

## Proposed Environmental Protection Zone Frequently Asked Questions



### Introduction

As part of the overall effort to address watershed health and economic prosperity along the Willamette River in north and northwest Portland, staff has proposed to apply the environmental protection zone to some high value natural resource areas. The effort is called the River Plan and it will affect the City's land use policy framework for the North Reach, and the zoning and zoning regulations.

### 1. What is prompting this proposal?

The environmental zoning proposal is intended to address watershed health and economic prosperity. Protecting the natural resources included in the proposed protection zone will be necessary to maintain and restore the health of the river. In some cases, the areas included in the protection zone also provide a buffer between the heavy industrial operations of the working harbor and the residential neighborhoods adjacent.

### 2. How can I learn more about the proposal?

There are several ways to learn more about the River Plan / North Reach.

- Review the proposed zoning maps. There are two maps in the River Plan reports that show proposed zoning.

Map #2 in Volume 1A of the River Plan Proposed Draft shows the proposed zoning and tax lot lines. You may be able to identify your lot on that map. The web address for the Volume 1A maps is

<http://www.portlandonline.com/planning/index.cfm?c=48867&a=216480>

Volume 1B contains larger scale proposed zoning maps. Volume 1B contains an existing zoning map and a proposed zoning map for each quarter section affected by the River Plan proposal. The web address for Volume 1B is

<http://www.portlandonline.com/planning/index.cfm?c=48867&a=216487>

In order to utilize these maps you will need to know which quarter section your property is on. Use this website to identify which quarter section your property is on and then you can locate the proposed quarter section in Volume 1B

<http://www.portlandonline.com/planning/index.cfm?c=30420>

If you have problems identifying your property and the proposed zoning, feel free to call us and we will send you a map showing you the proposal on your site.

- Review the regulations that apply in the protection zone. This web address will link you directly to Chapter 33.430, Environmental Zones which contains all of the regulations for the protection zone <http://www.portlandonline.com/planning/index.cfm?c=34562&a=53343>

- Provide comments on the proposal to the Planning Commission. The Planning Commission public hearing is scheduled for 6:00 pm, December 9<sup>th</sup>. The hearing will take place at 1900 SW 4<sup>th</sup> Avenue Room 2500 A. The caller can send written testimony to the Planning Commission prior to December 9<sup>th</sup>, or attend the hearing and testify in person. Written testimony can be sent to: Planning Commission, 1900 SW 4<sup>th</sup> Avenue, Suite 7100, Portland, Oregon 97204.

After the public hearing, Planning Commission is scheduled to have a work session and discuss the River Plan proposal and the testimony at their meeting on January 13<sup>th</sup>, 2009. It is likely that the Planning Commissions discussion and direction on the River Plan proposal will require a second work session, so one is scheduled for February 10, 2009.

Once the Planning Commission has voted to forward a proposal, the City Council will begin public hearings on the River Plan. We anticipate that City Council will not address the River Plan until late spring 2009. The public is welcome to participate in the City Council hearings as well as the Planning Commission hearings.

### **3. What is an environmental protection zone?**

The environmental protection zone is one of two overlay zones that the City utilizes to control the amount of development that occurs in areas where important natural resources have been identified. The City of Portland has been regulating development in natural resource areas for over 20 years. The two environmental overlay zones are called the environmental protection zone and the environmental conservation zone. Citywide, the resources within protection zones are among the most sensitive and valuable resources in the City.

As part of the River Plan project the City has updated an inventory of natural resources in the North Reach. The inventory identifies the remaining natural resource areas and provides details on how well those areas are functioning. The resource areas in the proposed protection zone provide the most function and are the most significant relative to other resources that remain in the North Reach. Generally, the protection zone is proposed for steep, vegetated slopes, streams, wetlands and the areas within 50 feet of streams and wetlands. The protection zone strictly limits development in these high value areas. However, existing development can remain and continue.

### **4. I currently have conservation zone on my property. Why is the zoning changing from c-zone to p-zone?**

The natural resource inventories which form the basis of the existing environmental zoning are over 15 years old. Since they were first adopted many things have changed: the landscape has changed as development and restoration has occurred and altered the location or extent of resources; our scientific understanding of how these areas function and relate to each other has changed; wildfire and landslide hazards have affected the area; and city and regional policy on protecting remaining resource areas has evolved. Fifteen years ago when the City applied the conservation zone to many of the areas now proposed for the protection zone, the City believed that development would be largely infeasible in many of these areas because of

the steep slopes and hazards. The proposed change to the protection zone reflects new scientific information, new data regarding the location and extent of resources, regional policy, and changes in the landscape.

**5. Why is the city protecting invasive plants (e.g. blackberries) and contaminated areas? Shouldn't we be focusing our time and money on higher quality resources and let this area maximize development?**

Many of the areas proposed for the protection zone are impacted by development, invasive species or contamination. While these areas may be impacted in a negative way by invasive plants or contamination, the resources also provide important natural resource functions. These areas move and store water, stabilize steep slopes, and provide habitat for wildlife. Several of the areas contain the last vestiges of native oak habitat on the bluffs. Within the context of the resources that remain in the North Reach, the areas proposed for the protection zone are currently providing the most function, and because the North Reach is highly impacted by development, protection of the few remaining natural resource areas is even more important.

Protection is not the only proposal being put forth with the River Plan. Restoration is also important and the City is proposing a restoration plan that will increase the amount and value of natural resource functionality in the North Reach while also preserving space for river-dependent industry. The City's aim is to provide space for both a thriving harbor and natural resources.

**6. Why is there a conservation zone around the protection zone, and why does the conservation zone cover my backyard and house?**

The conservation zone that surrounds the protection zone is a 25 foot buffer around the resource area. If the conservation zone is over your house it's because your house is in the buffer area that is directly adjacent to the natural resource area. The buffer is called the transition area and there are only a few limitations on development in the transition area. The transition area standards will limit how close new or expanded development can come to the protection zone (not within 5 feet of the p zone) and direct placement and direction of exterior lighting. You are always allowed to maintain, repair and replace your existing development whether it's in the protection zone or the conservation zone.

**7. What does it mean to have protection zone on my property? Can I build a deck? Can I add on to my house? Can I plant vegetation?**

The protection zone generally doesn't allow new development. The purpose of the zone is to protect the highest value natural resources. That said, there are several important exceptions for existing development:

- You can maintain, repair, and replace existing structures, including your house, driveway and deck, as long as the footprint of the structure does not get any bigger. You can not build a new deck or structure in the protection zone

- You can add on to your house in the protection zone if you are not making the footprint of the structure any bigger (example: you can add a dormer or second floor). You can add on to your house or building in the protection zone if the addition is over an existing paved surface and the surface is more than 50 feet from a stream or wetland. Gravel is not considered to be paving, so you can not build on top of graveled areas.
- You can maintain your existing garden and landscaping and you can change your existing garden or lawn into another type of outdoor area such as a patio. You can not turn undisturbed natural areas into lawn or gardens.
- You can plant native plants. You can not dump yard debris into the natural area.

**8. Can I cut down a tree that is impeding my view? What if the tree is dead and will fall on my house? Can I cut down a tree that I planted in the protection zone?**

Generally, you can not cut down or prune a healthy tree in the protection zone even if it is impeding your view or you planted it. You can not top a tree in the protection zone; topping a tree is considered removing the tree because topping destroys the tree. Trees in the protection zone provide many important functions and it is City policy to foster those functions.

You can prune trees and shrubs within 10 feet of a building. If your building is in a wildfire hazard zone, then you can prune coniferous trees that are within 30 feet of the building. And, you can remove dead or dying trees or dead portions of trees if they pose an immediate danger and an arborist substantiates that the tree is dead.

**9. How can I contact staff if I have additional questions?**

Shannon Buono can be contacted at (503) 823-7662 or at [shannon.buono@ci.portland.or.us](mailto:shannon.buono@ci.portland.or.us)  
Sallie Edmunds can be reached at (503) 823-6950 or at [sedmunds@ci.portland.or.us](mailto:sedmunds@ci.portland.or.us)

Feel free to call with any questions.