33.430 Environmental Zones

430

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General

33.430.010 Purpose

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives.

33.430.015 Purpose of the Environmental Protection Zone

The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

33.430.017 Purpose of the Environmental Conservation Zone

The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

33.430.020 Environmental Reports

The application of the environmental zones is based on detailed studies that have been carried out within six separate areas of the City. The City's policy objectives for these study areas are described in reports. Each study identifies the natural resource features and describes the functional values within 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 six environmental study reports:

- Environmental Overlay Zone Map Correction Project
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis

33.430.030 Relationship To Other Environmental Regulations

Some of the six 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 430-6, 7, and 8 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)
- Forest Park Natural Resources Management Plan (separate document)
- Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)
- Portland International Airport Plan District (see Chapter 33.565, Portland International Airport Plan District)

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.033 Relationship to Scenic Resources

When an environmental zone has been applied at the location of a designated scenic resource, environmental review must include consideration of the scenic qualities of the resource as identified in the *Scenic Resources Protection Plan, Central City Scenic Resources Protection Plan,* or *River Plan / South Reach Scenic Resources Protection Plan,* and any relevant development standards of 33.480.

33.430.035 Other City Regulations

Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, may apply to sites in the environmental overlay zones.

33.430.040 Overlay Zones and Map Symbols

There are two environmental overlay zones.

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

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

33.430.050 Subareas of Environmental Zones

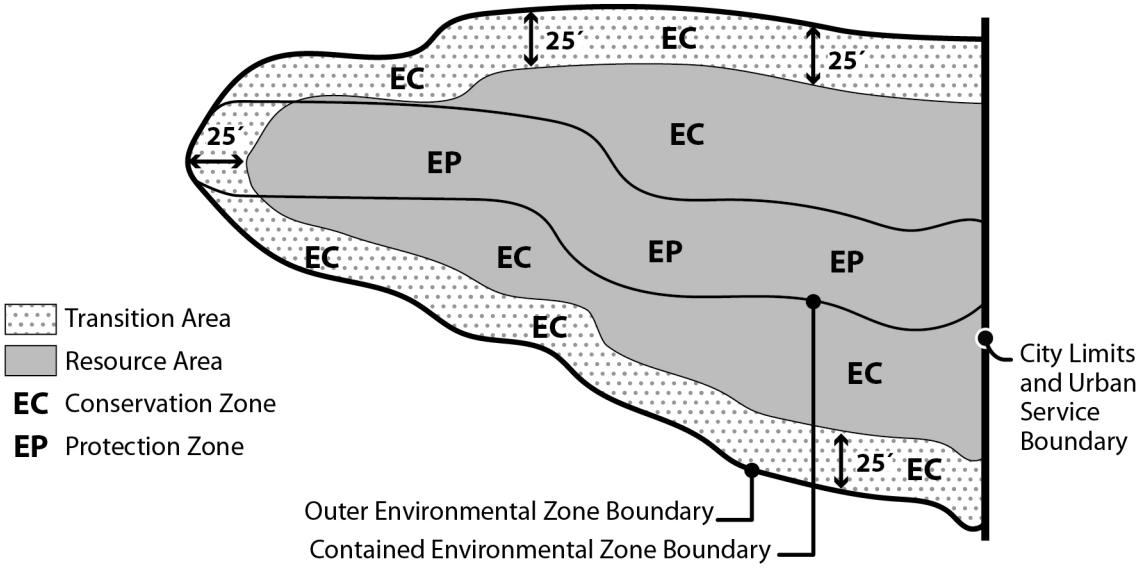
Environmental overlay zones contain resource areas and transition areas. Resource areas contain significant resources and functional values. Transition areas surround the resource areas. Resources and functional values within transition areas are not significant, but they provide a buffer for the significant resources and functional values within the resource area. The transition area is measured as the first 25 feet inward from an environmental zone boundary. The remaining area is the resource area. See Figure 430-1. The following are three exceptions:

A. Where part of an environmental zone boundary is also the City Limits or Urban Service Boundary, there is no transition area.

B. Where environmental zone boundaries are contained within other environmental zone boundaries, there is no transition area.

C. Where environmental zone boundaries abut other environmental zone boundaries, transition areas are only measured from the combined outer-most boundaries of the environmental zones.

Figure 430-1
Environmental Zone Subareas



33.430.060 Where These Regulations Apply
These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those in the Cascade Station/Portland International Center Plan District, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See also Section 33.430.030, Relationship to Other Environmental Regulations.

33.430.070 When These Regulations Apply
Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A. Development;

B. All land divisions and property line adjustments except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site;

C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;

D. Planting or removing trees and plants listed on the Nuisance Plants List, and planting or removing non-native non-nuisance trees and plants;

E. Changing topography, grading, excavating, and filling;

F. Resource enhancement; and

G. Dedication and expansions of rights-of-way.

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.

A. Change of ownership;

B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;

C. Dedicating right-of-way to widen an existing right-of-way;

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

1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public trails, public rest points, public viewing areas, public interpretative facilities, and utilities. Replacement is not exempt whenever coverage or utility size is increased;

2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of buildings and structures attached to buildings, such as decks, stairs, and carports;

3. Changes to existing disturbance areas to accommodate 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.

4. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;

5. Operation, maintenance, and repair of the following:

    a. Irrigation systems;

    b. Stormwater management systems;

    c. Pumping stations; and

    d. Erosion control and soil stabilization features;

6. Operation, maintenance, and repair of drainage facilities, flood control structures, and conveyance channels that are managed by Drainage Districts as defined in ORS 547, and where the activity is conducted or authorized by the Drainage District. This exemption does not apply if dredge spoils are placed onto the top of banks of the

drainageway, or onto portions of the environmental overlay zone above the ordinary high water mark. Operation, maintenance, and repair of drainage facilities include:

a. Dredging and channel cleaning below the ordinary high water mark and vegetative maintenance within the minimum floodway cross-section of drainageways;

b. Operation, maintenance, and repair of drainage district pump stations, water control structures, or levees;

c. Reconfiguring the cross-section of drainage channels below the ordinary high water mark, or changing the location of the low flow channel within a wider drainage channel; and

d. Stabilizing banks and restoring levees back to original condition and footprint;

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:

(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, Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resource Protection Plan.*

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, Central City Scenic Resources Protection Plan or River Plan / South Reach Scenic Resources Protection Plan; or

(2) Plants that block 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.

8. Pruning trees in accordance with Title 11 permit requirements;

9. Alterations to existing houseboats or replacing houseboats in existing slips;

10. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and

11. Land divisions or Property Line Adjustments where all properties are developed, no additional building sites are created and no additional development is proposed.

E. The following new development and improvements:

1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;

2. Public street and sidewalk improvements meeting all of the following:

   a. Improvements must be within a 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. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations, where access is by foot only;

4. Utilities installed above or below developed portions of public rights-of-way;

5. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top of bank of water bodies and where the disturbed area is restored to the pre-construction conditions;

6. Temporary site investigative work including soil tests, land surveys, groundwater and water quality monitoring stations when all of the following are met:

   a. The work is conducted using hand-held equipment only;

   b. The disturbance is temporary;

   c. Disturbance areas are restored to pre-existing conditions; and

   d. No native trees are removed.

7. Installation of temporary fencing to protect resource enhancement project planting areas, or to close off or control the use of illegal trails. The fence must be removed within 5 years;

8. Installation of signage as part of public recreational trail, as part of a resource enhancement project, 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;

10. Additional disturbance for gardens, play areas surfaced with grass, groundcover plants, bark chips, sand or gravel, and septic systems 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.

11. Trails and fire breaks meeting all of the following:

    a. The trails or fire break must be confined to a single ownership or be within a public trail easement;

    b. Widths must not exceed 36 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;

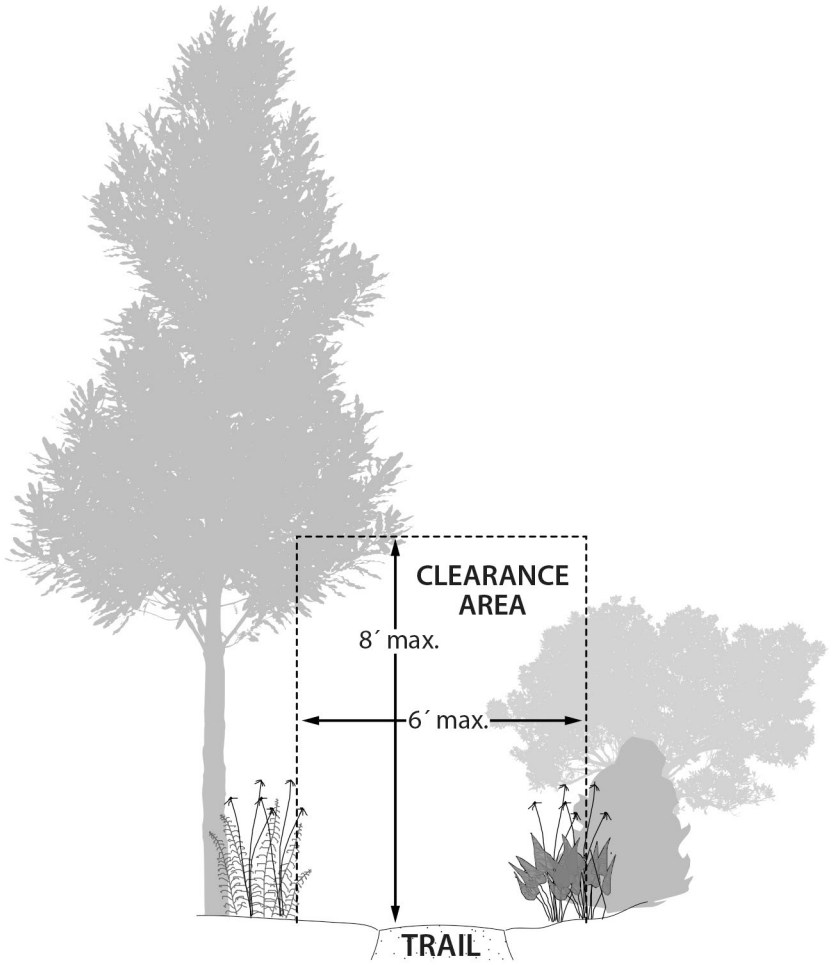
    c. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 430-2;

    d. No native trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;

    e. The trails or fire break must not be paved; and

    f. The trails or fire break must be at least 15 feet from the top of bank of all water bodies.

Figure 430-2
Trail Vegetation Pruning and Maintenance Area



12. All land divisions with tentative plans, final plans, and recorded plats showing all of the following for every lot created or adjusted; and Property Line Adjustments with plans showing all of the following for each lot adjusted:

    a. Building sites at least five feet from all resource areas. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;

    b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in a resource area; and

    c. Streets, driveways, and parking areas where all pavement is at least ten feet from a resource area.

F. Hand removal of trash, provided that native vegetation is not removed or damaged.

33.430.090 Prohibitions

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

A. The use, packaging, transportation, or storage of hazardous substances, except as follows:

1. Transportation of hazardous substances through environmental zones by rail or on designated truck routes is allowed; and

2. Use of consumer quantities of hazardous substances within environmental zones is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

B. The planting or propagation of any plant listed on the Nuisance Plants List;

C. Exterior work activities, unless in conjunction with a river-related or river-dependent use. See Chapter 33.910, Definitions; and

D. Dumping of yard debris or trash.

Development Standards

33.430.110 Purpose

These development standards are intended to:

A. Encourage sensitive development while minimizing impact on resources;

B. Provide clear limitations on disturbance within resource areas;

C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental zones;

D. Provide clear planting and erosion control requirements within resource areas;

E. Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial, and multi-dwelling residential uses; and

F. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.430.120 Procedure

A. **Generally.** Compliance with the development standards of this chapter is required for all development in the environmental zones and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.430.140 through .195; Sections 33.430.150 through .195 address specific types or aspects of development, while 33.430.140 applies to

proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, the standards of 33.430.150, Utilities, and the standards of 33.430.180, Stormwater Outfalls. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

B. Adjustments prohibited. Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through environmental review described in Sections 33.430.210 through .280.

33.430.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

A. An existing conditions site plan including:

1. Location of all Environmental Zone lines on the site;
2. Outline of any existing disturbance area, including existing utility locations;
3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, centerline of stream, or wetland boundary as appropriate;
4. Within the disturbance area, all trees that are 6 or more inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and
5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.

B. Proposed development plan including:

1. Outline of the proposed disturbance area, including all areas of proposed utility work;
2. Location and description of all proposed erosion control devices;
3. A stormwater management plan;
4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone;
5. Trees proposed to be preserved and trees proposed to be removed. For trees to be preserved, tree protection, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with Chapter 11.50, Trees in Development Situations; and

6. Where applicable, the location and specifications of the site enhancement option with dimensions, a list of plants on the Nuisance Plants List to be removed, and a landscape plan indicating the size, species, and location of all vegetation to be planted.

C. Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

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;
- Septic systems subject to Section 33.430.155;
- 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;
- Flood and water control facilities subject to Section 33.430.185;
- Public recreational trails subject to Section 33.430.190; and
- Tree removal in scenic resources zone subject to Section 33.430.195.

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 to new development and alterations to existing development in the transition areas. All of the applicable standards must be met.

A. The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the resource area from the number listed in Table 430-1.

Table 430-1
Maximum Disturbance Area Allowed

	OS and RF Zone	**R20**	**R10**	**R7**	**R5**	**All Other Zones**
Maximum Disturbance Area	5,000 sq. ft. [1]	5,000 sq. ft. [1]	5,000 sq. ft. [1]	3,500 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage or 1 acre, whichever is less [1]

Note:
[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

B. The disturbance area is set back at least 5 feet from the resource area of any environmental protection zone;

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;

3. 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;

4. Thirty feet from the top of bank of any identified water body within a conservation zone except those within the Columbia Corridor; and

5. When reconfiguration of the bank 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. For alterations to existing development, one of the following must be met:

1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone; or

2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:

   a. The existing disturbance area may not be expanded; and

   b. Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.

E. The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;

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;

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;

4. Thirty feet from the top of bank of any identified water bodies within a conservation zone except those within the Columbia Corridor; and

5. When reconfiguration of the bank 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. The proposed buildings must be set back at least 5 feet from the edge of the disturbance area;

H. Where the distance between a building and the edge of the disturbance area is less than 10 feet, additional temporary disturbance area is allowed. The edge of the additional temporary disturbance area may extend no more than 10 feet from the building. The temporary disturbance area must be replanted with three different native shrub species at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet with the remaining area planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;

I. Temporary disturbance areas and portions of the resource area where removal of non-native vegetation occurs must be replanted so that the area achieves a 90 percent vegetation cover within one year;

J. Tree removal and replacement standards.

1. Removal of native trees is allowed as follows:

    a. Trees removed from resource and transition areas must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.

    b. In resource and transition areas, the combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;

    c. In resource areas, trees may be removed only if one of the following is met:

        (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;

        (2) Within 10 feet of proposed driveways or right-of-way improvements; or

        (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.

2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;

3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and

4. For replacement of non-native trees, 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.

Table 430-2
Minimum Site Enhancement Options

Option	Action
Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	Pay a revegetation fee. 1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site. 2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance. 3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: - The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area; - The fee calculation will be rounded up to the next multiple of $10; and - The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.

K. Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.

2. Plant removal must occur outside of the permanent and temporary disturbance areas.

3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.

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. Install one native tree that is at least one-half inch in diameter for every nuisance tree over 6 inches in diameter that is removed.

   d. Planting native species listed on the *Portland Plant List* is required.

M. All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

Table 430-3
Tree Replacement in Environmental Overlay Zone

Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 6 and up to 12	2	not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

N. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

O. Maximum front or street setbacks are as follows:

1. The front building or street setback of the base zone is the maximum building setback for primary structures.

2. On a lot with more than one street lot line the maximum setback standard applies to the street lot line that is farthest from the resource area.

3. In zones with no minimum front or street setback, the maximum setback is 10 feet.

P. Fences are allowed only within the disturbance area;

Q. Parking and truck area buffers:

1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;

2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;

R. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas; and

S. Exterior storage and display areas include a ten-foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

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. All of the standards apply in the resource area. Only standard E applies in the transition area.

A. The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;

B. The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;

C. The utility construction does not occur within a stream channel, identified wetland, or water body;

D. Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:

1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;

2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and

3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2

above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

E. Tree removal and replacement standards are as follows:

1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Table 430-3;
2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.

F. Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B and D.

33.430.155 Standards for Septic Systems

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

A. The maximum disturbance area allowed within the resource area on the site for the septic system is no greater than 2,000 square feet;

B. No trees greater than 6 inches in diameter may be removed;

C. The proposed disturbance area is located at least 50 feet from the top-of-bank of a stream or edge of any wetland; and

D. The proposed disturbance area is replanted with a minimum of eight ground cover plants per 10 square feet. The ground cover plants must be a minimum size of four inch pots and must be native species listed in the *Portland Plant List*.

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. All development, except for development associated with stormwater outfalls that meet Section 33.430.180, is outside the resource area of the environmental protection zone;

B. The total amount of disturbance area allowed within the resource area of the environmental 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;

C. Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:

1. The existing house will remain; and

2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.

D. Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;

Table 430-4
Maximum Disturbance Area for a Land Division and PD Allowed Within the Resource Area[1]

	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:
[1] Disturbance area includes utility construction.

E. Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;

F. Tree removal is allowed as follows:

1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per lot, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;

2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3; and

3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.

G. The standards of Subsections 33.430.140.B, C, and K through R must be met.

H. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;

I. New right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and

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.

Table 430-5
Maximum Right-of-way and Roadway Widths

Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

33.430.165 Standards for Property Line Adjustments

The following standards apply to Property Line Adjustments (PLAs) in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.C.11 or 33.430.080.D.11. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

A. A Property Line Adjustment may not result in any property being entirely in the environmental protection zone, unless that property is entirely in the environmental protection zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

B. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 430-6. A property that contains less than the area listed in Table 430-6 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 430-6.

Table 430-6
Minimum Area Required Outside of Resource Area

	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Minimum Area Required	5,000 sq. ft.	3,500 sq. ft.	2,500 sq. ft.	50% of the base zone building coverage or 1 acre, whichever is less

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 430-10 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 430-10 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 430-10. 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. The activity is conducted or authorized by the Multnomah County Drainage District #1 or Peninsula Drainage District #2;

2. The final slope above ordinary high water after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3);

3. Rock armoring may not be used except surrounding outfalls, inlets, culverts and bridge crossings, the rock armoring cannot exceed a distance of 5 feet from those features, and must be planted with live stakes of native plant stock, one half inch in diameter. Stakes must be used at a density of 2 to 3 stakes per 9 square feet. If the armoring is located on a levee, live stakes are not required;

4. The placement of large wood on the bank is allowed to improve bank stabilization if installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;

5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:

    a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 430-3, Tree Replacement;

    b. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;

    c. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;

    d. Replacement trees must:

        (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and

        (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain;

    e. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

6. The area between the ordinary high water mark and the new top of bank must be revegetated as specified in Figure 430-3 and Table 430-7, Bank Revegetation.

Figure 430-3
Bank Revegetation

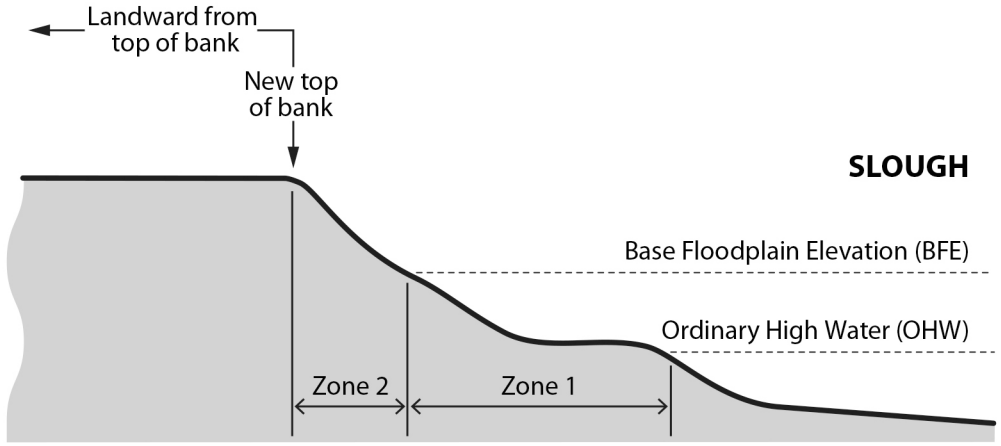


Table 430-7
Bank Revegetation

Water Body	Zone (See Figure 565-2)	Planting Requirements
Sloughs and drainageways; except on levees	Zone 1	A mix of native emergent wetland vegetation planted at a rate of 50 plugs of vegetation per 100 square feet of area, ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 30 pounds per acre. No trees may be planted in Zone 1.
	Zone 2	A. Outside of the Airport Subdistrict of the Portland International Airport plan district, one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. B. Within the Airport Subdistrict of the Portland International Airport plan district, Option A or ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 20 pounds per acre.
On levees	Zone 1 and 2	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.

7. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

   a. The viewing area contains no more than 500 square feet of permanent disturbance area;

   b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland, or other water body;

c. The viewing area is not in the floodway;

d. Native trees more than 10 inches in diameter are not removed; and

e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and

9. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

B. 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 430-10. 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. The activity is conducted or authorized by the Multnomah County Drainage District #1, Peninsula Drainage District #2 or the City of Portland Bureau of Environmental Services;

2. No native trees are removed;

3. The basking feature is installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;

4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

   a. The viewing area contains no more than 500 square feet of permanent disturbance area;

   b. The viewing area is at least 30 feet from the top of bank;

   c. The viewing area is not in the floodway;

   d. Native trees more than 10 inches in diameter are not removed; and

   e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and

6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

C. All other resource enhancement projects. The following standards apply to all other resource enhancement projects not addressed by subsections 170.A or B. All of the following standards must be met:

1. There is no excavation or fill of, or construction activity within any wetland or water body;
2. There is no net fill, or increase in the amount of soil on the site;
3. No native vegetation listed on the *Portland Plant List* is removed except as allowed by C.5. below. Non-native trees and vegetation may be removed;
4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
   a. The viewing area contains no more than 500 square feet of permanent disturbance area;
   b. The viewing area is at least 30 feet from the top of bank;
   c. The viewing area is not in the floodway;
   d. Native trees more than 12 inches in diameter are not removed;
   e. Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
6. Temporary disturbance areas may be seeded with non-native see that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

33.430.175 Standards for Right-of-Way Improvements

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A. The proposed paved roadway portion of the right-of-way must not be more than 26 feet wide and 2600 square feet in area;

B. The proposed disturbance area for the right-of-way improvement must;

1. Be at least 50 feet from the edge of any wetland or waterbody;
2. Be at least 5 feet from the resource area of any environmental protection zone; and
3. Be no larger than 3300 square feet in area;

C. Planted areas, including stormwater swales, must be planted with native plants from the *Portland Plant List*;

D. Trees within the right-of-way may be removed within the improvement area and within 10 feet of the edge of the improvement. In no case may the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees other than native trees are exempt from this standard and may be removed without being counted as part of the 225 inches; and

E. The right-of-way improvements meet the development requirements of the City Engineer or the Permanent Rule for Private Rights-of-Way.

33.430.180 Standards for Stormwater Outfalls

The following standards apply to the installation of stormwater outfalls. All of the standards apply in the resource area. Only standards B through E and H apply in the transition area.

A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;

B. Native trees 12 or more inches in diameter may not be removed. Each native tree at least 6 inches but less than 12 inches in diameter that is removed must be replaced as shown in Table 430-3;

C. Non-native non-nuisance trees may be removed. Each tree at least 6 inches in diameter must be replaced as shown in Table 430-3;

D. Trees listed on the Nuisances Plant List may be removed. Each tree at least 6 inches in diameter must be replaced with one tree.

E. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and

F. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:

1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet; and

2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;

G. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;

H. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 6 inches in diameter; and

I. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

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 planted with native species listed in the *Portland Plant List* according to the following densities:

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 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 required enhanced area must be 100 square feet. The site enhancement area must be located outside of the proposed permanent and temporary disturbance area.

33.430.190 Standards for Public Trails

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

A. The trail is located on public property or within a public trail easement;

B. The trail is no longer than 5,000 feet and no wider than 4 feet with a maximum vegetation clearance of 8 feet high and 2 feet on either side of the trail (see Figure 430-4);

C. If the trail crosses a waterbody it is constructed above the top of bank;

D. If a public viewing area is proposed, the following must be met:

1. The viewing area may create up to 500 square feet of permanent disturbance area;

2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and

3. The viewing area is not in the floodway;

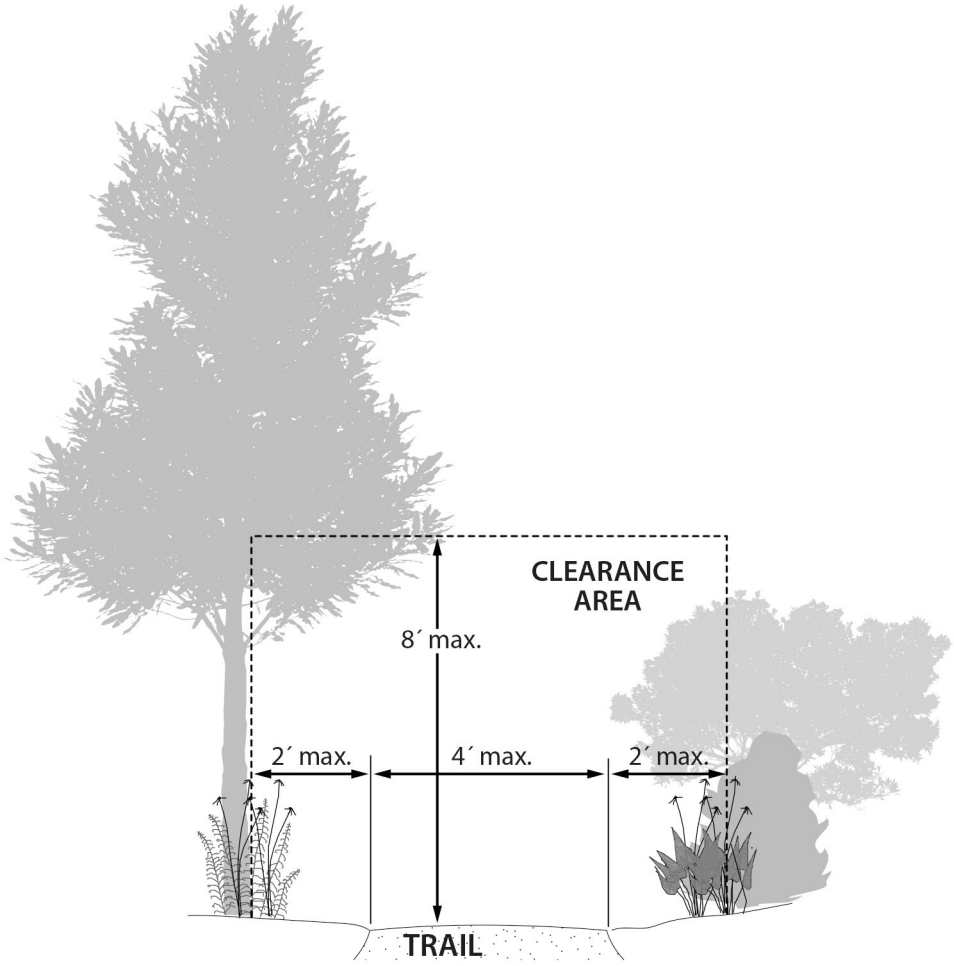
E. Tree removal and replacement standards:

1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;

2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and

3. Replacement trees must meet the planting standards in 33.430.140.K.

Figure 430-4
Trail Vegetation Pruning and Maintenance Area



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 environmental overlay zone and the Scenic Resource zone:

A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;

B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;

C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:

1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or

2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and

D. Replacement plantings must meet the planting standards in 33.430.140.K.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;

B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;

C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;

D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and

E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

33.430.220 When Environmental Review is Required

Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .190 and for violations of this chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning and Sustainability Commission, or Director of BDS may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.430.400.

33.430.230 Procedure

Environmental reviews are processed through the following procedures:

A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.

B. The following are processed through the Type II procedure:

1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
2. Public safety facilities;
3. Septic systems;
4. Environmental zone boundary modifications;
5. All other uses and development in resource areas of Environmental Conservation zones; and
6. Development within the Transition Area only.

C. All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

33.430.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

A. Supplemental site plans required. One copy of each plan must be at a scale of at least one inch to 100 feet. The following supplemental site plans are required:

- Existing conditions;
- Conditions existing prior to a violation (if applicable);
- Proposed development;
- Construction management; and
- Mitigation or remediation.

A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. The existing conditions site plan must show the following for the entire site:
   a. Special flood hazard area and floodway boundaries;
   b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;

c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;

d. Drainage patterns, using arrows to indicate the direction of major drainage flow; and

e. Existing improvements such as structures, or buildings, utility lines, fences, etc.

2. The proposed development site plan must show the following:

a. In areas of the site that have been or will be part of the permanent disturbance area, distribution outline of shrubs and groundcovers, with a list of most abundant species;

b. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition;

c. A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;

d. Trees six or more inches in diameter, identified by species, with trees proposed to be preserved and removed indicated. In the case of violations, also indicate those that were cut or damaged by stump diameter and species;

e. Proposed development, including proposed buildings, walkways, decks, retaining walls, bridges, garages, utility lines, stormwater management systems; and

f. Proposed planting areas.

3. A construction management site plan must show the following:

a. Areas that will be temporarily or permanently disturbed, including equipment maneuvering areas, and perimeter controls;

b. Areas where existing topography and vegetation will be left undisturbed;

c. Location of site access and egress;

d. Equipment and material staging and stockpile areas;

e. Erosion control measures; and

f. Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

4. A mitigation or remediation site plan must show the following:

a. Dams, weirs, or other in-water structures;

b. Distribution outline, species composition, number, and percent cover of groundcovers to be seeded or planted;

c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;

d. Location, species, number, and size of each tree to be planted;

e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

f. Water bodies to be created, including depth;

g. Water sources to be used, including volumes; and

h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;

   a. An impact evaluation includes:

      (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;

      (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and

      (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.

   b. An impact evaluation for a violation includes:

      (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and

      (2) Determination of the impact of the violation on the resources and functional values.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the

chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:

a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;

b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

c. Construction timetables;

d. Operations and maintenance practices;

e. Monitoring and evaluation procedures;

f. Remedial actions for unsuccessful mitigation; and

g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;

   a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

   b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

   c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

   d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

   e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry

out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Rights-of-way, driveways, walkways, outfalls, utilities, and septic systems;

   a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

   b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

   c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

4. Land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments:

   a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;

   b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and

   c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.

B. Resource enhancement projects. In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. There will be no loss of total resource area;

2. There will be no significant detrimental impact on any resources and functional values; and

3. There will be a significant improvement of at least one functional value.

C. Public recreational facilities. In resource areas of environmental zones, public trails, rest points, public viewing areas, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

2. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and

4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

D. Modification of zone boundaries. Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or

2. Approved loss of resource area. All of the following must be met:

   a. All approved development in a resource area has been completed;

   b. All mitigation required of this development has been successful; and

   c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.

3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.

E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;

2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;

3. There is a public need for the proposed use or development;

4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;

5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and
2. The remediation plan demonstrates that after its implementation there will be:
    a. No permanent loss of any type of resource or functional value;
    b. A significant improvement of a least one functional value; and
    c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.430.260 Performance Guarantees
The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.430.270 Special Evaluation by a Professional
A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.430.280 Modifications That Will Better Meet Environmental Review Requirements
The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Natural Resource Management Plans

33.430.310 Purpose
Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional state, and federal agencies.

33.430.320 Scope
Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and

protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

33.430.330 Procedure

Adoption and amendment of natural resource management plans is a legislative procedure. 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.

33.430.340 Components

The applicant must submit a natural resource management plan with the following components:

- **A.** Management objectives to maintain or enhance resources and functional values;
- **B.** Lists of allowed and prohibited uses;
- **C.** Maps of areas where these uses are allowed and prohibited;
- **D.** Types of mitigation or enhancement required;
- **E.** Maps of areas reserved for these mitigation or enhancement actions;
- **F.** Timetables for development, mitigation, and enhancement; and
- **G.** Procedures and criteria for approving uses.

33.430.350 Approval Criteria for Adoption and Amendment.

A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

- **A.** Compliance with Sections 33.430.310 through 350;
- **B.** Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- **C.** If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.430.400 Purpose

The purpose of Sections 33.430.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.430.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.430.405 Correction Options

Applicants must choose one of the following options to correct environmental code violations.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
   a. Tree removal:
      (1) Only non-native trees have been removed;
      (2) No more than 12 diameter inches of native trees have been removed; or
      (3) No more than one of the following has been removed:
         - A Madrone 4 inches or less;
         - A Garry Oak 4 inches or less; or
         - A Pacific Yew 2 inches or less;
   b. No development, exterior alteration, or exterior improvement has occurred below the top of bank or within a wetland, stream channel, drainageway, or waterbody.
   c. The proposal will remove all illegal development; and
   d. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:
   a. Tree removal. More than 12 diameter inches of native trees have been removed;
   b. More than one of the following has been removed:
      (1) A Madrone 4 inches or less;
      (2) A Garry Oak 4 inches or less;
      (3) A Pacific Yew 2 inches or less;
   c. Any of the following has been removed:
      (1) A Madrone larger than 4 inches;
      (2) A Garry Oak larger than 4 inches; or
      (3) A Pacific Yew larger than 2 inches.
3. If the applicant cannot meet Options One or Two, Option Three must be used.
4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed and no new disturbance area is created;

2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

   a. The area disturbed by the violation activity must be replanted;

   b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;

   c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;

   d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

   e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

   f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.430.140 through .190 must be met; and

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;

d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

D. Option Three, Environmental Review. This option requires Environmental Review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.

2. Review procedures. Reviews are processed as follows:

a. Type III. The following situations require a Type III review:

(1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.

(2) Any development, exterior alteration, or exterior improvement within or below top of bank of a wetland, stream channel, drainageway, or waterbody.

b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.

c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

33.430.407 Recurring Violations of This Chapter

A. Recurring violations on a site. Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.

B. Recurring violations by an individual or business. Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Notice and Review Procedure

33.430.410 Purpose

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

33.430.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.430.430 Procedure

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of an application.

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

   - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
   - The legal description and address of the site;
   - A copy of the site plan;
   - The place where information on the matter may be examined and a telephone number to call; and
   - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

   The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

C. Posting the site and marking development. The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

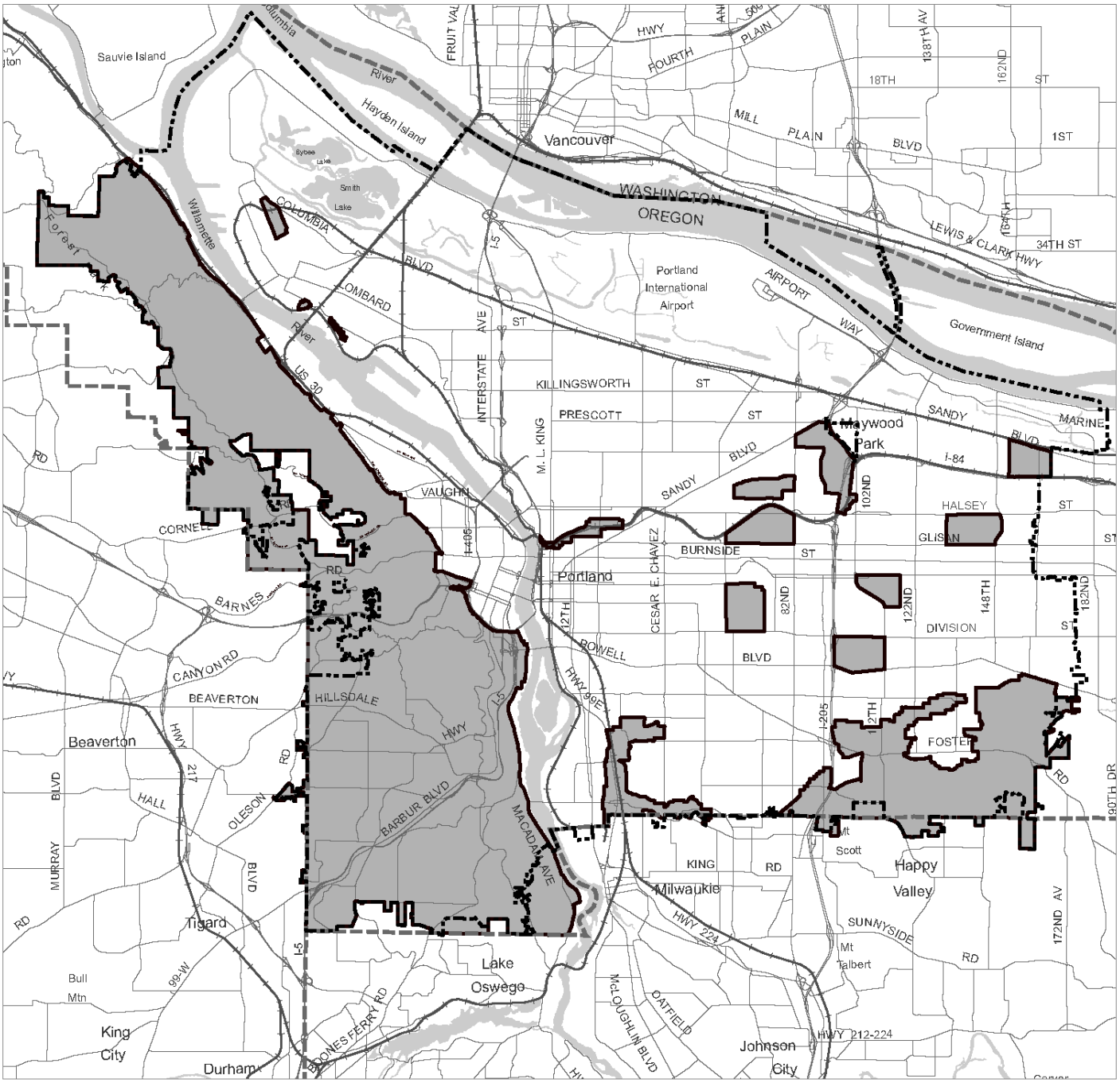
F. Response to comments. If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22.)

Environmental Overlay Zone Map Correction Project Area

Map 430-1

Map Revised October 1, 2022



City Boundary

Project Area

NORTH

0 7,500 15,000

Scale in Feet

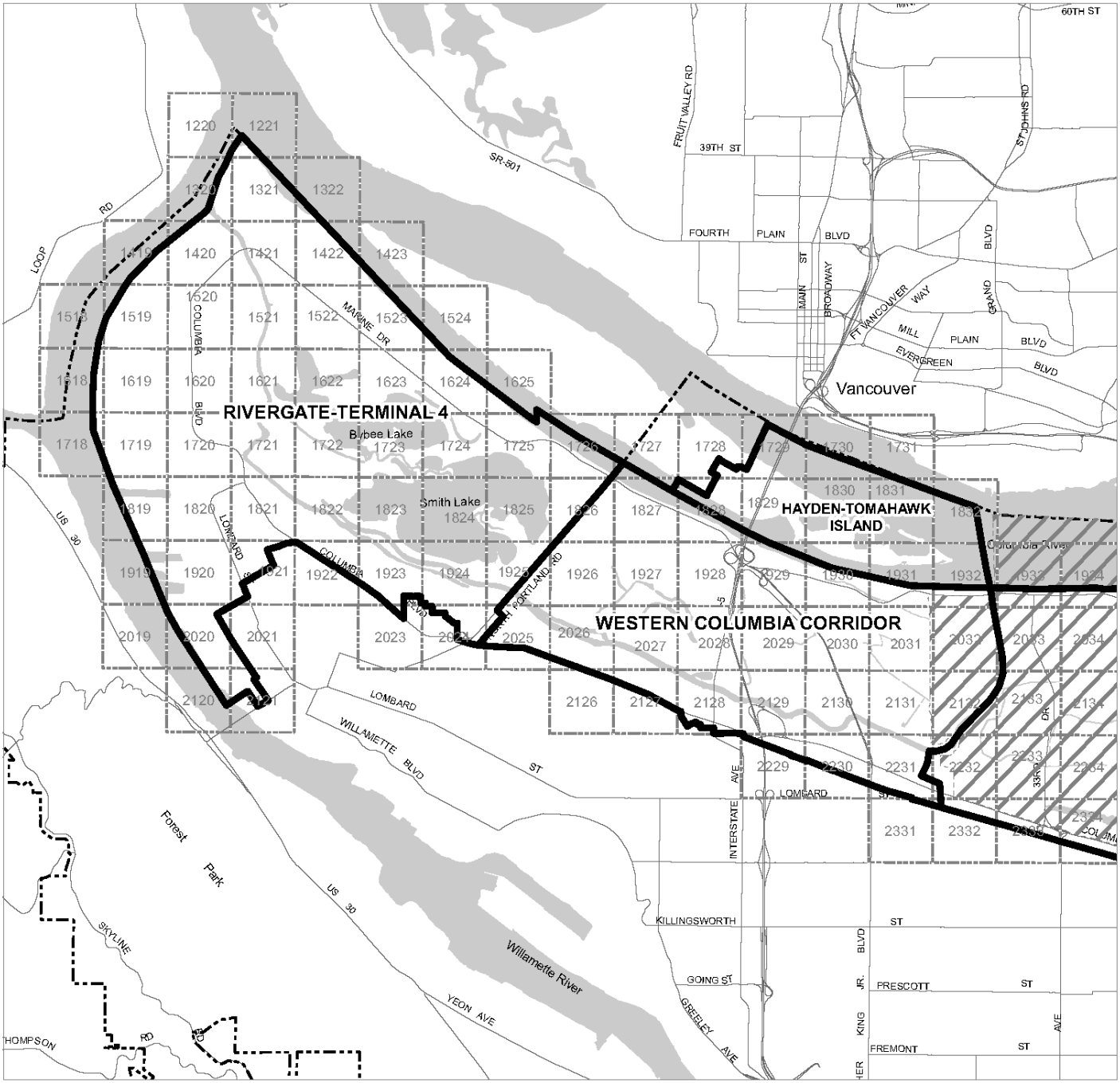
Bureau of Planning and Sustainability
Portland, Oregon

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-2

Map 1 of 2

Map Revised March 1, 2023



City Boundary

Area superceded by Middle Columbia Corridor/Airport Corridor/Airport Natural Resources Inventory - SEE MAP 430-9

NORTH

0 6,000 12,000

Scale in Feet

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

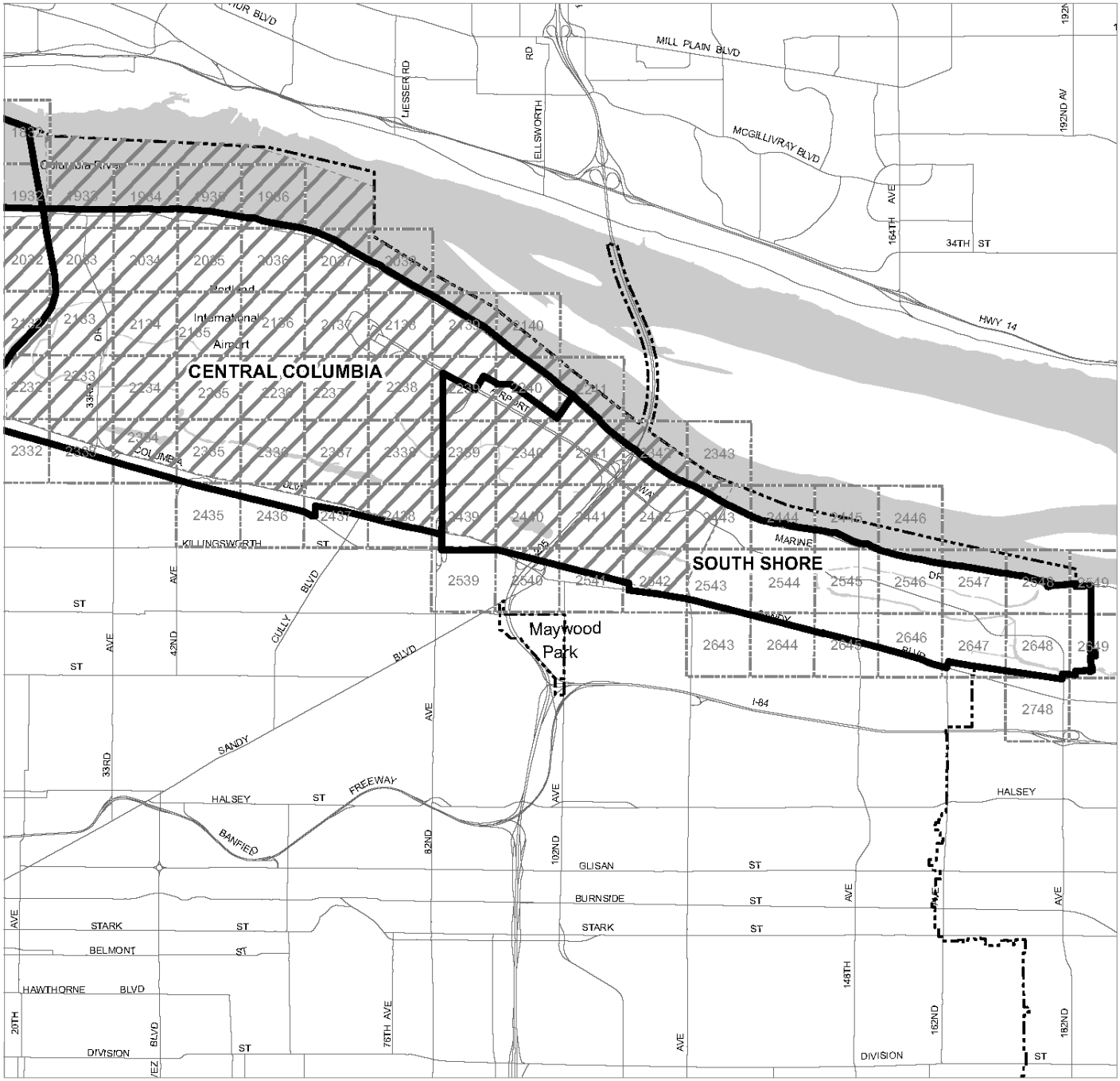
Bureau of Planning and Sustainability
Portland, Oregon

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-2

Map 2 of 2

Map Revised March 1, 2023



City Boundary

Area superceded by Middle Columbia Corridor/Airport Corridor/Airport Natural Resources Inventory - SEE MAP 430-9

NORTH

0 6,000 12,000

Scale in Feet

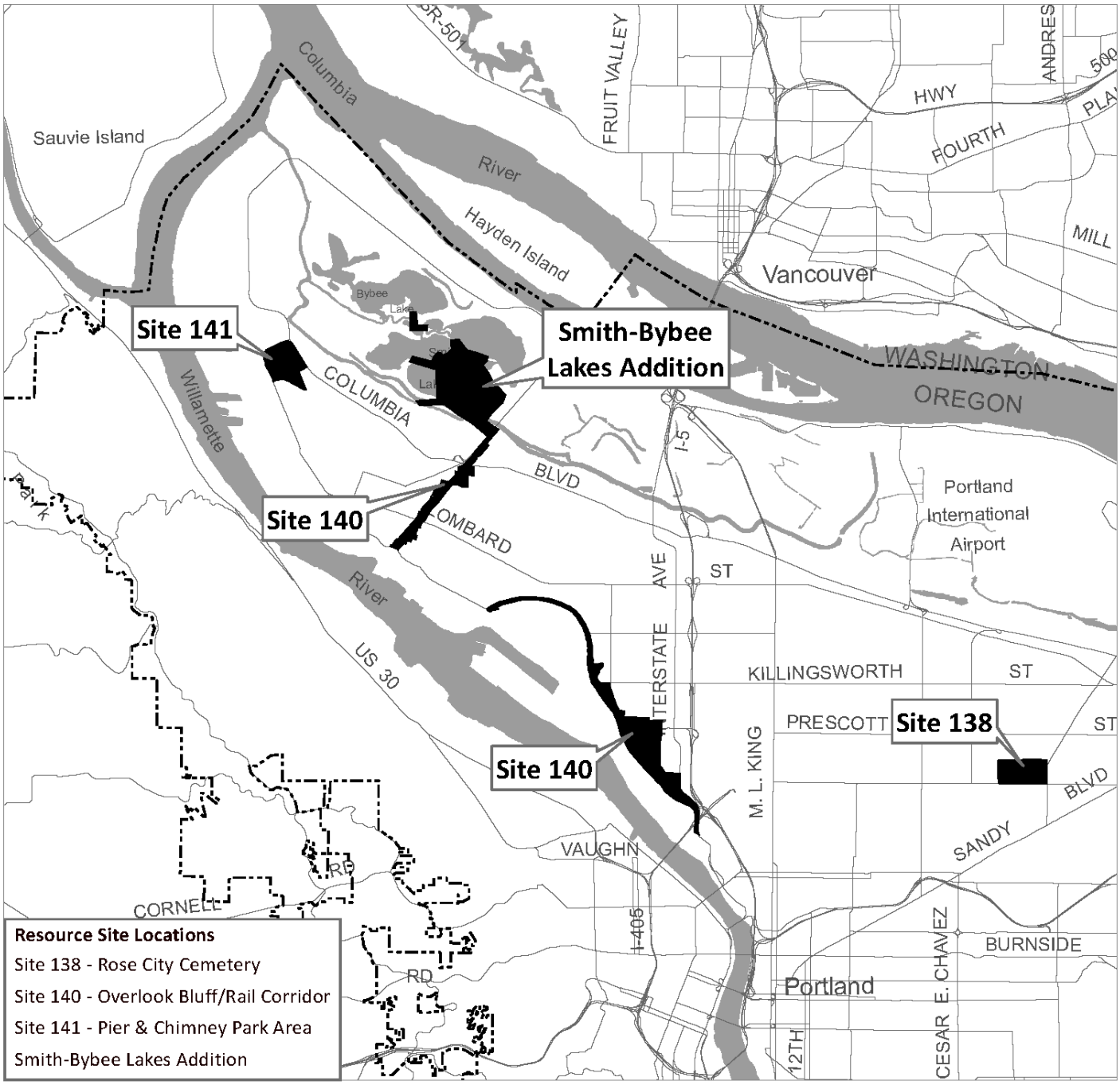
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

East Buttes, Terraces, and Wetlands Conservation Plan Area

Map 430-3

Map Revised October 1, 2022



City Boundary

Plan Area

NORTH

0 5,000 10,000

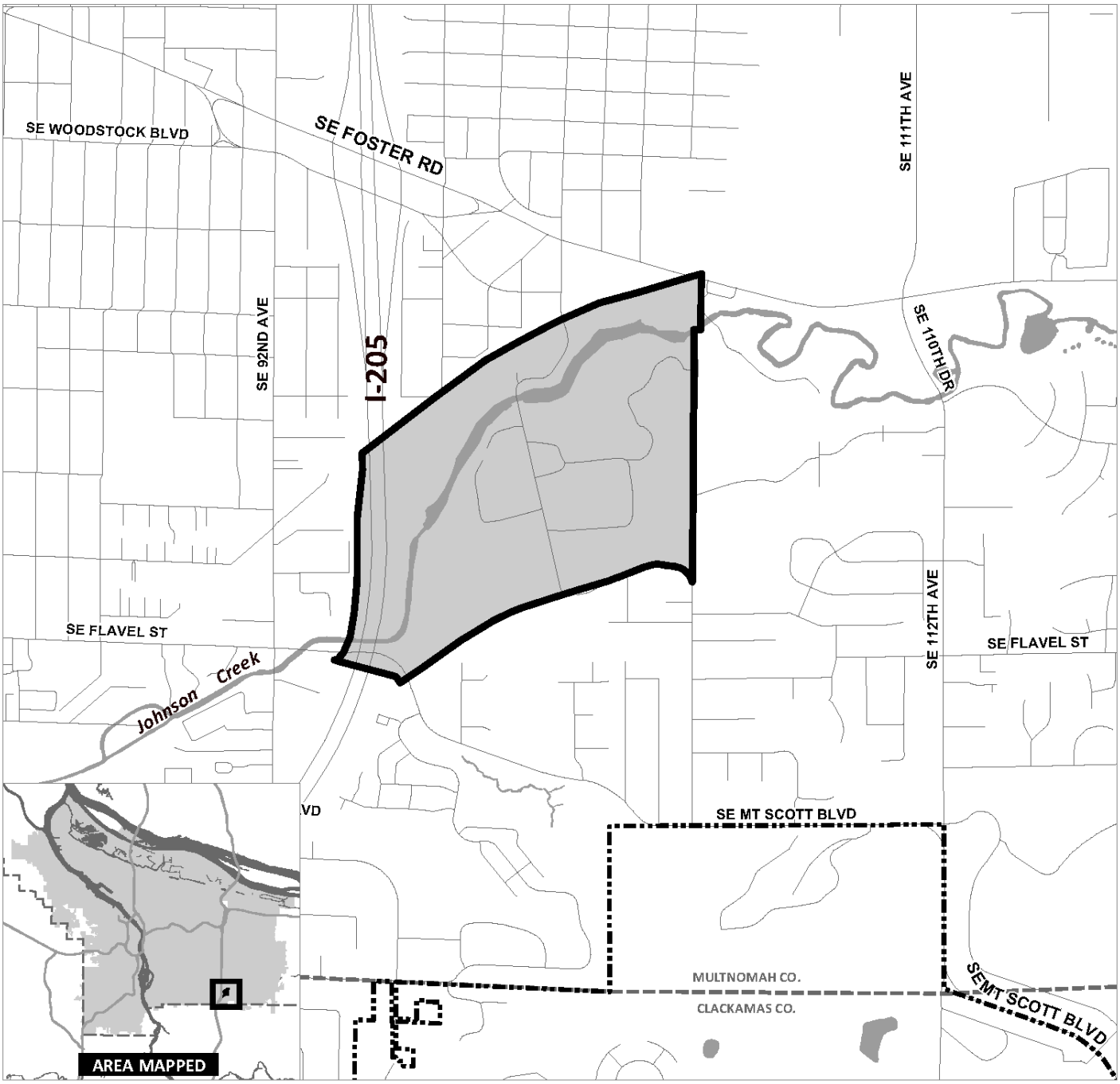
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Protection Plan Area

Map 430-4

Map Revised October 1, 2022



City Boundary

Plan Area

NORTH

0 1,200 2,400

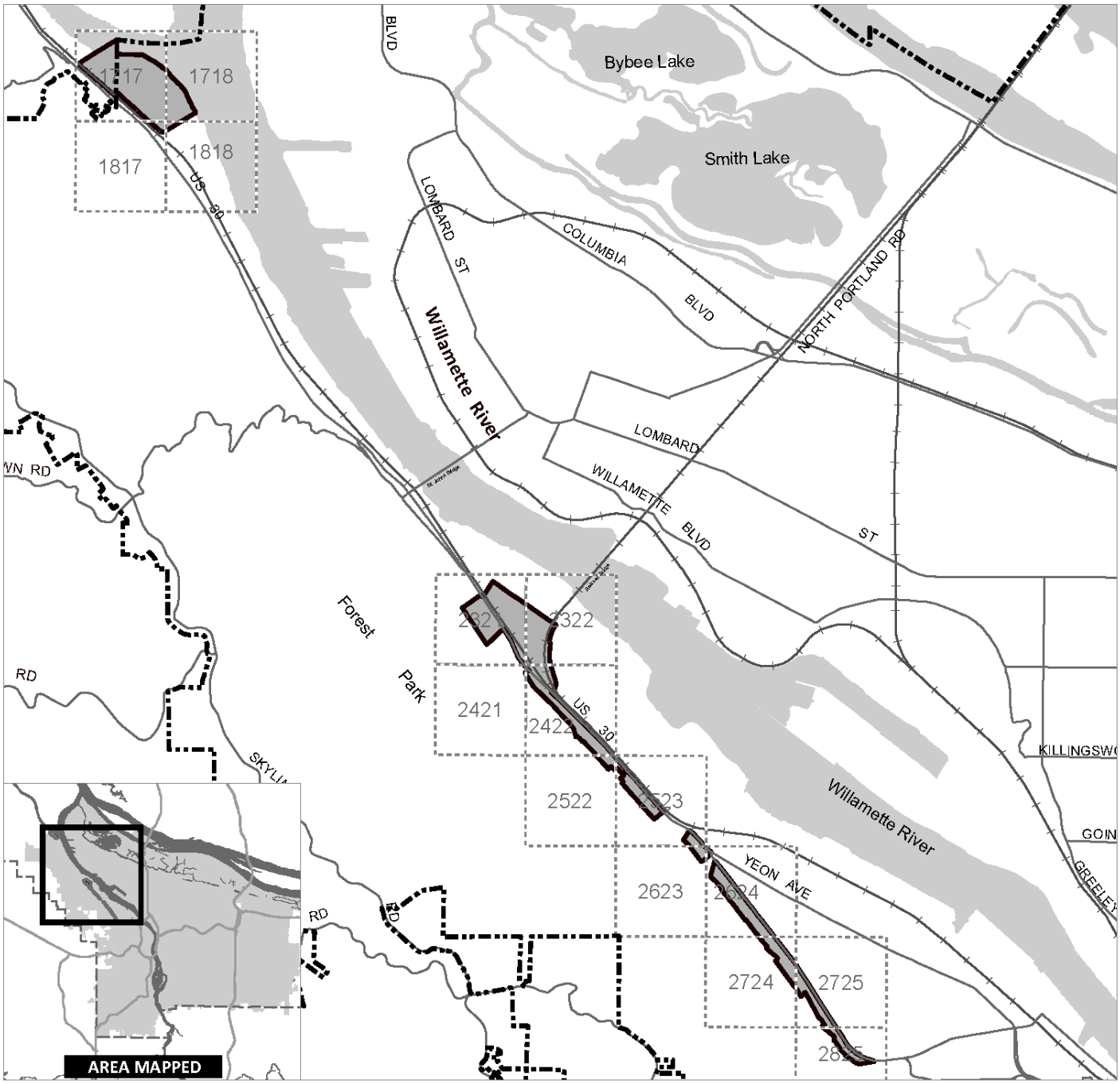
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Natural Areas Protection Plan Area

Map 430-5

Map Revised October 1, 2022



City Boundary

Plan Area

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

NORTH

0 3,000 6,000

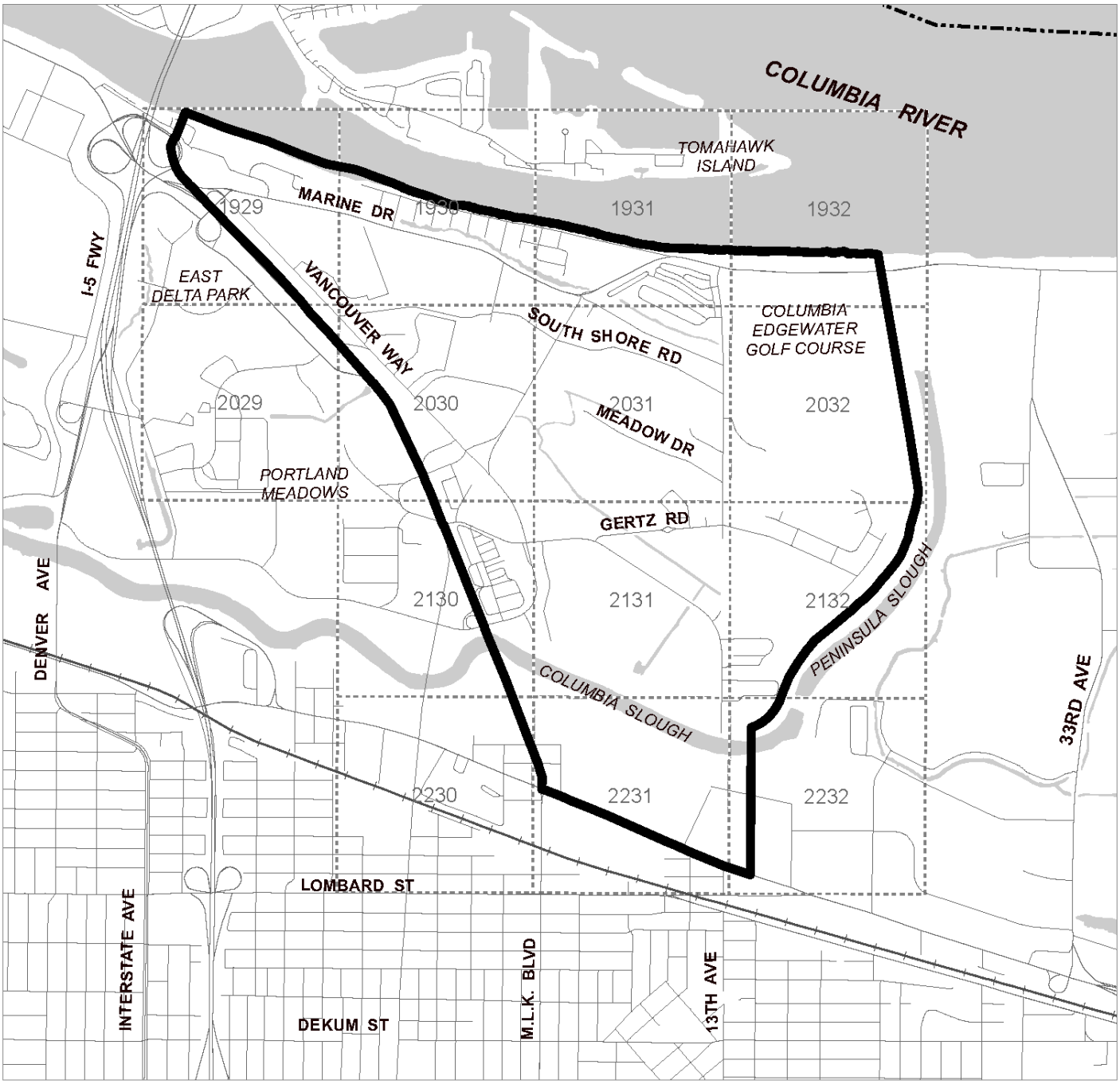
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

East Columbia Neighborhood
Natural Resources Management Plan Area

Map 430-6

Map Revised October 1, 2022



City Boundary

Plan Area

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

NORTH

0 2,000 4,000

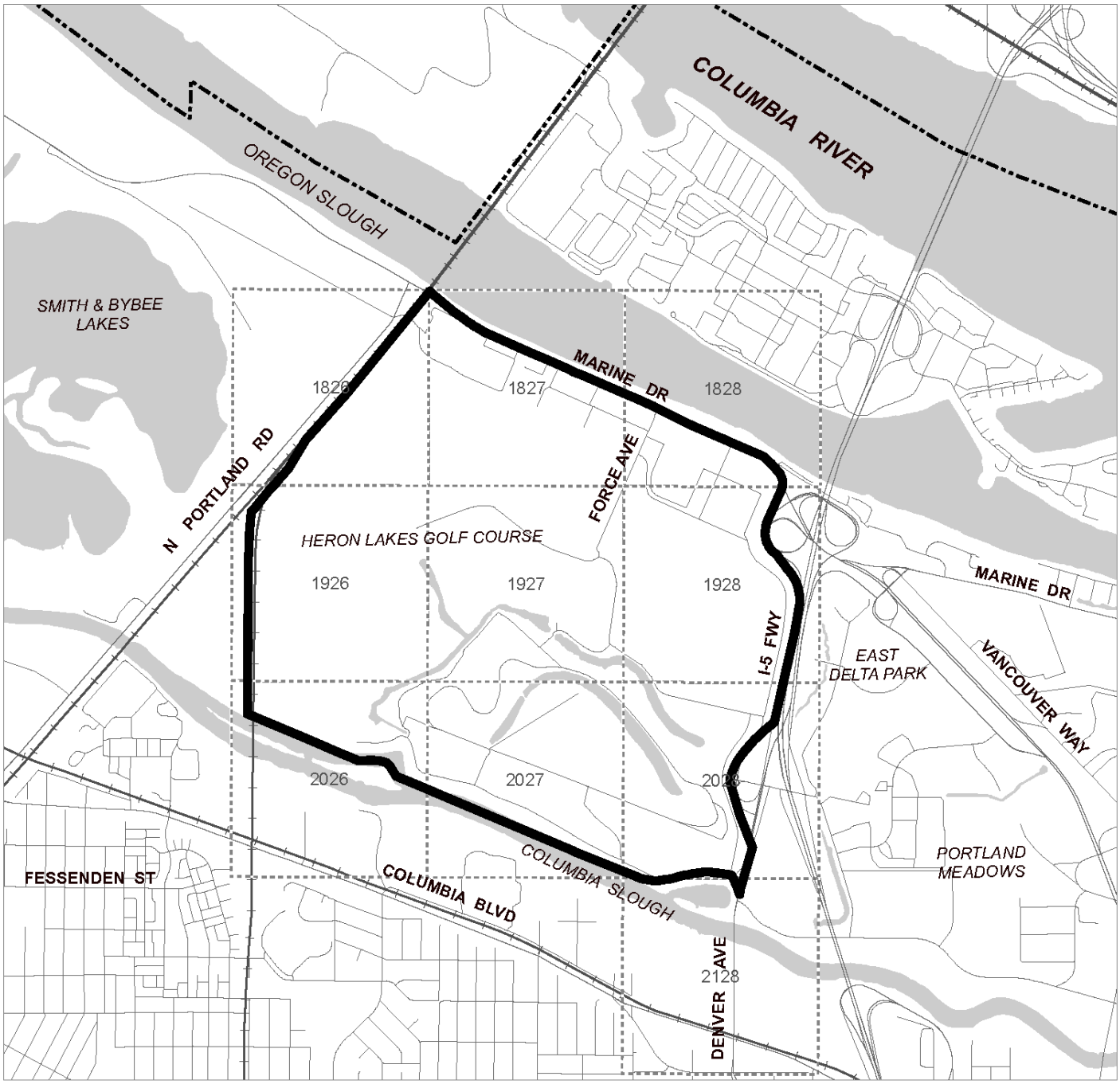
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Peninsula One
Natural Resources Management Plan Area

Map 430-7

Map Revised October 1, 2022



City Boundary

Plan Area

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

NORTH

0 2,000 4,000

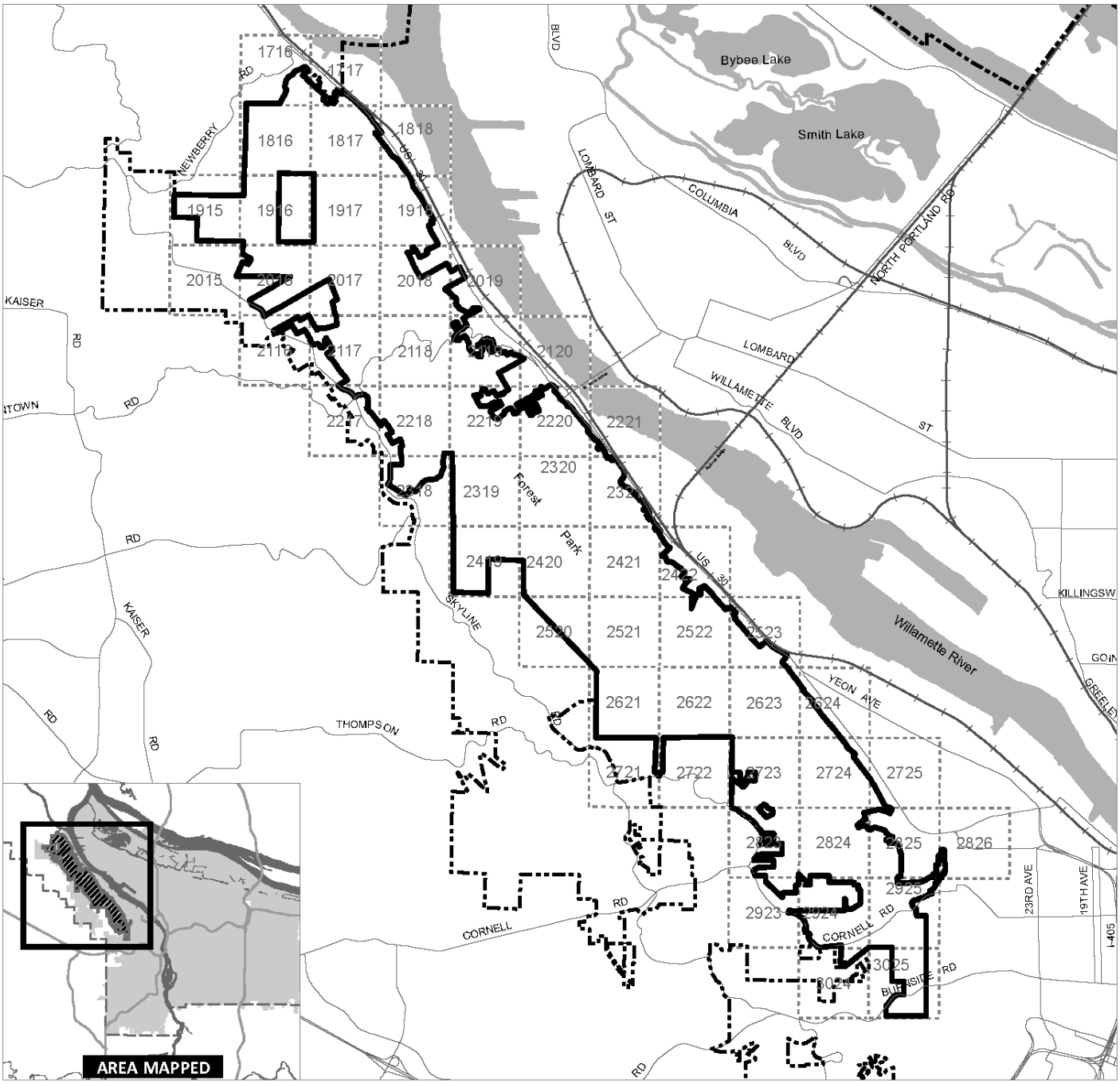
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Forest Park
Natural Resources Management Plan Area

Map 430-8

Map Revised October 1, 2022



City Boundary

Plan Area

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

NORTH

0 4,500 9,000

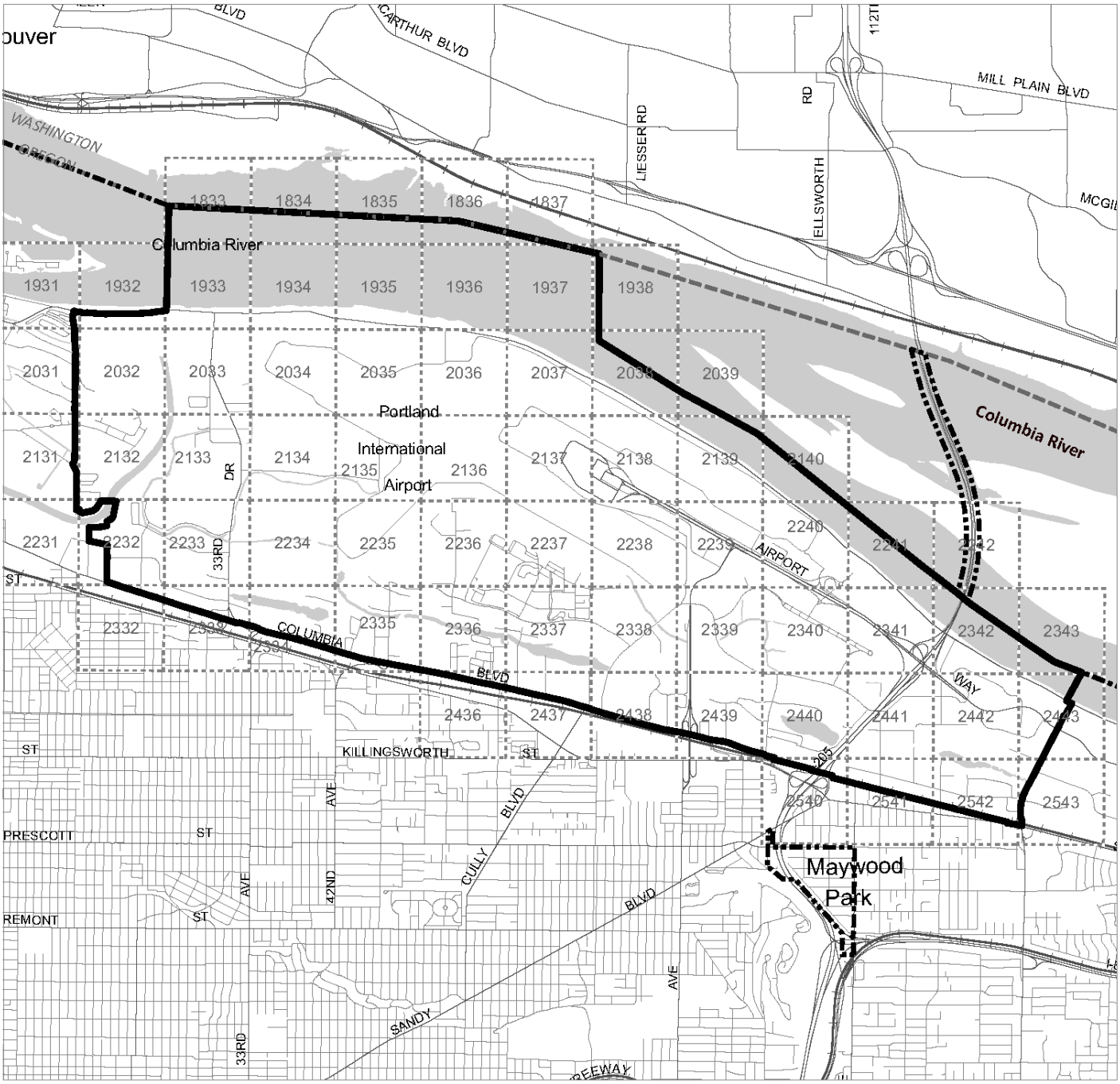
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

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

Map 430-9

Map Revised March 1, 2023



City Boundary

Project Area

NORTH

0 4,000 8,000

Scale in Feet

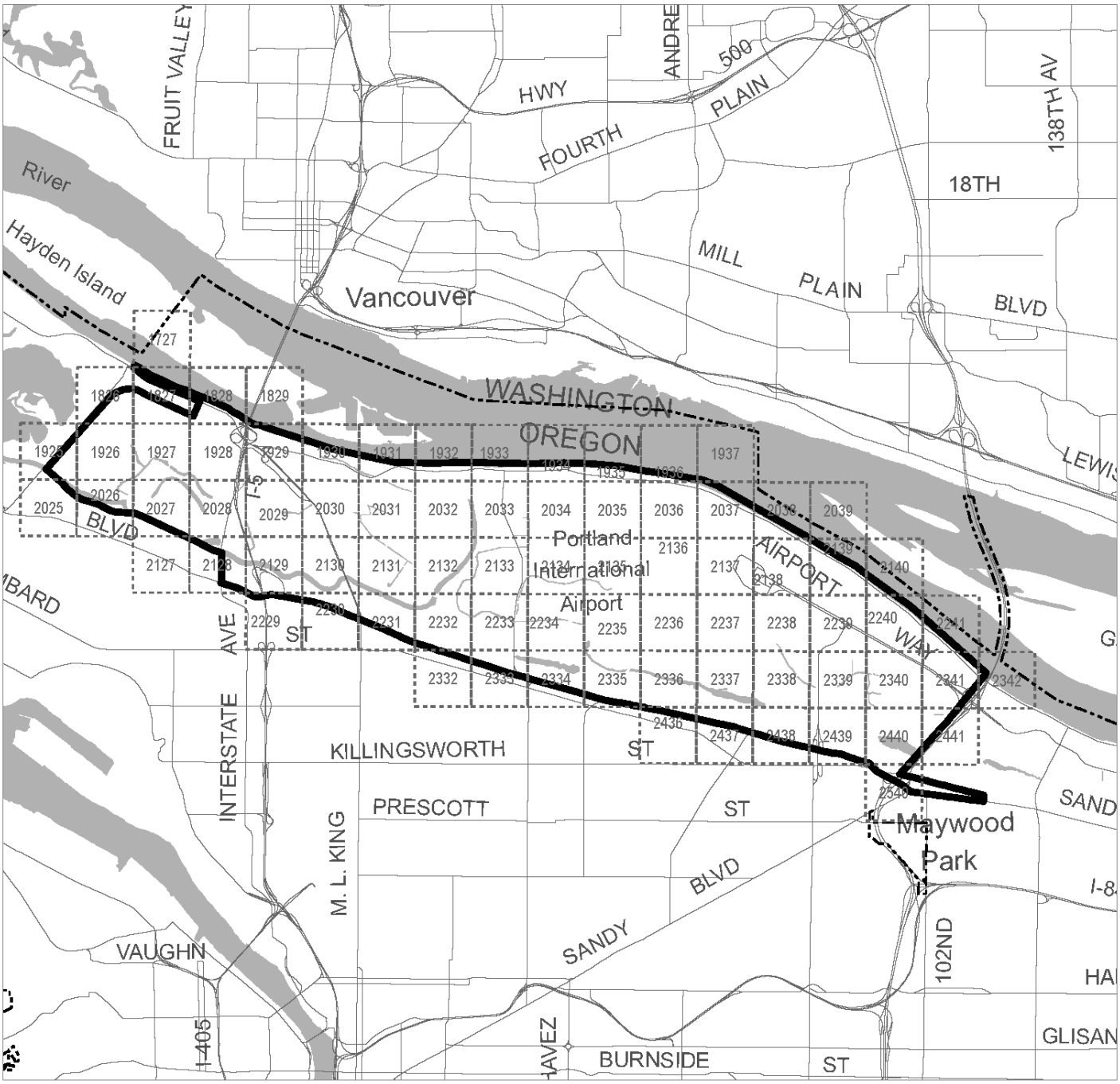
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Bank Reconfiguration and Basking Features Area

Map 430-10

Map Revised October 1, 2022



City Boundary

Bank Reconfiguration & Basking Features Area

NORTH

0 6,000 12,000

Scale in Feet

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

Bureau of Planning and Sustainability
Portland, Oregon