

PORTLAND'S ENVIRONMENTAL REGULATIONS: RESIDENTIAL LANDS

Small drainages, which may convey water only after rain events, are typically not in environmental overlay zones and instead are protected by the City's Drainageway Administrative Rule.

Portions of houses, driveways and other structures located in environmental overlay zones can be maintained, repaired, and, in most cases, replaced. New or expanded structures need to meet regulations.

Wetlands are marshy areas that store water in the winter and spring and support a vast diversity of plants, like cattails, and wildlife, like red legged frogs. Wetlands are typically protected by environmental overlay zones.

Lawns, gardens, play structures and fences in the environmental overlay zones can be maintained, repaired and, in most cases, replaced. New yards or expansion of a yard in the environmental overlay zone need to meet regulations.

Environmental overlay zone boundary (c, p or v)

Floodplain areas that have a 1% or greater chance of flooding in any given year are protected by Title 24.50 Flood Hazards Areas and, when the flood area is near a stream or wetland, or contains vegetation, it is also protected by environmental overlay zones.

Rivers and streams provide habitat for wildlife and fish, and move water from upland areas to the Willamette River. Streams are typically protected by environmental overlay zones.

Trees on private property in environmental overlay zones with trunks more than 6 inches in diameter at breast-height (4.5') may be removed in limited situations with a permit. Outside of ezones, trees 12 inches in diameter require a permit prior to removal.

Portland's Environmental Regulations Residential Lands - Additional Details



Streams and drainages

All flowing water, whether it flows only after a rain event, bubbles up from underground, or flows year-round, is part of the City's stormwater system. Therefore, all waterways are protected so there are places for water to flow and to minimize the risk of flooding. Many streams and drainageways are also regulated to protect fish and wildlife habitat, improve water quality, reduce stream temperature, and provide recreational opportunities.

A *stream, or drainageway*, is an open channel that carries flowing surface water during some portion of the year; surface water flows may include stormwater runoff or groundwater discharge. Streams have a visible bed and bank and are typically regulated by environmental overlay zones, City Code Title 17.38 Drainage and Water Quality [www.portlandoregon.gov/citycode/28865] and City Code Title 24.50 Flood Hazard Areas [www.portlandoregon.gov/citycode/28665]. State and federal regulations may also apply.

Some smaller *drainages* that do not meet the definition of a stream may not be regulated by the environmental overlay zones. However, those smaller drainages provide water quality treatment and convey stormwater. These features are regulated by the City's Stormwater Management Manual [www.portlandoregon.gov/bes/64040] and City Code Title 17.38 Drainage and Water Quality [www.portlandoregon.gov/citycode/28865]. Additionally, if the feature drains an area of at least one acre, then it is also regulated by City Code Title 24.50.



Wetlands

Wetlands are a critical part of the city's infrastructure because they act like sponges and store water during the winter and spring. Wetlands also clean water and provide food, water and nesting for birds, amphibians, reptiles and mammals. Most wetlands are protected by environmental overlay zones. State and federal regulations may also apply.

As part of the Environmental Overlay Zone Map Correction Project, the city is updating the wetland inventory. It is best to identify the location of wetlands in the spring, when there is water and plants are growing. Natural wetlands that have not been impacted much by agricultural uses or development are often easy to see. However, grading, mowing, seeding, landscaping and other practices can change wetland plant or soils, as well as alter how long water is at the site. In those cases, a certified wetland specialist is needed to identify wetland boundaries.



Lawns, gardens, play structures and fences

The environmental overlay zone often covers parts of yards, especially when those yards are near streams, wetlands, steep slopes and forests. Permitted lawns and landscaped areas are still allowed and can be mowed, irrigated and replanted, as long as the plants are not a nuisance species on the *Portland Plant List*. Fences can be repaired and play structures can be replaced. Lawns can also be changed to a garden if

no trees are removed. Please see City Code Title 33.430 for the exact rules [www.portlandoregon.gov/bps/article/53343].



Floodplain

The floodplain, which is the area that has a 1% or greater chance of flooding in any year, is established by the Federal Emergency management Agency (FEMA). Houses, businesses and other structures in the floodplain may be required to carry flood insurance. All new development and many property improvements in the floodplain must meet the rules of City Code Title 24.50 Flood Hazard Areas

[www.portlandoregon.gov/citycode/28665].

Floodplains near streams and wetlands are also typically regulated by environmental overlay zones. These areas may flood more often, posing a higher risk to property. Flooding is a natural process and can be important for watershed health. Flooding bring nutrients back to the soil. It moves tree limbs and leaves into the stream for fish habitat. Flooding of streets and development can create hazards for people, damage to buildings and carry pollutants to streams and other waterbodies.



Trees

Trees are an important part of the urban landscape. They trap and collect rain water, clean the air, create shade, mitigate climate change, provide habitat for birds and wildlife and improve people's physical and mental health. On private property, all trees with a diameter of if twelve (12) inches diameter-at-breast-height require a permit prior to removal. For more information see City Code Title 11

[www.portlandoregon.gov/citycode/66002] or email trees@portlandoregon.gov.

In some area of the city, smaller trees may also be regulated. Pruning permits may also be necessary for native trees in the environmental overlay zone. Please see City Code Title 33.430

[www.portlandoregon.gov/bps/article/53343].



Houses, driveways and other structures

Sometimes, structures like a house, garage, deck or driveway, are in an environmental overlay zone; especially if it's near a stream or wetland or in a floodplain. Existing permitted structures are allowed to stay and can be maintained, repaired and, in most cases, replaced. Expanding a structure – making it bigger – within the environmental overlay zone depends on the rules of City Code Title 33.430

[www.portlandoregon.gov/bps/article/53343].

For more information about the Environmental Overlay Zone Map Correction Project --

Visit the website: www.portlandoregon.gov/bps/e-zone

Email: ezone@portlandoregon.gov

Call: 503-823-4225