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## 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.

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## 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 Corridor~~ 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.

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## Commentary

Language to be added is underlined.  
 Language to be deleted is shown in ~~strike through~~.

Table 480-1 <b>Scenic Corridor Setback [1]</b>	
<b>Zone</b>	<b>Minimum Setback from Street Lot Line</b>
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.

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## 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.

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- (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)*;

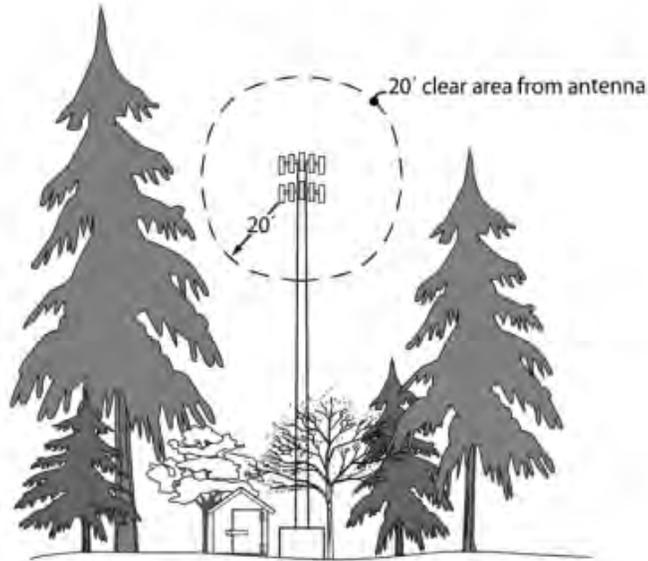
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## Commentary

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**Figure 480-1**  
**Measuring from an RF Transmission Facility Antenna**



<b>Table 480-2</b> <b>Tree Replacement Requirements</b> <b>In Scenic Overlay Zone</b>		
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*;

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## Commentary

### **33.480.060**

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

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- (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.~~