

Do You Need To Go Through an Environmental Plan Check or Environmental Review? [EN 1]

Will environmental regulations apply to my proposal?

If you develop a property that includes **environmental overlay zones**, you may need to comply with special **environmental regulations**. In general, if you plan to build new structures, disturb the ground surface, remove or trim native vegetation, or divide land within environmental overlay zones, your proposal will be subject to environmental regulations. Development that is exempted from environmental regulations is listed in Portland Zoning Code Section 33.430.080.

What do environmental regulations do?

Environmental regulations help to protect important environmental resources and implement Portland's Comprehensive Plan. Environmental regulations also encourage flexibility and innovation in site planning and require developers to do the following:

- be sensitive to the site's protected resources
- provide a thorough inventory of the site prior to development
- avoid as many impacts to the resources on the site as possible
- minimize the damage of unavoidable impacts and
- mitigate for the damage caused by unavoidable impacts by replacing lost resources.

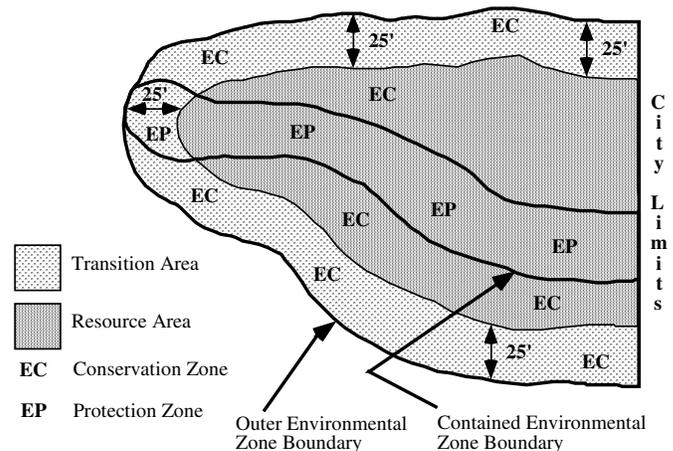
What are Environmental Overlay Zones?

There are two types of environmental overlay zones. **Conservation Overlay Zones** (shown with a "c" on the City's Official Zoning Maps) designate areas where environmental resources and functional values can be protected while allowing environmentally sensitive development.

Protection Overlay Zones (shown with a "p" on the City's Official Zoning Maps) designate areas where development will be approved only in rare and unusual circumstances because of the importance and sensitivity of the environmental resources and functional values.

Every environmentally zoned area includes a **resource area** and an outer 25-foot buffer called the **transition area**. Where you develop in relation to these zones and subareas will determine what environmental regulations you must meet (see handout EN 3).

Figure 430-1
Environmental Zone Subareas



How will my proposal be reviewed?

If your project is subject to environmental regulations, your proposal will be reviewed by the City using either an **Environmental Plan Check** or an **Environmental Review** procedure. **Please note:** Other zoning requirements may also apply to your project.

What is the difference between the Plan Check and the Review?

In an **Environmental Plan Check:**

- Your proposal will be checked against the objective development standards that are listed in Zoning Code Section 33.430.110 through 33.430.170.
- The plans are checked at building permit stage.
- The procedure is quicker than an environmental review. An Environmental Plan Check generally takes 18 days if all information submitted is complete and the inspector finds that the site plan complies with Environmental Zone Requirements.
- There is no public hearing and no ability to appeal the decision.
- You must demonstrate compliance with the site plan.
- Proposed development must be marked on the site and a public notice posted.

In an **Environmental Review:**

- Your proposal will be reviewed against the discretionary approval criteria listed in Zoning Code Section 33.430.250.
- The review must be completed before building permits can be issued.

- The procedure allows more flexibility than an Environmental Plan Check, but takes longer than the Plan Check. The minimum amount of time it may take to process an Environmental Review application is 40 to 50 days, if the initial application is complete.
- Depending on the scope of the project, there may be a required public hearing, and the decision can be appealed.
- A greater level of environmental impact analysis is required than for the Plan Check. Detailed environmental studies are required. You will need to justify proposed development location and design. Mitigation will be required to replace lost environmental resources.
- You will be responsible for demonstrating that your proposal meets all of the approval criteria.

Which procedure will I use?

You can use the **Environmental Plan Check** if the project will meet all of the applicable environmental development standards (listed in Zoning Code Section 33.430.110 through 33.430.170) and is not located within a special environmental district. Property within the Columbia South Shore, Forest Park NRMP and Smith and Bybee districts is subject to different regulations.

Your proposal must go through **Environmental Review** if the project cannot meet the environmental development standards or if it is located within one of the special environmental districts.

For More Information

A handbook is available about the City of Portland's Environmental Zoning program. A copy of the *Portland Environmental Handbook* may be purchased at the Development Services Center.

Additional handouts are available about the Environmental Plan Check and Environmental Review procedures.

Information found in Portland Zoning Code 33.430, will identify the specific environmental regulations which may apply to your proposal. This Zoning Code Subsection can be purchased at the Development Services Center.