



ENVIRONMENTAL OVERLAY ZONE MAP CORRECTION PROJECT

Planning and Sustainability Commission
April 13, 2021 Work Session

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THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

Agenda

Introduction

Group Vote (non-discussion)

7. Industrial and Employment Lands
8. Mapping Protocols
9. Corrections to Environmental Violations
10. Resource Enhancement Definition
11. Urban Service Boundary
12. Scenic Reports

Individual Topics for Discussion

1. Site Visit Corrections
2. Audubon's Request
3. OSHU's Request
4. Wildfire and Vegetation Management
5. Septic Systems
6. MCDD's Request

Next Work Session Agenda



Introduction

1. Purpose of environmental overlay zones

- To protect streams, wetlands, flood areas, steep slopes, forests and wildlife habitat.
- To reduce the risk to people, homes and businesses from landslides, floods and heat island impacts.
- To support healthy neighborhoods.

2. Purpose of this project

- To correct the boundaries of the environmental overlay zones to better align with existing natural resources.

3. Why is the project needed

- The overlay zones were applied 20-30 years ago, and the technology has improved greatly revealing that the resources we intended to protect are not always protected. This project is fixing that.



Environmental Overlay Zones

Conservation 'c' zone

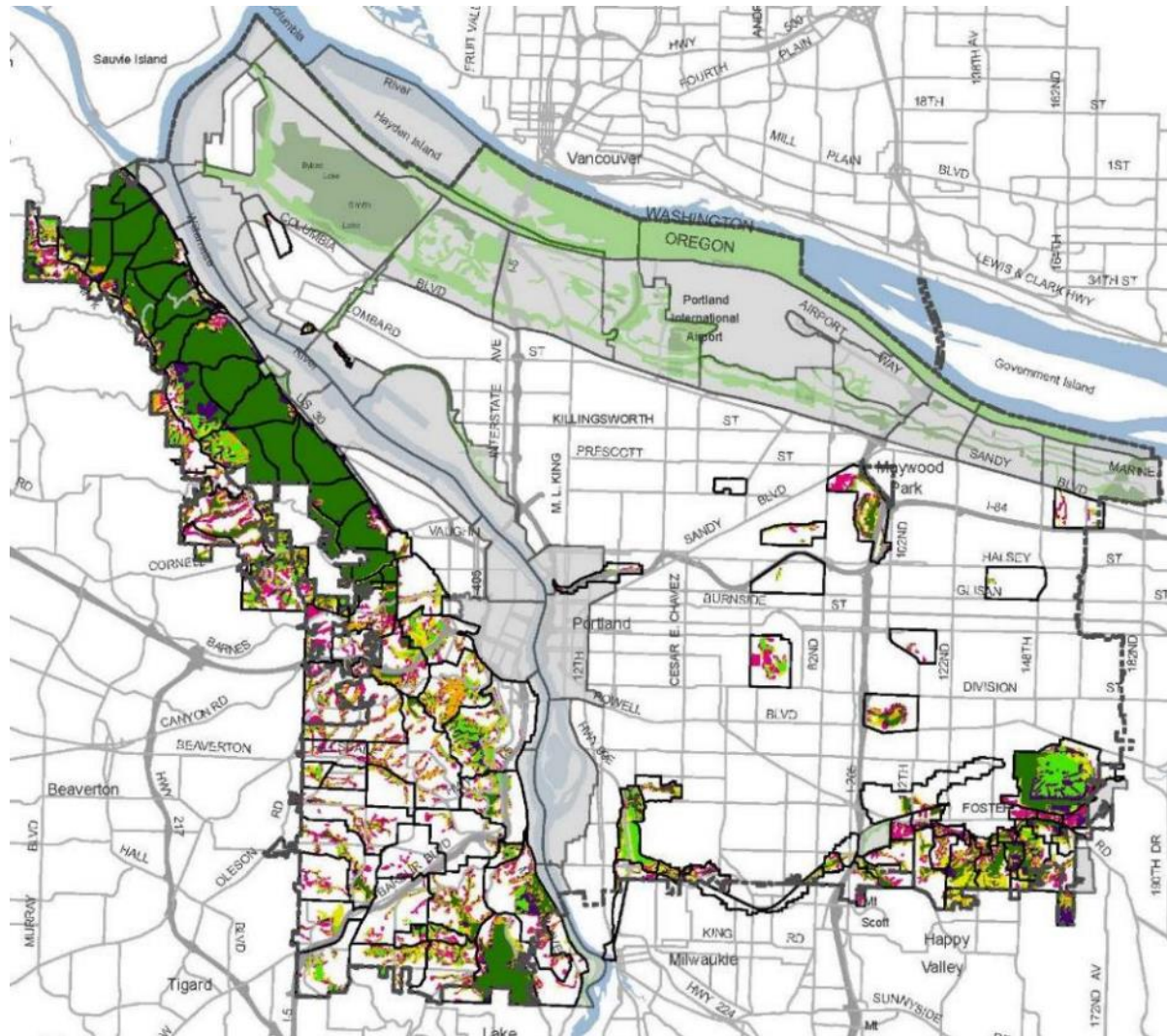
Allows some **new** private development that is sensitive to the natural resources

Protection 'p' zone


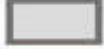






Prohibits most **new** private development; allows new stormwater outfalls, public streams and similar infrastructures (with mitigation)



Overview of Mapping Changes



Legend

-  Project Area
-  Addressed in separate projects
-  Existing Protection zone (p)
-  Existing Conservation zone (c)
-  C zone to P zone change
-  P zone to C zone change
-  Proposed ezone expansion
-  Proposed ezone removal
-  City of Portland boundary

	Existing	March 2021
'p' zone	7,904	9,045
'c' zone	5,180	4,461
TOTAL	13,084	13,506

33.430 Exemptions

1. Maintenance, repair, and replacement of existing structures including houses, decks, driveways, fences, etc. as long as the development footprint is not increased
2. Maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities
3. Change of crop type or farming technique on land currently in agricultural use
4. Pruning trees and shrubs within 10 feet of buildings and structures
5. Removal of trees within 10 feet of buildings and structures; or removal of trees that are dead, dying and dangerous (tree replacement is required)
6. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas (no trees >6 inches diameter can be removed)
7. Removal of invasive plants and planting of native plants

Reference: [33.430.140](#)

Topics 7-12

7. Industrial and Employment Lands

8. Mapping Protocol Amendments

9. Correction to Environmental Violations

10. Resource Enhancement Definition

11. Urban Service Boundary

12. Scenic Reports



Topics 7 -12

Suggested Motion

I move to approve the amendments, as shown in Attachments 7 through 12.

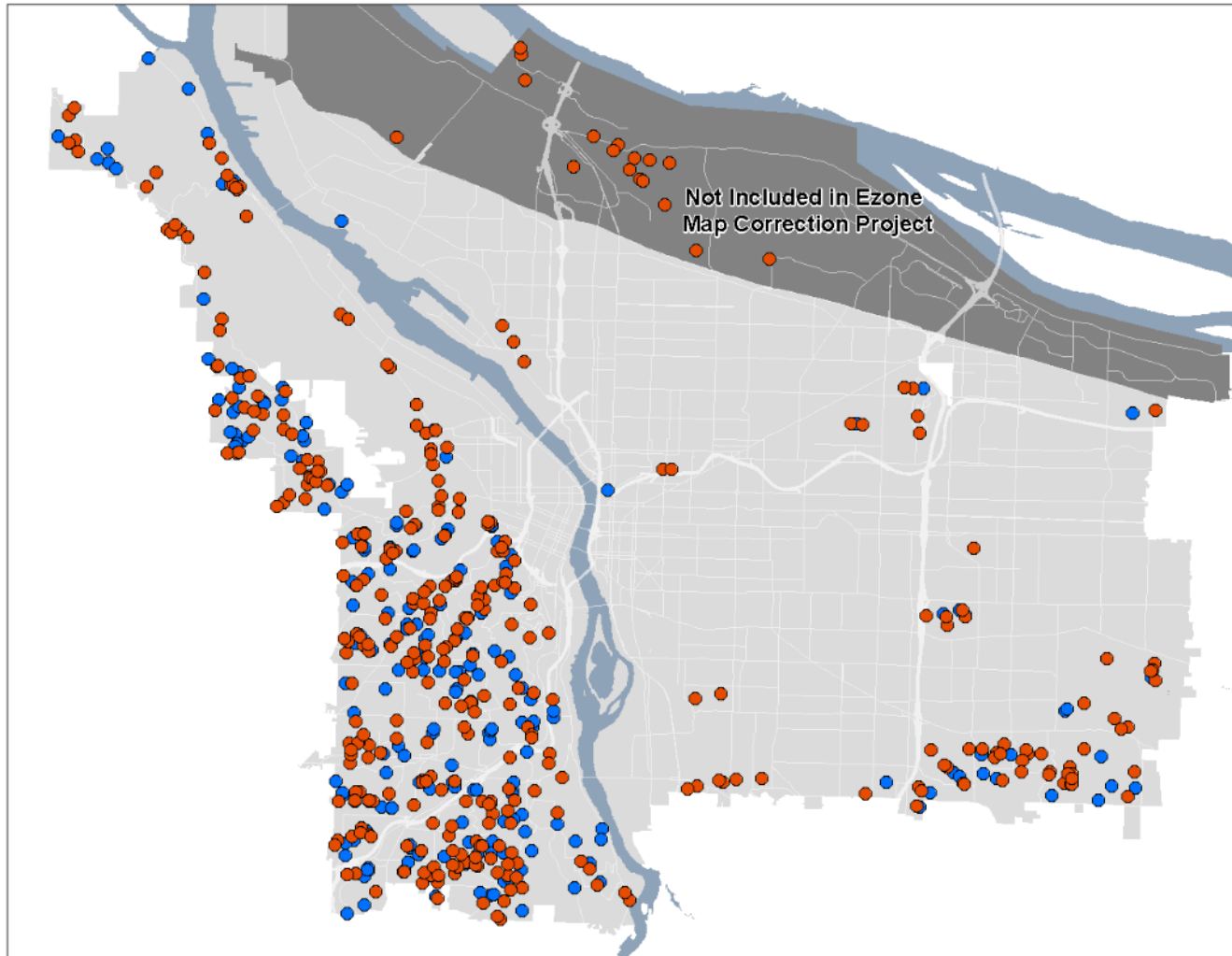
Topic 1: Site Visit Corrections

Reminders

- 1. 2012 Natural Resources Inventory**
 - Adopted as factual basis for 2035 Comprehensive Plan
- 2. Compliance with Metro Title 13**
 - Methodology in substantial compliance with Title 13
- 3. Ezone Project Proposed Draft, Volume 3**
 - Summary of the mapping methodology sent March 26



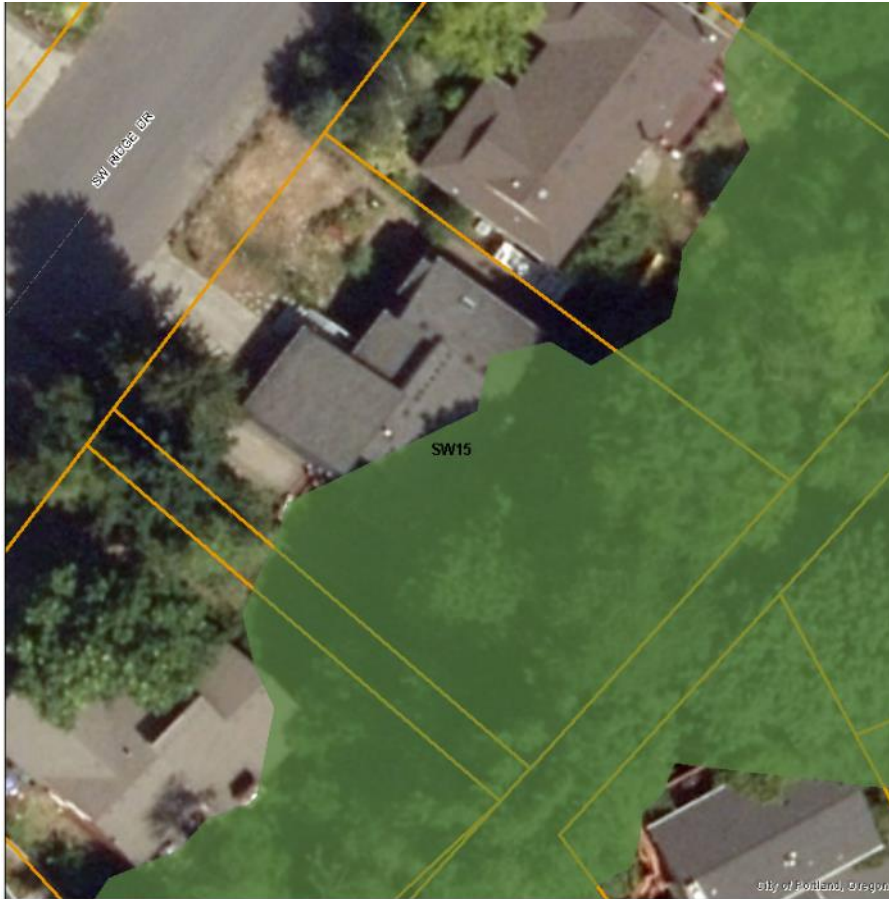
Topic 1: Site Visit Corrections



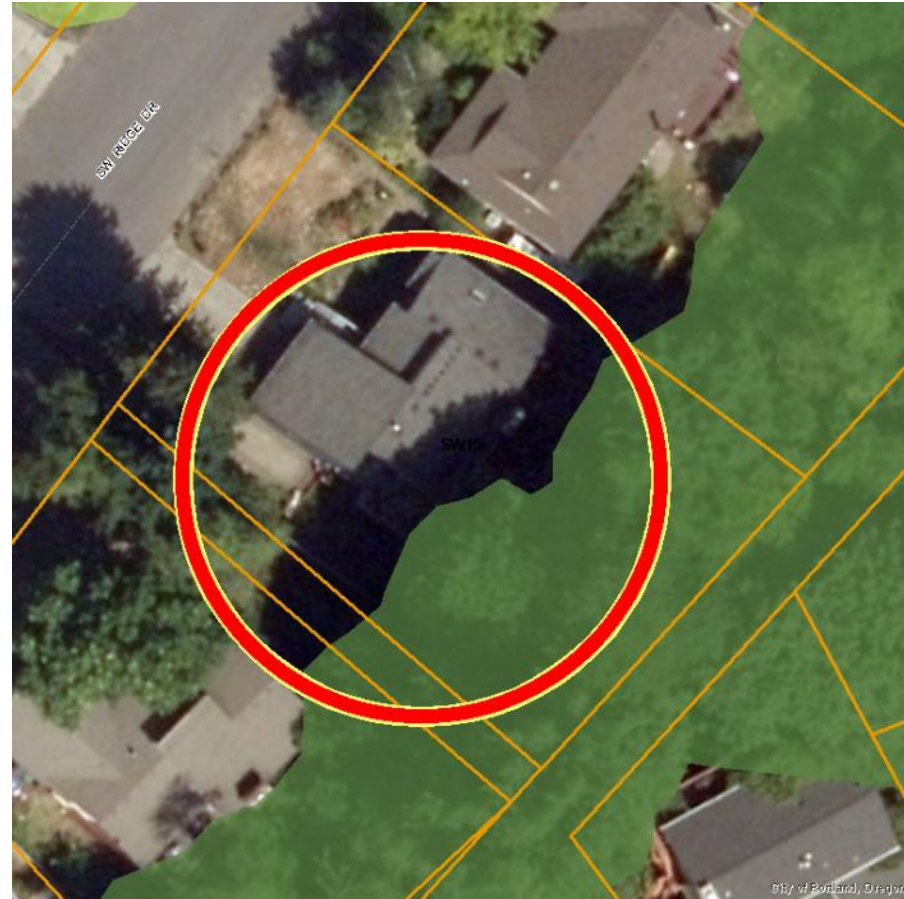
- Site Visits Conducted After 6/30/2020
- Site Visits Conducted Before 6/30/2020
- Ezone Map Correction Project Area
- Columbia Corridor Industrial Lands

	Number of Site Visits
July 2018 – June 2020	374
June 2020 – March 2021	215
TOTAL	589

Topic 1: Site Visit Corrections



Before Site Visit



After Site Visit

Topic 1: Site Visit Corrections

Key Points

- Update the feature maps in the Natural Resources Inventory
- Then staff will apply the standard policy guidance
 - 'p' zones to streams, wetlands and riparian areas
 - 'c' zones to forests contiguous to waterbodies or on steep slopes
- Commissioners proposed amendments due to staff by April 16



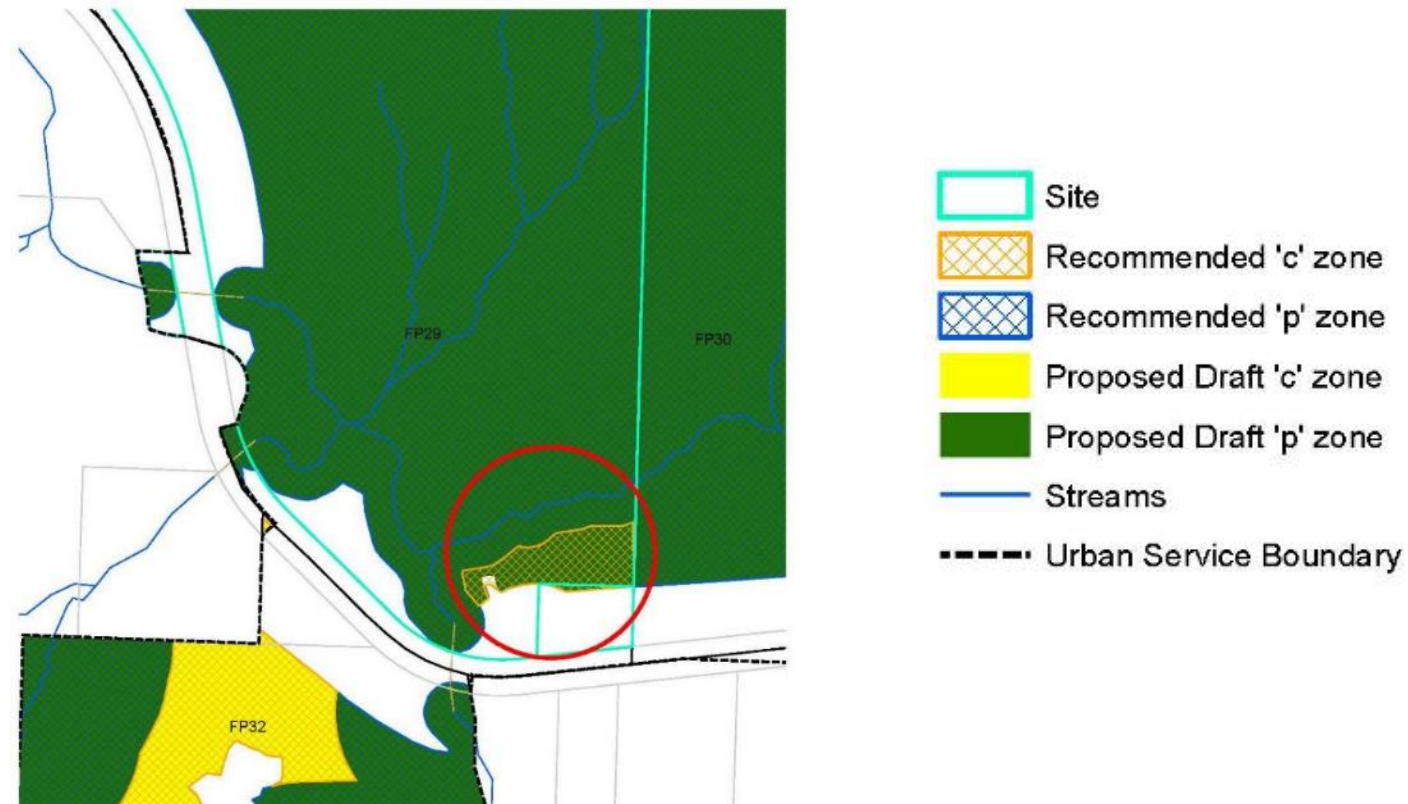
Topic 1: Site Visit Corrections

Suggested Motion

I move to update the Natural Resources Inventory in Volume 3 to incorporate the results of the site visit feature map corrections found in PSC memos dated August 25, 2020, January 29, 2021 and April 2, 2021.

Topic 2: Audubon's Request

Testimony – *Apply a conservation 'c' zone instead of a protection 'p' zone to the forest canopy in the southern portion of the site near the care center.*



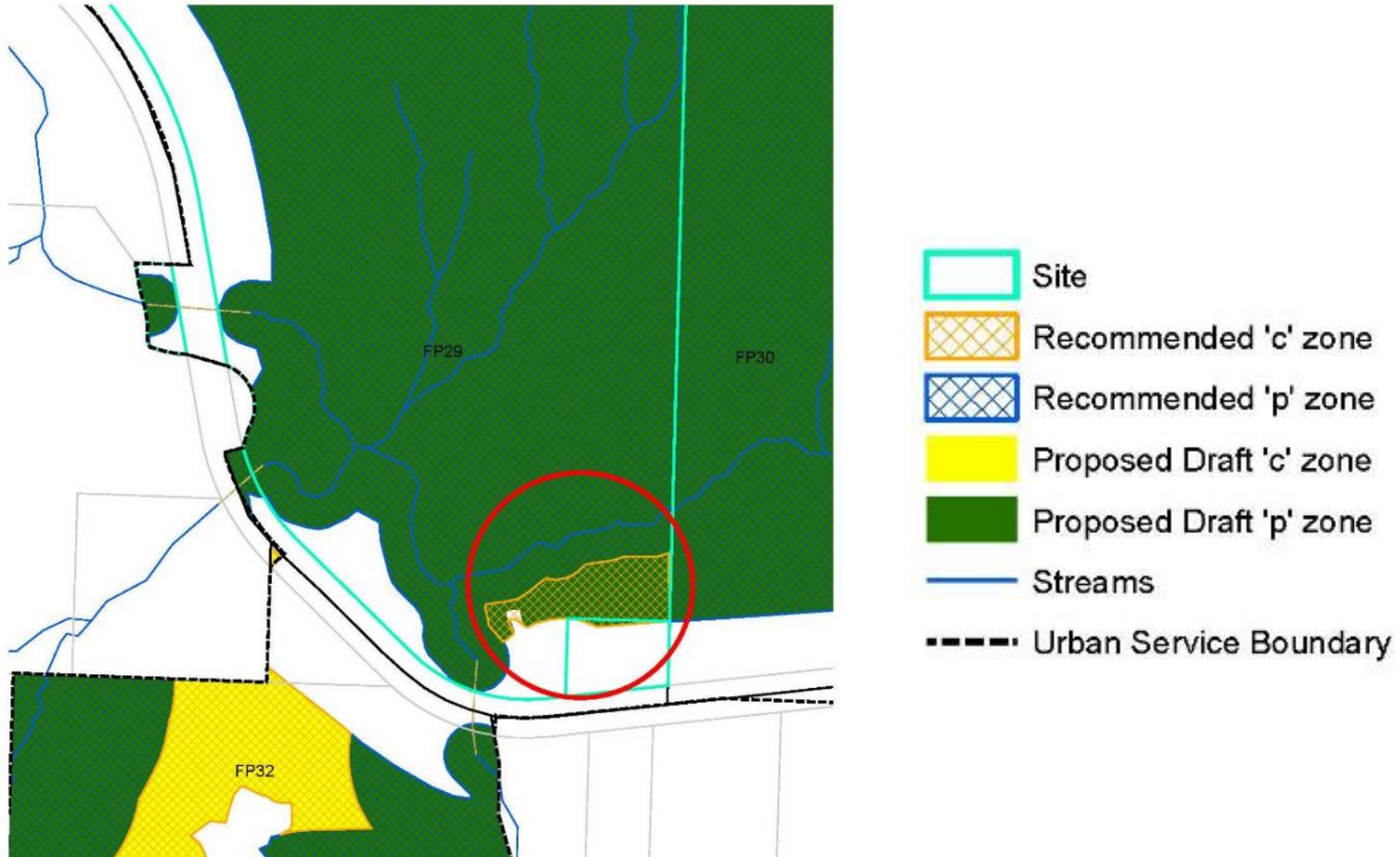
Topic 2: Audubon's Request

Staff Rationale for the Amendment

- Audubon property is privately owned but zoned Open Space
- The policy proposal is to apply a 'p' zone to streams, wetlands and all forests in Open Space
- If not Open Space, then proposal would be to apply a 'p' zone to streams, wetlands and land within 50 feet of the water body; and a 'c' zone to the rest of the forest



Topic 2: Audubon's Request



Topic 2: Audubon's Request

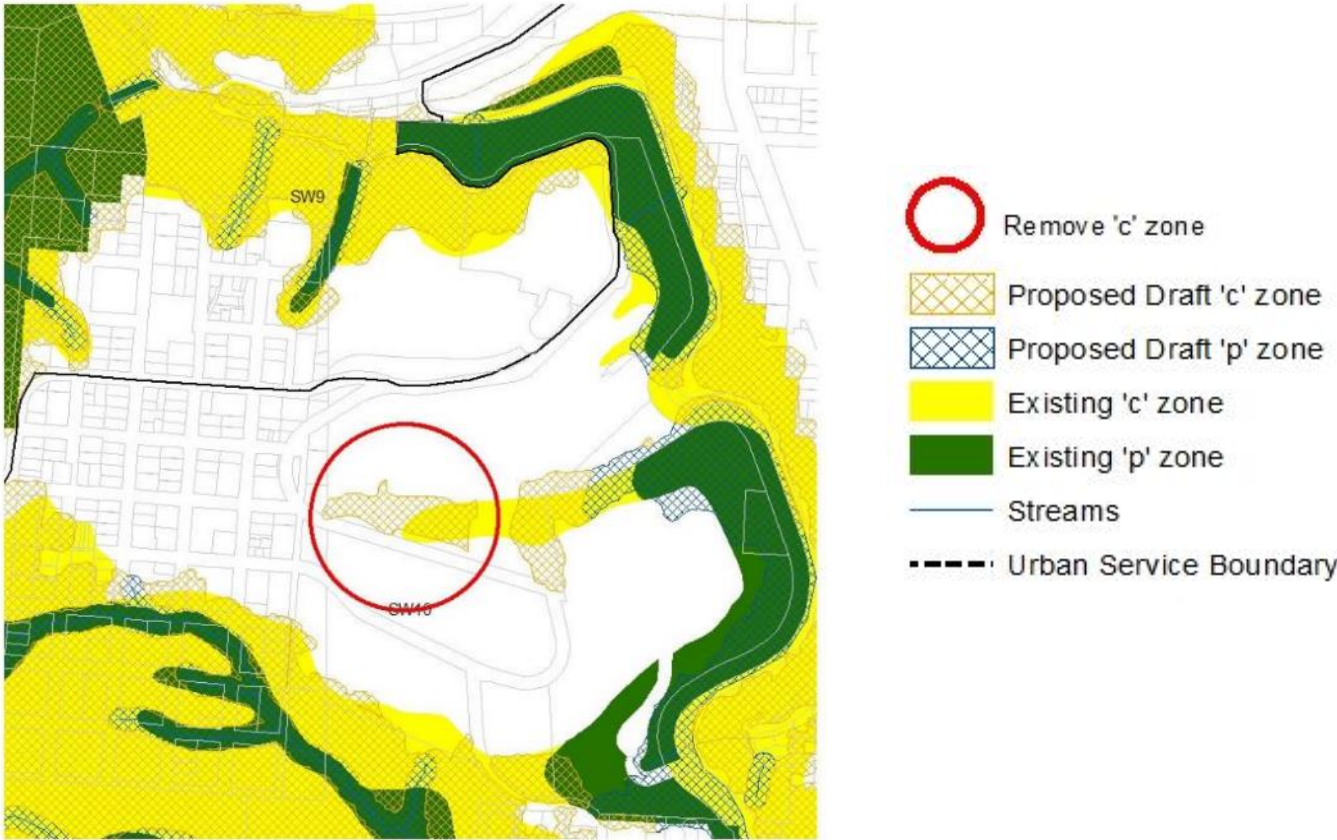
Suggested Motion

I move to apply the ezones as requested, reducing the level of protection for the southernmost stream from a 'p' zone to 'c' zone for the areas greater than 50 feet from the stream and to update the Volume 1 and Volume 2 to reflect the change.



Topic 3: OHSU's Request

Testimony - *Do not apply an environmental overlay zone to the isolated patch of forest west of the Children's Hospital.*



Topic 3: OHSU's Request

Staff Rationale for the Amendment

- 'c' zone is applied to forest canopy if the canopy is contiguous to a stream or wetland
- No ezone is applied to isolated forest patches, unless in a public park or a unique feature (e.g., Oak)
- Appropriate to treat OHSU like other private property owners and not apply an ezone to isolated forest patch

Topic 3: OHSU's Request

-  Remove 'c' zone
-  Proposed Draft 'c' zone
-  Proposed Draft 'p' zone
-  Existing 'c' zone
-  Existing 'p' zone
-  Streams
-  Urban Service Boundary

Topic 3: OHSU's Request

Suggested Motion

I move to remove the 'c' zone, as requested, from the isolated forest patch west of the Children's Hospital and to update Volume 1 and Volume 2 to reflect the change.

Topic 4: Wildfire and Vegetation Management

Testimony -

Allow pruning of trees within 100 feet of homes without a permit

Allow additional measures to protect homes from wildfire risks



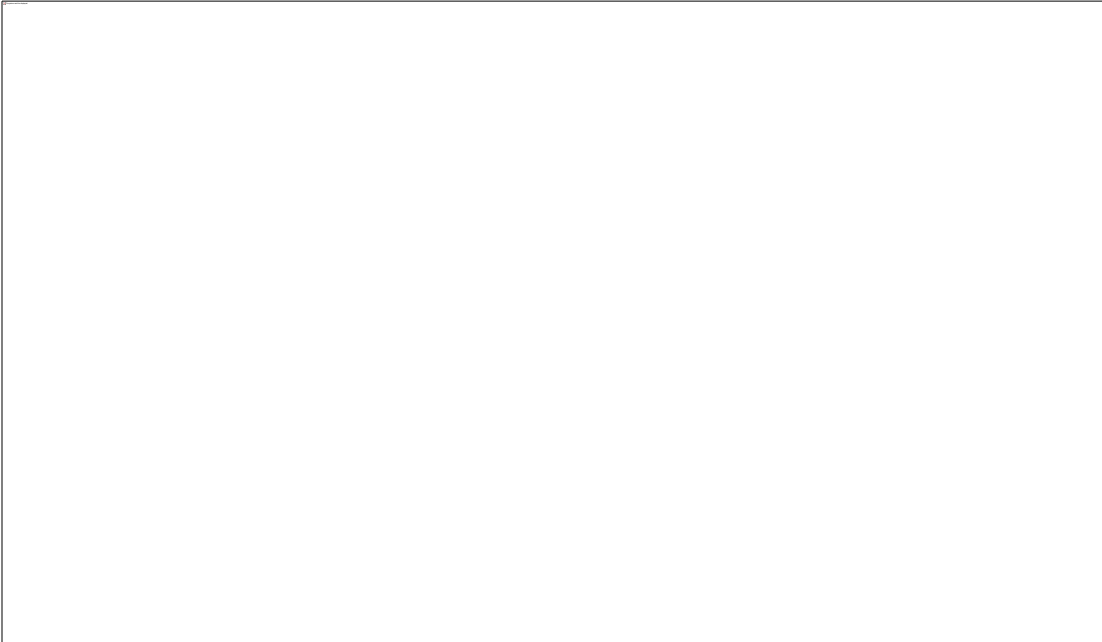
Topic 4: Wildfire and Vegetation Management

Existing Regulations:

- Removal trees within 10 feet of buildings and structures; tree replacement is required
- Removal of trees that are certified by an arborist as dead, dying and dangerous; tree replacement is required
- Pruning any trees and shrubs within 10 feet of buildings and structures
- Pruning in accordance with Title 11, Trees
 - Pruning coniferous trees within 30 feet of structures if within a wildfire hazard zone
 - Pruning to abate an immediate danger
- Removal of invasive plants and planting of native plants anywhere in the overlay zone (areas of bare soil must be replanted to prevent erosion)

Topic 4: Wildfire and Vegetation Management Amendment A

Amendments to the code commentary – two examples



Example 1



Example 2



Topic 4: Wildfire and Vegetation Management Amendment A

Suggested Motion – Amendment A

I move to amend the commentary for 33.430.080.C.7.a(s) and 8, as shown in Attachment 4, to clarify the exemptions for tree removal and pruning.



Topic 4: Wildfire and Vegetation Management Amendment B

33.430.080. Items Exempt From These Regulations

D. The following new development and improvements:

10. Trails and fire breaks meeting all of the following:
 - a. The ~~T~~trails or fire breaks must be confined to a single ownership or be within a public trail easement;
 - b. Trail wWidths must not exceed 30 inches. For trails, stair width must not exceed 50 inches, and trail grade must not exceed 20 percent except for the portion of the trail containing stairs;
 - c. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 430-2;
 - d. No native trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
 - e. The ~~T~~trails or fire breaks must not be paved; and
 - f. The ~~T~~trails or fire breaks must be at least 15 feet from the top of bank of all water bodies.



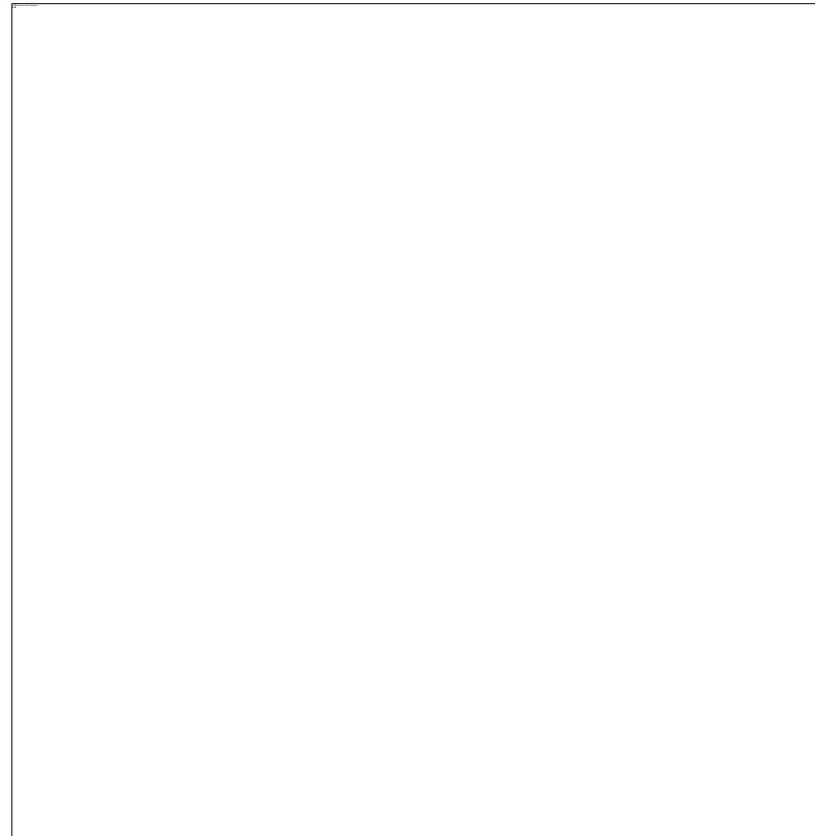
Topic 4: Wildfire and Vegetation Management Amendment B

Suggested Motion – Amendment B

I move to amend 33.430.080.D.9, as shown in Attachment 4, to allow the exemption to apply to creating fire breaks between vegetation.

Topic 5: Septic Systems

Testimony - *Allow replacement septic systems through exemptions*



Example of a failed drain field



Topic 5: Septic Systems Amendment A

33.430.080. Items Exempt From These Regulations

C. Existing development, operations, and improvements, including the following activities:

3. Changes to existing disturbance areas to accommodate ~~outdoor activities such as gardens and play areas~~ the following, when plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed:
 - a. Gardens, including raised beds no greater than 2 feet in height, and play areas, surfaced with grass, groundcover plants, bark chips, sand or gravel;
 - b. Accessory structures with a footprint no larger than 100 square feet that are not on a foundation or concrete pad; and
 - c. Septic systems.



Topic 5: Septic Systems Amendment A

33.430.080. Items Exempt From These Regulations

D. The following new development and improvements:

9. **Additional disturbance** for ~~outdoor uses such as~~ **gardens**, and **play areas** surfaced with grass, groundcover plants, bark chips, sand or gravel, and **septic systems** ~~where when~~ the added disturbance area meets all of the following:
 - a. The added disturbance area **does not exceed 500 square feet**;
 - b. The total disturbance area on the site **does not exceed standards in Table 430-1**;
 - c. **No native trees 6** or more inches in diameter **are removed**; and
 - d. The disturbance area is located at **least 30 feet from the top of bank** of a stream or drainage and at least 50 feet from the edge of a wetland.

Topic 5: Septic Systems

Suggested Motion – Amendment A

I move to amend 33.430.080.C.3 and D.9, as shown in Attachment 5, to allow the exemptions to apply to septic systems and to clarify the list of allowed activities.

Topic 5: Septic Systems Amendment B

33.430.155 Standards for Repair and Replacement of Existing Septic Systems

The following standards apply to the **repair and replacement of an existing septic system**. All of the standards must be met.

- A.** The proposed disturbance area is **no greater than 2,000 square feet**;
- B.** **No trees greater than 6 inches in diameter may be removed** with the exception of nuisance species trees. Nuisance species trees 6 inches in diameter or larger that are removed must be replaced with one tree meeting the standard of 33.430.140.K;
- C.** The proposed disturbance area is located **at least 50 feet from stream top-of-bank or wetlands**; and
- D.** The proposed disturbance area is **replanted with native ground cover** plants approved on the Portland Plan List with a minimum density of eight (8) plants in 4-inch pots per 10 square feet;

Topic 5: Septic Systems

Suggested Motion – Amendment B

I move to amend the zoning code to adopt a new standard 33.430.155 for replacement septic systems, as shown in Attachment 5.

Topic 6: Flood Control Structures

Testimony - *A new exemption for small increases to the impact area of flood control facilities to address safety upgrades.*



Topic 6: Flood Control Structures



Example of safety upgrade for access to the culvert



Topic 6: Flood Control Structures

33.430.185 Standards for Certain Flood and Water Control Facilities

The following standards apply to minor improvements to certain existing flood and water conveyance control facilities. For the purposes of this Section, an existing flood or water conveyance control facility is defined as existing pump stations, wet wells, electrical panels or pads, and trash racks. The minor improvements that these standards apply to are defined as the addition or modification of handrails, access paths, ADA ramps, safety vaults, fall protection posts or pads, or Sewer Level Remote Telemetry (SLRT). All of the standards must be met.

- A. The disturbance area for the minor improvement is not greater than 10 feet wide, not greater than 500 square feet total, and is contiguous to the existing disturbance area for the flood or water conveyance control facility that is being altered;
- B. Temporary disturbance areas must be replanted as follows:
 - 1. Ten native shrubs for every 100 square feet of temporary disturbance area and a native grass and forb seed mix at a rate of 20 pounds per acre; or
 - 2. If on a levee, a native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees applied at a rate of 50 pounds per acre.
- C. The proposed disturbance area must be located above the ordinary high water mark and outside of wetlands;
- D. No trees more than 6-inches in diameter are removed with the exception of nuisance species trees. Nuisance species trees 6 inches in diameter or larger that are removed must be replaced with one tree meeting the standard of 33.430.140.K; and
- E. At least one site enhancement option must be completed on the site. Applicants must show that an area equivalent in size to at least 100 percent of the proposed permanent disturbance area will be enhanced following one or more of the options described in Table 430-2. If the proposed permanent disturbance area is less than 100 square feet, the minimum enhanced area will be 100 square feet. The site enhancement area must be located outside of the proposed permanent and temporary disturbance area.



Topic 6: Flood Control Structures

Suggested Motion

I move to amend the zoning code to adopt a new standard 33.430.185 for minor changes to flood control structures, as shown in Attachment 6.

Next Steps

1. May 4 Work Session

- Commissioner Proposed Amendments (Due April 16)
- Site Visit Corrections

2. July 27 Work Session

- Site Visit Corrections based on Wetland Inventory Project
- Any remaining items

3. City Council

- Fall/Winter 2021





THE BUREAU OF **PLANNING & SUSTAINABILITY**

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City Planner

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Topic 7: Industrial and Employment Lands

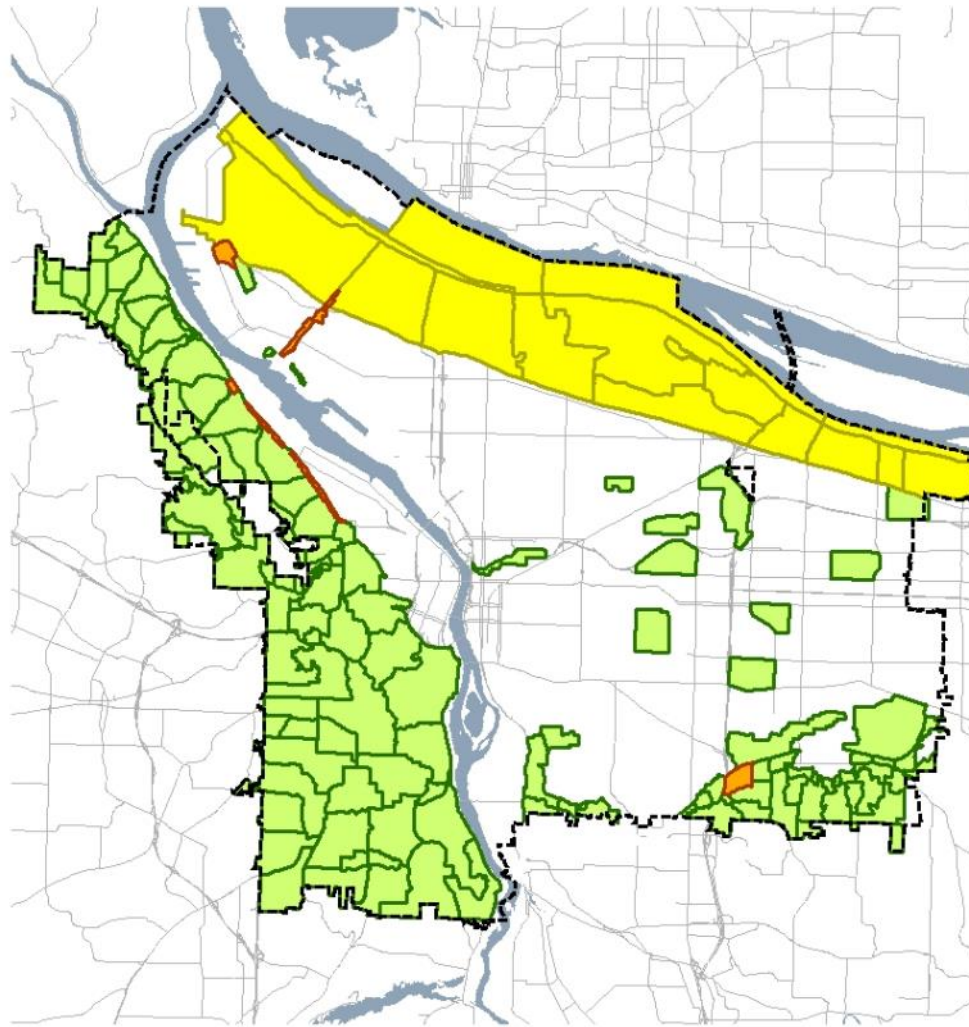
Summary




Changes to the coverage of environmental overlay zones on lands zoned for industrial or employment uses could impact Portland's industrial land capacity.

These impacts should be addressed through the Economic Opportunities Analysis.



Topics 7: Industrial and Employment Lands



-  Columbia Corridor/Industrial Lands (CCIL)
-  Ezone Map Correction Project
-  Removed from Ezone/Added to CCIL



Topics 7: Industrial and Employment Lands

Suggested Motion

I move to remove the areas shown in the map in Attachment 7 from the Ezone Project and address them in a future project.

Topic 8: Mapping Protocol

Summary

The written mapping protocols in Volume 1 and Volume 2A-2G contained some errors.

The maps found in the Ezone Map App are correct and the text in the reports needs to be corrected to match the maps.



Topics 8: Mapping Protocol

Suggested Motion

I move to amend Volume 1 and Volume 2A-2G to correct the mapping protocols as shown in Attachment 8.

Topic 9: Corrections to Environmental Violations

Summary

BDS requested the amendments through testimony.

Allow the use of heavy equipment to repair the violation, except in a waterbodies where only hand-held equipment is allowed.

Require Option 3 when there will be action within waterbodies.



Topics 9: Corrections to Environmental Violations

Suggested Motion

I move to amend zoning code 33.430.405, Correction Options, as shown in Attachment 9.

Topic 10: Resource Enhancement Definition

Summary

River Plan/South Reach adopted new code, 33.475, that has new requirements for mitigation banks. The project updated the definition of resource enhancement to exclude mitigation banks.

This created an unintended problem for 33.430, which does not have requirements specific to mitigation banks.



Topic 10: Resource Enhancement Definition

Suggested Motion

I move to amend zoning code 33.910.030, Definitions, as shown in Attachment 10.

Topic 11: Urban Service Boundary

Summary

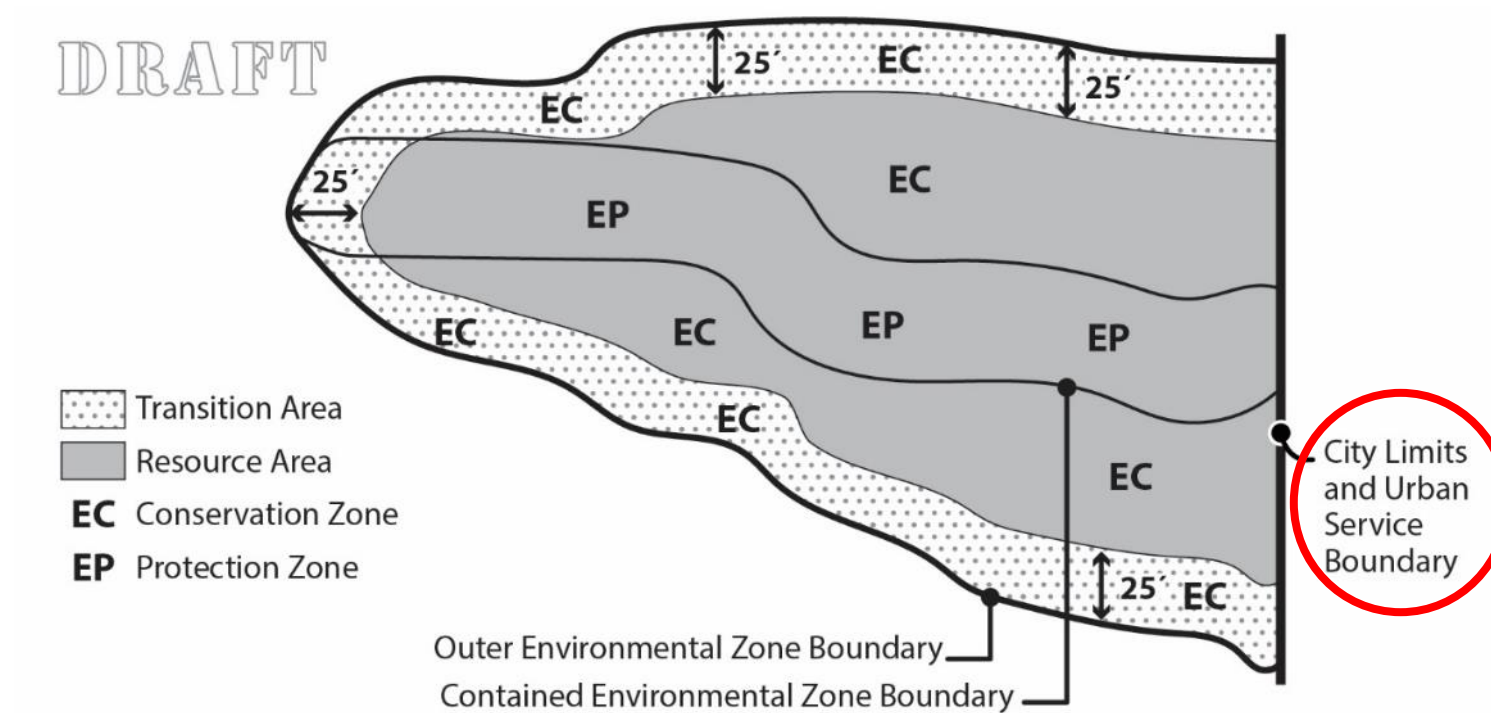
Code 33.430.050 and figure 430-1 explain how the transition area is measured and the relationship to the city limits.

BDS requested these amendments to codify that the Urban Service Boundary is treated the same as the city limits.



Topic 11: Urban Service Boundary

Figure 430-1: Environmental Zone Subareas



Topic 11: Urban Service Boundary

Suggested Motion

I move to amend zoning code 33.910.050, Subareas of Environmental Zones, and Figure 430-1, as shown in Attachment 11.

Topic 12: Scenic Reports

Summary

River Plan/South Reach recently updated 33.480, Scenic Resource Zone, but inadvertently left out reference to the South Reach Scenic Resources Protection Plan.



Topic 12: Scenic Reports

Suggested Motion

I move to amend zoning code 33.480, as shown in Attachment 12, to add references to the South Reach Scenic Resources Protection Plan.