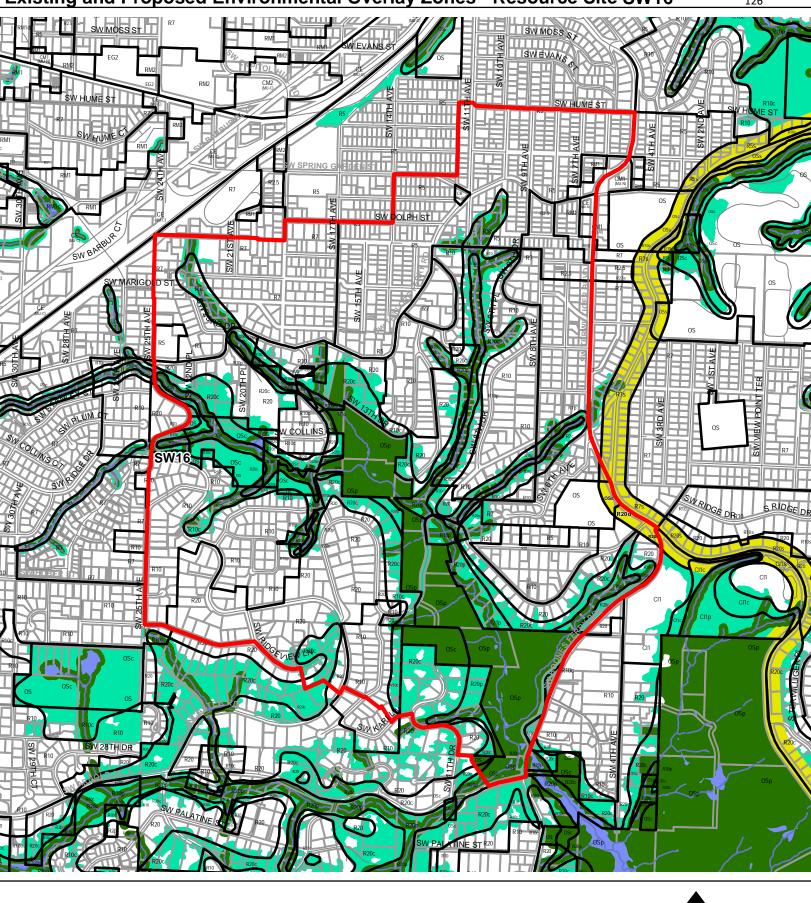
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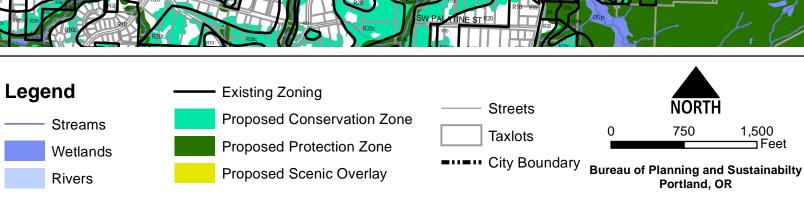


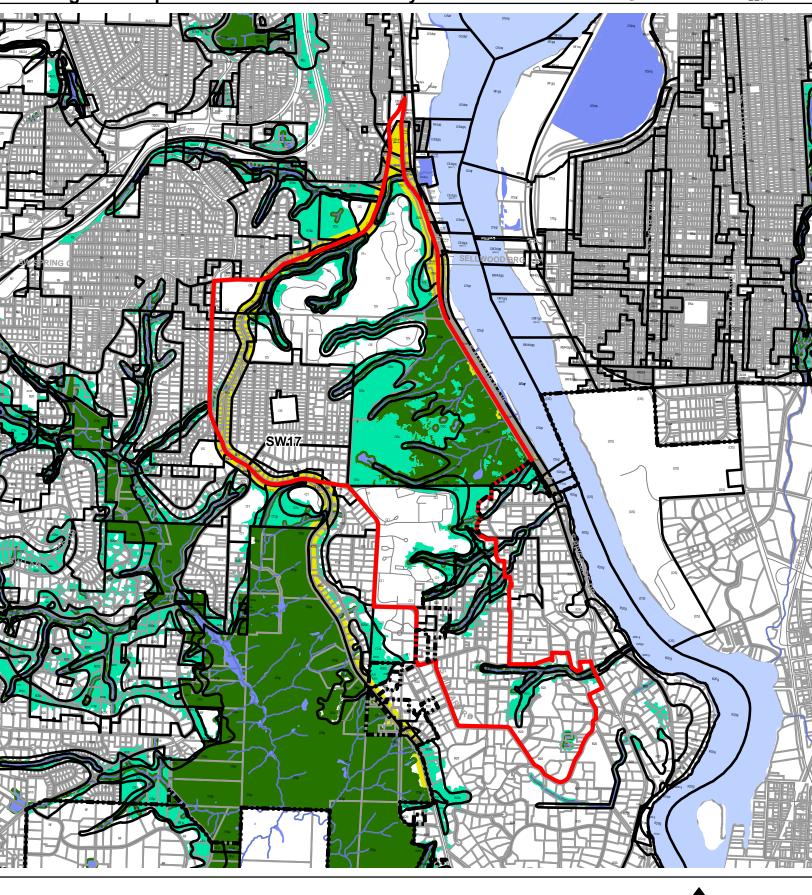
Proposed Scenic Overlay

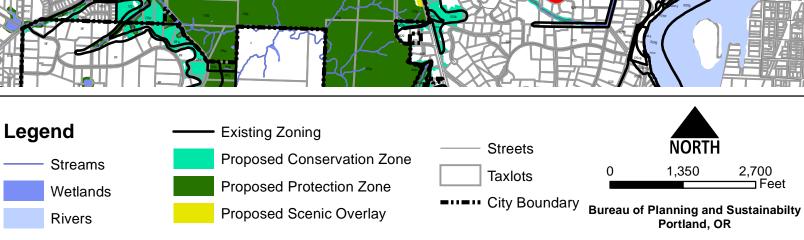
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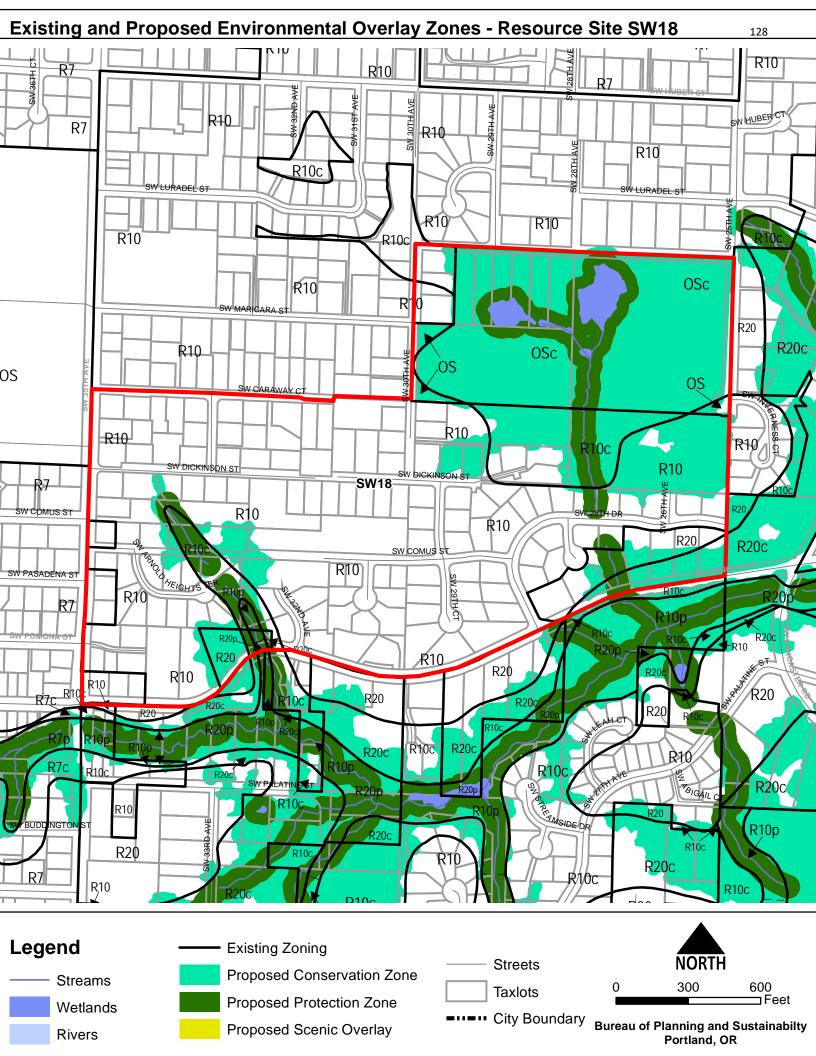


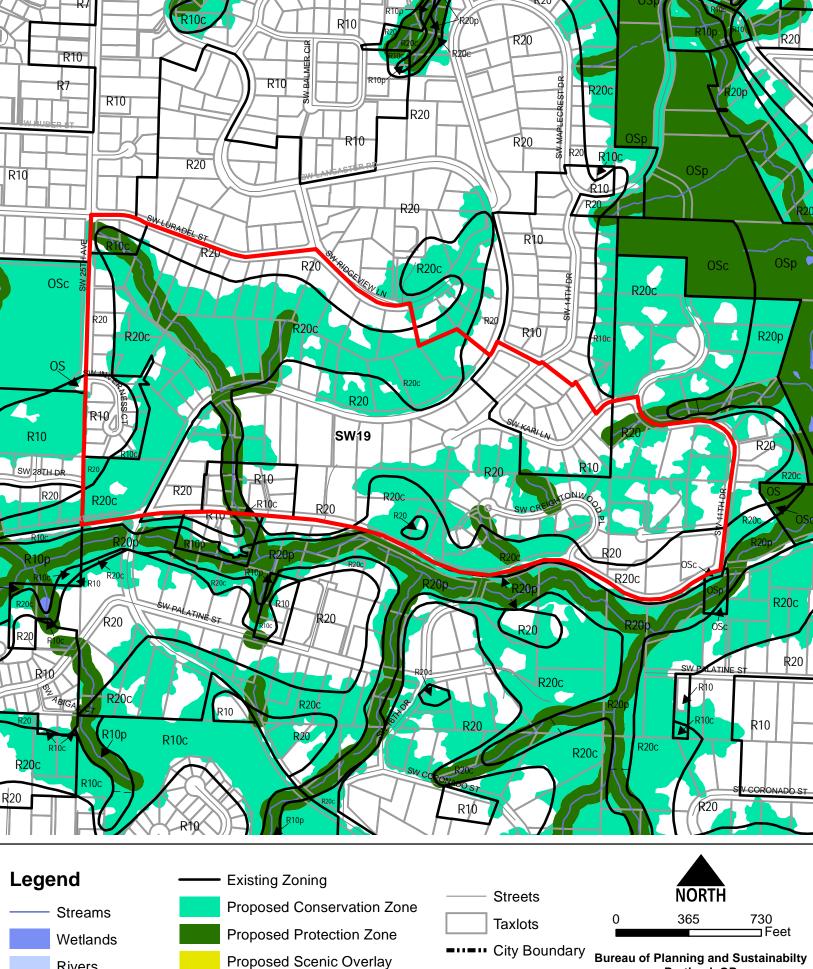


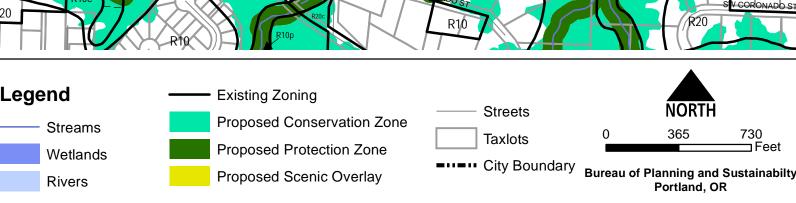


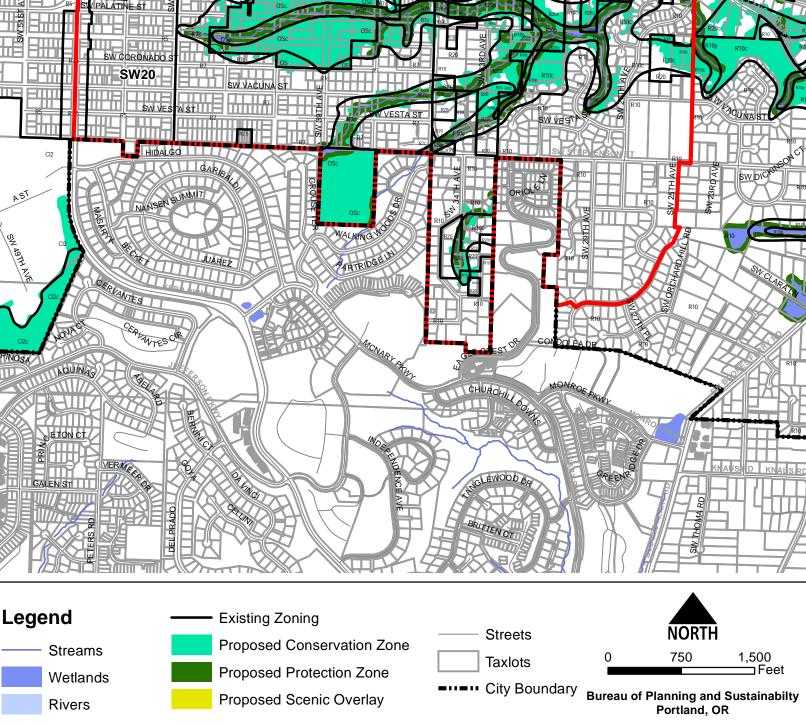


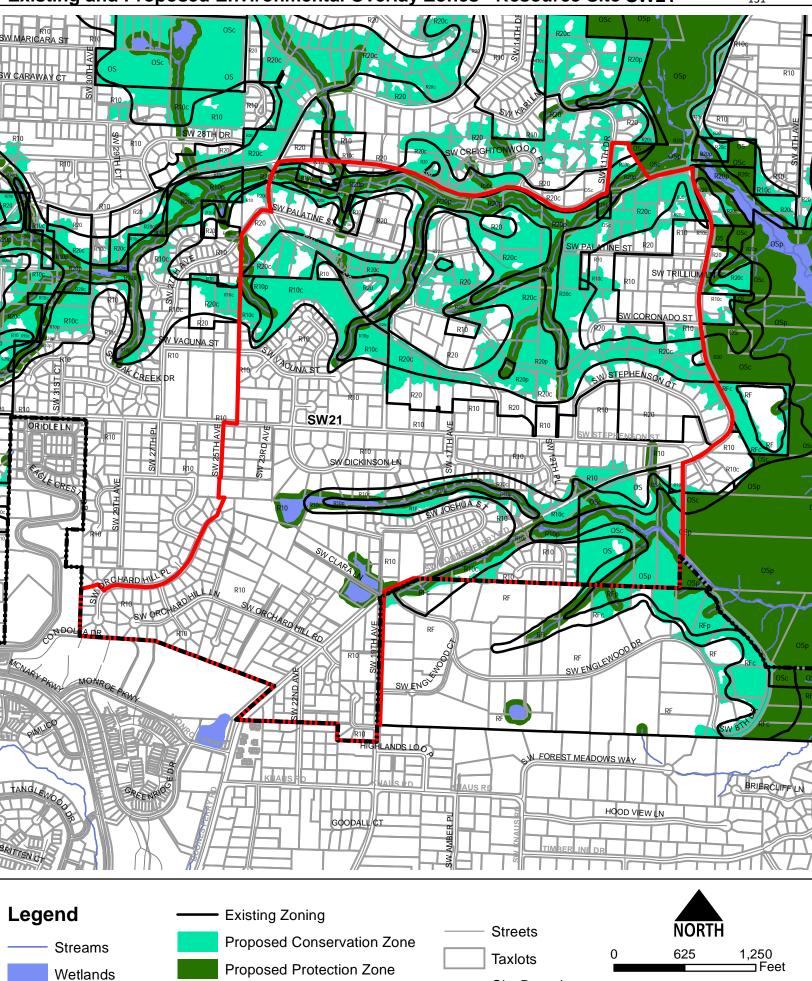












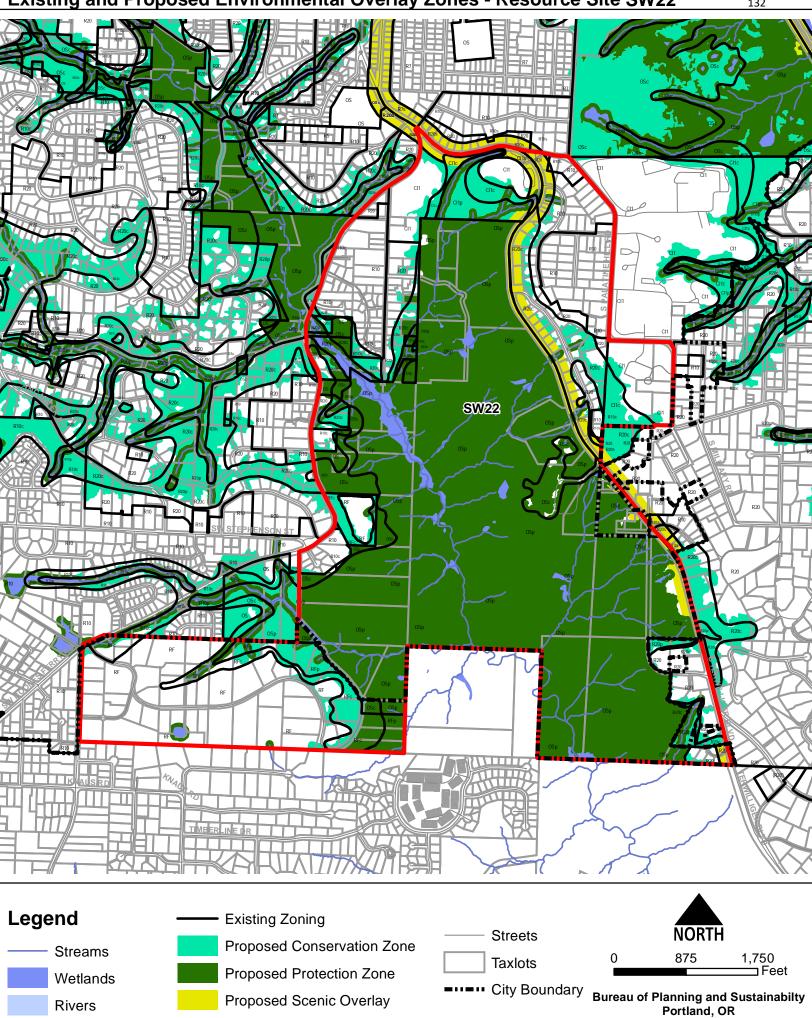
Proposed Scenic Overlay

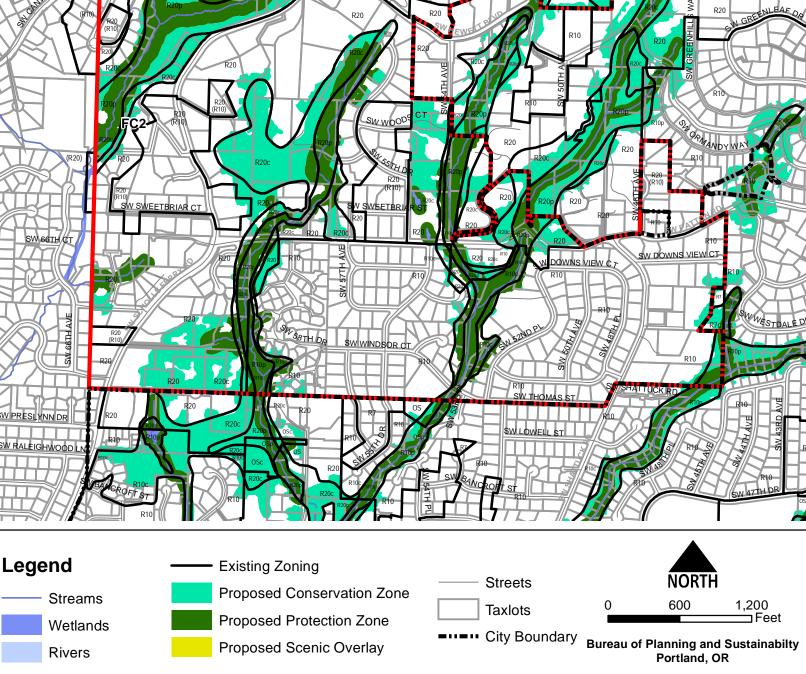
Rivers

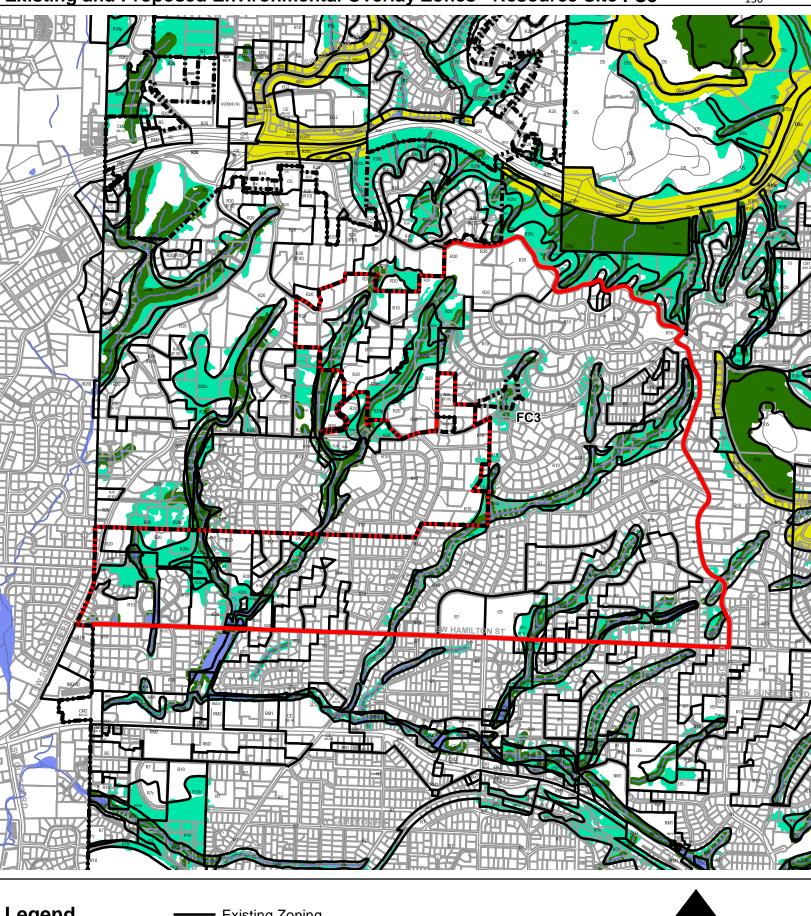
City Boundary

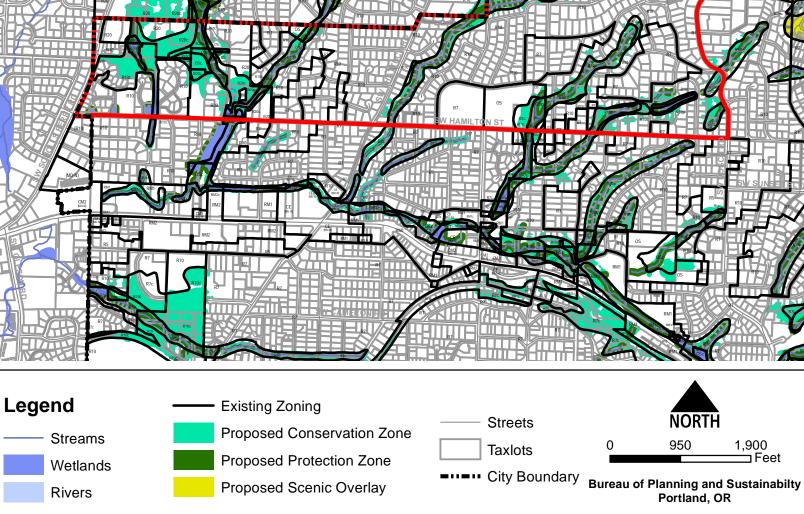
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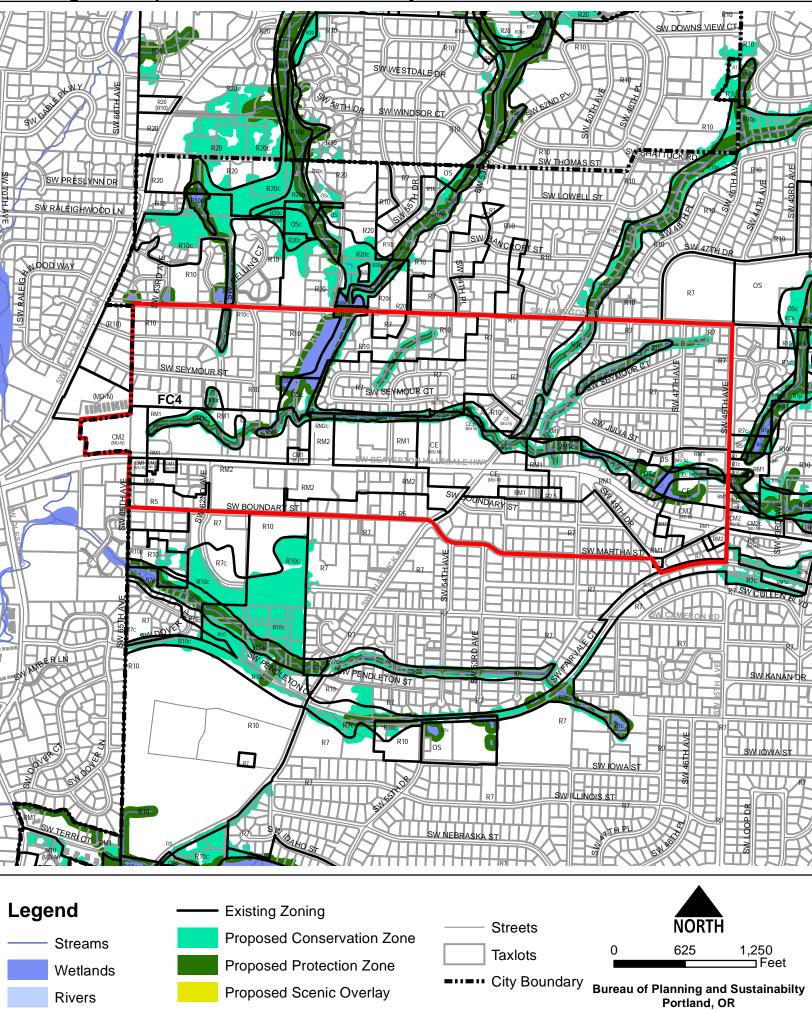
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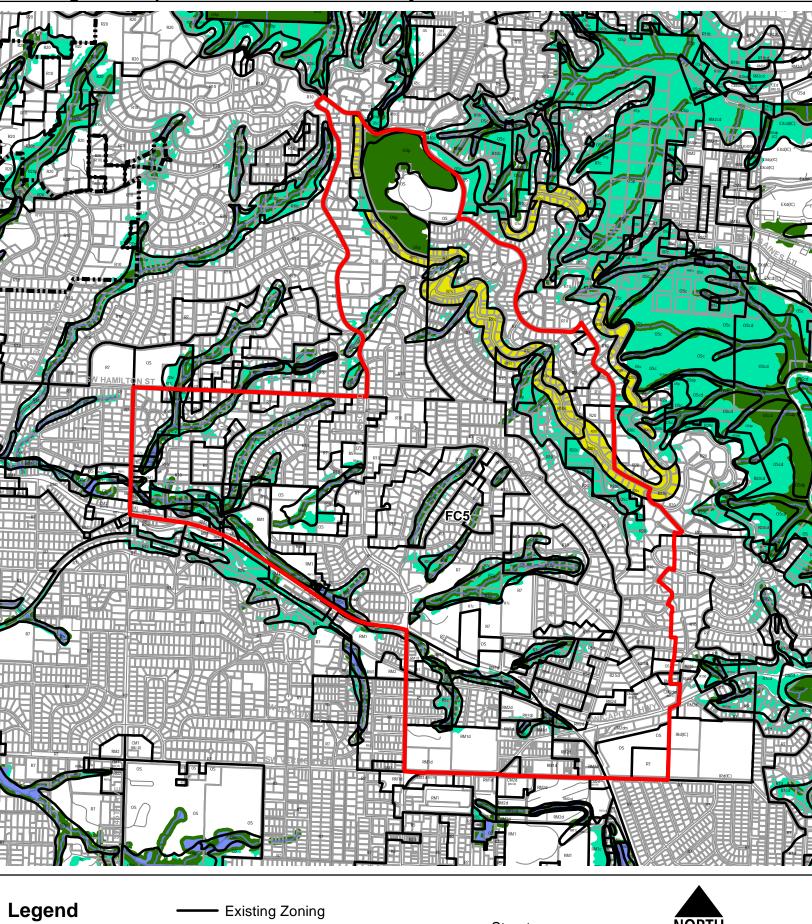


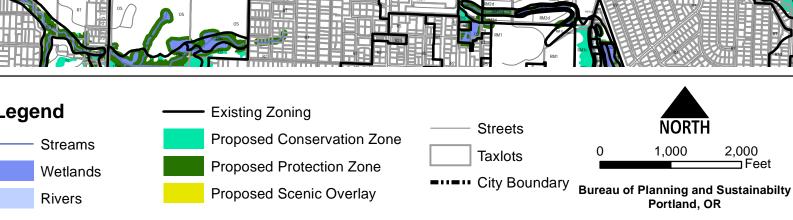


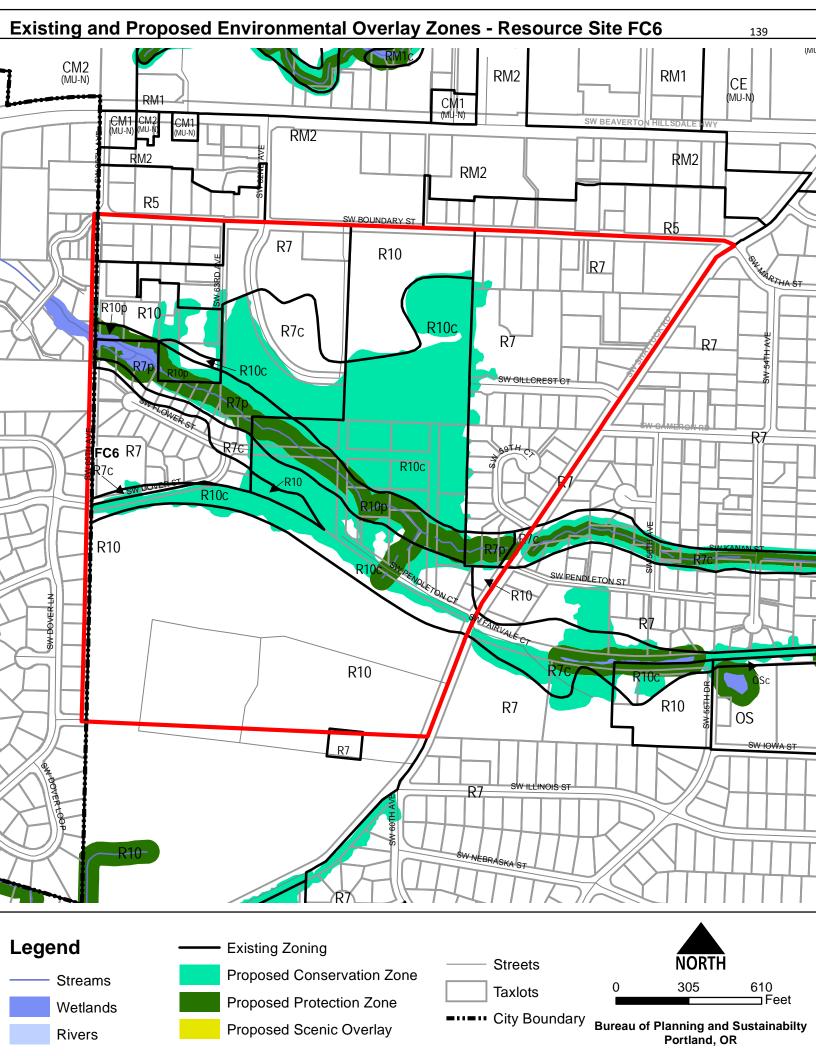












Proposed Scenic Overlay

•• City Boundary

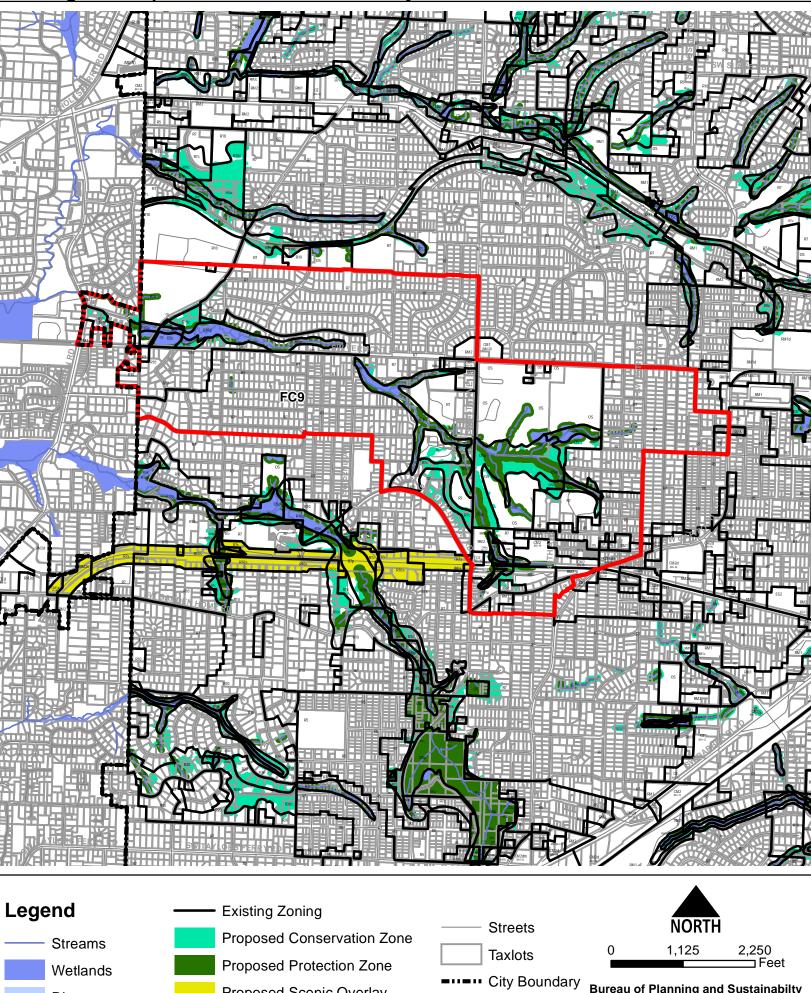
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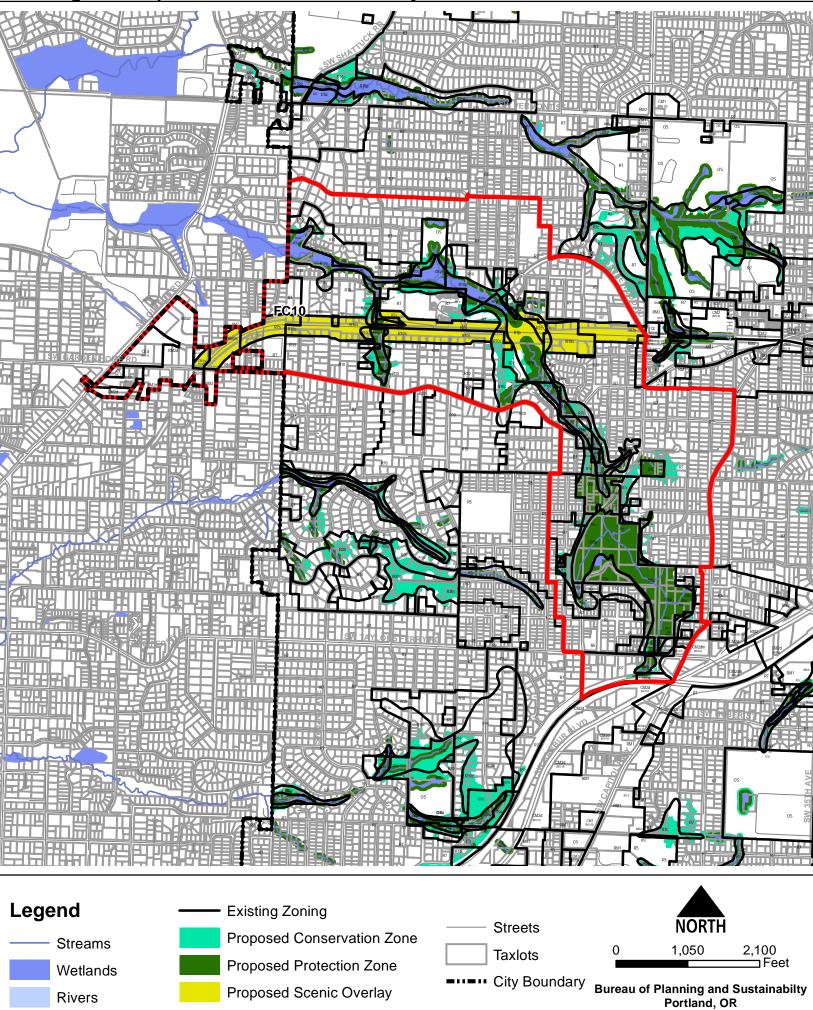
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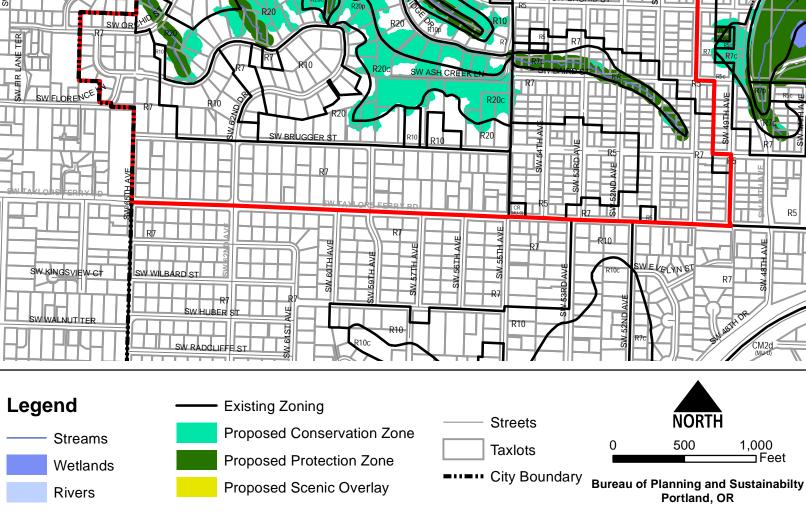
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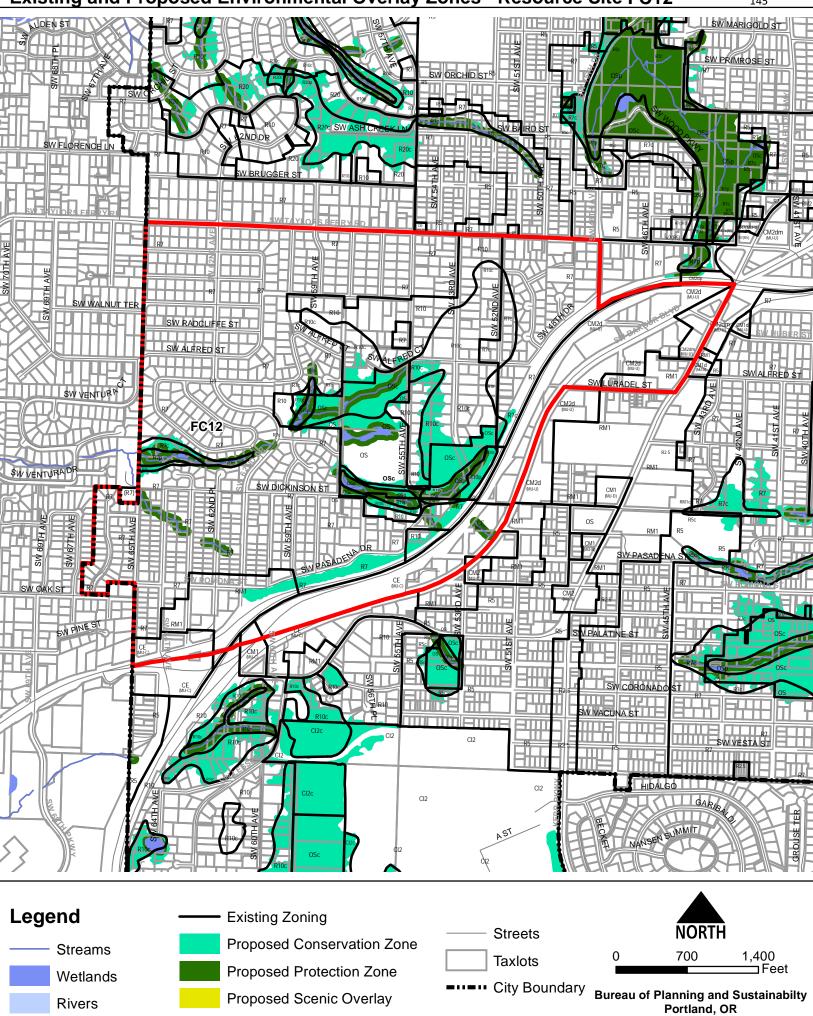
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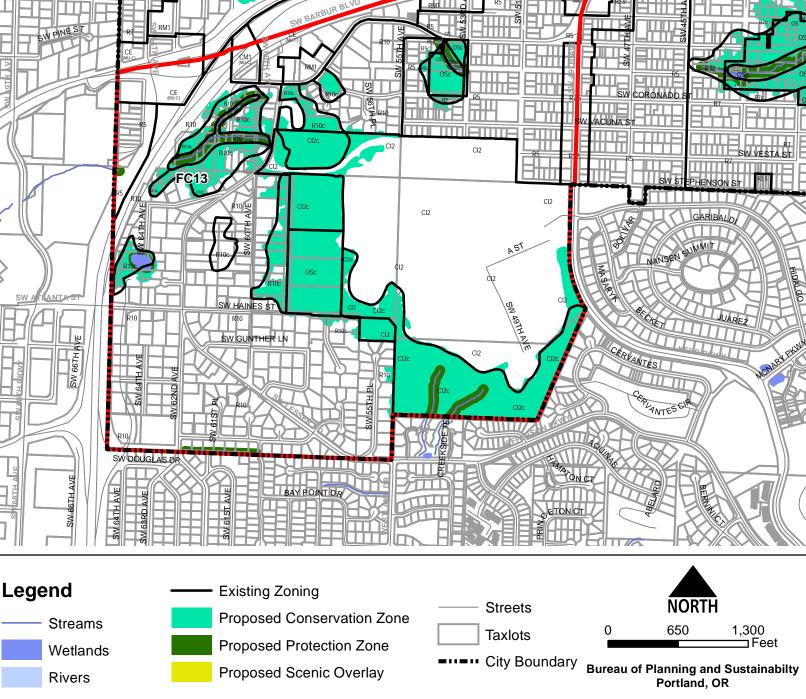


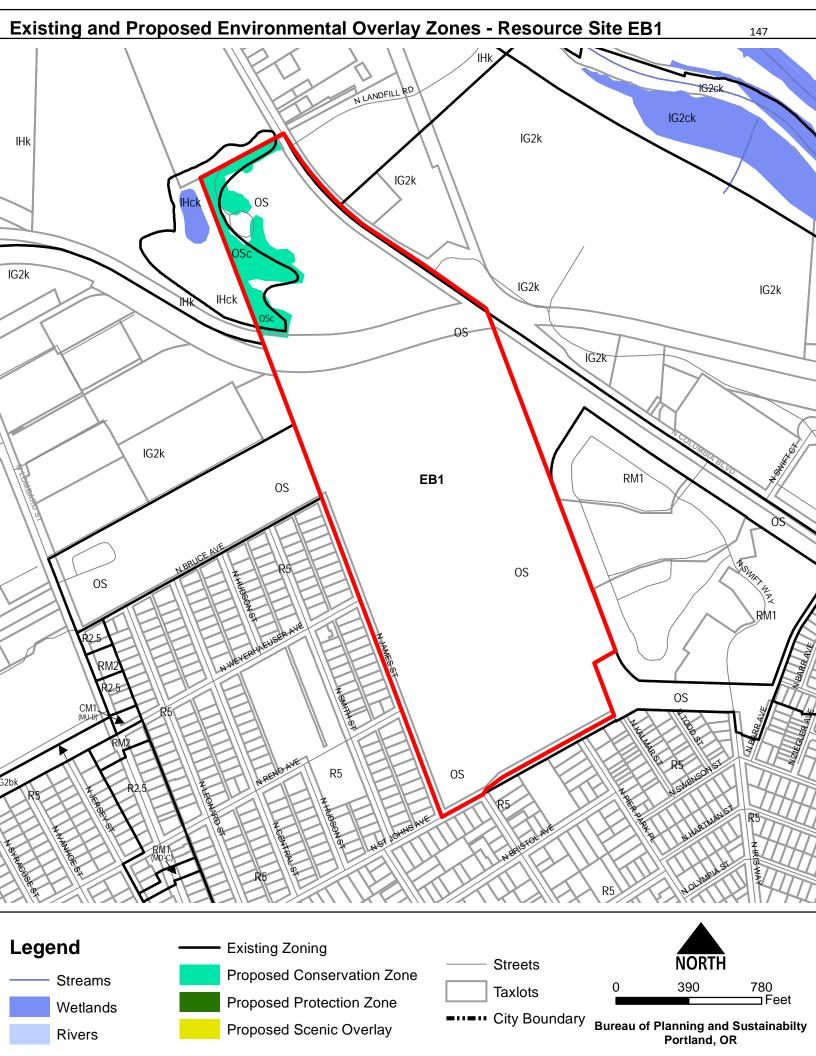
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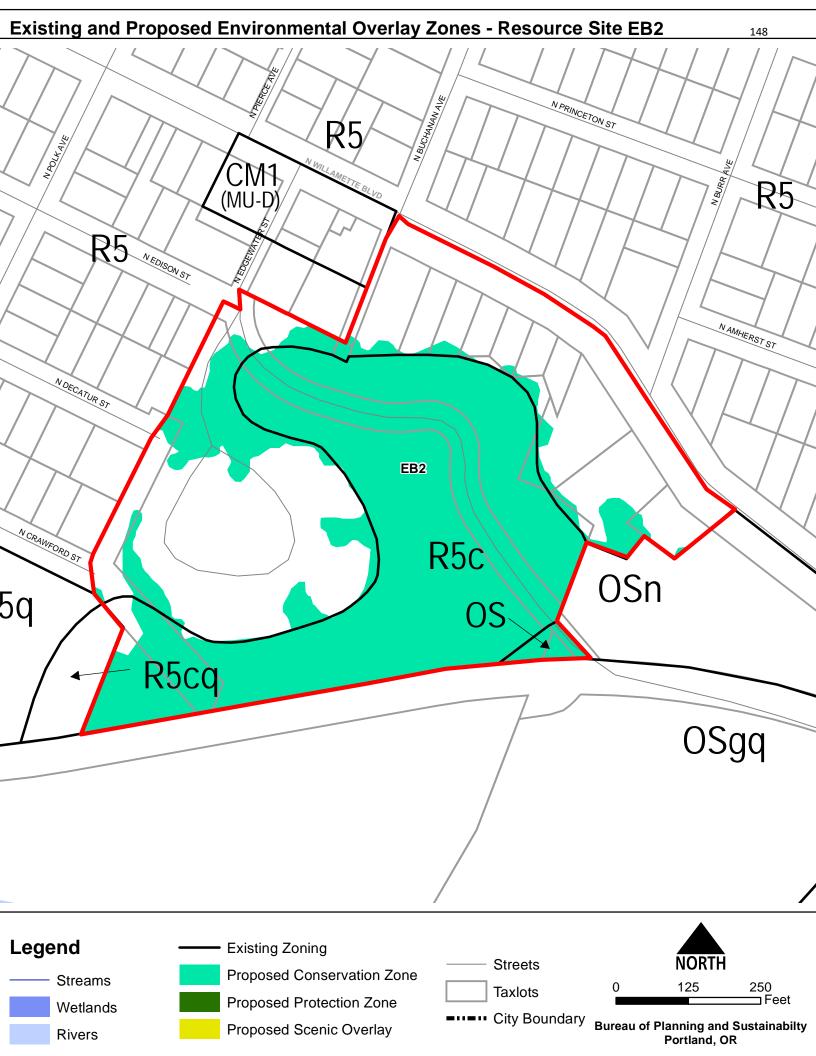




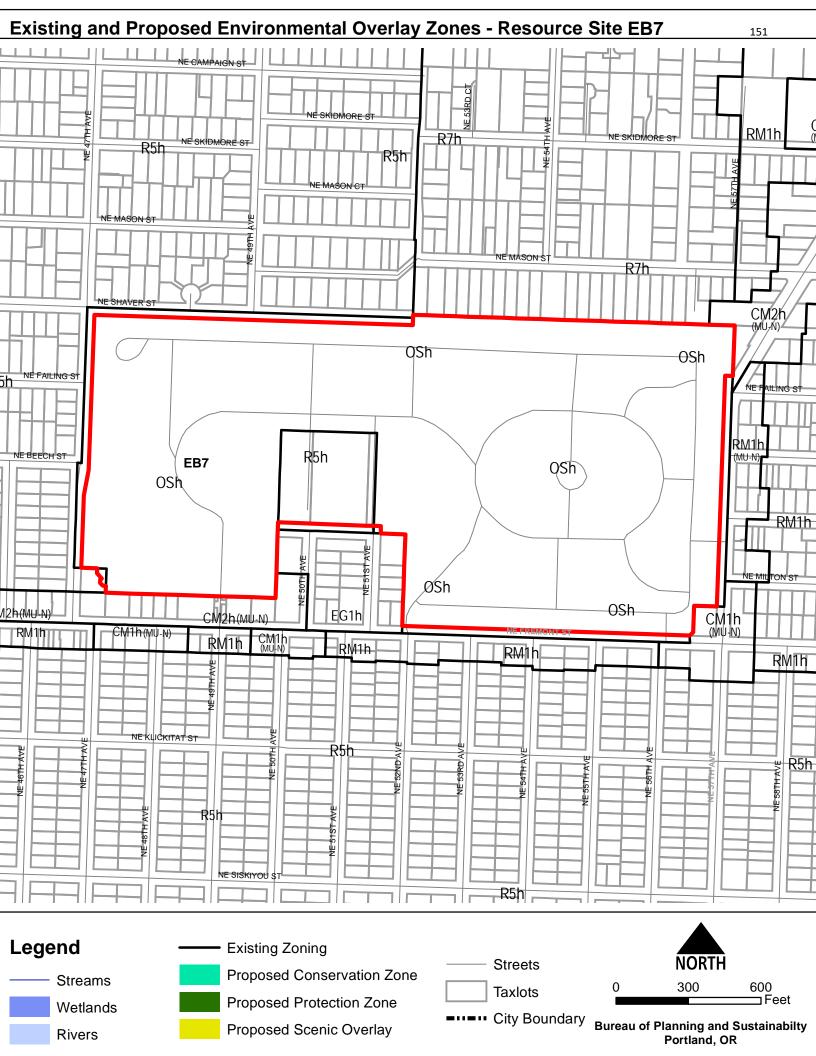


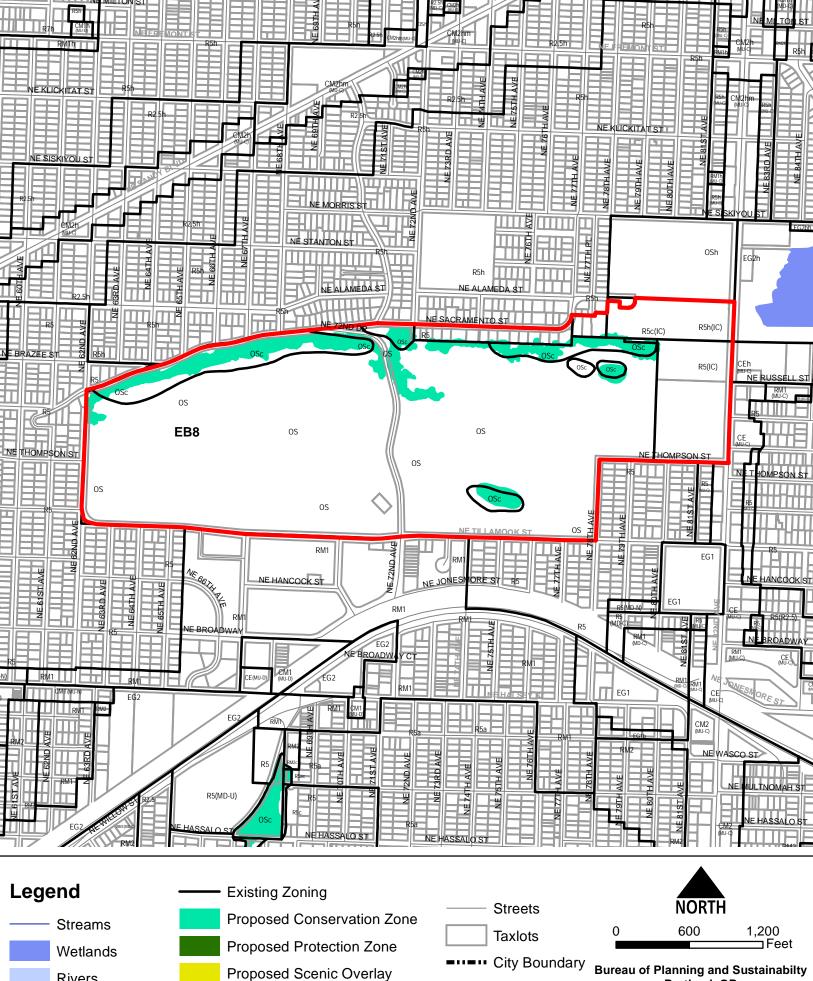




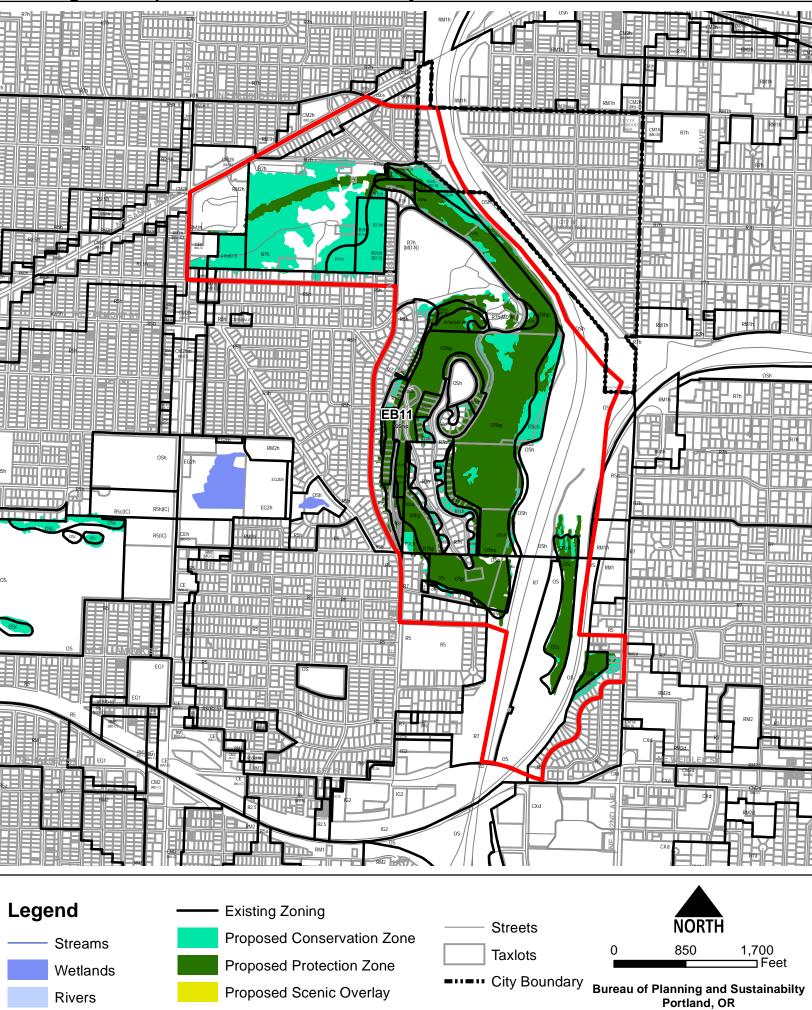


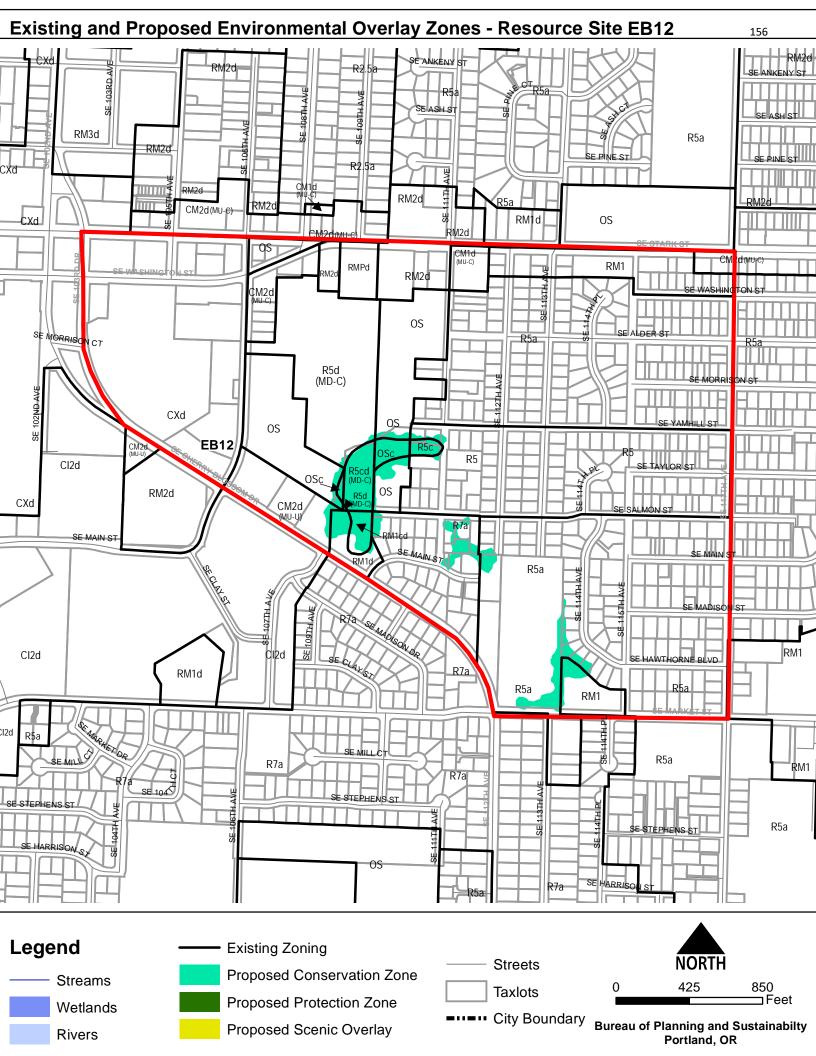


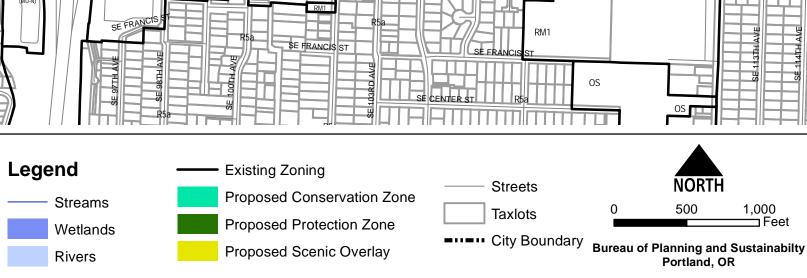




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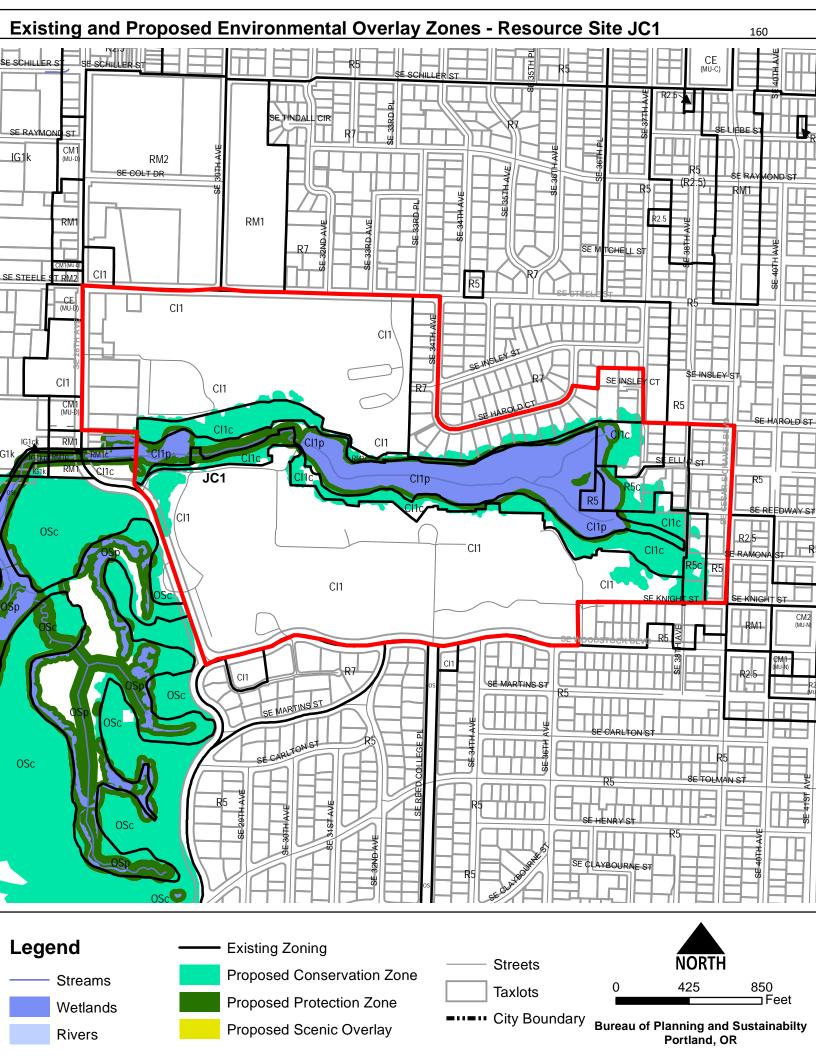




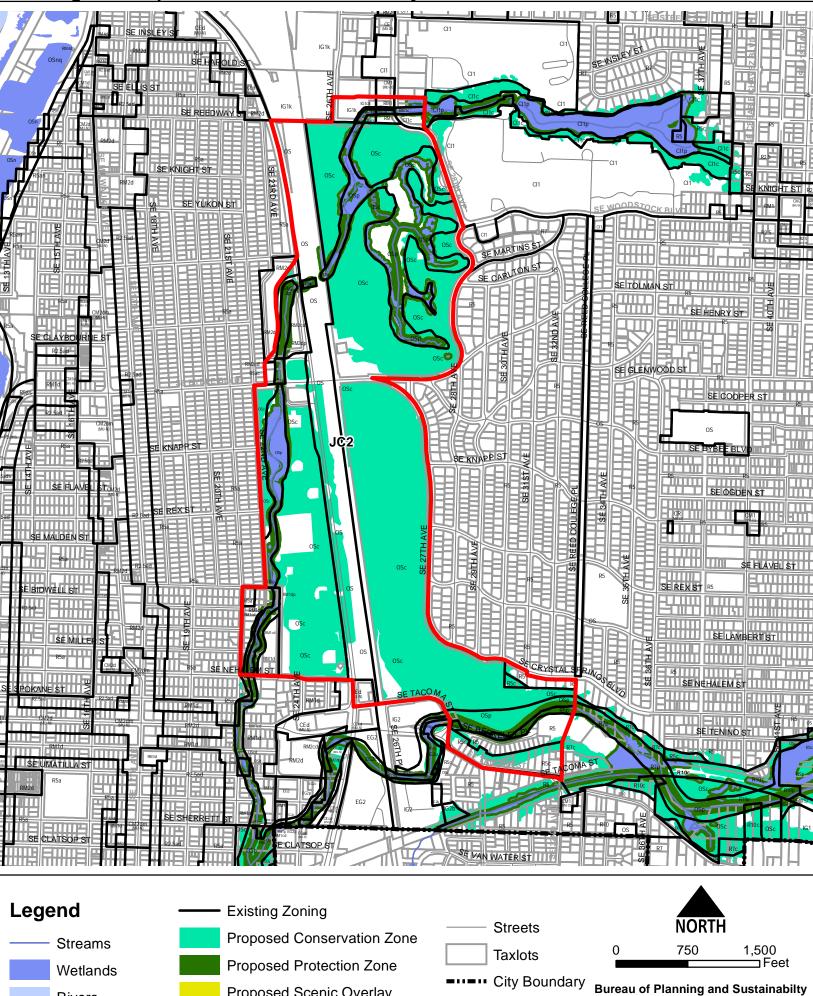


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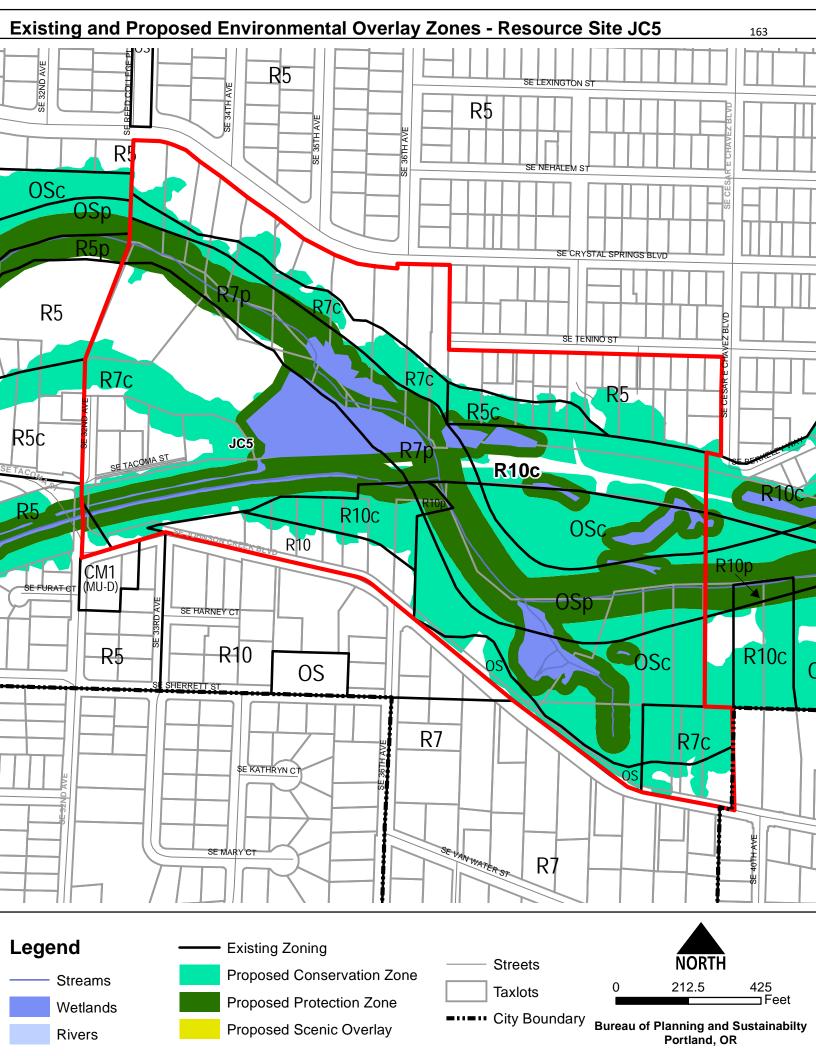


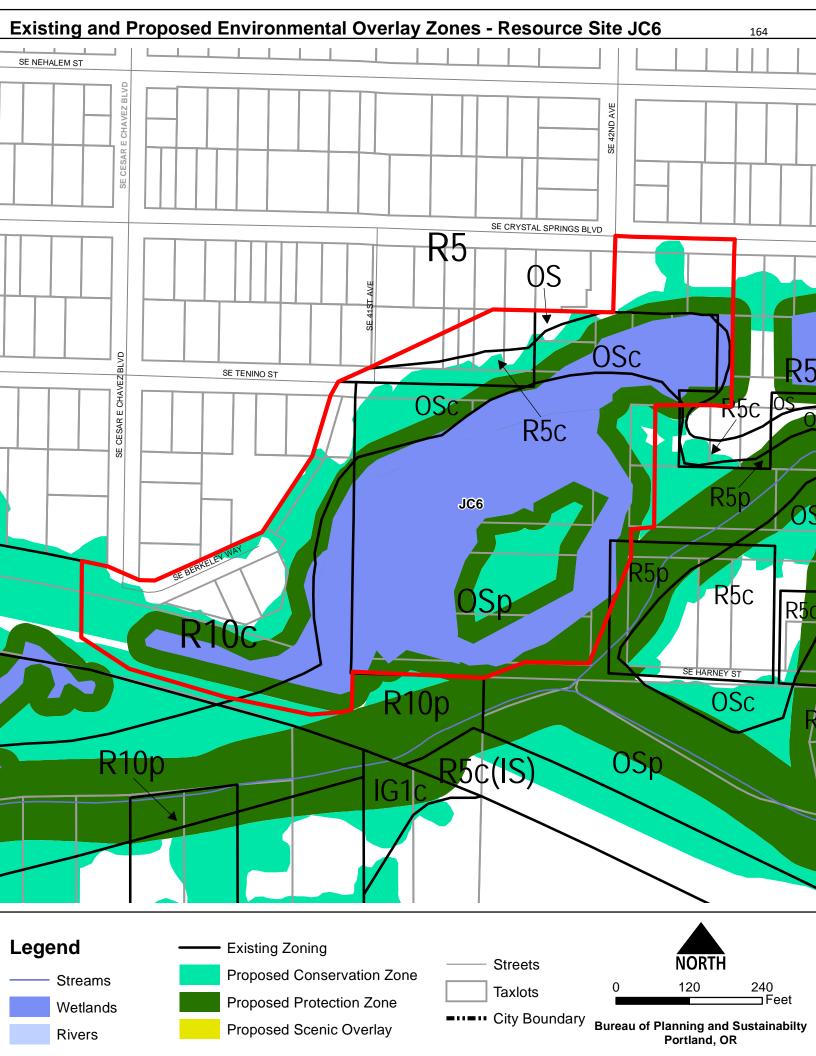


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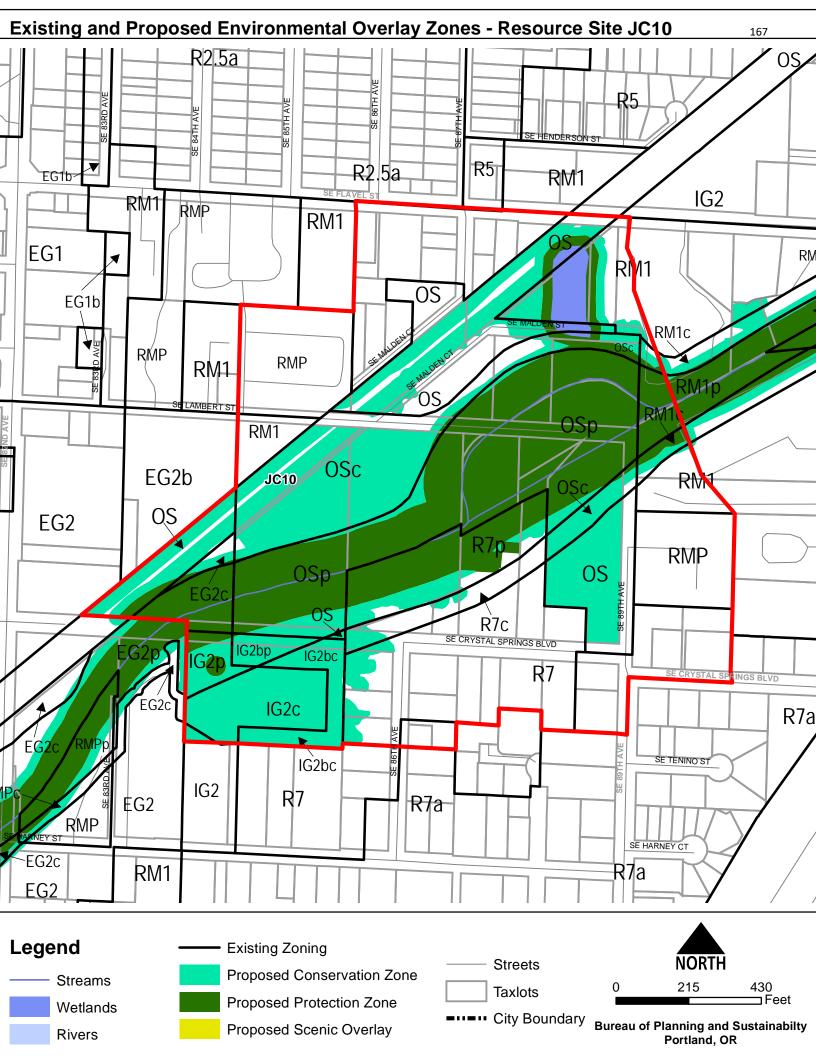


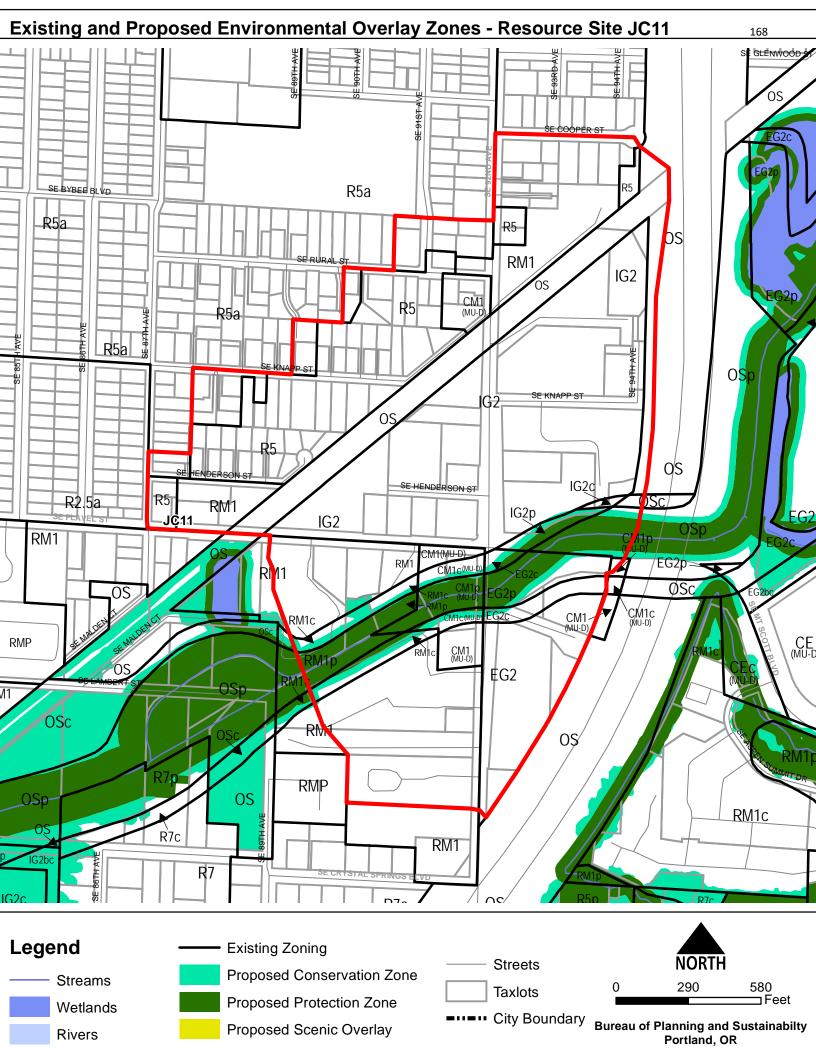
Proposed Scenic Overlay



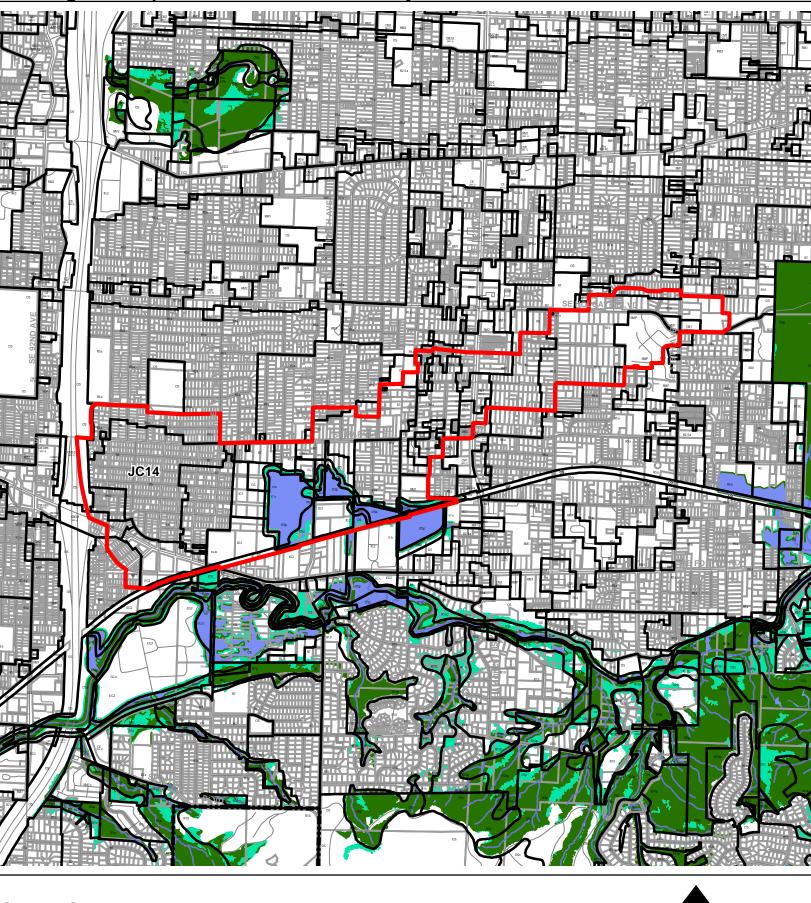


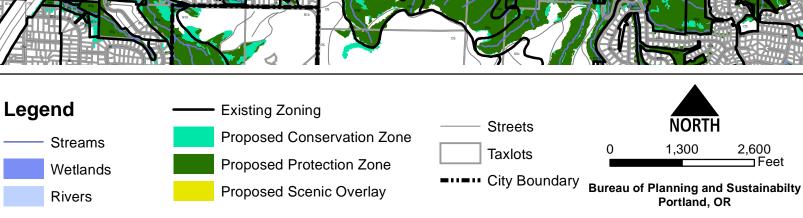


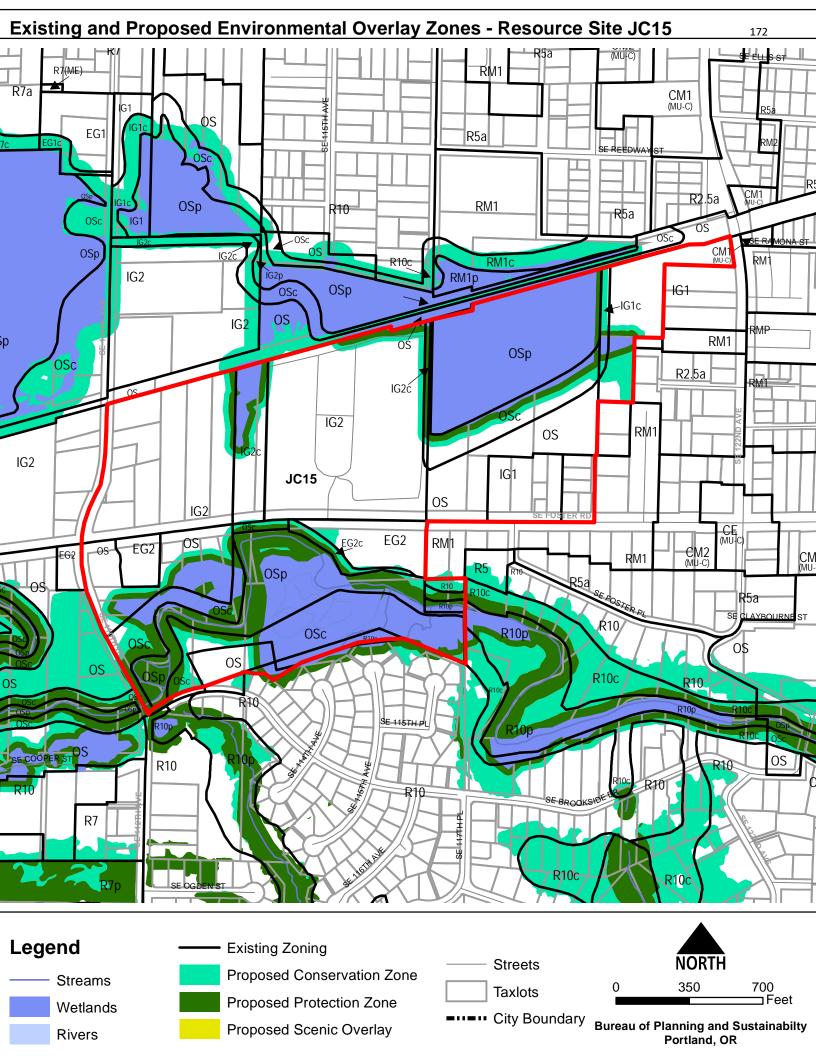


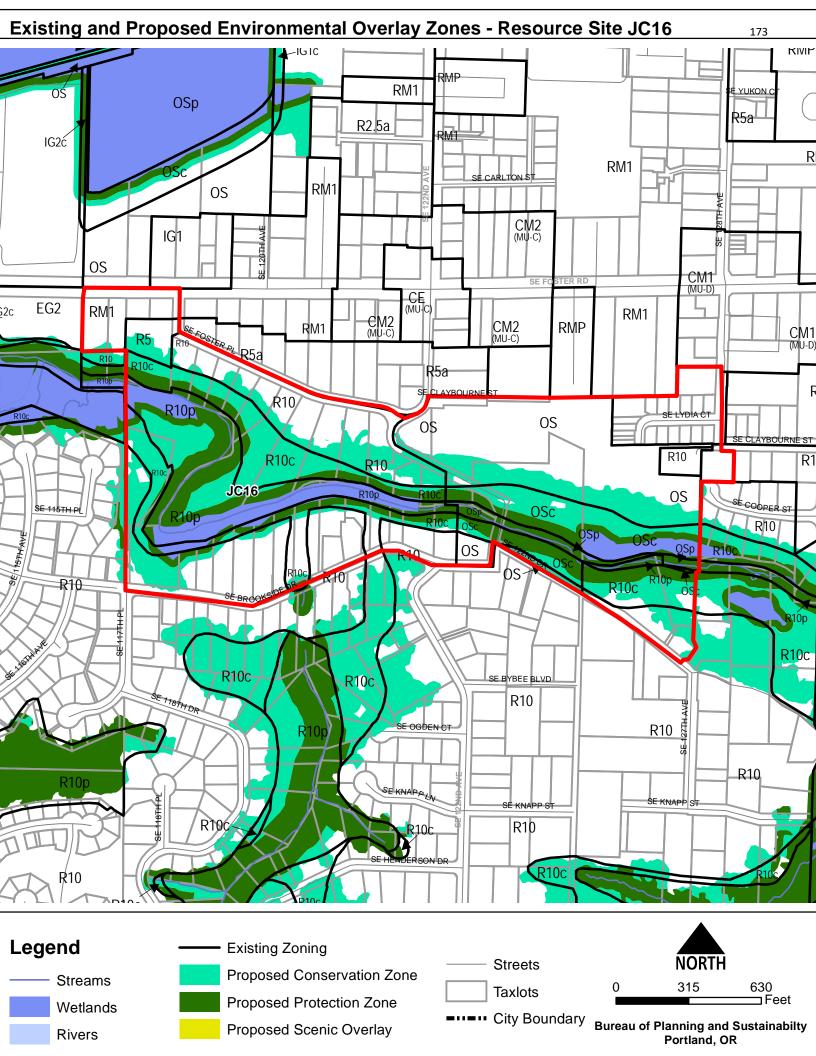


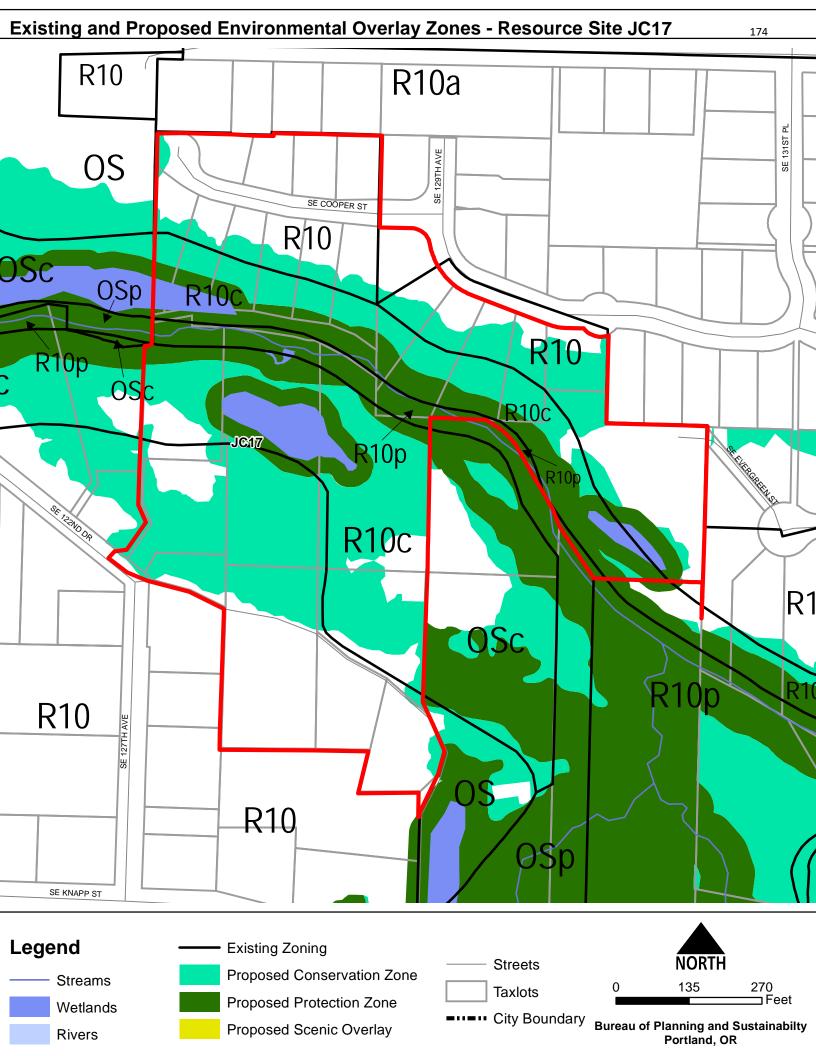


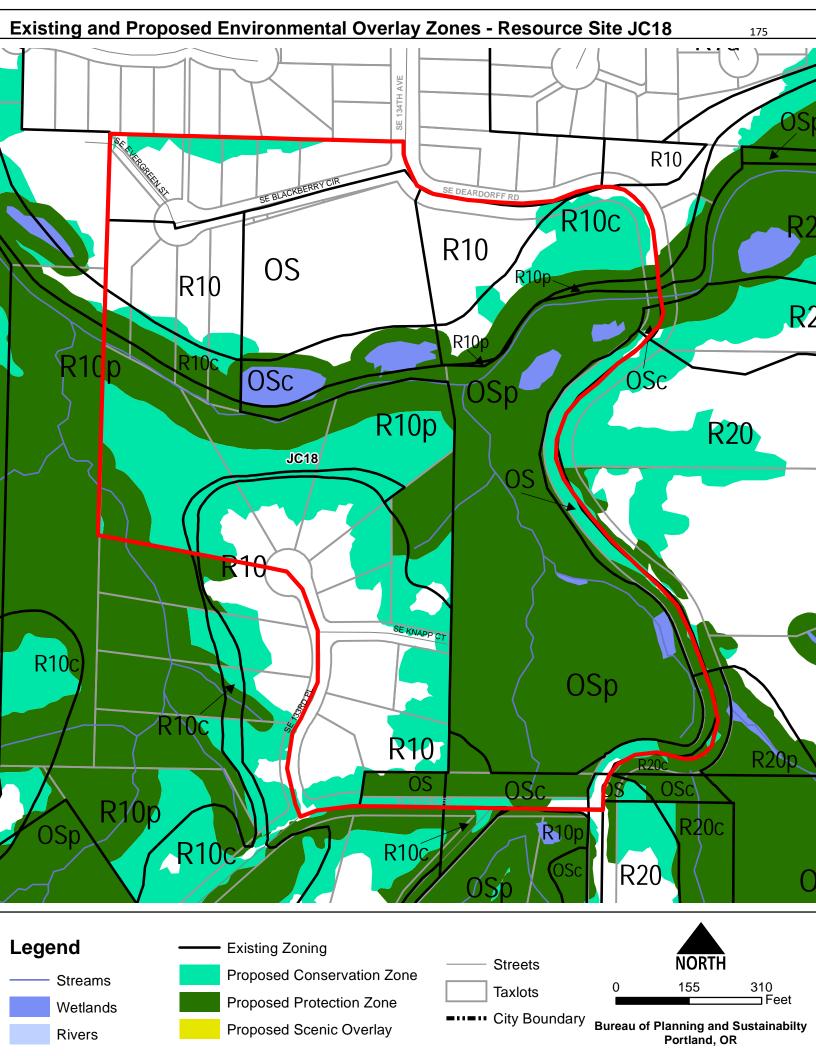


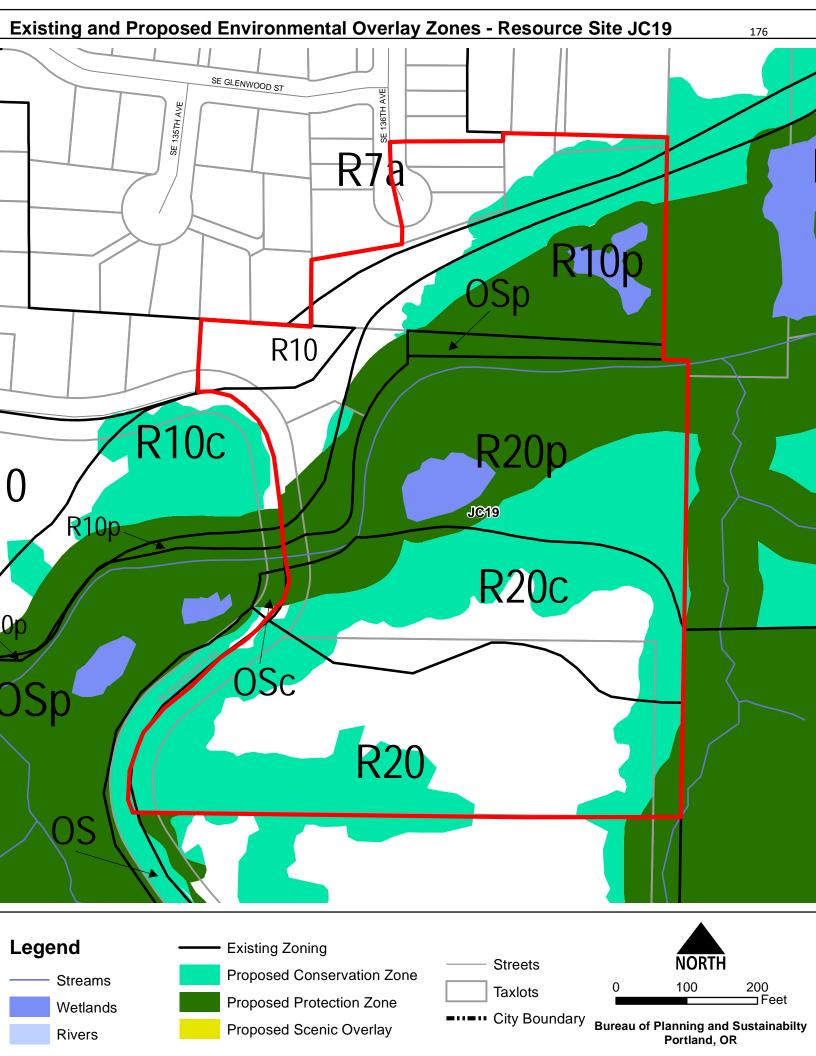


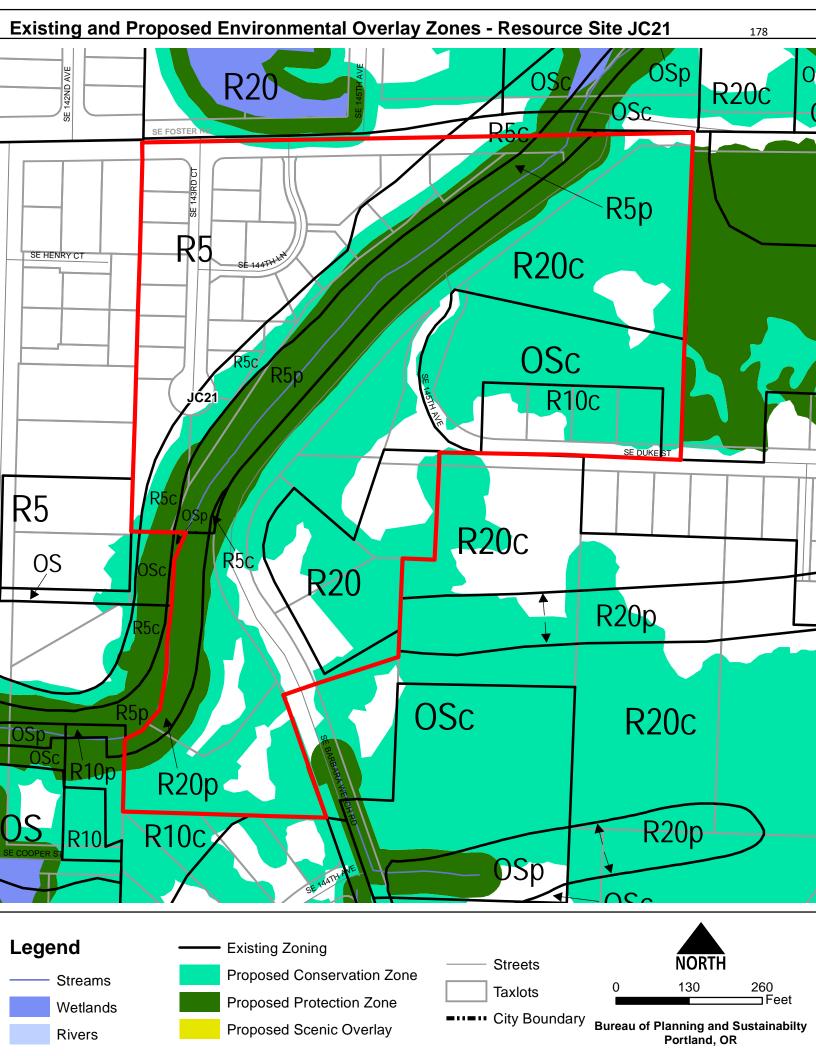


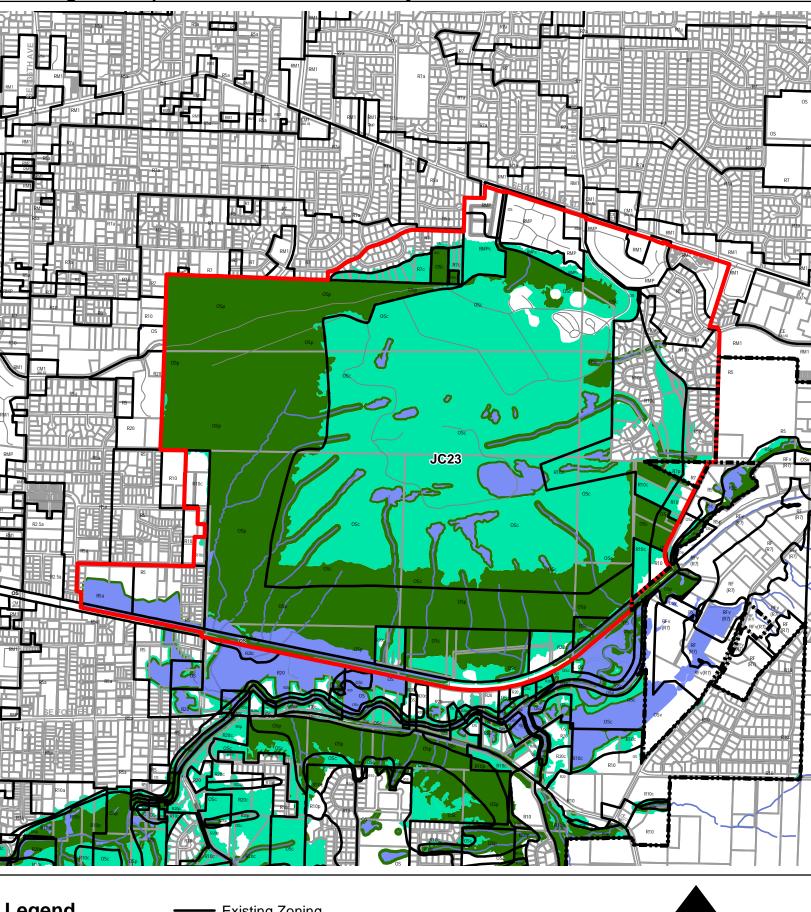




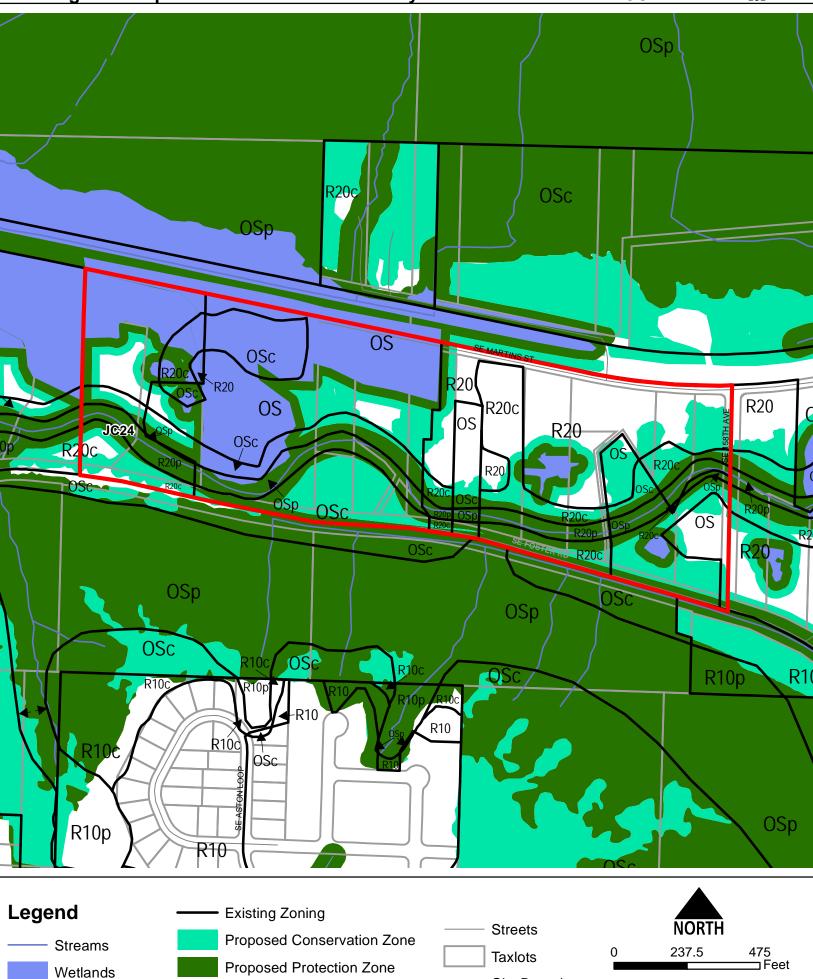












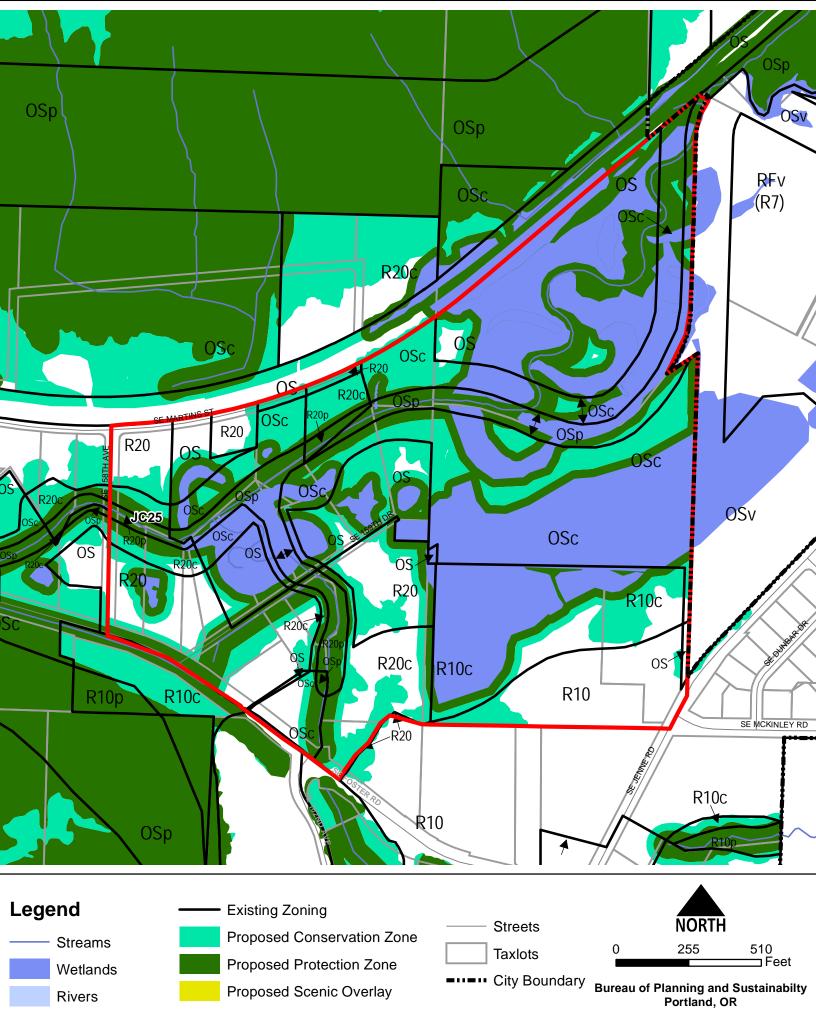
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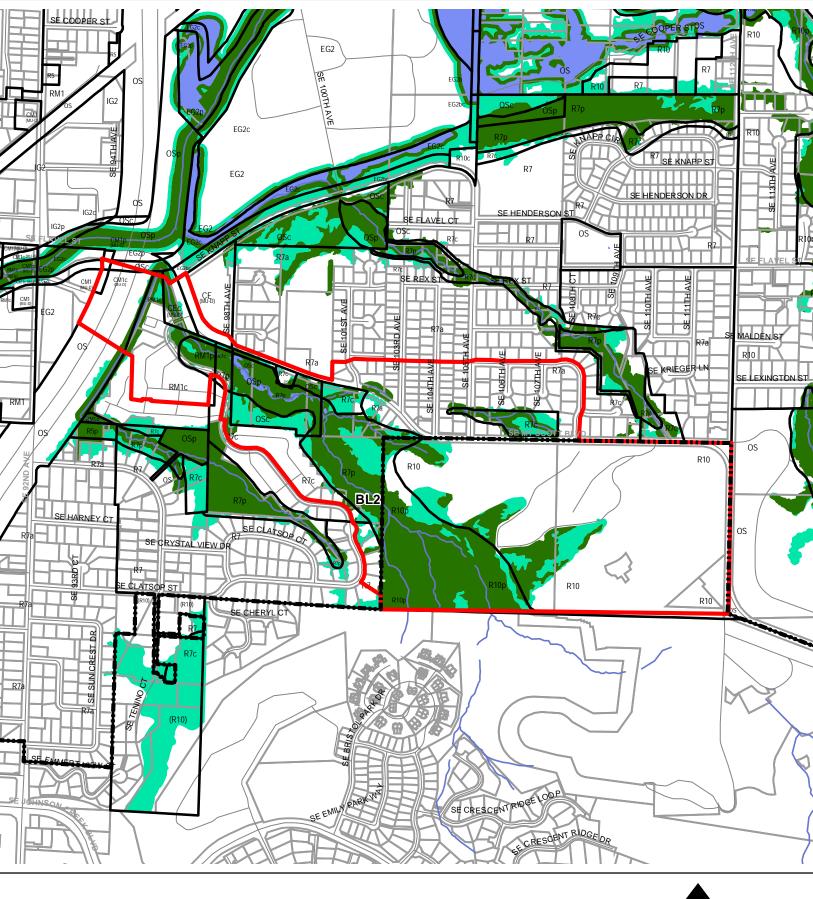
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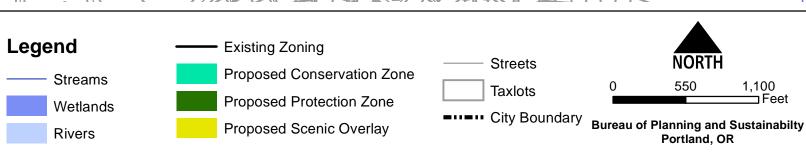
City Boundary

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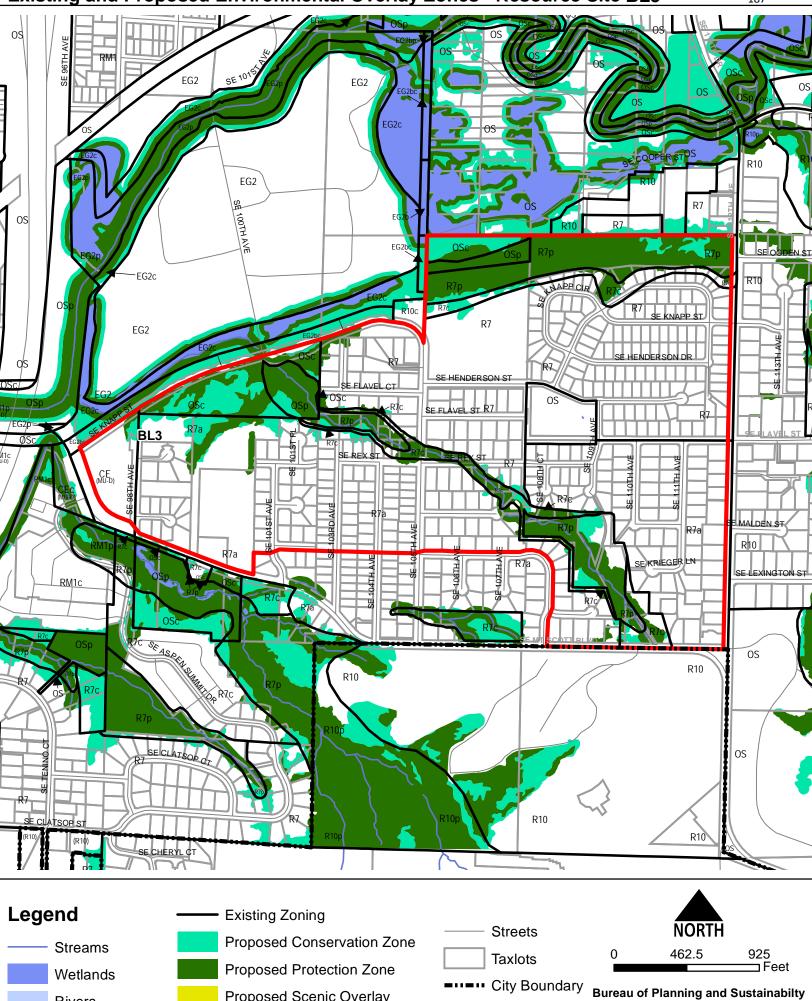
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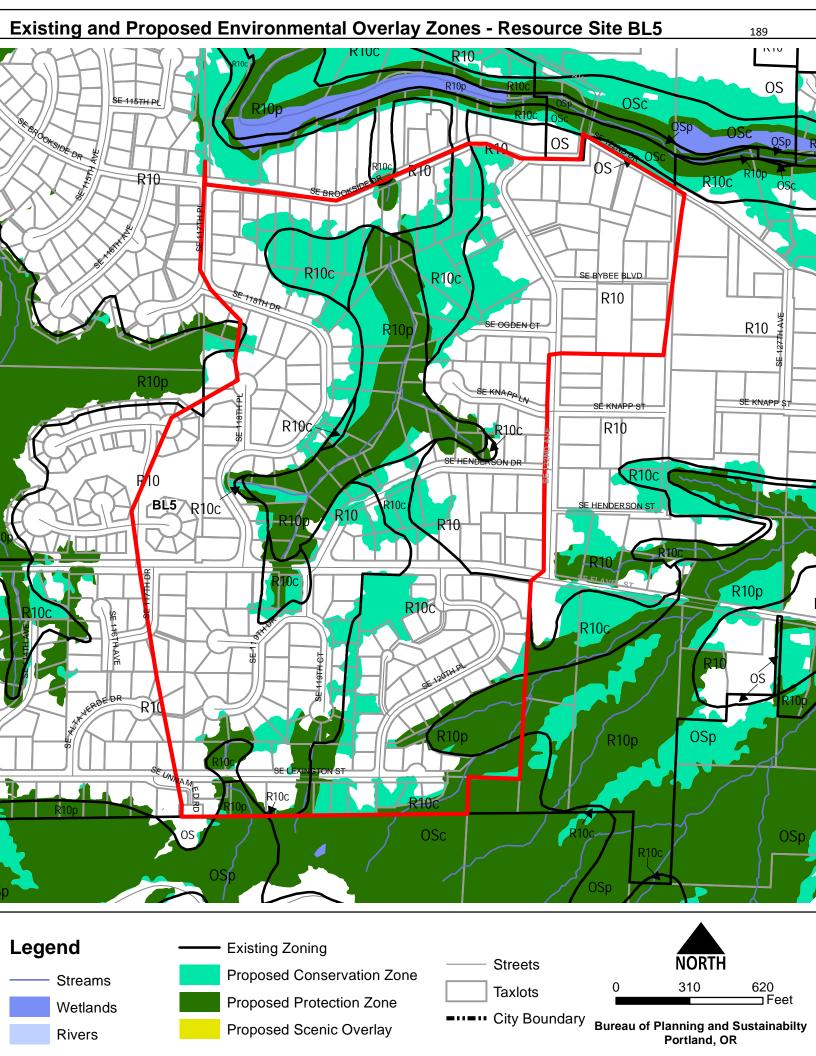


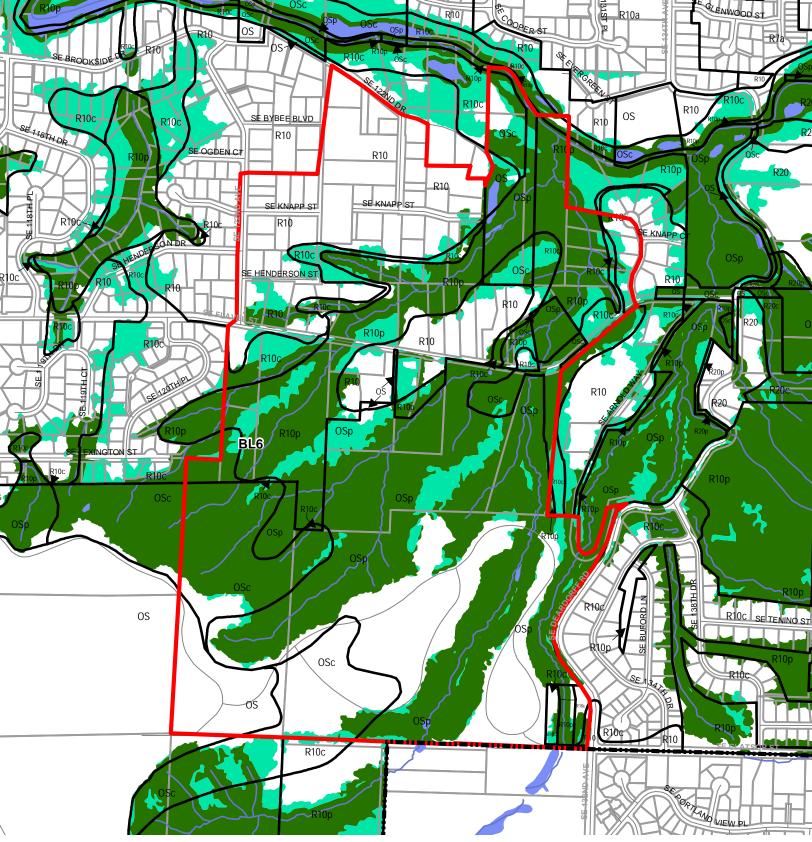
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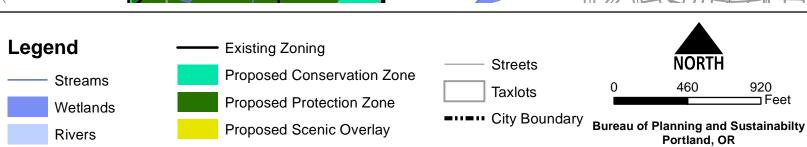


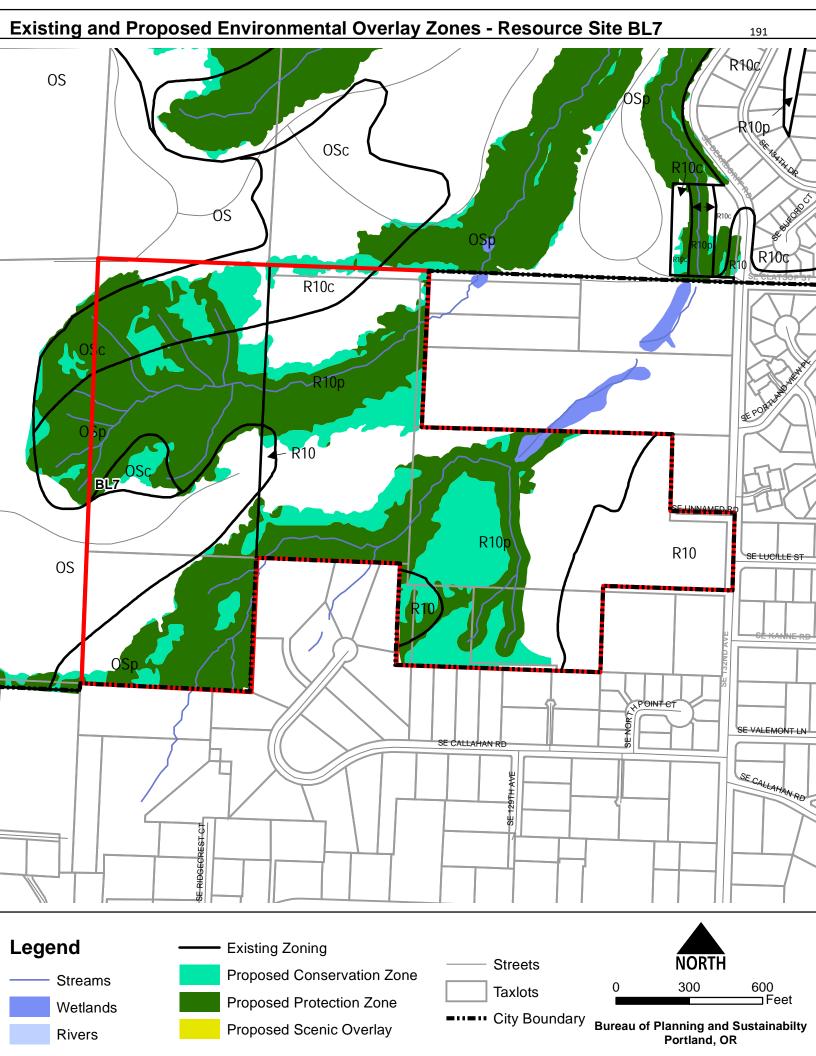
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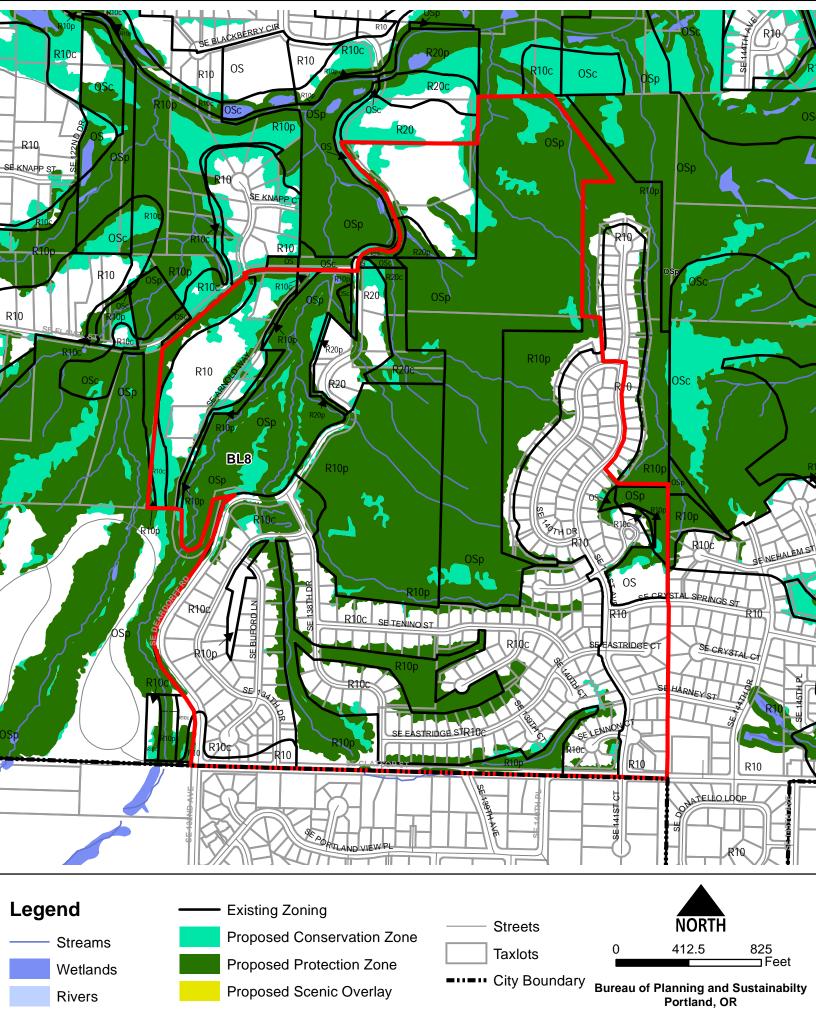
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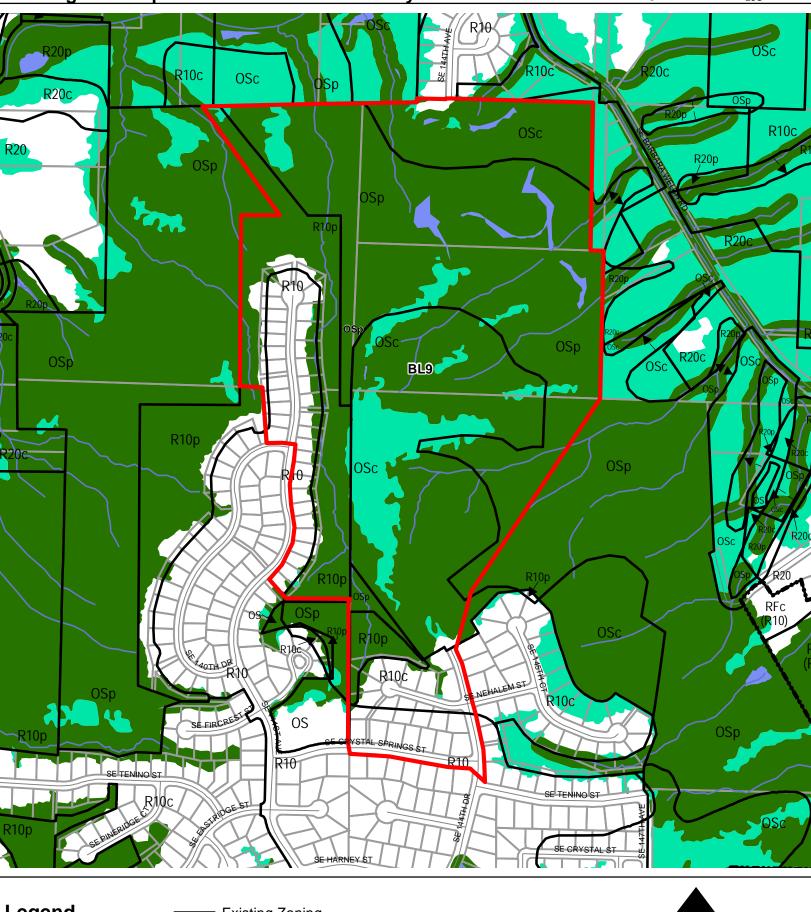




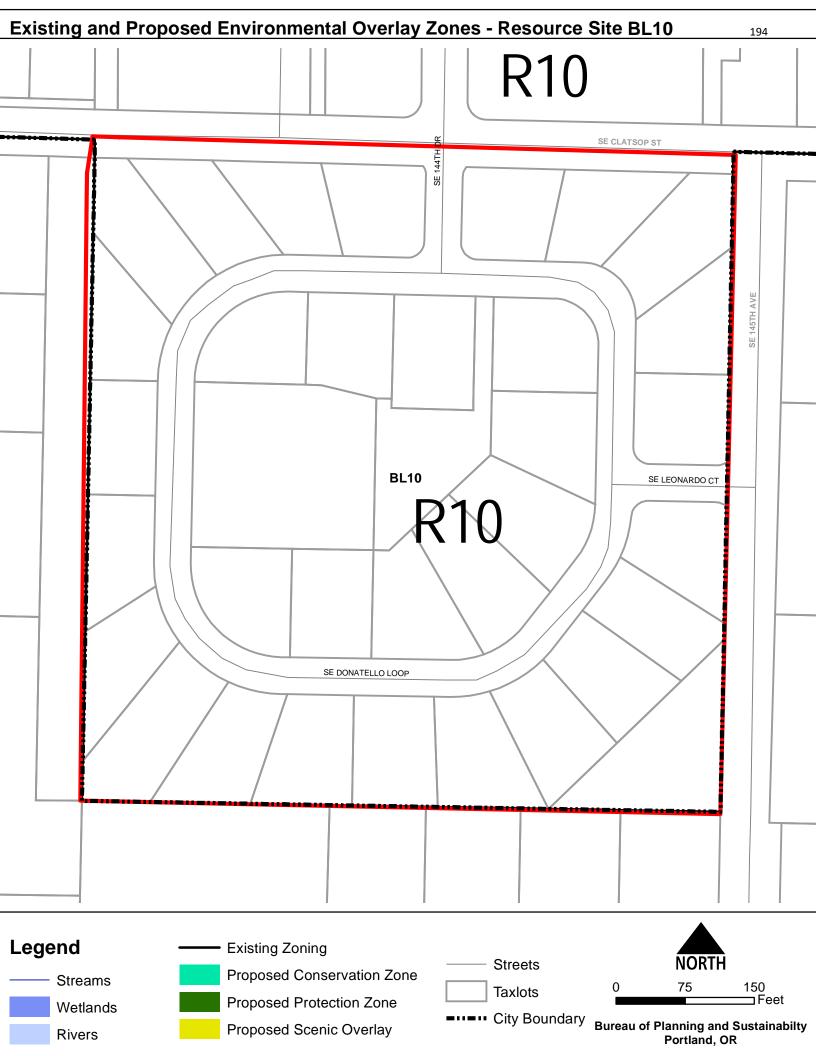


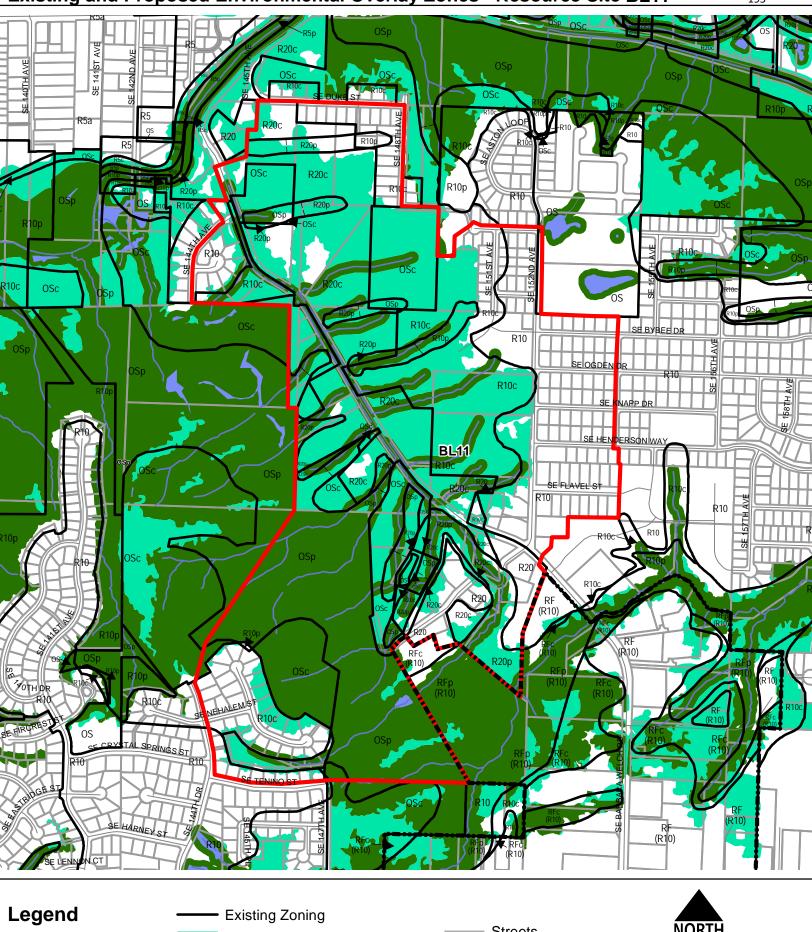


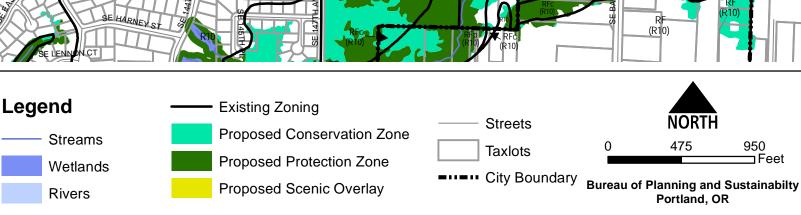


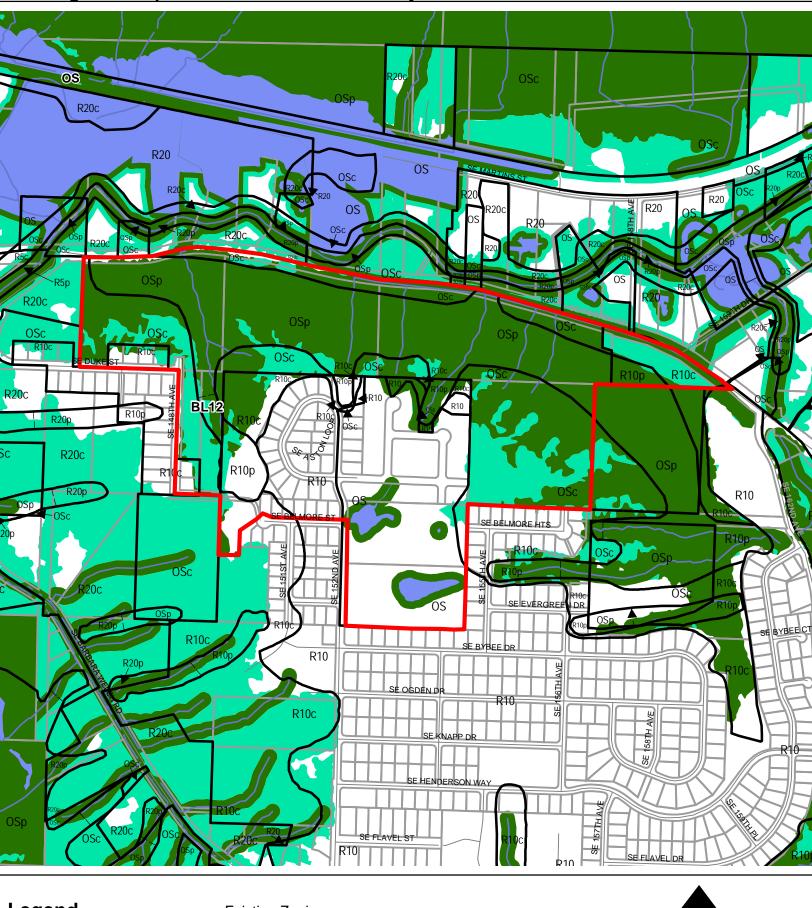


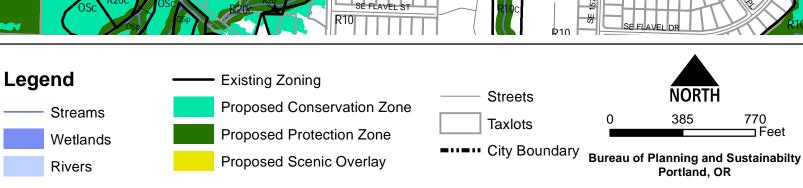


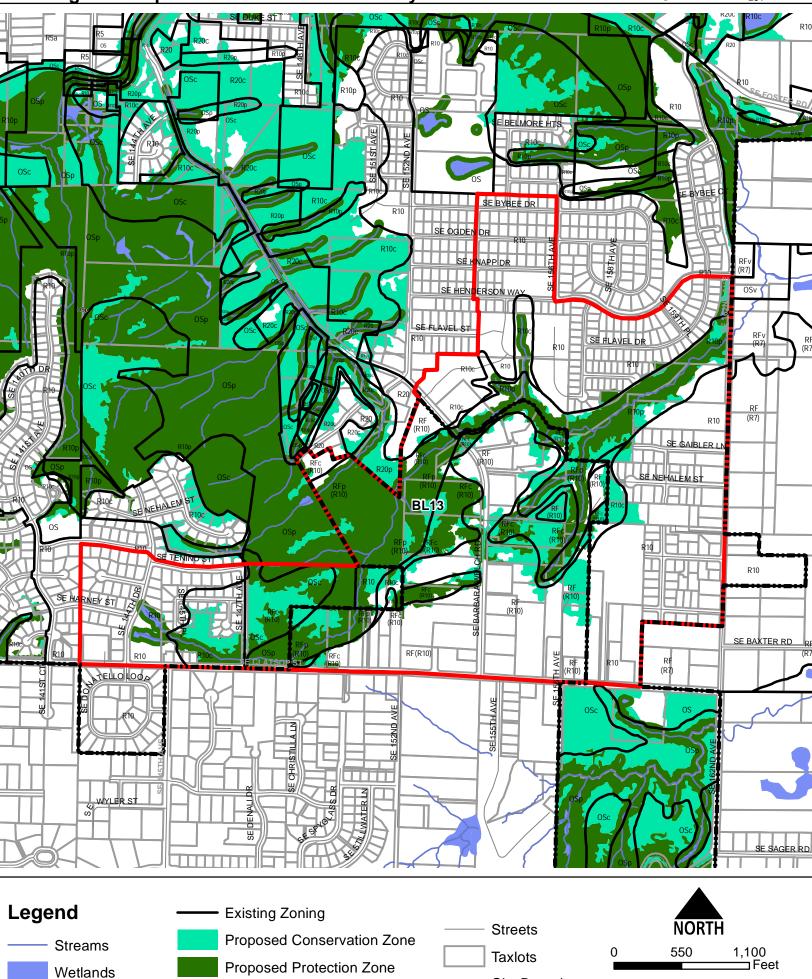












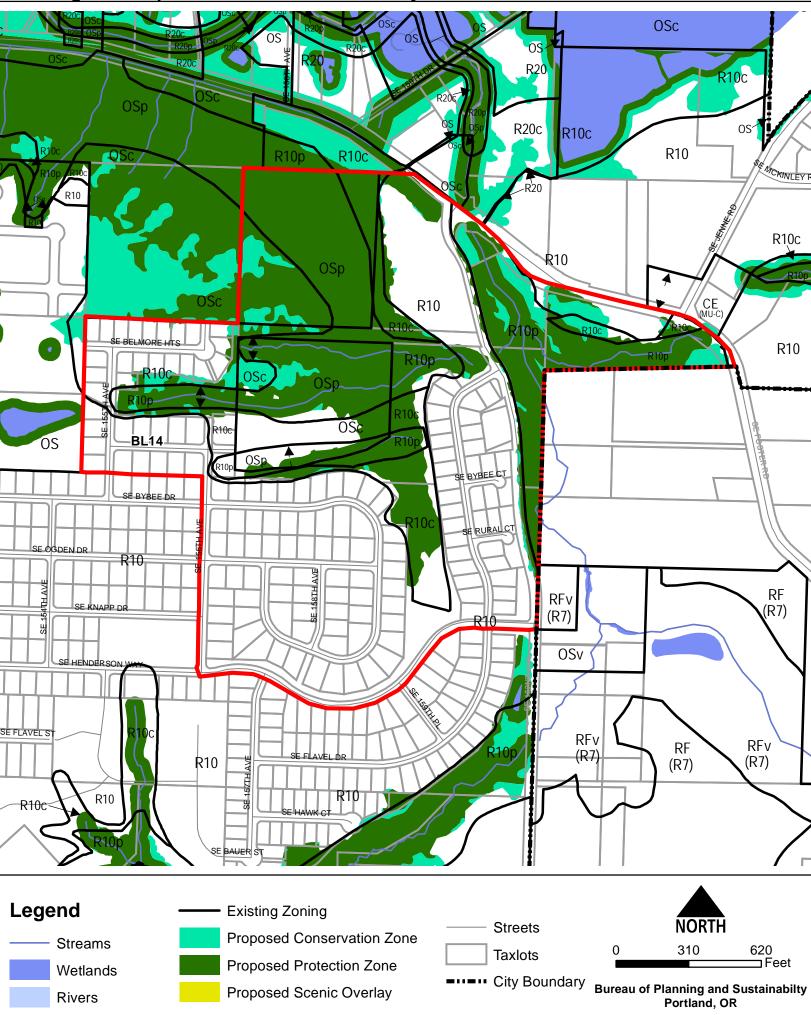
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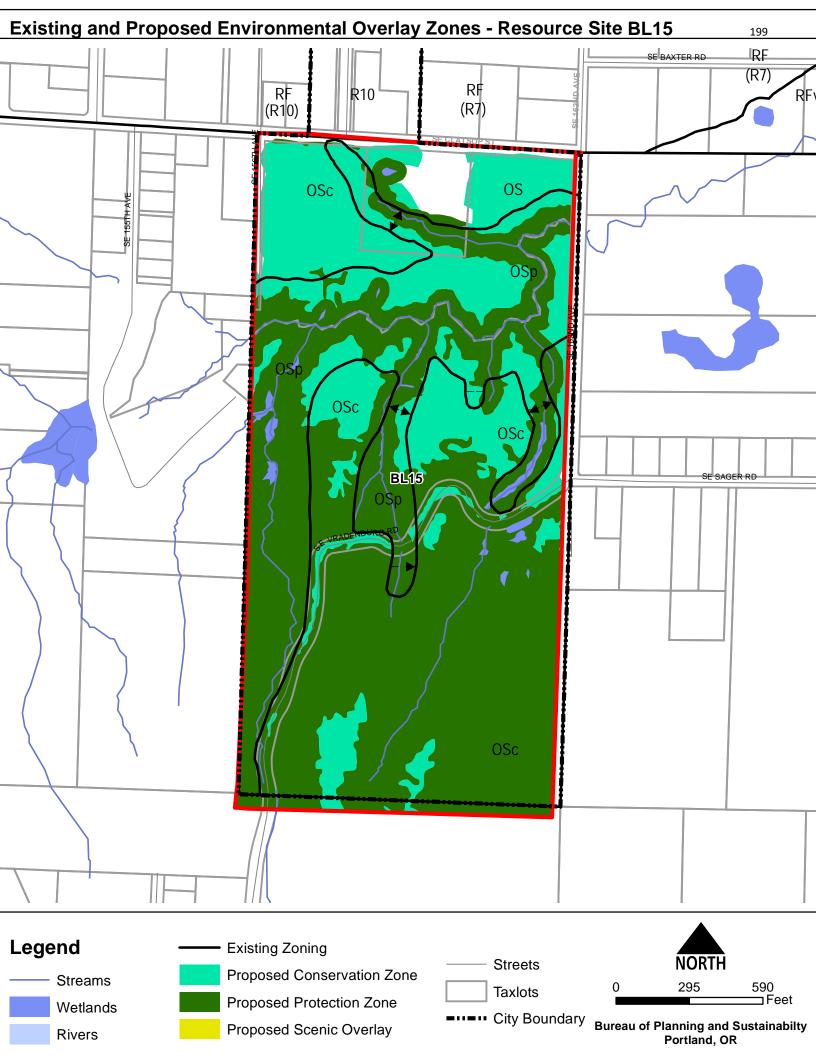
Rivers

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Portland, OR





D. ZONE BOUNDARY CORRECTIONS AND MODIFICATIONS

This project used a combination of best available GIS data and site visits to verify and update the information, to amend the environmental overlay zone boundaries to better align with existing natural resource features. However, the GIS data is not perfect and some data, such as a mapped top-of-bank, is not available for every resource feature in Portland. It is anticipated that at the time of land use review, site design or permitting, applicants will provide site-specific survey data that accurately documents the location of significant natural resource features. The survey data, or new and better GIS data (e.g., updated 100-year floodplain maps), should be used to correct or modify the environmental overlay zone boundaries to align with the natural features those zones are intended to protect. Corrections and modifications to zone boundaries are allowed through a land use reviews; please refer to chapters 33.855 and 33.430 of the Portland Zoning Code.

The following guidance is the legislative intent to be used when correcting or modifying the environmental overlay zone boundaries:

D.1. Rivers and Streams

The river and stream channels include the river/stream bottom and banks from top-of-bank to top-of-bank (Figure 1). In Portland, the Willamette River, Columbia River and Columbia Slough have a surveyed the top-of-bank included in the City's GIS data that can be used by applicants. However, for many streams the top-of-bank is not surveyed. When there is no mapped top-of-bank, the top-of-bank should be surveyed and documented based on Portland Zone Code 33.930.150 Measuring Top of Bank.

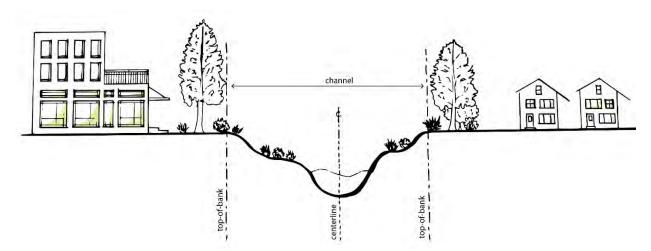


Figure 1: River/Stream Channel Cross Section

Proposed Draft 200 June 2020

² Data sources include citywide aerial imagery that is provided on an annual basis to the city by the US Army Corps of Engineers and elevation data that is generated by converting Lidar imagery into digital elevation models. Lidar is used to generate terrain maps and to determine the location of streams and drainageways. The stream data is supplemented with information about the location of infrastructure that is provided by the Bureau of Environmental Services.

In resource sites where the location of the environmental overlay zone is based on distance from a river or stream, the boundary of the overlay zone should be corrected or modified to match the surveyed top-of-bank. For example, if the decision is to apply a protection overlay zone to a stream and land within 50 feet of the stream, then the p zone should be corrected or modified to apply to the stream channel (top-of-bank to top-of-bank) and land measured 50 feet measured horizontally from the top-of-bank landward, including any existing disturbance areas or structures.

In some resource sites, the decision explicitly states that the location of the environmental overlay zone should be based on a distance measure from the ordinary high water mark instead of top-of-bank. The ordinary high water mark is defined in 33.910.030. Similar to top-of-bank, ordinary high water has been surveyed and mapped for the Willamette River and Columbia River. For other streams, ordinary high water should be surveyed. If the decision is to apply a protection overlay zone to a stream and the flood area within 170 feet of the ordinary high water mark, then the p zone should be corrected or modified to apply to the stream channel (top-of-bank to top-of-bank) and the flood area within 170 feet, measured horizontally, from the ordinary high water mark landward, including any existing disturbance areas or structures. If the flood area does not extend to the top-of-bank, then the p zone should be corrected to apply to the stream from top-of-bank to top-of-bank, per the decision.

D.2. Wetlands

The City's wetland data is incorporated into the City's Natural Resources Inventory. The wetland data is continuously updated using permit data provided by Oregon Department of State Lands, US Army Corps of Engineers or City of Portland, or using on-site wetland determinations or delineations performed by a certified environmental consultant using the most current state or federal determinations and delineation methodology. In resource sites where the location of the environmental overlay zone is based on distance from a wetland, the boundary of the overlay zone should be corrected or modified based on a state, federal or city permit or a wetland determination or delineation. For example, if the decision is to apply a protection overlay zone to a wetland and land within 50 feet of the wetland, then the overlay zone boundary should be corrected or modified to apply to the wetland itself and land measured horizontally from the edge of the wetland landward, including any existing disturbance areas or structures.

D.3. Forest or Woodland Vegetation

Vegetation is mapped using the mapping protocol adopted with the Natural Resources Inventory (see Volume 4 for an explanation of the mapping methodology). Patches of vegetation ½ acre in size or larger with 60% or greater canopy coverage are forests. Patches of vegetation ½ acre in size or larger with 20-60% canopy coverage are woodland. The vegetation is mapped to follow the edge of the canopy, as determined by the current aerial photography or verification through a site visit. When the environmental overlay zones are applied to forest or woodland vegetation, then the boundary of the overlay zone should be corrected or modified to follow the edge of the tree canopy.

In neighborhoods, there are groves of trees spanning multiple backyards that combined form a ½ acre or larger patch of forest or woodland. When this occurs, if there are single trees or single lines of trees that extend out between houses or driveways from the larger patch, those single trees or single lines of

trees are typically excluded from the forest or woodland patch. These single trees do provide functions such as stormwater management, slope stabilization and reducing heat island, but the edge effects (such as non-native landscaping, light intrusion, pets) of the development significantly impact wildlife habitat functions. These single trees should not be included in the environmental overlay zone, unless located within 50 to 100 feet of a stream or wetland or on steep slopes. Title 11, the tree code, is intended to protect single trees throughout Portland.

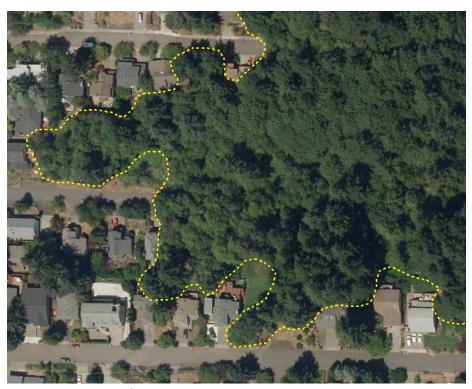


Figure 2: Forest Patch

When the environmental overlay zone is corrected or modified based on tree canopy, the boundary of the conservation or protection overlay zone should be adjusted to follow the edge of the tree canopy (Figure 3).

When the decision states that the edge of the environmental overlay zone is intended to follow the edge of tree canopy and trees have been removed without a required permit, the edge of the environmental overlay zone should be corrected or modified to follow the edge of the tree canopy based on aerial photography before trees were removed and a retroactive permit for the tree removal should be obtained.

D.4. Forest or Woodland Vegetation on Steep Slopes

Steep slopes are land with a 25% slope or steeper. Steep slopes are determined using LiDAR-derived contours and may be verified through a site visit. The steep slope data is updated periodically using more recent satellite imagery. Forest vegetation is a patch, ½ acre or greater, with 60% or more closed canopy. Woodland vegetation is a patch, ½ acre or greater with 25-60% closed canopy. Vegetation mapping is continuously updated using the most recent aerial photography or on-site field verifications.

In resource sites where the location of the environmental overlay zone is based on forest or woodland vegetation located on steep slopes, the overlay zone boundary should be corrected or modified to include the area of steep slope plus the canopy of trees where any portion of the tree trunk is located on the steep slope (See Figure 10). Disturbance areas or structures located under the tree canopy, where the tree is located on the steep slope, should be included within the corrected or modified environmental overlay zone.

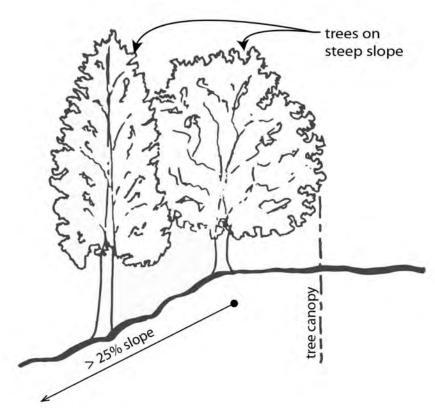


Figure 3: Trees on Steep Slopes

D.5. Scenic Overlay Zones

Within a scenic 's' overlay zone that is applied to a <u>scenic corridor</u>, if a stream is surveyed or a wetland delineated/determined, the boundaries of the p or c zone should be corrected or modified to retain the p or c zone on the waterbody and the land within 50 feet from the stream top-of-bank or the edge of the wetland. The s zone should be removed from waterbodies and land within 50 feet of the waterbodies.

Within a s zone that is applied to a <u>view corridor</u>, both the s zone and p or c zone apply to the full extent of the decisions in Volume 2, Part A – G, including waterbodies, riparian areas and upland habitat. The p or c zone boundary may be corrected or modified without regard to where the view corridor is located. The p or c zone should not be removed within a s zone applied to a view corridor unless warranted by new natural resource feature data.



Image: Bird in Columbia Slough Watershed, Portland, OR

The Environmental Overlay Zone Map Correction Project plan documents:

Volume 1A – Project Report, Summary of Results and Implementation

The purpose of the Project Report is to document the overall project approach and methodology, summarize public engagement, and provide an at-a-glance summary of the results by resource site.

Volume 1B – Zoning Code and Map Amendments

Amendments to zoning code chapter 33.430, Environmental Zones, and the official zoning maps.

Volume 2 – Resource Site Inventory and ESEE Decisions

For the each of the geographies listed below, each document presents an inventory of natural resource features and functions, a site-specific Economic, Social, Environmental and Energy Analysis (ESEE), and the ESEE decisions regarding which natural resource should be protected for each resource site.

Part A1 – Forest Park and Northwest District, Resource Sites 1 – 20

Part A2 – Forest Park and Northwest District, Resource Sites 21 – 41

Part B – Skyline West

Part C – Tryon Creek and Southwest Hills East

Part D – Fanno Creek

Part E – East Buttes and Terraces

Part F – Johnson Creek

Part G – Boring Lava Domes

Volume 3 – Natural Resources Inventory

Approach and methodology used to produce the citywide Natural Resources Inventory. The results of the inventory are presented in Volume 2, Part A – G.

Volume 4 – Compliance Report

Compliance with Metro Urban Growth Management Plan Title 13 for Habitat Conservation Areas and Oregon State Planning Goal 5 for significant natural resources that are not a Habitat Conservation Area. The results, recommendations and implementation are reported in Volume 2, Part A – G, and Volume 1, Part B.

Volume 5 – Appendices