# CENTRALCITY 2035

# Volume 2A ZONING CODE & MAP AMENDMENTS

Part 3: Environmental and Scenic

ORDINANCE NO. 189002 Effective July 9, 2018



The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, interpretation or translation, please call 503-823-7700, the TTY at 503-823-6868 or the Oregon Relay Service at 711 within 48 hours prior to the event.

La Oficina de Planificación y Sostenibilidad se compromete a proporcionar un acceso equitativo a la información y audiencias. Si necesita acomodación especial, interpretación o traducción, por favor llame al 503-823-7700, al TTY al 503-823-6868 o al Servicio de Retransmisión de Oregon al 711 dentro de las 48 horas antes del evento.

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 Bền 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。

ຫ້ອງການແຜນການ ແລະຄວາມຍືນຍົງໃຫ້ຄຳໝັ້ນສັນຍາທີ່ຈະໃຫ້ການເຂົ້າເຖິງຂໍ້ມູນ ແລະການຮັບຟັງເທົ່າທຸງມກັນ. ຖ້າທ່ານຕ້ອງການຢາກໄດ້ການແນະນຳຊ່ວຍເຫຼືອພິເສດ, ການແປພາສາ ຫຼືແປເອກະສານ, ກະລຸນາໂທຫາ 503-823-7700, ໂທດ້ວຍ TTY ທີ່ເບີ 503-823-6868 ຫຼືໜ່ວຍບໍລິການຣີເລເຊີວິສຂອງຣັຖອໍຣິກອນທີ່ເບີ 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 شفهية أو تحريرية، فيُرجى الاتصال برقم الهاتف 7700-233-503 ، أو خط TTY (الهاتف النصي) على رقم الهاتف 6868-233-503 أو خدمة مرحّل 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, translatare 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 Oregan 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, звертайтесь 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.

# ACKNOWLEDGEMENTS

This plan is the culmination of work over the past five years on the Central City Concept Plan, three quadrant plans (North/Northeast Quadrant Plan, West Quadrant Plan, Southeast Quadrant Plan), Natural and Scenic Resources protection plans, and the Bonus and Transfer Study. Many thanks to the thousands of stakeholders who participated in those processes and whose contributions helped to shape this plan.

# **Portland City Council**

#### Ted Wheeler, Mayor

Chloe Eudaly, Commissioner Nick Fish, Commissioner Amanda Fritz, Commissioner Dan Saltzman, Commissioner

### Portland Planning and Sustainability Commission

Katherine Schultz (Chair) André Baugh (Vice Chair) Chris Smith (Vice Chair) Jeff Bachrach Mike Houck Katie Larsell Gary Oxman Michelle Rudd Eli Spevak Teresa St Martin Margaret Tallmadge Special thanks to the current and

former PSC members who chaired Central City Plan committees: Don Hanson, Katherine Schultz and Michelle Rudd.



# **Bureau of Planning and Sustainability**

#### Management

Susan Anderson, Director

Joe Zehnder, Chief Planner

Sallie Edmunds, Central City, River and Environmental Planning Manager

#### **Project Managers and Core Team**

Rachael Hoy, Senior Planner, Project Manager, Central City Code Development

Troy Doss, Senior Planner, Project Manager, Concept and Southeast Quadrant Plans

Mindy Brooks, City Planner II, Project Manager, Natural and Scenic Resource Protection Plans

Nicholas Starin, City Planner II, Central City Planning

Debbie Bischoff, Senior Planner, River Planning

Mark Raggett, Senior Planner, Urban Design

#### **Contributing Staff**

Shannon Buono, Senior Planner, Code Editing Brandon Spencer-Hartle, Senior Planner, Historic Resources Planning Tyler Bump, Senior Planner, Economic Planning Jeff Caudill, City Planner II, Environmental Planning Marc Asnis, City Planner I, Urban Design Lora Lillard, City Planner II, Urban Design

#### **Communications and Tech Service**

Eden Dabbs, Kevin Martin, Derek Miller, Carmen Piekarski, Neil Loehlein, Leslie Wilson, Krista Gust

#### **Previous BPS Staff**

Steve Iwata, Karl Lisle, Kathryn Hartinger, Derek Dauphin, Roberta Jortner, Stephanie Beckman, Diane Hale, Elisa Hamblin, Leslie Lum, Nan Stark, Ralph Sanders

# **Additional Assistance**

**Bureau of Planning and Sustainability:** Michael Armstrong, Deborah Stein, Eric Engstrom, Julia Thompson, Alisa Kane, Vihn Mason

**Bureau of Transportation:** Art Pearce, Mauricio Leclerc, Grant Morehead, Judith Gray, Arnoud Van Sisseren, Zef Wagner, Francesca Patricolo, Peter Hurley, Erin Aigner

**Prosper Portland:** Geraldene Moyle, Lisa Abuaf, Sarah Harpole, Shelly Haack, Peter Englander, Lew Bowers, Irene Bowers

**Bureau of Parks and Recreation:** Brett Horner, Sarah Coates–Huggins, Maya Agarwal, Allan Schmidt, Emily Roth, Jenn Cairo

**Bureau of Development Services:** Kara Fioravanti, Tim Heron, Kim Tallant, Susan Ellis, Stacy Castleberry

**Bureau of Environmental Services:** Kaitlin Lovell, Paul Ketcham, Amy Chomowicz, Alice Coker, Marie Walkiewicz, Amber Clayton, Matt Burlin and Stephen Himes

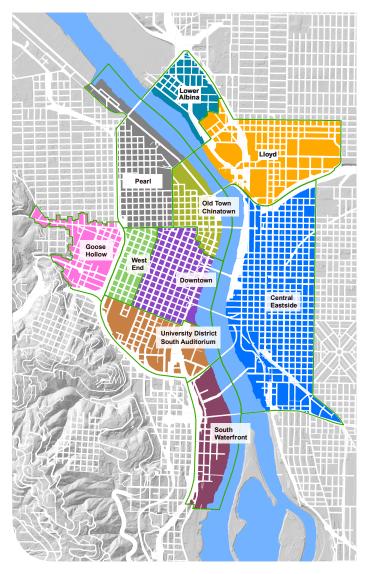
**Portland Housing Bureau:** Kurt Kreager, Javier Mena, Matthew Tschabold, Kim McCarty, Barbara Shaw, David Sheern

# Consultants

Various consultants contributed to the development of the Central City Concept Plan, three quadrant plans (North/Northeast Quadrant Plan, West Quadrant Plan, Southeast Quadrant Plan), Natural and Scenic Resources inventories, and the Bonus and Transfer Study. We are grateful for their technical assistance and for helping facilitate our advisory committee and public events.

# Funding

Funding for this project was provided by the City of Portland, the Portland Development Commission and Metro.





# CC2035 | TABLE OF CONTENTS

# ZONING CODE AND OVERLAY ZONE MAP AMENDMENTS

# **Part 3: Environmental and Scenic**

Introduction

•	33.430 Environmental Overlay Zones	1
•	33.480 Scenic Resource Zones	13
•	Scenic Resource Overlay Zone Maps	25

### 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

Sections:				
General				
33.430.010 Purpose				
33.430.015 Purpose of the Environmental Protection Zone				
33.430.017 Purpose of the Environmental Conservation Zone				
33.430.020 Environmental Reports				
33.430.030 Relationship to Other Environmental Regulations				
33.430.033 Relationship to Scenic Resources Zone				
33.430.035 Other City Regulations				
33.430.040 Overlay Zones and Map Symbols				
33.430.050 Subareas of Environmental Zones				
33.430.060 Where These Regulations Apply				
33.430.070 When These Regulations Apply				
33.430.080 Items Exempt From These Regulations				
33.430.090 Prohibitions				
Development Standards				
33.430.110 Purpose				
33.430.120 Procedure				
33.430.130 Permit Application Requirements				
33.430.140 General Development Standards				
33.430.150 Standards for Utility Lines				
33.430.160 Standards for Land Divisions and Planned Developments				
33.430.165 Standards for Property Line Adjustments				
33.430.170 Standards for Resource Enhancement Projects				
33.430.175 Standards for Right-of-Way Improvements				
33.430.180 Standards for Stormwater Outfalls				
33.430.190 Standards for Public Recreational Trails				
33.430.195 Standards for Tree Removal in the Scenic Resources Zone				
Environmental Review				
33.430.210 Purpose				
33.430.220 When Review is Required				
33.430.230 Procedure				
33.430.240 Supplemental Application Requirements				
33.430.250 Approval Criteria				
33.430.260 Use of Performance Guarantees				
33.430.270 Special Evaluation by a Trained Professional				
33.430.280 Modification of Base Zone Development Standards				
Natural Resource Management Plans				
33.430.310 Purpose				
33.430.320 Scope				
33.430.330 Procedure				

33.430.350 Approval Criteria for Adoption and Amendment

#### Chapter 33.430, Environmental Zones

430

#### Language to be added is <u>underlined</u>. Language to be deleted is shown in <del>strikethrough</del>.

Corrections to Violations of This Chapter

33.430.400 Purpose

33.430.405 Correction Options

33.430.407 Recurring Violations of This Chapter

Notice and Review Procedure

33.430.410 Purpose

33.430.420 When These Regulations Apply

33.430.430 Procedure

Map 430-1 Balch Creek Watershed Protection Plan Area

Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area

Map 430-4 Fanno Creek and Tributaries Conservation Plan Area

Map 430-5 Johnson Creek Basin Protection Plan Area

Map 430-6 Northwest Hills Natural Areas Protection Plan Area

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 <u>eightten</u> 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 <u>eightten</u> 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

#### Chapter 33.430, Environmental Zones

### 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.

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

#### 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:
  - 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

#### 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.

- 7. Removal <u>or trimming</u> 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 <u>or trimming</u> 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;
    - 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) <u>Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the Scenic Resources Protection</u> <u>Plan or Central City Scenic Resources Protection Plan.</u> 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. No change

D.-E. No change

#### 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 <u>Major</u> Public Recreational Trails

The following standards apply to <u>major</u> public <del>recreational</del> trails and <del>public</del> viewing areas developed in conjunction with the <del>recreational</del> 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 <u>of a stream, drainageway,</u> wetland or other water body; and
  - 3. The viewing area is not in the floodway-;

### 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.

#### **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-toground 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 <u>Resource overlay zone;</u>
- 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, <u>public viewing pointsareas</u>, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- D.–E. No change

#### 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**

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 <u>that provide benefits to the public</u> as identified <u>by the City</u> in the Scenic Resources Protection Plan (1991) and the Central City <u>Scenic Resources Protection Plan (2017)</u>;
- 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; <u>and</u>
- 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.

### 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 <u>respective Pplan</u>. 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, <u>overlay zone or plan district</u>, 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 <u>Corridor Ssetback</u>. 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.

#### Chapter 33.480, Scenic Resource Zones

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

- Limiting sStructure 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 30foot 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.

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 <u>underlined</u>. Language to be deleted is shown in <del>strikethrough</del>.

- (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 <u>exterior garbage cans</u>, garbage <u>and recycling</u> 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* <u>Protection Plan (1991) or the Central City Scenic Resources Protection Plan</u> (2017);

Language to be added is <u>underlined</u>. Language to be deleted is shown in <del>strikethrough</del>.

Figure 480-1 Measuring from an RF Transmission Facility Antenna

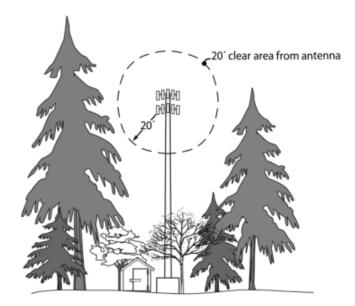


Table 480-2 Tree Replacement Requirements					
In Scenic Overlay Zone Applicants may choose either Option A or Option B [1]					
					Size of tree to be removed (inches in diameter)
Up to 9	1 tree	Not applicable			
More than 9 and up to 12	3 trees	2 trees and 2 shrubs			
More than 12	Tree Review Required (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;

Chapter 33.480, Scenic Resource Zones

### 33.480.060

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

- (4<u>5</u>) 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.

### Scenic Resources Overlay Zones

The Scenic Resource (s) overlay zone is being reapplied to view corridors designated in the 1991 *Scenic Resources Protection Plan* (SRPP) where the view corridor overlaps with an Environmental Conservation (c) or Environmental Protection (p) overlay zone. This is necessary to clarify where the new tree and vegetation trimming standard in 33.430 apply.

# **Recommended Scenic Resource Overlay Zone Maps**

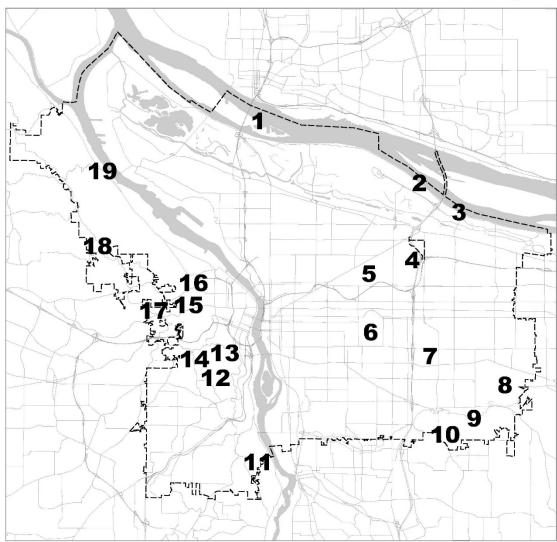
This section includes the recommended scenic (s) overlay zone maps.

#### Scenic Resource Overlay Zone Maps

# **Recommended Scenic Resource Overlay Zones**

#### Index Map

August 2017

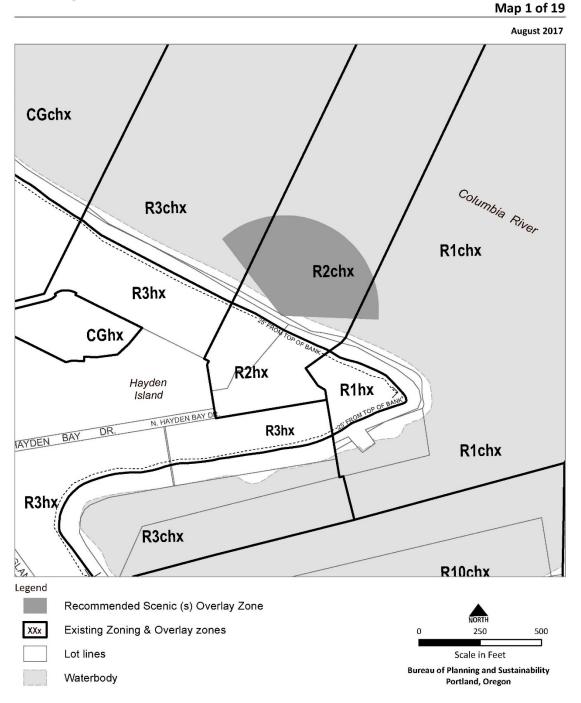


----- City Boundary

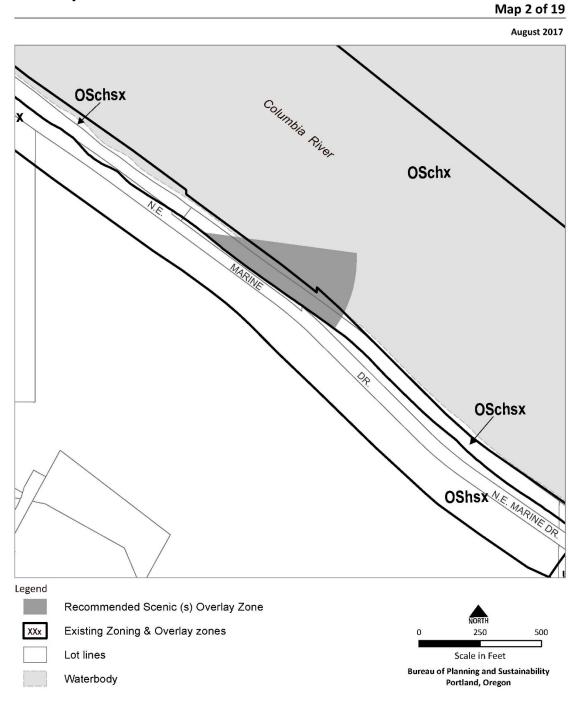


#### Scenic Resource Overlay Zone Maps

# **Recommended Scenic Resource Overlay Zones**



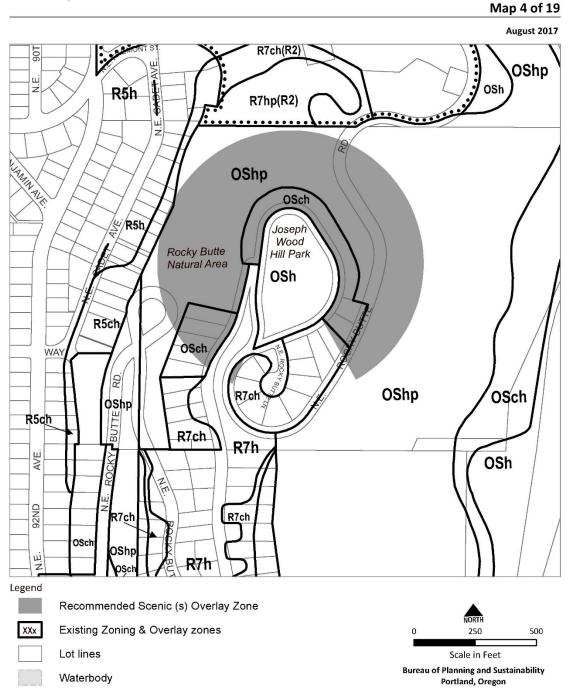
Scenic Resource Overlay Zone Maps

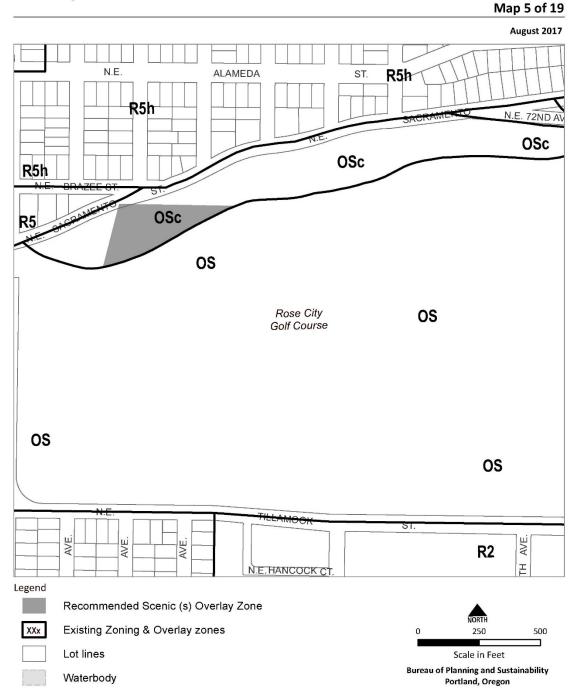


Map 3 of 19 August 2017 Columbia River OSchx RFchx RFchx **OSchx** OSch EG2hx RFchx N.E. GLENNIDING IG2hx G2hsx EG2hsx IG2hsx FERS DR. (St Legend Recommended Scenic (s) Overlay Zone ORTH XXx Existing Zoning & Overlay zones 500 250 ٦ Lot lines Scale in Feet

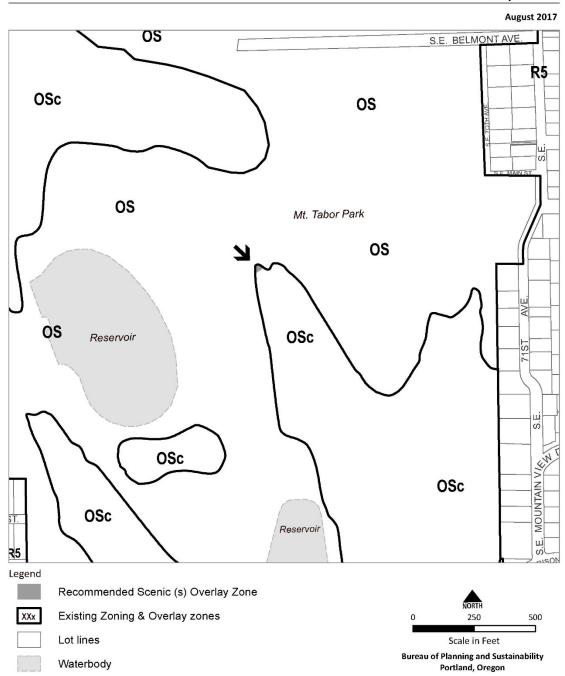
Waterbody

Scale in Feet Bureau of Planning and Sustainability Portland, Oregon

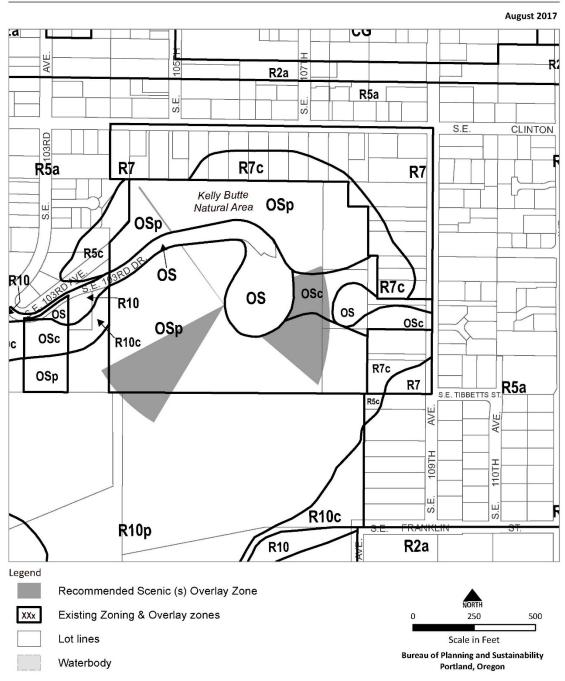


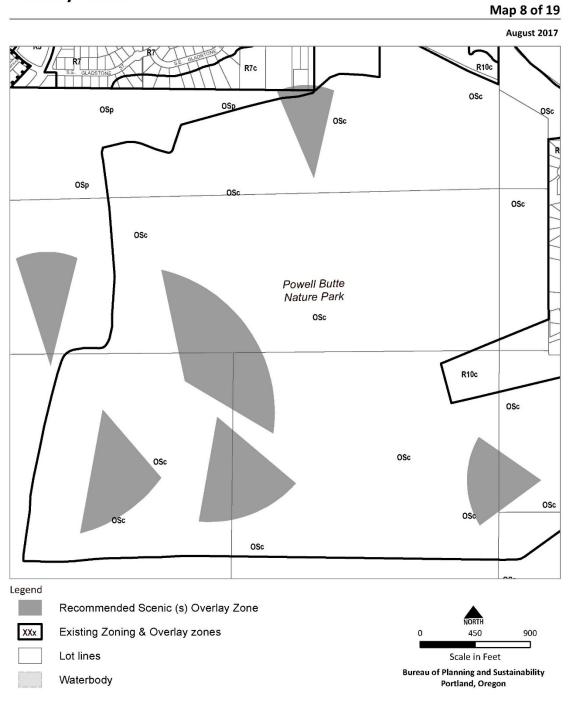




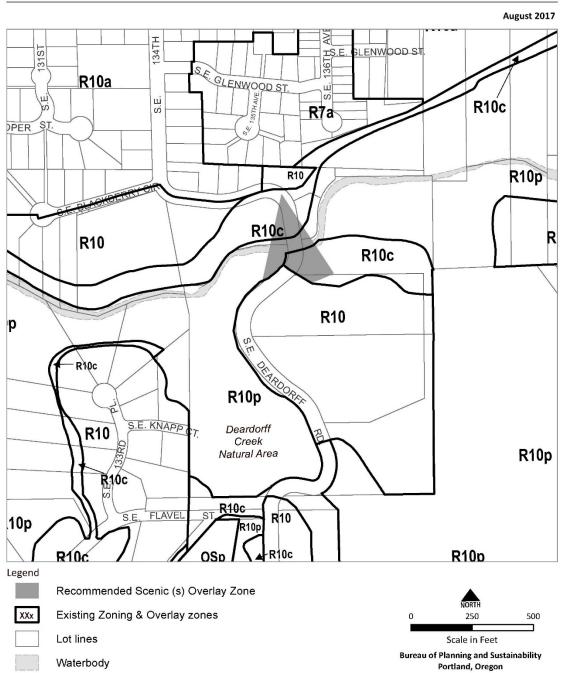


#### Map 7 of 19

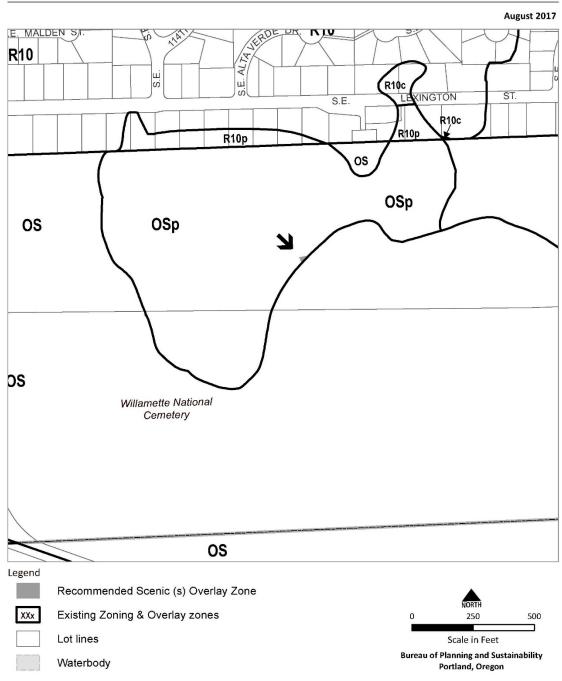


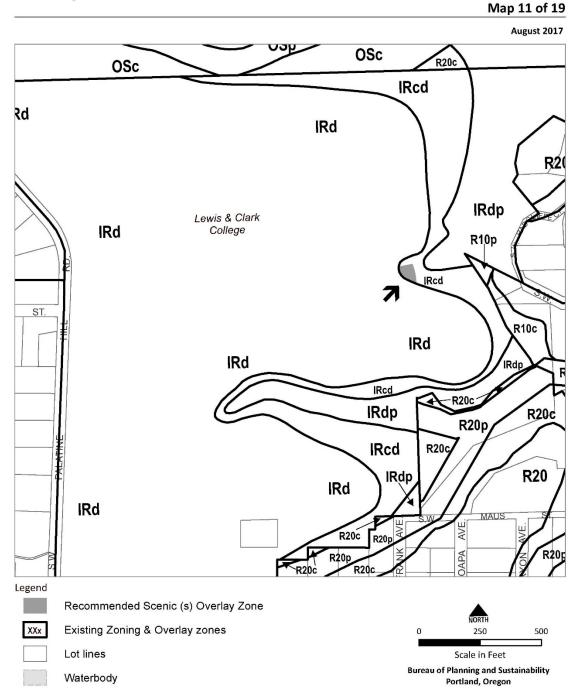


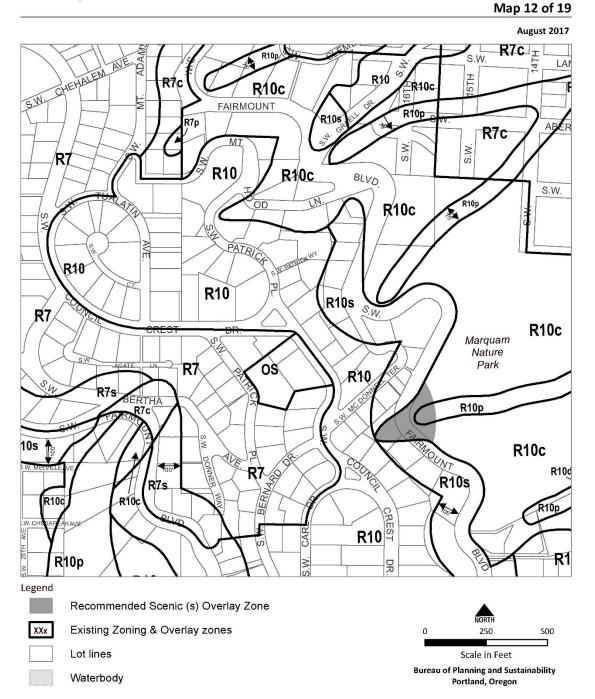




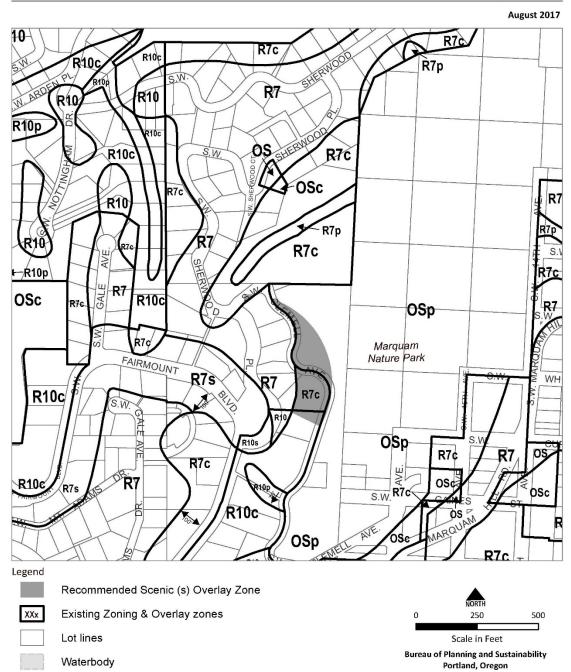
#### Map 10 of 19

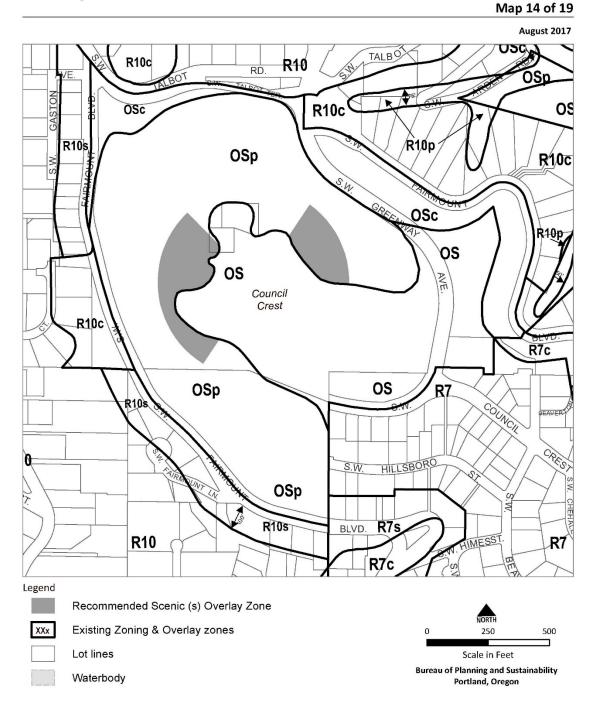




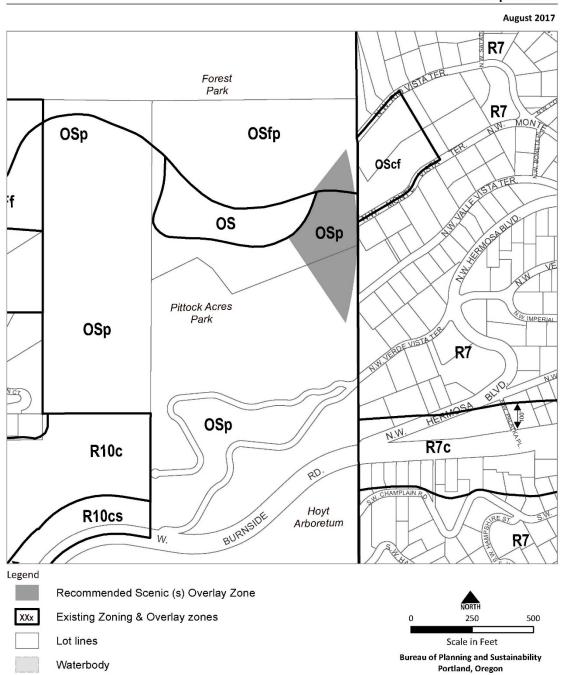




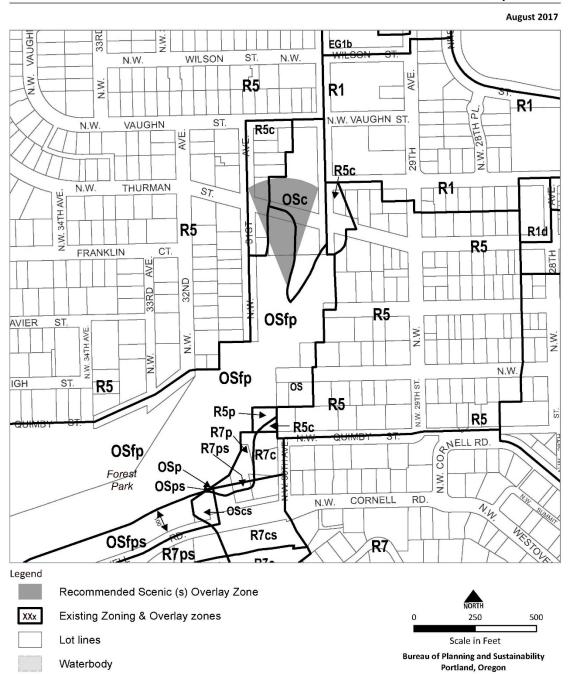






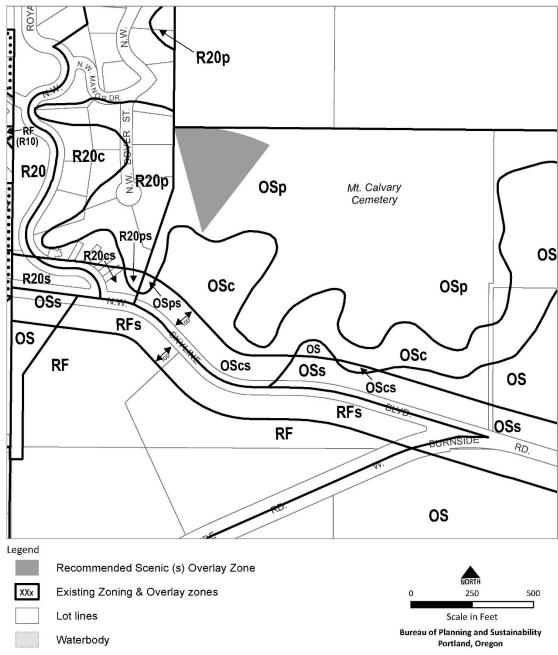


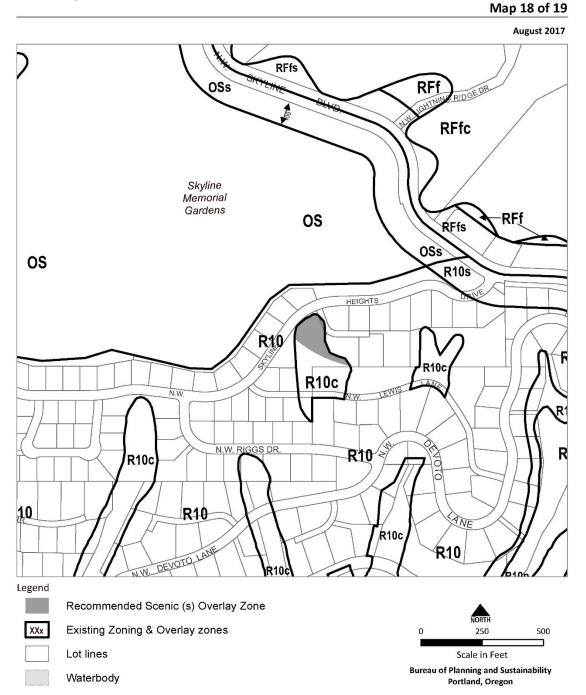
#### Map 16 of 19

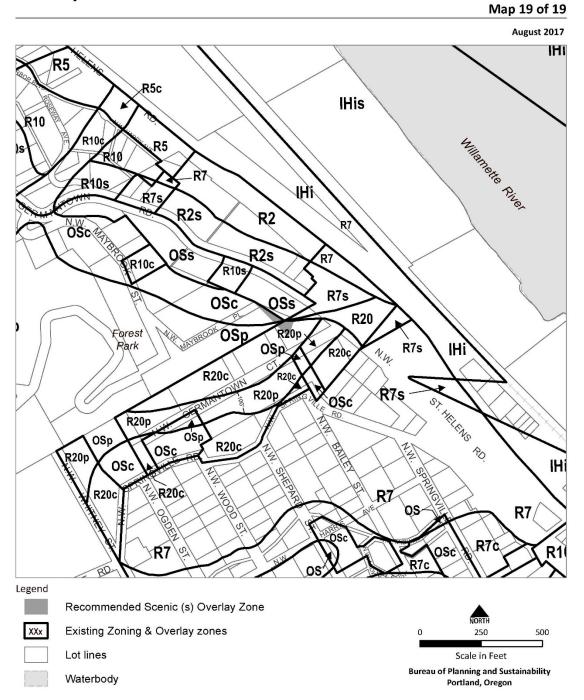


#### Map 17 of 19









# 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**