

# Proposed Housekeeping Amendments

April 16, 2012

## Title 11 Trees, and Title 33 Planning and Zoning

Code Amendments and Commentary  
The Bureau of Development Services and  
Portland Parks and Recreation

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#### How changes are shown in this document

Language added to the City Code is underlined; language deleted is shown in ~~strikethrough~~.

The left-hand page provides staff commentary for the code language shown on the right-hand page.

In order to limit the size of this document, only those sections of the Code that are being amended are included in this document. This document is not intended to replace the entire code.

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**COMMENTARY**

**Amendment #1**

**AMEND PROCESS FOR UPDATING TITLE 11, TREES**

**Section 11.10.040 Amendments to this Title**

Section 11.10.040 addresses the public hearing and notification requirements for amending Title 11. Two types of amendments are described; substantive and technical:

Substantive amendments involve new policy or a change to existing policy and require public hearings to be held by both the Urban Forestry Commission and the Planning and Sustainability Commission prior to a City Council Hearing. These hearings provide an opportunity for the public to review and comment on a proposed amendment.

Technical Amendments include minor code clarifications, typos, misspellings, renumbering sections, or reorganizing the code. Since no policy changes result from a technical amendment, no public hearings are required. The City Attorney or the Auditors Office can make these amendments without public comment or review. Other than technical amendments, Title 11 does not make a distinction between policy changes, and non-policy related changes. As a result public hearings are required for non-policy related amendments, such as amendments necessary to bring Title 11 into conformance with other code Titles.

Changes to this section add a third category to address conforming amendments. Conforming amendments are required when changes to other city titles affect Title 11. For example, if changes to zoning code plan district regulations no longer required land use review for tree removal, Title 11 would need to be updated to reflect that change. Since changes to the zoning code normally require public hearings, it is duplicative and unnecessary to require additional public hearings to keep Title 11 current with these types of policy shifts.

This amendment eliminates duplicative hearings, and allows Title 11 to remain current with other City and State titles in a more timely and efficient manner.

## 11.10.040 Amendments to this Title.

### A. General.

1. Substantive ~~changes~~ amendments to this Title, or amendments necessary to ensure conformance with other City Titles may be prepared by any bureau but will be coordinated by the Bureau charged with those responsibilities in the Title in consultation with the Bureaus of Planning and Sustainability, Parks and Recreation, Development Services, Environmental Services, Transportation, and Water.
2. Technical corrections and matters of simple clarification may be prepared and approved by the Auditor or City Attorney.

**B.** Urban Forestry Commission (UFC). ~~hearing required.~~ The UFC shall hold at least one public hearing for proposed amendments to this Title before making a recommendation on such an amendment. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

**C.** Planning and Sustainability Commission (PSC). The PSC ~~will~~ may provide ~~advice~~ input on the proposed amendments to the UFC. The PSC shall hold a public hearing for any proposed substantive amendments to Chapter 11.50 Trees in Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

~~**D.** Public notice for the hearing.~~

- ~~1. Who is notified. Notice of any public hearing held by the UFC or PSC to consider a proposed amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus, and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper.~~
- ~~2. Notice time frame. The notice shall be mailed at least 30 days prior to the hearing~~

~~**E. D.** City Council. The City Council shall hold at least one public hearing on all amendments that are not considered technical. ~~the proposed amendment.~~ Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. The notice shall be sent at least 14 days before the hearing.~~ City Council makes the final decision on amendments, after considering the recommendations of the UFC and PSC and after hearing testimony from the public.

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**COMMENTARY**

**D. E.** Public notice for the hearing.

1. ~~Who is notified~~ UFC or PSC Hearing. Notice of any public hearing held by the UFC or PSC to consider a proposed substantive amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus, and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper and mailed at least 30 days prior to the hearing.
2. ~~Notice time frame. The notice shall be mailed at least 30 days prior to the hearing~~
2. City Council Hearing. Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. If hearings were not held by the UFC or PSC, notice shall be mailed to all affected bureaus and persons who have requested such notice. Notice shall be published in a recognized newspaper and mailed at least 14 days prior the hearing.

**F. [No Change]**

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**COMMENTARY**

**Amendment #2**

**CORRECT PERMIT PROCEDURE SUMMARY TABLE 30-1**

**Table 30-1**

Chapter 11.30 includes application requirements and procedures for obtaining tree permits for City, Street and Private Trees. Table 30-1 was included as a means of quickly identifying the public notice requirements and appeal opportunities for Type A and B permits. The existing table does not capture several situations where Type B tree removal permits are required. For example, removing a nuisance species healthy street tree requires a Type B process but was not reflected in the current table. The table also does not clearly address situations where multiple city or street trees smaller than 12 inches in diameter were proposed for removal. This amendment expands the existing table to include the requirements for all tree removal scenarios. Formatting changes have also been made to improve readability.

[Replace Table 30-1 - Underlining has been omitted in the proposed Table for readability]

~~[Table 30-1  
Applicability of Public Notice and Appeal Procedures~~

<b>Permit Type</b>	<b>Public Notice Required</b>	<b>Applicant May Appeal</b>	<b>Public May Appeal</b>
<b>A</b>	<del>No</del>	<del>Yes</del>	<del>No</del>
<b>B</b>	<del>Yes for requests to remove healthy non-nuisance trees:</del> <ul style="list-style-type: none"> <li>• <del>≥ 20" diameter [1]; or</del></li> <li>• <del>More than four trees ≥ 12" diameter per lot or frontage per year (excluding any trees subject to a Type A permit)</del></li> </ul> <del>No for other Type B requests</del>	<del>Yes</del>	<del>Yes for requests to remove healthy non-nuisance trees:</del> <ul style="list-style-type: none"> <li>• <del>≥ 20" diameter [1]; or</del></li> <li>• <del>More than four trees ≥ 12" diameter per lot or frontage per year (excluding any trees subject to a Type A permit)</del></li> </ul> <del>No for other Type B requests</del>

Note — [1] ~~No public notice or opportunity for public appeal is required for removal of one healthy non- nuisance tree ≥ 20" diameter per lot per year in any residential zone.~~

**Table 30-1  
Public Notice and Appeal requirements for City, Street and Private Trees**

<b>Permit Type</b>	<b>Proposal</b>	<b>City/Street or Private Tree</b>	<b>Public Notice/ Public May Appeal [1]</b>
<b>A</b>	Any Type A request	City/Street Private	No
<b>B</b>	Up to four healthy < 20" diameter nuisance and non-nuisance species trees	City/Street	No
	≥ 20" diameter, healthy non-nuisance species tree [2]	Private	Yes
	More than four healthy ≥ 12" diameter non-nuisance species trees	Private	
	≥ 20" diameter, healthy nuisance or non-nuisance species tree	City/Street	
	More than four healthy ≥ 12" diameter nuisance and non-nuisance species trees	City/Street	

Note [1] the applicant may appeal any Type A or B permit decision.

Note [2] No public notice or opportunity for public appeal is required for removal of one healthy non-nuisance species tree ≥ 20" diameter per lot per year in any residential zone.

**Amendment #3**

**ELIMINATE STREET TREE MINIMUM SIZE REMOVAL THRESHOLD**

**Section 11.40.020 When a Tree Permit is Required**

Chapter 11.40 addresses most tree work (planting, pruning, root cutting, removal) when development is not proposed or occurring.

The amendment to this section will eliminate the minimum street tree size threshold and clarify that a permit is required to remove all street trees with specified exceptions. Also see related Amendment #4 and Amendment #5 where this change is reflected in the revised Table 40-1 and Table 40-2 respectively.

The purpose of the recently adopted three-inch diameter minimum size threshold was to provide additional efficiency, enforceability, and clarity for property owners and managers. To address smaller, newly planted trees (typically 1.5") a footnote was included requiring permits for these as well. However, from an implementation standpoint the new minimum size threshold will make it challenging to explain when a permit is required, causing confusion and uncertainty for the public and increasing the risk of inadvertent violations. For example, is a permit needed to remove this two-inch street tree? The answer would be "no, unless that tree was planted under a street tree planting permit, as a requirement of a previous tree removal permit, as part of a development requirement, or as required mitigation." Urban Forestry would be required to research each application to make this determination. Requiring a removal permit for all street trees creates a simple and implementable policy and ensures that trees removed will be replaced. Caveats have been added to exclude permit requirements for the removal of small volunteer saplings or sucker shoots to address some of the concerns that were raised during the initial tree code adoption.

**Street Trees** - Removing the three inch size threshold is consistent with City policy that is still in effect, so should not be perceived as a change from current practice.

**City Trees** - The City Tree minimum size threshold will remain unchanged at three inches diameter, along with the stipulation that any trees that were required to be planted (as part of required mitigation, landscaping, or tree replacement) will still be required to be maintained, and replaced if removed.

**Private Trees** - No changes are proposed to the size threshold for private trees.

**11.40.020 When a Tree Permit is Required.**

A tree permit is required for all trees in the City of Portland as further described below, unless the activity is exempt from the requirements of this Chapter as specified in Section 11.40.030.

- A. ~~City Trees and Street Trees. City and Street Trees 3 or more inches in diameter are regulated by this chapter. Street trees of any size are regulated by this chapter unless otherwise specified in Table 40-1 or 40-2.~~
- B. ~~Private Trees. City Trees. City trees 3 or more inches in diameter are regulated by this chapter unless otherwise specified in Table 40-1~~
- C.1. ~~Generally. Private Trees. Private trees 12 or more inches in diameter on all lots and tracts are regulated by this chapter except as specified in B.2. unless otherwise specified in Table 40-1. Trees required to be preserved by a tree preservation plan a condition of a land use review or provision of this Title or the Zoning Code may be subject to other requirements. may be subject to other requirements.~~
  - ~~2. Specified overlay zones and plan districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1.~~

[Re-letter C - F to D – G]

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**COMMENTARY**

**Amendment #4**

**CLARIFY AND EXPAND TABLE 40-1**

Table 40-1 Overlay Zones and Plan Districts

In some plan districts and overlay zones, tree removal is regulated by the Zoning Code rather than Title 11. Table 40-1 was included in this section to direct readers to the appropriate set of regulations and to serve as a useful "at a glance" tool for readers to quickly determine which regulations apply. However, the adopted table does not contain all scenarios where zoning code regulations apply. These gaps in information may result in readers inadvertently applying the wrong set of regulations or assuming their tree is exempt when it is not.

This amendment expands Table 40-1 to capture the vast majority of situations where zoning code regulations apply. Including this information will help prevent inadvertent zoning or tree code violations.

This amendment also includes revisions to capture the elimination of the minimum street tree size threshold proposed in Amendment #3.

[Replace Table 40-1 - Underlining has been omitted in the proposed Table for readability]

**Table 40-1 Applicability of 6" Diameter Size Tree Permit Threshold**

Specific Area	Overlay Symbol	What trees are regulated by this chapter [1]	What trees are regulated by the Zoning Code (Title 33)
<del>Environmental conservation and protection overlay zones</del>	<del>"e" "p"</del>	<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> <li>● Nuisance species</li> <li>● Healthy non-native non- nuisance species</li> <li>● Trees w/in 10' of bldg. or attached structures</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Healthy Native Trees (see 33.430, 33.508 within CS/PIC Plan District, 33.515 within Columbia South Shore Plan District, or 33.565 within PDX Int'l Airport Plan Dist.)</li> </ul> </del>
<del>Greenway overlay zones</del>	<del>"n" "q"</del>	<del> <ul style="list-style-type: none"> <li>● Dangerous</li> <li>● Nuisance Species</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Dead, Dying</li> <li>● Healthy native species</li> <li>● Healthy non-native non- nuisance species (see 33.440)</li> </ul> </del>
<del>Greenway overlay zones (only within and riverward of the greenway setback)</del>	<del>"g" "i" "r"</del>		
<del>Pleasant Valley Natural Resources overlay zones</del>	<del>"v"</del>	<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> <li>● Nuisance species</li> <li>● Healthy non-native non- nuisance species</li> <li>● Trees w/in 10' of bldg. or attached structures</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Healthy Native Trees (see 33.465)</li> </ul> </del>
<del>Scenic Corridor (only within the minimum street setback or the first 20 feet from the street lot line when there is no street setback)</del>	<del>"s"</del>	<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> <li>● Nuisance Species</li> <li>● Trees w/in 10' of bldg. or attached structures</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Healthy native species</li> <li>● Healthy non-native non- nuisance species (see 33.480)</li> </ul> </del>
<del>Johnson Creek Plan District (only within the Special Flood Hazard Area, South Subdistrict, or within 20 feet of lot lines abutting the Springwater Corridor)</del>		<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> <li>● Nuisance species</li> <li>● Trees w/in 10' of bldg. or attached structures</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Healthy native species</li> <li>● Healthy non-native non- nuisance species (see 33.537)</li> </ul> </del>
<del>Rocky Butte Plan District</del>		<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> <li>● Nuisance Species</li> <li>● Trees w/in 10' of bldg. or attached structures</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● Healthy native species</li> <li>● Healthy non-native non- nuisance species (see 33.570)</li> </ul> </del>
<del>South Auditorium Plan District</del>		<del> <ul style="list-style-type: none"> <li>● Dead, Dying, Dangerous</li> </ul> </del>	<del> <ul style="list-style-type: none"> <li>● All others (see 33.580)</li> </ul> </del>

Note [1] This list includes common situations where tree removal is regulated through Title 11 tree permits as distinguished from situations where trees are regulated by the zoning code. Where the zoning code exempts tree removal in specified overlay zones or plan districts, tree removal would be regulated by this chapter.

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## COMMENTARY

The following summarizes key amendments to the table:

- 1) Two existing plan districts have been added to the first column; Cascade Station/Portland International Center Plan District; and Portland International Airport Plan District.
- 2) Zoning Code references are moved to the first column to make them more prominent in the table.
- 3) New columns have been added identifying the applicable tree size and type for both the Tree Code and Zoning Code regulations for greater clarity.
- 4) Requirements for trees associated with repair and maintenance of water, sewer or storm water lines have been added to the Scenic Corridor, Rocky Butte Plan District, and Johnson Creek Basin Plan District.
- 5) Requirements for Radio Frequency Transmission Facilities have been added to the Scenic Corridor.
- 6) Where the zoning code specifies location and/or numbers of replacement trees to qualify for a Title 11 tree permit process, these specifications have been added to the relevant overlay or plan district.
- 7) Footnotes have been added to reinforce the requirement that replacement trees are required in all cases, except when the City Forester modifies or waives that requirement. This was added to address concerns that including specific replacement requirements from the zoning code for those overlay or plan district areas noted above, the table may imply that replacement is not required in other areas or situations.

**Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]**

Specified Overlay Zone	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 zoning review for removing
<p><b>Environmental</b> conservation and protection overlay zones “c” “p” See: 33.430.080</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within 10 feet of buildings or attached structures</li> <li>▪ Nuisance species trees</li> <li>▪ Non-native non-nuisance trees</li> <li>▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees.</li> <li>▪ Trees projecting into a City-designated view corridor</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Healthy native trees that do not meet the listed situations.</li> </ul>
<p><b>Greenway</b> overlay zones “n” “q” “g” “i” “r” See: 33.440.320</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Nuisance species trees</li> <li>▪ Dangerous trees</li> <li>▪ Trees landward of the greenway setback in “g” “i” “r” overlays</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Native Trees</li> <li>▪ Non-native non-nuisance trees</li> <li>▪ Dead or dying trees</li> <li>▪ Trees not meeting the listed situations when located within or riverward of the greenway setback in “g” “i” “r” overlays</li> <li>▪ Trees not meeting the listed situations when located in “n” “q” overlays</li> </ul>
<p><b>Pleasant Valley</b> Natural Resources Overlay Zone “v” See: 33.465.080</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within 10 feet of buildings or attached structures.</li> <li>▪ Nuisance species trees</li> <li>▪ Non-native non-nuisance trees</li> <li>▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees.</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Healthy native trees that do not meet the listed situations</li> </ul>
<p><b>Scenic Resource</b> Overlay “s”  Only applies to trees in <b>Scenic Corridors</b> that are within the minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040.B.2.g</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ All Street Trees</li> <li>▪ Trees within 10 feet of buildings or attached structures</li> <li>▪ Nuisance species trees</li> <li>▪ Dead, Dying, or Dangerous trees</li> <li>▪ Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>▪ Trees within 20 feet of a public safety RF Transmission Facility</li> <li>▪ Any Private or City trees &lt;12" provided that replanting is met in accordance with 33.248.030 [3]</li> </ul>	<p><b>Street</b> n/a <b>City</b> ≥ 6" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within the street setback or first 20 feet from the street lot line that do not meet the listed situations</li> </ul>

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the Urban Forester.

[3] Minimum planting is required to meet zoning code requirements.

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**COMMENTARY**

**Table 40-1 (Continued)**

Specified Plan District	T11 Tree Size	Title 11 tree permits for removing:	T33 Tree Size	Title 33 zoning review for removing:
<p><b>Cascade Station/Portland International Center Plan District</b> See: 33.508.340</p> <p>Only applies to trees located in a "c" or "p" overlay</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within 10 feet of buildings or attached structures</li> <li>▪ Nuisance species trees</li> <li>▪ Non-native non-nuisance trees</li> <li>▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> <li>▪ Trees projecting into a City-designated view corridor</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Healthy native trees that do not meet the listed situations</li> </ul>
<p><b>Columbia South Shore Plan District</b> See: 33.515.262 &amp; 33.515.274</p> <p>Only applies to trees located in a "c" or "p" overlay</p>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within 10 feet of buildings or attached structures</li> <li>▪ Nuisance species trees</li> <li>▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Healthy native trees that do not meet the listed situations</li> <li>▪ Healthy non-native non-nuisance trees that do not meet the listed situations</li> </ul>
<p><b>Johnson Creek Basin Plan District</b> 33.537.125</p> <p>Only applies to trees:</p> <ul style="list-style-type: none"> <li>▪ Within 20 feet of the Springwater Corridor lot line;</li> <li>▪ On a site with any portion in the special flood hazard area; and/or</li> <li>▪ On a site with any portion in the South Subdistrict.</li> </ul>	<p><b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ All Street Trees</li> <li>▪ Nuisance species trees</li> <li>▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements</li> <li>▪ Dead, Dying, or Dangerous trees</li> <li>▪ Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>▪ Any other 6” to 12” tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor</li> </ul>	<p><b>Street</b> n/a <b>City</b> ≥ 6" <b>Private</b> ≥ 6"</p>	<ul style="list-style-type: none"> <li>▪ Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the situations listed</li> </ul>

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the Urban Forester.

[3] Minimum planting is required to meet zoning code requirements.

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**COMMENTARY**

**Table 40-1 (Continued)**

Specified Plan District	T11 Tree Size	Title 11 tree permits for removing:	T33 Tree Size	Title 33 zoning review for removing:
<p><b>Portland International Airport Plan District</b> See: 33.565.540 Applies only to trees located in a "c" or "p" overlay</p>	<p><b>Street</b> all <b>City</b> <math>\geq 3"</math> <b>Private</b> <math>\geq 6"</math></p>	<ul style="list-style-type: none"> <li>▪ Trees within 10 feet of buildings or attached structures</li> <li>▪ Nuisance species trees</li> <li>▪ Non-native non-nuisance trees</li> <li>▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses.</li> <li>▪ Trees projecting into a City-designated view corridor</li> </ul>	<p><b>Street</b> all <b>City</b> all <b>Private</b> all</p>	<ul style="list-style-type: none"> <li>▪ Healthy native trees that do not meet the listed situations</li> </ul>
<p><b>Rocky Butte Plan District</b> See: 33.570.040</p>	<p><b>Street</b> all <b>City</b> <math>\geq 3"</math> <b>Private</b> <math>\geq 6"</math></p>	<ul style="list-style-type: none"> <li>▪ All Street Trees</li> <li>▪ Nuisance species trees</li> <li>▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements</li> <li>▪ Dead, Dying, or Dangerous trees</li> <li>▪ Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>▪ Any other 6" to 12" diameter tree provided that at least two trees are planted [3]</li> </ul>	<p><b>Street</b> n/a <b>City</b> <math>\geq 6"</math> <b>Private</b> <math>\geq 6"</math></p>	<ul style="list-style-type: none"> <li>▪ Trees that do not meet the situations listed</li> </ul>
<p><b>South Auditorium Plan District</b> See: 33.580.130</p>	<p><b>Street</b> all <b>City</b> <math>\geq 3"</math> <b>Private</b> <math>\geq 6"</math></p>	<ul style="list-style-type: none"> <li>▪ Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan</li> </ul>	<p><b>Street</b> all <b>City</b> <math>\geq 6"</math> <b>Private</b> <math>\geq 6"</math></p>	<ul style="list-style-type: none"> <li>▪ Trees that do not meet the situations listed</li> </ul>

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the Urban Forester.

[3] Minimum planting is required to meet zoning code requirements.

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COMMENTARY

Amendment #5

MODIFY TREE PERMIT SUMMARY TABLES

Table 40-2 and  
Table 40-3

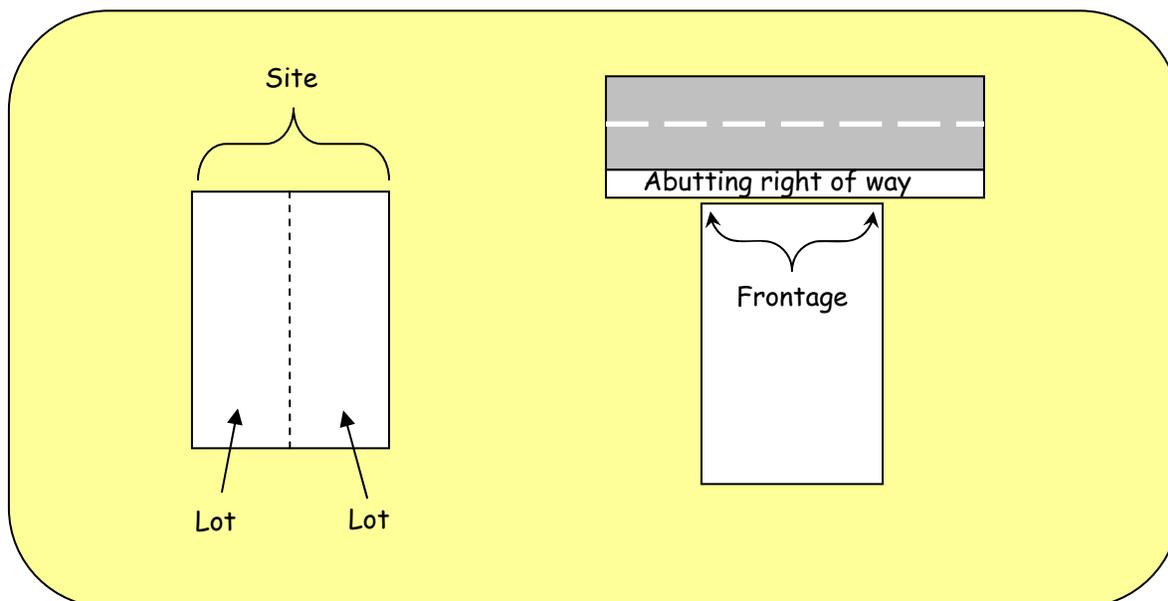
Table 40-2 summarizes the distinctions between Type A and Type B permits for City and Street Trees, including tree replacement requirements, and when public notice and opportunities for public appeal are required.

Changes to this table are intended clarify tree replacement and public notice requirements for different tree size thresholds. The changes identify two tree size categories that were omitted from the previous version of this table: trees smaller than three inches diameter; and trees that are at least three inches and smaller than 12 inches diameter.

Other changes to this table include consistent use of the term "site" instead of "lot". "Site" refers to property under common ownership and may include several lots or parcels of land. "Lot" is a more narrow definition referring to a distinct plot of land, sometimes constituting only a portion of a "site".

In addition the term "frontage" has been replaced with "abutting right of way". Site "frontage" refers to the portion of a site that abuts a street, rather than the portion in the right of way that abuts a property. This clarification reflects the intent of this section.

Language has also been added to make it clear that a permit is not required for removing sucker shoots and small self-sown trees.



[Replace Table 40-2 - Underlining has been omitted in the proposed Table for readability]

**Table 40-2  
Summary of Permit Requirements for City and Street Trees**

<b>Permit Type Required</b>	<b>Activity</b>	<b>Required Replacement (See Section 11.40.060)</b>	<b>Public Notice Required?</b>
<b>No permit required</b>	<b>Pruning:</b> Branches or roots <1/4" and sucker shoots <b>Removal:</b> trees <3" diameter [1] <b>Other:</b> Activities that are exempt from the requirements of this Chapter (see 11.40.030)	None	No
<b>A</b>	<b>Planting</b> <b>Pruning:</b> Branches or roots ≥ 1/4" <b>Other</b> tree activity, as determined by the City Forester	n/a	No
	<b>Removal [2]:</b> Regulated trees that are <ul style="list-style-type: none"> <li>• Dead, dying, or dangerous</li> </ul>	1 tree for every tree removed	No
<b>B</b>	<b>Removal [2]:</b> Regulated trees that are: <ul style="list-style-type: none"> <li>• Up to four healthy trees per lot/frontage per year and less than 20" diameter</li> </ul>	1 tree for every tree removed	No
	<b>Removal [2]:</b> Regulated trees that are <ul style="list-style-type: none"> <li>• Healthy trees ≥ 20" diameter</li> <li>• More than four healthy trees ≥ 12" diameter per site or site frontage/per year</li> </ul>	Up to inch for inch replacement; determined on case by case basis by City Forester	Yes

Note [1] Trees less than 3 inches in diameter that were required to be planted may not be removed, cut, or pruned without a permit from the City Forester if a permit is otherwise required by this Title.

[2] Tree removal may be otherwise regulated by an overlay zone or plan district. See Table 40-1.

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**COMMENTARY**

**Table 40-2  
Summary of Permit Requirements for City and Street Trees**

<b>Activity</b>	<b>Permit Type</b>	<b>Tree Replacement [1] (See Section 11.40.060)</b>	<b>Public Notice / Public May Appeal</b>
<b>No Permit</b> is required for: <ul style="list-style-type: none"> <li>- <b>pruning</b> branches or roots &lt;1/4”;</li> <li>- <b>removing</b> City Trees &lt;3” in diameter;</li> <li>- <b>removing street trees</b> that are sucker shoots, self-sown trees &lt; 1/4”;</li> <li>- <b>other</b> activities that are exempt from the requirements of this Chapter (see 11.40.030).</li> </ul>			
<b>Planting</b> trees <b>Pruning</b> branches or roots larger than 1/4” <b>Other activities</b> as described in 11.40.040 A.3	A	n/a	No
<b>Removal of any regulated tree that is:</b> - dead, dying, or dangerous	A	tree for tree	No
<b>Removing up to 4 healthy trees per site, or abutting right of way per year as follows:</b>			
- less than 3” in diameter	A[2]	tree for tree	No
- 3 to <12” in diameter	B	tree for tree	No
- 12 to <20” in diameter	B	tree for tree	No
- 20” and larger in diameter	B	inch for inch	Yes
<b>Removing more than 4 healthy trees per site, or abutting right of way per year as follows:</b>			
- less than 3” in diameter	A [2]	tree for tree	No
- 3 to <12” in diameter	B	tree for tree	No
- > 12” in diameter	B	inch for inch	Yes
- 20” and larger in diameter	B	inch for inch	Yes

[1] “Tree for Tree” means one tree is required to be planted for each tree removed, “inch for inch” means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] Applies to all Street Trees, in addition to any other City Trees planted as part of a landscaping or mitigation requirement, including trees planted to replace trees removed under a previous tree permit

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## COMMENTARY

Similar to Table 40-2, Table 40-3 summarizes the distinctions between Type A and Type B permits for Private Trees, including tree replacement requirements, and when public notice and opportunities for public appeal are required.

Amendments to this table are made to keep formatting, terminology, and footnotes consistent with the changes made to Table 40-2 (Summary Table for City and Street Trees) including consistent use of the terms "site" instead of "lot". "Site" refers to property under common ownership and may include several lots or parcels of land. "Lot" is narrower and refers to a distinct plot of land, sometimes constituting only a portion of a "site".

[Replace Table 40-3 - Underlining has been omitted in the proposed Table for readability]

**Table 40-3  
Summary of Permit Requirements for Private Trees**

<b>Permit Type Required</b>	<b>Activity</b>	<b>Required Replacement (See Section 11.40.060)</b>	<b>Public Notice Required?</b>
<b>No permit required</b>	<b>Planting</b> <b>Pruning:</b> Outside of e, p, or v overlay zones <b>Removal:</b> Trees smaller than the size regulated by this chapter (see 11.40.020 B.) <b>Other:</b> Activities that are exempt from the requirements of this chapter (see 11.40.030)	None	No
<b>A</b>	<b>Pruning:</b> Native trees in e, p, or v overlay zones	n/a	No
	<b>Removal [1]:</b> Regulated trees that are: <ul style="list-style-type: none"> <li>• Dead, dying, dangerous</li> <li>• Nuisance species</li> <li>• Within 10' of a building or attached structure</li> <li>• Up to four healthy non- nuisance trees per year that are less than 20" diameter.</li> </ul>	1 tree for every tree removed	No
<b>B</b>	<b>Removal [1]:</b> Regulated trees that are: <ul style="list-style-type: none"> <li>• Healthy non- nuisance trees <math>\geq 20''</math> diameter</li> <li>• More than four healthy non- nuisance trees <math>\geq 12''</math> diameter per site per year</li> </ul>	Up to inch for inch replacement; determined on case by case basis by City Forester	Yes [2]

Note [1] Tree removal may be otherwise regulated by an overlay zone or plan district. See Table 40-1.

[2] No public notice or opportunity for public appeal is required for removal of one healthy non- nuisance tree  $\geq 20''$  diameter per lot per year in any residential zone.

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**COMMENTARY**

**Table 40-3  
Summary of Permit Requirements for Private Trees**

<b>Activity</b>	<b>Permit Type</b>	<b>Tree Replacement[1] (See Section 11.40.060)</b>	<b>Public Notice / Public May Appeal</b>
No permit is required for: <ul style="list-style-type: none"> <li>- <b>planting</b> trees</li> <li>- <b>pruning</b> trees outside of the environmental protection (p), environmental conservation (c), or Pleasant Valley Natural Resource (v) overlay zones;</li> <li>- <b>removal</b> of trees smaller than the sizes regulated by this chapter (see 11.40.020 B.); or</li> <li>- <b>other</b> activities that are exempt from the requirements of this chapter (see 11.40.030)</li> </ul>			
<b>Pruning</b> native trees in c, p, or v overlay zones	A	n/a	No
<b>Removal of any tree that is:</b> <ul style="list-style-type: none"> <li>- dead, dying, or dangerous</li> <li>- a nuisance species identified in the Portland Plant List</li> <li>- located within 10 feet of building or attached structure</li> </ul>	A	tree for tree	No
<b>Removing up to 4 healthy non-nuisance species trees per site per year as follows:</b>			
- Smaller than 20" diameter	A	tree for tree	No
- 20" diameter and larger	B	inch for inch	Yes[2]
<b>Removing more than 4 healthy non-nuisance species trees per site per year as follows:</b>			
12" diameter and larger	B	inch for inch	Yes

[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] No public notice or opportunity for public appeal is required for removal of one healthy tree > 20" diameter per lot per year in any residential zone.

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COMMENTARY

**Amendment #6**

**CORRECT REFERENCES AND REPLACE INCONSISTENT TERMINOLOGY**

**11.40.040 City and Street Tree Permit Standards and Review Factors**

**11.40.050 Private Tree Permit Standards and Review Factors; and**

**11.40.060 Tree Replacement Requirements.**

Section 11.40.040 lays out the standards and review factors for evaluating Type A and Type B permits for City and Street Trees.

This section includes a reference to 11.40.020 relating to removal of trees that are located in overlay zones and plan districts. Amendment #2 reorganized 11.40.020. Consequently, this amendment replaces the reference with a more direct reference to Table 40-1 (Tree Removal in Overlay Zones and Plan Districts).

In addition, the reference to tree preservation required by a "tree plan" is unnecessary, since a tree plan is only in effect during a development project. An "A" or "B" permit would not be issued if a site is under development. Instead, tree removal and planting requirements would be subject to 11.50 "Trees in Development Situations."

Conversely, the reference to "conditions of a land use review" is retained. This is because for some land use decisions, conditions of approval may require the long-term retention of certain trees. Removal of these trees, even after the approved development has been completed, would be subject to the requirements of the particular land use decision.

**11.40.040 City and Street Tree Permit Standards and Review Factors.**

Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

- A. [No change]
- B. [No change]
  - 1. [No change]
    - a. For trees located in one of the overlay zones or plan districts identified in ~~Subsection 11.40.020 B.2. Table 40-1,~~ the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
    - b. The tree is not required to be preserved by ~~a tree plan,~~ a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
    - c. [No change]
  - 2. [No Change]

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## COMMENTARY

Section 11.40.050 lays out the standards and review factors for Type A and B permits for Private Trees.

This amendment replaces the erroneous reference to "City and Street Trees" from this section which addresses "Private Trees".

Similar to the requirements for City and Street trees this section referenced 11.40.020 which relates to removal of trees that are located in overlay zones and plan districts. Amendment #2 reorganized section 11.40.020. Consequently, this amendment replaces the reference with a more direct reference to Table 40-1 (Tree Removal in Overlay Zones and Plan Districts).

Like the amendment proposed for City and Street Trees in the previous section, the reference to preservation required by a "tree plan" is removed since tree plans are only in effect during a development project. An "A" or "B" permit would not be issued if a site is under development. Instead, tree removal and planting requirements would be subject to 11.50 "Trees in Development Situations."

The reference to "conditions of a land use review" is retained. This is because for some land use decisions, conditions of approval may require the long-term retention of certain trees. Removal of these trees, even after the approved development has been completed, would be subject to the requirements of the particular land use decision.

**11.40.050 Private Tree Permit Standards and Review Factors.**

Type A and B permit applications for tree related work affecting ~~City or Street Trees~~ Private Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

**A. Standards and Review Factors for Type A Permits for Private Trees.**

**1. a-e** [No change]

**2. a-e** [No change]

**f.** Healthy trees. Up to 4 healthy trees may be removed per site per calendar year if each tree meets the following:

**(1)** Each tree is less than 20 inches in diameter;

**(2)** None of the trees are Heritage Trees; and

**(3)** None of the trees are required to be preserved by a ~~tree plan~~, a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;

**B. Standards and Review Factors for Type B Permits for Private Trees.** Because Type B permits for Private Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

**1.** Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:

**a.** For trees located in one of the overlay zones or plan districts identified in ~~Subsection 11.40.020 B.2.~~ Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;

**b.** The tree is not required to be preserved by a ~~tree plan~~, a condition of a land use review, or provision of this Title or the Zoning Code; and

**c.** Trees removed shall be replaced as specified in Table 40-3.

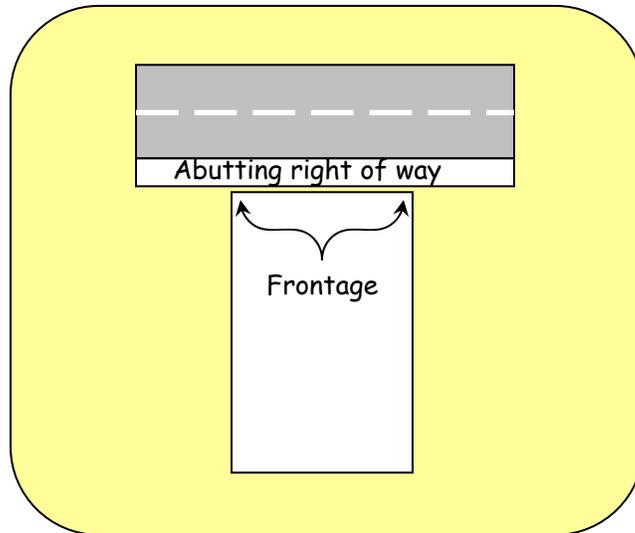
**2.** [No change]

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## COMMENTARY

Section 11.40.060 specifies tree replacement requirements for A and B permits. Terminology is changed to clarify tree location consistent with Table 40-2. Since "frontage" refers to the portion of property that abuts a street, rather than the portion in the right of way that abuts a property, this term has been replaced by "abutting right of way".



**11.40.060 Tree Replacement Requirements.**

Generally, the City Forester will require replacement of trees removed under a Tree Permit as specified in Subsection A. However, the City Forester may instead allow payment into the Tree Planting and Preservation Fund as specified in Subsection B., or may waive or reduce the replacement requirement as specified in Subsection C.

**A.-B.** [No change]

**C.** Waivers. The City Forester may waive or reduce the replacement requirement when the City Forester determines:

1. The ~~street frontage~~ abutting right of way and site already meet the tree density standards of Chapter 11.50; or
2. [No change]

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**COMMENTARY**

**Amendment #7**

**MODIFY ENFORCEMENT TOOLS TO PROVIDE MORE OPTIONS**

**11.70.080 Correcting Violations of this Title, and**

**11.70.090 Enforcement**

The Citywide Tree Project developed an enforcement process that prioritizes correcting a violation as opposed to a lengthy and staff-intensive enforcement process. However, in so doing, a valuable tool to penalize tree service companies that repeatedly violate the code was lost.

As adopted, the code requires restorative actions be taken (namely replanting, or paying a fee in lieu of planting). Only when the responsible party fails to correct the violation may enforcement actions (like fines) be levied. This limits the City's ability to penalize tree service companies that repeatedly violate since the remedies will primarily fall on the property owner (since only the property owner is able to plant trees on his/her property). Only when a property owner refuses to correct the violation, can the enforcement actions be instituted and the contractor be cited.

In the majority of cases, correcting the violation should be sufficient, and ensures that trees are replaced. However, when a tree service contractor has misrepresented that they either had tree permits or that permits were not needed when they were, the City should be able to discourage this activity by imposing fines. This is consistent with current City enforcement policy.

Amendments to sections 11.70.080 and 11.70.090 remove the stipulation that enforcement options are only accessible if attempts at correcting the violation are not successful, and thereby broaden the tools available to discourage non-compliance.

**11.70.080 Correcting Violations of this Title.**

- A.** General. The following list of remedies gives the City Forester and BDS Director broad discretion in applying a reasonable and effective means to restore a tree or site where trees have been illegally removed or damaged. The rights and remedies provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law including the enforcement actions described in Section 11.70.090. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following remedies.
- B.** Standard remedies. Standard remedies are intended to address a wide variety of violations of this Title. Additional remedies specific to City and Street Trees, and trees in development situations are described in Subsections C. and D. When the City determines that a violation of this Title has occurred, any or all of the standard remedies described in this Subsection, and any applicable additional remedies described in this Section may be required depending on the severity and extent of the violation. ~~If the property owner or responsible party fail to correct the violation within the time provided, the City may invoke the enforcement actions described in Section 11.70.090.~~

**1.-4.** [No change]

**11.70.090 Enforcement Actions.**

- A.** General. The following list of enforcement actions gives the City Forester and BDS Director additional means to obtain compliance with the requirements of this Title, ~~when the remedies previously described are not effective or when a property owner or responsible party refuses to comply within the time limits prescribed by the City Forester or BDS Director.~~ The rights and remedies provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following enforcement actions.
- B.** [No change]

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COMMENTARY

**Amendment #8**

**RESCIND CONFLICTING AMENDMENTS TO ZONING CODE  
CHAPTER 33.508**

**33.508 Cascade Station/Portland International Center Plan District (CS/PIC)**

**33.430 Environmental Zones**

The Airport Futures project (effective May 13, 2011) adopted substantial amendments to chapter 33.508 for the Cascade Station/Portland International Center (CS/PIC) Plan District in addition to creating a plan district specific for the Portland International Airport (Chapter 33.565). The Airport Futures project removed duplicative regulations for the environmental zones within these plan district areas. Instead, the plan district relies on a framework of environmental regulations that either supplement or supersede the general environmental overlay regulations found in Chapter 33.430. .

The Citywide Tree project concurrently amended Chapter 33.508 in order to include consistent requirements pertaining to trees in both the environmental zone chapter and the environmental regulations found within the plan district. Since Airport Futures removed these requirements from the plan district, the Citywide Tree Project amendments are unnecessary (since there is only one set of internally consistent environmental zone requirements). Moreover, the Citywide Tree Project amendments do not line up with the version of Title 33 as amended by Airport Futures (since that project reorganized and changed substantial portions of the plan district language).

To reconcile these conflicting amendments, this amendment proposes to simply withdraw the amendments that were proposed with the Citywide Tree Project, and leave the Airport Futures amendments, which are currently in effect, intact.

The other amendments that follow will clarify the applicability of the general environmental zone regulations (33.430) to the Cascade Station/Portland International Center Plan District environmental overlay zones, and provides readers of Chapter 33.430 with a cross reference to help remind them of the supplemental or superseding regulations found within particular plan districts and/or natural resource management plan areas.

**Note:**

**The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.**

**Note:**

The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.

**Environmental Zones**

**33.508.312 Items Subject to These Regulations**

[No change.]

**33.508.314 Items Exempt From These Regulations**

The following are exempt from the development standards and required reviews stated in Sections 33.508.300 through 33.508.340 ~~this section~~. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

**A. – K.** [No change.]

**L.** Removing ~~a trees~~ or plants listed on the Nuisance Plants List;

**M.** Removing trees that are within 10 feet of an existing building and structures attached to existing buildings, such as decks, stairs, and carports;

**N.** Removing ~~other~~ dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood ~~greater~~ more than 12 inches in diameter either:

1. ~~R~~emain, or are placed, in the resource area of the same ownership on which they are cut; or
2. Are removed, if the City Forester authorizes removal of diseased wood because leaving it in the resource area of the same ownership will threaten the health of other trees; and

**O.** Pruning trees in accordance with Title 11 permit requirements.

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COMMENTARY

Note:

The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.

**Note:**

The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.

**33.508.330 Development Standards**

- A. [No change.]
- B. Land uses and activities within an environmental zone must meet the following standards:
  - 1. – 4. [No change.]
  - 5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing and Grading, ~~and Erosion Control~~ and to the *Erosion Control Manual Technical Guidance Handbook*. In addition, the following standards must be met:
    - a. – d. [No change.]
  - 6. – 8. [No change.]
  - 9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual lots and stormwater outfalls, cannot affect more than a 10-foot-wide corridor across the resource for private utility connections and a 15-foot-wide corridor for public utilities. These activities cannot result in the killing or removal of trees ~~over 6 or more~~ 6 or more inches in diameter, ~~measured 4-1/2 feet above the ground.~~
  - 10. – 13. [No change.]
  - 14. Construction of the trail or recreation facilities cannot result in the removal of trees ~~more than 6 or more~~ 6 or more inches in diameter, ~~measured 4-1/2 feet above the ground,~~ and are not required to be located within wetlands subject to state or federal regulations.
  - 15. – 17. [No change.]

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## COMMENTARY

This revision to section 33.430.030 simply adds a reference to the Cascade Station/Portland International Center (CS/PIC) Plan District to the list of Plan Districts and other areas with additional or replacement environmental regulations.

The reference to the CS/PIC is removed from section 33.430.060. This amendment recognizes that the regulatory framework developed through the airport futures project builds upon the general environmental overlay regulations, and therefore the regulations of Chapter 33.430 will apply in some degree to the environmental areas of the CS/PIC plan district. Furthermore, the last sentence in this section has been replaced with a more general cross reference to section 33.430.030 to more completely capture the areas and plan districts with additional or replacement environmental regulations without needing to repeat the entire list.

### **33.430.030 Relationship To Other Environmental Regulations**

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

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-9, 10, 11 and 12 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)*
- *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)*
- *Smith and Bybee Lakes 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)*

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.

### **33.430.060 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,~~ those that are within the Smith and Bybee Lakes Natural Resources Management Plan area, 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. ~~Chapter 33.515, Columbia South Shore Plan District, Chapter 33.508, Cascade Station/Portland International Center Plan District, the Smith and Bybee Lakes Natural Resources Management Plan, the Forest Park Natural Resources Management Plan, or the Natural Resources Management Plan for the Peninsula Drainage District No. 1.~~