33.465 Pleasant Valley Natural Resources Overlay Zone

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General

33.465.010 Purpose

The purpose of the Pleasant Valley Natural Resources overlay zone is to:

- Protect and conserve significant natural resources in Pleasant Valley, recognizing that existing houses and other existing uses will continue and limited new development will occur in the zone;
- Facilitate restoration and enhancement of stream corridors, wetlands, and forests within Pleasant Valley;
- Maintain streams and riparian areas as a natural area amenity for the community of Pleasant Valley;
- Protect existing floodplains and wetlands, and restore these areas for improved hydrology, flood protection, aquifer recharge, and habitat functions;
- Protect upland habitats and enhance connections between upland and riparian habitats within Pleasant Valley and between Pleasant Valley and the nearby habitats of Powell and Clatsop Buttes and Butler Ridge;
- Maintain and enhance water quality and control erosion and sedimentation through revegetation of disturbed sites and through limits on construction, impervious surfaces, and pollutant discharges in the zone; and
- Conserve the scenic, recreational, and educational values of significant natural resources in the zone.

33.465.020 Pleasant Valley Natural Resources Report

The application of the Pleasant Valley Natural Resources overlay zone is based on the *Pleasant Valley Natural Resources Protection Plan*. The City's policy objectives for this plan are described in the report. The report includes an inventory of the significant natural resources identified within the Pleasant Valley study area and describes the functional values, or benefits, of the resources.

33.465.040 Map Symbols

The Pleasant Valley Natural Resources overlay zone is shown on the Official Zoning Maps with the "v" symbol.

33.465.050 Significant Natural Resource Area within the Pleasant Valley Natural Resources Overlay Zone

The Pleasant Valley Natural Resources overlay zone contains significant natural resources identified in the *Pleasant Valley Natural Resources Protection Plan*. The entire Pleasant Valley Natural Resources overlay zone is resource area; there is no transition area as there is with environmental overlay zones.

33.465.060 Where These Regulations Apply

The regulations of this chapter apply in the Pleasant Valley Natural Resources overlay zone.

33.465.070 When These Regulations Apply
Unless exempted by Section 33.465.080, below, the regulations of this chapter apply to the following:

A. Development;

B. All land divisions;

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 Plant List and removing non-native non-nuisance trees and plants;

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

F. Resource enhancement; and

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

33.465.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.465.090, 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. 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. Change of ownership;

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

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

1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities. Replacement is not exempt whenever coverage or utility size is increased.

2. Continued maintenance of existing gardens, pastures, lawns, and landscape perimeters; including the installation of new irrigation and drainage facilities and new erosion control features. Change of crop type or farming technique on land currently in agricultural use.

3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;

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

5. Operation, maintenance, and repair of the following: irrigation systems; drainage facilities and conveyance channels; stormwater detention areas; pumping stations; erosion control and soil stabilization features; and pollution reduction facilities.

Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways. This exemption applies only if all spoils are placed outside the Pleasant Valley Natural Resources overlay zone.

6. Removal of vegetation when no other activities subject to the development standards of this chapter are proposed, if the following are met:

   a. All vegetation removal activities must be 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.

   b. The vegetation proposed for removal is one of the following:

      (1) Trees or plants listed on the Nuisance Plants List;

      (2) 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 more than 12 inches in diameter either:

         - Remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut; or
         - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;

      (3) Non-native non-nuisance trees and plants; and

      (4) Trees that are within 10 feet of a building and structures attached to buildings, such as decks, stairs, and carports.

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

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

9. Land division and partitions of developed properties where no additional building sites are created and no additional development is proposed.

D. The following new development and improvements:

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

2. Water quality monitoring stations constructed to the standards of the Bureau of Environmental Services and groundwater monitoring wells constructed to the standards of the Bureau of Water Works, where access is by foot only;

3. 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 water bodies and where the disturbed area is restored to the pre-construction conditions;

4. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed on the *Portland Plant List*;

5. Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for Pleasant Valley resource review;

6. Trails meeting all of the following:

   a. Construction must take place between May 1 and October 30 with hand-held equipment;

   b. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;

   c. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants;

   d. Trails must not be within 25 feet of a wetland or the top-of-bank of a water body;

   e. No impervious surface is allowed; and

   f. No native trees greater than 1 inch in diameter may be removed or cut.

7. All land divisions with tentative plans, final plans, and recorded plats showing all of the following:

   a. All building sites are at least five feet from the Pleasant Valley Natural Resources overlay zone. For the purpose of this paragraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet by 40 feet.

   b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities is in the Pleasant Valley Natural Resources overlay zone.

   c. Streets, driveways, and parking areas where all pavement is at least ten feet from the Pleasant Valley Natural Resources overlay zone.

33.465.090 Prohibitions

The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

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

1. Transportation of hazardous substances through the Pleasant Valley Natural Resources overlay zone on designated truck routes is allowed; and

2. Use of consumer quantities of hazardous substances within the Pleasant Valley Natural Resources overlay zone 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 identified on the Nuisance Plants List in the *Portland Plant List*; and

C. Exterior work activities.

Development Standards

33.465.110 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 Pleasant Valley Natural Resources overlay zone;

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

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

33.465.120 Procedure

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

The development standards are Sections 33.465.150 through .180; Sections 33.465.155 through .180 address specific types or aspects of development, while 33.465.150 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, constructions of a house may be subject to the General Development Standards of 33.465.150, General Standards, the standards of 33.465.155, Utility Lines, and 33.465.160, Rights of Way. If the proposal can meet the general standards and standards for the right of way dedication, but not those for utilities, Pleasant Valley resource review is required only for the utilities. 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 Pleasant Valley resource review described in Sections 33.465.210 through .280.

33.465.130 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. through C. must be submitted with permit application plans. Submission of the information in Subsection D. is optional.

A. An existing conditions site plan including:

1. Location of all Pleasant Valley Natural Resources overlay 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 at least 6 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 devises;
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 showing that 90 percent vegetative cover will be achieved within one year; and
5. Trees proposed to be preserved and trees proposed to be removed. For trees preserved, tree protection measures, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with the requirements of Chapter 11.50, Trees in Development Situations.

C. A mitigation plan that addresses the elements of Section 33.465.180, Mitigation.

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

33.465.150 General Development Standards

The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through N apply to new development. Standards C, D and E through N apply to alterations to existing development. All of the applicable standards must be met.

A. The maximum disturbance area allowed within the Pleasant Valley Natural Resources overlay zone on the site is determined by subtracting all portions of the site outside the Pleasant Valley Natural Resources overlay zone from the number listed in Table 465-1.

Table 465-1 Maximum Disturbance Area Allowed		
	RF Zone	**R7 Zone**
Maximum Disturbance Area	5,000 sq. ft. (1)	3,500 sq. ft. (1)
(1) Subtract the amount of area on the site outside the Pleasant Valley Natural Resources overlay zone from the number given in the table.		

B. The disturbance area must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within Pleasant Valley Natural Resources overlay zone;

C. For alterations to existing development, one of the following must be met:

1. The disturbance area does not exceed the limitations of Table 465-1; or
2. If the existing disturbance area exceeds the limitations of paragraph 1 above, then the existing disturbance area may not be expanded;

D. The proposed development must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within the Pleasant Valley Natural Resources overlay zone;

E. Tree removal and replacement standards are:

1. Native trees may only be removed as follows. In no case will the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees removed must be replaced as shown in Table 465-2.
   a. Within 10 feet of any existing or proposed buildings and structures, attached to buildings, such as decks, stairs, and carports; or
   b. Within 10 feet of proposed driveways or right-of way improvements; and
2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 465-2;
3. Trees listed on the Nuisance Plants List may be removed, if each tree is replaced with one native tree; and
4. Replacement trees and shrubs required by this subsection must meet the requirements for plantings in Section 33.465.180.

Table 465-2 Tree Replacement In Pleasant Valley Natural Resources Overlay Zone		
Size of tree to be removed (inches in diameter)	**Option A (no. of native trees to be planted)**	**Option B (combination of trees and shrubs)**
At least 6 an 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

F. 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. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.465.150.F.

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

G. All vegetation planted in the Pleasant Valley Natural Resources overlay zone is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

H. Erosion control must conform to the Portland Erosion Control Manual and to Chapter 24.70, Clearing and Grading. All development between November 1 and April 30 of any year which disturbs more than 500 square feet of ground requires wet weather measures described in the Erosion Control Manual;

I. 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;

J. The maximum front building setback is the minimum front building setback of the base zone. On a lot with more than one front lot line, this standard applies to the front lot line that is farthest from Pleasant Valley Natural Resources overlay zone;

K. Fences are allowed only within the disturbance area;

L. 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 the Pleasant Valley Natural Resources overlay zone; and

M. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180.

33.465.155 Standards for Utility Lines

The following standards apply within the Pleasant Valley Natural Resources overlay zone to new utility lines, including stormwater conveyance facilities and outfalls, private connections to existing or new utility lines, and upgrades of existing utility lines. All of the standards must be met.

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

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

C. New utility lines, including stormwater conveyance facilities and outfalls, must be within a right-of-way;

D. No fill or excavation is allowed below the ordinary high water mark of a stream;

E. The Division of State Lands has approved any work that requires excavation or fill in a wetland;

F. Tree removal and replacement standards are as follows:

1. Native trees 12 or more inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter removed must be replaced as shown in Table 465-2;

2. Non-native non-nuisance trees may be removed if each tree 6 or more inches in diameter is replaced as shown in Table 465-2;

3. Trees listed on the Nuisance Plant List may be removed if each tree 6 or more inches in diameter is replaced with one tree;

4. 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;

G. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180. Replacement trees and shrubs required by this section must meet the requirements for plantings in 33.465.180.

33.465.160 Standards for Rights-of-Way

The following standards apply to rights-of-way within the Pleasant Valley Natural Resources overlay zone. The standards in Subsections A. through F. apply to improvements within the right-of-way. The standard in Subsection F. applies to dedications and expansions of the right-of-way. All of the applicable standards must be met.

A. Where the right-of-way crosses a stream, the crossing must be by bridge.

B. No fill or excavation may occur within the ordinary high water mark of the stream.

C. The Division of State Lands has approved any work that requires excavation or fill in a wetland.

D. Any work that will take place within the banks of a stream must be conducted between June 1 and August 31, or must be approved by the Oregon Department of Fish and Wildlife.

E. Mitigation is required as specified in Section 33.465.180.

F. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the *Pleasant Valley Street Network Plan*;
2. Common greens; and
3. Pedestrian connections.

33.465.165 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and planned developments in the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. Subsections A. through C. must also be met and may not be modified as part of any Pleasant Valley Resource Review.

A. New lots are prohibited in the Pleasant Valley Natural Resources overlay zone except as follows:

1. Each new lot must have at least 3,500 square feet of area outside of the Pleasant Valley Natural Resources overlay zone; or
2. A new lot for an existing house may be created when all of the following are met:
   a. There is an existing house on the site that is entirely within the Pleasant Valley Natural Resources overlay zone;
   b. The existing house will remain; and
   c. The portion of the new lot that is within the Pleasant Valley Natural Resources overlay zone is no larger than required to contain the existing house, minimum required setbacks, garage, a 12-foot wide driveway and an open area of 20 feet by 20 feet.

B. New disturbance area is prohibited in the Pleasant Valley Natural Resources overlay zone, except rights-of-way and utility lines, including stormwater conveyance facilities and outfalls.

C. Area within the Pleasant Valley Natural Resources overlay zone that is outside of new lots and outside of the right-of-way must be placed entirely within environmental resource tracts.

D. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the *Pleasant Valley Street Network Plan*;
2. Common greens; and
3. Pedestrian connections.

E. Rights-of-way are subject to 33.465.160.

F. New utility lines, including stormwater conveyance facilities and outfalls, private connections to utility lines, and upgrades of existing utility lines are subject to 33.465.155.

G. The standards of Subsection 33.465.150 E. through K. must be met.

33.465.170 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects within the Pleasant Valley Natural Resources overlay zone. All of the standards must be met.

A. There is no disturbance of any identified wetland, stream, or water body;

B. There is no excavation, fill, or change in the topography of the resource area;

C. No native vegetation listed on the *Portland Plant List* is removed. Non-native trees may be removed; and

D. No structures are proposed.

33.465.175 Standards for Trails

The following standards apply to trails within the Pleasant Valley Natural Resources overlay zone. All of the applicable standards must be met.

A. All trails must be set back at least 50 feet from the tops-of-bank of streams or the boundary of a wetland except as designated in the Pleasant Valley Park and Trail Plan;

B. Disturbance may not occur within 10 feet of native trees 6 or more inches in diameter;

C. Non-native non-nuisance trees may be removed if each tree 6 or more inches in diameter is replaced as shown in Table 465-2;

D. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;

E. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180. Replacement trees and shrubs required by this section must meet the requirements for plantings in Section 33.465.180;

F. No fill or excavation may occur below the ordinary high water mark of the stream; and

G. The Division of State Lands has approved any work that requires excavation or fill in a wetland.

33.465.180 Standards for Mitigation

The following standards apply to required mitigation. All of the standards must be met.

A. **Size of mitigation area.** Mitigation must occur at a 2:1 ratio of mitigation area to proposed disturbance area;

B. **Location of mitigation area.**

1. Generally. Mitigation must occur in the Pleasant Valley Natural Resources overlay zone on the site where the disturbance occurs, except as allowed by B.2, below;

2. Rights-of-way and utilities in the right-of-way. If the disturbance is associated with a right-of-way or utility in the right-of-way, the mitigation must occur in the Kelley Creek watershed.

C. **Nuisance plants.** Plants listed on the Nuisance Plants List must be removed within the mitigation area;

D. **Required plants and planting densities.** One tree, three shrubs, and four other plants are required to be planted for every 100 square feet of mitigation area. Plants must be native plants selected from the *Portland Plant List*. Plants required to meet other requirements of this title count toward the mitigation plantings of this section;

E. **Plant diversity.** If more than 10 trees, shrubs or groundcover plants are used to meet the above standard, then no more than 50 percent of the trees, shrubs or groundcover plants may be of the same genus. If more than 40 trees, shrubs or groundcover plants are used, then no more than 25 percent of the plants may be of the same genus;

F. **Plant size.** Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots; and

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

Pleasant Valley Resource Review

33.465.210 Purpose

Pleasant Valley Resource 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,

and more exacting control over development in the Pleasant Valley Natural Resources overlay zone;

D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the Pleasant Valley Natural Resources overlay 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 study; and

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

33.465.220 When Pleasant Valley Resource Review is Required

Pleasant Valley resource review is required for all development in the Pleasant Valley Natural Resources overlay zone that does not meet the development standards of Sections 33.465.150 through .180 and for violations of this chapter. Pleasant Valley Resource review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed study. The City Council, Planning Commission, or Director of BDS may initiate a Pleasant Valley resource review for Pleasant Valley Natural Resources overlay zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of 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 33.465.400.

33.465.230 Procedure

Pleasant Valley Resource reviews are processed through the following procedures:

A. Resource enhancement activities 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. Major public trails;
3. Public safety facilities;
4. Mitigation;
5. Pleasant Valley Natural Resources overlay zone boundary modifications; and
6. All other uses and development in the Pleasant Valley Natural Resources overlay zone.

33.465.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for a Pleasant Valley resource review application:

A. **Supplemental site plan requirements.** One copy of each plan must be at a scale of at last one inch to 100 feet. Site plans must show existing conditions, conditions existing prior to a violation, proposed development, and construction management. 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. Site plans must show the following:

   a. For the entire site:

      - 100-year floodplain and floodway boundaries;
      - Boundaries of the Pleasant Valley Natural Resources overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
      - 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;
      - Drainage patters, using arrows to indicate the direction of major drainage flow; and
      - Existing improvements such as structures, or buildings, utility lines, fences, etc.

   b. In areas of the site that have been or will be disturbed:

      - Distribution outline of shrubs and ground covers, with a list of most abundant species;
      - 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; and
      - Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.

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

2. A construction management site plan including:

   - Areas that will be permanently disturbed;
   - Areas that will be temporarily disturbed, including equipment maneuvering areas and the location of perimeter controls;
   - Areas where existing topography and vegetation will be left undisturbed;
   - Location of site access and egress;
   - Equipment and material staging and stockpile areas;
   - Erosion control measures; and
   - Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

3. A mitigation or remediation site plan including:
   - Dams, weirs, or other in-water structures;
   - Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
   - Distribution outline, species composition, size, and spacing of shrubs to be planted;
   - Location, species, and size of each tree to be planted;
   - Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
   - Water bodies to be created, including depth;
   - Water sources to be used, including volumes; and
   - 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 *Pleasant Valley Natural Resources Protection Plan*;

   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 provide 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:
   - Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
   - Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
   - Construction timetables;
   - Operations and maintenance practices;
   - Monitoring and evaluation procedures;
   - Remedial actions for unsuccessful mitigation; and
   - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.465.250 Approval Criteria

A Pleasant Valley resource 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 Pleasant Valley resource review is required because a proposal does not meet one or more of the development standards, the approval criteria will be applied only to the aspect of the proposal that does not meet the development standard or standards.

A. Resource enhancement projects. In the Pleasant Valley Natural Resources overlay zone, 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 significant improvement to or addition of at least one functional value.

B. Modification of zone boundaries. Modifications of Pleasant Valley Natural Resources overlay 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 B.1 or B.2, below, are met. For the minor modification of Pleasant Valley Natural Resources overlay zone boundaries based on a more detailed site-specific study, the applicant's impact evaluation must demonstrate that Paragraph B.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 the Pleasant Valley Natural Resources overlay zone; or

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

   a. All approved development in the Pleasant Valley Natural Resources overlay zone has been completed;

   b. All mitigation required for the approved development has been successful; and

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

3. The proposed Pleasant Valley Natural Resources overlay zone boundary location accurately reflects the location of the resources and functional values on the site. The resources are identified in the *Pleasant Valley Natural Resources Protection Plan*.

C. Other development in the Pleasant Valley Natural Resources overlay zone. Development within the Pleasant Valley Natural Resources overlay zone 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 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 Pleasant Valley Natural Resources overlay zone;

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

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

4. There will be no detrimental impact to the migration, rearing, feeding or spawning of fish.

D. Corrections to violations. For corrections to violations the application must meet all applicable approval criteria stated in Subsections A. through C., above, and D.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 at 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.

E. Alternative mitigation. Where mitigation is proposed that does not meet Section 33.465.180, Mitigation, these approval criteria must be met. Mitigation will be approved if all of the following are met:

1. The proposed mitigation occurs at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
2. The proposed mitigation results in a significant improvement of at least one functional value;
3. There will be no detrimental impact on identified resources and functional values in areas designated to be left undisturbed;
4. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there will be no detrimental impact related to the migration, rearing, feeding, or spawning of fish;
5. 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 the property through eminent domain.

33.465.260 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.

33.465.270 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.

33.465.280 Modifications That Will Better Meet Pleasant Valley Resource Review Requirements

The review body may consider modifications for site-related development standards as part of the Pleasant Valley resource review process. These modifications are done as part of the Pleasant Valley resource 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.

Natural Resource Management Plans

33.465.310 Purpose

Natural resource management plans provide an alternative to case-by-case Pleasant Valley resource 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.

33.465.320 Scope
Natural resource management plans must cover large ecosystems such as forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by the Pleasant Valley Natural Resources overlay zone within the plan boundaries. The plan must also address al significant detrimental impacts of uses allowed by the plan.

33.465.330 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.

33.465.340 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.

33.465.350 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 33.465.310 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 in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.465.400 Purpose
The purpose of Sections 33.465.400 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 Pleasant Valley natural resources overlay zone. The type of review required depends on the circumstances of the violation. Section 33.465.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.465.405 Correction Options

Applicants must choose one of the following options to correct violations of this chapter.

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 of less; or
         - A Pacific Yew 2 inches or less;

   b. The proposal will remove all illegal development; and

   c. The proposal will replant illegal clearing.

2. If any of the following apply, the applicant may not use Option One, but may choose 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 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed using hand-held equipment 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 plant listed 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 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.465.150 through .170 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 plant listed on the Nuisance Plants List in 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, Pleasant Valley Resource Review. This option requires Pleasant Valley resource review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.465.250.D 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 standard 33.465.150.E.

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

b. Type II. All other Pleasant Valley resource reviews to correct violations of this chapter are processed through a Type II procedure.

c. All Pleasant Valley resource reviews must provide the information required in Section 33.465.240, Supplemental Application Requirements.

33.465.407 Recurring Violations of This Chapter

A. Recurring violations on a site. Sites where there has been more than one violation of this chapter 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 violation of this chapter may be subject to fines under Title 3.

Notice and Review Procedure

33.465.410 Purpose

The purpose of this notice and review procedure is to provide for participation by the applicant and the public in the process of permitting development in areas having identified significant resources and functional values.

33.465.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the Pleasant Valley Natural Resources overlay zone and is subject to the development standards of Section 33.465.110 through .180. These regulations do not apply to building permit or development permit applications for development that has been approved through Pleasant Valley resource review.

33.465.430 Procedure

Applications for building permits or development permits that qualify under 33.465.420 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 33.465.130, 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. A statement that a building or development permit has been applied for that is subject to the development standards of Section 33.465.110 through .180.

    b. The legal description and address of the site;

    c. A copy of the site plan;

    d. The place where information on the matter may be examined and a telephone number to call;

    e. 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; and

    f. 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. Thea 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. Notices are not required along street frontages that are not improved and allow no motor vehicle access. 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 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 complete 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 Pleasant Valley resource review as described in Sections 33.465.210 through 33.465.280.

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

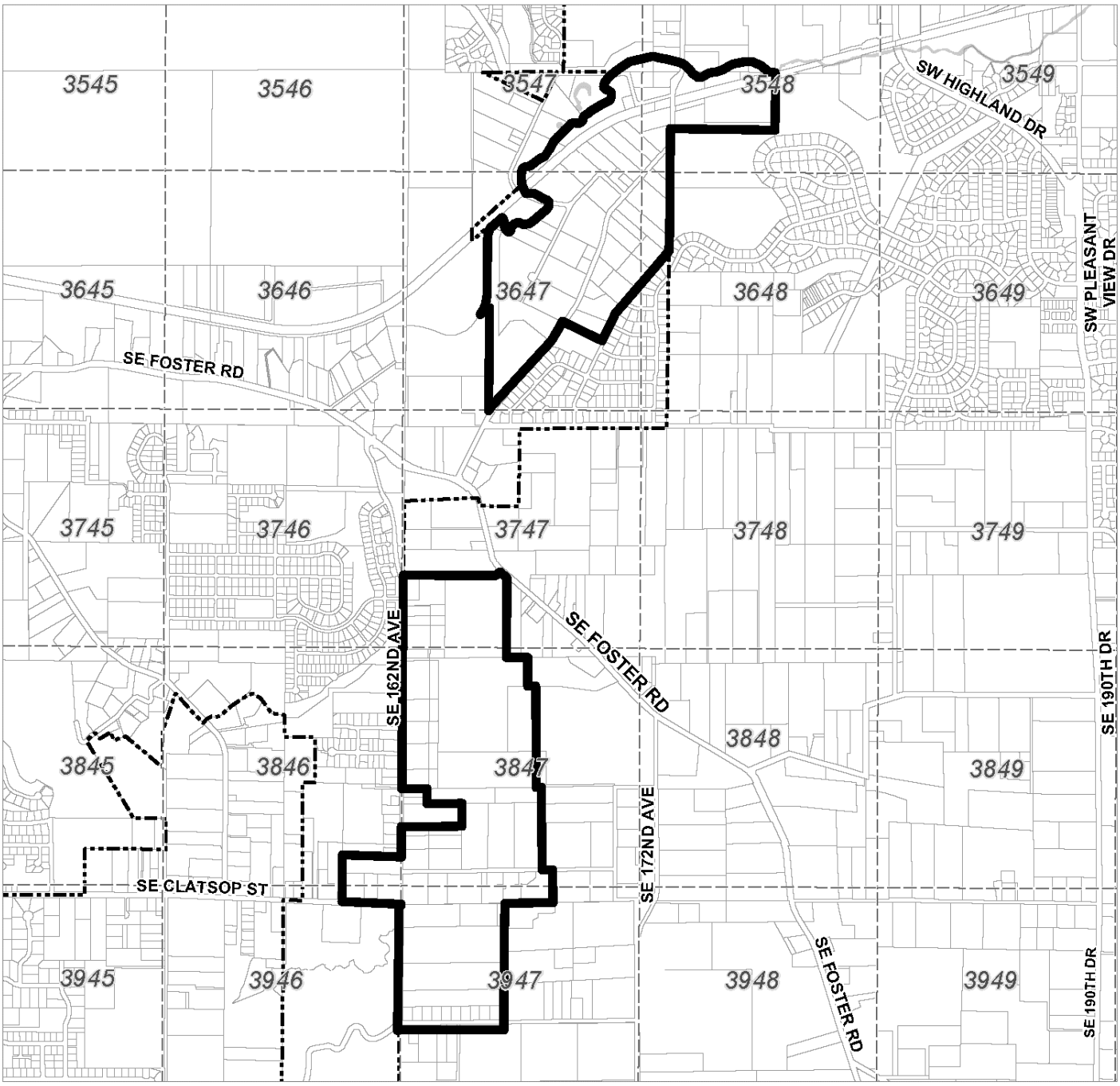
F. Response to comments. If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.465.150 through .180. The Director of BDS will 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.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by: Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

Pleasant Valley Natural Resources Protection Plan Area

Map 465-1

Map Revised January 1, 2015



City Boundary

Protection Plan Area

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

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon