

## 33.570 Rocky Butte Plan District

# 570

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### Sections:

- 33.570.010 Purpose
- 33.570.020 Where the Regulations Apply
- 33.570.030 Development Standards
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Map 570-1 Rocky Butte Plan District

### **33.570.010 Purpose**

Rocky Butte has been identified as an important natural resource which includes a scenic drive and scenic views from the roadway and from the top of the butte. The regulations relating to Rocky Butte are intended to preserve and enhance the forested areas of the butte, views from the butte, historic architectural elements, and the natural scenic qualities of the butte.

### **33.570.020 Where the Regulations Apply**

The regulations of this chapter apply to development within the Rocky Butte plan district. The boundaries of the district are shown on Map 570-1 at the end of this chapter, and on the Official Zoning Maps. Any changes to land or development, including rights-of-way, within the Rocky Butte plan district are subject to the regulations of this Chapter.

### **33.570.030 Development Standards**

- A. Tree preservation plan.** A tree preservation plan must be submitted at the time of application for a required land use review or at the time of application for a building permit, whichever occurs first. The tree preservation plan must show all individual trees greater than 6 inches in diameter at five feet above the ground. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be preserved or removed must be shown as such on the plan.
- B. Height of structures.** The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

Lying in Section 28 adjacent to Rocky Butte Road on the south and southeast sides between Engineer's Station No. 70 and Engineer's Station No. 80, on the west side of the said road between Engineer's Station No. 80 and Engineer's Station No. 83 + 50, and on the north, east and west sides between Station No. 88 and Engineer's Station No. 99 + 33.

- C. Street setback.** The following must be met where a front or side lot line abuts NE Rocky Butte Road:

1. No more than 25 percent of the front or side building setback can be used for parking, maneuvering and circulation areas. For lots with an average slope down of 20 percent or more, the maximum area devoted to parking, maneuvering and circulation is 35 percent of the front or side building setback.
  2. The remainder of the front or side setback must be landscaped to at least the L1 level. Emphasis should be placed on the use of native species as listed on the *Portland Plant List*.
- D. Access limitations.** As a part of any new partition or subdivision of land, access to the ring road portion of Rocky Butte Road is limited in order to preserve on-street parking and maintain the forest setting. All lots created by any partitioning or subdivision of land must obtain vehicular access from a public or private street other than the ring road portion of Rocky Butte Road. For each 1000 feet of property frontage abutting the ring portion of Rocky Butte Road there may not be more than one intersection with a public or private street.
- E. Lighting.** Cut-off luminaires must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave) over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.
- F. Fences.** Wire and/or metal fences are not allowed.
- G. Screening.** Outdoor storage and parking of recreational vehicles and utility trailers, including motor homes, campers, and boats, is not allowed if visible at any time of the year from NE Rocky Butte Road or the top of Rocky Butte. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from Rocky Butte Road or the top of the butte. 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.

### 33.570.040 Tree Removal

- A. Purpose.** The heavily forested slopes of Rocky Butte contribute to the beauty of the area, create a striking landmark as one enters or leaves Portland, and provides the natural setting to complement the historic features of the butte. The purpose of this Section is to allow trees to be removed only when they meet the purpose of the Rocky Butte plan district and this Section. Every effort should be made to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.
- B. Tree removal review.** Trees in the Rocky Butte plan district that do not qualify for removal under Subsection C, below, may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where tree removal would also require environmental review, only environmental review is required.
- C. Tree removal standards.** Trees 6 or more inches in diameter may not be removed unless one or more of the following are met:

1. 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;
2. The tree is determined by an arborist to be dead, dying, or dangerous;
3. The tree is listed on the Nuisance Plants List;
4. The tree must be removed for 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 per site;
5. The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips, sidewalks, or vehicle areas; or
6. The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials.

**D. Tree removal without development.** When no development is proposed, tree removal allowed by the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.

### **33.570.050 Historic Features Review**

- A. Purpose.** The hewn basalt blocks that line portions of Rocky Butte, the low basalt walls, the basalt retaining walls, bollards, drainage ways, the pedestrian and vehicle tunnels and other similar features are part of the scenic and historic character of the butte. The purpose of the historic features review is to ensure that these features are not altered in any way that will diminish the historic quality of the butte. Where features need to be removed temporarily or permanently in order to allow development, the review ensures that the impact of the removal is mitigated.
- B. Scope of historic features review.** Historic features review is required for the alteration or removal of historic features that are on private property. For those historic features owned and maintained by the City and located in the public right-of-way, the City Engineer must seek the advice of the Historic Landmarks Commission prior to making any substantive alteration or removal. The Historical Landmarks Commission will consider the approval criteria of this subsection in providing advice to the City Engineer. The City Engineer is not required to seek this advice for routine maintenance and emergency repairs to these historic features when they are performed by the City.
- C. Procedure.** Historic Features review is processed through a Type III procedure.
- D. Approval criteria.** The request to alter or remove historic features on the butte will be approved if the applicant has shown that all the following approval criteria are met:
1. There is a clear demonstration that there is a public need for the proposal and that the public benefit resulting from the proposal outweighs the benefits of preserving the historic features.

2. Alternative locations, design modifications, or alternative methods of development that would reduce the impacts on the historic features have been identified and evaluated.
3. Impacts on the historic features have been mitigated through replacing or relocating the removed historic feature or through enhancing other nearby historic features.

**33.570.070 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.

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*(Added by Ord. No. 163957, effective 4/12/91. Amended by: Ord. No. 166572, effective 6/25/93; Ord. No. 167650, effective 6/10/94; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15.)*

# Rocky Butte Plan District

# Map 570-1

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary
- ◆◆◆◆ Maximum height determined by elevation of adjacent roadway

  
 NORTH  
 0      600      1,200  
  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon

