

Environmental Overlay Zone Map Correction Project



Frequently Asked Questions

Updated May 2019

1. What is this project about?

This project is correcting the location of environmental overlay zones to better align with streams, wetlands, flood plains, steep slopes, forests and fish and wildlife habitat in Portland and unincorporated Multnomah County.

2. Why is the city doing this project?

The City of Portland has an existing program, which was adopted between 1989-2002, to protect natural resources using environmental overlay zones. The environmental overlay zones (ezones) are supposed to follow features, like streams, wetlands, steep slopes and forests. Technology has changed a lot since the plans were first adopted and now the ezones don't always follow the features they are supposed to protect. This project is fixing that.

3. What is the difference between a conservation (c) and a protection (p) zone?

There are two different ezones: environmental conservation (c-zones) and environmental protection (p-zones). The c-zone is applied to natural resources that are important, but some development may be permitted, with mitigation. The p-zone is applied where the resources are critical and new development should be avoided except under special circumstances, such as when a public road or utilities need to cross a stream.

4. If there are ezones on my property, does that mean I can't develop?

If your property is already developed with a house or business, the structure, driveway, yard, etc. can remain, be maintained and repaired, and in most cases, be replaced. The ezones could impact if or where an expansion, such as a new deck or a garage, is allowed.

If the site is vacant, the ezones allow a certain amount of disturbance in the ezones to accommodate a new house or business. Please see the General Development Standards of zoning code 33.430.140.A-S. If a proposed development cannot meet these standards, Environmental Review is required, as described in zoning code 33.430.210.

There are many factors that impact if and how a site can be developed including landslide hazards, floodplains, access to water and sewer infrastructure, access to public rights-of-way, etc. Please contact staff to learn more about your specific site.

5. I got a permit (or will be getting a permit soon) to build (or divide the lot). Will this project impact the permit?

Land use reviews and permits that are filed before the corrected ezones are adopted are vested in the current zoning code and will not be impacted by the ezone changes. There are time limits on how long land use review approvals and permits are valid – please review your approval or permit closely.

6. Will the ezones impact my property value?

Many factors can affect property value, so it's hard to say what will happen due to ezone changes on your property. A study done in Portland (Netusil, 2003) found that for many parts of Portland, the ezones have no clear impact on property sale price and in limited areas the study found the ezones could have either a negative or positive effects on property sale price. In general, the presence of natural resources such as trees, have a positive influence on property values (EcoNorthwest, 2009), but every situation is different.

7. Does the city have to reimburse me if there is a decrease in property value?

Under Measure 49, if a local jurisdiction adopts a regulation that restricts the residential use of private property and that restriction reduces the fair market value of the property, then the owner may be entitled to compensation. Land use regulations that restrict or prohibit activities for the protection of public health and safety are exempt from Measure 49. The ezones are applied in part to protect high risk areas such as streams, flood area and steep slopes from additional development impacts that could increase risk to public health and safety from natural hazards including erosion, landslides and flooding.

It is up to a court to determine whether a property owner has an eligible Measure 49 claim. If you have questions about the applicability of Measure 49 to your property, please consult your attorney.

8. Will the ezones change my property taxes?

There are a number of circumstances that affect property taxes. For example, property taxes can change when the use of property changes, when improvements are made, or when property is sold. You can read more about assessment and taxation at the Multnomah County Assessment and Taxation website <https://multco.us/assessment-taxation> or contact the Multnomah County Taxation and Assessment Customer Service line at 503-988-3326.

9. When will these changes go into effect?

Staff are doing site visits and correcting maps of streams, wetlands, slopes and forests through 2019. Staff anticipate starting public hearings at the Planning and Sustainability Commission in Spring 2020, with City Council hearings anticipated in Fall/Winter 2020. The changes will go into effect after adoption by City Council.

If your property is affected by the project, you will receive a mailed notice that will provide information about when and where you can testify on the proposal.

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