



Bureau of Planning and Sustainability

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## MEMO

**DATE:** February 19, 2021

**TO:** Planning and Sustainability Commission

**FROM:** Mindy Brooks, City Planner  
Daniel Soebbing, Associate Planner

**CC:** Andrea Durbin, Joe Zehnder, Sallie Edmunds

**SUBJECT:** Ezone Map Correction Project Follow Up to February 9, 2021 Briefing

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This memo is intended to respond to questions and comments raised by commissioners at the February 9, 2021 briefing on the Ezone Map Correction Project. There are two work sessions tentatively scheduled for April 13 and July 27, where we can further discuss these topics, and others.

**A. Aggregating the Proposed Zoning Changes** (Commissioner Larsell/Commissioner Bachrach)

Comment/Question: By presenting the impacts of the zoning changes in the aggregate, we are overlooking the individual impact on properties.

Staff Response: There are many proposed changes to the ezone coverage throughout the project area. Some properties will have the ezones removed entirely, others will get new ezones. Most properties will experience a shift in the boundary of the ezone so that it follows the existing resources. In the presentations at the September 8, 2020 and February 9, 2021 briefings, staff presented examples of these changes. Additional examples can be highlighted, as requested.

Table 1, below, provides the acreage of proposed changes to the 'c' and 'p' zones. Table 2 shows the numbers of properties impacted by the types of zone change. Please let staff know if there are specific statistics you are interested in beyond what is presented in the tables.

In summary, there are 14,119 properties impacted by the project and of those 5,983 properties (42%) will have no change to the type of ezones applied to the property. The proposal is to remove 1,150 acres of ezones from some areas while adding 1,566 acres of ezones to other areas. The ezones will be removed from 917 properties but added to 3,309 properties that did not have ezones previously. The



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extent of the addition to any given site may range from just a few square feet to many acres depending on the site size and location of the natural resources.

Table 1: Ezone Map Correction Project, Acres of Proposed Change

Ezone Change	Acres
<b>No Existing Overlay Zones</b>	
Proposed 'c' zone	1,074
Proposed 'p' zone	492
<b>Existing 'c' zone</b>	
Proposed change to 'p' zone	1,351
Proposed 'c' zone removed (no overlays)	964
<b>Existing 'p' zone</b>	
Proposed change to 'c' zone	488
Proposed 'p' zone removed (no overlays)	186
<b>No change (remains 'c' or 'p' zone)</b>	<b>10,001</b>

Table 2: Ezone Map Correction Project, Number of Properties Impacted

Ezone Change	Private Properties	Public Properties	Total Properties
Existing 'c' and/or 'p' zone, Proposed no overlay	886	31	917
Existing no overlay, Proposed 'c' and/or 'p' zone	3,148	161	3,309
Existing 'c' zone (no 'p' zone), Proposed change to some 'p' zone	2,121	262	2,383
Existing 'p' zone (no 'c' zone), Proposed change to some 'c' zone	661	84	745
Other changes*	523	259	782
<b>No change (remains 'c' or 'p' zone)</b>	<b>4,895</b>	<b>1,088</b>	<b>5,983</b>

\*Other changes include expansions or reductions in 'c' or 'p' zone coverage, and any combination of some expansion and some reduction. For example, a site may have both 'p' and 'c' zone today and the proposal may be to expand the 'p' zone because there is a wetland next to the stream but reduce the 'c' zone coverage because there is less tree canopy contiguous to the stream and wetland.

## B. Pruning Vegetation in Ezones (Commissioner Shultz)

**Comment/Question:** The code provides a lot of guidance about pruning trees in ezones, but what is the process for pruning shrubs and other vegetation in ezones?

**Staff Response:** Per 33.430.080.C.7.b.3, pruning of non-native plants is allowed anywhere in the ezones. Per 33.430.080.C.2, maintenance (aka pruning) of vegetation in approved lawns, gardens or other planted areas is exempt, this would include native vegetation. The reason we clarify "approved" is that a development permit includes an approved disturbance area. This typically includes the yard and is where lawns, gardens, and landscaping are approved. The approved disturbance area may still have



ezones, but the yard maintenance is exempt. The ezones are retained on the yard to limit new development and new disturbances that go beyond the development permit.

Outside of approved lawns, gardens and other planted areas, new disturbances are allowed for additional outdoor uses, such as a new garden area in the ezone, as long as the new disturbance is no more than 500 sq ft, does not exceed total disturbance area standards in Table 430-1, no native trees >6" dbh are removed and the new disturbance is more than 30 feet from a stream or wetlands. See 33.430.080.D.9.

Otherwise, pruning of native vegetation in the ezones is not exempt from 33.430.

### **C. Tree Removal and Pruning within 10 ft of Structures (Commissioner Spevak)**

Comment/Question: If a property owner adds an awning to an existing house, does that awning count as "structure" and therefore tree removal and pruning is allowed within 10 feet of that new structure?

Staff Response: Unless exempt, any alteration to an existing house, including the addition of an awning, would need to meet environmental overlay zone standards in 33.430.140. If the awning is allowed, then it would qualify for tree removal or pruning within 10 feet of structures, under exemption 33.430.080.C.7.b(4). Similarly, the addition of a deck or balcony would allow such tree removal or pruning within 10 feet of the structure.

### **D. Why Protecting Resources is Important (Commissioner Houck/Commissioner Gittemeier)**

Comment/Question: People may need a reminder about why correcting the ezones is important to protecting the natural resources and the functions they provide.

Staff Response: Portland is committed to being resilient to the impacts of a changing climate. Protecting the existing natural resources is a critical part of resiliency and is identified as a primary strategy in Portland's *Climate Action Plan (2015)*. The ezones support climate resiliency by:

1. Protecting and maintaining streams and wetlands, which are the City's natural stormwater infrastructure, and move water from uplands downstream to the Willamette ;
2. Protecting floodplains so water has a place to safely go during flood events, which may become more frequent or larger;
3. Maintaining tree canopy to help keep the air cool as the summers get hotter and drier;
4. Maintaining native vegetation, which is less susceptible to wildfire than non-native and invasive species; and,
5. Conserving habitat areas to support wildlife, particularly listed and at-risk species, that must also adapt to climate changes that affect migration, food sources, etc.

There are also legal obligations the City must meet. In the 1990s and early 2000s the City of Portland applied environmental overlay zones, including the conservation 'c' and protection 'p' zones, to natural



resources. This was required by Oregon State Land Use Planning Goal 5. By 2002, Portland was in full compliance with Goal 5. In 2005, Metro adopted Title 13 and required local jurisdictions to protect regionally significant natural resources. In 2012, Portland came into substantial compliance with Title 13. As we correct the ezones through this project, we must maintain compliance with both Goal 5 and Title 13.

