

Update Packet #205 – Annual Dollar Thresholds and Planning Commission Code Amendments

Chapter	Remove Pages	Insert Pages	Changed because of
33.258	9-12	9-12	\$ figure update
33.430	Maps 430-2.1, 430-2.2, 430-9	Maps 430-1, 430-2, 430-9	typos
33.440	7-8	7-8	\$ figure update
33.445	35-38	35-38	typo
33.510	21-22, 27-28, 41-42	21-22, 27-28, 41-42	\$ figure update
33.515	1-38	1-38	\$ figure update; typo
33.560	1-2	1-2	\$ figure update
33.565	7-8	7-8	\$ figure update
33.710	All	All	PCCA
33.846	5-10	5-10	\$ figure update

33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.** Changes may be made to the site that are in conformance with the development standards of the base zone, overlay zone, plan district or other development standards that apply to the site. Changes that bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
 - a. Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
 - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
 - d. Screening; and
 - e. Paving of surface parking and exterior storage and display areas.
 - f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:
 - (1) Landscaped setbacks for surface parking and exterior development areas;

- (2) Interior parking lot landscaping; and
 - (3) Landscaping in existing building setbacks.
 - (4) This exception expires December 31, 2015.
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
- a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$347,000. The following alterations and improvements do not count toward the threshold:
 - (1) Replace a manufactured dwelling in a manufactured dwelling park;
 - (2) Alterations required by approved fire/life safety agreements;
 - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
 - (8) Landscaping required by 33.475.220; and
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900.
 - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
 - (1) Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;

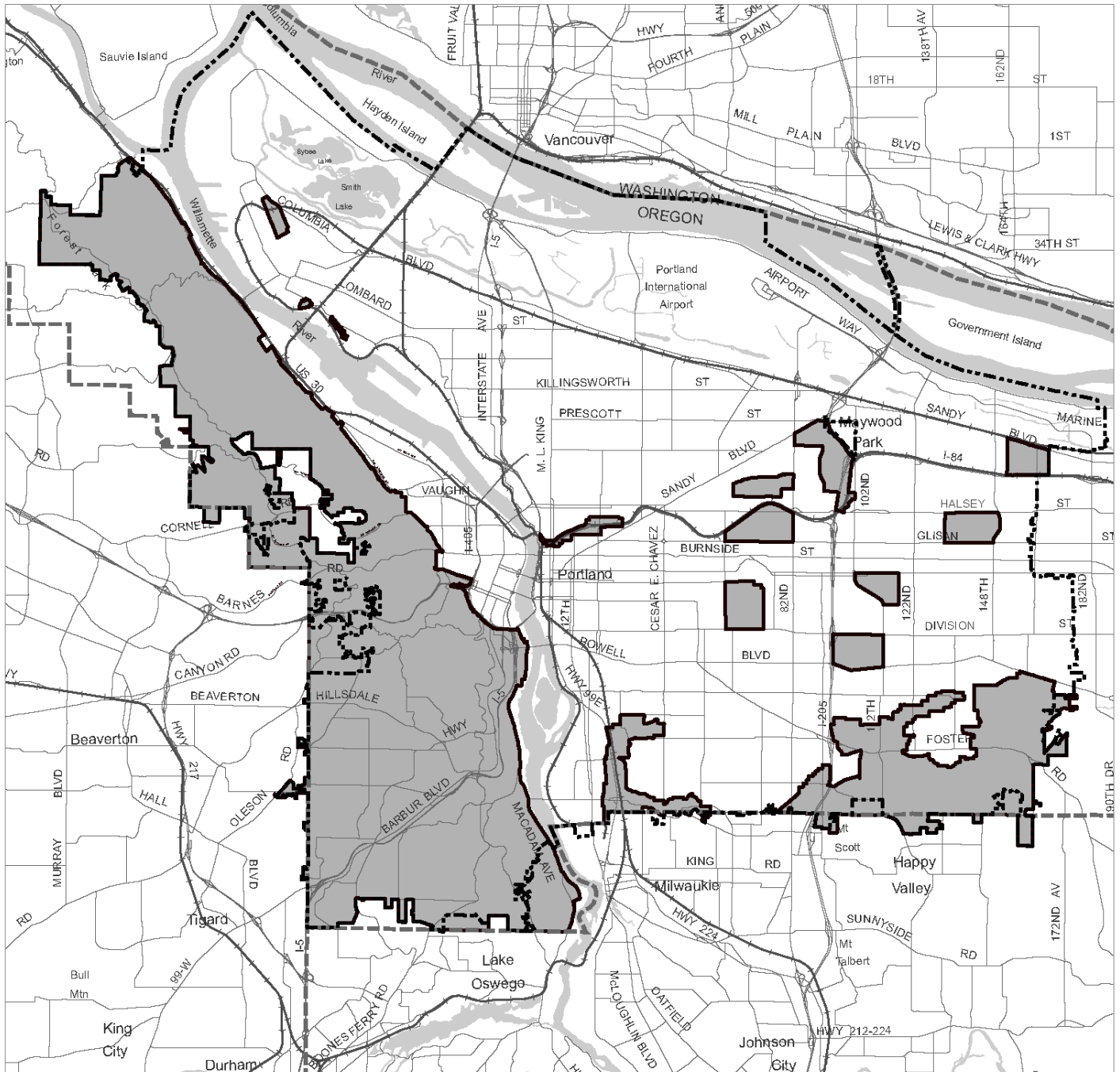
- Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- (6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:
- Landscaped setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping; and
 - Landscaping in existing building setbacks.
 - This exception expires December 31, 2015.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
- (2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
 - The term of the lease. There must be at least one year remaining on the ground lease; and
 - A legal description of the boundaries of the lease.
 - The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;

- The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
 - Screening is not required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
 - (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
 - Before a building permit is issued, the applicant must submit the following to BDS:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
 - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$347,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
 - By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the

Environmental Overlay Zone Map Correction Project Area

Map 430-1

Map Revised October 1, 2022



----- City Boundary

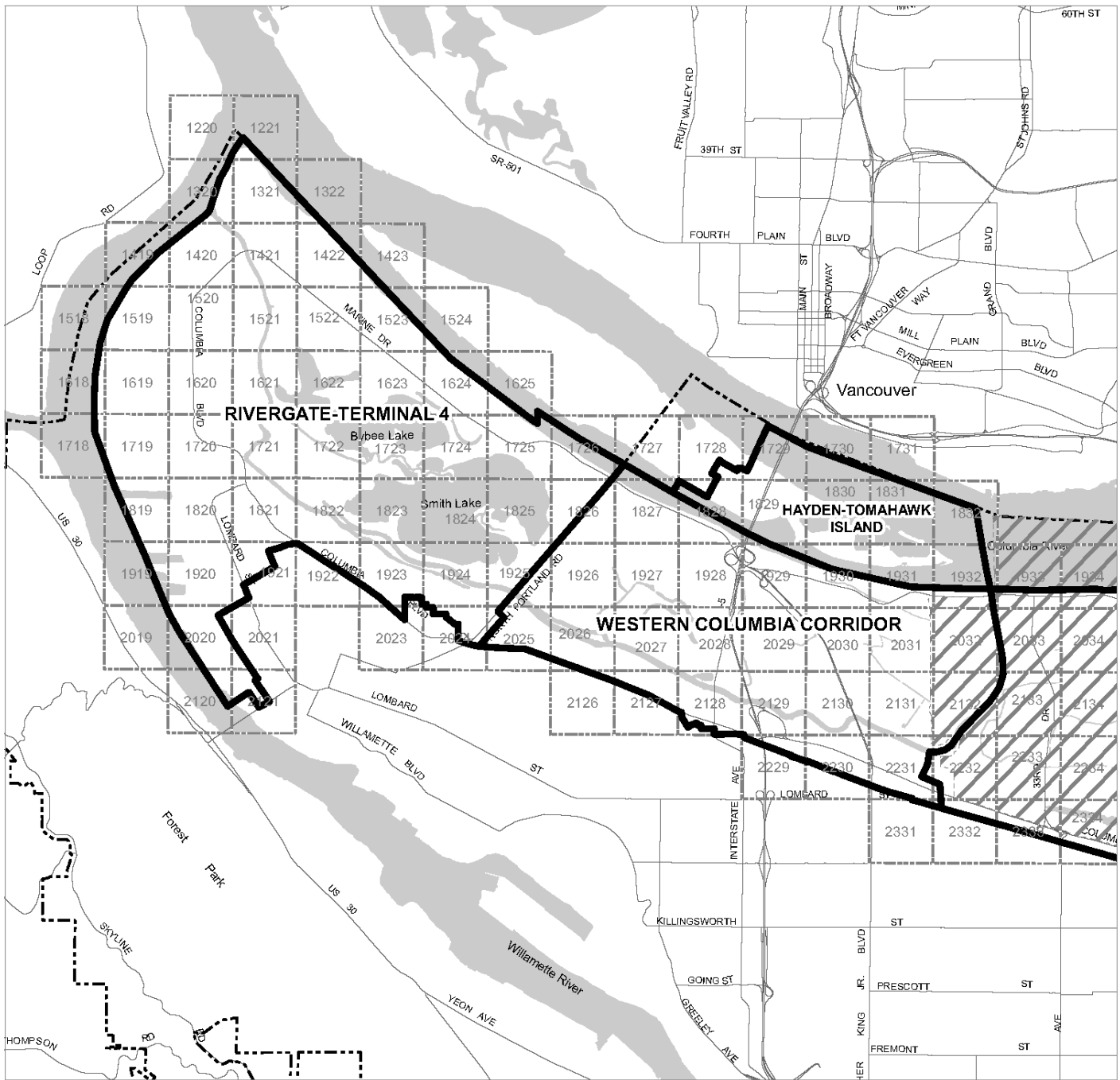
■ Project Area



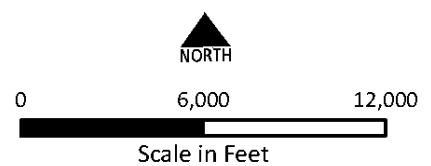
0 7,500 15,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon



- City Boundary
- Area superseded by Middle Columbia Corridor/Airport Corridor/Airport Natural Resources Inventory - SEE MAP 430-9



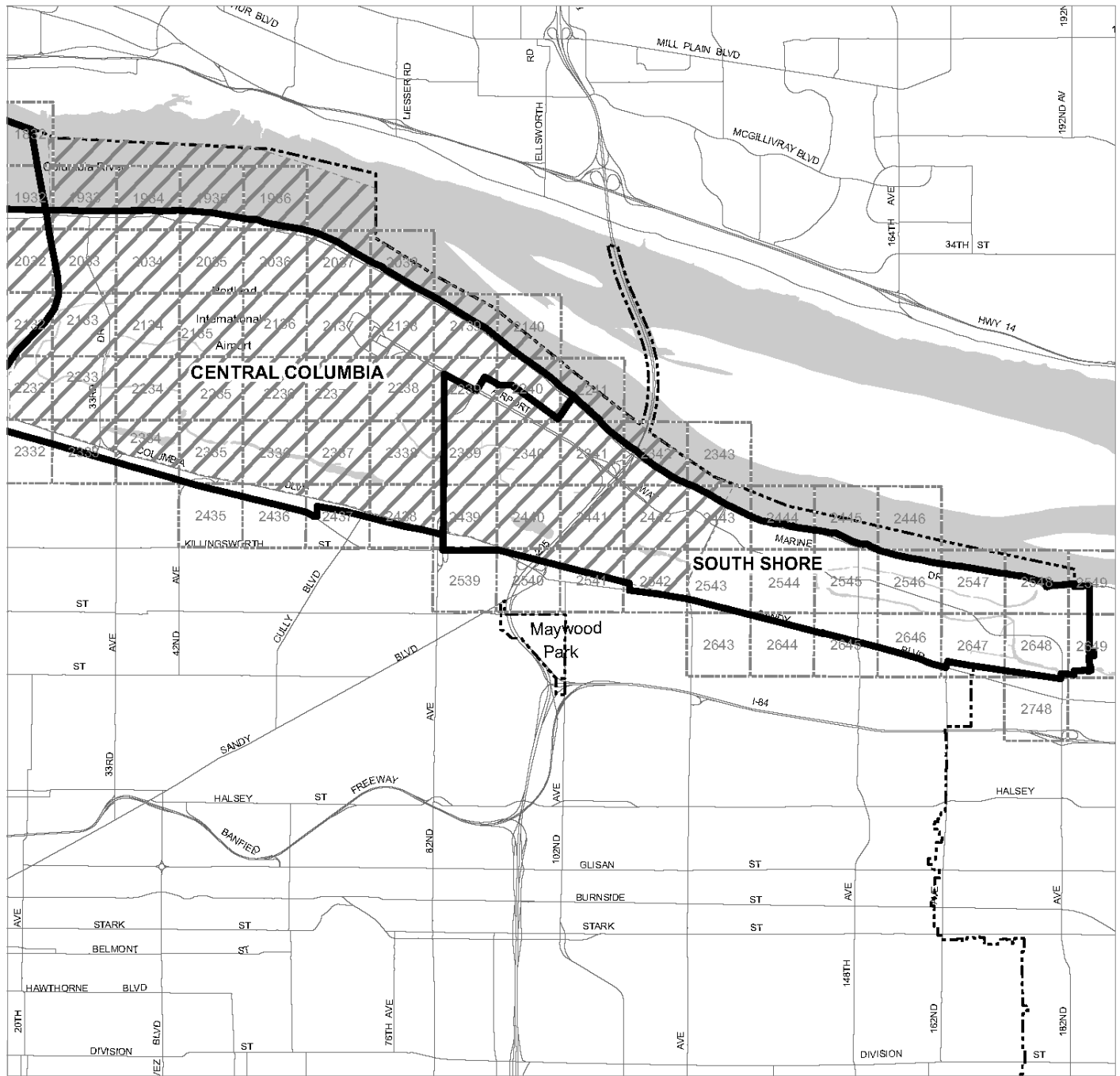
Map Note: Small numbers within boxes represent Portland quarter section index

Columbia Corridor Industrial and Environmental Mapping Project Area


Map 430-2

Map 2 of 2

Map Revised March 1, 2023



----- City Boundary

 Area superceded by Middle Columbia Corridor/Airport
Corridor/Airport Natural Resources Inventory - SEE MAP 430-9



0 6,000 12,000



Scale in Feet

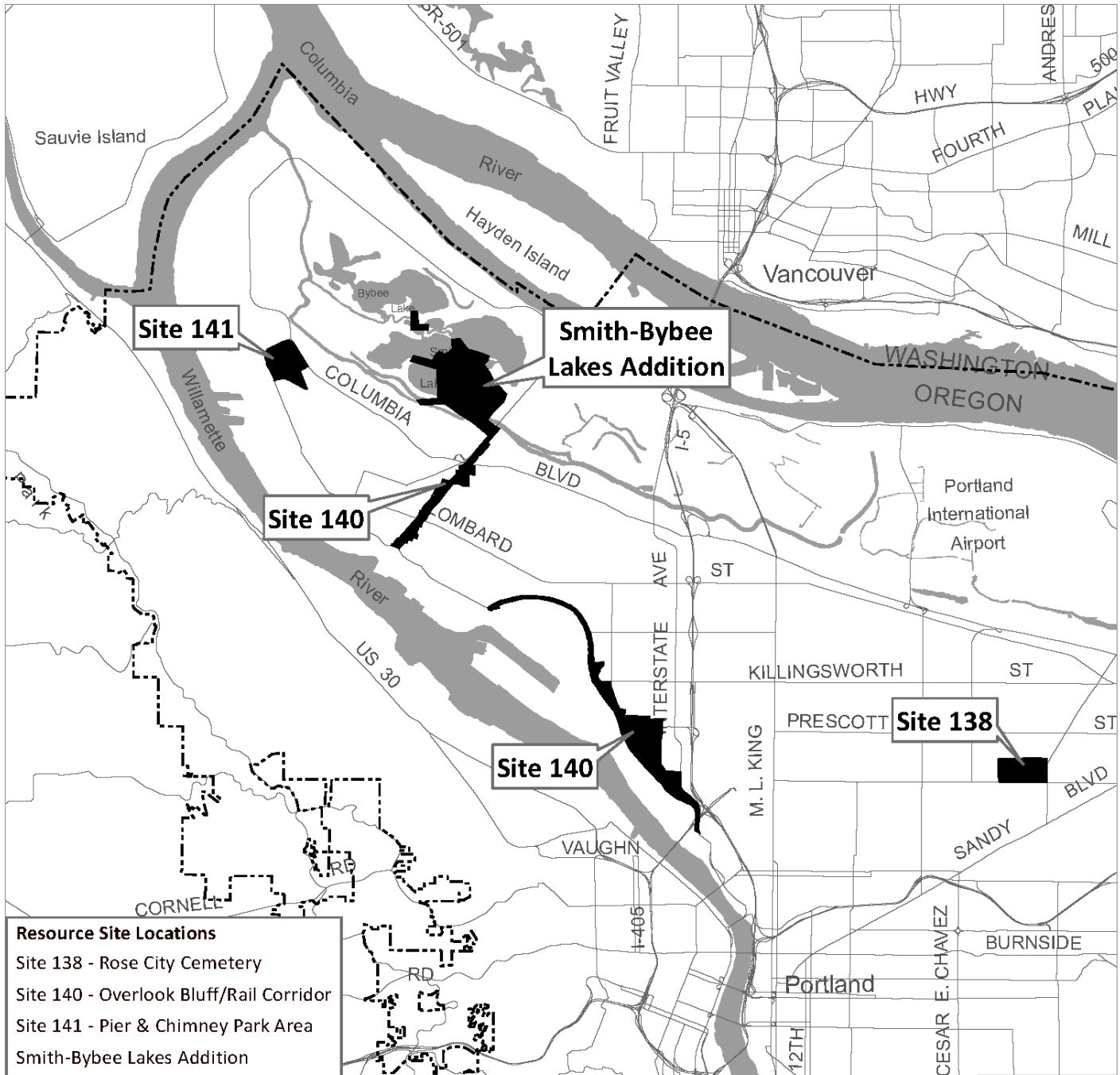
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Portland, Oregon

Map Note: Small numbers within boxes
represent Portland quarter section index

East Buttes, Terraces, and Wetlands Conservation Plan Area

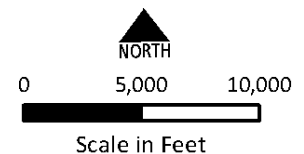
Map 430-3

Map Revised October 1, 2022



----- City Boundary

■ Plan Area

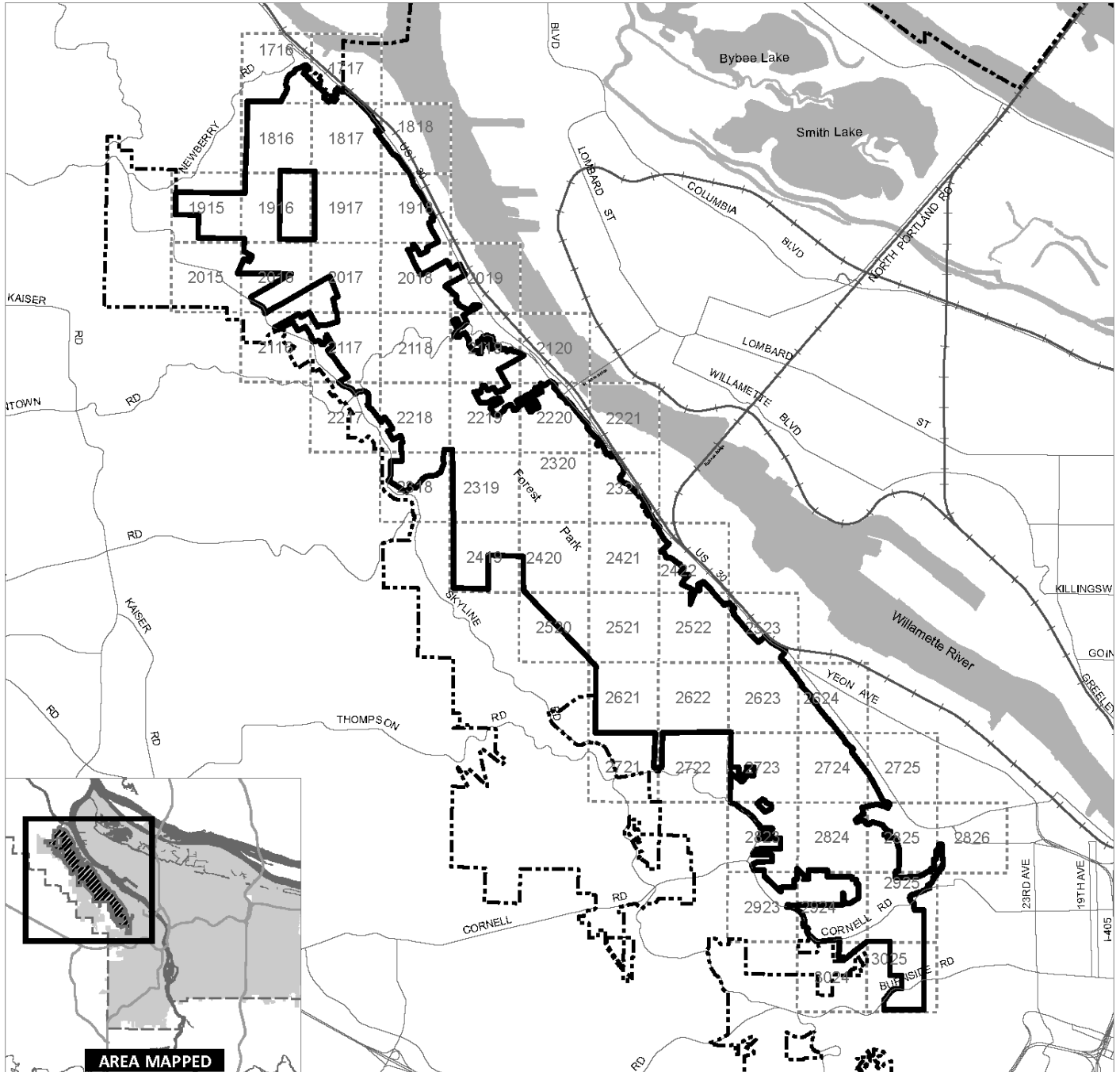


Bureau of Planning and Sustainability
Portland, Oregon

Forest Park Natural Resources Management Plan Area

Map 430-8

Map Revised October 1, 2022



----- City Boundary

□ Plan Area



0 4,500 9,000

Scale in Feet

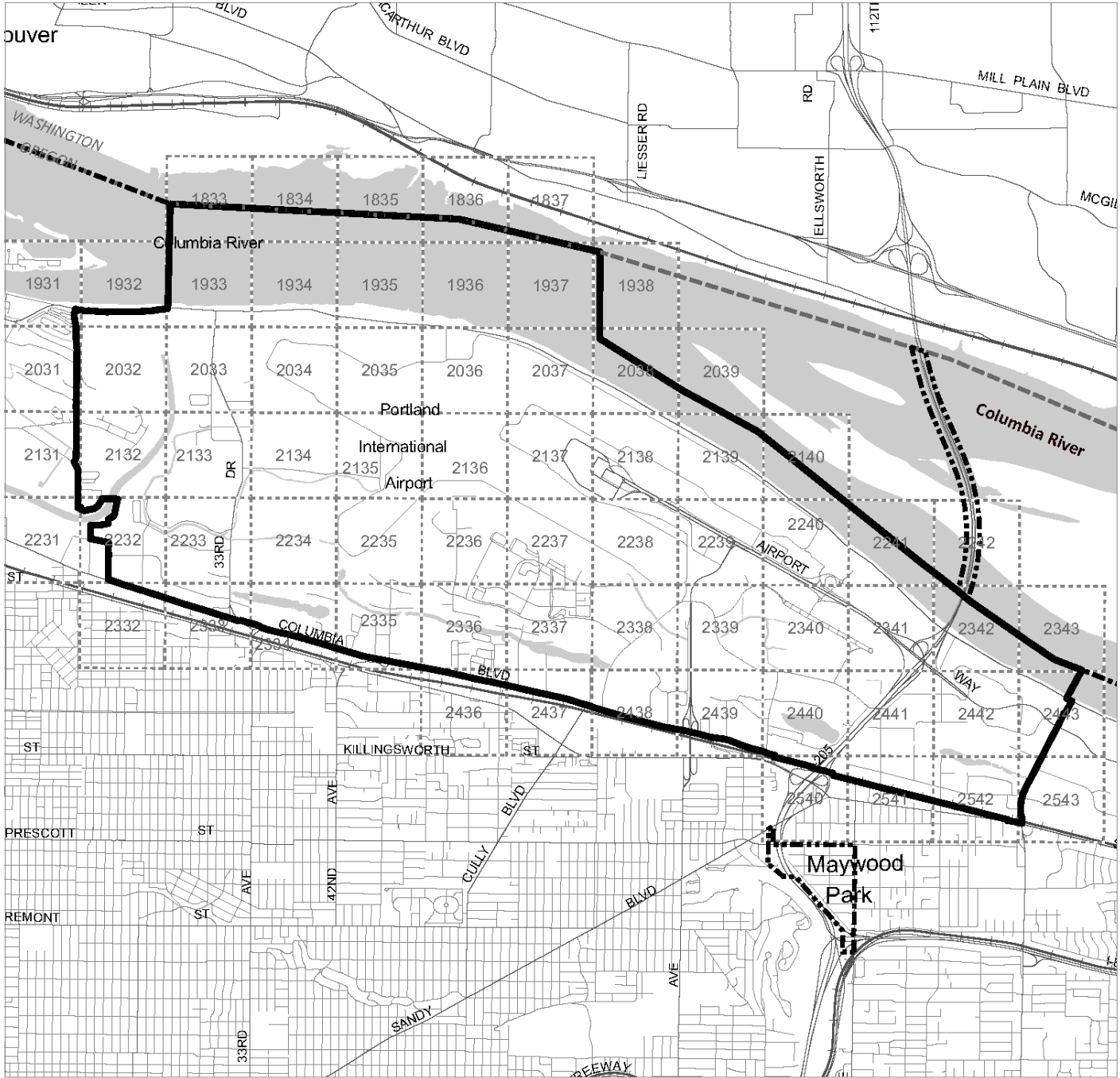
Bureau of Planning and Sustainability
Portland, Oregon

Map Note: Small numbers within boxes represent Portland quarter section index

Middle Columbia Corridor/Airport Natural Resource Inventory Environmental Mapping Project Area

Map 430-9

Map Revised March 1, 2023



--- City Boundary

▭ Project Area



0 4,000 8,000

Scale in Feet

Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

1. A minimum of one tree for every 20 feet of river frontage.
 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$347,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
 2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may

that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:

- a. At least 120 days have passed since the application for demolition review was deemed complete;
- b. The demolition review decision is final, and all appeals have been resolved; and
- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National

Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.

3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
 1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and

- (1) Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-3;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
 - (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
 - (4) Ownership and use. One of the following must be met:
 - The open space and pedestrian connection must be dedicated to the City; or
 - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
 - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.a.(2) and E.5.f.(5) that apply to South Waterfront Greenway subarea 3;
 - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
 - (2) Ownership and use. One of the following must be met:
 - The open space must be dedicated to the City; or
 - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
 - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the

open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;

- (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
 - (5) The bonus floor area may be used only in the South Waterfront subdistrict.
- f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$13.90 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:
- (1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
 - (2) The bonus floor area may be used only in the South Waterfront subdistrict; and
 - (3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:
 - a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.
 - b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;

- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

- (6) The applicant must contribute \$27.40 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:
 - a. The site must be shown on Map 510-3 as eligible for a height increase;
 - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;

- (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or
 - (3) The historic resource transfer of Paragraph 33.510.205.D.1.
- c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
- (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
 - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.
- d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:
- (1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and
 - (2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:
 - The building must not be taller than 175 feet; or
 - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.
- e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:
- (1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:
 - Provide diverse housing opportunities;
 - Support high quality design;

2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

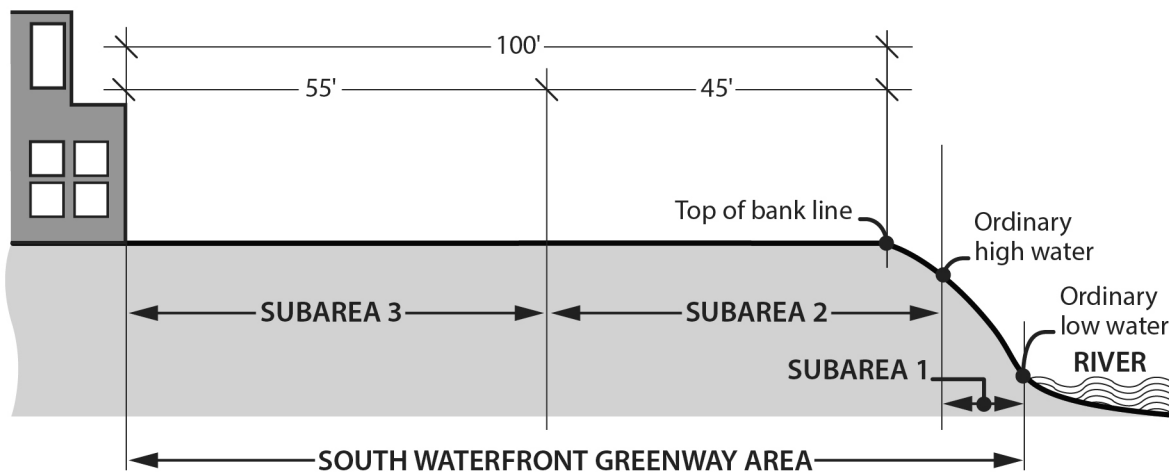
33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A. Purpose. The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

- B. Relationship to other regulations.** Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.
- C. Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



Greenway Area = from ordinary low water to 100' from top of bank line
Subarea 1 = from ordinary low water to ordinary high water
Subarea 2 = from ordinary high water to 45' in from top of bank line
Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

- D. Required South Waterfront Greenway improvements.** Adjustments and modifications to this subsection are prohibited.
1. Required landscaping.
 - a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$347,000, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;

33.515 Columbia South Shore Plan District

515

Sections:

General

- 33.515.010 Purpose
- 33.515.020 Where the Regulations Apply
- 33.515.025 Relationship Among Subdistrict Regulations

Use Regulations

- 33.515.110 Uses in the Industrial Business Opportunity Subdistrict
- 33.515.120 Commercial Uses
- 33.515.130 Additional Conditional Uses

Development Standards

- 33.515.200 Streetscape Standards
- 33.515.205 Airport Way Streetscape
- 33.515.210 Airport Way Landscaping
- 33.515.215 Marine Drive Streetscape
- 33.515.225 Transfer of Floor Area
- 33.515.230 View Corridors
- 33.515.235 Rooftops
- 33.515.240 Exterior Display
- 33.515.245 Signs
- 33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
- 33.515.257 Pedestrian Standards
- 33.515.260 Public Recreational Trails
- 33.515.262 Archaeological Resource Protection

Environmental Zones

- 33.515.265 Purpose
- 33.515.268 Where These Regulations Apply
- 33.515.270 Overlay Zones
- 33.515.272 Items Subject to These Regulations
- 33.515.274 Items Exempt From These Regulations
- 33.515.276 Use Regulations
- 33.515.278 Development Standards
- 33.515.280 Columbia South Shore Environmental Review

Map 515-1 Columbia South Shore Plan District and Subdistricts

Map 515-2 Columbia South Shore Streetscape Standards

Map 515-3 Maximum Building Heights

Map 515-4 Columbia South Shore Slough Trail

Map 515-5 Environmental Transition Areas

Map 515-6 Areas of Archaeological Interest in Columbia South Shore

Map 515-7 Areas Where Confirmation Testing is Required

General

33.515.010 Purpose

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district, and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect the City's standards for general industrial areas.

Special development standards for the frontages along Airport Way and Marine Drive are intended to:

- Enhance the street image of the plan district through continuity in street frontage landscaping along Airport Way;
- Soften the visual impact of buildings, semi-trucks and trailers, and outdoor storage along Airport Way and Marine Drive; and
- Encourage non-auto-oriented travel to, from, and within the district.

33.515.020 Where the Regulations Apply

The regulations of this chapter apply to the Columbia South Shore plan district. The boundaries of the plan district, including all subdistricts, are shown on Map 515-1 at the end of this chapter, and on the Official Zoning Maps. The areas affected by Columbia South Shore Streetscape standards are shown on Map 515-2.

33.515.025 Relationship Among Subdistrict Regulations

The Southern Industrial subdistrict is exempt from certain regulations of this plan district. The streetscape standards for Airport Way and Marine Drive apply in addition to the other requirements of the plan district. When there is a conflict between streetscape regulations, the more restrictive regulations apply for that portion of the site.

Use Regulations

33.515.110 Uses in the Industrial Business Opportunity Subdistrict

- A. Purpose.** Certain industrially-oriented office uses are allowed through limited review if there is excess capacity in the transportation system and there is an industrial component (use or building adaptability). These uses may contribute a higher level of employment and pedestrian activity compatible with the industrial district.
- B. Uses.** For sites within the Industrial Business Opportunity subdistrict, the uses listed below are reviewed through a Type II conditional use. The Industrial Business Opportunity subdistrict is shown on Map 515-1 at the end of this chapter. Criteria are found in 33.815.301. Uses listed in this section that do not meet the standards of Subsection C. below are reviewed through a Type III conditional use using approval criteria of 33.815.125. The uses are:

1. Research and development;
2. Data processing;
3. Operation centers for industrial and business uses; and
4. Other uses similar to the above.

C. Standards

1. These offices are located in either single tenant buildings or in industrial flex-space buildings.
2. Flex-space buildings must have 50 percent or more of the floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include an overall height of not more than two stories, a minimum ceiling height of 15 feet, and a dock high or drive-in loading area serving each tenant.
3. The development standards of this chapter are met.

33.515.120 Commercial Uses

- A. Retail Sales And Service uses in the EG2 zone are limited to 20,000 square feet or less of net building area including any exterior storage or nonconforming exterior display per site. The 20,000 square foot limitation does not apply to hotels or motels.
- B. Office uses in the EG2 zone are limited to a net building area not to exceed 45 percent of the total site area.
- C. The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each of net building area including any exterior storage or nonconforming exterior display per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet of net building area including any exterior storage or nonconforming exterior display without a conditional use review, in lieu of the four separate uses.

33.515.130 Additional Conditional Uses

A. Columbia Riverfront.

1. Conditional uses. The uses listed below are allowed in the RF zone through a conditional use review. The uses are:
 - a. Marinas;
 - b. Rental of recreational equipment; and
 - c. Houseboat moorages.
2. Regulations.
 - a. These uses are subject to the development standards of the CE zone.
 - b. The applicant must obtain separate approvals for building on or riverward of any flood control structure, including dikes, from the Oregon Division of State Lands,

the U.S. Army Corps of Engineers, and Multnomah County Drainage District No. 1.

3. Conditional use approval criteria. Requests are subject to the same approval criteria as for other conditional uses in residential zones, found in 33.815.105. Compatibility with the scenic and functional qualities of the Columbia River and Marine Drive will be considered in lieu of considering the compatibility with adjacent residential development, stated in criterion 33.815.105.B.

B. Commercial parking facilities.

1. New commercial parking facilities. Any new commercial parking facilities must locate south of the Columbia Slough or west of Interstate 205, and are conditional uses subject to 33.815.300.
2. Existing commercial parking facilities are allowed as a conditional use. Changes to such facilities are subject to 33.815.300. The appropriate review procedure for the conditional use will be determined through 33.815.040.D.
3. Site changes resulting from realignment of roadway. Commercial parking facilities existing prior to September 3, 1993 may maintain the same number of parking spaces that existed on that date. If a roadway project results in reconfiguration of the site, the same number of parking spaces may also be reconfigured by right. The parking spaces may be on the site or on land adjacent to the site. This section confers only the right to maintain existing parking spaces and does not expand other rights provided by nonconforming provisions of this title.

C. Professional / technical facilities.

1. For sites zoned IG2, professional/technical facilities are reviewed through a Type II conditional use. Approval criteria are in 33.815.302.
2. The maximum number of parking spaces on the site is 150 percent of the minimum for Retail Sales And Service.
3. Supplemental application requirements:
 - a. A transportation study is required if the proposed use will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour. The Office of Transportation will evaluate the transportation study as part of the conditional use review.
 - b. A transportation demand management plan is required, which should address the respective responsibilities of the training facility and participating firms in measures to mitigate traffic impacts.

D. Retail Sales And Service.

1. Retail Sales And Service uses that have net building area plus exterior display and storage area in excess of the limits in 33.515.120.A or C are allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district.

In the IG2 zone, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet. More than 20,000 square feet is prohibited unless allowed by Paragraph 2 below. These limits include net building area plus exterior display and storage areas.

2. Retail Sales And Service uses that have net building area plus exterior display and storage area in excess of 25,000 square feet, which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, may change to another use in the same use category without a land use review if there is no increase in net building area or exterior improvement area.

Development Standards

33.515.200 Streetscape Standards

The development standards foster distinct, yet complementary streetscapes for NE Airport Way and Marine Drive.

33.515.205 Airport Way Streetscape

- A. Purpose.** Special streetscape standards for NE Airport Way are intended to enhance and strengthen the image of the plan district; unify public and private improvements; and provide for a safe, comfortable, and attractive pedestrian environment.

The Airport Way streetscape embodies the following themes:

- Integrating public and private frontage landscaping;
- Minimizing the visual impact of certain exterior development activities;
- Limiting the size, number, and types of signs; and
- Providing on-site pedestrian circulation.

- B. Where the regulations apply.** East of Interstate 205, the Airport Way streetscape standards apply to sites within 300 feet of NE Airport Way. The Airport Way streetscape standards supersede less restrictive regulations of this or other chapters.

- C. Items allowed in setback.** Development which abuts Airport Way must be set back at least 25 feet from Airport Way. The following items are allowed in the building setback: utility structures, public monument signs, driveway entries, pedestrian paths and water quality facilities. The 25-foot setback must be landscaped and maintained in conformance with Section 33.515.210 and Chapter 33.248, Landscaping and Screening.

- D. Exterior storage, heavy trucks and equipment, and work activities.** Certain types of exterior development are an integral part of industrial uses. However, exterior development should be located and screened to not detract from the intended appearance of the NE Airport Way streetscape. Firms that require extensive exterior development areas are encouraged to locate in the Southern Industrial subdistrict.

1. Exterior work activities and exterior storage of equipment and materials, including heavy trucks, are not allowed within 150 feet of the NE Airport Way property line. Vehicles staged at a loading dock are excepted.

2. The outer perimeter of all such exterior storage must be landscaped, meeting one of the standards stated below.
 - a. Option 1. Perimeter landscaping must be at least 5 feet wide and meet the L3 standard.
 - b. Option 2. For each 30 feet of frontage along Airport Way, one tree and four high shrubs must be planted within a minimum 5-foot wide perimeter landscape area.

33.515.210 Airport Way Landscaping

- A. Purpose.** Special landscape standards apply along NE Airport Way in order to:
 - Provide a consistent landscape pattern that unifies public and private areas;
 - Establish a landscaped streetscape which recognizes both aesthetics and safety;
 - Accommodate a wide variety of uses;
 - Provide a buffer between on-site development and pedestrian and vehicular circulation in the right-of-way;
 - Ensure that exterior development will not detract from the appearance of the area;
 - Protect views of natural resource areas while limiting access to those areas; and
 - Ensure public and private setback landscaping is maintained consistently and adequately.
- B. Where the regulations apply.** Landscape standards for Airport Way apply to sites that abut Airport Way, as shown on Map 515-2 at the end of this chapter.
- C. General standards.** These standards apply to the 25-foot setback from Airport Way. All landscaping in the setback must be installed to comply with Chapter 33.248, Landscaping and Screening, and the NE Airport Way Landscape Design Handbook, adopted September 3, 1993. For ongoing maintenance, the standards of the NE Airport Way Landscape Maintenance Handbook, adopted September 3, 1993, must be met.
 1. 25-foot landscaped setback. The first 10 feet from the right-of-way is a public easement for utilities and landscaping. The next 15 feet is a private setback. Together they form the required 25-foot setback described in 33.515.205.C.
 2. Responsibilities for landscaping improvements. Prior to the issuance of a final certificate of occupancy, the full 25-foot landscaped setback must be installed. In most cases, the Portland Development Commission (PDC) has already fully landscaped the 10-foot public easement. On those sites, the applicant must install landscaping in the 15-foot private setback to match landscaping installed by PDC. On sites without full landscaping on the 10-foot easement, the applicant must also landscape the public easement to the standards detailed in the NE Airport Way Landscape Design Handbook. "Full" landscaping consists of trees, shrubs, and ground cover plants.
- D. Stormwater treatment swales.** Stormwater treatment swales may be placed within the 15-foot private setback, provided the tree pattern is maintained and any nonvegetated swales are visually screened from Airport Way.

1. The spacing of trees in the private setback is considered maintained if the trees are planted perpendicular from Airport Way with the specified tree planting. Landscape plans that do not maintain the tree pattern may be considered through an adjustment review. A landscape adjustment is reviewed for consistency with the purpose statement of this section and the NE Airport Way Landscape Design Handbook.
2. If the swale includes over 100 square feet of nonvegetative cover materials, an evergreen screen must be placed in the first 5 feet of the 15-foot private setback adjacent to the 10-foot public easement. Shrubs for the evergreen screen must be planted in a double row spaced to a minimum 6 feet on center.

33.515.215 Marine Drive Streetscape and Landscape

- A. Purpose.** Streetscape and landscape standards for Marine Drive are intended to preserve and enhance the character of Marine Drive. The standards emphasize the roadway corridor and distant views rather than adjacent development. Marine Drive is a scenic roadway that provides public views from the street right-of-way and the adjacent recreational trail. The roadway is elevated on a levee twenty to thirty feet above the elevation of adjacent properties. From this elevated position, it has a sense of openness, with views along and across the river and to Mt. Hood.

This section provides standards for a vegetative edge to screen development. Clustered foreground landscaping is intended to provide visual focal points to divert the eye from buildings and exterior uses.

- B. Where the regulations apply.** This section applies to the portions of sites within 200 feet south of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.

C. Streetscape standards.

1. Building heights. Within 200 feet south of the Marine Drive right-of-way, building height limits are imposed to maintain the open character. Building height is measured to the top of the parapet or exterior wall, whichever is higher. Within 100 feet of the right-of-way, buildings are limited to 35 feet in height. Between 101 feet and 200 feet from the right-of-way, buildings are limited to 45 feet in height.
2. Building setbacks. Buildings must be set back at least 10 feet from the tree row required by Paragraphs D.1 and D.4, below. Locating buildings away from Marine Drive is encouraged.
3. Fences. Fences are prohibited between the toe of the Marine Drive slope and the tree row required by Paragraphs D.1 and D.4, below.

- D. Landscape standards.** Generally, a continuous landscaping treatment is required, as shown in Figures 515-1 through 515-3. The continuous landscaping must include a row of trees, flowering shrubs, and ground cover, as specified below. In two locations, as identified in Subparagraph D.4, below, a clustered landscape treatment is allowed as an alternative.

1. Tree row. A row of trees meeting the following standards is required:

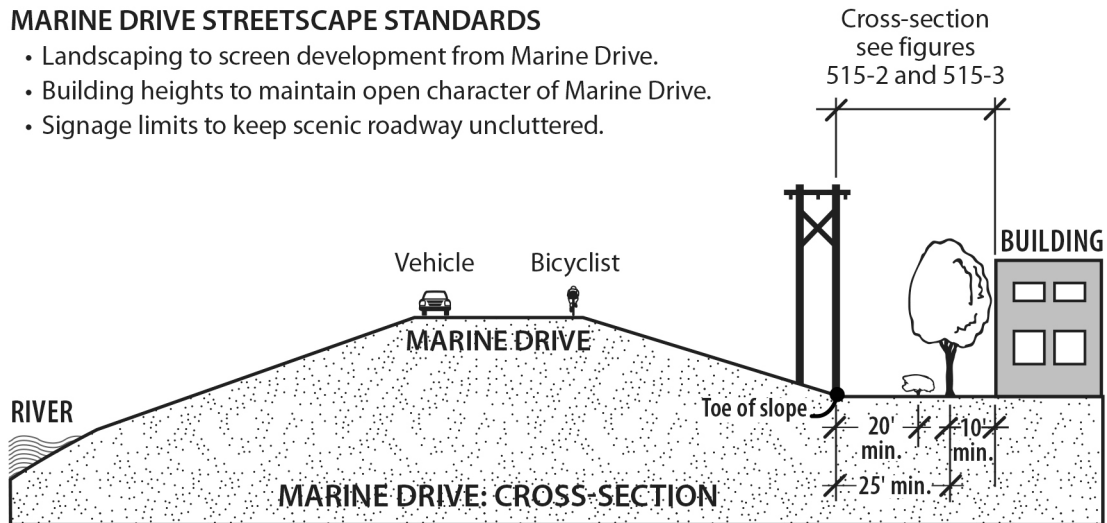
- a. Location. As shown in Figure 515-2, a row of trees must be planted between development and the toe of the Marine Drive slope. The tree row must be at least 25 feet south of the toe of the slope.
 - b. Spacing. The trees must be spaced 15 feet on center.
 - c. Species. The trees must be one of the following species: Black Hawthorne (*crataegus douglasii suksdorfii*), Bitter Cherry (*prunus emarginata*), Sitka Willow (*salix sitchensis*), or Columbia River Willow (*salix fluviatilis*). Willows are prohibited adjacent to the 40-Mile recreational trail.
2. Additional tree row on corner sites. On corner sites, where another street intersects Marine Drive, a row of trees is required paralleling the non-Marine Drive frontage of the site. The row of trees must be planted 12 feet interior from the toe of the cross-street embankment. The row must begin at the tree row required by Paragraph D.1, above, and extend at least 100 feet south from that point. This tree row must consist of Scarlet Sentinel Maples (*acer rubrum* 'Scarlet Sentinel') planted on 25-foot centers.
 3. Flowering shrubs.
 - a. Generally. Except as provided in D.3.b and D.4, below, flowering shrubs must be planted in clusters as follows:
 - (1) Location. As shown in Figure 515-2, the clusters of shrubs required by this paragraph must be planted no more than 12 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope.
 - (2) Number. One cluster of flowering shrubs is required by each 100 feet or fraction thereof of site frontage on Marine Drive. Each cluster must consist of six shrubs of the same plant species.
 - (3) Species. The shrubs must be one or more of the following species: Western Serviceberry (*amelanchier alnifolia*), Mock Orange (*philadelphus lewisii*), Vine Maple (*acer circinatum*), Nootka Rose (*rosa nutkana v. nutkana*), Common Snowberry (*symphoricarpos albus*), Ocean-spray (*holodiscus discolor*), Tall Oregon Grape (*berberis aquifolium*), Red Current (*ribes sanguineum*), Red Elderberry (*sambucus cerulea*), or Pacific Ninebark (*physocarpus capitatus*).
 - b. Recreational trail. Where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, the following standards must be met, rather than the standards of Subparagraph D.3.a, above. See Figure 515-3:
 - (1) Location and spacing. A row of flowering shrubs must be planted no more than 5 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope. Shrubs in this row must be planted on seven and a half foot centers and staggered with the adjacent tree row.

- (2) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.
- (3) Size. The shrubs must be of a size that will grow to 6 feet of height within 3 years of planting.

**Figure 515-1
Marine Drive Streetscape Standards**

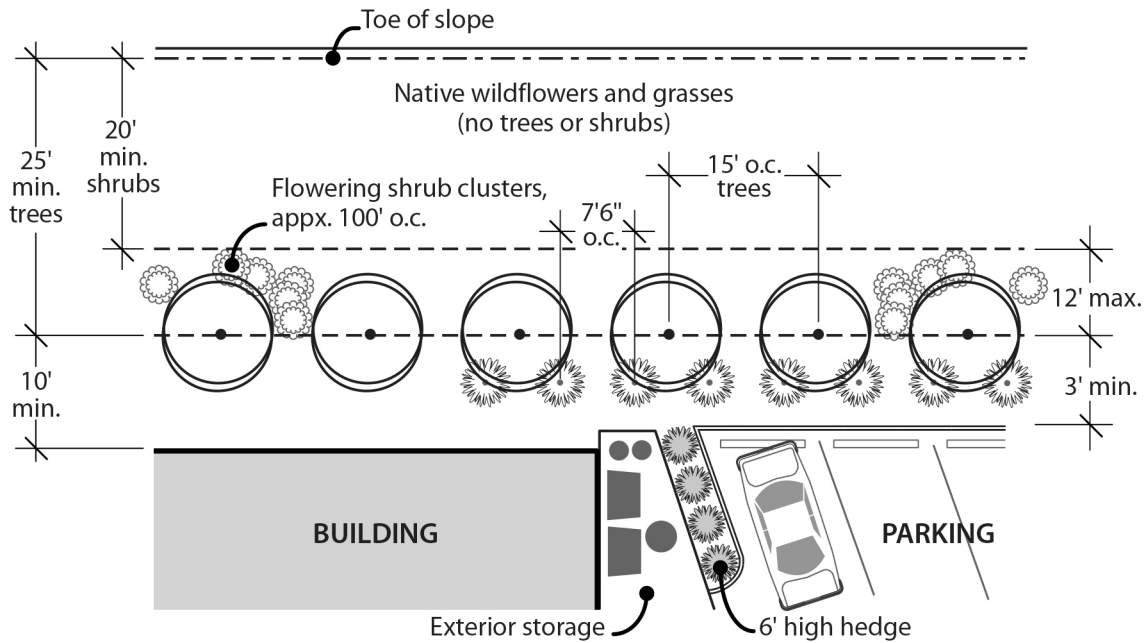
MARINE DRIVE STREETScape STANDARDS

- Landscaping to screen development from Marine Drive.
- Building heights to maintain open character of Marine Drive.
- Signage limits to keep scenic roadway uncluttered.



4. Entryway locations along Marine Drive. At two entryway locations along Marine Drive, the applicant may choose to meet either the standards of Paragraphs D.1 through D.3, above, or the alternative standards of this paragraph. The entryway locations are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. The alternative standards, as shown in Figure 515-4, are:
 - a. Number. For each 100 feet or fraction thereof of site frontage on Marine Drive, 20 trees and 6 shrubs must be provided.
 - b. Spacing. Trees must cover the Marine Drive frontage of the site, with a maximum spacing of 20 feet.
 - c. Location. Trees must be at least 25 feet from the toe of the Marine Drive slope. Shrubs must be at least 20 feet from the toe of the Marine Drive slope.
 - d. Species. All trees and shrubs must be from the *Portland Plant List*. For each 100 feet of Marine Drive frontage, a minimum of 3 tree species and 2 shrub species must be provided.

**Figure 515-2
Landscape Standards (No Recreational Trail)**



**Figure 515-3
Landscape Standards (Recreational Trail)**

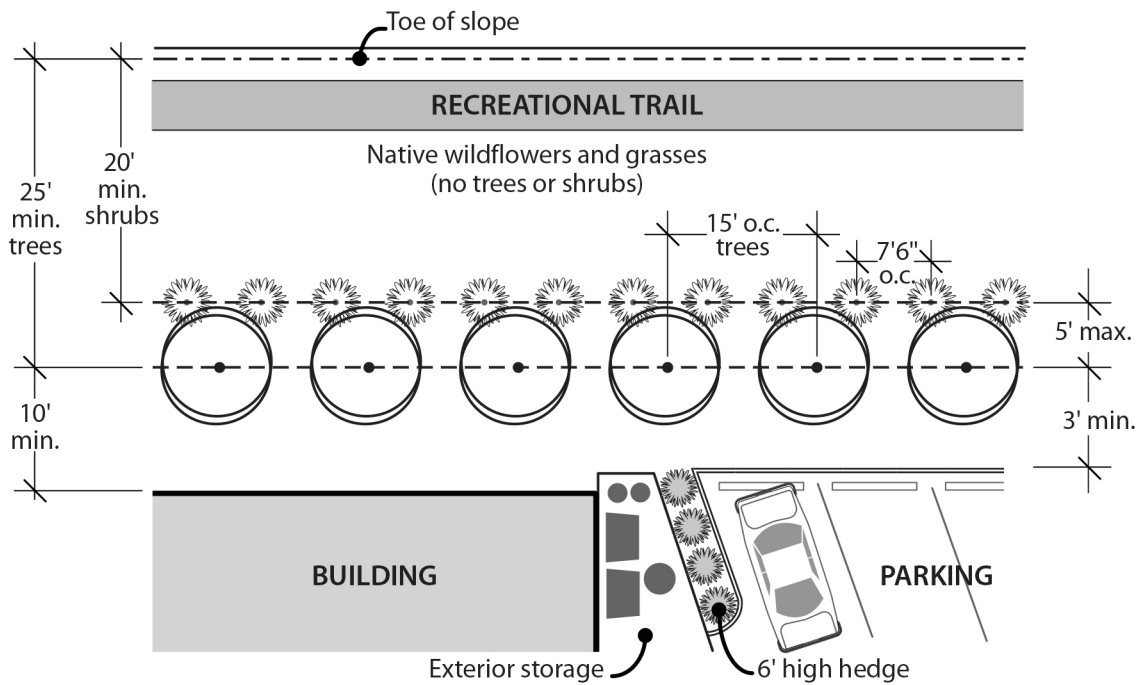
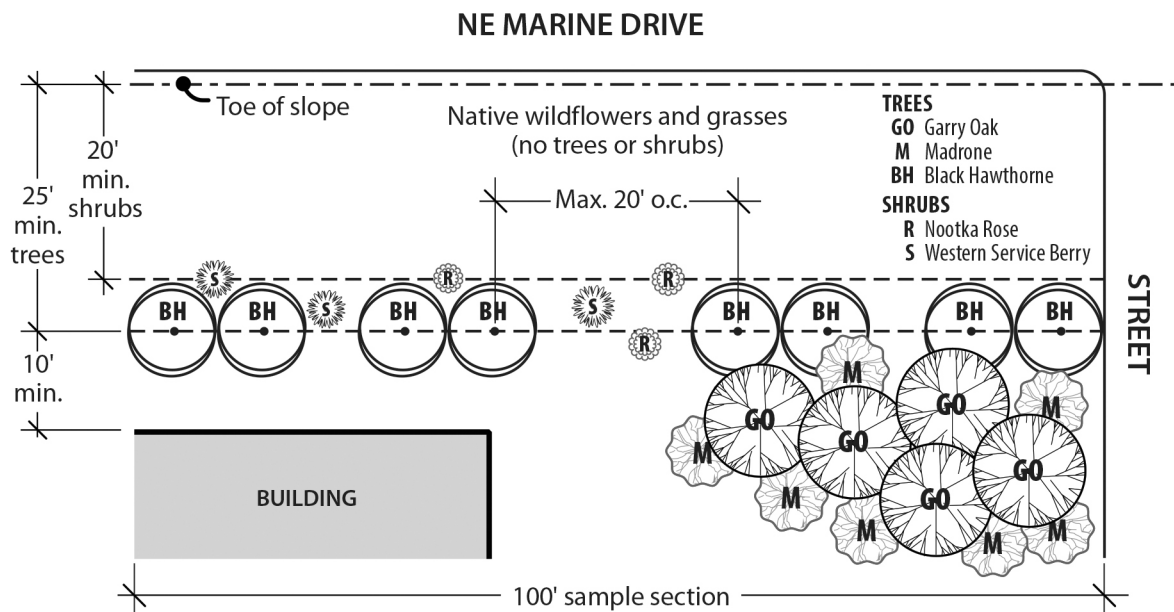


Figure 515-4
Clustered Landscaping Example



5. Ground cover.

- a. Next to toe of slope. The area between the trees and shrubs required by Paragraphs D.1 through D.4, above, and the toe of the Marine Drive slope must be planted with a combination of wildflowers and grasses that grow to less than 3 feet in height. The wildflowers and grasses must cover 90 percent of the ground, exclusive of recreational trails, within one year or two growing seasons after planting. Wildflower and grass species must be from the *Portland Plant List*.
- b. Slope. Applicants are encouraged to work with Multnomah County Drainage District #1 and the Bureau of Maintenance to plant the levee slope, exclusive of recreational trails, with a combination of wildflowers and grasses that grow to less than 3 feet in height. Wildflower and grass species should be native to the Willamette Valley or to the Pacific Northwest.

6. New embankments. New embankments extending from Marine Drive must be planted with flowering shrubs. For every 50 feet of embankment, a cluster of flowering shrubs must be planted on each slope of the embankment. Shrub species must be chosen from Subparagraph D.3.a, above. The shrubs must be planted at least 20 feet from the toe of the Marine Drive slope.

- E. Landscape standards for parking lots and storage areas.** Vehicle areas and exterior storage areas may be located within 3 feet of the tree row required by Paragraph D.1, above. Instead of meeting the perimeter landscaping standards of Chapter 33.266, one of the following standards must be met:

1. No recreational trail. Except as provided in Paragraph E.3, below, where a site does not include the recreational trail, a row of shrubs is required. See Figure 515-2. The shrubs must meet the following:
 - a. Location. The row of shrubs must be within 5 feet of the tree row required by Paragraph D.1, above, and be staggered with the tree row.
 - b. Spacing. The shrubs must be planted on seven and a half foot centers.
 - c. Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.
 2. Recreational trail. Except as provided in Paragraph E.3, below, where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, no additional landscaping is required. However, the shrubs required by Subparagraph D.3.b, above, must be between the recreational trail and the tree row required by Paragraph D.1, above. See Figure 515-3.
 3. Entryway locations along Marine Drive. Where the site is in one of the entryway locations specified in Paragraph D.4, above, the applicant may choose between two sets of Marine Drive landscape standards.
 - a. If the applicant chooses to meet the standards of Paragraphs D.1 through D.3, above, the standards for parking lots and exterior storage areas in Paragraphs E.1 or E.2 must be met.
 - b. If the applicant chooses to meet the standards of Paragraph D.4, a row of shrubs must be planted that meets the following:
 - (1) Location. The row of shrubs must be planted within 5 feet of the north edge of the parking or exterior storage area;
 - (2) Spacing. The shrubs must be planted on seven and a half foot centers; and
 - (3) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.
- F. Nonconforming landscaping.** Some sites along Marine Drive have a double row of trees, which was required by previous regulations. Some of these trees are within 25 feet of the toe of the Marine Drive slope. There also may be shrubs within 20 feet of the toe of the slope.

If trees and shrubs that are nonconforming because of their location are removed, they must be replaced as follows:

1. Trees. Each tree removed must be replaced. The replacement tree must be of the species listed in Paragraph D.1, and must be planted in a location that meets the requirements of Paragraph D.1.
2. Shrubs. Each shrub removed must be replaced. The replacement shrub must be of the species listed in Paragraph D.3, and must be planted in a location that meets the requirements of Paragraph D.3.

33.515.225 Transfer of Floor Area

As part of a land division or Planned Development, a transfer of floor area within and between lots in the land division or Planned Development is allowed as long as the overall floor area potential of the entire site is maintained. The proposed maximum floor area for each lot must be stated on the land use application. Maximum floor area allowances must be recorded on the deed or record. Any subsequent changes to the floor area allocation must also be noted on the deed and a copy of the deed submitted to the Bureau of Development Services to ensure consistency with the overall floor area limits.

33.515.230 View Corridors

- A. Purpose.** Building heights are limited along four view corridors to protect views of Mt. Hood and Rocky Butte from selected vantage points in Columbia South Shore. The four view corridors are shown on Map 515-3 at the end of this chapter, and are: the view of Rocky Butte from the Glenn Jackson Bridge; the view of Mt. Hood from the Interstate 205 bicycle bridge over Airport Way; the view of Mt. Hood from the cross-dike over the Columbia Slough; and the view of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue.
1. The view of Rocky Butte from the Glenn Jackson Bridge provides motorists and bicyclists with an orientation point when they enter Northeast Portland. The forested slopes of Rocky Butte offer the eye a green refuge among the industrial landscape and denote entryways to the City from the north and east.
 2. The Interstate 205 bicycle bridge is a significant recreational resource. Protecting this view of Mt. Hood will enhance the scenic quality and recreational value of the bicycle path.
 3. From the cross-dike, the slough lines up with Mt. Hood and forms a natural setting for the mountain view. South of NE Airport Way, the cross-dike is a designated Recreational Trail, providing a north-south link between NE Airport Way, Columbia Slough and residential areas located south of NE Sandy Boulevard.
 4. The dramatic glimpse of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue provides a break in the planned industrial landscape and a directional orientation.
- B. Building height.** Maximum building heights for the four view corridors are shown on Map 515-3.

33.515.235 Rooftops

- A. Purpose.** Rooftops in the plan district are highly visible from Marine Drive, view corridors, and Airport Way. Rooftop standards are intended to reduce the visual impact of rooftop surfaces and rooftop mechanical equipment from those vantage points.
- B. Where the regulations apply.** The rooftop standards apply to all parts of South Shore except for the Southern Industrial subdistrict.
- C. Rooftop mechanical equipment.** These standards apply to rooftop mechanical equipment. They do not apply to roof-mounted solar panels and wind turbines.

1. Latticework screen wall. Within 200 feet of Marine Drive, Airport Way, or a view corridor vantage point, all rooftop mechanical equipment must be screened from view or not visible from those vantage points. Screen materials will consist of a full screen wall or latticework screen wall. The screen wall need not extend more than one foot above rooftop equipment. The latticework screen may be constructed of a variety of permanent materials, but must be 50 percent sight-obscuring and painted to match the roof or closest wall, whichever is the predominant visible surface from those vantage points.
2. Painting to match rooftop. Each rooftop mechanical equipment unit that interrupts less than 25 square feet of roof surface area may be painted instead of screened, as provided in Paragraph C.1. The paint color must match the rooftop color or closest wall, whichever is the predominant visible surface from Marine Drive, Airport Way, or a view corridor vantage point.

33.515.240 Exterior Display

Exterior display is prohibited in the Columbia South Shore plan district.

33.515.245 Signs

The sign standards are stated in Title 32, Signs and Related Regulations.

33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems

New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary disposal or disposal of industrial process water are prohibited. All on-site storm water and wastewater treatment and disposal systems must be disposed of into a system approved by the Bureau of Environmental Services and the Bureau of Development Services.

33.515.257 Pedestrian Standards

All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.260 Major Public Trails

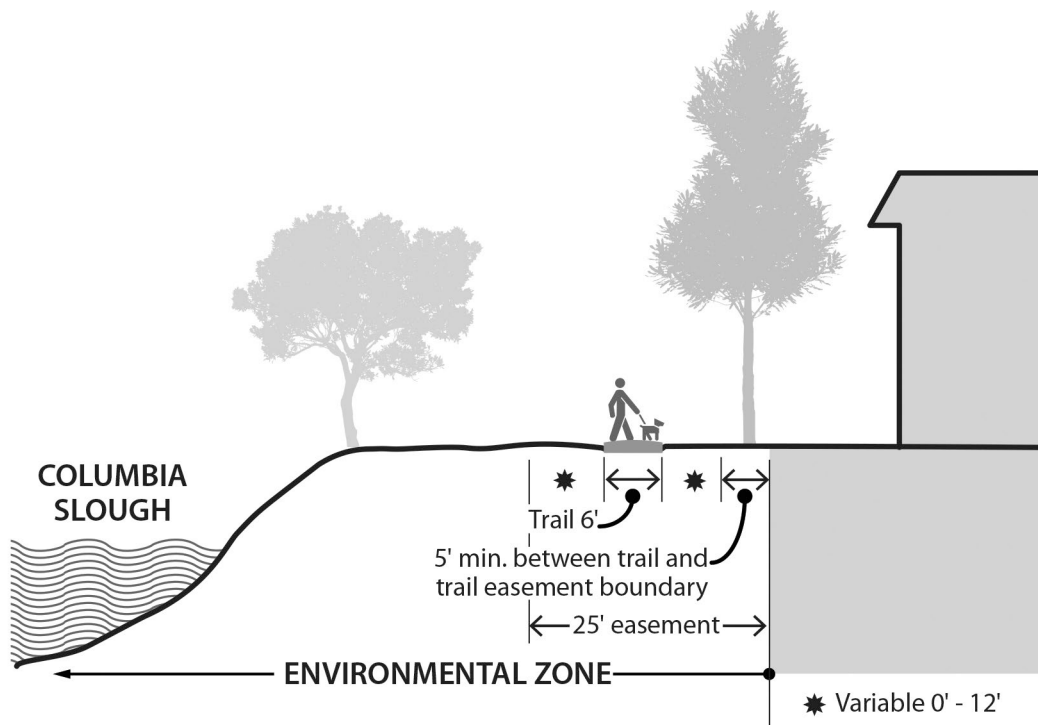
- A. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, except those in the Columbia South Shore Slough Trail area or Cross-Levee Trail area. Sites in these areas, shown on Map 515-4, must also comply with the regulations of this section. If the trail is located within the Environmental zones, the trail must also comply with those requirements.
- B. Columbia South Shore Trail.**
 1. Columbia South Shore Slough Trail area. The recreation trail designations that apply to the Columbia South Shore Slough Trail are shown on Map 515-4 at the end of this chapter.
 2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time of development if both ends of their trail segment connect with another built trail or

public right-of-way. The chosen option must be indicated on the building permit. If the trail improvement option is chosen, the trail location and construction specifications must be shown on the site plans.

- a. Trust fund option. The Columbia South Shore Recreational Trail Trust Fund provides a method for accepting and dedicating funds for the Slough Trail construction in the Columbia South Shore plan district and an alternative to constructing the on-site trail segment.
 - (1) Trust fund administration and contribution. The trust fund is administered by Portland Parks and Recreation. As sufficient funds accrue in the trust fund, the Parks Bureau will use the funds to build segments of the trail system. The trust fund contribution is based on the trail development costs formula determined by the Parks Bureau.
 - (2) Cap on trust fund contributions. If the trail costs more than one percent of an improvement project planned for the site, the trust fund contribution is based on one percent of the project cost. Trust fund contributions and total project costs are each cumulative from April 7, 1987. "Cumulative" means that all trust fund contributions from that date and all project costs from that date are included in the calculation. If the total trust fund contribution for a site reaches the amount of the trail construction costs, then no further trust fund contributions are required.
 - (3) Timing of contributions. Contributions to the trust fund can be made either at the time of development or in advance of development. A property owner must show that the trust fund contribution and easement have been given to the City before a building permit will be issued.
- b. Developed sites without the trail. Portland Parks and Recreation will construct the trail on sites previously developed without the trail when the following conditions are met:
 - (1) The property owner has granted a trail easement to the City, and either (2) or (3) below is met.
 - (2) The trail development costs have been paid into the trust fund at the time of the easement dedication; or
 - (3) The property owner has agreed to repay the trust fund for the trail development costs when the property redevelops. A property owner must accept a lien on the property to secure repayment costs. Repayment is required before any building permit requiring the trail is issued. The repayment is based on the trail development costs formula determined by Portland Parks and Recreation.
- c. Trail and easement location.
 - (1) In environmental zones:
 - The location of the trail or easement is subject to environmental review;

- If a trail or easement exists on an adjacent site, the trail or easement must connect to them; and
 - If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone. See Figure 515-5.
- (2) In all other zones: The trail route must be as shown on the Official Zoning Maps.
- C. Cross-Levee Recreation Trail easement.** The Cross-Levee public recreation trail is shown on the Official Zoning Maps and on Map 515-4 at the end of this chapter. The requirement for a trail does not apply to the Cross-Levee Recreation Trail but the requirement for an easement does apply. (See Section 33.272.020).
- D. Other recreation trails.** Other recreation trails are regulated by Chapter 33.272.

Figure 515-5
Columbia South Shore Slough Trail and Easement Location



33.515.262 Archaeological Resource Protection

- A. Purpose.** Archaeological evidence has confirmed that American Indians used the plan district prior to entry of EuroAmericans to the Portland area. Archaeological resources have historic, cultural, and scientific value to the general public and heritage value to associated tribes, whose ancestors lived in the plan district area and harvested local natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbance activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places.

Specific purposes of this section are to:

- Protect inventoried significant archaeological resources and their functional values in the Columbia South Shore plan district in a way that increases certainty of development potential;
- Promote compliance with state and federal laws intended to protect archaeological resources, including the state archaeological permit process and federal grave protection laws;
- Encourage coordination between property owners; appropriate tribal governments; and City, state, and federal agencies regarding archaeological resources;
- Encourage the development community and archaeologists to file site records with the State Historic Preservation Office (SHPO);
- Limit disclosure of archaeological resource records to protect confidentiality and discourage the destruction of archaeological resources; and
- Provide a process for developers and appropriate tribes to explore alternatives to full protection of archaeological resources, such as conservation easements.

B. Archaeological resource values. For purposes of this section, an archaeological resource is a resource identified through a SHPO archaeological permit process relating to use by American Indians before the entry of EuroAmericans to the Portland area. These archaeological resources have strong heritage and scientific values, as identified in the Archaeological Resources Protection Plan for Columbia South Shore. Much of the plan district has been inventoried.

C. Where the regulations apply. The requirements of this section apply to:

1. Archaeological resources identified in the Archaeological Resources Protection Plan for Columbia South Shore within the Archaeological Sensitivity Areas shown on Map 515-6 at the end of this chapter; and
2. Properties for which additional confirmation testing is required, as shown on Map 515-7. When confirmation testing has been completed, this section only applies to archaeological resources identified as part of that testing.
3. The requirements of this section do not apply to sites or portions of sites where no archaeological resources have been identified and no additional confirmation testing is required.

D. Identification of archaeological resources.

1. Purpose. There is a public interest in testing for archaeological resources prior to project construction. The earlier an archaeological resource is found and evaluated, the better are chances that reasonable development proceeds without delay and the archaeological resource is protected. Confirmation testing can reduce the chances that archaeological resources are encountered during project construction. Much of the plan district has already received confirmation testing using a consistent methodology. This section requires that applicants fill gaps in confirmation testing within archaeological sensitivity areas.
2. Use of SHPO records and procedures for this section.

- a. "Archaeological resource" is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:
 - (1) An archaeological site that meets SHPO guidelines, plus a 5 foot vertical buffer and a 5 foot horizontal buffer, as shown in Figure 515-6, Archaeological Resource Subareas. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or
 - (2) A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.
 - b. The SHPO maintains a list of "qualified archaeologists" knowledgeable in American Indian lifeways of the lower Columbia River of the pre-contact period, and determines if an "identified archaeological resource" exists on the subject property. "Consultation with Oregon tribes" means following SHPO procedures for consultation on state archaeological permits.
 - c. The Legislative Commission on Indian Services identifies the "appropriate Oregon tribes."
 - d. All auger probes filed with the SHPO by a qualified archaeologist count toward fulfilling the requirements of this section.
3. Discovery during project construction. The zoning code does not address new discoveries of archaeological resources found during project construction. The applicant should be aware of state and federal regulations that apply to such discoveries.
 4. The applicant should check with the SHPO archaeologist as to whether a state archaeological permit is needed.
 5. Confirmation testing not required.
 - a. For sites located outside an "archaeological sensitivity area," as shown on Map 515-6, the requirements of this section do not apply.
 - b. For sites located within an "archaeological sensitivity area," as shown on Map 515-6 and not designated "confirmation testing required" on Map 515-7, the applicant must either provide written documentation that there is no archaeological resource on the site or meet the regulations of this section. To qualify for exemption from this section, such written documentation must specify that confirmation testing of the site is complete and that no archaeological resource was identified. The written documentation may be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.
 6. Confirmation testing required. Additional auger testing is required for sites with some property designated "confirmation testing required" on Map 515-7 at the end of this chapter. Prior to development, the applicant must conduct confirmation testing to

determine the location and type of any archaeological resources identified on the site through current or previous archaeological testing. Confirmation testing, consisting of subsurface auger probes and consultation with appropriate Oregon tribes, must meet all the standards of this paragraph.

The standards are:

- a. A qualified archaeologist, in consultation with appropriate Oregon tribes, must perform the confirmation testing. A list of qualified archaeologists is maintained by the SHPO.
- b. Subsurface auger probes must be placed along the Marine Drive levee or the bank of the Columbia Slough, as applicable. Auger probes must be placed at least 100 feet apart and, where feasible, reach a ground depth of at least 8 feet below grade. The qualified archaeologist will determine the precise location of auger probes, consistent with previous confirmation testing in the vicinity.
- c. If an archaeological resource is identified through confirmation testing, the standards for that resource and associated transition area found in Subsection G, below, apply. If no archaeological resource is identified through the testing, the standards of Subsection G do not apply.

E. Archaeological resource classification. Where an archaeological resource has been identified, through previous testing or confirmation testing, a qualified archaeologist must classify the archaeological resource using cumulative archaeological test results for the site. The archaeological resource will be classified as one or more of these types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.
2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.
6. Where more than one archaeological resource is identified. Where more than one archaeological resource is identified together:
 - a. If one of the archaeological resources is a burial, the regulations for burials apply to all resources;

- b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the regulations for villages; or traditional, sacred, or cultural use sites apply to all resources;
- c. If all of the archaeological resources are seasonal campsites or activity areas, the regulations for seasonal campsites or activity areas apply to all resources.

F. Archaeological resource subareas.

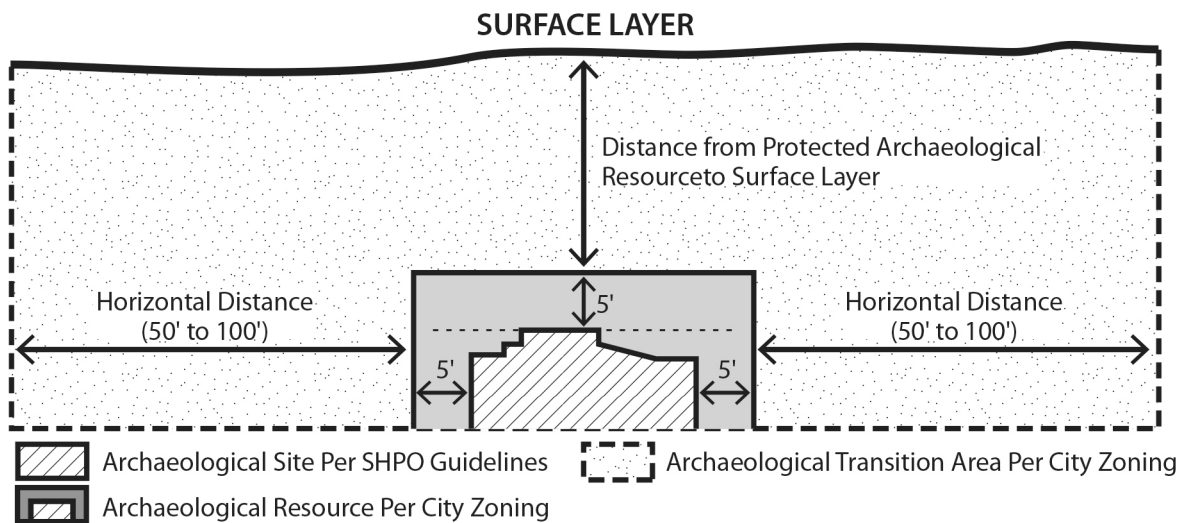
1. Archaeological resource. An archaeological resource is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:
 - a. An archaeological site that meets SHPO guidelines, plus a five foot vertical buffer and a five foot horizontal buffer, as shown in Figure 515-6, Archaeological Resource Subareas. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or
 - b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.
2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally out from the edge of the archaeological resource. Features associated with a resource, not identified through auger testing, may also be encountered in the transition area.
 - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
 - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.

G. Protection of identified archaeological resources.

1. Ground disturbance activities within the archaeological resource and transition area are either allowed, limited, or prohibited, depending on the resource type. Table 515-1 provides a summary of the standards. Activities shown with a "Y" are allowed if they comply with other use and development standards of this Title. Activities shown with an "MOU" are allowed through a private agreement specified in Paragraph G.6, below; without that private agreement, such activities are prohibited. The footnote letters from Table 515-1 refer to subparagraphs of Paragraph G.6, below. Activities shown with an "N" are prohibited.
2. For sites with identified archaeological resources, the base zone development standards are modified as follows:
 - a. Minimum building setbacks are reduced to zero;
 - b. Minimum number of off-street parking spaces is reduced to zero; and

- c. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the archaeological resource from the total site area.
 - d. The area occupied by the archaeological resource is exempt from the standards of 33.515.215, Marine Drive Streetscape.
3. For archaeological resource areas of burials, all ground disturbance activities are prohibited.

Figure 515-6
Archaeological Resource Subareas



4. Except for archaeological resource areas of burials, the following ongoing and low-impact activities are allowed in archaeological resources and transition areas:
- a. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities when the activity does not enlarge the ground disturbance area horizontally or vertically;
 - b. Lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
 - c. Change of crop type or farming technique on land currently in agricultural use;
 - d. Alterations of buildings that do not increase building coverage and meet all development standards of the base zone;
 - e. Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative

- maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and sensitivity areas;
- f. Removing a tree listed on the Nuisance Plants Lists. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
- g. Construction of the Columbia Slough recreational trail, as identified in Section 33.515.260 of this chapter;
- h. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment; and
- i. Public street and sidewalk improvements that do not enlarge the ground disturbance area horizontally or vertically.

Ground Disturbance Activities	Burial		Village; or Traditional, Sacred, or Cultural Use Site		Seasonal Campsite or Activity Area	
	Resource	Transition	Resource	Transition	Resource	Transition
Ongoing and low-impact activities (33.515.262.G.4)	N	Y	Y	Y	Y	Y
Parking lots and vehicle circulation areas (33.515.262.G.6)	N	Y	N/MOU [a]	Y	N/MOU [b]	Y
All other activities otherwise permitted	N	N	N/MOU [a]	N/MOU [a]	N/MOU [b]	N/MOU [b]

Y = Yes, Allowed

[a] see Subparagraph G.6.a.

N/MOU = Private agreement option; otherwise, prohibited

[b] see Subparagraph G.6.b.

N = No, Prohibited

5. All activities otherwise permitted by other regulations of this Title. All activities otherwise permitted, other than ongoing and low-impact activities listed in Paragraph G.4 above, are prohibited within archaeological resource and transition areas of villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, except:
 - a. Activities listed in Paragraph G.4 are allowed;
 - b. Activities allowed through an archaeological resource recovery plan, as provided in Paragraph G.6 below; and
 - c. Construction of a parking lot or vehicle circulation area within the transition area is allowed.

6. Archaeological resource recovery. This regulation applies to all archaeological resource and transition areas of Table 515-1 that have an "MOU." For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the applicant must protect the archaeological resource areas either by prohibiting all ground disturbance activities or complying with a private agreement for archaeological resource recovery, as stated in this paragraph.
 - a. For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
 - b. For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
 - c. An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate Oregon tribes, and a private agreement (Memorandum of Understanding) between the applicant and tribes. Each step is described below.
 - (1) Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for archaeological resource recovery projects.
 - (2) Consultation with appropriate tribes.
 - The applicant must contact the appropriate tribes for the area, by registered or certified mail, to request comments on archaeological testing and offer a meeting. The Commission on Indian Services determines the appropriate Oregon tribes to be consulted.
 - The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.
 - The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the archaeological resource recovery plan. More than one meeting may be held.
 - After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
 - (3) Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the

applicant, the property owner, and at least one appropriate Oregon tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.

H. Application, Review, and Inspection.

1. Supplemental application requirements.
 - a. No archaeological resource found. For sites within an "archaeological sensitivity area," as shown on Map 515-6, the applicant is responsible for providing any evidence that no archaeological resource was found.
 - (1) For sites not designated "confirmation testing area," the applicant must provide written documentation in the form of a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.
 - (2) For sites that require confirmation testing, and the testing did not find an archaeological resource, the applicant must submit a report by a qualified archaeologist regarding the results of confirmation testing and the presence of identified archaeological resources on the site.
 - b. Archaeological resource found. The applicant must provide the following supplemental information. In the interest of not disclosing the location of archaeological resources, all maps required in (2) through (4) below will be stamped "Confidential: Sensitive Information." Planning staff will separate this information and file it in a locked file subject to nondisclosure procedures.
 - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbance activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site.
 - (2) Confirmation testing overlay. For sites identified for confirmation testing, a transparent overlay map showing all of the archaeological auger locations completed for the site.
 - (3) Archaeological resource overlay. A transparent overlay showing the boundaries of any archaeological resources that are recorded with SHPO or encountered during confirmation testing. The archaeological resource overlay must also show the transition area associated with each archaeological resource. Any conservation easements intended to protect archaeological resources must be shown on this overlay.
 - (4) For archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with tribal governments must be filed with the building permit.
 - c. It is the applicant's responsibility to provide any archaeological reports filed with SHPO after July 1, 1994 to verify changes to the state's inventory affecting the

development site. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 515-6 at the end of this chapter.

2. Review of applications.
 - a. Where a qualified archaeologist, in consultation with the appropriate Oregon tribes, certifies that no archaeological resources were found through confirmation testing required by this section, the Bureau of Planning and Sustainability will provide a letter to the applicant waiving any additional compliance with this section.
 - b. The Bureau of Planning and Sustainability may contract with a qualified archaeologist to assist the City in review and inspection of proposals.
 - c. The SHPO maintains a list of qualified archaeologists.
 - d. An additional fee for special archaeological evaluations and inspections may be charged to the applicant for any grading permit or building permit.
3. Compliance reports. For ground disturbance in an archaeological resource or transition area, the applicant must provide documentation that the approved resource recovery plan or other development activities comply with plans submitted for Subsection H.1.b.
 - a. Archaeological resource recovery plans. The required documentation for resource recovery plans is specified in the signed MOU.
 - b. All other developments. For developments not covered by a signed MOU, the applicant must submit compliance reports from a qualified archaeologist to BDS. The archaeologist must submit a final signed report certifying that the work was in conformance with this section.

Environmental Zones

33.515.265 Purpose

The purpose of the environmental regulations in the Columbia South Shore plan district south of NE Marine Drive is to:

- Protect inventoried significant natural resources and their functional values in the Columbia South Shore Plan District, as identified in the Comprehensive Plan;
- Implement the Comprehensive Plan environmental policies and objectives;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

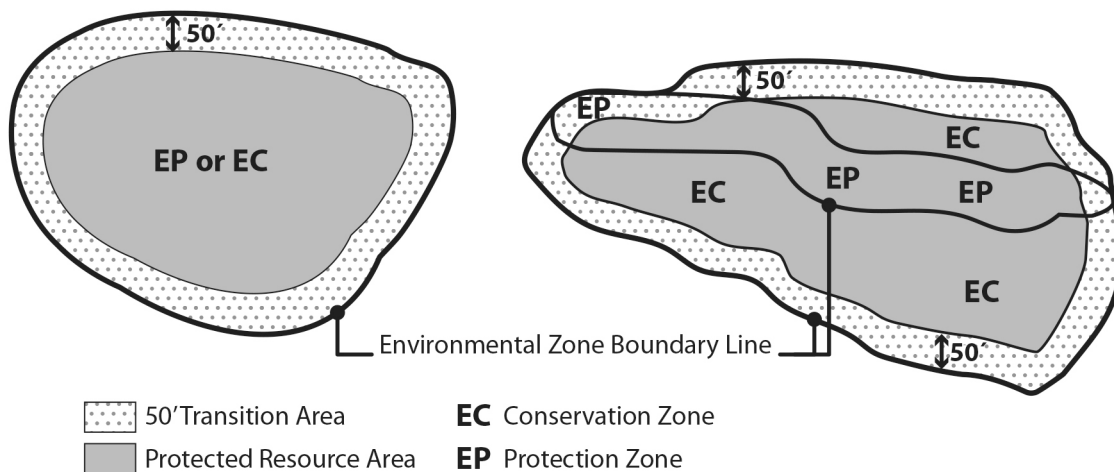
33.515.268 Where These Regulations Apply

The regulations of Sections 33.515.265 through 33.515.280 apply to all lots or sites which contain an Environmental Zone on any portion of them, and any portion of a right-of-way which contains an Environmental Zone which are south of NE Marine Drive.

33.515.270 Overlay Zones

- A. General.** Natural resource values in the district have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.
1. The environmental protection overlay zone is applied to areas with the highest functional values and where the natural resource is so significant that almost all development would have detrimental impact. The regulations of the environmental protection zone are intended to preserve the resource and its values.
 2. The environmental conservation overlay zone is applied to areas with high functional values where development may be allowed if adverse impacts are mitigated. The regulations of the environmental conservation zone are intended to conserve the resource and its values.
- B. Subareas of the Environmental Zone in the Columbia South Shore.** Each environmental zone in the Columbia South Shore contains a protected natural resource and a transition area surrounding the protected resource. The purpose of the transition area is to protect the adjacent natural resource. The transition area provides a buffer between the protected resource and impacts of adjacent development. The transition area is the first 50 feet inward from the environmental zone boundary, except as shown on Map 515-5. Figure 515-7 illustrates two different situations: when either the environmental conservation or environmental protection zone is applied, and when the two zones are applied together and border each other.

Figure 515-7
Environmental Zone Subareas



33.515.272 Items Subject to These Regulations

Unless exempted in Section 33.515.274, the following are subject to the regulations of Sections 33.515.265 through 33.515.280:

- A.** Change of use where there are concurrent exterior alterations to the buildings, site, or activities;

- B. New development;
- C. Exterior alteration of a building and site expansions or modifications, including increased cultivated area, grazing area, or other agricultural activities;
- D. New above or below ground utilities;
- E. Dedication or extension of rights-of-way and rail rights-of-way;
- F. Removal of trees and removal, cutting, or mowing of non-cultivated vegetation, including herbicide application;
- G. Resource enhancement activities; and
- H. Land divisions.

33.515.274 Items Exempt From These Regulations

The following are exempt from the development standards and required reviews stated in Sections 33.515.265 through 33.515.280. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

- A. Sale of property or change of ownership of a business;
- B. Changes to the interior of a building;
- C. Normal repair and maintenance of structures and development, including irrigation;
- D. Temporary emergency procedures necessary for the safety or protection of property;
- E. Single utility poles required to provide service to the local area;
- F. Right-of-way dedications for widening existing rights-of-way, when additional right-of-way is needed to ensure consistent width;
- G. Actions taken by the City to correct or abate a nuisance;
- H. Utilities installed below portions of public rights-of-way with existing paved travel lanes and utility lines installed above developed public rights-of-way;
- I. Activities which the City is directed to perform by judgments entered by courts of competent jurisdiction;
- J. Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations;
- K. Planting of native vegetation listed on the *Portland Plant List* when planted with hand held equipment;
- L. Removing trees listed and plants on the Nuisance Plants List;
- M. Removing trees that are within 10 feet of an existing building and structures attached to existing buildings, such as decks, stairs, and carports;

- N. Removing dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
 - 1. Remain, or are placed, in the resource area of the same ownership on which they are cut; or
 - 2. Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees; and
- O. Pruning trees in accordance with Title 11 permit requirements.

33.515.276 Use Regulations

- A. **Permitted uses.** The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:
 - 1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.
 - 2. In environmental zones:
 - a. Planting-required vegetation;
 - b. Removal of vegetation identified on the Nuisance Plants List in the *Portland Plant List*;
 - c. Resource maintenance;
 - d. Stormwater discharge;
 - e. Sewer connections to individual properties;
 - f. Water quality monitoring facilities;
 - g. Construction of the Columbia South Shore Slough Trail;
 - h. Water-based drainageway maintenance, including construction of staging areas;
 - i. Maintenance of the water level in the Columbia Slough system;
 - j. The addition of sidewalks and bicycle lanes to public rights-of-way with existing paved travel lanes; and
 - k. Land divisions.
 - 3. In the transition area:
 - a. Overhead and underground utilities;
 - b. Planting native vegetation if not required; and
 - c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:
 - a. Fill or destruction of a resource in an environmental conservation zone;
 - b. Removal of vegetation which is not identified on the Nuisance Plants List in the *Portland Plant List*;
 - c. Planting non-native vegetation;
 - d. Other resource enhancement or alteration;
 - e. Fencing;
 - f. Dedication of a public right-of-way;
 - g. New construction, widening, and relocation of roads in a public right-of-way;
 - h. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan; and
 - i. Other drainageway activities or facilities for stormwater conveyance, including flood control structures.
2. In the protected resource:
 - a. Planting native vegetation if not required;
 - b. Overhead and underground utilities, except sewer connections to individual properties; and
 - c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

C. Prohibited. All other uses and development are prohibited.

33.515.278 Development Standards

- A.** Except for temporary uses and as specified in Paragraph A.6, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:
1. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;
 2. Planting must cover 90 percent of the ground within one year or two growing seasons after planting;
 3. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and
 4. If cover requirements are not met within one year from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the

requirements of this section must be met within one year or two growing seasons of replanting.

5. Plants used for revegetation may also count towards other landscaping requirements.
 6. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. Sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use are subject to the following regulations:
 - a. Required improvements. When alterations are made to a site that does not meet the standards of A.1-5, above, the site must be brought into conformance with the standards of A.1-5. The cost of meeting the standards of A.1-5 may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the standards of A.1-5 must be met first.
 - b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 - c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of A.1-5 are also included.
- B.** Land uses, land divisions, and activities within an environmental zone must meet the following standards:
1. Revegetation in a vegetated transition area must meet the following:
 - a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;
 - b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting;
 - c. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and
 - d. If cover and species requirements are not met within one year or two growing seasons from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year of replanting.
 - e. Plants used for revegetation may also count towards other landscaping requirements.
 2. Revegetation in a protected resource must meet the following:
 - a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;
 - b. Planting must cover 90 percent of the ground within one year;

- c. Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore lists all protected natural resources in the plan district and identifies their resource values. If a site is a riparian area, Subsubparagraph (1) must be met. If a site is not a riparian area, but is a meadow or open space without trees, Subsubparagraph (2) must be met. All other sites must meet Subsubparagraph (1).
 - (1) Planting requirements with trees:
 - At least 8 species of plants must be used;
 - At least 2 species must be shrubs and 2 must be trees;
 - Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered;
 - One tree and 3 shrubs are required for every 500 square feet of planting area; and
 - Trees and shrubs must be planted in clusters of at least 3.
 - (2) Planting requirements without trees:
 - At least 8 species of groundcover plants must be used; and
 - Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered.
 - d. If cover and species requirements are not met within one year from issuance of any occupancy permit or final inspection, replanting is required and the requirements of this section must be met within one year of replanting.
 - e. Plants used for revegetation may also count towards other landscaping requirements.
3. Herbicides used for removal of vegetation must be listed by the U.S. Environmental Protection Agency as appropriate for application in aquatic areas and use must be in accordance with directions for application.
 4. Areas cleared of vegetation must be reseeded or replanted within one year of vegetation removal.
 5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing and Grading, and to the *Erosion Control Manual*. In addition, the following standards must be met:
 - a. Wet weather. All development between November 1 and April 30 of any year, which disturbs more than 500 square feet of ground, requires wet weather measures described in the Erosion Control Technical Guidance Handbook. These measures must be met until issuance of any occupancy permit or final inspection;
 - b. Maintenance. Erosion control measures must be maintained until 90 percent of all disturbed ground is covered by vegetation;
 - c. Self inspection. Areas where the ground is disturbed must be inspected by or under the direction of the owner at least once every 7 calendar days, within 24 hours of any storm event greater than one-half inch of rain in any 24-hour

- period, or at any time when water runoff occurs. These measures must be met until issuance of any occupancy permit or final inspection; and
- d. Record keeping. Records must be kept of all inspections. Instances of measurable erosion must be recorded with a brief explanation of corrective measures taken. This record must be available to the City and retained until final inspection.
6. Stormwater discharge must pass through water quality facilities which conform to Chapter 17.38, Drainage and Water Quality.
 7. Stormwater discharge into a mitigation area is not allowed unless it is part of the mitigation plan.
 8. Except for stormwater discharges, industrial or sanitary discharges, including wastewater and overflow, into the slough system is not allowed.
 9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual properties and stormwater outfalls, cannot affect more than a 25-foot-wide corridor across the resource. These activities cannot result in the killing or removal of trees over 6 inches in diameter, measured 4-1/2 feet above the ground.
 10. Road improvements across the slough must be by bridge unless a water control structure is a necessary part of the design.
 11. Water quality monitoring facilities may be up to 100 square feet in area.
 12. In Employment and Industrial zones, new lots completely within the environmental protection zone are exempt from minimum lot size and shape requirements of Chapter 33.614 and chapter 33.615. All other new lots must meet the minimum size and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.
 13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.
 14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.
 15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.
 16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.

17. Nonconforming situations

a. Required improvements.

- (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$347,000 paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
- (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
- (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.

b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.

d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

- a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
- b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
- c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.
- B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations

stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

C. Procedures. All required reviews are processed through a Type II procedure.

D. Approval criteria.

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
 - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
 - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;
 - d. If the mitigation area is within a protected resource:
 - (1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and
 - (2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
 - f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

2. Removal of vegetation in an environmental zone or planting of native vegetation if not required in a protected natural resource will be approved if the review body finds that all activities will result in no loss of resource values identified in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore.
3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:
 - a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and
 - b. Is not classified as a plant on the Nuisance Plants List in the *Portland Plant List*.
4. The following activities will be approved if the review body finds that the criteria of this paragraph are met: other resource enhancement or alteration or road improvements in public rights-of-way in an environmental zone; or overhead utilities, underground utilities other than sewer connections to individual properties, or recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan in the protected resource:
 - a. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
 - b. All detrimental environmental impacts are mitigated in the following manner:
 - (1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - (2) The mitigation area abuts or is within a protected resource;
 - (3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - (4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site;
 - c. A monitoring or maintenance plan has been prepared which insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.

- d. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.
5. Fencing in an environmental zone will be approved if the review body finds that:
 - a. It is needed;
 - b. It allows for appropriate passage of wildlife;
 - c. It is the minimum necessary, both in height and length; and
 - d. There are no alternative sites or methods that have less impact on the protected resource.
 6. Public right-of-way dedication in an environmental zone will be approved if the review body finds that there are no practicable alternatives that have less impact on the protected resource.
 7. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan, and other activities or drainageway facilities for stormwater conveyance, including flood control structures will be approved if the review body finds that:
 - a. The proposal is dependent upon and relates directly to the resource;
 - b. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
 - c. All detrimental environmental impacts are mitigated in the following manner:
 - (1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - (2) The mitigation area abuts or is within a protected resource;
 - (3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts; and
 - (4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site.
 - d. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which

mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

- (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
- e. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

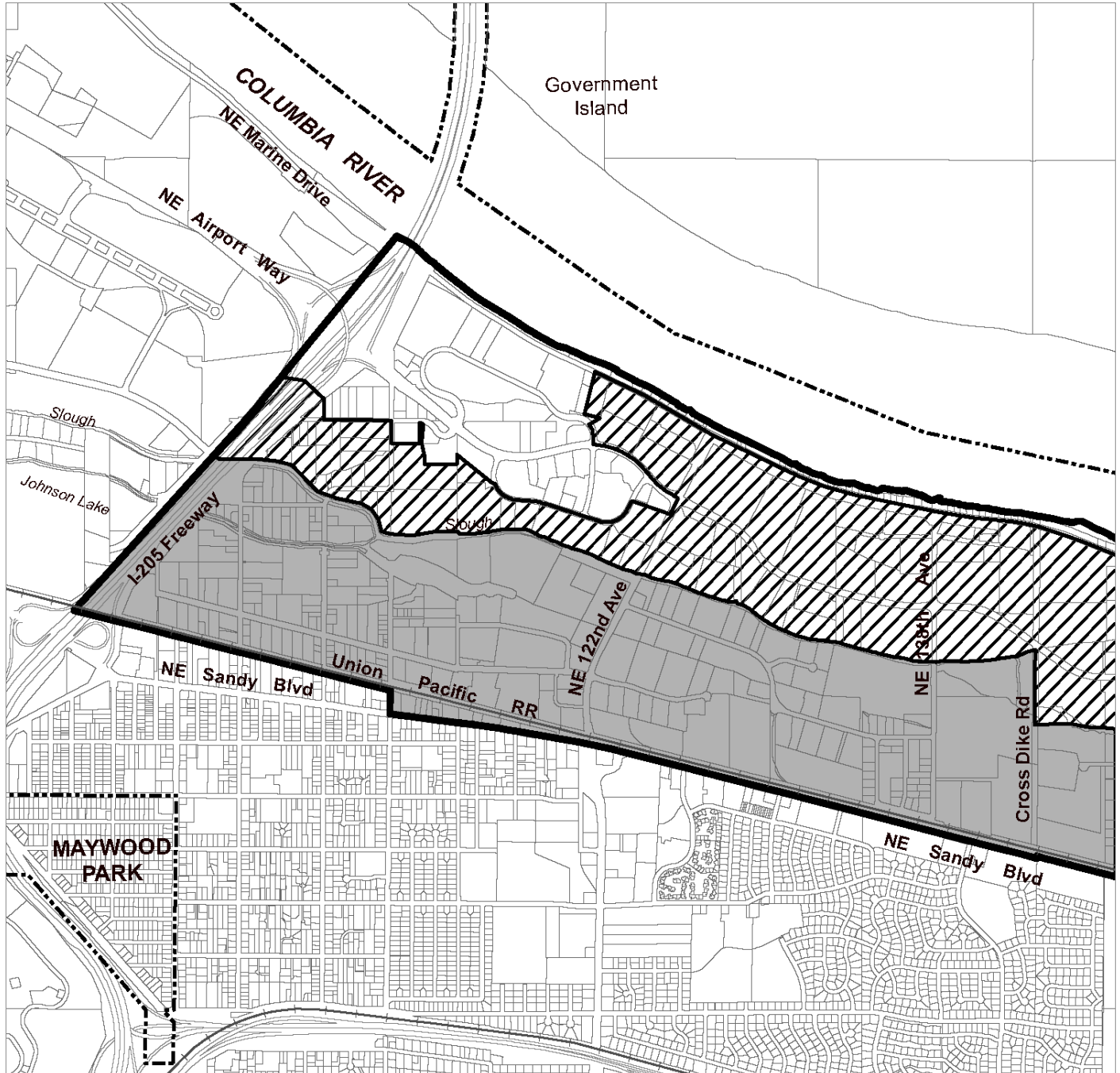
(Amended by: Ord. No. 166834, effective 9/3/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167650, effective 6/10/94; Ord. No. 166835, effective 5/23/95; Ord. No. 169953, effective 5/3/96; Ord. Nos. 169916 and 170225, effective 9/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. , effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Columbia South Shore Plan District and Subdistricts

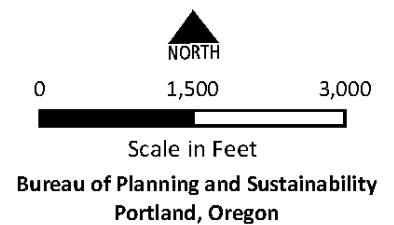
Map 515-1

Map 1 of 2

Map Revised May 24, 2018



- City Boundary
- Plan District Boundary
- ▨ Industrial Business Opportunity Subdistrict
- Southern Industrial Subdistrict

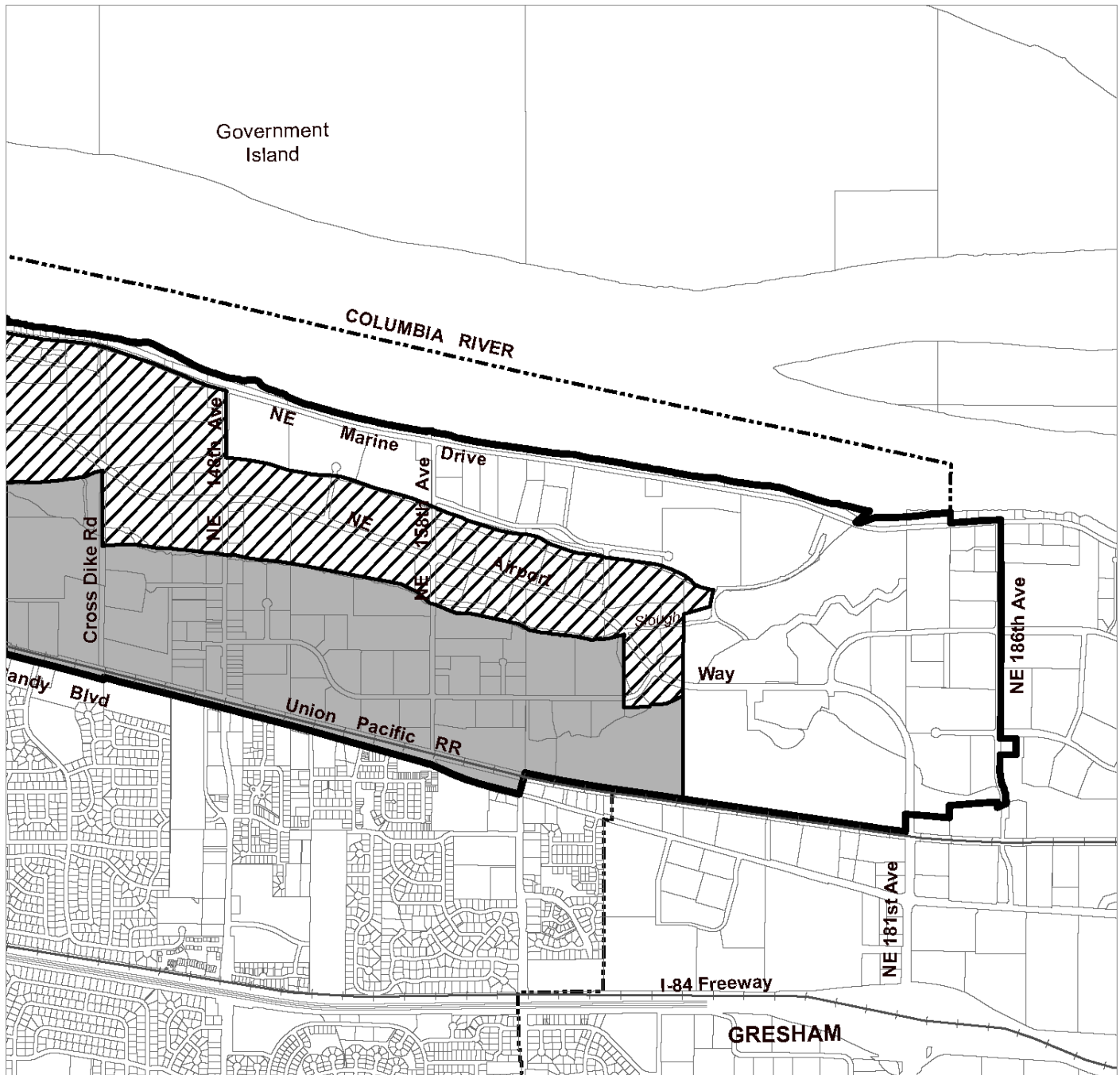


Columbia South Shore Plan District and Subdistricts

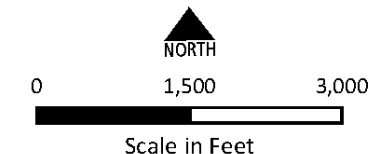
Map 515-1

Map 2 of 2

Map Revised May 24, 2018



- City Boundary
- ▭ Plan District Boundary
- ▨ Industrial Business Opportunity Subdistrict
- ▭ Southern Industrial Subdistrict



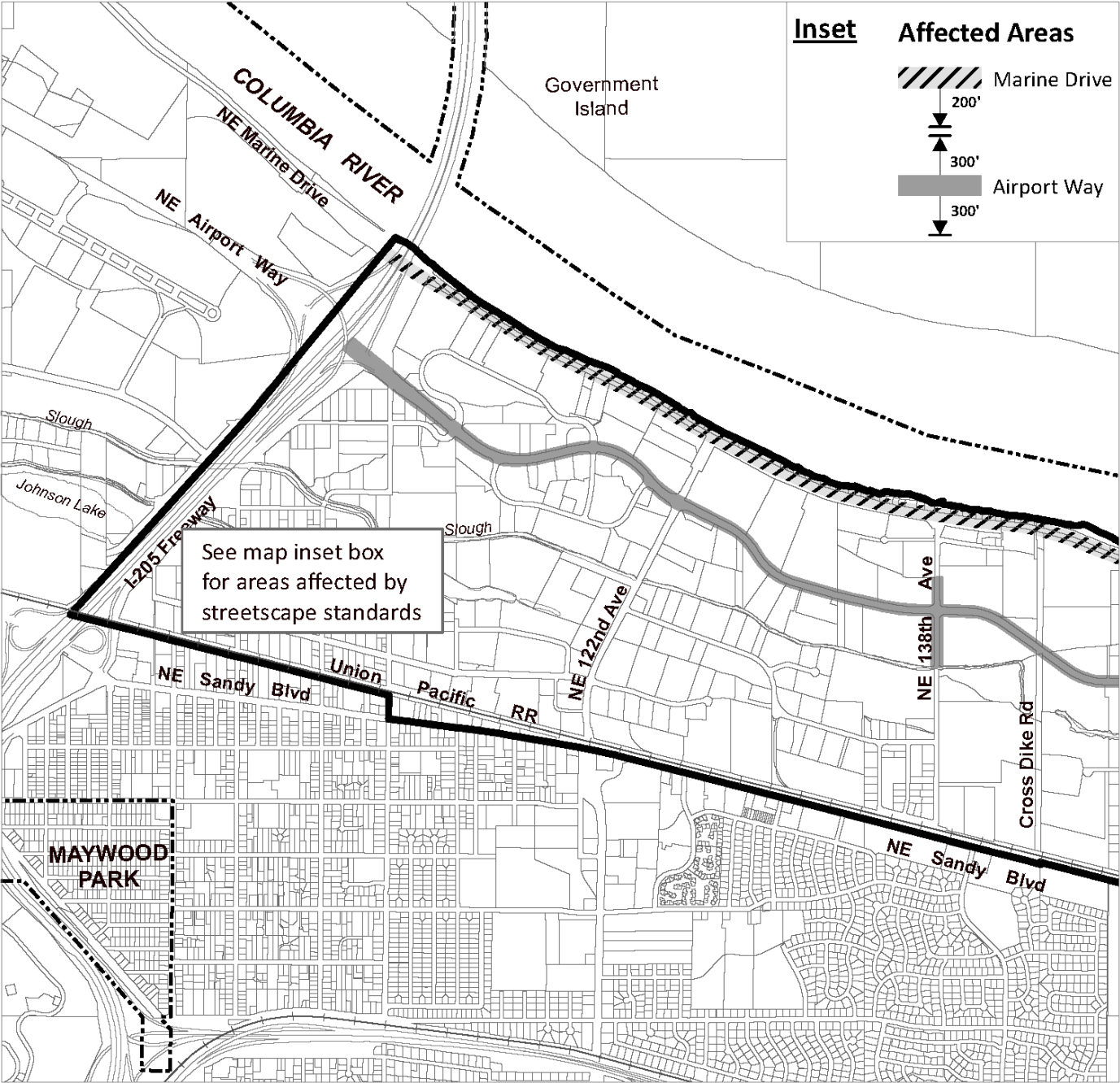
Bureau of Planning and Sustainability
Portland, Oregon





Columbia South Shore Streetscape Standards

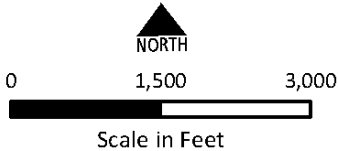
Map 515-2

Map 1 of 2

Map Revised January 1, 2015



-  City Boundary
-  Plan District Boundary
-  Marine Drive Streetscape
-  Airport Way Streetscape



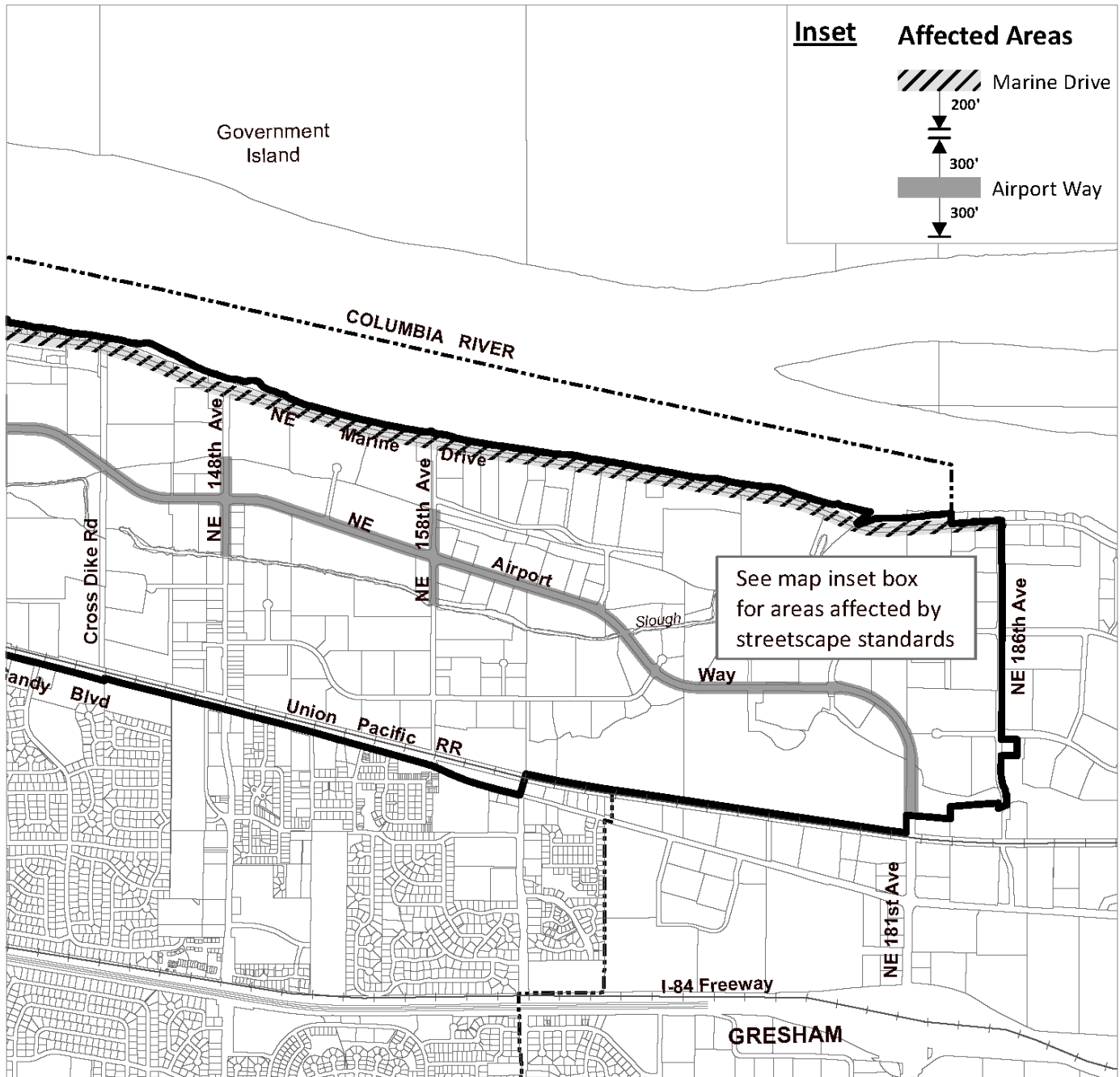
Bureau of Planning and Sustainability
Portland, Oregon





Columbia South Shore Streetscape Standards

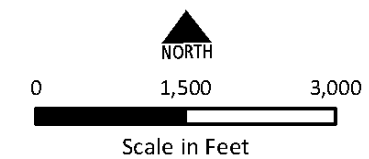
Map 515-2

Map 2 of 2

Map Revised January 1, 2015



-  City Boundary
-  Plan District Boundary
-  Marine Drive Streetscape
-  Airport Way Streetscape



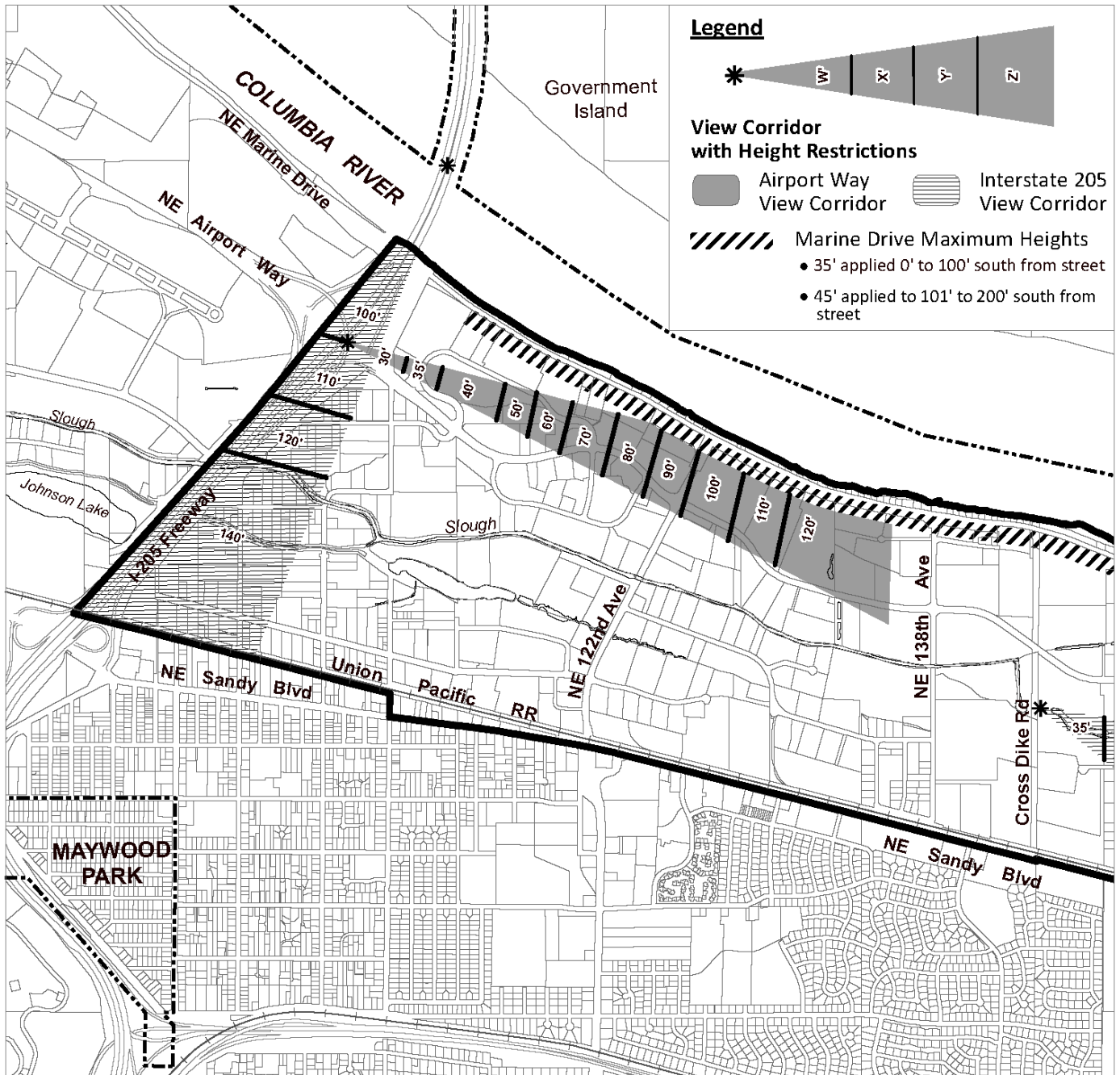
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Maximum Building Heights

Map 515-3

Map 1 of 2

Map Revised January 1, 2015



Legend

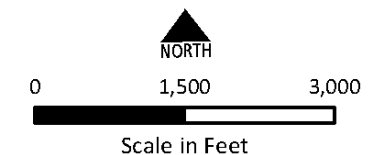


View Corridor with Height Restrictions

- Airport Way View Corridor
- Interstate 205 View Corridor

- Marine Drive Maximum Heights
 - 35' applied 0' to 100' south from street
 - 45' applied to 101' to 200' south from street

- City Boundary
- Plan District Boundary



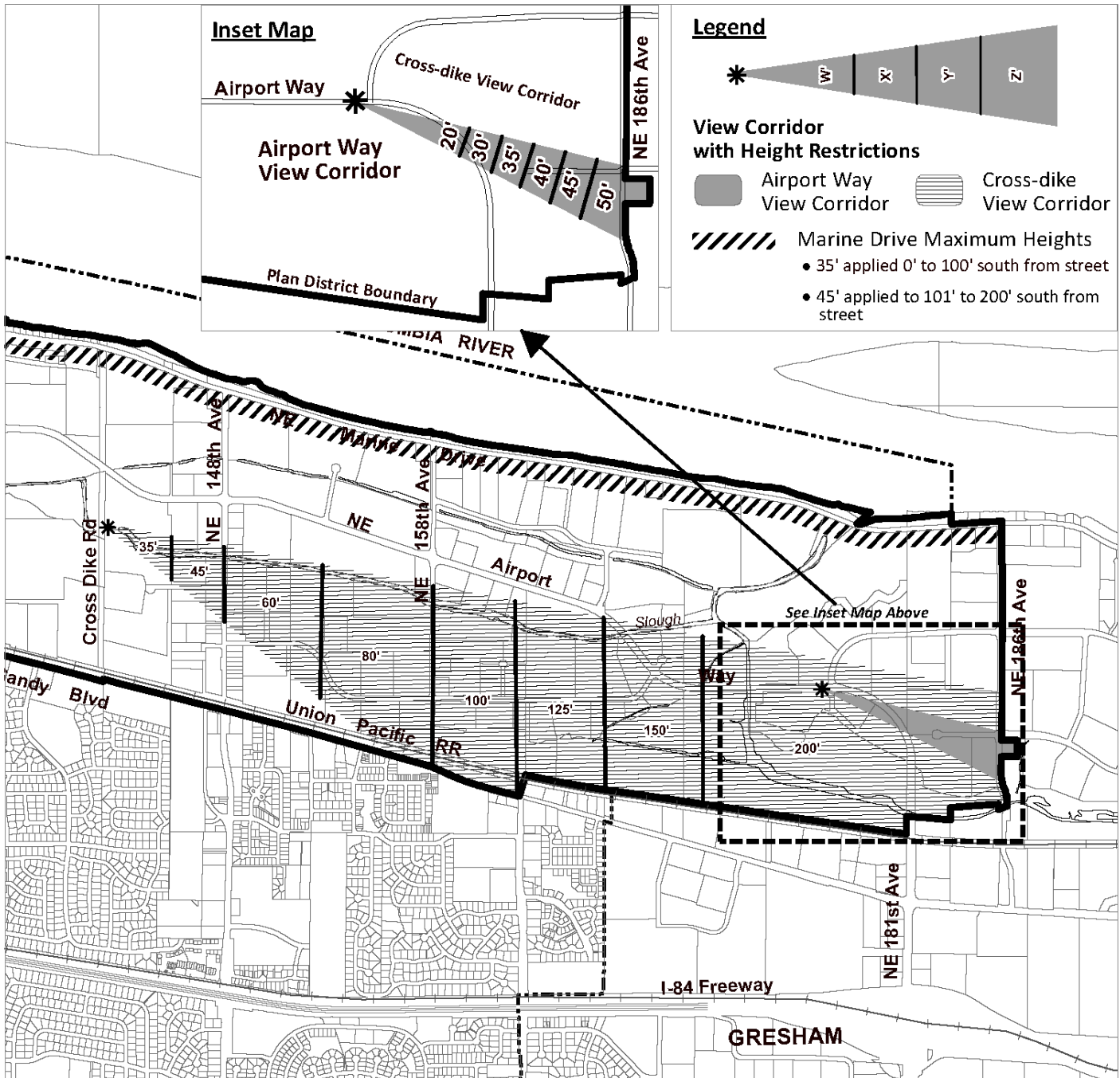
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Maximum Building Heights

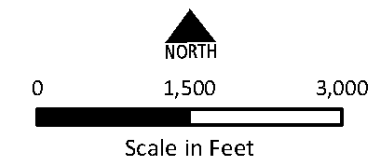
Map 515-3

Map 2 of 2

Map Revised January 1, 2015



City Boundary
 Plan District Boundary



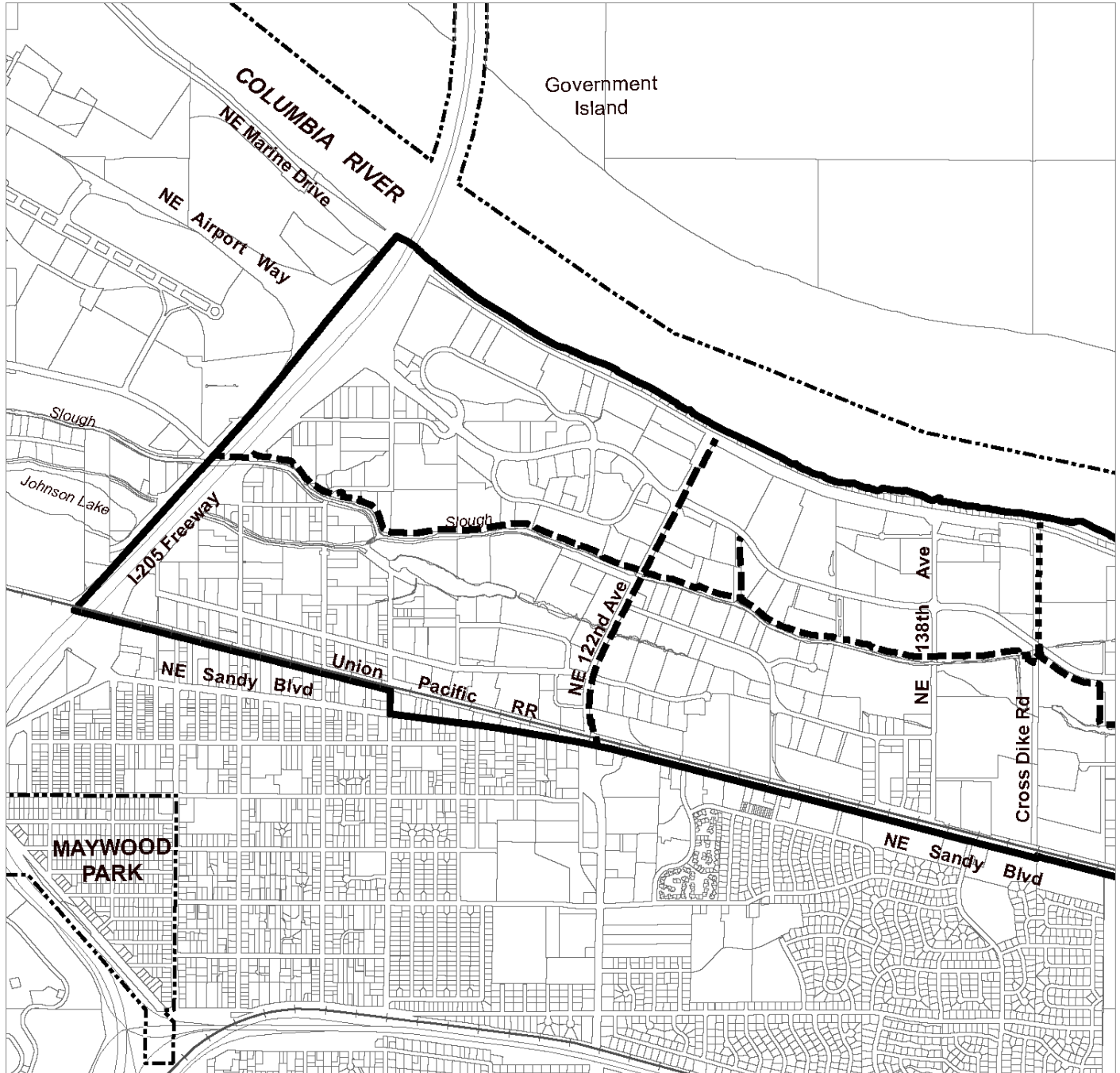
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Slough Trail

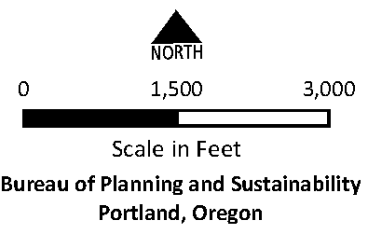
Map 515-4

Map 1 of 2

Map Revised December 31, 2018



- City Boundary
- Plan District Boundary
- - - - - Columbia South Shore Slough Trail
- Cross-Levee Recreation Trail

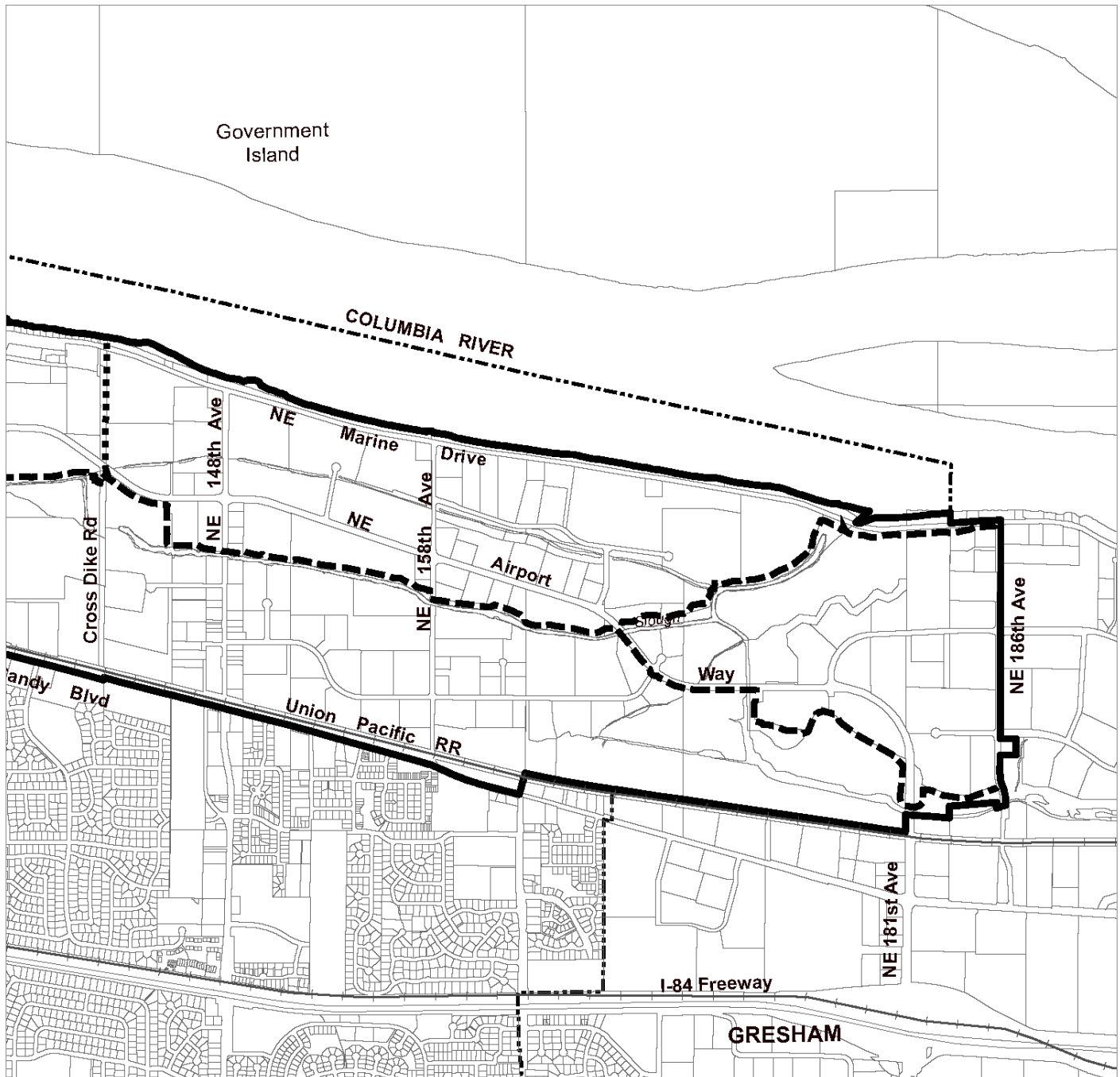


Columbia South Shore Slough Trail

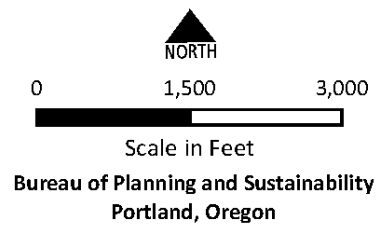
Map 515-4

Map 2 of 2

Map Revised December 31, 2018



- City Boundary
- Plan District Boundary
- Columbia South Shore Slough Trail
- Cross-Levee Recreation Trail



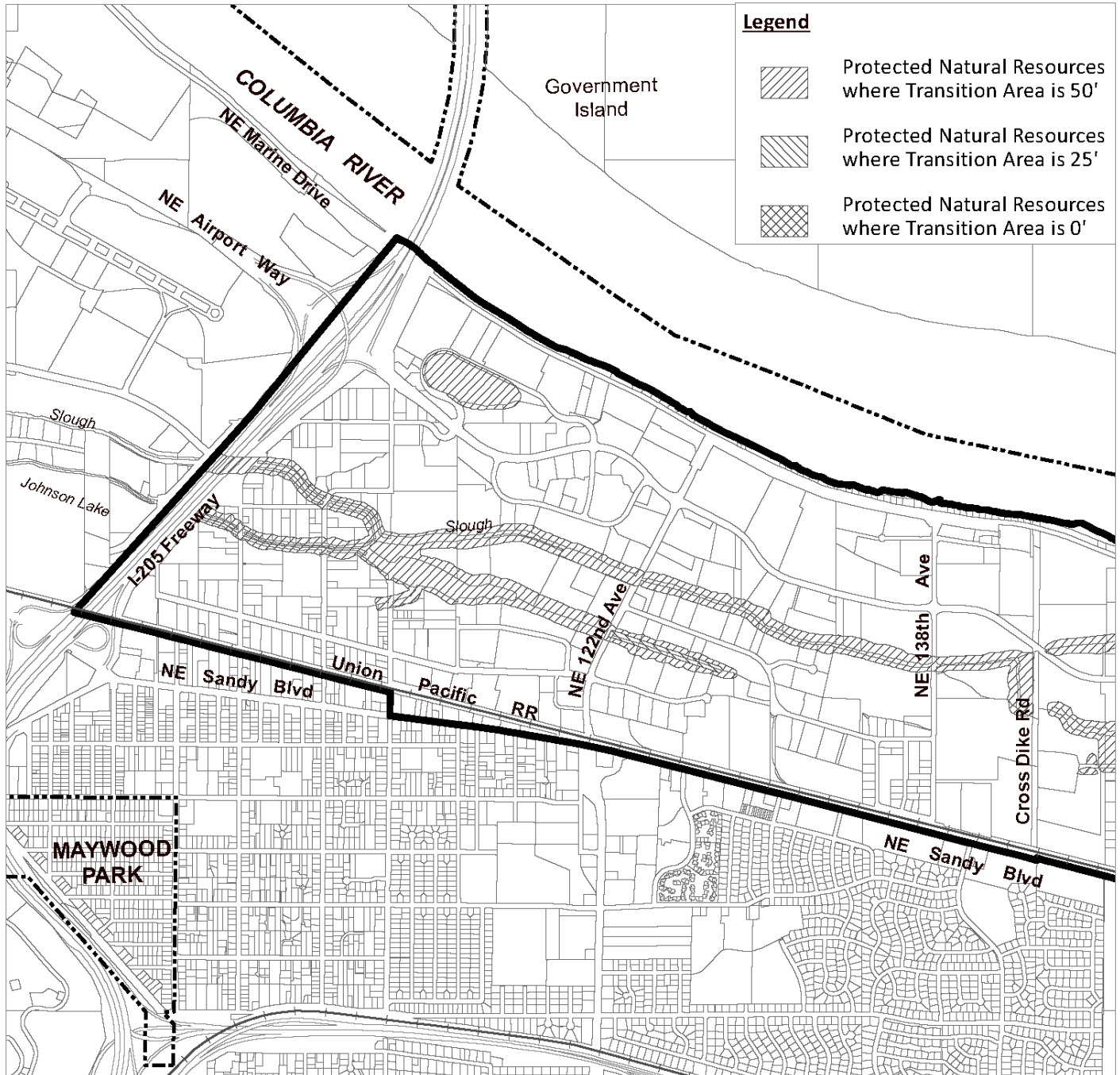
Columbia South Shore Environmental Transition Areas

Map 515-5




Map 1 of 2



Code reference: 33.515.270.B

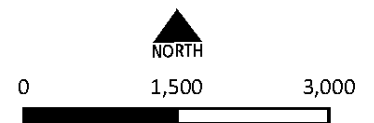
Map Revised January 1, 2015



Legend

-  Protected Natural Resources where Transition Area is 50'
-  Protected Natural Resources where Transition Area is 25'
-  Protected Natural Resources where Transition Area is 0'

-  City Boundary
-  Plan District Boundary



Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

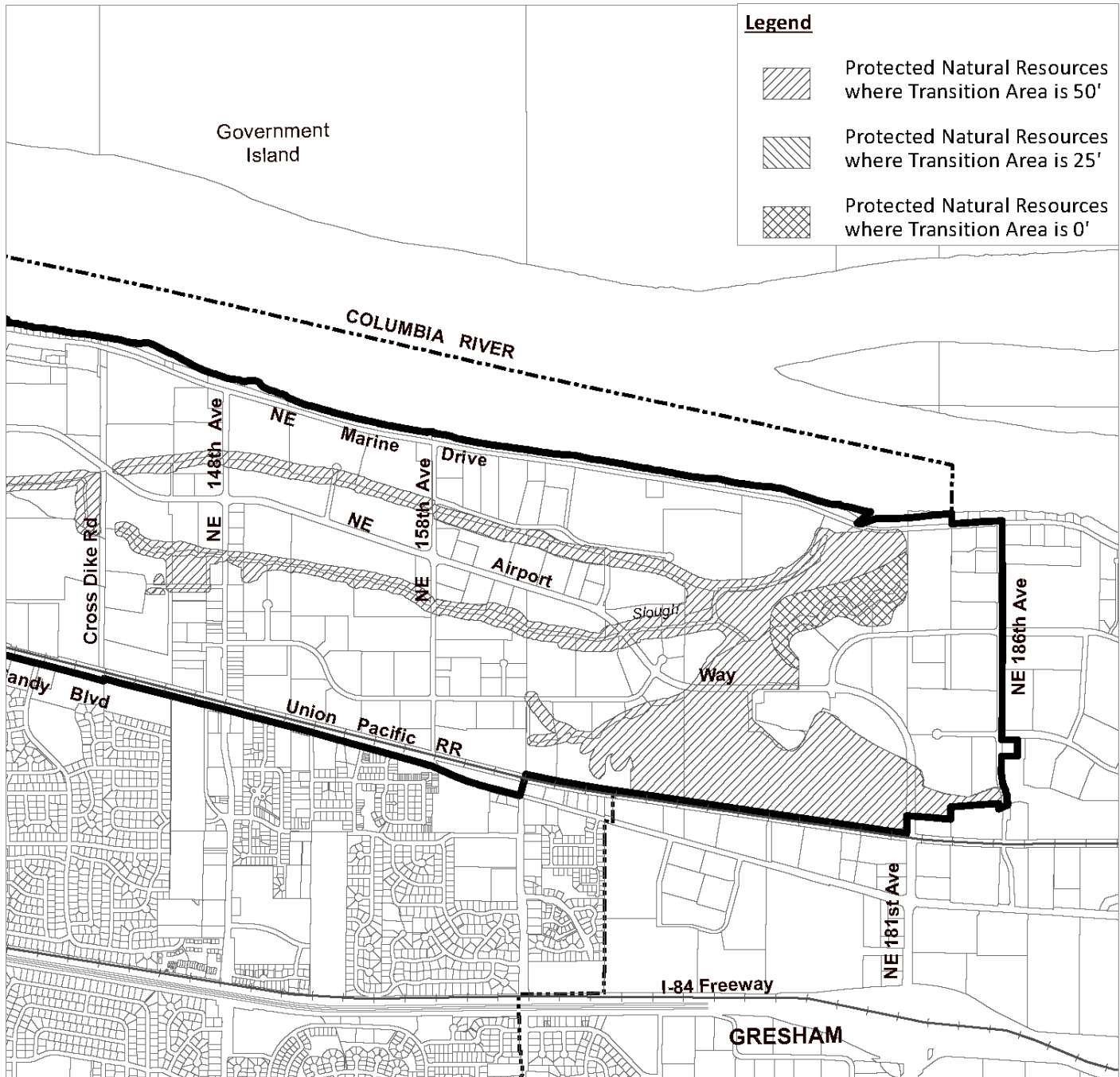
Columbia South Shore Environmental Transition Areas

Map 515-5

Map 2 of 2



Code reference: 33.515.270.B

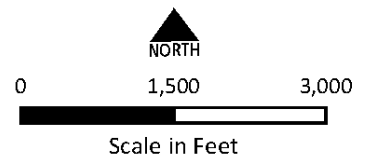
Map Revised January 1, 2015



Legend

-  Protected Natural Resources where Transition Area is 50'
-  Protected Natural Resources where Transition Area is 25'
-  Protected Natural Resources where Transition Area is 0'

-  City Boundary
-  Plan District Boundary



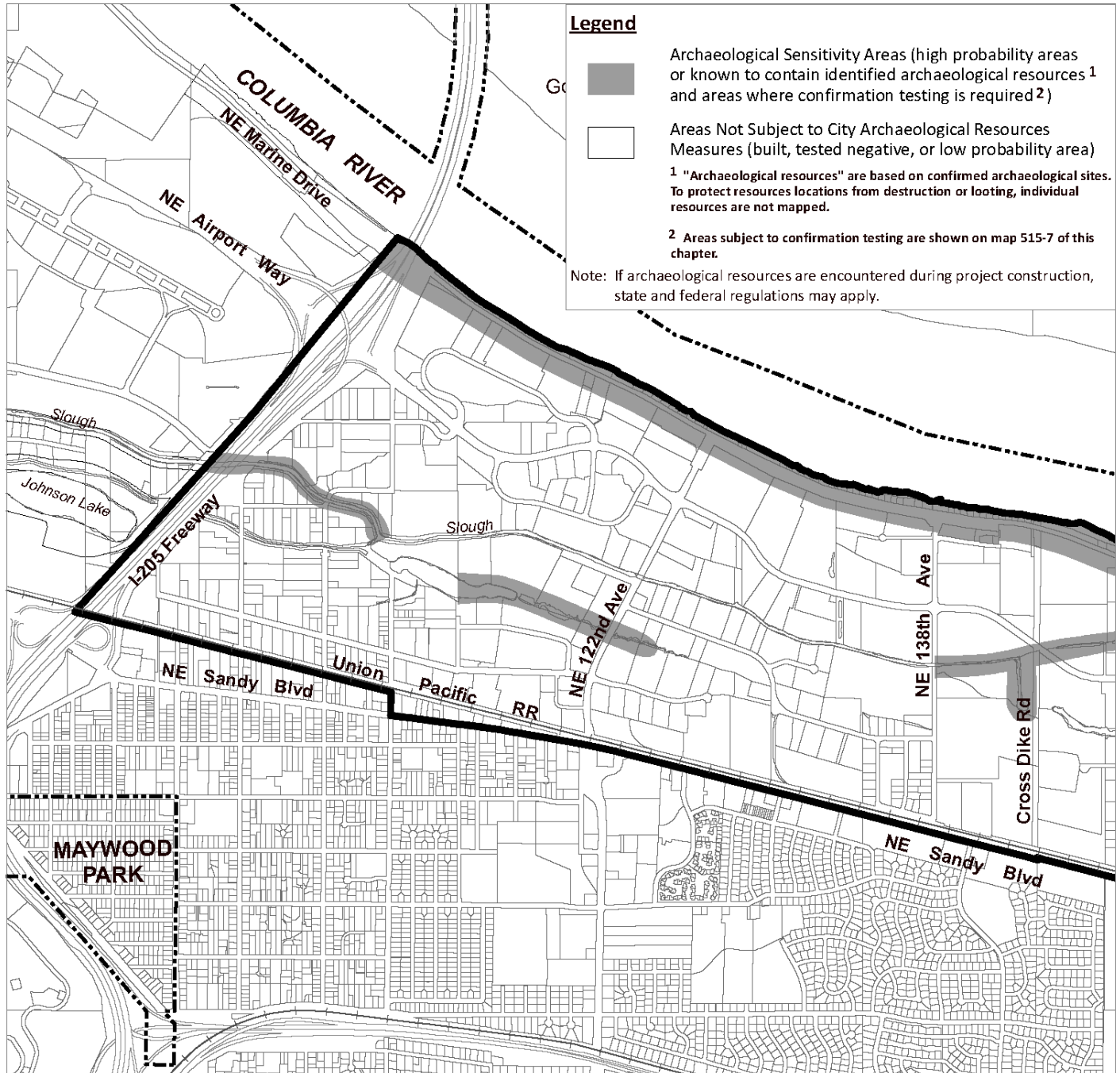
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Areas of Archaeological Interest

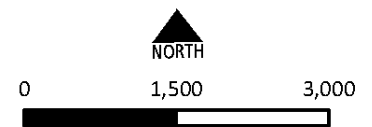
Map 515-6

Map 1 of 2

Map Revised January 1, 2015



----- City Boundary
 □ Plan District Boundary



Scale in Feet

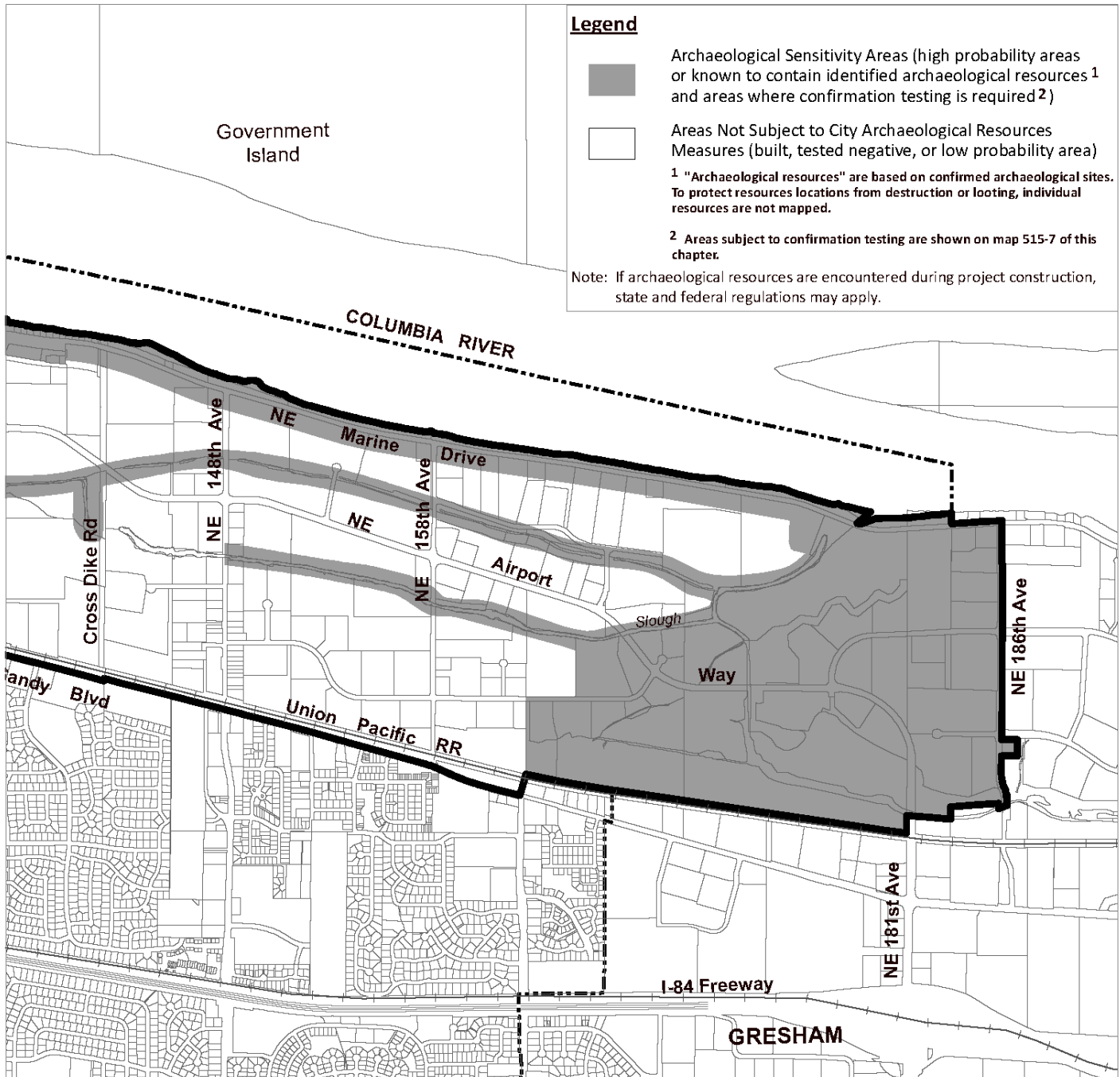
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Areas of Archaeological Interest

Map 515-6

Map 2 of 2

Map Revised January 1, 2015

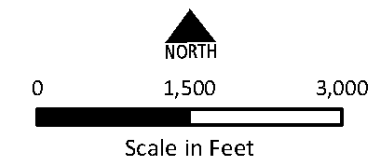


Legend

- Archaeological Sensitivity Areas (high probability areas or known to contain identified archaeological resources¹ and areas where confirmation testing is required²)
 - Areas Not Subject to City Archaeological Resources Measures (built, tested negative, or low probability area)
- ¹ "Archaeological resources" are based on confirmed archaeological sites. To protect resources locations from destruction or looting, individual resources are not mapped.
- ² Areas subject to confirmation testing are shown on map 515-7 of this chapter.

Note: If archaeological resources are encountered during project construction, state and federal regulations may apply.

- City Boundary
- Plan District Boundary



Bureau of Planning and Sustainability
Portland, Oregon

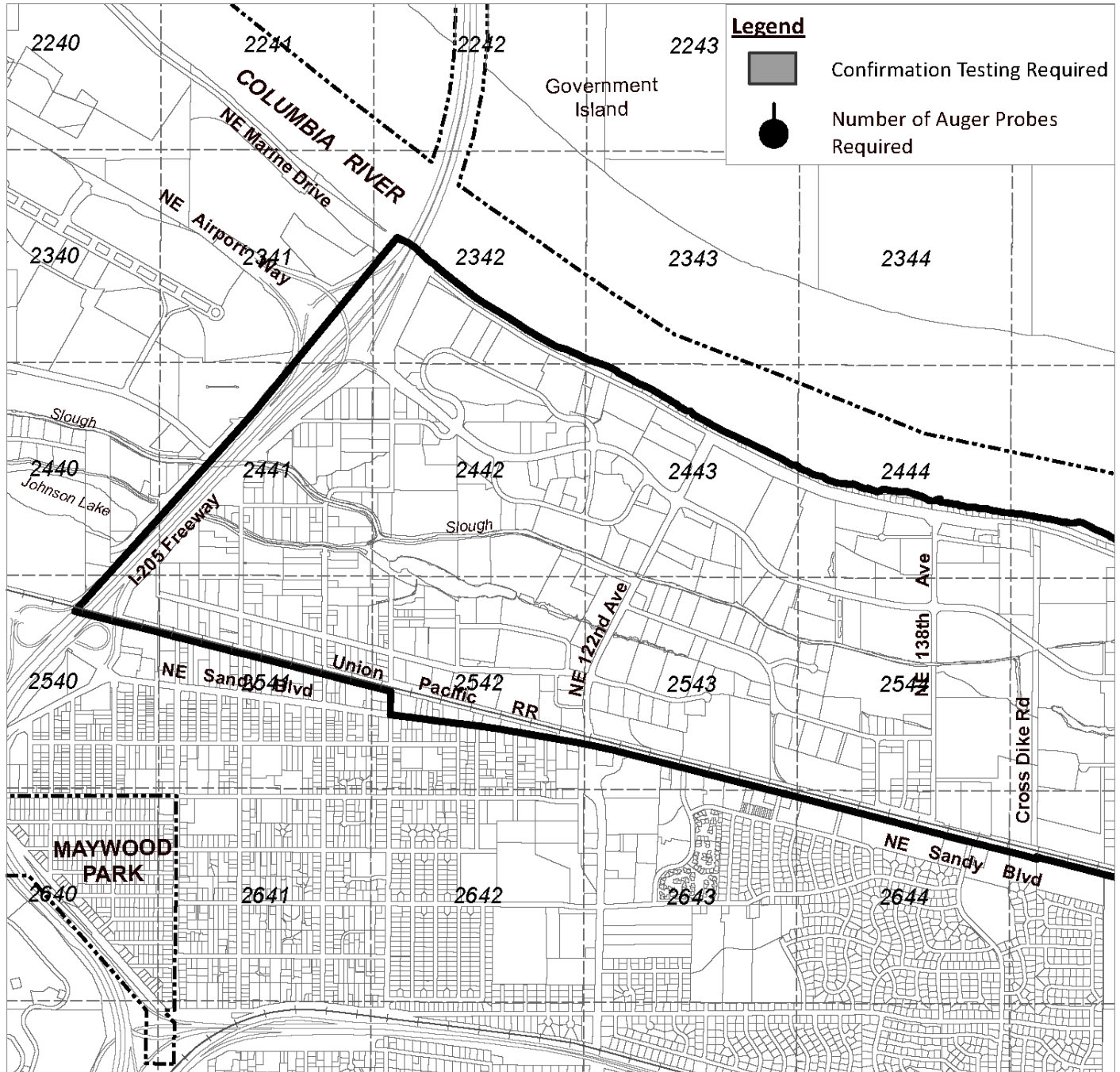
Columbia South Shore

Areas Where Confirmation Testing is Required

Map 515-7

Map 1 of 2

Map Revised January 1, 2015



Map Note: Small numbers within boxes represent Portland quarter section index

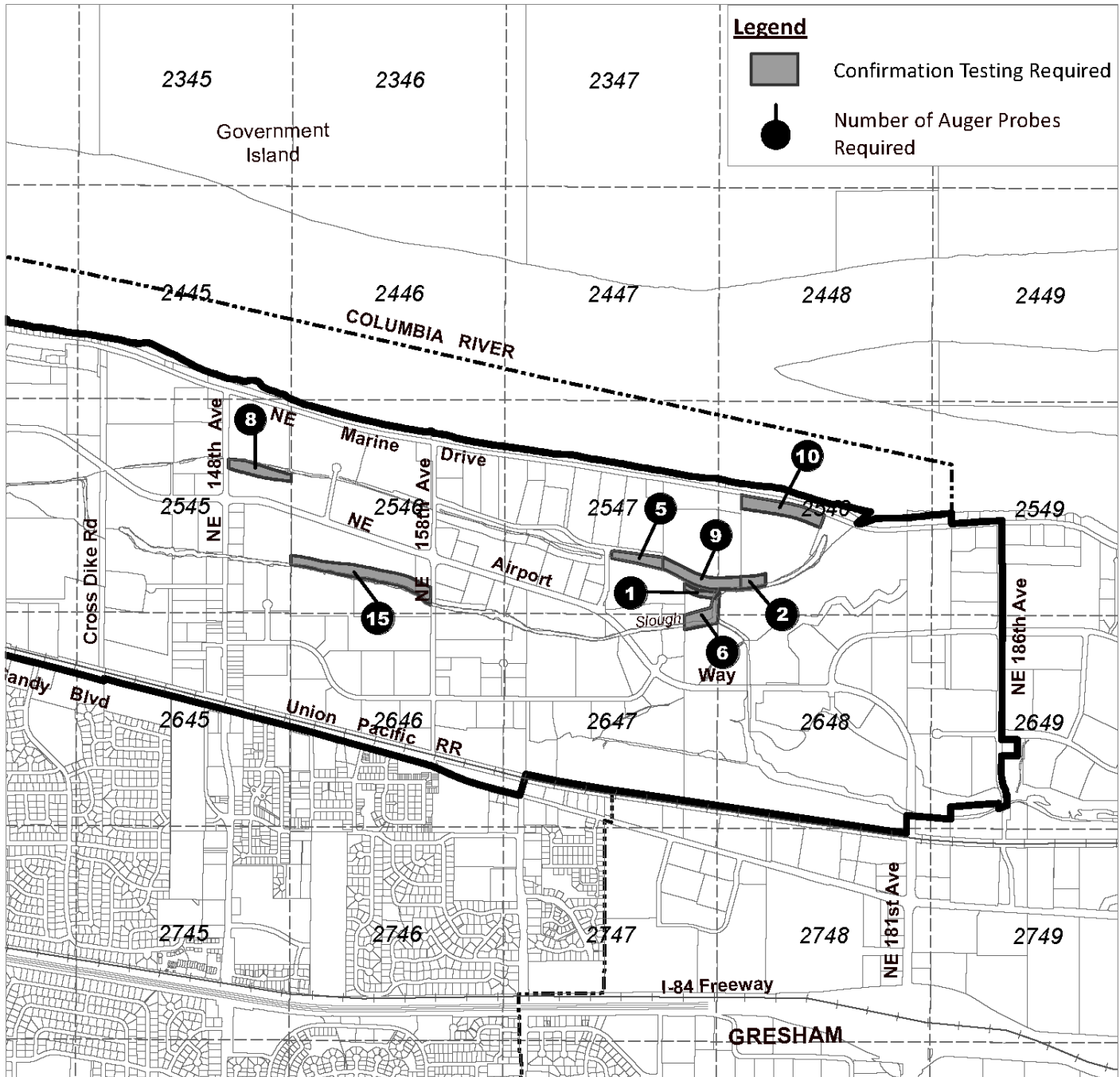
Columbia South Shore

Areas Where Confirmation Testing is Required

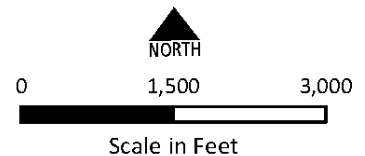
Map 515-7

Map 2 of 2

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary



Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

33.560 North Cully Plan District

560

Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

Map 560-1 North Cully Plan District

33.560.010 Purpose

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$266,850 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

33.560.030 Procedures

Requests for a North Cully Development review are processed through a Type III procedure.

33.560.040 Submittal Requirements

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

Special Notification Requirements in the Airport Subdistrict

33.565.310 Mailed Public Notice for Proposed Development

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
 - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
 - 2. When the value of the proposed development will exceed \$708,000.
- C. Requirements.** The requirements for mailed public notice are:
 - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
 - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

33.565.320 Posted Public Notice Requirements for Land Use Reviews

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
 - 1. At each of the two main crosswalks in the arrivals roadway area; and
 - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
 - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
 3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

Regulations in the Middle Columbia Slough Subdistrict

33.565.400 Zoning Map Amendments

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

33.565.410 Additional Development Standards

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
 2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
 3. Vegetated setback.
 - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
 - b. Required plants and planting densities. One of the following standards must be met:

33.710 Review Bodies

710

Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- 33.710.070 Adjustment Committee
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of the Bureau of Development Services
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for community involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

- A. Length of terms.** Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for fewer than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies that may occur must be filled for the unexpired terms.
- B. Required attendance.** If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.
- C. Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.
- D. Voting.** A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.

- E. Pay.** All members on a commission, committee, or board serve without pay.
- F. Public meetings.** All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.
- G. Staff.**
 - 1. **Planning Commission.** The Director of the Bureau of Planning and Sustainability must provide the Planning Commission with staff assistance necessary to enable it to discharge its duties.
 - 2. **Design Commission, Historic Landmarks Commission, Adjustment Committee.** The Director of the Bureau of Development Services must provide the Design Commission, Historic Landmarks Commission, and Adjustment Committee with staff assistance necessary to enable them to discharge their duties.
- H. Records.**
 - 1. **Planning Commission.** The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning Commission.
 - 2. **Design Commission, Historic Landmarks Commission, Adjustment Committee.** The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission, Historic Landmarks Commission, and Adjustment Committee.
- I. Conflict of interest.** A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if any person who resides with the member or the member's spouse, domestic partner, sibling, stepsibling, child, parent, stepparent, parent-in-law, or child-in-law has a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.
- J. Commission coordination.** The chairs, or their delegates, of the Planning Commission, Design Commission, and Historic Landmarks Commission meet quarterly, or as necessary, to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective commissions.

33.710.040 Planning Commission

- A. Purpose.** The Planning Commission makes recommendations to City Council on the City's long-range goals, policies, and programs for land use and planning. In making recommendations, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for guiding, developing, maintaining, and updating the City's Comprehensive Plan and zoning code. The

Commission deliberates using a climate and equity lens and is committed to effective public involvement and leadership in its work.

- B. Membership.** The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.
- C. Meetings and officers.** The Planning Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Five members constitute a quorum at a meeting. When there are vacant positions on the Planning Commission, a majority of the non-vacant positions constitutes a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- D. Powers and duties.** The Planning Commission has all of the powers and duties that are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's powers and duties include:
 - 1. Holding hearings and making recommendations to City Council on proposals to adopt, amend and update: the Comprehensive Plan; the zoning code; significant transportation policies, projects, and issues; the portions of Title 11, Trees, identified in 11.10.040.C; urban renewal plans; street vacations; sign regulations; and renaming city streets;
 - 2. Advising the City Council on plans and policies regarding such issues as housing, transportation, urban design, equity, economic development, public buildings, environmental protection, resource conservation, and other policies of citywide interest;
 - 3. Providing a forum for community members to learn about principles, policies, and programs that promote sound land use planning practices.
- E. Annual report.** The Planning Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and advances the purpose of the Design overlay zone.
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:

1. One representative of the Regional Arts and Culture Council;
2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Reviewing major developments within Design overlay zones except those projects involving or located within the following:
 - a. Historic Districts;
 - b. Conservation Districts;
 - c. Historic Landmarks; and
 - d. Conservation Landmarks.
2. Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning Commission;
3. Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;
4. Reviewing other land use requests assigned to the Design Commission; and
5. Providing advice on design matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, City Council, and other City Bureaus or public agencies when necessary or requested.

- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April of the following year. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
 - 1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 - 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
 - 1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations in quasi-judicial reviews;

2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
 3. Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning Commission in legislative actions;
 4. Recommending design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
 6. Reviewing demolition and relocation requests for certain Historic Landmarks, Conservation Landmarks, and resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning Commission, Portland Development Commission, other City commissions and committees, and City Council; and
 8. Initiating and coordinating historic preservation and public outreach programs in the City, including making recommendations on National Register of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.070 Adjustment Committee

- A. Purpose.** The Adjustment Committee reviews adjustment requests to the development standards of Title 33. The Committee provides the opportunity for a public forum in the review of these requests.
- B. Membership.** The Adjustment Committee consists of seven members, none of whom may hold public elective office. The Committee must include three persons representing the public at large, two members in either urban design, architecture, or landscape architecture, and two members experienced in either engineering, financing, construction, management of buildings, or land development. The members are appointed by the Mayor and confirmed by the City Council.
- C. Second Committee.** If the Director of BDS determines that the number of adjustment requests exceeds the capacity of the Adjustment Committee to review in a timely manner, the Director of BDS may recommend to the Mayor that a second Committee be formed. The second Committee may be dissolved by the Mayor if the number of reviews can be adequately handled by one Committee. The second committee is also subject to all the regulations in this section.

- D. Meeting and officers.** The Adjustment Committee meets at least once a month and as necessary to act on adjustment requests. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- E. Powers and duties.** The Adjustment Committee has all of the powers and duties which are assigned to it by this Title or by City Council. The Committee powers and duties include:
 - 1. Reviewing requests to adjust the development standards of Title 33, when no other land use reviews are associated with the project; and
 - 2. Providing advice on adjustment matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.
- F. Annual report.** The Committee must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

- A. Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.
- B. Short name.** The Land Use Hearings Officer is also called the Hearings Officer.
- C. Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.
- D. Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.
- E. Powers and duties.**
 - 1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.
 - 2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.
- F. Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning Commission by the first working day of September for transmission to the City Council. This report may contain recommendations for Planning Commission and City Council consideration.

33.710.090 Director of the Bureau of Development Services

The Director of BDS directs and manages the staff of BDS. The Director of BDS provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of BDS is responsible for the decisions and recommendations required of the Director of BDS by this Title. The Director of BDS is in charge of implementing this Title. The Director of BDS may delegate review and decision-making authority to BDS staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

- A. Purpose.** The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.
- B. Membership.**
1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.
 2. Nominations. Before the Planning and Sustainability Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning and Sustainability Director for the member at-large.
 3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.
 4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood representative and one industry representative will serve for two years, the other three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. Staffing. The Planning and Sustainability Director or designee will staff the board, in accordance with 33.710.030.
- C. Meetings.** The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.
- D. Powers and duties.** The duties, responsibilities, and authority of the advisory board include, but are not limited to:
- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
 - Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
 - Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;
 - Advice to the Planning Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
 - Provision of leadership and expertise in problem-solving;
 - Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
 - Provision of a point of contact for citizen inquiries or complaints;
 - Provision and initiation of communication, notification, and information for affected residents; and
 - Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00; Ord. No. 184046, effective 9/10/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191150, effective 3/1/23.)

Landmark, Historic District, or Conservation District is processed through a Type II procedure.

2. All other historic resource designation removal reviews are processed through a Type III procedure. A pre-application conference is not required.

C. Approval criteria. Proposals to remove the designation from a historic resource or change the level of protection of a historic resource will be approved if the review body finds that one of the following approval criteria are met:

1. Loss of historic value. Information shows that the resource does not meet the applicable criteria for historic designation review in Sections 33.846.030.D.1. and D.2;
2. Change in level of protection. The goals and polices of the Comprehensive Plan are equally or better met by changing the level of protection of the entire landmark or district from Historic Landmark to Conservation Landmark, from Historic District to Conservation District, or, if the resource is listed in the National Register of Historic Places, by changing the level of protection to National Register Landmark or National Register District; or
3. Owner consent.
 - a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation and must have retained ownership since the time of designation.
 - b. For Historic Districts or Conservation Districts. Fifty percent plus one of the property owners at the time of designation must have objected, on the record, to inclusion in the district.
 - c. For the purposes of this criterion, property owner is defined as the following:
 - (1) The owner of fee title to the property as shown in the deed records of the county where the property is located;
 - (2) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
 - (3) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

33.846.050 Historic Preservation Incentive Review

A. Purpose. These provisions increase the potential for Historic Landmarks, Conservation Landmarks, and contributing resources in Historic Districts and Conservation Districts to be reused, rehabilitated, and preserved.

- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.
- C. Approval criteria.** The use of a historic preservation incentive for a Historic Landmark, Conservation Landmark, or contributing resource in a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:
 1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;
 2. If the site is in an R zone, the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met.
 3. If the site is in an industrial zone, the approval criteria of 33.815.129 A through D are met; and
 4. The regulations of 33.445.400, Historic Preservation Incentives are met.

33.846.060 Historic Resource Review

- A. Purpose.** Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. Historic resource review also ensures that proposals to relocate historic resources do not result in the loss of historic significance and integrity.
- B. Review procedure.** For National Register Landmarks that are not located in a Historic or Conservation District, and for contributing resources in National Register Districts that are not a Historic or Conservation Landmark, the review procedure is Type III. Procedures for all other historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.
 1. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.100.D.2, the review procedure is determined by Table 846-1, below:

Table 846-1			
Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Historic Landmark	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix

Alterations of a landmark-designated interior public space	All	Project value > \$547,400	Type III
		Project value ≤ \$547,400	Type II
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$547,400	Type III [1]
		Project value ≤ \$547,400	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

3. For Historic Districts, excluding Historic Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.200.D.2, the review procedure is determined by Table 846-3, below:

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$547,400	Type III [1]
		Project value ≤ \$547,400	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

4. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.210.D.2, the review procedure is determined by Table 846-4, below:

Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I