

EXHIBIT A

Chapter 33.705

Columbia South Shore Plan District

Sections:

33.705.010	Purpose.
33.705.020	Boundaries and Relationship to Other Regulations.
33.705.030	Industrial Business Opportunity Subarea.
33.705.040	Water Quality.
33.705.045	Water Features Setback.
33.705.050	Excavations and Fills.
33.705.060	Recreational Trails.
33.705.065	Pre-Application Conference Required.
33.705.070	Significant Environmental Concern.
33.705.080	Columbia River Shore Development.
33.705.090	Review for Timeliness.

33.705.010 **Purpose.**

The purpose of the Columbia South Shore Plan District is to encourage the development of the Columbia South Shore as an industrial employment center which attracts a diversity of employment opportunities while protecting significant environmental resources and maintaining the capacity of the area infrastructure to accommodate future development.

33.705.020 **Boundaries and Relationship to Other Regulations.**

- A. **Boundaries.** The regulations of this Chapter apply to the Columbia South Shore Plan District. The boundaries of the Plan District, including a subarea, are shown on the official zoning maps and on Map 705.1 at the end of this Chapter.
- B. **Other regulations.** The regulations of this Chapter supplement, and in some cases supercede, the regulations of the base zone. In the case of conflict with other provisions of this Title, the regulations of this Chapter control.

33.705.030 **Industrial Business Opportunity Subarea.**

Within certain areas zoned GI-2, the restrictions on some office uses with an industrial orientation, are loosened. These areas are shown as "Industrial Business Opportunity Subarea" on Map 705.1 at the end of this Chapter. Industrial business activities that are permitted include the following:

- A. Research and development;
- B. Data processing;
- C. Flex space developments; and

- D. Other uses similar to the above.

These industrial business activities are limited and restricted as follows:

- A. Any research and development or data processing activity must be located as either single tenants or in flex space structures which conform with Section 33.705.030 B below.
- B. Flex space developments must have 50 percent or more of the gross floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include a minimum ceiling height of 15 feet, a dock high loading berth serving each tenant space, and overall height of not more than two stories.
- C. Any amount of research and development, data processing, or flex space proposal beyond that permitted by the GI-2 Zone, may be approved through a Type I review. Approval criteria are adequacy of public services. Planning Bureau staff will solicit information from City service bureaus. Services reviewed for adequacy will include transportation, water, stormwater and sanitary disposal, police, fire and parks.
- D. A preapplication conference is required in advance of submitting the Type I application. The preapplication conference serves to identify information required by the service bureaus for expeditious processing of the Type I application.

When required by the Bureau of Transportation Planning and Finance, the applicant must submit a traffic management plan acceptable to that bureau.

- E. Activities in the personal service category and the retail product sales and service category are restricted to those allowed by the GI-2 Zone. However, the four individual uses of up to 3,000 square feet each that are permitted on a site may be combined into a single use of up to 10,000 square feet.
- F. Mixed use development is allowed and the limitations on the industrial business activities listed above are not applicable to those aspects of a development which conform with the provisions of the GI-2 Zone.

33.705.040 Water Quality.

(Reserved for use in response to completion of water quality studies presently being prepared.)

33.705.045 Water Features Setback.

All structures, parking and truck maneuvering, loading and storage areas will be set back at least 25 feet from the top of the bank of water features, shown on the City's Water Features Map.

33.705.050

Excavations and Fills.

Prior to issuance of a permit for excavation or filling of over 50 cubic yards, including permits associated with construction, the applicant will provide evidence that the development proposal meets all state and federal requirements, including the requirements for a Clean Water Act Section 404 permit, as administered by the Division of State Lands and U. S. Corps of Army Engineers.

Appendix G of the Columbia South Shore report on Economic, Social, Environmental, and Energy (ESEE) Consequences, contains a map that shows properties that have been identified by the Corps of Army Engineers as requiring Section 404 permit review. The applicant should consult state and federal agencies for updated status of particular properties. The map may be amended upon approval of a Section 404 regional permit, or at any time at the request of the U. S. Army Corps of Engineers, with the agreement of the Planning Director.

33.705.060

Recreational Trails.

- A. **Dedication of Right-of way or Easement.** Prior to issuance of any building permit for a site containing a Comprehensive Plan Recreational Trail designation, the owner must grant to the City an access easement for public use of the trail, when established. The easement will conform to the easement requirement of the Willamette River Greenway Trail.
- B. **Provision of Trail.** 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 at his/her expense or pay into the Columbia South Shore Recreational Trail Trust Fund. The building permit must indicate which option is chosen. If the trail improvement option is chosen, its location must be shown on the site plans. The owner's responsibility is based on the relative value of on-site trail improvements to total project costs, as follows:
 1. On-site trail improvements valued at one percent or less of the total project cost. If the value of the on-site designated recreational trail equals one percent or less of the total project cost, the trail segment must be fully improved at the owner's expense.
 2. On-site trail improvements valued at more than one percent of total project costs. If the value of the on-site designated recreational trail exceeds one percent of total project costs, the owner has the option of building the on-site trail segment or paying into the trust fund. The optional trust fund contribution is one percent of total project costs, even if this amount does not cover trail construction costs.
 3. Trust fund contributions and total project costs. Trust fund contributions and total project costs are each cumulative from the adoption date of this plan district. 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 for the site, then no further trust fund contributions are required. It is the owner's responsibility to submit documentation of contributions to

the trust fund.

C. Trail Standards.

The recreational trail must comply with City standards for recreational trails. Recreational trail segments located along the Columbia Slough will meet, as a minimum, the soft surface pedestrian standards for the Willamette River Greenway Trail. Trail standards for all other designated trail segments will be determined in consultation with the Bureau of Parks and Recreation.

D. Use of Trail.

Public use and conduct on the recreational trail are subject to the regulations in Chapter 12 of Title 22, except as otherwise limited by the terms of an easement between the applicant and the City.

E. Hours of Use. ^{20 (typo)}

The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

F. Trespass.

Nothing in this Chapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

G. Trail Maintenance and Liability.

1. City maintenance. The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or Superintendent of the Bureau of Parks finds the following:
 - a) The applicant requests that the City assume the responsibilities;
 - b) The trail lies within an easement or right-of-way granted to the City for trail purposes;
 - c) The trail has been constructed and landscaped to City standards;
 - d) The trail is physically continuous for at least 1/4 mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4 mile within 2 years after completion of the segment under consideration;
 - e) When a property owner, granting the City an easement for trail purposes, desires to use a private security force to patrol the easement area, the owner has signed an agreement holding the City harmless from all claims, suits, or actions, of any nature, caused or arising out of the actions of such private security force, its subcontractors, agents, or employees.
2. Applicant maintenance. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.705.065 Pre-Application Conference Required.

All development proposals subject to an SEC or SR review will go through a pre-application conference in advance of submitting the SEC and/or SR application.

33.705.070 Significant Environmental Concern.

When applying Section 33.902.080 of this code, only those criteria expressly dealing with the rationale for applying the SEC Zone, as identified on Supplemental Zoning Maps 705.2A and 705.2B at the back of this chapter, shall be deemed relevant.

33.705.080 Columbia River Shore Development.

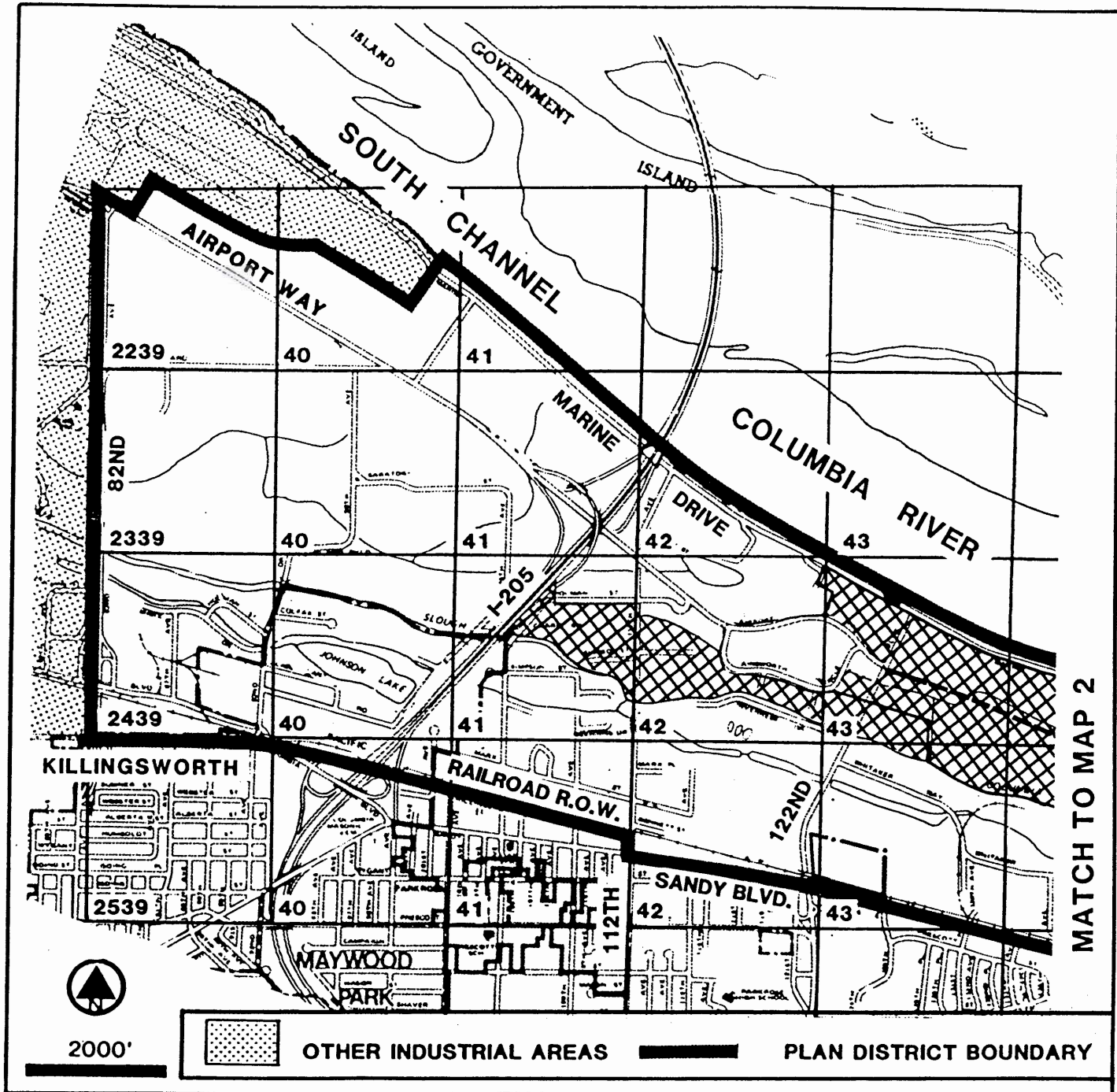
Within the Plan District, the following uses are allowed as a conditional use in the FF, Farm and Forest, Zone:

- A. Restaurants.
- B. Recreational boating marinas.
- C. Houseboat marinas located outside the N, Noise Impact, Overlay Zone.
- D. Other retail uses which support the recreational uses to the Columbia River waterfront.

33.705.090 Review for Timeliness.

The regulations of this Chapter will be reviewed for continued applicability no later than 1998 as required by Section 33.700.050.

MAP 705.1A



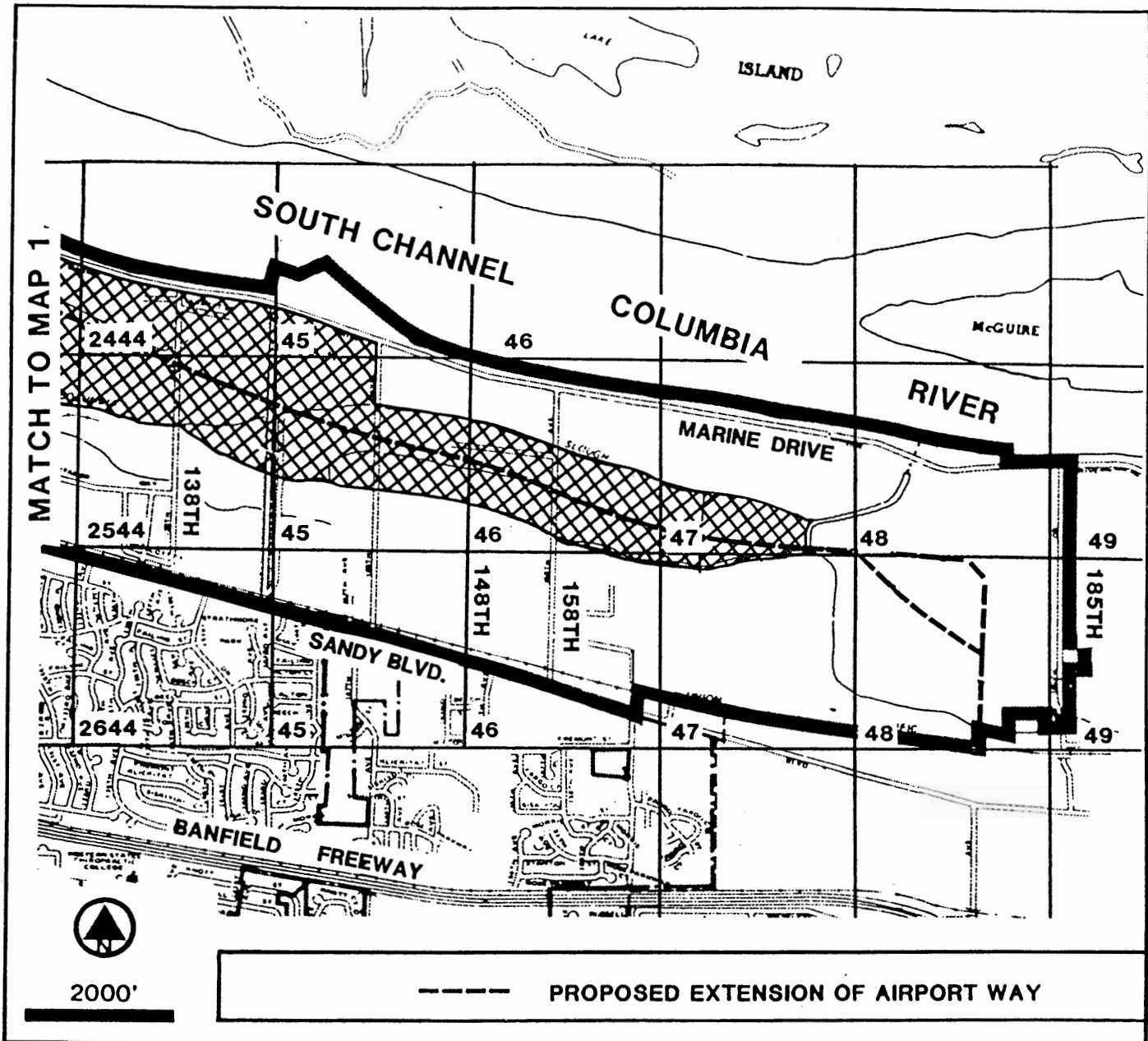
Supplemental Zoning Map:

COLUMBIA SOUTH SHORE PLAN DISTRICT

Plan District & Business Subarea / Map 1 of 2

-  Plan District Boundary
-  Industrial Business Opportunity Subarea



MAP 705.1B



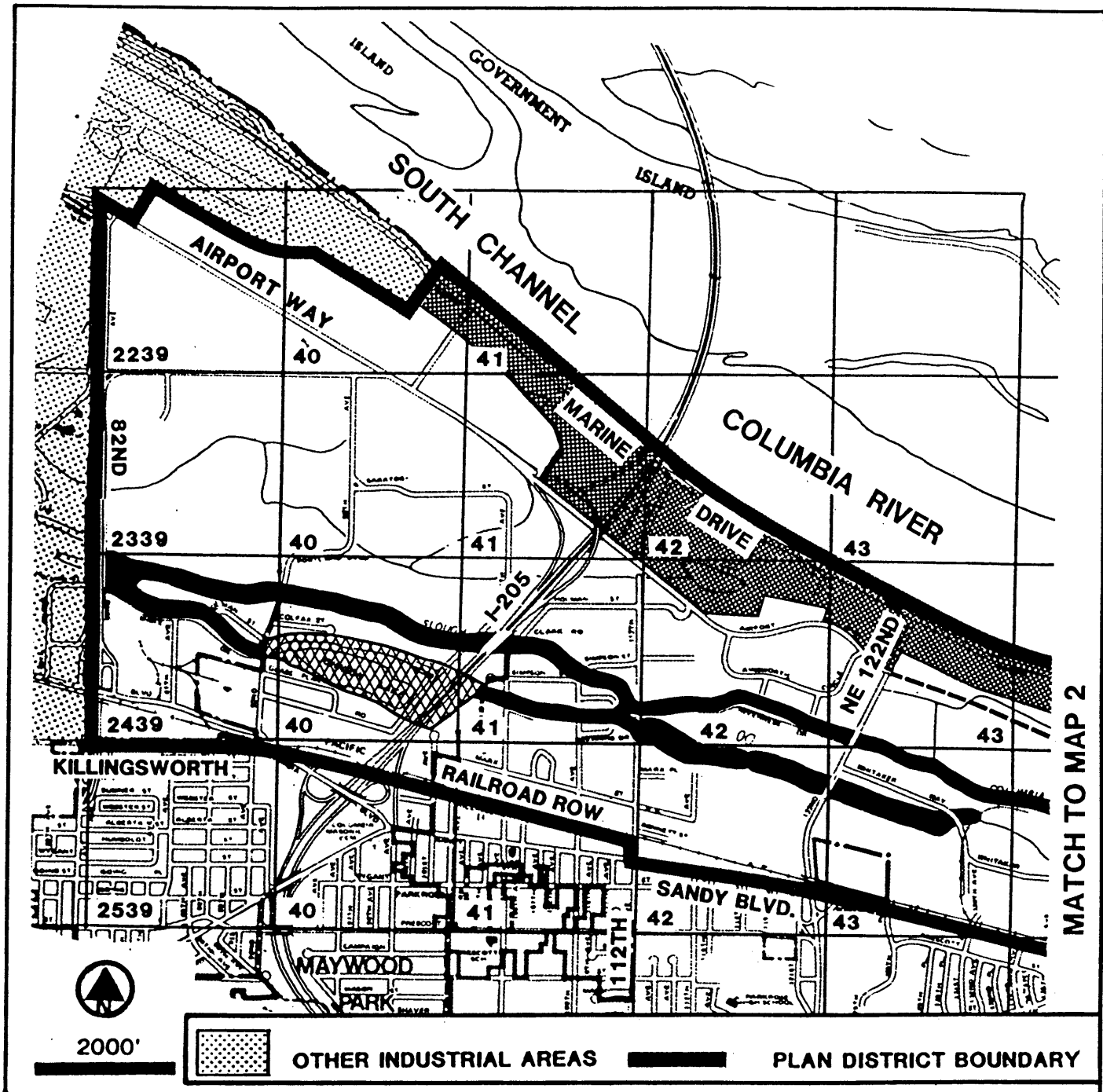
Supplemental Zoning Map:

COLUMBIA SOUTH SHORE PLAN DISTRICT

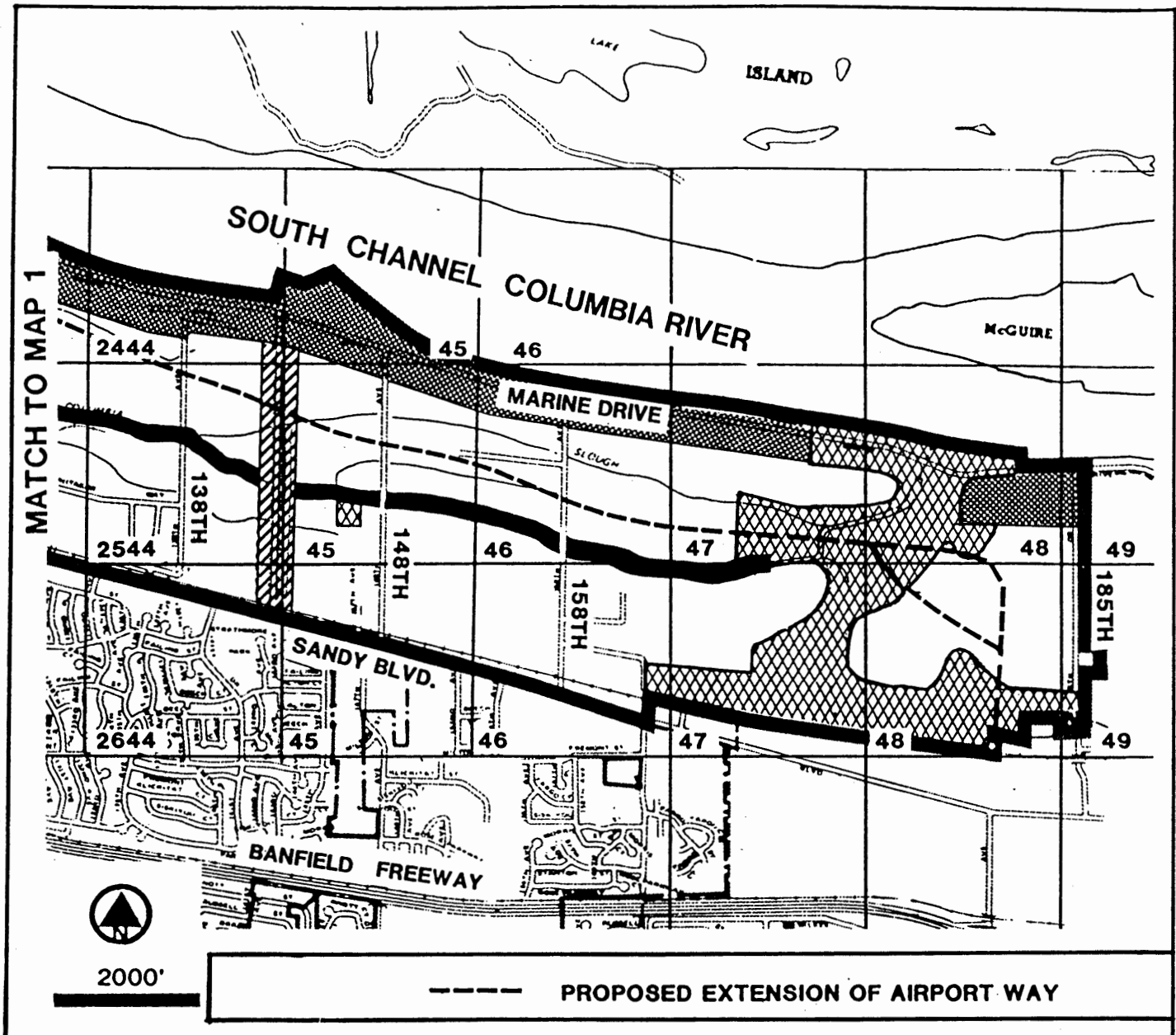
Plan District & Business Subarea / Map 2 of 2

-  Plan District Boundary
-  Industrial Business Opportunity Subarea

MAP 705.2A



MAP 705.2B



ORDINANCE No. **159565**

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon to add a new Chapter 33.705 Columbia South Shore Plan District; add a floor area ratio (FAR) in the GE-2 Zone; and establish a definition for "top of bank," and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. In October 1980, City Council adopted Ordinance No. 150580 adopting a Comprehensive Plan for the City of Portland, including Goals, Policies, and a Plan Map. The Comprehensive Plan and its implementing Ordinances were submitted to the Oregon Land Conservation and Development Commission and received Acknowledgement of Compliance by the Commission in May 1981.
2. Comprehensive Plan Policy 10.9 Revised Zoning Code calls for a review and revision of the City's zoning code and specifically directed revision of the industrial zones.
3. On March 11, 1985, City Council adopted Chapter 33.700, Plan Districts in General, to provide a means to modify zoning regulations for specific areas defined in special plans or studies.
4. On July 31, 1985, City Council adopted Ordinance No. 157663 establishing new industrial zoning regulations and Ordinance No. 157664 amending Comprehensive Plan Policy 10.7 Comprehensive Plan Map to adopt the two new Plan Map designations required by the new zoning regulations.
5. On December 26, 1985, City Council adopted three new industrial policies to provide guidance for making mapping decisions on the Comprehensive Plan Map and provide assistance in determining what uses should be permitted in the zones.
6. On January 29, 1986, City Council adopted Ordinance 158184 applying new industrial Plan Map designations and zones for certain properties in the Albina, Guild's Lake-Linnton, and Swan Island-Mock's Landing industrial areas.
7. On February 20, 1986, City Council adopted Ordinance 158184 applying new industrial Plan Map designations and zones for certain properties in the Brooklyn, Central Eastside, and Northwest industrial areas.
8. On November 24, 1982, City Council adopted Ordinance No. 154028 establishing City Comprehensive Plan Map designations and zoning for an annexed section of the Study Area covering about 320 acres near the intersection of Interstate 205 and Airport Way.
9. The remainder of the Columbia South Shore Study Area has been annexed since December 1983. With annexation, responsibility for ongoing planning efforts

in the area was transferred from Multnomah County to the City of Portland.

10. On May 15, 1986, City Council adopted Ordinance No. 158500 adopting the Columbia South Shore Urban Renewal Plan. This plan is intended to stimulate private sector economic development by removing blight and facilitating delivery of urban services in the Columbia South Shore.
11. The purpose of Chapter 33.700 Plan Districts in General is to allow for the modification of zoning regulations for unique areas within the City. An area may be considered unique because of its attributes, be subject to problems arising from rapid to severe transitions in land use, or contain public facilities which require specific land use regulations for their efficient operations.
12. The Columbia South Shore Study Area qualifies for consideration as a Plan District under all three criteria. The plan district is needed to address development issues particular to the Columbia South Shore area. These issues include industrial business development potential, adequacy of the infrastructure, protection of water quality, excavations and fills, and recreational trail development.
13. The Multnomah County Comprehensive Framework Plan was adopted as amended on July 15, 1980, and updated in 1983. This plan sets the framework for inter-relating all of the Statewide Planning Goals into a broad statement of public policy.
14. The Multnomah County Columbia and Cully/Parkrose Community Plans were adopted as integral components of the Multnomah County Comprehensive Framework Plan in April, 1979. The community plans address local issues and needs within the broad policy parameters of the Framework Plan and are detailed amplification of that plan. The extensive findings of the County Community plans support the adoption of the Columbia South Shore Plan District as set forth in Exhibit A and are incorporated herein.
15. The recreational trail along the Columbia Slough will provide an amenity to adjacent properties. A study conducted in Seattle on the Burke-Gilman trail found that the trail is regarded by real estate companies as an amenity that helps to attract investment to an area and enhances property values.
16. The advantages of marketing the Columbia Slough as a recreational amenity will accrue most directly to property owners adjacent to the slough.
17. The 20,000 employees that are anticipated to find work in the Columbia South Shore Plan District will have recreational needs.
18. Presently, there are no recreational facilities to accommodate those needs.
19. The recreational trail is part of an area circulation system for pedestrians and bicyclists that will connect the Columbia River and the Columbia Slough with recreational facilities planned for the district.
20. Recreational facilities are a component of the marketing strategy for the Columbia South Shore Urban Renewal District.

21. In other new industrial areas in the region, such as the Sunset Corridor and Swan Island, recreational trails have been incorporated into the development to enhance the area's marketability and to benefit area employees.
22. Public subsidy in the Columbia South Shore Plan District in excess of \$50 million are programmed and make this area special and unique in the City.
23. The recreational amenities planned for the Columbia Slough are more oriented to pedestrians and require a lesser standard of trail development than is required for the Willamette Greenway.
24. The property owner has the option of building the trail or contributing one percent of total project costs to a trust fund. The one percent contribution has been discussed in public forums and was proposed as a way of limiting costs to a reasonable level.
25. The trail easement is consistently required on land that is not otherwise available for development because of Drainage District or public right-of-way restrictions.
26. Properties in the Study Area west of 122nd Avenue and outside properties owned by the Port of Portland are in the Portland and Multnomah County Cully/Parkrose Community Plan area. Properties east of 122nd Avenue are in the Multnomah County Columbia Community Plan area. Recommended Columbia South Shore Plan District provisions are consistent with the County Community Plans because they provide for orderly development in conjunction with service adequacy.
27. The floor area ratio for office development in the GE-2 Zone is needed to ensure adequacy of public facilities and services, including the transportation system. The FAR is consistent with other City zones that allow office development and is consistent with similar office park zones in other jurisdictions of the Portland metropolitan area. Adequacy of facilities and services is important for spreading development opportunities and making efficient use of public investments.
28. A definition for the term "top of bank" is needed to clarify setback measurements on such water bodies as the Columbia Slough system, Willamette River, and Johnson Creek. The definition is intended to apply to each of these water bodies.
29. The Columbia South Shore Plan District, the amendment to the GE-2 Zone, and the definition of "top of bank" are consistent with the Goals and Policies of the Portland Comprehensive Plan by promoting economic development opportunities while protecting significant environmental resources and maintaining the capacity of the area infrastructure to accommodate future development without significantly increasing hazard potential.
30. On June 20, 1979, City Council adopted Ordinance No. 147923 adopting the Portland/Multnomah County Urban Planning Area Agreement. This Agreement is designed to ensure the orderly transition of planning functions between the

two jurisdictions and integration of annexed areas into the City. Adoption of the recommended Columbia South Shore Plan District, amendment to the GE-2 Zone, and definition for top of bank are consistent with and facilitate Agreement objectives.

31. An inventory and Economic, Social, Environmental and Energy (ESEE) evaluation of resources in the Columbia South Shore has been conducted pursuant to Statewide Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources. Based on the ESEE evaluation, the SEC Overlay Zone is applied as an interim environmental zone and is to be replaced with an E environmental overlay zone through a separate public review process. The Plan District provides guidance in the resources to be reviewed in implementing the SEC Zone.
32. The Columbia South Shore Plan District is consistent with and supportive of the Statewide Planning Goals and Guidelines, especially Goal 9, Economy of the State, by allowing certain industrial business activities in addition to those activities allowed in the base zone in a subarea of the Plan District, as set forth more fully in the Report and Recommendations of the Planning Commission on "Recommended Mapping for Columbia Corridor, Part 1: South Shore, February 1987."
33. The amendments are supportive of Portland Comprehensive Plan Goal 9, and Statewide Planning Goal 1, both titled Citizen Involvement, because the formulation of the amendments has included a substantial public involvement process. Industrial area associations, trade organizations, neighborhood associations, governmental agencies, and many individuals were active in reviewing draft documents and participating in workshops. In addition, all directly affected property owners were sent official notices of both Planning Commission and City Council hearings.
34. At the request of the Columbia Corridor Association, a property owner group, the Planning Commission postponed its public hearing of October 28, 1986 on the Columbia South Shore rezoning proposal. Planning Bureau staff initiated seven more workshops in November and December, 1986.
35. On January 13, 1987 and January 27, 1987, the Planning Commission held public hearings on the Comprehensive Plan Policy and Map amendments and zoning amendments, including the Plan District. Based on that testimony, the Planning Commission voted unanimously to recommend that the amendments be adopted.
36. The amendments were submitted to the Department of Land Conservation and Development for review as required by OAR 660, Division 18. No objections have been received.
37. It is in the public interest that these amendments be adopted to better implement the Comprehensive Plan, promote the orderly integration of recently-annexed areas in the City, promote economic development in the City, protect areas from natural hazards such as flooding, and protect significant environmental resources in the Columbia South Shore Study Area.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, is amended by adding a new Chapter 33.705 Columbia South Shore Plan District to read as shown in Exhibit A, attached to this Ordinance and incorporated herein by this reference.
- b. The official Zoning Maps of the City of Portland are hereby amended to show the boundaries of the Columbia South Shore Plan District, as those shown on Map 705.1 of Exhibit A, attached to this Ordinance and incorporated herein by this reference.
- c. The review of the Significant Environmental Concern (SEC) Overlay Zone within the Plan District shall be guided by Map 705.2 of Exhibit A, attached to this Ordinance and incorporated herein by this reference.
- d. Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon is hereby amended by the addition of Section 33.455.117 to read as follows:

33.455.117 Maximum Floor Area in the GE-2 Zone.

Office category development in the GE-2 Zone is limited to a Floor Area Ratio (FAR) limit of 0.45:1. Development from the personal service category and the retail product sales and service category is not covered by this restriction. Parking structures associated with office development are not included in this FAR limitation. Industrial category developments and approved industrial parks are also exempt, including the 35 percent of floor area which may be developed for commercial uses in approved industrial parks .

In an approved subdivision or industrial park, a transfer of FAR within and/or between sites is allowed. The method of accounting for transfers is determined as part of the subdivision or industrial park approval process.

- e. Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon is hereby amended by the addition of Section 33.12.775 to read as follows:

33.12.775 Top of Bank.

"Top of bank" means the first major change in the slope of the incline from the ordinary high water level of the water body, generally a difference of 10 degrees or more. If there is no major change or break within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation two feet above the ordinary high water level.

- f. Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon is hereby amended by an amendment to Section 33.902.080 of Chapter 33.902 Significant Environmental Concern Overlay Zone to read as follows:

33.902.080 Approval Criteria.

(33.902.080 (A) through 33.902.080 (K)) *** (no change)

33.902.080 (L) Areas of annual flooding, floodplains, water areas and wetlands shall be retained in their natural state to preserve water quality and storm water run-off capacity.

An exception to this approval criteria may be obtained through compliance with a wetland management plan developed in cooperation with state and federal regulatory agencies and approved by the Portland City Council.

(33.902.080 (M) through 33.902.080 (O)) *** (no change)

- g. Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon is hereby amended by an amendment to Section 33.225.020 of Chapter 33.225 Fees to read as follows:

33.225.020 Land Use Procedure Fee Schedule.

(33.225.020 (A)) *** (no change)

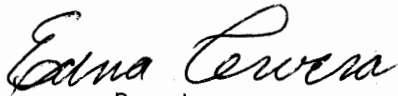
33.225.020 (B) Concurrent Applications.

The highest procedure fee shall be charged plus one-half the fee for all comparable or lesser procedures when applications are filed concurrently except in the case of concurrent review for SEC and SR review, only the greater of the two fees will be assessed. All other fees associated with the project will charge for the highest fee and one-half the fee for all comparable or lesser reviews.

Section 2. So there will be no further delay in affording this sensitive area the protection and benefits set forth herein, the Council declares that an emergency exists; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 8 1987**

Commissioner Blumenauer
April 8, 1987
Robert H. Glascock:rhg:mch
51249003-2500

BARBARA CLARK
Auditor of the City of Portland
By 
Deputy

< amendments see over
+ add em. clause >
as amended

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BLUMENAUER	✓	
BOGLE	✓	
KOCH	✓	
LINDBERG	✓	
CLARK	✓	

FOUR-FIFTHS CALENDAR	
BLUMENAUER	
BOGLE	
KOCH	
LINDBERG	
CLARK	

500 461
Calendar No. 446

ORDINANCE No. 159565

Title

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon to add a new Chapter 33.70 Columbia South Shore Plan District; add a floor area ratio (FAR) in the GE-2 Zone; and establish a definition for "top of bank," and declaring an emergency.

MAR 25 1987

CONTINUED TO APR 1 1987
10:30 am TIME CERTAIN

APR 1 1987

CONTINUED TO APR 8 1987
10:00 TIME CERTAIN

MAR 20 1987

Filed _____

BARBARA CLARK
Auditor of the CITY OF PORTLAND

By Nancy Dunford
Deputy

INTRODUCED BY
Commissioner Earl Blumenauer
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>Earl Blumenauer/umac</i>

BUREAU APPROVAL
Bureau: Bureau of Planning
Prepared By: Date:
Robert H. Glascock: mh 3-25-87
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Norman A. Abbott</i>
Norman A. Abbott, AICP, Director

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>Adrienne Berchman</i>
City Auditor
City Engineer