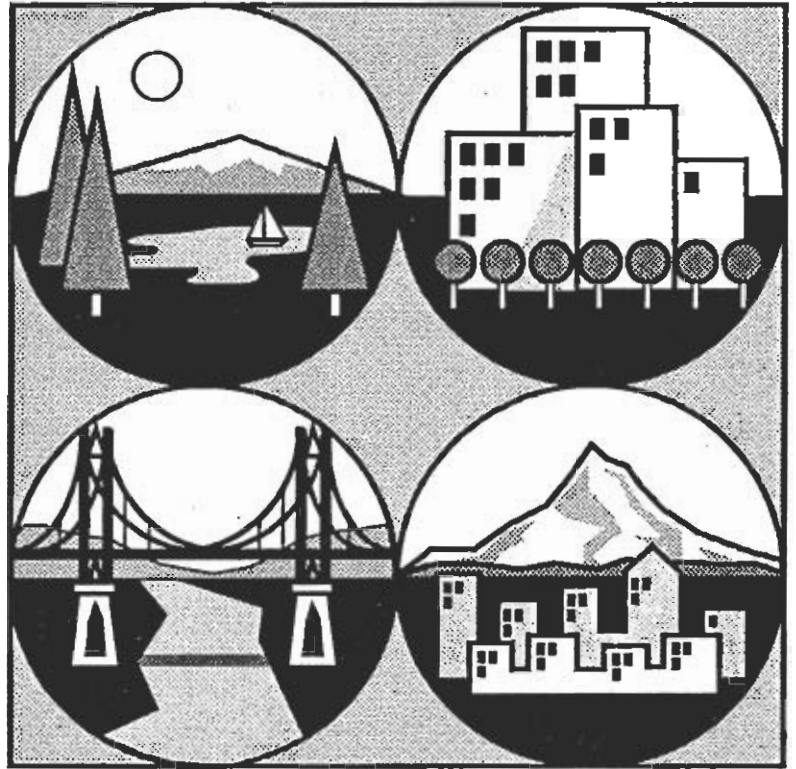


SCENIC VIEWS, SITES, AND CORRIDORS



Scenic Resources Protection Plan

**Adopted by City Council, March 13, 1991
Effective April 12, 1991**

Ordinance No. 163957

Bureau of Planning
Portland, Oregon
May, 1991



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SCENIC RESOURCES PROTECTION PLAN

Adopted by City Council March 13, 1991

Effective Date April 12, 1991

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- A. Scenic Resources Inventory
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I. INTRODUCTION

This Scenic Resources Protection Plan is intended to preserve significant scenic resources. The plan consists of policy language, zoning regulations and maps that direct and regulate actions so that designated scenic resources are protected and enhanced for future generations.

A. Why Create a Scenic Resources Protection Plan?

The State of Oregon adopted two statewide planning goals in 1974 that provide for the protection of scenic resources. State Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires jurisdictions "to conserve open space and protect natural and scenic resource." The goal further directs that "programs be provided that will:

- (1) insure open space,
- (2) protect scenic and historic areas and natural resources for future generations, and
- (3) promote healthy and visually attractive environments in harmony with the natural landscape character."

The process for determining and evaluating these resources is detailed in the Administrative Rule for Goal 5 (see Appendix B) and in the Economic Social Environmental Energy (ESEE) Analysis for Scenic Resources (separate document).

State Goal 7, Recreational Needs, requires jurisdictions to satisfy the recreational needs of citizens of the state and visitors. Each jurisdiction with responsibility for recreation areas, facilities and opportunities must meet existing and future needs. Recreation areas, facilities and opportunities are defined to include open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelways, sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; and active and passive games and activities.

This plan provides a way of meeting these goals by identifying and protecting significant scenic resources. The Scenic Resources Protection Plan provides a framework for the protection and enhancement of scenic resources through a combination of regulations and voluntary efforts. The mandatory requirements meet the requirements of Statewide Planning Goal 5; the voluntary efforts will work toward improving the livability and appearance of Portland.

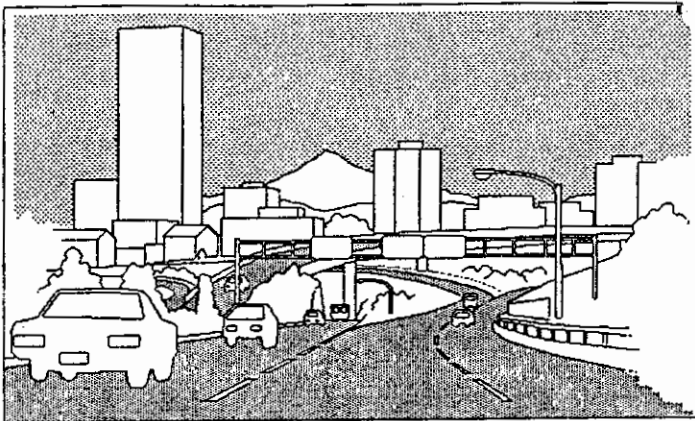
The strong interest that has accompanied the development of this plan reflects the degree to which Portlanders associate scenic places and views of mountains and rivers with Portland's identity. In conjunction with other planning efforts, the implementation of this plan will define the heritage of livability that this generation leaves to the future.

B. What are Scenic Resources?

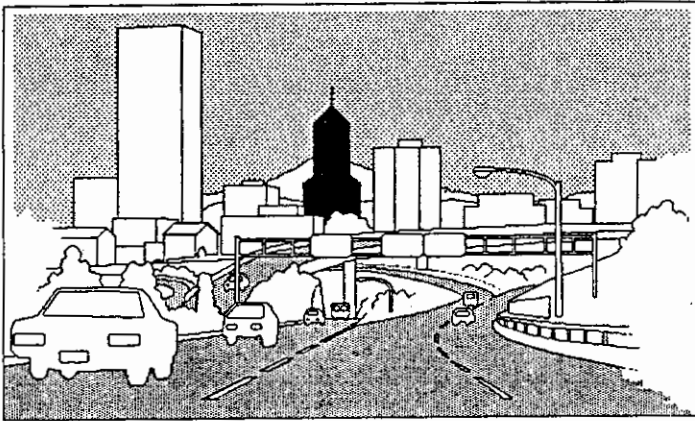
Webster's Dictionary describes scenic to be "of or relating to natural scenery." Scenery is further defined as "a picturesque view or landscape." A resource is defined as a "source of supply." Scenic resources are described by the State as "lands that are valued for their aesthetic appearance. The State further states that scenic resources are outstanding "scenic views and sites." The State delegates to each jurisdiction the determination of which scenic resources are "outstanding."

In Portland, and in most urban areas, scenic views or sites may contain manmade as well as natural elements. Scenic resources are experienced by an individual. The significance of a scenic resource will differ from individual to individual based on differing perceptions and values.

C. Doesn't Portland Already Protect Scenic Resources?



View of Mt. Hood
1979



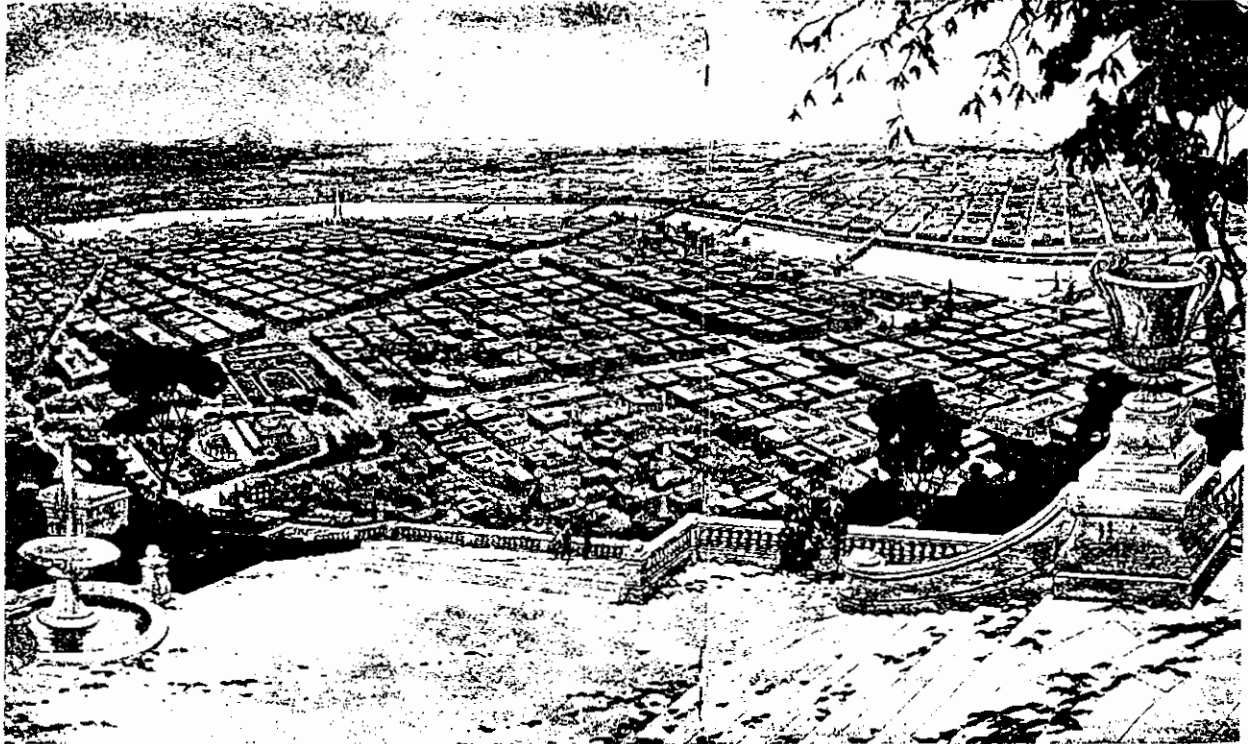
View of Mt. Hood
1989

The Park Blocks were the first effort by Portland to provide open space to enhance its livability. The south blocks were laid out as part of the original plat of the city. The south park blocks were dedicated in 1852. The north park blocks were platted in 1865. Portland's founders intended to have a continuous greenway along the western edge of the city that could be walked or driven. The park blocks became the city's first scenic corridor.

Studies and plans for open space and scenic drives date back at least to 1903 and the Olmsted Brothers parks plan for Portland. "The Greater Portland Plan" was published in 1912. The architect of the plan, Edward H. Bennett, proposed it as a guide for the further building of Portland. Although the plan addressed many aspects of the City, including transportation and business, a large portion of the plan focused on the appearance of the City, its boulevards, parks, the waterfront, and vistas.

Bennett recommended that Portland's streets should be more than just a conduit for traffic; he believed that streets should open up the City and provide views to the mountains and the west hills. Bennett envisioned small, terraced and planted vista

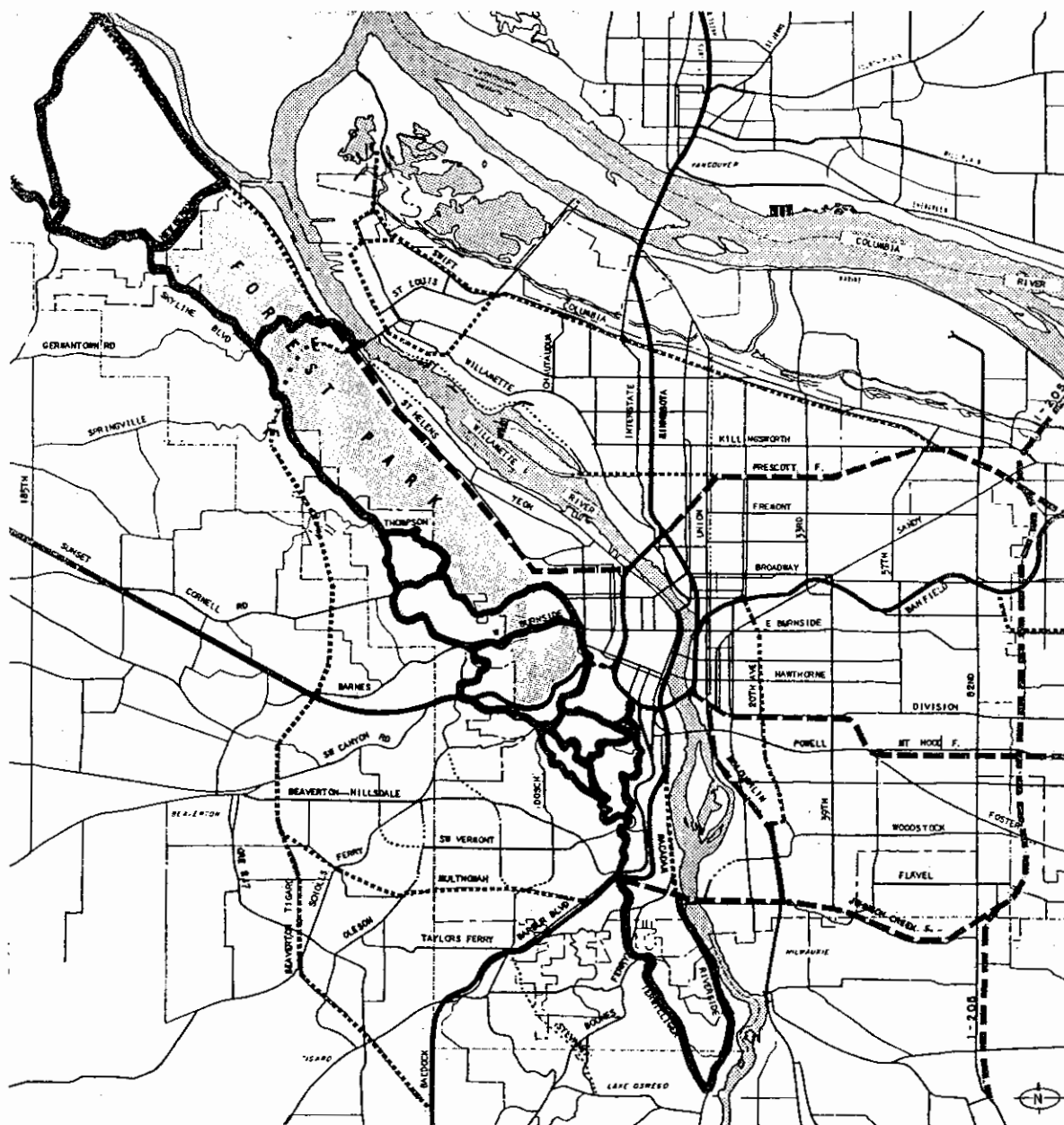
points along scenic drives where not only Portland but also distant mountain peaks could be seen and enjoyed.



THE GREATER PORTLAND PLAN (1912)

Portland has not developed exactly as Bennett imagined, but interest in preserving views and vistas has continued. The City has adopted many measures that protect scenic views and sites. These measures are summarized in the "Scenic Views, Sites and Drives Inventory" (March 1989). In addition to the already protected scenic resources, that inventory describes 132 scenic resources that were evaluated by a Technical/Citizen Review Committee and ranked within six general categories. Initially the list of proposed resources totaled over 300. This list was shortened to 131 through several rounds of review by staff and the Citizen/Technical Advisory Committee.

Other plans by Cheney and Moses included recommendations for acquiring additional open space and for developing a system of scenic boulevards and parkways. In 1966, the Planning Commission recommended that a comprehensive plan for Scenic Routes and Drives system be adopted, including a West Hills Scenic Route with Skyline Boulevard as the backbone of the system.



Proposed West Hills Scenic Route System

EXISTING FOREST PARK

SCENIC ROUTE

0' 10,000'

PORTLAND CITY PLANNING COMMISSION

In the 1970's, various agencies and bureaus developed open space plans for the region and the City which identified scenic resources. One goal of the Willamette River Greenway Plan, adopted by the City in 1979, is to identify and protect viewpoints and lands of scenic quality. The establishment of downtown height limits in 1979 were part of the implementation of the Downtown Plan and included the protection of the view of Mt. Hood from the Rose Gardens and the view of Mt. St. Helens from SW Terwilliger Boulevard.

The Arterial Streets Classification Policy (ASCP) adopted by the City in 1977 contains beautification policies which address vistas as a part of landscaping treatments along designated boulevards and parkways.

The preservation of existing environmental amenities, including parks and open space, was identified during the comprehensive planning process in the late 1970's as an important part of what makes Portland livable.

As a part of the development of the Comprehensive Plan, a number of urban area viewpoints and natural areas or areas with unique opportunities were identified and are protected with the Open Space designation and/or Greenway Overlay Zones. The Open Space designation preserves and protects open space and parks for recreational and aesthetic purposes in conformance with the underlying zone, and the Greenway regulations protect specific viewpoints and corridors that provide visibility to and along the Willamette River.

Goal 8 of the Comprehensive Plan states,

"Maintain and improve the quality of Portland's air, water and open space resources and protect neighborhood and business centers from detrimental noise pollution."

Policy 8.9: Open Space states,

"Protect Portland parks, cemeteries, and golf courses through an open space designation on the Comprehensive Plan Map."

Policy 8.10: Willamette River Greenway states,

"Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the City's Willamette River Greenway Plan."

Since the adoption of the Comprehensive Plan, the City has adopted additional measures that identified and protected scenic views and corridors in specific areas of the City. These include the Encroachments in the Public Right-Of-Way Policy (1982), the Terwilliger Parkway Corridor Study (1983), the Macadam Corridor Plan (1985), the Northwest Triangle Report (1985), an update of the Willamette Greenway Plan

(1987), the Columbia South Shore portion of the Industrial Zoning Code Improvement Project (1987), and the Central City Plan (1988).

In June 1988, City Council adopted environmental regulations for the City (effective date July 13, 1988) including two environmental zones. Two new policies were added to Goal 8 as part of the environmental regulations to further protect the City's natural resources.

Policy 8.14: Natural Resources states,

"Conserve significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. Balance the conservation of significant natural resources with the need for other urban uses and activities through evaluation of economic, social, environmental, and energy consequences of such actions."

Policy 8.16: Uplands Protection states,

"Conserve significant upland areas and values related to wildlife, aesthetics and visual appearance, views and sites, slope protection, and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces in a manner beneficial to the City and compatible with the character of surrounding urban development."

In addition to City policies and regulations relating to scenic resources, programs have been adopted by the State which address some of Portland's scenic resources. In 1986, the State adopted an Oregon Historic and Scenic Highway Program that includes the Fremont Bridge and St. Johns Bridge. The program requires review of changes or replacement to the bridges to ensure that their scenic or historic qualities are preserved. The program also provides for special signs at each scenic or historic section of designated highway to inform the public of the location and significant features of road or bridge. The Sunset Highway is recognized by the State as one of the important scenic gateways serving tourists.

D. Which Scenic Resources are included in the Plan?

More than 300 scenic resources were originally recommended for protection by citizens of Portland. Of these more than 300, some were already protected through mechanisms such as the Willamette Greenway Plan and were therefore not included in the ESEE Analysis. Others were deleted from further analysis when two or more resources were similar and one was clearly more significant.

Based on a preliminary determination of their scenic qualities and by using selection criteria (e.g., the resource must be visible from a public right-of-way or public access must be allowed), the number of resources was further reduced. The remaining resources, including those added during Planning Commission hearings, were documented with pictures and slides, and an assessment of the components of each resource was recorded on a worksheet.

A Citizen/Technical Review Committee evaluated each scenic resource by ranking it on a scale of one to five for each of 10 descriptors. The descriptors were weighted based on their relative importance. Two rounds of rankings were used for each resource to provide feedback to the committee members in making their decisions. (A more complete description of the process used is contained in the Scenic Resources Inventory.)

Resources were deleted at this point of the process if their score was below the cut-off point and no mitigating factors warranted retaining the resource for further evaluation. All of the remaining resources were evaluated for ESEE consequences. One of three recommendations is possible based on the outcome of the ESEE analysis: (1) do not protect the resource and allow conflicting uses, (2) protect the resource completely, and (3) protect the resource partially by allowing some conflicting uses.

The Scenic Resources Protection Plan includes all of the scenic resources evaluated in the Economic, Social, Environmental and Energy (ESEE) Analysis and recommended for partial or complete protection. The plan completes Portland's efforts to achieve full compliance with Statewide Goal 5 requirements and rules related to scenic resources.

E. How to Use This Document

The Scenic Resources Protection Plan includes additions and changes to the Comprehensive Plan. This new policy language has been incorporated into the Comprehensive Plan and will be used in evaluating land use decisions as they impact scenic resources.

This plan also contains a new overlay zone that consists of primarily objective standards that will be applied through the building permit process and during land use reviews. The overlay zone contains a set of maps showing the location of scenic resources and view corridors from specific viewpoints. The city's official zoning maps will also show the location of scenic resources and the exact location of view corridors. The maximum heights permitted within these view corridors are part of the overlay zone. Modifications to building heights within the Central City area are shown on the maps that are part the Central City Plan District regulations (Chapter 33.702 of the Zoning Code).

The maximum heights apply to all portions of a structure or vegetation planted since the adoption of this plan. The heights apply to signs, antennas, penthouse mechanical equipment, flag poles and all other similar items.

The items discussed under the heading, "Private/Public Partnership," of this plan are intended to stimulate members of the public and agencies to create, preserve, and enhance scenic resources throughout the City. The City may or may not be the lead agency in implementing these actions.

The support documents, Scenic Resources Inventory, Scenic Resources Map, and the ESEE Analysis and Recommendations, provide information to evaluate the important characteristics of each scenic resource, for instance, where various vantage points are located for viewing the resource. These documents are to be used in making land use decisions and in the evaluation of natural resources which have scenic value and environmental zoning.

SECTION II

CITY COUNCIL ACTIONS

"... beauty cannot be a remote and just an occasional pleasure. We must bring it into the daily lives of all our people. Children, in the midst of cities, must know it as they grow. Adults, in the midst of work, must find it near. All of us, in the midst of increasing leisure, must draw strength from its presence."

(Lyndon B. Johnson, President
First White House Conference on
Natural Beauty, May 25, 1965)

II. CITY COUNCIL ACTIONS

This section of the Scenic Resources Protection Plan contains a description of each action taken by the City Council on the elements of the Plan.

A. Changes to the Comprehensive Plan

On June 26, 1990, the Planning Commission recommended that the City Council adopt the proposed changes to the Comprehensive Plan as stated in Section V of this plan. On March 13, 1991, City Council adopted the recommended changes.

B. Changes to Title 33, Planning and Zoning

On June 26 and August 14, 1990, the Planning Commission recommended that the City Council adopt changes to Title 33, Planning and Zoning. On March 13, 1991, City Council adopted the following changes as amended:

1. The Scenic Resource zone, including maps as shown in Section VI of the Scenic Resources Protection Plan.
2. The Rocky Butte plan district and map as shown in Section VI of this plan.
3. The definitions as stated in Section VI of this plan.
4. The Central City plan district Maximum Building Heights Map 510-3 as shown on the maps included in the Scenic Resources Protection Plan and in the adopting ordinance.

C. Changes to Official Zoning Maps

On June 26 and August 14, 1990, the Planning Commission recommended that City Council adopt changes to the Official Zoning Maps consistent with the maps of the Scenic Resource zone, the Rocky Butte plan district and the adopting ordinance. On March 13, 1991, City Council adopted the changes as amended by action B.1 above.

D. Private/Public Partnership

The Planning Commission adopted a recommendation to support a private/public partnership that will work, along with proposed policies and regulations, to create and enhance scenic resources in Portland. On March 13, 1991, City Council adopted

this recommendation. The elements of this partnership work in much the same way as the action charts of the Central City Plan. They will provide guidance for direct and indirect actions that will have a beneficial impact on scenic resources. These actions are voluntary and are not required by the State to meet its State Goal 5 process for protection of significant resources. The following list is not all inclusive, rather it is a compilation of ideas that have come out of discussions and hearings.

1. Street Tree Program. Work with the City Forester to ensure that street trees enhance views rather than obstruct them. Encourage the City Forester to develop a plan for planting street trees that promotes native species of trees where natural vegetation is predominant.
2. Development Standards in the Columbia South Shore Plan District. Work with the Portland Development Commission to develop development standards within the Columbia South Shore Plan District. Standards should enhance the scenic qualities of the area and preserve views from rights-of-way to the mountains.
3. New Viewpoints. Work with public agencies to encourage the development of new viewpoints as part of publicly assisted projects. Development should take advantage of views where possible as a way to replace views that disappear as it occurs.
4. Columbia Slough Clean-Up and Management Plan. Work with the Bureau of Environmental Services and other affected agencies to ensure that management plans for the Columbia Slough include elements that increase recreational opportunities, encourage preservation of views, and enhance the scenic qualities of the area.
5. Historic Designation. Encourage property owners with significant scenic resources to seek historic designation of structures that are part of designated scenic resources.
6. Tree Pruning Program. Work with the City Forester, the Parks Bureau and arborists to encourage and promote pruning of vegetation to enhance views and provide advice to individual property owners who wish to enhance scenic resources.
7. Turnouts for Scenic Corridors. Encourage the donation of property adjacent to scenic corridors where turnouts are desirable. Work with the Office of Transportation to develop these turnouts.
8. Pedestrian and Bicycle Paths. Work with the Office of Transportation and the Parks Bureau to develop bike and pedestrian paths along scenic corridors and in conjunction with designated scenic viewpoints and sites.

9. Identification of Scenic Resources. Encourage private and public agencies to place signs along scenic corridors and at viewpoints to provide information to residents and visitors. Incorporate this information into brochures that are available to the public.
10. Public Donation of Land. Encourage the public to donate land, seek Open Space designation, or provide scenic easements on lands that are identified in this plan as a view corridor, scenic corridor or scenic site. The Planning Commission felt strongly that the City should be actively seeking donations from the public of property that can enhance our natural resource goals and policies. They also expressed a need to offer incentives to the public, in the form of tax advantages or alternative development opportunities, to achieve these goals.

E. Sites for Public Acquisition

The Planning Commission adopted a recommendation to pursue public acquisition of the following sites in conformance with Objective A of Policy 8.14 (Natural Resources) of the Comprehensive Plan which states,

"Prepare and maintain a long-range list of properties in order of priority desirable for public acquisition in order to insure long term natural resource conservation."

This plan proposes that the language of this objective be modified to include the statement, "Actively solicit donations of property or easements to protect and enhance identified resources."

The Willamette Greenway Plan already includes several of the following properties for public acquisition. Others have significant natural resource value for wildlife habitat as well as contributing to the scenic environment. The Bureau of Planning recommends that the Planning Commission support the public acquisition, either through purchase, dedication or gift, of:

1. Slope between Ross Island Bridge and Oaks Bottom
This parcel is listed in the Willamette Greenway as future public acquisition. It includes approximately 35 acres along the river between Ross Island Bridge and Oaks Bottom, presently in multiple ownerships. Acquisition of these properties would ensure that views from SE McLoughlin to the City and views from the slope would be preserved.
2. Slope adjacent to Overlook House and Park
This parcel is one tax lot (Tax Lot 86, Section 21, T1N, R1E) owned by the railroad. It is 9.06 acres in size. Acquisition of this parcel would ensure

that the views from Overlook House and Overlook Park to the river and City would be preserved.

3. Johnson Lake

This lake is located immediately west of I-205 and is visible from the freeway. The Environmental Natural overlay zone was placed on the lake in order to preserve its natural qualities.

4. Turnouts along Scenic Corridors

The locations of some of these turnouts are identified in the ESEE analyses of several scenic corridors. Some turnouts are already in public ownership, but are not improved. Turnouts allow motorists or bicyclists to stop to enjoy overlooks without impeding traffic.

5. Property adjacent to W Burnside from SW Barnes to SW Kingston

Many properties along this segment of Burnside are already owned either by the City or Multnomah County. Additional acquisition along the right-of-way would ensure that the heavily forested hillsides would be retained. Burnside is a major entrance to the City.

On March 13, 1991, City Council adopted these recommendations for future acquisition of properties. Adoption of the recommendation does not require acquisition on any specific timetable, but is, instead, intended to provide guidance for acquisition priorities as funds or opportunities arise.

SECTION III

METHODOLOGY

"The importance of natural beauty cannot be easily measured. It cannot be coded for computer or calculated by economists. But it is proven beyond doubt by the history of the race, and experience of our own lives."

(Lyndon B. Johnson, President
First White House Conference on
Natural Beauty, May 25, 1965)

III. METHODOLOGY

The methods used in inventorying, analyzing, and developing recommendations for protection are based on the requirements of the Administrative Rule adopted by the State for State Goal 5 resources.

A. Scenic Resources Inventory

The inventory is the first step and includes documentation of the location, quantity and quality of the resources present. If a resource is not considered important, it may be excluded from further consideration for purposes of local land use planning, even though state and federal regulations may apply. Analysis of resources may be delayed, if information is not available or is inadequate to determine the importance of the resource.

Several methods were used to develop a preliminary list of potential scenic resources. Known scenic resources were listed, requests for nominations of resources were sent to neighborhood associations, interested persons, and other interest groups, and a map was compiled within the Planning Bureau. In addition, over the course of the project, additional resources were recommended during the public hearing process.

All resources went through a preliminary evaluation based on minimal standards of aesthetic quality. All resources surviving this initial screening were ranked by a Citizen/Technical Advisory Committee based on ten criteria generally recognized in the field as being components of scenic qualities. Low scoring resources were eliminated from further consideration, unless some special circumstance warranted further review.

The ranking system that was used is based on methods used by the federal government in ranking scenic areas and potential development impacts. The resulting numeric score is an weighted average based on the group scores after two rounds of ranking for each resource.

The methodology used is detailed in the Scenic Resource Inventory. The inventory also includes a brief description of previously identified and protected scenic resources and a description, including score, of all resources that went through the ranking process.

At the conclusion of the inventory process, all resources remaining are subject to the remaining steps in the Goal 5 process.

B. Economic Social Environmental Energy (ESEE) Analysis

Following development of the inventory an ESEE Analysis was prepared for every resource that received a ranking and was not dropped from consideration because of low scores. Some resources, because they are already protected through existing zoning regulations, received only a brief analysis. This brief analysis does not imply that the resource is not significant, rather it means that the City has already acknowledged the value of the resource and will continue to protect it.

The analysis looked at potential conflicts between protecting or not protecting the resource on the basis of economic, social, environmental consequences as required by the Administrative Rule for State Goal 5 (see Appendices B and C). This is done by examining the uses allowed in broad zoning categories. A conflicting use, according to the administrative rule, is one which, if allowed, could negatively impact the resource. If there are no conflicting uses, the jurisdiction must adopt policies and regulations, to ensure that the resource is preserved.

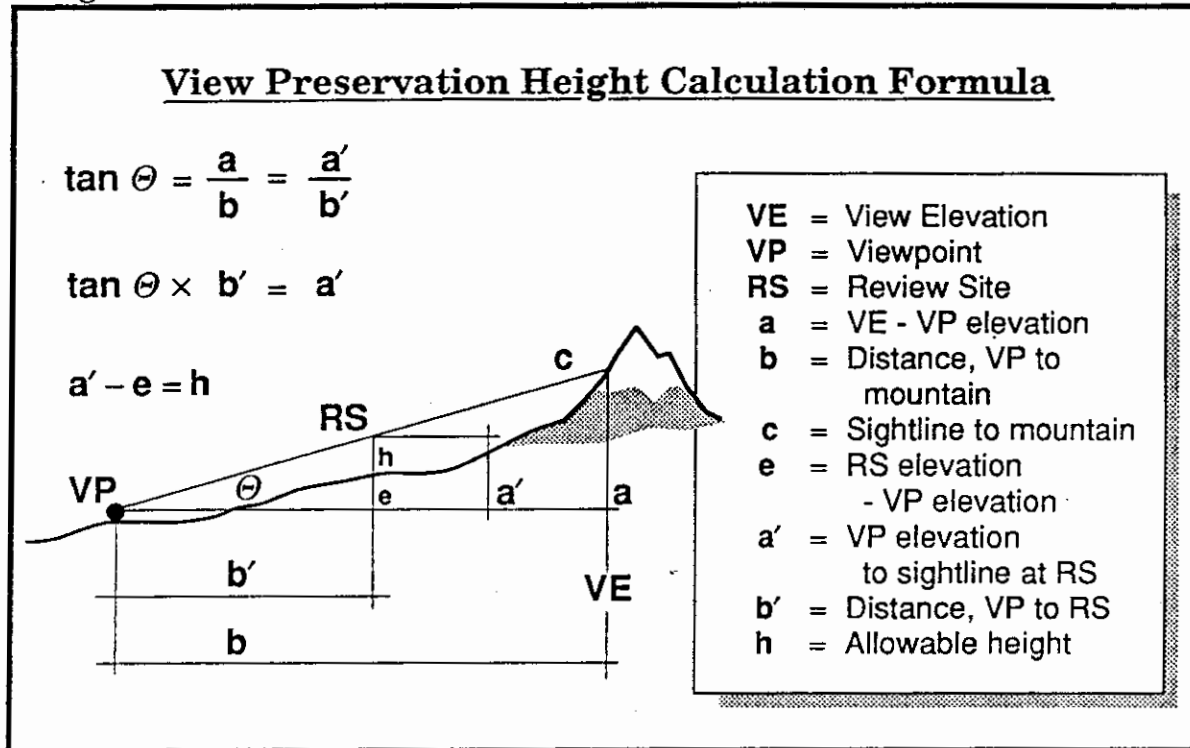
These analyses, along with a full description of the methods followed, are contained in the separate document, ESEE Analysis for Scenic Resources, referenced in the Appendix. The ESEE analysis is considered adequate if it provides a jurisdiction with reasons why decisions are made regarding specific resources.

The ESEE Analysis also contains a tentative recommendation to either protect, partially protect, or not protect the resource based on the analysis.

C. Scenic Resources Protection Plan

The location of resources and associated view corridors have been mapped using a variety of information including topographic maps, visual surveys and field surveys. The maximum building heights within the view corridors were mapped based on a trigonometric formula used by the City of Austin, Texas (see Diagram 1).

Diagram 1



Other cities, such as Vancouver, British Columbia, have used a similar method to calculate maximum building heights to protect significant views. Some jurisdictions use a more informal method of preserving views, such as designating the specific feature to be protected and using a design review process to evaluate individual projects for compliance.

The Scenic Resource overlay zone contains the maps that establish maximum heights and a set of development standards which modify base zone regulations along scenic corridors. The development standards are primarily objective in nature and are applied through the plan check process and during other land use reviews.

The Rocky Butte plan district was developed in response to the unique scenic, historic and natural resources of the butte. The development standards of the plan district are taken from existing covenants that have been placed on portions of land on the butte. The covenants regulating height adjacent to portions of Rocky Butte road were part of the covenant between Multnomah County and the original owners. The provision for structures to be no higher than the level of the adjacent roadway is intended to provide uninterrupted views to the Columbia River and the mountains. Other standards are derived from the covenants attached to the lots within the Olympus Estates subdivision. The intent of these restrictions is to retain existing vegetation to the extent possible and to develop housing that will be compatible with the natural and scenic qualities of the butte.

SECTION IV

CITIZEN INVOLVEMENT

"I think it is going to demand that all of our private citizens be constantly alert to stimulate, to inspire, and to stem new danger to beauty. For it is the quality of our lives that is really at stake."

(Lyndon B. Johnson, President
First White House Conference on
Natural Beauty, May 25, 1965)

IV. CITIZEN INVOLVEMENT PROCESS

The citizen involvement process for the project began in September 1987 when approximately 400 neighborhood organizations, interested persons and special interest groups were notified of the project and solicited for nominations of scenic resources. The following list details the formal process of citizen involvement through meetings, briefings, workshops, and hearings. There were also many meetings with individuals and bureau representatives over the course of the project.

DATE	MEETING/EVENT
September - November 1987	Request for nominations of scenic resources (neighborhoods, interested persons and groups)
November 1987 - August 1988	Citizen Technical Advisory Committee ranking sessions and briefings
October 1987	Planning Commission briefing on project
July - August 1988	Public review of inventory
August 9, 1988	Planning Commission briefing on inventory
November 8, 1988	Planning Commission hearing and acceptance of inventory
April 11, 1989	Planning Commission briefing on project
July - August 1989	Public review of ESEE and recommendations
July 18, 1989	Public Forum on ESEE and recommendations
July 26, 1989	Historic Landmarks Commission briefing
July 26, 1989	Rocky Butte Preservation Society
August 3, 1989	Design Commission hearing on proposed design guidelines
August 8, 1989	Planning Commission hearing on inventory, ESEE Analysis, and recommendations
August 15, 1989	Planning Commission hearing on inventory, ESEE Analysis, and recommendations

September 5, 1989	Business and Office Managers Association
September 11, 1989	Forest Park Neighborhood Association
September 12, 1989	Planning Commission work session on inventory, ESEE Analysis, and recommendations
September 17, 1989	Columbia Corridor Association
September 24, 1989	Urban Forestry Commission briefing
November 27, 1989	Rocky Butte Preservation Society
February 13, 1990	Planning Commission briefing on project
March 27, 1990	Portland Beautification Association
March 27, 1990	Planning Commission briefing
April 3, 1990	Public Workshop
April 10, 1990	Planning Commission briefing
April 24, 1990	Planning Commission hearing
May 15, 1990	Planning Commission hearing
June 26, 1990	Planning Commission hearing
July 24, 1990	Task Force on Tree Preservation
August 14, 1990	Planning Commission hearing
October 25, 1990	City Council hearing
November 15, 1990	City Council hearing
March 6, 1991	City Council hearing
March 13, 1991	City Council adoption

In addition to the neighborhoods, interested people and groups, and agencies, approximately 2000 property owners were notified of the potential application of the Scenic Resource overlay zone or the Rocky Butte plan district to their property. Additional notification of the City Council hearing was sent to all persons or groups who participated in the process either in writing or in person or who requested notification.

SECTION V

**COMPREHENSIVE PLAN POLICIES
RELATING TO
SCENIC RESOURCES**

*"We wish to encourage persistent stewardship;
we wish to avoid a crisis of ugliness."*

(Paul F. Brandwein, Chairman
First White House Conference on
Natural Beauty, May 25, 1965)

V. COMPREHENSIVE PLAN POLICIES RELATING TO SCENIC RESOURCES

The following policies and objectives are the basis of the Scenic Resources Protection Plan. Existing Comprehensive Plan policies relating to scenic resources are shown in plain type; proposed new policies and objectives are shown in **bold type**. The new policies and objectives are intended to guide City actions to protect and enhance existing scenic resources and to foster opportunities to create new and enhance currently unidentified views and viewpoints. A short discussion of the new policy language follows each change or addition and is shown in *italics*.

POLICIES – LAND RESOURCES

8.14 Natural Resources

Conserve significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. Balance the conservation of significant natural resources with the need for other urban uses and activities through evaluation of economic, social, environmental, and energy consequences of such actions.
(No change)

OBJECTIVES

A. Acquisition Program for Significant Resources

Prepare and maintain a long-range list of properties, in order of priority, desirable for public acquisition in order to insure long term natural resource conservation. **Actively solicit donations of property or easements to protect and enhance identified resources.**

Discussion: This addition reflects the public/private partnership element of the Scenic Resources Protection plan. Donations and easements have frequently been used to acquire and preserve important resources and will continue as a viable alternative to public acquisition.

B. Intergovernmental Coordination (No change)

C. Impact Avoidance

Where practical, avoid adverse impacts to significant natural and scenic resources.

Discussion: This addition recognizes that urban scenic resources are frequently a combination of natural and manmade features.

D. Mitigation
(No change)

E. Soil Erosion Control
(No change)

F. Pruning to Maintain and Enhance Views

Actively manage the pruning and cutting of trees and shrubs on public lands or on non-public areas with scenic designations to maintain and enhance scenic views which may be impacted by vegetation.

Discussion: Many views have been lost over the years as vegetation has grown up. This objective is already part of the Terwilliger Parkway Corridor Plan. Pruning efforts should be a joint public/private endeavor.

G. Improving Turnouts along Scenic Routes and at Viewpoints

Improve and maintain turnouts along scenic corridors and at identified viewpoints throughout Portland.

Discussion: Surplus right-of-way along scenic drives such as Skyline provide opportunities for motorists, bicyclists and pedestrians to enjoy views. Some drives or viewpoints are not appropriate for turnouts or stopping places.

H. Bike and Pedestrian Routes

Enhance the value and beauty of Portland's bicycle and pedestrian routes by locating them to take advantage of significant viewpoints, scenic sites, and scenic corridors.

Discussion: Many bicycle and pedestrian routes coincide with proposed scenic corridors. Review of the Arterial Streets Classification Policy should include consideration of these scenic corridors when designating additional bicycle or pedestrian routes.

I. Consideration of Scenic Resources in Street Vacations

Require the preservation and maintenance of existing and potential view corridors and viewpoints when approving street vacations.

Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

Discussion: Views along existing rights-of-way are a valuable resource. Evaluation of street vacation requests should include determination of whether an identified or potential view would be impacted. Potential views are those that are not especially important now because of vegetation within the right-of-way.

J. Consideration of Scenic Resources in Planning Process

Ensure that master plans and other planning efforts include preservation and enhancement of significant scenic resources.

Discussion: The preservation and enhancement of scenic resources should be an element in master plans and be considered during land use reviews such as superblock review, design review, adjustments, subdivisions and during planning by other City bureaus where scenic resources may be impacted.

K. Enhancing View Corridors

Improve the appearance of views along designated view corridors by placing utility lines underground.

Discussion: New subdivisions are already required to place utilities underground. As streets are redeveloped or reconstructed, utilities should be placed underground. Many good views down rights-of-way or over public property would be enhanced if utility wires and poles were not visible.

POLICY 10 – PLAN REVIEW AND ADMINISTRATION

10.13 Columbia River

Develop a plan for Portland's frontage along the Columbia River to protect, conserve, maintain, and enhance the scenic, natural, historical, economic, and recreational qualities of Portland's Columbia river bank.

Discussion: Goal 10 of the Portland Comprehensive Plan provides a mechanism to ensure that areas and priorities are established to update the plan and its implementing measures during the next 20 years. The State mandates that the Willamette River be protected and enhanced. A bistate planning effort is underway for the lower portion of the Columbia River. This policy acknowledges this statewide effort and establishes the importance of planning for Portland's future as a participant in the multiple functions of the river.

SECTION VI

ZONING CODE AND MAP CHANGES

"The ultimate reality is what we see at ground level as we walk or drive."

(William H. Whyte, Chairman
First White House Conference on
Natural Beauty, May 25, 1965)

VI. ZONING CODE CHANGES

This section contains amendments to Title 33 to implement the Scenic Resources Protection Plan which is part of the Portland Comprehensive Plan. The proposed changes include a set of definitions, a Scenic Resource overlay zone, and a new plan district for Rocky Butte. The Scenic Resource zone is an overlay that is placed on view corridors, along scenic corridors and on scenic sites. The Scenic Resource maps in the Scenic Resources Protection Plan show where the Scenic Resource zone applies and what the maximum heights are within the zone.

A. Definitions

Definitions for terms relating to scenic resources are given below. They are part of the definition section of Title 33. How a scenic resource is classified (as a scenic view, site, or corridor) is found in the Scenic Resources Inventory and the ESEE Analysis.

33.910.000 Definitions

- A. **Scenic corridor:** A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities such as a winding road through a wooded area.
- B. **Scenic site:** A scenic site is a area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.
- C. **Scenic view:** A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway or path. A view may be to a far away object such as a mountain or of a nearby object such as a city bridge.
- D. **Scenic viewpoint:** A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

- E. **View corridor:** A view corridor is a three dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

B. Scenic Resource Zone

The Scenic Resource overlay zone is used in conjunction with other zoning regulations to preserve and enhance scenic resources that have been designated as significant through the inventory and ESEE analysis process. The Scenic Resource zone is applied within view corridors and along scenic corridors. The resource is shown with the symbol "s" within boundaries indicating the extent of the resource.

The maps following the Scenic Resource zone show where the "s" will be applied. Within view corridors maximum height limits are shown where the base zone height limit has been reduced or where special provisions of the Zoning Code allow structures above the base zone height limits. For example, in the Central City plan district, some blocks may exceed the height limit of the plan district if performance standards are met. The Scenic Resource zone may impose an interim height that is in excess of the plan district height but which is less than what is allowed through the performance standard. In these cases, the Scenic Resource zone height is the maximum permitted.

The maps also show the location of significant resources that do not require special zoning regulations, but should be considered during land use reviews such as conditional uses or adjustments.

Amendments to the Scenic Resources Inventory are a legislative action. The procedures stated in Title 33, Planning and Zoning, are used to amend the inventory or the provisions of these regulations.

CHAPTER 33.480 SCENIC RESOURCE ZONE

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

33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan;
- 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;
- Implement the scenic resource policies 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. 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 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the Scenic Resources Protection Plan. The standards for each subsection below apply only to areas with that designation in the 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 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 viewpoints.

2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, 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.
- B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the 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.
 2. Standards.
 - a. 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.
 - b. Street setbacks. Street setbacks must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this title apply. No more than 25 percent of the street setback can be used for vehicle areas except that each lot is allowed at least a 9 foot wide driveway or parking area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone.

- c. 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. 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. Screening. 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 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.
- e. Fences and hedges. The total maximum height of fences, hedges, and berms within the street setback, or first 20 feet from the designated resource if there is no street setback, is 3 1/2 feet. This provision does not apply to any required screening and buffering.
- f. Signs. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Rotating signs and flashing signs are prohibited. The standards of this section apply within the street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists.
- g. Preservation of trees. The provisions of Chapter 33.248, Landscaping and Screening, apply to this subsection. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees over 6 inches in diameter measured at 5 feet above the ground within the street setback (or first 20 feet if no setback exists) must be retained unless removal conforms to one or more of the following standards:
 - (1) The tree is located within the footprint of proposed buildings, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die.

- (2) The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property.
- (3) The tree is within a water, sewer or other utility easement.
- (4) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.

In addition to these provisions, 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.

- h. **Tree Replacement.** Trees between 6 inches and 12 inches in diameter, 5 feet above the ground, may be removed if replacement vegetation is planted within the front setback (or first 20 feet if no setback has been established). The schedule for replacement of trees is shown below.

Size of tree to be removed (as measured at 5' above ground)	Option A (no. of trees to be planted)	Option B (no. of trees to be planted/no. of other approved vegetation)
6" to 9"	1	not applicable
over 9" to 12"	3	2 trees and 1 other

Trees and other vegetation which are allowed to replace removed trees are listed in the Scenic Resources Protection Plan. Replacement trees must be at least 2 inches in diameter, 5 feet above ground; other vegetation must be in at least a 5-gallon container or the equivalent in ball and burlap.

33.480.050 Tree Removal Review

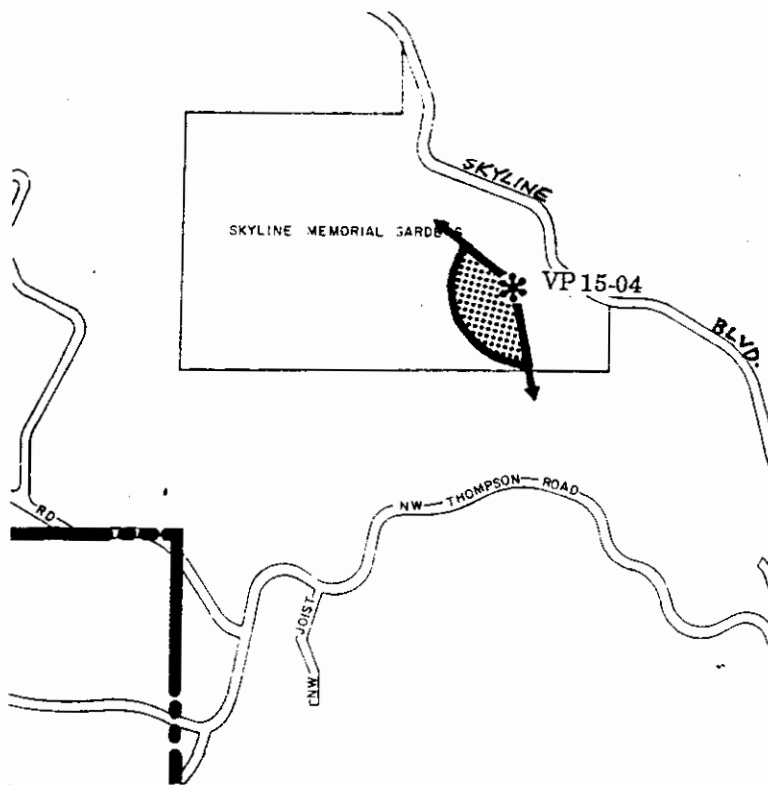
- A. **Purpose.** The purpose of the tree removal review is to allow trees to be removed when they meet the purpose of this Chapter and when removal will enhance a view from a public right-of-way or from public property.
- B. **Scope of tree removal review.** Trees that do not qualify for removal under Subsection 33.480.040.B.2.g. and h. above, may be removed if approved through tree removal review as provided in this Section. Tree removal in

areas with an Environmental zone is subject to environmental review rather than tree removal review.

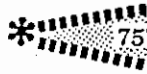
- C. **Procedure.** Tree removal review is processed through a Type II procedure.
- D. **Approval criteria.** The request to remove trees will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - 1. The removal is to create or enhance a public view from public property or from a public right-of-way;
 - 2. Mitigation is provided on site by replacing removed trees with approved vegetation listed in the Scenic Resources Protection Plan appendix, after consultation with the City Forester; and
 - 3. The removal is consistent with any applicable Environmental zone regulations.
- E. **Tree removal without permission.** Trees over 6 inches in diameter measured at 5 feet above the ground that are removed without permission must be replaced with 2 trees from the approved tree list in the appendix of the Scenic Resources Protection Plan. The new trees must be at least 2 inches in diameter measured 5 five feet above the ground.


33.480.050 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.



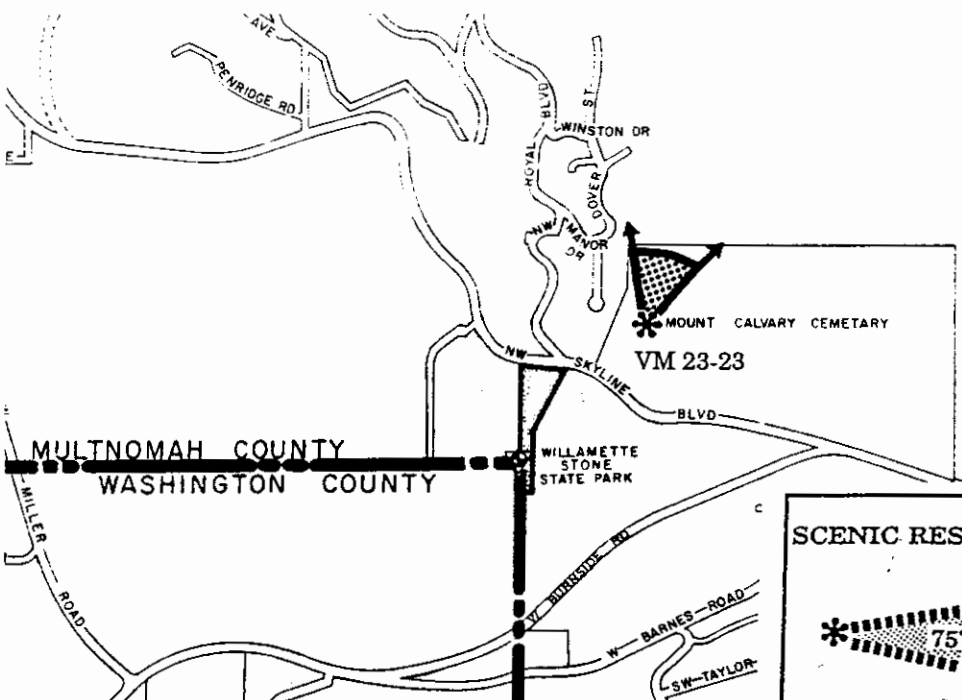
SCENIC RESOURCES PROTECTION PLAN


VIEW CORRIDORS WITH HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS (NO SPECIAL HEIGHT RESTRICTIONS)



SCENIC SITES


MAP 2a City of Portland
Bureau of Planning August 1990



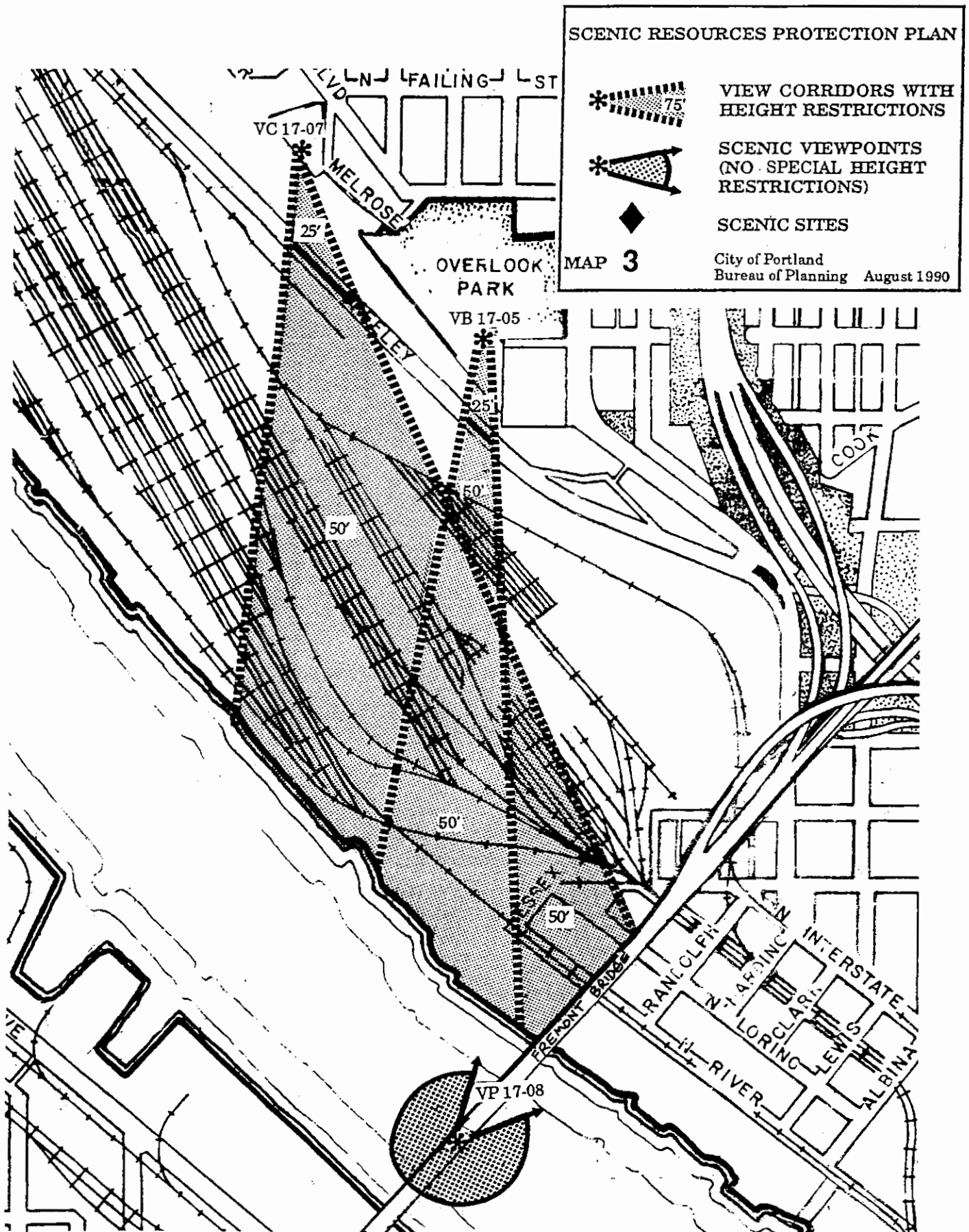
SCENIC RESOURCES PROTECTION PLAN

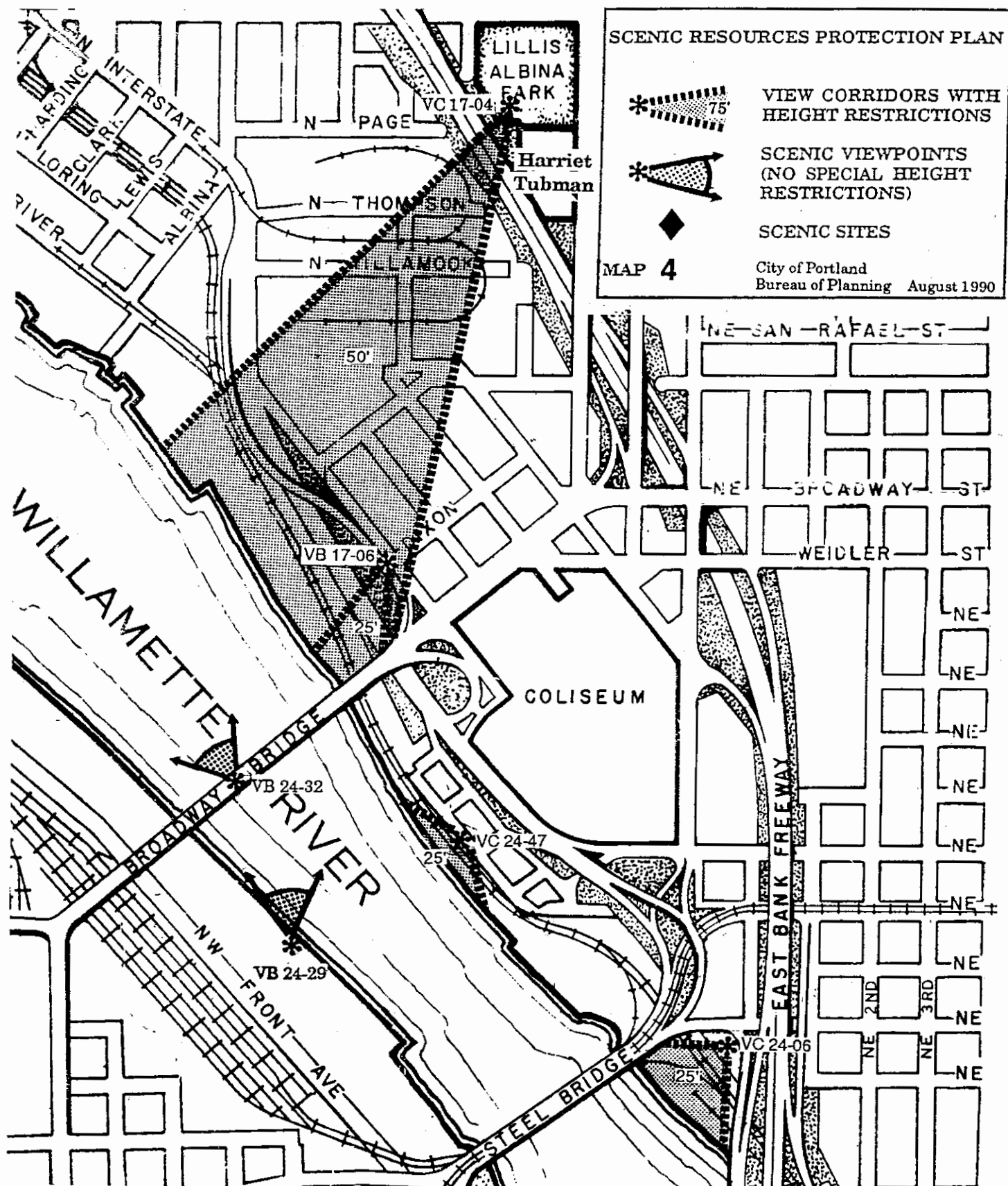

VIEW CORRIDORS WITH HEIGHT RESTRICTIONS

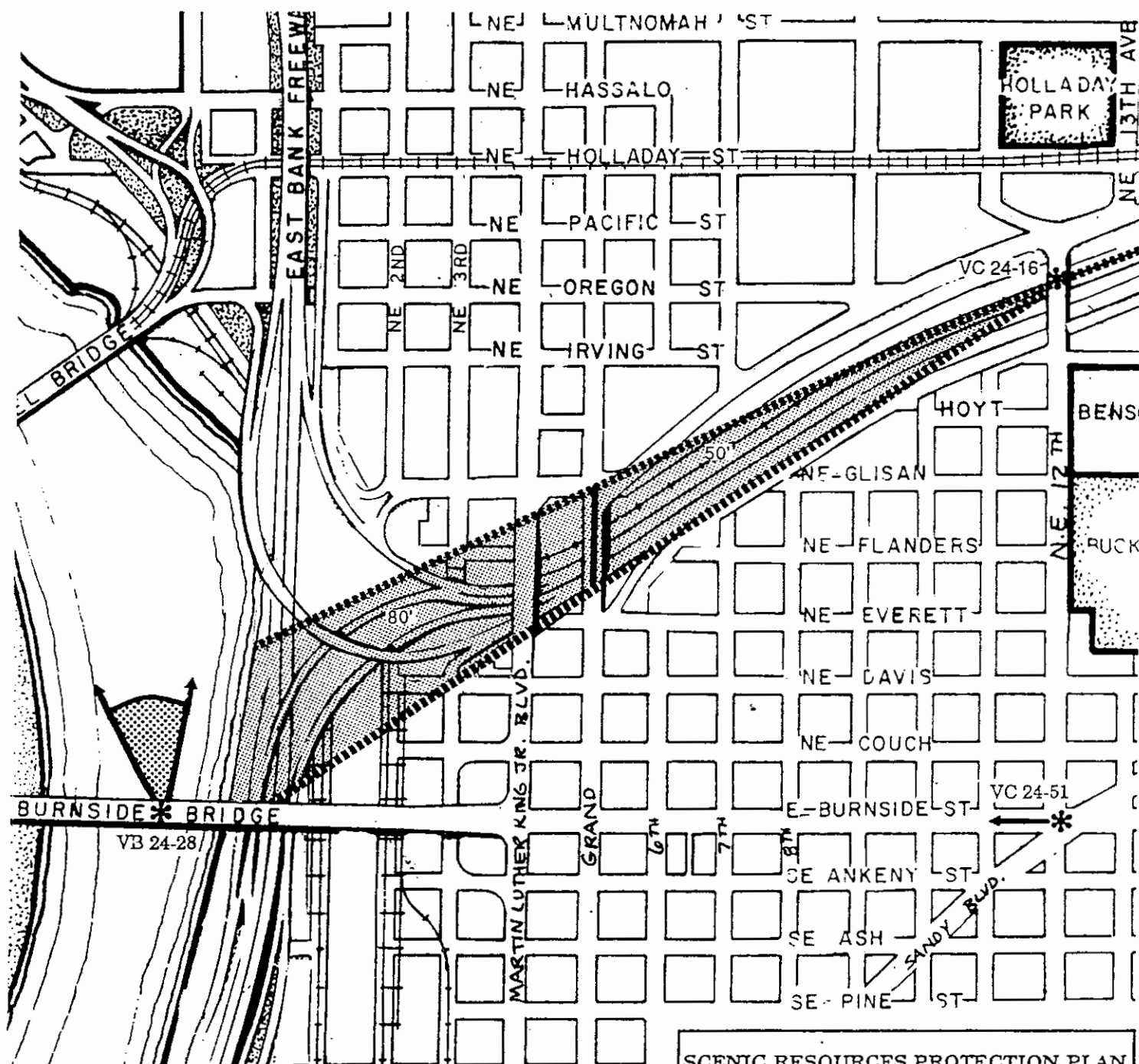

SCENIC VIEWPOINTS (NO SPECIAL HEIGHT RESTRICTIONS)


SCENIC SITES

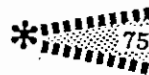
MAP 2b City of Portland
Bureau of Planning August 1990







SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS
(NO SPECIAL HEIGHT
RESTRICTIONS)

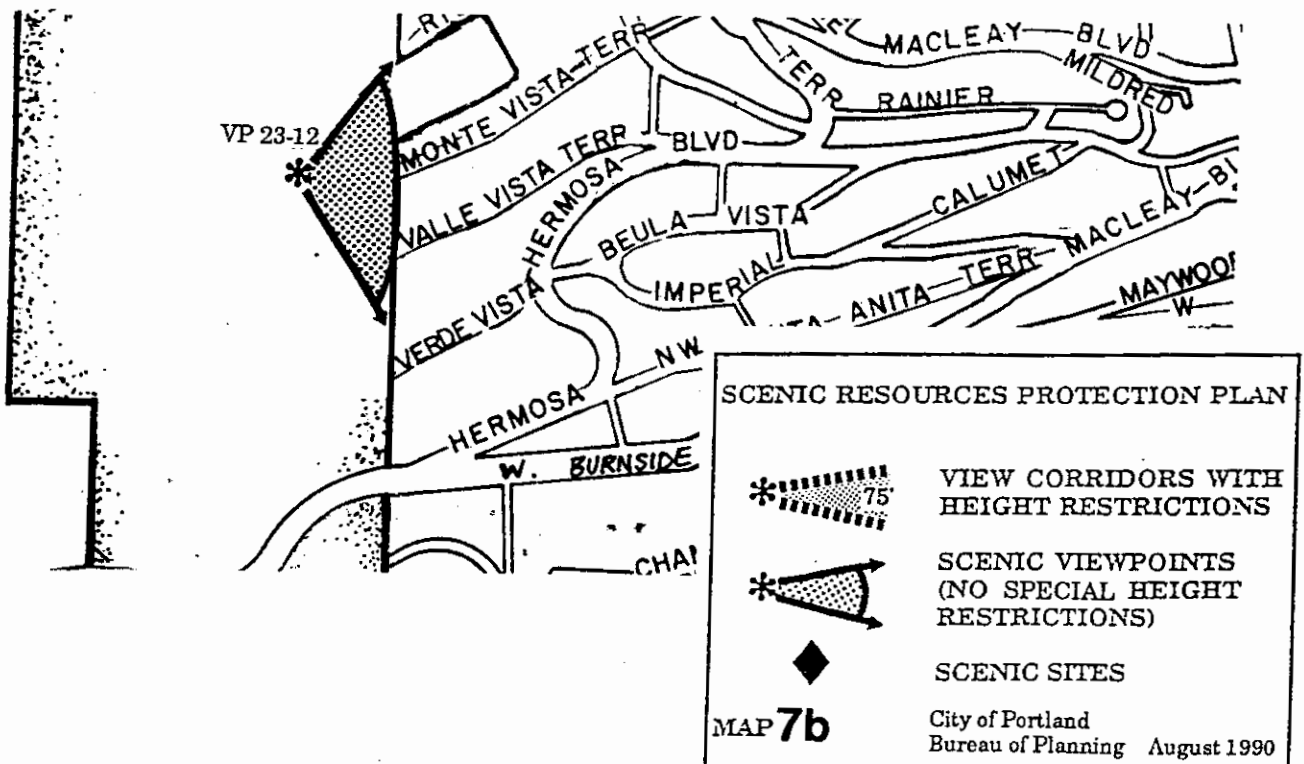
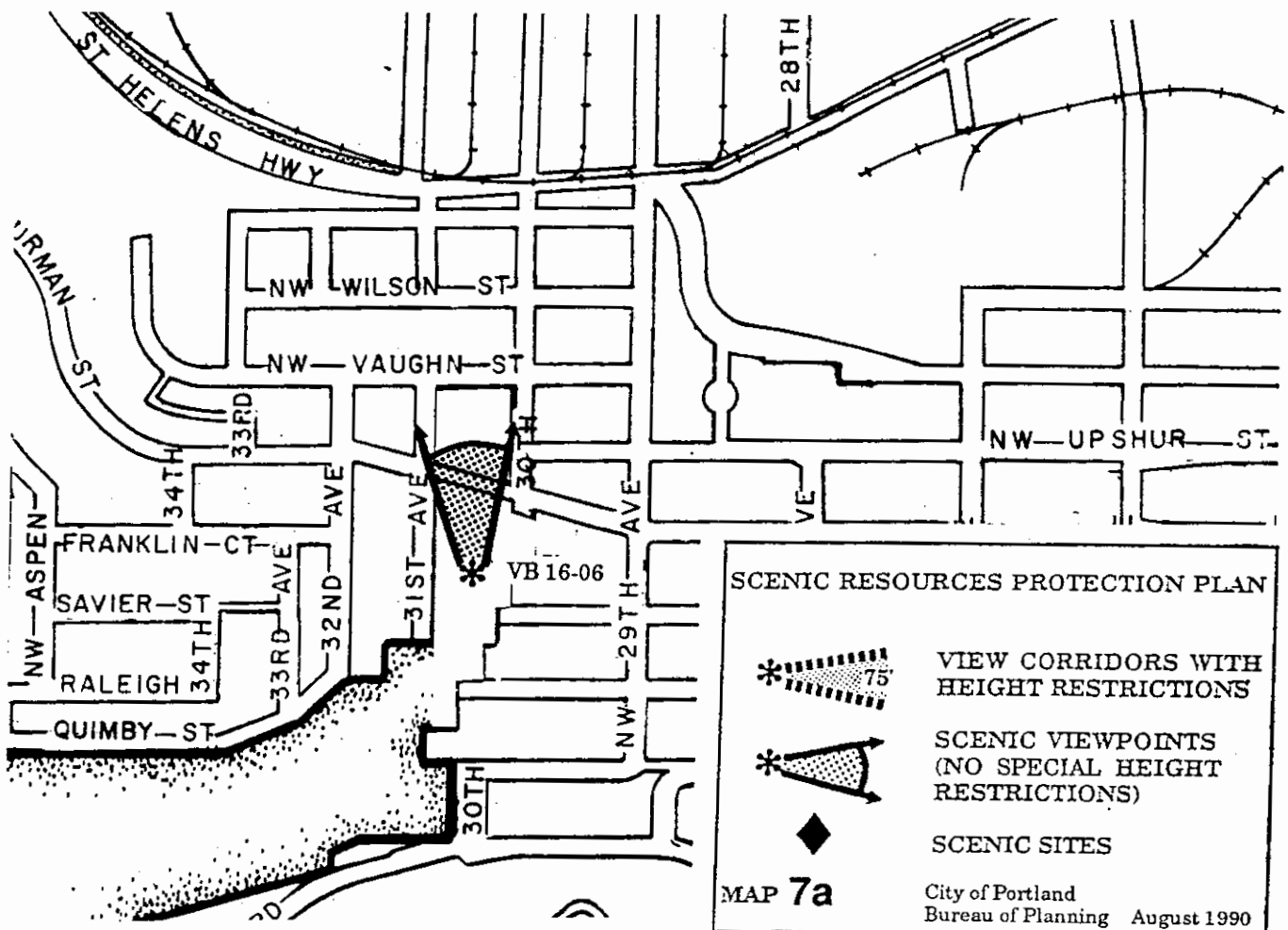


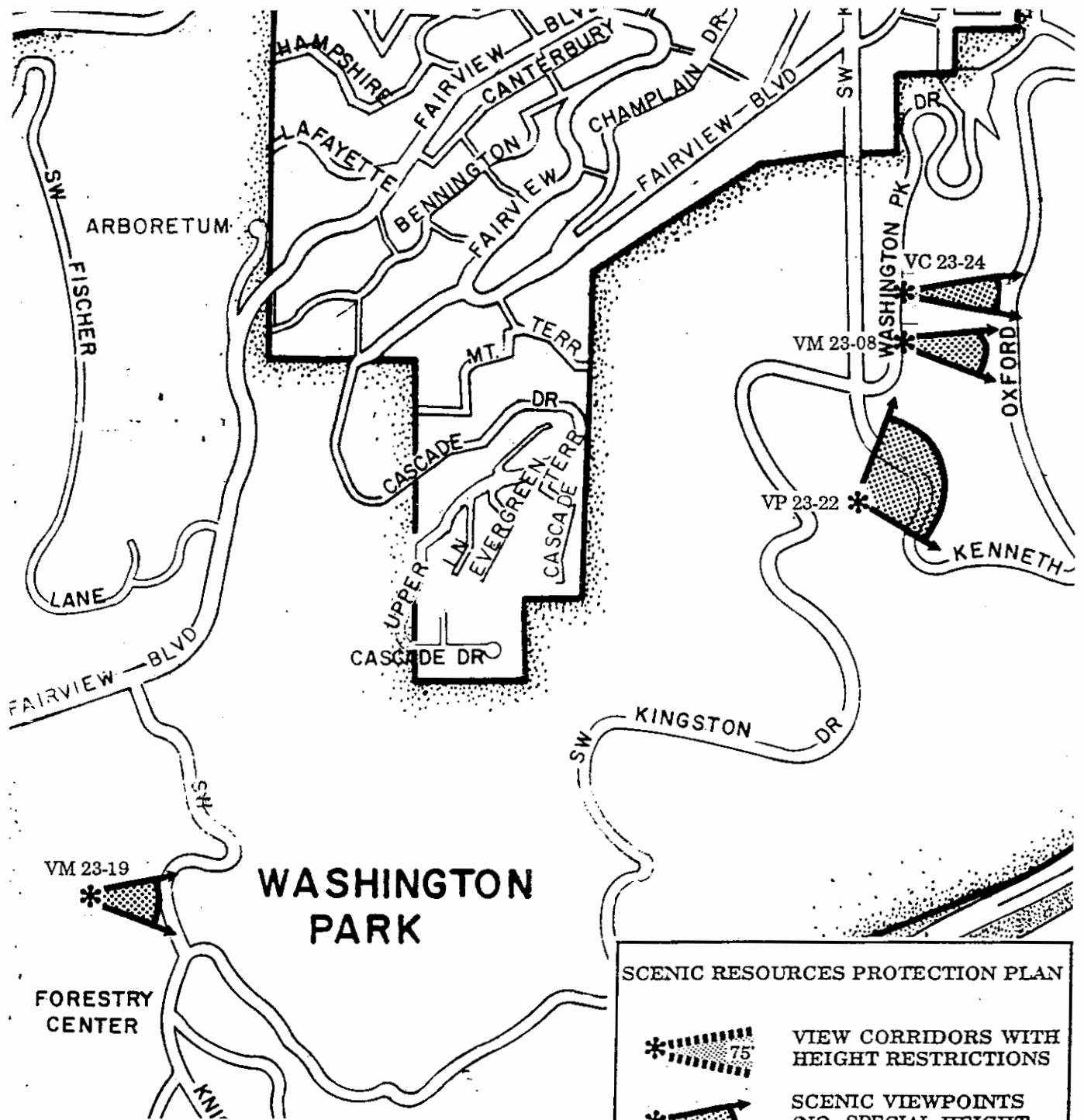
SCENIC SITES

MAP 5

City of Portland
Bureau of Planning August 1990





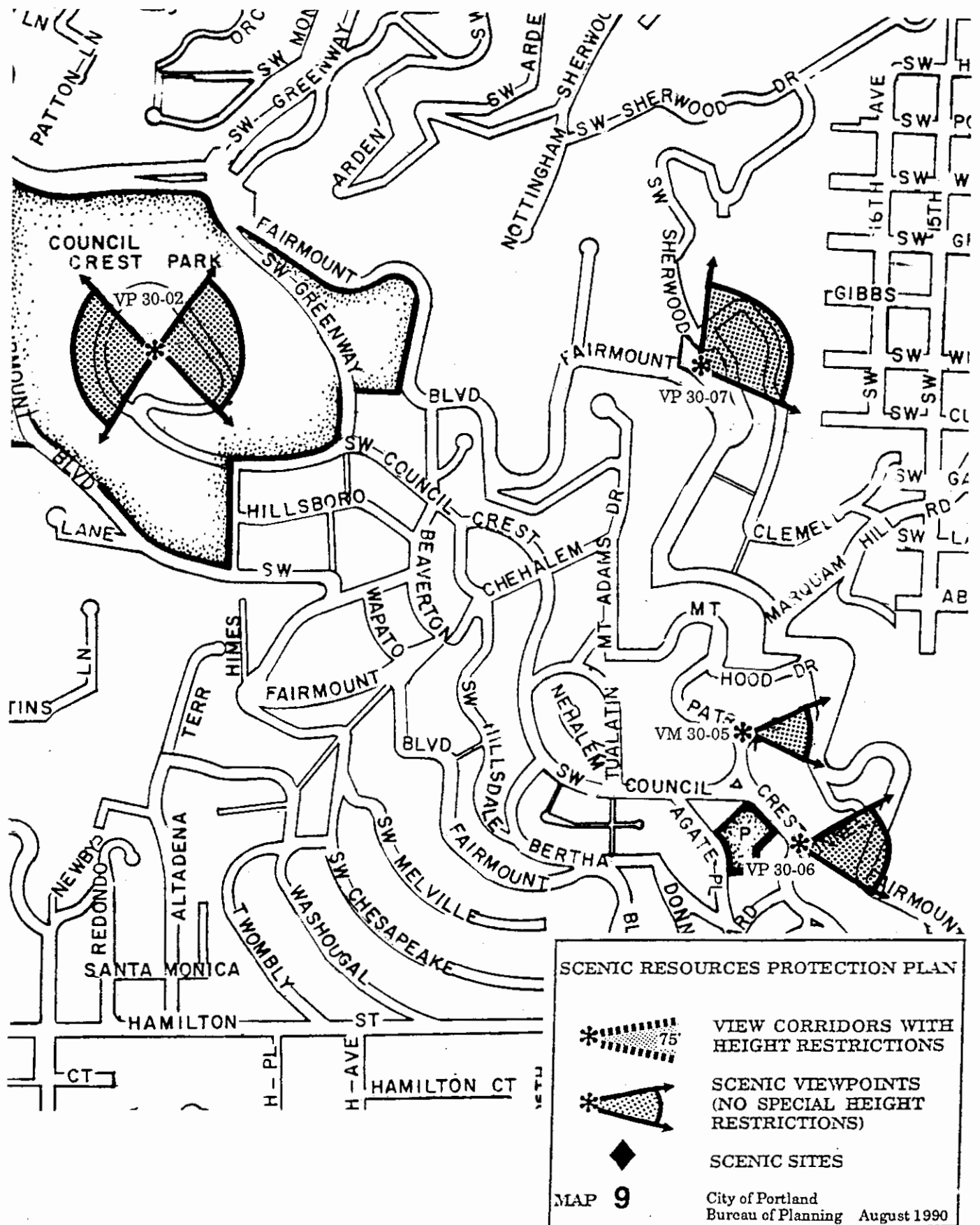


SCENIC RESOURCES PROTECTION PLAN

	VIEW CORRIDORS WITH HEIGHT RESTRICTIONS
	SCENIC VIEWPOINTS (NO SPECIAL HEIGHT RESTRICTIONS)
	SCENIC SITES

MAP 8

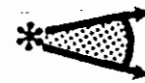
City of Portland
Bureau of Planning August 1990



SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH
HEIGHT RESTRICTIONS



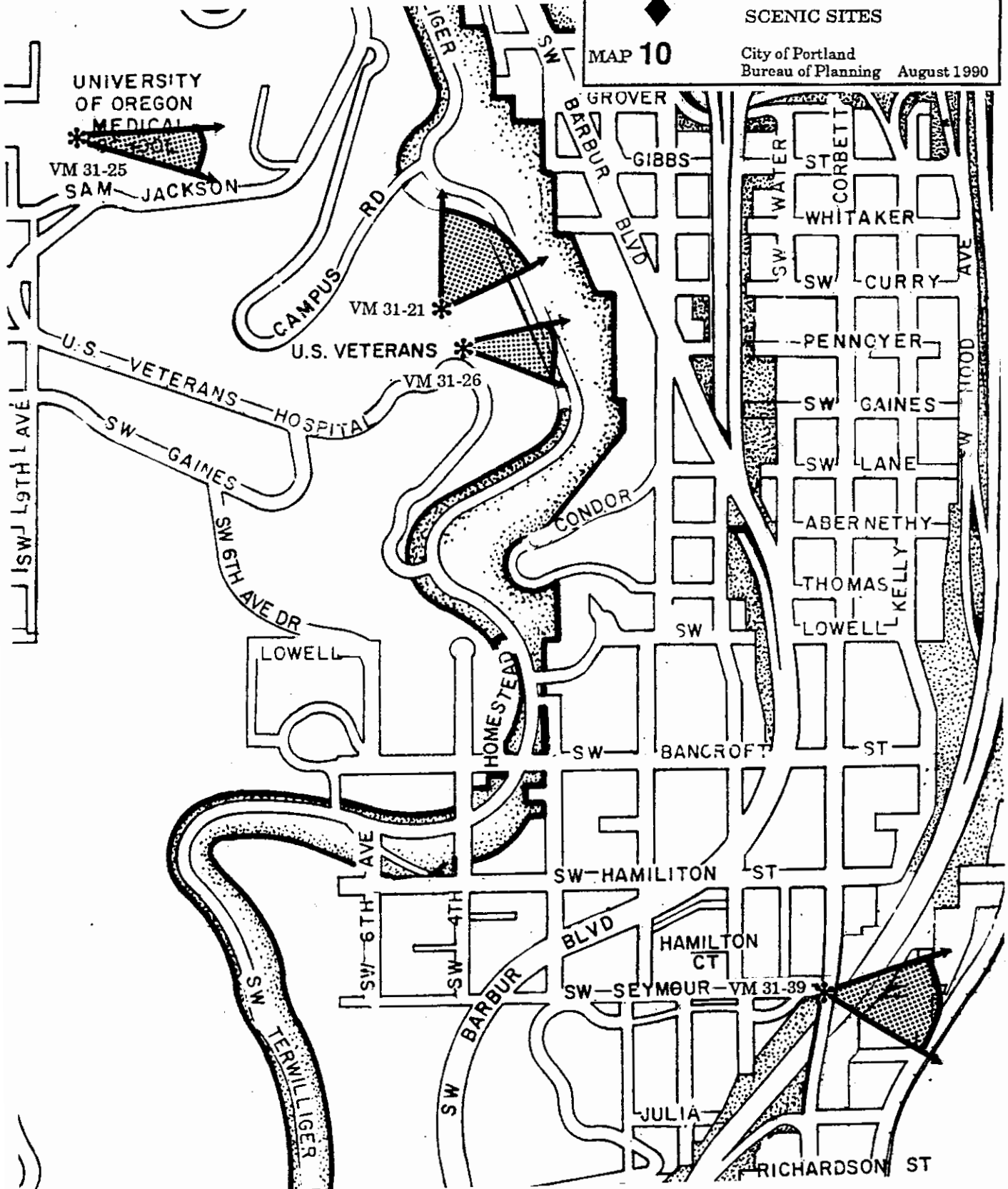
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(NO SPECIAL HEIGHT
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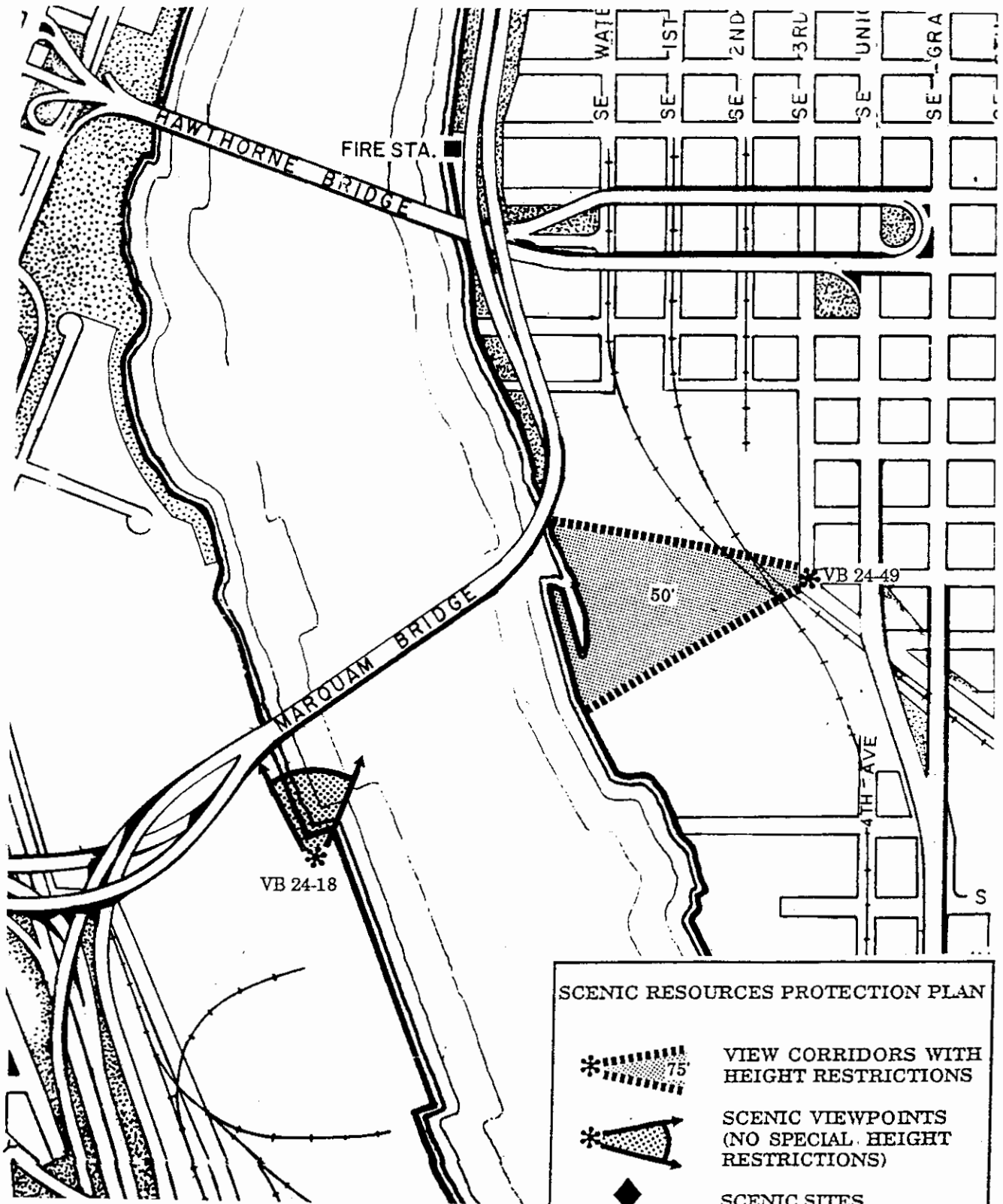


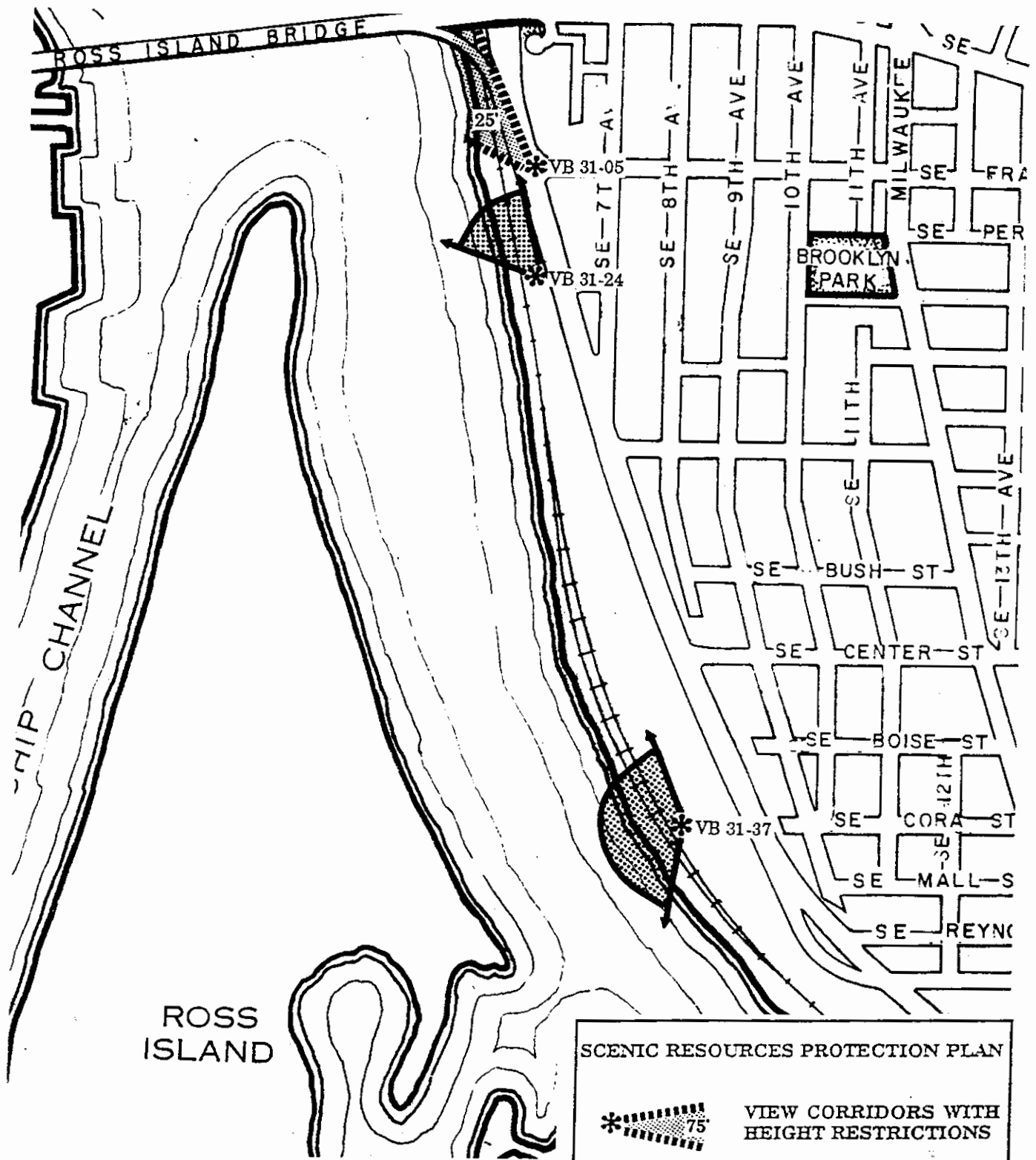
SCENIC SITES

MAP 10

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Bureau of Planning August 1990







SCENIC RESOURCES PROTECTION PLAN

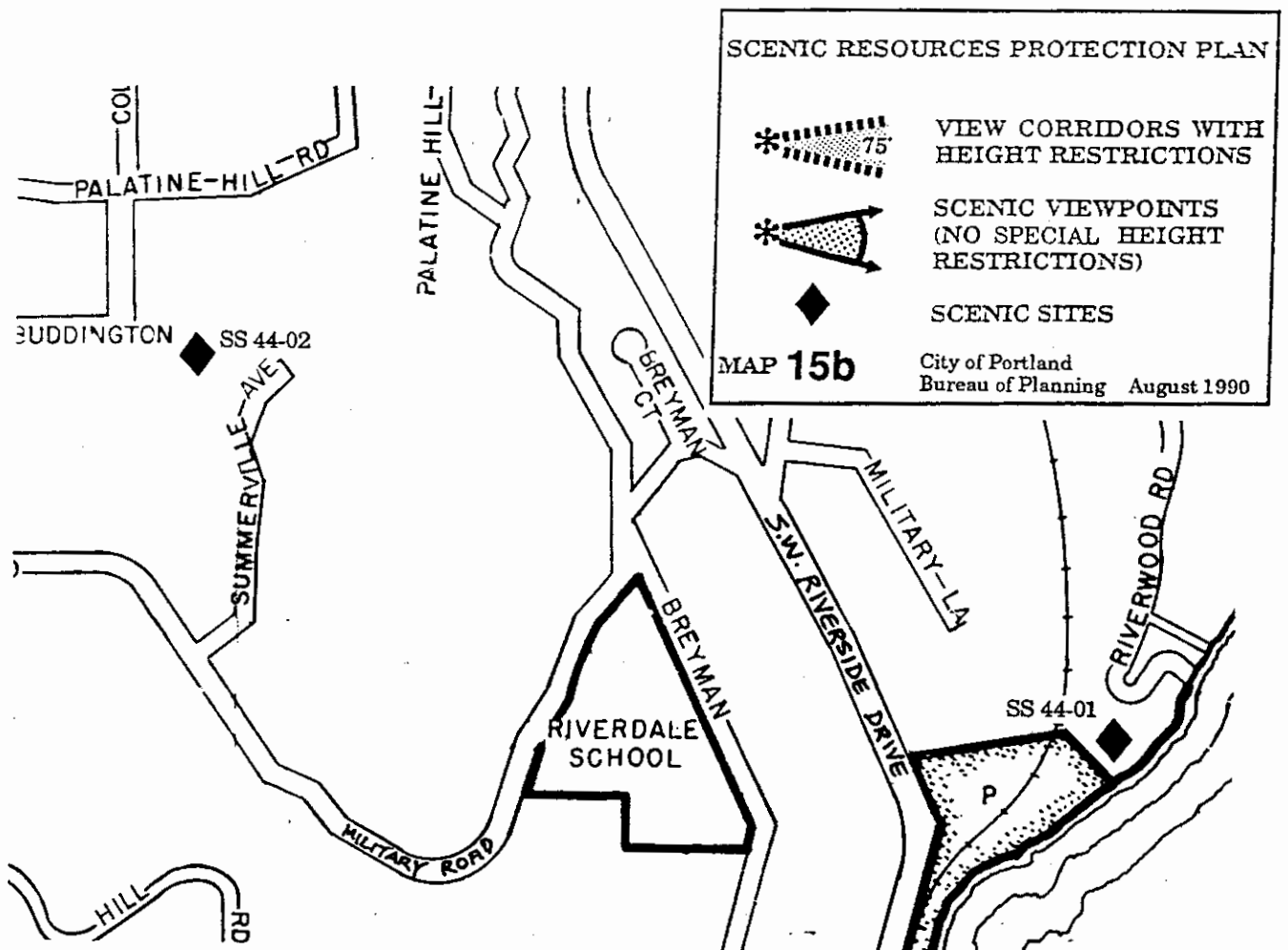
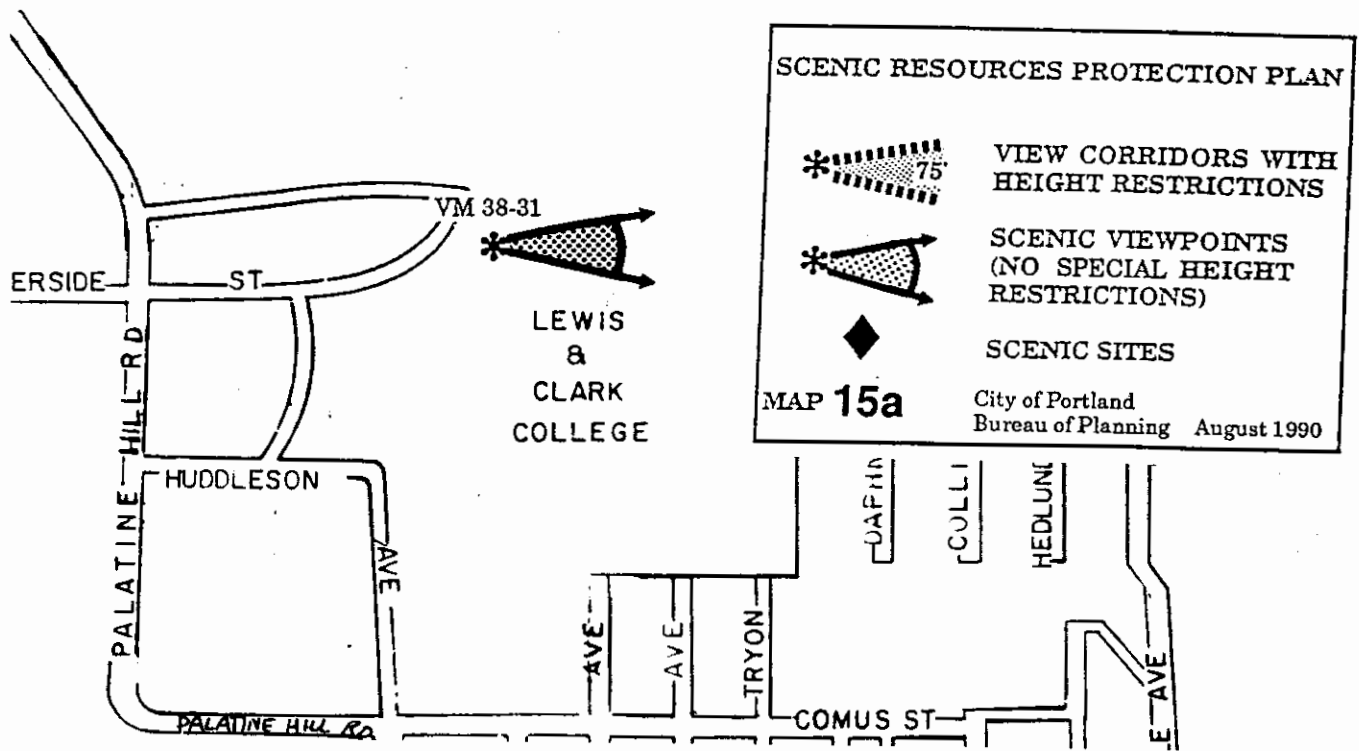
VIEW CORRIDORS WITH HEIGHT RESTRICTIONS

SCENIC VIEWPOINTS (NO SPECIAL HEIGHT RESTRICTIONS)

SCENIC SITES

MAP 12

City of Portland
Bureau of Planning August 1990



SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH
HEIGHT RESTRICTIONS



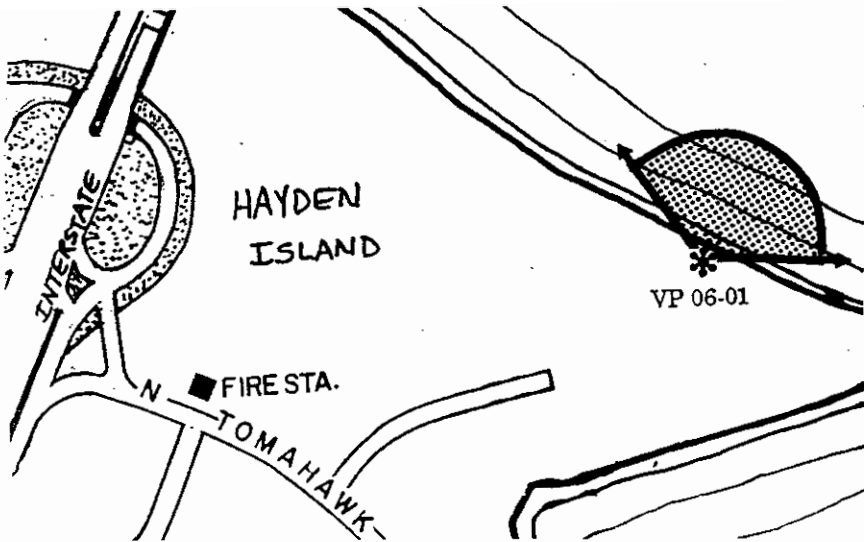
SCENIC VIEWPOINTS
(NO SPECIAL HEIGHT
RESTRICTIONS)



SCENIC SITES

MAP 16a

City of Portland
Bureau of Planning August 1990



SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH
HEIGHT RESTRICTIONS



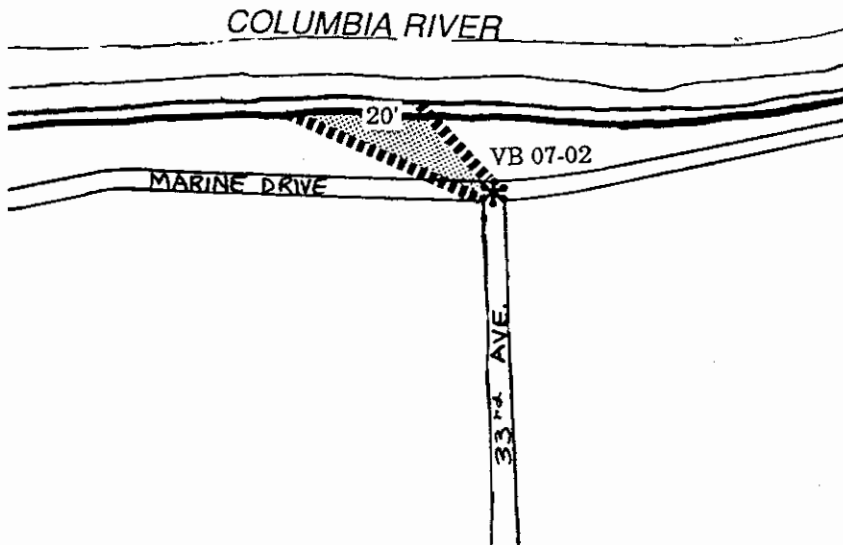
SCENIC VIEWPOINTS
(NO SPECIAL HEIGHT
RESTRICTIONS)



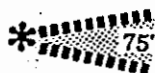
SCENIC SITES

MAP 16b

City of Portland
Bureau of Planning August 1990



SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH
HEIGHT RESTRICTIONS



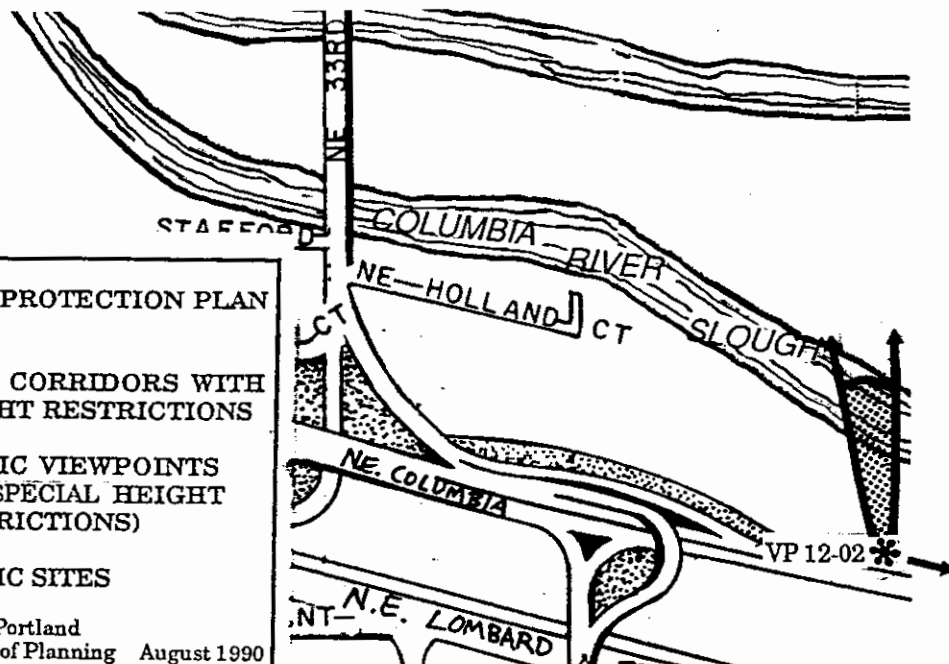
SCENIC VIEWPOINTS
(NO SPECIAL HEIGHT
RESTRICTIONS)

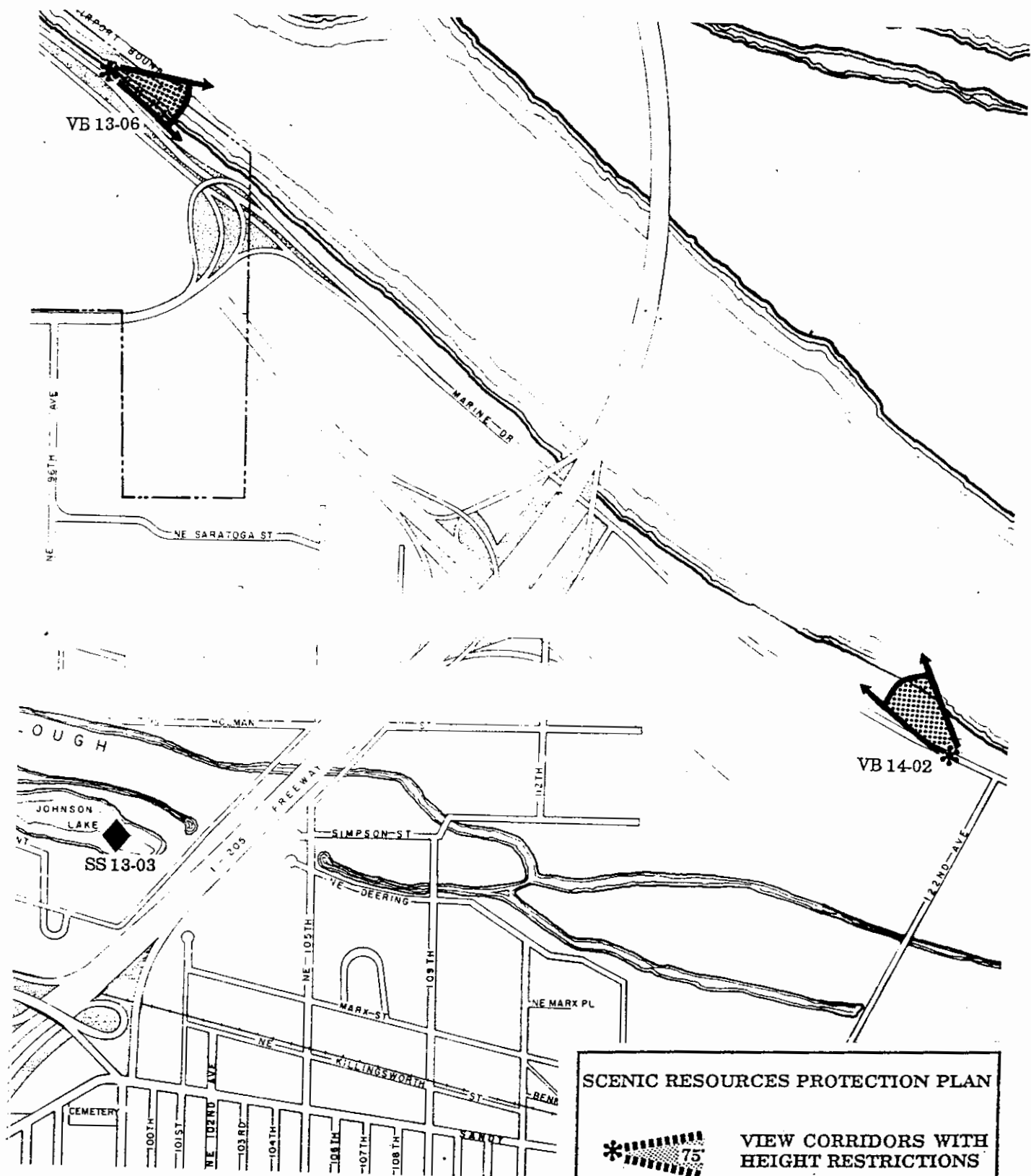


SCENIC SITES

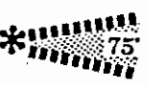
MAP 16c


City of Portland
Bureau of Planning August 1990





SCENIC RESOURCES PROTECTION PLAN

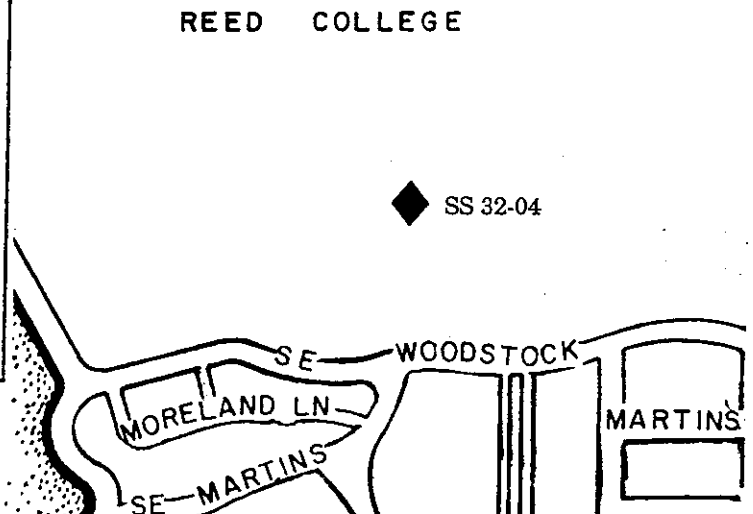
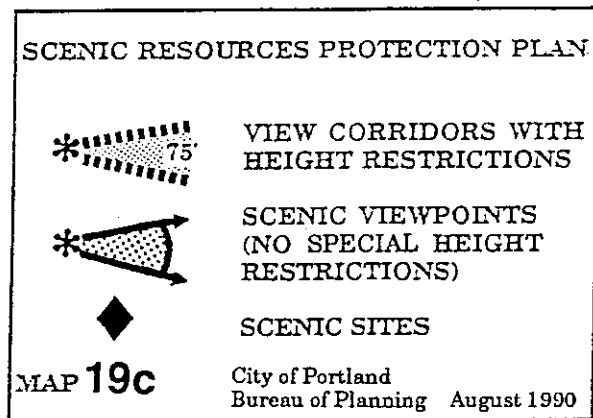
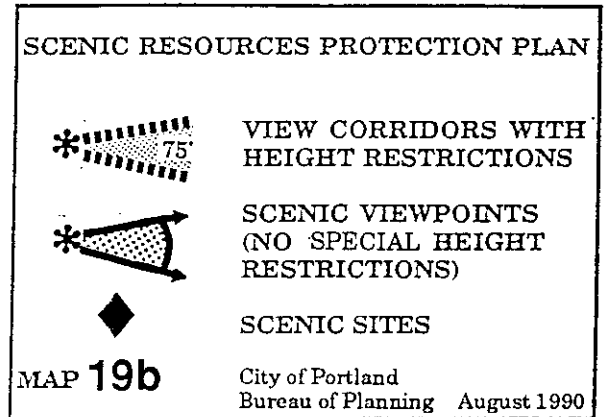
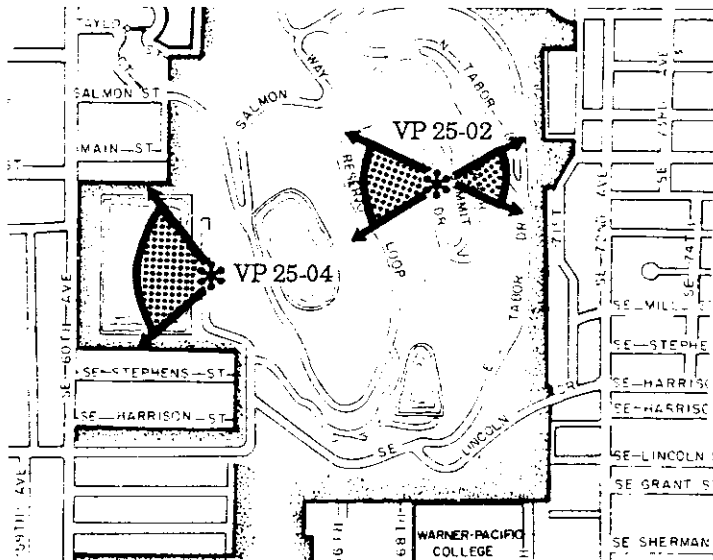
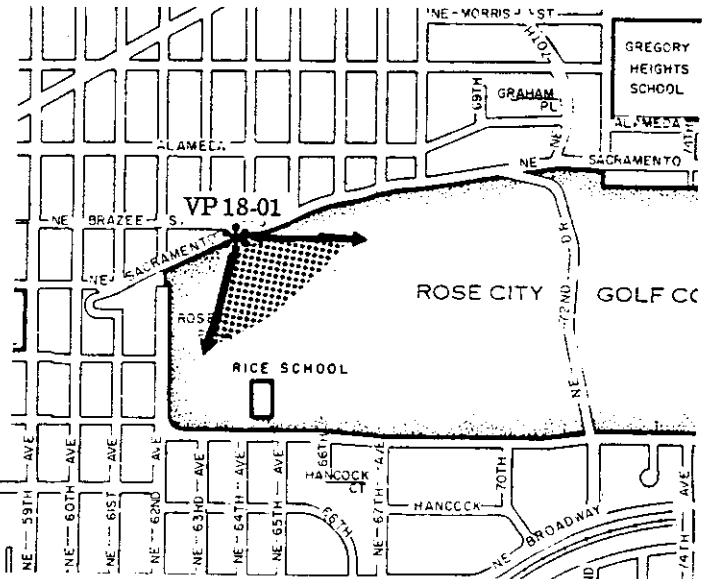
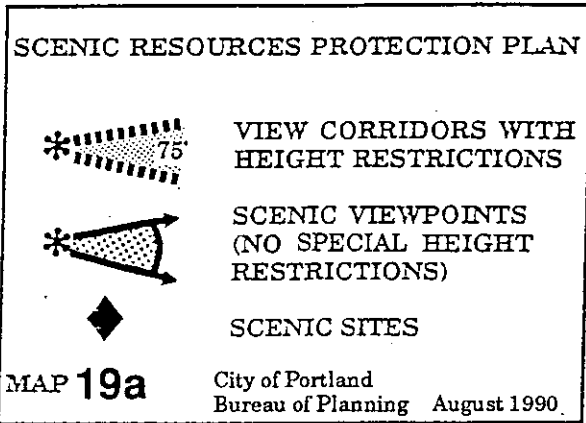
*  **VIEW CORRIDORS WITH HEIGHT RESTRICTIONS**

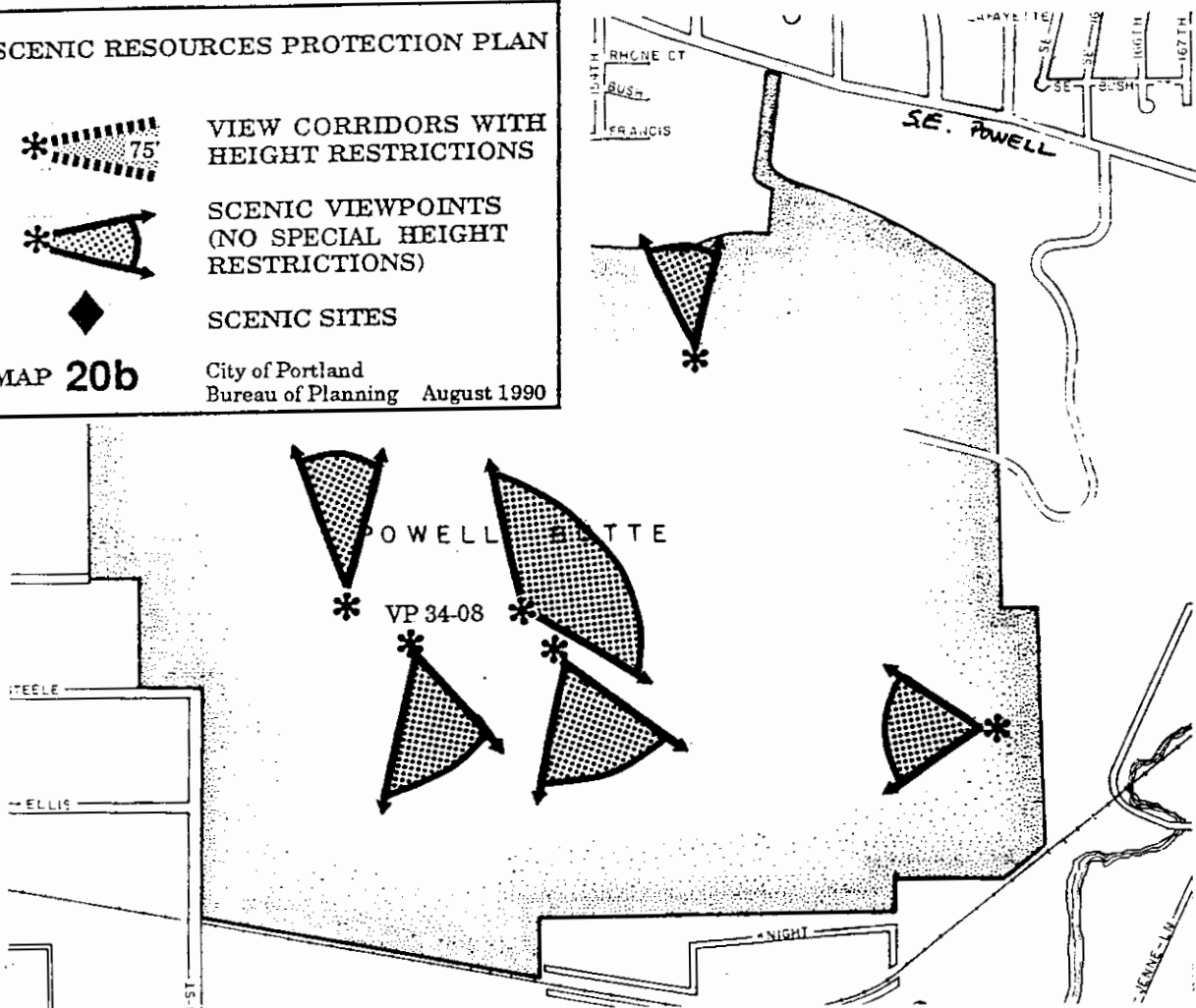
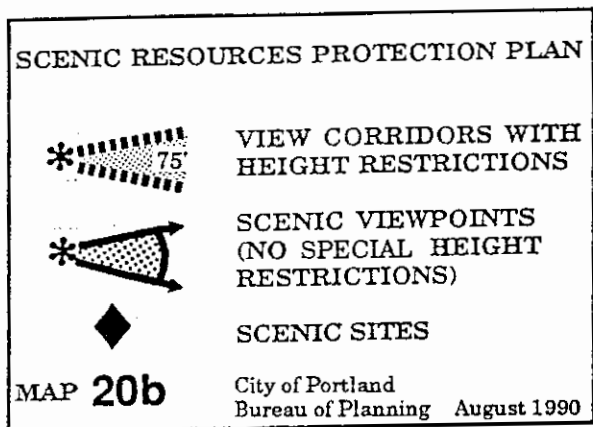
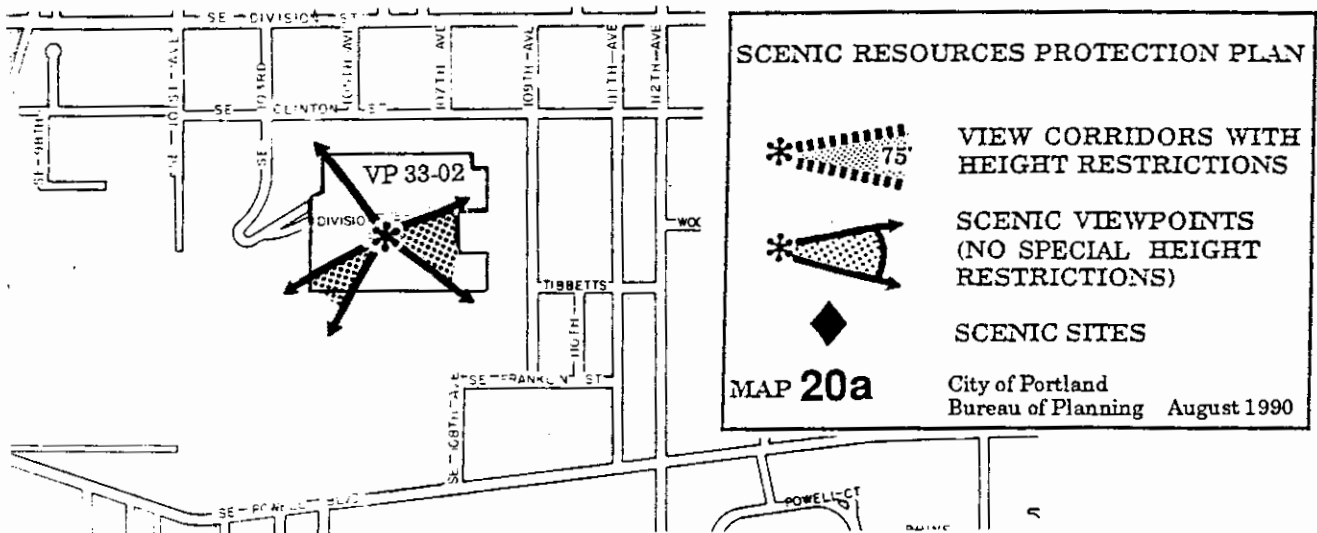
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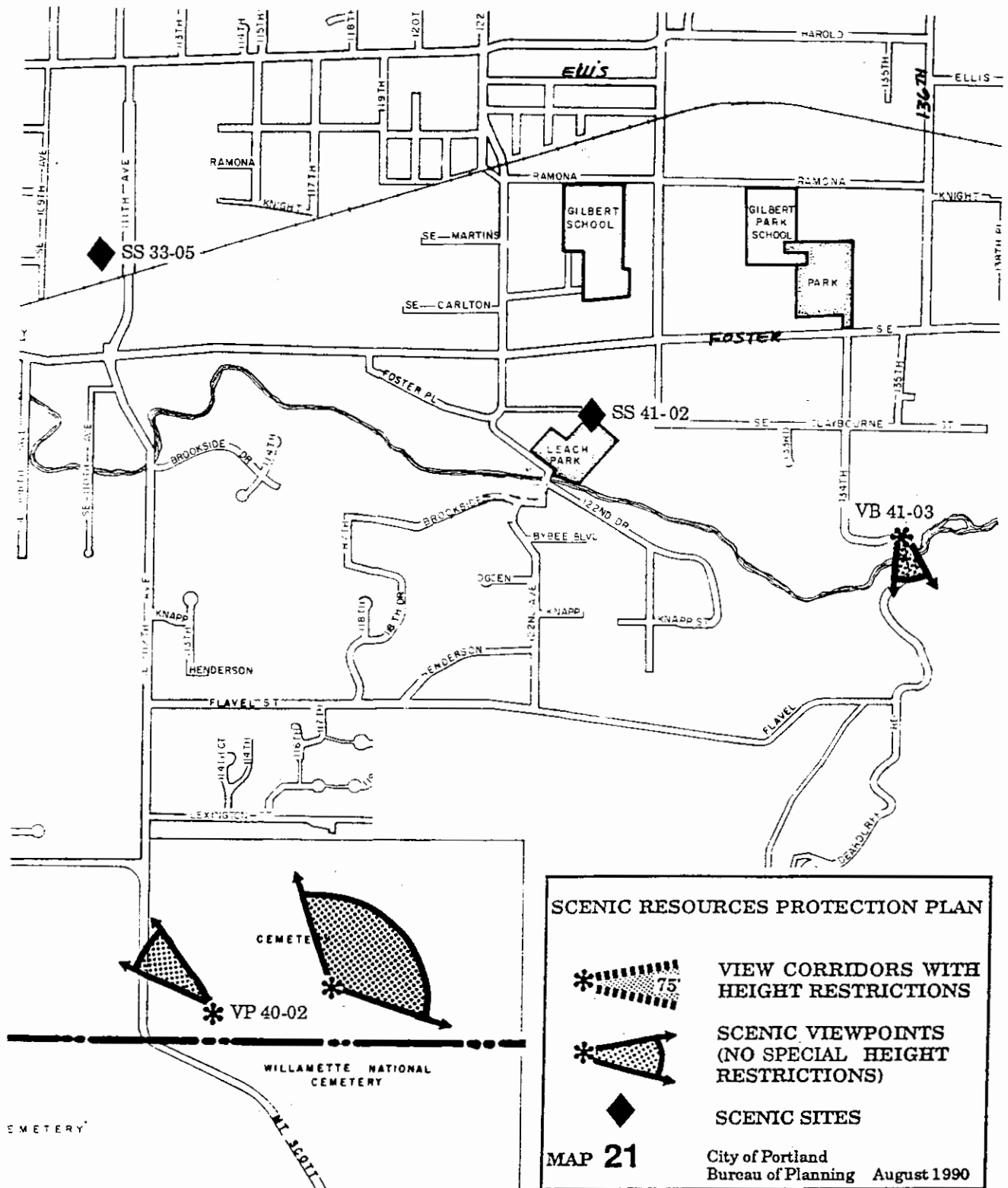
◆ **SCENIC SITES**

MAP 17

City of Portland
Bureau of Planning August 1990







SCENIC RESOURCES PROTECTION PLAN

SCENIC CORRIDORS Map 23

(Number indicates relative position of a given resource to other resources in the same category.)

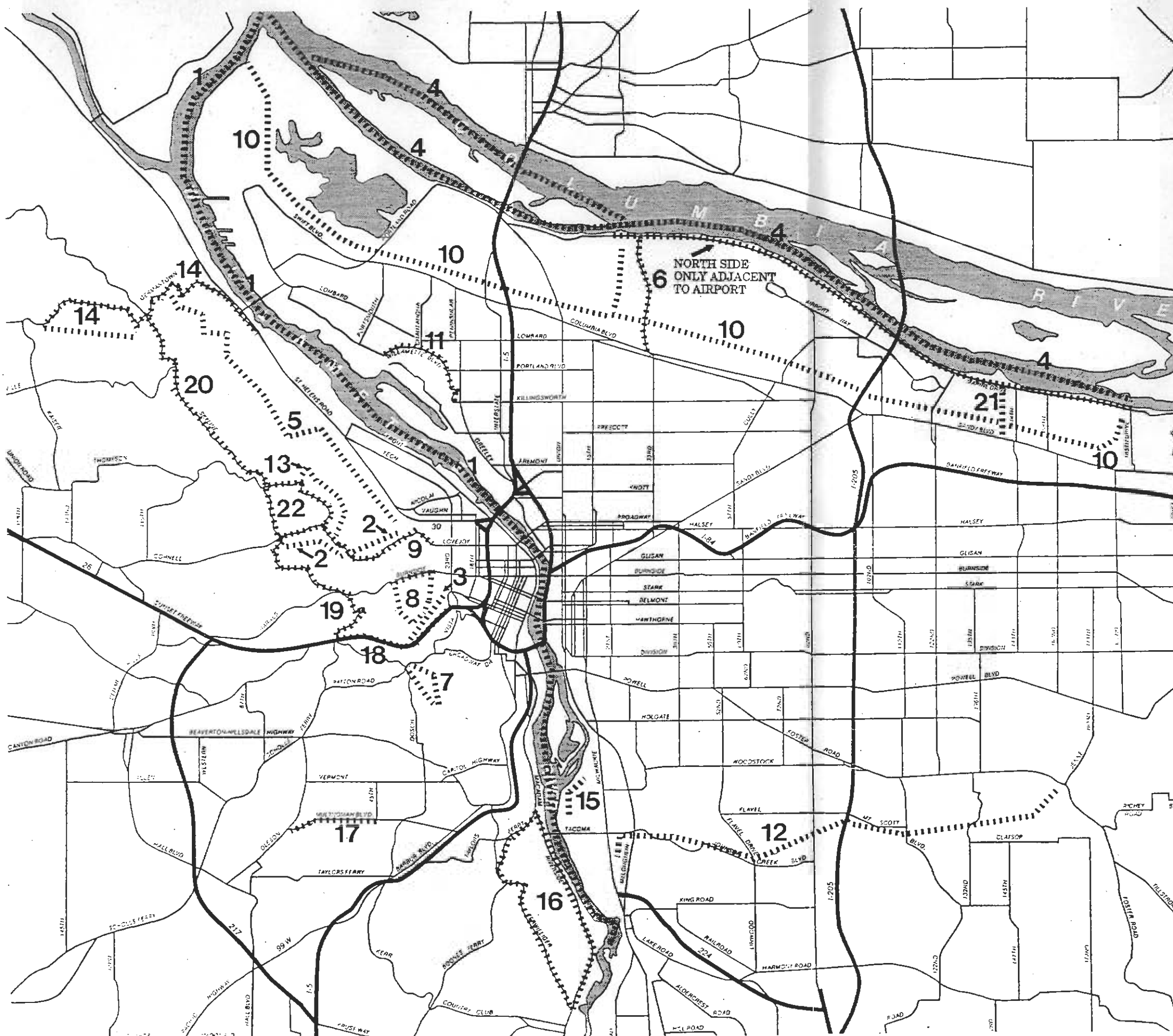
1. Willamette River (SD 01-04)*
2. Balch Creek (SD 23-39)*
3. Zoo Train (SD 23-39)
4. Columbia River (SD 02-01)*
5. Lief Erickson Drive (SD 15-10)
6. NE 33rd and Marine Drive (SD 12-04)
7. SW Fairmount Drive (SD 30-03)
8. Washington Park (SD 23-25)
9. NW Cornell Road (SD 23-16)
10. Columbia Slough (SD 11-03)*
11. N Willamette Blvd (SD 10-07)
12. Johnson Creek (SD 39-01)
13. NW 53rd Drive (SD 16-07)
14. NW Germantown Rd (SD 09-17)
15. SE Sellwood Blvd (SD 38-29)
16. SW Macadam/Terwilliger (SD 38-27)
17. SW Multnomah Blvd (SD 37-03)
18. SW Canyon Road (SD 23-37)
19. SW Skyline Blvd (SD 23-21)
20. NW Skyline Blvd (SD 15-09)
21. Cross-dike (SD 20-10)
22. NW Thompson Rd (SD 15-05)

* SCENIC CHARACTER OF RESOURCE IS
PROTECTED THROUGH
ENVIRONMENTAL ZONING
REGULATIONS

Scale: 1" = 12,500'

NORTH ▲

City of Portland
Bureau of Planning
August 1990



C. Rocky Butte Plan District

Rocky Butte is a scenic resource that includes more than just the views from its summit. Public testimony was very supportive of expanding the analysis of the resource to include views from the Rocky Butte Road, the historic elements of the butte, and the scenic qualities of the drive leading up and down the butte. The unique character of Rocky Butte and the fragile character of its scenic beauty warrants the creation of a plan district. Other regulatory measures such as historic landmark designation and environmental protections will be used in conjunction with the plan district regulations to preserve and enhance all of the resource values of the butte while allowing development consistent with Portland's Comprehensive Plan.

CHAPTER 33.570 ROCKY BUTTE PLAN DISTRICT

Sections:

33.570.010	Purpose
33.570.020	Where the Regulations Apply
33.570.030	Development Standards
33.570.040	Tree Removal
33.570.050	Historic Features Review
33.570.060	Review for Timeliness
33.570.070	Relationship to Environmental Zones
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.** No more than 25 percent of the street setback adjacent to NE Rocky Butte Road 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 street setback. The remainder of the front 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 luminars 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 33.570.050.C. below, may be removed if approved through tree removal review as provided in Section 33.480.050 of the Scenic Resource zone. Tree removal in areas with an Environmental zone is subject to environmental review rather than tree removal review.
- C. **Exempt from review.** The following are exempt from tree removal review:
 - 1. The tree is located within the footprint of a proposed building, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die;
 - 2. The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property;
 - 3. The tree is within a water, sewer or other utility easement; and

4. The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.
- D. Tree removal without permission.** Trees over 6 inches in diameter measured at 5 feet above the ground that are removed without permission must be replaced with 2 trees from the approved tree list in the appendix of the Scenic Resources Protection Plan. The new trees must be at least 2 inches in diameter measured 5 five feet above the ground.

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 of 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.

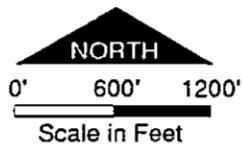
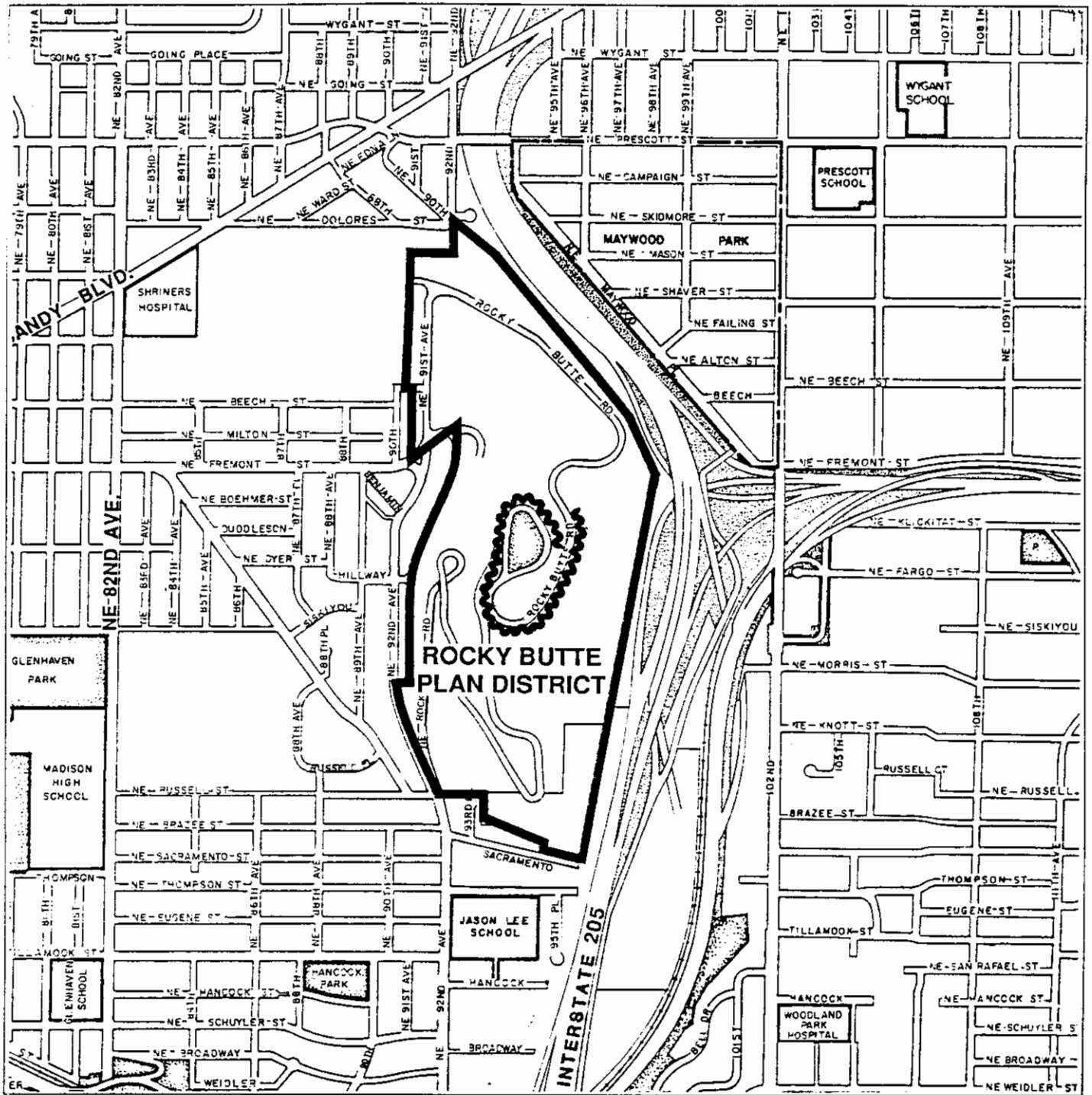
2. Alternative locations, design modifications, or alternative methods of development which would reduce the impacts on the historic features have been identified and evaluated.
3. Impacts on the historic features have been mitigated through replacing or relocating the removed historic feature or through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

33.570.060 Review for Timeliness

The regulations of this chapter will be reviewed for timeliness before December 31, 2000.

33.480.070 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.



Plan District Boundary

Maximum Height
Determined By Elevation
of Adjacent Roadway

Map 570-1 Rocky Butte Plan District

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SECTION VII

ADOPTING ORDINANCE AND RESOLUTION

"Natural beauty . . . is the world that we live in. It is the environment in which we were born, and grow to maturity, and live our lives. It is more than a rich source of pleasure and recreation. It shapes our values. It molds our attitudes. It feeds our spirit, and it helps to make us the kind of men and women that we finally become."

(Lyndon B. Johnson, President
First White House Conference on
Natural Beauty, May 25, 1965)

ORDINANCE No. 163957

Adopt Scenic Resources Inventory, ESEE Analysis, Scenic Resources Protection Plan; amend Comprehensive Plan and Title 33 of the City Code by adding a Scenic Resource zone, Rocky Butte plan district, and Central City plan district height limits; and amend Official Zoning Maps of the City of Portland (Ordinance)

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, requires jurisdictions to satisfy the recreational needs of citizens of the state and visitors. Recreational opportunities are defined to include scenic landscapes, and scenic roads and travelways.
2. State Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires jurisdictions to conserve open space and protect natural and scenic resources.
3. The City of Portland adopted its Comprehensive Plan on October 16, 1980 (effective date, January 1, 1981) and was acknowledged as being in conformance with Statewide Goals for Land Use Planning by the Land Conservation and Development Commission on May 1, 1981. At the time of its adoption the plan complied with State Goals 5 and 7.
4. The Land Conservation and Development Commission's (LCDC) administrative rules for Goal 5 (OAR 660-16-000 through 660-16-025) outline the process to be followed in identifying and evaluating resources and achieving compliance with Goal 5. LCDC adopted these administrative rules in September 1981.
5. With the adoption of the administrative rule for State Goal 5 by DLCD, the City's Comprehensive Plan was no longer in compliance with State Goal 5.
6. The City has undertaken a review of its Comprehensive Plan as part of Periodic Review to bring the plan into compliance with the State Goals, particularly Goal 5.

7. An inventory of scenic resources was developed by requesting nominations from neighborhood and other groups and interested persons.
8. Over 140 potential scenic resources were evaluated and ranked by a Citizen/Technical Review Committee.
9. The ranked resources were further examined through the Economic, Environmental, Social and Energy (ESEE) process outlined in the Goal 5 administrative rule to determine the appropriate level of protection.
10. The Scenic Resources Protection Plan is a framework of new Comprehensive Plan objectives and regulatory and voluntary measures that protect and enhance the significant scenic resources that were determined to require partial or complete protection through the ESEE Analysis.

State Goal Findings:

11. Goal 1, Citizen Involvement, requires opportunities for citizens to be involved in all phases of the planning process. Development of the Scenic Resources Protection Plan meets this goal because it included citizen review of all phases of the project, including soliciting nominations for scenic resource consideration from over 300 neighborhood groups and interested persons, having a Citizen/Technical Review Committee rank over 140 potential scenic resources, holding two public workshops, and meeting with numerous interested persons and groups. In addition, notices of Planning Commission hearings were mailed to over 2,000 property owners and over 400 interested persons and groups. All Planning Commission hearings were advertised in the Oregonian and notice was mailed of the City Council hearing was mailed to all persons requesting notice and all persons participating in the Planning Commission process.
12. Goal 2, Land Use Planning, requires the development of a process and policy framework which 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 Scenic Resources Project conforms to this goal. The Scenic Resources Protection Plan adopts policies to amend the Comprehensive Plan and implement zoning that assures conformance with the Plan's policy framework. Development of the inventory, ESEE Analysis, and Scenic Resources Protection Plan followed established city procedures for legislative actions.
13. Goal 3, Agricultural Lands, provides for the preservation and maintenance of the State's agricultural land. The Scenic Resource Protection Plan is consistent with this goal. The regulations of the Scenic

Resource zone will apply along scenic corridors zoned for farm and forest uses; they do not affect agricultural uses allowed by the zoning. The continuance of agricultural uses contributes to the existing scenic character of these corridors as described in the accompanying ESEE Analysis.

14. Goal 4, Forest Lands, provides for the preservation and maintenance of the State's forest lands. The Scenic Resources Protection Plan is consistent with goal because the implementing Scenic Resource zone encourages the preservation of trees along certain scenic corridors and the accompanying ESEE Analysis describes forested areas as contributing to this scenic character.
15. Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources, provides for the conservation of open space and the protection of natural and scenic resources. The Scenic Resource Protection Plan will be the controlling document in the protection of scenic resources in Portland and will ensure and enhance the City's compliance with this goal by doing the following:
 - a. The Comprehensive Plan policies that are part of the Scenic Resources Protection Plan are designed to protect and preserve significant scenic resources by encouraging the acquisition of additional lands within view corridors and view sheds, encouraging vegetation to be removed to preserve and enhance scenic views, encouraging the provision of turnouts along scenic corridors, locating bike and pedestrian routes along scenic corridors, considering the preservation of scenic views in the vacation of streets, and considering the preservation of scenic resources in the development of institutional master plans.
 - b. The implementing scenic measures are designed to work with other adopted policies and regulations that protect scenic resources. The plan recognizes and includes already adopted scenic resources, including views along the Willamette River, the Terwilliger Parkway and the Macadam Corridor, view corridors from the Rose Gardens and SW Terwilliger.
 - c. The Scenic Resource zone designates and protects scenic corridors and view corridors by establishing development regulations and height limits to preserve trees, encourage attractive landscaping and protect designated public views.
 - d. The Rocky Butte plan district, an implementing zoning measure, contains provisions to protect the historic character of Rocky Butte along with its natural and scenic character. Regulations limit tree cutting, require review of impacted historic features and preserves views from the top of Rocky Butte and from portions of Rocky Butte Road.

- e. The Scenic Resource Protection Plan works with environmental regulations to protect the natural as well as scenic characteristics of designated resources. The Scenic Resource zone defers to environmental review when a scenic resource is in an environmental zone but requires that the scenic character also be considered and protected as part of the environmental review.
16. Goal 6, Air, Water and Land Resource Quality, provides for the maintenance and improvement of these resources. The Scenic Resource Protection Plan conforms to this goal by amending the Comprehensive Plan to include a policy which calls for the development of a plan for Portland's frontage along the Columbia River to protect and enhance the scenic, natural, historical, economic and recreational qualities of the Columbia River bank. The Plan identifies the Willamette River as the highest ranking scenic corridor in the City and requires the consideration of its scenic qualities in reviewing development along the river. The plan identifies these rivers and other water bodies such as Johnson Lake, the Columbia Slough and Balch Creek as important scenic resources. Protection of their scenic quality is consistent with maintaining and improving the water quality of these resources. The Scenic Resource zone contributes to land resource quality by including provisions for the preservation and replanting of trees along scenic corridors. Trees help to preserve the land by reducing erosion. The Rocky Butte plan district requires tree preservation and replanting and helps protect a land resource by reducing erosion potential. The plan will contribute to air quality because the tree preservation and planting provisions of the plan will help control smog.
17. Goal 7, Areas Subject to Natural Disasters and Hazards, provides for the protection of life and property from natural disasters and hazards. The Scenic Resources Protection Plan is consistent with the intent of this goal because it encourages the purchase of identified parcels subject to hazards to enhance certain scenic resources.
18. Goal 8, Recreational Needs, provides for satisfying the recreational needs of both citizens of and visitors to the State. State Goal 8 specifically defines recreational needs to include scenic landscapes and scenic roads and travelways. The Scenic Resources Protection Plan is supportive of this goal because Portland's scenic resources contribute to the enjoyment of the City by both citizens and visitors. Provisions of the plan call for designating scenic corridors that can be enjoyed by pedestrians and bicyclists as well as by occupants of motorized vehicles and its encourages signs to be placed along scenic corridors and at public viewpoints to enhance the enjoyment of scenic resources.

19. Goal 9, Economy of the State, provides for diversification and improvement of the economy of the State. The Scenic Resources ESEE Analysis has balanced the impact on economic development with the protection of each identified scenic resource. The protection of the scenic resources identified in the plan will have little or no impact on development in the City because height limits have been structured to allow reasonable economic development on privately-owned parcels within designated view corridors. The plan is in conformance with this goal because where economic impacts are severe and outweigh the value of the scenic resource, the resource has received limited or no protection and development is allowed.
20. Goal 10, Housing, provides for meeting the housing needs of the State. The Scenic Resources ESEE Analysis has balanced the impact on housing development with the protection of each identified scenic resource. The protection of the scenic resources identified in the plan will not have a negative impact on housing development because limited or no protection has been provided for certain scenic resources where the impact on housing potential is severe.
21. Goal 11, Public Facilities and Services, provides for planning and development of timely, orderly and efficient public service facilities that can serve as a framework for the urban development of the City. The Scenic Resource Protection Plan conforms with this goal by balancing the protection of scenic resources with the need of the City to develop compactly. Protection of scenic resources is limited where the impact on urban levels of development would be precluded.
22. Goal 12, Transportation, provides for the development of a safe, convenient and economic transportation system. The Scenic Resources Protection Plan is supportive of this goal by identifying scenic corridors that can be enjoyed by motorists and/or bicyclists and pedestrians. The plan includes a Comprehensive Plan policy which emphasizes locating pedestrian and bicycle routes to take advantage of identified scenic resources. The plan includes a Comprehensive Plan policy to improve and maintain turnouts along scenic corridors and at identified viewpoints. The provision of turnouts will enhance the travel safety of the corridors by allowing people to enjoy the scenic character away from the flow of traffic. Other potential scenic corridors were not included for protection where the enjoyment of the resource would endanger users of the roadway.
23. Goal 13, Energy Conservation, provides for the distribution of land uses in a pattern that maximizes the conservation of energy. The Scenic Resources ESEE Analysis considered the impact on energy conservation for each scenic resource considered for protection. The Scenic Resources

Protection Plan conforms with this goal by considering the impact on energy conservation. The plan provides limited or no protection of the scenic resource where preservation could lead to an energy-inefficient use of land as identified by existing Comprehensive Plan Map designations. The plan is supportive of this goal because it preserves recreational opportunities close in to the major population center of the State, leading to less travel time. It also encourages pedestrians and the use of bicycles to enjoy designated scenic resources by protecting those resources that have good access and are located along designated pedestrian and bicycle routes.

24. Goal 14, Urbanization, provides for the orderly and efficient transition of rural lands to urban uses. The Scenic Resources Protection Plan conforms to this goal by allowing uses to develop consistent with present Comprehensive Plan Map designations. The plan identifies scenic resources within the urban growth boundary to assist the orderly transition from unincorporated to incorporated land as annexation occurs. Scenic designations will be placed on identified resources as the annexation process occurs without the need for additional inventory or evaluation work.
25. Goal 15, Willamette River Greenway, provides for the protection, conservation and maintenance of the natural, scenic, historic, agricultural and recreational qualities of land along the Willamette River. The Scenic Resources Protection Plan is supportive of this goal because it identifies the Willamette River as the highest ranked scenic corridor in Portland. The plan acknowledges the Willamette Greenway Plan as the implementing tool to protect and preserve identified scenic qualities along the river and the development of viewpoints that enhance opportunities to enjoy these qualities.
26. Goals 16, 17, 18 and 19 deal with Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources respectively. These goals are not applicable to the Scenic Resources Project because none of these resources is present within Portland.

Comprehensive Plan Findings:

27. The Scenic Resources Protection Plan, including its implementing measures, is in conformance with the City's Comprehensive Plan and is especially supportive of certain goals and policies. The review of goals and policies in this section of the ordinance is limited to those which are directly relevant to the plan.
28. Goal 1, Metropolitan Coordination, provides for planning activities to be coordinated with federal, state and regional plans. The Scenic Resources Project complies with the State's required post-acknowledgement review

process and is part of the State-required periodic review of the City's Comprehensive Plan.

- a. The plan is consistent with Policy 1.2, Urban Planning Area Boundary, because it has inventoried and evaluated scenic resources within its planning area both inside and outside of the existing City limits.
 - b. The plan is consistent with Policy 1.4, Intergovernmental Coordination, because other jurisdictions within the planning area have been notified of the Scenic Resources Project and have had opportunities to be involved in the review process.
29. Goal 2, Urban Development, provides for maintaining Portland's role as the region's major employment, population and cultural center through expanding opportunities for housing and jobs while retaining the character of established areas. The Scenic Resources Protection Plan conforms with this goal by minimizing impacts on employment areas and preserving scenic qualities which enhance the City as a place to live, work and recreate.
- a. The plan is consistent with Policy 2.1, Population Growth, because the plan minimizes the impact of preserving scenic resources on existing and future land uses within the City.
 - b. The plan conforms to Policy 2.3, Annexation, by inventorying and evaluating scenic resources within the planning area adopted by the City and adjoining jurisdictions to provide a smooth transition from county to City zoning.
 - c. The plan is consistent with Policy 2.5, Natural Resource Area, because it encourages the retention of trees and other natural scenic features along scenic corridors in areas designated as natural resource areas.
 - d. The plan is supportive of Policy 2.6, Open Space, because it will enhance enjoyment of designated open space areas by encouraging and enhancing the scenic characteristics of these areas. The plan emphasizes the designation of scenic resources where they are located in conjunction with open spaces consistent with the character of these areas. The intent is to provide multiple levels of use and enjoyment of scenic and recreational areas. Examples include designating Lief Erickson Drive, Johnson Creek and Leach Botanical Gardens as scenic corridors and areas and by designating scenic viewpoints within parks such as Overlook and Council Crest and on Rocky Butte.
 - e. The plan is supportive of Policy 2.7, Willamette River Greenway Plan, because it identifies the Greenway Plan as one of the measures the City has adopted to protect significant scenic resources through the identification and protection of view corridors and viewpoints

- adjacent to the Willamette River. This protection is accomplished through the Greenway design guidelines which specify
- f. The plan is supportive of Policy 2.8, Forest Lands, because it provides for the preservation of trees on forest lands consistent with this policy.
 - g. The plan is consistent with Policy 2.18, Utilization of Vacant Land, because it protects significant scenic resources while allowing vacant land to develop in accordance with its Comprehensive Plan Map designation.
 - h. The plan is supportive of Policy 2.22, Terwilliger Parkway Corridor Plan, because it identifies the Corridor Plan as one of the measures the City has adopted to protect significant scenic resources through the identification and protection of view corridors along Terwilliger Parkway.
 - i. The plan is supportive of Policy 2.24, Central City Plan, because it implements Policy 12 E., Identify and Protect Significant Public Views, because it inventories, evaluates and recommends for protection views that were identified during the Central City planning process as important and contributing to the desired urban form of the Central City. The modifications to the height limits of the Central City Plan contained in the Scenic Resources Protection Plan are the implementing measures that carry out Policy 12 E. of the Central City Plan.
30. Goal 3, Neighborhoods, provides for the preservation and reinforcement of the stability and diversity of the City's neighborhoods while allowing for increased densities. The Scenic Resource Protection Plan conforms with this goal because it has evaluated, through the ESEE Analysis, the impact of protection of identified resources on opportunities for development within neighborhoods. View corridors have been carefully sited or given only limited protection where protection would have a negative impact on residential development opportunities. Scenic resources are protected where neighborhood associations have identified those that are important to the livability and attractiveness of the neighborhood. These neighborhood views are important in defining the character of a neighborhood and providing the residents with opportunities to enjoy their City.
- a. The plan is supportive of Policy 3.4, Historic Preservation, because the Rocky Butte plan district includes regulations which require public review of requests to disturb the historic features of the butte, primarily the rock work that was done by the WPA in the 1930's.
 - b. The plan is supportive of Policy 3.5, Neighborhood Involvement, because all recognized neighborhood associations were notified at the onset of this project and solicited for nominations for potential scenic resources. Several neighborhoods responded and many of

their recommendations are included in the Scenic Resources Inventory and in the Scenic Resources Protection Plan. In addition, neighborhood associations were notified of the public workshops and of all hearings on the plan.

- c. The plan is supportive of Policy 3.6, Neighborhood Plan, because scenic resources included in City-adopted neighborhood plans have been included in the Scenic Resources Inventory and considered for protection.
31. Goal 4, Housing, provides for a diversity in the type, density and location of housing in order to provide an adequate supply within the City. The Scenic Resources Protection Plan is consistent with this policy because it has evaluated the impact of protection of inventoried scenic resources on the supply of existing and potential housing. Designated view corridors are located to minimize their impact on both existing housing and the potential for new housing development. In some instances, a view corridor has been reduced in width, relocated, or not protected in order to preserve housing opportunities. Site development standards mitigate the impact of development rather than limiting development opportunities.
32. Goal 5, Economic Development, provides for increasing the quantity and quality of job opportunities through the creation of an attractive business and industrial environment. The Scenic Resources Protection Plan is consistent with this goal because it has evaluated the economic impact of protecting inventoried scenic resources in the ESEE Analysis. Where the negative economic impact of protecting the resource outweighed the value of the resource, no or limited protection measures were included. Examples include views to Mt. St. Helens across the Convention Center area where substantial new development may be expected and is necessary in order to recoup the large public investment in the area. Views within the Columbia South Shore area were also limited to only one view in order to minimize the impact on the potential for industrial development supportive of the City's goals for the area. Throughout the City, where height limits are imposed, the impact on potential development has been carefully documented and evaluated. Full development under the allowed floor area ratios can be achieved, although step-back or other development modifications may be necessary to achieve the full build-out potential.
- a. This plan is supportive of Policy 5.2, Economic Environment, because it promotes the image of Portland as a livable, attractive City which acts as positive aspect of business recruitment. The plan is consistent with the policy because it balances the importance of an adequate supply of land by minimizing the impact of protecting

- scenic resources on areas that are the targets of business and industrial development.
- b. The plan is supportive of Policy 5.5, International Image, because it strengthens the attractiveness of the area thereby enhancing the City's reputation as a destination for international tourists. The plan includes guidance in providing signs and brochures that can be used in marketing the City to visitors.
 - c. The plan is supportive of Policy 5.8, Public/Private Partnership, because it describes ways in which private activities can support scenic resources and further enhance the City as an attractive place to work.
 - d. The plan is supportive of Policy 5.20, Columbia South Shore, specifically Objectives C. and E., because it identifies and protects significant scenic qualities along Marine Drive and a scenic view from the cross-dike while allowing for industrial and employment opportunities consistent with the City's goals for the area. The designated scenic corridors and views are located in conjunction with designated recreational trails to maximize the use and enjoyment of these facilities.
33. Goal 6, Transportation, promotes an efficient and balanced urban transportation system, consistent with the Arterial Streets Classification Policy. The Scenic Resources Protection Plan is consistent with and supportive of this goal because it encourages the development of pedestrian and bicycle facilities in conjunction with designated scenic resources and allows fuller enjoyment and use of both. The plan encourages the development of turnouts along scenic corridors to ensure that there are opportunities to enjoy views without endangering others using the roadway.
34. Goal 7, Energy, provides for increasing the energy efficiency of existing structures and the transportation systems of the City. The Scenic Resources Protection Plan is consistent with this policy because it has considered the energy impacts of protecting scenic resources in the ESEE Analysis for each resource. The designation and protection of scenic resources within the City will reduce the need to travel to enjoy scenic views and drives, thereby reducing overall energy costs. The emphasis on locating scenic resources in conjunction with recreational trails and where pedestrian and bicycle facilities are present will tend to reduce the use of motorized vehicles to reach and enjoy these designated resources.
35. Goal 8, Environment, provides for maintaining and improving the quality of Portland's air, water and land resources and protecting neighborhoods and business centers from noise pollution. The Scenic Resources Protection Plan is especially supportive of this goal and is designed to implement the policies of the goal as it relates to scenic

resources. In addition, the plan modifies existing objectives of the supporting policies and adopts new objectives to further clarify the City's intent in protecting and enhancing scenic resources.

- a. The plan is supportive of Policy 8.9, Open Space, because it emphasizes the designation and protection of scenic resources that are located in conjunction with open space areas such as parks, cemeteries and golf courses in order to ensure accessibility and enhancement of the resources through careful stewardship of these areas.
 - b. The plan is supportive of Policy 8.11, Willamette River Greenway, because it recognizes the Willamette River as the highest-ranked scenic corridor in the City. It reinforces the importance of the scenic qualities of the Greenway and designates additional Greenway viewpoints to encourage use and enjoyment of the Greenway.
 - c. The plan is supportive of and implements Policy 8.14, Natural Resources, by creating zoning regulations that protect significant scenic resources. The plan balances the conservation of scenic resources with the need for other urban uses in the accompanying ESEE Analysis. The plan adds language to Objective A to provide for the active solicitation of donations of property or easements to protect and enhance identified resources.
 - d. The plan adds six additional objectives which further Policy 8.14 by addressing pruning to maintain scenic views, improving turnouts to increase opportunities to enjoy views, locating bike and pedestrian routes in conjunction with scenic corridors or views, considering the preservation of scenic resources in the street vacation process, considering scenic resources in the development of master plans, and enhancing view corridors by placing utility lines under ground.
 - e. Policy 8.16, Uplands Protection, provides for the conservation of significant upland areas and values related to wildlife, aesthetics and visual appearance, views and sites, slope protection, and groundwater recharge. The plan is supportive of this policy because it provides for the retention of trees along scenic corridors. The retained trees will provide slope protection and reinforce existing wildlife corridors.
 - f. The plan encourages the creation and improvement of turnouts along scenic corridors. Such turnouts facilitate visual surveillance of wetlands and other sensitive natural areas. Surveillance from the edge of these areas, rather than from within them, reduces disturbance of resource values, increases security and fosters a stewardship role.
36. Goal 9, Citizen Involvement, provides for improving the method for citizen involvement in the on-going land use decision-making process

and providing opportunities for citizen participation in the implementation, review and amendment of the the Comprehensive Plan. The Scenic Resources Project as well as the resulting plan and implementing measures are consistent with this goal because there has been extensive citizen involvement throughout the process of developing the plan. Nominations for inclusion in the Scenic Resources Inventory went to all recognized neighborhood and business organizations, interested persons and groups. A Citizen/Technical Advisory Committee representing interest groups and neighborhoods was formed to review and rank over 140 scenic resources. Two public workshops were held to request input on the development of the plan and implementing measures. Staff met with business and industrial groups, interest groups and neighborhood organizations to discuss the project. The Planning Commission held eight briefing and work sessions and seven public hearings to allow for public input. Notice was sent to over 2,000 property owners potentially affected by the implementing measures as well as to over 400 groups and individuals. Additional notice was provided to groups and individuals of the City Council hearings. The Planning Commission held hearings on November 8, 1988; August 8 and 15, 1989; April 24, May 15, June 26, and August 14, 1990. The Commission adopted the Plan unanimously, and recommended that the Portland City Council adopt and implement the plan provisions.

- a. The plan is consistent with Policy 9.1, Citizen Involvement Coordination, because opportunities were provided throughout the planning process to change aspects of the process to increase opportunities for review. Staff reports were available to the public within the the required time frames and were provided free of charge. Notice of workshops and hearings were sent to neighborhood associations, business groups, affected individuals and to the members of the public requesting such notice.
 - b. The plan is consistent with Policy 9.2, Comprehensive Plan Review, because the Scenic Resources Project is part of the periodic review of the Plan called for in this policy.
 - c. The plan is consistent with Policy 9.3, Comprehensive Plan Amendment, because proposed changes to the Comprehensive Plan were discussed with the public and were a part of the notice that was mailed to groups and individuals. Proposed changes were discussed at Planning Commission hearings and the proposed language was modified in response to citizen review.
37. Goal 10, Plan Review and Administration, describes the process for maintaining the Comprehensive Plan as Portland's policy framework for land development. The goal calls for periodic review of the Plan to assure that it remains an up-to-date and workable framework. The

Scenic Resources Protection Plan fulfills one aspect of the requirement for periodic review by providing an inventory, analysis and implementing measures that address State Goal 5 and City Goal 8 as they relate to scenic resources.

- a. The plan is supportive of Policy 10.1, Major Plan Review, because the Scenic Resources Project is part of periodic review of the plan.
 - b. The plan is supportive of Policy 10.2, Interim Plan Review and Amendment, because the amendments to the Plan and implementing regulations have been reviewed by the Planning Commission prior to action by the City Council, consistent with citizen involvement procedures and State law as required by this policy.
 - c. The plan is supportive of Policy 10.9, Revised Zoning Code, because the implementing changes and additions to the Zoning Code have been reviewed to be consistent with the new Zoning Code adopted by City Council in 1990.
38. Goal 11, Public Facilities, provides for a timely, orderly and efficient arrangement of public facilities that support existing and planned land use patterns and densities. The plan conforms with this goal by evaluating the impact of scenic resource protection on public facilities development in the ESEE Analysis of protecting each scenic resource included in the inventory. The analysis has led to limiting protection of scenic resources to ensure that an orderly and efficient pattern of development can occur. Where protection of a resource would prevent development, no protection or partial protection was provided for the resource.

General Findings:

39. The Planning Commission unanimously adopted the Bureau of Planning recommendation on the Scenic Resources Inventory. The ESEE Analysis was adopted with six in favor and one opposed. The Scenic Resources Protection Plan, including implementing measures, was adopted unanimously as amended.
40. The Scenic Resources Protection Plan is the result of extensive planning effort and citizen involvement. The plan identifies and preserves significant scenic resources that contribute to the high quality of life that Portlanders desire.
41. Height limits established within view corridors as part of the Scenic Resources Protection Plan have been designed to allow the maximum height allowed under the base zoning without having a negative impact on the resource. Higher height limits would have a negative impact on designated views.

42. Other protection measures included in the Scenic Resource zone and Rocky Butte plan district are designed to preserve designated scenic resources to the extent practical and mitigate for development as it occurs. The regulations balance the need and desire between protecting scenic qualities and allowing development.
43. The Scenic Resources Protection Plan and its implementing regulations fulfill State requirements to protect significant scenic resources as part of State Land Use Planning Goal 5.
44. The State post-acknowledgement requirements were followed in the development of the plan and its implementing actions. DLCD staff attended several meetings to brief the Citizen/Technical Review Committee and Bureau of Planning staff. Notice of the proposed action was mailed to DLCD on August 21, 1990 along with copies of the proposed plan, the ESEE Analysis and the inventory as adopted by the Planning Commission.
45. The Scenic Resources Protection Plan is part of periodic review of the Comprehensive Plan required by the State and the City's own Comprehensive Plan.
46. It is in the public interest for the Scenic Resource Protection Plan, including amendments to the Comprehensive Plan, and amendments and additions to Title 33 to be adopted and implemented.

NOW, THEREFORE, the Council directs:

- a. The Recommended Scenic Resources Inventory (Exhibit A), Scenic Resources ESEE Analysis (Exhibit B), and Scenic Resources Protection Plan (Exhibit C, includes the Planning Commission recommendations and the changes to Title 33) are hereby adopted.
- b. Ordinance No. 150580 is hereby amended by modifying and adding objectives to Policy 8.14 of the Comprehensive Plan, to read as follows:

POLICIES – LAND RESOURCES

8.14 NATURAL RESOURCES

(No change)

Objectives:

A. Acquisition Program for Significant Resources

Prepare and maintain a long-range list of properties, in order of priority, desirable for public acquisition in order to insure long term natural resource conservation. Actively solicit donations of property or easements to protect and enhance identified resources.

B. Intergovernmental Coordination (No change)

C. Impact Avoidance

Where practical, avoid adverse impacts to significant natural and scenic resources.

D. Mitigation (No change)

E. Soil Erosion Control (No change)

F. Pruning to Maintain and Enhance Views

Actively manage the pruning and cutting of trees and shrubs on public lands or on non-public areas with scenic designations to maintain and enhance scenic views which may be impacted by vegetation.

G. Improving Turnouts along Scenic Routes and at Viewpoints

Improve and maintain turnouts along scenic corridors and at identified viewpoints throughout Portland.

H. Bike and Pedestrian Routes

Enhance the value and beauty of Portland's bicycle and pedestrian routes by locating them to take advantage of significant viewpoints, scenic sites, and scenic corridors.

I. Consideration of Scenic Resources in Street Vacations

Require the preservation and maintenance of existing and potential view corridors and viewpoints when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

J. Consideration of Scenic Resources in Planning Process

Ensure that master plans and other planning efforts include preservation and enhancement of significant scenic resources.

K. Enhancing View Corridors

Improve the appearance of views along designated view corridors by placing utility lines underground.

- c. Ordinance 150580 is hereby amended by amending Goal 10, Plan Review and Administration, of the Comprehensive Plan by the addition of Policy 10.13 to read as follows:

10.13 COLUMBIA RIVER

Develop a plan for Portland's frontage along the Columbia River to protect, conserve, maintain, and enhance the scenic, natural, historical, economic, and recreational qualities of Portland's Columbia river bank.

- d. Ordinance 163608 enacting Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, is hereby amended to reflect changes to Map 510-3 Maximum Height Limits of the Central City plan district (Chapter 33.510) as shown on Exhibit D.
- e. Ordinance 163608 enacting Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, is hereby amended by adding new definitions to Chapter 33.910 and two new chapters (Chapter 33.480 and Chapter 33.570) as contained in Exhibit C.
- f. The Official Zoning Maps of the City of Portland are hereby amended to reflect the application of the Scenic Resource zone as shown in Exhibit C, the application of the Rocky Butte plan district as shown in Exhibit C, and the application of the Open Space zone as shown on Exhibits E, F, G, H and I.

Passed by the Council,

Commissioner Gretchen Kafoury
February 19, 1991
Jeanne E. Harrison, AICP:jeh

BARBARA CLARK
Auditor of the City of Portland
By

Deputy



THE GLENDOVEER PLAN DISTRICT APPLIES ONLY TO
CITY LAND ZONED R7 WITHIN THE PLAN DISTRICT BOUNDARY

PROPOSED FOR OPEN SPACE ZONING

CITY OF PORTLAND • BUREAU OF PLANNING	
R5 Current Zoning	SCALE 1" = 200'
(R5) Maximum Potential Zoning as per Comprehensive Plan	REVISIONS 3-89
2744	



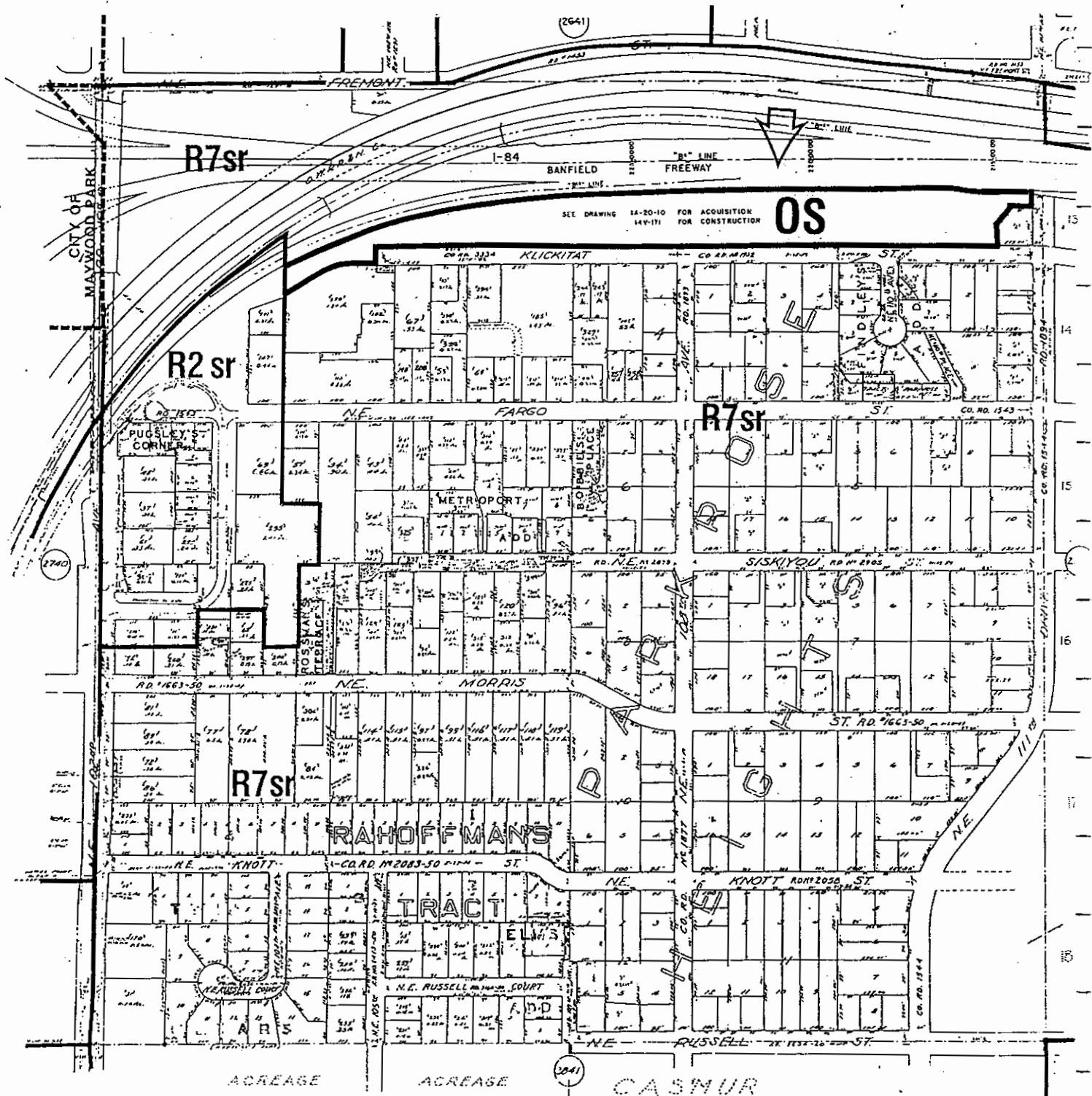
THE GLENDOVEER PLAN DISTRICT APPLIES ONLY TO
CITY LAND ZONED R7 WITHIN THE PLAN DISTRICT BOUNDARY

PROPOSED FOR OPEN SPACE ZONING

CITY OF PORTLAND • BUREAU OF PLANNING

R5	Current Zoning	SCALE 1" = 200'	N
(R5)	Maximum Potential Zoning as per Comprehensive Plan	ZONING REVISED: 2-89	

2743



PROPOSED FOR OPEN SPACE ZONING

CITY OF PORTLAND • BUREAU OF PLANNING		3/86
R5	Current Zoning	SCALE 1" = 200' ZONING REVISION: 9-87 2741
(R5)	Maximum Potential Zoning as per Comprehensive Plan	

RESOLUTION No.

34829

Direct Bureau of Planning to consider new scenic resources for inclusion in Scenic Resources Protection Plan and direct consideration of these resources as part of design review. (Resolution)

WHEREAS, the Scenic Resources Protection Plan was adopted by City Council on March 13, 1991; and

WHEREAS, the adopted regulations did not consider protection of three view from the west bank of the Willamette River and the Springwater Line; and

WHEREAS, public testimony supported protection of these scenic resources because of their importance to the aesthetic environment of Portland; and

WHEREAS, City Council adopted a motion during the public hearing on the Scenic Resources Project on October 18, 1990 to include these resources for consideration of protection measures; and

WHEREAS, the process to evaluate these resources is included as an "Add Package" for FY 91-92 in the Bureau of Planning budget; and

WHEREAS, the process to evaluate these resources will take approximately three to four months to complete; and

WHEREAS, in the interim no measures are in place to protect these resources;

NOW, THEREFORE, BE IT RESOLVED that the Council directs the Bureau of Planning to evaluate three views from the west bank of the Willamette River, generally in the location of Salmon Springs, the south end of RiverPlace, and between the Marquam and Ross Island Bridges; and additionally consider the Springwater Line (Belrose Line) as a scenic corridor, commencing June 30, 1991 and to be completed as soon as is practicable.

BE IT FURTHER RESOLVED that the Council directs the Design Commission to consider protection of these resources in evaluating design review proposals submitted after adoption of this resolution.

Adopted by the Council, **MAR 20 1991**

Commissioner Gretchen Kafoury
JEH/jeh
March 13, 1991

BARBARA CLARK
Auditor of the City of Portland
By *Billa Olson*
Deputy

SECTION VIII

APPENDICES

"... a new conservation: to restore as well as to protect - to bring beauty to the cities as well as to keep it in the countryside."

(Lyndon B. Johnson, President
First White House Conference on
Natural Beauty, May 25, 1965)

5

OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

GOAL: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The location, quality and quantity of the following resources shall be inventoried:

- a. Land needed or desirable for open space;
- b. Mineral and aggregate resources;
- c. Energy sources;
- d. Fish and wildlife areas and habitats;
- e. Ecologically and scientifically significant natural areas, including desert areas;
- f. Outstanding scenic views and sites;
- g. Water areas, wetlands, watersheds and groundwater resources;
- h. Wilderness areas;
- i. Historic areas, sites, structures and objects;
- j. Cultural areas;
- k. Potential and approved Oregon recreation trails;
- l. Potential and approved federal wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Cultural Area — refers to an area characterized by evidence of an ethnic, religious or social group with distinctive traits, belief and social forms.

Historic Areas — are lands with sites, structures and objects that have local, regional, statewide or national historical significance.

Natural Area — Includes land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features.

Open Space — consists of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use:

- (a) Conserve and enhance natural or scenic resources;
- (b) Protect air or streams or water supply;
- (c) Promote conservation of soils, wetlands, beaches or tidal marshes;
- (d) Conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- (e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- (f) Promote orderly urban development.

Scenic Areas — are lands that are valued for their aesthetic appearance.

Wilderness Areas — are areas where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. It is an area of undeveloped land retaining its primeval character and influence, without permanent improvement or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) may also contain ecological, geological, or other features of scientific, educational, scenic or historic value.

GUIDELINES:

A. Planning:

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.
3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.
4. Plans providing for open space, scenic and historic areas, and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.
6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.
7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans

should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

B. Implementation:

1. Development should be planned and directed so as to conserve the needed amount of open space.
2. The conservation of both renewable and nonrenewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.
3. The efficient consumption of energy should be considered when utilizing natural resources.
4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.
5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.
6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological and recreational needs for significant natural areas.
7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.
8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.
9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

DIVISION 16

REQUIREMENTS AND APPLICATION
PROCEDURES FOR COMPLYING WITH
STATEWIDE GOAL 5

Inventory Goal 5 Resources

660-16-000 (1) The inventory process for Statewide Planning Goal 5 begins with the collection of available data from as many sources as possible including experts in the field, local citizens and landowners. The local government then analyzes and refines the data and determines whether there is sufficient information on the location, quality and quantity of each resource site to properly complete the Goal 5 process. This analysis also includes whether a particular natural area is "ecologically and scientifically significant", or an open space area is "needed", or a scenic area is "outstanding", as outlined in the Goal. Based on the evidence and local government's analysis of those data, the local government then determines which resource sites are of significance and includes those sites on the final plan inventory.

(2) A "valid" inventory of a Goal 5 resource under subsection (5)(c) of this rule must include a determination of the location, quality, and quantity of each of the resource sites. Some Goal 5 resources (e.g., natural areas, historic sites, mineral and aggregate sites, scenic waterways) are more site-specific than others (e.g., groundwater, energy sources). For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different. For non-site-specific resources, determination must be as specific as possible.

(3) The determination of *quality* requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. A determination of *quantity* requires consideration of the relative abundance of the resource (of any given quality). The level of detail that is provided will depend on how much information is available or "obtainable".

(4) The inventory completed at the local level, including options (5)(a), (b), and (c) of this rule, will be adequate for Goal compliance unless it can be shown to be based on inaccurate data, or does not adequately address location, quality or quantity. The issue of adequacy may be raised by the Department or objectors, but final determination is made by the Commission.

(5) Based on data collected, analyzed and refined by the local government, as outlined above, a jurisdiction has three basic options:

(a) Do Not Include on Inventory: Based on information that is available on location, quality and quantity, the local government might determine that a particular resource site is not important enough to warrant inclusion on the plan inventory, or is not required to be included in the inventory based on the specific Goal standards. No further action need be taken with regard to these sites. The local government is not required to justify in its comprehensive plan a decision not to include a particular site in the plan inventory unless challenged by the Department, objectors or the Commission based upon contradictory information.

(b) Delay Goal 5 Process: When some information is available, indicating the possible existence of a resource site, but that information is not adequate to identify with particularity the location, quality and quantity of the resource site, the local government should only include the site on the comprehensive plan inventory as a special category. The local government must express its intent relative to the resource site through a plan policy to address that resource site and proceed

through the Goal 5 process in the future. The plan should include a time-frame for this review. Special implementing measures are not appropriate or required for Goal 5 compliance purposes until adequate information is available to enable further review and adoption of such measures. The statement in the plan commits the local government to address the resource site through the Goal 5 process in the post-acknowledgment period. Such future actions could require a plan amendment.

(c) Include on Plan Inventory: When information is available on location, quality and quantity, and the local government has determined a site to be significant or important as a result of the data collection and analysis process, the local government must include the site on its plan inventory and indicate the location, quality and quantity of the resource site (see above). Items included on this inventory must proceed through the remainder of the Goal 5 process.

Stat. Auth.: ORS Ch. 183 & 197

Hist: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Identify Conflicting Uses

660-16-005 It is the responsibility of local government to identify conflicts with inventoried Goal 5 resource sites. This is done primarily by examining the uses allowed in broad zoning districts established by the jurisdiction (e.g., forest and agricultural zones). A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy (ESEE) consequences:

(1) Preserve the Resource Site: If there are no conflicting uses for an identified resource site, the jurisdiction must adopt policies and ordinance provisions, as appropriate, which insure preservation of the resource site.

(2) Determine the Economic, Social, Environmental, and Energy Consequences: If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites.

Stat. Auth.: ORS Ch. 183 & 197

Hist: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Develop Program to Achieve the Goal

660-16-010 Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must "develop a program to achieve the Goal". Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to "resolve" conflicts with specific sites in any of the following three ways listed below. Compliance with Goal 5 shall also be based on the plan's overall ability to protect and

OREGON ADMINISTRATIVE RULES
CHAPTER 660, DIVISION 16 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

conserve each Goal 5 resource. The issue of adequacy of the overall program adopted or of decisions made under sections (1), (2) and (3) of this rule may be raised by the Department or objectors, but final determination is made by the Commission, pursuant to usual procedures:

(1) **Protect the Resource Site:** Based on the analysis of the ESEE consequences, a jurisdiction may determine that the resource site is of such importance, relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are so great that the resource site should be protected and all conflicting uses prohibited on the site and possibly within the impact area identified in OAR 660-16-000(5)(c). Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

(2) **Allow Conflicting Uses Fully:** Based on the analysis of ESEE consequences and other Statewide Goals, a jurisdiction may determine that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. This approach may be used when the conflicting use for a particular site is of sufficient importance, relative to the resource site. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

(3) **Limit Conflicting Uses:** Based on the analysis of ESEE consequences, a jurisdiction may determine that both the resource site and the conflicting use are important relative to each other, and that the ESEE consequences should be balanced so as to allow the conflicting use but in a limited way so as to protect the resource site to some desired extent. To implement this decision, the jurisdiction must designate with certainty what uses and activities are allowed fully, what uses and activities are not allowed at all and which uses are allowed conditionally, and what specific standards or limitations are placed on the permitted and conditional uses and activities for each resource site. Whatever mechanisms are used, they must be specific enough so that affected property owners are able to determine what uses and activities are allowed, not allowed, or allowed conditionally and under what clear and objective conditions or standards. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Post-Acknowledgment Period

660-16-015 All data, findings, and decisions made by a local government prior to acknowledgment may be reviewed by that local government in its periodic update process. This includes decisions made as a result of OAR 660-16-000(5)(a), 660-16-005(1), and 660-16-010. Any changes, additions, or deletions would be made as a plan amendment, again following all Goal 5 steps.

If the local government has included in its plan items under OAR 660-16-000(5)(b), the local government has committed itself to take certain actions within a certain time frame in the post-acknowledgment period. Within those stated time frames, the local government must address the issue as stated in its plan, and treat the action as a plan amendment.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the

Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Landowner Involvement

660-16-020 (1) The development of inventory data, identification of conflicting uses and adoption of implementing measures must, under Statewide Planning Goals 1 and 2, provide opportunities for citizen involvement and agency coordination. In addition, the adoption of regulations or plan provisions carries with it basic legal notice requirements. (County or city legal counsel can advise the planning department and governing body of these requirements.) Depending upon the type of action involved, the form and method of landowner notification will vary. State statutes and local charter provisions contain basic notice requirements. Because of the nature of the Goal 5 process as outlined in this paper it is important to provide for notification and involvement of landowners, including public agencies, at the earliest possible opportunity. This will likely avoid problems or disagreements later in the process and improve the local decision-making process in the development of the plan and implementing measures.

(2) As the Goal 5 process progresses and more specificity about the nature of resources, identified conflicting uses, ESEE consequences and implementing measures is known, notice and involvement of affected parties will become more meaningful. Such notice and landowner involvement, although not identified as a Goal 5 requirement is in the opinion of the Commission, imperative.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Policy Application

660-16-025 OAR 660-16-000 through 660-16-025 are applicable to jurisdictions as specified below:

(1) **Category 1:** Compliance with OAR 660-16-000 through 660-16-025 is required prior to granting acknowledgment of compliance under ORS 197.251 and OAR 660-03-000 through 660-03-040 for those jurisdictions which:

(a) Have not submitted their comprehensive plan for acknowledgment as of the date of adoption of this rule;

(b) Are under denial orders as of the date of adoption of this rule;

(c) Are not scheduled for review prior to or at the June 1981 Commission meeting.

(2) **Category 2:**

(a) Compliance with OAR 660-16-000 through 660-16-025 is required as outlined below for those jurisdictions which:

(A) Are under continuance orders adopted pursuant to OAR 660-03-040;

(B) Are scheduled for review at the April 30/May 1, May 29 or June 1981 Commission meetings.

(b) For these jurisdictions a notice will be given to all parties on the original notice list providing a 45-day period to object to the plan based on OAR 660-16-000 through 660-16-025.

(c) OAR 660-16-000 will be applied based on objections alleging violations of specific provisions of the rule on specific resource sites. Objections must be filed following requirements outlined in OAR 660-03-000 through 660-03-040 (Acknowledgment of Compliance Rule). Where no objections are filed or objections are not specific as to which elements of OAR 660-16-000 through 660-16-025 have been violated, and on what resource sites, the plan will be reviewed against Goal 5

OREGON ADMINISTRATIVE RULES
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standards as they existed prior to adoption of OAR 660-16-000 through 660-16-025.

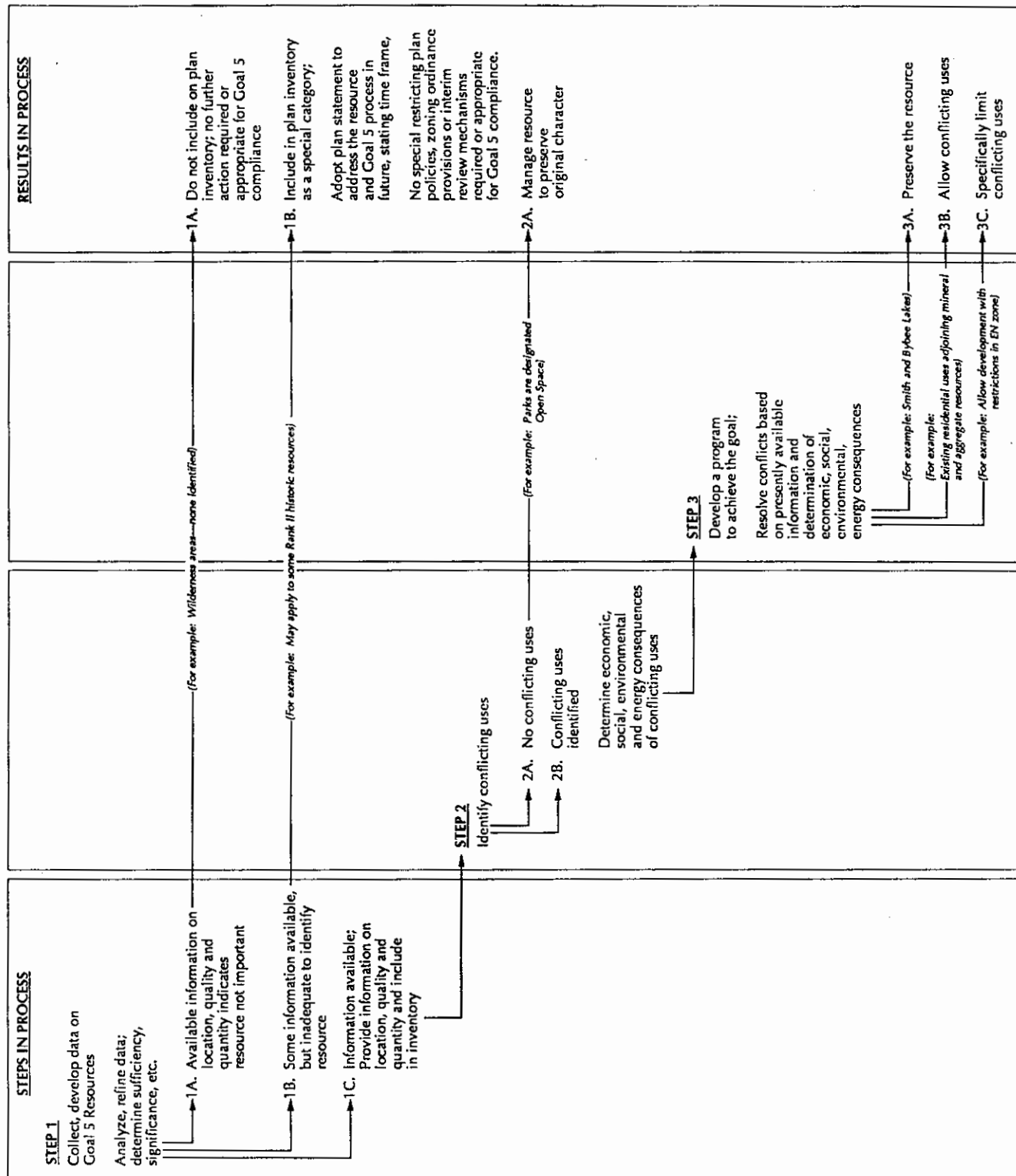
(3) Jurisdictions which receive acknowledgment of compliance (as outlined in ORS 197.251) at the April 30/May 1, 1981 Commission meeting will not be subject to review procedures outlined above, but will be treated as other previously acknowledged jurisdictions.

Stat. Auth.: ORS Ch. 183 & 197

Hist: LCD 5-1981(Temp), f. & cf. 3-8-81; LCD 7-1981, f. & cf. 6-29-81

(ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.)

GOAL 5 OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES INVENTORY EVALUATION PROCESS



Appendix D: Approved Trees and Other Vegetation

APPROVED TREES

COMMON NAME	SCIENTIFIC NAME
Bigleaf Maple	<i>Acer macrophyllum</i>
Black Cottonwood	<i>Populus trichocarpa</i>
Black Hawthorn	<i>Crataegus douglassii</i> (var. <i>douglassii</i> and <i>suksdorfii</i>)
Cascara Buckthorne	<i>Rhamnus purshiana</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
Grand Fir	<i>Abies grandis</i>
Lodgepole Pine	<i>Pinus contorta</i> var. <i>latifolia</i>
Oregon Ash	<i>Fraxinus latifolia</i>
Oregon White Oak	<i>Quercus garryana</i>
Pacific Dogwood	<i>Cornus nuttallii</i>
Pacific Madrone	<i>Arbutus menziesii</i>
Pacific Willow	<i>Salix lasiandra</i>
Pacific Yew	<i>Taxus brevifolia</i>
Ponderosa Pine	<i>Pinus ponderosa</i>
Red Alder	<i>Alnus rubra</i>
Western Hemlock	<i>Tsuga heterophylla</i>
Western Redcedar	<i>Thuja plicata</i>

OTHER APPROVED VEGETATION

COMMON NAME	SCIENTIFIC NAME
Bitter Cherry	<i>Prunus emarginata</i>
Cascade Mountain-ash	<i>Sorbus scopulina</i>
Common Chokecherry	<i>Prunus virginiana</i>
Golden Chinquapin	<i>Castanopsis chrysophylla</i>
Indian Plum	<i>Oemleria cerasiformis</i>
Oceanspray	<i>Holodiscus discolor</i>
Oregon Crabapple	<i>Pyrus fusca</i>
Pacific Ninebark	<i>Physocarpus capitatus</i>
Pacific Rhododendron	<i>Rhododendron macrophyllum</i>
Red and Blue Elderberry	<i>Sambucus racemosa</i> and <i>Sambucus cerulea</i>
Red Flowering Currant	<i>Ribes sanguineum</i>
Red Osier Dogwood	<i>Cornus stolonifera</i>
Scouler Willow	<i>Salix scouleriana</i>
Vine Maple	<i>Acer circinatum</i>
Western Crabapple	<i>Pyrus fusca</i>
Western Hazel	<i>Corylus cornuta</i>
Western Serviceberry	<i>Amelanchier alnifolia</i>

NOTE: Not all species are appropriate for all locations. Consult with a local native plant nursery or other plant professional for advice.

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