

ORDINANCE No. 158344

An Ordinance approving open space tax assessment for Tax Lot 124 and a portion of Tax Lot 122, Section 15 1S 1E as provided by ORS 308.740 - 308.790 OPEN SPACE LANDS, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. ORS 308.740 - 308.790, OPEN SPACE LANDS, passed the Oregon Legislature in 1971.
2. The policy intent of the statute is to maintain, preserve, conserve, and otherwise continue in existence open space lands to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.
3. Qualifying lands receive an open space tax assessment to prevent forced conversion to more intense uses due to economic pressures.
4. The County Assessor is to assess lands based on the highest and best use as open space and not alternative uses to which the land might be put.
5. Applications for open space assessment are directed to the Planning Commission and then to the City Council as the granting authority.
6. On December 27, 1985 the Multnomah County Division of Assessment and Taxation received an application from John and Condon Properties for open space assessment of Tax Lot 124 and Tax Lot 122, Section 15 1S 1E.
7. The parcels are adjacent to the Willamette River east of the Bankside and Riverpoint Condominiums. A Greenway Trail, easement and setback is provided on the site as required by the City and State Greenway Regulations.
8. A private moorage is located off the southern shoreline.
9. Tax Lot 124 and the portion of Tax Lot 122 exclusive of the boat moorage qualify as open space as defined in ORS 308.740 (A), (E), and (F).
 - (A) The open space land conserves and enhances the natural and scenic resources of the river. It preserves views to and from the river as well as preserving the natural and native vegetation. A human scale and appreciation of the river as a valuable resource is promoted. A transition from the river to upland development through landscaping is provided. The open space area through its preservation of vegetation is valuable to wildlife for refuge, food, and cover.

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- (E) The value of the river to the public is enhanced by preserving opportunities for access and enjoyment. An opportunity to experience a natural or scenic environment in an otherwise built-up urban setting is provided.
- (F) Recreational opportunities are enhanced through provisions for the Greenway Trail. The public may walk, bicycle, and jog on the trail. The access to and along the river provided by the trail allows other recreational opportunities such as fishing and picnicking.

10. ORS 308.760(1) states that the County Assessor and the applicant shall be notified immediately of approval or disapproval and in no event later than April 1 of the year following the year of receipt of an application. Applications not denied by April 1 are deemed approved.
11. The Planning Commission held a hearing on March 11, 1986 accepting the staff recommendation for approval of Tax Lot 124 and that portion of Tax Lot 122 exclusive of the boat moorage.
12. It is appropriate and in the public interest to accept these parcels, exclusive of the boat moorage, for open space assessment to assure the continued use and enjoyment of the Greenway for the public; to provide an incentive and a compensation to land owners for providing open space lands; and to comply with the OPEN SPACE LANDS Statute.

NOW, THEREFORE, the Council directs:

- a. Tax Lot 124 and that portion of Tax Lot 122 exclusive of the boat moorage, Section 15 1S 1E, qualify under ORS 308.740 to 308.790 as open space land for purposes of taxation.

Section 2. The Council declares that an emergency exists because a decision must be rendered by April 1 or the application is deemed approved under 308.760 (1); therefore, this Ordinance shall be in full force and effect upon and after its passage.

Passed by the Council, **MAR 26 1986**

Commissioner Margaret D. Strachan
March 18, 1986
Linda M. Dobson:ls:mh
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Jewel Lansing
Auditor of the City of Portland

By

Eduardo Cerroera

Deputy

Calendar No. 609

ORDINANCE No. 158314

Title

An Ordinance approving open space tax assessment for Tax Lot 124 and a portion of Tax Lot 122, Section 15 1C 1E as provided by ORS 308.740 - 308.790 OPEN SPACE LANDS, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	✓	
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
CLARK		—

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Filed MAR 21 1986

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By *Dennis H. B.*
Deputy

INTRODUCED BY

Commissioner Margaret D. Strachan

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau

Planning Bureau

Prepared By:

Date

Linda M. Dobson:lmh 3-13-86

Budget Impact Review:

☐ Completed ☒ Not required

Bureau Head *Norman A. Abbott*
Norman A. Abbott, Director

CALENDAR

Consent

Regular XX

NOTED BY

City Attorney

KS Bumpass

City Auditor

City Engineer

158314