

189002

IMPACT STATEMENT

Legislation title: Adopt the Central City 2035 Plan, Volume 2A, Part 3, Environmental and Scenic, amend the Portland Zoning Map, and Portland Zoning Codes 33.430, Environmental Overlay Zones, and 33.480, Scenic Resources (Ordinance; Amend Title 33.430 ad Title 33.480)

Contact name: Mindy Brooks, Bureau of Planning and Sustainability

Contact phone: 503-823-7831

Presenter name: Mindy Brooks, Bureau of Planning and Sustainability

Purpose of proposed legislation and background information:

This ordinance amends the Title 33, Planning and Zoning, to include a standard for vegetation maintenance within view corridors, and amends the official Zoning Map to clarify where the standard applies. These amendments are necessary to maintain view corridors designated in the adopted 1991 *Scenic Resources Protection Plan* (SRPP). Some of these view corridors are now partially or completely blocked by vegetation. Currently, for vegetation to be maintain in view corridors that are also located in environmental conservation (c) or protection (p) zone, environmental review is required. To better balance the goals of the SRPP with the goals of the environmental overlay zones, and to make maintenance of the view corridors more efficient, a standard is recommended for removal or trimming vegetation and trees.

The zoning map and code amendments support the Comprehensive Plan goals and policies including:

- **Policy 4.41** – Scenic Resources. Enhance and celebrate Portland’s scenic resource to reinforce local identity, histories and cultures and contribute towards way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks or other elements valued for their aesthetic appearance or symbolism.
- **Policy 4.42** – Scenic Resource Protection. Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations and other tools.
- **Policy 4.43** – Vegetation Management. Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

Financial and budgetary impacts:

Amendments to the zoning code and maps do not amend the budget, make any changes to appropriations, or authorize additional spending at this time. Fiscal impacts from implementation of the amended zoning code and maps could include changes to the costs of administering the amended code versus the previous code. However, because the amendments should result in fewer reviews, the cost associated with staff time to review proposal may decrease slightly over time. However, there may be initial costs associated with training to familiarize BDS and other City bureau staff with the new regulations, as well as related costs such as creating new submittal forms, etc.

Community impacts and community involvement:

The Scenic Resources Protection Plan (SRPP) was adopted in 1991. Scenic (s) overlay zones were placed on designated view corridors. As the environmental overlay zones (c and p zones) were applied throughout the city, the s overlay zones were removed where the new environmental zoning codes were anticipated to address scenic resources. Environmental review was required for vegetation and tree removal in view corridors. This meant that property owners with both s and c or p zone were required to go through environmental review to maintain the designated view.

Reapplying the s overlay zone in area with c and p zone has no impact on property owners. Although the s overlay zones were removed, the regulations of the zoning code still applied to the view corridors designated in the SRPP.

Amending the zoning code to allow some vegetation maintenance through a standard instead of an environmental review will reduce the time and money associated with a full review. It also better balances the goals for scenic resources and natural resources in Portland.

Community involvement was conducted largely through the Central City 2035 Plan (CC2035). The issue of trees and vegetation growing and blocking views and the time/money associated with reviews was identified while updating views of the Central City and Mt Hood from the Washington Park International Rose Garden. Notice regarding the proposed amendments was sent to the CC2035 mailing list, the legislative list and all property owners where the s overlay zone will be reapplied. During the Planning and Sustainability Commission hearings there was no objection to the zoning map or code amendments. There was general support from Portland Parks and Recreation and the Japanese Garden because the zoning map and code amendments will make it easier to maintain views from the Rose Garden and Japanese Garden, as well as other views around the city such as those from Rocky Butte, Mt Tabor and Council Crest.

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Budgetary Impact Worksheet**Does this action change appropriations?**

YES: Please complete the information below.

X NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

City Council Amendments to the *Central City 2035 Plan Vol. 2, Part 3* *Environmental and Scenic Outside of the Central City*

Sept 8, 2017 Draft

The following amendments to elements of the *Recommended Draft Central City 2035 Plan* will be considered by the Portland City Council at the September 14, 2017 public hearing regarding Environmental and Scenic outside of the Central City. The public is welcome to testify on any of the proposed amendments at the hearing. Please reference the amendment number in testimony.

Ordinance: Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Ordinance; amend Code Chapters 33.430 and 480)

This document will be updated as new amendments are proposed.

City Council Amendments

September 14, 2017 Public Hearing

Ordinance: Adopt the Central City 2035 Plan, Volume 2A, Part 3, Environmental and Scenic, amend the Portland Zoning Map, and Portland Zoning Codes 33.430, Environmental Overlay Zones, and 33.480, Scenic Resources (Ordinance; Amend Title 33.430 ad Title 33.480)

These amendments to the *Recommended Draft Central City 2035 Plan* have been offered by commissioners for discussion only. By identifying a possible change, the sponsoring commissioner is expressing an interest in further discussion, and has not yet committed to vote for the change.

This document will be updated as new amendments are proposed.

Changes to existing code are shown using underline for new language and ~~strikeout~~ for deleted language.

Amendments are organized by topic area:

Amendment	Sponsor	Page #
1. View Corridor on Broadmoor Golf Course	Wheeler	2
2. Scenic Resource Overlay Zones	Wheeler	2
3. Dredging in the Willamette River and Other Waterbodies	Wheeler	23

1. View Corridor on Broadmoor Golf Course

Code section(s): Official Zoning Maps

Requested by: Wheeler

Explanation: Remove the view corridor located on the Broadmoor Golf Course. Through the Comprehensive Plan 2035, the lower section of Broadmoor Golf Course is being rezoned to industrial to support meeting the industrial job needs identified in the Economic Opportunity Analysis (EOA). This particular view corridor will be developed with industrial uses. To reconcile the Comprehensive Plan with the views, the view corridor VP 12-02, shown on Map 16c of the Scenic Resources Protection Plan (1991), will be remove.

Related testimony (for or against): None.

Amended maps: Shown on maps for Amendment 2, Scenic Resource Overlay Zones.

2. Scenic Resource Overlay Zones

Code section(s): Official Zoning Maps

Requested by: Wheeler

Explanation: Add overlay zone maps to Volume 2A, Part 3. The scenic (s) overlay zone is being reapplied to view corridors designated in the 1991 Scenic Resources Protection Plan (SRPP) where the view corridor overlaps with a conservation (c) or protection (p) overlay zone. This is necessary to clarify where the new standard for tree trimming and removal applies. The maps showing the location of the s overlay were inadvertently left out of CC2035, Volume 2A, Part 3. The location of the view corridors was included in CC2035, Volume 3A, Part 1 and 3. Please note that the Japanese Garden view corridor and s overlay zone are addressed as part of the CC2035 main ordinance, which was heard on Sept 7, 2017.

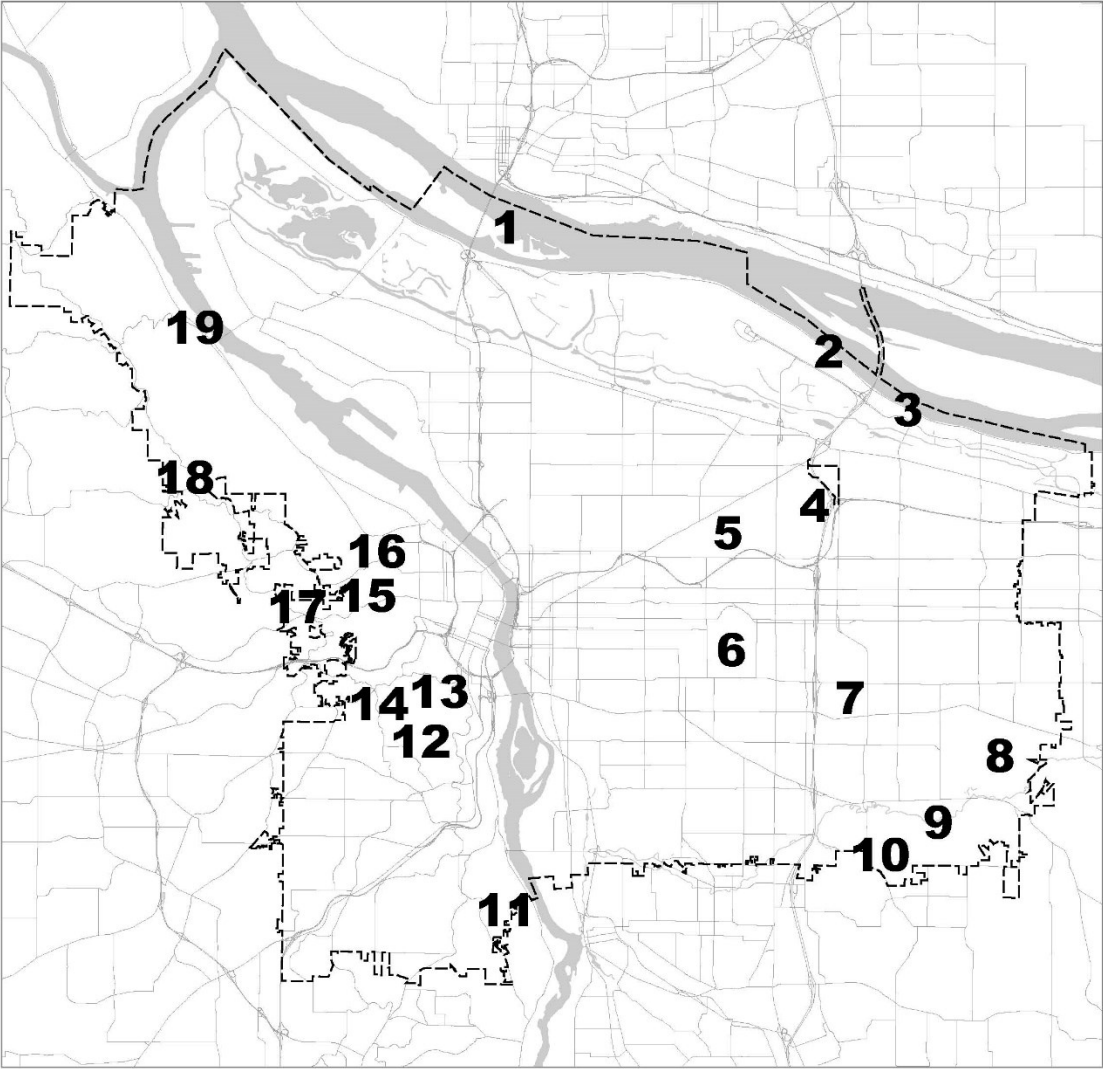
Related testimony (for or against): None.

Amended maps: Shown on following pages.

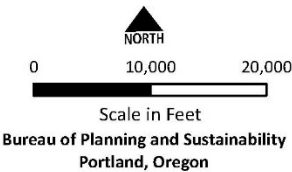
**Recommended Scenic Resource
Overlay Zones**

Index Map

August 2017



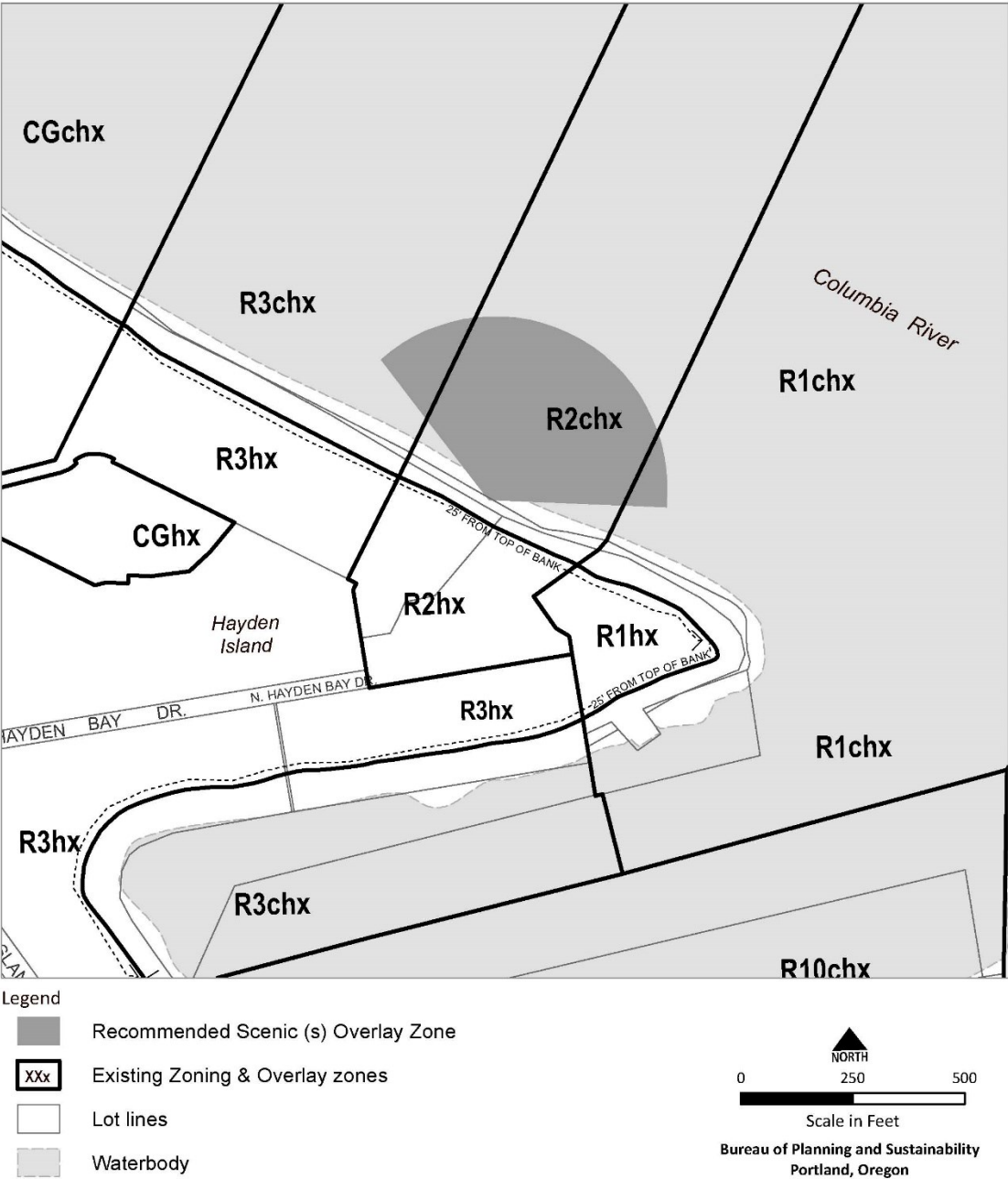
----- City Boundary



Recommended Scenic Resource Overlay Zones

Map 1 of 19

August 2017



Recommended Scenic Resource Overlay Zones

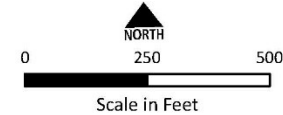
Map 2 of 19

August 2017



Legend

- Recommended Scenic (s) Overlay Zone
- Existing Zoning & Overlay zones
- Lot lines
- Waterbody



Bureau of Planning and Sustainability
Portland, Oregon

Recommended Scenic Resource Overlay Zones

Map 3 of 19

August 2017



Legend

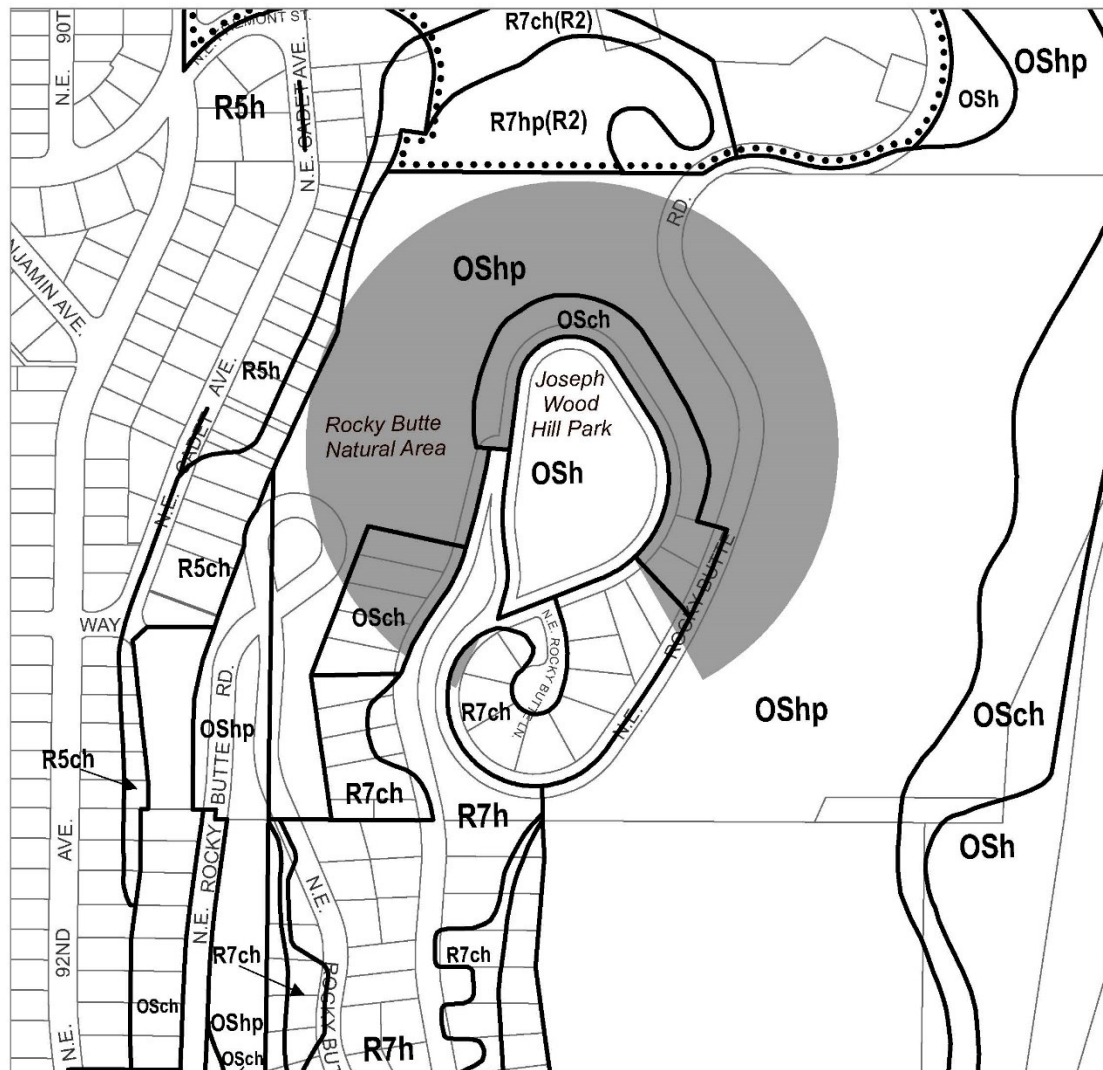
- Recommended Scenic (s) Overlay Zone
- Existing Zoning & Overlay zones
- Lot lines
- Waterbody







Recommended Scenic Resource Overlay Zones

Map 4 of 19

August 2017



Legend

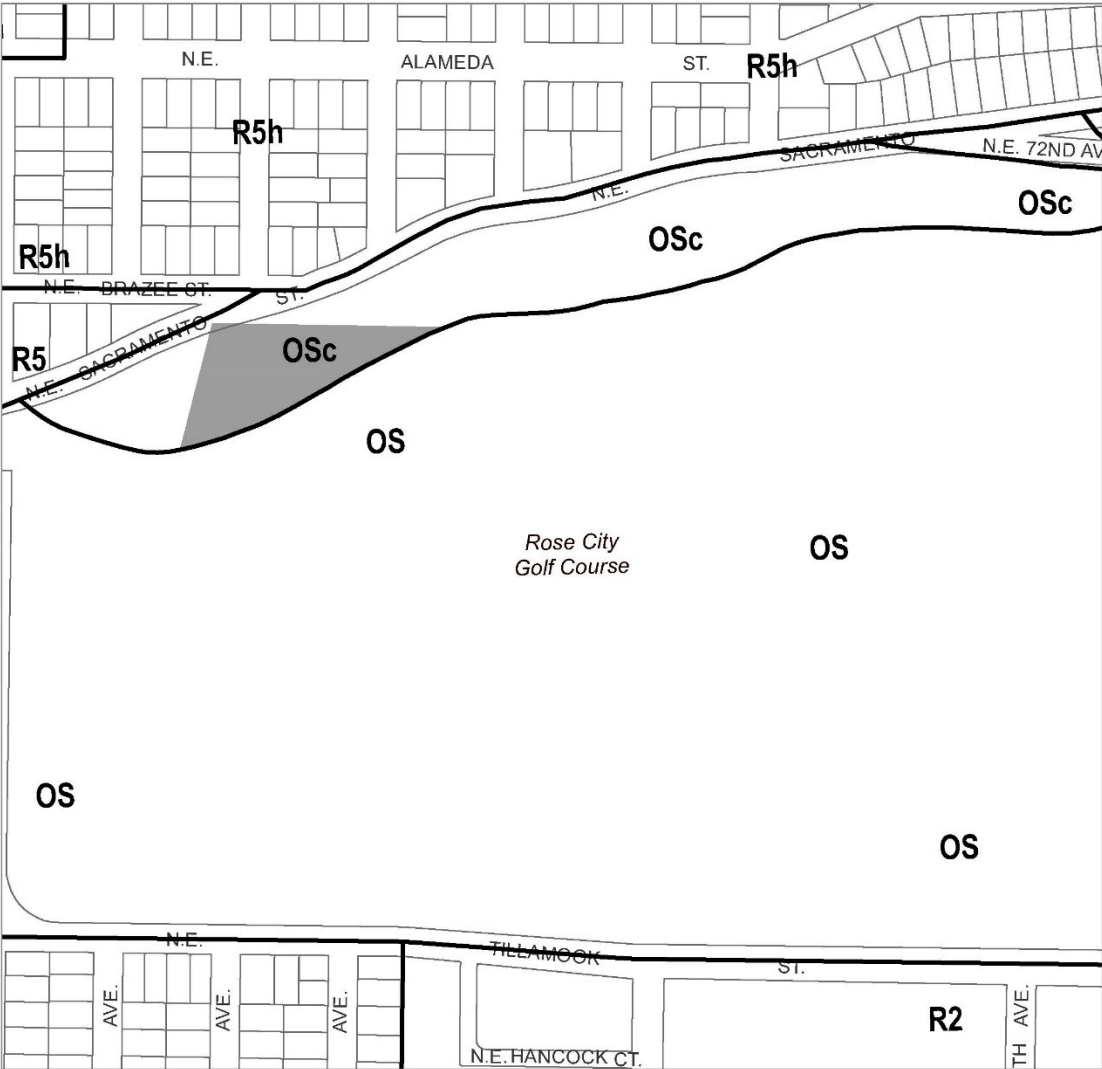
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|  | Recommended Scenic (s) Overlay Zone |
|  | Existing Zoning & Overlay zones |
|  | Lot lines |
|  | Waterbody |







Recommended Scenic Resource Overlay Zones

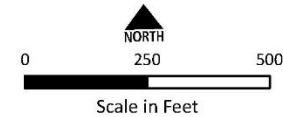
Map 5 of 19

August 2017



Legend

-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody

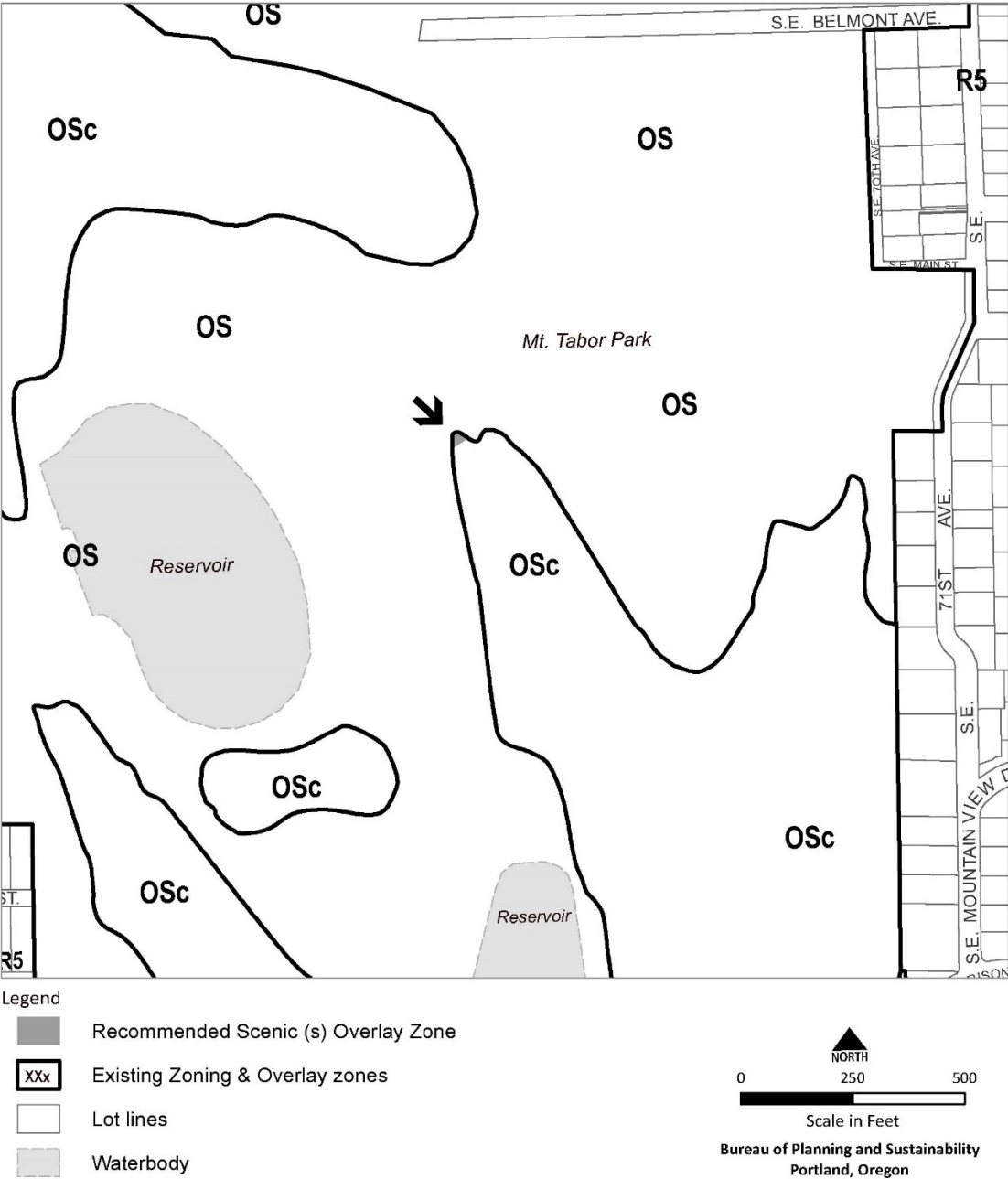


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Portland, Oregon

Recommended Scenic Resource Overlay Zones

Map 6 of 19

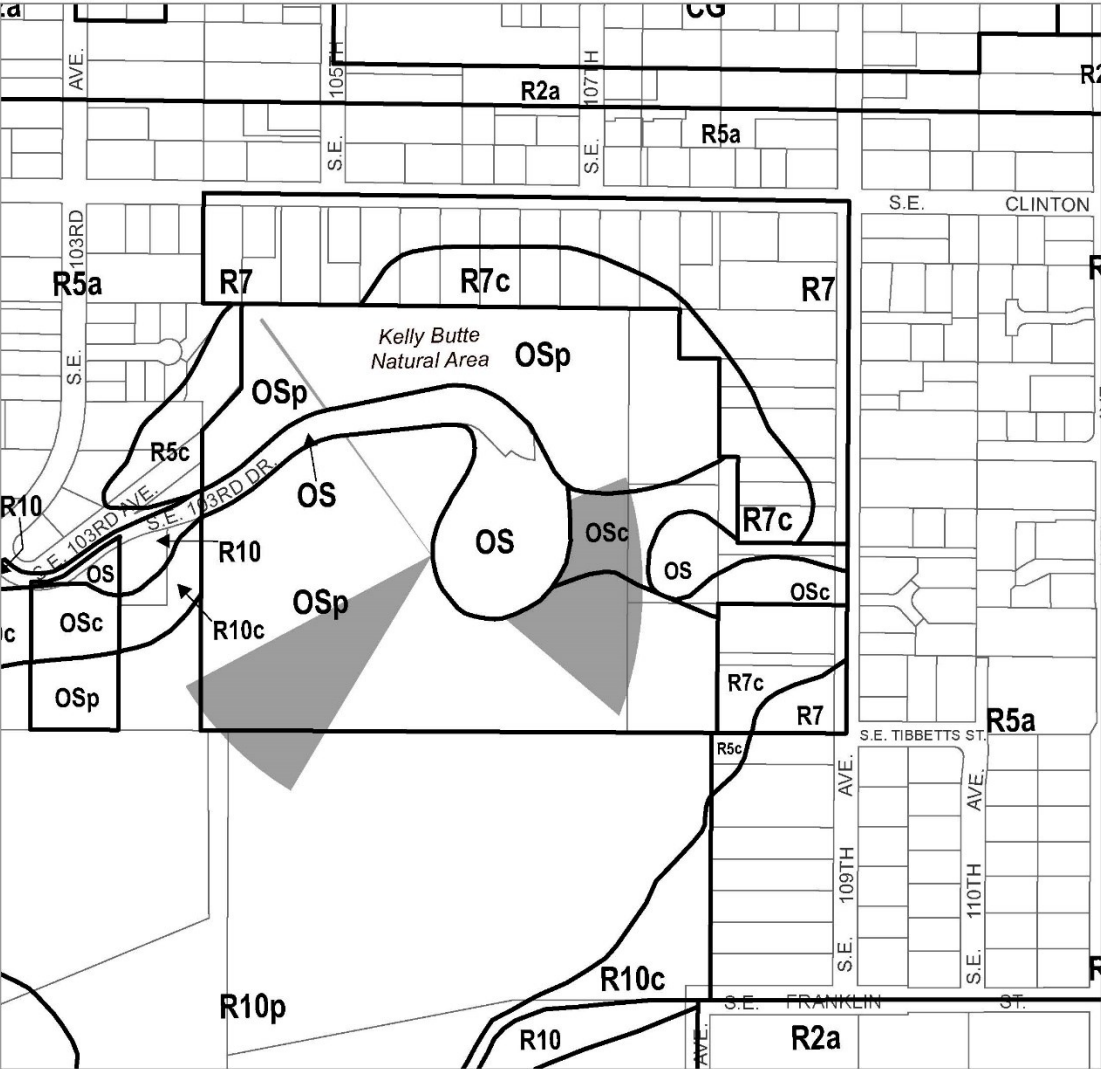
August 2017



Recommended Scenic Resource Overlay Zones

Map 7 of 19

August 2017



- Legend
- Recommended Scenic (s) Overlay Zone
 - Existing Zoning & Overlay zones
 - Lot lines
 - Waterbody







Recommended Scenic Resource Overlay Zones

Map 8 of 19

August 2017



Legend

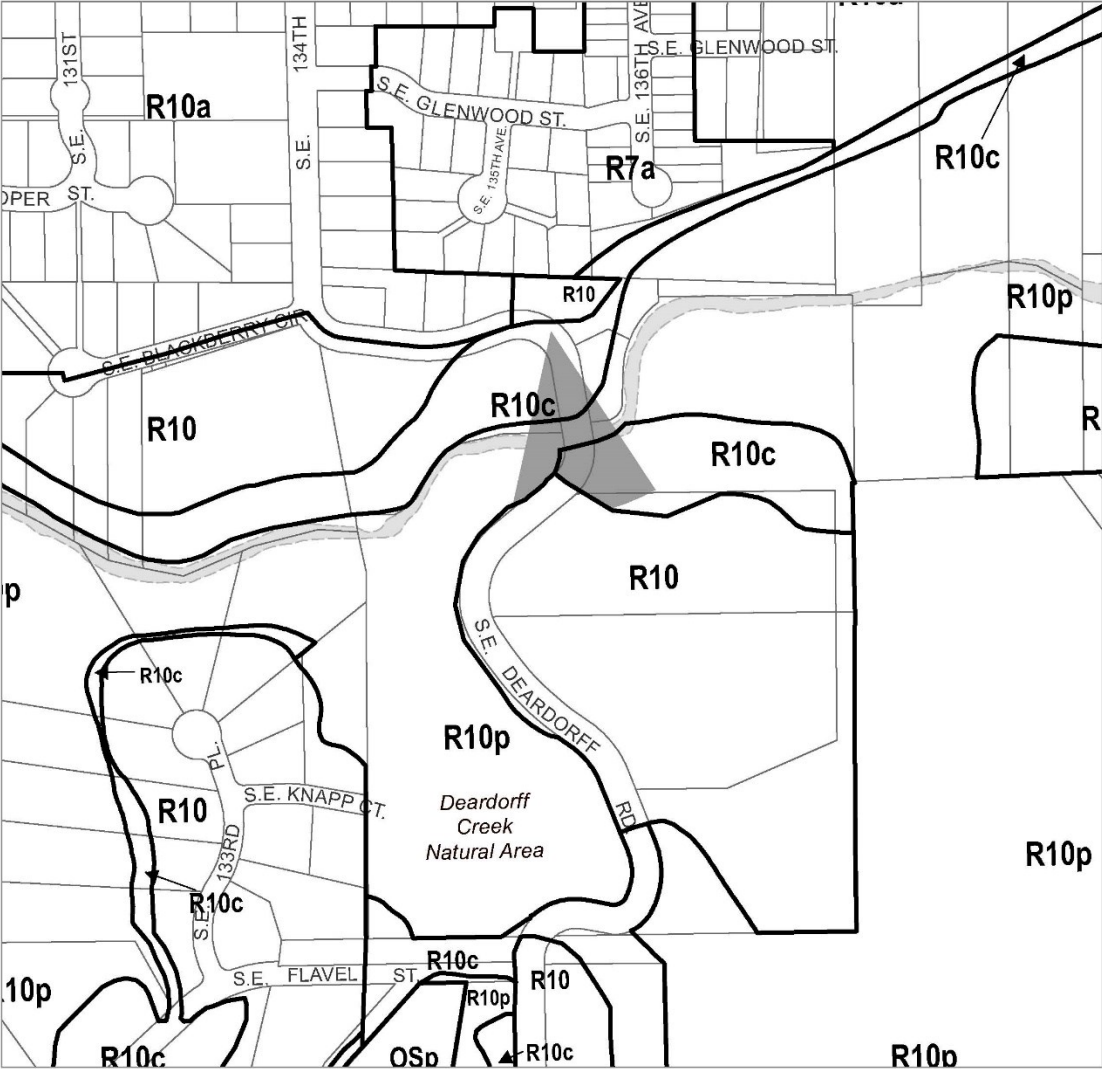
-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody



Recommended Scenic Resource Overlay Zones

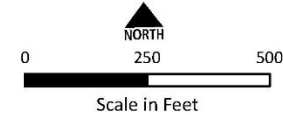
Map 9 of 19

August 2017



Legend

- Recommended Scenic (s) Overlay Zone
- Existing Zoning & Overlay zones
- Lot lines
- Waterbody

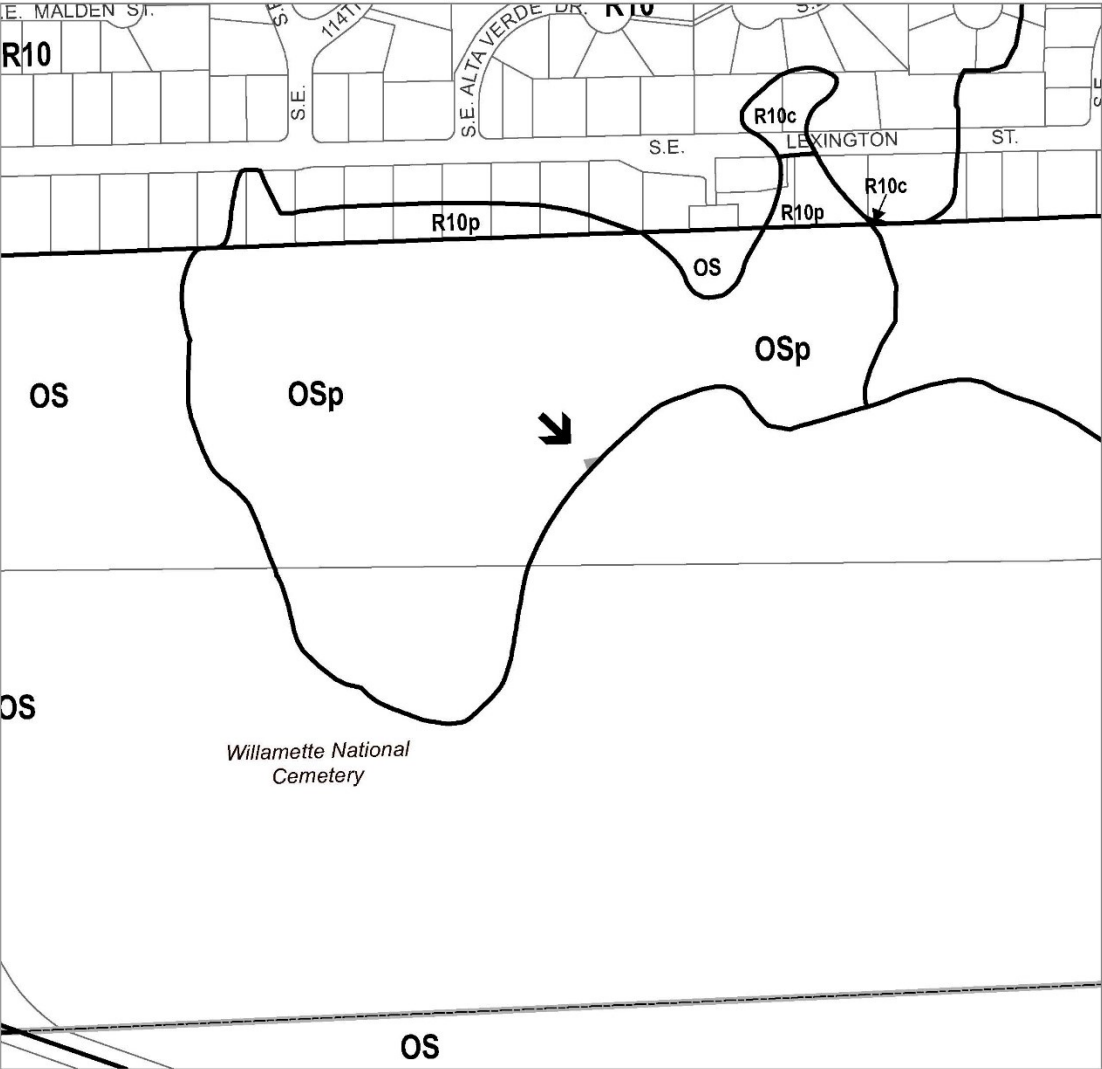


Scale in Feet
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Portland, Oregon

Recommended Scenic Resource Overlay Zones

Map 10 of 19

August 2017



Legend

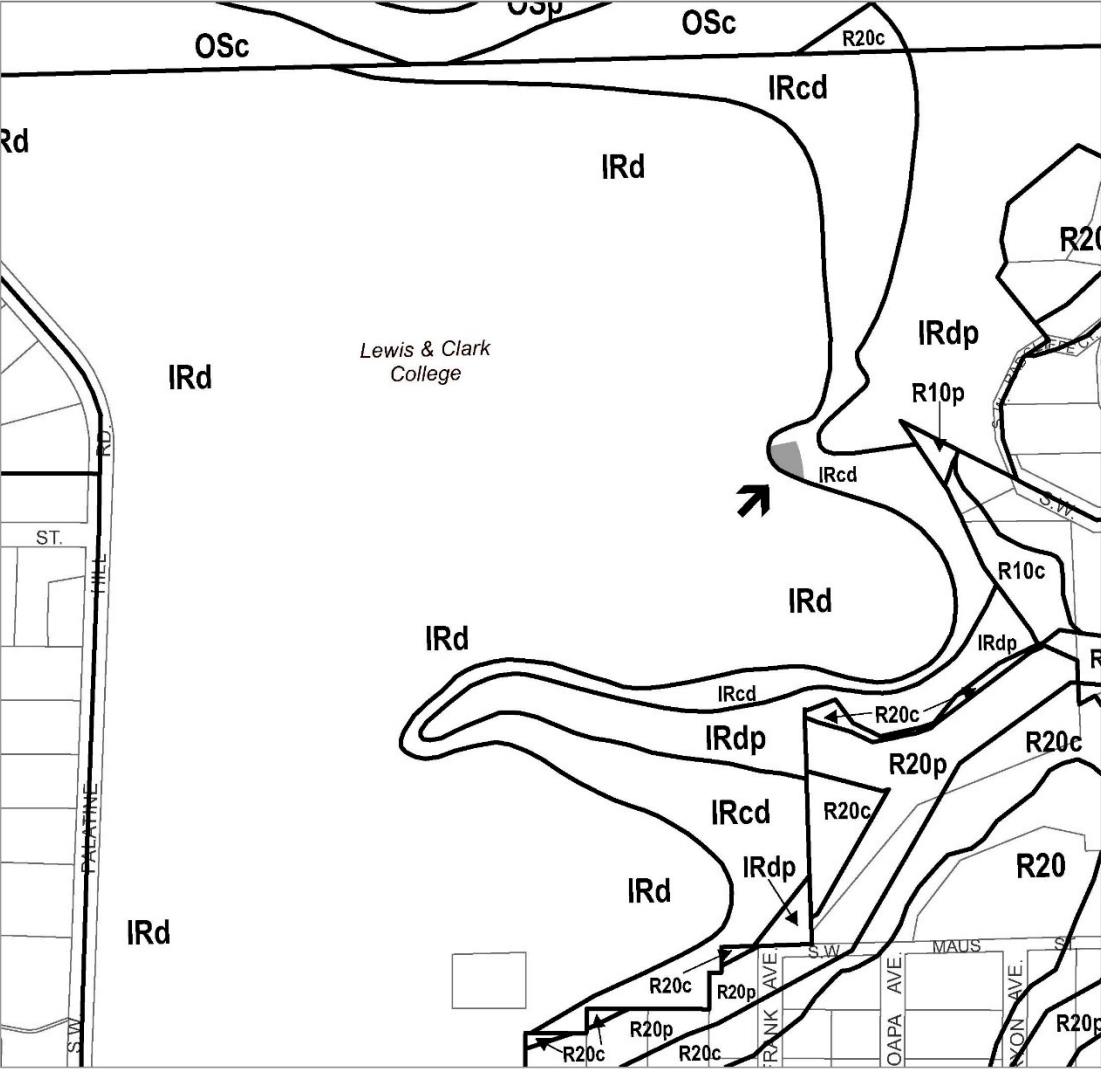
- Recommended Scenic (s) Overlay Zone
- Existing Zoning & Overlay zones
- Lot lines
- Waterbody







Recommended Scenic Resource Overlay Zones

Map 11 of 19

August 2017



Legend

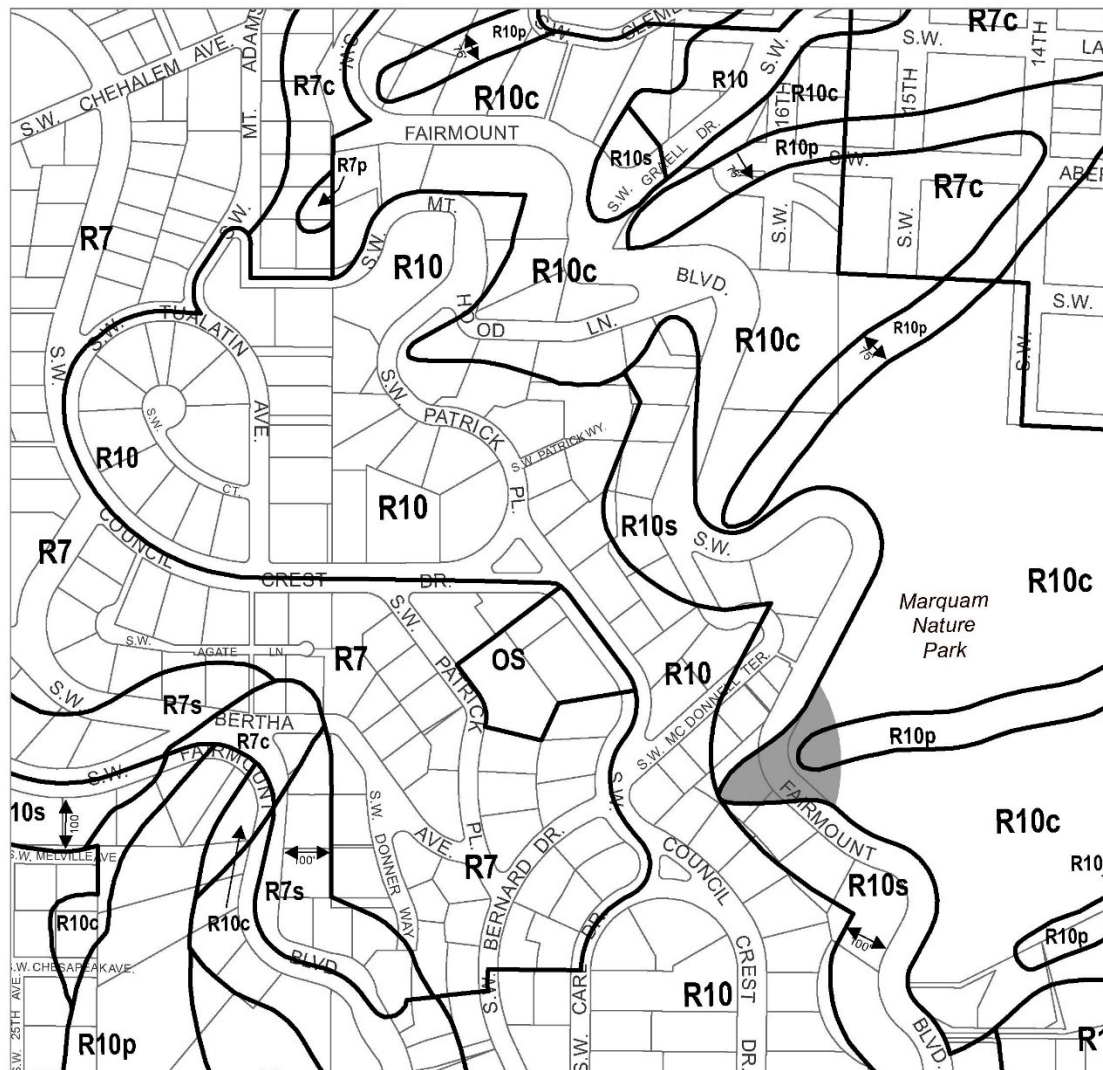
-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody







Recommended Scenic Resource Overlay Zones

Map 12 of 19

August 2017



Legend

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|  | Recommended Scenic (s) Overlay Zone |
|  | Existing Zoning & Overlay zones |
|  | Lot lines |
|  | Waterbody |



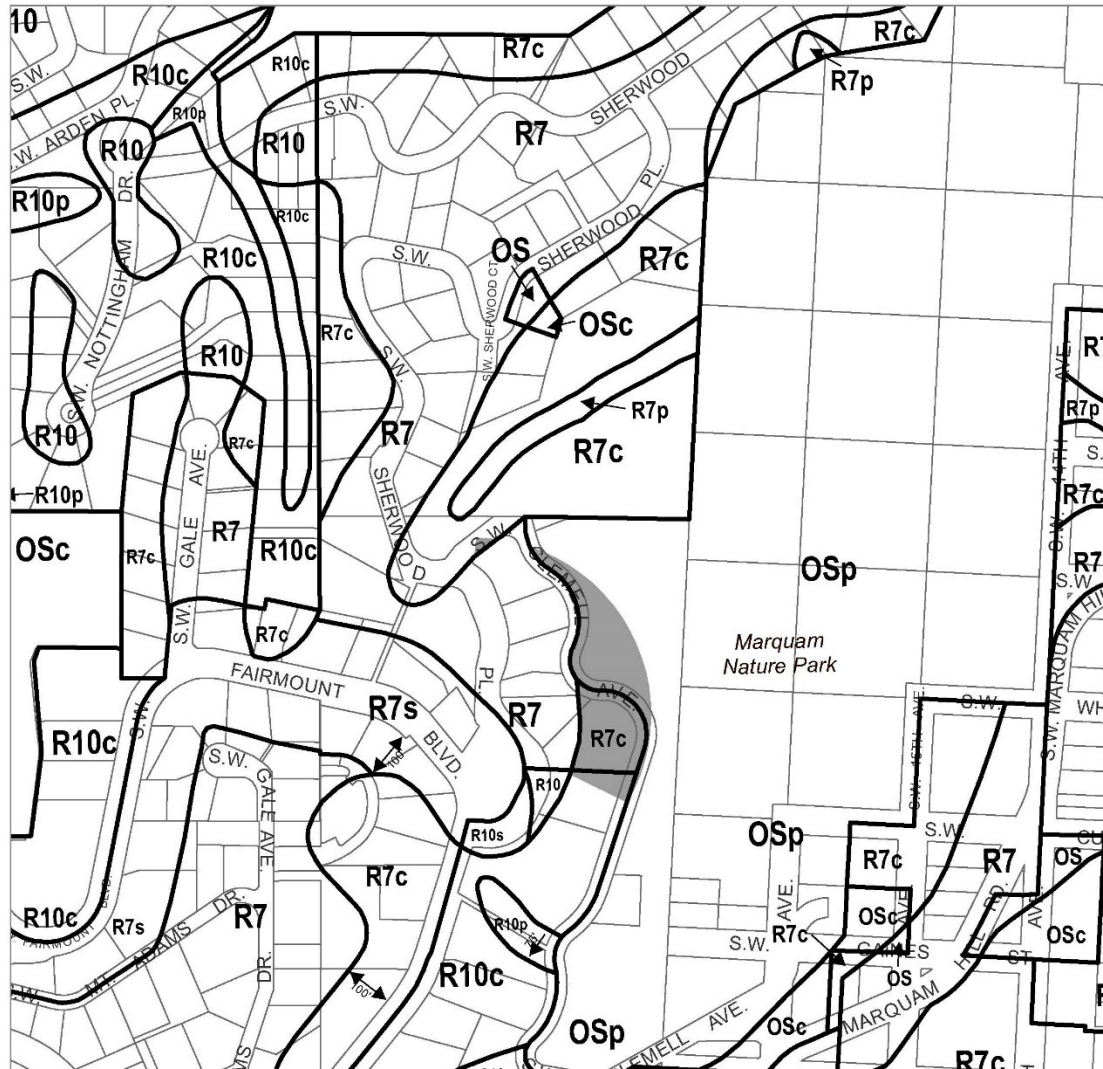
Scale in Feet

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



Recommended Scenic Resource Overlay Zones

Map 13 of 19

August 2017



Legend

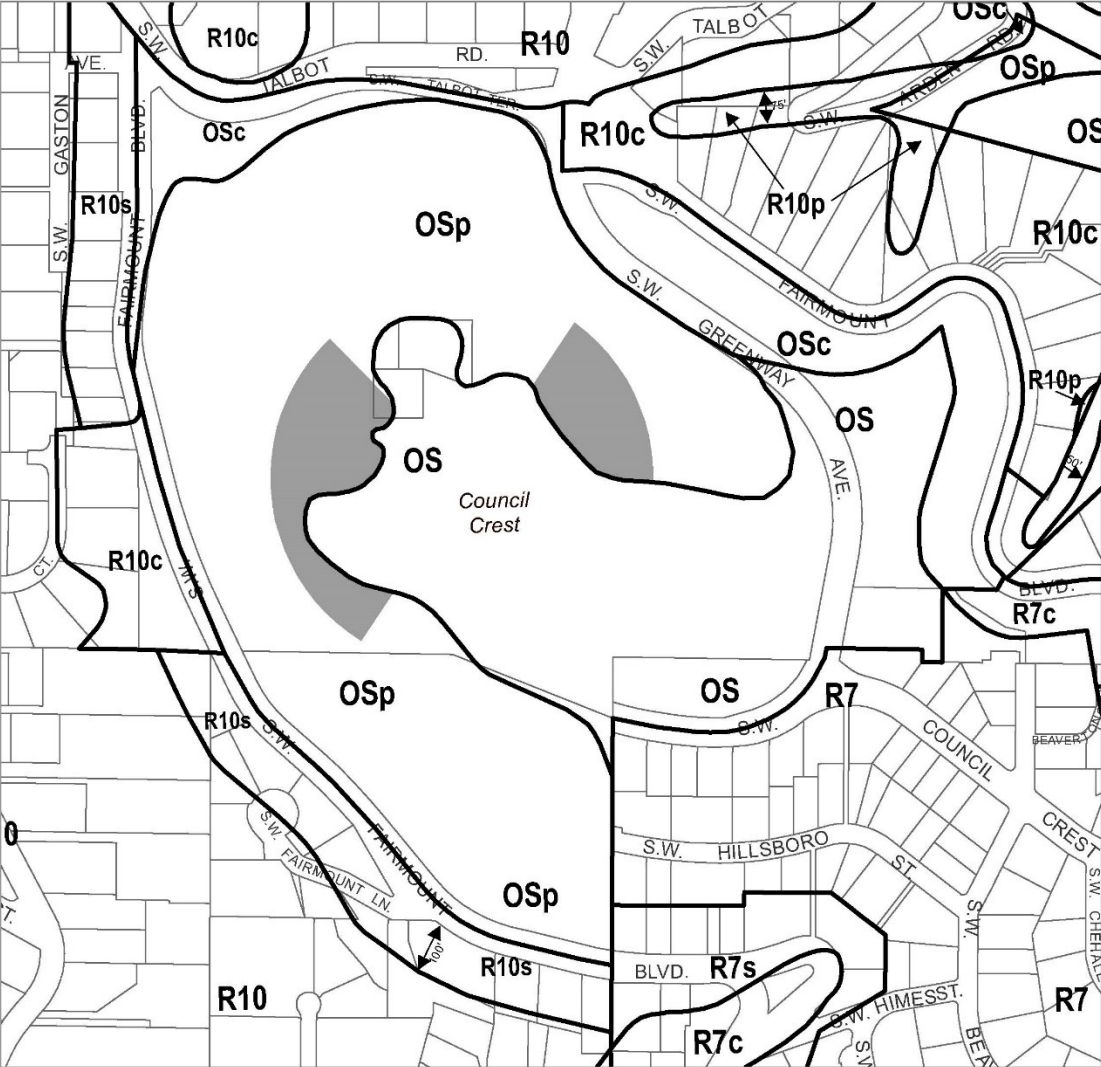
-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody



Recommended Scenic Resource Overlay Zones

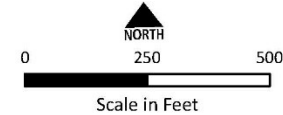
Map 14 of 19

August 2017



Legend

- Recommended Scenic (s) Overlay Zone
- Existing Zoning & Overlay zones
- Lot lines
- Waterbody

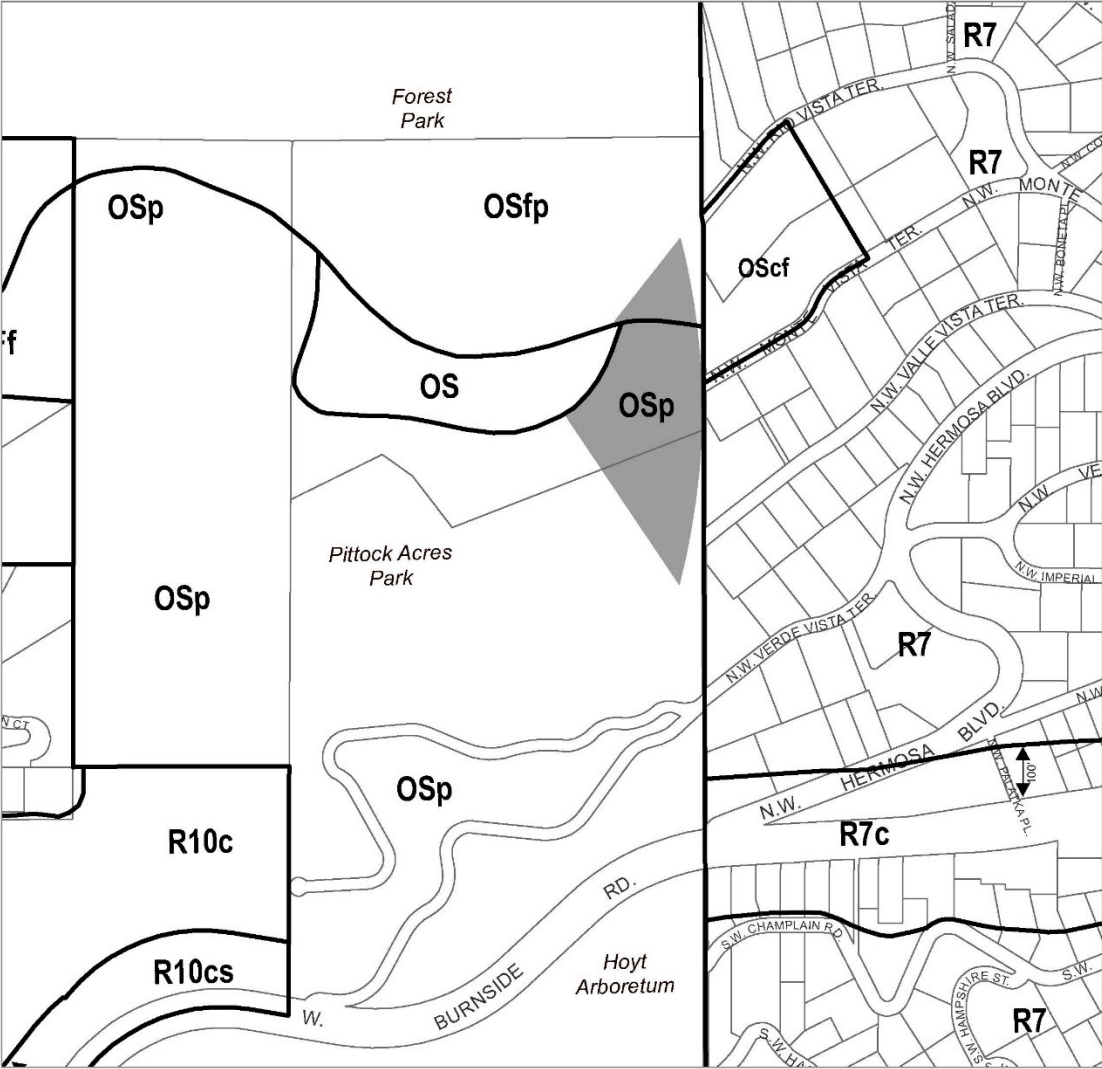


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Portland, Oregon

Recommended Scenic Resource Overlay Zones

Map 15 of 19

August 2017



Legend

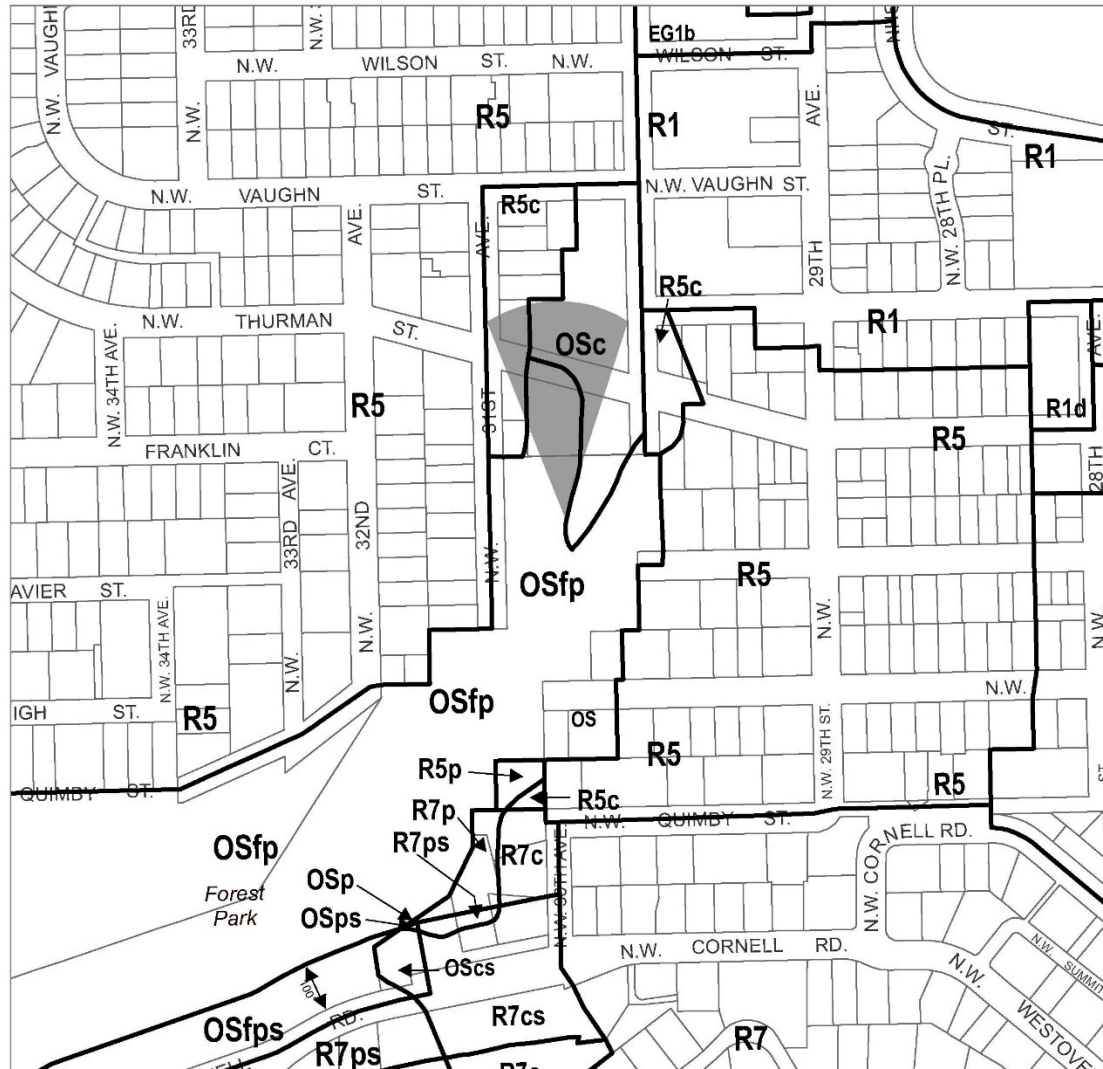
-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody






Recommended Scenic Resource Overlay Zones

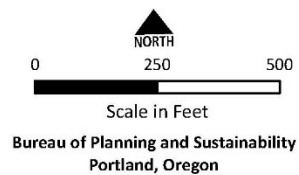
Map 16 of 19

August 2017



Legend

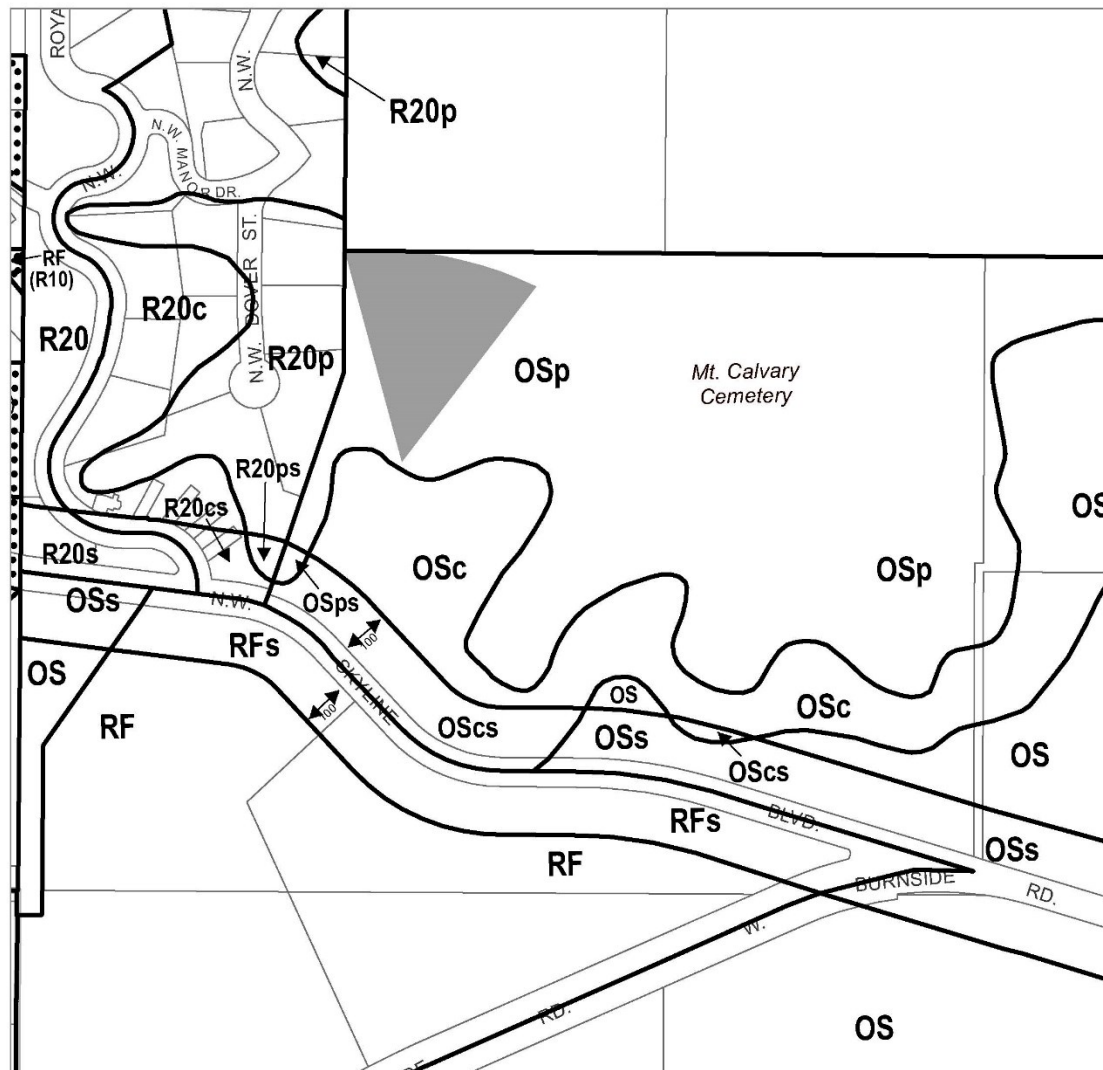
-  Recommended Scenic (s) Overlay Zone
-  Existing Zoning & Overlay zones
-  Lot lines
-  Waterbody







Recommended Scenic Resource Overlay Zones

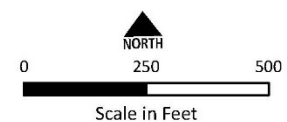
Map 17 of 19

August 2017



Legend

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|  | Existing Zoning & Overlay zones |
|  | Lot lines |
|  | Waterbody |

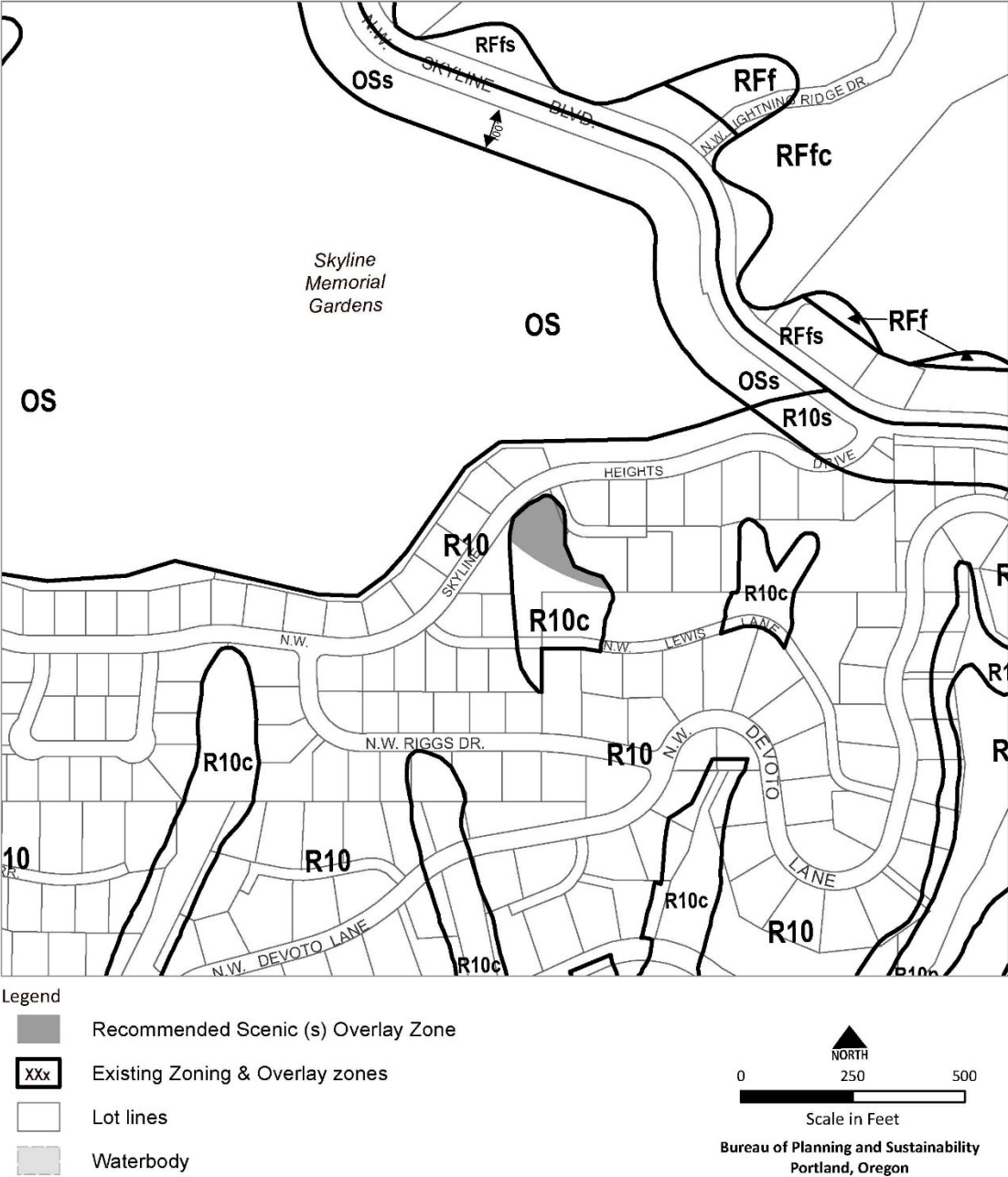


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Portland, Oregon**

Recommended Scenic Resource Overlay Zones

Map 18 of 19

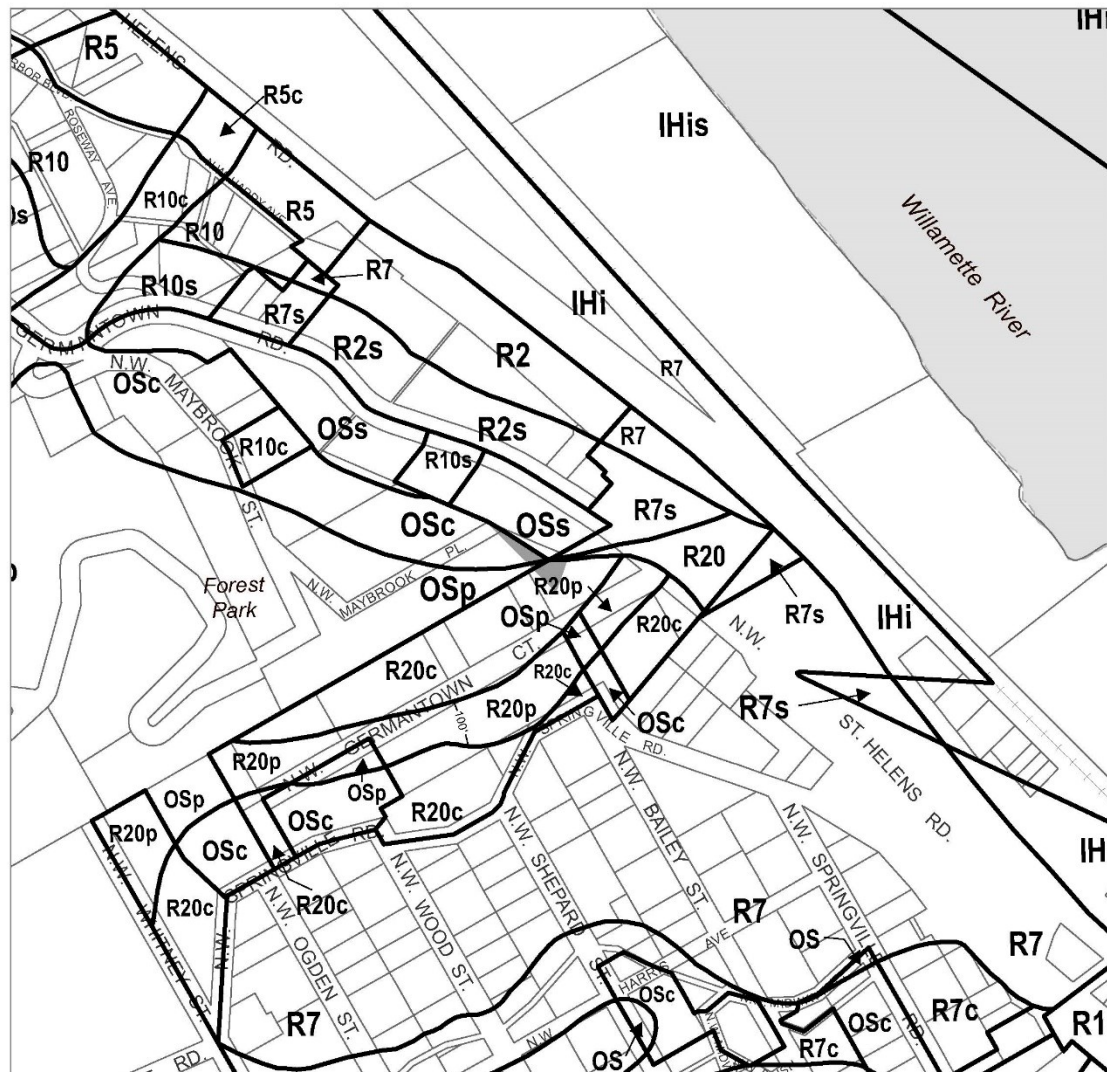
August 2017







Recommended Scenic Resource Overlay Zones

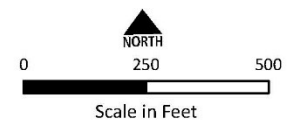
Map 19 of 19

August 2017



Legend

-  Recommended Scenic (s) Overlay Zone
 Existing Zoning & Overlay zones
 Lot lines
 Waterbody



**Bureau of Planning and Sustainability
Portland, Oregon**

3. Dredging in the Willamette River and Other Waterbodies

Code section(s): 33.430.080

Requested by: Wheeler

Explanation: Delete the exemption for dredging, channel maintenance or the removal of materials from rivers in environmental overlay zones. The exemption is no longer necessary because a proposed amendment to Zoning Code Chapter 33.10, contained in the Major Amendments to CC2035 Volume 2A, Part 1 reviewed by City Council at the September 7 hearing, clarifies that the zoning code applies to dredging only in the Willamette River Central Reach. In the Willamette River North and South Reach and other rivers, streams and drainageways, the zoning code does not apply to dredging. Because 33.10 is being amended to continue to not regulate dredging in waterbodies other than the Willamette River Central Reach, the exemption 33.430.080 for dredging in the conservation (c) or protection (p) overlay zone is unnecessary.

The other subsections of 33.430.080.C are not proposed to be amended.

Related testimony (for or against): None **Amendment**

text:

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;
 - 2.-6. [No change]
 7. Removal or trimming of vegetation when no development or other activities subject to the development standards or review requirements of this chapter are proposed, if the following are met:
 - a. All vegetation removal or trimming activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.
 - b. The vegetation proposed for removal or trimming is one of the following:
 - (1) Trees or plants listed on the Nuisance Plant List;

- (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
 - Remain, or are placed, in the resource area of the same ownership on which they are cut; or
 - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
- (3) Non-native non-nuisance trees and plants;
- (4) Trees or tree limbs that are within 10 feet of an existing building and structures attached to buildings, such as decks, stairs and carports;
- (5) Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources Protection Plan* or *Central City Scenic Resources Protection Plan*. ~~Trees that exceed the height restrictions of a City-designated view corridor may be removed or pruned to maintain the view corridor.; or~~
- (6) Within the Scenic Resource zone, tree limbs may be trimmed to maintain a view. Tree removal is not exempt.

8. - 11 will not be renumbered]

528-2018 Substituted Exhibits

Attachment B: Guide to Legislative Packet for May 24

#	Ordinances, Resolutions and Exhibits	Changes since first filed
1	Main CC2035 Ordinance. Substitute. 189000	New and revised directives. Change title & effective date.
	Exhibit A: Findings Report	Several revised and new findings.
	Exhibit B: Volume 1, Goals & Policies	Added a policy, a few minor edits
	Exhibit C: Volume 2A, Zoning Code & Map Amendments, Part 1: Central City Plan District	Extensive map and code changes
	Exhibit D: Volume 2A, Zoning Code & Map Amendments, Part 2: Willamette River & Trails	Many map and code changes
	Exhibit E: Volume 2B, Transportation System Plan Amendments	Changed maps and project list
	Exhibit F: Volume 3A, Scenic Resources Protection Plan, Part 1: Summary, Results & Impl.	Few edits to text, replaced all Map A (8 maps)
	Exhibit G: Volume 3A, Scenic Resources Protection Plan, Part 2: Scenic Resources Inventory	No changes
	Exhibit H: Volume 3A, Scenic Resources Protection Plan, Part 3: Economic, Social, Environmental & Energy Analysis	Changes to 2 ESEE decisions & management recommendations
	Exhibit I: Volume 3B, Willamette River Central Reach Natural Resources Protection Plan	No changes
	Exhibit J: Volume 4, Background Materials	No changes
	Exhibit K: Volume 6, Public Involvement	No changes
	Exhibit L: Additional Amendments to the 2035 Comprehensive Plan New	New
	Exhibit M: Comprehensive Plan Map CON-05, Significant Scenic Resources New	New (2 maps)
2	RiverPlace Ordinance. New	New Ordinance
	Exhibit A: Central City Plan District Code and Map Amendments	New
	Exhibit B: PBOT Supplemental Transportation Analysis	New
	Exhibit C: Findings Report	Same as Exhibit A: Findings Report from Main Ordinance
3	Environmental & Scenic: Outside of CC Ordinance. Substitute. 189002	New & revised directives. Change effective date.
	Exhibit A: Scenic and Environmental Resources Findings of Fact Report	Few revised and new findings
	Exhibit B: Volume 2A, Zoning Code & Map Amendments, Part 3	Few edits to maps and code
	Exhibit C: Volume 3A, Scenic Resources Protection Plan, Part 1: Summary, Results & Impl.	Same as amended Exhibit F of main Ordinance
	Exhibit D: Volume 3A, Scenic Resources Protection Plan, Part 2: Scenic Resources Inventory	Same as Exhibit G of main Ordinance, no changes
	Exhibit E: Volume 3A, Scenic Resources Protection Plan, Part 3: Economic, Social, Environmental & Energy Analysis	Same as amended Exhibit H of main Ordinance
	Exhibit F: Volume 6, Public Involvement	Same as Exhibit K of main Ordinance, no changes.
	Exhibit G: Amendments to the 1991 Scenic Resources Protection Plan NEW	New
4	Actions/UD/Targets Resolution. Amended	Change effective date.
	Exhibit A: Volume 5A, Implementation: Performance Targets & Action Plans	Various new and amended action items.
	Exhibit B: Volume 1, Goals & Policies	Same as Exhibit B of main ordinance
5	Green Loop Resolution. Amended.	New "resolved" statement. Change effective date.
	Exhibit A: Volume 5B, Implementation: Green Loop Concept Report	No change

528-2018

528-2018
EXC
(Renamed)
(EX F)

Exhibit A: Scenic and Environmental Resources

Findings of Fact Report

Findings on Statewide Planning Goals

State planning statutes and Portland City Code require cities to adopt and amend comprehensive plans and land use regulations in consistent with state land use goals. Only the stated goals addressed below apply.

1. **GOAL 1, CITIZEN INVOLVEMENT.** Goal 1 requires development of a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Goal 1 applies to all legislative land use decisions.

The amendments to 33.430, Environmental Overlay zones, and 33.480, Scenic Recourses, were proposed through the Central City 2035 Plan (CC2035) and followed its citizen involvement process. Each of the three primary phases in the development of CC2035 involved a detailed approach to addressing the requirements of Goal 1. Although the entire public involvement processed of CC2035 is detailed in Volume 6 – Public Involvement (see Exhibit C of this ordinance), it is also summarized in this ordinance as follows:

The CC2035 involved a number of topic specific based efforts. These efforts used a combination of committees, public open house events, and meetings with community based organizations to provide additional opportunities to influence the final recommendations to CC2035. They included the following:

- **Discussion Draft.** Release on February 8, 2016, this draft of the plan presented preliminary zoning amendments and policy for CC2035, including zoning amendments for 33.430, Environmental Overlay zones, and 33.480, Scenic Resources. Open house events attended by more than 70 were held, and staff attended over 40 community meetings related to this draft. Public input on this first draft closed on March 31, 2016, and over 200 written comments were submitted.
- **Proposed Draft.** On June 20, 2016, the Proposed Draft of CC2035, including zoning amendments for 33.430, Environmental Overlay zones, and 33.480, Scenic Resources, was released in preparation of the Planning and Sustainability Commission (PSC) review of the plan. Notice of the Proposed Draft was sent to all property owners with proposed scenic (s) overlay zones. This draft of the plan was amended from the earlier Discussion Draft based on much of the public input provided during the review period of that draft. Prior to the first PSC public hearing, held on July 26, 2016, additional open house events were held.
- **Recommended Draft.** On June 22, 2017, the Recommended Draft of CC2035, including zoning amendments for 33.430, Environmental Overlay zones, and 33.480, Scenic Resources, was released in preparation of City Council review of the plan. Notice to people who testified to PSC and all neighborhood associations in Portland. This draft of the plan was amended from the earlier Proposed Draft and presents the recommendation of the PSC to City Council. Prior to the

first Council public hearing, held on September 7, 2017, additional open house events were held.

2. **GOAL 2, LAND USE PLANNING.** Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision.

The amendments support this goal because zoning amendments for 33.430, Environmental Overlay zones, and 33.480, Scenic Resources, were developed consistent with State-wide Planning Goals, the Metro Urban Growth Management Functional Plan, and 2035 Comprehensive Plan, as detailed in this ordinance. The plan was developed in consultation and partnership with all applicable City of Portland bureaus, such as Portland Parks and Recreation and the Portland Bureau of Transportation, state agencies, such as Department of Land Conservation and Development, and local agencies, such as Metro. The amendments are made based on an adequate factual basis developed in coordination with the partners listed above.

3. **GOAL 5, NATURAL RESOURCES, SCENIC AND HISTORIC AREAS AND OPEN SPACES.** Goal 5, Natural Resources, Scenic and Historic Areas, Natural Resources and Open Spaces requires the protection of natural resources and the conservation of scenic and historic resources and open spaces. The amendments are consistent with this goal in the following ways:

- A. **Scenic Resources.** Chapter 33.480, Scenic Resources, includes zoning regulations for viewpoints, view corridors, scenic sites and scenic corridors. Many of the view corridors coincide with environmental overlay zones. These view corridors, where they overlap with environmental overlay zones, are added to the official zoning map as scenic (s) overlay zones. The application of the scenic (s) overlay zone to view corridors that overlap with environmental overlay zones is not a change in legislative intent adopted by the 1991 *Scenic Resources Protection Plan*. Rather, adding the scenic (s) overlay zones to the zoning maps makes the relationship between the scenic (s) overlay zone and the environmental overlay zones clearer.

The zoning code regulations are updated to state that tree preservation is not required if the tree is located within a view corridor designated in the 1991 *Scenic Resources Protection Plan*. This is not a change in the legislative intent adopted in 1991 *Scenic Resources Protection Plan* because the plan recommended a limit or prohibit decision for significant view corridors and allowing tree removal within view corridors supports protecting the significant views.

- B. **Natural Resources.** Chapter 33.430, Environmental Zones, is updated to allow vegetation maintenance within view corridors. There are viewpoints and view corridors within environmental overlay zones. The view corridors will have a scenic (s) overlay zone applied as described above. Some of these view corridors have vegetation, particularly trees, which are blocking or partially blocking views that are designated as significant in the 1991 *Scenic Resources Protection Plan*. Currently, in Chapter 33.430 there is an exemption for vegetation removal within a viewpoint; however, tree removal in a view corridor requires an Environmental Review. A new standard has been added to allow removal of trees, up to 12 inches diameter for a native tree and any size non-native tree, within scenic (s) overlay zones; provided that the

trees are replaced. If the standard cannot be met, an applicant must go through Environmental Review to remove trees.

The addition of a standard does not a change in legislative intent adopted in the 1991 *Scenic Resources Protection Plan* because the plan recommended a *limit* decision for view corridors without special height restrictions. A standard that allows tree removal with replacement implements the *limit* decision.

In addition, Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met.

C. Open Space. The amendments are consistent with protection of open spaces because the new standard in Chapter 33.430, Environmental Overlay zones, simplifies the process for removing trees within significant view corridors while also requiring trees to be replaced. Views are a primary feature of many open spaces.

- 4. GOAL 6, AIR, WATER AND LAND RESOURCE QUALITY.** Goal 6, Air, Water and Land Resource Quality, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments are consistent with this goal because trees that are removed using the new standards in Chapter 33.430, Environmental Overlay zones, must be replaced. This maintains the functions that trees provide for air, water and land resource quality.

See also finding under State Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces

- 5. GOAL 7, AREAS SUBJECT TO NATURAL HAZARDS.** Goal 7, Areas Subject to Natural Hazards, requires the protection of life and property from natural hazards. The amendments are consistent with this goal because the existing regulations of Title 10, Erosion Control, and Title 24, balanced cut and fill in the floodplains, are unchanged. In addition, the amendment requires that trees removed using the new standards in Chapter 33.430, Environmental Overlay zones, must be replaced. This maintains the functions that trees provide for slope stability and stormwater management.

See also finding under State Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces

- 6. GOAL 8, RECREATIONAL NEEDS.** Goal 8, Recreational Needs, requires satisfaction of the recreational needs of both citizens and visitors to the State. The amendments are consistent with this goal because the new standard in Chapter 33.430, Environmental Overlay zones, simplifies the process for removing trees within significant view corridors while also requiring trees to be replaced.

See also finding under State Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces.

- 7. GOAL 15, WILLAMETTE RIVER GREENWAY.** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway. The amendments are consistent with Goal 15 because the view corridors are all located outside of the Willamette Greenway Boundary.

Findings on Metro Urban Growth Management Functional Plan

The following Urban Growth Management Functional Plan Titles are applicable to the Environmental and Scenic Zoning Code and Map amendments.

8. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. In 2002 Metro deemed the City of Portland in full substantial compliance with the requirements of Title 3 based on adoption of Title 10 Erosion Control, balanced cut-and-fill provisions in Title 24 Building Regulations, and the Willamette Greenway Water Quality Zone, or “q” overlay zone.

The amendments for zoning code Chapter 33.430, Environmental Overlay zones, and Chapter 33.480, Scenic Resources, maintain and support compliance with Title 3 because the City programs deemed in compliance with Title 3 requirements for flood management, and erosion and sediment control (i.e., Title 10 Erosion Control, and the balanced cut and fill requirements of Title 24), are unchanged.

See also finding under State Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces

9. **Title 13, Nature in Neighborhoods**, is intended to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The amendments to zoning code Chapter 33.430, Environmental Overlay Zones and Chapter 33.480, Scenic Resources, maintain and support compliance with Title 13. The amendments maintain habitat and the functions they provided within the urban landscape by requiring that trees that are removed within a view corridor be replaced. In addition, Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met. The amendments require that dredging within shallow water habitat undergo an Environmental Review, which requires the applicant to avoid and minimize impacts on habitat and then mitigation for unavoidable negative impacts.

See also finding under State Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces

Findings on Portland’s 2035 Comprehensive Plan, Goals and Policies

The following principles, goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to the Environmental and Scenic Zoning Code and Map amendments.

10. **Goal 1.C: A well-functioning plan.** Portland’s Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs,

and identified problems. In general, the amendments are consistent with this goal because they do not change the policy or intent of existing regulations related Comprehensive Plan elements for natural and scenic resources.

- 11. Goal 1.D: Implementation tools.** Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation. The amendments are consistent with this goal because they protect natural and scenic resources in a coordinate and efficient manner by clearly identifying where protected scenic resources are located in relationship with protected natural resources.
- 12. Goal 1.E: Administration.** Portland's Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan as a whole. It is administered in accordance with regional plans and state and federal law. The amendments are consistent with the relevant state and regional plans as described in the previous sections including Statewide Planning Goals 1, 2, and 5-8 and Metro Urban Growth Management Functional Plan Titles 3 and 13.
- 13. Policy 1.3, Implementation tools subject to the Comprehensive Plan.** Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan. The amendments maintain Portland zoning maps and codes in compliance with the Comprehensive Plan.
- 14. Policy 1.4, Zoning Code.** Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types. The amendments update the official zoning maps to apply the scenic (s) overlay zones to view corridors designed in the adopted Scenic Resources Protection Plan (SRPP) where the view corridors overlap with conservation (c) or protection (p) overlay zones. This will clarify where standards and environmental review for scenic resources are applicable.
- 15. Policy 1.5, Zoning Map.** Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features. The amendments update the official zoning maps to apply the scenic (s) overlay zones to view corridors designed in the adopted Scenic Resources Protection Plan (SRPP) where the view corridors overlap with conservation (c) or protection (p) overlay zones. This will clarify where standards and environmental review for scenic resources are applicable.
- 16. Policy 1.10, Compliance with the Comprehensive Plan.** Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation. The findings establish that the amendments are consistent with the applicable Comprehensive Plan goals and policies. On-balance the amendments are equally or more supportive than the existing zoning code and zoning map because the amendments clarify where view corridors need to be considered as part of land use review and make management of vegetation to protect views more efficient.

- 17. Policy 1.11, Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary.** Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area. The amendments are consistent with the Metro Urban Growth Management Functional Plan. See findings under Metro Urban Growth Management Functional Plan.
- 18. Policy 1.12, Consistency with Statewide Planning Goals.** Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals. The amendments are consistent with Statewide Planning Goals. See findings under Statewide Planning Goals.

- 19. Policy 1.16, Planning and Sustainability Commission review.** Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

Consist with this policy, the amendments for zoning code 33.430, Environmental Overlay Zones, 33.480, Scenic Resources, and the official zoning maps were reviewed by the Planning and Sustainability Commission over a year period between 2016 and 2017, which included a briefing, two public hearings, and nine work sessions. On May 23, 2017, the PSC adopted a Recommended Draft of the Plan that was then forwarded to the Portland City Council for their review.

- 23. Goal 2.E: Meaningful participation.** Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Consistent with this goal, the amendments for zoning code 33.430, Environmental Overlay Zones, 33.480, Scenic Resources, and the official zoning maps were part of the Central City 2035 Plan and benefited from the public involvement process for that plan. See Exhibit C of this ordinance for the description of the public involvement process.

- 24. Policy 3.66, Connect habitat corridors.** Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

There are no amendments to the following natural resources inventories or protection plans that were adopted through previous planning efforts:

- Natural Resources Inventory
- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan

- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan
- ESEE Analysis and Recommendation for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Areas
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis
- Scenic Resources Protection Plan

The amendments are consistent with this policy 3.66 in the following ways:

- A. Chapter 33.480, Scenic Resources, includes zoning regulations for viewpoints, view corridors, scenic sites and scenic corridors. Many of the view corridors coincide with environmental overlay zones. These view corridors, where they overlap with environmental overlay zones, are added to the official zoning map as scenic (s) overlay zones.
- B. Chapter 33.430, Environmental Zones, is updated to allow vegetation maintenance within view corridors. There are viewpoints and view corridors within environmental overlay zones. The view corridors will have a scenic (s) overlay zone applied as described above. Some of these view corridors have vegetation, particularly trees, which are blocking or partially blocking views that are designated as significant in the 1991 *Scenic Resources Protection Plan*. Currently, in Chapter 33.430 there is an exemption for vegetation removal within a viewpoint; however, tree removal in a view corridor requires an Environmental Review. A new standard has been added to allow removal of trees, up to 12 inches diameter for a native tree and any size non-native tree, within scenic (s) overlay zones; provided that the trees are replaced. If the standard cannot be met, an applicant must go through Environmental Review to remove trees. My requiring replacement of trees, habitat corridors will be maintained.
- C. Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met.

25. **Policy 4.41, Scenic resources.** Enhance and celebrate Portland's scenic resources to reinforce local identity, histories, and cultures and contribute toward way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

There are no amendments proposed to the adopted Scenic Resources Protection Plan (SRPP), 1991, which designated and protected scenic resources throughout Portland. The SRPP includes mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, landmarks and other scenic resources. The amendments are consistent with this policy because they clarify where the zoning codes of 33.430, Environmental Overlay Zones, and 33.480, Scenic Resources, coincide and clarify that vegetation and tree removal are allowed within scenic (s) overlay zone.

26. **Policy 4.42, Scenic resource protection.** Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools. The amendments are consistent with this policy because zoning code Chapter 33.430, Environmental

Overlay Zones, is amended to allow tree removal within the scenic (s) resource zone in order to protect and maintain the view. The trees must be replaced outside of the view corridor. The Official Zoning Maps are updated to add the scenic (s) resource zone to view corridors designated in the SRPP (1991).

27. **Policy 4.43, Vegetation management.** Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources. The amendment are consistent with this policy because chapter 33.430, Environmental Zones, is updated to allow vegetation maintenance within view corridors. There are viewpoints and view corridors within environmental overlay zones. The view corridors will have a scenic (s) overlay zone applied as described above. Some of these view corridors have vegetation, particularly trees, which are blocking or partially blocking views that are designated as significant in the 1991 *Scenic Resources Protection Plan*. Currently, in Chapter 33.430 there is an exemption for vegetation removal within a viewpoint; however, tree removal in a view corridor requires an Environmental Review. A new standard has been added to allow removal of trees, up to 12 inches diameter for a native tree and any size non-native tree, within scenic (s) overlay zones; provided that the trees are replaced. If the standard cannot be met, an applicant must go through Environmental Review to remove trees. In addition, Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met.

28. **Policy 4.73, Design with nature.** Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation. The amendments are consistent with this policy because Chapter 33.430, Environmental Zones, is updated to allow vegetation maintenance within view corridors. There are viewpoints and view corridors within environmental overlay zones. The view corridors will have a scenic (s) overlay zone applied as described above. Some of these view corridors have vegetation, particularly trees, which are blocking or partially blocking views that are designated as significant in the 1991 *Scenic Resources Protection Plan*. Currently, in Chapter 33.430 there is an exemption for vegetation removal within a viewpoint; however, tree removal in a view corridor requires an Environmental Review. A new standard has been added to allow removal of trees, up to 12 inches diameter for a native tree and any size non-native tree, within scenic (s) overlay zones; provided that the trees are replaced. If the standard cannot be met, an applicant must go through Environmental Review to remove trees. In addition, Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met.

29. **Policy 4.78, Access to nature.** Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.
- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

The amendments are consistent with this policy because views from designated viewpoints provide access to nature including views of Mt Hood, Mt St Helens, West Hills, Willamette River, Columbia

River and other features. The amendments support access to nature by allowing vegetation that is blocking or partially block the view to be removed and replaced outside of the view.

30. **Goal 7.B: Healthy watersheds and environment.** Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

The amendments are consistent with these goals and policies of this chapter in the following ways:

- A. Chapter 33.480, Scenic Resources, includes zoning regulations for viewpoints, view corridors, scenic sites and scenic corridors. Many of the view corridors coincide with environmental overlay zones. These view corridors, where they overlap with environmental overlay zones, are added to the official zoning map as scenic (s) overlay zones.
- B. Chapter 33.430, Environmental Zones, is updated to allow vegetation maintenance within view corridors. There are viewpoints and view corridors within environmental overlay zones. The view corridors will have a scenic (s) overlay zone applied as described above. Some of these view corridors have vegetation, particularly trees, which are blocking or partially blocking views that are designated as significant in the 1991 *Scenic Resources Protection Plan*. Currently, in Chapter 33.430 there is an exemption for vegetation removal within a viewpoint; however, tree removal in a view corridor requires an Environmental Review. A new standard has been added to allow removal of trees, up to 12 inches diameter for a native tree and any size non-native tree, within scenic (s) overlay zones; provided that the trees are replaced. If the standard cannot be met, an applicant must go through Environmental Review to remove trees. By allowing some vegetation management to be done through a standard instead of review, more view corridors can be maintained. View corridors contribute to Portland's economic prosperity by attracting tourists to public areas like the Washington Park International Rose Test Garden, Japanese Garden, Pittock Mansion and other similar destinations.
- C. The amendments maintain habitat and the functions they provide (e.g., water quality, stormwater management, hazard mitigation, biodiversity, air quality, habitat connectivity, carbon sequestration, etc.) within the urban landscape by requiring that trees that are removed within a view corridor be replaced. In addition, Title 11, Trees, also applies to trees within view corridors. No changes are proposed to Title 11. Trees located in view corridors may be removed provided the regulations of Title 11 are met.
- D. Title 10 Erosion Control, and the balanced cut and fill requirements of Title 24 apply to dredging activities with streams, rivers and wetlands. No changes are proposed to Title 10 or Title 24. These regulations mitigate risks due to natural hazards including flooding and erosion.
- E. The amendments support access to nature for all residents and visitors of Portland by allowing designated view corridors to be maintained. All designated viewpoints are publicly owned or operated and open to the general public. This supports equity and community stewardship.

Findings under State Goal 5, Natural Resources, Scenic and Historic Areas, also demonstrate that the amendments are consistent with these policies and goals.

31. **Policy 7.19, Natural resource protection.** Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.
- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

The amendments are consistent with policy 7.19 because there are no amendments to the natural resources protection plans that were adopted through previous planning efforts:

- Natural Resources Inventory
- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan
- ESEE Analysis and Recommendation for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Areas
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis
- Scenic Resources Protection Plan

32. **Policy 7.21, Environmental plans and regulations.** Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. The amendments update the zoning codes and maps to clarify that vegetation and tree removal is allowed with view corridors in the scenic (s) overlay zone. Tree replace outside of the view corridor is required. This is consistent with the adopted ESEE analysis of the adopted plans.



CENTRALCITY

2035

EXHIBIT B

Volume 2A ZONING CODE & MAP AMENDMENTS

Part 3: Environmental and Scenic

Recommended Draft
June 2017



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon
Ted Wheeler, Mayor • Susan Anderson, Director



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规划和可持续发展管理局致力于提供获取信息和参加听证会的平等机遇。如果您需要特殊适应性服务、口译或翻译服务，请在活动开始前48小时内致电：503-823-7700、TTY: 503-823-6868 或联系俄勒冈州中继服务：711。

Cục Quy Hoạch và Bến Vững (The Bureau of Planning and Sustainability) cam kết đem lại quyền tiếp cận thông tin và xét xử công bằng. Nếu quý vị cần nhà ở đặc biệt, dịch vụ thông dịch hoặc phiên dịch, vui lòng gọi số 503-823-7700, dịch vụ TTY theo số 503-823-6868 hoặc Dịch Vụ Tiếp Âm Oregon theo số 711 trong vòng 48 giờ trước khi diễn ra sự kiện.

Управление планирования и устойчивого развития предоставляет равный доступ к информации и к проводимым слушаниям. Если Вам требуются особые условия или устный или письменный перевод, обращайтесь по номеру 503-823-7700, по телетайпу для слабослышащих 503-823-6868 или через Орегонскую службу связи Oregon Relay по номеру 711 за 48 часов до мероприятия.

Xafiiska Qorshaynta iyo Sugnaanta waxay u-heellan yihiin bixinta helitaan loo-siman yahay ee macluumaad iyo dhagaysiyada. Haddii aad u baahan tahat qabanqaabo gaar ah, afcelin ama turumaad, fadlan wac 503-823-7700, TTY-ga 503-823-6868 ama Xafiiska Gudbinta Oregon ee 711 muddo ah 48 saac gudahood kahor xafladda.

企画環境整備課(The Bureau of Planning and Sustainability)は体に障害を持つ方にも情報や公聴会のアクセスの平等化を図る事をお約束します。もし、通訳・翻訳その他特別な調整が必要な方は503-823-7700か、TTY、503-823-6868、又はオレゴン・リレー・サービス・711に必要時の48時間前までにお電話ください。

ທ້ອງຖານແຜນການ ແລະຄວາມຍືນຍົງໃຫ້ຄຳພັນສັນຍາທີ່ຈະໃຫ້ການເຂົ້າເຖິງຂໍ້ມູນ ແລະການຮັບຟັງເທົ່າທຽມກັນ. ຖ້າທ່ານຕ້ອງການຢາກໄດ້ການແນະນຳຊ່ວຍເຫຼືອພິເສດ, ການແປພາສາ ຫຼືແປເອກະສານ, ກະລຸນາໂທຫາ 503-823-7700, ໂທດ້ວຍ TTY ທີ່ເບີ 503-823-6868 ຫຼືໜ່ວຍບໍລິການຮິເລເຊີວິສຂອງຮັຖອໍຣິກອນທີ່ເບີ 711 ພາຍໃນ 48 ຊົ່ວໂມງກ່ອນເວລາທີ່ທ່ານຕ້ອງການ.

يلتزم Bureau of Planning and Sustainability (مكتب التخطيط والاستدامة) بتقديم تكافؤ الوصول إلى المعلومات وجلسات الاستماع. إذا كنتم تحتاجون إلى مواءمات خاصة أو لترجمة شفوية أو تحريرية، فيرجى الاتصال برقم الهاتف 503-823-7700، أو خط TTY (الهاتف النصي) على رقم الهاتف 503-823-6868 أو خدمة مرخل أوريغون على الرقم 711 في غضون 48 ساعة قبل موعد الحدث.

Biroul de Planificare si Dezvoltare Durabila asigura acces egal la informatii si audieri publice. Daca aveti nevoie de aranjament special, translatate sau traducere, va rugam sa sunati la 503-823-7700, la 503-823-6868 pentru persoane cu probleme de auz sau la 711 la Serviciul de Releu Oregon cu 48 de ore inainte de eveniment.

Управління планування та сталого розвитку надає рівний доступ до інформації та до слухань, які проводяться. Якщо Вам потрібні особливі умови чи усний чи письмовий переклад, звертайтеся за номером 503-823-7700, за номером телетайпу для людей з проблемами слуху 503-823-6868 або через Орегонську службу зв'язку Oregon Relay 711 за 48 годин до початку заходу.

It is the policy of the City of Portland that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of race, religion, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, gender identity, or source of income. The City of Portland also requires its contractors and grantees to comply with this policy.

HOW TO TESTIFY

You may submit testimony to the Portland City Council on the Recommended Draft CC2035 Plan in any of the following ways:

By Email

Send an email to cc2035@portlandoregon.gov
Subject: CC2035 Testimony

By U.S. Mail

Portland City Council
c/o Bureau of Planning and Sustainability
1900 SW 4th Ave., Suite 7100
Portland, Oregon 97201
Attn: CC2035 Testimony

Through the Map App

To review and testify on property-specific zoning, height and FAR provisions of the Recommended Draft CC2035 Plan:

www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=cc2035

To review and testify on the TSP Project List from Volume 2B: www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=cc2035TSP

To review and testify on the TSP Street Classifications from Volume 2B:
www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=cc2035TSPClass

In person at the public hearing

September 7, 2017 at 2 p.m.

City Council Chambers
1221 SW 4th Avenue, Portland

(additional hearing dates may be scheduled)

Confirm hearing dates and times

Council may hear testimony on different elements of the CC2035 Plan on different dates and times. Please confirm dates and times by checking the City Council calendar one week in advance at www.portlandoregon.gov/auditor/26997.

To testify, please provide your full name and address. Testimony to City Council is considered public record. Testifiers' names, addresses and any other information included in the testimony will be posted on the website.

Review testimony as it comes in

www.portlandmaps.com/bps/testimony

For more information

- Visit project website: www.portlandoregon.gov/bps/cc2035
- Email the project team: cc2035@portlandoregon.gov
- Call the CC2035 helpline: 503-823-4286

If you need special accommodation, translation or interpretation, please call 503-823-4086 at least 48 hours before the hearing.

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Wixii macluumaad dheeraad ah, fadlan wac 503-823-4286

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ترجمة تحريرية أو شفوية	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda	ການແປພາສາ ຫຼື ການອະທິບາຍ
503-823-7700				

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Special thanks to the current and former PSC members who chaired Central City Plan committees: Don Hanson, Katherine Schultz and Michelle Rudd.

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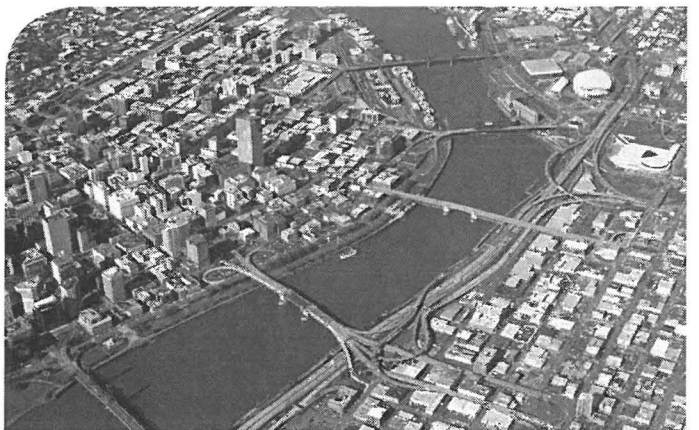
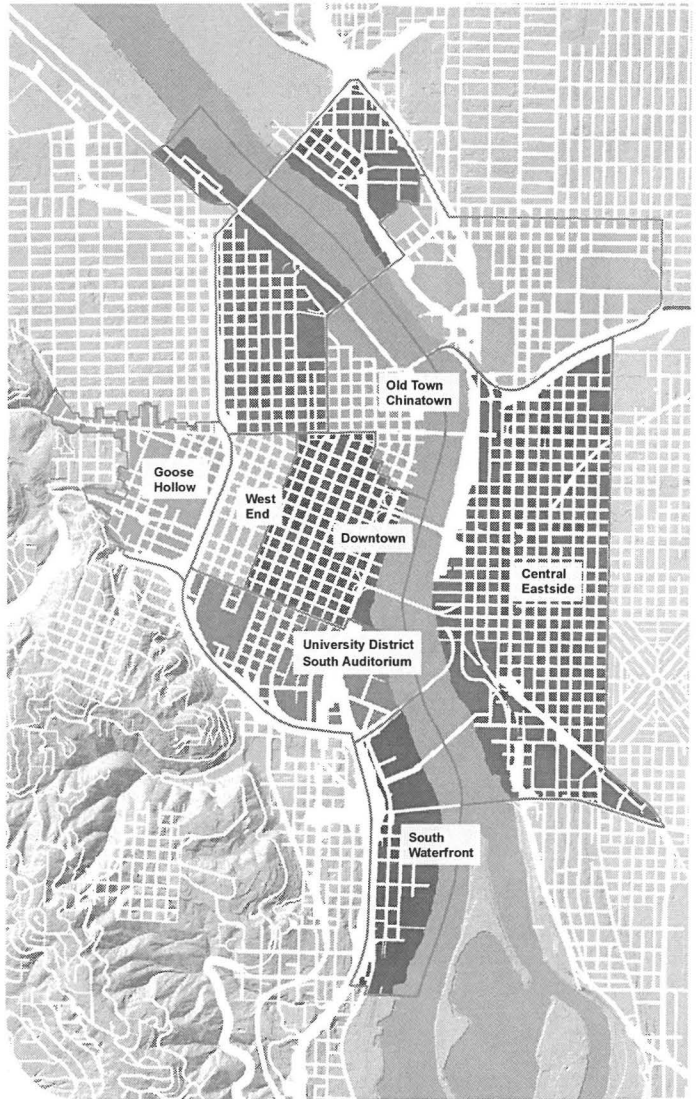
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View of Fremont Bridge and Willamette River, Central City

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33.430.033

The Scenic Resources zone is applied to view corridors and scenic corridors throughout Portland. Scenic resources are addressed by statewide land use planning Goal 5, along with natural, cultural and historic resources. When a scenic (s) overlay is applied in the same location as a conservation (c) or protection (p) overlay, the regulations of both this chapter and chapter 33.480 must be met. The recommendations of the Economic, Social, Environmental and Energy Analysis (ESEE) for the scenic resources, which are contained in various scenic resource protection plans, must be considered as part of environmental review.

33.430 Environmental Overlay Zones

430

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Map 430-5 Johnson Creek Basin Protection Plan Area

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Map 430-7 Skyline West Resource Protection Plan Area

Map 430-8 Southwest Hills Resource Protection Plan Area

Map 430-9 East Columbia Neighborhood Natural Resources Management Plan Area

Map 430-10 (Smith and Bybee Lakes Natural Resources Management Plan Area — repealed on 12/31/13)

Map 430-11 Forest Park Natural Resources Management Plan Area

Map 430-12 Peninsula One Natural Resources Management Plan Area

Map 430-13 Middle Columbia Corridor/Airport Natural Resources Inventory Environmental Mapping Project Area

Map 430-14 Bank Reconfiguration and Basking Features Area

33.430.020 Environmental Reports

The application of the environmental zones is based on detailed studies that have been carried out within ~~eight~~eighteen 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~~eighteen environmental study reports:

- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan

Commentary

33.430.033

Zoning code Chapter 33.480, Scenic Resource Zone, applies a scenic (s) overlay to view corridors. View corridors were designated in the *Scenic Resources Protection Plan* (1991). 33.480 is clear that if the s overlay overlaps with an environmental overlay zone, then the regulations of 33.430 must be met.

33.430.080.C.7.

Chapter 33.10 states that the city does regulate dredging within the river. This exemption allows dredging and channel maintenance within deep waters of the river and within the federal navigation channels. However, dredging in or near shallow water and beaches could have significant detrimental impacts on the habitat that the shallow water provides and is not exempt. Beaches and shallow water play important roles in the life cycle of aquatic species, including salmon, and impacts to these areas should be avoided and mitigated if the impacts can't be avoided. Shallow water is identified as water between zero and 20 feet deep, however using 35 feet as the trigger for review because the area between 20 and 35 feet deep represents an area of concern where the impacts of dredging could affect the habitat in the shallower areas.

Language to be added is underlined.
Language to be deleted is shown in ~~strikethrough~~.

- ESEE Analysis and Recommendation for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Areas
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis

33.430.033 Relationship to Scenic Resource Zone

When a Scenic Resource zone has been applied at the location of an environmental zone environmental review must include consideration of the development standards of Chapter 33.480, and the scenic qualities of the resource as identified in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*.

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;
- 2.-6. No change
7. Dredging, channel maintenance, and the removal of materials from rivers as follows:
 - a. Dredging, channel maintenance, and the removal of material within the federal navigation channel;
 - b. Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - (1) Dredging and the removal of materials in waters that area 35 feet deep or deeper; or
 - (2) Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers; and
 - c. The placement of dredged materials within the environmental overlay zones is not exempt.

Commentary

33.430.080.C.8.

The exemption applies to full removal of a tree or other vegetation as well as trimming of trees or vegetation.

Within a view corridor with special height restrictions trees may be removed or trimmed to preserve the view. There are two documents that designated view corridors with special height restrictions:

- The *Scenic Resources Protection Plan* (1991) applies to whole city.
- The *Central City Scenic Resources Protection Plan* (2017) applies to the Central City Plan District and surrounding lands. For the view corridors designated in the *Central City Scenic Resources Protection Plan*, the special height restrictions supersede the special height restrictions in the *Scenic Resources Protection Plan*. If the view corridor is not designated in the *Central City Scenic Resources Protection Plan*, then the special height restrictions of the *Scenic Resources Protection Plan* apply.

Language to be added is underlined.
Language to be deleted is shown in ~~striketrough~~.

78. Removal or trimming of vegetation when no development or other activities subject to the development standards or review requirements of this chapter are proposed, if the following are met:

- a. All vegetation removal or trimming activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.
- b. The vegetation proposed for removal or trimming is one of the following:
 - (1) Trees or plants listed on the Nuisance Plant List;
 - (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
 - Remain, or are placed, in the resource are of the same ownership on which they are cut; or
 - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
 - (3) Non-native non-nuisance trees and plants;
 - (4) Trees or tree limbs that are within 10 feet of an existing building and structures attached to buildings, such as decks, stairs and carports;
 - (5) Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources Protection Plan* or *Central City Scenic Resources Protection Plan*. ~~Trees that exceed the height restrictions of a City-designated view corridor may be removed or pruned to maintain the view corridor.; or~~
 - (6) Within the Scenic Resource zone, tree limbs may be trimmed to maintain a view. Tree removal is not exempt.

Renumber 8 - 11 to be 9 - 12

D.-E. No change

Commentary

33.430.170 Standards for Resource Enhancement Projects

- A. Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:

- 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;

33.430.190 Standards for ~~Major Public Recreational Trails~~

The following standards apply to major public ~~recreational~~ trails and public viewing areas developed in conjunction with the ~~recreational~~ major public 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;

Commentary

33.430.190.E.

Tree removal was 33.430.190.D. It was 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 were also updated to simplify them and make them the same as the standards for tree removal within a scenic (s) resources overlay zone.

33.430.195

The regulations for the scenic (s) overlay zone are found in 33.480. The regulations are different for scenic corridors and view corridors. In scenic corridors, the intention is to preserve tree canopy. In view corridors, the intention is to allow some tree removal. This regulation in the Environmental overlay zone is to be clear that tree removal in view corridors that correspond with a conservation or protection overlay is allowed per the standard. This standard does not apply to scenic corridors.

The standard is intended to allow trees to be removed that are blocking a view. Natural resources, including trees, and scenic resources, including views, are both State Land Use Planning Goal 5 resources. The standards balance the benefits of both trees and the view by allowing tree removal within the view corridor and requiring those trees to be replaced outside of the view corridor. Native trees that are larger than 12 inches in diameter can be removed through Environmental Review.

Language to be added is underlined.
Language to be deleted is shown in ~~strikethrough~~.

E. Tree removal and replacement standards:

1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and
3. Replacement trees must meet the planting standards in 33.430.140.K.

33.430.195 Standards for Tree Removal in the Scenic Resource Zone

The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an Environmental overlay zone and the Scenic Resource zone:

- A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
- B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;
- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
 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

Commentary

33.480.010 Purpose

BPS has produced a new scenic resources inventory and protection plan for the Central City and areas with view of or across the Central City. The *Central City Scenic Resources Protection Plan* updates and replaces some of the information and decisions of the *Scenic Resources Protection Plan (1991)*.

33.480.020 Map Symbol

Before application of the environmental conservation and protection overlay zones there were scenic overlay zones based on the *Scenic Resources Protection Plan (1991)*. The scenic overlays were removed when the environmental conservation and protection overlays were applied. It was assumed at that time that scenic resources would be addressed by Environmental Review. However, without the scenic overlays it is not possible to know when scenic resources must be considered. Therefore, the City reapplied the scenic overlay zones where they overlap with the environmental overlay zones.

33.480 Scenic Resource Zones

480

Sections:

- 33.480.010 Purpose
- 33.480.020 Map Symbol
- 33.480.030 Application of the Scenic Resource Zone
- 33.480.040 Development Standards
- 33.480.050 Tree Removal Review
- ~~33.480.060 Relationship to Environmental Zones~~

~~Map 480-1 Scenic Resources~~

33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources that provide benefits to the public as identified by the City in the *Scenic Resources Protection Plan (1991)* and the *Central City Scenic Resources Protection Plan (2017)*;
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and
- Implement the scenic resource policies, goals and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

33.480.020 Map Symbol

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

33.480.030 Application

The Scenic Resource zone is to be applied to all significant scenic resources identified in *the Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*. Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

Commentary

33.480.040.A.2

The base zones include height limits for development and vegetation. When the view corridor, shown in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan* sets a height limit that is more restrictive than the base zone, the view corridor height limit takes precedence. In some situations, the view corridor height limit is **not** more restrictive than the height limits of the base zone; therefore, the base zone takes precedence.

33.480.040 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the *Scenic Resources Protection Plan* or the Central City Scenic Resources Protection Plan. The standards for each subsection below apply only to areas with that designation in the respective ~~Plan~~. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

- A. View Corridors.** All development and vegetation with a view corridor designation in the *Scenic Resources Protection Plan* or Central City Scenic Resources Protection Plan are subject to the regulations of this Subsection.
1. Purpose. The intent of the view corridor designation is to establish maximum heights within view corridors to protect ~~significant~~ views from ~~specific~~ designated viewpoints.
 2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, overlay zone or plan district, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Removal of trees or limbs necessary to maintain the view corridor is allowed. When no development is proposed, tree removal is subject to the requirements of Title 11, Trees. Public safety facilities are exempt from this standard.
- B. Scenic Corridors.** All development and vegetation within a scenic corridor designation in the *Scenic Resources Protection Plan* or the Central City Scenic Resources Protection Plan are subject to the regulations of this Subsection.
1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs. Property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks, and vehicle areas to preserve the maximum number of trees.
 2. Standards.
 - a. Scenic ~~C~~corridor ~~S~~setback. A scenic corridor setback per Table 480-1 applies along street lot lines that abut the Scenic Corridor identified in the Scenic Resources Protection Plan.
 - b. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource.

Commentary

Language to be added is underlined.
 Language to be deleted is shown in ~~strikethrough~~.

Table 480-1 Scenic Corridor Setback [1]	
Zone	Minimum Setback from Street Lot Line
IR	1' per 2' of building height, not less than 10'
R1	3'
EG1, IH	5'
EG2, IG2	25'
All other base zones	20'

[1] Larger minimum setbacks in overlay zone and plan district supersede this setback

- c. ~~Limiting s~~Structure length. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.
- d. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:
 - (1) The maximum length of any building facade is 100 feet.
 - (2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.
 - (3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.
- e. Landscaping. The entire required scenic corridor setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the scenic corridor setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. Additionally, areas within the adjacent right of way must be landscaped to standards approved by the City engineer. The required landscaping in the setback and adjacent right of way must be provided at the time of development, except as allowed in B.2.e(1) below.

Commentary

h.1 Most scenic corridors will have multiple view corridors located along the street or trail. Removal of some trees within the view corridors may be needed to maintain view.

Language to be added is underlined.
Language to be deleted is shown in ~~striketrough~~.

- (1) When alterations are made to a site with an existing nonconforming use, allowed use, limited use, or conditional use, and the alterations are over the threshold stated in 33.258.070.D.2.a, the site must be brought into conformance with the landscape standards above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
 - (2) Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site and adjacent right of way. If the ground lease is adjacent to a right of way within the scenic corridor, the upgrades required by this chapter also apply to the right of way adjacent to the ground lease.
 - (3) Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in 33.258.070.D.2.b, the landscape standards above, are also included.
- f. Screening. All exterior garbage cans, garbage and recycling collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.
- g. Fences and hedges. The total maximum height of fences, hedges, and berms within the scenic corridor setback, and when allowed in the adjacent right of way is 3-1/2 feet. This provision does not apply to any required screening and buffering.
- h. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the scenic corridor setback and right of way must be retained unless removal conforms to one or more of the following standards.
- (1) The tree is located within a view corridor designated in the *Scenic Resources Protection Plan (1991)* or the *Central City Scenic Resources Protection Plan (2017)*;

Commentary

Language to be added is underlined>.
 Language to be deleted is shown in ~~strikethrough~~.

Figure 480-1
Measuring from an RF Transmission Facility Antenna

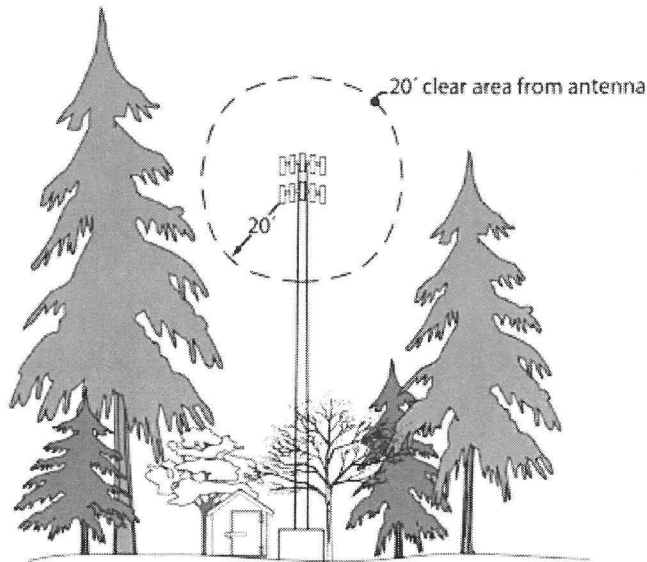


Table 480-2 Tree Replacement Requirements In Scenic Overlay Zone		
Applicants may choose either Option A or Option B [1]		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
Up to 9	1 tree	Not applicable
More than 9 and up to 12	3 trees	2 trees and 2 shrubs
More than 12	Tree Review Required (see 33.480.050 below)	

[1] *Trees and Shrubs must be species listed in the Scenic Resources Protection Plan*

- (12) The tree is located within the footprint or within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway;
- (23) The tree is determined by an arborist to be dead, dying or dangerous;
- (34) The tree is on the *Nuisance Plants List*;

Commentary

33.480.060

This was removed from 33.480, Scenic Resource Zones, and 33.430, Environmental Zones, was updated to reflect this language.

Language to be added is underlined.
Language to be deleted is shown in ~~striketrough~~.

- (45) The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor on each site;
- (56) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas;
- (67) The tree is within 20 feet of a Radio Frequency Transmission Facility antenna that is a public safety facility. The distance to the antenna is measured vertically and horizontally from the edge of the antenna. See Figure 480-1.; or (78)
- (78) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the scenic corridor setback or adjacent right of way according to Table 480-2. Replacement plantings must meet Section 33.248.030, Plant Materials.

33.480.050 Tree Removal Review.

- A. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 33.480.040.B.2.h is subject to the tree permit requirements of Title 11, Trees.
- B. Tree removal in development situations. When tree removal is proposed as part of development, the standards of Subparagraph 33.480.040.B.2.h apply in addition to the tree preservation standards of Title 11, Trees.
- C. Trees that do not qualify for removal under Subparagraph 33.480.040.B.2.h may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal would require environmental review, only environmental review is required.

~~33.480.060 Relationship to Environmental Zones~~

~~When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.~~

WHAT'S IN THE CENTRAL CITY 2035 PLAN?

Volume 1: Goals and Policies

Volume 2A: Zoning Code and Map Amendments

- Part 1: Central City Plan District
- Part 2: Willamette River and Trails
- Part 3: Environmental and Scenic

Volume 2B: Transportation System Plan Amendments

Volume 3A: Scenic Resources Protection Plan

- Part 1: Summary, Results and Implementation
- Part 2: Scenic Resources Inventory
- Part 3: Economic, Social, Environmental and Energy Analysis

Volume 3B: Willamette River Central Reach Natural Resources Protection Plan

Volume 4: Background Materials

Volume 5A: Implementation - Performance Targets and Action Plans

Volume 5B: Implementation - The Green Loop

Volume 6: Public Involvement

ORDINANCE No.

Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Ordinance; amend Code Chapters 33.430 and 480)

The City of Portland Ordains:

Section 1. The Council finds:

1. In 1974, the State of Oregon adopted two statewide planning goals that require the protection of scenic resources; State Goal 7, Recreational Needs and State Goal 5, Open Spaces, Scenic and History Areas, and Natural Resources. State Goal 7 requires jurisdictions to satisfy the recreational needs of citizen of the state and visitors. Recreational opportunities include scenic landscapes and scenic roads and travelways. State Goal 5 requires jurisdictions to conserve open space and protection natural and scenic resources.
2. In 1979, scenic resources were first designated and protected in the *Downtown Plan*. (The *Downtown Plan* was adopted as a policy statement to guide public and private decision-making in the Downtown area; adopted Motion on agenda item 3958, December 28, 1972). Additional scenic resources were identified and protected through the adoption of area plans between 1979 and 1988.
3. In 1991, Portland City Council adopted the Scenic Resources Protection Plan (SRPP), which consolidated scenic resource designations and protection from previous plans, and updated the citywide inventory of scenic resources (Ordinance No. 163957, 1991). The SRPP implemented new zoning codes (33.480) to protect designated scenic resources. The SRPP also amended the environmental zoning codes (33.430) to allow for scenic resource management when the scenic and environmental resources overlap.
4. The SRPP Economic, Social, Environmental and Energy Analysis (ESEE) recommendations are to prohibit and limit conflicting uses. Vegetation, when it grows and blocks a view, is a conflicting use. The SRPP ESEE recommendations intended that within designated viewpoints and views, vegetation should be limited or prohibited to protect the view. Zoning code 33.430, Environmental Overlay Zones, has an exemption for tree and vegetation removal within a viewpoint and requires review for removal of trees and vegetation within a view corridor.
5. The SRPP includes an inventory of scenic resources and an Economic, Social, Environmental and Energy Analysis (ESEE) as required by OAR 660-16-000 through 660-16-025. The Department of Land Conservation and Development found the SRPP to be in compliance with Oregon State Land Use Goal 5, Open Spaces, Scenic and History Areas, and Natural Resources.
6. The scenic (s) overlay zones were removed from the official zoning maps where the scenic (s) overlay zones overlapped as the environmental conservation (c) or protection (p) overlay zones through area-specific natural resources protection plans. This was done because language in zoning code 33.430, Environmental Overlay Zones, requires that

scenic resources be considered as part of an environmental review. The zoning code relied on the SRPP to show where scenic resources are relevant.

7. Since 1991, vegetation and trees have grown and partially or fully block view corridors that are designated in the SRPP and are within conservation or protection overlay zones. Removal of the vegetation or trees within a view corridor requires an environmental review. Adding the scenic (s) overlay zones back to the maps where the view corridors overlap with conservation (c) or protection (p) overlay zones and creating a new standard that allows for removal of vegetation and trees, along with required mitigation, within the scenic (s) overlay zone will meet the legislative intent of the SRPP and ESEE.
8. The City has prepared the Scenic and Environmental Resources Findings of Fact Report, attached as Exhibit A, which addresses findings for Statewide Planning Goals and Oregon Administrative Rules, Metro Urban Growth Management Functional Plan, and the City of Portland's 2035 Comprehensive Plan policies and goals.
9. Reapplication of the scenic (s) overlay zones and creation of a vegetation and tree removal standard was proposed as part of the Central City 2035 Plan. The problem of trees blocking view corridors was first identified during development of the Central City Scenic Resources Inventory, which is an update to the SRPP for the Central City. Public involvement has been an integral part of the Central City 2035 planning process. The public involvement process is summarized in CC2035 Plan, Volume 6, Public Involvement, attached as Exhibit C.
10. On June 20, 2016, BPS staff released the *Central City 2035 Proposed Draft* report, which included the proposed scenic (s) overlay zone map and the proposed zoning code amendments to 33.430, Environmental Overlay Zones, and 33.480, Scenic Resources.
11. On June 24, 2016, notice of the *Central City 2035 Plan Proposed Draft* and Planning and Sustainability Commission hearing were sent to all property owners potentially affected by proposed zoning map and code changes, as required by ORS 227.186.
12. On July 26, 2016 and August 9, 2016, the Planning and Sustainability Commission (PSC) held a hearing on the Proposed Draft. Staff from the Bureau of Planning and Sustainability presented the proposal and public testimony was received.
13. The PSC held work sessions between September 2016 and May 2017. Scenic resources were discussed at the work session held on September 27, 2016 and February 14, 2017.
14. On May 5, 2017, BPS staff released the *Central City 2035: Revised Staff-Proposed Draft*. This draft updated the previous draft to address issues brought up during the PSC work sessions.
15. On May 23, 2017, the PSC held a final work session and voted to recommend the Central City 2035 Plan to City Council.
16. On June 22, 2017, the PSC released the *Central City 2035 Plan Recommended Draft* to the Portland City Council. Volume 2A, Zoning Code & Map Amendments, Part 3: Environmental and Scenic, contains the zoning map and code amendments for 33.480, Scenic Resources, and 33.430, Environmental Overlay Zones and the amendments to the official zoning map (Exhibit B).

17. A public notice of the September 14, 2017 Portland City Council public hearing on Volume 2A, Zoning Code & Map Amendments, Part 3: Environmental and Scenic of the *Central City 2035 Plan* was sent on August 28, 2017 to all property owners potentially affected by proposed zoning map and code changes, those who testified to the Planning and Sustainability Commission, individuals and organizations who requested such notice and other interested parties.

NOW, THEREFORE, the Council directs:

- a. Amend the official Zoning Map to apply overlay zones as shown on pages 26 to 68 of Exhibit B (Volume 2A, Zoning Code & Map Amendments, Part 3: Environmental and Scenic);
- b. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit B (Volume 2A, Zoning Code & Map Amendments, Part 3: Environmental and Scenic); and
- c. Adopt Exhibit A (Scenic and Environmental Resources Findings of Fact Report) as further findings of fact.

Section 2. The directives of this ordinance will take effect on March 1, 2018.

Section 3. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council:

Mayor Ted Wheeler
Prepared by: Mindy Brooks
Date Prepared: August 17, 2017

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

This document was substituted
with a revised version.

See final document:

189002

~~1020~~ ~~1194~~ ~~1272~~ ~~288325~~
~~1307~~ ~~39~~ ~~228~~ ~~250~~ ~~352~~ ~~528~~
Agenda No.
ORDINANCE NO.

Title

Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Ordinance; amend Code Chapters 33.430 and 480)

INTRODUCED BY Commissioner/Auditor: Ted Wheeler	CLERK USE: DATE FILED <u>SEP 05 2017</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Wheeler <i>✓</i>	By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	ACTION TAKEN:
Position 2/Works - Fish	SEP 14 2017 CONTINUED TO NOV 02 2017 2 P.M. TIME CERTAIN
Position 3/Affairs - Saltzman	NOV 02 2017 <i>RESCHEDULED TO</i> NOV 29 2017 4PM Time Certain
Position 4/Safety - Eudaly	NOV 29 2017 CONTINUED TO DEC 06 2017 2 P.M. "
BUREAU APPROVAL	DEC 06 2017 CONTINUED TO JAN 18 2018 2 P.M. "
Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i>	JAN 18 2018 CONTINUED TO MAR 07 2018 2 P.M. Time Certain
Prepared by: Mindy Brooks Date Prepared: August 17, 2017	MAR 07 2018 CONTINUED TO MAR 15 2018 4PM Time Certain
Impact Statement	MAR 15 2018 CONTINUED TO MAR 22 2018 2 P.M. "
Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	MAR 22 2018 CONTINUED TO APR 04 2018 2 P.M. Time Certain
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	APR 04 2018 CONTINUED TO APR 11 2018 4:30 P.M. Time Certain
City Auditor Office Approval: required for Code Ordinances	APR 11 2018 CONTINUED TO MAY 24 2018 1:30 PM Time Certain
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i>	MAY 24 2018 <i>Substituted</i>
Council Meeting Date September 14, 2017	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:45 2 of 2</u> Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/>	1. Fritz		
REGULAR <input type="checkbox"/>	2. Fish		
Total amount of time needed: _____ (for presentation, testimony and discussion)	3. Saltzman		
	4. Eudaly		
	Wheeler		