

City of Portland  
Bureau of  
Development  
Services



## Portland's Development Regulations and Hazardous Substance Cleanup Projects



State of Oregon  
Department of  
Environmental  
Quality

This information sheet applies to hazardous substance cleanups performed within the City of Portland. It is intended to help environmental contractors, property owners, developers, and others contact appropriate City of Portland staff and identify and gather information about regulations that may apply to a planned hazardous substance cleanup project.

The Portland Bureau of Development Services (BDS) regulates development within city limits. Many aspects of hazardous substance investigations and cleanup projects meet the City's definition of "development," and are subject to City regulations.

Oregon State Law (ORS 465.315(3)) exempts the "on-site" portion of hazardous substance removal or remedial actions from "state or local permits, licenses, or other authorizations or procedural requirements." Although the procedural requirements may be waived, state law requires that the actions satisfy the substantive requirements of the state or local regulations – such as the City of Portland's. In addition, state law allows the City of Portland to collect the applicable fees for any permits, licenses, etc. that are exempted under the state law.

The City will work with applicants to determine the substantive requirements that apply. BDS must have adequate information and time for review in order to determine the substantive requirements that apply to cleanup projects. As a result, early contact with BDS is crucial. Before DEQ approves a removal or remedial action, the responsible party must demonstrate to DEQ that the substantive requirements have been met.

### ***Who to Call and Information Needed***

Please tell BDS up front that your project involves a hazardous substance cleanup. The **Site Plan** is probably the most important element of your submittal. All bureaus that must review your plans will review your Site Plan. We recommend that you contact us before you prepare it. **Tom Carter**, Planning and Zoning Section, at **503-823-4989**, or [cartert@ci.portland.or.us](mailto:cartert@ci.portland.or.us), can provide initial zoning and greenway information, and will coordinate multi-bureau reviews where needed.

In order to provide assistance, BDS will need the site location and a description of both the existing conditions and the proposed development, grading, or other alterations. In addition to the Site Plan, other plans or reports may be needed depending on the proposal. Contact BDS for guidance on our information needs. The following City of Portland development regulations may apply to your project:

### ***Base Zones – Chapters 33.110 through 33.140***

**Purpose:** To implement the Comprehensive Plan policies and designations for identified uses, such as open space, commercial, or different intensities of residential use.

**Where do they apply?:** Everywhere in the City.

**Substantive Requirements:** Base zones regulate the allowable uses and define the intensity and character of development within them.

### ***Environmental Overlay Zones – Chapter 33.430***

**Purpose:** The E-zone regulations are intended to protect and conserve natural resources and functional values while providing for development that is sensitive to a site's resources.

**Where do they apply?:** Two zoning map overlays, the conservation zone and the protection zone, apply citywide to lands with significant natural resources, such as streams, wetlands, and upland forests.

**Substantive requirements:** In order to be approved, a proposal in the protection zone must show that it meets a public need, the public need outweighs the expected environmental damage, and that the development cannot be put elsewhere. In contrast, development may be allowed in the conservation zone if it minimizes the loss of

resources and functional values and mitigates for any environmental damage. Development standards prescribe disturbance areas, setback modifications, tree replacement, and other factors in the conservation zones.

### **Greenway Overlay Zones – Chapter 33.440**

*Purpose:* Conserve natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River. The regulations also promote public access, flood protection, and aesthetic factors.

*Where do they apply?:* Any of five Greenway overlays zones are applied to land adjacent to or near the Willamette River. The City's official Zoning Maps show their extent.

*Substantive Requirements:* All the Greenway overlays limit development and fill (including pollution control structures) closer to the river than the landward edge of the greenway setback. The "greenway setback" extends 25 feet from the top of bank in most areas, and 50-200 feet in the "water quality" overlay. The overlays also impose specific development standards, planting requirements, and use restrictions. The proposed development must not be detrimental to the use and functioning of the river and abutting lands and must conserve, enhance, and maintain scenic qualities and natural habitat.

### **Floodplain Management – Chapter 24.50**

*Purpose:* To limit flood damage to structures and prevent development from making flooding worse.

*Where does it apply?:* This regulation applies citywide to floodplains and floodways. The floodplain is the FEMA 100-year floodplain plus the 1996 flood inundation areas.

*Substantive Requirements:* Restricts development in the floodway unless it is demonstrated that the development will not increase the 100-year flood elevation. Requires that any fill placed below the 100-year flood elevation be balanced by removal of an equal or greater volume of material below the 100-year flood elevation.

### **Grading and Clearing – Chapter 24.70**

*Purpose:* To provide minimum performance standards to ensure the health, safety, welfare, comfort, and security of the City's residents.

*Where do they apply?:* Citywide for proposals that involve:

- Clearing more than 5,000 square feet of vegetation on any property of five acres or more;
- Excavation greater than 10 cubic yards, more than 2 feet deep or leaving a steep sidewall (with exceptions, such as for foundations); or
- Fill greater than 10 cubic yards or one foot deep (3 feet deep under some circumstances).

*Substantive Requirements:* Site Development Section staff reviews proposals for safety, etc., and conducts inspections. Clearing and grading proposals are often reviewed as part of a larger proposal, rather than as a discrete project.

### **Building, Plumbing, and Electrical Codes – Titles 24, 25, and 26**

*Purpose:* To provide for public safety, health, and welfare.

*Where do they apply?:* Citywide.

*Substantive Requirements:* These codes regulate the materials and building methods used in construction. They apply to some aspects of remedial action projects; for example, pipes may be subject to the Plumbing Code and electrical installations to the Electrical Code.

### **Erosion Control – Title 10**

*Purpose:* To control sediment creation and erosion at the source during construction and development.

*Where does it apply?:* To all ground disturbing activities citywide.

*Substantive Requirements:* Prohibits allowing "visible and measurable" sediment or pollutant from leaving the site. The City's Erosion Control Manual provides guidance to best management practices (BMPs). All development projects must have an approved erosion, sediment, and pollutant control plan. Initial control measures must be in place before any development begins.

### **Stormwater Management – Chapter 17.38**

*Purpose:* To ensure that stormwater runoff meets the requirements of the City's NPDES Stormwater Permit, and to prevent pollution from entering the City's stormwater handling facilities, such as storm sewers.

*Where do they apply?:* Citywide.

*Substantive Requirements:* In general, post-development runoff quality and runoff rates must be equal to the pre-development quality and runoff rates. On-site management and mitigation for impervious surfaces must be maximized, and pollution prevention measures must be used in specific circumstances. Portland's Stormwater Management Manual lays out the requirements for size and design of stormwater facilities and mitigation measures.