

## 33.430 Environmental Overlay Zones

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### Sections:

#### General

- 33.430-010 – 33.430.017 No Change
- 33.430.020 Environmental Reports
- 33.430.030 – 33.430.070 No Change
- 33.430.080 Items Exempt Form These Regulations
- 33.430.090 No Change

#### Development Standards

- 33.430.110-33.430.165 No Change
- 33.430.070 Standards for Resources Enhancement Projects
- 33.430.080 No Change
- 33.430.090 Standards for Public ~~Recreational~~ Trails
- 33.430.195 Standards for Tree Removal in the Scenic Resources Overlay Zone

#### Environmental Review

- 33.430.210-33.430.240 No Change
- 33.430.250 Approval Criteria

#### Natural Resource Management Plans

- 33.430.310-33.430.350 No Change

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## Commentary

**33.430.020 Environmental Reports**

The application of the environmental zones is based on detailed studies that have been carried out within ~~eight~~ten separate areas of the City. The City's policy objectives for these study areas are described in the reports. Each study report identifies the resources and describes the functional values of the resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports. The City has adopted the following ~~eight~~ten environmental study reports:

- bullets 1-8 no change
- Multnomah County Unincorporated Areas Plan
- Middle Columbia Corridor/Airport

**33.430.080 Items Exempt From These Regulations**

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, must still be met:

- A.-B. No change
- C. Existing development, operations, and improvements, including the following activities:
  - 1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public recreational trails, public rest points, public viewing ~~points~~ areas, public interpretative facilities, and utilities. Replacement is not exempt whenever coverage or utility size is increased;
- D. No change

**33.430.170 Standards for Resource Enhancement Projects**

- A.1-7. No change
- 8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
  - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
  - b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body;

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## Commentary

**33.430.190.D** Tree removal is being moved to the end of the subsection because tree removal is allowed in both the trail and the viewing area associated with the trail. The tree removal standards are being updated to simplify them and make them the same as the standards for tree removal within a scenic resources overlay zone.

### **33.430.190 Standards for Public Recreational Trails**

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

**A-C.** No change

~~**D.** 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 430-3;~~
- ~~2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;~~
- ~~3. Trees listed on the Nuisance Plants List may be removed if each tree at least 6 inches in diameter is replaced with one tree; and~~
- ~~4. Replacement trees and shrubs must meet the planting standards of Subsection 33.430.140.K; and~~

~~**ED.** If a public viewing area is proposed, the following must be met:~~

- ~~1. The viewing area may create up to 500 square feet of permanent disturbance area;~~
- ~~2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and~~
- ~~3. The viewing area is not in the floodway;~~

~~**E.** Tree removal and replacement standards are as follows:~~

- ~~a. Native trees up to 12 inches in diameter and non-native trees may be removed with hand-held equipment;~~
- ~~b. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and~~
- ~~c. Replacement plantings must meet the planting standards in 33.430.140.K.~~

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## Commentary

**33.430.190.D** This is a new standard. Before application of the c and p overlay zones there were s overlay zones. The s overlays were removed when the c and p overlays were applied. It was assumed that scenic resources would be addressed by the new environmental overlay zones. However, without the s overlays it is not possible to know when scenic resources must be considered. Therefore, the City will be reapplying the s overlay zones.

Trees within the s overlay zones grow and block the views that are intended to be protected. Where the s overlay overlaps with a c or p overlay, tree removal is allowed through standards. Tree should be replaced outside of the s overlay zone.

### **33.430.195 Standards for Tree Removal in View Corridors**

The following standards apply to tree removal within view corridors designated in the Scenic Resources Protection Plan or Central City Scenic Resource Protection Plan. Designated view corridors are shown on map 480-1. All of the standards must be met.

- A. Native trees up to 12 inches in diameter and non-native trees may be removed with hand-held equipment;
- B. Trees that are more than 6 inches in diameter that are removed must be replaced outside of the view corridor as shown in Table 430-3;
- C. Temporary disturbance area caused by the removal must meet one of the following options:
  - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or
  - 2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

## **Environmental Review**

### **33.430.250 Approval Criteria**

**A. – B.** (NO CHANGE)

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

**D.– E.** (NO CHANGE)

