

## ANNOTATED MINUTES

*Tuesday, October 18, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

### BOARD BRIEFINGS

- B-1 Cultural Diversity Committee Discussion of History, Results of Conference and Future Expectations, and Description of Current Diversity Projects. Presented by Donald Acker.*

**DONALD ACKER, NEW CHAIR; CURTIS SMITH, MIKE OSWALD, CHRIS JOHNSON, JIMI JOHNSON, GAIL PARKER, AND JERRY WALKER PROVIDED PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**

- B-2 Discussion on Recommended Changes to the Public Contract Review Board Rules. Presented by Dave Boyer and Lillie Walker.*

**DAVID BOYER AND LILLIE WALKER PRESENTED PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**

- B-3 David M. Griffith Report on Costs, Fees and Revenue Study. Presented by Dave Boyer.*

**DAVID BOYER AND BETSY WILLIAMS PRESENTED PRESENTATION AND RESPONSE TO BOARD QUESTIONS. BOARD CONSENSUS TO WAIT UNTIL AFTER NOVEMBER 8TH ELECTIONS BEFORE POSSIBLE INCREASE OF VARIOUS FEES, WITH THE EXCEPTION OF FURTHER INVESTIGATION OF THE SURVEYOR FEES. POTENTIAL NEED TO INCREASE SOME FEES BEFORE ELECTION. STAFF TO TALK TO COUNTY COUNSEL ABOUT LEGAL ISSUES AND REPORT BACK TO THE BOARD.**

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*Tuesday, October 18, 1994 - 1:30 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

### PLANNING ITEMS

*Vice-Chair Tanya Collier convened the meeting at 1:35 p.m., with*

*Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present, and Chair Beverly Stein excused.*

*P-1      C 10-94      Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) Section of the Zoning Code to Protect Significant Wildlife Habitat, Scenic Views and Streams in the West Hills and Howard Canyon Areas, in Fulfillment of Periodic Review Remand Order Requirements*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. GORDON HOWARD EXPLANATION OF AMENDMENTS DISCUSSED AT FIRST READING. GORDON HOARE, BILL MOSHOFSKY, DAVE KOENNECKE, DAN MCKENZIE, EUGENE OSTER AND JOSEPH KABDEBO TESTIMONY IN OPPOSITION TO PROPOSED ORDINANCE DUE TO ZONING LIMITATIONS FOR WEST HILLS PROPERTY OWNERS. DONNA MATRAZZO, ARNOLD ROCHLIN, JOHN SHERMAN AND JANE HART TESTIMONY AND SUGGESTED AMENDMENTS TO PROPOSED ORDINANCE. MR. HOWARD EXPLANATION CONCERNING AMENDMENTS RECOMMENDED BY STAFF AND RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT SECTION 11.15.6424(B) BE AMENDED TO INCLUDE: "AND WHICH SHALL BE CONSIDERED IN MAKING THE DETERMINATION OF VISUAL SUBORDINATION...". MR. HOWARD RESPONSE TO BOARD QUESTION REGARDING FENCING STANDARDS. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT THE FENCE EXEMPTION AREA BE AMENDED FROM 15 FEET TO 100 FEET. MR. HOWARD EXPLANATION OF LOT OF RECORD DEFINITION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT SECTION 11.15.6428(D)(1) BE AMENDED THAT THE LOT OF RECORD SHALL BE DEFINED BY THE UNDERLYING ZONING DISTRICT. MR. HOWARD EXPLANATION OF**



**AVAILABLE FOR PURCHASE ISSUE. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT LANGUAGE IN SECTION 11.15.6428(D)(2) BE AMENDED FROM AVAILABLE FOR PURCHASE TO "THE SUBJECT OF A LISTING AGREEMENT OR ADVERTISED FOR SALE...". FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED THAT THE STREAM PROTECTION AND WATER QUALITY ISSUES WOULD BE ADDRESSED IN GOALS 6 AND 7. JOHN DuBAY RESPONSE TO BOARD QUESTION CONCERNING WHETHER AN ADDITIONAL READING WOULD BE REQUIRED. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, ORDINANCE 801 UNANIMOUSLY APPROVED, AS AMENDED. SCOTT PEMBLE RESPONSE TO QUESTIONS AND ISSUES RAISED DURING PUBLIC TESTIMONY AND RESPONSE TO BOARD QUESTIONS.**

*Commissioner Saltzman left at 2:30 p.m.*

P-2

C 11-94      *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 Regarding the Regulation of Surface Mining and Nearby Surrounding Land Uses in Partial Fulfillment of Periodic Review Work Program Tasks Required to Bring Multnomah County's Land Use Program into Compliance with Statewide Planning Goal 5*


**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. GARY CLIFFORD DISCUSSION OF STAFF RECOMMENDED AMENDMENTS TO PROPOSED ORDINANCE, JOHN DuBAY MEMORANDUM IN RESPONSE TO MR. ROCHLIN'S OBJECTIONS TO PROPOSED ORDINANCE, AND RESPONSE TO BOARD QUESTIONS. ARNOLD ROCHLIN, JANE HART AND KLAUS HEYNE TESTIMONY AND SUGGESTED AMENDMENTS TO PROPOSED ORDINANCE. MR. CLIFFORD RESPONSE TO ISSUES RAISED IN PUBLIC TESTIMONY. MR. DuBAY AND MR. CLIFFORD RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING AMENDMENTS TO BE PROPOSED AND**

CONSIDERED AT THIRD READING. AT THE SUGGESTION OF MR. CLIFFORD AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT SECTION II.(D)(2) ON PAGE 3 BE AMENDED TO REPLACE THE WORD OPERATOR WITH "OWNER'S REPRESENTATIVE". VICE-CHAIR COLLIER DIRECTED THAT ISSUES CONCERNING REGULATION OF "EXEMPT MINING ACTIVITY"; AND COUNTY PARTICIPATION WITH DOGAMI IN REVIEW OF A RECLAMATION PERMIT PROPOSAL BE DISCUSSED AND CONSIDERED AT THIRD READING. AT THE REQUEST OF MR. CLIFFORD AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, SECTION 11.15.7325(C)(4) WAS AMENDED TO READ "OPERATING HOURS SHALL BE ALLOWED FROM 7:00 AM TO 6:00 PM." AT THE REQUEST OF COMMISSIONER KELLEY, PROPOSED AMENDMENTS TO PAGE 23 CHANGING VEGETATION SCREENING FROM 50 TO 100 FEET; PAGE 26 CHANGING SETBACK FOR MINERAL EXTRACTION FROM 50 TO 100 FEET TO A PROPERTY LINE; AND PAGE 26 CHANGING SETBACK TO A NOISE OR DUST SENSITIVE USE FROM 250 TO 400 FEET ARE TO BE CONSIDERED AT THIRD READING. VICE-CHAIR COLLIER DIRECTED STAFF TO PROVIDE AN EXPLANATION OF AND PURPOSE FOR COMMISSIONER KELLEY'S PROPOSED SITE DISTANCE REQUIREMENTS. SCREENING OF MINE SITES FROM "NOISE AND DUST SENSITIVE" LAND USES TO BE DISCUSSED AND CONSIDERED AT THIRD READING. MR. CLIFFORD RESPONSE TO BOARD QUESTIONS AND DISCUSSION. TRANSPORTATION REQUIREMENTS TO BE DISCUSSED AND CONSIDERED AT THIRD READING. MR. DuBAY RESPONSE TO BOARD QUESTION CONCERNING COUNSEL PROPOSED AMENDMENTS. STAFF DIRECTED TO PREPARE MEMORANDUM CONTAINING ONE SET OF POTENTIAL AMENDMENTS FOR DISCUSSION AT THIRD READING. IN RESPONSE TO A QUESTION OF MR. HEYNE, THE ISSUE REGARDING HILLSIDE EROSION COMPLIANCE OF EXISTING EXEMPT SIDES IN THE 5,000 CUBIC YARDS MINING AREA WILL BE ADDRESSED AT THE THIRD READING. IN RESPONSE TO A QUESTION OF MR. ROCHLIN, MR. DuBAY ADVISED THE DEFINITION OF "SIGNIFICANT SITE"

**ISSUE WOULD BE DISCUSSED AT THE THIRD READING. SECOND READING UNANIMOUSLY APPROVED. THIRD READING SCHEDULED FOR THURSDAY, OCTOBER 27, 1994.**

*There being no further business, the meeting was adjourned at 3:10 p.m.*

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

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Thursday, October 20, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

*Vice-Chair Tanya Collier convened the meeting at 9:35 a.m., with Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present, and Chair Beverly Stein excused.*

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-7 AND C-9 THROUGH C-11) WAS UNANIMOUSLY APPROVED.**

**NON-DEPARTMENTAL**

- C-1      *In the Matter of the Appointments of Margaret Boyles, Winzel Hamilton, Hank Miggins, Robert Sacks and Juanita Skophammer to the CITIZEN INVOLVEMENT COMMITTEE*
- C-2      *In the Matter of the Appointments of Bill Davis, Lorey Freeman, Lauren Hartmann, Margaret Jozsa, Kathleen Lowe, Clinton Nelson and Darlene Swan to the COMMUNITY HEALTH COUNCIL*
- C-3      *In the Matter of the Appointment of Michelle DeShazer to the DUII COMMUNITY ADVISORY BOARD*
- C-4      *In the Matter of the Appointment of Angel Lopez to the LIBRARY ADVISORY BOARD*

- C-5      *In the Matter of the Appointments of Laura Ross-Paul and Mary Ruble to the METROPOLITAN ARTS COMMISSION*

**DEPARTMENT OF HEALTH**

- C-6      *Ratification of Amendment #3 to Intergovernmental Agreement Contract 200714 Between Oregon Health Sciences University Hospital and Multnomah County, Identifying Authorized and Unauthorized Use of Urgency and Emergency Care at OHSU by CareOregon Clients and Establishing a Fee Schedule, for the Period Upon Execution through August 31, 1995*

**COMMUNITY AND FAMILY SERVICES**

- C-7      *Ratification of Intergovernmental Agreement Contract 103515 Between Multnomah County and Portland State University, Providing Evaluation Services to the SAFAH Homeless Families Program in Accordance with the HUD Grant, for the Period Upon Execution through September 30, 1995*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-9      *ORDER in the Matter of the Execution of Deed D951104 Upon Complete Performance of a Contract to Jamal Tarhuni*

**ORDER 94-199.**

- C-10     *ORDER in the Matter of the Execution of Deed D951105 Upon Complete Performance of a Contract to Jamal Tarhuni*

**ORDER 94-200.**

- C-11     *ORDER in the Matter of the Execution of Quitclaim Deed to Appa L. Anderson*

**ORDER 94-201.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-8      *ORDER in the Matter of the Execution of Deed D941024 Upon Complete Performance of a Contract to Wesley Hayzlett and Jettabe Hayzlett*

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER SALTZMAN, TO  
REMOVE ITEM C-8 UNANIMOUSLY APPROVED.  
(ORDER 94-160 APPROVED SEPTEMBER 8, 1994.)**

**REGULAR AGENDA**

**SHERIFF'S OFFICE**

- R-1      *Budget Modification MCSO 1 Requesting Authorization to Reclassify a Community Service Officer Position in the David Douglas Safety Action Team Budget to an Integrated Community Service Coordinator*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. LARRY AAB PRESENTED EXPLANATION. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.**

**PUBLIC CONTRACT REVIEW BOARD**

*(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)*

- R-2      *ORDER in the Matter of Exempting from Public Bidding an Extension of Exemption to Contract with Swanberg & Associates for Security Guard Services*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. COMMISSIONER HANSEN PRESENTED EXPLANATION. ORDER 94-202 WAS UNANIMOUSLY APPROVED.**

*(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)*

**DEPARTMENT OF HEALTH**

- R-3      *First Reading of a Proposed ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF THE FIRST READING. DR. GARY OXMAN PRESENTED EXPLANATION. NO TESTIMONY RECEIVED. FIRST READING WAS UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, OCTOBER 27, 1994.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-4      *ORDER in the Matter of the Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1993 through June 30, 1994*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. KATHY TUNEBERG PRESENTED EXPLANATION. ORDER 94-203 WAS UNANIMOUSLY APPROVED.**

- R-5     *Ratification of Intergovernmental Agreement Contract 301245 Between Marion County and Multnomah County, Providing Training and Support During Implementation of a Computerized Pavement Management System, for the Period Upon Execution through June 30, 1995*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. AGREEMENT WAS UNANIMOUSLY APPROVED.**

- R-6     *First Reading and Possible Adoption of a Proposed ORDINANCE Amending Multnomah County Code Chapter 5.10 Establishing a Transportation Systems Development Charge and Declaring an Emergency*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF THE FIRST READING AND ADOPTION. ED PICKERING PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO TESTIMONY RECEIVED. ORDINANCE NO. 802 UNANIMOUSLY APPROVED.**

- R-7     *RESOLUTION in the Matter of Adopting a Transportation Impact Fee Systems Development Charge*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. ED PICKERING PRESENTED EXPLANATION. RESOLUTION 94-204 UNANIMOUSLY APPROVED.**

- R-8     *Consideration of a RESOLUTION Approving Multnomah County's Local Greenspaces Projects List and Endorsing the Metropolitan Greenspaces Bond Measure*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. CHARLIE CIECKO OF METRO PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AMANDA FRITZ PRESENTED TESTIMONY IN SUPPORT OF THIS ITEM. RESOLUTION 94-205 WAS UNANIMOUSLY APPROVED.**

- R-9 Metro Regional Parks and Greenspaces Request for Approval of the Transfer of \$75,000 from the Natural Areas Acquisition and Protection Fund Towards the Purchase of a 5 Acre Site in North Portland (Approximately NE 47th and NE Columbia Blvd.) Containing a Portion of Whitaker Pond and Abutting the Columbia Slough

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-9. NANCY CHASE OF METRO PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. REQUEST WAS UNANIMOUSLY APPROVED. (NOTE: BUDGET MODIFICATION WILL BE BEFORE THE BOARD AT A LATTER DATE FOR APPROVAL.)**

**JUVENILE JUSTICE DIVISION**

- R-10 Budget Modification JJD 1 Requesting Authorization to Reprogram \$435,041 in Casey Foundation Funds to Reflect Planned Expenditures

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-10. MARIE EIGHMEY PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.**

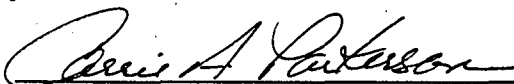
**PUBLIC COMMENT**

- R-11 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

**NONE.**

*There being no further business, the meeting was adjourned at 10:15 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**



**Carrie A. Parkerson**

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**Thursday, October 20, 1994 - 10:30 AM  
(Or Immediately Following Regular Meeting)  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland**

## **BOARD BRIEFING**

**B-4**      *Detention Improvement Plan and the Annie E. Casey Foundation Grant.  
Presented by Hal Ogburn and Rick Jensen.*

### **PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY HAL OGBURN AND RICK JENSEN.**

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*Friday, October 21, 1994 - 1:30 PM - 5:00 PM  
Portland Building, Second Floor Conference Room A  
1120 SW Fifth, Portland*

## **WORK SESSION**

**WS-1**      *Board Work Session and Discussion on Potential Legislative Issues.*

**POTENTIAL LEGISLATIVE ISSUES DISCUSSED BY:  
CHAIR BEVERLY STEIN, BILL FARVER, RHYS  
SCHOLES, JO ANN ALLEN, CHAIR STAFF; VICE-  
CHAIR TANYA COLLIER, COMMISSIONER SHARRON  
KELLEY, ROBERT TRACHTENBERG, STAFF;  
COMMISSIONER GARY HANSEN, MIKE DELMAN,  
STAFF; COMMISSIONER DAN SALTZMAN, AUDITOR  
GARY BLACKMER, HAL OGBURN, JJD; CARY  
HARKAWAY, DCC; BILLI ODEGAARD, DH; MIKE  
OSWALD, DES; JOAN PASCO, MCSO; HOWARD KLINK,  
CFSD; BARRY CROOK AND DAVE WARREN, B&Q;  
AND JIM SCHERZINGER, STATE LEGISLATIVE  
REVENUE OFFICE. FOLLOW-UP LEGISLATIVE  
ISSUES ALL DAY RETREAT SCHEDULED FOR  
TUESDAY, NOVEMBER 29, 1994, LOCATION TO BE  
ANNOUNCED.**





# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

OCTOBER 17, 1994 - OCTOBER 21, 1994

*Tuesday, October 18, 1994 - 9:30 AM - Board Briefings . . . . . Page 2*

*Tuesday, October 18, 1994 - 1:30 PM - Planning Items . . . . . Page 2*

*Thursday, October 20, 1994 - 9:30 AM - Regular Meeting . . . . . Page 3*

*Thursday, October 20, 1994 - 10:30 AM - Board Briefing . . . . . Page 5*

*Friday, October 21, 1994 - 1:30 PM - Work Session . . . . . Page 5*

#### FUTURE MEETING CHANGES/CANCELLATIONS

*Tuesday, 11/15/94 - Cancelled/AOC Conference*

*Thursday, 11/17/94 - Cancelled/AOC Conference*

*Tuesday, 11/22/94 - 9:30 AM Regular Meeting Scheduled*

*Thursday, 11/24/94 - Cancelled/Holiday*

*Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen by Paragon Cable subscribers at the following times:*

*Thursday, 6:00 PM, Channel 30*

*Friday, 10:00 PM, Channel 30*

*Saturday, 12:30 PM, Channel 30*

*Sunday, 1:00 PM, Channel 30*

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

*Tuesday, October 18, 1994 - 9:30 AM*

*Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFINGS**

- B-1 Cultural Diversity Committee Discussion of History, Results of Conference and Future Expectations, and Description of Current Diversity Projects. Presented by Donald Acker. 9:30 TIME CERTAIN, 1 HOUR REQUESTED.*
- B-2 Discussion on Recommended Changes to the Public Contract Review Board Rules. Presented by Dave Boyer and Lillie Walker. 10:30 TIME CERTAIN, 45 MINUTES REQUESTED.*
- B-3 David M. Griffith Report on Costs, Fees and Revenue Study. Presented by Dave Boyer. 11:15 TIME CERTAIN, 45 MINUTES REQUESTED.*
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*Tuesday, October 18, 1994 - 1:30 PM*

*Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**PLANNING ITEMS**

- P-1 C 10-94 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) Section of the Zoning Code to Protect Significant Wildlife Habitat, Scenic Views and Streams in the West Hills and Howard Canyon Areas, in Fulfillment of Periodic Review Remand Order Requirements*
- P-2 C 11-94 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 Regarding the Regulation of Surface Mining and Nearby Surrounding Land Uses in Partial Fulfillment of Periodic Review Work Program Tasks Required to Bring Multnomah County's Land Use Program into Compliance with Statewide Planning Goal 5*
-

Thursday, October 20, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**NON-DEPARTMENTAL**

- C-1      *In the Matter of the Appointments of Margaret Boyles, Winzel Hamilton, Hank Miggins, Robert Sacks and Juanita Skophammer to the CITIZEN INVOLVEMENT COMMITTEE*
- C-2      *In the Matter of the Appointments of Bill Davis, Lorey Freeman, Lauren Hartmann, Margaret Jozsa, Kathleen Lowe, Clinton Nelson and Darlene Swan to the COMMUNITY HEALTH COUNCIL*
- C-3      *In the Matter of the Appointment of Michelle DeShazer to the DUII COMMUNITY ADVISORY BOARD*
- C-4      *In the Matter of the Appointment of Angel Lopez to the LIBRARY ADVISORY BOARD*
- C-5      *In the Matter of the Appointments of Laura Ross-Paul and Mary Ruble to the METROPOLITAN ARTS COMMISSION*

**DEPARTMENT OF HEALTH**

- C-6      *Ratification of Amendment #3 to Intergovernmental Agreement Contract 200714 Between Oregon Health Sciences University Hospital and Multnomah County, Identifying Authorized and Unauthorized Use of Urgency and Emergency Care at OHSU by CareOregon Clients and Establishing a Fee Schedule, for the Period Upon Execution through August 31, 1995*

**COMMUNITY AND FAMILY SERVICES**

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**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-8      *ORDER in the Matter of the Execution of Deed D941024 Upon Complete Performance of a Contract to Wesley Hayzlett and Jettabe Hayzlett*

- C-9      *ORDER in the Matter of the Execution of Deed D951104 Upon Complete Performance of a Contract to Jamal Tarhuni*
- C-10     *ORDER in the Matter of the Execution of Deed D951105 Upon Complete Performance of a Contract to Jamal Tarhuni*
- C-11     *ORDER in the Matter of the Execution of Quitclaim Deed to Appa L. Anderson*

### **REGULAR AGENDA**

### **SHERIFF'S OFFICE**

- R-1      *Budget Modification MCSO 1 Requesting Authorization to Reclassify a Community Service Officer Position in the David Douglas Safety Action Team Budget to an Integrated Community Service Coordinator*

### **PUBLIC CONTRACT REVIEW BOARD**

*(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)*

- R-2      *ORDER in the Matter of Exempting from Public Bidding an Extension of Exemption to Contract with Swanberg & Associates for Security Guard Services*

*(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)*

### **DEPARTMENT OF HEALTH**

- R-3      *First Reading of a Proposed ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health*

### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-4      *ORDER in the Matter of the Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1993 through June 30, 1994*
- R-5      *Ratification of Intergovernmental Agreement Contract 301245 Between Marion County and Multnomah County, Providing Training and Support During Implementation of a Computerized Pavement Management System, for the Period Upon Execution through June 30, 1995*
- R-6      *First Reading and Possible Adoption of a Proposed ORDINANCE Amending Multnomah County Code Chapter 5.10 Establishing a Transportation Systems Development Charge and Declaring an Emergency*
- R-7      *RESOLUTION in the Matter of Adopting a Transportation Impact Fee Systems*

*Development Charge*

- R-8      *Consideration of a RESOLUTION Approving Multnomah County's Local Greenspaces Projects List and Endorsing the Metropolitan Greenspaces Bond Measure*
- R-9      *Metro Regional Parks and Greenspaces Request for Approval of the Transfer of \$75,000 from the Natural Areas Acquisition and Protection Fund Towards the Purchase of a 5 Acre Site in North Portland (Approximately NE 47th and NE Columbia Blvd.) Containing a Portion of Whitaker Pond and Abutting the Columbia Slough*

**JUVENILE JUSTICE DIVISION**

- R-10      *Budget Modification JJD 1 Requesting Authorization to Reprogram \$435,041 in Casey Foundation Funds to Reflect Planned Expenditures*

**PUBLIC COMMENT**

- R-11      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

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*Thursday, October 20, 1994 - 10:30 AM  
(Or Immediately Following Regular Meeting)*

*Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFING**

- B-4      *Detention Improvement Plan and the Annie E. Casey Foundation Grant. Presented by Hal Ogburn and Rick Jensen. 45 MINUTES REQUESTED.*

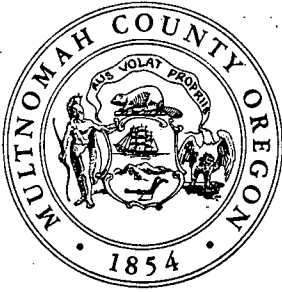
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*Friday, October 21, 1994 - 1:30 PM - 5:00 PM*

*Portland Building, Second Floor Conference Room A  
1120 SW Fifth, Portland*

**WORK SESSION**

- WS-1      *Board Work Session and Discussion on Potential Legislative Issues.*



# Beverly Stein, Multnomah County Chair

Room 1410, Portland Building  
1120 S.W. Fifth Avenue  
P.O. Box 14700  
Portland, Oregon 97204  
(503) 248-3308

## MEMORANDUM

To: Commissioner Dan Saltzman  
Commissioner Gary Hansen  
Commissioner Tanya Collier  
Commissioner Sharron Kelley  
Clerk of the Board

From: Beverly Stein, Chair

Date: September 20, 1994

Re: Absence from Board meeting

On October 18th thru October 20, 1994 I will be in Washington D.C.  
Therefore I will miss the Board meetings for that week.

In addition to my absences I will be attending the AOC Conference  
on November 15th thru 18th.

cc: Bill Farver  
Delma Farrell

BOARD OF  
COUNTY COMMISSIONERS  
1994 SEP 30 PM 3:47  
MULTNOMAH COUNTY  
OREGON



#1

PLEASE PRINT LEGIBLY!

MEETING DATE Oct 18 94

NAME Gordon Hoare

ADDRESS 15729 NW Sheltered Hook Rd

STREET

Portland

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 10.18.94

NAME DONNA MATRAZZO

ADDRESS 19300 NW SAMUEL ISLAND RD

STREET

PORTLAND OR 97231

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # C-10-94

SUPPORT X with language OPPOSE \_\_\_\_\_

SUBMIT TO BOARD CLERK

WEST HILLS SCENIC VALUES



#3

PLEASE PRINT LEGIBLY!

MEETING DATE 10/18/94

NAME BILL MOSHOFSKY

ADDRESS OREGONIANS IN ACTION

STREET

P.O. Box 230637

CITY

TL9021 OR 97281

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # 12-1

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK

#4

"KENACKEE"

PLEASE PRINT LEGIBLY!

MEETING DATE

10/18/94

NAME

Dave Koenacke

ADDRESS

14482 NW Billman

STREET

Port Ore

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

8CC P-1

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

#5

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 10/16/94

**NAME** Arnold Rocklin

**ADDRESS** PO Box 83645

**STREET**

Portland, OR 97283

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-1

**SUPPORT** \_\_\_\_\_ **OPPOSE** \_\_\_\_\_

**SUBMIT TO BOARD CLERK**

#6

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 10/18/94

**NAME** Dan McKenzie

**ADDRESS** 6125 NW Thompson Rd

**STREET**

Portland OR 97210

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** C10-94

**SUPPORT** \_\_\_\_\_

**OPPOSE** X

**SUBMIT TO BOARD CLERK**

#7

**PLEASE PRINT LEGIBLY!**

**MEETING DATE**

Oct 18

**NAME**

Eugene A Oster

**ADDRESS**

20928 NW Gilson Rd

**STREET**

Scappoose, OR, 97056

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #**

C-10

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

Question?

#8

PLEASE PRINT LEGIBLY!

MEETING DATE

10/18/94

NAME

Joseph L. Kobdebo

ADDRESS

725 S.W. Viewmont Dr.

STREET

Portland. Oreg. 97225

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-1

SUPPORT

OPPOSE

X

SUBMIT TO BOARD CLERK

#9

PLEASE PRINT LEGIBLY!

MEETING DATE

11/18/94

NAME

John Sherman

ADDRESS

1912 NW Aspen

STREET

Portland OR

97210

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C10-94

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

#10

PLEASE PRINT LEGIBLY!

MEETING DATE

10/18/94

NAME

JANE HART - METRO

ADDRESS

600 NE Grand Ave  
STREET

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P1, P2

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK



MEETING DATE: October 11, 1994 **OCT 18 1994**

AGENDA NO: P-2 P-1

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** C 10-94 Proposed Ordinance - First Reading

**BOARD BRIEFING** **Date Requested:** \_\_\_\_\_

**Amount of Time Needed:** \_\_\_\_\_

**REGULAR MEETING:** **Date Requested:** October 11, 1994

**Amount of Time Needed:** 1 Hour

**DEPARTMENT:** DES **DIVISION:** Planning

**CONTACT:** R. Scott Pemble **TELEPHONE #:** 3182  
**BLDG/ROOM #:** 412/109

**PERSON(S) MAKING PRESENTATION:** Planning Staff

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

**SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):**

C 10-94 A proposed Ordinance amending the Comprehensive Plan Policies and Significant Environmental Concern (SEC) Section of the Zoning Code to protect significant wildlife habitat, scenic views and streams in the West Hills and Howard Canyon areas, in fulfillment of Periodic Review Remand Order requirements

10/19/94 2 copies to Gordon Howard  
10/19/94 copies to Dave Koennecke  
John DeBary, Sharon & Commissioners Scott Pemble  
Trinko  
10/20/94 copies to Ordinance  
Distribution List

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_

**OR**

**DEPARTMENT MANAGER:** Betsy Wallis

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Office of the Board Clerk 248-3277/248-5222**

## ORDINANCE FACT SHEET

### Ordinance Title:

An Ordinance amending Comprehensive Framework Plan Policies 16, 16-D and 16-F and the Significant Environmental Concern (SEC) section of Multnomah County Code Chapter 11.15 to protect significant wildlife habitat, scenic areas and streams in the West Hills and Howard Canyon areas, in fulfillment of Periodic Review Remand Order requirements.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

The proposed amendments will reference the designation of wildlife habitat and the West Hills scenic area as significant Goal 5 resources in the Comprehensive Plan, and provide protection measures through SEC zoning code provisions. The amendments are necessary to comply with Goal 5 and OAR 660-16 and complete the requirements of the county's Periodic Review Remand Order. The persons benefited will be the public in general.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Every county and city in the state is subject to compliance with Statewide Planning Goal 5. The City of Portland has a number of Environmental zones to protect Goal 5 resources within city limits.

What has been the experience in other areas with this type of legislation?

Additional regulations governing development in order to provide environmental protections.

What is the fiscal impact, if any?

Costs to property owners/developers to submit an application (\$125 application fee). Costs to the county from additional staff workload to process applications (\$719 per 1994 estimate of staff time to process an SEC application). No anticipated budget impacts.

### SIGNATURES

Person Filling Out Form: \_\_\_\_\_

Planning & Budget Division (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official:  \_\_\_\_\_

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the Matter of Amending Comprehensive Plan )  
Policy 16-F and the SEC section of the Zoning )  
Code to protect Scenic Views of the West Hills )

**RESOLUTION  
C 14-94, C 20-94**

**WHEREAS,** Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills; and

**WHEREAS,** On August 9, 1994 the Board of County Commissioners decided that scenic views of the West Hills are a significant Goal 5 resource. Based on an analysis of conflicting uses and economic, social, environmental and energy (ESEE) consequences, the Board determined that the appropriate level of protection for the resource is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). The analysis and reasons justifying the Board's decision are incorporated into the West Hills Reconciliation Report; and

**WHEREAS,** OAR 660-16 requires the county to amend its comprehensive plan and zoning designations to be consistent with the level of protection determined to be appropriate for the resource. These amendments are necessary in order to provide clear standards under which development can occur, so that the scenic value of the resource is protected from possible negative effects of development; and

**WHEREAS,** The Planning Commission conducted a public hearing on September 12, 1994, to accept public testimony on proposed amendments to Comprehensive Plan Policy 16-F and the proposed addition of MCC 11.15.6424 to the SEC section of the zoning code text concerning scenic protection. Additional meetings were held on September 19 and September 26, 1994 to discuss issues surrounding protection measures; and

**WHEREAS,** The Planning Commission recognizes that forest practices, including clear cutting, can legally occur on 95 percent of the significant scenic area, and that such forest practices cannot be regulated by the county, pursuant to ORS 527.722(1); and

**WHEREAS,** The Planning Commission recognizes that other types of development are usually more permanent in nature than forest practices, requiring regulation in siting and design to prevent disruption of the scenic appearance of the forested landscape; and

**WHEREAS,** The Planning Commission feels it would be overly burdensome to private property owners to impose strict regulations prohibiting visibility of other types of development in the West Hills, considering that neighboring properties could be clear cut; and

**WHEREAS,** The Planning Commission feels that the criteria found in MCC 11.15.6424 for approval of development in the West Hills scenic area provides a reasonable balance between protection of the scenic resource and development objectives; and

**WHEREAS,** The Planning Commission voted 7 in favor, 1 opposed and -0- abstain to approve the proposed revisions to Comprehensive Plan Policy 16-F and the adoption of MCC 11.15.6424.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the SEC section of the zoning code by adding a new subsection, numbered MCC 11.15.6424, as indicated in Exhibit A attached hereto, and revise the Comprehensive Plan, Policy 16-F, as indicated in Exhibit B attached hereto, in partial fulfillment of requirements of Periodic Review Remand WKPROG - 0038.

Approved this 26th day of September, 1994

By



Leonard Yoon, Chair

Multnomah County Planning Commission

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the Matter of Amending the Zoning Code     )  
Text to provide Regulation of Development     )  
Adjacent to Protected Streams                     )

**RESOLUTION  
C 15-94**

**WHEREAS,** Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills; and

**WHEREAS,** On August 9, 1994 the Board of County Commissioners decided that certain streams in the county are significant Goal 5 resources. Based on an analysis of conflicting uses and economic, social, environmental and energy (ESEE) consequences, the Board determined that the appropriate level of protection for the resource is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). The analysis and reasons justifying the Board's decision are incorporated into the West Hills Reconciliation Report; and

**WHEREAS,** OAR 660-16 requires the county to amend its zoning designations to be consistent with the level of protection and protection programs determined to be appropriate for the resource. These amendments are necessary in order to provide clear standards under which development can occur, so that the streams are protected from possible negative effects of development; and

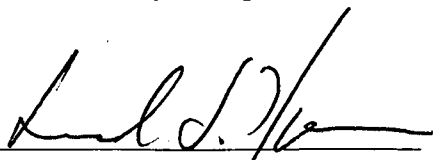
**WHEREAS,** The Planning Commission conducted a public hearing on September 12, 1994, to accept public testimony on proposed amendments to the SEC section of the zoning code text to protect streams, and held additional meetings on September 19 and September 26 to discuss issues surrounding stream protection; and

**WHEREAS,** The proposed SEC-s overlay within the Multnomah County Zoning Code (11.15.6428) will provide specific protections for streams by limiting, but not prohibiting, conflicting uses; and

**WHEREAS,** The proposed SEC-s overlay will accomplish this objective by allowing property owners to either limit development to the portion of their property where it will have the least impact to streams, or requiring offsetting enhancement measures to fully compensate for negative impacts to streams on the property.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the SEC section of the zoning code by adding a new subsection, numbered MCC 11.15.6428, as indicated in Exhibit A attached hereto in partial fulfillment of requirements of Periodic Review Remand WKPROG - 0038.

Approved this 26th day of September, 1994

By   
Leonard Yoon, Chair  
Multnomah County Planning Commission

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the Matter of Amending Comprehensive )  
Plan Policy 16 and MCC 11.15.6400 through )  
.6422 in conjunction with Periodic Review )

**RESOLUTION  
C 16-94, C 17-94**

**WHEREAS,** Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills and Howard Canyon areas; and

**WHEREAS,** On August 9, 1994 the Board of County Commissioners decided that wildlife habitat and scenic views in the West Hills, and streams in the West Hills and Howard Canyon area, are significant Goal 5 resources, and that the appropriate level of protection for these resources is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource); and

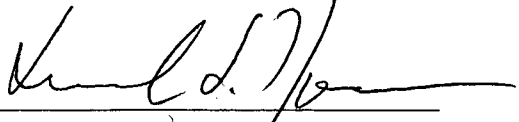
**WHEREAS,** OAR 660-16 requires the county to amend its comprehensive plan and zoning designations to be consistent with the level of protection determined to be appropriate for each significant Goal 5 resource. Proposed changes to the comprehensive plan and Significant Environmental Concern (SEC) section of the zoning code to protect wildlife habitat, scenic views and streams has resulted in the need for revisions to comprehensive plan Policy 16 and MCC 11.15.6400 through .6422 (general provisions of the SEC section); and

**WHEREAS,** The Planning Commission conducted a public hearing on September 12, 1994, to accept public testimony on proposed amendments to the SEC section of the zoning code text and comprehensive plan Policy 16. Additional Planning Commission meetings on the matter were held on September 19 and September 26, 1994; and

**WHEREAS,** The Planning Commission voted 6 in favor, 2 opposed and -0- abstain to approve the proposed revisions to comprehensive plan Policy 16 and MCC 11.15.6400 through 6422.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the SEC section of the zoning code, MCC 11.15.6400 through .6422, as indicated in Exhibit A attached hereto, and revise Comprehensive Framework Plan Policy 16, as indicated in Exhibit B attached hereto, to fulfill requirements of Periodic Review Remand WKPROG - 0038.

Approved this 26th day of September, 1994

By   
Leonard Yoon, Chair  
Multnomah County Planning Commission

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the Matter of Amending the Comprehensive )  
Plan and Zoning Code text to provide protection )  
to Wildlife Habitat in the West Hills )

**RESOLUTION  
C 18-94, C 19-94**

**WHEREAS,** Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills; and

**WHEREAS,** On August 9, 1994 the Board of County Commissioners decided that wildlife habitat in the West Hills is a significant Goal 5 resource. Based on an analysis of conflicting uses and economic, social, environmental and energy (ESEE) consequences, the Board determined that the appropriate level of protection for the resource is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). The analysis and reasons justifying the Board's decision are incorporated into the West Hills Reconciliation Report; and

**WHEREAS,** OAR 660-16 requires the county to amend its comprehensive plan and zoning designations to be consistent with the level of protection and protection programs determined to be appropriate for the resource. These amendments are necessary in order to provide clear standards under which development can occur, so that the wildlife habitat is protected from possible negative effects of development; and

**WHEREAS,** The Planning Commission conducted a public hearing on September 12, 1994, to accept public testimony on proposed amendments to the Comprehensive Plan and SEC section of the zoning code text to protect wildlife habitat, and held additional meetings on September 19 and September 26 to discuss issues surrounding habitat protection; and

**WHEREAS,** The proposed amendments to Comprehensive Framework Plan Policy 16-D (Fish & Wildlife Habitat) will direct Multnomah County to protect its wildlife habitat ecosystems within rural areas of the County; and

**WHEREAS,** The proposed SEC-h overlay within the Multnomah County Zoning Code (11.15.6428) will provide specific protections for wildlife habitat within the West Hills by limiting, but not prohibiting, conflicting uses; and

**WHEREAS,** The proposed SEC-h overlay will accomplish this objective by allowing property developers to either limit development to the portion of their property where it will have the least impact to wildlife habitat, or provide offsetting wildlife enhancement measures to fully compensate for negative impacts to wildlife habitat on the property; and

**WHEREAS,** The proposed SEC-h overlay will restrict types and sizes of fencing adjacent to the public road right of way so as to decrease the mortality of wildlife along public

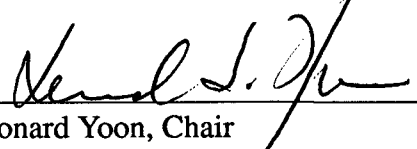
roads; and

**WHEREAS,** The proposed SEC-h overlay includes a list of non-native plant species prohibited for use in property landscaping due to their invasive nature and resulting destruction of native wildlife habitat areas; and

**WHEREAS,** Although the Goal 5 ESEE analysis showed that forest practices have significant negative environmental effects upon wildlife habitat, current state law prohibits Multnomah County regulation of forest practices upon lands designated and zoned Commercial Forest Use, which constitute more than 76% of the significant wildlife habitat area;

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the SEC section of the zoning code by adding a new subsection, numbered MCC 11.15.6426, as indicated in Exhibit A attached hereto, and revise the Comprehensive Plan, Policy 16-D, as indicated in Exhibit B attached hereto, in partial fulfillment of requirements of Periodic Review Remand WKPROG - 0038.

Approved this 26th day of September, 1994

By   
Leonard Yoon, Chair  
Multnomah County Planning Commission



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) section of the Zoning Code to protect significant wildlife habitat, scenic views and streams in the West Hills and Howard Canyon areas, in fulfillment of Periodic Review Remand Order requirements.

Multnomah County Ordains as follows:

Section I. Findings.

(A) Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills.

(B) On August 9, 1994 the Board of County Commissioners (Board) decided that wildlife habitat and scenic views in the West Hills and streams in the West Hills and Howard Canyon area are significant Goal 5 resources, and based on an analysis of economic, social, environmental and energy (ESEE) consequences, the appropriate level of protection for these resources is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). This analysis and recommendation are incorporated into the West Hills Reconciliation Report which was adopted by the Board on September 22, 1994.

(C) OAR 660-16 requires the county to amend its Comprehensive Plan and zoning designations to be consistent with the level of protection determined to be appropriate for each resource. Revisions to Comprehensive Plan Policies 16, 16-D and 16-F are necessary to reflect the county's decision to protect wildlife habitat and scenic views of the West Hills. Proposed amendments to the Significant Environmental Concern (SEC) section of the zoning code will provide specific standards under which development can occur in areas which contain significant wildlife habitat, scenic landscapes or streams.

1 (D) Notice and the opportunity for public comment on the Comprehensive Plan Policy and SEC  
2 code amendments was provided at a Planning Commission hearing on September 12, 1994. After deliber-  
3 ation on September 19 and September 26, 1994, the Planning Commission recommended that the amend-  
4 ments to the Comprehensive Plan Policies and SEC section of the zoning code be adopted by the Board.

5 (E) On October 11, 1994, the Board conducted a public hearing on the proposed Comprehensive  
6 Plan and Zoning Code amendments and the Planning Commission recommendation.

7

8 Section II. Amendment of Framework Plan Text.

9

10 The Multnomah County Comprehensive Framework Plan is hereby amended to read as follows:

11 (Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

12

13 POLICY 16: NATURAL RESOURCES

14

15 INTRODUCTION

16 The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: "Open  
17 Spaces, Scenic and Historic Areas, and Natural Resources". These resources are necessary to ensure  
18 the health and well-being of the population, and include such diverse components as mineral and  
19 aggregate reserves, significant wetlands, historic sites, and scenic waterways. The individual compo-  
20 nents, as set forth by state law (OAR 660-16), are addressed below as subpolicies 16-A through 16-L.

21 Natural resources within the Columbia River Gorge National Scenic Area are not subject to statewide  
22 Goal 5 and are addressed through Policy 41.

23

24 An overlay classification, "Significant Environmental Concern" will be applied to certain areas identi-  
25 fied as having one or more of these resource values.

26

1 POLICY 16

2  
3 THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, CONSERVE OPEN  
4 SPACE, AND TO PROTECT SCENIC AND HISTORIC AREAS AND SITES. THESE  
5 RESOURCES ARE ADDRESSED WITHIN SUB-POLICIES 16-A THROUGH 16-L.  
6

7 STRATEGIES

8 A. The county will maintain an inventory of the location, quality, and quantity of each of these  
9 resources. Sites with minimal information will be designated "1B", but when sufficient informa-  
10 tion is available, the County will conduct the necessary ESEE analysis.

11 B. Certain areas identified as having one or more significant resource values will be protected by the  
12 designation Significant Environmental Concern (SEC). This overlay zone will require special pro-  
13 cedures for the review of certain types of development allowed in the base zones. This review pro-  
14 cess will ensure the minimum impact on the values identified within the various areas, and shall be  
15 designed to mitigate any lost values to the greatest extent possible. [~~Areas designated SEC are~~  
16 ~~generally depicted on the following map.~~]

17 C. The following areas shall be designated as "Areas of Significant Environmental Concern" based  
18 on "Economic, Social, Environmental, and Energy" (ESEE) evaluations and designations of "2A",  
19 "3A", or "3C" under Statewide Goal 5. Resource protection shall be provided by either the SEC or  
20 WRG overlay provisions in the Multnomah County Zoning Code (MCC 11.15) applied on:  
21

- 22 1. Resource sites designated "2A", "3A", or "3C" in the Multnomah County Goal 5 Inventory and  
23 identified for SEC or WRG protections in SUB-POLICIES 16-A through [~~D, 16 E, 16 G, or~~  
24 16-L.
- 25 2. Hayden Island west of the Burlington Northern Railroad tracks,
- 26 3. Blue Lake, Fairview Lake (Ord. 234), and Columbia River shore area and islands,

1 4. Johnson Creek,

2 5. Other areas as may be determined under established Goal 5 procedures to be suitable for this  
3 "area" designation.

4  
5 D. Those wetlands and water areas listed in C. above that are located within the Willamette River  
6 Greenway (Policy 15) will be protected by development review procedures within the WRG over-  
7 lay zone instead of the SEC zone.

8  
9 POLICY 16-D FISH AND WILDLIFE HABITAT

10  
11 IT IS THE COUNTY'S POLICY TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITAT,  
12 AND TO SPECIFICALLY LIMIT CONFLICTING USES WITHIN NATURAL ECOSYSTEMS  
13 WITHIN THE RURAL PORTIONS OF THE COUNTY AND SENSITIVE BIG GAME WINTER  
14 HABITAT AREAS

15  
16 STRATEGIES

17 A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant  
18 habitat areas, and to delineate sensitive big game winter habitat areas. If necessary, supplement  
19 this information with additional professional analysis to identify additional significant habitat  
20 areas and natural ecosystems within rural portions of the County.

21 B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River  
22 Greenway.

23 C. Include provisions within the Zoning Ordinance to review development proposals which may  
24 affect natural ecosystems within the rural portions of the County and sensitive big game winter  
25 habitat areas.

POLICY 16-F SCENIC VIEWS AND SITES

IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT ~~[SUCH AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES]~~ THEIR AESTHETIC APPEARANCE FOR THE ENJOYMENT OF FUTURE GENERATIONS.

STRATEGIES

- A. Apply the SEC overlay zone to the ~~[Columbia River Gorge National Scenic Area and the]~~ Sandy River State Scenic Waterway and other significant scenic areas designated "2A", "3A", or "3C" under Statewide Goal 5 to assure the scenic resources of these areas are not diminished as new development occurs.
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., ~~[Columbia River Gorge Commission,]~~ National Forest Service, State Parks and Recreation Division Rivers Program, ~~[County Parks Division]~~ etc.).
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
- E. Administer Design Review provisions to enhance visual qualities of the built environment.
- F. Apply a scenic overlay to the West Hills significant ("3-C") scenic area. Review new development that would be visible from Sauvie Island and other viewing areas identified in the Goal 5 analysis to assure that the overall appearance of a natural forested landscape is retained.

1 Section III. Amendment of Zoning Code.

2

3 Multnomah County Code Chapter 11.15 is amended to read as follows:

4 (Underlined sections are new or replacements; ~~[bracketed]~~ sections are deleted.)

5

6 **Significant Environmental Concern SEC**

7

8 **11.15.6400 Purposes**

9 The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance,  
10 restore, and maintain significant natural and man-made features which are of public value, including  
11 among other things, river corridors, streams, lakes and islands, domestic water supply watersheds,  
12 flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats,  
13 significant geological features, tourist attractions, archaeological features and sites, and scenic views  
14 and vistas, and to establish criteria, standards, and procedures for the development, change of use, or  
15 alteration of such features or of the lands adjacent thereto.

16

17 **11.15.6402 Area Affected**

18 Except as otherwise provided in MCC .6404 or MCC .6406, this subsection shall apply to those lands  
19 designated SEC on the Multnomah County Zoning Map.

20

21 **11.15.6404 Uses – SEC Permit Required**

22 (A) All uses permitted under the provisions of the underlying district are permitted on lands designated  
23 SEC; provided, however, that the location and design of any use, or change or alteration of a use,  
24 except as provided in MCC .6406, shall be subject to an SEC permit. ~~[The excavation of any~~  
25 ~~archaeological site shall require an SEC permit, under MCC .6412, regardless of the zoning desig-~~  
26 ~~nation of the site.]~~

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

~~[(C) Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.]~~

(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.

#### **11.15.6406 Exceptions**

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;

(B) Except as provided in MCC .6420(C), the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

~~[(F) Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;]~~

1 ~~[(G)]~~ (F) The expansion of capacity, or the replacement, of existing communication or energy distri-  
2 bution and transmission systems, except substations;

3 ~~[(H)]~~ (G) The maintenance and repair of existing flood control facilities; and

4 ~~[(H)]~~ (H) Maintenance of u[U]ses legally existing on ~~[the effective date of this Chapter]~~ (effective  
5 date of this ordinance); provided, however, that any change, expansion or alteration of such use  
6 (except for changes to a structure which do not require any modification to the exterior of the  
7 structure) shall require an SEC permit as provided herein.~~[-and]~~

8 ~~[(J) Those Class 1 streams located:~~

9 ~~(1) Within mineral and aggregate resource areas designated "2A", "3A" or "3C" by a Statewide~~  
10 ~~Planning Goal 5 Economic, Social, Environmental and Energy analysis, or~~

11 ~~(2) Within the Willamette River Greenway.]~~

### 13 **11.15.6408 Application for SEC Permit**

14 An application for an SEC permit for a use or for the change or alteration of an existing use on land  
15 designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428 and  
16 shall be filed as follows:

17  
18 (A) For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in MCC  
19 .8210(B); and

20 (B) For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640,  
21 or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone  
22 classification or for any other action as specified in MCC .8205, the SEC permit application shall  
23 be combined with the required application for the proposed action and filed in the manner provid-  
24 ed in MCC .8210 and .8215.



(C) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

#### **11.15.6409 Applicable Approval Criteria**

(A) The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<u>zoning</u>		<u>approval</u>
<u>designation</u>		<u>criteria</u>
<u>SEC-w</u>	<u>(wetlands)</u>	<u>MCC .6422</u>
<u>SEC-v</u>	<u>(scenic views)</u>	<u>MCC .6424</u>
<u>SEC-h</u>	<u>(wildlife habitat)</u>	<u>MCC .6426</u>
<u>SEC-s</u>	<u>(streams)</u>	<u>MCC .6428</u>

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.

(E) For Goal 5 resources designated "3-C", the approval criteria shall be used to determine the most appropriate location, size and scope of a proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

#### **11.15.6410 SEC Permit – Required Findings**

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428.

#### **11.15.6412 Decision by Planning Director**

(A) A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.

(B) The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.

(C) Within ten business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

(D) A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6414 Decision by a Hearings Officer**

(A) A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(B) Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.

(C) The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6416 Appeals**

(A) A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.

(B) A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.

#### **11.15.6418 Scope of Conditions**

(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable [~~policies of the Comprehensive Plan~~] criteria of MCC .6420 through .6428 and any other requirements specified in the Goal 5 protection program for the

1 affected resource. Said conditions may relate to the locations, design, and maintenance of existing  
2 and proposed improvements, including but not limited to buildings, structures and use areas, park-  
3 ing, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fenc-  
4 ing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.

5 (B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including ener-  
6 gy and communication facilities.

7

#### 8 **11.15.6420 Criteria for Approval of SEC Permit**

9 The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas,  
10 cultural areas and wild and scenic waterways that are designated SEC on Multnomah County sectional  
11 zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

12

13 (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegeta-  
14 tion shall be provided between any use and a river, stream, lake, or floodwater storage area.

15 (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

16 (C) The harvesting of timber on lands designated SEC shall be conducted in a manner which will  
17 insure that natural, scenic, and watershed qualities will be maintained to the greatest extent practi-  
18 cable or will be restored within a brief period of time.

19 (D) A building, structure, or use shall be located on a lot in a manner which will balance functional  
20 considerations and costs with the need to preserve and protect areas of environmental significance.

21 (E) Recreational needs shall be satisfied by public and private means in a manner consistent with the  
22 carrying capacity of the land and with minimum conflict with areas of environmental significance.

23 (F) The protection of the public safety and of public and private property, especially from vandalism  
24 and trespass, shall be provided to the maximum extent practicable.

25 (G) Significant fish and wildlife habitats shall be protected.

26 (H) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to

the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.

(I) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

~~[(J) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.]~~

~~[(K)]~~ (J) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

~~[(L)]~~ ~~Significant wetland areas shall be protected as provided in MCC .6422.]~~

~~[(M)]~~ (K) Areas of erosion or potential erosion shall be protected from loss by appropriate means, ~~which are compatible with the environmental character~~ Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities..

~~[(N)]~~ (L) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

~~[(O)]~~ (M) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

~~[(P)]~~ (N) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

~~[(Q)]~~ (O) The applicable policies of the Comprehensive Plan shall be satisfied.

1 **11.15.6422 Criteria for Approval of SEC-w Permit - Significant Wetlands**

2

3 *Significant wetlands* consist of those areas designated as *Significant* on aerial photographs of a scale  
4 of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any  
5 proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject  
6 to the following:

7

8 (A) In addition to other SEC Permit submittal requirements, the application shall also include:

- 9 (1) A site plan drawn to scale showing the wetland boundary as determined by a documented  
10 field survey, the location of all existing and proposed [~~structures, roads,~~] watercourses,  
11 drainageways, stormwater facilities, utility installations, and topography of the site at a con-  
12 tour interval of no greater than five feet;
- 13 (2) A description and map of the wetland area that will be affected by the proposed activity. This  
14 documentation must also include a map of the entire wetland, an assessment of the wetland's  
15 functional characteristics and water sources, and a description of the vegetation types and fish  
16 and wildlife habitat;
- 17 (3) A description and map of soil types in the proposed development area and the locations and  
18 specifications for all proposed draining, filling, grading, dredging, and vegetation removal,  
19 including the amounts and methods;
- 20 (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed develop-  
21 ment area and any proposed protective measures to reduce such hazards;
- 22 (5) Detailed Mitigation Plans as described in subsection (D), if required;
- 23 (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

24

25 (B) [~~In addition to the criteria listed in MCC .6372-t~~] The applicant shall demonstrate that the propos-  
26 al:

- (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;
- (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;
- (3) Will not cause significant degradation of groundwater or surface-water quality;
- (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;
- (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;
- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and
- (3) In cases where the applicant has rejected alternatives to the project as proposed due to con-

1           straints, a reasonable attempt has been made to remove or accommodate such constraints.

2  
3       (D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

- 4           (1) A site plan and written documentation which contains the applicable information for the  
5               replacement wetland as required by MCC .6372 and .6376 (A);
- 6           (2) A description of the applicant's coordination efforts to date with the requirements of other  
7               local, State, and Federal agencies;
- 8           (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC  
9               .6376 (B)(2);
- 10          (4) Documentation that replacement wetlands were considered and rejected according to the fol-  
11               lowing order of locational preferences:
- 12               (a) On the site of the impacted wetland, with the same kind of resource;
- 13               (b) Off-site, with the same kind of resource;
- 14               (c) On-site, with a different kind of resource;
- 15               (d) Off-site, with a different kind of resource.

16  
17   **11.15.6424 Criteria for Approval of SEC-v Permit - Significant Scenic Views**

18  
19   Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional  
20   zoning maps.

21  
22   Identified Viewing Areas are public areas that provide important views of a significant scenic  
23   resource, and include both sites and linear corridors. Identified Viewing Areas include:

24  
25   Bybee-Howell House

26   Virginia Lakes



1 Sauvie Island Wildlife Refuge

2 Kelly Point Park

3 Smith and Bybee Lakes

4 Highway 30

5 The Multnomah Channel

6 The Willamette River

7 Public roads on Sauvie Island

8  
9 Visually subordinate means development does not noticeably contrast with the surrounding landscape,  
10 as viewed from an identified viewing area. Development that is visually subordinate may be visible,  
11 but is not visually dominant in relation to its surroundings.

12  
13 (A) In addition to the information required by MCC .6408(C), an application for development in an  
14 area designated SEC-v shall include:

15 (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any  
16 proposed structure;

17 (2) Elevation drawings showing the appearance of proposed structures when built and surround-  
18 ing final ground grades;

19 (3) A list of identified viewing areas from which the proposed use would be visible; and

20 (4) A written description and drawings demonstrating how the proposed development will be  
21 visually subordinate as required by (B) below, including information on the type, height and  
22 location of any vegetation or other materials which will be used to screen the development  
23 from the view of identified viewing areas.

24  
25 (B) Any portion of a proposed development (including access roads, cleared areas and structures) that  
26 will be visible from an identified viewing area shall be visually subordinate. Guidelines which

1 may be used to attain visual subordination include:

- 2 (1) Siting on portions of the property where topography and existing vegetation will screen the  
3 development from the view of identified viewing areas.
- 4 (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.
- 5 (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so  
6 that it is not highly visible from identified viewing areas. Shielding and hooding materials  
7 should be composed of nonreflective, opaque materials.
- 8 (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development.  
9 Priority should be given to retaining existing vegetation over other screening methods. Trees  
10 planted for screening purposes should be coniferous to provide winter screening. The appli-  
11 cant is responsible for the proper maintenance and survival of any vegetation used for screen-  
12 ing.
- 13 (5) Siting in a manner so that grading, cuts or fill are minimized and accomplished in a manner so  
14 that the topography after completion of the development will blend with the surrounding land-  
15 scape.
- 16 (6) Limiting structure height to remain below the surrounding forest canopy level.
- 17 (7) Siting and/or design so that the silhouette of buildings and other structures remains below the  
18 skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying  
19 the building or structure height and design as well as location on the property, except:
- 20 (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude  
21 above a skyline visible from an identified viewing area upon demonstration that:
- 22 (i) The new facility could not be located in an existing transmission corridor or built  
23 upon an existing facility;
- 24 (ii) The facility is necessary for public service; and
- 25 (iii) The break in the skyline is the minimum necessary to provide the service.
- 26

1 (C) Mining of a protected aggregate and mineral resource shall be done in accordance with any stan-  
2 dards for mining identified in the protection program approved during the Goal 5 process.

3 (D) The approval authority may impose conditions of approval on an SEC-v permit in accordance with  
4 MCC .6418, in order to make the development visually subordinate. The extent and type of condi-  
5 tions shall be proportionate to the potential adverse visual impact of the development as seen from  
6 identified viewing areas, taking into consideration the size of the development area that will be  
7 visible, the distance from the development to identified viewing areas, the number of identified  
8 viewing areas that could see the development, and the linear distance the development could be  
9 seen along identified viewing corridors.

10  
11  
12 **11.15.6426 Criteria for Approval of SEC-h Permit - Wildlife Habitat**

13  
14 (A) In addition to the information required by MCC .6408(C), an application for development in an  
15 area designated SEC-h shall include an area map showing all properties which are adjacent to the  
16 proposed development, with the following information:

- 17 (1) Location of primary, secondary, and impacted wildlife habitat areas as per the adopted refer-  
18 ence map within the Multnomah County Comprehensive Plan;  
19 (2) Location of all existing forested areas (including areas cleared pursuant to an approved forest  
20 management plan) and non-forested "cleared" areas;  
21 (3) Location of existing structures;  
22 (4) Location and width of existing and proposed public roads, private access roads, driveways,  
23 and service corridors on the subject parcel and within 200 feet of the subject parcel's bound-  
24 aries on all adjacent parcels;  
25 (5) Proposed type and location of all fencing on the subject property.  
26

1 (B) Approval shall be based on the ability of the proposal to meet the following standards:

2 (1) Where a parcel to be developed contains any combination of primary, secondary, and impact-  
3 ed wildlife habitat areas, development activities shall be limited to the less valuable of the  
4 wildlife habitat areas, except as necessary to provide access.

5 (2) The proposed development shall be located so as to maintain existing forested areas which are  
6 broadly contiguous with forested areas or areas being reforested on adjacent properties.

7 (3) The proposed development shall satisfy either (a) or (b) below:

8 (a) Development location and fencing standards:

9 (i) The development shall be within 200 feet of any public road abutting the site

10 (ii) Access road/driveway and service corridor serving the development shall not exceed  
11 500 feet in length

12 (iii) Access road/driveway shall be located within 100 feet of the property boundary if  
13 adjacent property has an access road or driveway within 200 feet of the property  
14 boundary

15 (iv) The development shall be within 300 feet of the property boundary if adjacent prop-  
16 erty has structures and developed areas within 200 feet of the property boundary.0

17 (v) Fencing within a required setback from a public road shall be designed so as to allow  
18 the passage of wildlife. Such fencing shall meet the following criteria:

19 (A) Fences shall have a maximum height of 48 inches.

20 (B) Fences may be constructed of rail, woven wire, and barbed or barbless wire.  
21 Fences may be electrified. Cyclone and chain link fences are prohibited.

22 (C) Solid fencing which acts as a visual barrier to wildlife is not permitted.

23  
24 (b) Wildlife Conservation Plan

25 The applicant shall prepare a wildlife conservation plan for the proposed development  
26 which shall demonstrate that the proposed development has either:

- (i) Fully mitigated any adverse impacts to wildlife habitat on the site, or
- ii) Provided for wildlife enhancement measures which compensate for the loss of any wildlife habitat values on the site.

(4) The following nuisance plants shall not be included within landscape plans:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler's Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus sepium</u>	<u>Lady's nightcap</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann's Lace</u>
<u>Elodea densa</u>	<u>South American Waterweed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane's Bill</u>
<u>Geranium robertianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John's Wort</u>

1	<u>Ilex aquafolium</u>	<u>English Holly</u>
2	<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
3	<u>Lemna minor</u>	<u>Duckweed, Water Lentil</u>
4	<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>
5	<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
6	<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
7	<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
8	<u>Poa annua</u>	<u>Annual Bluegrass</u>
9	<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
10	<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
11	<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
12	<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
13	<u>Rhus diversiloba</u>	<u>Poison Oak</u>
14	<u>Rubusdiscolor</u>	<u>Himalayan Blackberry</u>
15	<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
16	<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
17	<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
18	<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
19	<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
20	<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
21	<u>Ultricularia vulgaris</u>	<u>Common Bladderwort</u>
22	<u>Utica dioica</u>	<u>Stinging Nettle</u>
23	<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
24	<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
25	<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
26	<u>various genera</u>	<u>Bamboo sp.</u>

1 **11.15.6428 Criteria for Approval of SEC-s Permit - Streams**

2  
3 Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to  
4 be either "2-A", "3-A", or "3-C", are identified as protected in the Comprehensive Framework Plan,  
5 and are designated SEC-s on the Multnomah County Sectional Zoning Maps.

6  
7 Development = Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequi-  
8 site to the use or improvement of any land, including a building, land use, occupancy, sewer connec-  
9 tion or other similar permit, and any associated grading or vegetative modifications.

10  
11 Stream Conservation Area = An area extending 300' upslope from and perpendicular to the centerline  
12 of a protected stream. Any development proposed within a Stream Conservation Area shall be  
13 required to demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through  
14 (D).

15  
16 (A) Except for the following exempt uses, no development shall be allowed within a Stream  
17 Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC  
18 11.15.6428(B) through (D).

19 (1) Forest practices conducted under the Forest Practices Act

20 (2) Planting of native vegetation

21 (3) Agricultural uses, except structures

22 (4) Maintenance, but not expansion, of existing developments

23 (5) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to  
24 ensure continuous width

25 (6) Single utility poles necessary to provide service to the local area  
26

1 (B) In addition to other SEC Permit submittal requirements, any application to develop in a Stream  
2 Conservation Area shall also include:

3 (1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all  
4 existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, util-  
5 ity installations, and topography of the site at a contour interval equivalent to the best available  
6 U.S. Geological Survey 7.5' or 15' topographic information;

7 (2) A detailed description and map of the Stream Conservation Area including that portion to be  
8 affected by the proposed activity. This documentation must also include a map of the entire  
9 Stream Conservation Area, an assessment of the Stream Conservation Area's functional char-  
10 acteristics and water sources, and a description of the vegetation types and fish and wildlife  
11 habitat;

12 (3) A description and map of soil types in the proposed development area and the locations and  
13 specifications for all proposed draining, filling, grading, dredging, and vegetation removal,  
14 including the amounts and methods;

15 (4) A study of any flood hazard, erosion hazard, and/ or other natural hazards in the proposed  
16 development area and any proposed protective measures to reduce such hazards as required by  
17 (F)(5) below;

18 (5) A detailed Mitigation Plan as described in subsection (E), if required; and

19 (6) A description of how the proposal meets the approval criteria listed in subsection (C) below.

20  
21 (C) The applicant shall demonstrate that the proposal:

22 (1) Has no practicable alternative as described in subsection (D) below;

23 (2) Will have no impacts on the Stream Conservation Area's functional characteristics and its  
24 existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage,  
25 general hydrological conditions, and visual amenities. This impact determination shall also  
26 consider specific site information contained in the adopted Stream Conservation Areas inven-



1 tory and the economic, social, environmental, and energy (ESEE) analysis made part of the  
2 supporting documentation of the comprehensive plan; and

3 (3) Will not cause measurable degradation of groundwater or surface water quality; or

4 (4) Will provide offsetting replacement Stream Conservation Area for any loss of existing Stream  
5 Conservation Areas and will significantly enhance the functional characteristics of the stream.  
6 This Mitigation Plan shall meet the standards of subsection (E) below.

7  
8 (D) A finding of no practicable alternative is to be made by the Approval Authority only after demon-  
9 stration by the applicant that:

10 (1) For uses listed by the underlying zone as Primary Uses and Uses Under Prescribed Conditions  
11 or utilities and facilities necessary to serve Conditional Uses outside of the Stream  
12 Conservation Area, there is no alternative site on the Lot of Record for the development out-  
13 side of the Stream Conservation Area, or

14 (2) For uses listed by the underlying zone as Conditional Uses, there is neither an alternative site  
15 on the Lot of Record for the development outside of the Stream Conservation Area, nor can the  
16 basic purpose of the project reasonably be accomplished using one or more other practicable  
17 alternative sites in Multnomah County that would avoid or result in less adverse impact on a  
18 Stream Conservation Area. An alternative site is to be considered practicable if it is available  
19 for purchase and the proposed activity can be conducted on that site after taking into consider-  
20 ation costs, existing technology, infrastructure, and logistics in achieving the overall project  
21 purposes.

22  
23 (E) A Mitigation Plan and monitoring program may be approved by the Hearings Officer upon sub-  
24 mission of the following:

25 (1) A site plan and written documentation which contains the applicable information for the  
26 replacement Stream Conservation Area as required by MCC .6428(B);

1 (2) A description of the applicant's coordination efforts to date with the requirements of other  
2 local, State, and Federal agencies;

3 (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC  
4 .6428 (C)(2);

5 (4) Documentation that replacement Stream Conservation Areas were considered and rejected  
6 according to the following order of locational preferences;

7 (a) On the site of the impacted Stream Conservation Area, with the same kind of resource;

8 (b) Off-site, with the same kind of resource;

9 (c) On-site, with a different kind of resource;

10 (d) Off-site, with a different kind of resource.

11  
12 (5) A five year annual monitoring plan which insures an 80 percent annual survival rate of any  
13 required plantings.

14  
15 (F) Design Specifications

16 The following design specifications shall be incorporated, as appropriate, into any developments  
17 within a Stream Conservation Area:

18 (1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the  
19 minimum width necessary shall be utilized for any crossing of a protected streams.

20 (2) All storm water generated by a development shall be collected and disposed of on-site into dry  
21 wells or by other best management practice methods which emphasize groundwater recharge  
22 and reduce peak stream flows.

23 (3) Any exterior lighting associated with a proposed development shall be placed, shaded or  
24 screened to avoid shining directly into a Stream Conservation Area

25 (4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced  
26 by any combination of native species whose combined caliper is equivalent to that of the trees





# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Board of County Commissioners

FROM: Planning Staff  
Division of Planning and Development

DATE: October 14, 1994

SUBJECT: Proposed SEC Regulation Ordinance

BOARD OF  
COUNTY COMMISSIONERS  
1994 OCT 14 PM 4:12  
MULTNOMAH COUNTY  
OREGON

At the October 11, 1994 Board of Commissioners first reading and public hearing on the proposed mining ordinance, the Board requested additional information and suggested language changes for some issues. Following is a listing of those issues. Where changes to the wording of the ordinance dated 9/26/94 is given, these recommendations will be in the format of underlined new language and ~~crossed through words~~ to be deleted. (The 9/26/94 ordinance sections are transferred to this memo in all plain type and do not reflect amendments of the existing code as shown in the actual ordinance.)

### ITEM 1 SEC-s (SCENIC VIEWS) GUIDELINES

#### Page 17 Lines 25-26 and Page 18 Line 1 (Sec. 11.15.6424 (B))

- (B) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

DISCUSSION: This additional language clarifies that the "guidelines" for achieving visual subordination which follow in the ordinance will be used not only by an applicant in proving his/her case, but also by the Planning Department or hearing body in making a finding of conformance with the ordinance.

ITEM 2 SEC-h (WILDLIFE HABITAT) FENCING STANDARDS

Page 20, Lines 17-22 (Section 11.15.6426 (B) (3) (a) (v))

(v) Fencing within a required setback from a public road shall be designed so as to allow the passage of wildlife. Such fencing shall meet the following criteria:

(A) Fences shall have a maximum height of ~~48~~ 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(B) Fences may be constructed of rail, ~~woven wire, and~~ barbed, or barbless wire. The bottom strand of a wire fence shall be barbless. Fences may be electrified. Cyclone, woven wire, and chain link fences are prohibited.

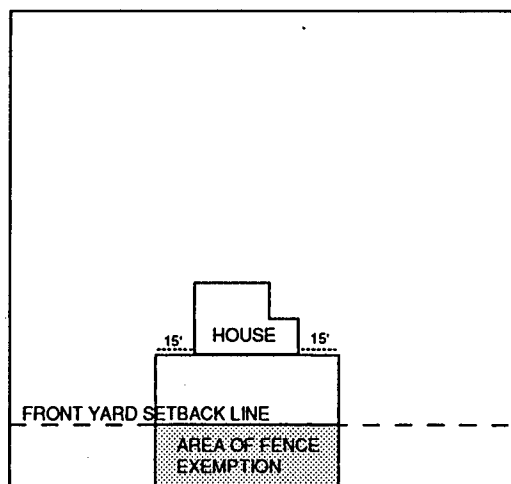
(C) Solid fencing which acts as a visual barrier to wildlife is not permitted.

(D) That portion of the required setback along a public road which can be described as an area bounded by:

- 1) the public road,
  - 2) a line connecting two points extending fifteen feet from each end of the building line of the principal residence or structure.
  - 3) a line connecting the public road and one of the two outer points described in 2) above which is perpendicular to the public road, and
  - 4) a line connecting the public road and the other of the two outer points described in (2) above which is perpendicular to the public road:
- shall not be subject to these fencing requirements.

FIGURE .6400A

FENCE EXEMPTION  
AREA



DISCUSSION: This additional language provides stricter fencing requirements within the setbacks to public roadways which further limit the type of fencing allowed, reduce the maximum height of the fence, and require a minimum clearance between the fence and the ground. The complex language at the end of the revisions allows for the immediate "front yard" of a residence to be exempt from the fencing requirements so as to allow for more secure fencing in the front of a residence. The figure would be included in the ordinance to visually explain the exemption area.

### ITEM 3 LOT OF RECORD DEFINITION

Page 25, Lines 10-13 (Section 11.15.6428 (D) (1))

- (1) For uses listed by the underlying zone as Primary Uses and Uses Under Prescribed Conditions or utilities and facilities necessary to serve Conditional Uses outside of the Stream Conservation Area, there is no alternative site on the Lot of Record (as defined by the underlying zoning district) for the development outside of the Stream Conservation Area.

DISCUSSION: This change would clarify that the "Lot of Record" defined by this section of the ordinance depends upon the definition of "Lot of Record" within the underlying zoning district. Definitions for what constitutes a "Lot of Record" vary between different rural zoning districts.

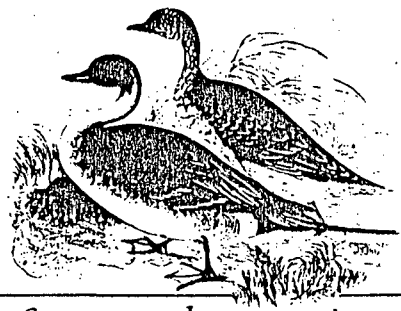
### ITEM 4 ALTERNATIVE SITE "AVAILABLE FOR PURCHASE"

Page 15, Lines 15-22 (Section 11.15.6428 (D) (2))

- (2) For uses listed by the underlying zone as Conditional Uses, there is neither an alternative site on the Lot of Record for the development outside of the Stream Conservation Area, nor can the basic purpose of the project reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a Stream Conservation Area. An alternative site is to be considered practicable if it is ~~available for purchase~~ the subject of a listing agreement or advertised for sale and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes.

DISCUSSION: This revision clarifies that the term "available for purchase" is more precisely defined as "the subject of a (real estate) listing agreement or (otherwise) advertised for sale." This standard can be more easily measured.

# SAUVIE ISLAND *Conservancy*



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*dedicated to the preservation of island rural life, wildlife & natural recreation areas*

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## TESTIMONY REFERENCES

10/18/94

MATRIZZO  
HANDOUT

PROPOSED CHANGES TO PLAN POLICY 16-F  
AND MCC .6424 FOR SCENIC RESOURCE PROTECTION

based on Planning Commission discussion on September 19, 1994

Goal 5 decision is to limit - Must be clear & objective  
Check Administrative rule for Goal 5.

POLICY 16-F SCENIC VIEWS AND SITES

(Language is more watered down from previous version)

IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT  
[SUCH AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES] THEIR AESTHETIC  
APPEARANCE FOR THE ENJOYMENT OF FUTURE GENERATIONS.

STRATEGIES

PRESENT AND

BY LIMITING  
CONFLICTING LAND USES

- A. Apply the SEC overlay zone to the Columbia River Gorge National Scenic Area and Sandy River State Scenic Waterway and other significant scenic areas designated "2A", "3A" or "3C" under Statewide Goal 5 to assure the scenic resources of these areas are not diminished as new development occurs. *resources determined by Multnomah County. What if OARS is rewritten? There is no 2A, 3A or 3C.*
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., Columbia River Gorge Commission, National Forest Service, State Parks and Recreation Division Rivers Program, County Parks Division etc.).
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands. *define*
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
- E. Administer Design Review provisions to enhance visual qualities of the built environment.
- E. Apply a scenic overlay to the West Hills significant "3-C" scenic area. Review new development that would be visible from Sauvie Island and other viewing areas identified in the Goal 5 analysis to assure that the overall appearance of a natural forested landscape is retained. *standards should*
- Let developer know what they're getting into
  - Allow review to be more straightforward
- If it's discretionary, that's where reviews get into legal trouble and

11.15.6424 Criteria for Approval of SEC-v Permit - Significant Scenic Views

Maps were not available at hearing on Oct. 11.

Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

includes rights of way?

To whom? Not just a passing glance or what?

Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas include:

For the purposes of a scenic application, this is all

Plan and Code  
Revisions

that will be considered unless what else is specified or explained

Scenic

SLIPPERY AND VAGUE



Bybee-Howell House  
Virginia Lakes  
Sauvie Island Wildlife Refuge  
Kelly Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island

Needs to get back to basic criteria.  
You either see it or you can't

Language: "shall be done"  
instead of "must be done"  
- Some language has very  
specific legal meaning

Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be partially visible, but is not visually dominant in relation to its surroundings.

~~vegetative surroundings, not houses~~

FLAKY &

~~MEANINGLESS~~

- (A) In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-v shall include:

What are "surroundings"? 10 ft?

Statement needed saying all criteria apply. (and -) not either/or 100 ft?

- (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;

Normally you say what is allowable and what is not allowable

- (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades; ... and the height and general location of

all trees within (50 or 100) feet of structure

- (3) A list of identified viewing areas from which the proposed use would be visible; and

- (4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

5) Proposed area of clearing, including # size of trees and area of vegetation removed

- (B) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate.

Guidelines which may be used to attain visual subordination include:

during leafless winter months.

Only criteria? This is all?

- (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

Look at some of the scenic map in 33.480 and 33.570

- (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors. Can't regulate painting. Painting it the right color doesn't

no direct light is visible make it visually so away

- (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

- (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods.

and existing terrain

Plan and Code  
Revisions

According to state standards, "guidelines" are only advisory. They're not approval criteria.

Scenic

ods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening. *Recommended trees are: Grand fir, Douglas fir, Pacific Yew, w. red cedar, w. hemlock. These trees are native and we'll*

- (5) Siting in a manner so that grading, cuts or fill are minimized and accomplished in a manner so that the topography after completion of the development will blend with the surrounding landscape. *Development must not degrade significant streambanks or habitat areas as identified.*
- (6) Limiting structure height to remain below the surrounding forest canopy level.

- (7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

*So a 200 foot high building is okay with nearby Douglas firs?*

- (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

- (i) The new facility could not be located in an existing transmission corridor or built upon an existing facility;

- (ii) The facility is necessary for public service; and

- (iii) The break in the skyline is the minimum necessary to provide the service.

*the way this is written is strange. Not specific to this site. Stated in a broad way*

- (C) Mining of a protected aggregate and mineral resource shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. *Must be accompanied by reclamation plan, w/ revegetation, etc.*

- (D) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC .6418, in order to make the development *visually subordinate*. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

IS THAT ALL?

LOOKS WEAK AND DIFFICULT TO ENFORCE

SOUNDS LIKE DOLAN VS CITY OF TIGARD CRAP.

↓ This exempts it from SEC review! The biggest impact is exempt.

Makes no protection from mining. Basically it reads like aggregate is more protected than scenic

Plan and Code  
Revisions

the definition of "visually subordinate" lends itself to subjective interpretation

Scenic

# EXAMPLES OF RECENT CASES WHERE STAFF DID NOT COMPLY WITH LEGAL STANDARDS AND WERE OVER-RULED

---

1. CU 4-94 & HV 1-94, request for a non-resource dwelling in the CFU forest zone and for a variance allowing reduced setbacks.

The standard allows a dwelling on a lawfully created lot. The staff knew the lot was created as part of an unlawful subdivision. Nevertheless, staff recommended approval on grounds that a few years earlier some houses had been allowed in the same illegal subdivision, so somebody must have found that it was legal. One of the common bureaucratic practices is to use lawlessness as a precedent for lawlessness. And a particular brand of lawlessness in the Planning Division is reversal of the burden of proof. The law places the burden on the applicant, but the staff generally assume compliance unless there's proof to the contrary. Staff was overruled by the hearings officer.

The proposed dwelling was within the fringe of a big game winter habit. The code expressly requires acceptance by the Department of Fish and Wildlife prior to approval. Staff recommended approval county approval first, and ODFW approval later. Staff was overruled by the hearings officer.

One of the arguments given by staff in support of the setback variance was that staff didn't like the standard in the code and was going to recommend that it be changed to reduced required setbacks. This argument was rejected by the hearings officer. (The applicant would likely have qualified for the variance on other grounds, but the question was moot because of denial for other reasons.)

- staff allowed illegal dwelling
- staff did not get ODFW approval, as required by code

2. LD 2-93 & MC 1-93, request to divide a parcel into three parcels of about 19 acres each, under standards of the old MUF zone.

The site is in very steep hillside area. Access to parts of it was proposed via a substandard private road that would require widening and reduction of grades to meet safety standards. Staff recommended approval even though the applicant showed no rights to use private land to widen the road, construct required pull-outs and or to regrade. Staff was overruled.

- staff approved parcel subdivision without required rights

... MORE

3. CU 1-93 and CU 2-93, request for non-resource dwellings in old MUF zone.

The hearings officer overruled the staff recommendation of approval because the applicant failed to show that new residences in the area would not interfere with commercial forestry and would not tend to change the character of the area. There was no compliance with required building setbacks, or with the requirement that structures be located in areas of the property with lowest forest productivity. There was no proof that the lots were lawful lots of record. They were apparently created in violation of the requirement that they abut a public road, or have other expressly approved access.

• staff approved dwellings in violation of requirements

4. MC 2-92 & LD 25-92, request for a land division with access by an easement several hundred feet long.

Staff recommended approval without considering the actual practicality of using the easement for access. The route was over very steep terrain and the easement was too narrow to allow construction of a proper access road. The applicant also failed to show compliance with requirements of proving adequate water and sewage facilities. The board denied the application.

• staff approved land division without any proof of compliance w/ requirements

5. SEC 6-91 and SEC 6-91a, request for SEC permit.

The staff and planning director approved an SEC permit and an amended SEC permit for facilities necessary to access a non-forest dwelling, a conditional use in the old MUF zone. The code expressly denies authority to the planning director to act on an SEC application for approval of a use in conjunction with a conditional use. The hearings officer ruled that the planning director did not have the authority.

• Planning Director approved SEC permit in violation of code

**PROPOSED CHANGES TO PLAN POLICY 16-F  
AND MCC .6424 FOR SCENIC RESOURCE PROTECTION  
based on Planning Commission discussion on September 19, 1994**

**POLICY 16-F SCENIC VIEWS AND SITES**

**IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT (SUCH AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES) THEIR AESTHETIC APPEARANCE FOR THE ENJOYMENT OF FUTURE GENERATIONS.**

**STRATEGIES**

- A. Apply the SEC overlay zone to the ~~[Columbia River Gorge National Scenic Area and the]~~ Sandy River State Scenic Waterway and other significant scenic areas designated "2A", "3A", or "3C" under Statewide Goal 5 to assure the scenic resources of these areas are not diminished as new development occurs.
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., ~~[Columbia River Gorge Commission,]~~ National Forest Service, State Parks and Recreation Division Rivers Program, ~~[County Parks Division]~~ etc.).
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
- E. Administer Design Review provisions to enhance visual qualities of the built environment.
- E. Apply a scenic overlay to the West Hills significant ("3-C") scenic area. Review new development that would be visible from Sauvie Island and other viewing areas identified in the Goal 5 analysis to assure that the overall appearance of a natural forested landscape is retained.

**11.15.6424 Criteria for Approval of SEC-v Permit - *Significant Scenic Views***

✓ *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

✓ *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas include:

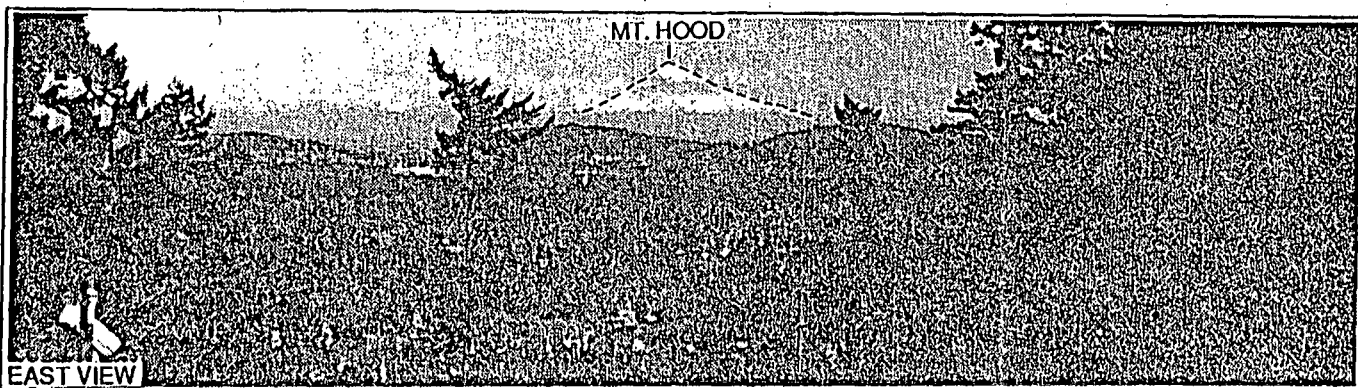
# EXAMPLE OF SCENIC INVENTOR 4

VP 33-02

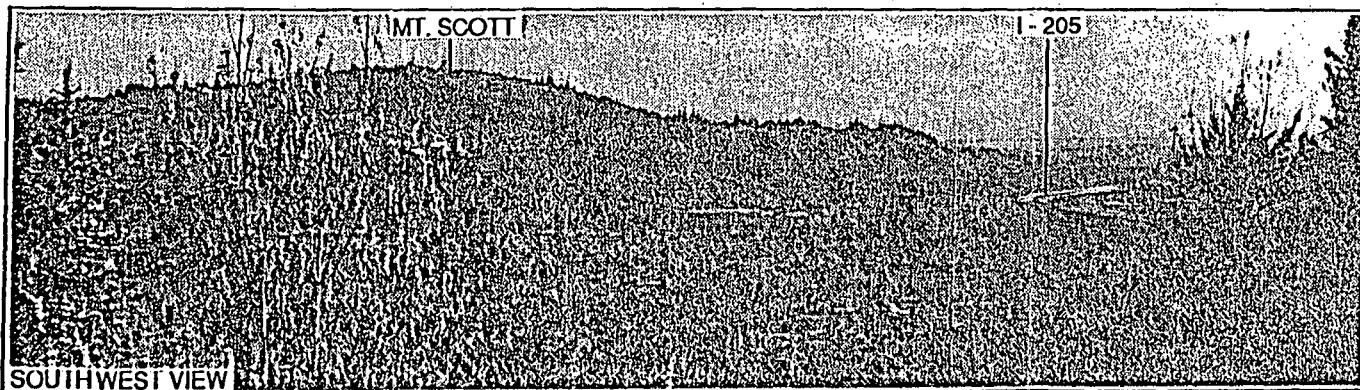
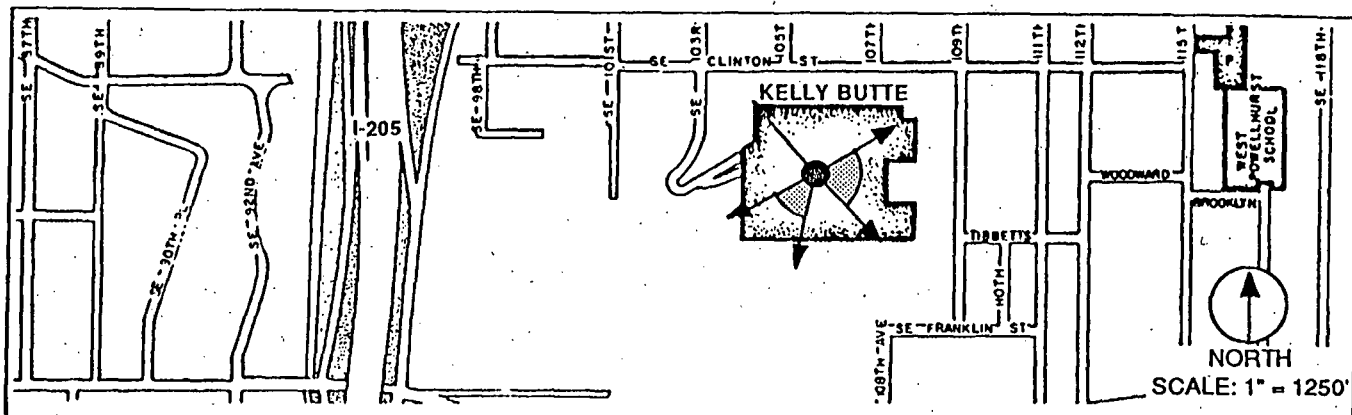
## Kelly Butte Panorama

Score: 67.98 (17 of 28)

Kelly Butte is located off of SE 103rd south of SE Clinton. It has been annexed to the City, but continues to have County zoning. The County has placed a Community Service designation on the site. The primary views are to the east and south, with a striking view of Mt. Hood framed through the trees.



VP 33-02



Bybee-Howell House  
Virginia Lakes  
Sauvie Island Wildlife Refuge  
Kelly Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island

*Visually subordinate* means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be partially visible, but is not visually dominant in relation to its surroundings.

(A) In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-v shall include:

- (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;
- (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;
- (3) A list of identified viewing areas from which the proposed use would be visible; and
- (4) A written description and drawings demonstrating how the proposed development will be *visually subordinate* as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(B) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination include:

- (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.
- (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.
- (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.
- (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods.

## LANGUAGE OF COMPARABLE STANDARDS

C. **Building heights.** Within 200 feet south of the Marine Drive right-of-way, building heights 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.

*South Shore*

B. **Height of structures.** The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

E. **Lighting.** Cut-off luminaires must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave) over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.

*-Rocky Butte*

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 item 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.

*-South Shore*

### 2. Standards.

- a. **Limiting blank facades.** Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:

(1) The maximum length of any building facade is 100 feet.

(2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.

(3) **Facades facing the scenic corridor** must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.

*Portland Scenic*

ods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

- (5) Siting in a manner so that grading, cuts or fill are minimized and accomplished in a manner so that the topography after completion of the development will blend with the surrounding landscape.
- (6) Limiting structure height to remain below the surrounding forest canopy level.
- (7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:
  - (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:
    - (i) The new facility could not be located in an existing transmission corridor or built upon an existing facility;
    - (ii) The facility is necessary for public service; and
    - (iii) The break in the skyline is the minimum necessary to provide the service.
- (C) Mining of a protected aggregate and mineral resource shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process.
- (D) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC .6418, in order to make the development *visually subordinate*. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

## LANGUAGE OF COMPARABLE STANDARDS

1. Tree rows. A staggered double row of trees must be planted between development and the toe of the Marine Drive dike. The northern row must be 12 feet south of the toe of the slope or 42 feet from the pavement edge, whichever is the greater distance from the pavement edge. The two staggered rows must be 10 feet apart and trees within each row must be spaced 15 feet on center. Fences are prohibited between the toe of the levee bank and the southern tree row.

Buildings must be set back a minimum of 10 feet from the southern tree row., without regard to the property line, except that in no case shall the building be located less than 5 feet from the edge of right-of-way. Locating buildings away from Marine Drive is encouraged.

### a. Tree row standards:

- (1) Southern row. Where parking or exterior storage will be located within 60 feet of the tree rows, the southern row must be Hogan Cedars at least four feet tall. Where buildings will be located adjacent to the tree rows, the southern row must be either Scarlet Sentinel Maples or Armstrong Red Maples.
- (2) Northern row. The trees in the northern row must be one of the following species: Black Hawthorne (*crataegus douglasii suksdorfii*), Bitter Chokecherry (*prunus emarginata*), Sitka Willow (*salix sitchensis*), or Columbia River Willow (*salix fluvialis*). Willows are prohibited adjacent to the 40 Mile recreational trail.
- (3) Corner sites. On a corner site, where another street intersects Marine Drive, a single tree row must be planted 12 feet interior from the toe of the cross-street embankment. This tree row must extend for a distance of 100 feet south from the required tree rows at Marine Drive. This tree row is to consist of Scarlet Sentinel Maples planted on 25-foot centers.

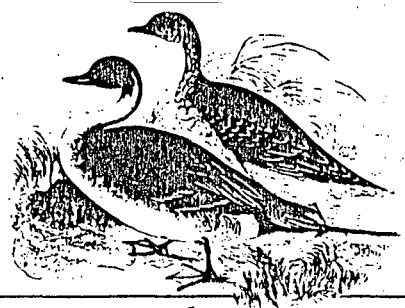
- South shore

- b. SITING Street setbacks. Street setbacks must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this title apply. No more than 25 percent of the street setback can be used for vehicle areas except that each lot is allowed at least a 9 foot wide driveway or parking area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone.

Portland scenic



# SAUVIE ISLAND Conservancy



*dedicated to the preservation of island rural life, wildlife & natural recreation areas*

## VERSION A: PRESCRIPTIVE CRITERIA

Visually subordinate means development must include sufficient vegetation to assure the overall appearance of a natural forested landscape, as viewed from any identified viewing area. To achieve this, trees must be at least six feet high with a minimum three-inch caliper and must be planted no more than \_\_\_\_\_ feet apart. Trees must be native coniferous species. Recommended species are: Grand fir, Douglas fir, Pacific yew, western red cedar and western hemlock.

## VERSION B: PERFORMANCE CRITERIA

Visually subordinate means development must include sufficient vegetation to assure the overall appearance of a natural forested landscape, as viewed from any identified viewing area. Vegetative screening must be 95% opaque year round.

10/18/94  
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## IN MY OPINION

Reprint of "opinion" article by Dorothy Coffield, OIA staff attorney, published in the Eugene Register Guard.

# Property rights gain protection in ruling

By Dorothy Coffield

**T**he flood of media coverage and commentary about the recent U.S. Supreme Court decision in Dolan v. City of Tigard underscores the fact that it probably is the most important defense of "property rights" in over 50 years.

Most significant, the court said it saw no reason to treat property rights as a poor relation to other civil rights such as free speech, press and religion.

This comparison of rights to property with other rights reflects the reality that property rights truly have been a poor relation.

Going back to the Roosevelt New Deal regulations in the 1930s, the U.S. Supreme Court justified all sorts of interference with property rights by labeling them "economic rights" — while continuing to strictly protect other constitutional rights. More than 10 years earlier, the Supreme Court had said that regulations restricting the use of land are "takings" of property rights if they go "too far," although the court failed to say what too far means.

Over the years since then, there has been a stark contrast between protection for property rights and other rights protected by the U.S. Constitution.

For example, the court requires government to show compelling reasons to interfere with rights to free speech, but has allowed almost any reason to justify interference with property rights;

when interference with free speech is permissible, the least restrictive means must be used — but when property rights are in question, there's been no such requirement.

In the Dolan case, the high court elevated protection for property rights. It struck down the city of Tigard's attempt to exact 10 percent of the Dolan family's land for a bikepath and greenway as a condition to granting a permit to rebuild and expand their A Boy plumbing and electrical store. The court determined that there was a "taking" of private property without compensation because there was not a sufficient connection between the impact of the expanded store and the condition.

What Tigard did is a much too common practice all across the country. Because of the lax protection afforded property rights, cities and counties (and even states and the federal government) have been imposing all sorts of exactions on building permits (for street rights of way, dedications of land, special fees, etc.) regardless of the relationship between the impact of the building and the exaction.

To counter such exactions, the court adopted the "proportionality" test urged by Oregonians In Action Legal Center attorneys who represented the Dolans without charge to assure that this case got all the way to the U.S. Supreme Court. For more than four years, the

Dolans fought and lost at the City Council, the state Land Use Board of Appeals, the Oregon Court of Appeals and the Oregon Supreme Court before getting relief from the U.S. Supreme Court.

Specifically, the test prescribed by the U.S. Supreme Court placed the burden of proof on the city to demonstrate that conditions imposed on development permits be "roughly proportionate" to the impact of the development. The Court said:

"No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."

This is a realistic, workable and fair approach — and much needed to prevent cities, counties, states and even the federal government from misusing their powerful permitting powers to extort property or money.

But even more important, the Dolan decision points the way to curbing the widespread "partial taking" of private property rights by regulations that restrict use of land to benefit the public, such as requiring landowners to provide wildlife habitat (whether endangered or not), preserve wetlands, open space, historical sites, and farm

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land and provide scenic views.

The problem has been that, generally, courts have been requiring compensation for regulatory infringements of private property only when (1) there has been a physical occupation of the property or (2) a regulation denies the owner all economic use of the property (that is, no compensation need be paid if the owner has any use left).

In our view, there is no logical basis for such a distinction. If government presses private property into public service to provide a public benefit, it should make no difference whether government does this by taking possession or restricting use. To the landowner, the result is the same: she loses use of her land, the most important stick in the bundle of sticks that constitutes property ownership. She should be paid for partial takings as well as total takings.

As the court said in Dolan, the principal purpose of the Takings Clause is "to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole."

Of course, not all land use regulations should trigger compensation. Many regulations, such as those that restrict land uses to prevent harm, protect public safety, or provide traditional zoning (where the burdens and benefits are fairly shared among the affected landowners) can be imposed without requiring compensation to landowners.

Rights to property, just as other civil rights, can and should be subject to regulations needed to protect legitimate public interests. But there must be realistic limits on those regulations. The U.S. Supreme Court has provided such limits for civil rights other than the right to property. Now, in the Dolan case, it has taken a big step toward providing such limits to protect rights to property. ■

**Dorothy Cofield is a staff attorney for Oregonians In Action Legal Center, and was co-counsel for Florence Dolan before the U.S. Supreme Court.**

## PROPERTY RIGHTS GAINING GROUND continued from page 1

exaction (see article on page 2).

The U.S. Court of Appeals has upheld decisions from the U.S. Court of Claims that required compensation to landowners hurt by wetlands regulations — appeals will likely go to the U.S. Supreme Court.

The U.S. Court of Appeals also recently decided (in the Sweet Home case) that the Congress did not intend the Endangered Species Act to pro-

hibit "habitat modification" by private land owners in order to protect endangered species — i.e., landowners cannot be required to provide habitat for such species.

While these victories are impressive, many more are needed in the courts and in the legislative arenas to cope with much oppressive regulation already on the books and with much more in the pipeline, such as "ecosystem" and "biodiversity" protection measures that could have devastating impacts. ■

## Dorothy Cofield, OIA staff attorney, is active on all fronts

**F**ollowing up on the U.S. Supreme Court Dolan case, in which she was co-counsel, Dorothy is helping the Dolans prepare their claim against the City of Tigard for compensation and damages the Dolans suffered from the exaction (bikepath and greenway) the court found was unconstitutional, and will be actively involved in further litigation.

Oregonians In Action believes it is imperative the city be required to pay such compensation and damages — cities and counties must recognize they can't get away with using their permitting authority to extort money or property.

Much of her time is devoted to discussing land use problems with landowners all over the state to identify more test cases for litigation and, to the extent possible, to guide them through the regulatory maze. As time permits, she testifies or submits supporting statements at hearings.

Dorothy is also actively involved in drafting legislation for the next legislative session and will be working closely with the state's Legislative Counsel staff to put the bills in final form well before the next Legislature gets under way.

She is in great demand as a speaker on land use/property rights issues all over the state, and provides articles for the media and for legal education. ■



Following is a summary of comments presented June 15, 1994 to the American Pulpwood Association Seminar on "Property Rights" by Bill Moshofsky, Vice President, Government Affairs for Oregonians in Action.

## Excessive forest regulations confiscate private property

I would like to focus my comments on the critical need for everyone involved in or impacted by resource issues to focus on the need to protect private property rights, not only because of the importance to landowners, but because protecting property rights is good public policy.

My background includes private and corporate law practice, former executive in a forest products company that had extensive forest holdings, and active involvement for the past five years with Oregonians In Action's efforts to fight against excessive land use regulations and for property rights at all levels of government.

### REGULATION WITHOUT COMPENSATION

Frankly, I am deeply concerned with the near explosion of land use regulations of all kinds that confiscate or seriously impair the use and value of private property, and the threat from new regulations being proposed. Worse yet, I am deeply concerned that little or no consideration is given to the rights of property owners to be compensated for their loss of use and value.

For example, not long ago, Oregon's Attorney General's staff gave a written opinion to the state Board of Forestry

which said, in effect, landowners have no right to compensation when regulations restrict the use of forest landowners to provide wildlife habitat.

The opinion said that to recover compensation for such a regulatory restriction, "a landowner must demonstrate that she is precluded from making any feasible economic use of her property". This means that the only time compensation might be payable is when a regulation denies all use. No one knows what "any economic use" is — it could be grazing a few cattle or sheep, or it could be retaining the right to harvest 20 acres of a 100-acre forest tract after being denied the right to harvest 80 acres.

### OIA SEEKS COMPENSATION FOR LANDOWNERS

Needless to say, OIA does not agree with the Attorney General's opinion, and we are doing everything we can

(1) to secure court decisions which will construe the U.S. and Oregon constitutions more sensibly, (2) to get the state legislature and the Congress to require compensation for excessive regulatory encroachments, and (3) to arouse the public to the injustice and unwise "takings" without compensation.

### WATER CONCERNS— HABITAT AND ECOSYSTEM PROTECTION

Our primary concern with resource regulations are those requiring landowners to provide habitat for wildlife on land, whether endangered or threatened or not, and with proposals that require private landowners to alter the use of their land to protect ecosystems and biodiversity areas.

Let me hasten to say we recognize that private landowners do have an obligation to protect the public's legitimate interests in protecting the quality of the water in streams and lakes. But even here, the state's interest is not absolute — the landowner's obligation must be harmonized with the right of the landowner to use all of his land, and must be no greater than necessary to reasonably protect those waters. Measures to protect such waters must not be "used" to

**"If the public wants to require a landowner to provide such habitat, we believe the public should pay for it just as it has for years when it has purchased wildlife preserves."**

continued on page 13

continued from page 12

achieve illegitimate objectives such as leaving habitat for wildlife on land.

### OIA'S JUSTIFICATION FOR REQUIRING COMPENSATION TO LANDOWNERS

Returning to OIA's basic resource land concerns (regulations requiring landowners to provide wildlife habitat, etc.), we do not agree that such requirements can be imposed without just compensation if the landowner is left with any use.

If the public wants to require a landowner to provide such habitat, we believe the public should pay for it just as it has done for years when it has purchased wildlife preserves.

While there are court decisions that can be interpreted to support the view that no compensation need be paid to a landowner required to provide wildlife habitat so long as he has any use left, there are no U.S. Supreme Court cases that so hold — and we believe a number of cases from that court support our view that landowners have no obligation to provide wildlife habitat on their land. Also, aside from court decisions, there is limited statutory basis for imposing "habitat" burdens on landowners without compensation.

The Endangered Species Act itself does not expressly require private landowners to provide habitat even for endangered species, and the Washington D.C. Circuit Court of Appeals recently held in the Sweet Home case that the Congress did not intend to require landowners to provide habitat. In any case, we believe any interpretation of the Act or regulation imposing such obligations violates the 5th Amendment to the U.S. Constitution which requires the payment of just compensation when private property is taken for public use.

### HERE IS OUR ANALYSIS:

First and foremost, the Constitution expressly protects property rights; it does not protect owls or any other wildlife. In fact, historically — dating all the way back to the Magna Carta, there never has been a requirement landowners provide habitat for wildlife without compensation.

Second, as I indicated, there are no U.S. Supreme Court cases that sanction the "taking" of private property

**"It's time to protect property rights as we do other rights. Rights to property are the cornerstone of our economic system."**

by imposing regulations which restrict the use of property to provide wildlife habitat. There are cases which hold that one of the fundamental rights of ownership of property is the right to "exclude others", which necessarily includes the right to exclude wildlife. Nollan v. California Coastal Commission, 483 U.S. 825 (1987). A government regulation requiring landowners to provide habitat for wildlife is wholly incompatible with the "right to exclude." (Editor's note: The Dolan case, decided after Moshofsky's presentation, also recognized the "right to exclude.")

Third, the opinion of U.S. Supreme Court Justice Scalia in the recent Lucas case, 112 S.Ct. 2886 (1992) strongly indicates the court would decide such regulations are unconstitutional. For example, the Justice asserts that regulations "requiring land to be left substantially in its natural state — carry with them a heightened risk that private

property is being pressed into some form of public service . . ." He went on to say:

"The many statutes on the books, both state and federal, that provide for the use of eminent domain to impose servitudes on private scenic lands preventing developmental uses, or to acquire such lands altogether, suggest the practical equivalence of negative regulation and appropriation."

Imposing servitudes to achieve scenic objectives is little different than imposing servitudes to provide wildlife habitat. Moreover, there are many statutes authorizing government entities to acquire land for wildlife habitat by outright purchase of eminent domain. How can government agencies justify acquiring habitat by regulation when they have statutory authority to buy it?

Fourth, another theory to support the view that government cannot require landowners to provide habitat without compensation is that such requirement results in a "physical occupation" of private land by wildlife, and therefore a "taking" of private property requiring compensation for any and all loss in value to the landowner. The U.S. Supreme Court has repeatedly held that whenever government physically occupies private land, it must compensate landowners for their lost value. For example, in Loretto v. Cable Teleprompter Manhattan CATV Corp. 458 US 419, 102 S.Ct 3164 (1982), the court held a mere TV cable in an apartment house that caused little, if any, real harm was a physical occupation and an impairment of property rights. Also, in the Nollan case (see above) the court found a requirement the public be allowed to use a privately owned beach area adjacent to a home along the beach was unconstitutional.

Fifth, ultimately the court is going

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## **Excessive Forest Regulations continued from page 13**

to recognize it's simply not fair to impose such burdens. Landowners forced to provide habitat bear all the burdens and get no benefits, while the public (or special interests) get all the benefits, if any, and bear no burdens. As the court has said in a number of cases, individuals should not have to bear burdens that, in all fairness and justice, the public should bear.

### **PUBLIC POLICY REASONS TO REQUIRE COMPENSATION**

Aside from constitutional concerns, requiring private landowners to provide habitat for any wildlife sets a dangerous precedent and is bad public policy.

Recently, the focus has been on owls and marbled murrelets. But wildlife organizations say there are hundreds more species that need protection on forest land. Of even greater concern, there is a major push to protect ill-defined "ecosystems" and "biological diverse" areas, which could

cover entire watersheds or more.

It's time to recognize we are headed down the "slippery slope". It's time for everyone to recognize requiring landowners to provide habitat without compensation makes a mockery of the concept of private property.

It's also time to recognize that requiring compensation for providing habitat is good public policy. It automatically brings discipline to resource conservation efforts. The public has a huge stake in wise use of resources. Forest lands provide building materials as well as pulp and paper. They provide jobs and tax revenues and other economic benefits.

The best way to assure that all the economic benefits are balanced with wildlife concerns is to require payment to private landowners required to provide habitat.

If denying the use of private land is perceived to be "free", the demand is unlimited. If 70 acres of private forest land can be set aside for a pair of owls without paying for it, why not set aside 700, or 7,000 acres? But if the public must pay, the public will be forced to consider whether seven acres, or seven trees might be preferable — or better

still, perhaps consideration might be given to moving the owl.

### **CONCLUSION**

In closing, let me try to put this whole issue in perspective — requiring a forest land owner not to harvest his trees for an owl or other creature is no different than requiring a farmer to leave his wheat crop for pheasants or grasshoppers, or requiring a city lot owner to give up his backyard to squirrels or moles, or requiring a homeowner to give up a room in his house for a mouse.

It's time to protect property rights as we do other rights. Rights to property are the cornerstone of our economic system. They are essential to the enjoyment of our other civil rights. Not long ago I had lunch with a journalist from the former Soviet Union — he said "without property rights, other rights like freedom of speech, press and religion have little meaning".

We must fight to protect property rights against excessive regulations in every way — in the legislatures, the courts, the election process and through public education and the media. ■

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## Guest Editorial

### Landowners Should Be Compensated For Providing Wildlife Habitat

By Bill Moshofsky  
Vice President, Government Affairs  
Oregonians In Action

There is a critical need for everyone impacted by regulations that restrict forest harvesting and management to focus on property rights, not only because of their importance to landowners, but because protecting property rights is good public policy.

There's been a serious escalation of land use regulations of all kinds that confiscate or seriously impair the use and value of private property, and mounting threats from new regulations being proposed. Little or no consideration is given to the rights of landowners to be compensated for their loss of use and value from such regulations.

For example, Oregon's Attorney General's staff have advised the Oregon Board of Forestry that, for all practical purposes, landowners have no right to compensation when regulations restrict forest uses to provide wildlife habitat—they say that, to recover compensation, "a landowner must demonstrate that she is precluded from making any feasible economic use of her property."

This advice is based on Oregon court decisions which consider almost any use sufficient to bar a compensation claim—this could be grazing a few cattle or sheep, or it could be retaining the right to harvest 20 acres of a 100 acre forest tract after being denied the right to harvest 80 acres.

Oregonians In Action strongly disagrees with that advice and those decisions, and we are doing everything we can to (1) secure court decisions which will construe the U.S. and Oregon constitutions more sensibly; (2) get the state legislature and the Congress to require compensation for excessive regulatory encroachments; and (3) inform the public of how wrong and unjust it is to "take" without paying.

Our major concern is with resource regulations that require landowners to provide habitat for

wildlife on land, whether endangered or threatened or not, and with proposals that require private landowners to alter the use of their land to protect ecosystems and biodiversity areas. Those may be desirable public objectives, but in our view they cannot, and should not, be imposed without compensation to landowners forced to bear such burdens.

(We do recognize that landowners do have an obligation to protect the public's legitimate interests in protecting the quality of water in streams and lakes. But measures to protect such waters must be reasonable—and not be "used" to protect habitat for wildlife on land without compensation.)

We believe there are powerful justifications for compensating landowners for providing wildlife habitat—here are some:

- The U.S. and Oregon constitutions protect property rights: they do not protect owls or other wildlife. In fact, historically—dating back to the Magna Carta—there never has been a requirement that landowners provide habitat for wildlife without compensation.

- U.S. Supreme Court cases uphold landowners' fundamental right to "exclude others," which necessarily includes the right to exclude wildlife. They also require full compensation when land is physically occupied—in a real sense requiring habitat for wildlife is "physical occupation."

- The U.S. Supreme Court's *Lucas* case indicates the imposition of servitudes like this can be considered unconstitutional—because government shouldn't be able to acquire interests in land "on the cheap" by using regulations as a substitute for "eminent domain" purchases.

- The recent *Dolan v. City of Tigard* decision by the U.S. Supreme Court

(Continued on page 6)

## Western Forester

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## Demo Forest Involves Community

The Hopkins Memorial Tree Farm near Beavercreek, Oregon, is a unique place. The 120-acre forest tract was gifted to Forests Forever, Inc. (FFI) in 1990 to help people learn about forests and how they can be managed.

The property has been managed since the early 1960s when Howard Hopkins, a silviculturalist with the USDA Forest Service, purchased the parcel. Hopkins had spent much of his time removing poorly stocked areas and replanting. Commercial thinnings were conducted in some areas and two ponds were built.

One of the goals of Forests Forever, Inc. is to involve as many people as possible in the management activities of the farm. Although FFI is directed by a nine-member board, much of the work that gets accomplished on the ground is done by volunteers.

Mike Bondi, OSU Extension agent in Clackamas County and director of educational programs for FFI, says many different kinds of involvement are common. "We've designed educational activities at the farm for adults and kids that teach techniques of forestry while getting work done at the same time. Examples include a reforestation project on 15 acres and pruning in a young stand. Also, a local forestry vocational program uses the tree farm as a laboratory to teach forest management skills of surveying, mapping, forest bridge construction, pruning, thinning and tree planting."

Ken Everett, consulting forester with MAP, Inc. in Oregon City and FFI Board president, says that many individuals and businesses in the area have donated money and goods or services to help Forests Forever, Inc. meet its goals. During 1993, FFI—which is a non-profit corporation—raised \$10,000 in donations through its "Log-a-Load for Education" project. Monies are being used to install two vault-style restrooms on the property.

Also, businesses have donated rock for road upgrades, use of machinery for maintenance and porta-potties when large groups of visitors have been hosted. Atterbury Consultants, Beaverton, Ore., has




Founding members of Forests Forever, Inc., include foresters Ken Everett, Mike Bondi, Wendell Harmon, John Poppino and Ken Humbert.

donated their services to inventory the property and develop the timber type maps and yield projections. Finally, wood for the construction of a two-bay pole building was recently provided by Willamette Industries, RSG Forest Products, Brazier Forest Products and Oregon Forest Products. The building is being constructed, using volunteer labor, to house a newly donated log skidder.

"We're really excited about the progress we're making with this volunteer project," Everett says. "A long-range goal of ours is to see several of these forests around the country so they could become a place where local people—adults and kids—could come and get involved with managing a forest. We think people learn best by being involved on the ground."


If you'd like to become involved in the Forests Forever, Inc. project, contact Ken Everett at (503) 655-5524. Group tours and educational activities can be scheduled with Mike Bondi by calling 655-8631.



**Thomas Hanson**

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## Compensation (Cont'd. from page 2)

Court also points the way to requiring compensation. (This was a property rights test case in which OIA Legal Center attorneys represented the Dolans.) Based on a basic fairness approach, the court held unconstitutional the required dedication of land for a bikepath for public use where there was insufficient "proportionality" between adverse impacts of development and the bikepath. There is little difference between requiring payment for public bikepaths—and requiring payment for wildlife habitat the public wants. Moreover, in a major pronouncement, the court indicated it is elevating protection for property rights—it will no longer be treating property rights as a "poor relation" to other rights (such as freedom of speech).

- Aside from constitutional concerns, it's simply not fair to impose such burdens. Landowners forced to provide habitat bear all the burdens and get no benefits, while the public (or special interests) get all the benefits, if any, and bear no burdens.

- Requiring private landowners to provide habitat for certain wildlife sets a dangerous precedent. Recently, the focus has been on owls and marbled murrelets. But wildlife organizations say there are hundreds more species that need protection on forest land. Of even greater concern, there is a major push to protect ill-defined "ecosystems" and "biologically diverse" areas, which could cover entire watersheds or more.

- It's time to recognize that requiring compensation for providing habitat is good public policy. It automatically brings discipline to resource conservation efforts. The public has a huge stake in use of resources for economic purposes—jobs, products of all kinds, tax revenues, and more.

This is why the nonprofit, non-partisan Oregonians In Action organizations are fighting to protect property rights against excessive regulations—in the legislatures, in the courts, in the election process and through public education and the media.



October 18, 1994

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Multnomah County Board of Commissioners

**C 10-94** Natural Resources Framework Plan and Zoning Code Amendments.

Page references are to the October 14, 1994 Planning Staff Memorandum

**SEC-h (Wildlife Habitat) Fencing Standards**

p.2, (D), Exemptions from fence standards:

I believe the Board wanted standards that would effectively protect wildlife, but which would allow residents to protect children, pets and gardens. The first part was achieved, but the second part isn't. Staff proposes only a rectangle between the right-of-way and the minimum setback from the right-of-way as an area exempt from the strict standards. Dr. Sherman's proposal was to allow a more liberal exemption, a homestead area, perhaps up to an acre surrounding a house, to allow reasonable comfort and security. The staff proposal better protects wildlife, but doesn't provide the relief for residents that was recommended.

**SEC-w (Significant Wetlands)**

p.3, (2) "Available for purchase"

I don't believe the Board gave specific direction to staff. The staff recommendation is improved by using a specific standard, i.e., that a site is offered for sale. But the Board should consider omitting the standard entirely, on the grounds that nearly all property is for sale if a good enough offer is made.

*Arnold Rochlin*

10/18/94 ROCHLIN  
DISREGARD FENCING  
STANDARDS PER ARNOLD - HE  
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Submission

BOARD OF  
COUNTY COMMISSIONERS

1994 OCT 18 AM 11: 29

MULTNOMAH COUNTY  
OREGON

Chair of the Board  
Multnomah County  
Board of Commissioners

Subject: C 10-94 Proposed Ordinance

Chair of the Board:

I would like to register my opposition to the adoption of the proposed ordinance identified as C 10-94. By presenting this letter, I am hereby making my "appearance of record", for the purposes of being a party to this decision. I request that this letter become part of the public record of the proposed ordinance C 10-94. I am also hereby requesting notification of the decision.

I am objecting to the ordinance in totality, and specifically in regards to the additional protection applied to "significant streams", including the upper portion of the Thompson tributary of Balch Creek.

660-16-000 (1). The county has not collected sufficient information on the location quality and quantity of each resource site to properly complete the goal 5 process.

660-16-000 (2). The county has not identified the "impact area to be affected, if different". Many of the streams identified as "significant" are already "Class 1" streams, and already were protected with SEC provisions. However the county data does not identify specifically which portions of the resource sites were not previously "Class 1" streams, and which specific locations were not previously protected with SEC provisions.

660-16-000 (3). The county has not properly considered the "relative value" or "abundance of the resource" in order to make an adequate determination of "quality" or "quantity".

660-16-000 (4). The inventory identified by the county does not adequately address location, quality, or quantity of the resource. Some of the information is based on inaccurate data.

660-16-000 (5)(a), (b), and (c). The county has included certain resources based on inadequate data, whereas the determination on that resource should have been delayed to more accurately identify the "location, quality and quantity of the resource site".

660-16-005. The protection of identified resource sites impacts existing uses. These impacts were not sufficiently considered in analyzing the economic, social, environmental and energy (ESEE) consequences.

660-16-005 (2). The ESEE consequences were not sufficiently evaluated for the proposed resource sites.

660-16-010 (3). The protection of certain resource sites by applying SEC zones has the effect of restricting certain existing uses, and making some existing uses economically unfeasible. The result is the same as taking away private land which is prohibited by the constitution. Some SEC provisions make it unclear to the landowner what activities are allowed, not allowed or conditionally allowed.

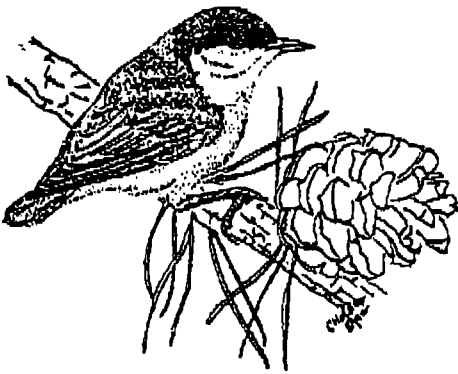
660-16-020 (1). The county has not provide proper notification to affected landowners. Many landowners who own property within proposed resource sites are not even aware that part of their property is proposed to be adopted as a Goal 5 resource. Most of the affected landowners are not aware of the proposed change in zoning designation for the proposed resource sites under this ordinance. Most of the affected landowners are not aware of what restrictions apply in SEC zones, or even that SEC provisions will be applied to portions of their property under this proposed ordinance. The county has not involved many of the landowners in making determinations of quality, quantity or location of the resource. The county has involved few of the landowners in the ESEE analysis, or in evaluation of conflicting uses.

660-16-020 (2). As the Goal 5 process has progressed, and as more specificity about the nature of the resources were identified, notice and involvement of affected landowners was not sought by the county. It appears that the county has attempted to give as little notice as possible to affected landowners with the hope of limiting opposition to the proposed ordinance.

The county did not follow the procedures outlined in ORS 197.610 and 197.615. The county made a decision not based on substantial evidence in the whole record. The local government failed to follow the requirements of ORS 197.763.

Dan McKenzie  
Dan McKenzie  
6125 NW Thompson Rd.  
Portland OR 97210

Submitted 10/18/94.



OREGON DEPT. OF FISH AND WILDLIFE  
17330 S.E. EVELYN ST.  
CLACKAMAS, OR 97015  
FAX NO. 657-2050 TELEPHONE NO. 657-2000

DATE: 12-8-92 PAGES TO FOLLOW: 2

TO: Al Burns FROM: Jay Massey

SUBJECT: Balch Creek - Fish Sampling

COMMENTS: We transferred the data to the sheet you are familiar with.

I will be making a recommendation to State Forestry regarding stream class for the Thompson Fork of Balch Creek in the near future.

I will be recommending that the Thompson Fork be changed to a Class I stream from the mouth (confluence with Balch Creek) upstream to the culvert on Miller's property. Also, I will recommend that the Thompson Fork above the culvert on Miller's property, including the stream section on McKenzie's, Property, remain a Class II stream.

October 5, 1992

Mr. Mark Hess, Planner  
Multnomah County Bureau of Planning  
2115 S.E. Morrison Street  
Portland OR 97214



DEPARTMENT OF  
FISH AND  
WILDLIFE

Columbia Regional Office

Dear Mr. Hess:

We have been getting several questions concerning the classification of the Thompson Fork of Balch Creek under the State Forest Practices Act. I indicated in my letter of February 18, 1992, that the Thompson Fork is a Class I stream. However, after checking our files and maps we found that we have the entire Thompson Fork classified as a Class II stream (has been Class II stream since 1986).

Our Department will be sampling the Thompson Fork again during October 1992 to determine what fish are present. Following the sampling, if we determine that the classification needs to be changed we will make a recommendation to the State Department of Forestry.

If you have questions concerning our comments, please call me at 657-2041.

Sincerely,

A handwritten signature in cursive script that reads "Jay Massey".

Jay Massey  
District Fish Biologist

657-2041

jmh  
lhess

c: Maben/Hasselman  
DeHart  
O'Reilly  
Sherman  
Rosenlund  
McKenzie



17330 SE Evelyn Street  
Clackamas, OR 97015-9514  
(503) 657-2000  
FAX (503) 657-2050

Dan McKenzie  
233-2401 Room 415

September 25, 1992

DEPARTMENT OF  
FORESTRY

FOREST GROVE DISTRICT

Dear Dan:

Below are the questions, and responses to those questions, you requested clarification on:



"STEWARDSHIP IN  
FORESTRY"

- 1) Was Thompson Branch ever a Class I Stream?

No, The original notice was sent out proposing Thomson Branch as a Class I stream. However, after reconsideration, and during the 30 day period for reconsideration, the Thompson Branch remained a Class II stream as originally designated.

- 2) Who had the authority to make stream classifications in 1987?

The Department of Forestry's designee and commonly the Forest Practices Forester of geographic responsibility has the authority to administer the Forest Practices Rules.

As Forest Practices Forester, I had full authority to process stream reclassifications.

- 3) What was Dave Michael's title at the time (1987)?

Dave's title was Area Geotechnical Specialist.

- 4) Does Oregon Department of Forestry require objection from a landowner abutting stream during reclassification in order to reconsider a reclassification notice.

Any affected landowner may ask for a reconsideration of a proposed stream reclassification. A response from our Department must be made to the landowner regarding the issues stated. If issues are not resolved, the landowner may appeal the proposed reclass. However, any information which indicates a reconsideration is appropriate may be taken into account.

- 5) Was the reconsideration of Thompson Branch inappropriately made by a "bureaucrat who did not have the authority to classify streams"?



801 Gales Creek Road  
Forest Grove, OR 97111  
(503) 357-2191  
FAX (503) 357-4548

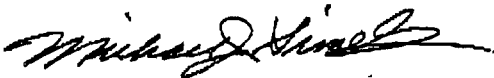
I had the full authority to process and reconsider stream classifications. This authority involved direct consultation with the Oregon Department of Fish and Wildlife (ODF&W). ODF&W are our technical advisors on stream reclass issues. ODF&W was consulted and a joint reconsideration was made.

6) With Class I Stream protection, are culverts allowed under The Forest Practices Act?

The Forest Practices Act requires that culverts be designed to allow for the 25 year storm event and fish passage. On some streams, culverts are appropriate and do allow for fish passage. Specific criteria must be met to assure proper design. If limitations exist which would prohibit fish passage, then other structures such as a bridge or an open bottom arch culvert might need to be used. In any event, culverts can be used on Class I streams provided the criteria for fish passage can be met.

I understand that ODF&W will be conducting a survey of Thompson Branch in October of this year. Certainly our Department will review this survey and the recommendations provided by ODF&W for the possible reclassification of Thompson Branch or portions thereof.

Sincerely,



Michael Simek

# Agenda Item C-10

105  
MR EUGENE A OSTER  
20928 NW GILKISON RD  
SCAPPOOSE OR 97056-9607

ID# \*\*\*

Dan Salzman  
Multnomah Co Commission

Oct 18 1994

Sir<sup>o</sup> Town Tax lots 12, 14, 26  
Section 26, T3N, R 2W. fronting  
on Watson Road and Gilkison Rd.

For about 50 years we as a nation  
have been opposing totalitarian  
governments in Germany, Russia,  
and eastern Europe. It seems  
very strange that we should be  
adopting the same totalitarian  
mind-set about government for  
our own land; total control of  
every aspect of every citizens life  
from the cradle to the grave.

I understand, and agree, that some  
restrictions are necessary and  
appropriate. But restrictions  
designed for a densely populated  
urban area are out-of-place in  
a sparsely populated rural area.  
When I built my home, it was  
six months of delay, many hoops  
to jump through, and \$1400. of  
permit fees before one nail  
was driven. Now I am faced  
with more restrictions and more  
expense.



Page 2  
Oct 18 1994

Oster to  
Commissioner Salzman

And people who live 30 miles to 300 miles away can think of my home as their playground and wildlife refuge. The carpenter ants are more important than the carpenter man, and field mice have more right to live in my home than I do. And I need your permission to fence my garden to keep the deer out or my dog in.

I have the right to pay taxes but I do not have the right to decide what color to paint my house or what shrubs or flowers to plant in my garden.

You men in government office are going too far in thinking of me as a subject rather than a free-born citizen.

Eugene A Oster  
20928 NW Gilkison Rd  
Scappoose, OR 97056

A 42" fence won't keep deer out. Bottom wire is off ground won't keep my dog in or my neighbors dog out.

10/18/94  
BOARD Room  
HANDOUT

Lewis E. & Myrna L. Myatt  
2939 N W 53rd Drive  
Portland OR 97210

October 18, 1994

Via Fax 248-5440 and Hand Delivered

Multnomah County Board of  
County Commissioners  
1120 S W Fifth Avenue, #1510  
Portland OR 97204

Dear Commissioners:

Your action on the 11th of October in regard to the designation of the entire West Hills east of Skyline as Significant Wild Life 1-C has recently been brought to our attention.

As a property owner at the above-listed address for close to 30 years, the undersigned does not wish to see more encumbrances by way of restrictions imposed by the County Commission upon our property.

I understand that the planning staff drafted proposed restrictions and that these restrictions were changed as a result of primarily hearing testimony from three people from Friends of Forest Park, a landscape artist from the Portland Area, a Palentine Hill resident who rides his bike on Sauvie Island as well as the Southwest Neighborhood Association, the Metro Green Spaces and the Sauvie Island Conservancy.

You should be advised that none of these people, as far as we are concerned, speak for us.


We would appreciate it if the County would, by and through you, as its elected representatives, refrain from imposing such restrictions on our property.

Thank you for your cooperation.

Very truly yours,



Lewis E. Myatt



Myrna L. Myatt

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 801

An Ordinance amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) section of the Zoning Code to protect significant wildlife habitat, scenic views and streams in the West Hills and Howard Canyon areas, in fulfillment of Periodic Review Remand Order requirements.

Multnomah County Ordains as follows:

Section I. Findings.

(A) Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills.

(B) On August 9, 1994 the Board of County Commissioners (Board) decided that wildlife habitat and scenic views in the West Hills and streams in the West Hills and Howard Canyon area are significant Goal 5 resources, and based on an analysis of economic, social, environmental and energy (ESEE) consequences, the appropriate level of protection for these resources is "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). This analysis and recommendation are incorporated into the West Hills Reconciliation Report which was adopted by the Board on September 22, 1994.

(C) OAR 660-16 requires the county to amend its Comprehensive Plan and zoning designations to be consistent with the level of protection determined to be appropriate for each resource. Revisions to Comprehensive Plan Policies 16, 16-D and 16-F are necessary to reflect the county's decision to protect wildlife habitat and scenic views of the West Hills. Proposed amendments to the Significant Environmental Concern (SEC) section of the zoning code will provide specific standards under which development can occur in areas which contain significant wildlife habitat, scenic landscapes or streams.

(D) Notice and the opportunity for public comment on the Comprehensive Plan Policy and SEC code amendments was provided at a Planning Commission hearing on September 12, 1994. After deliberation on September 19 and September 26, 1994, the Planning Commission recommended that the amendments to the Comprehensive Plan Policies and SEC section of the zoning code be adopted by the Board.

(E) On October 11, 1994, the Board conducted a public hearing on the proposed Comprehensive Plan and Zoning Code amendments and the Planning Commission recommendation.

## Section II. Amendment of Framework Plan Text.

The Multnomah County Comprehensive Framework Plan is hereby amended to read as follows:

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

### POLICY 16: NATURAL RESOURCES

#### INTRODUCTION

The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: "Open Spaces, Scenic and Historic Areas, and Natural Resources". These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways. The individual components, as set forth by state law (OAR 660-16), are addressed below as subpolicies 16-A through 16-L. Natural resources within the Columbia River Gorge National Scenic Area are not subject to statewide Goal 5 and are addressed through Policy 41.

An overlay classification, "Significant Environmental Concern" will be applied to certain areas identified as having one or more of these resource values.

1 POLICY 16

2  
3 THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, CONSERVE OPEN  
4 SPACE, AND TO PROTECT SCENIC AND HISTORIC AREAS AND SITES. THESE  
5 RESOURCES ARE ADDRESSED WITHIN SUB-POLICIES 16-A THROUGH 16-L.

6  
7 STRATEGIES

- 8 A. The county will maintain an inventory of the location, quality, and quantity of each of these  
9 resources. Sites with minimal information will be designated "1B", but when sufficient informa-  
10 tion is available, the County will conduct the necessary ESEE analysis.
- 11 B. Certain areas identified as having one or more significant resource values will be protected by the  
12 designation Significant Environmental Concern (SEC). This overlay zone will require special pro-  
13 cedures for the review of certain types of development allowed in the base zones. This review pro-  
14 cess will ensure the minimum impact on the values identified within the various areas, and shall be  
15 designed to mitigate any lost values to the greatest extent possible. ~~[Areas designated SEC are~~  
16 ~~generally depicted on the following map.]~~
- 17 C. The following areas shall be designated as "Areas of Significant Environmental Concern" based  
18 on "Economic, Social, Environmental, and Energy" (ESEE) evaluations and designations of "2A",  
19 "3A", or "3C" under Statewide Goal 5. Resource protection shall be provided by either the SEC or  
20 WRG overlay provisions in the Multnomah County Zoning Code (MCC 11.15) applied on:  
21
- 22 1. Resource sites designated "2A", "3A", or "3C" in the Multnomah County Goal 5 Inventory and  
23 identified for SEC or WRG protections in SUB-POLICIES 16-A through ~~[D, 16-E, 16-G, or]~~  
24 16-L.
  - 25 2. Hayden Island west of the Burlington Northern Railroad tracks,
  - 26 3. Blue Lake, Fairview Lake (Ord. 234), and Columbia River shore area and islands,

1 4. Johnson Creek,

2 5. Other areas as may be determined under established Goal 5 procedures to be suitable for this  
3 "area" designation.

4  
5 D. Those wetlands and water areas listed in C. above that are located within the Willamette River  
6 Greenway (Policy 15) will be protected by development review procedures within the WRG over-  
7 lay zone instead of the SEC zone.

8  
9 POLICY 16-D FISH AND WILDLIFE HABITAT

10  
11 IT IS THE COUNTY'S POLICY TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITAT,  
12 AND TO SPECIFICALLY LIMIT CONFLICTING USES WITHIN NATURAL ECOSYSTEMS  
13 WITHIN THE RURAL PORTIONS OF THE COUNTY AND SENSITIVE BIG GAME WINTER  
14 HABITAT AREAS

15  
16 STRATEGIES

17 A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant  
18 habitat areas, and to delineate sensitive big game winter habitat areas. If necessary, supplement  
19 this information with additional professional analysis to identify additional significant habitat  
20 areas and natural ecosystems within rural portions of the County.

21 B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River  
22 Greenway.

23 C. Include provisions within the Zoning Ordinance to review development proposals which may  
24 affect natural ecosystems within the rural portions of the County and sensitive big game winter  
25 habitat areas.

1  
2 POLICY 16-F SCENIC VIEWS AND SITES  
3

4 IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT [SUCH  
5 ~~AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES~~] THEIR AESTHETIC  
6 APPEARANCE FOR THE ENJOYMENT OF FUTURE GENERATIONS.  
7

8 STRATEGIES

- 9 A. Apply the SEC overlay zone to the [~~Columbia River Gorge National Scenic Area and the~~] Sandy  
10 River State Scenic Waterway and other significant scenic areas designated "2A", "3A", or "3C"  
11 under Statewide Goal 5 to assure the scenic resources of these areas are not diminished as new  
12 development occurs.
- 13 B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e.,  
14 [~~Columbia River Gorge Commission,~~] National Forest Service, State Parks and Recreation  
15 Division Rivers Program, [~~County Parks Division~~] etc.).
- 16 C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with  
17 farm and forest lands.
- 18 D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new devel-  
19 opment within the greenway to assure scenic values are not diminished.
- 20 E. Administer Design Review provisions to enhance visual qualities of the built environment.
- 21 F. Apply a scenic overlay to the West Hills significant ("3-C") scenic area. Review new development  
22 that would be visible from Sauvie Island and other viewing areas identified in the Goal 5 analysis  
23 to assure that the overall appearance of a natural forested landscape is retained.  
24  
25  
26

1 Section III. Amendment of Zoning Code.

2

3 Multnomah County Code Chapter 11.15 is amended to read as follows:

4 (Underlined sections are new or replacements; ~~[bracketed]~~ sections are deleted.)

5

6 **Significant Environmental Concern SEC**

7

8 **11.15.6400 Purposes**

9 The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance,  
10 restore, and maintain significant natural and man-made features which are of public value, including  
11 among other things, river corridors, streams, lakes and islands, domestic water supply watersheds,  
12 flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats,  
13 significant geological features, tourist attractions, archaeological features and sites, and scenic views  
14 and vistas, and to establish criteria, standards, and procedures for the development, change of use, or  
15 alteration of such features or of the lands adjacent thereto.

16

17 **11.15.6402 Area Affected**

18 Except as otherwise provided in MCC .6404 or MCC .6406, this subsection shall apply to those lands  
19 designated SEC on the Multnomah County Zoning Map.

20

21 **11.15.6404 Uses – SEC Permit Required**

22 (A) All uses permitted under the provisions of the underlying district are permitted on lands designated  
23 SEC; provided, however, that the location and design of any use, or change or alteration of a use,  
24 except as provided in MCC .6406, shall be subject to an SEC permit. ~~[The excavation of any~~  
25 ~~archaeological site shall require an SEC permit, under MCC .6412, regardless of the zoning desig-~~  
26 ~~nation of the site.]~~



(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

~~[(C) Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.]~~

(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.

#### **11.15.6406 Exceptions**

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;

(B) Except as provided in MCC .6420(C), the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

~~[(F) Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;]~~

1 ~~[(G)]~~ (F) The expansion of capacity, or the replacement, of existing communication or energy distri-  
2 bution and transmission systems, except substations;

3 ~~[(H)]~~ (G) The maintenance and repair of existing flood control facilities; and

4 ~~[(H)]~~ (H) Maintenance of u[U]ses legally existing on [the effective date of this Chapter] (effective  
5 date of this ordinance); provided, however, that any change, expansion or alteration of such use  
6 (except for changes to a structure which do not require any modification to the exterior of the  
7 structure) shall require an SEC permit as provided herein.~~[-and]~~

8 ~~[(J)] Those Class 1 streams located:~~

9 ~~(1) Within mineral and aggregate resource areas designated "2A", "3A" or "3C" by a Statewide~~  
10 ~~Planning Goal 5 Economic, Social, Environmental and Energy analysis, or~~

11 ~~(2) Within the Willamette River Greenway.]~~

#### 13 11.15.6408 Application for SEC Permit

14 An application for an SEC permit for a use or for the change or alteration of an existing use on land  
15 designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428 and  
16 shall be filed as follows:

17  
18 (A) For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in MCC  
19 .8210(B); and

20 (B) For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640,  
21 or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone  
22 classification or for any other action as specified in MCC .8205, the SEC permit application shall  
23 be combined with the required application for the proposed action and filed in the manner provid-  
24 ed in MCC .8210 and .8215.

(C) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

#### **11.15.6409 Applicable Approval Criteria**

(A) The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<u>zoning</u>	<u>approval</u>
<u>designation</u>	<u>criteria</u>
<u>SEC-w</u> <u>(wetlands)</u>	<u>MCC .6422</u>
<u>SEC-v</u> <u>(scenic views)</u>	<u>MCC .6424</u>
<u>SEC-h</u> <u>(wildlife habitat)</u>	<u>MCC .6426</u>
<u>SEC-s</u> <u>(streams)</u>	<u>MCC .6428</u>

1 (C) An application for a use on a property containing more than one protected resource shall address  
2 the approval criteria for all of the designated resources on the property. In the case of conflicting  
3 criteria, approval shall be based on the ability of the proposed development to comply as nearly as  
4 possible with the criteria for all designated resources that would be affected.

5 (D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the  
6 approval criteria in order to be approved.

7 (E) For Goal 5 resources designated "3-C", the approval criteria shall be used to determine the most  
8 appropriate location, size and scope of a proposed development, in order to make the development  
9 compatible with the purposes of this section, but shall not be used to prohibit a use or be used to  
10 require removal or relocation of existing physical improvements to the property.

#### 11.15.6410 SEC Permit – Required Findings

13 A decision on an application for an SEC permit shall be based upon findings of consistency with the  
14 purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420  
15 through .6428.

#### 11.15.6412 Decision by Planning Director

18 (A) A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed  
19 Conditions shall be made by the Planning Director.

20 (B) The Director may approve the proposal or approve it with such modifications and conditions as  
21 may be consistent with the Comprehensive Plan and necessary to assure compatibility with appli-  
22 cable criteria of MCC .6420 through .6428.

23 (C) Within [~~ten~~] thirty business days following receipt of a completed application for an SEC permit,  
24 the Planning Director shall file the decision with the Director of Environmental Services and shall  
25 mail a copy of the decision to the applicant and to other persons who request the same.

(D) A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6414 Decision by a Hearings Officer**

(A) A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(B) Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.

(C) The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6416 Appeals**

(A) A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.

(B) A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.

#### **11.15.6418 Scope of Conditions**

(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable [~~policies of the Comprehensive Plan~~] criteria of MCC .6420 through .6428 and any other requirements specified in the Goal 5 protection program for the

1 affected resource. Said conditions may relate to the locations, design, and maintenance of existing  
2 and proposed improvements, including but not limited to buildings, structures and use areas, park-  
3 ing, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fenc-  
4 ing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting, timing of  
5 construction and related activities.

6 (B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including ener-  
7 gy and communication facilities.

#### 9 **11.15.6420 Criteria for Approval of SEC Permit**

10 The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas,  
11 cultural areas and wild and scenic waterways that are designated SEC on Multnomah County sectional  
12 zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:  
13

14 (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegeta-  
15 tion shall be provided between any use and a river, stream, lake, or floodwater storage area.

16 (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

17 (C) The harvesting of timber on lands designated SEC shall be conducted in a manner which will  
18 insure that natural, scenic, and watershed qualities will be maintained to the greatest extent practi-  
19 cable or will be restored within a brief period of time.

20 (D) A building, structure, or use shall be located on a lot in a manner which will balance functional  
21 considerations and costs with the need to preserve and protect areas of environmental significance.

22 (E) Recreational needs shall be satisfied by public and private means in a manner consistent with the  
23 carrying capacity of the land and with minimum conflict with areas of environmental significance.

24 (F) The protection of the public safety and of public and private property, especially from vandalism  
25 and trespass, shall be provided to the maximum extent practicable.

26 (G) Significant fish and wildlife habitats shall be protected.

1 (H) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to  
2 the maximum extent practicable to assure scenic quality and protection from erosion, and continu-  
3 ous riparian corridors.

4 (I) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protect-  
5 ed from vandalism or unauthorized entry.

6 ~~[(J) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities per-~~  
7 ~~mitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner~~  
8 ~~designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeologi-~~  
9 ~~cal features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee~~  
10 ~~necessary reclamation.]~~

11 ~~[(K)]~~ (J) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their  
12 natural state to the maximum possible extent to preserve water quality and protect water retention,  
13 overflow, and natural functions.

14 ~~[(L)]~~ Significant wetland areas shall be protected as provided in MCC .6422.]

15 ~~[(M)]~~ (K) Areas of erosion or potential erosion shall be protected from loss by appropriate means,  
16 ~~which are compatible with the environmental character~~ Appropriate means shall be based on cur-  
17 rent Best Management Practices and may include restriction on timing of soil disturbing activities..

18 ~~[(N)]~~ (L) The quality of the air, water, and land resources and ambient noise levels in areas classified  
19 SEC shall be preserved in the development and use of such areas.

20 ~~[(O)]~~ (M) The design, bulk, construction materials, color and lighting of buildings, structures and  
21 signs shall be compatible with the character and visual quality of areas of significant environmen-  
22 tal concern.

23 ~~[(P)]~~ (N) An area generally recognized as fragile or endangered plant habitat or which is valued for  
24 specific vegetative features, or which has an identified need for protection of the natural vegeta-  
25 tion, shall be retained in a natural state to the maximum extent possible.

26 ~~[(Q)]~~ (O) The applicable policies of the Comprehensive Plan shall be satisfied.

1 **11.15.6422 Criteria for Approval of SEC-w Permit - Significant Wetlands**

2

3 *Significant wetlands* consist of those areas designated as *Significant* on aerial photographs of a scale  
4 of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any  
5 proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject  
6 to the following:

7

8 (A) In addition to other SEC Permit submittal requirements, the application shall also include:

- 9 (1) A site plan drawn to scale showing the wetland boundary as determined by a documented  
10 field survey, the location of all existing and proposed [~~structures, roads,~~] watercourses,  
11 drainageways, stormwater facilities, utility installations, and topography of the site at a con-  
12 tour interval of no greater than five feet;
- 13 (2) A description and map of the wetland area that will be affected by the proposed activity. This  
14 documentation must also include a map of the entire wetland, an assessment of the wetland's  
15 functional characteristics and water sources, and a description of the vegetation types and fish  
16 and wildlife habitat;
- 17 (3) A description and map of soil types in the proposed development area and the locations and  
18 specifications for all proposed draining, filling, grading, dredging, and vegetation removal,  
19 including the amounts and methods;
- 20 (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed develop-  
21 ment area and any proposed protective measures to reduce such hazards;
- 22 (5) Detailed Mitigation Plans as described in subsection (D), if required;
- 23 (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

24

25 (B) [~~In addition to the criteria listed in MCC 6372-t~~] The applicant shall demonstrate that the propos-  
26 al:



- (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;
- (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;
- (3) Will not cause significant degradation of groundwater or surface-water quality;
- (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;
- (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;
- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and
- (3) In cases where the applicant has rejected alternatives to the project as proposed due to con-

1           straints, a reasonable attempt has been made to remove or accommodate such constraints.

2       (4) This section is only applicable for wetland resources designated "3-C".

3  
4       (D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

5           (1) A site plan and written documentation which contains the applicable information for the  
6           replacement wetland as required by MCC .6372 and .6376 (A);

7           (2) A description of the applicant's coordination efforts to date with the requirements of other  
8           local, State, and Federal agencies;

9           (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC  
10          .6376 (B)(2);

11          (4) Documentation that replacement wetlands were considered and rejected according to the fol-  
12          lowing order of locational preferences:

13           (a) On the site of the impacted wetland, with the same kind of resource;

14           (b) Off-site, with the same kind of resource;

15           (c) On-site, with a different kind of resource;

16           (d) Off-site, with a different kind of resource.

17  
18 **11.15.6424 Criteria for Approval of SEC-v Permit - Significant Scenic Views**

19  
20 Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional  
21 zoning maps.

22  
23 Identified Viewing Areas are public areas that provide important views of a significant scenic  
24 resource, and include both sites and linear corridors. Identified Viewing Areas include:

25  
26 Bybee-Howell House

1 Virginia Lakes

2 Sauvie Island Wildlife Refuge

3 Kelley Point Park

4 Smith and Bybee Lakes

5 Highway 30

6 The Multnomah Channel

7 The Willamette River

8 Public roads on Sauvie Island

9  
10 Visually subordinate means development does not noticeably contrast with the surrounding landscape,  
11 as viewed from an identified viewing area. Development that is visually subordinate may be visible,  
12 but is not visually dominant in relation to its surroundings.

13  
14 (A) In addition to the information required by MCC .6408(C), an application for development in an  
15 area designated SEC-v shall include:

- 16 (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any  
17 proposed structure;  
18 (2) Elevation drawings showing the appearance of proposed structures when built and surround-  
19 ing final ground grades;  
20 (3) A list of identified viewing areas from which the proposed use would be visible; and  
21 (4) A written description and drawings demonstrating how the proposed development will be  
22 visually subordinate as required by (B) below, including information on the type, height and  
23 location of any vegetation or other materials which will be used to screen the development  
24 from the view of identified viewing areas.

25  
26 (B) Any portion of a proposed development (including access roads, cleared areas and structures) that

1 will be visible from an identified viewing area shall be visually subordinate. Guidelines which  
2 may be used to attain visual subordination, and which shall be considered in making the determina-  
3 tion of visual subordination include:

- 4 (1) Siting on portions of the property where topography and existing vegetation will screen the  
5 development from the view of identified viewing areas.
- 6 (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.
- 7 (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so  
8 that it is not highly visible from identified viewing areas. Shielding and hooding materials  
9 should be composed of nonreflective, opaque materials.
- 10 (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development.  
11 Priority should be given to retaining existing vegetation over other screening methods. Trees  
12 planted for screening purposes should be coniferous to provide winter screening. The appli-  
13 cant is responsible for the proper maintenance and survival of any vegetation used for screen-  
14 ing.
- 15 (5) Siting in a manner so that grading, cuts or fill are minimized and accomplished in a manner so  
16 that the topography after completion of the development will blend with the surrounding land-  
17 scape.
- 18 (6) Limiting structure height to remain below the surrounding forest canopy level.
- 19 (7) Siting and/or design so that the silhouette of buildings and other structures remains below the  
20 skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying  
21 the building or structure height and design as well as location on the property, except:
  - 22 (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude  
23 above a skyline visible from an identified viewing area upon demonstration that:
    - 24 (i) The new facility could not be located in an existing transmission corridor or built  
25 upon an existing facility;
    - 26 (ii) The facility is necessary for public service; and

1           (iii) The break in the skyline is the minimum necessary to provide the service.

2  
3   (C) Mining of a protected aggregate and mineral resource shall be done in accordance with any stan-  
4   dards for mining identified in the protection program approved during the Goal 5 process.

5   (D) The approval authority may impose conditions of approval on an SEC-v permit in accordance with  
6   MCC .6418, in order to make the development visually subordinate. The extent and type of condi-  
7   tions shall be proportionate to the potential adverse visual impact of the development as seen from  
8   identified viewing areas, taking into consideration the size of the development area that will be  
9   visible, the distance from the development to identified viewing areas, the number of identified  
10   viewing areas that could see the development, and the linear distance the development could be  
11   seen along identified viewing corridors.

12  
13   **11.15.6426 Criteria for Approval of SEC-h Permit - Wildlife Habitat**

14  
15   (A) In addition to the information required by MCC .6408(C), an application for development in an  
16   area designated SEC-h shall include an area map showing all properties which are adjacent to the  
17   proposed development, with the following information:

18   (1) Location of primary, secondary, and impacted wildlife habitat areas as per the adopted refer-  
19   ence map within the Multnomah County Comprehensive Plan;

20   (2) Location of all existing forested areas (including areas cleared pursuant to an approved forest  
21   management plan) and non-forested "cleared" areas;

22   (3) Location of existing structures;

23   (4) Location and width of existing and proposed public roads, private access roads, driveways,  
24   and service corridors on the subject parcel and within 200 feet of the subject parcel's bound-  
25   aries on all adjacent parcels;

26   (5) Proposed type and location of all fencing on the subject property.

1 (B) Approval shall be based on the ability of the proposal to meet the following standards:

2 (1) Where a parcel to be developed contains any combination of primary, secondary, and impact-  
3 ed wildlife habitat areas, development activities shall be limited to the less valuable of the  
4 wildlife habitat areas, except as necessary to provide access.

5 (2) The proposed development shall be located so as to maintain existing forested areas which are  
6 broadly contiguous with forested areas or areas being reforested on adjacent properties.

7 (3) The proposed development shall satisfy either (a) or (b) below:

8 (a) Development location and fencing standards:

9 (i) The development shall be within 200 feet of any public road abutting the site

10 (ii) Access road/driveway and service corridor serving the development shall not exceed  
11 500 feet in length

12 (iii) Access road/driveway shall be located within 100 feet of the property boundary if  
13 adjacent property has an access road or driveway within 200 feet of the property  
14 boundary

15 (iv) The development shall be within 300 feet of the property boundary if adjacent prop-  
16 erty has structures and developed areas within 200 feet of the property boundary.

17 (v) Fencing within a required setback from a public road shall be designed so as to allow  
18 the passage of wildlife. Such fencing shall meet the following criteria:

19 (A) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap  
20 between the ground and the bottom of the fence.

21 (B) Fences may be constructed of rail, barbed, or barless wire. The bottom strand  
22 of a wire fence shall be barless. Fences may be electrified. Cyclone, woven  
23 wire, and chain link fences are prohibited.

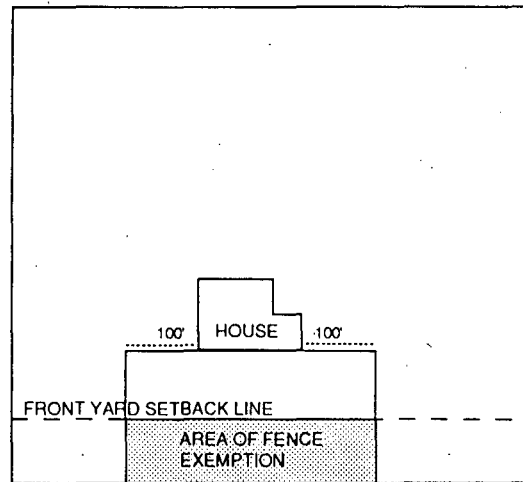
24 (C) Solid fencing which acts as a visual barrier to wildlife is not permitted.

25 (D) That portion of the required setback along a public road which can be described  
26 as an area bounded by:

- 1) the public road.
  - 2) a line connecting two points extending one hundred (100) feet from each end of the building line of the principal residence or structure.
  - 3) a line connecting the public road and one of the two outer points described in 2) above which is perpendicular to the public road, and
  - 4) a line connecting the public road and the other of the two outer points described in (2) above which is perpendicular to the public road;
- shall not be subject to these fencing requirements.

FIGURE .6400A

FENCE EXEMPTION  
AREA



(b) Wildlife Conservation Plan

The applicant shall prepare a wildlife conservation plan for the proposed development which shall demonstrate that the proposed development has either:

- (i) Fully mitigated any adverse impacts to wildlife habitat on the site, or
- ii) Provided for wildlife enhancement measures which compensate for the loss of any wildlife habitat values on the site.

(4) The following nuisance plants shall not be included within landscape plans:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler's Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus sepium</u>	<u>Lady's nightcap</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann's Lace</u>
<u>Elodea densa</u>	<u>South American Waterweed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane's Bill</u>
<u>Geranium roberianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John's Wort</u>
<u>Ilex aquafolium</u>	<u>English Holly</u>
<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
<u>Lemna minor</u>	<u>Duckweed, Water Lentil</u>
<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>



1	<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
2	<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
3	<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
4	<u>Poa annua</u>	<u>Annual Bluegrass</u>
5	<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
6	<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
7	<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
8	<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
9	<u>Rhus diversiloba</u>	<u>Poison Oak</u>
10	<u>Rubusdiscolor</u>	<u>Himalayan Blackberry</u>
11	<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
12	<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
13	<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
14	<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
15	<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
16	<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
17	<u>Ultricularia vulgaris</u>	<u>Common Bladderwort</u>
18	<u>Urtica dioica</u>	<u>Stinging Nettle</u>
19	<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
20	<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
21	<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
22	<u>various genera</u>	<u>Bamboo sp.</u>

#### **11.15.6428 Criteria for Approval of SEC-s Permit - Streams**

Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to be either "2-A", "3-A", or "3-C", are identified as protected in the Comprehensive Framework Plan.

1 and are designated SEC-s on the Multnomah County Sectional Zoning Maps.

2  
3 Development = Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequi-  
4 site to the use or improvement of any land, including a building, land use, occupancy, sewer connec-  
5 tion or other similar permit, and any associated grading or vegetative modifications.

6  
7 Stream Conservation Area = An area extending 300' upslope from and perpendicular to the centerline  
8 of a protected stream. Any development proposed within a Stream Conservation Area shall be  
9 required to demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through  
10 (D).

11  
12 (A) Except for the following exempt uses, no development shall be allowed within a Stream  
13 Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC  
14 11.15.6428(B) through (D).

15 (1) Forest practices conducted under the Forest Practices Act

16 (2) Planting of native vegetation

17 (3) Agricultural uses, except structures

18 (4) Maintenance, but not expansion, of existing developments

19 (5) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to  
20 ensure continuous width

21 (6) Single utility poles necessary to provide service to the local area

22  
23 (B) In addition to other SEC Permit submittal requirements, any application to develop in a Stream  
24 Conservation Area shall also include:

25 (1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all  
26 existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, util-

ity installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;

(2) A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, and/ or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (F)(5) below;

(5) A detailed Mitigation Plan as described in subsection (E), if required; and

(6) A description of how the proposal meets the approval criteria listed in subsection (C) below.

(C) The applicant shall demonstrate that the proposal:

(1) Has no practicable alternative as described in subsection (D) below;

(2) Will have no impacts on the Stream Conservation Area's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted Stream Conservation Areas inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan; and

(3) Will not cause measurable degradation of groundwater or surface water quality; or

(4) Will provide offsetting replacement Stream Conservation Area for any loss of existing Stream

1       Conservation Areas and will significantly enhance the functional characteristics of the stream.

2       This Mitigation Plan shall meet the standards of subsection (E) below.

3       (5) This section is only applicable for stream resources designated "3-C".

4  
5       (D) A finding of no practicable alternative is to be made by the Approval Authority only after demon-  
6       stration by the applicant that:

7       (1) For uses listed by the underlying zone as Primary Uses and Uses Under Prescribed Conditions  
8       or utilities and facilities necessary to serve Conditional Uses outside of the Stream  
9       Conservation Area, there is no alternative site on the Lot of Record (as defined by the underly-  
10       ing zoning district) for the development outside of the Stream Conservation Area, or

11       (2) For uses listed by the underlying zone as Conditional Uses, there is neither an alternative site  
12       on the Lot of Record for the development outside of the Stream Conservation Area, nor can the  
13       basic purpose of the project reasonably be accomplished using one or more other practicable  
14       alternative sites in Multnomah County that would avoid or result in less adverse impact on a  
15       Stream Conservation Area. An alternative site is to be considered practicable if it is the sub-  
16       ject of a listing agreement or advertised for sale and the proposed activity can be conducted on  
17       that site after taking into consideration costs, existing technology, infrastructure, and logistics  
18       in achieving the overall project purposes.

19  
20       (E) A Mitigation Plan and monitoring program may be approved by the Hearings Officer upon sub-  
21       mission of the following:

22       (1) A site plan and written documentation which contains the applicable information for the  
23       replacement Stream Conservation Area as required by MCC .6428(B);

24       (2) A description of the applicant's coordination efforts to date with the requirements of other  
25       local, State, and Federal agencies;

26       (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC

1           .6428 (C)(2):

2           (4) Documentation that replacement Stream Conservation Areas were considered and rejected  
3           according to the following order of locational preferences:

4           (a) On the site of the impacted Stream Conservation Area, with the same kind of resource;

5           (b) Off-site, with the same kind of resource;

6           (c) On-site, with a different kind of resource;

7           (d) Off-site, with a different kind of resource.

8  
9           (5) A five year annual monitoring plan which insures an 80 percent annual survival rate of any  
10           required plantings.

11  
12       (F) Design Specifications

13       The following design specifications shall be incorporated, as appropriate, into any developments  
14       within a Stream Conservation Area:

15       (1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the  
16       minimum width necessary to allow passage of peak winter flows shall be utilized for any  
17       crossing of a protected streams.

18       (2) All storm water generated by a development shall be collected and disposed of on-site into dry  
19       wells or by other best management practice methods which emphasize groundwater recharge  
20       and reduce peak stream flows.

21       (3) Any exterior lighting associated with a proposed development shall be placed, shaded or  
22       screened to avoid shining directly into a Stream Conservation Area

23       (4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced  
24       by any combination of native species whose combined caliper is equivalent to that of the trees  
25       removed.

26       (5) Satisfaction of the erosion control standards standards of MCC .6730.

1       (6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period  
2       between June 15 and September 15. Revegetation/soil stabilization must be accomplished no  
3       later than October 15. Best Management Practices related to erosion control shall be required  
4       within a Stream Conservation Area.

5       (7) Demonstration of compliance with all applicable state and federal permit requirements.  
6  
7

8   Section III. Adoption.  
9

10       ADOPTED THIS 18th day of October, 1994, being the date of its second reading before the Board  
11   of County Commissioners of Multnomah County.  
12



18       By \_\_\_\_\_

Tanya Collier

Multnomah County Vice-Chair

19   REVIEWED:

20  
21   By \_\_\_\_\_

22   JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL

23   for MULTNOMAH COUNTY, OREGON  
24  
25  
26

from  
DONNA  
MATRAZZO

## CHAPTER 33.570 ROCKY BUTTE PLAN DISTRICT

(Added by Ord. No. 163957, effective 4/12/91)

### Sections:

33.570.010	Purpose
33.570.020	Where the Regulations Apply
33.570.030	Development Standards
33.570.040	Tree Removal
33.570.050	Historic Features Review
33.570.060	Review for Timeliness
33.570.070	Relationship to Environmental Zones
Map 570-1	Rocky Butte Plan District

### 33.570.010 Purpose

Rocky Butte has been identified as an important natural resource which includes a scenic drive and scenic views from the roadway and from the top of the butte. The regulations relating to Rocky Butte are intended to preserve and enhance the forested areas of the butte, views from the butte, historic architectural elements, and the natural scenic qualities of the butte.

### 33.570.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Rocky Butte plan district. The boundaries of the district are shown on Map 570-1 at the end of this chapter, and on the Official Zoning Maps. Any changes to land or development, including rights-of-way, within the Rocky Butte plan district are subject to the regulations of this Chapter.

### 33.570.030 Development Standards

- A. **Tree preservation plan.** A tree preservation plan must be submitted at the time of application for a required land use review or at the time of application for a building permit, whichever occurs first. The tree preservation plan must show all individual trees greater than 6 inches in diameter at five feet above the ground. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be preserved or removed must be shown as such on the plan.
- B. **Height of structures.** The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

Lying in Section 28 adjacent to Rocky Butte Road on the south and southeast sides between Engineer's Station No. 70 and Engineer's Station No. 80, on the west side of the said road between Engineer's Station No. 80 and Engineer's Station No. 83 + 50, and on the north, east and west sides between Station No. 88 and Engineer's Station No. 99 + 33.

- C. **Street setback.** No more than 25 percent of the street setback adjacent to NE Rocky Butte Road can be used for parking, maneuvering and circulation areas. For lots with an average slope down of 20 percent or more, the maximum area devoted to parking,



maneuvering and circulation is 35 percent of the street setback. The remainder of the front setback must be landscaped to at least the L1 level. Emphasis should be placed on the use of native species as listed on the Portland Plant List.

- D. Access limitations.** As a part of any new partition or subdivision of land, access to the ring road portion of Rocky Butte Road is limited in order to preserve on-street parking and maintain the forest setting. All lots created by any partitioning or subdivision of land must obtain vehicular access from a public or private street other than the ring road portion of Rocky Butte Road. For each 1000 feet of property frontage abutting the ring portion of Rocky Butte Road there may not be more than one intersection with a public or private street.
- E. Lighting.** Cut-off luminaires must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave) over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.
- F. Fences.** Wire and/or metal fences are not allowed.
- G. Screening.** Outdoor storage and parking of recreational vehicles and utility trailers, including motor homes, campers, and boats, is not allowed if visible at any time of the year from NE Rocky Butte Road or the top of Rocky Butte. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from Rocky Butte Road or the top of the butte. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

### 33.570.040 Tree Removal

- A. Purpose.** The heavily forested slopes of Rocky Butte contribute to the beauty of the area, create a striking landmark as one enters or leaves Portland, and provides the natural setting to complement the historic features of the butte. The purpose of this Section is to allow trees to be removed only when they meet the purpose of the Rocky Butte plan district and this Section. Every effort should be made to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.
- B. Tree removal review.** Trees in the Rocky Butte plan district that do not qualify for removal under Subsection C, below, may be removed if approved through tree removal review as provided in Section 33.480.050 of the Scenic Resource zone. Tree removal in areas with an Environmental zone is subject to environmental review rather than tree removal review.
- C. Exempt from review.** The following are exempt from tree removal review:
  - 1. The tree is located within the footprint of a proposed building, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die;
  - 2. The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property;

3. The tree is within a water, sewer or other utility easement; and
4. The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.

**D. Tree removal without permission.** Trees over 6 inches in diameter measured at 5 feet above the ground that are removed without permission must be replaced with 2 trees from the approved tree list in the appendix of the Scenic Resources Protection Plan. The new trees must be at least 2 inches in diameter measured 5 five feet above the ground.

### **33.570.050 Historic Features Review**

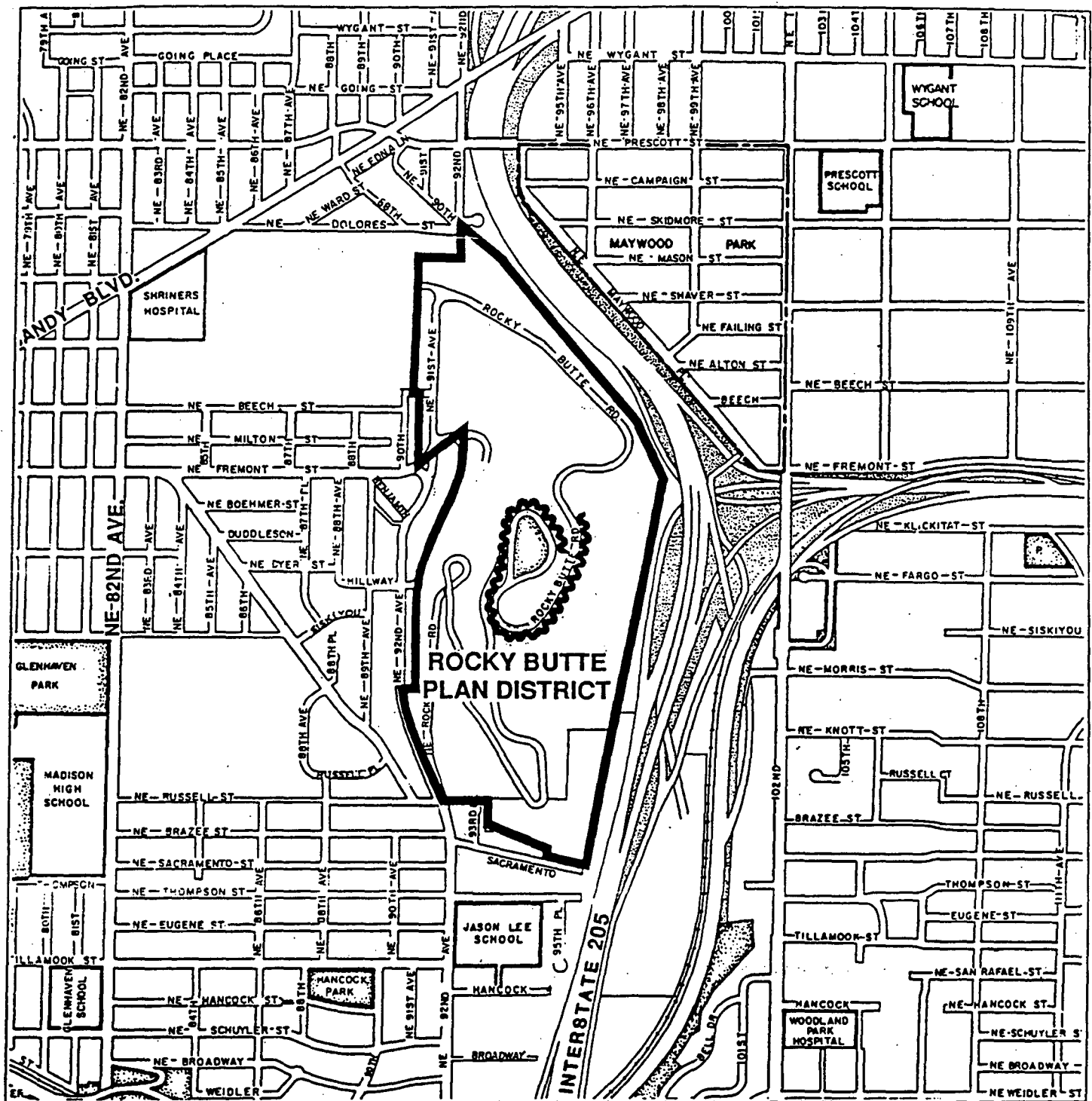
- A. Purpose.** The hewn basalt blocks that line portions of Rocky Butte, the low basalt walls, the basalt retaining walls, bollards, drainage ways, the pedestrian and vehicle tunnels and other similar features are part of the scenic and historic character of the butte. The purpose of the historic features review is to ensure that these features are not altered in any way that will diminish the historic quality of the butte. Where features need to be removed temporarily or permanently in order to allow development, the review ensures that the impact of the removal is mitigated.
- B. Scope of historic features review.** Historic features review is required for the alteration or removal of historic features that are on private property. For those historic features owned and maintained by the City and located in the public right-of-way, the City Engineer must seek the advice of the Historic Landmarks Commission prior to making any substantive alteration or removal. The Historical Landmarks Commission will consider the approval criteria of this subsection in providing advice to the City Engineer. The City Engineer is not required to seek this advice for routine maintenance and emergency repairs to these historic features when they are performed by the City.
- C. Procedure.** Historic Features review is processed through a Type III procedure.
- D. Approval criteria.** The request to alter or remove historic features on the butte will be approved if the applicant has shown that all of the following approval criteria are met:
  1. There is a clear demonstration that there is a public need for the proposal and that the public benefit resulting from the proposal outweighs the benefits of preserving the historic features.
  2. Alternative locations, design modifications, or alternative methods of development which would reduce the impacts on the historic features have been identified and evaluated.
  3. Impacts on the historic features have been mitigated through replacing or relocating the removed historic feature or through enhancing other nearby historic features.

### **33.570.060 Review for Timeliness**

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

**33.570.070 Relationship to Environmental Zones**

When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.



# Map 570-1 Rocky Butte Plan District

Bureau of Planning • City of Portland, Oregon

**CHAPTER 33.515  
COLUMBIA SOUTH SHORE PLAN DISTRICT**

(Amended by Ord. No. 166834, effective 9/3/93. Amended by Ord. No. 167127, effective 12/17/93. Amended by Ord. No. 167650, effective June 10, 1994.)

**Sections:**

**General**

- 33.515.010 Purpose
- 33.515.020 Where the Regulations Apply
- 33.515.025 Relationship Among Subdistrict Regulations
- 33.515.030 On-Site Containment

**Use Regulations**

- 33.515.100 Uses Involving Hazardous Substances
- 33.515.110 Additional Allowed Uses
- 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
- 33.515.220 Office Use Floor Area Limitation
- 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
- 33.515.250 Excavations and Fills
- 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 Interim Cultural 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 Maximum Building Heights

Map 515-3 Areas Affected by Columbia South Shore Streetscape Standards

Map 515-4 Reserved for Columbia South Shore Slough Trail

Map 515-5 Columbia South Shore Transition Areas

### **33.515.010 Purpose**

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center which 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.

### **33.515.030 On-Site Containment**

Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed by the Bureau of Buildings to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook. The application form and design handbook are available from the zoning counter at the Permit Center.

## Use Regulations

### 33.515.100 Uses Involving Hazardous Substances

- A. Purpose.** Certain uses in the plan district are prohibited or require a hazardous substances review because they pose a high risk to the surface and groundwater resources. The requirements of this section are a major component of the water quality protection plan for the district and are meant to supplement and be used in conjunction with the other plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems. Potential harm due to exposure to these substances is reduced by prohibiting large quantities of hazardous materials and hazardous wastes, and prohibiting specific uses that traditionally use these substances.
- B. Prohibited uses.** The following uses are prohibited in the Columbia South Shore plan district:
1. Uses which use hazardous substances at the bulk plant quantity level;
  2. Uses in the Waste-Related category and waste collection and transfer facilities, which involve hazardous substances;
  3. Uses involving:
    - a. Asphaltic and petroleum-based coating and preserving materials;
    - b. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote, and related chemicals;
    - c. Oils containing PCB's;
    - d. Used batteries, for recycling or reprocessing; and
    - e. Petroleum storage tanks, including retail gas stations and truck stops. This does not include petroleum storage tanks for the exclusive use of on-site fleet vehicles;
  4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, unless specifically stated in C. below; and
  5. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.
- C. Uses requiring hazardous substances review.** The uses listed below traditionally use solvents and other hazardous substances which would normally be prohibited in the Columbia South Shore plan district. However, changes in operational and containment process technology may be proposed which minimize the impacts. The uses stated below are not allowed unless approval is granted through a hazardous substances review. See Chapter 33.840, Hazardous Substances Review.
1. Furniture stripping or refinishing.

2. Exterior vehicle salvage, drum container recycling and cleaning, or cleaning operations for commercial truck tankers or rail tankers.
  3. Industrial and commercial dry cleaning plants.
  4. Uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.
  5. Other similar uses as may be determined by the Planning Director to pose a high potential risk to the ground and surface water resources.
- D. Nonconforming uses that involve hazardous substances.** Nonconforming uses are prohibited from increasing the quantities of hazardous substances produced for off-site use. Nonconforming uses that involve hazardous substances are subject to the on-site containment requirements of 33.515.030 when proposing expansion.

### **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 33.815.215. 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, including pedestrian standards for the EG2 zone (33.515.205.E).



### **33.515.120 Commercial Uses**

The IG2 zone regulations allow four Retail Sales And Service uses on a lot of up to 3,000 square feet each 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 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 CG 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 Corp. 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.

**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 standards do not apply west of Interstate 205. 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. Work activities and exterior storage of equipment, and materials 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.
- E. Pedestrian standards.** All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

### **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

- A. Purpose.** Streetscape 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 which provides public views from the street right-of-way and the adjacent bicycle trail. The roadway is elevated on a dike 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 development that is within 200 feet of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.
- C. Building heights.** Within 200 feet south of the Marine Drive right-of-way, building heights 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.
- D. Landscape standards.** Specific standards for planting the northern edge of properties and surface parking lots replace the base zone standards. The landscape treatment will be continuous, as shown in Figures 515-1, 515-2 and 515-3. In two

other locations, as shown in Figure 515-4, a clustered landscape treatment is allowed as an alternative.

1. Tree rows. A staggered double row of trees must be planted between development and the toe of the Marine Drive dike. The northern row must be 12 feet south of the toe of the slope or 42 feet from the pavement edge, whichever is the greater distance from the pavement edge. The two staggered rows must be 10 feet apart and trees within each row must be spaced 15 feet on center. Fences are prohibited between the toe of the levee bank and the southern tree row.

Buildings must be set back a minimum of 10 feet from the southern tree row, without regard to the property line, except that in no case shall the building be located less than 5 feet from the edge of right-of-way. Locating buildings away from Marine Drive is encouraged.

a. Tree row standards:

- (1) Southern row. Where parking or exterior storage will be located within 60 feet of the tree rows, the southern row must be Hogan Cedars at least four feet tall. Where buildings will be located adjacent to the tree rows, the southern row must be either Scarlet Sentinel Maples or Armstrong Red Maples.
  - (2) Northern row. The trees in the northern row must be one of the following species: Black Hawthorne (*crataegus douglasii suksdorfii*), Bitter Chokecherry (*prunus emarginata*), Sitka Willow (*salix sitchensis*), or Columbia River Willow (*salix fluvialis*). Willows are prohibited adjacent to the 40 Mile recreational trail.
  - (3) Corner sites. On a corner site, where another street intersects Marine Drive, a single tree row must be planted 12 feet interior from the toe of the cross-street embankment. This tree row must extend for a distance of 100 feet south from the required tree rows at Marine Drive. This tree row is to consist of Scarlet Sentinel Maples planted on 25-foot centers.
2. Flowering shrubs. For every 100 feet (or fraction thereof) of site frontage on Marine Drive, a cluster of flowering shrubs must be planted within 12 feet to the north of the exterior row of trees. Each cluster must consist of six shrubs of the same plant species. The applicant must choose from 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 Oregongrape (*berberis aquifolium / mahonia a*), Red Current (*ribes sanguineum*), Red Elderberry (*sambucus cerulea*), or Pacific Ninebark (*physocarpus capitatus*).

Where the recreational trail is located south of Marine Drive and below the grade of the road, in lieu of the above clusters, a row of one of the above shrub species must be planted to the north of the tree rows. Shrubs in this row must be planted on seven and a half foot centers and staggered with the trees of the adjacent rows. Shrubs must grow to six feet of height within 3 years.

Figure 515-1

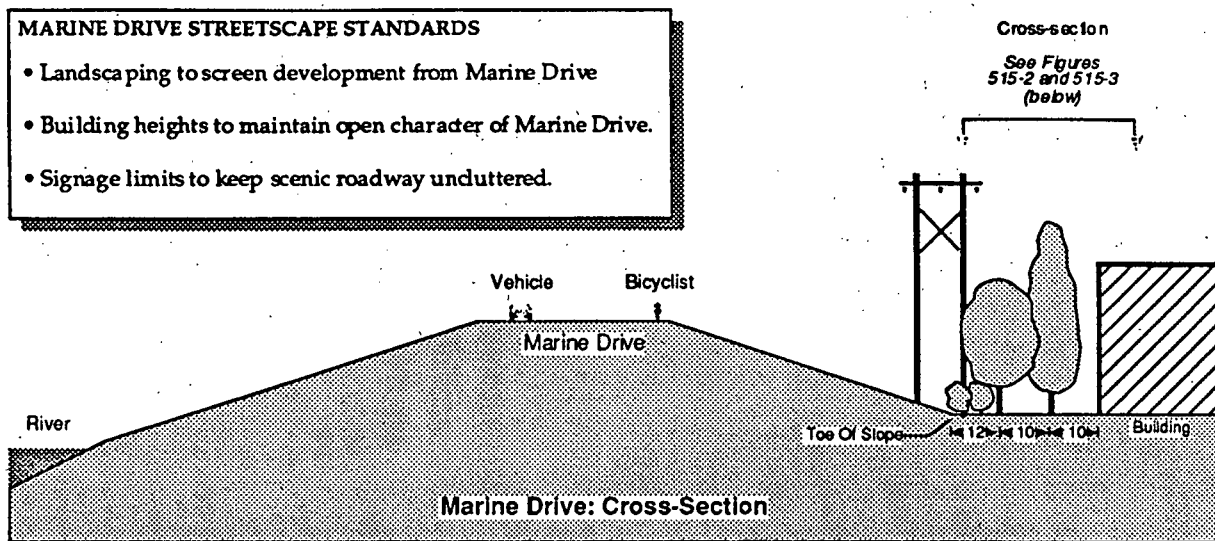


Figure 515-2: No Bike Path

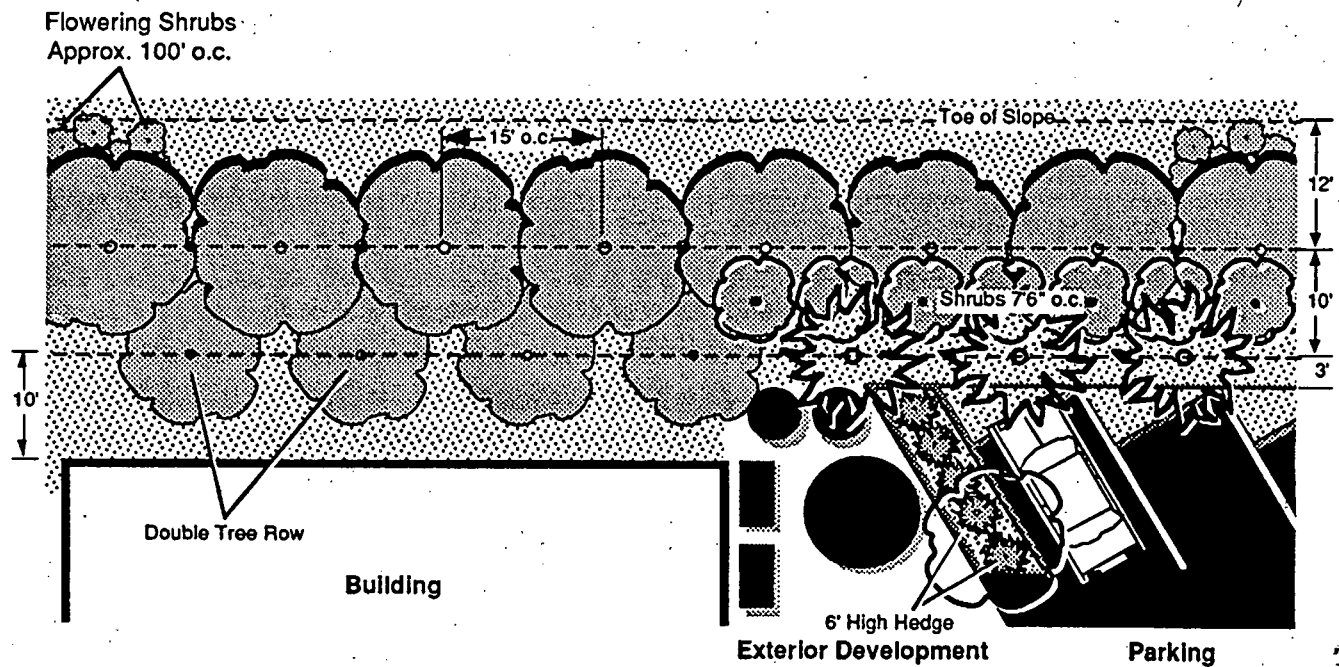


Figure 515-3: Bike Path

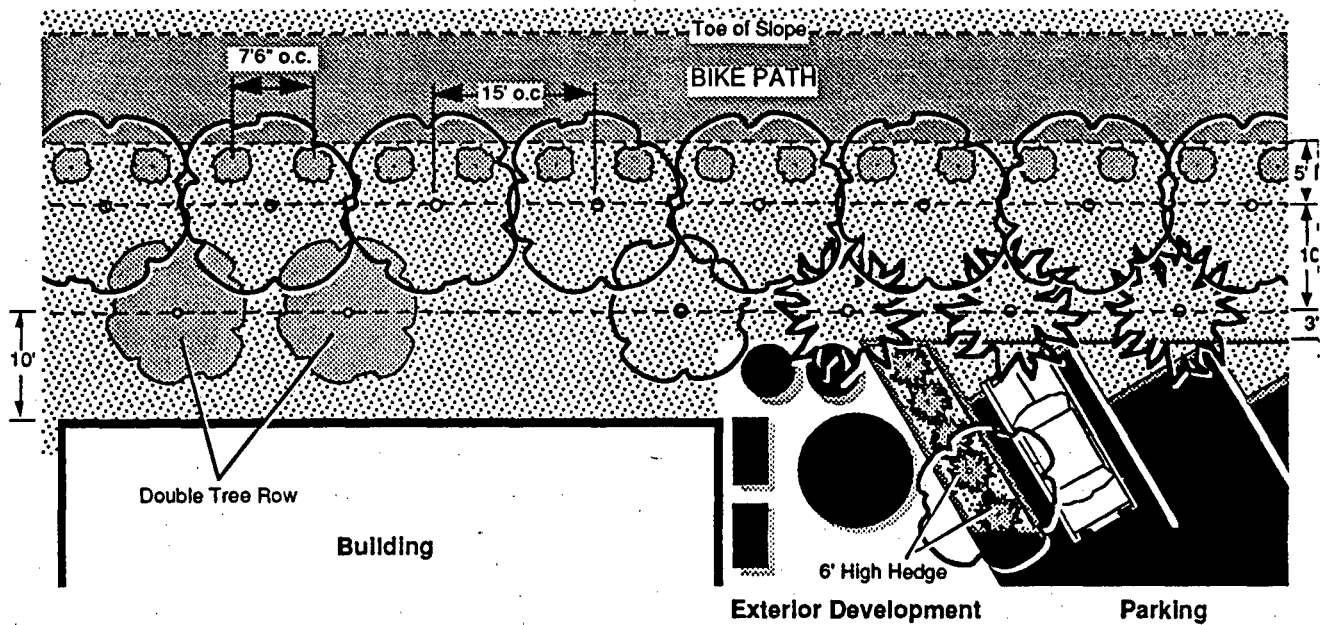
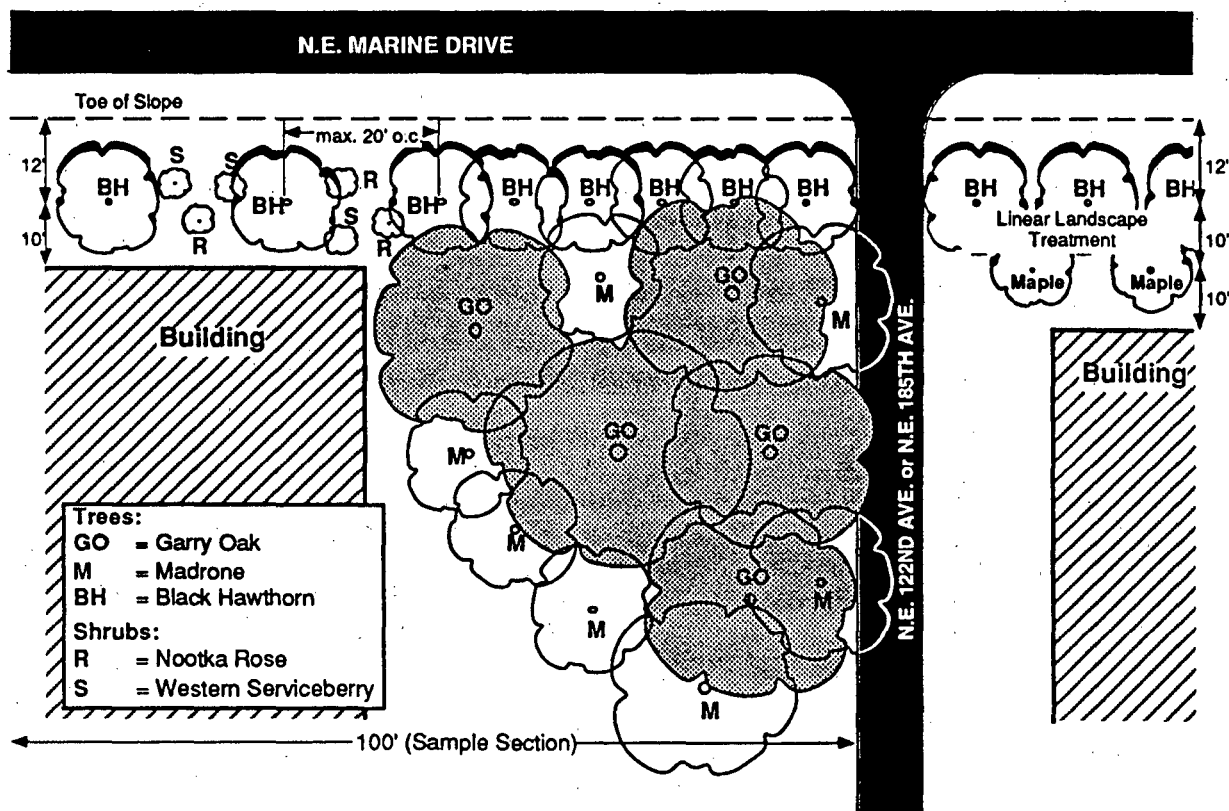


Figure 515-4: Clustered Landscaping Example



3. Perimeter landscaping for parking and exterior storage areas. Along Marine Drive, vehicle areas and exterior storage areas may be located within 3 feet of the southern tree row. In lieu of the perimeter landscaping requirement of Chapter 33.266, a shrub row must be planted between the required tree rows. Shrubs in this row must be planted on seven and a half centers and staggered with the trees of the adjacent rows. Shrubs must grow to six feet of height within 3 years. Where the recreation trail is located south of Marine Drive and below the grade of the road, the flowering shrub row of item 2 above satisfies this requirement.
  - a. Marine Drive recreational trail. On sites with the Marine Drive recreational trail located to the south of Marine Drive, the shrub row must be located between the recreational trail and the tree rows, as shown in Figure 515-2.
  - b. Other sites along Marine Drive. On sites along Marine Drive with no recreational trail located to the south of Marine Drive, the row of shrubs must meet standards shown on Figure 515-3. The shrub row must be planted on seven and a half foot centers and staggered with the trees of the adjacent tree rows.
4. Planting the levee 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.
5. 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 item 2 of this subsection.
6. Clustered landscaping. In two entryway locations along Marine Drive, the following clustered landscaping treatment may substitute for lineal landscape treatment of items 1 through 3 above.
  - a. The entryway locations eligible for clustered landscaping treatment are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. They are shown in Figure 515-4.
  - b. Standards. For every 100 feet of Marine Drive frontage (or portion thereof), 20 trees and 6 shrubs must be provided. Trees must cover the frontage with a maximum spacing of 20 feet. 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.

#### **33.515.220 Office Use Floor Area Limitation**

Office uses within the EG2 zone are limited to a floor area ratio (FAR) of 0.45 to 1. Structured parking is not included in the FAR calculation.



### **33.515.225 Transfer of Floor Area**

As part of a subdivision or industrial park, a transfer of floor area within and between lots in the subdivision or industrial park 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 be submitted to the Bureau of Planning 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.**

- 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 item 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**

- A. **Purpose.** Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.
- B. **Sign standards.**
  1. Signs must conform to the sign standards of the CX zone (33.286), as modified by the requirements of this subsection. Adjustments to this section are allowed only for the sign height on sites over 10 feet below the adjacent roadway elevation. All other sign adjustments are prohibited.
  2. The following signs are prohibited:
    - a. Pole-mounted signs.
    - b. Flashing, rotating or electronic information signs.
    - c. Backlit awning signs.
  3. Freestanding signs. Freestanding signs are limited to one monument sign per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.
  4. Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs which face Marine Drive are limited to 1/2 square foot of

sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.

### **33.515.250 Excavations and Fills**

**A. Purpose.** Outside environmental zones, excavations and fills are regulated to:

- Promote compliance with applicable state and federal wetland regulations;
- Protect nearby residential areas from nuisance and safety problems; and
- Prevent significant negative impacts on natural resource values in the area.

**B. Where the regulations apply.** Sites within 400 feet of a residential zone are subject to Item C below. More restrictive excavation and fill standards apply in the environmental overlay zone.

**C. Excavation and fill review.** An excavation and fill review is required as stated in Chapter 33.830, except for the following:

1. The threshold for excavation and fill is reduced to over 50 cubic yards; and
2. The applicant must provide evidence that the development proposal meets all state and federal requirements of the Division of State Lands and the U.S. Army Corps of Engineers.

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

New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary, industrial, or storm water are prohibited. All on-site storm water and waste water must be disposed of into a system approved by the Bureau of Environmental 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 Public Recreational Trails**

**A. Public recreational trail requirements.** All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails. If the trail is located within the Environmental zones, the trail must also comply with those requirements. At a minimum, public recreational trails along the Columbia Slough must be constructed to the soft surface pedestrian standards.

**B. Construction of the 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 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 cost to provide the recreational trail equals 1 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 1 percent of total project costs. If the cost to provide the recreational trail exceeds 1 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 1 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 April 7, 1987. Cumulative means that all trust fund contributions from that date and all projects 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 document of contributions to the trust fund.

#### **33.515.262 Interim Cultural Protection**

- A. **Purpose.** The City has initiated a process to protect cultural resources in the Columbia South Shore. When the process is complete, the interim protection measures will be deleted from the zoning code.
- B. **Where the regulations apply.** The regulations of the Section apply to sites in the Interim Resource Protection Overlay Zone.
- C. **Interim resource protection review.** The approval criteria for the interim resource protection review are limited to the following criteria. Other approval criteria of Chapter 33.455 do not apply in this plan district. An interim resource protection review application will be approved if the review body finds that the applicant has shown that all of the approval criteria stated below are met:
  1. Archaeological areas must be preserved for their historic, scientific, cultural value, and protected from vandalism or unauthorized entry; and
  2. Extraction of aggregates and minerals, the depositing of dredge spoils and similar activities must be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historic or archaeological features, vegetation, erosion, stream flow, visual quality, noise and safety, and to guarantee necessary reclamation; and
  3. Buildings, structures and sites of historic significance must be preserved, restored, and maintained.

## **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; and
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources.

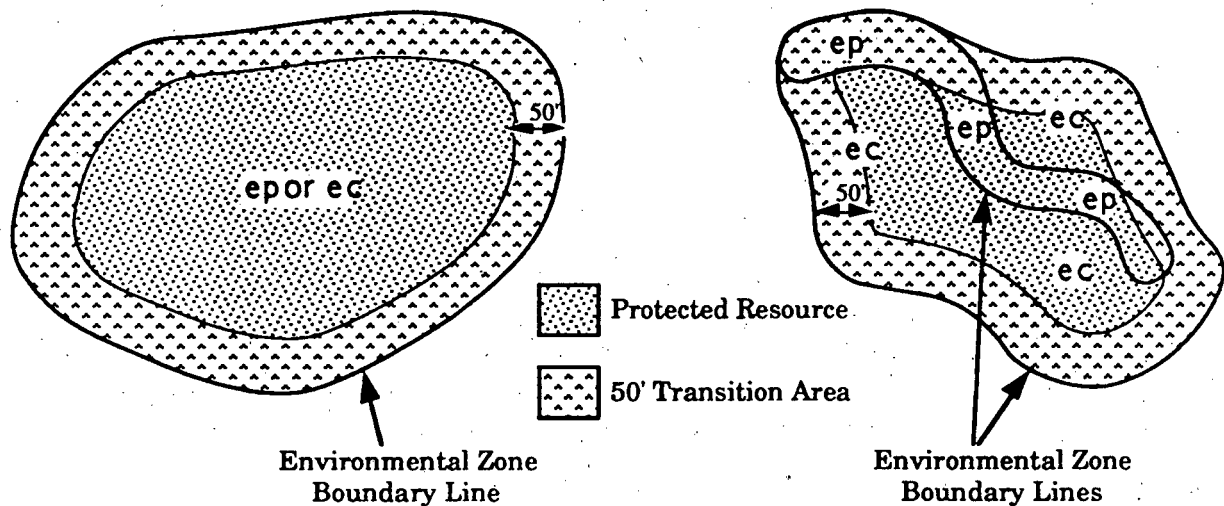
### **33.515.268 Where These Regulations Apply**

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 resources 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 (ep) 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 ep zone are intended to preserve the resource and its values.
  2. The Environmental Conservation (ec) overlay zone is applied to areas with high functional values where development may be allowed if adverse impacts are mitigated. The regulations of the ec 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 outer 50 feet of the environmental zone except as shown on Map 515-5. Figure 515-6 illustrates two different situations: when either the EC or EP environmental zone is applied, and when the two zones are applied together and border each other.

**Figure 515-6**  
**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 noncultivated vegetation including herbicide application;
- G. Resource enhancement activities; and
- H. Land division as regulated by Title 34, Subdivision and Partitioning Regulations.

**33.515.274 Items Exempt From These Regulations**

The following are exempt from the development standards and required reviews stated in this section:

- 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 judgements entered by courts of competent jurisdiction; and
- J. Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations.

### **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 as nuisance or prohibited plants on 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 subject to review as set out in Section 33.515.280:

1. In environmental zones:

- a. Fill or destruction of a resource in an EC zone;
- b. Removal of vegetation which is not identified as nuisance or prohibited plants on 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, 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 classified as prohibited or nuisance plants;
  - 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.
- B. Land uses 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 classified as prohibited or nuisance plants;
    - b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting;
    - c. At least eight 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 classified as prohibited or nuisance plants;
    - 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 subsection (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, Grading, and Erosion Control and to the Erosion Control Technical Guidance Handbook. 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 EP zone are exempt from minimum lot size and shape requirements of Section 33.140.200, Lot Size. All other new lots must meet the minimum size and shape requirements of Section 33.140.200, Lot Size, outside of land zoned EP.
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 more than 6 inches in diameter, measured 4-1/2 feet above the ground and are not required to 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. Paved exterior areas in an EC or EP zone. Paved areas which do not meet Plan District regulations must be removed from Environmental-zoned areas when the value of the proposed alterations on the site is more than \$10,000. However, required changes costing over 10 percent of the value of the proposed alterations do not have to be made.
  - b. Unpaved exterior areas. Unpaved exterior improvements must comply fully with development standards at the time of development on the site. However, required changes costing over 10 percent of the value of the proposed alterations do not have to be made.
  - c. Removal of existing bridges, utilities, or public improvements is not required.

#### **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.
- 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 EC 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. A pre-application conference is required for all reviews.

**D. Approval criteria**

1. Fill or destruction of a natural resource in an EC zone will be approved if the review body finds that:
  - a. All resource values listed in Table 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 Table 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

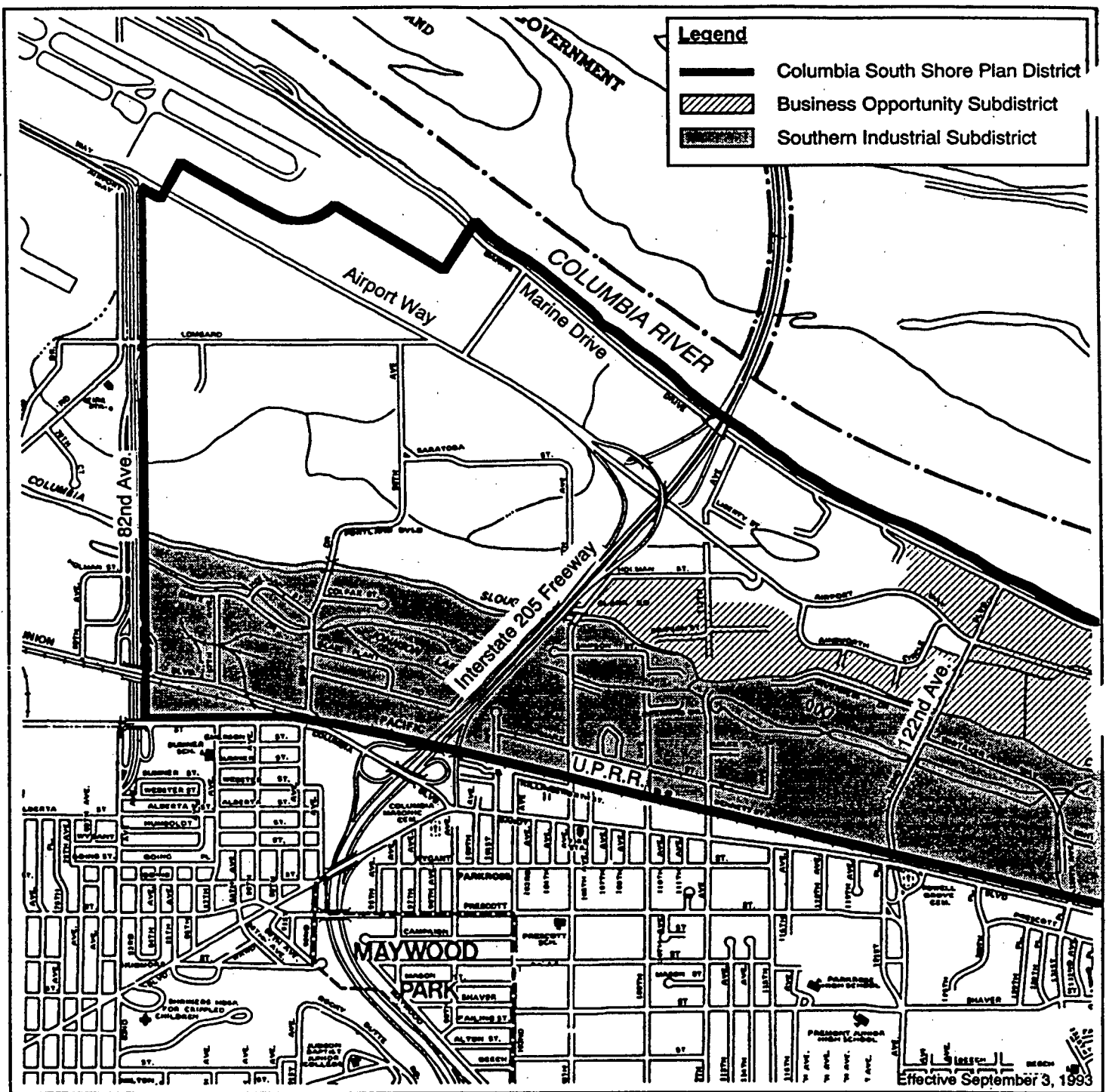
- b. Is not classified as a nuisance or prohibited plant on the Portland Plant List.
- 4. The following activities will be approved if the review body finds that the criteria of this paragraph are met: other resource enhancement or alteration or road improvements in public rights-of-way in an environmental 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 Table 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 Table 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 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; and
  - 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 hearings 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 which have less impact on the protected resource.
6. Public right-of-way dedication in an environmental zone will be approved if the hearings body finds that there are no practicable alternatives which 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 hearings 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 Table 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 Table 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 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.

- 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.



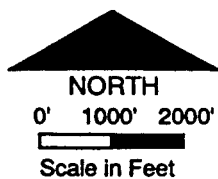
**Columbia South Shore Plan District Maps begin on the next page.**



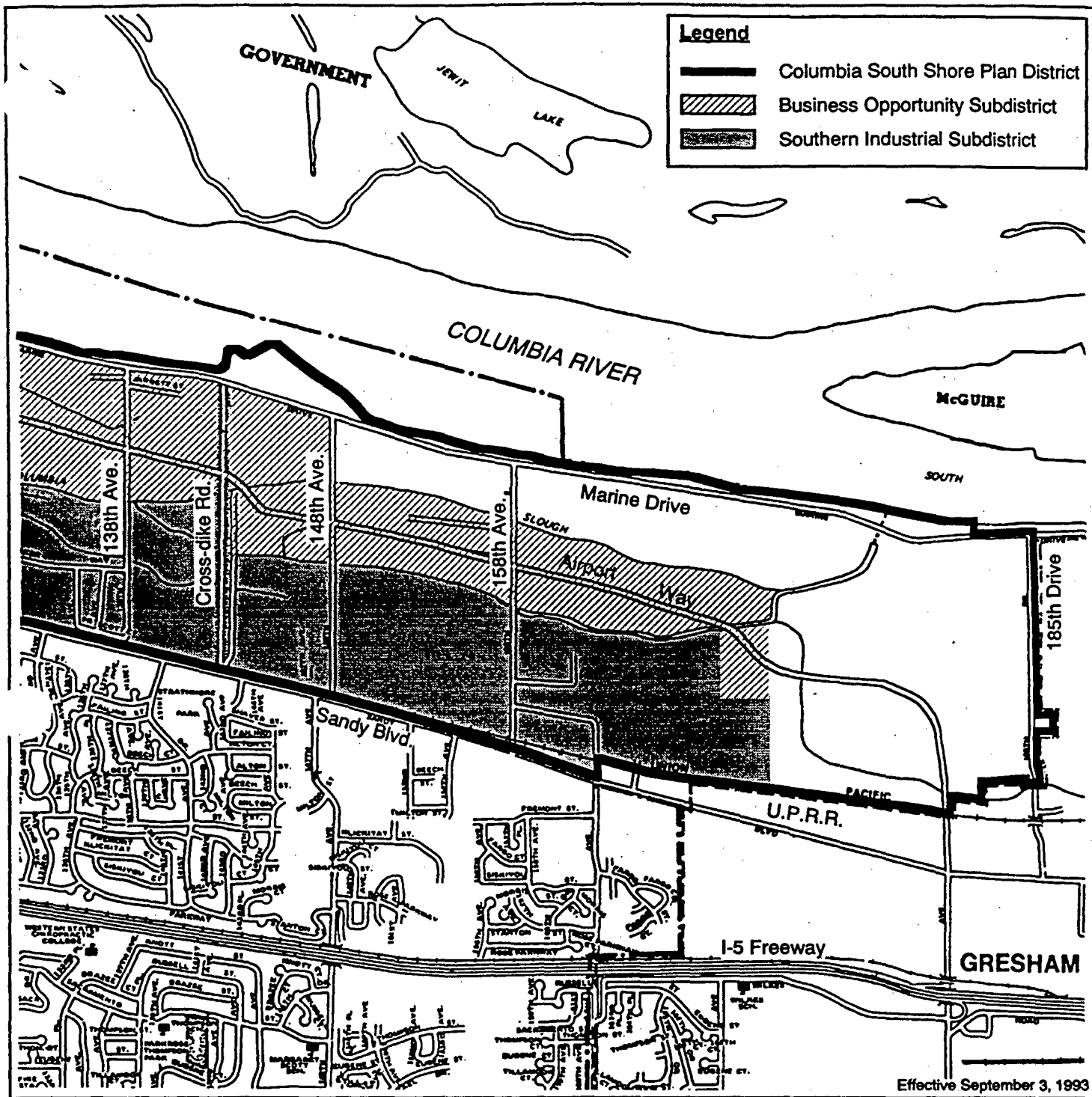
## Map 515-1

## Columbia South Shore Plan District and Subdistricts

Map 1 of 2



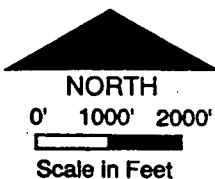
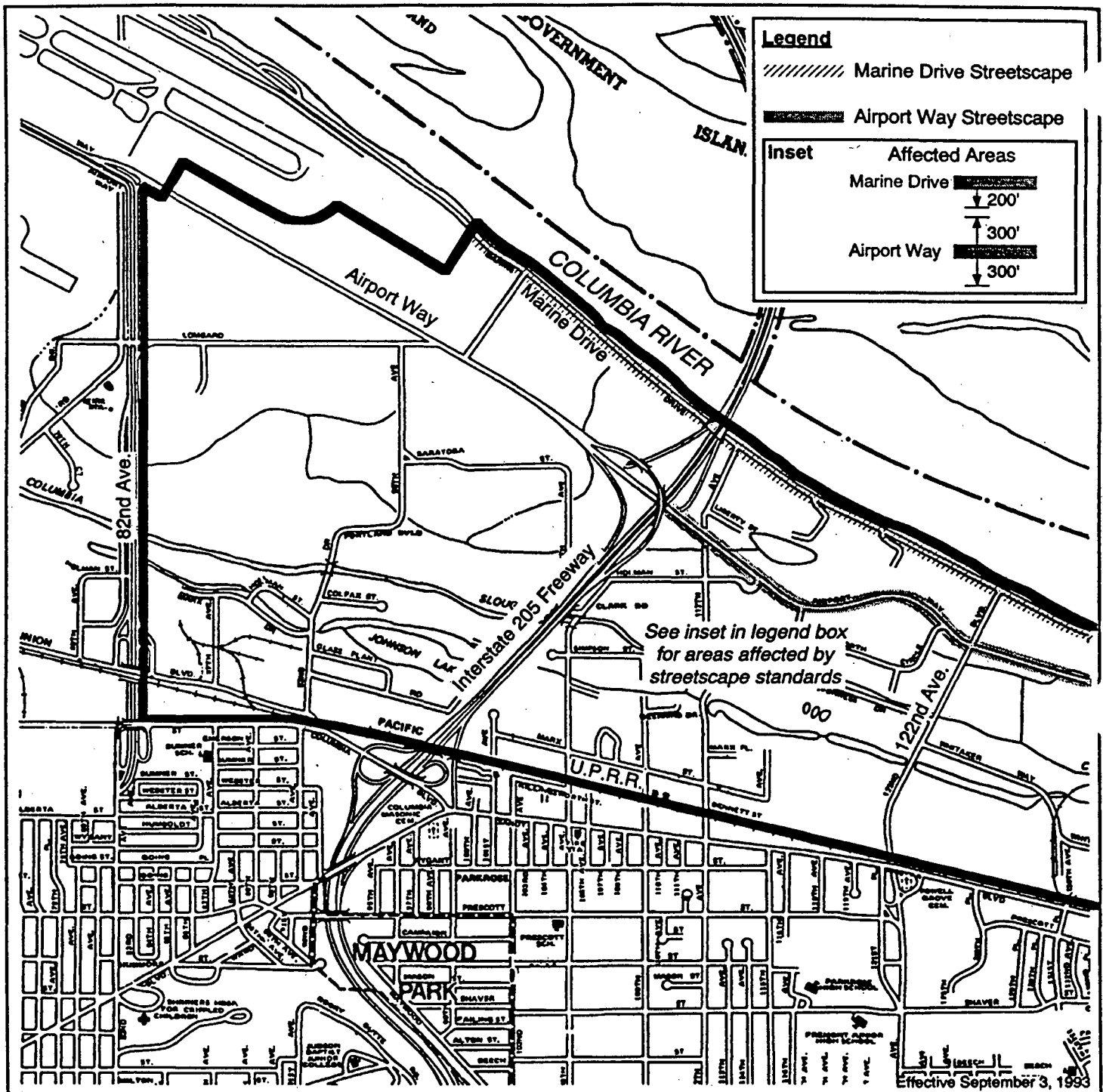
**Columbia South Shore  
Plan District Boundary**



Map 515-1

# Columbia South Shore Plan District and Subdistricts

Map 2 of 2

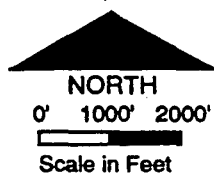
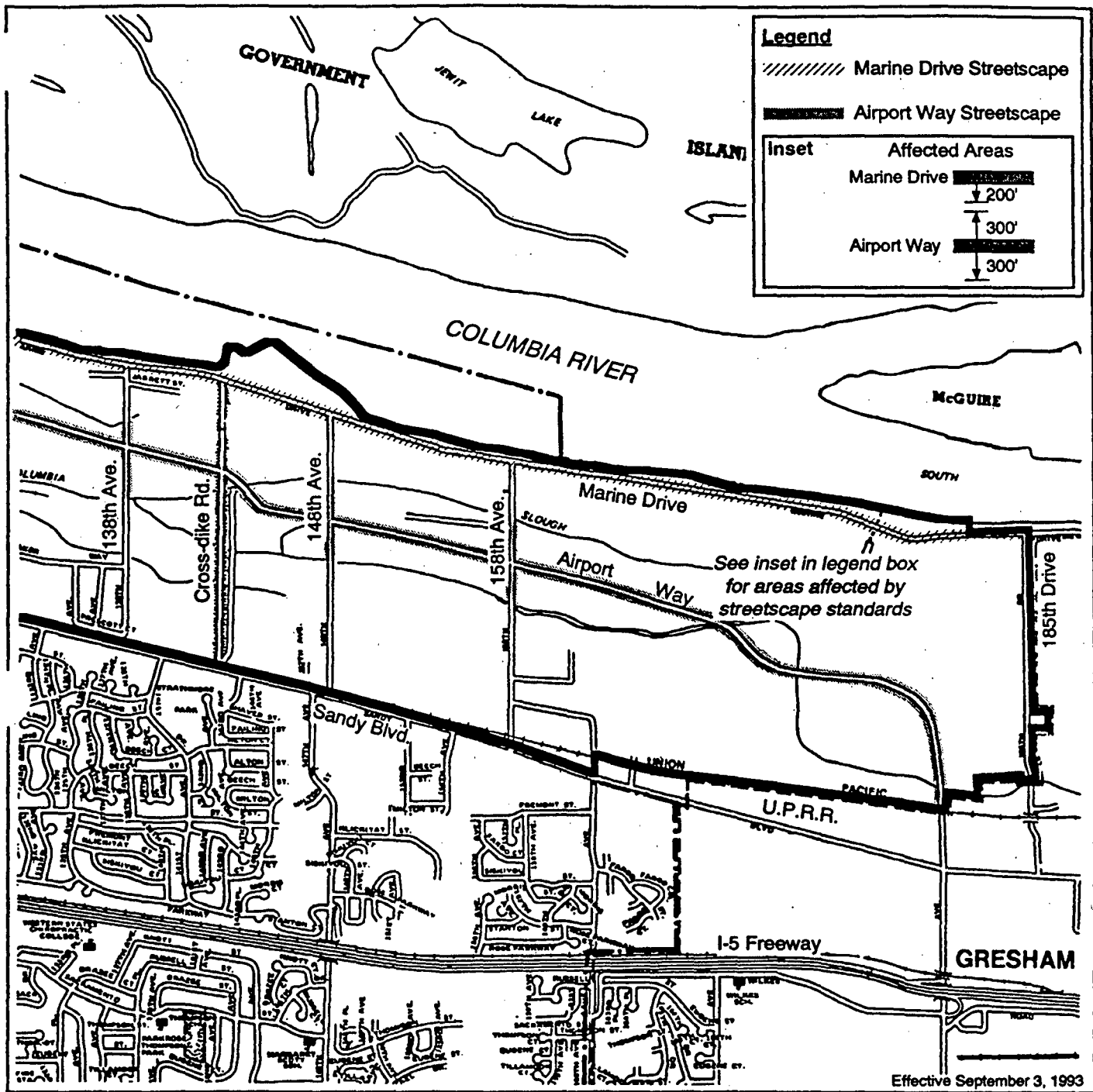


Columbia South Shore  
Plan District Boundary

# Map 515-2

## Areas Affected by Columbia South Shore Streetscape Standards

Map 1 of 2

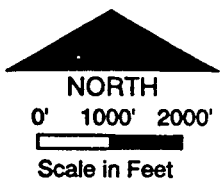
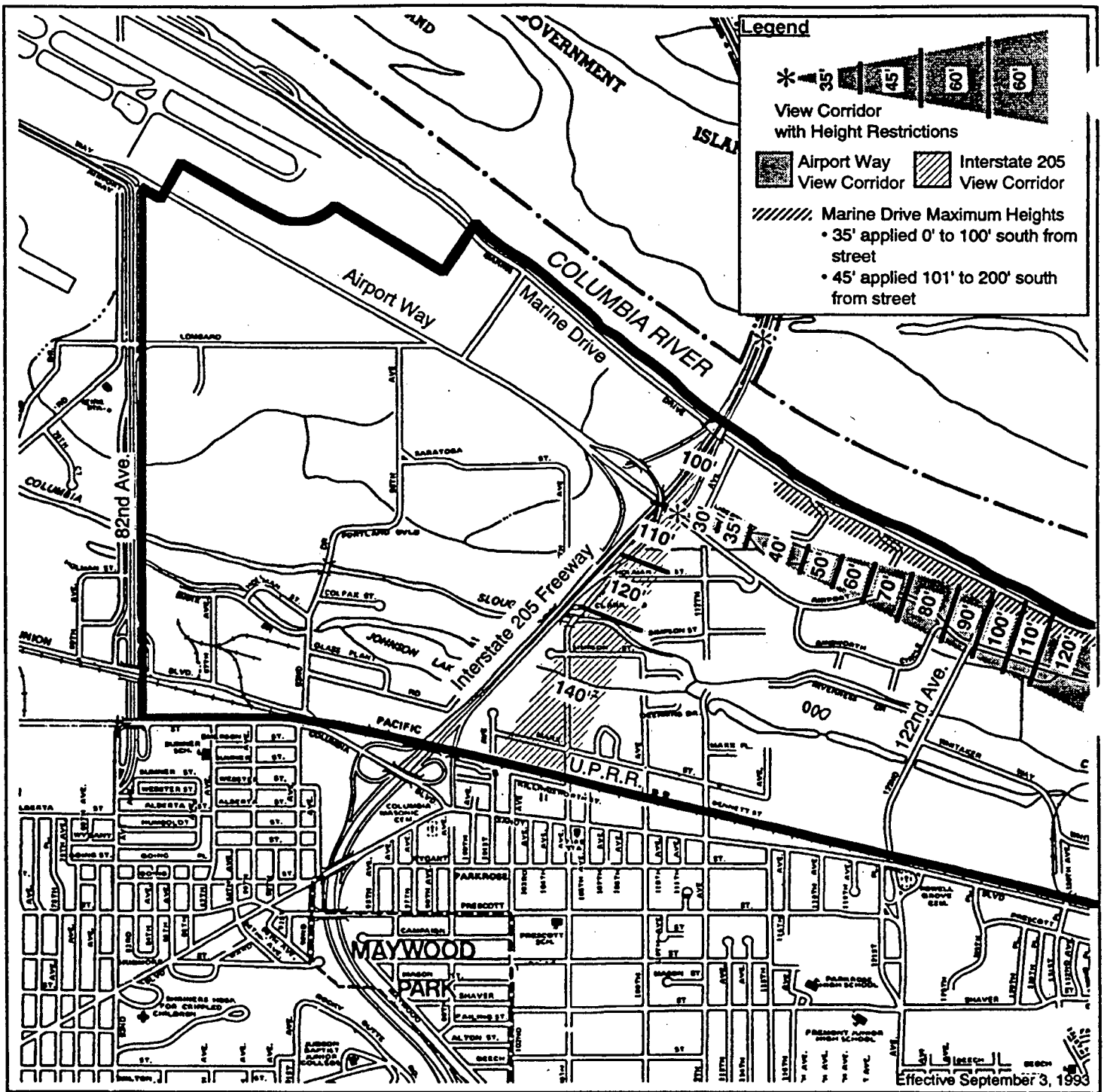


Columbia South Shore  
Plan District Boundary

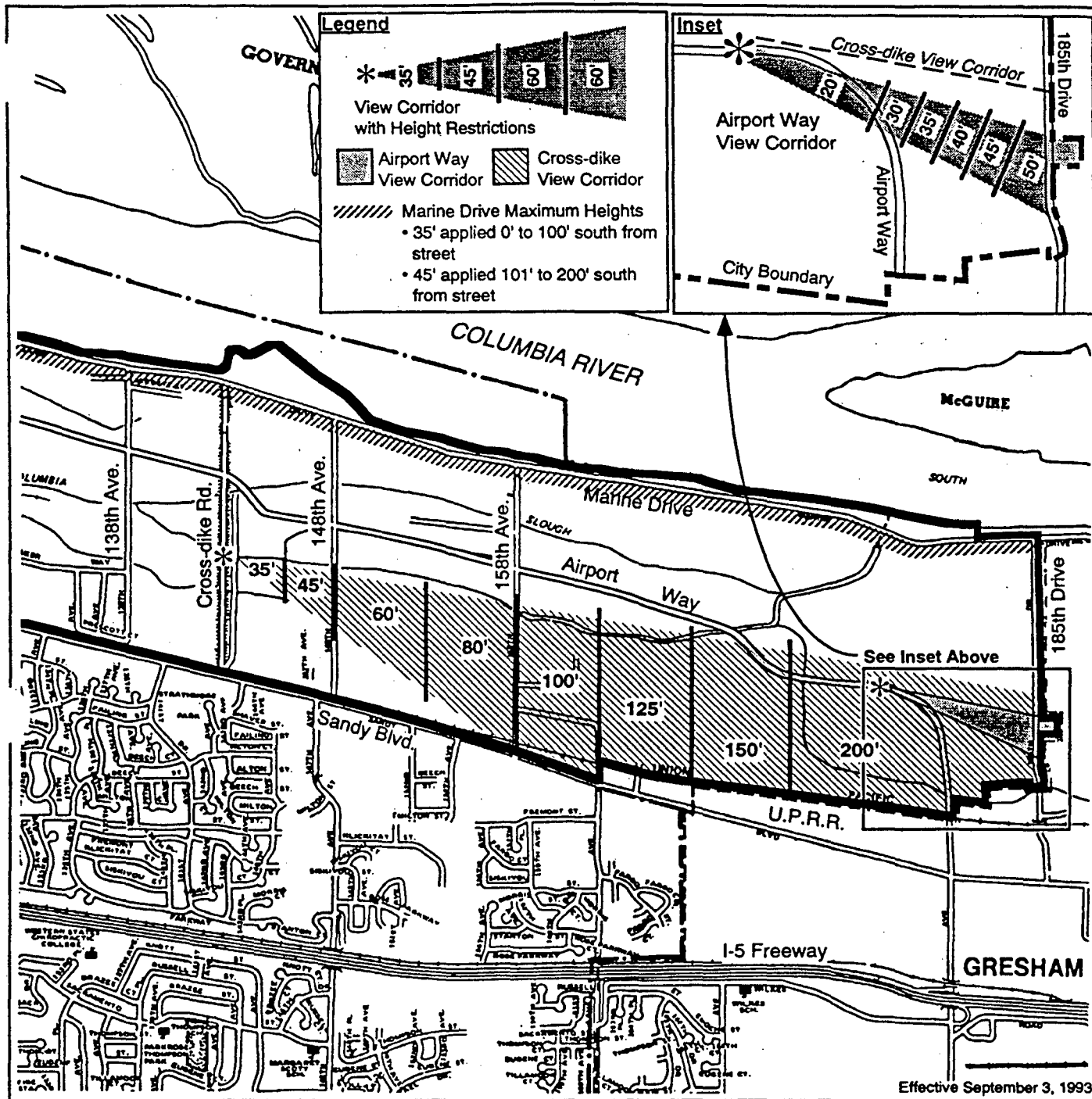
# Map 515-2

## Areas Affected by Columbia South Shore Streetscape Standards

Map 2 of 2



Columbia South Shore  
 Plan District Boundary



Map 515-3

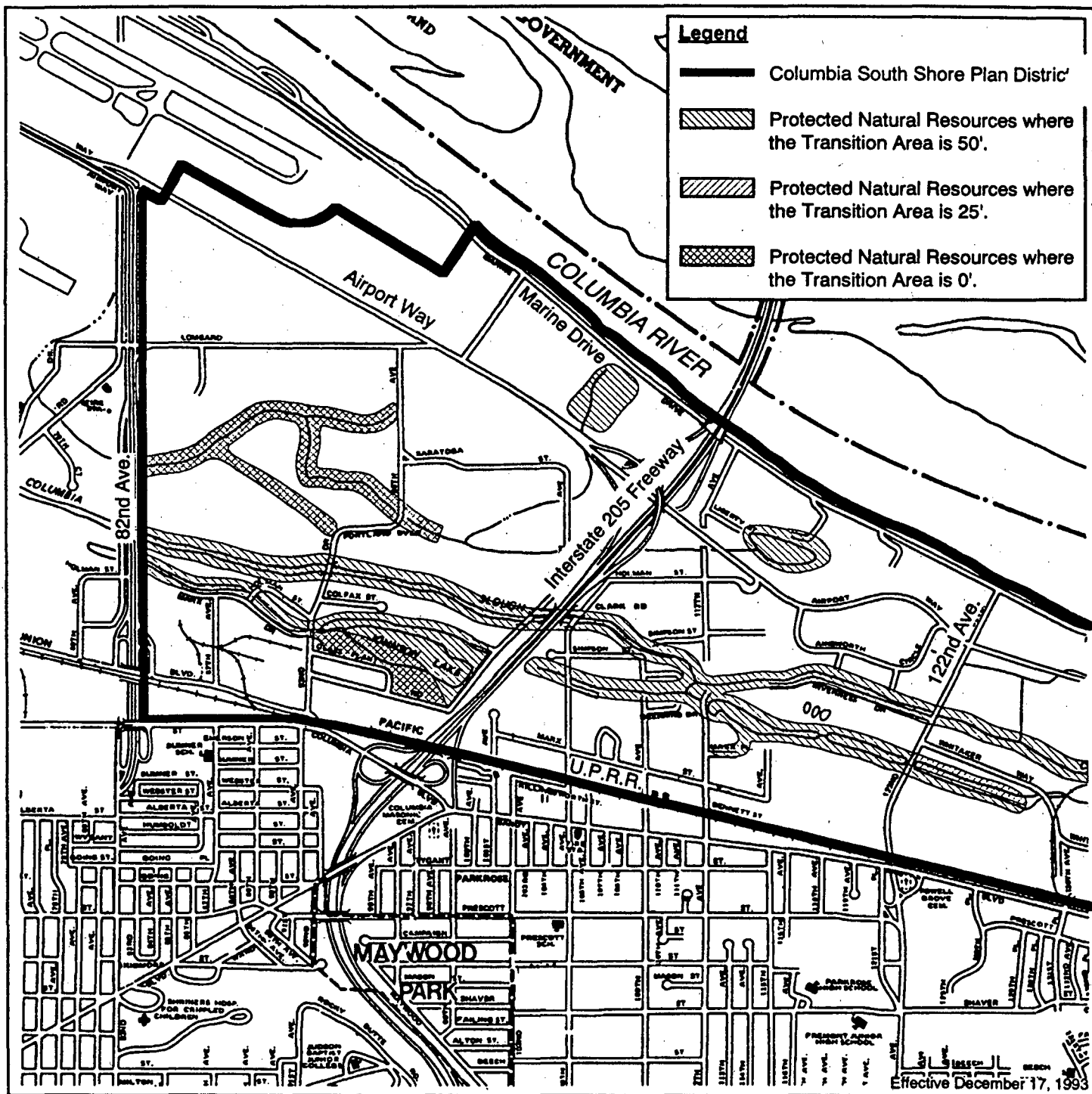
# Maximum Building Heights

Map 2 of 2

**These pages reserved for Map 515-4  
Columbia South Shore Slough Trail**



**These pages reserved for Map 515-4  
Columbia South Shore Slough Trail**

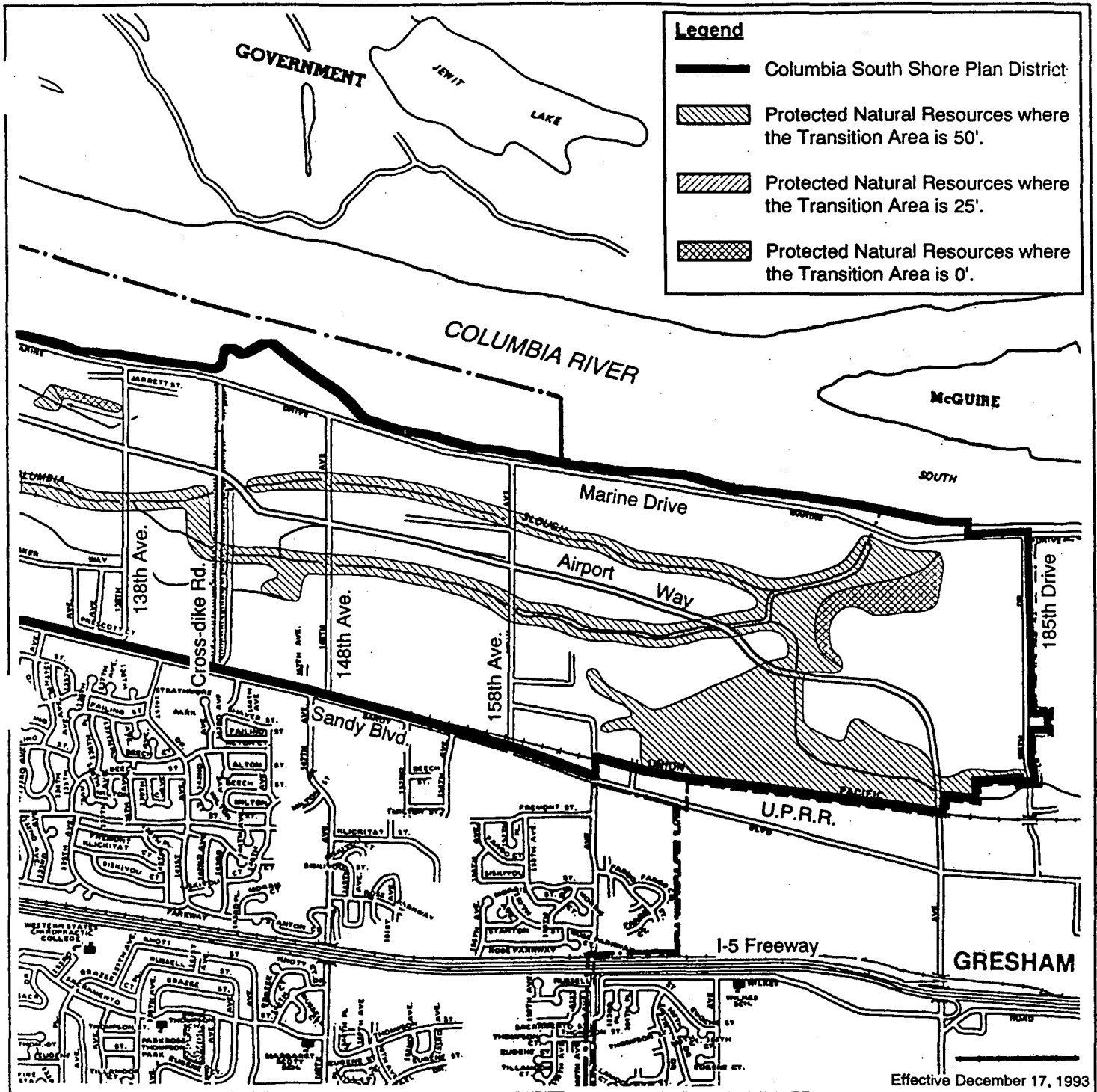


Map 515-5

# Columbia South Shore Transition Areas

Map 1 of 2

Columbia South Shore  
Plan District Boundary

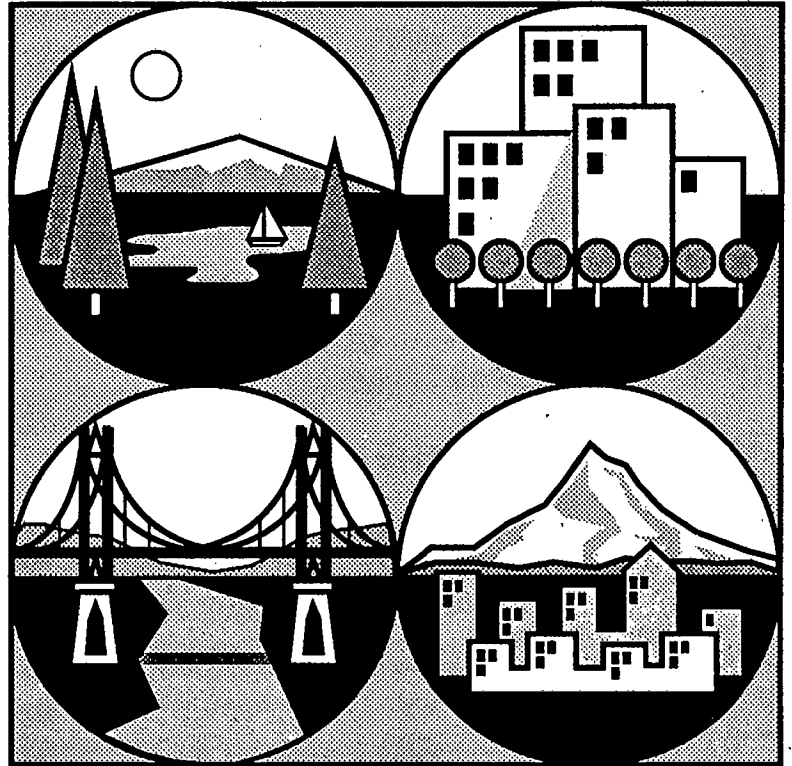


Map 515-5

# Columbia South Shore Transition Areas

Map 2 of 2

# **SCENIC VIEWS, SITES, AND CORRIDORS**



## **Scenic Resources Protection Plan**

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

**Ordinance No. 163957**

Bureau of Planning  
Portland, Oregon  
May, 1991



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# **SCENIC RESOURCES PROTECTION PLAN**

**Adopted by City Council March 13, 1991**

**Effective Date April 12, 1991**

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**XI. SUPPORT DOCUMENTS**

*(Under separate cover)*

- A. Scenic Resources Inventory
- B. Scenic Resources ESEE Analysis (in six volumes)



## I. INTRODUCTION

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

### A. Why Create a Scenic Resources Protection Plan?

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

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

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

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

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

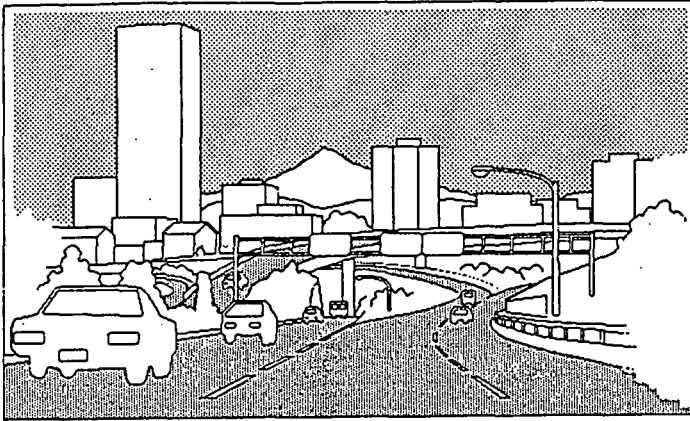
The strong interest that has accompanied the development of this plan reflects the degree to which Portlanders associate scenic places and views of mountains and rivers with Portland's identity. In conjunction with other planning efforts, the implementation of this plan will define the heritage of livability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

## **B. What are Scenic Resources?**

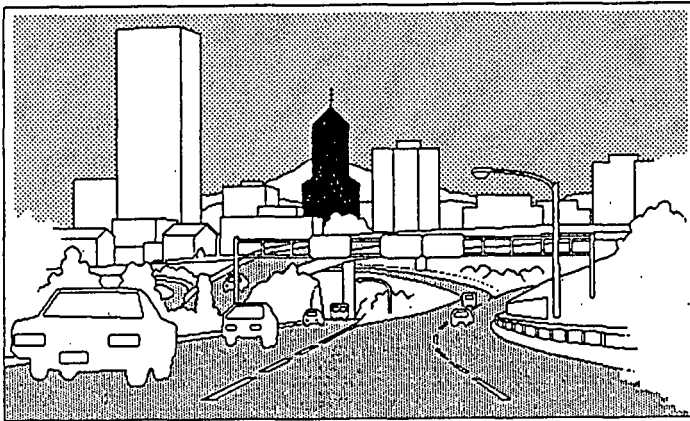
Webster's Dictionary describes scenic to be "of or relating to natural scenery." Scenery is further defined as "a picturesque view or landscape." A resource is defined as a "source of supply." Scenic resources are described by the State as "lands that are valued for their aesthetic appearance. The State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

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

### C. Doesn't Portland Already Protect Scenic Resources?



View of Mt. Hood  
1979



View of Mt. Hood  
1989

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

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

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

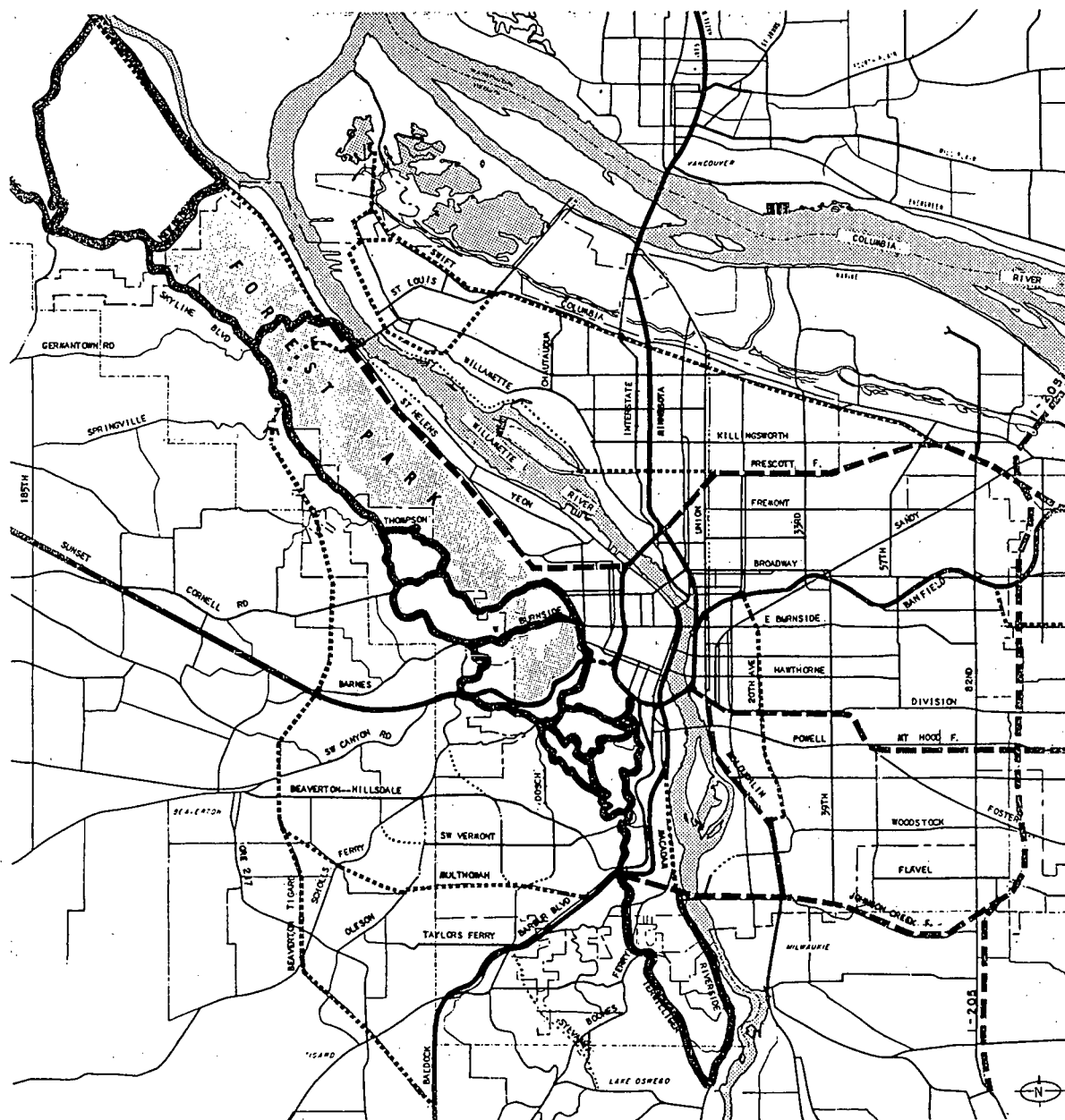
points along scenic drives where not only Portland but also distant mountain peaks could be seen and enjoyed.



THE GREATER PORTLAND PLAN (1912)

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

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



### Proposed West Hills Scenic Route System



EXISTING FOREST PARK



SCENIC ROUTE

0" 10,000'

PORTLAND CITY PLANNING COMMISSION

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

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

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

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

Goal 8 of the Comprehensive Plan states,

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

Policy 8.9: Open Space states,

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

Policy 8.10: Willamette River Greenway states,

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

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

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

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

Policy 8.14: Natural Resources states,

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

Policy 8.16: Uplands Protection states,

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

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

#### **D. Which Scenic Resources are included in the Plan?**

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

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

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

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

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



## **E. How to Use This Document**

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

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

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

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

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

## SECTION II

### CITY COUNCIL ACTIONS

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

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

## **II. CITY COUNCIL ACTIONS**

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

### **A. Changes to the Comprehensive Plan**

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

### **B. Changes to Title 33, Planning and Zoning**

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

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

### **C. Changes to Official Zoning Maps**

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

### **D. Private/Public Partnership**

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

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

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

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

#### **E. Sites for Public Acquisition**

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

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

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

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

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

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

3. Johnson Lake

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

4. Turnouts along Scenic Corridors

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

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

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

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

## SECTION III

# METHODOLOGY

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

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

### **III. METHODOLOGY**

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

#### **A. Scenic Resources Inventory**

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

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

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

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

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

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



## **B. Economic Social Environmental Energy (ESEE) Analysis**

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

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

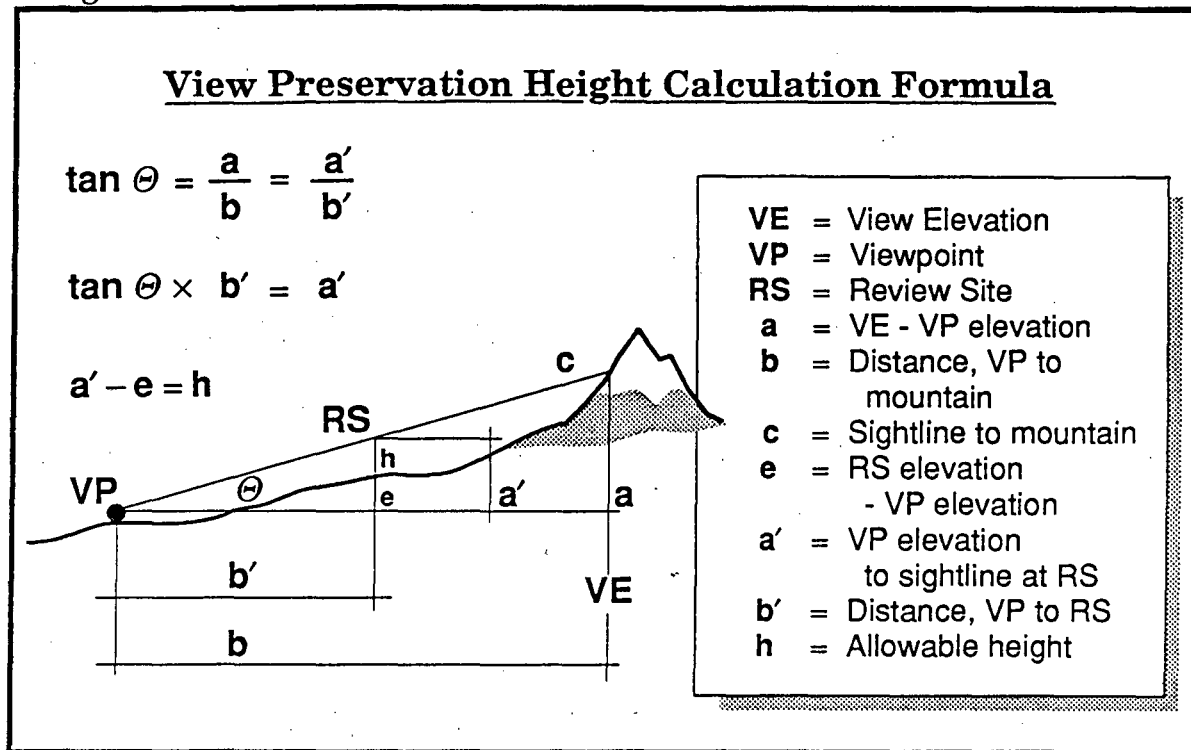
These analyses, along with a full description of the methods followed, are contained in the separate document, ESEE Analysis for Scenic Resources, referenced in the Appendix. The ESEE analysis is considered adequate if it provides a jurisdiction with reasons why decisions are made regarding specific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

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

## **C. Scenic Resources Protection Plan**

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

Diagram 1



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

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

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

## SECTION IV

# CITIZEN INVOLVEMENT

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

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

#### IV. CITIZEN INVOLVEMENT PROCESS

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

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

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

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

# SECTION V

## COMPREHENSIVE PLAN POLICIES RELATING TO SCENIC RESOURCES

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

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

## V. COMPREHENSIVE PLAN POLICIES RELATING TO SCENIC RESOURCES

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

### POLICIES – LAND RESOURCES

#### 8.14 Natural Resources

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

#### OBJECTIVES

##### A. Acquisition Program for Significant Resources

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

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

##### B. Intergovernmental Coordination (No change)

##### C. Impact Avoidance



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

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

D. Mitigation  
(No change)

E. Soil Erosion Control  
(No change)

F. Pruning to Maintain and Enhance Views

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

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

G. Improving Turnouts along Scenic Routes and at Viewpoints

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

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

H. Bike and Pedestrian Routes

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

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

I. Consideration of Scenic Resources in Street Vacations

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

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

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

**J. Consideration of Scenic Resources in Planning Process**

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

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

**K. Enhancing View Corridors**

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

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

**POLICY 10 – PLAN REVIEW AND ADMINISTRATION**

**10.13 Columbia River**

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

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

# SECTION VI

## ZONING CODE AND MAP CHANGES

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

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

## VI. ZONING CODE CHANGES

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

### A. Definitions

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

#### 33.910.000 Definitions

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

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

## **B. Scenic Resource Zone**

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

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

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

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

### **CHAPTER 33.480 SCENIC RESOURCE ZONE**

#### **Sections:**

33.480.010	Purpose
33.480.020	Map Symbol
33.480.030	Application of the Scenic Resource Zone
33.480.040	Development Standards
33.480.050	Tree Removal Review
33.480.060	Relationship to Environmental Zones

#### **33.480.010 Purpose**

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan;
- Enhance the appearance of Portland to make it a better place to live and work.
- Create attractive entrance ways to Portland and its districts.
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

#### **33.480.020 Map Symbol**

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

#### **33.480.030 Application**

The Scenic Resource zone is to be applied to all significant scenic resources identified in the Scenic Resources Protection Plan. Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

#### **33.480.040 Development Standards**

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the Scenic Resources Protection Plan. The standards for each subsection below apply only to areas with that designation in the Plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

**A. View Corridors.** All development and vegetation with a view corridor designation in the Scenic Resources Protection Plan are subject to the regulations of this Subsection.

1. **Purpose.** The intent of the view corridor designation is to establish maximum heights within view corridors to protect significant views from specific viewpoints.

2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation.

B. **Scenic Corridors.** All development and vegetation with a scenic corridor designation in the Scenic Resources Protection Plan are subject to the regulations of this Subsection.

1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.
2. Standards.
  - a. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:
    - (1) The maximum length of any building facade is 100 feet.
    - (2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.
    - (3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.
  - b. Street setbacks. Street setbacks must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this title apply. No more than 25 percent of the street setback can be used for vehicle areas except that each lot is allowed at least a 9 foot wide driveway or parking area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone.



- c. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.
- d. Screening. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.
- e. Fences and hedges. The total maximum height of fences, hedges, and berms within the street setback, or first 20 feet from the designated resource if there is no street setback, is 3 1/2 feet. This provision does not apply to any required screening and buffering.
- f. Signs. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Rotating signs and flashing signs are prohibited. The standards of this section apply within the street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists.
- g. Preservation of trees. The provisions of Chapter 33.248, Landscaping and Screening, apply to this subsection. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees over 6 inches in diameter measured at 5 feet above the ground within the street setback (or first 20 feet if no setback exists) must be retained unless removal conforms to one or more of the following standards:
  - (1) The tree is located within the footprint of proposed buildings, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die.

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

In addition to these provisions, property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

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

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

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

### 33.480.050 Tree Removal Review

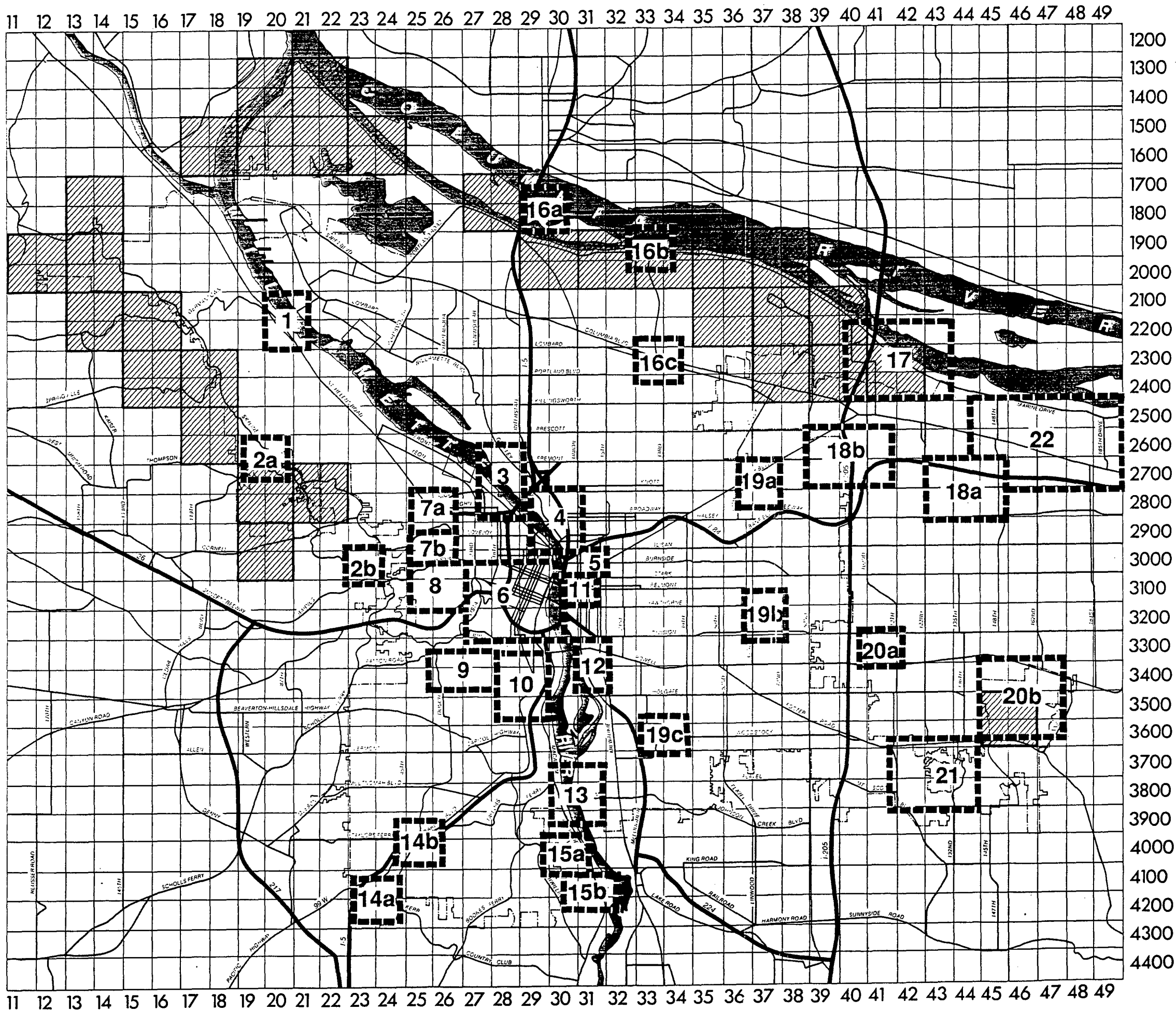
- A. **Purpose.** The purpose of the tree removal review is to allow trees to be removed when they meet the purpose of this Chapter and when removal will enhance a view from a public right-of-way or from public property.
- B. **Scope of tree removal review.** Trees that do not qualify for removal under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

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

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

#### **33.480.050 Relationship to Environmental Zones**

When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.



# SCENIC RESOURCES PROTECTION PLAN

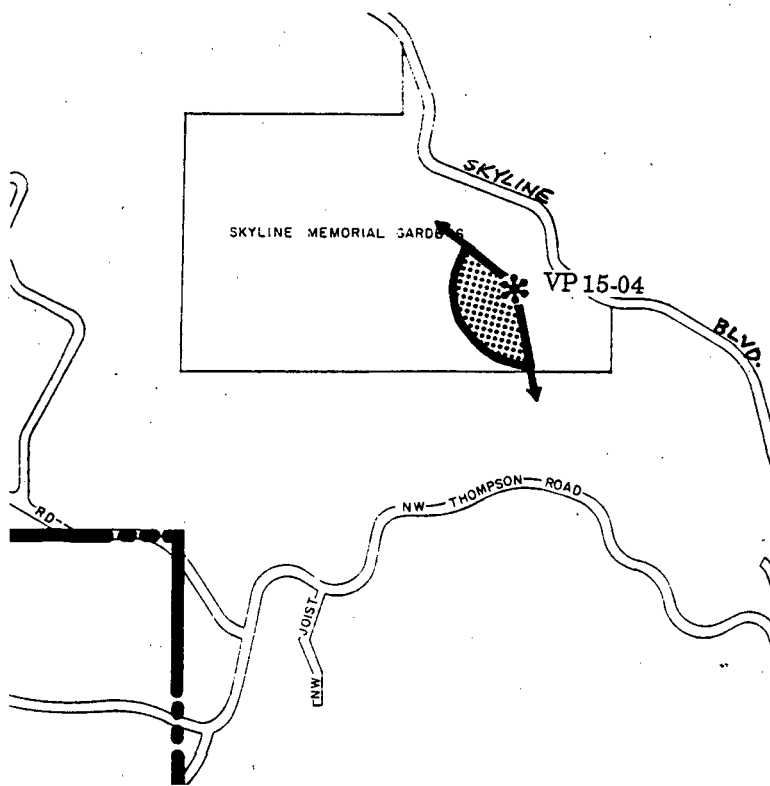
## MAP INDEX

The maps on the next 23 pages summarize the proposed locations and associated height limitations of significant scenic resources. They are grouped by similar geographic areas. The dashed line on the adjacent map index shows the geographic area and refers to the number of each map.

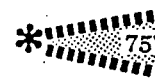
All of the scenic corridors are shown on Map 23.

City of Portland  
Bureau of Planning  
May 1991





# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



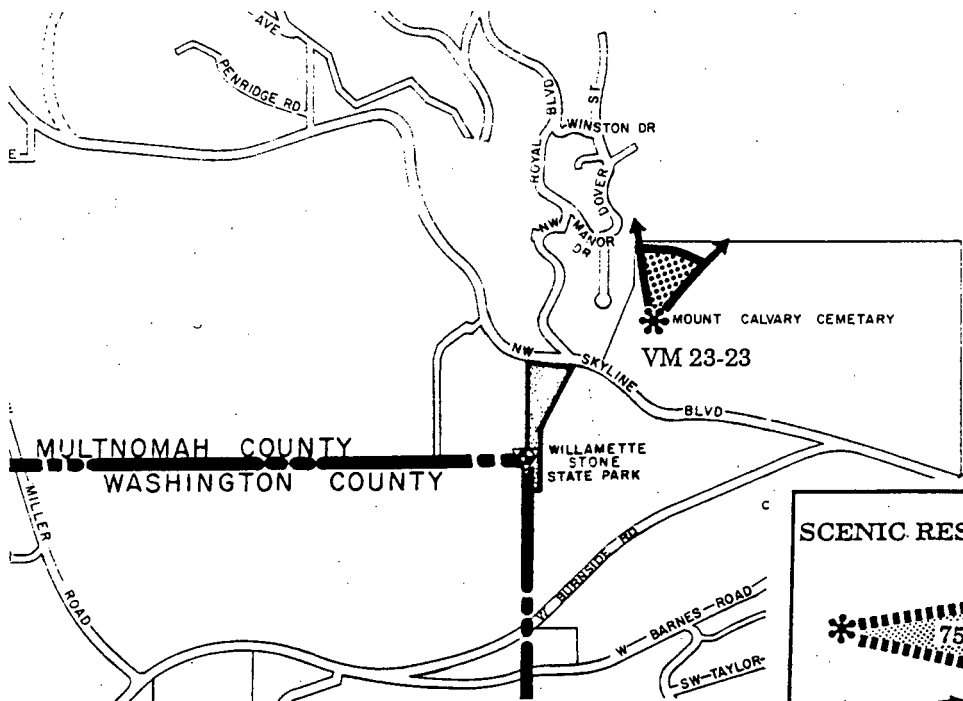
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



SCENIC SITES

MAP 2a

City of Portland  
Bureau of Planning August 1990



# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

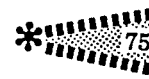


SCENIC SITES

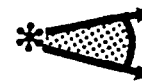
MAP 2b

City of Portland  
Bureau of Planning August 1990

# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



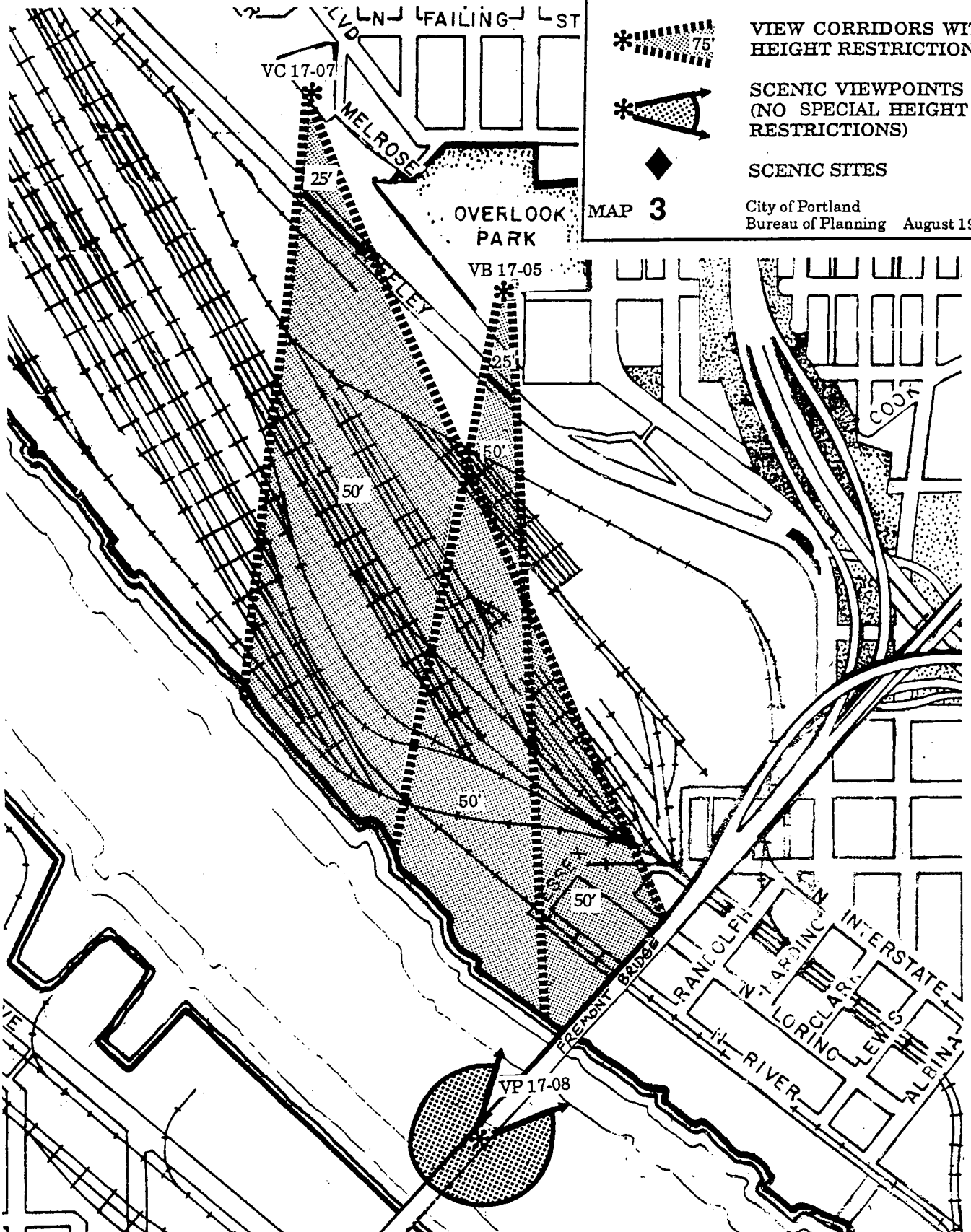
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

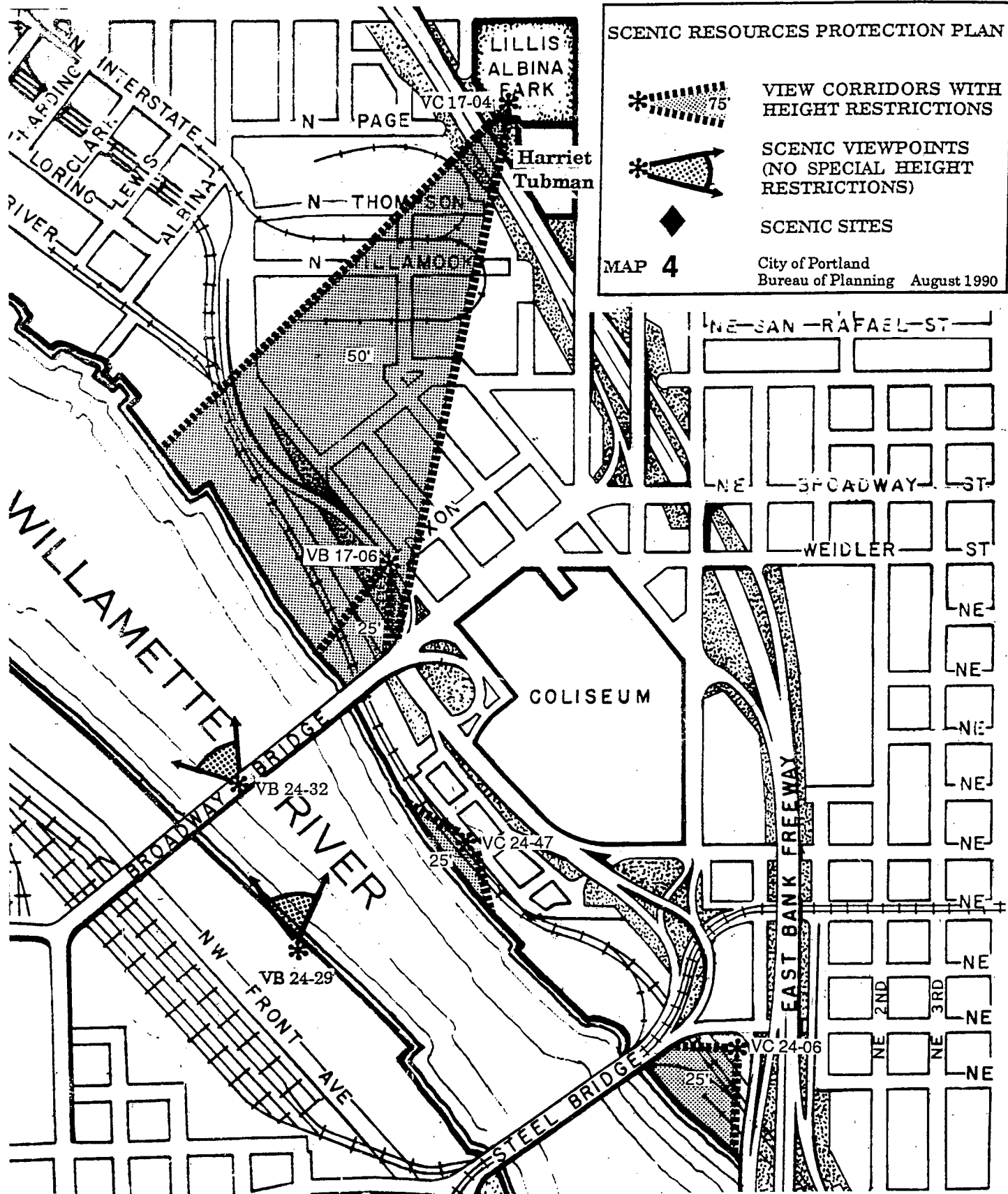


SCENIC SITES

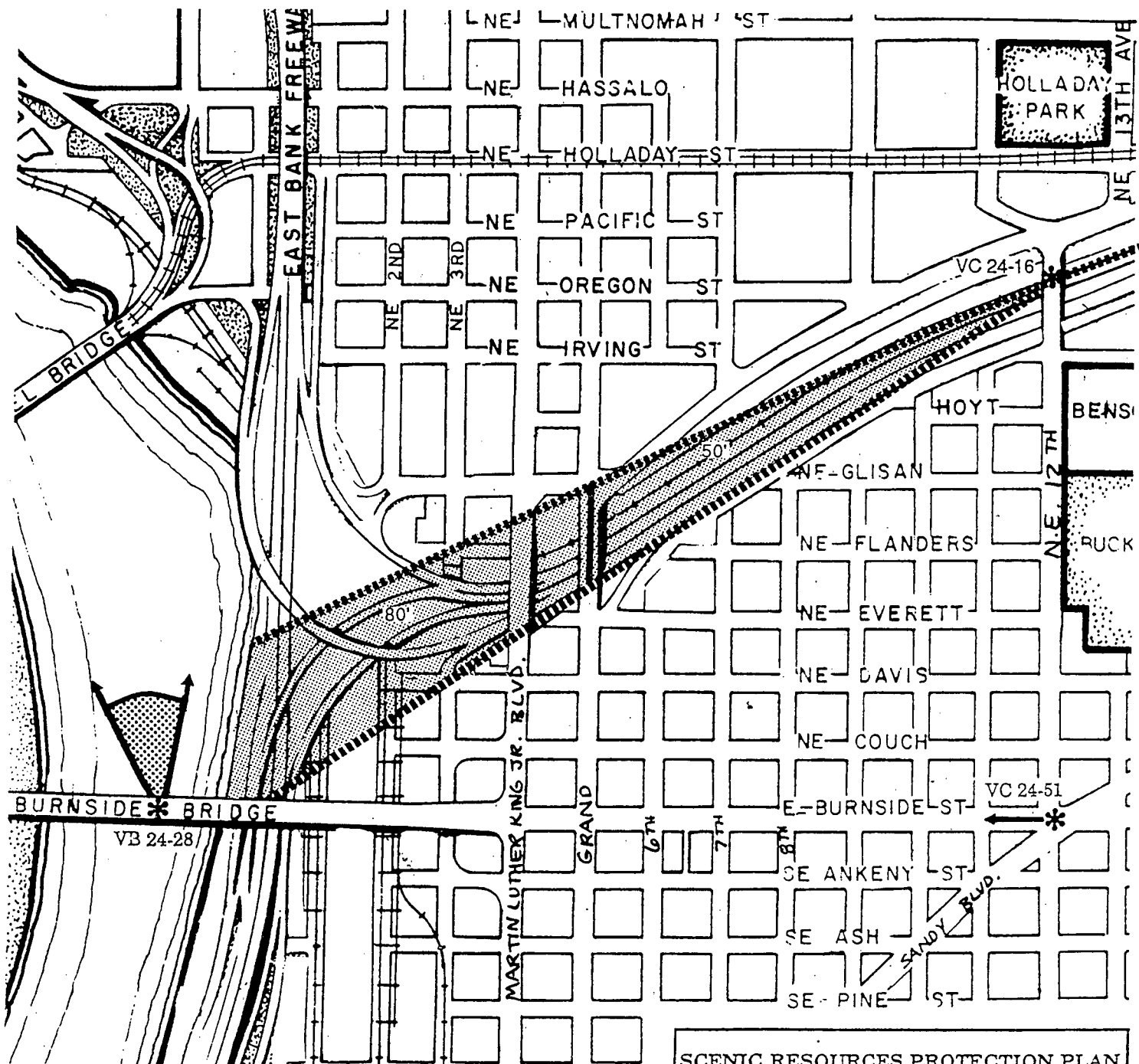
MAP 3

City of Portland  
Bureau of Planning August 1990

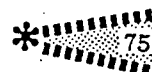








# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

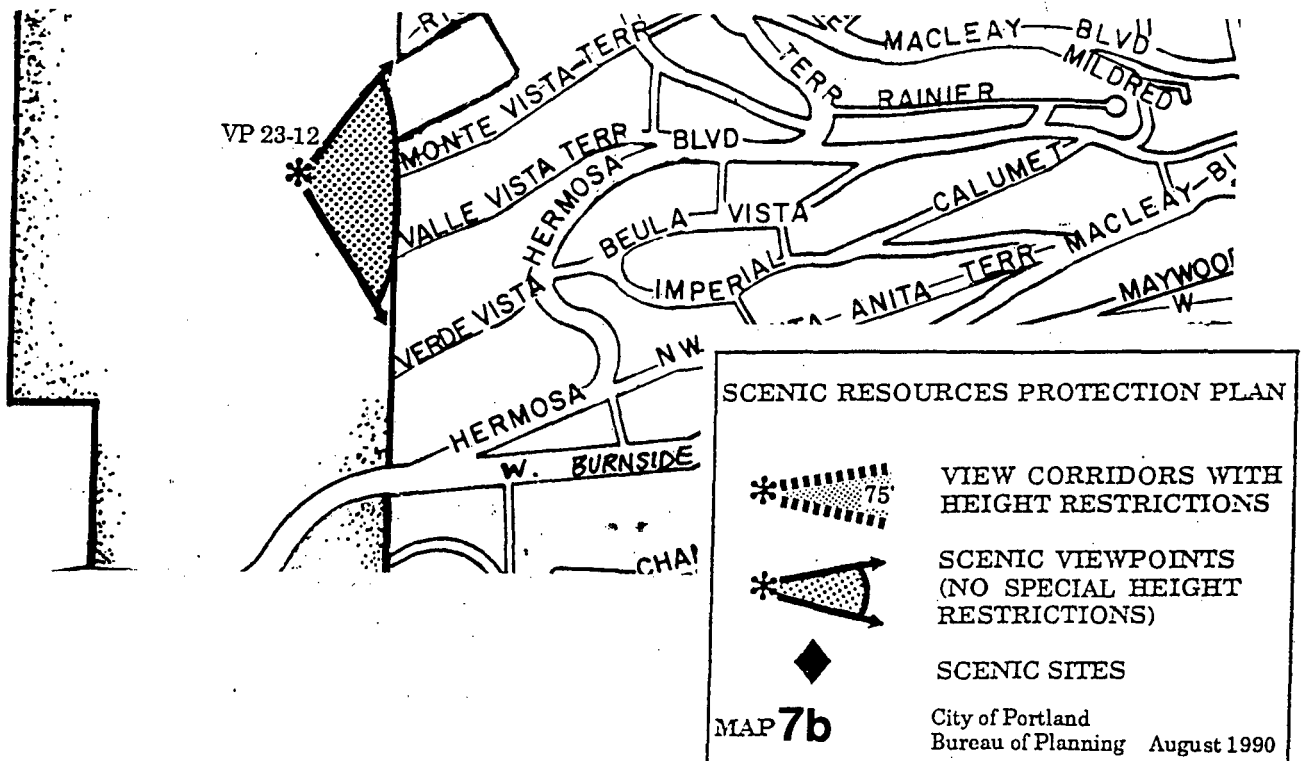
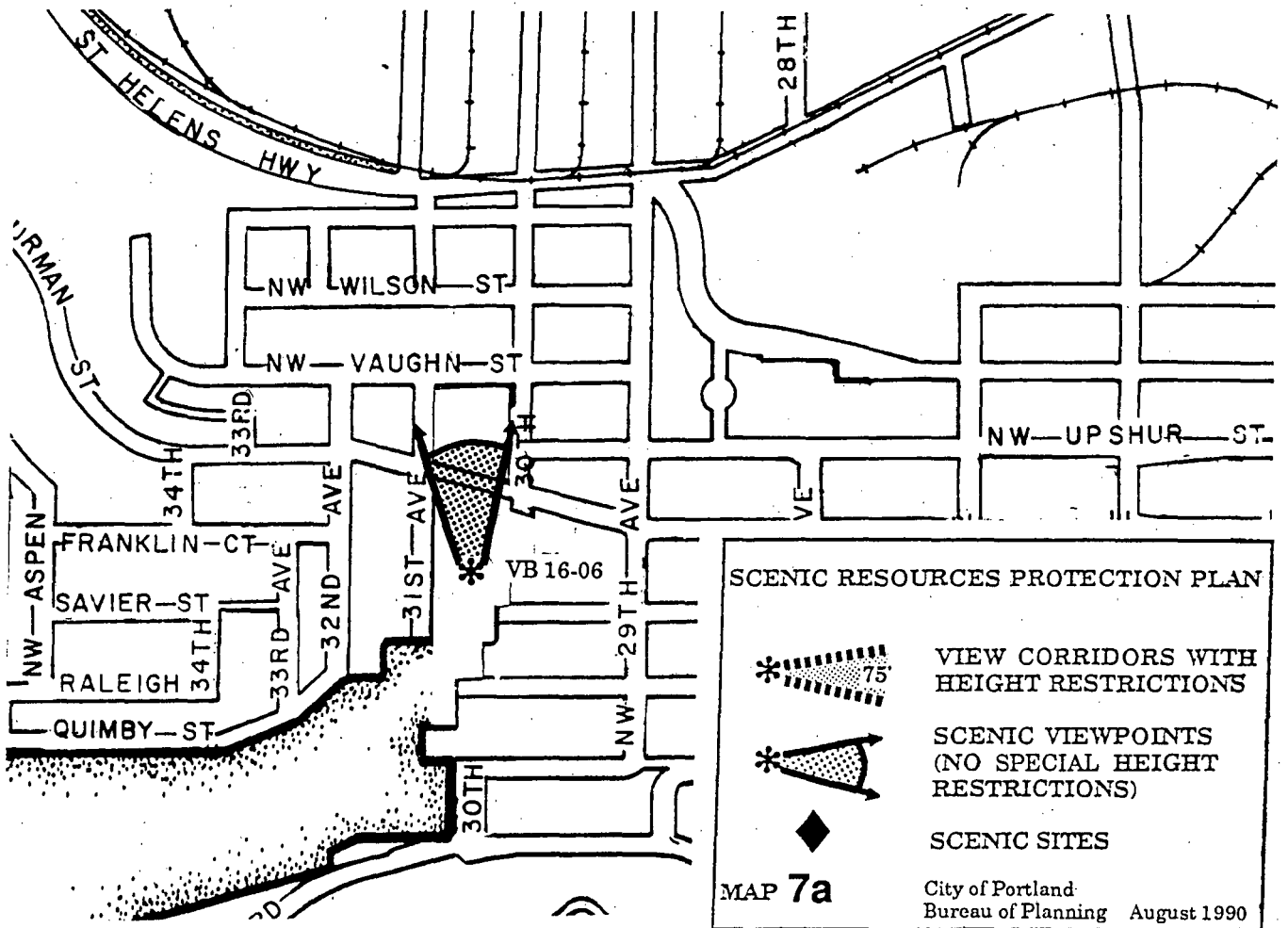


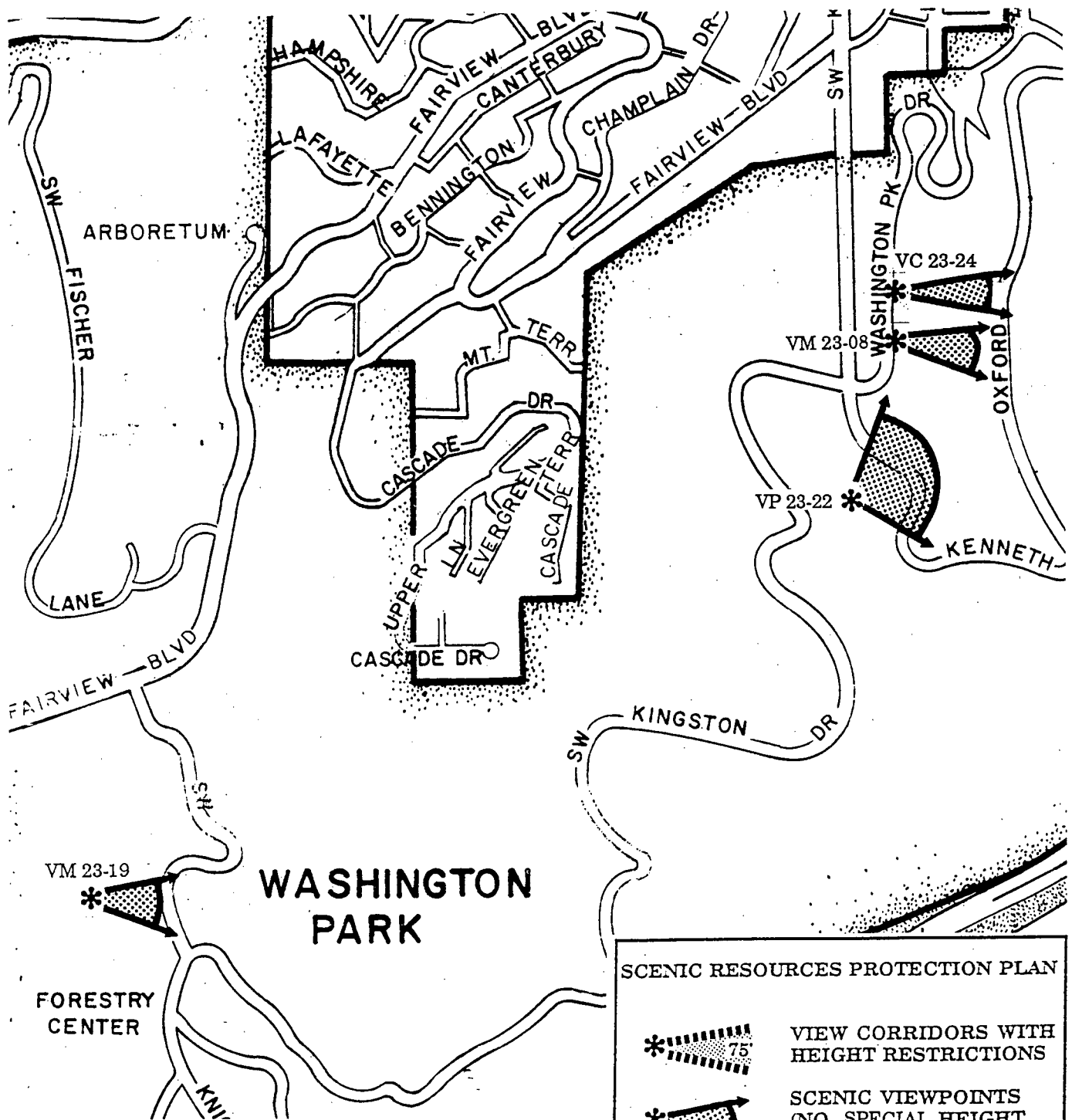
SCENIC SITES

MAP 5

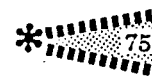
City of Portland  
Bureau of Planning August 1990







# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



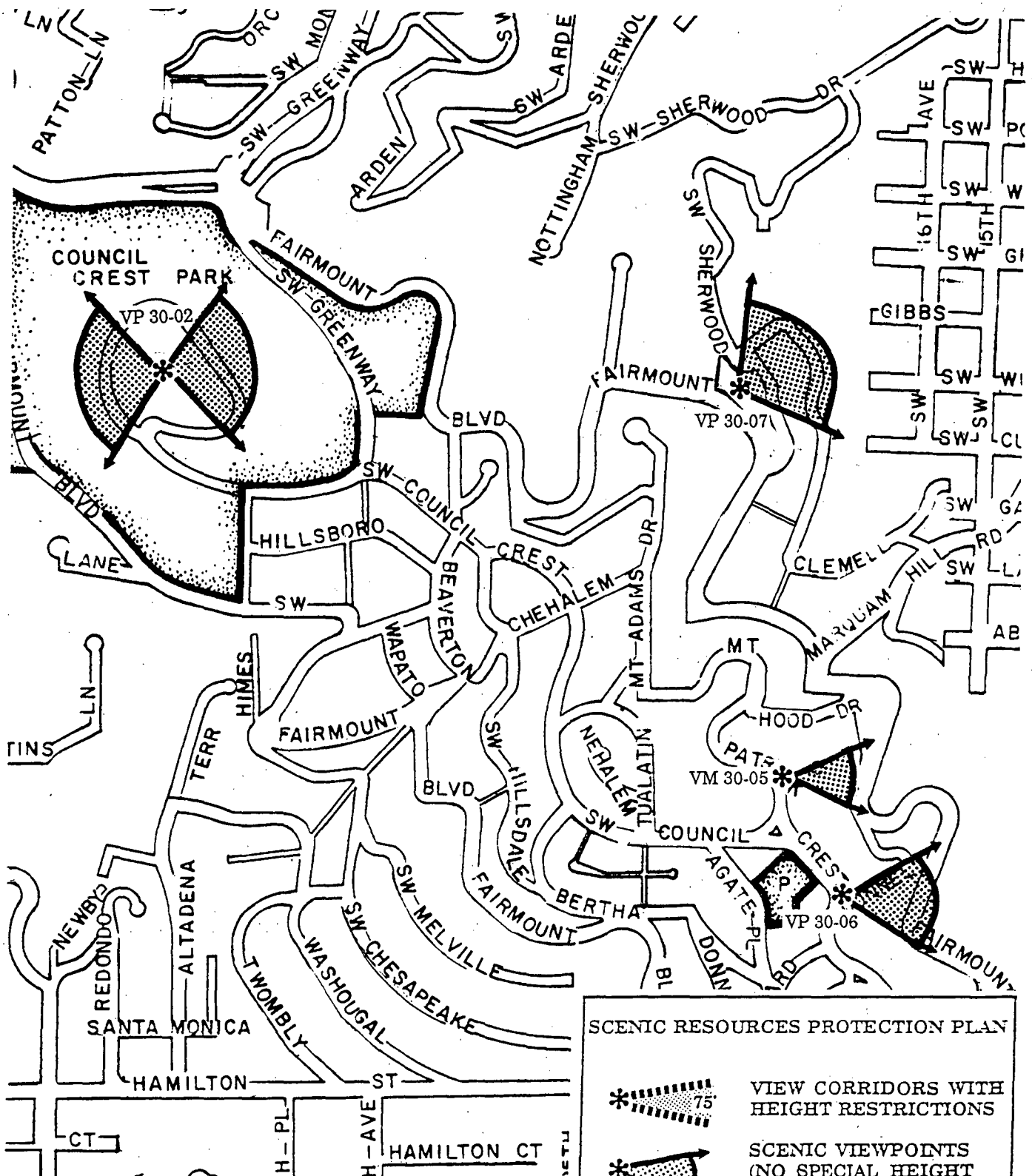
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(NO SPECIAL HEIGHT  
RESTRICTIONS)



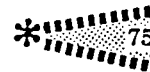
SCENIC SITES

MAP 8

City of Portland  
Bureau of Planning August 1990



# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

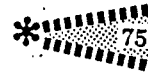


SCENIC SITES

MAP 9

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# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



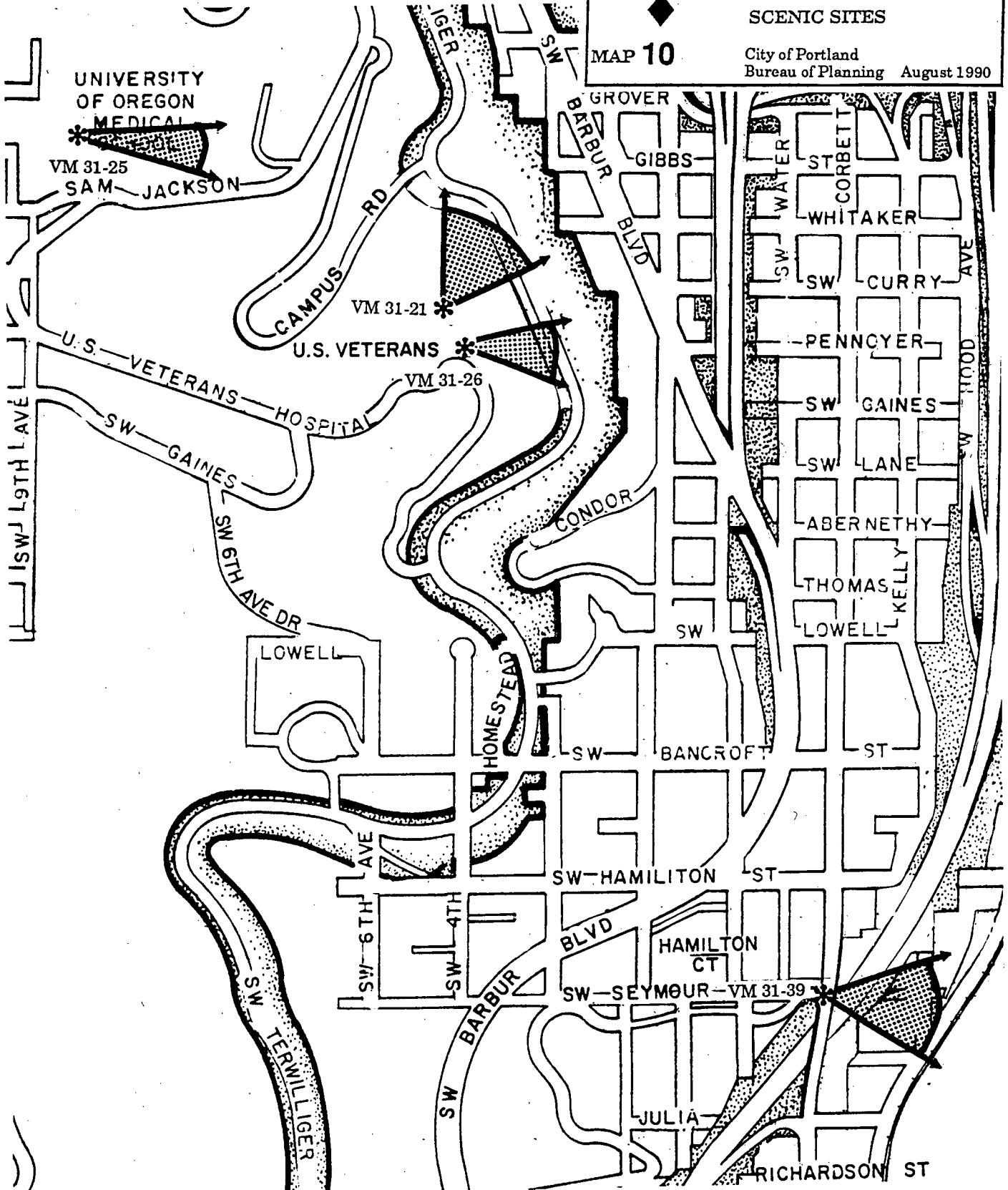
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(NO SPECIAL HEIGHT  
RESTRICTIONS)

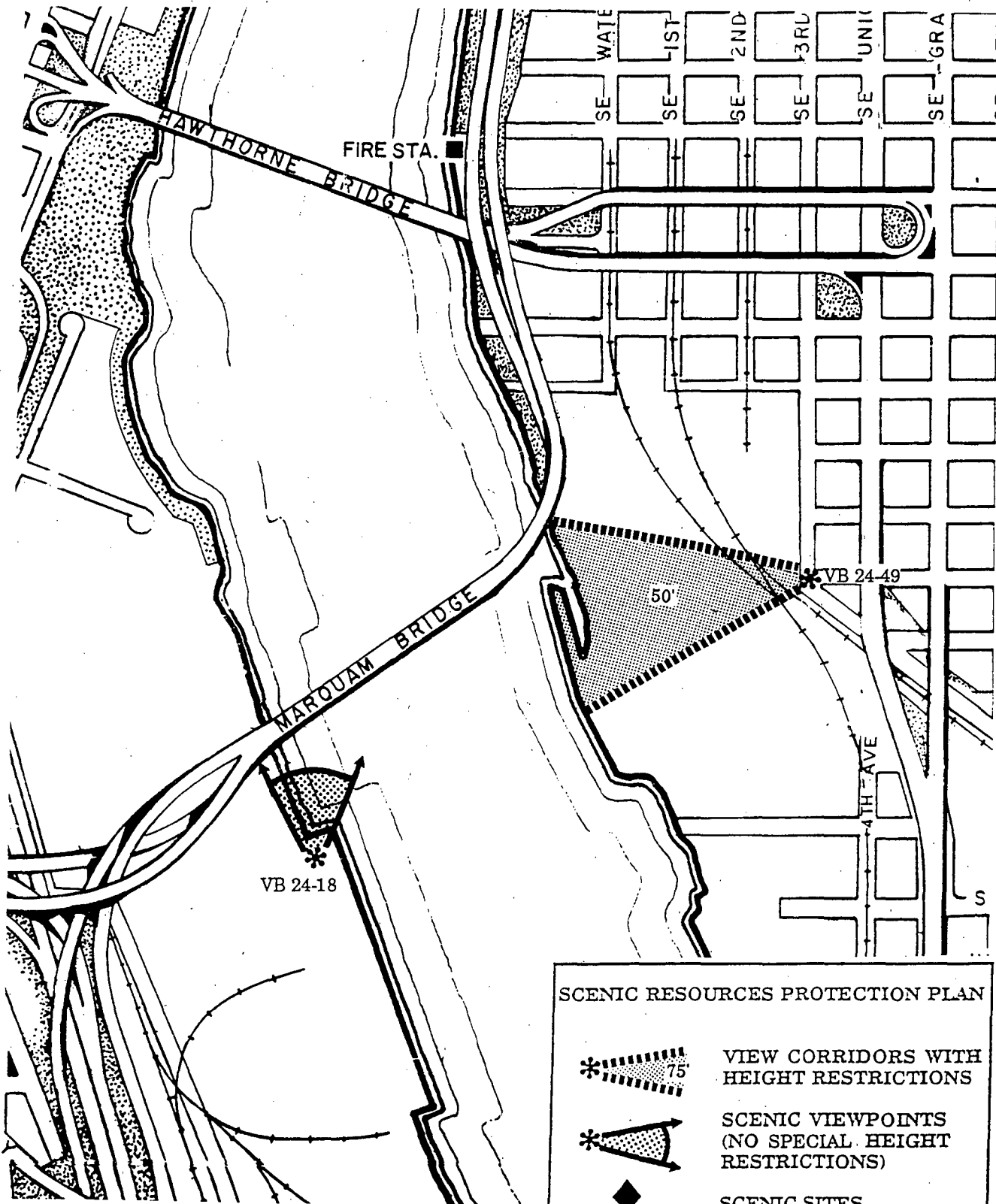


SCENIC SITES

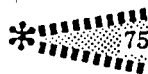
MAP 10

City of Portland  
Bureau of Planning August 1990





# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



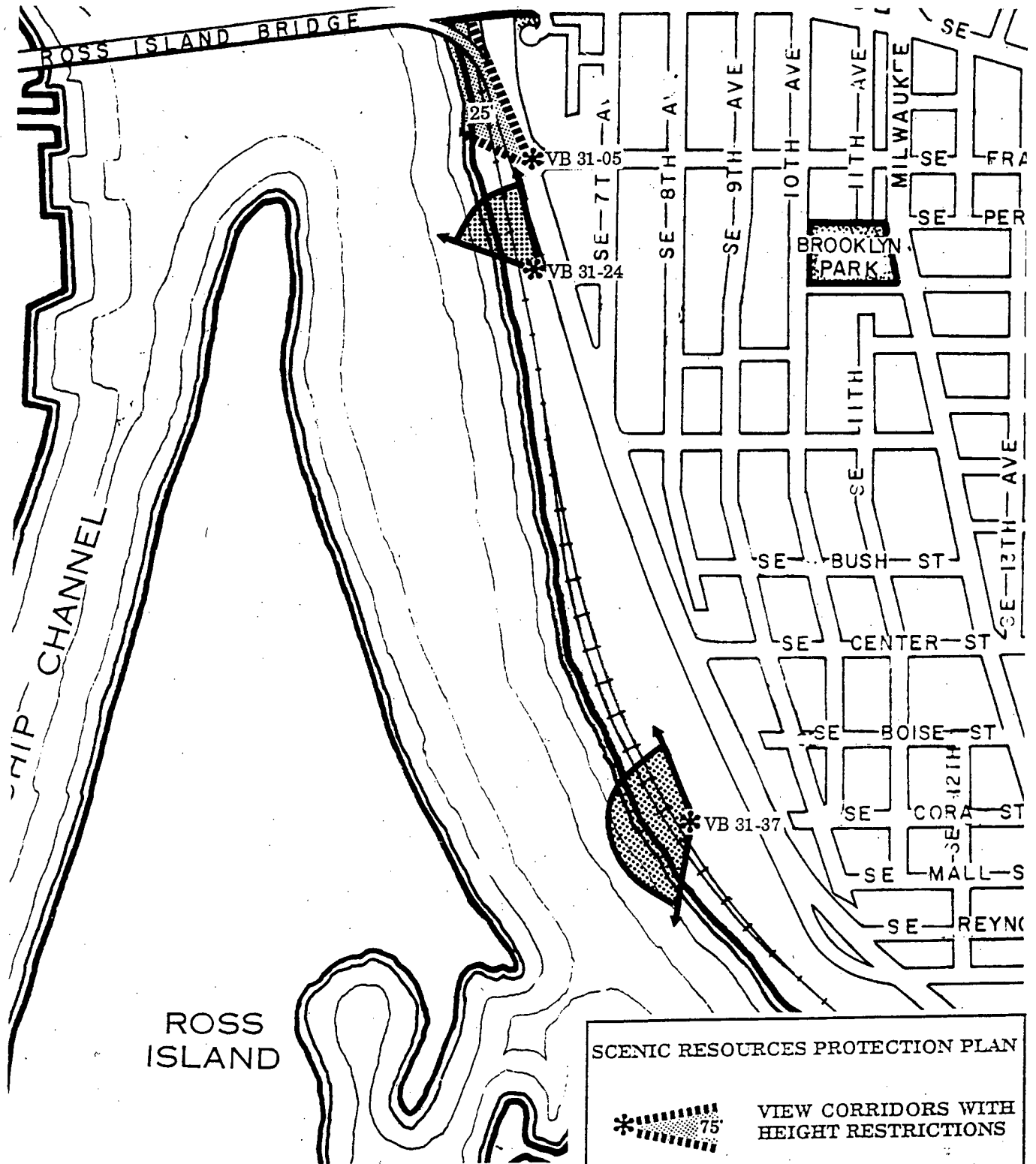
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



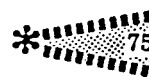
SCENIC SITES

MAP 11

City of Portland  
Bureau of Planning August 1990



# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



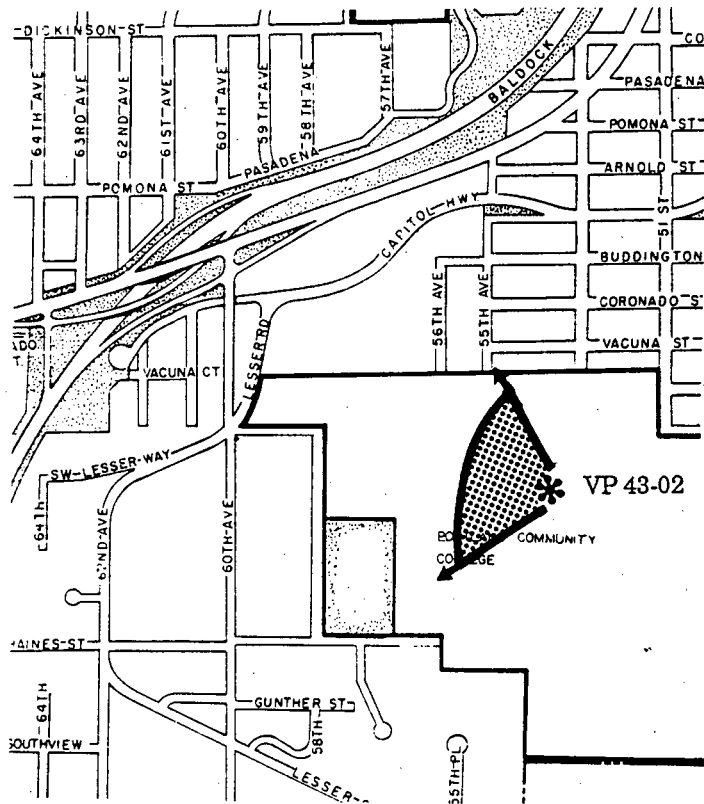
SCENIC SITES

MAP 12

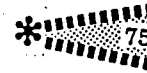
City of Portland  
Bureau of Planning August 1990







# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



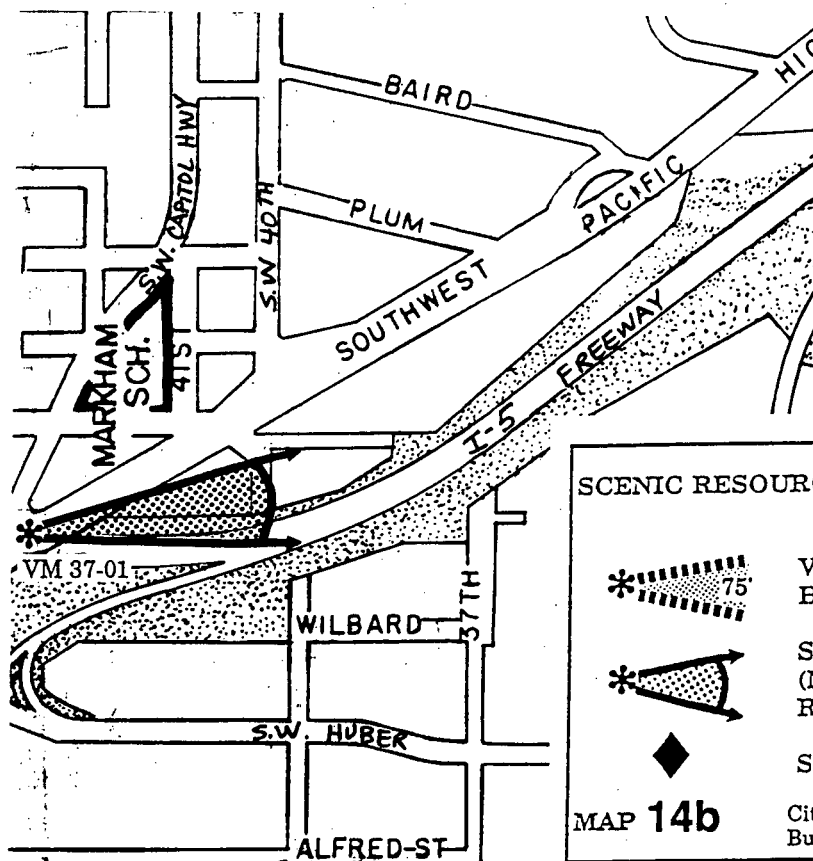
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



SCENIC SITES

MAP 14a

City of Portland  
Bureau of Planning August 1990



# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



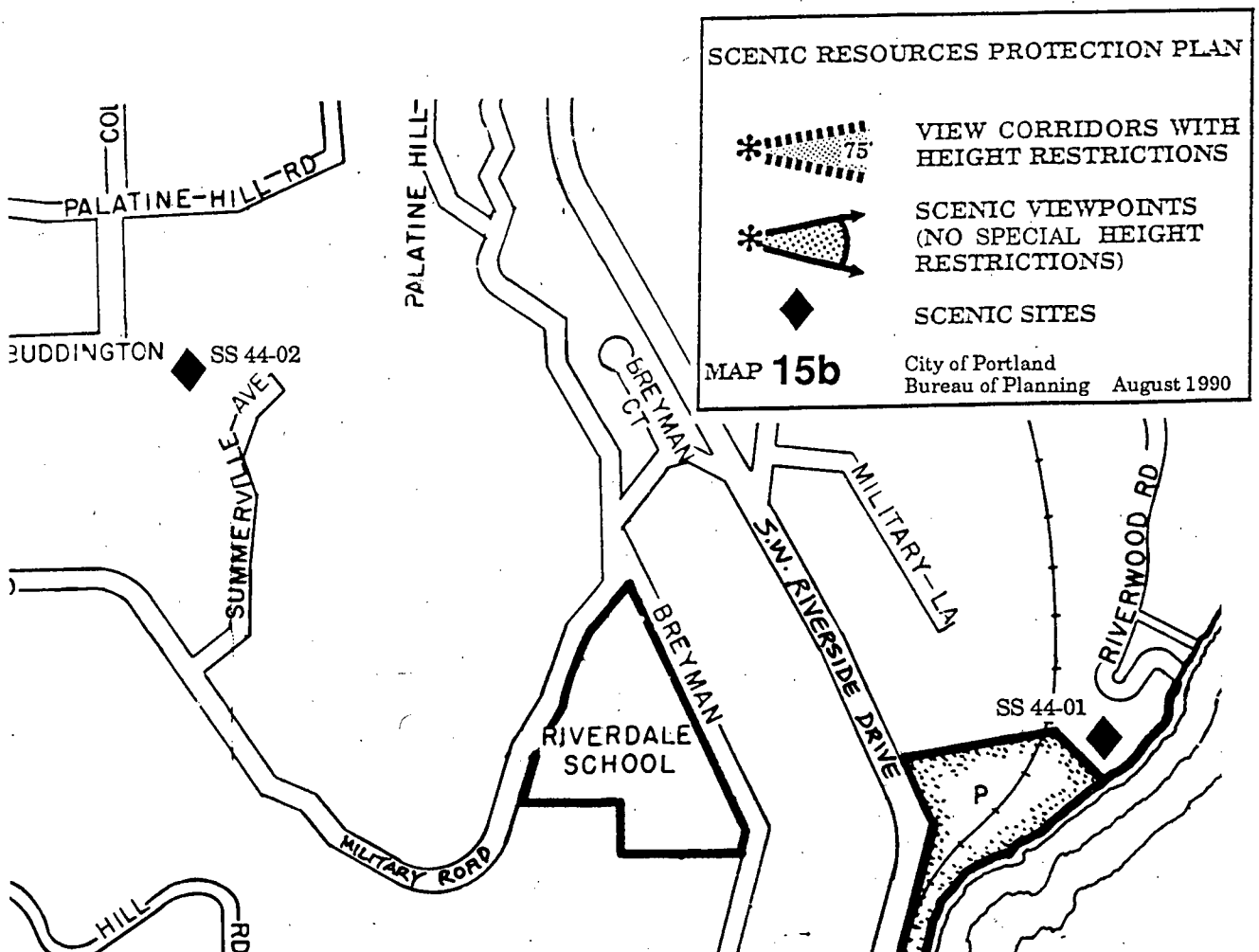
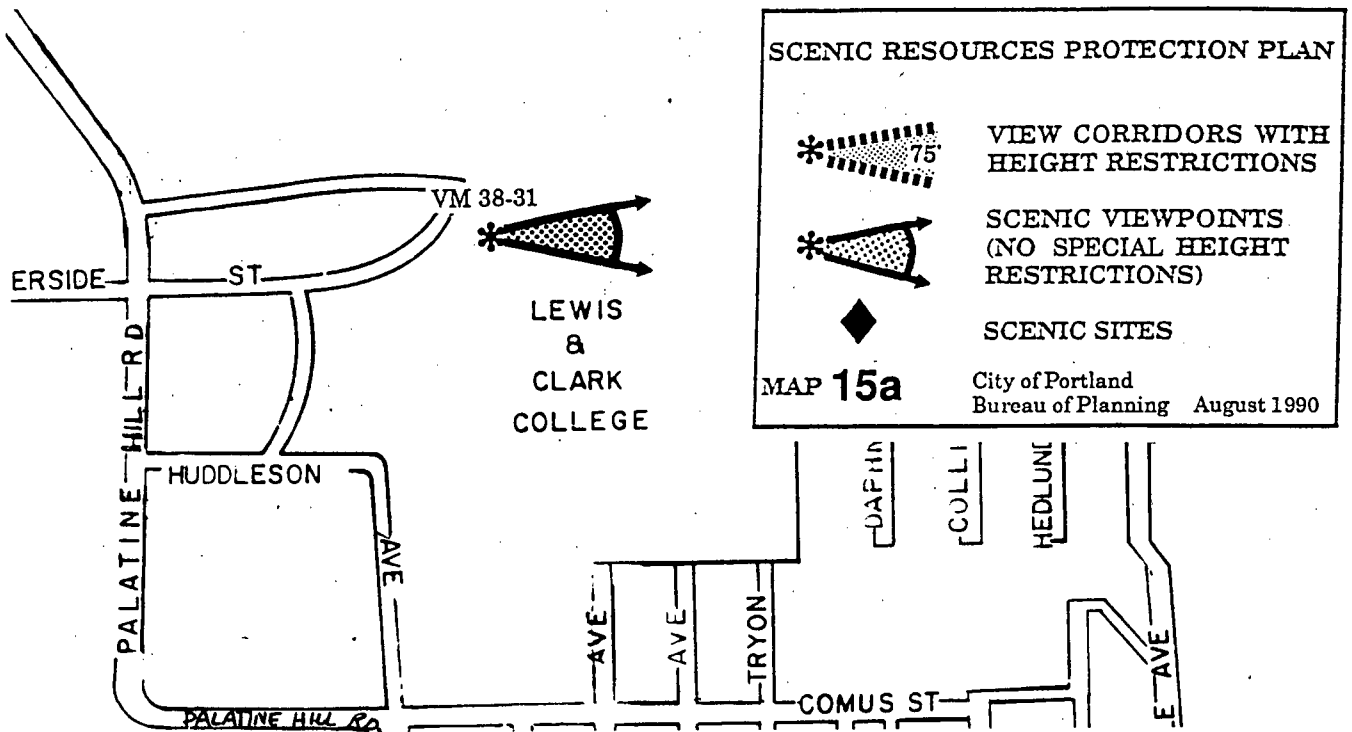
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

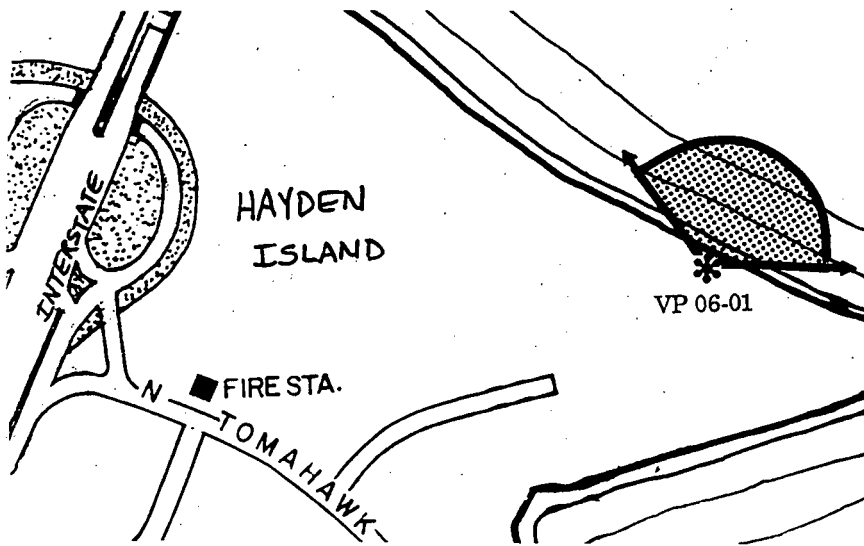


SCENIC SITES

MAP 14b

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# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



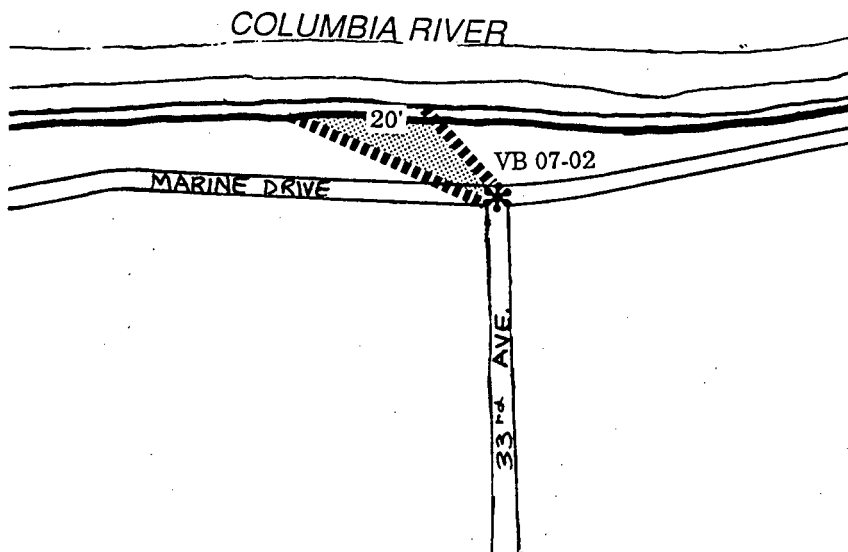
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



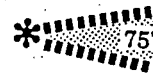
SCENIC SITES

MAP 16a

City of Portland  
Bureau of Planning August 1990



# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



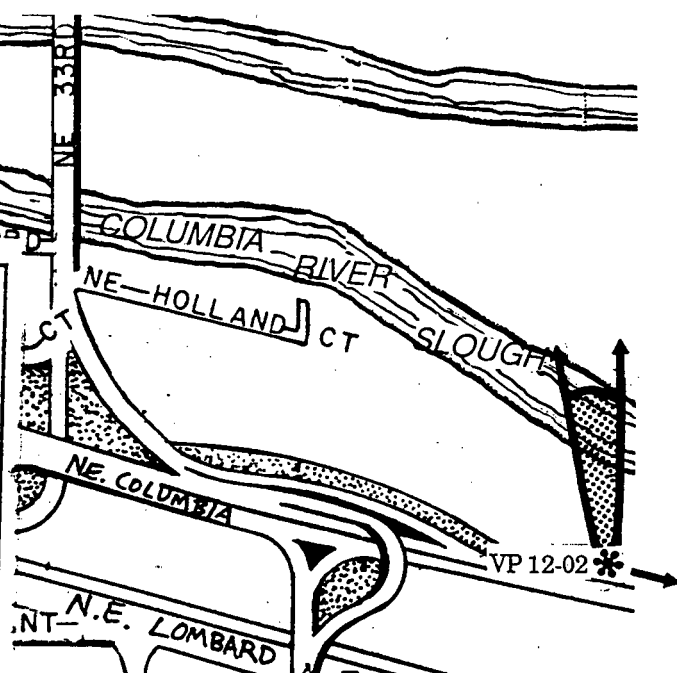
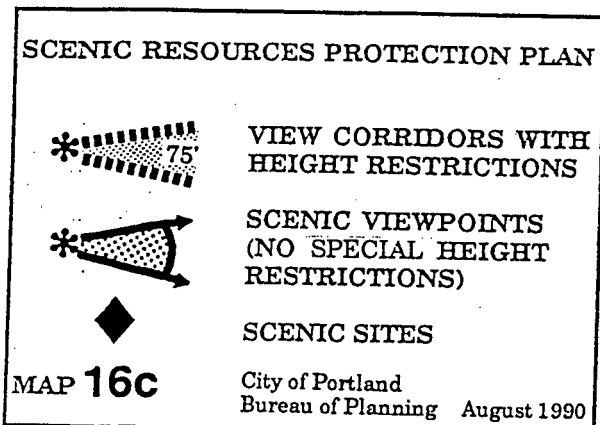
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



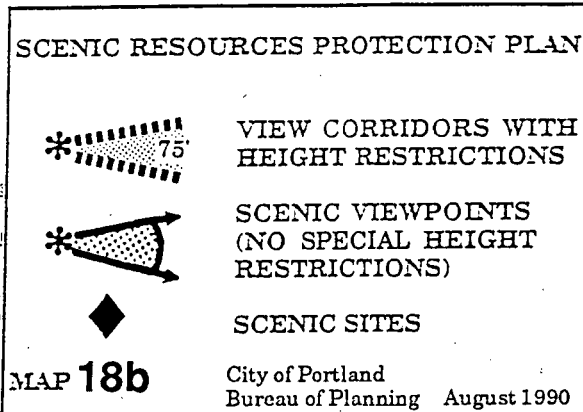
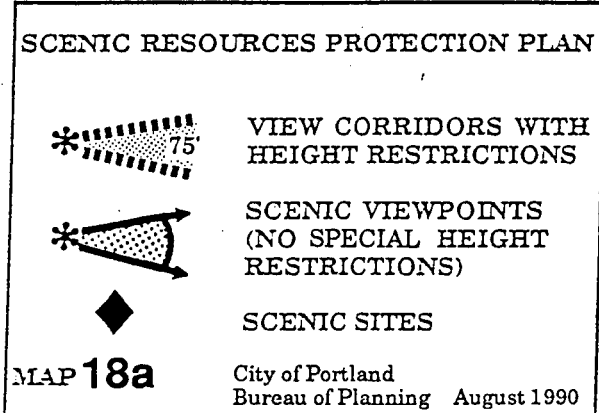
SCENIC SITES

MAP 16b

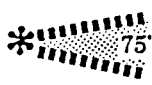
City of Portland  
Bureau of Planning August 1990









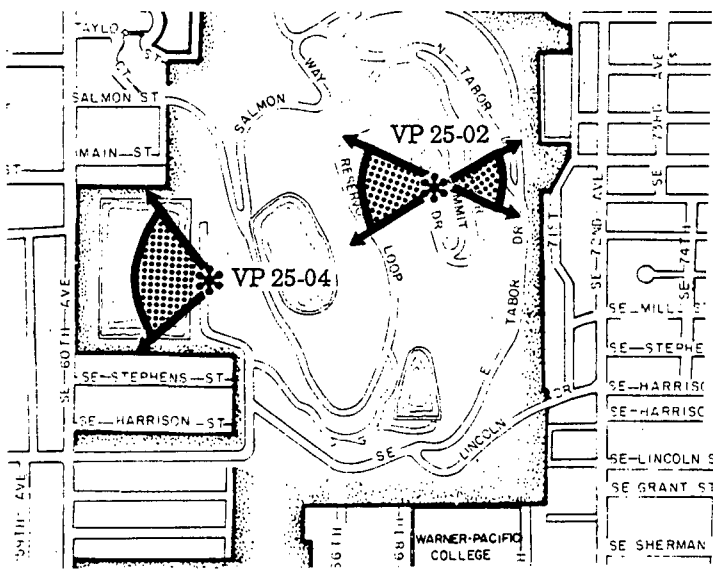
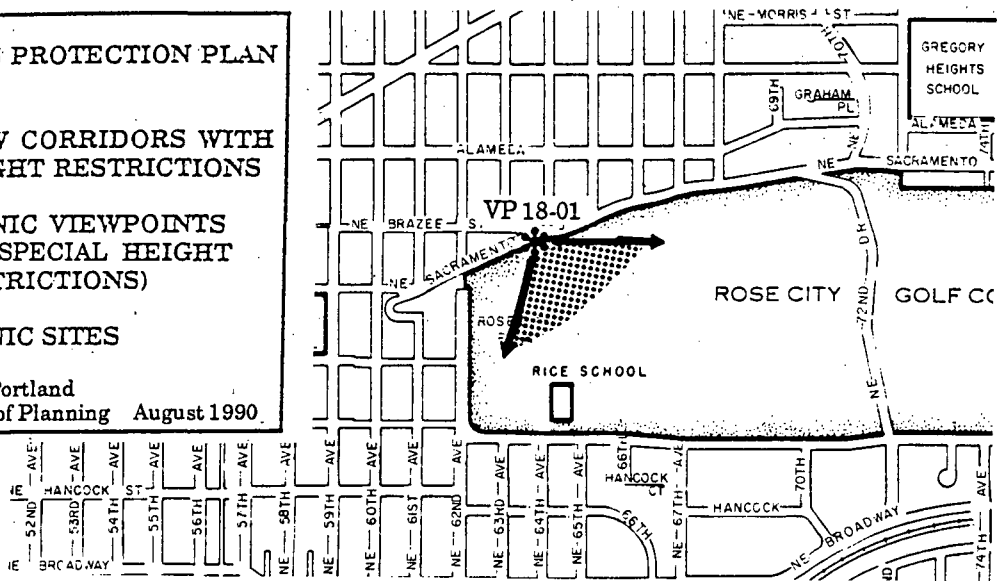
**SCENIC RESOURCES PROTECTION PLAN**

 **VIEW CORRIDORS WITH HEIGHT RESTRICTIONS**

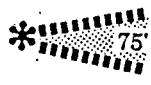
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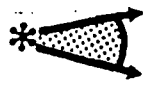
 **SCENIC SITES**


**MAP 19a** City of Portland  
Bureau of Planning August 1990



**SCENIC RESOURCES PROTECTION PLAN**

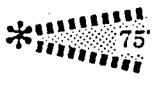
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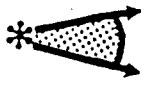
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 **SCENIC SITES**

**MAP 19b** City of Portland  
Bureau of Planning August 1990

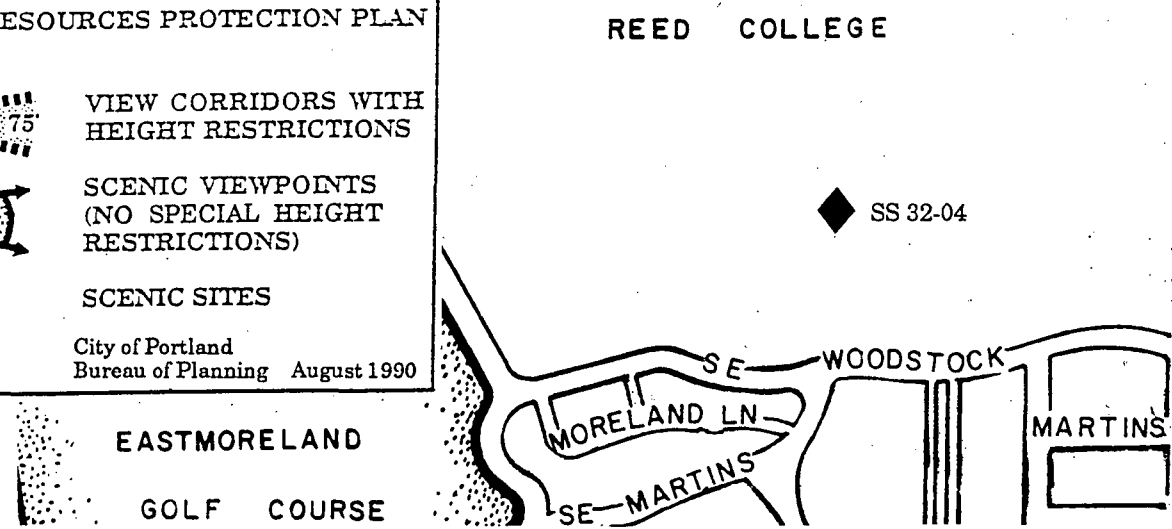
**SCENIC RESOURCES PROTECTION PLAN**

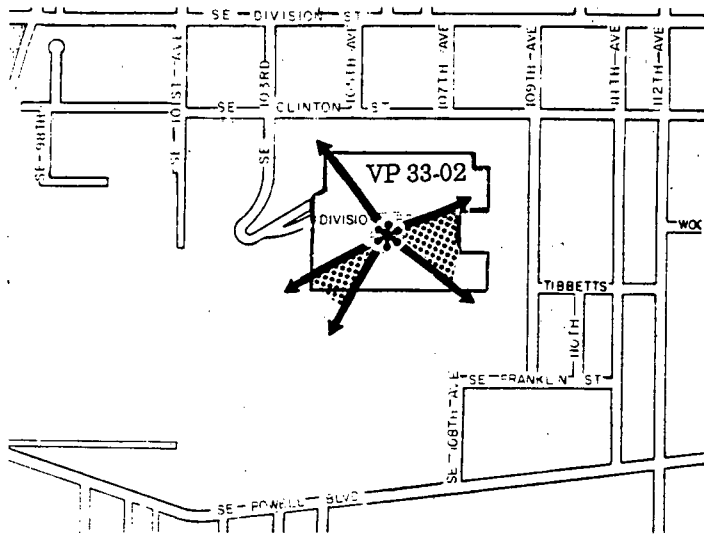
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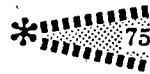
 **SCENIC SITES**

**MAP 19c** City of Portland  
Bureau of Planning August 1990





# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)

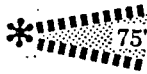


SCENIC SITES

MAP 20a

City of Portland  
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# SCENIC RESOURCES PROTECTION PLAN



VIEW CORRIDORS WITH  
HEIGHT RESTRICTIONS



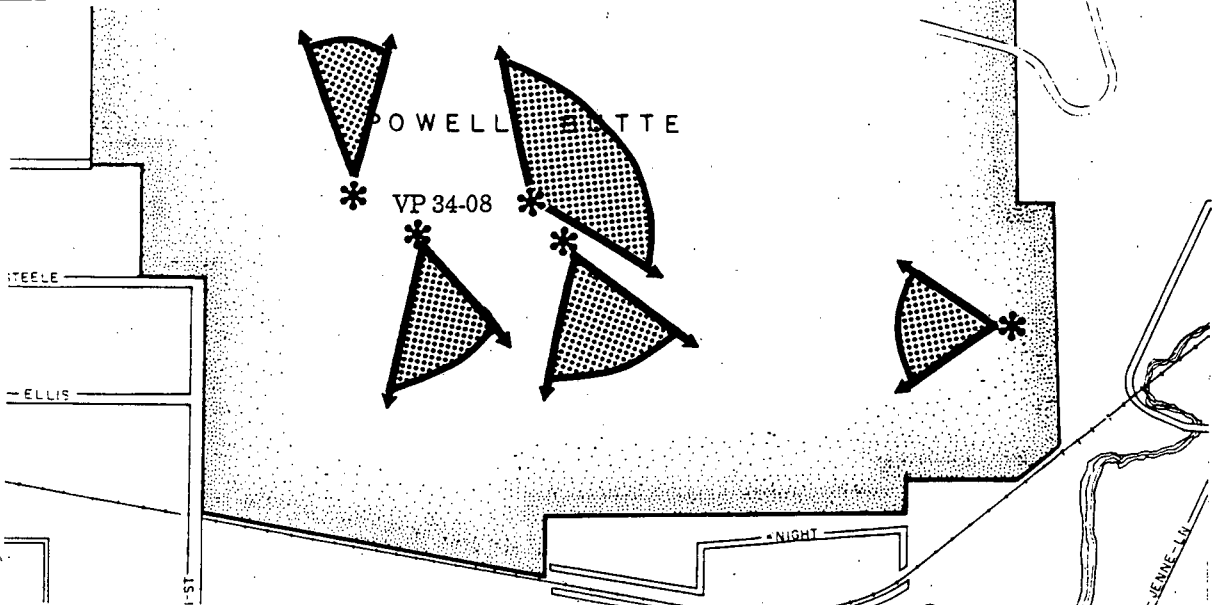
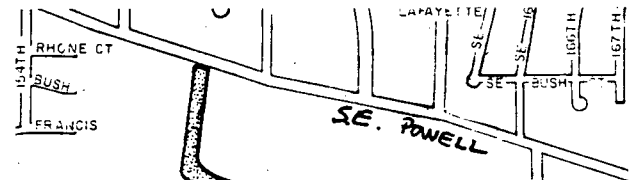
SCENIC VIEWPOINTS  
(NO SPECIAL HEIGHT  
RESTRICTIONS)



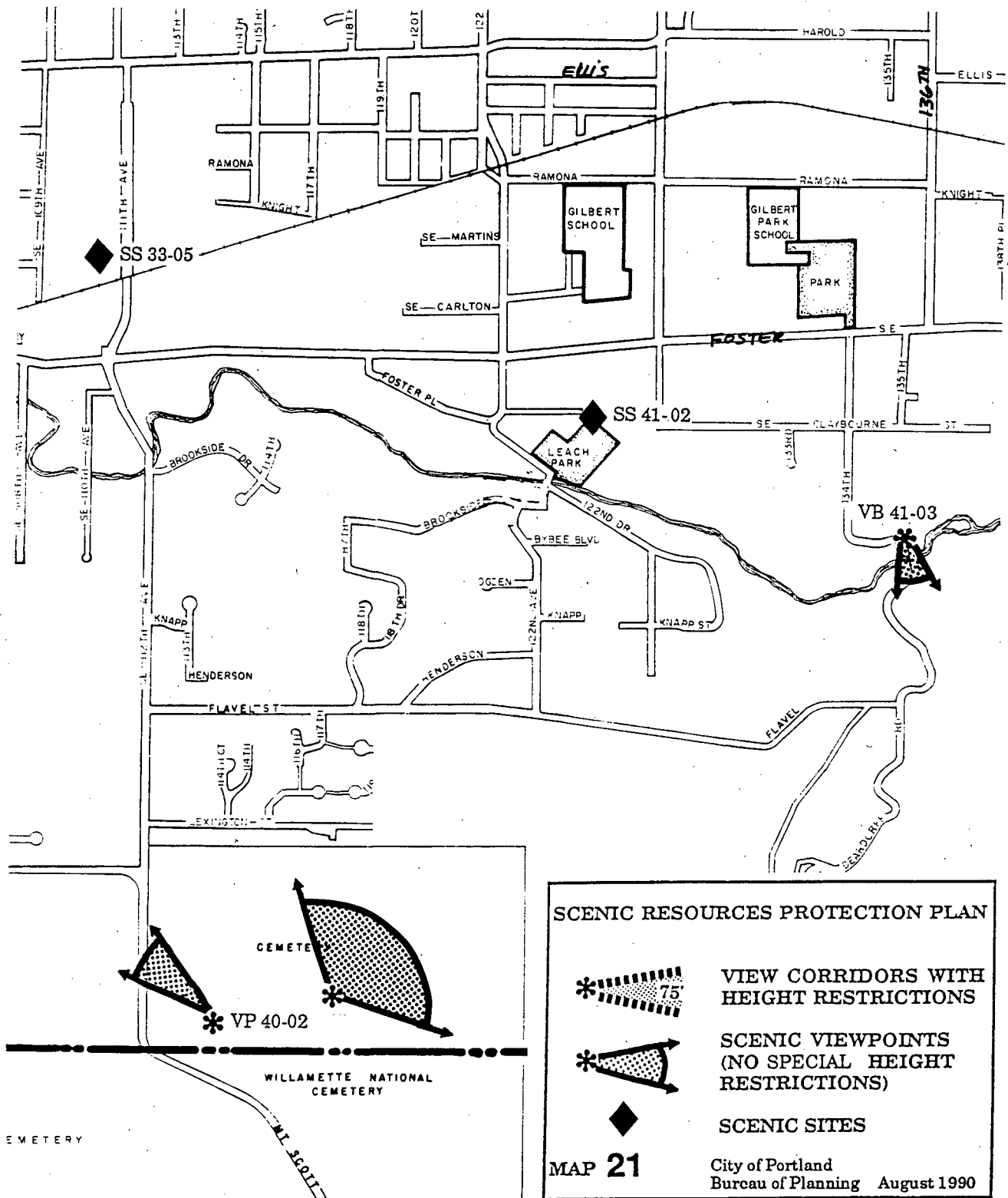
SCENIC SITES

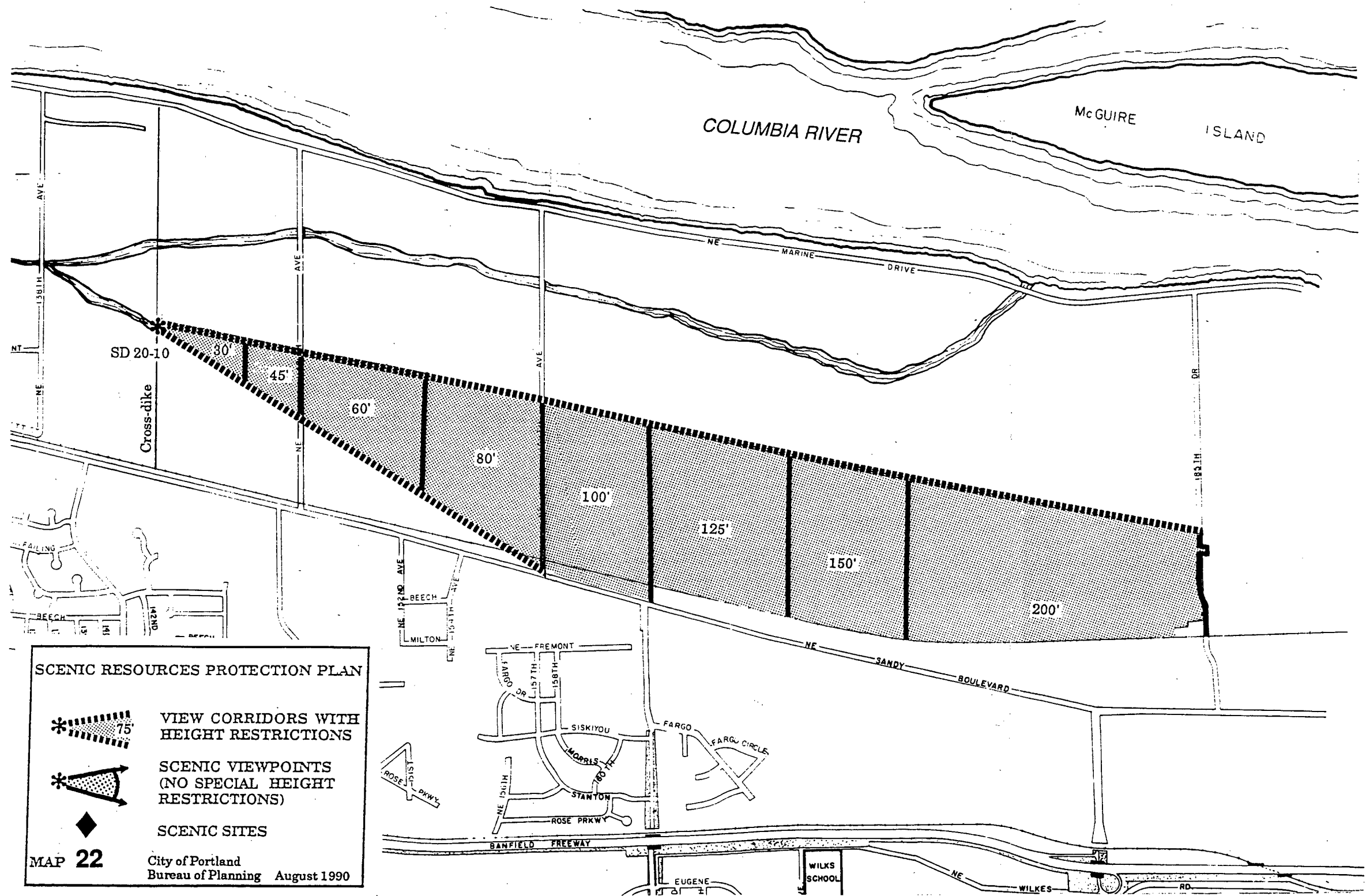
MAP 20b

City of Portland  
Bureau of Planning August 1990









# SCENIC RESOURCES PROTECTION PLAN

## SCENIC CORRIDORS Map 23

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

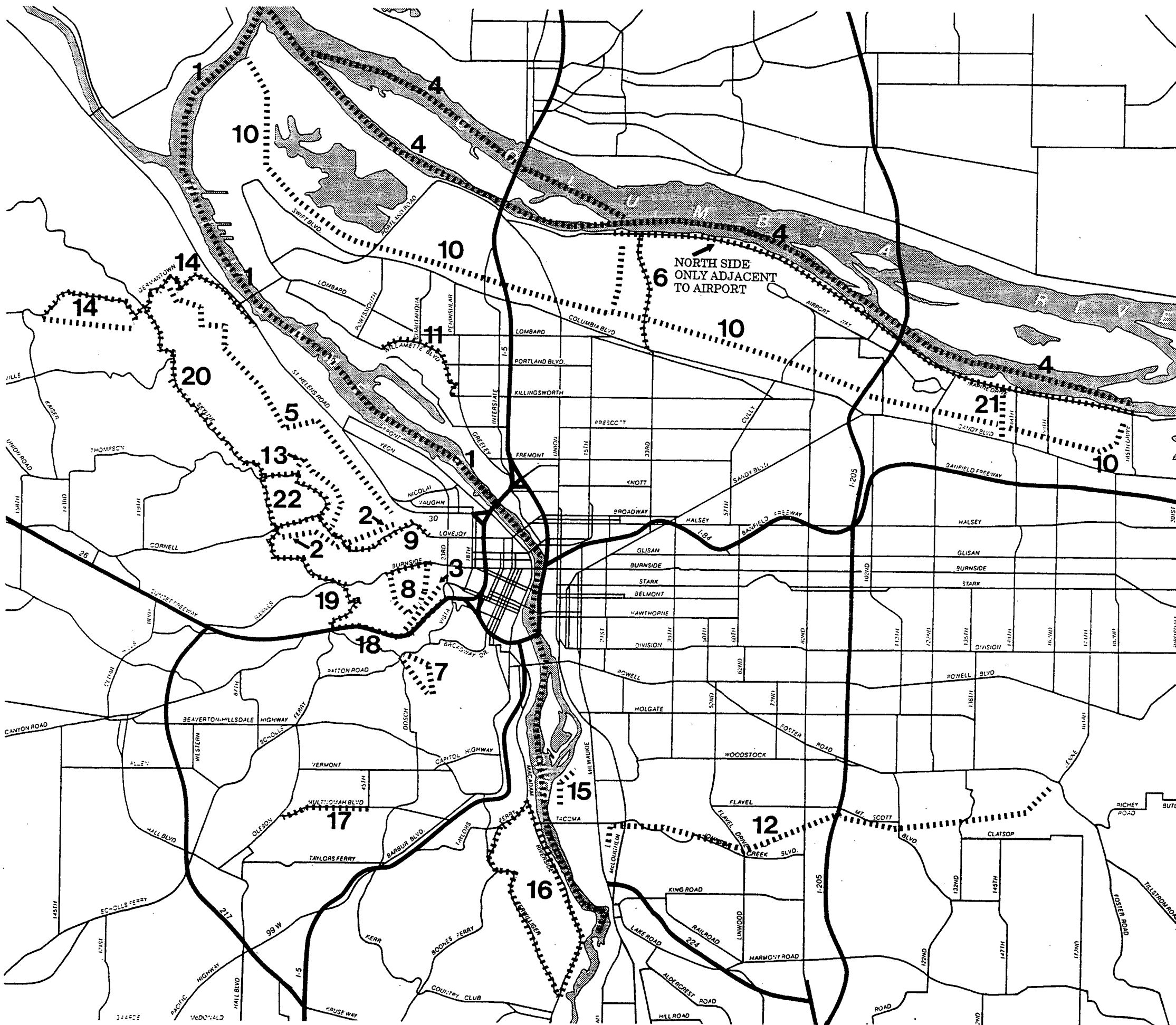
1. Willamette River (SD 01-04)\*
2. Balch Creek (SD 23-39)\*
3. Zoo Train (SD 23-39)
4. Columbia River (SD 02-01)\*
5. Lief Erickson Drive (SD 15-10)
6. NE 33rd and Marine Drive (SD 12-04)
7. SW Fairmount Drive (SD 30-03)
8. Washington Park (SD 23-25)
9. NW Cornell Road (SD23-16)
10. Columbia Slough (SD 11-03)\*
11. N Willamette Blvd (SD 10-07)
12. Johnson Creek (SD 39-01)
13. NW 53rd Drive (SD 16-07)
14. NW Germantown Rd (SD 09-17)
15. SE Sellwood Blvd (SD 38-29)
16. SW Macadam/Terwilliger (SD 38-27)
17. SW Multnomah Blvd (SD 37-03)
18. SW Canyon Road (SD 23-37)
19. SW Skyline Blvd (SD 23-21)
20. NW Skyline Blvd (SD 15-09)
21. Cross-dike (SD 20-10)
22. NW Thompson Rd (SD 15-05)

\* SCENIC CHARACTER OF RESOURCE IS  
PROTECTED THROUGH  
ENVIRONMENTAL ZONING  
REGULATIONS

Scale: 1" = 12,500'

NORTH ▲

City of Portland  
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## **C. Rocky Butte Plan District**

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

### **CHAPTER 33.570 ROCKY BUTTE PLAN DISTRICT**

#### **Sections:**

33.570.010	Purpose
33.570.020	Where the Regulations Apply
33.570.030	Development Standards
33.570.040	Tree Removal
33.570.050	Historic Features Review
33.570.060	Review for Timeliness
33.570.070	Relationship to Environmental Zones
Map 570-1	Rocky Butte Plan District

#### **33.570.010 Purpose**

Rocky Butte has been identified as an important natural resource which includes a scenic drive and scenic views from the roadway and from the top of the butte. The regulations relating to Rocky Butte are intended to preserve and enhance the forested areas of the butte, views from the butte, historic architectural elements, and the natural scenic qualities of the butte.

#### **33.570.020 Where the Regulations Apply**

The regulations of this chapter apply to development within the Rocky Butte plan district. The boundaries of the district are shown on Map 570-1 at the end of this chapter, and on the Official Zoning Maps. Any changes to land or development, including rights-of-way, within the Rocky Butte plan district are subject to the regulations of this Chapter.

### 33.570.030 Development Standards

- A. **Tree preservation plan.** A tree preservation plan must be submitted at the time of application for a required land use review or at the time of application for a building permit, whichever occurs first. The tree preservation plan must show all individual trees greater than 6 inches in diameter at five feet above the ground. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be preserved or removed must be shown as such on the plan.
- B. **Height of structures.** The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

Lying in Section 28 adjacent to Rocky Butte Road on the south and southeast sides between Engineer's Station No. 70 and Engineer's Station No. 80, on the west side of the said road between Engineer's Station No. 80 and Engineer's Station No. 83 + 50, and on the north, east and west sides between Station No. 88 and Engineer's Station No. 99 + 33.

- C. **Street setback.** No more than 25 percent of the street setback adjacent to NE Rocky Butte Road can be used for parking, maneuvering and circulation areas. For lots with an average slope down of 20 percent or more, the maximum area devoted to parking, maneuvering and circulation is 35 percent of the street setback. The remainder of the front setback must be landscaped to at least the L1 level. Emphasis should be placed on the use of native species as listed on the Portland Plant List.
- D. **Access limitations.** As a part of any new partition or subdivision of land, access to the ring road portion of Rocky Butte Road is limited in order to preserve on-street parking and maintain the forest setting. All lots created by any partitioning or subdivision of land must obtain vehicular access from a public or private street other than the ring road portion of Rocky Butte Road. For each 1000 feet of property frontage abutting the ring portion of Rocky Butte Road there may not be more than one intersection with a public or private street.
- E. **Lighting.** Cut-off luminaires must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave)

over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.

- F. **Fences.** Wire and/or metal fences are not allowed.
- G. **Screening.** Outdoor storage and parking of recreational vehicles and utility trailers, including motor homes, campers, and boats, is not allowed if visible at any time of the year from NE Rocky Butte Road or the top of Rocky Butte. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from Rocky Butte Road or the top of the butte. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

#### **33.570.040 Tree Removal**

- A. **Purpose.** The heavily forested slopes of Rocky Butte contribute to the beauty of the area, create a striking landmark as one enters or leaves Portland, and provides the natural setting to complement the historic features of the butte. The purpose of this Section is to allow trees to be removed only when they meet the purpose of the Rocky Butte plan district and this Section. Every effort should be made to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.
- B. **Tree removal review.** Trees in the Rocky Butte plan district that do not qualify for removal under Subsection 33.570.050.C. below, may be removed if approved through tree removal review as provided in Section 33.480.050 of the Scenic Resource zone. Tree removal in areas with an Environmental zone is subject to environmental review rather than tree removal review.
- C. **Exempt from review.** The following are exempt from tree removal review:
  - 1. The tree is located within the footprint of a proposed building, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die;
  - 2. The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property;
  - 3. The tree is within a water, sewer or other utility easement; and

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

### 33.570.050 Historic Features Review

- A. **Purpose.** The hewn basalt blocks that line portions of Rocky Butte, the low basalt walls, the basalt retaining walls, bollards, drainage ways, the pedestrian and vehicle tunnels and other similar features are part of the scenic and historic character of the butte. The purpose of the historic features review is to ensure that these features are not altered in any way that will diminish the historic quality of the butte. Where features need to be removed temporarily or permanently in order to allow development, the review ensures that the impact of the removal is mitigated.
- B. **Scope of historic features review.** Historic features review is required for the alteration or removal of historic features that are on private property. For those historic features owned and maintained by the City and located in the public right-of-way, the City Engineer must seek the advice of the Historic Landmarks Commission prior to making any substantive alteration or removal. The Historical Landmarks Commission will consider the approval criteria of this subsection in providing advice to the City Engineer. The City Engineer is not required to seek this advice for routine maintenance and emergency repairs to these historic features when they are performed by the City.
- C. **Procedure.** Historic Features review is processed through a Type III procedure.
- D. **Approval criteria.** The request to alter or remove historic features on the butte will be approved if the applicant has shown that all of the following approval criteria are met:
  1. There is a clear demonstration that there is a public need for the proposal and that the public benefit resulting from the proposal outweighs the benefits of preserving the historic features.

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

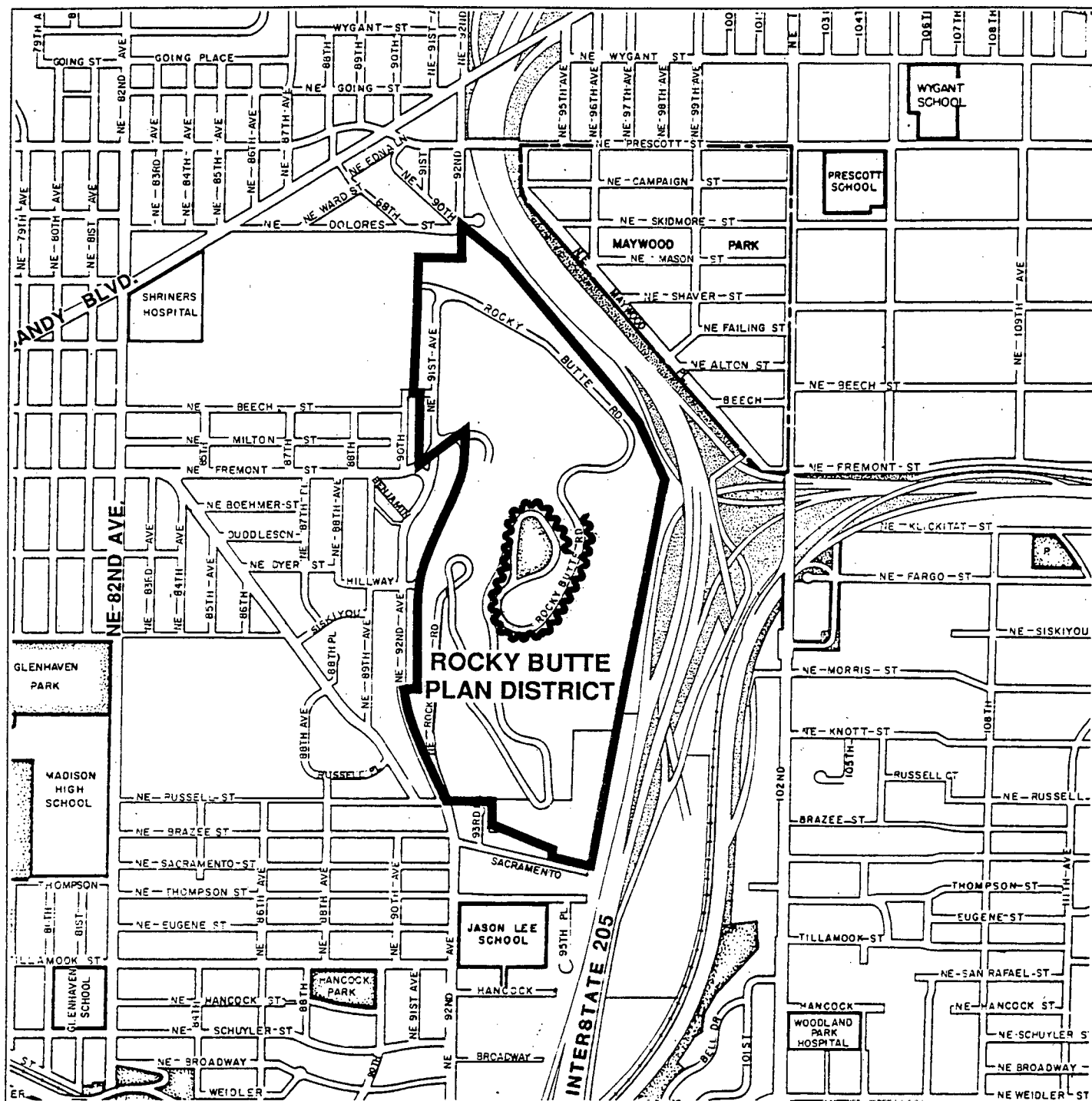
**33.570.060 Review for Timeliness**

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

**33.480.070 Relationship to Environmental Zones**

When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.





### Plan District Boundary

Maximum Height  
Determined By Elevation  
of Adjacent Roadway

## SECTION VII

# ADOPTING ORDINANCE AND RESOLUTION

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

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

ORDINANCE No. 163957

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

The City of Portland Ordains:

Section 1. The Council finds:

1. In 1974, the State of Oregon adopted two statewide planning goals that require the protection of scenic resources. State Goal 7, Recreational Needs, requires jurisdictions to satisfy the recreational needs of citizens of the state and visitors. Recreational opportunities are defined to include scenic landscapes, and scenic roads and travelways.
2. State Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires jurisdictions to conserve open space and protect natural and scenic resources.
3. The City of Portland adopted its Comprehensive Plan on October 16, 1980 (effective date, January 1, 1981) and was acknowledged as being in conformance with Statewide Goals for Land Use Planning by the Land Conservation and Development Commission on May 1, 1981. At the time of its adoption the plan complied with State Goals 5 and 7.
4. The Land Conservation and Development Commission's (LCDC) administrative rules for Goal 5 (OAR 660-16-000 through 660-16-025) outline the process to be followed in identifying and evaluating resources and achieving compliance with Goal 5. LCDC adopted these administrative rules in September 1981.
5. With the adoption of the administrative rule for State Goal 5 by DLCD, the City's Comprehensive Plan was no longer in compliance with State Goal 5.
6. The City has undertaken a review of its Comprehensive Plan as part of Periodic Review to bring the plan into compliance with the State Goals, particularly Goal 5.

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

**State Goal Findings:**

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

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

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

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

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

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

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

#### **Comprehensive Plan Findings:**

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



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

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

adjacent to the Willamette River. This protection is accomplished through the Greenway design guidelines which specify

- f. The plan is supportive of Policy 2.8, Forest Lands, because it provides for the preservation of trees on forest lands consistent with this policy.
- g. The plan is consistent with Policy 2.18, Utilization of Vacant Land, because it protects significant scenic resources while allowing vacant land to develop in accordance with its Comprehensive Plan Map designation.
- h. The plan is supportive of Policy 2.22, Terwilliger Parkway Corridor Plan, because it identifies the Corridor Plan as one of the measures the City has adopted to protect significant scenic resources through the identification and protection of view corridors along Terwilliger Parkway.
- i. The plan is supportive of Policy 2.24, Central City Plan, because it implements Policy 12 E., Identify and Protect Significant Public Views, because it inventories, evaluates and recommends for protection views that were identified during the Central City planning process as important and contributing to the desired urban form of the Central City. The modifications to the height limits of the Central City Plan contained in the Scenic Resources Protection Plan are the implementing measures that carry out Policy 12 E. of the Central City Plan.

30. Goal 3, Neighborhoods, provides for the preservation and reinforcement of the stability and diversity of the City's neighborhoods while allowing for increased densities. The Scenic Resource Protection Plan conforms with this goal because it has evaluated, through the ESEE Analysis, the impact of protection of identified resources on opportunities for development within neighborhoods. View corridors have been carefully sited or given only limited protection where protection would have a negative impact on residential development opportunities. Scenic resources are protected where neighborhood associations have identified those that are important to the livability and attractiveness of the neighborhood. These neighborhood views are important in defining the character of a neighborhood and providing the residents with opportunities to enjoy their City.

- a. The plan is supportive of Policy 3.4, Historic Preservation, because the Rocky Butte plan district includes regulations which require public review of requests to disturb the historic features of the butte, primarily the rock work that was done by the WPA in the 1930's.
- b. The plan is supportive of Policy 3.5, Neighborhood Involvement, because all recognized neighborhood associations were notified at the onset of this project and solicited for nominations for potential scenic resources. Several neighborhoods responded and many of

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

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

scenic resources on areas that are the targets of business and industrial development.

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

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

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

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

- a. The plan is consistent with Policy 9.1, Citizen Involvement Coordination, because opportunities were provided throughout the planning process to change aspects of the process to increase opportunities for review. Staff reports were available to the public within the the required time frames and were provided free of charge. Notice of workshops and hearings were sent to neighborhood associations, business groups, affected individuals and to the members of the public requesting such notice.
- b. The plan is consistent with Policy 9.2, Comprehensive Plan Review, because the Scenic Resources Project is part of the periodic review of the Plan called for in this policy.
- c. The plan is consistent with Policy 9.3, Comprehensive Plan Amendment, because proposed changes to the Comprehensive Plan were discussed with the public and were a part of the notice that was mailed to groups and individuals. Proposed changes were discussed at Planning Commission hearings and the proposed language was modified in response to citizen review.

37. Goal 10, Plan Review and Administration, describes the process for maintaining the Comprehensive Plan as Portland's policy framework for land development. The goal calls for periodic review of the Plan to assure that it remains an up-to-date and workable framework. The

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

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

#### **General Findings:**

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

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

**NOW, THEREFORE,** the Council directs:

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

**POLICIES – LAND RESOURCES**

**8.14 NATURAL RESOURCES**

**(No change)**



**Objectives:**

**A. Acquisition Program for Significant Resources**

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

**B. Intergovernmental Coordination (No change)**

**C. Impact Avoidance**

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

**D. Mitigation (No change)**

**E. Soil Erosion Control (No change)**

**F. Pruning to Maintain and Enhance Views**

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

**G. Improving Turnouts along Scenic Routes and at Viewpoints**

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

**H. Bike and Pedestrian Routes**

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

**I. Consideration of Scenic Resources in Street Vacations**

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

**J. Consideration of Scenic Resources in Planning Process**

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

**K. Enhancing View Corridors**

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

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

**10.13 COLUMBIA RIVER**

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

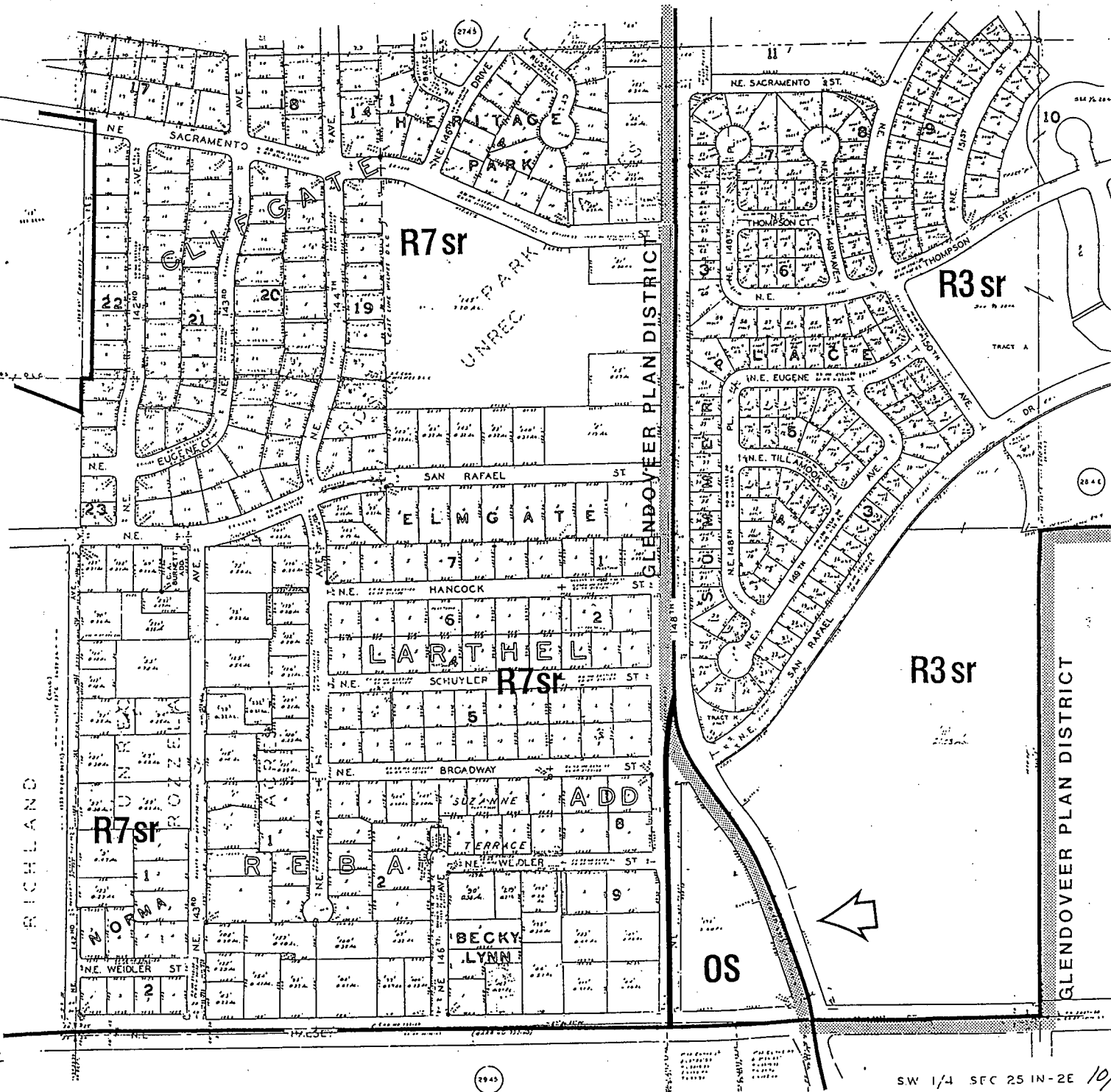
- d. Ordinance 163608 enacting Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, is hereby amended to reflect changes to Map 510-3 Maximum Height Limits of the Central City plan district (Chapter 33.510) as shown on Exhibit D.
- e. Ordinance 163608 enacting Title 33, Planning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

Passed by the Council,

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

**BARBARA CLARK**  
Auditor of the City of Portland  
By

Deputy



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

**PROPOSED FOR OPEN SPACE ZONING**

CITY OF PORTLAND • BUREAU OF PLANNING		SCALE 1" = 200'	N
<b>R5</b> Current Zoning	ZONING REVISED 3-89		
(R5) Maximum Potential Zoning as per Comprehensive Plan		<b>2845</b>	



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

## PROPOSED FOR OPEN SPACE ZONING

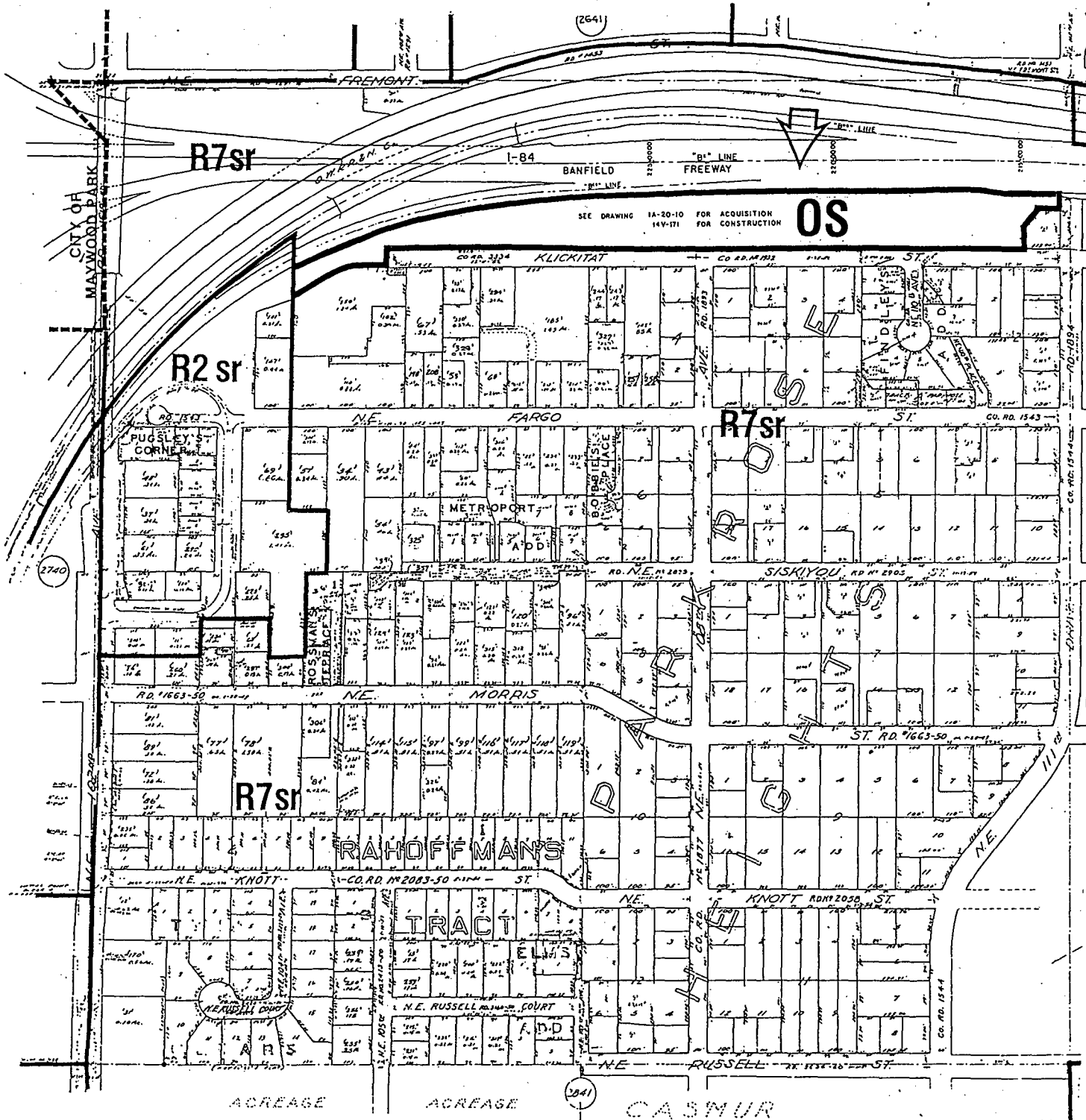
CITY OF PORTLAND • BUREAU OF PLANNING	
<b>R5</b> Current Zoning	SCALE 1" = 200'
(R5) Maximum Potential Zoning as per Comprehensive Plan	ZONING REVISED 3-89
<b>2744</b>	



PROPOSED FOR OPEN SPACE ZONING

CITY OF PORTLAND • BUREAU OF PLANNING

<b>R5</b> Current Zoning	SCALE 1" = 200'
(R5) Maximum Potential Zoning as per Comprehensive Plan	ZONING REVISION: 2-89
<b>2743</b>	



# PROPOSED FOR OPEN SPACE ZONING

CITY OF PORTLAND • BUREAU OF PLANNING		3/86
<b>R5</b> Current Zoning	SCALE 1" = 200'	N
(R5) Maximum Potential Zoning as per Comprehensive Plan	ZONING REVISED: 9.87	
		<b>2741</b>



RESOLUTION No.

**34828**

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

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

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

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

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

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

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

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

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

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

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

Commissioner Gretchen Kafoury  
JEH/jeh  
March 13, 1991

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



## SECTION VIII

### APPENDICES

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

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

# 5

## OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

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

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

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

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

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

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

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

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

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

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

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

### GUIDELINES:

#### A. Planning:

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

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

#### B. Implementation:

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

DIVISION 16

REQUIREMENTS AND APPLICATION  
PROCEDURES FOR COMPLYING WITH  
STATEWIDE GOAL 5

Inventory Goal 5 Resources

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 183 & 197

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

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

Identify Conflicting Uses

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

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

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

Stat. Auth.: ORS Ch. 183 & 197

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

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

Develop Program to Achieve the Goal

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 183 & 197

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

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

#### Post-Acknowledgment Period

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

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

Stat. Auth.: ORS Ch. 183 & 197

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

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

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

#### Landowner Involvement

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

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

Stat. Auth.: ORS Ch. 183 & 197

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

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

#### Policy Application

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

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

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

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

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

(2) **Category 2:**

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

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

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

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

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

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

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

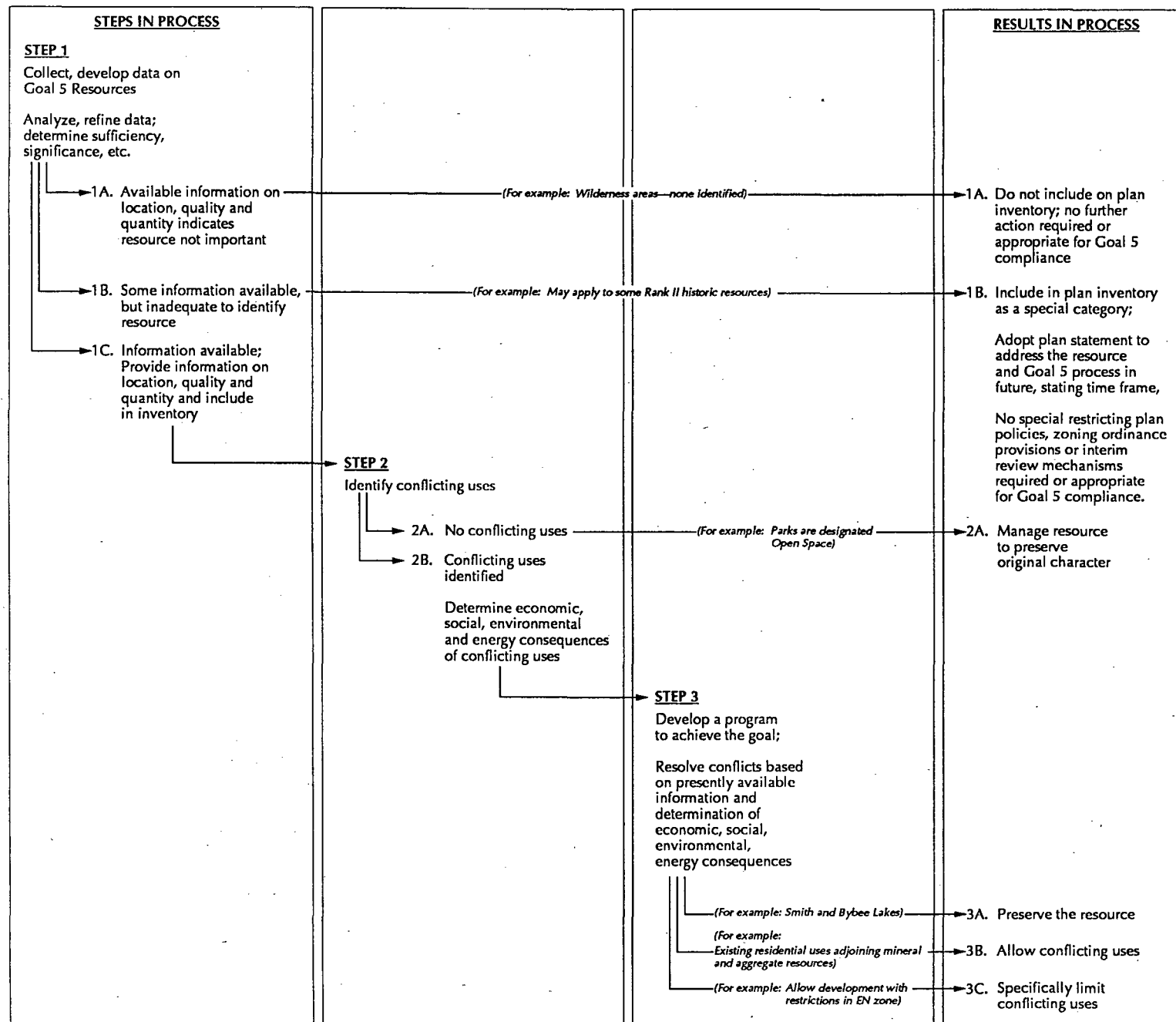
Stat. Auth.: ORS Ch. 183 & 197

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

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

(September, 1981)

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



## Appendix D: Approved Trees and Other Vegetation

### APPROVED TREES

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

### OTHER APPROVED VEGETATION

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

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

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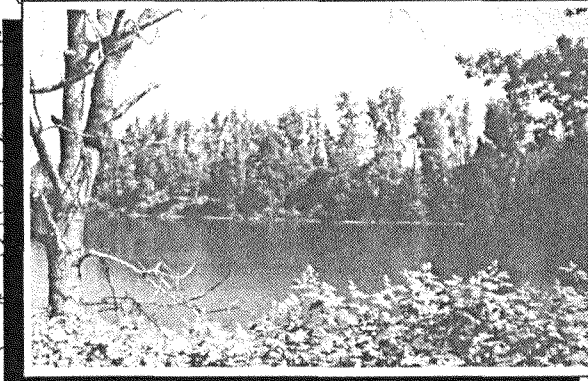
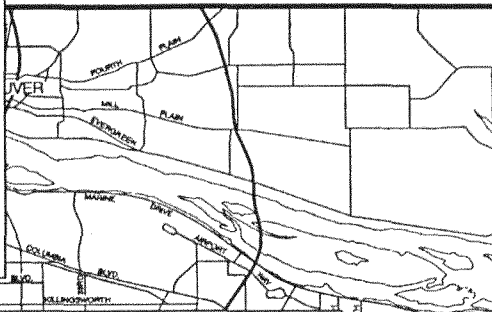
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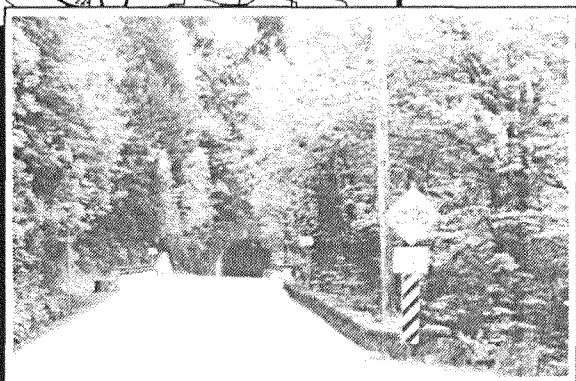
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City of Portland, Oregon  
March 1989

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# **SCENIC VIEWS, SITES AND DRIVES INVENTORY**

***ACCEPTED BY PORTLAND PLANNING COMMISSION  
November 8, 1988***

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## **Acknowledgements**

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## EXECUTIVE SUMMARY

This document contains Portland's inventory of scenic resources within the City's Urban Services Boundary. It is the first product necessary in complying with the State's requirements for scenic resource protection. The inventory includes a discussion of the existing adopted policies and regulations relating to scenic resources, an explanation of the methodology used in updating the existing inventory, and the results of the ranking of inventoried resources.

The Scenic Resources Project is a part of the periodic review of the Portland Comprehensive Plan. Scenic resources are one of the identified resources in Statewide Planning Goal 5 that must be addressed in a jurisdiction's comprehensive plan.

A technical/citizen review committee ranked the resources within six general categories. The evaluation criteria consisted of ten "descriptors" including scenic beauty, imageability, color and vividness. The committee used a scale of one to five to judge each resource against each descriptor. The scores were weighted based on the relative importance of each descriptor. The outcome is a ranking of each resource relative to other similar kinds of resources within one of the six categories. Section III of the inventory describes each resource and gives its final score and ranking. Included with this report is the "Scenic Resources Inventory Map" showing the location of the already protected scenic views, sites, and drives and those included in the inventory.

Potential resources have been dropped from the inventory based on their low scores. The next step in the project is to complete an analysis of the remaining resources by comparing and balancing the economic, social, environmental and energy (ESEE) consequences of protecting each one, and then determining which resources are significant based on the ESEE analysis.

The final step in the process is to adopt implementing measures to protect those resources that are considered significant (based on the analysis described above) and that do not have consequences that outweigh protecting them.

The ESEE analysis and adoption of implementing measures is expected to be completed in Spring 1989. The Portland Planning Commission accepted this inventory document in November 1988. Formal consideration of the ESEE analysis and implementing measures will involve separate public hearings of the Planning Commission and City Council.

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# **INTRODUCTION**

# INTRODUCTION

The Scenic Views, Sites, and Drives Inventory document provides an inventory of locally important scenic resources within the City of Portland and that portion of unincorporated Multnomah and Clackamas Counties within Portland's urban services boundary. A generalized map of the current Portland urban services boundary is shown on Page 4 of this report.

## Historical Background

"The Greater Portland Plan" was published in 1912. The architect of the plan, Edward H. Bennett, proposed it as a guide for the further building of the City. Although the plan addressed many aspects of the City, including transportation and business, a large portion of the plan focused on the appearance of the City, its boulevards, parks, the waterfront, and vistas. Bennett believed that streets should be more than just a conduit for traffic; he believed that streets should open up the City and provide views to the mountains and the west hills. Bennett envisioned that small, terraced and planted vista points would be created along drives in order to view the City and mountain peaks. He also envisioned broad avenues and arterials that would open up views to the mountains.

The City has not developed exactly as Bennett imagined, but the interest in preserving views and vistas has continued. The City has adopted many measures that protect scenic views and sites, but a comprehensive inventory has never been compiled.

## The Periodic Review Requirement

This document updates the City's Comprehensive Plan inventory of scenic resources to address new requirements adopted by the Land Conservation and Development Commission since Portland's Plan was acknowledged in 1981. The inventory update is required as part of the first periodic review of Portland's Plan to comply with the administrative rule for Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, adopted by the Commission in the fall of 1981.

Other resources protected through Statewide Planning Goal 5 are inventoried in the following reports:

*Inventory of Wetlands, Waterbodies, and Wildlife Habitat Areas*  
*Historic Resources Inventory*  
*Mineral and Aggregate Resources Inventory*  
*Open Space*

Oregon's statewide land use planning program was established under Senate Bill 100, adopted by the Legislature in 1973 and included in the Oregon Revised Statutes as Chapter 197. This legislation created the Land Conservation and Development Commission (LCDC) and gave it the authority to adopt mandatory Statewide Planning Goals. These goals provided the framework for Oregon's cities and counties to prepare comprehensive plans. After local adoption, comprehensive plans were submitted to the Land Conservation and Development Commission for review to ensure consistency with

the Statewide Planning Goals. Portland's Comprehensive Plan was adopted by City Council in 1980, effective January 1, 1981, and was acknowledged by LCDC in May 1981.

In 1981, the Legislature amended ORS 197 to require periodic review of acknowledged comprehensive plans. As stated in ORS 197.640(1), the purpose of periodic review is to ensure that each local government's acknowledged comprehensive plan and land use regulations are in compliance with the Statewide Planning Goals and coordinated with the plans and programs of state agencies.

Under state law, four factors must be considered during periodic review. The second factor, "new Statewide Planning Goals or rules," relates to new Goals or rules adopted since a comprehensive plan was acknowledged such that the plan or its land use regulations no longer comply. The specific requirement to update Portland's scenic resources inventory is based on LCDC's adoption, in the fall of 1981, of a new administrative rule for Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources.

### **The Statewide Planning Goal 5 Administrative Rule**

Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires cities and counties "to conserve open space and protect natural and scenic resources." When Portland's Comprehensive Plan was adopted in 1980, however, there was little guidance as to how the Goal requirements should be met.

In 1981, subsequent to acknowledgement of Portland's Plan, the Land Conservation and Development Commission adopted the Goal 5 administrative rule, OAR 660, Division 16: Requirements and Application Procedures for Complying with Statewide Goal 5. The steps which a jurisdiction must go through in order to comply with Goal 5 include an inventory of resource sites; analysis of the economic, social, environmental and energy (ESEE) consequences of conflicting uses on the resource; and determination of the level of protection required for the resource.

The first step in the Goal 5 process is to inventory the location, quantity and quality of the resources present at each site. Location of a resource must include a map or description of the boundaries of the resource site, and be as accurate as available information will allow. Resource quantity requires consideration of the relative abundance of the resource. Quality of a resource is determined by comparing the site with other sites of the same resource category.

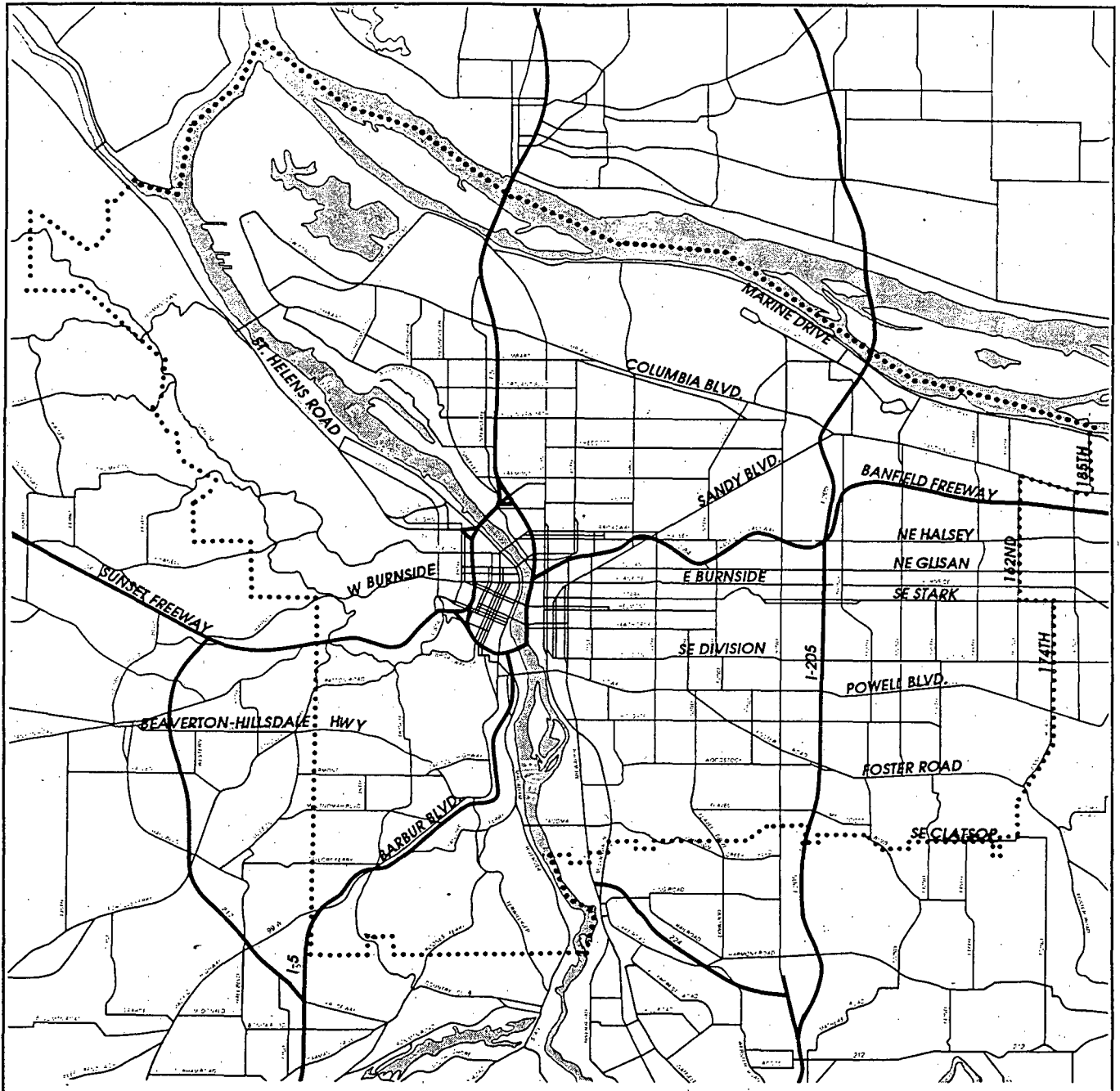
If a resource site is not important, it may be excluded from further consideration for purposes of local land use planning, even though state and federal regulations may apply. If information is not available or is inadequate to determine the importance of the resource site, the local government must commit itself to obtaining the necessary data and performing the analysis in the future. At the conclusion of this process, all remaining sites must be included in the inventory and are subject to the remaining steps in the Goal 5 process.

## **Contents of the Scenic Views, Sites, and Drives Resources Inventory Document**

The first section of this report describes the existing adopted policies and regulations that contain references to scenic resources. These documents comprise the City's existing scenic resource inventory. Section II describes the scope of this inventory project, including how it relates to existing inventories and the methodology that was used to evaluate the inventoried resources. Section III summarizes the results of the evaluation of potential scenic resources within Portland's Urban Services Boundary. Sections IV and V, respectively, contain the appendices and bibliography of the report.

The "Scenic Resources Inventory Map" accompanies this inventory document. The two-sided map folds out to show the location of important scenic resources inventoried in other planning documents and identified in this report. One side shows existing and new inventoried scenic resources within the Portland Urban Services Boundary, except for the Central City Plan area. The reverse side shows existing and new inventoried scenic resources within the Central City Plan area. This map will be used primarily as a reference document for other Planning Bureau activities.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

- ..... Portland Urban Services Boundary (as of May, 1988)

## PORTLAND URBAN SERVICES BOUNDARY

Scale: 1" = 13,318'



Bureau of Planning  
City of Portland

Supplemental Map

## **Section I**

# **EXISTING INVENTORY, POLICIES AND REGULATIONS**

## **SECTION I**

### **EXISTING INVENTORY, POLICIES AND REGULATIONS**

A review and analysis of the existing City and County inventory of scenic views, sites, and drives shows that the City has identified many scenic resources since the Portland Comprehensive Plan was adopted in 1980 and has developed various protection measures for scenic resources. The following adopted City measures provide for varying degrees of protection for identified scenic resources.

#### **A. Comprehensive Plan Goal 8: Environment**

The preservation of existing environmental amenities, including parks and open space, was identified during the comprehensive planning process as an important part of what makes Portland livable. As a part of the development of the Comprehensive Plan, a number of urban area viewpoints and natural areas or areas with unique opportunities were identified that are protected with an Open Space designation and/or the Greenway Overlay Zones. These inventoried scenic resources are shown on Map 1. The Open Space designation preserves and protects open space and parks for recreational and aesthetic purposes in conformance with the underlying zone, and the Greenway regulations protect specific viewpoints and corridors that provide visibility to and along the Willamette River.

In June 1988, City Council adopted Environmental Regulations for the City (effective date July 13, 1988) including two environmental zones. Along with the regulations, several changes and additions to Goal 8 and its policies were adopted and several new objectives were added. Goal 8 and Policies 8.9 and 8.10 (relating to scenic resources) were not changed by the recently adopted environmental regulations. Goal 8 of the Comprehensive Plan states,

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

Policy 8.9: Open Space says, "Protect Portland parks, cemeteries, and golf courses through an open space designation on the Comprehensive Plan Map."

Policy 8.10: Willamette River Greenway states, "Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the City's Willamette River Greenway Plan."

However, two new policies were added to Goal 8 as part of the Environmental Regulations to further protect the City's natural resources. Policy 8.14: Natural Resources states,

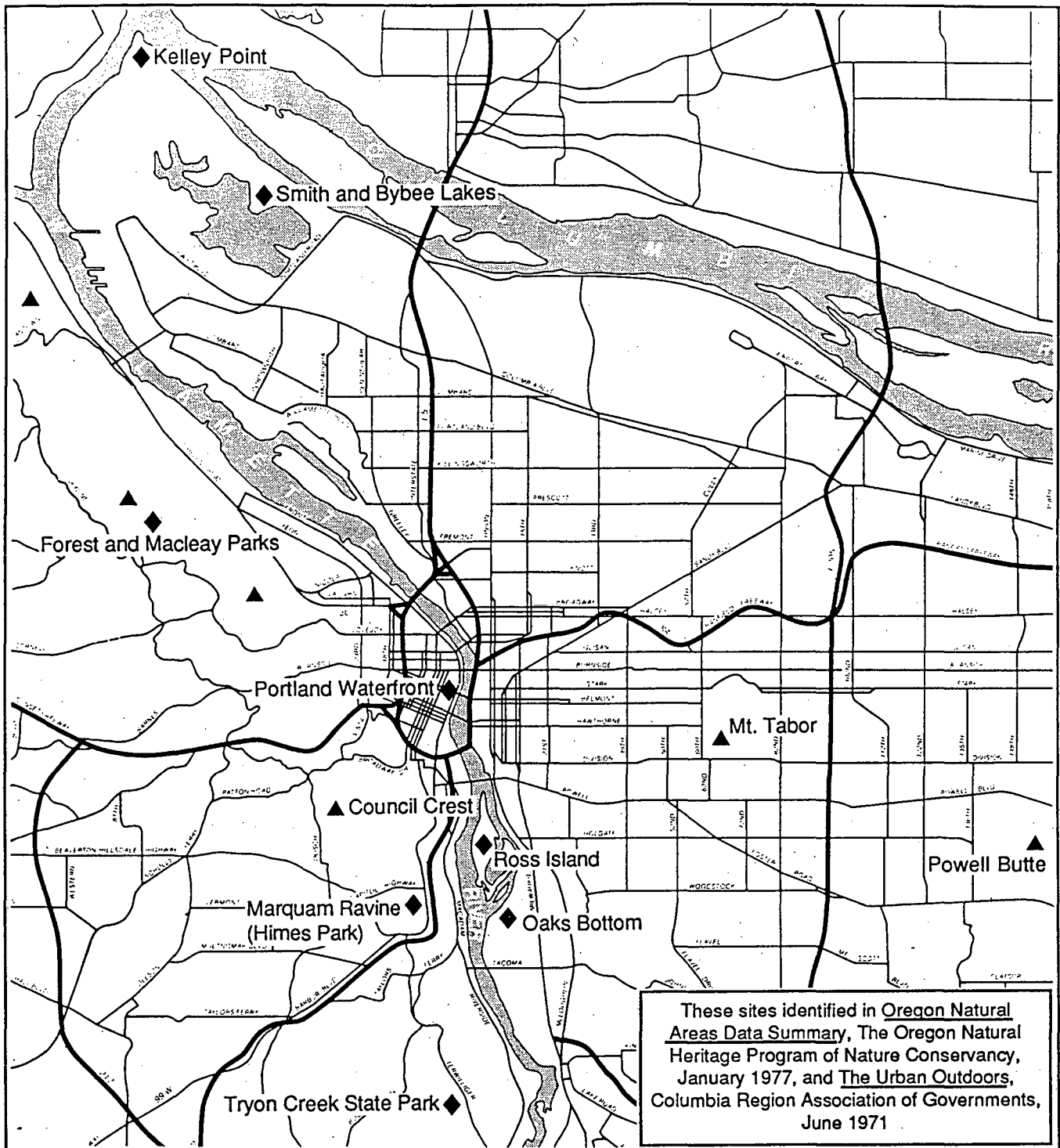
"Conserve significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. Balance the conservation of significant natural resources with the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

Policy 8.16: Uplands Protection states,

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



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

- ▲ Urban Area Viewpoints
- ◆ Natural Areas or Areas with Unique Opportunities

Scale: 1" = 10,917'



## COMPREHENSIVE PLAN SUPPORT DOCUMENT 8 / NATURAL AREAS AND SCENIC VIEWPOINTS

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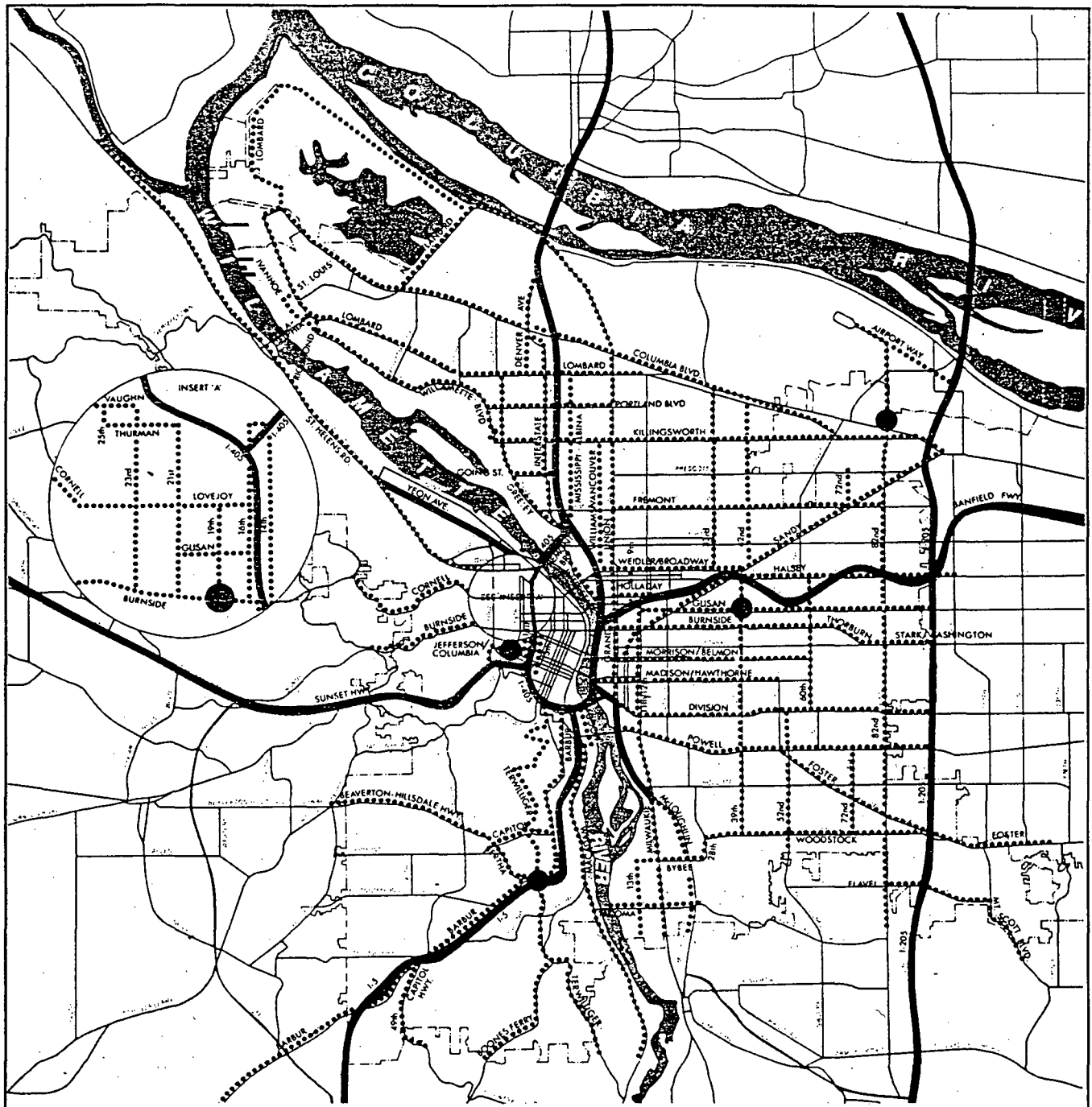
Map **1**

## **B. The Arterial Streets Classification Policy**

The Arterial Streets Classification Policy (ASCP) was originally adopted by City Council on June 30, 1977, and incorporated into the Comprehensive Plan as part of Goal 6: Transportation. The Arterial Streets Classification Policy (update adopted October 27, 1983) contains Beautification Policies that are intended to encourage the beautification of the city through the designation of a system of major streets suitable for landscaping as Boulevards and Parkways.

Beautification is accomplished through landscaping that considers Portland's unique natural setting, preservation of existing vegetation, local topography, vistas, driver perception of the roadway design, transit operations, visibility requirements for drivers and pedestrians, abutting land uses, urban design and sign controls, utility placement and street lighting. In addition, City entrances and major focal points have been identified as part of the ASCP in order to provide for coordinated planting of landscaping and street trees to enhance these locations. The identified City entrances and focal points, as well as the designated boulevards and parkways, are shown on Map 2.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

— Parkway

..... Boulevard

● City Entrance and Major Focal Point

Scale: 1" = 11,000'



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## ARTERIAL STREETS CLASSIFICATION POLICY / BEAUTIFICATION POLICIES

Map **2**

### **C. Encroachments in the Public Right-Of-Way**

The Encroachments in the Public Right-Of-Way Policy was adopted by City Council in March 1982 to establish guidelines for the review of private and public structures in the public rights-of-way in order to provide for the movement of pedestrians and vehicles, and for open space, landscaping, light, air, and vistas. Encroachments into public rights-of-way are permitted only when in conformance with the City objectives for promoting the "Portland Character" as defined by the rivers, parks, vistas, buildings of architectural significance and other important visual images. The City is divided into four districts with specific policies and standards for each district and general standards that apply to all four districts.

The downtown retail core district and downtown district standards include identification of primary, secondary, and tertiary view corridors as well as visual focal points. The primary and secondary view corridors and designated focal points are shown on Map 3. The standards in this policy require the preservation of significant views in downtown. Encroachments into the right-of-way are also discouraged in pedestrian districts outside of downtown where views could be blocked.

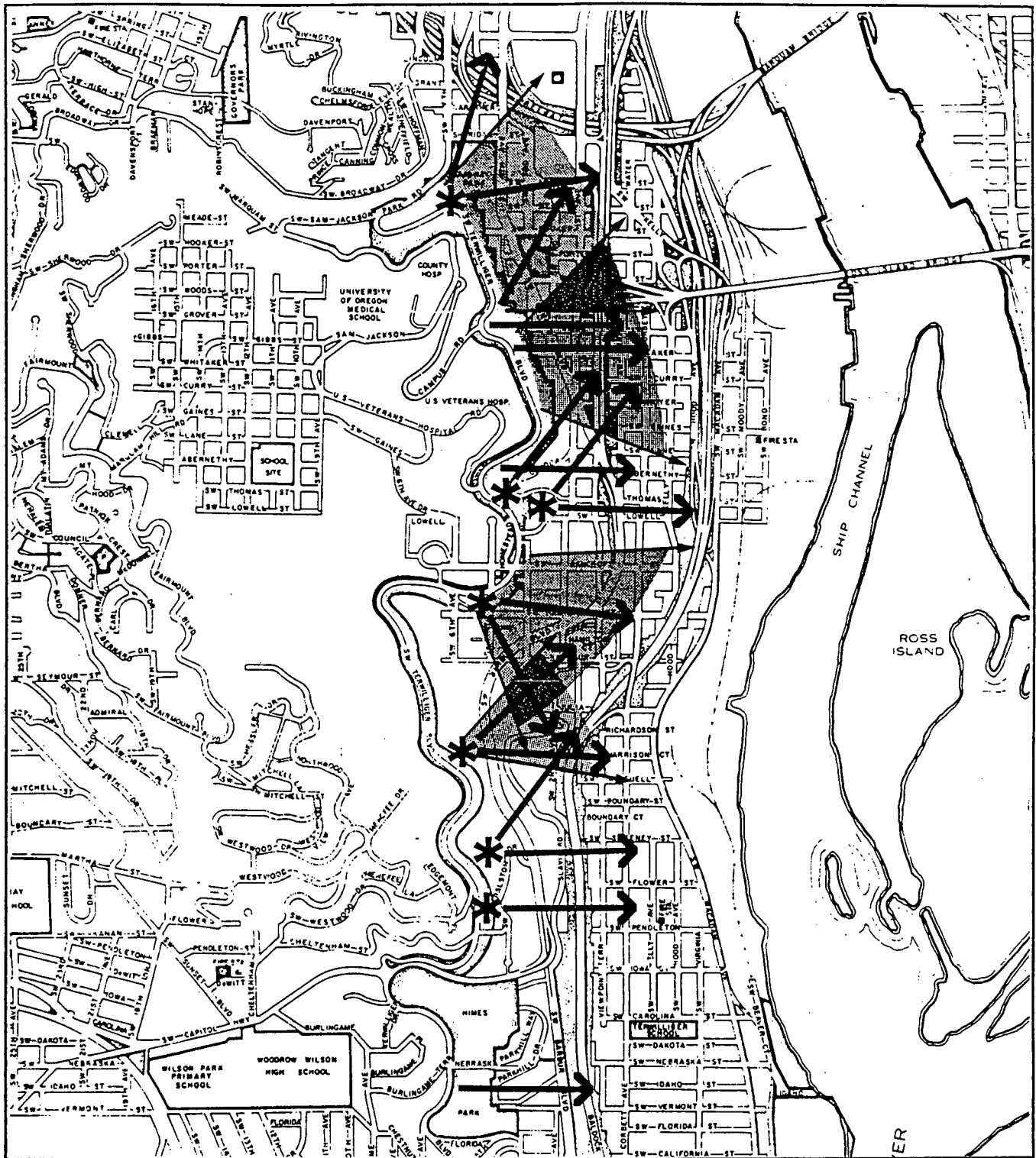
# Map 3

## **D. Terwilliger Parkway Corridor Plan and Design Guidelines**

The Terwilliger Parkway Corridor Plan was adopted by City Council in October 1983 in order to resolve development concerns along Terwilliger Boulevard including access, preservation of the character of the parkway, buffering and protection of the Terwilliger Boulevard recreational path and design of buildings in close proximity to the parkway. The goals of the Terwilliger Parkway Corridor Plan include preserving and enhancing the scenic character and natural beauty of Terwilliger Parkway and Boulevard, maintaining and enhancing unobstructed views from Terwilliger Boulevard and trail, and guiding the siting, scale, landscaping, traffic impacts and design of new development to enhance the aesthetic experience of Terwilliger. Landscape and maintenance policies include shaping landscaping to frame and enhance views and developing specified viewpoints.

The Terwilliger Parkway is within a design zone that requires review of development in accordance with the Terwilliger Parkway Design Guidelines. The Guidelines implement the goals of the Terwilliger Plan and include guidelines for protecting views and special natural features. Downhill from Terwilliger Boulevard, new buildings are to be limited in height and have sufficient setback to preserve unobstructed "Major Views and Panoramas" as identified in the Terwilliger Plan as shown on Map 4 of this report. Guideline D states, "Preserve or improve views and special natural features identified in the Terwilliger Landscape Concept Plan. In addition, specific plant materials are listed for use in the Major View and Forest View landscape pattern in order to enhance and frame views."

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:



Major Viewpoints



Major Views



Panoramic Views

Scale: 1" = 1,500'



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City of Portland

## TERWILLIGER PARKWAY CORRIDOR STUDY

Map **4**

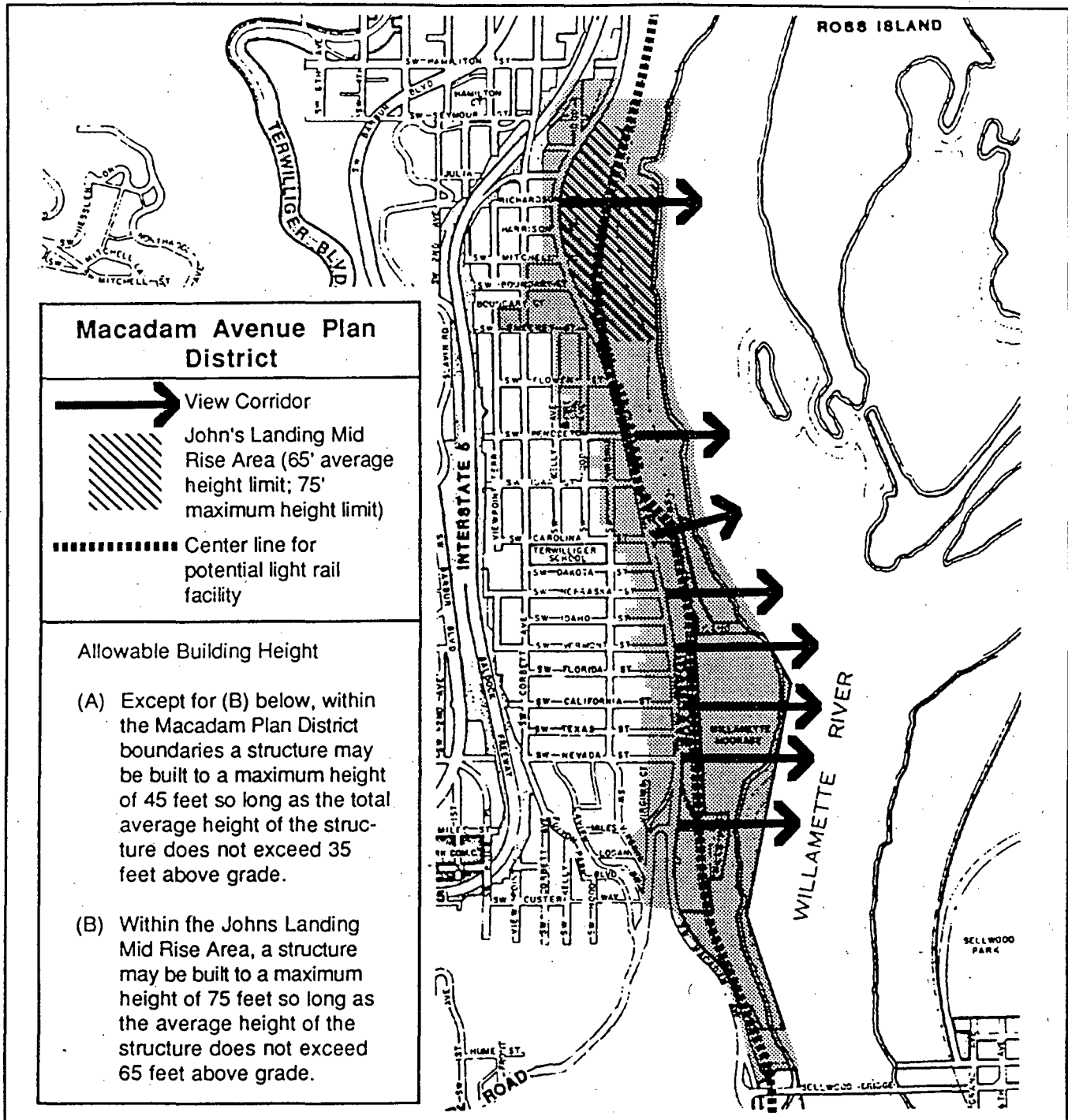
## **E. Macadam Corridor Plan District and Design Guidelines**

The Macadam Corridor is within both a plan district and design zone that provide specific regulations and guidance for new development. The plan district prescribes that ground level view corridors be maintained along the unobstructed rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Carolina, SW Pendleton, and SW Richardson Court. These protected view corridors are shown on Map 5 of this report. The view corridors are preserved by maintaining open space from Macadam Avenue to the river along axes 30 feet from the center line of each of these extended rights-of-way.

The Macadam Corridor Design Guidelines were adopted by City Council in March 1985 in order to implement the recommendations on land use and urban design in the Macadam Corridor. A major component of the guidelines is the maintenance and enhancement of visual connections between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam Avenue. The Visual Connections guideline states, "Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west. Specific views are identified for protection and enhancement along the SW Texas, Florida, Pendleton, Idaho, Nebraska, Dakota, and Hamilton Street alignments.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

( See inset box in map )

## MACADAM CORRIDOR / VIEW CORRIDORS

Scale: 1" = 1,500'



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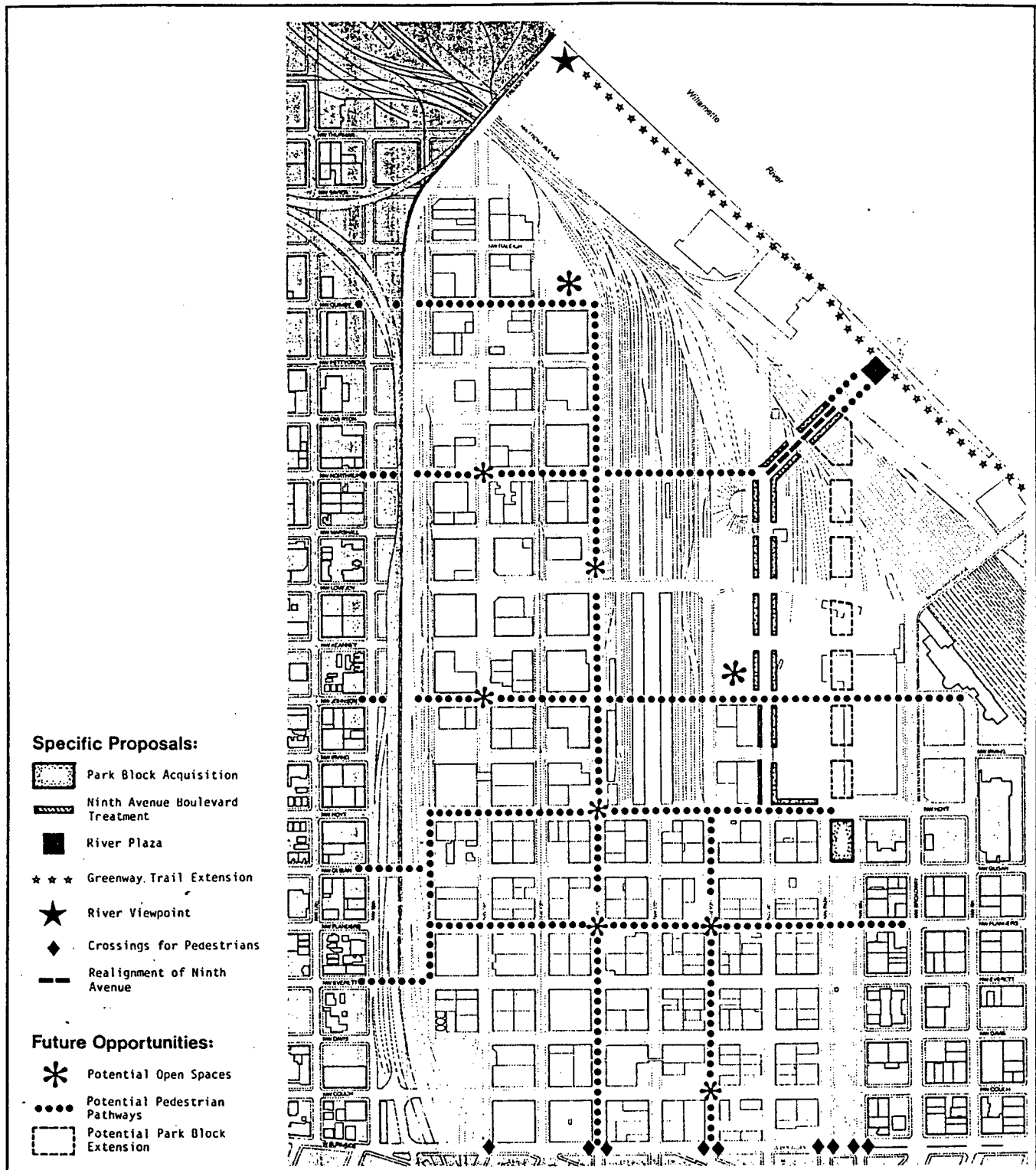
Map **5**

## **F. Northwest Triangle**

The Northwest Triangle Report was adopted by City Council on July 31, 1985. The report created a Northwest Triangle Plan District that includes provisions to "ensure that development along the Willamette River is sensitive to the waterfront and that visual as well as physical accessibility is maintained from points within the district." To accomplish this, a minimum of 25 percent of a site's dimension is to be maintained as a view corridor. The corridors are intended to provide an unobstructed view from Front Avenue to the river. Design guidelines reinforce this requirement. In addition, a viewpoint under the Fremont Bridge is recommended for acquisition. The viewpoint and a proposed public access system are shown on Map 6 of this report.

The Northwest Triangle Plan District and its provisions have been incorporated into the Central City Plan (effective July 1, 1988).

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

( See inset above )

Scale: 1" = 838'



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## NW TRIANGLE STUDY / PROPOSED OPEN SPACE SYSTEM

Map **6**

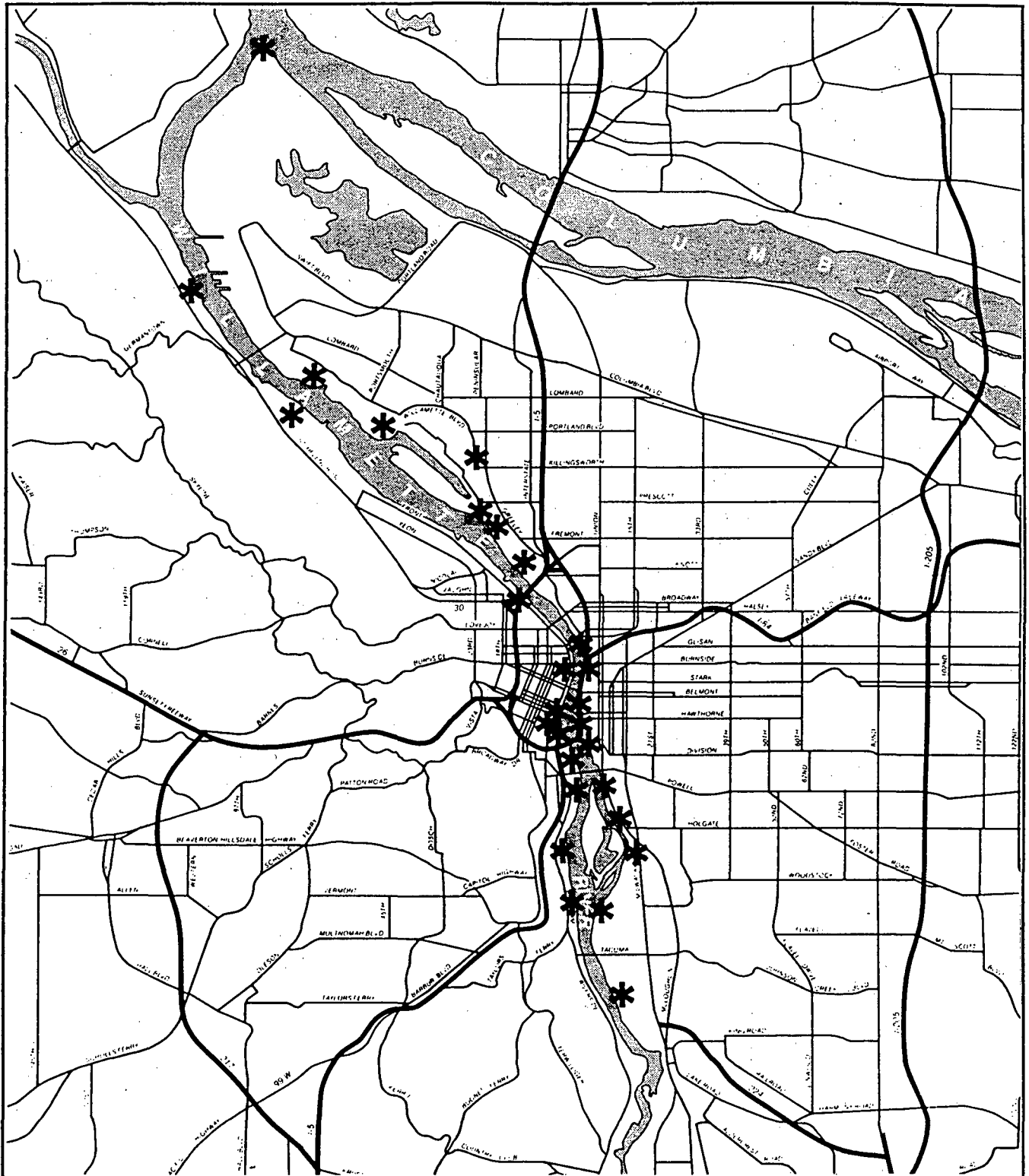
## **G. Willamette Greenway Plan**

The Willamette Greenway Plan was first adopted in 1979 and revised in 1987. The revised plan provides design guidelines within the Greenway, including four guidelines devoted to viewpoints and three guidelines devoted to view corridors. Viewpoints are an important component of the public access system in the Willamette Greenway. The plan identifies a number of locations where viewpoints are to be provided as part of new development projects. Map 7 of this report shows the approximate location of these designated viewpoints. In addition to these designated viewpoints, property owners and developers are encouraged to provide other viewpoints along the river and at strategic viewing points away from the river.

Designated view corridors to and from the river are also an important component of the public access system. View corridors provide visual access to the river and allow the public to enjoy its scenic qualities even when at some distance from the river. View corridors also provide visual connections to adjacent neighborhoods. Protections include specific guidelines for design and placement of viewpoints, and other guidelines for preservation and landscape enhancement of view corridors. Designated view corridors on the Willamette Greenway Public Access Map are listed below as they appear from north to south:

- NW Davis Street
- NW Couch Street
- SW Ash Street
- SW Pine Street
- SW Oak Street
- SW Stark Street
- SW Morrison Street
- SW Yamhill Street
- SW Taylor Street
- SW Salmon Street
- SW Main Street
- SW Jefferson Street
- SW Columbia Street
- SW and SE Clay Street
- SW Richardson Court alignment
- SW Pendleton Street
- SW Carolina Street alignment but angling northeasterly
- SW Nebraska Street alignment
- SW Vermont Street
- SW California Street
- SW Nevada Street
- SW Miles Street
- SE Spokane Street
- SE Linn Street

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

\* Major Viewpoints

Scale: 1" = 10,917'



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## WILLAMETTE GREENWAY PLAN / PUBLIC ACCESS MAP

Map **7**

## **H. Columbia Corridor, Part 1: South Shore**

In 1987, the Industrial Zoning Code Improvement Project completed mapping for the South Shore area of the Columbia Corridor. The South Shore area is generally located north of NE Sandy Boulevard between NE 82nd Avenue and 185th Avenue. As a part of that project, the SEC (Significant Environmental Concern) overlay zone was placed on some properties in order to protect, conserve, enhance, restore and maintain significant natural and man-made features which are of public value, including scenic views and vistas.

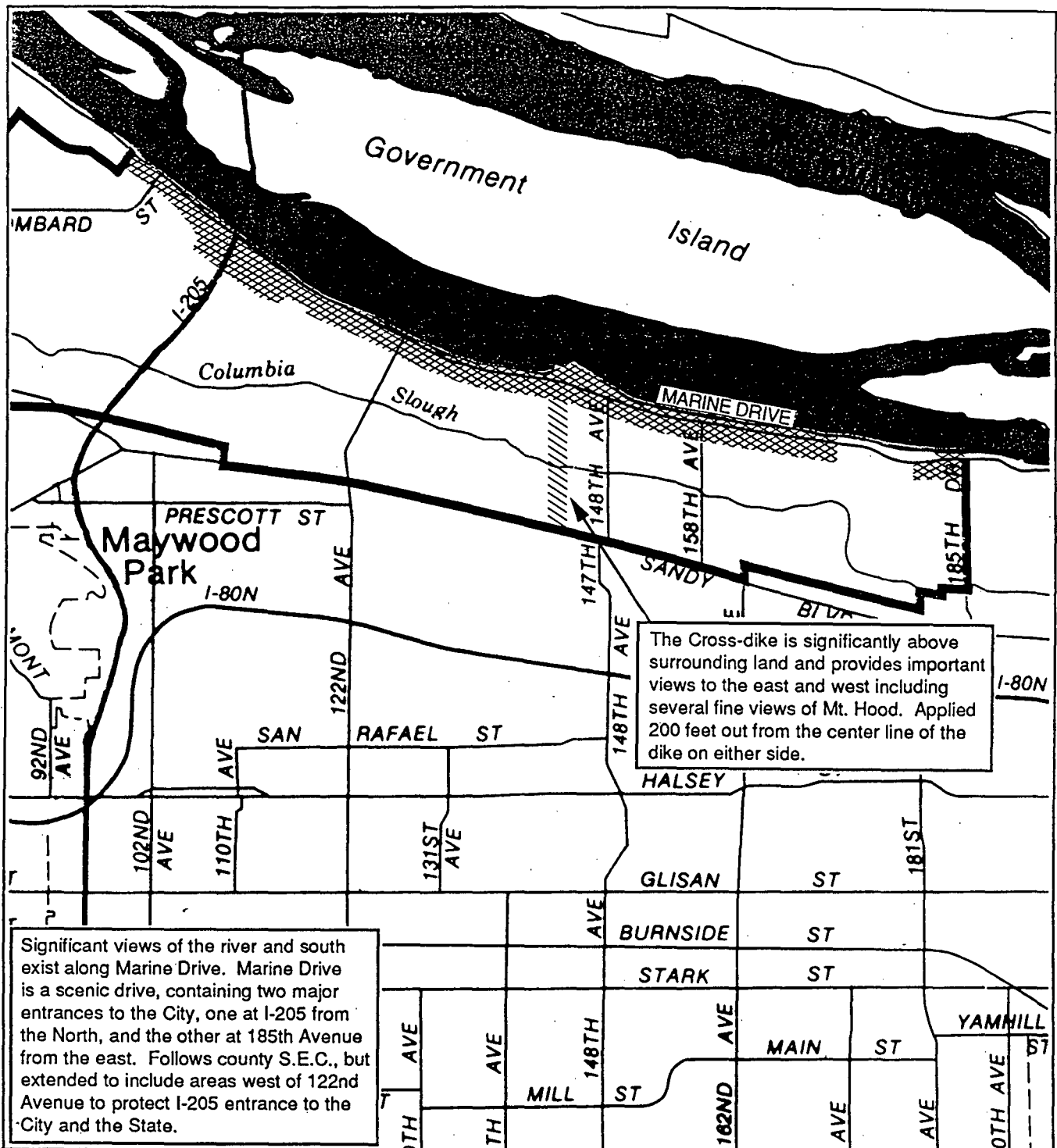
Policy 5.20, Columbia South Shore, and eight objectives were adopted in conjunction with the Industrial Zoning Code Improvement Project. Objective C of Policy 5.20 states,

"Protect and enhance the scenic and environmental qualities of Marine Drive, the area's sloughs, areas providing significant wildlife habitat, and archaeological resources."




The SEC overlay was applied along Marine Drive in order to protect significant views to the river and to the south. Marine Drive is recognized as a scenic drive, containing an entrance to the City at 185th Avenue and an entrance to the City and the state at I-205. The cross-dike area, between NE Sandy Boulevard and NE Marine Drive, is recognized for providing outstanding views to the east and west, including views of Mount Hood and the Cascade Range, due to its position above the surrounding landscape. Map 8 shows the location of the SEC zone as applied along Marine Drive and the cross-dike.

The SEC zone will be replaced with the Environmental Concern overlay zones (ec, environmental conservation and en, environmental natural), but these zones are not designed to address scenic resources. One of the outcomes of this project may be alternative protection measures for the scenic qualities of Marine Drive and the cross-dike.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



**Legend:**

-  Columbia South Shore  
Plan District Boundary
-  Significant Views from  
Marine Drive
-  Cross-dike

Scale: 1" = 4,000'



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# COLUMBIA SOUTH SHORE PLAN DISTRICT / MARINE DRIVE AND CROSS-DIKE

# Map 8

## **I. Title 33, Planning and Zoning**

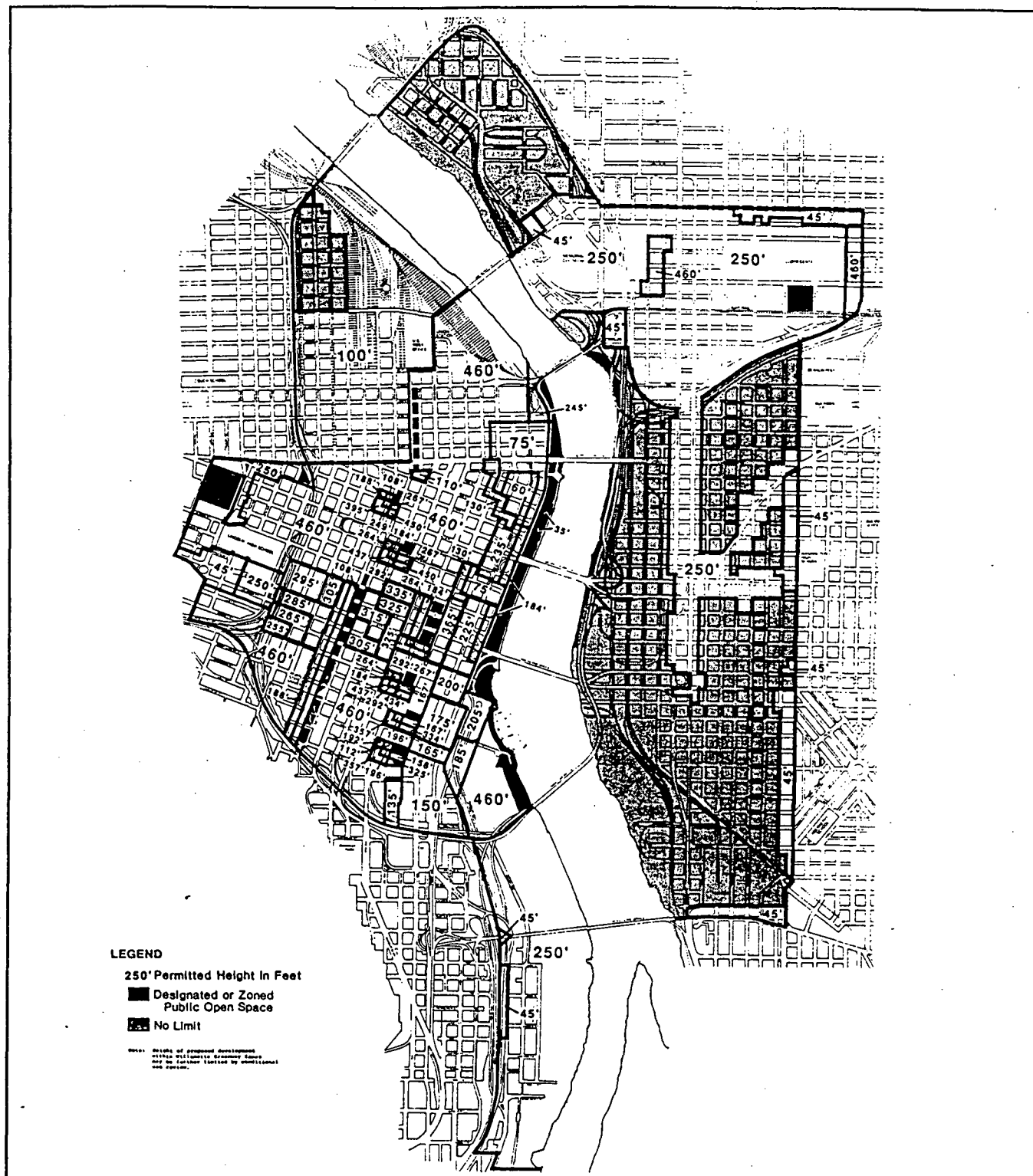
When the downtown height limits were adopted in 1979, three views were considered for protection. The three views are: (1) the view of Mt. Hood from the Rose Garden, (2) the view of Mt. St. Helens from SW Terwilliger, and (3) the view of Mt. Hood from the Vista Tunnel. City Council adopted the downtown height limits to protect the first two views, but declined to include the necessary height modifications for the third view. The view of Mt. Hood from the Vista Tunnel was not adopted by City Council because of the restrictive nature of the building heights that would have been required. Since that time, the KOIN Building has been constructed in that view corridor and the view of Mt. Hood has been significantly obscured. The height limits as adopted at that time are shown on Map 9 of this report.

In 1984, as a part of implementation of the Transit Station Area Planning Program, a new adjustment process was adopted to replace the existing variance process in some site development-related situations. Within Title 33, Zoning and Planning, Chapter 33.98, Exceptions, the Alternative Design Adjustment criteria require adjustments to site development regulations to meet criteria relating to the enhancement and creation of a quality environment. One of these criteria provides for the preservation of the view of Mount St. Helens as seen from Terwilliger Boulevard viewpoints and the view of Mt. Hood as seen from the Washington Park Rose Gardens area. These regulations apply to new or remodeled structures in C2, C3, and M3 zones, which are not also in a D Design Overlay zone or Z Downtown Development Overlay zone, when developers request a modification of certain height, building orientation, superblock or parking lot regulations.

The S, Sign Control, zone (Chapter 33.645 of Title 33) is intended to regulate signs in areas where highly visible signs would adversely affect the appearance and scenic qualities of the City. This overlay zone is applied in areas along bridges, bridge approaches, freeways, and throughways designated by the Oregon Department of Transportation or other authority, and other highways or areas where the City Council determines the S zone controls are appropriate. The S zone regulations limit the number and size of signs to preserve the scenic quality of certain parts of the City. Many aspects of the S zone have been superseded by court actions related to the regulation of billboards.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



Legend:

( See inset above )

Scale: 1" = 1,836'



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City of Portland

**DOWNTOWN MAXIMUM BUILDING  
HEIGHTS (1982)**

Map **9**

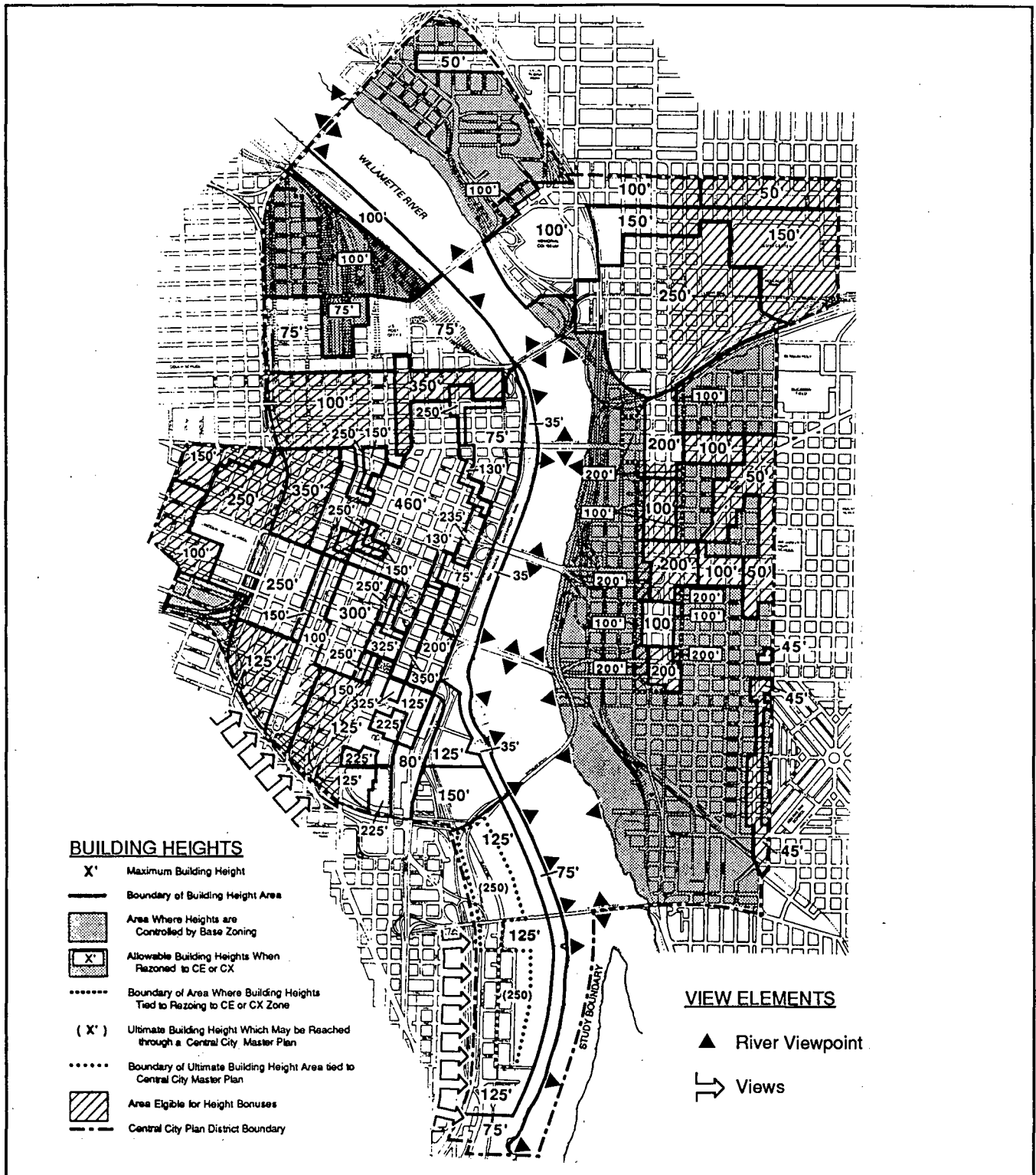
## **J Central City Plan**

The Central City Plan was adopted in March 1988 and became effective on July 1, 1988. It supercedes and builds on the Downtown Plan of 1979 and the Northwest Triangle Plan District. The Central City Plan establishes a Central City Plan District and modifies the maximum heights within the Central City area in order to preserve and protect views, historical districts, public open spaces, visual landmarks, and surrounding neighborhoods while directing growth along existing major transit corridors. The height limits and urban design view elements set by the Central City Plan are shown on Map 10 of this report.

Policy 12: Urban Design, of the Central City Plan states under further statement E, "Identify and protect significant public views." The plan also provides, in its action chart under Policy 12, for the identification and protection of view corridors at public streets and parks. The Central City Plan District Urban Design Maps show specific view corridors in or adjacent to the Central City and specific river views along the banks of the Willamette and from the bridges within the Central City.

The height limits established by the Central City Plan continue to protect two views that were previously protected by downtown height limits. The protected views are St. Helens from SW Terwilliger Boulevard and Mt. Hood from the Rose Garden.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



**Legend:**

( See inset above )

Scale: 1" = 1,836'



**CENTRAL CITY PLAN / BUILDING HEIGHTS AND VIEW ELEMENTS (1988)**

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Map **10**

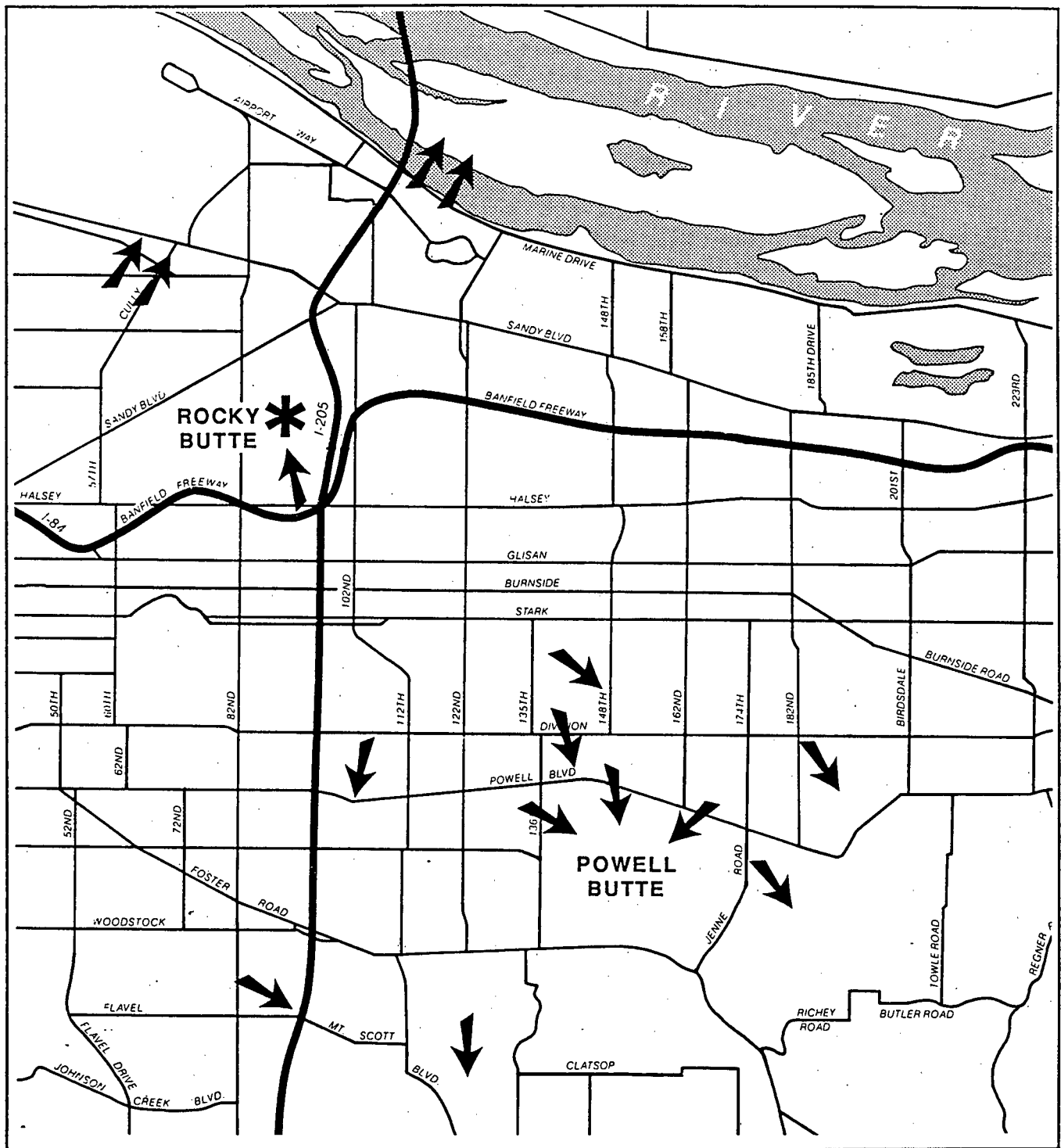
## **K. Community Plans**

Community plans adopted by Multnomah County as part of its Comprehensive Plan contain identified scenic views and sites as a part of the background inventory information. A majority of the identified sites are existing developed parks. Those views and vistas which were mapped in the community plans are shown on Map 11 of this report.

None of the community plans contain specific measures to protect identified views or sites, although the parks are currently protected with the City's Open Space designations or the County's equivalent, a Community Service designation. The City has reformatted several of these community plans, but only the adopted goals, policies, and site guidelines of the County community plans were incorporated into the City community plans.

The site design guidelines for the reformatted Centennial, Hazelwood and Powellhurst Community Plans express public expectations for the preservation of views within the community. The guidelines provide a framework for the evaluation of proposed projects subject to land use review, including the site review process.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:



Vista



Viewpoint

Scale: 1" = 7,043'



Bureau of Planning  
City of Portland

**MULTNOMAH COUNTY  
COMMUNITY PLANS  
VIEWS AND VISTAS**

Map **11**

## **Section II**

# **INVENTORY UPDATE METHODOLOGY**

## **SECTION II**

### **INVENTORY UPDATE METHODOLOGY**

#### **A. Preliminary Selection of Resources**

##### **Identification of Visual Resources**

Two methods were used to compile an inventory of potential scenic views, sites and drives within the City and urban services boundary. First, in order to involve a cross-section of citizens in the process, notice was mailed to all recognized organizations and several interested persons to solicit nominations of potential views and sites and to encourage participation throughout the process. Second, in order to offer an opportunity for planners familiar with the City's resources to participate in the inventory, a notice was circulated to staff to solicit a list of potential sites and views. In addition, a large wall map was posted where planners could identify potential resources.

##### **Selection Criteria**

A set of guidelines for including a resource in the inventory was developed (Appendix D). In order to be included in the inventory document, a resource had to meet one of the following criteria:

- **Viewpoints.** A viewpoint must be from a public right-of-way, from a location in public ownership, or from a location subject to a public easement. Viewpoints were also considered if the site containing the viewpoint is subject to a discretionary public review.
- **Scenic sites.** A scenic site must be in public ownership or it must have a reasonable chance of being in public ownership in the future. Resources were also considered for inclusion if the public is allowed access for at least a portion of the day, either through regular hours of operation, a public easement, or by appointment.
- **Scenic drives.** A scenic drive was considered for inclusion if it is in public ownership, subject to public easement, or part of a navigable waterway such as a slough or river.

In addition, there was an attempt to include scenic resources throughout the City that provide local appeal as well as those with a more city-wide appeal. In all cases the issue of accessibility, for both local residents and visitors, was considered an important factor in ranking the resource.

As a result, when combined with the already identified views, sites and corridors discussed in Section I, over 300 sites, views, and drives were considered for inclusion in the inventory. Other resources such as the streets in the downtown area that were designated as primary, secondary, or tertiary view corridors are grouped together and counted as only one resource.

Staff visited the over 300 potential views, sites and drives. A resource might not being considered for the inventory even if it met the criteria above based on one or more of several mitigating factors. These factors are:

- **Public Safety** - Several views were suggested from freeways and major arterials, such as Interstate-5 and Barbur Boulevard. These suggestions were reviewed by the Citizen/Technical Review Committee and a decision was made to exclude views where there was no pedestrian access and/or the driver of a vehicle was unable to pull off the road safely to enjoy the view. The committee and staff agreed I-5 or I-205 might indeed provide striking views as one entered the City, but that there were other views of a similar quality that would not endanger a motorist.
- **Level of Existing Protection** - Staff was particularly interested in identifying and ranking resources that were not protected through any existing public mechanism. Many views and sites that were recommended for inclusion in the inventory had already been protected through other policies or programs adopted by the City. Included in this group are all of the areas currently protected through the City's open space designation such as parks, cemeteries, golf courses, playgrounds, parkways and recreational trails. For instance, many views from Forest Park were suggested for inclusion, but these views are already protected by an open space designation and no conflicting uses were identified. However, several views from protected locations were included in the ranking as a way to verify the validity of the ranking methodology.
- **Similar Resources** - The state requires a jurisdiction to evaluate a resource based on its relative quantity and quality. As it relates to scenic resources, this means that if several viewpoints exist at nearly the same location and are of nearly the same view, the best view would have a higher value than lesser, similar views if both could be protected. When several views were suggested in approximately the same location, staff made a preliminary determination of the relative quality of those views when compared to one another. Usually only the best view was retained for ranking by the committee. When staff could not decide which view of several similar ones was superior, more than one of the views were retained for ranking.

## **Documentation**

Based on a preliminary determination of their scenic qualities and by using the selection criteria discussed above, staff honed the original number down to 137 entries for further documentation and review. These entries were documented through color slides and black and white photos. A slightly wide-angle lens was used in order to duplicate the field of view of the human eye as closely as possible. Scenic drives were documented by making a video recording of key views along



the route and by taking color slides and black and white photos from selected locations. Representative photos from the documentation and ranking phases are used in the Results Section of this report.

## **B. The Citizen/Technical Review Committee**

In order to evaluate and rank the views, sites and drives, and to assist in the review of the inventory document, a combined citizen and technical review committee was established. The ten-member committee represented neighborhood groups, the architecture and landscape architecture fields, scenic resource groups, and the City's Parks and Water Bureaus. The names and affiliations of the committee members are contained in Appendix A of this report. Aside from affiliation, committee members also represented diversity in their ages, areas of residence, and length of residence within the City. The mixed citizen and technical group approach is consistent with visual resource assessments conducted for the federal government and other public and professional agencies. This approach ensures familiarity with local resources and professional expertise in evaluating visual characteristics.

## **C. Development of Ranking System**

### **Resource Identification Number**

All of the more than 300 potential views, sites, or drives originally identified by participants in the project received a reference number that allowed the resource to be located in an atlas. The reference number includes an alphabetic abbreviation that identifies it as either a view, site or drive. Views were further divided into the classifications of primary elements: panorama (VP), mountain (VM), city landscape (VC), or bridge (VB). The numeric designation after the two-letter identification refers to the map number in the atlas on which it is located, and the order in which the resource was recorded on a preliminary map. For example, VM 13-04 means that the identified resource is a view of a mountain on Map 13 of the atlas, and it is the fourth entry on the preliminary map. The final scenic resources inventory map contains only the already protected resources and those that are inventoried in this report.

### **Use Of Worksheets**

A three-part worksheet was developed to evaluate and rank each of the views, sites, or drives. The top section covers such objective information as the reference number, environmental conditions, date, and time of day that the slide was taken. The middle section contains an objective description of the significant characteristics of the view, site, or drive. This description allows a general comparison between the ranking of a particular resource and its most significant features.

The bottom section of the worksheet contains a list of the descriptors or identifying characteristics against which each view or site is evaluated. The descriptors used

were derived from a variety of sources, including federal studies designed to evaluate the scenic qualities of federal lands. The descriptors were modified for an urban environment. For instance, the descriptor "imageability" refers to the ability of the view, site or drive to evoke the image of Portland. Examples of the scenic views and sites worksheets are found as Appendices B and C of this report.

The worksheets were reviewed and practice sessions were held with both staff and the review committee. The worksheets were subsequently modified in order to develop ten descriptors that could be used to evaluate the sites, views, and drives. Each view, site or drive is ranked for each descriptor on a numeric scale from 1 (low) to 5 (high). The descriptors and other terms used in this project are defined in Appendix D of this report.

### **Weighting of Descriptors**

The use of descriptors to evaluate scenic resources is one that is in use by several federal agencies, including the Bureau of Land Management and the Forest Service. The descriptors are inherently value-laden and understanding of the meaning of each term can vary from person to person and from culture to culture. In order to reach a general consensus of the meaning and use of each term, the staff and committee discussed the descriptors while viewing a variety of slides of views and sites. Several definitions were modified as a result of this discussion.

The committee members agreed that not all of the descriptors should have equal importance in their review, so a weighting system was devised. Prior to the first ranking session, each member of the committee evaluated the various descriptors one against another in a paired comparison test. The form used for the paired comparison test appears in Appendix E of this report. This test was done without discussion or knowledge of one another's choices. The number of times that a given descriptor was chosen over another descriptor was tallied, resulting in a ranking of the descriptors from most important to least. This ranking was then converted to a ratio score that resulted in a weighted number. The committee members did not know the results of the paired comparison test or the weighting factor of the descriptors when doing their ranking of the views, sites, and drives.

The results of the paired comparison evaluation follow:

<u>DESCRIPTOR</u>	<u>SCORE</u>
Scenic Beauty	3.35
Spatial Definition	2.39
Imageability	2.17
Coherence/Unity	2.13
Color	2.00
Complexity/Variety	1.91
Fitness/Intactness	1.86
Accessibility	1.26
Mystery	1.26
Edge	1.00

Based on these results, "scenic beauty" scored the highest with a 3.35 weight, and "edge" scored the lowest with a 1.00 weight. The results of this weighting are consistent with the federal government method. The weights given to each description differ since the federal government evaluates rural scenic resources, while this inventory evaluates urban scenic resources.

## **D. Ranking Methodology**

### **The Delphi Method**

A modified Delphi methodology was used to rank the selected scenic resources. The Delphi method is a social science technique used to predict future technologies, but can also be used to reach consensus within a group. A group consensus was considered preferable to taking only the average or mean score, because of the diversity in background and expertise within the committee. The diversity of committee membership was beneficial because it allowed a broad range of interests and expertise to be represented. However, since scenic resource evaluation is value-laden, using an average score from a diverse group of participants disregards potentially valuable opinions.

The Delphi method also minimizes the negative elements of group dynamics, such as over-dominance by a single personality because the actual scoring is done secretly. Ordinarily, the Delphi method involves participants who do not interact directly and, in fact, may not know the identity of one another. Each participant makes an initial response, then receives a summary of the group responses and finally is allowed to re-evaluate accordingly. Using this method, with two or more rounds, a group consensus is reached regarding a particular issue or question.

### **The Ranking Process**

A modified Delphi approach was used for this project because of the logistic difficulty involved in having the ten committee members review slides independently of one another. Two rankings were performed for any given view, site or drive. The first ranking involved reviewing the worksheet and slides without discussion of possible scores.

In the first round of ranking, all participants reviewed a group of slides and ranked an individual view, site, or drive without any discussion other than a brief description from the group facilitator. For the second round, staff provided a summary of the group rankings on each descriptor and the summary score. The group used the calculated standard deviation for each descriptor's score to focus on those descriptors on which there was less group agreement. While reviewing the slide, the group was allowed to discuss individual or group scores. Individuals were under no requirement to alter their initial ranking, but could do so if they chose to. At the completion of the discussion, the second round of ranking occurred.

This method was followed to review all of the potential views and sites, but a slightly different approach was taken in reviewing potential scenic drives. Eleven drives were identified by staff and each route was documented by recording it on

video tape. Each committee member was given a packet containing maps of the drives and a worksheet for each one. The committee members drove the various drives independently and completed the worksheets. At a final group meeting, the videos were available for review, the rankings were discussed, and a final evaluation was made.

### **Resources Added During Discussion Draft Review**

During review of the discussion draft inventory (dated June 1988), twelve additional resources were recommended for inclusion by the public, planners, and the Design Commission. The Citizen/Technical Review Committee met for two additional sessions and used the same basic method to rank the additional resources. Two changes were made to accommodate time constraints. First, only one round of ranking was done for each resource and committee members were free to discuss the descriptors, but not proposed numbers, as they ranked them. Second, the committee members could not travel the newly recommended scenic drives as they had done for the first set of drives, so they relied on a combination of slides and videos to do the ranking.

### **Numeric Results**

The result of the rankings was a numeric score that was averaged over the group and computed to two decimal places. Although an individual rank was based on a whole number of 1 to 5, the average was computed to two decimal places in order to show differences between the rankings even if relatively small. The weight given to each descriptor was also carried to two decimal places to fully represent the relative importance of each descriptor. Each average raw score on each descriptor was multiplied by its respective weight to result in a weighted mean for each descriptor of a given resource. The ten weighted means were then added together to give a total weighted mean for that resource. Scores for an individual resource could range from a low of 19.33 to a high of 96.65.

Using this methodology, staff compiled the rankings and summarized the results. The following section provides this summary information.

## **E. Modification of Inventory by Planning Commission**

The Planning Commission accepted the Bureau of Planning recommendations to retain or delete certain scenic resources from the inventory, to delay the Goal 5 process for one scenic drive, and to consider three connecting segments in the ESEE analysis for certain scenic drives.

### **Deleting Low-Ranking Resources**

After completing the inventory and ranking the resources, it was necessary to determine whether to retain all inventoried resources or to drop some from further consideration. In order to make this determination, staff from the Bureau of Planning met and reviewed the inventory. Generally, it was decided to drop resources that were ranked below 50; a substantial break in the scores occurred at this point for most categories. In the category of panoramas, however, all resources were dropped that scored below 60 because of the large gap

that occurred at that point within the scores. In all cases, the cut-off point was determined within each category rather than by comparing categories.

Dropping resources at these cut-off points would have resulted in the deletion of 13 resources: four panoramas, two city views, one mountain view, five bridge views, and one scenic site. No scenic drives scored below 50. The number of resources dropped due to low scores represents approximately four percent of the original 318 scenic resources considered at the preliminary stage of the project and less than ten percent of the resources that were ranked.

In reviewing the low-ranking scenic resources, staff identified possible extenuating circumstances that would warrant the preparation of at least a preliminary ESEE analysis before dropping it from further consideration. The extenuating circumstances that were considered as a reason to "retrieve" a resource from the "cut" list included the following:

1. The redevelopment potential of the site or viewpoint;
2. The enhancement opportunities of the site;
3. The lack of any ESEE conflicts in protection of the resource;
4. The location of the resource in an area with few other scenic resources;
5. Public ownership of the resource;
6. Planned development or highly likely development that could affect the resource;
7. Protection of the resource would reinforce or carry out an adopted City policy; and/or
8. The resource is already partially protected.

The following scenic resources were dropped from the inventory:

1. VP 26-05: Panorama from the Burnside overpass above the I-205 freeway
2. VC 24-03: View of City from the north side of the Convention Center site
3. VM 26-06: View of Mt. Hood from the SE Washington overpass
4. VB 40-05: View of the I-205 bridge over Johnson Creek
5. VB 38-22: View of the Sellwood Bridge from Macadam Avenue
6. VB 38-20: View of the Sellwood Bridge from Sellwood Park
7. SS 19-16: NE 101st and NE Halsey

The following low-ranked scenic resources were retained in the inventory:

1. VP 19-01: Panorama from NE 108th and NE Klickitat
2. VP 13-07: Panorama from NE 82nd Avenue near PIA
3. VP 20-13: Panorama from NE 122nd Avenue and NE Siskiyou
4. VC 17-04: View of Downtown from Albina Park
5. VB 31-09: View of the Ross Island Bridge from the south
6. VB 24-10: View of the Marquam Bridge from Station L

These resources will be evaluated in the ESEE analysis.

## **The Columbia Slough Scenic Drive**

The Columbia Slough was added to the inventory during the public discussion phase of review. The Citizen/Technical Review Committee made a preliminary ranking of the slough of 72.34, indicating that a substantial scenic resource value is present. Currently, the Portland Development Commission is studying a portion of the slough as part of the development of a natural resources management plan for the Columbia South Shore Area, located between NE 82nd Avenue and NE 185th Avenue. In addition, the Bureau of Environmental Services is developing a Columbia Slough Management Plan which is aimed at improving the water quality of the slough and the enhancing it for recreational opportunities. The Bureau of Environmental Services will review several alternatives and will then bring a recommendation to City Council in April or May of 1989 to accomplish these goals.

The State Administrative Rule five relating to natural resource protection provides for the inclusion of a resource as a "special category" when "some information is available, indicating the possible existence of a resource site, but that information is not adequate to identify with particularity the location, quality and quantity of the resource site." If the jurisdiction includes a resource in this "special category," it must then express its intent relative to the resource through a plan policy to address that resource and proceed with the Goal 5 process in the future, including a time-frame for the review. Implementing measures are not required for Goal 5 compliance for these "special category" resources until adequate information is available to enable further review and adoption of such measures.

Since both the Portland Development Commission and the Bureau of Environmental Resources are in the process of studying the Columbia Slough and will make specific recommendations regarding enhancement of all or parts of it, completion of the Goal 5 process is not appropriate at this time. Further study will be used to determine which segments, branches, or other water features in connection with the slough should be preserved as a scenic resource. All or portions of the slough should be identified as a scenic resource in conjunction with ongoing projects.

The Planning Commission recommended that the Goal 5 process for the Columbia Slough be delayed and placed in a special category pending outcome of the studies now underway. This inventory expresses the City's intent to protect the resource as determined by the state Goal 5 process. The Bureau of Planning will coordinate with both the Portland Development Commission and the Bureau of Environmental Services in protection of the scenic qualities of the Columbia Slough. Implementation measures for protection of scenic resources will include a plan policy to address this resource.

## **Scenic Drive Connections**

Several streets that were not included as scenic drives serve as connections between two inventoried scenic drives. When various segments of scenic drives are linked together by these connecting streets, the value of an individual drive is enhanced. A system of scenic drives can be created that is similar to the system of

pedestrian and bicycle trails that will make up the 40-Mile Loop when it is completed. These connections are not included in the inventory as scenic resources. The connections are:

1. Southwest Hewett Boulevard from SW Fairmount Boulevard (SD 30-03) to SW Skyline Boulevard (SD 23-21).
2. West Burnside from the entrance to Washington Park (SD 23-25) to NW Skyline Boulevard (SD 23-21).
3. Southwest Marquam Hill Road and SW Gibbs, through the Oregon Health Sciences campus, to SW Sam Jackson Park Road to connect SW Fairmount Boulevard (SD 30-03) and SW Terwilliger Parkway (protected through Terwilliger Parkway Plan).

The Planning Commission recommended that these three connecting segments, made up of one or more streets, be considered in the development of the ESEE analysis for the applicable scenic drives, and in any implementing regulations, as a means of enhancing the identified scenic drives.

The Planning Commission accepted the Scenic Views, Sites and Drives Inventory as modified and directed Planning Bureau staff to develop ESEE analyses for the inventoried resources within the Portland Urban Services Boundary and to develop implementing measures to protect significant scenic resources within the City of Portland.

## **Section III**

# **INVENTORY RANKINGS**



## SECTION III

# INVENTORY RANKINGS

This chapter provides the composite results of the Citizen/Technical Review Committee and the Planning Commission actions. The Citizen/Technical Review Committee ranked the scenic resources. The Planning Commission reviewed, modified and accepted the inventory. Specific details of the Planning Commission action are found in Section II.E of this report, beginning on page 34.

The following charts and descriptions summarize the results by category of resource. The views, sites, and drives are considered separately as three different kinds of scenic resources. The views resources are divided into panoramas (VP), city views (VC), mountain views (VM) and bridge views (VB). Scenic sites (SS) are considered as a separate kind of resource. The scenic drives (SD) category is broadly defined to include travel on land and water.

Accompanying each chart is a listing of the resources by reference number with a brief narrative for each, including comments from committee members regarding the reasons for specific rankings, a vicinity map, and one or more photos of the resource. Following the score is an indication of the relative placement within that category of the resource. For example, panorama VP 31-29, the view from SW Terwilliger below the Veteran's Hospital, received a score of 82.99 and was ranked number one out of 28 in panoramas (1 of 28).

Inclusion in this section of the report does not necessarily mean that a given resource is considered significant and must be preserved. Further analysis of each resource will be provided in the ESEE document where determination of the overall significance of the resource in relationship to the economic, social, environmental, and energy impacts of preservation of the resource is made. Some resources are already protected through a variety of means, and no further protection measures will be necessary. Other resources will require additional protection measures in order to fully protect them, and some resources will not receive protection because of the overriding economic, social, environmental, or energy consequences of protecting the resource.

The charts list the resources from highest average score to lowest average score. The shading patterns indicate the existing level of protections, either complete, partial, or nonexistent.

Within the written descriptions, the terms "viewpoint" and "vantage point" are frequently used. In general, a viewpoint is the general area from where the view being described can be seen. A slight change in position can alter the view, blocking some elements or revealing others. A given viewpoint may have one or more vantage points where the view is seen to best advantage. These vantage points are noted as such within the text.

The following subsections are divided into the six categories of scenic resources. At the beginning of each subsection is a diagram explaining the various elements of the summary information.

## A. Panoramas

This category contains 28 panoramic views that range from a wide-angle view up to those that encompass 360 degrees. The best location to obtain a panoramic view tends to be from high ground where minimal vegetation blocks the view. The committee tended to rank panoramas high if there was a variety of elements, such as mountains, urban development, river, bridges, etc. within view. Panoramas ranked low if there was little variation within the view, or if the view contained unaesthetic elements such as freeways and large numbers of vehicles in the foreground.

Immediately following is a summary chart that shows the ranking and relative position of each panorama. The chart also indicates whether the resource is already fully protected or partially protected, or whether there are no protection measures in place. The following pages provide descriptions of the 28 panoramas that were accepted by the Planning Commission. The diagram below shows the placement of various elements of the description of each panorama, including its identification number, name, score, rank, a written summary, a vicinity map and a series of photographs. Each description of a panorama stretches across two pages, with two panoramas described on a set of two pages, one above the other.

Diagram illustrating the layout of a panorama description page, showing the placement of various elements:

- Identification Number
- Name
- Rank
- Written Description
- Photograph of View
- Vicinity Map
- Location of Viewpoint
- Direction of View
- Identification Number
- Score

The diagram shows two examples of panorama descriptions, each spanning two pages. The left page contains the Identification Number, Name, Rank, Written Description, and a photograph of the view. The right page contains the Vicinity Map, Location of Viewpoint, Direction of View, and another photograph of the view.

**Example 1: From HW Terwilliger below Veteran's Hospital**

VP 31-29  
Score: 82.99 (1 of 28)

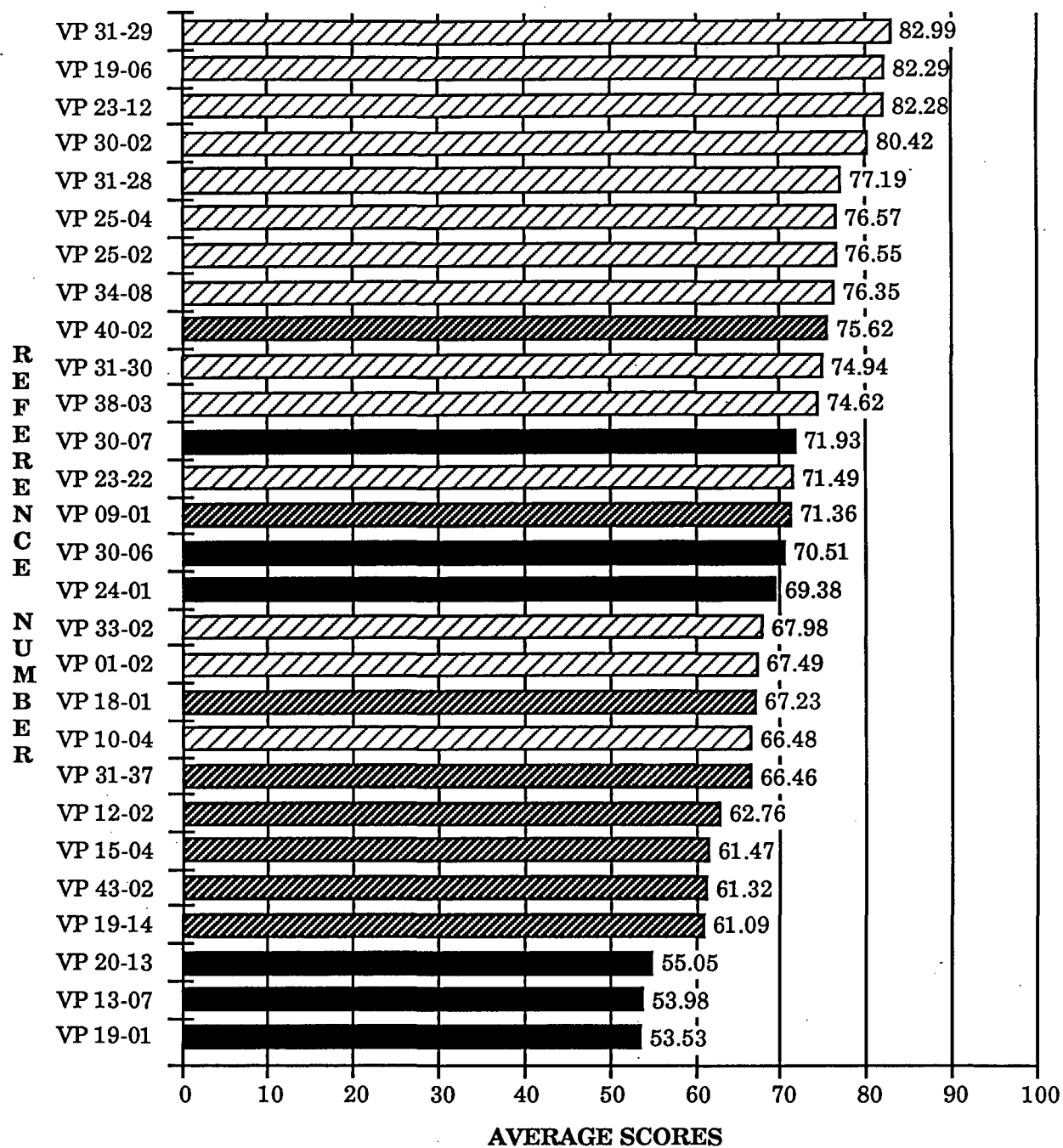
This vista is one that is designated on the Terwilliger Parkway Plan. It provides views of Mt. Hood, the City, the river and several bridges, and a partial view of Mt. St. Helens. It is accessible both from vehicles and from the path along Terwilliger.

**Example 2: Rocky Butte Panorama**




VP 19-06  
Score: 82.28 (2 of 28)

The Rocky Butte panorama allows views in nearly all directions with particularly spectacular views of Mt. Hood and St. Helens. Rocky Butte has a developed viewpoint that has not been consistently maintained, but efforts are underway to restore the viewpoint area. Access is by Rocky Butte Road, which provides diverse views as it winds up to the top. Rock retaining walls are consistent with the rock work of the viewing platform.

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

-  Protection measures in existence
-  Partial protection measures in existence
-  No protection measures in existence

## AVERAGE SCORES: PANORAMAS

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

Bureau of Planning  
City of Portland

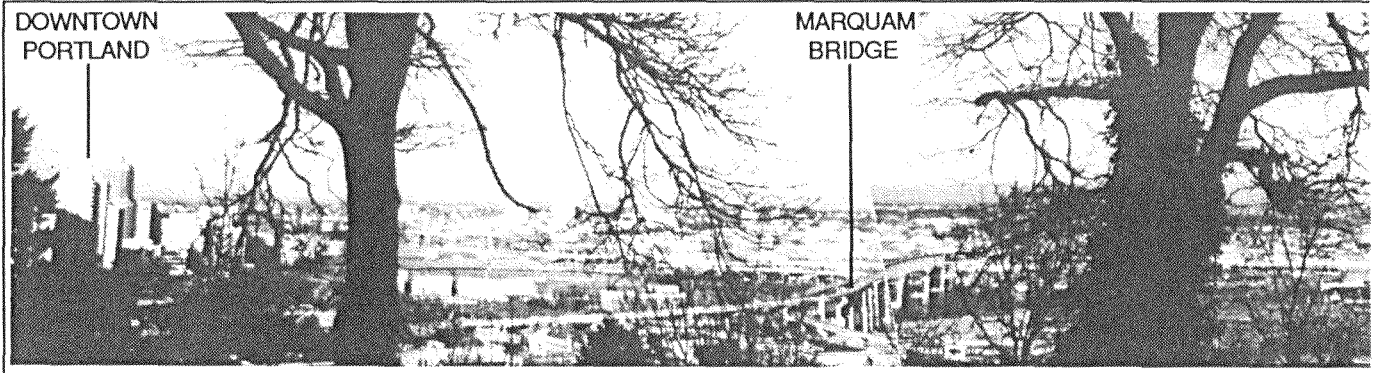
Figure **1**

VP 31-29

### From SW Terwilliger below Veteran's Hospital

Score: 82.99 (1 of 28)

This vista is one that is designated on the Terwilliger Parkway Plan. It provides views of Mt. Hood, the City, the river and several bridges, and a partial view of Mt. St. Helens. It is accessible both from vehicles and from the path along Terwilliger.

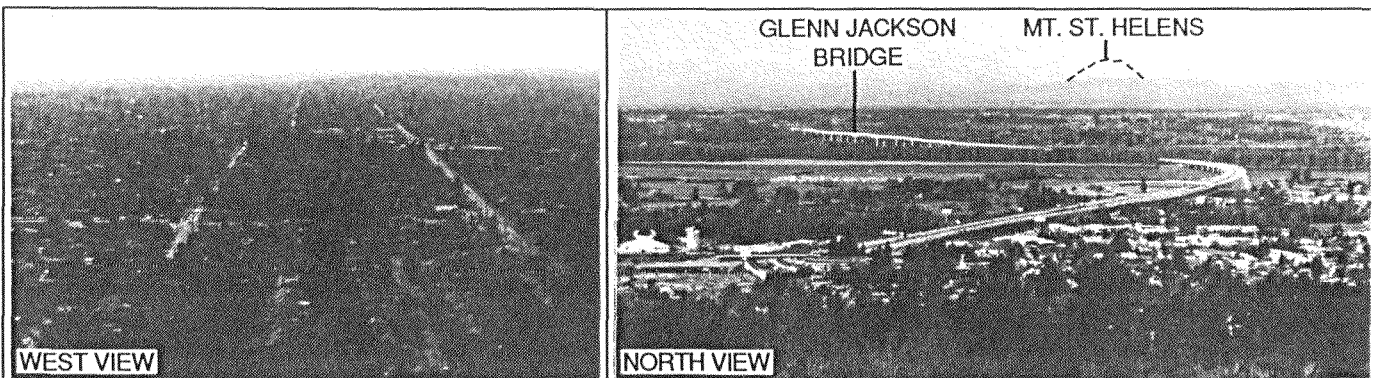


VP 19-06

### Rocky Butte Panorama

Score: 82.29 (2 of 28)

The Rocky Butte panorama allows views in nearly all directions with particularly spectacular views of Mt. Hood and St. Helens. Rocky Butte has a developed viewpoint that has not been consistently maintained, but efforts are underway to restore the viewpoint area. Access is by Rocky Butte Road, which provides diverse views as it winds up to the top. Rock retaining walls are consistent with the rockwork of the viewing platform.



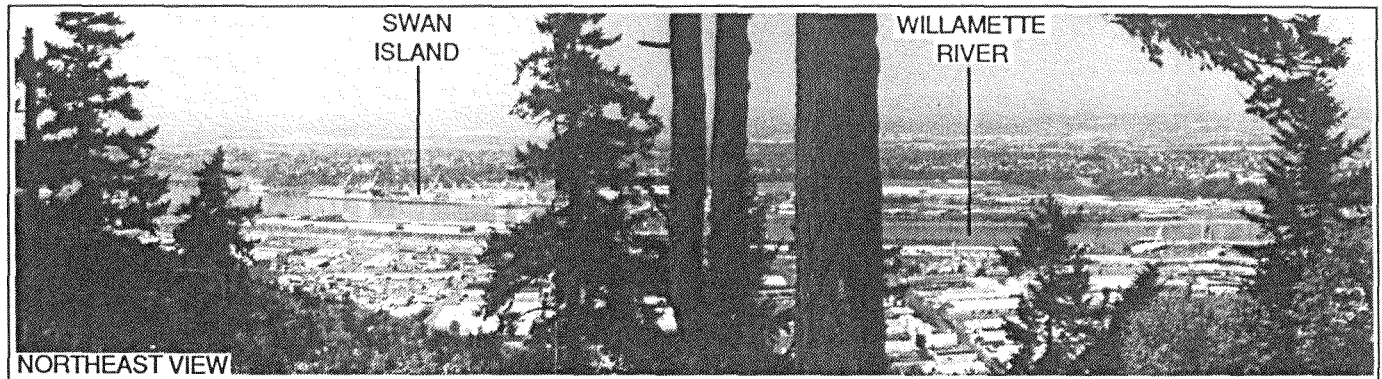




**Pittock Mansion Panorama**

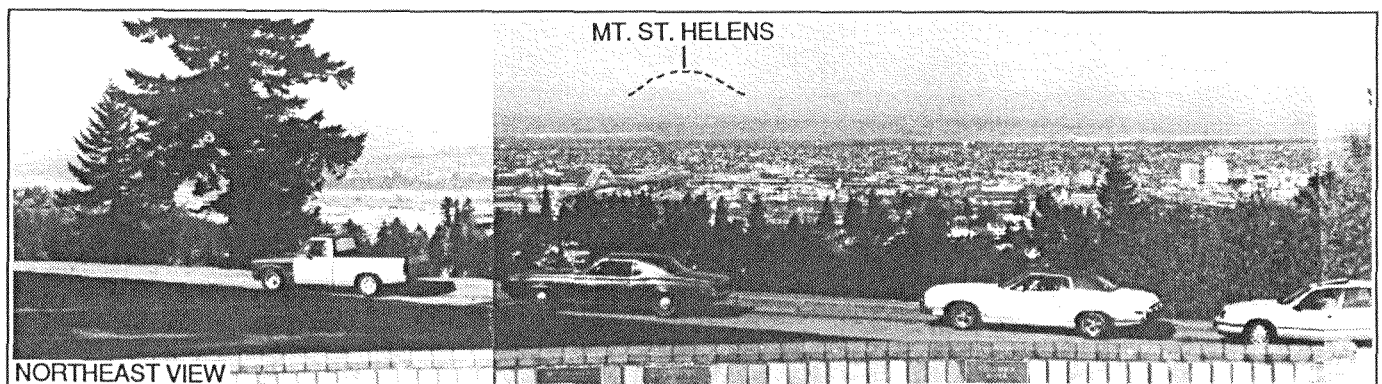
Score: 82.28 (3 of 28)

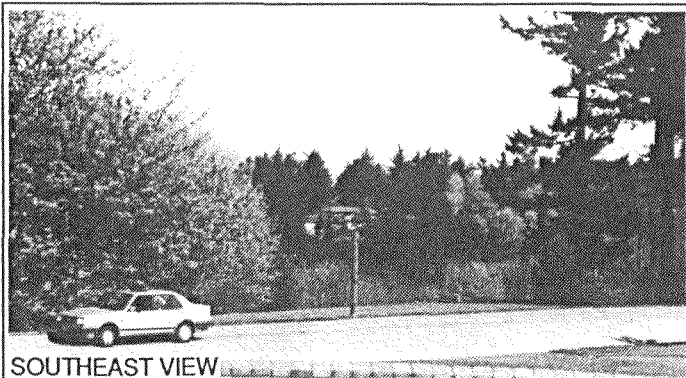
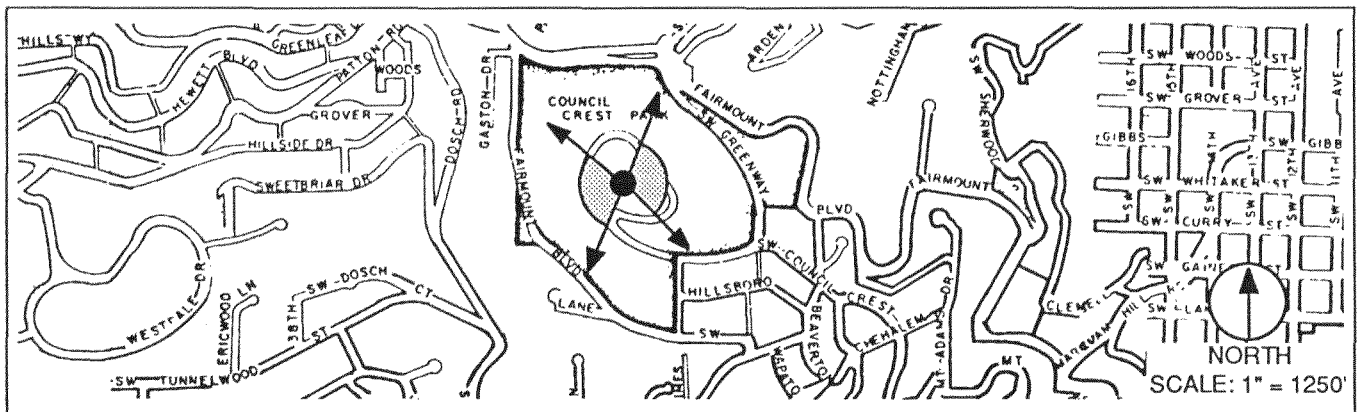
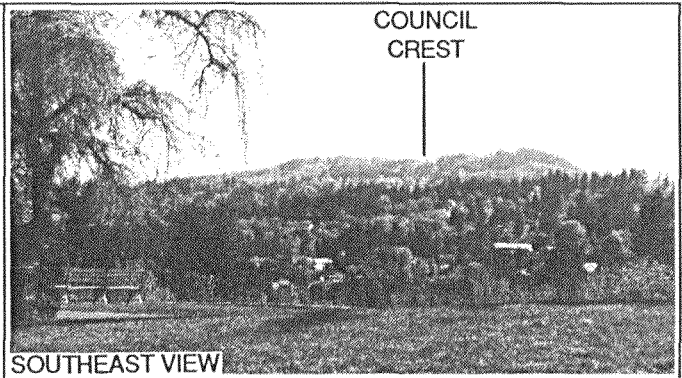
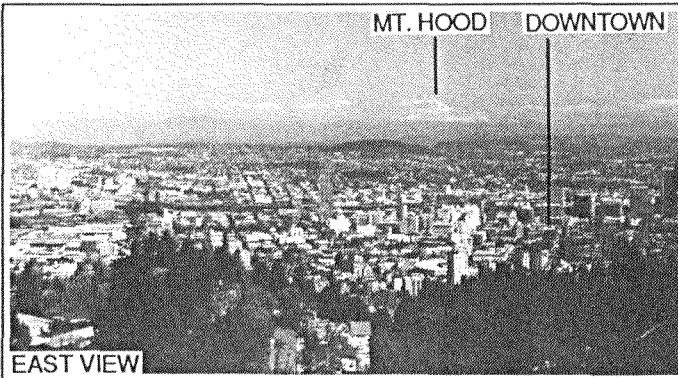
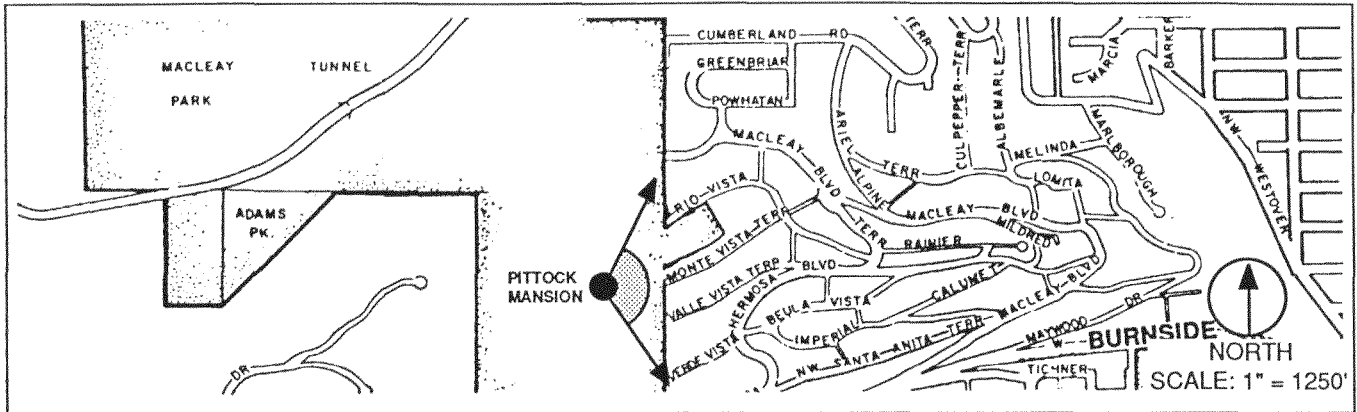
The Pittock Mansion panorama is best seen from the easternmost edge of the grounds which are open to the public on a regular basis. The panorama looks to the northeast, east and southeast over the City and includes a view of Mt. Hood. Views can also be obtained from inside the Pittock Mansion.

**Council Crest Panorama**

Score: 80.42 (4 of 28)

The Council Crest panorama is a developed viewpoint that includes informational markers pointing out the mountains visible from that location. The panorama is located in Council Crest Park off of SW Fairmount Drive. The best views are to the east and west.

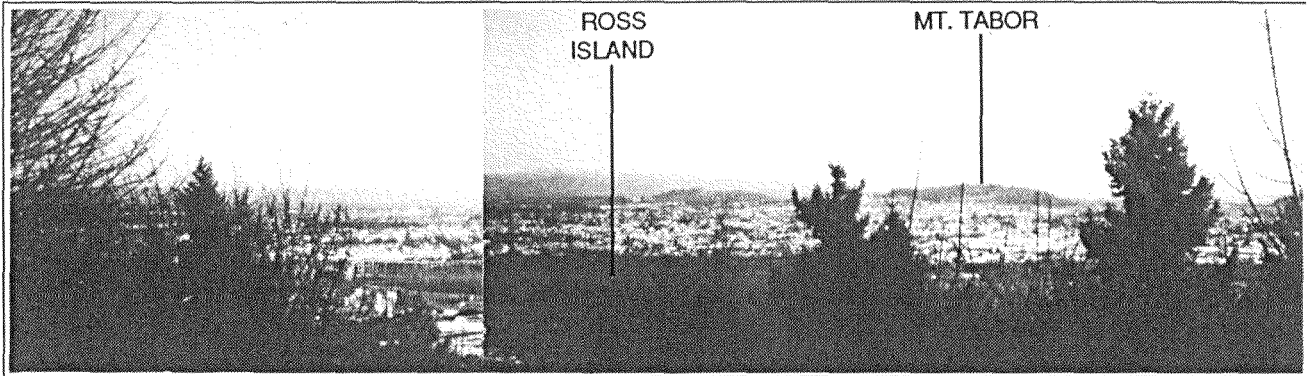




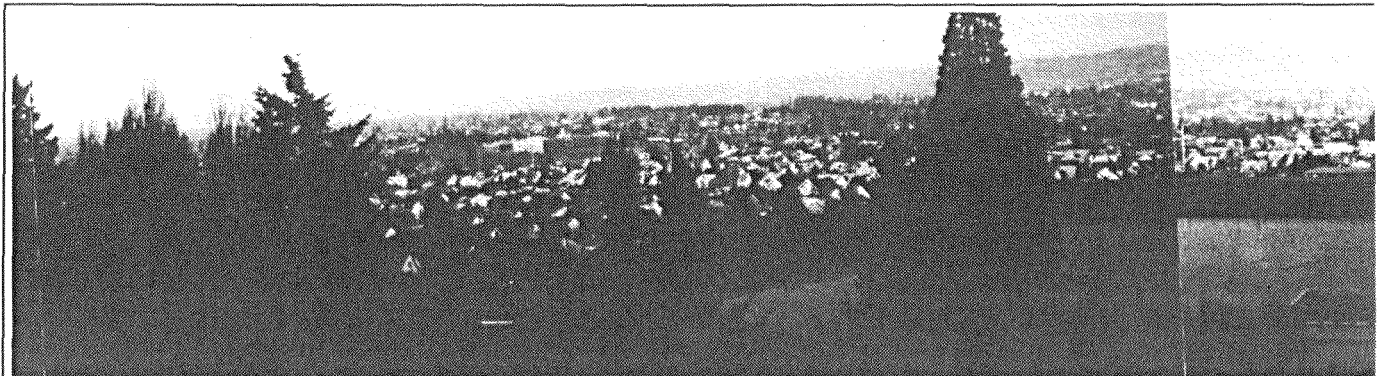


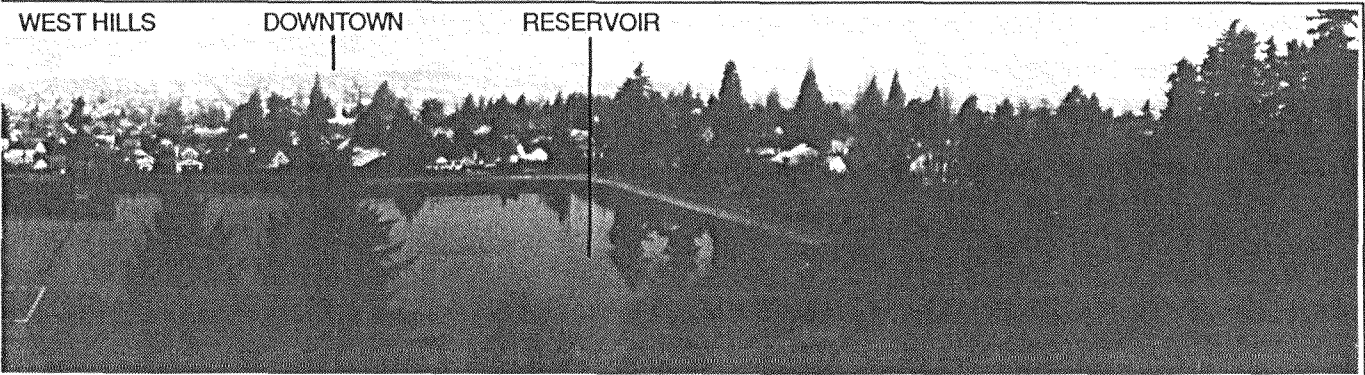
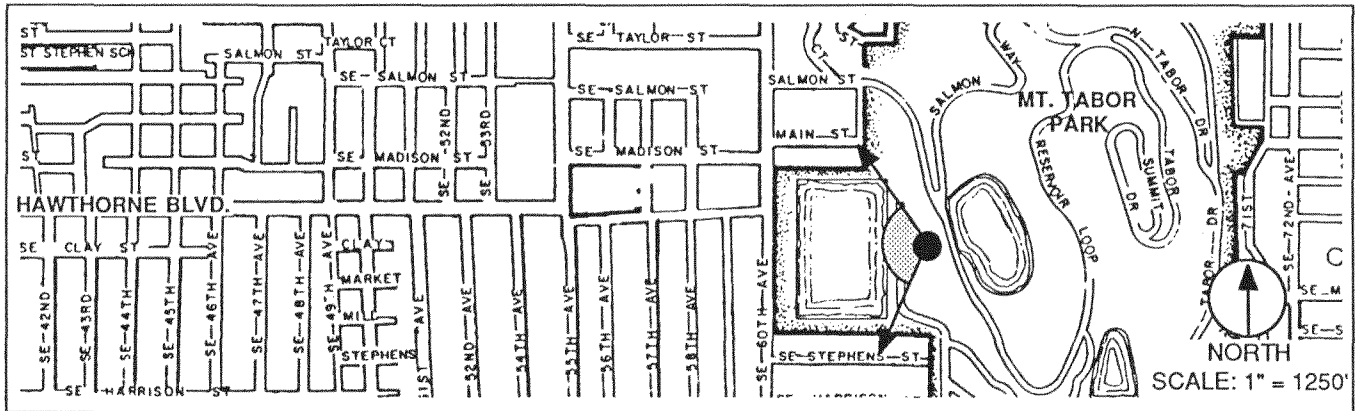
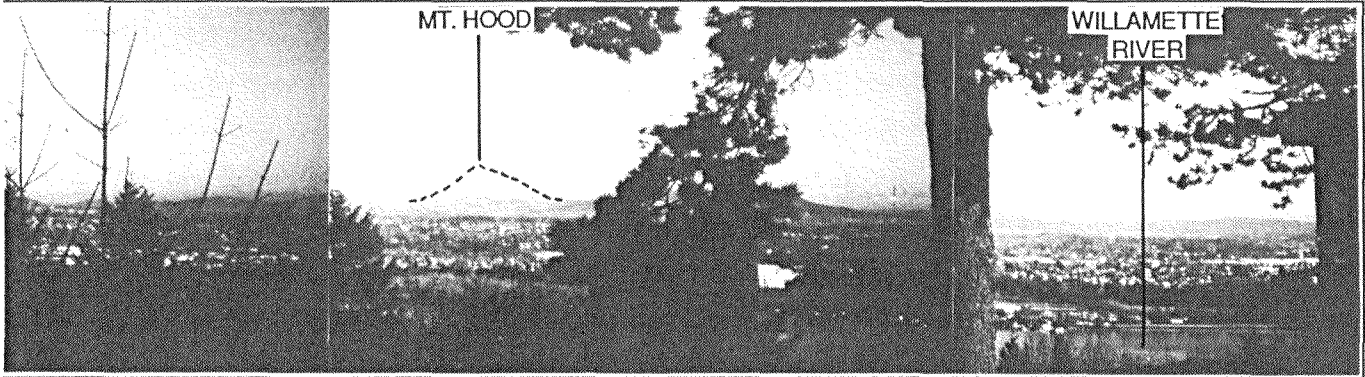
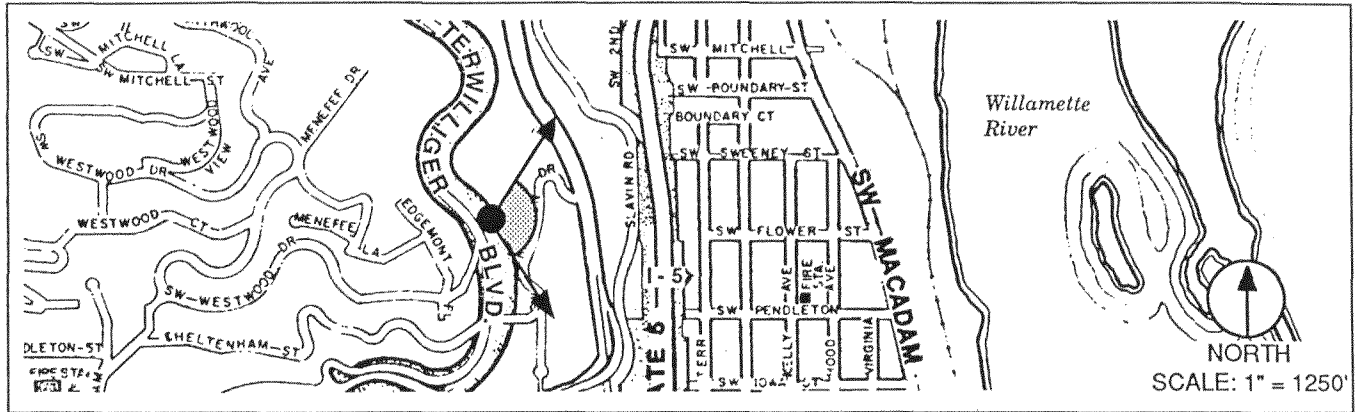
**Elk Point Viewpoint**Score: **77.19** (5 of 28)

The Elk Point viewpoint is identified as one of the major viewpoints of the Terwilliger Parkway Plan. Elk Point is located to the immediate north of the Chart House restaurant and was recently renovated as a part of the remodeling of that restaurant. A large parking lot is located adjacent to the viewpoint. The views are primarily to the east with Mt. Hood the predominant feature, but views of the river and City were also considered to be integral to the view.

**View from above Mt. Tabor Reservoir**Score: **76.57** (6 of 28)

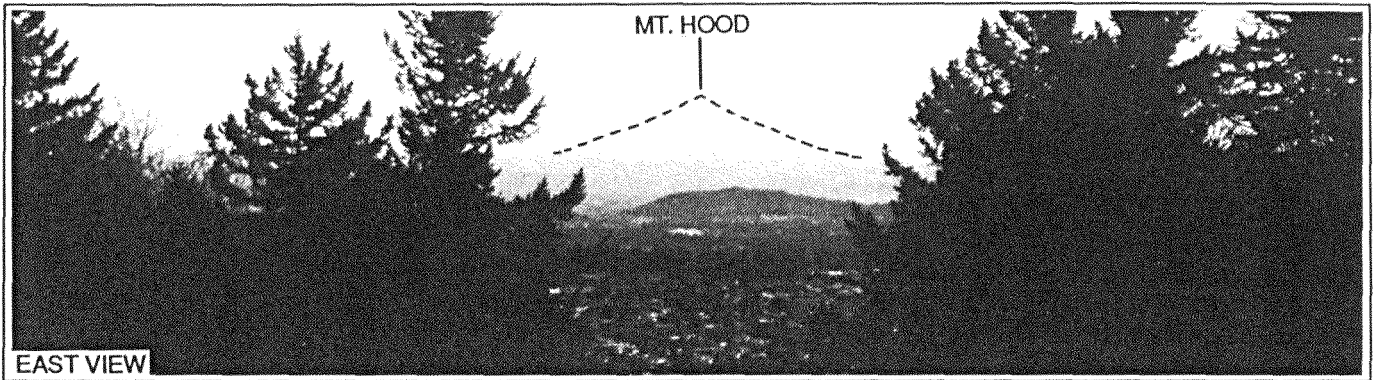
An access road from SE Salmon leads to the upper reservoir on the west side of Mt. Tabor. From the access road it is a short walk to this viewpoint above the large reservoir near SE 60th. The viewpoint affords a panoramic view of the west hills and downtown. The reservoir in the foreground creates an unobstructed view and adds the element of water to the view.



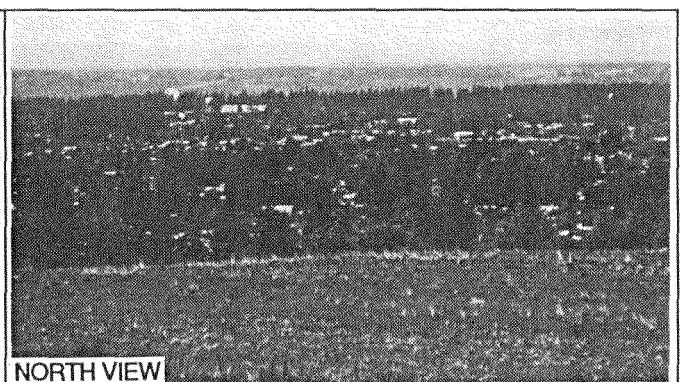
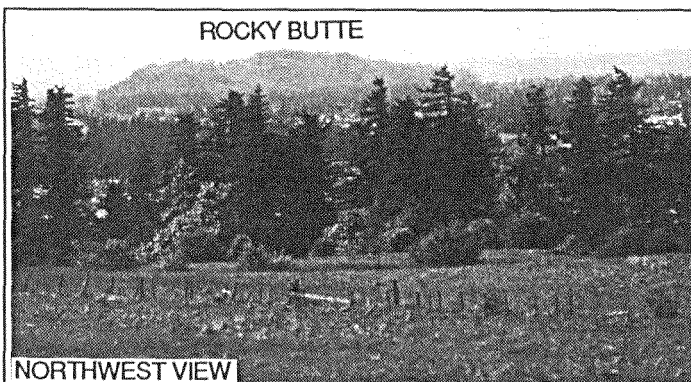


**Views from the top of Mt. Tabor**Score: **76.55** (7 of 28)

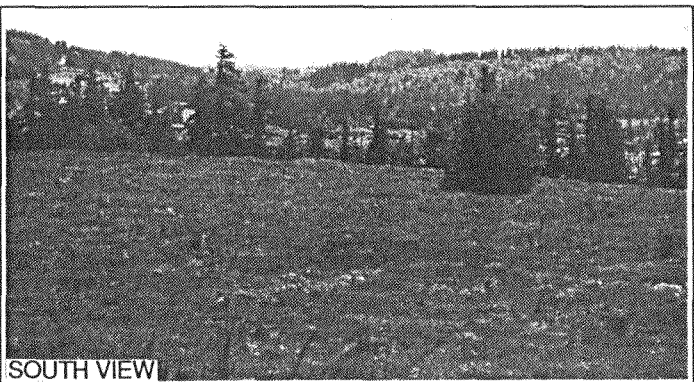
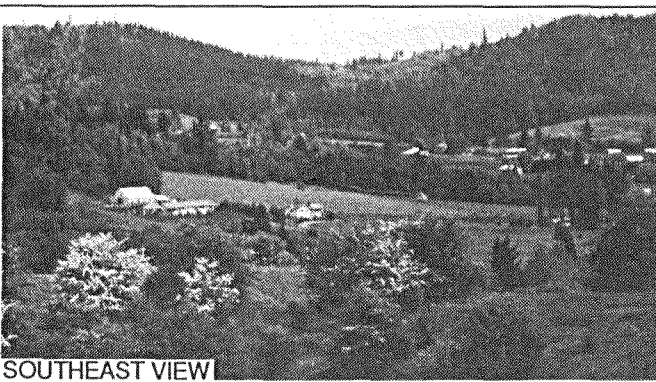
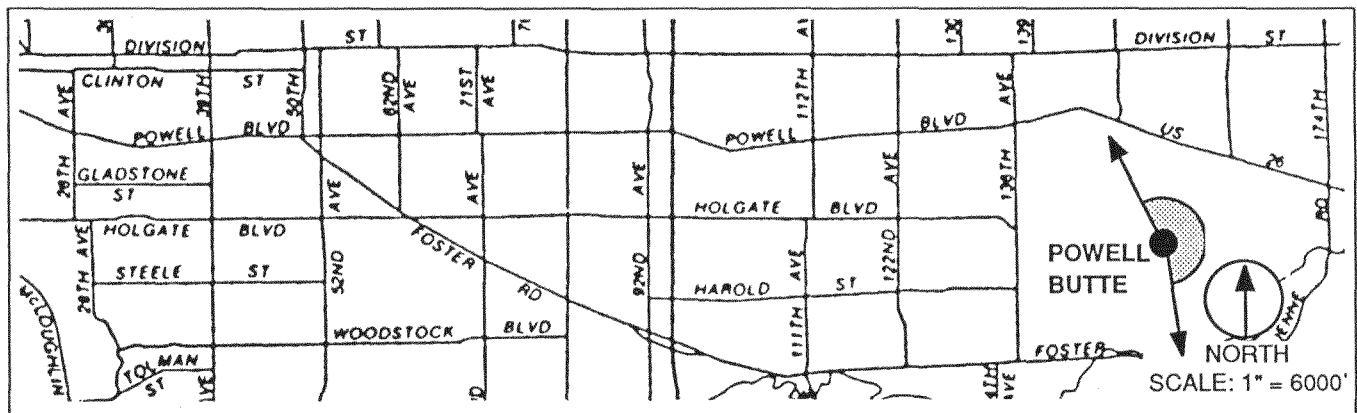
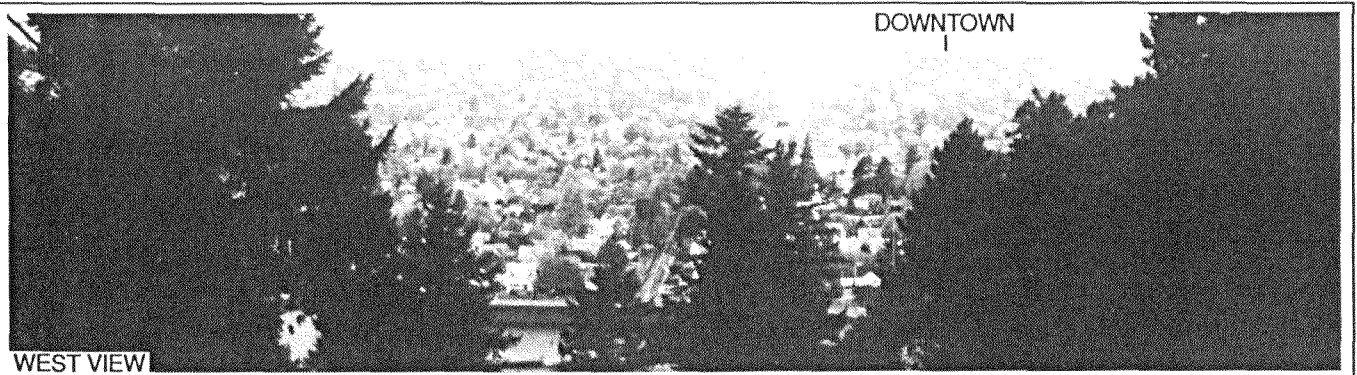
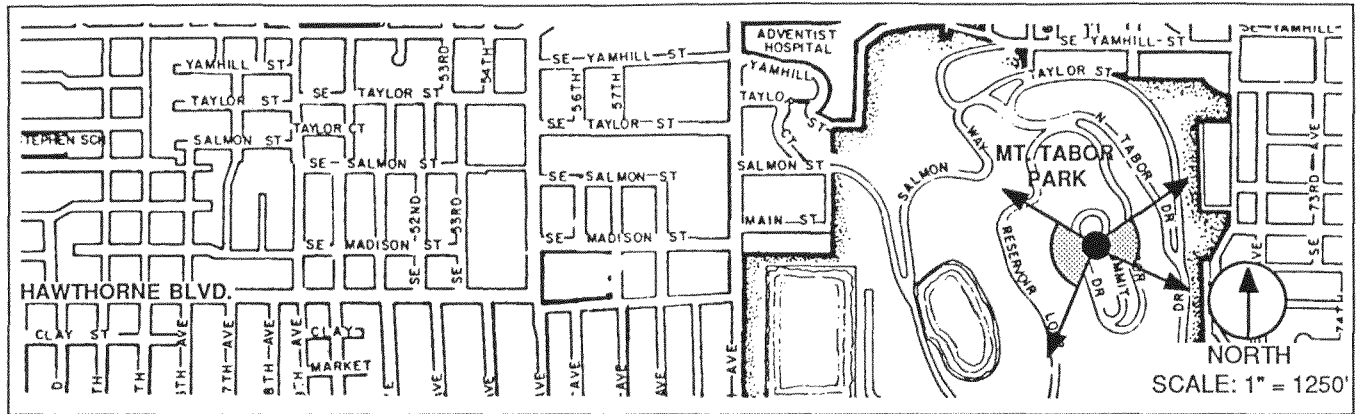
The views from the upper part of Mt. Tabor Park are generally through the trees. These framed views provide dramatic glimpses of Mt. Hood to the east and the downtown area to the west. Motor vehicle access to the top of Mt. Tabor is restricted.

**Powell Butte Panorama**Score: **76.35** (8 of 28)

Powell Butte provides striking views to the northwest, north, southeast, and south from many vantage points. Several mountains are visible with Mt. Hood being the most striking. Powell Butte is owned by the Parks and Water Bureaus. It is currently undeveloped and access is strictly limited. The Parks Bureau has completed a master plan for the development of Powell Butte.



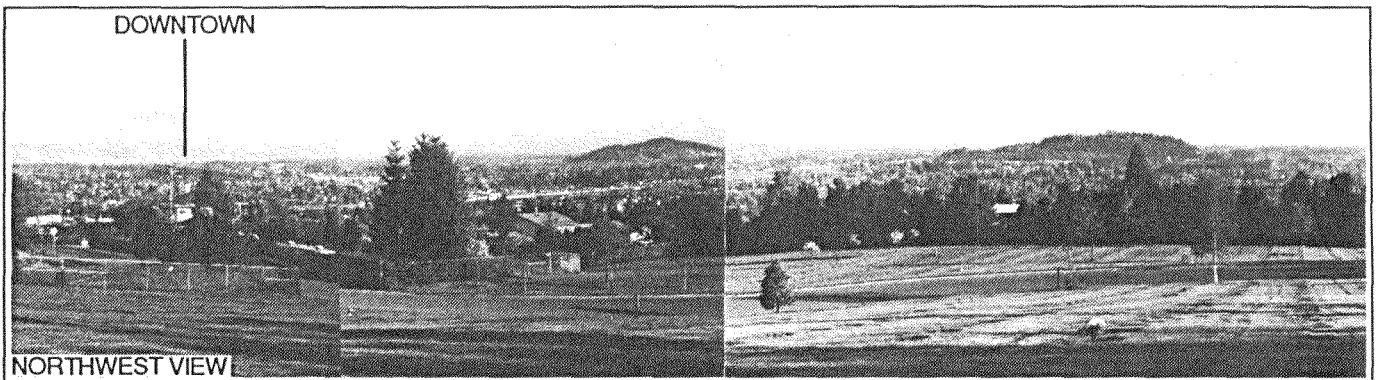




### Willamette National Cemetery Panorama

Score: 75.62 (9 of 28)

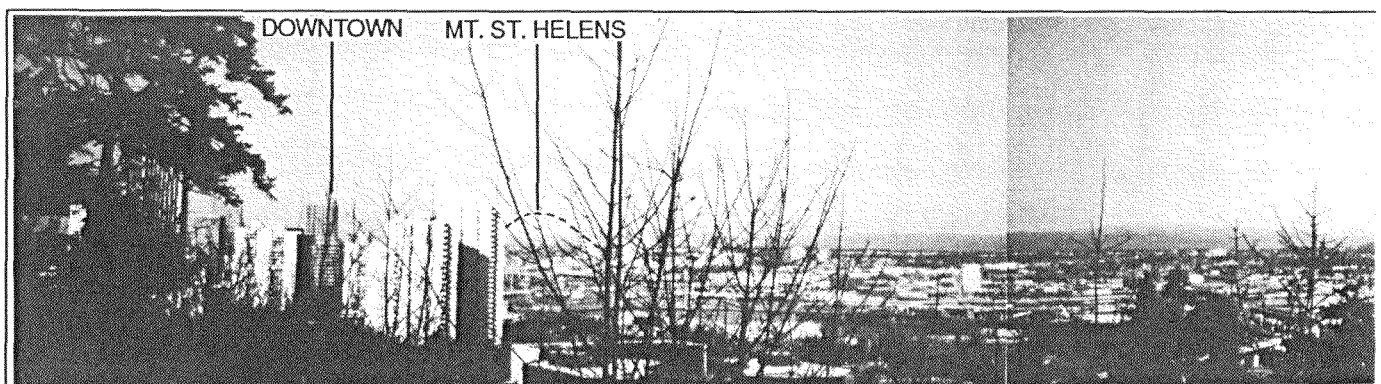
Willamette National Cemetery is in federal ownership. The cemetery is located on SE Mt. Scott Boulevard east of SE 112th Avenue. Public access is allowed during regular hours. Views of Mt. Hood can be had from the entrance to the cemetery, and a striking panorama of several mountain is obtained from its interior.

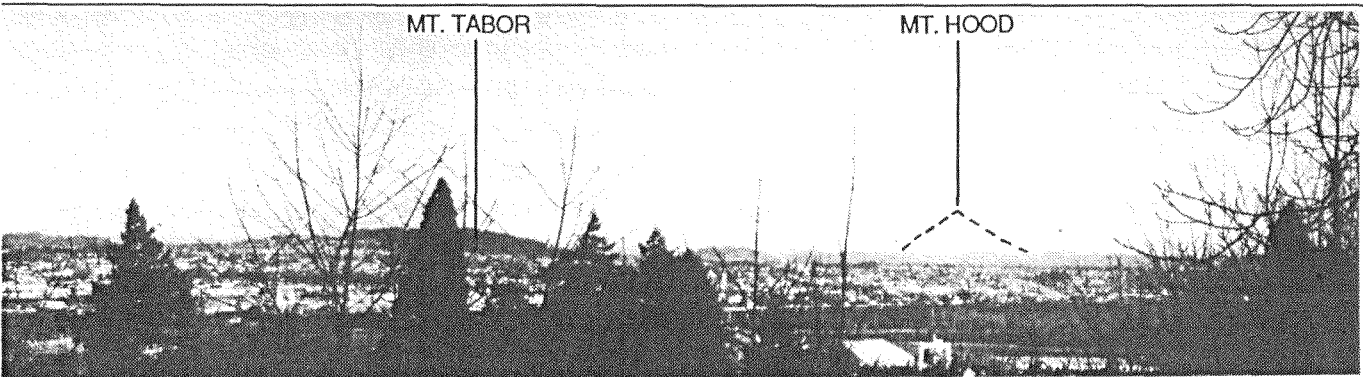
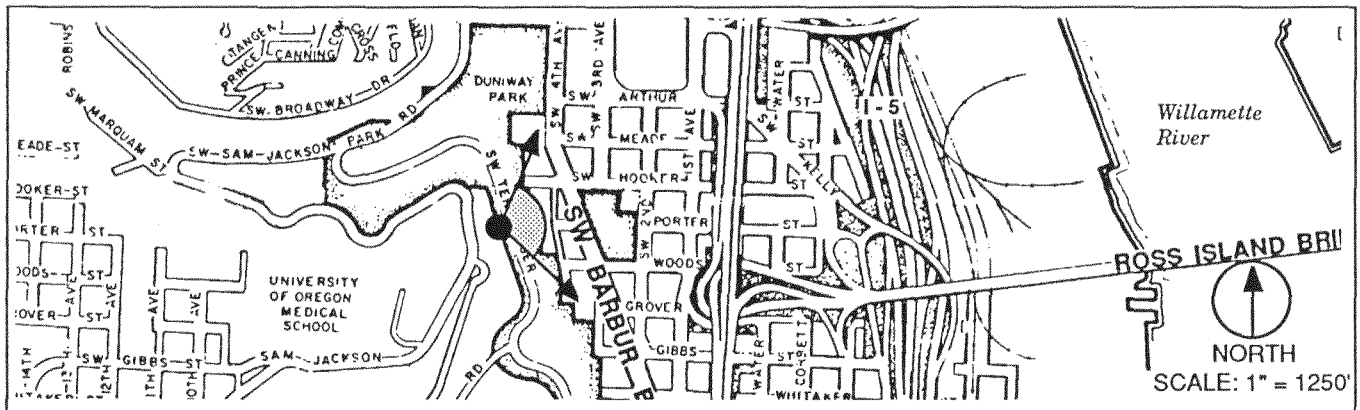
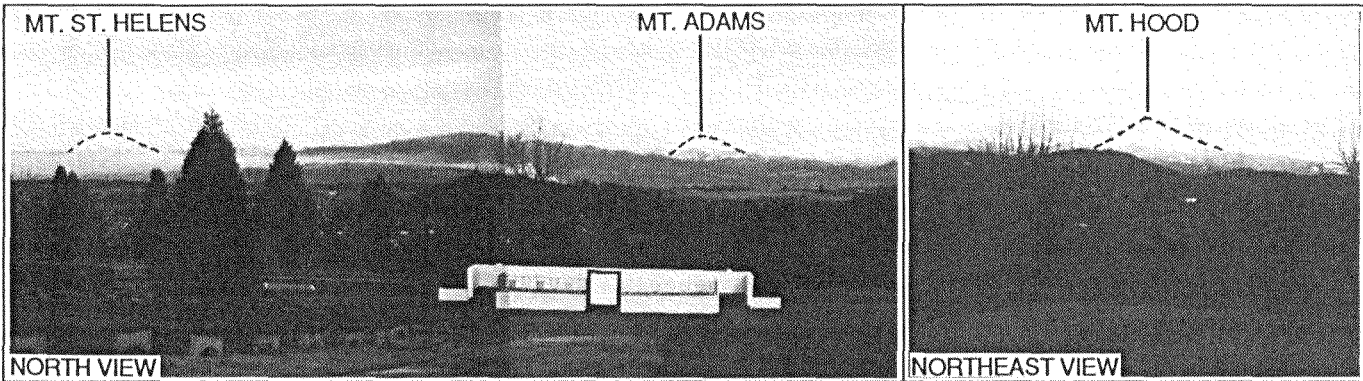
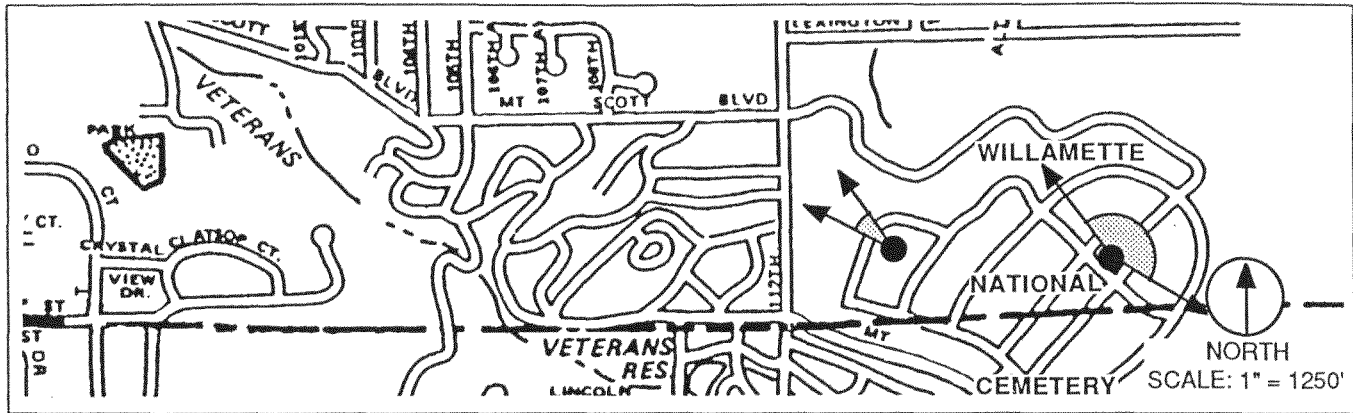


### View from SW Terwilliger above Duniway Park

Score: 74.94 (10 of 28)

This viewpoint is one of the more northern of those along SW Terwilliger. It is adjacent to a small parking lot. The view is protected through the Terwilliger Parkway Plan. It offers a panoramic view of both Mt. St. Helens and Mt. Hood as well as of the downtown and the east side of the City. The Willamette River and several bridges are also visible.



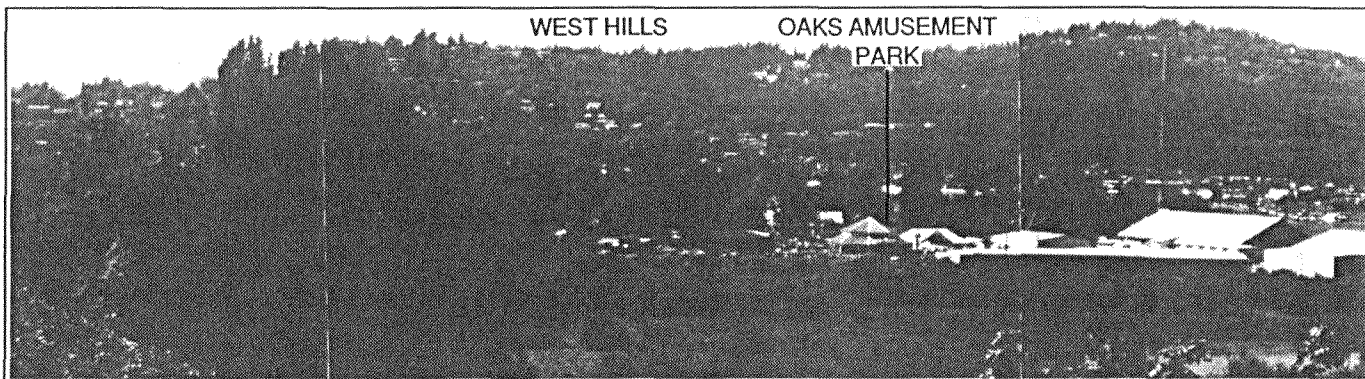


VP 38-03

### **View from Sellwood Boulevard**

Score: **74.62** (11 of 28)

The most striking view along Sellwood Boulevard occurs north of Sellwood Park near SE 11th Avenue. The view is over Oaks Bottom, with the downtown skyline apparently rising out of Ross Island. A large expanse of the west hills is also visible. Sellwood Boulevard is also inventoried as a scenic drive (SD 38-29).



VP 30-07

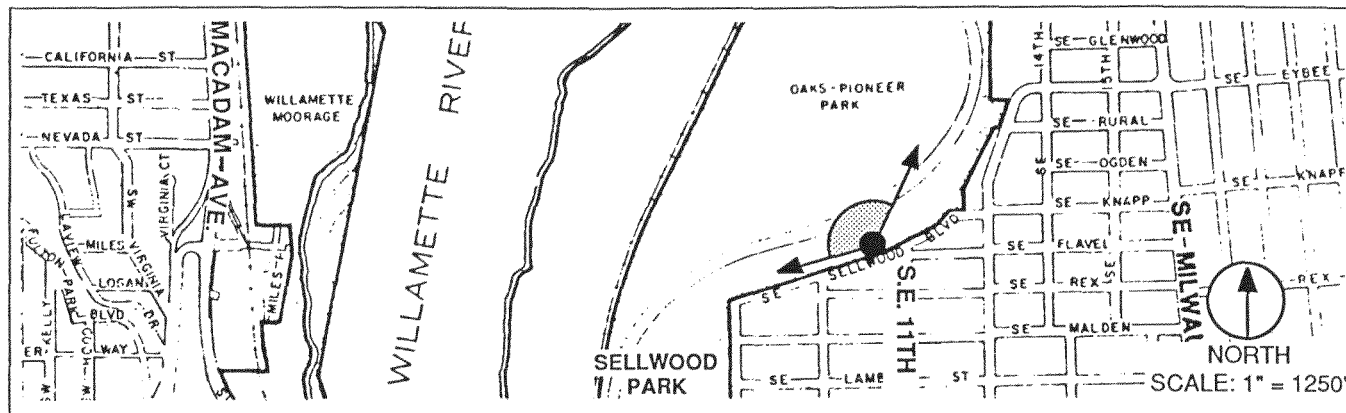
### **Turnout from SW Fairmount Boulevard**

Score: **71.93** (12 of 28)

This viewpoint on SW Fairmount is at its intersection with SW Sherwood. It's a gravelled turnout frequently used for a parking area by people who jog or bicycle along Fairmount. The views are to the northeast with St. Helens visible. Fairmount Boulevard is also inventoried as a scenic drive (SD 30-03).

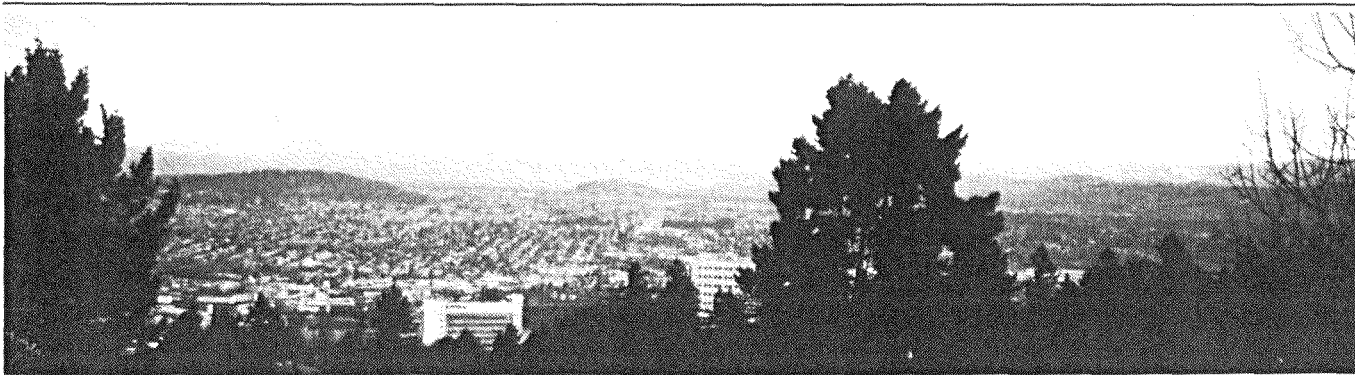
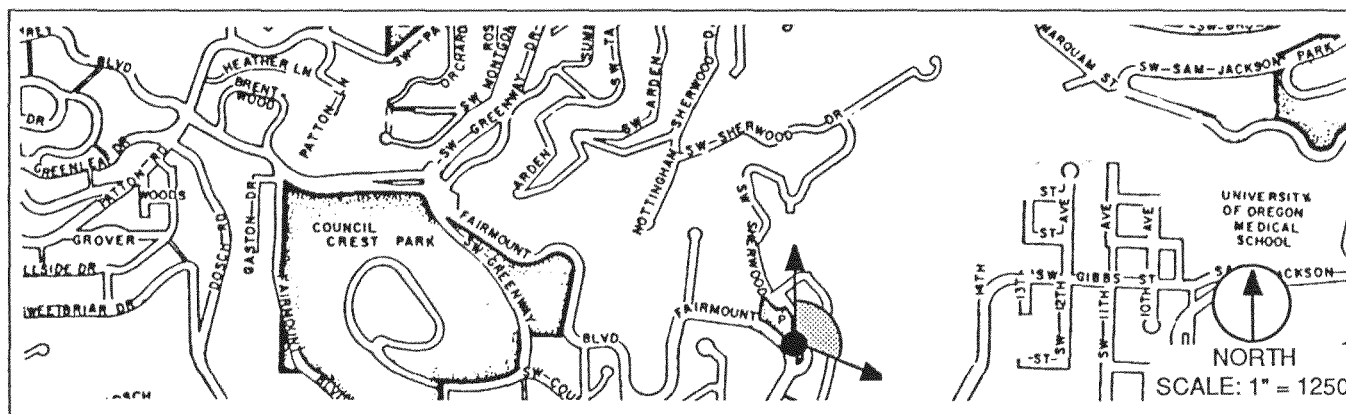
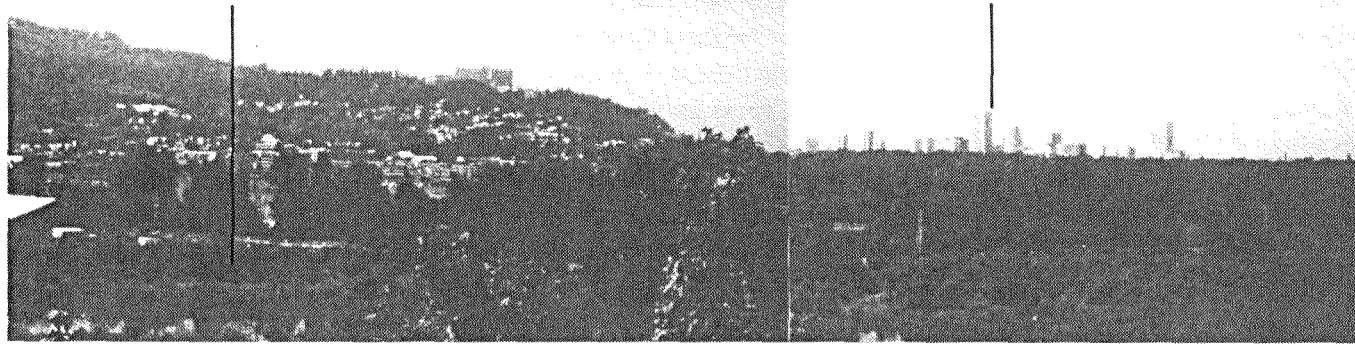






OAKS BOTTOM

DOWNTOWN



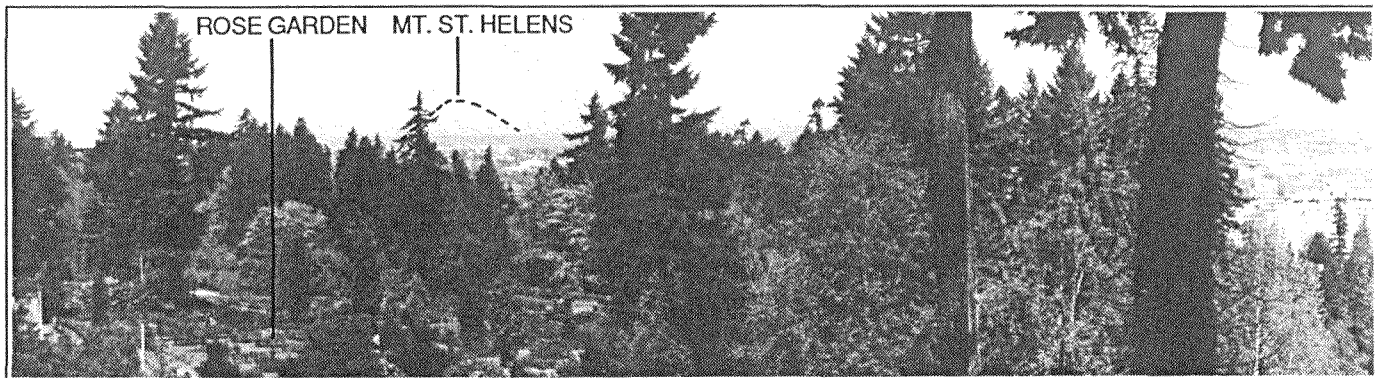


VP 23-22

### **Zoo Train Platform**

Score: **71.49** (13 of 28)

The zoo train platform is located above the Rose Garden and is reached either via a path from the Rose Garden parking lot or via the zoo train. The vantage point has picnic benches and coin-operated binoculars during warm weather. The views are to Mt. St Helens and Mt. Hood looking out over the Rose Garden, Washington Park, and the City.

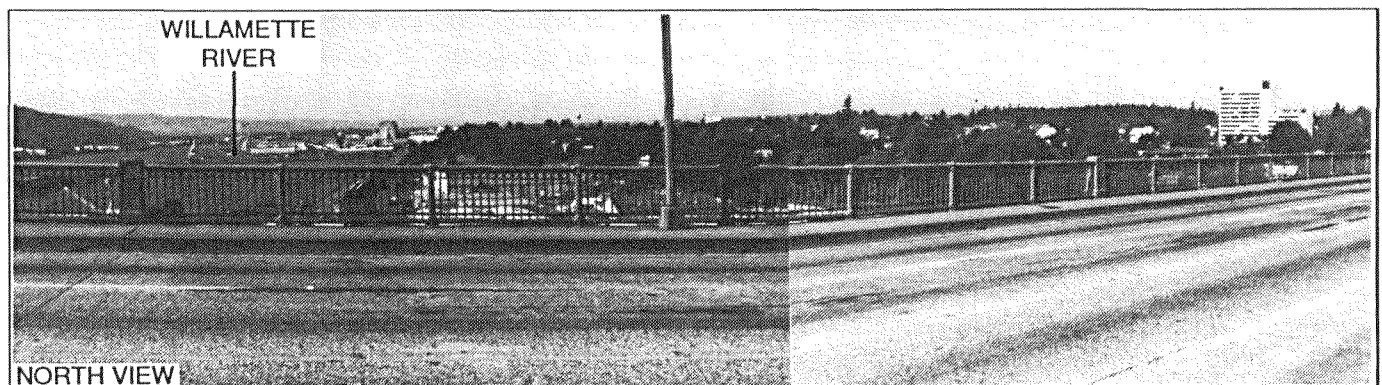


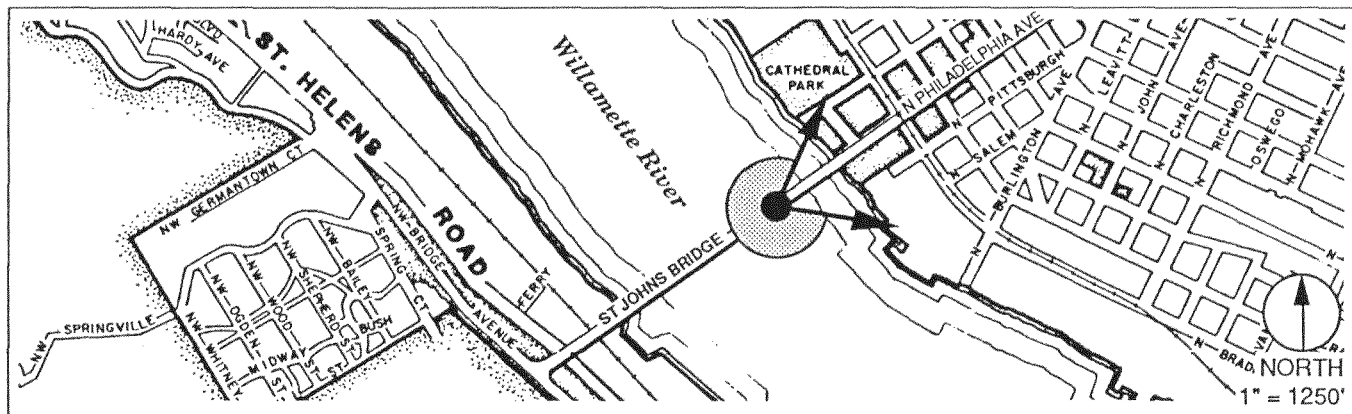
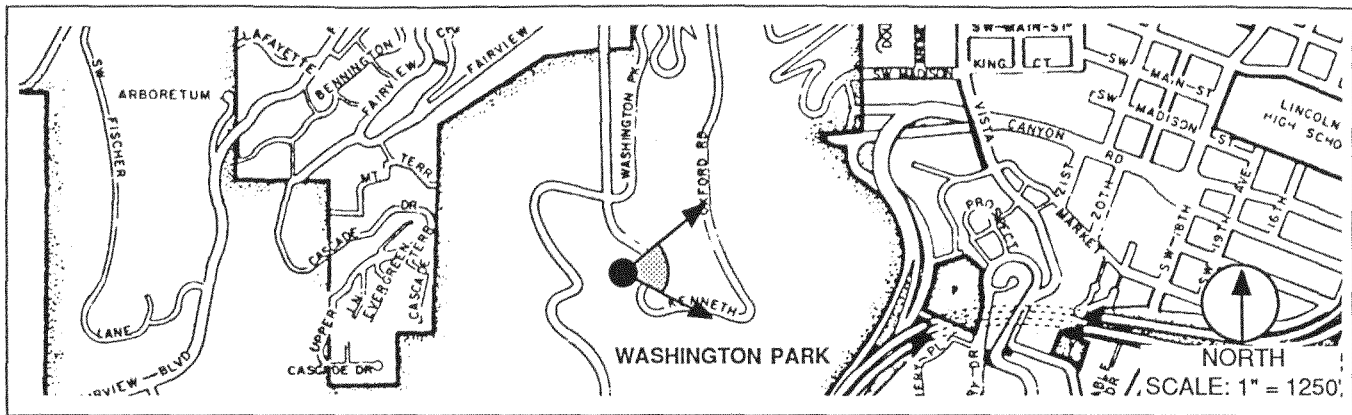
VP 09-01

### **Panorama from St Johns Bridge**

Score: **71.36** (14 of 28)

The view from the St. Johns Bridge provides a 360-degree panorama up and down the Willamette River, to the west hills and the St. Johns area. Mt. Hood and Mt. St. Helens are visible, as are Mt. Adams and Mt. Ranier on particularly clear days. Downtown Portland is visible in the distance to the south. Access to the bridge is from either side of the river — St. Helens Road on the west and N Philadelphia Street on the east. The bridge has sidewalks on both sides, but heavy truck and automobile traffic make it a relatively unattractive pedestrian route. However, the bridge is part of the 40-Mile Loop system.



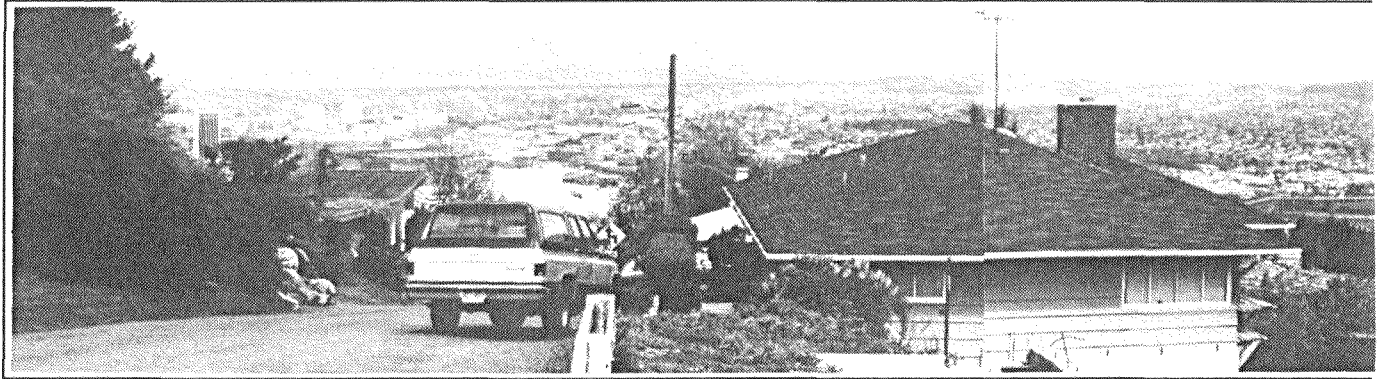


VP 30-06

### SW McDonnell at Council Crest

Score: 70.51 (15 of 28)

This viewpoint is located at the junction of SW McDonnell and Council Crest. Because of the steepness of SW McDonnell, there are excellent views to the east. New residential construction will substantially block the view to the southeast.

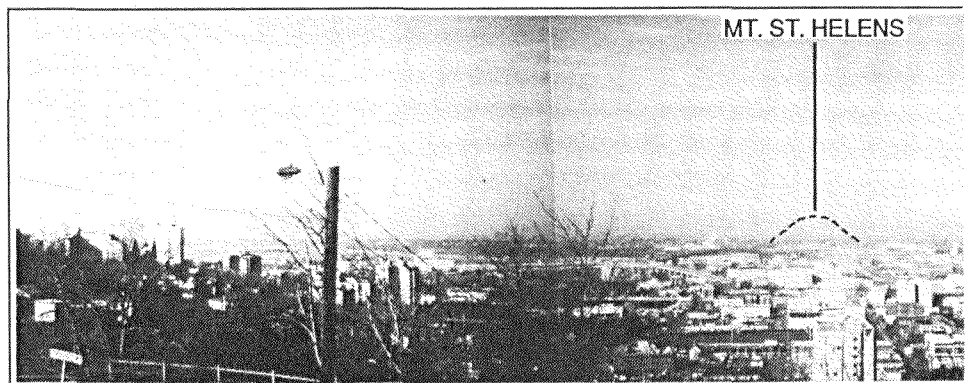


VP 24-01

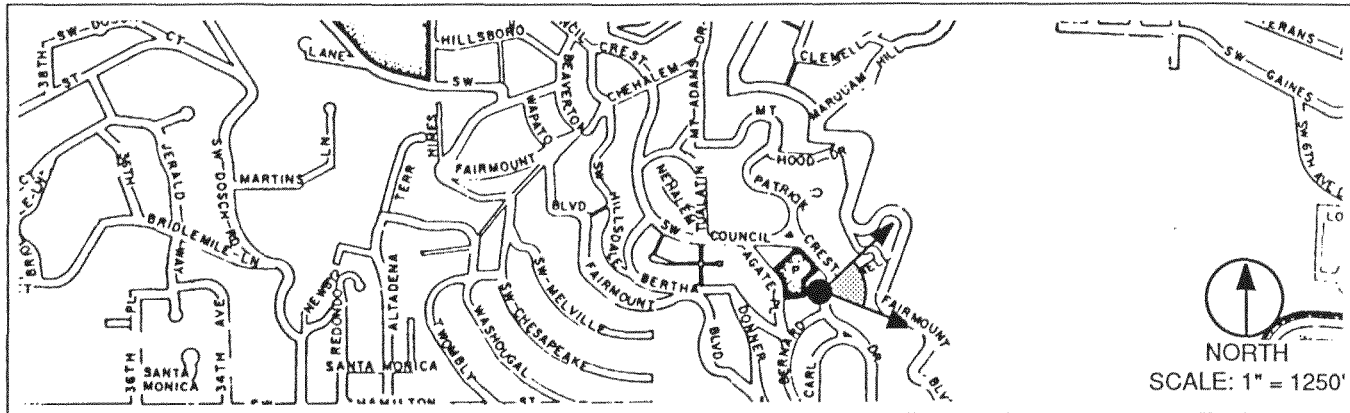
### SW Upper Hall Panorama

Score: 69.38 (16 of 28)

Southwest Upper Hall is reached from SW 16th off of SW Montgomery. The panoramic view is to the northwest clockwise to southeast with the downtown area in the foreground. There are views of Mts. St. Helens, Adams, Hood and other mountains. The steepness of SW Upper Hall and the hairpin turn in the middle allow unblocked views.



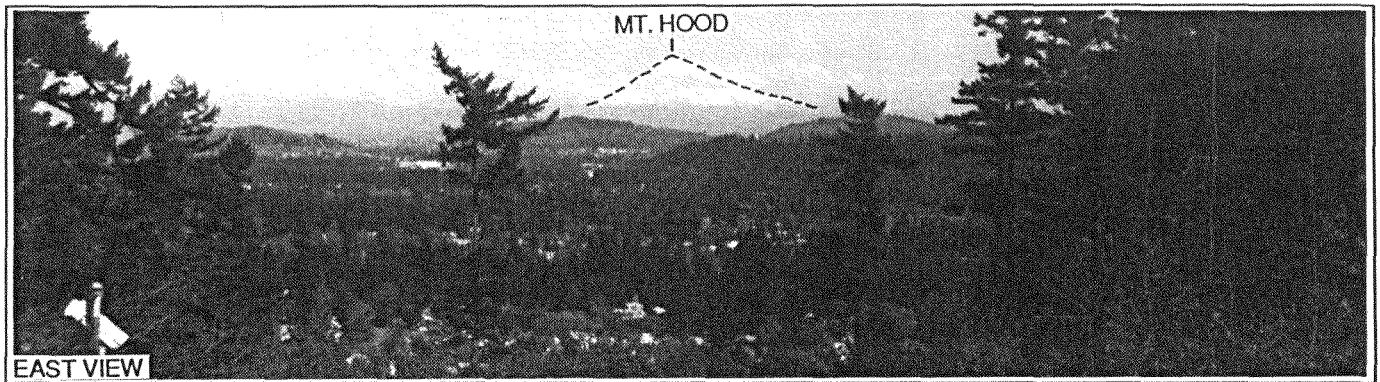




**Kelly Butte Panorama**

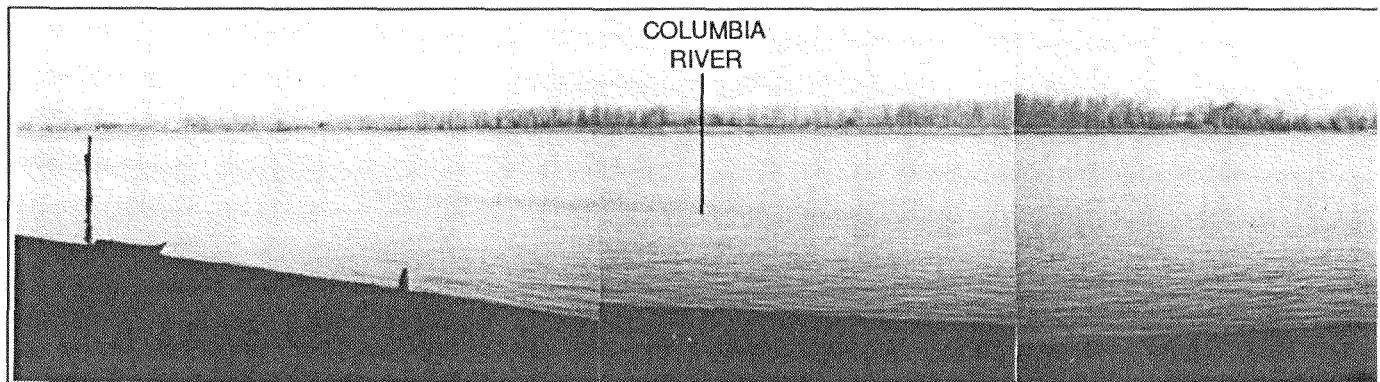
Score: 67.98 (17 of 28)

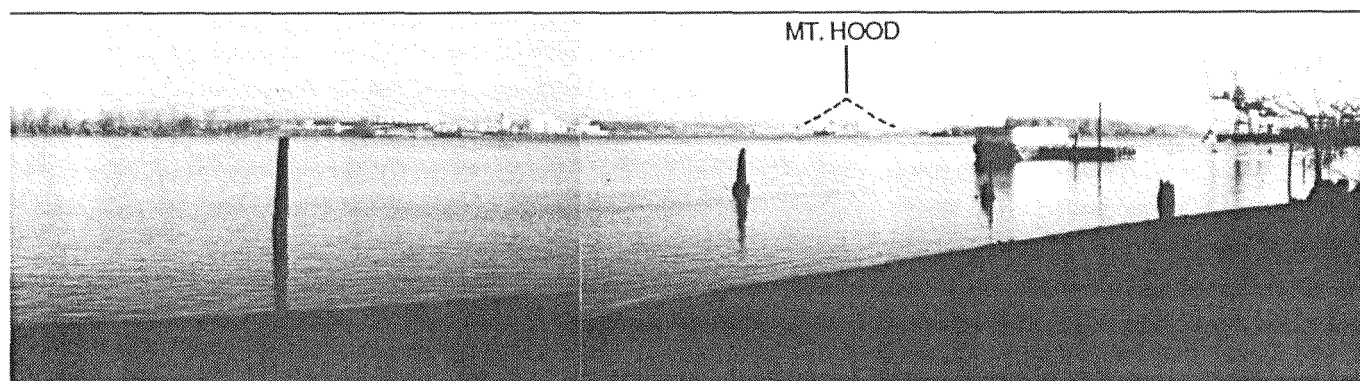
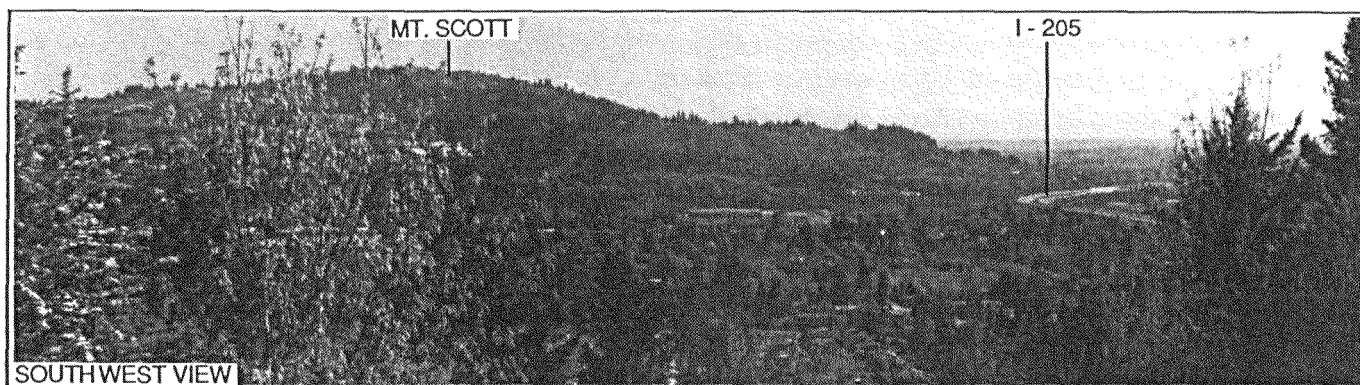
Kelly Butte is located off of SE 103rd south of SE Clinton. It has been annexed to the City, but continues to have County zoning. The County has placed a Community Service designation on the site. The primary views are to the east and south, with a striking view of Mt. Hood framed through the trees.

**Kelley Point Park Panorama**

Score: 67.49 (18 of 28)

Kelley Point Park is located at the confluence of the Willamette and Columbia Rivers. The park is reached by travelling through the Rivergate Industrial Park. The views are primarily on the Columbia River side looking northwest, north, and northeast with views of the river where there is frequently large ship traffic, the Washington shore, and Mts. Adams and Hood.





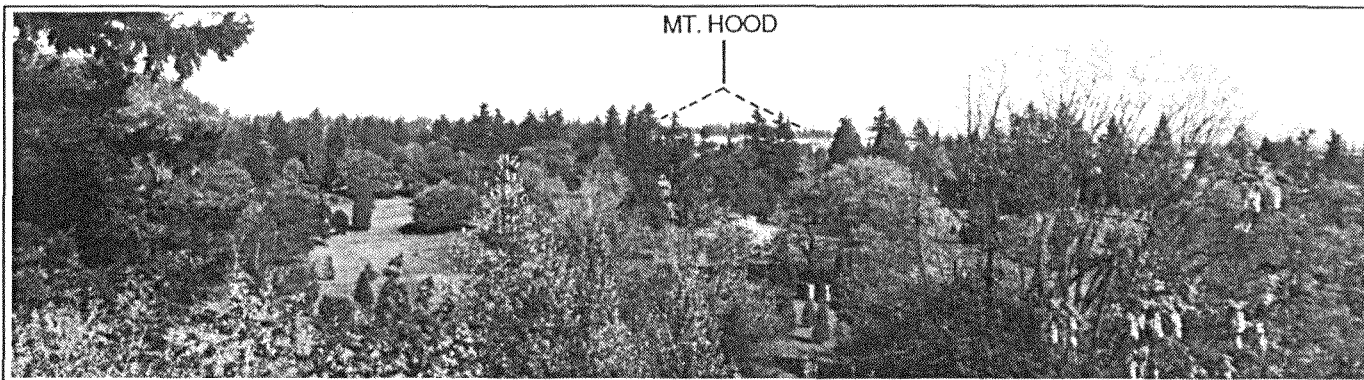


VP 18-01

### Rose City Golf Course Panorama

Score: 67.23 (19 of 28)

The Rose City Golf Course is located south of NE Sacramento Street near NE 70th. Views are from Sacramento Street to the east, southeast, and south with Mt. Hood and nearby buttes visible. The views are enhanced by the well-maintained landscaping of the golf course.

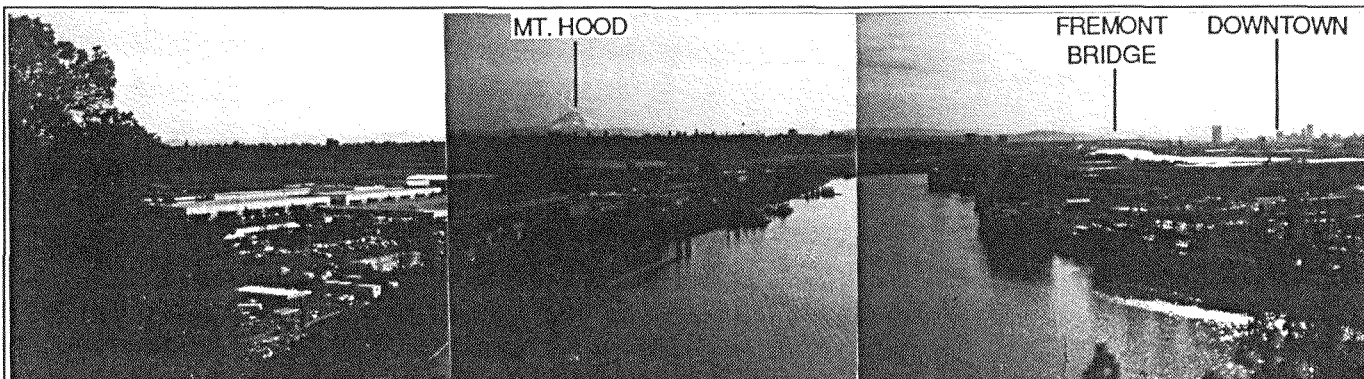


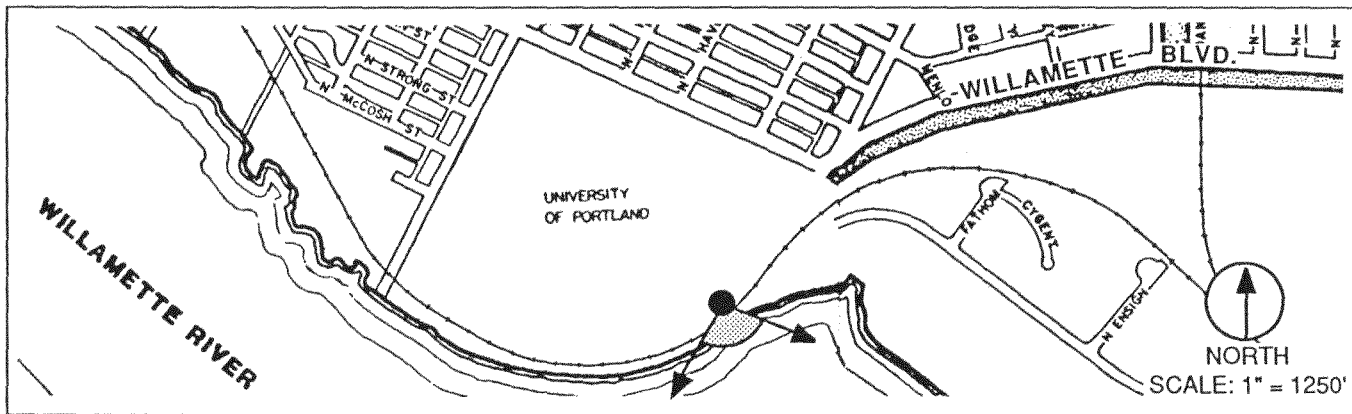
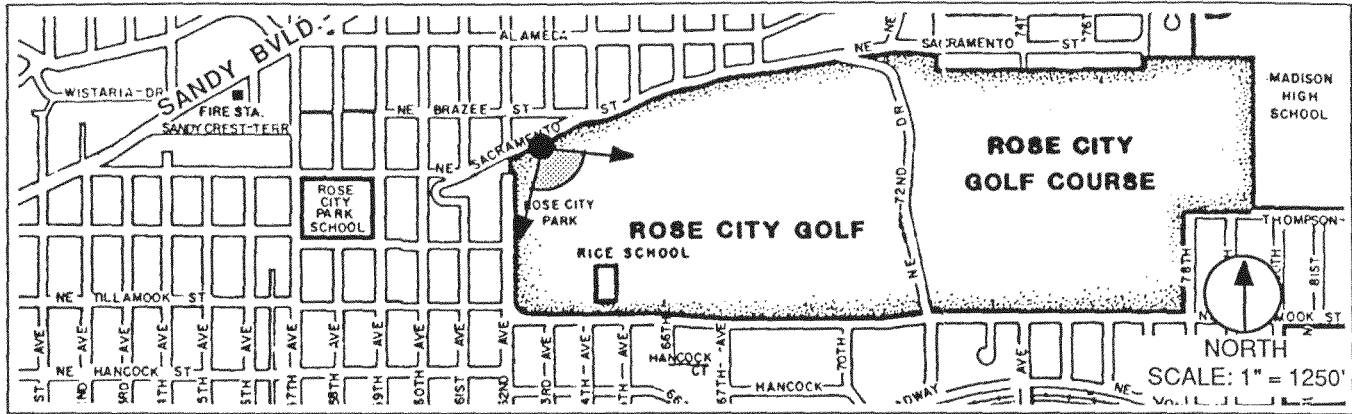
VP 10-04

### Panorama from the University of Portland bluff

Score: 66.48 (20 of 28)

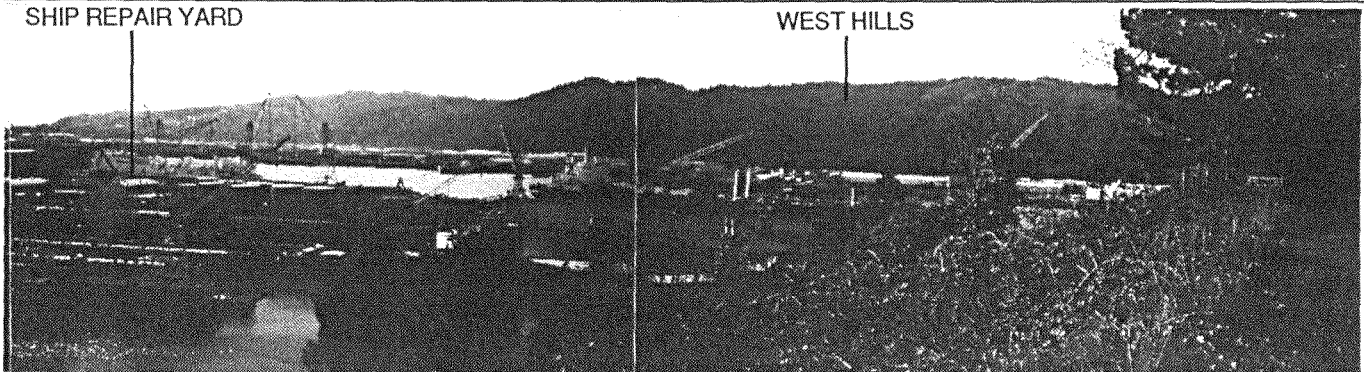
The view from the University of Portland bluff is a viewpoint protected through the Greenway Plan. Access is designated on the Greenway Plan public access map. The view is to the southeast, clockwise to the west. The view includes Mt. Hood, Mock's Bottom, the ship repair yard, downtown, and the west hills.





SHIP REPAIR YARD

WEST HILLS



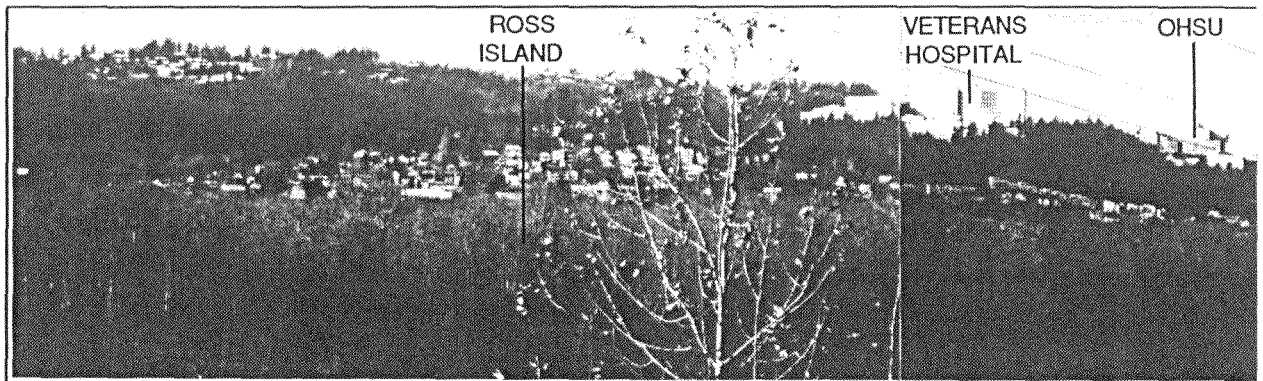


VP 31-37

### **Panorama from Ross Island Sand & Gravel**

Score: 66.46 (21 of 28)

The Ross Island Sand and Gravel property is located west of SE McLoughlin near SE Cora Street. The property is privately owned and public access is not allowed. The view is to the west of Ross Island, the west hills, and downtown. The Greenway Plan public access map shows a future recreational trail location adjacent to the river near this viewpoint.

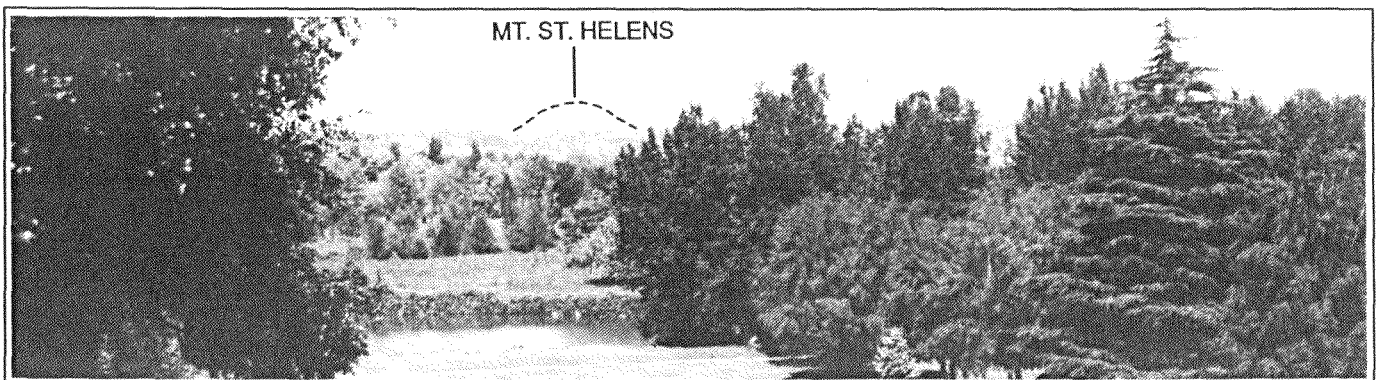


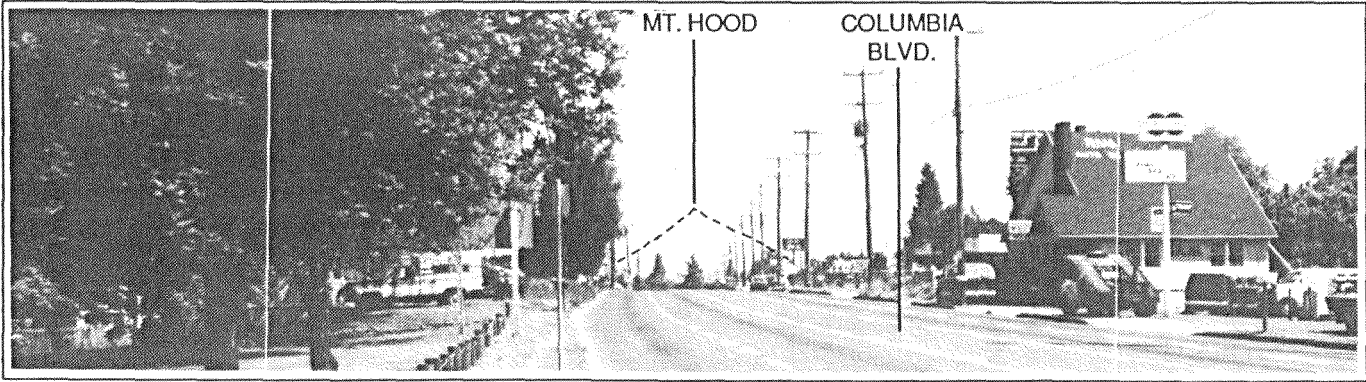
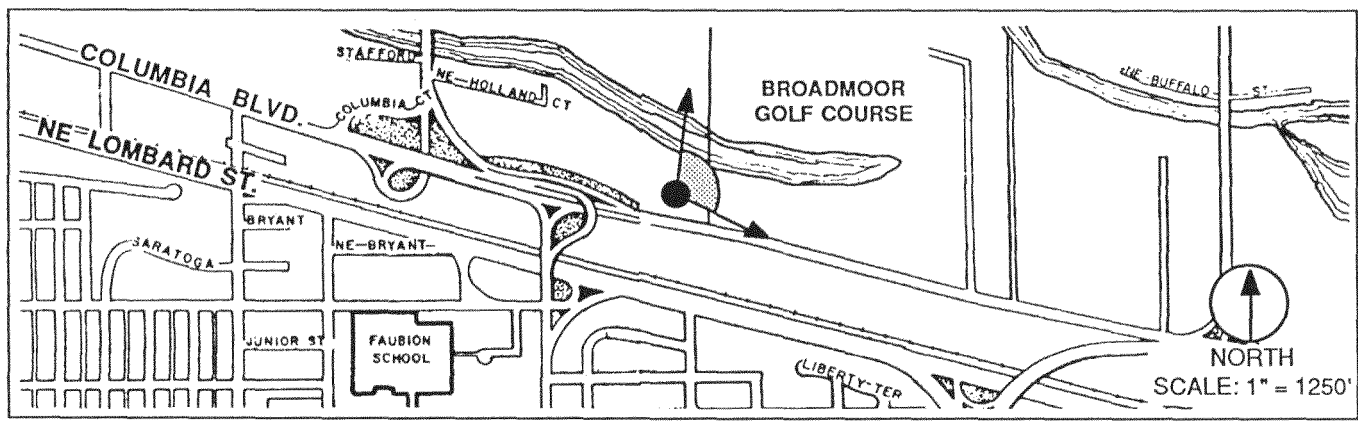
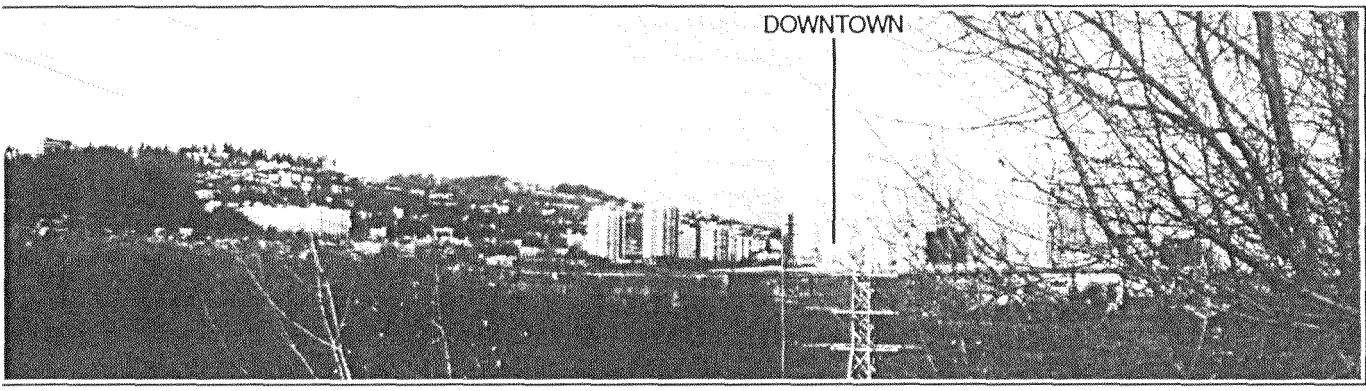
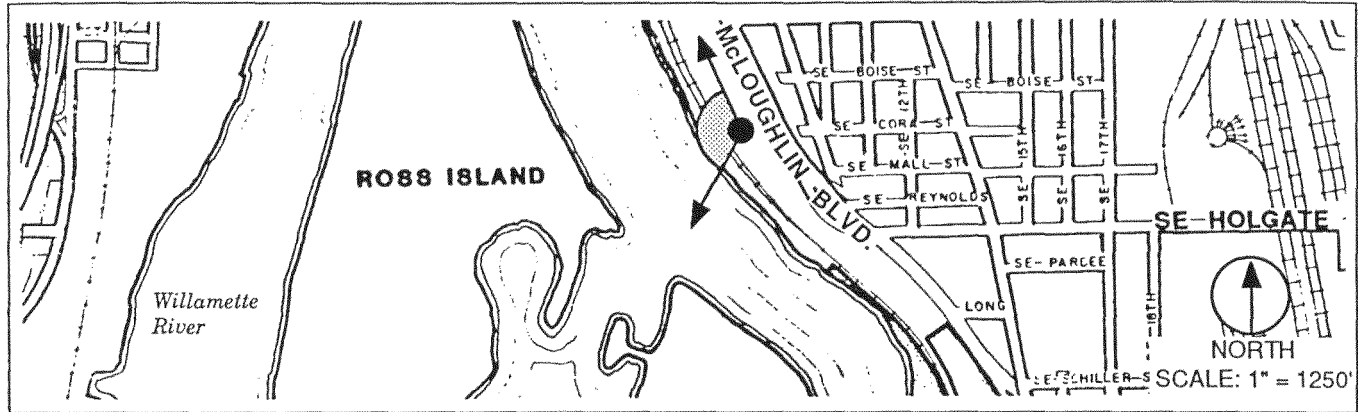
VP 12-02

### **Broadmoor Golf Course Panorama**

Score: 62.76 (22 of 28)

Broadmoor Golf Course is located on the north side of NE Columbia Boulevard near NE 33rd Avenue. Major views are from the east end of the parking lot. Views include Mt. St. Helens to the north and Mt. Hood to the east looking out over the golf course and along NE Columbia.



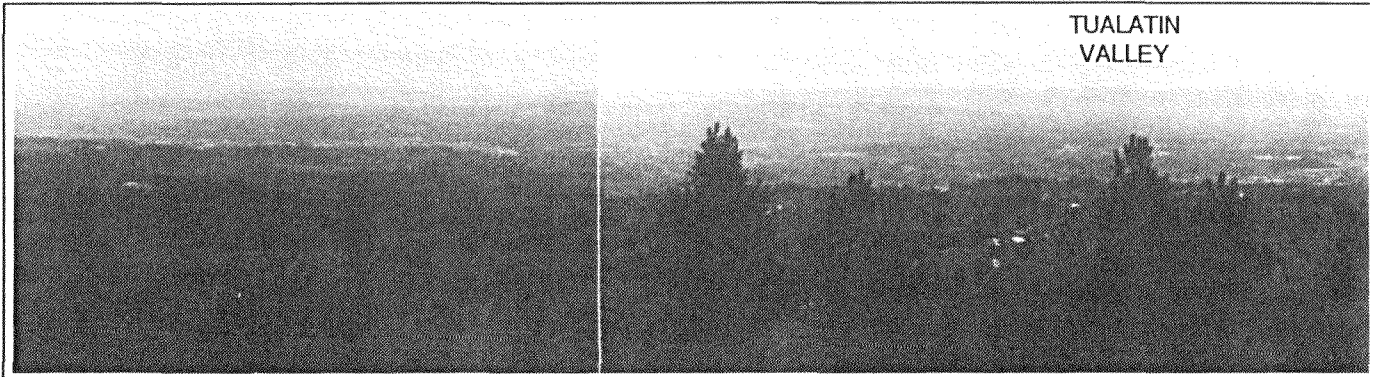


VP 15-04

### **Skyline Memorial Gardens Panorama**

**Score: 61.47 (23 of 28)**

Skyline Memorial Gardens is a private cemetery located to the west of NW Skyline Boulevard. A panoramic view of the Tualatin Valley to the west and southwest can be obtained from various locations along the drive within the cemetery. Skyline Boulevard is inventoried as a scenic drive (SD 15-02).

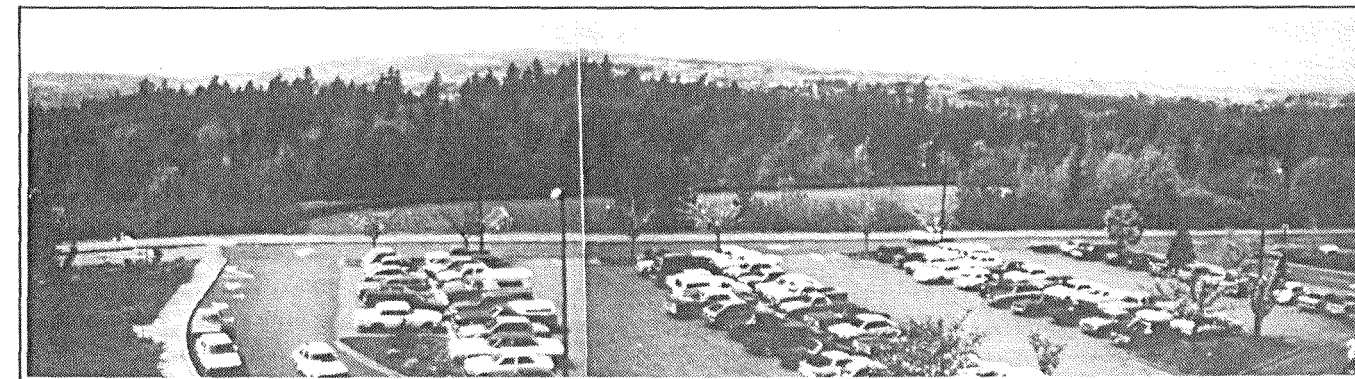
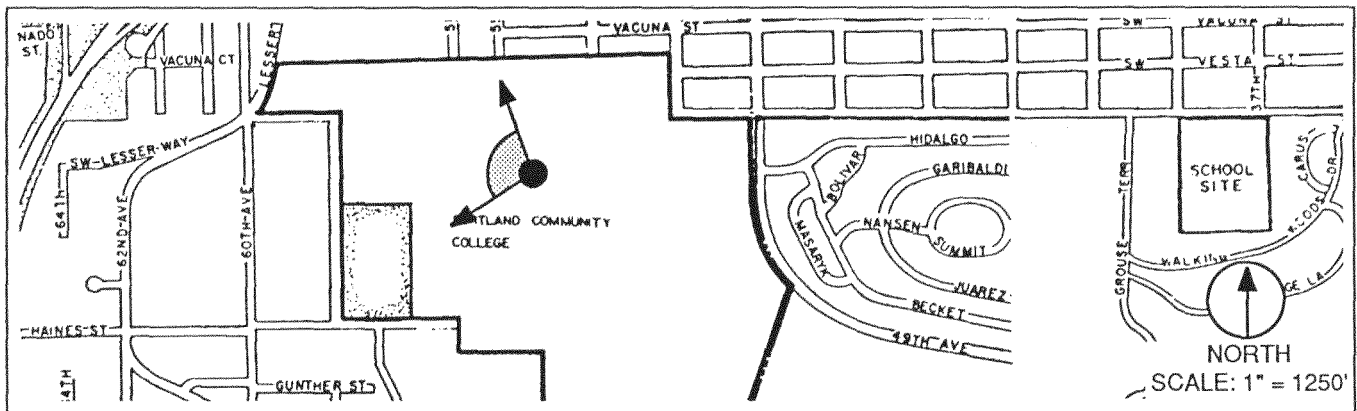
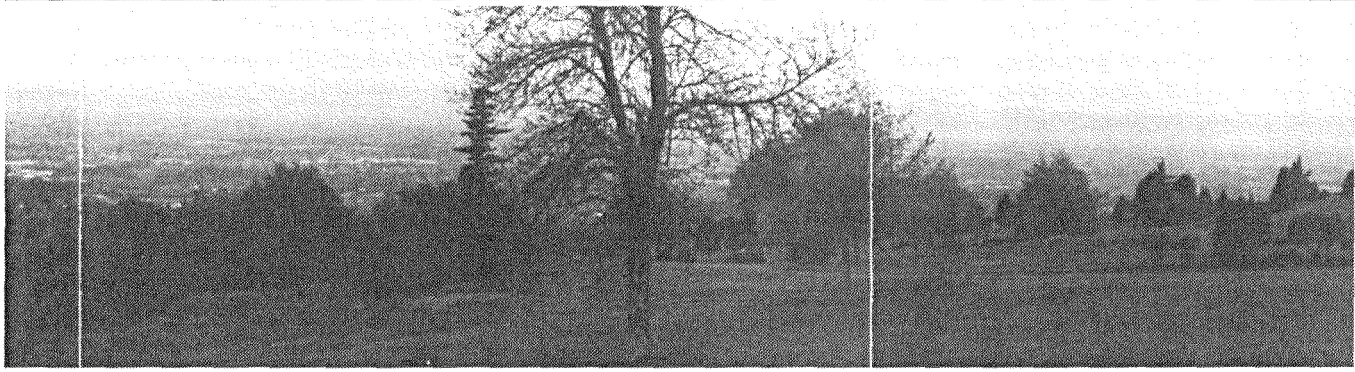
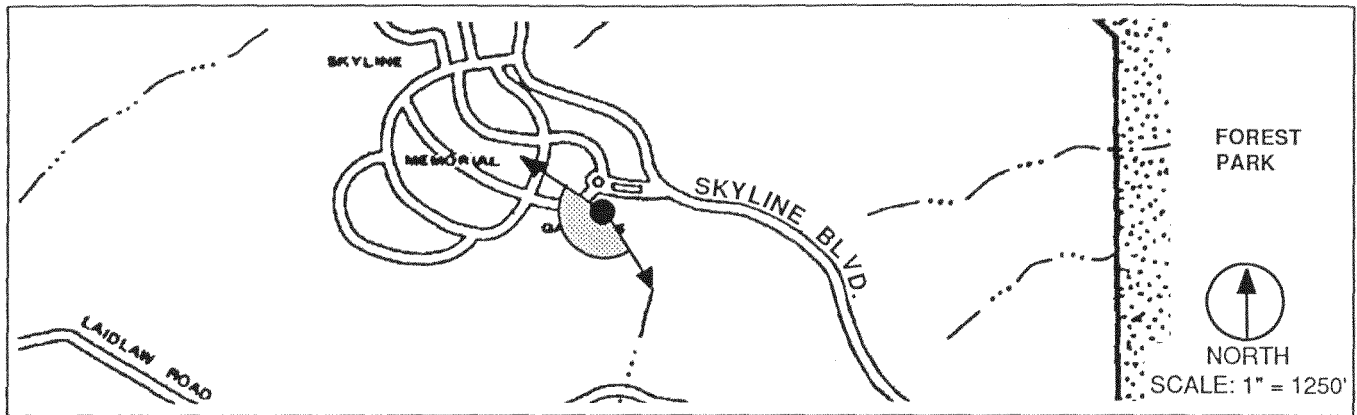


VP 43-02

### **View from the PCC-Sylvania Campus**

**Score: 61.32 (24 of 28)**

The PCC-Sylvania campus is located in southwest Portland near SW 53rd Avenue, south of SW Vacuna. There are panoramic views to the northwest and west from the outside galleries around various buildings, with the best view from the main administration building.



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**VP 19-14****View from The Grotto****Score: 61.09 (25 of 28)**

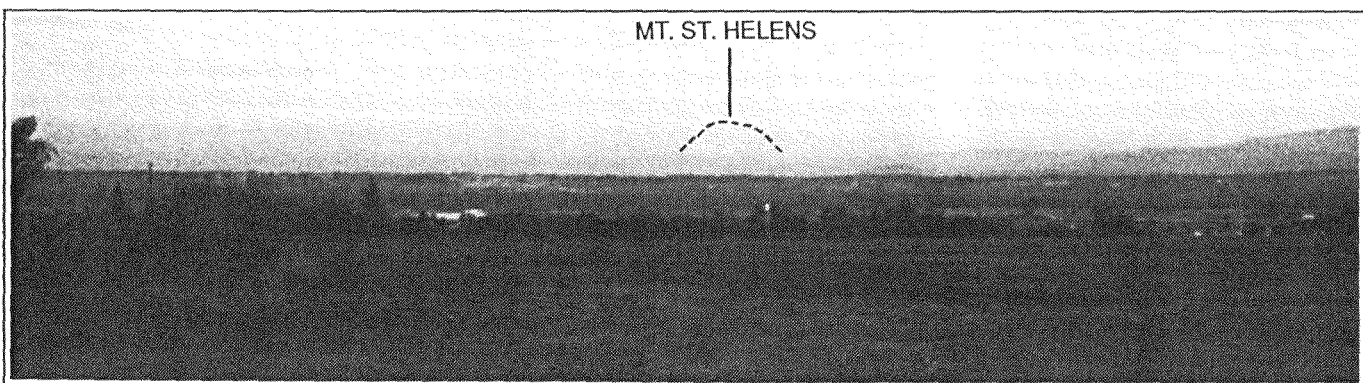
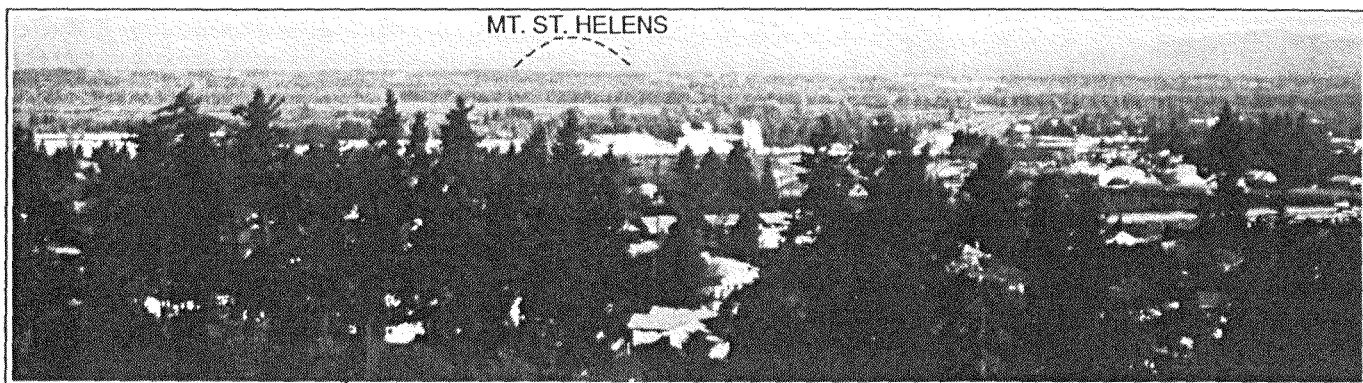
The views from The Grotto are from the higher elevations reached by elevator or on foot. The views are to the north with Mts. St. Helens, Rainier, and Adams visible on clear days. The Grotto is privately owned but is open to the public on a regular basis.

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**VP 20-13****NE 122nd Avenue Panorama****Score: 55.05 (26 of 28)**

This viewpoint is located on a vacant parcel of open ground south of I-84 and east of NE 122nd Avenue. The property is owned by the State Highway Commission. It offers views to the west, north, and northeast with Mts. Hood, St. Helens and Adams visible.



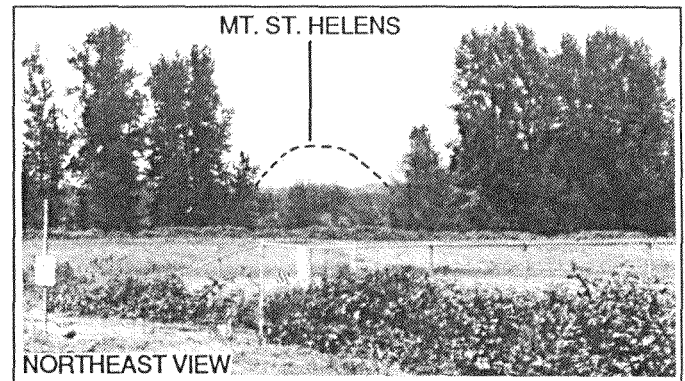


VP 13-07

**NE 82nd Avenue near Portland International Airport**

Score: 53.98 (27 of 28)

The views of Mt. St. Helens and Mt. Hood from NE 82nd Avenue are at the Columbia Slough crossing near the airport across vacant land. Also prominent in the vista is Rocky Butte.

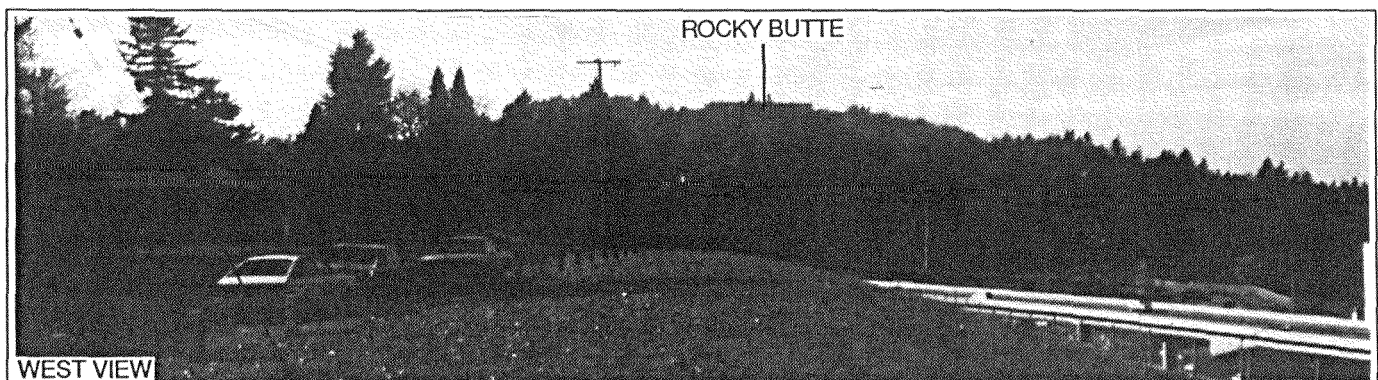


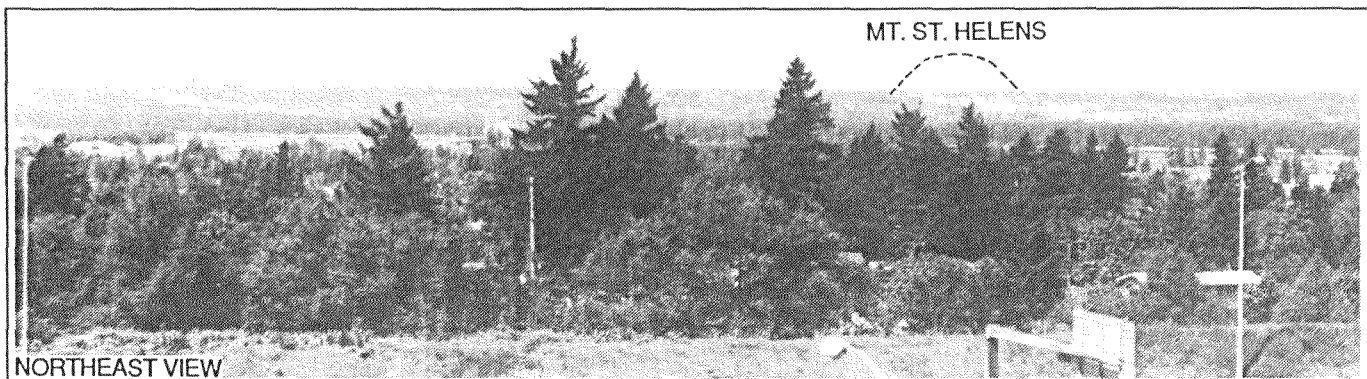
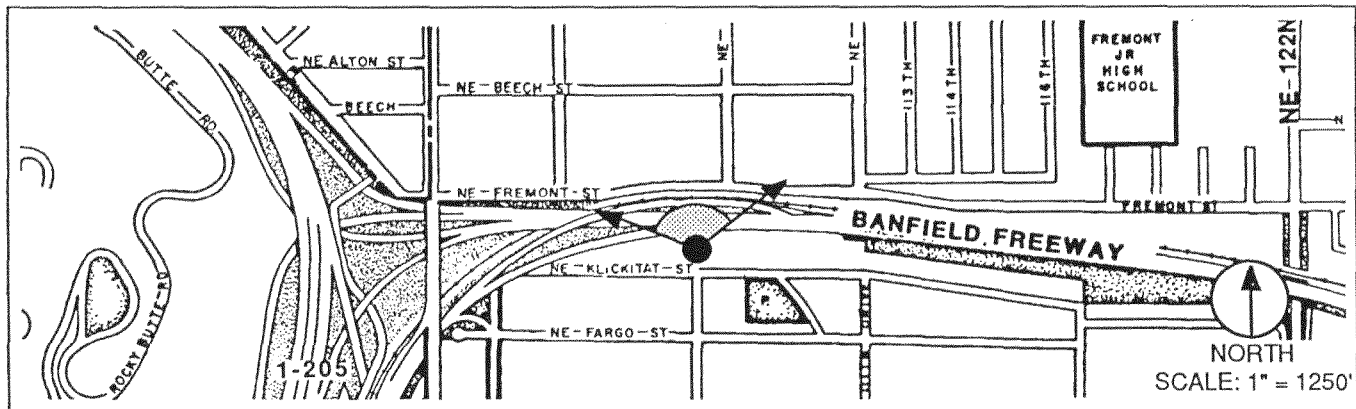
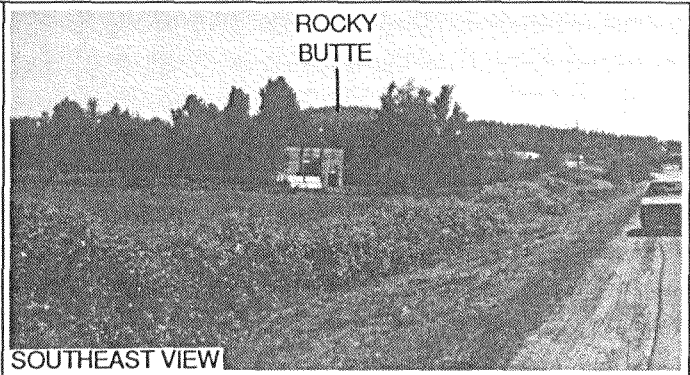
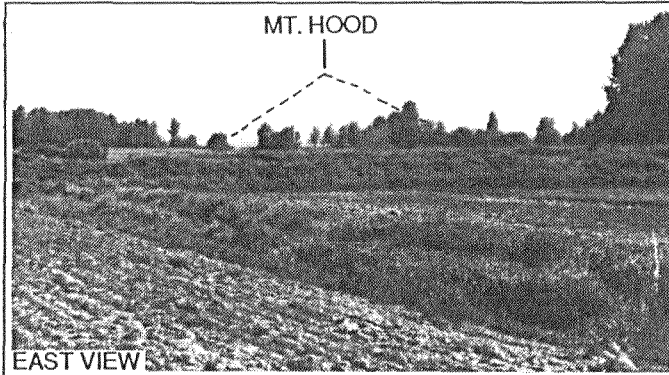
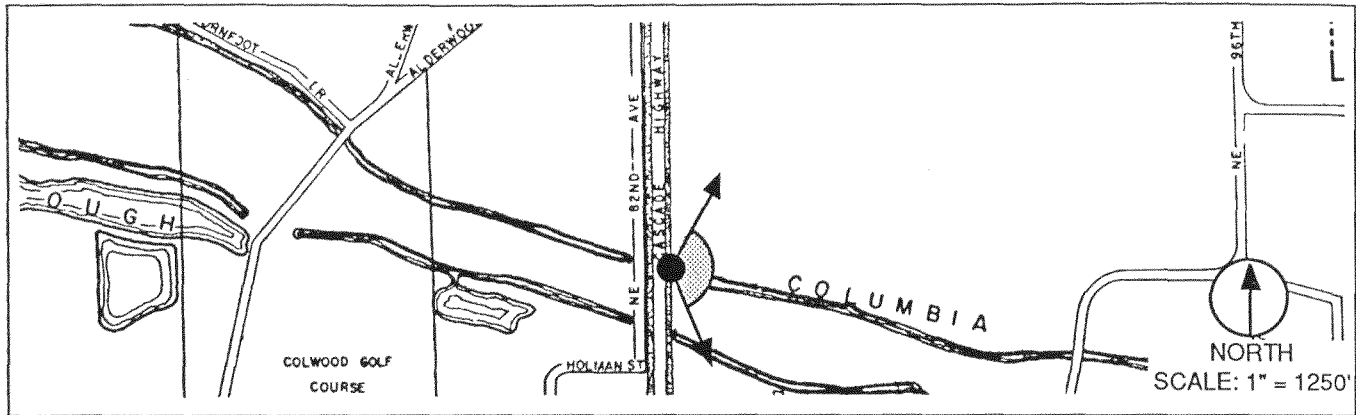
VP 19-01

**NE 108th and NE Klickitat Viewpoint**

Score: 53.53 (28 of 28)

This viewpoint is from a long narrow strip of vacant land north of NE Klickitat near NE 108th, and south of I-84. From this vantage point are views to the west, north, and east of Mt. St. Helens, Rocky Butte, the Glenn Jackson Bridge and the Columbia River.



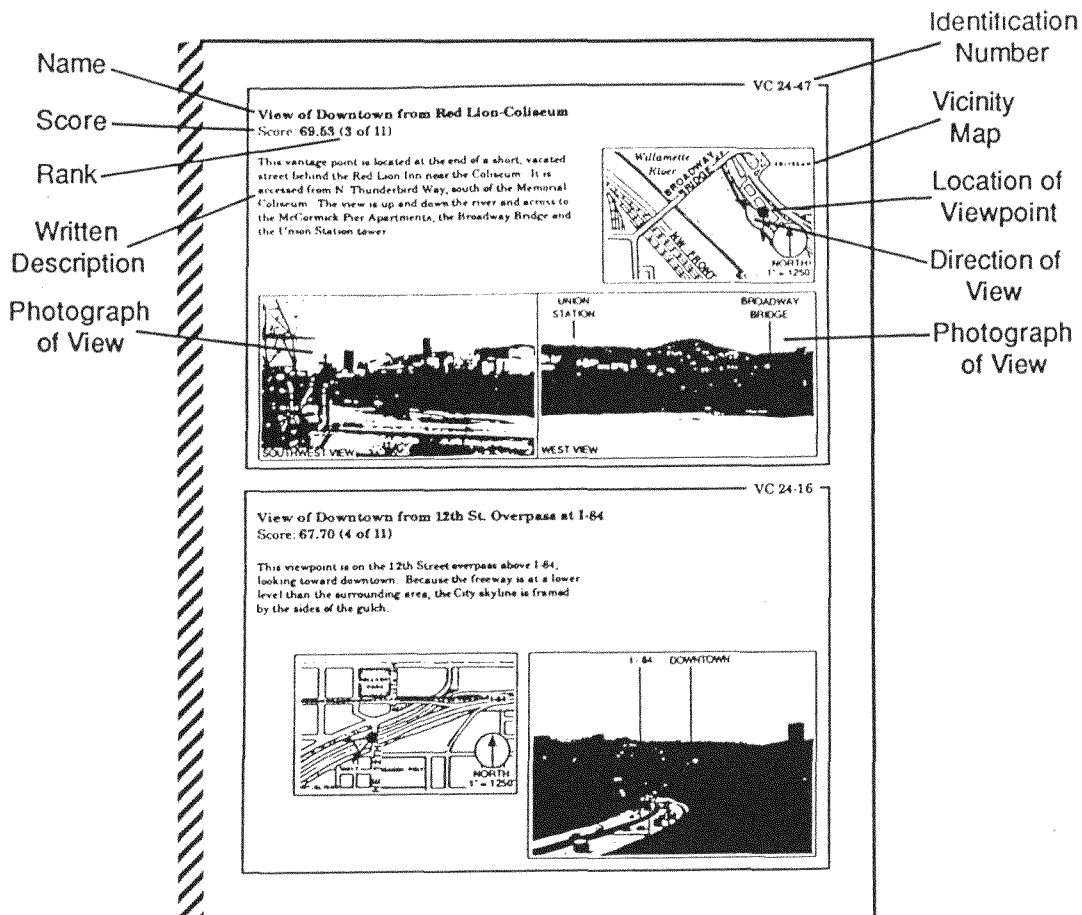




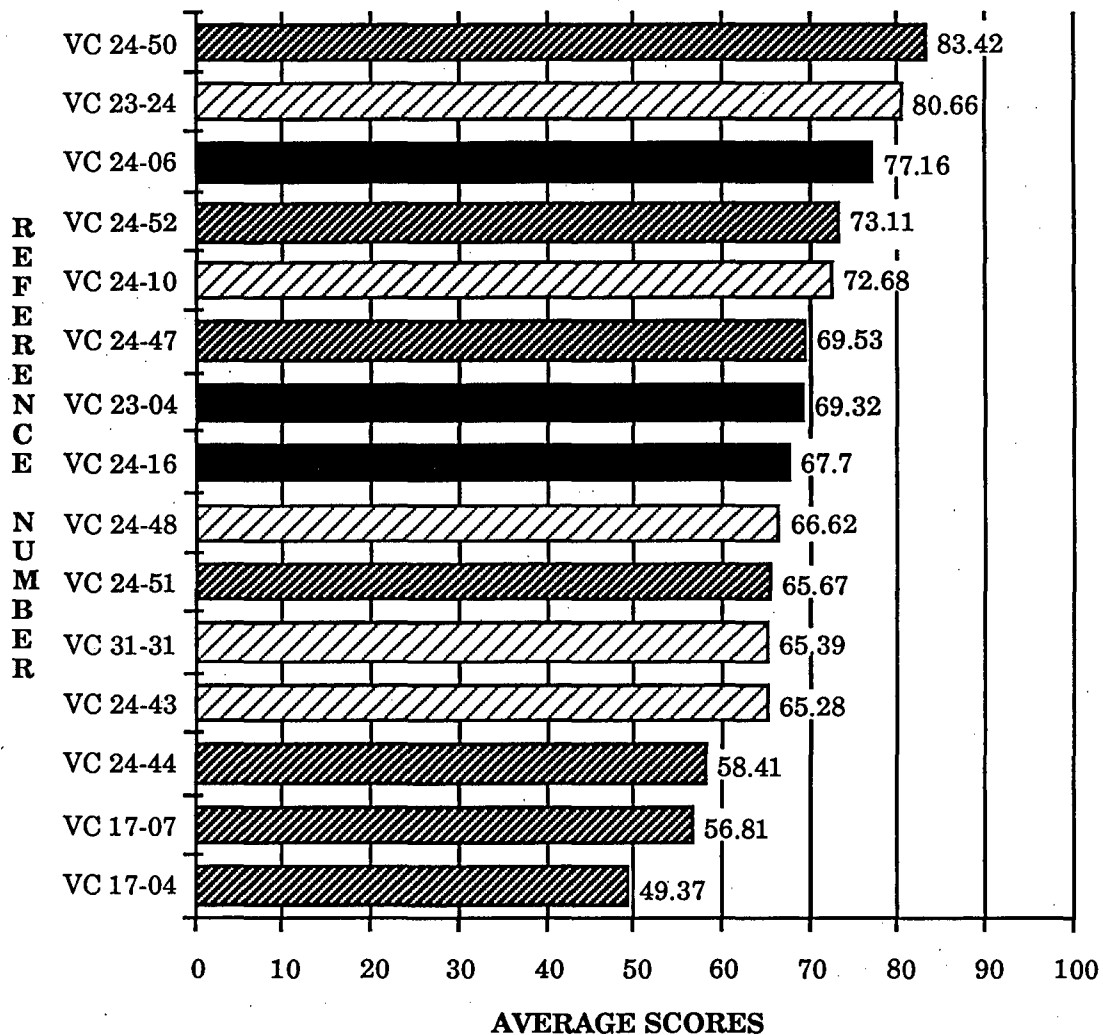
## B. Views of the City

This category is made up of 15 views of some part of the city, such as the downtown skyline, as a major element of the view. The view may contain other features as well, such as a mountain, river, or bridge. Often, determining whether the view was a city view, a mountain view, or a bridge view was somewhat difficult to make. The views were grouped in categories to give the committee some frame of reference when ranking a single view. Some views are wide angle while others are framed by trees or buildings. These differences are accounted for in the variety of descriptors that were used and the weight that was given to each descriptor. Generally, the downtown skyline was ranked relatively high by the committee because of its contribution towards the imageability of the city as a whole.




Immediately following is a summary chart showing the ranking and relative placement of each of the views of the city. The chart also shows whether the resource is currently fully or partially protected, or whether there are no protection measures in place. The following pages provide a description of each of the 15 city views that the committee initially reviewed and ranked. The diagram below shows the layout of the various elements of the description of each city view, including its identification number, name, score, rank, a written summary, a vicinity map, and a photograph. The standard format is sometimes altered to allow wide angle views to be displayed more fully. The diagram below shows both variations in layout.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

-  Protection measures in existence
-  Partial protection measures in existence
-  No protection measures in existence

## AVERAGE SCORES: VIEWS OF THE CITY

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

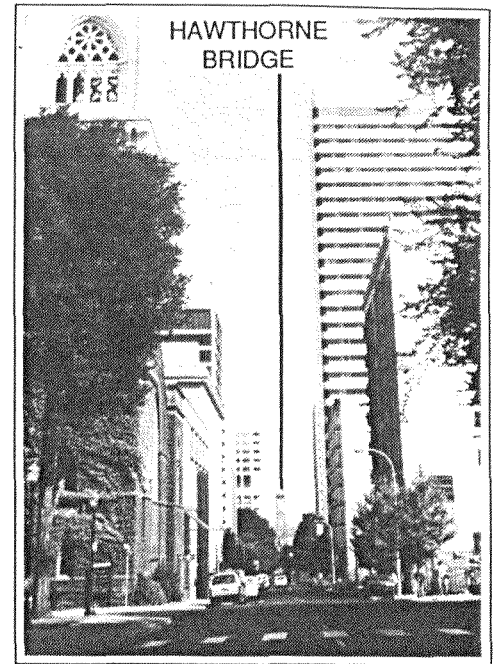
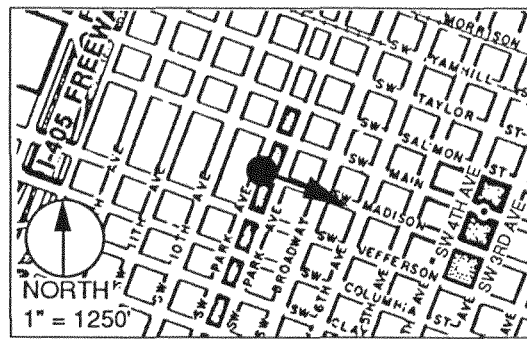
Bureau of Planning  
City of Portland

Figure **2**

**View down SW Madison from the Oregon Art Institute**

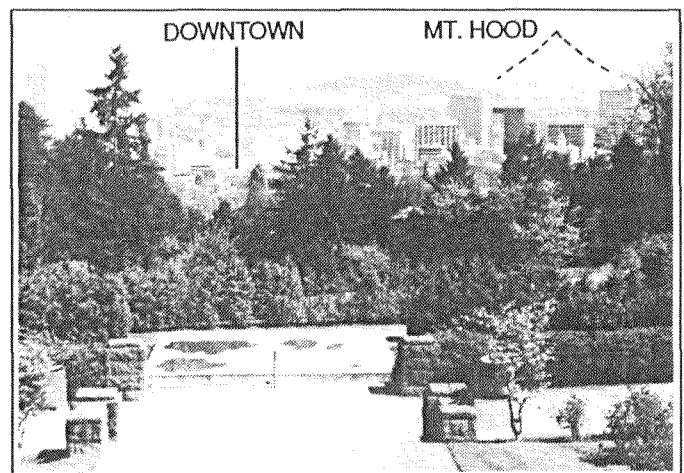
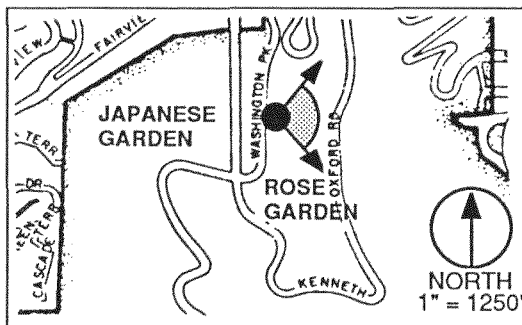
Score: 83.42 (1 of 15)

The vantage point for this view is from the plaza adjacent to the Oregon Art Institute. The view is to the east looking down SW Madison across the Park Blocks to the towers of the Hawthorne Bridge. The street wall consists of a mixture of development — a church, a multifamily structure, office buildings and the Performing Arts Center.

**View of Mt. Hood and City from Rose Garden**

Score: 80.66 (2 of 15)

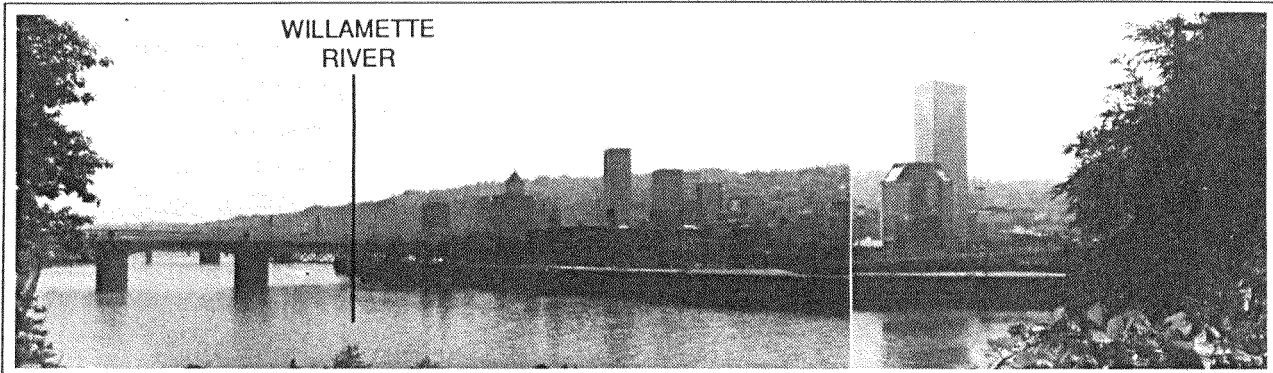
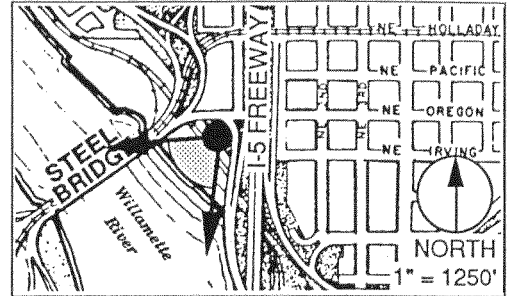
The vantage point for this view is from the top of the stairs above the stage in the Rose Garden. The view is of the downtown, with Mt. Hood prominent on the right. This view is currently protected through downtown height limits, the Open Space designation of the Rose Garden, and other provisions of the Zoning Code.



## View of the River and Downtown from Future Convention Center Plaza

Score: 77.16 (3 of 15)

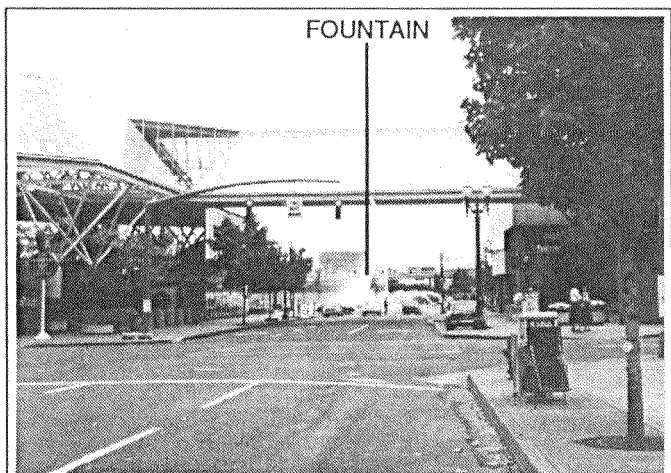
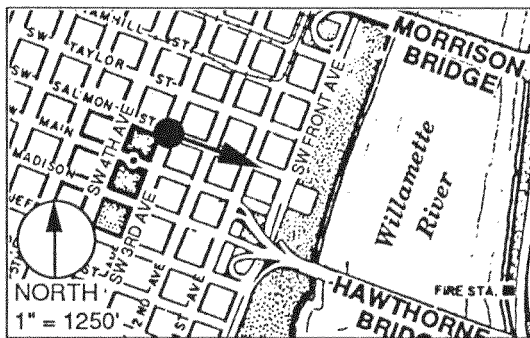
The vantage point for this view is from an overgrown area south of NE Oregon and southeast of the Steel Bridge. The I-5 freeway is to the east of the site. This area has been proposed for a viewing area in conjunction with the Convention Center development and as a plaza above the freeway in the Central City Plan. A fence prohibits access to the viewpoint. The view is up the river and across to the downtown.



## View of Waterfront Park Fountain from SW Salmon

Score: 73.11 (4 of 15)

This view is southeast along SW Salmon Street from approximately SW 3rd Avenue to the new fountain in Waterfront Park. A skybridge currently spans SW Salmon between two buildings of the World Trade Center (Willamette Center). The fountain is programmed to provide a variety of patterns of water throughout the day.

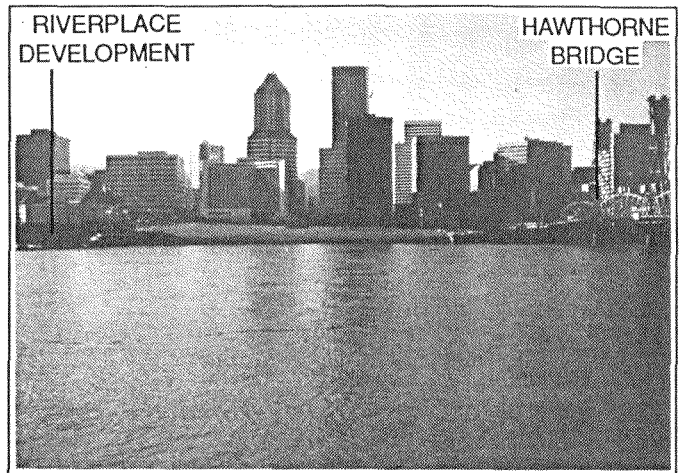
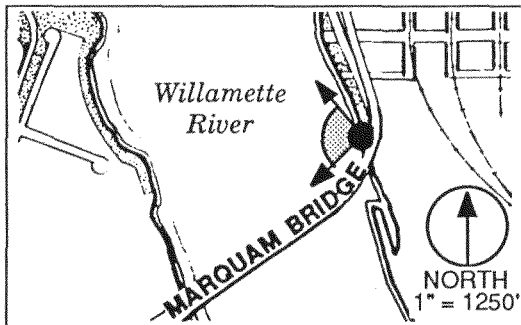


VC 24-10

### View of Downtown from Station L / future OMSI site

Score: 72.68 (5 of 15)

This viewpoint is at the north side of the Marquam Bridge and on the east bank of the Willamette River. The view is across the river to the open area north of the RiverPlace development. This vantage point will be made part of the Greenway Recreational Trail when the site is redeveloped.

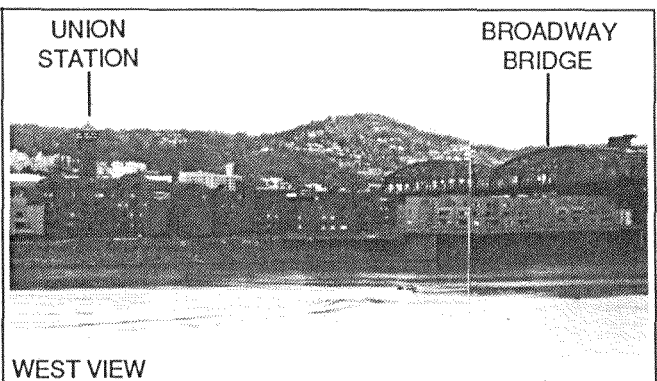
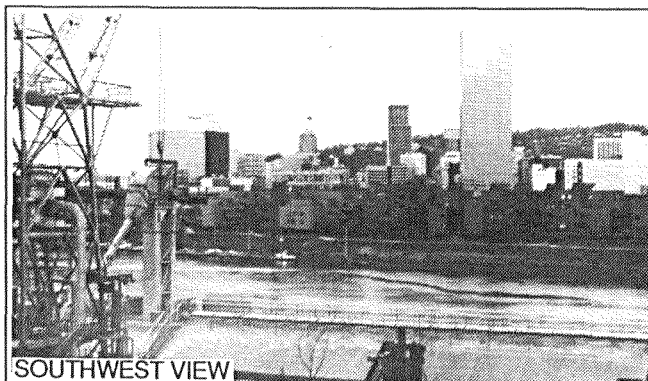
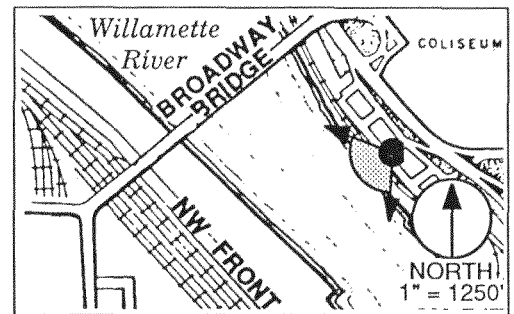


VC 24-47

### View of Downtown from Red Lion-Coliseum

Score: 69.53 (6 of 15)

This vantage point is located at the end of a short, vacated street behind the Red Lion Inn near the Coliseum. It is accessed from N. Thunderbird Way, south of the Memorial Coliseum. The view is up and down the river and across to the McCormick Pier Apartments, the Broadway Bridge and the Union Station tower.

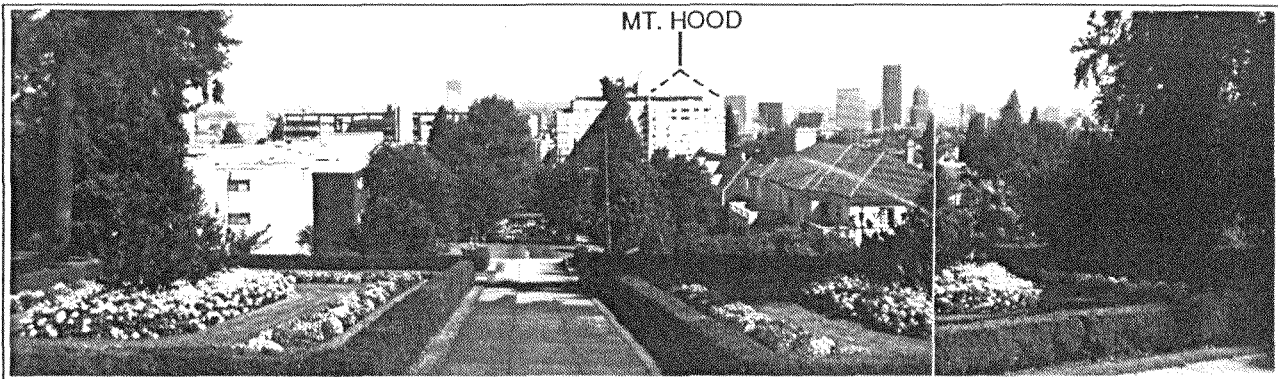
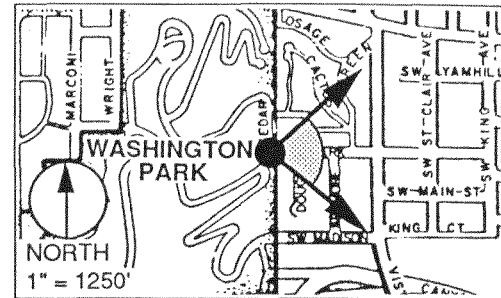




### View of Mountains and City from Lewis and Clark Monument

Score: 69.32 (7 of 15)

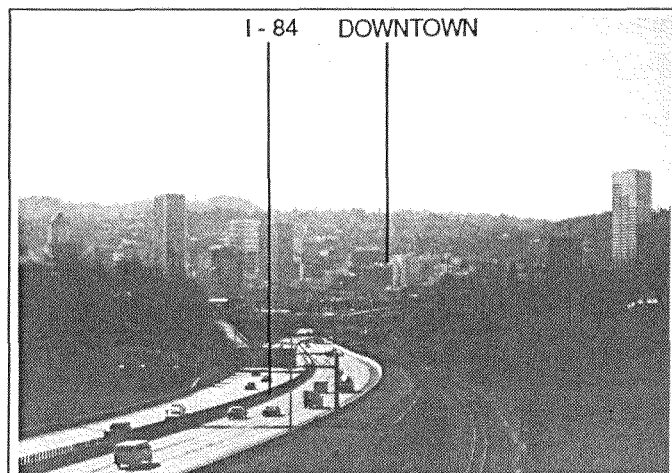
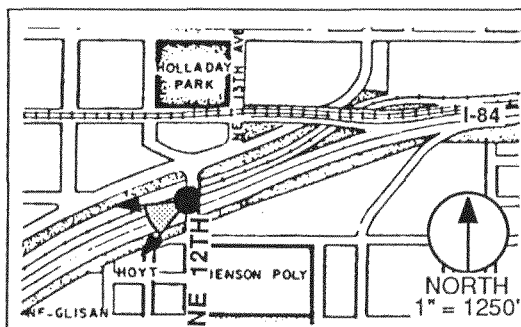
This viewpoint is located at the eastern side of the Lewis and Clark Monument in Washington Park at SW Park Place. From the viewpoint Mt. St. Helens and Mt. Hood are visible above the rooftops of nearby apartment buildings. The downtown skyline is partially visible above residential rooftops.



### View of Downtown from 12th St. Overpass at I-84

Score: 67.70 (8 of 15)

This viewpoint is from the NE 12th Street overpass above the I-84 freeway, looking toward the downtown and the west hills. Because the freeway is located at the bottom of Sullivan's Gulch, the view is open and relatively unobstructed.

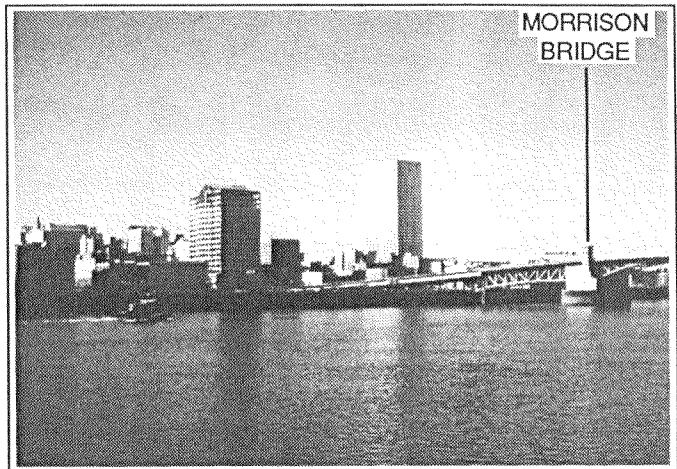
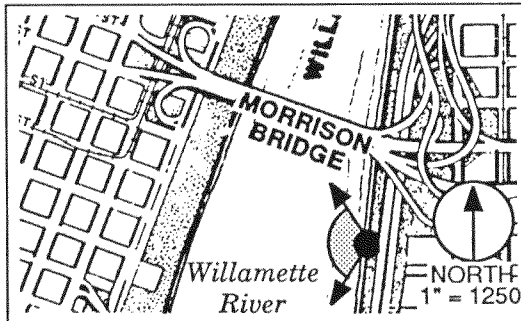


VC 24-48

### View of City from Eastbank Esplanade

Score: 66.62 (9 of 15)

This viewpoint is part of the Greenway Trail and is a designated viewpoint on the Greenway public access map. It is located south of the Morrison Bridge on the Eastbank Esplanade. This vantage point provides a wide angle view of the Morrison Bridge and the downtown skyline.

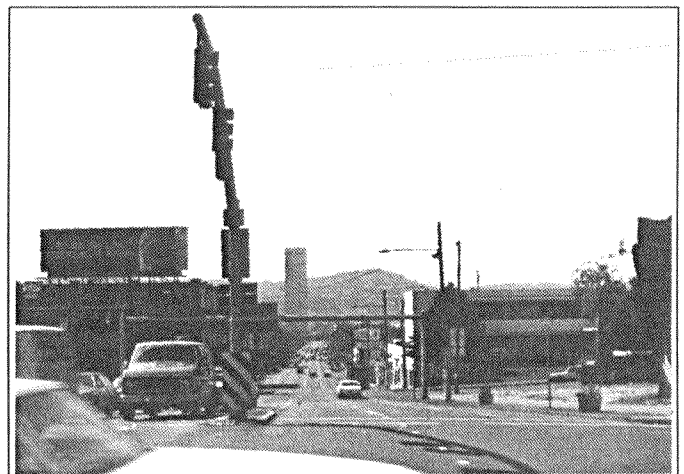
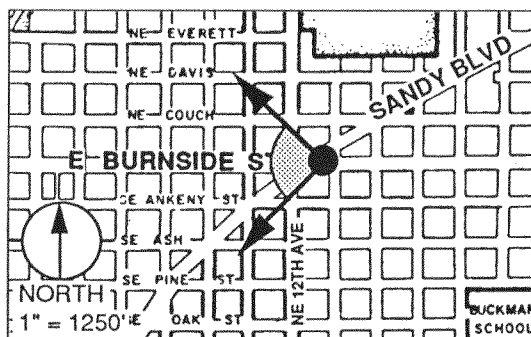


VC 24-51

### View of First Interstate Tower from East Burnside

Score: 65.67 (10 of 15)

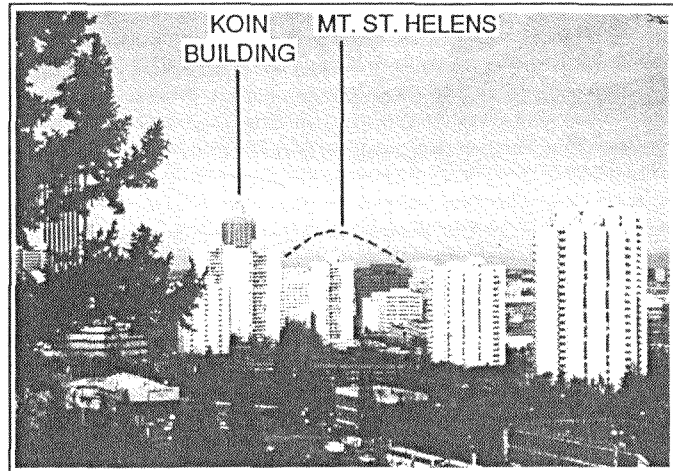
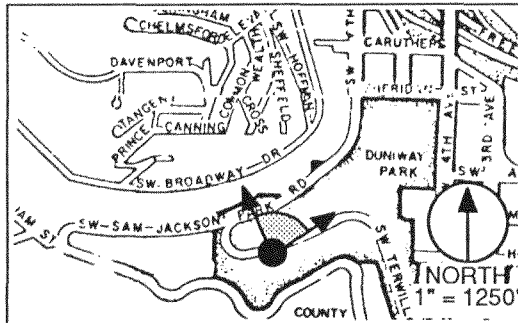
This vantage point is from the intersection at NE Sandy and NE 12th Avenue. The west hills are visible behind the First Interstate Tower. The buildings along E Burnside frame the view, but overhead utility lines, sign poles and billboards detract from the view. A panorama of the downtown, river and bridges opens up as one continues west on Burnside and approaches the bridge.



### Protected View of St. Helens from SW Terwilliger

Score: 65.39 (11 of 15)

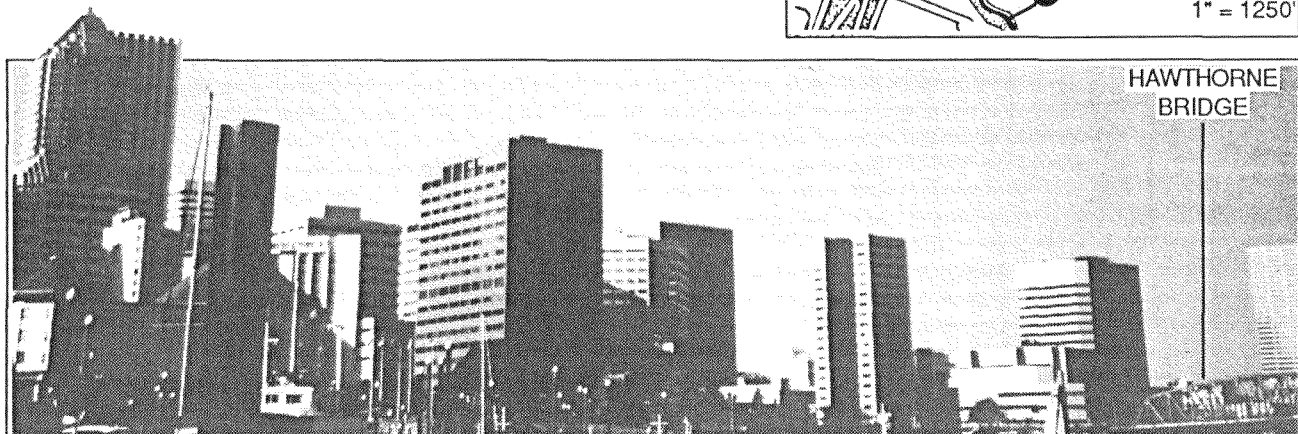
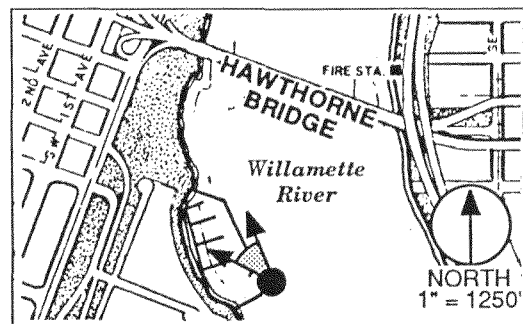
This viewpoint is the northernmost view from SW Terwilliger. Mt. St. Helens is prominent above the high-rise apartments in the south end of downtown. There is a small parking area adjacent to this viewpoint. The committee rated this view lower than other similar ones because the mechanical pent-house on the roof of one of the apartments partially blocks the view of Mt. St. Helens.



### View of Downtown from RiverPlace floating dock

Score: 65.28 (12 of 15)

This viewpoint is at the end of the floating dock at the south end of the RiverPlace development. Its location on the water affords views in all directions. This particular view looks back at the downtown across the marina and RiverPlace.



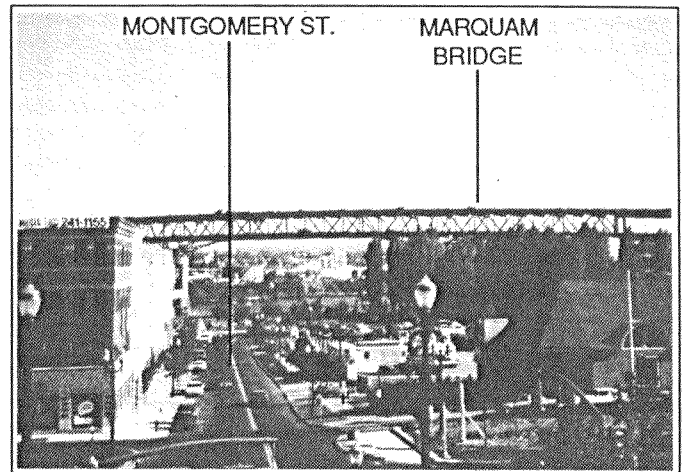
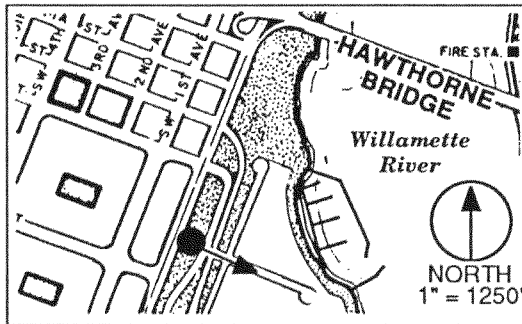


VC 24-44

### View of RiverPlace from Montgomery Street stairs

Score: 58.41 (13 of 15)

This vantage point looks to the east from the top of the Montgomery Street stairs. The stairs are located west of SW Front Avenue. The RiverPlace development, the Marquam Bridge and the river are visible.

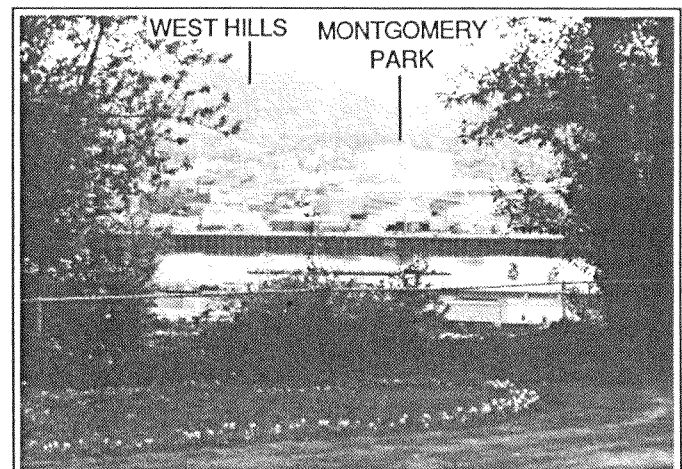
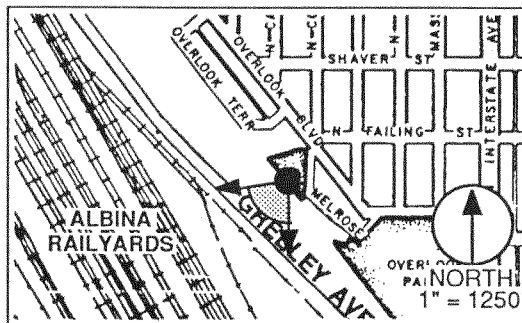


VC 17-07

### View of the Albina Rail Yards from Overlook House

Score: 58.61 (14 of 15)

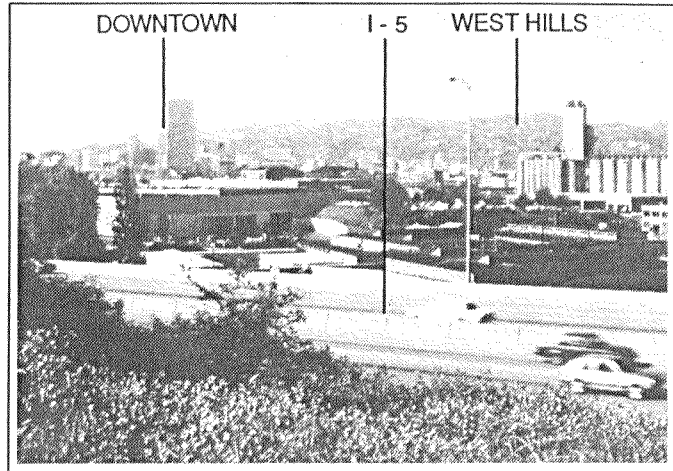
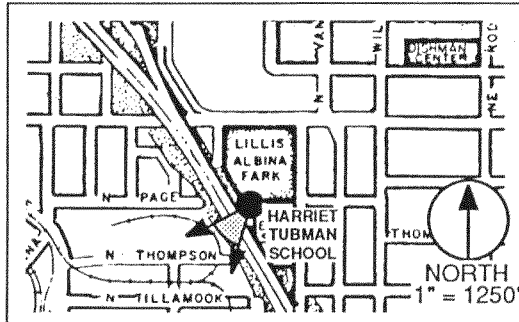
The Overlook House is located on N. Melrose Drive off of N. Overlook. The property is owned by the Parks Bureau and is a popular location for weddings, meetings and receptions. From behind the house, some limited views are available of the Albina rail yards and the west hills. The views are somewhat obscured by the shrubs and trees that have grown up over the years.



## View of Downtown from Albina Park

Score: 49.37 (15 of 15)

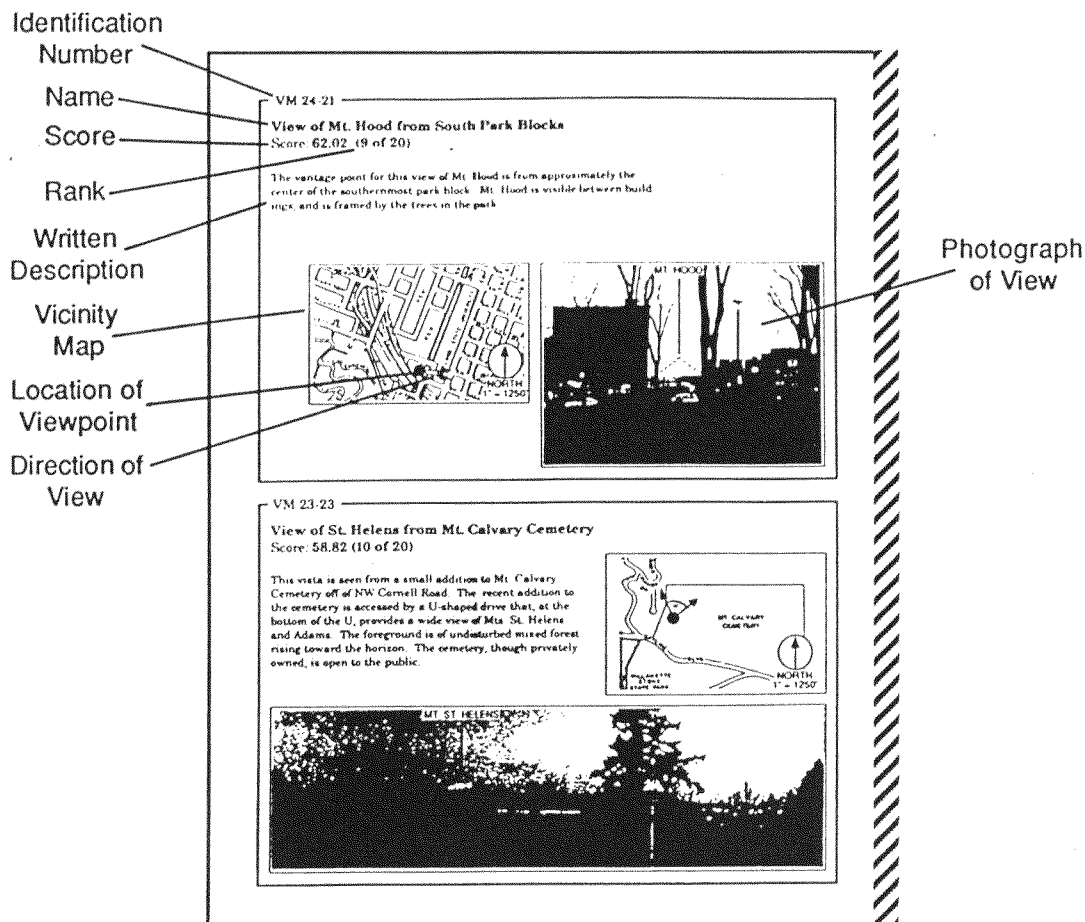
This viewpoint is from Albina Park and looks southwest to the downtown and west hills. The foreground detracts from the view because of the parking area for Harriet Tubman Middle School and the industrial buildings that partially block the view. Vegetation around the park obscures the view in most directions.



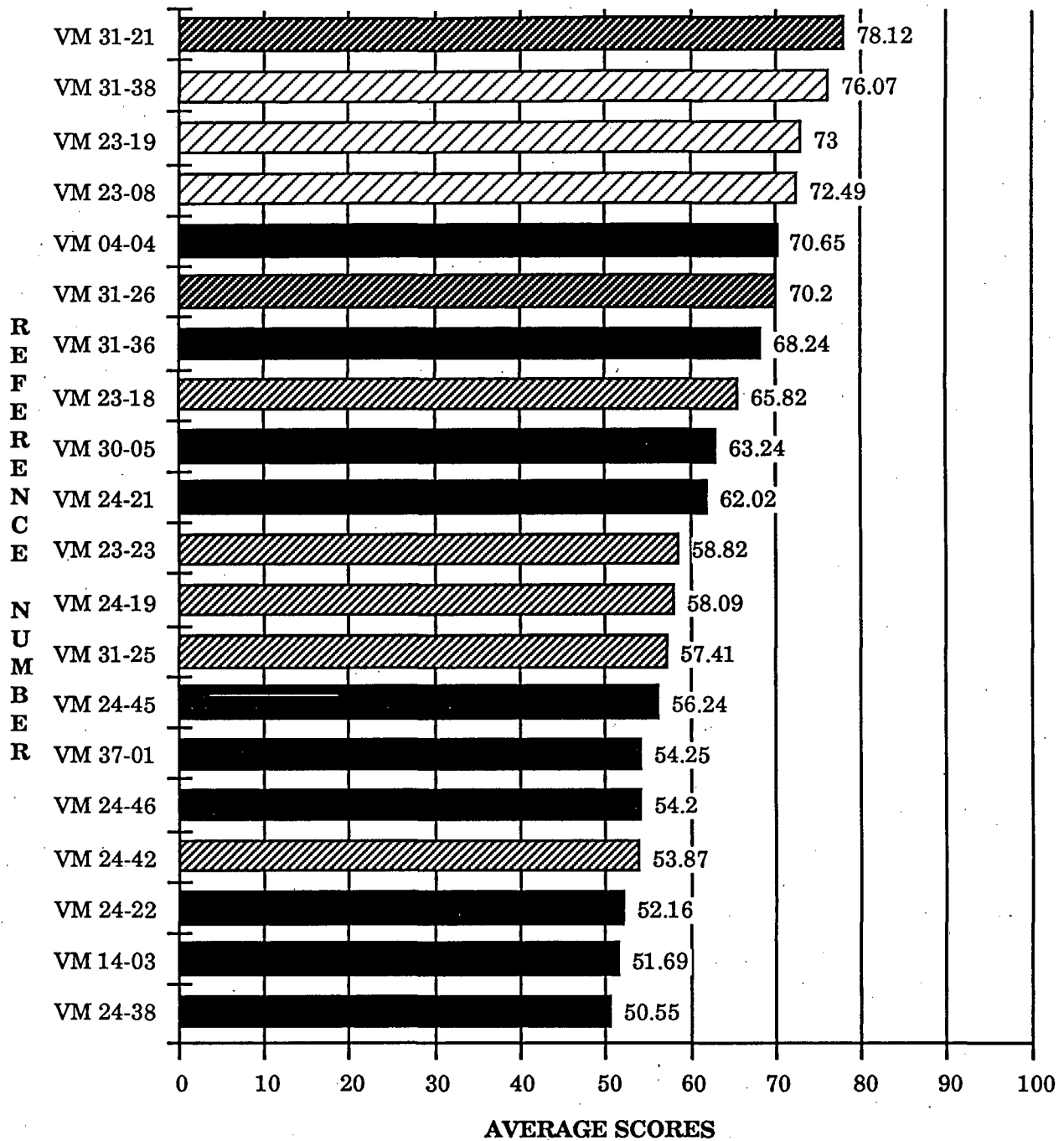
## C. Views of Mountains

This category is made up of 20 views that contain one or more mountains as a predominant feature. The view may contain additional elements such as a bridge or river. Often, determining whether the view was a mountain view, a city view, or a bridge view was somewhat difficult to make. The views were grouped in categories to give the committee some frame of reference when ranking a single view. Some views are wide-angle while others are framed by trees or buildings. The differences are accounted for in the variety of descriptors that were used and the weight that was given to each descriptor. Generally, views of mountains ranked quite high, particularly when completely unobstructed by buildings or vegetation.




Immediately following is a summary chart showing the ranking and relative placement of each view of a mountain. The chart also shows whether the resource is currently fully or partially protected, or whether there are no protection measures in place. The following pages provide a description of each of the 20 views of mountains that the Planning Commission accepted. The diagram below shows the layout of the various elements of the description of each mountain view, including its identification number, name, score, rank, a written summary, a vicinity map, and a photograph. The format is varied to allow wide-angle views to be displayed more fully. The diagram below shows both variations in layout.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

-  Protection measures in existence
-  Partial protection measures in existence
-  No protection measures in existence

## AVERAGE SCORES: VIEWS OF MOUNTAINS

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

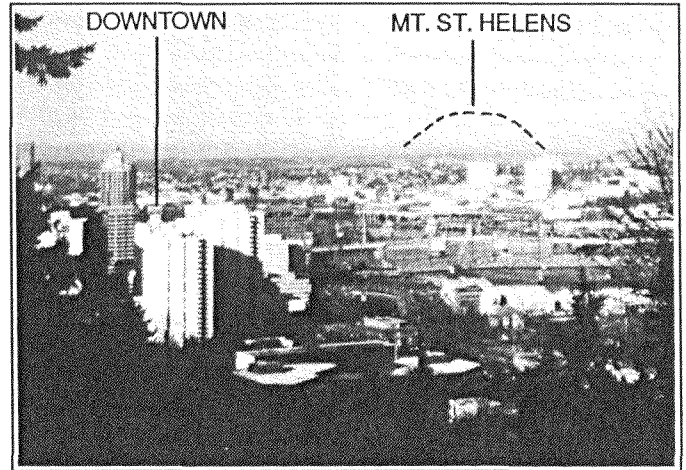
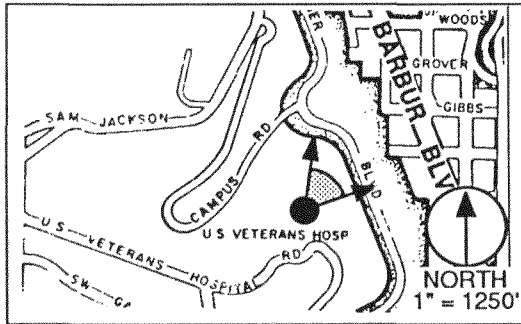
Bureau of Planning  
City of Portland

Figure **3**

# **View of St. Helens from Veteran's Hospital**

Score: 78.12 (1 of 20)

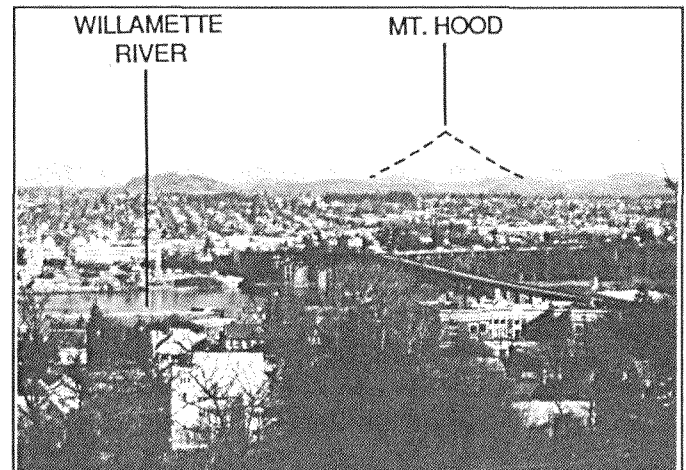
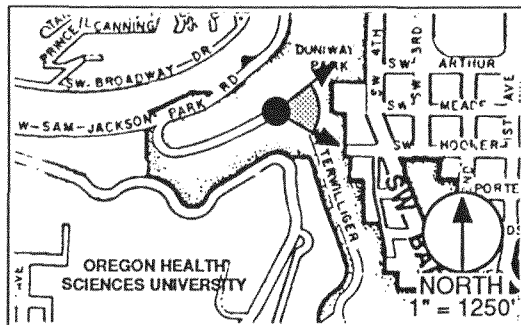
This viewpoint is located behind the new Veteran's Hospital at the edge of the loading area. It provides a view of downtown, the Willamette River, the east side, and Mt. St. Helens. Dense vegetation is present in the foreground and to either side of the view.



# **View of Mt. Hood from SW Terwilliger**

Score: 76.07 (2 of 20)

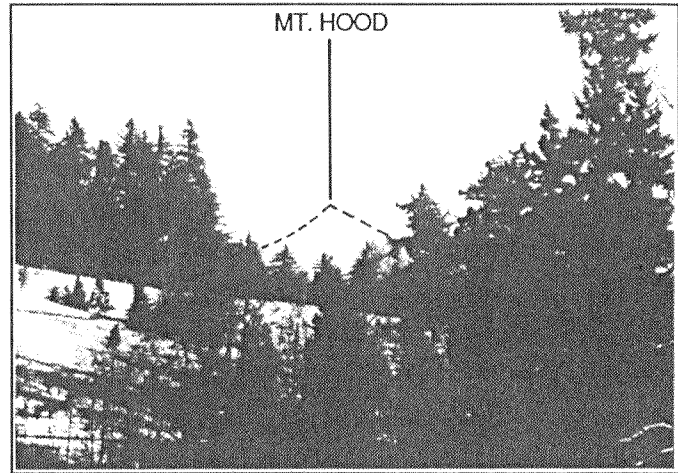
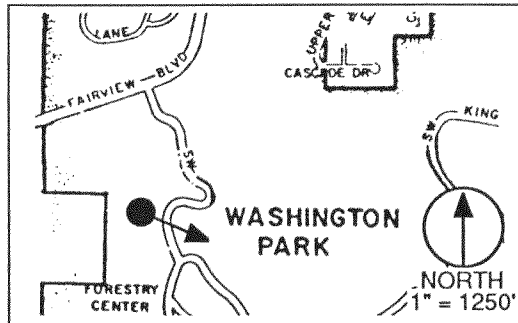
This view of Mt. Hood from SW Terwilliger is from the north end of the boulevard on the path adjacent to a parking area. The mountain rises above the east side with the various buttes in the middle ground. The Willamette River and Ross Island Bridge are also predominant. This is one of the designated views in the Terwilliger Parkway Corridor Plan.



## View of Mt. Hood from Oregon Vietnam Living Memorial

Score: 73.00 (3 of 20)

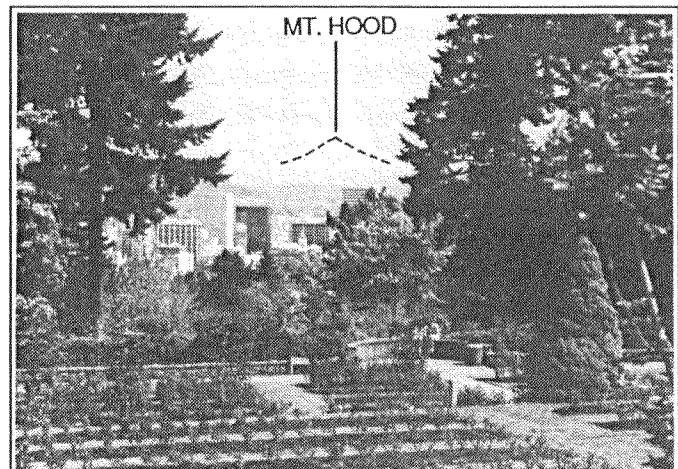
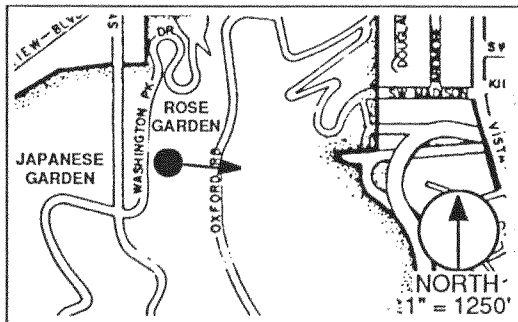
This view of Mt. Hood is obtained from the Oregon Vietnam Living Memorial that was recently constructed in the Hoyt Arboretum near the World Forestry Center. The vantage point is from the westernmost section of the memorial trail. The mountain is seen above a rise of ground and is framed with trees.



## View of Mt. Hood from the Rose Garden

Score: 72.49 (4 of 20)

This view from the Rose Garden is from the steps above the gazebo. The specific vantage point is slightly to the left of the steps. Mt. Hood is framed by trees. The City is partially visible beneath the mountain. The rose bushes in the foreground significantly enhance this view. This view is protected through height limitations in the Central City and other provisions of the Zoning Code.



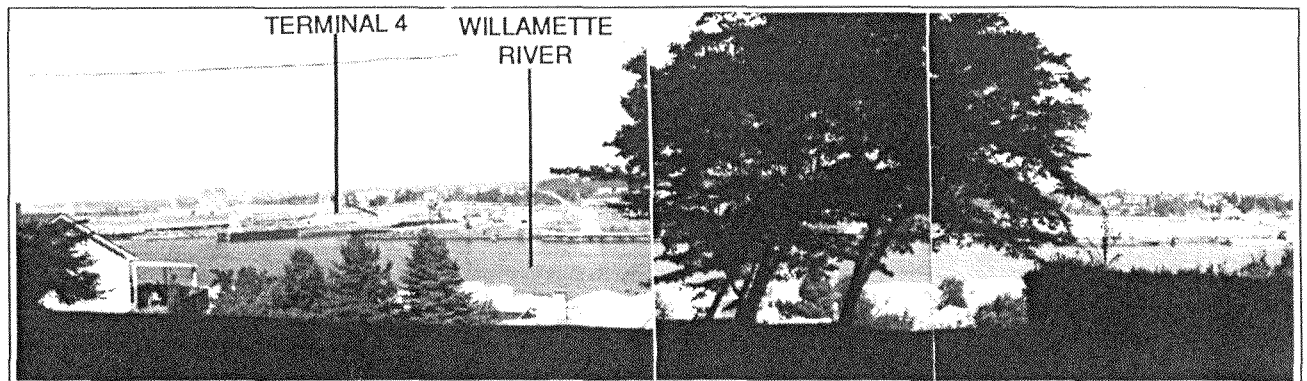
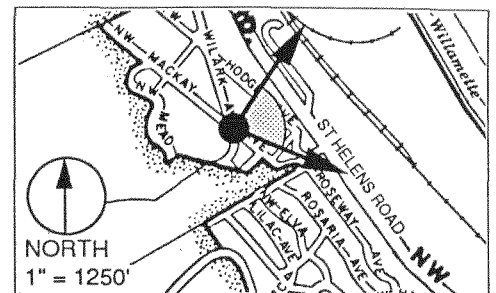


VM 04-04

### View of Mountains and River from NW Wilark

Score: 70.65 (5 of 20)

This viewpoint is from the intersection of NW Wilark and NW Mackay above and west of St. Helens Road. NW Wilark deadends at this location and NW Mackay is unimproved. The view is over vacant private property. The Willamette River and Port of Portland unloading facilities are the dominant features. Mt. St. Helens, Mt. Adams, Mt. Hood, and Mt. Rainier are visible in the distance.

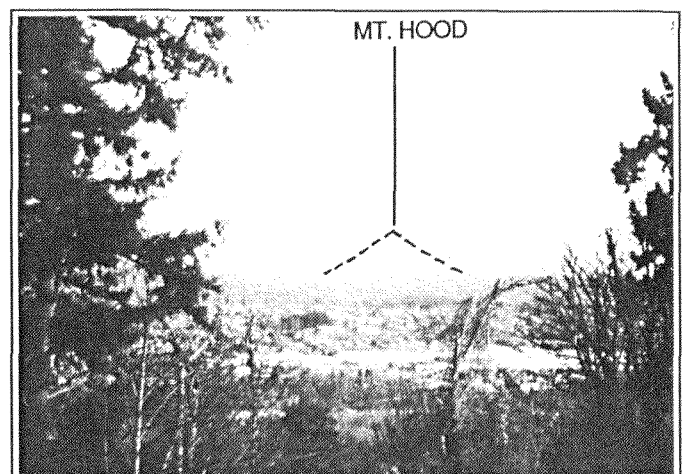
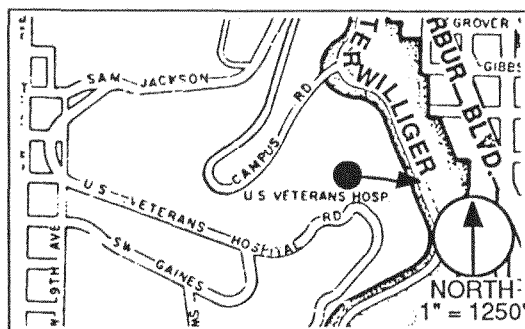


VM 31-26

### View of Mt. Hood from Veterans' Medical Center

Score: 70.02 (6 of 20)

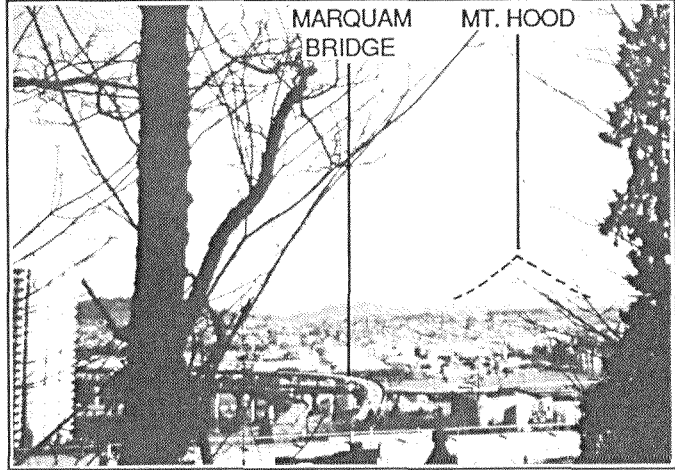
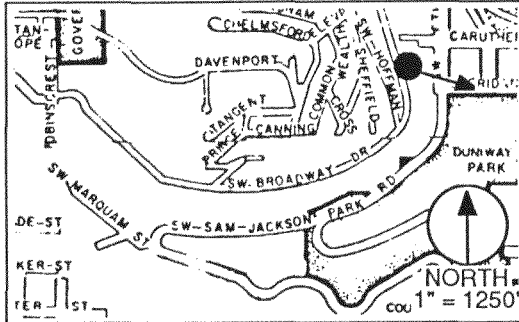
This viewpoint is from a pedestrian walkway adjacent to the drive that leads past the Veterans' Medical Center. From the viewpoint, stairs lead to a lower parking lot. The viewpoint is only a few steps from the bus stop at the hospital. The view of Mt. Hood is framed by trees, with a portion of the east side of the City also visible.



## View of Mt. Hood from SW Broadway Drive

Score: 68.24 (7 of 20)

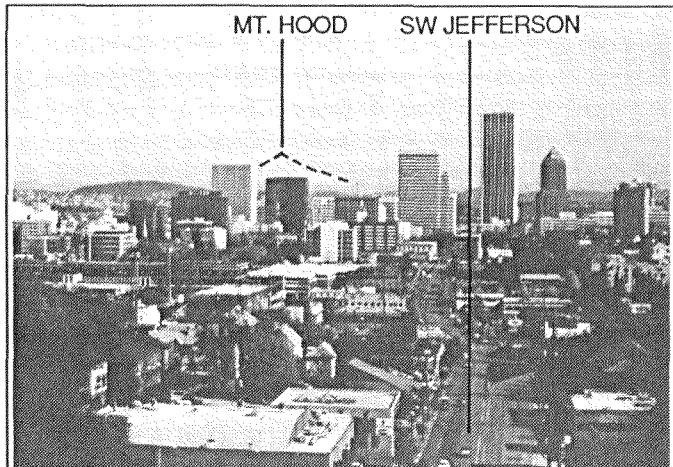
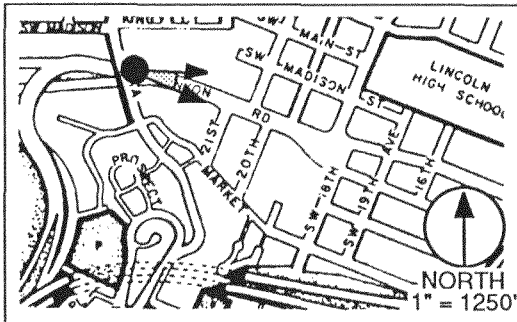
Several views of Mt. Hood and the City are visible from SW Broadway Drive leading into downtown. Many are partially or totally obscured by vegetation during summer months. This view would also be partially obscured during some part of the year, but vegetation could be cleared to maintain the view.



## View of Mt. Hood from the Vista Bridge

Score: 65.82 (8 of 20)

The view of Mt. Hood and the City from the Vista Bridge has been diminished in quality due to the construction of high-rise buildings. The committee reviewed slides taken before and after many of the buildings were erected, and ranked the earlier slides much higher. The relatively low ranking of the existing view, when compared to other similar views, is due to the intrusion of these structures into the view of the mountain.



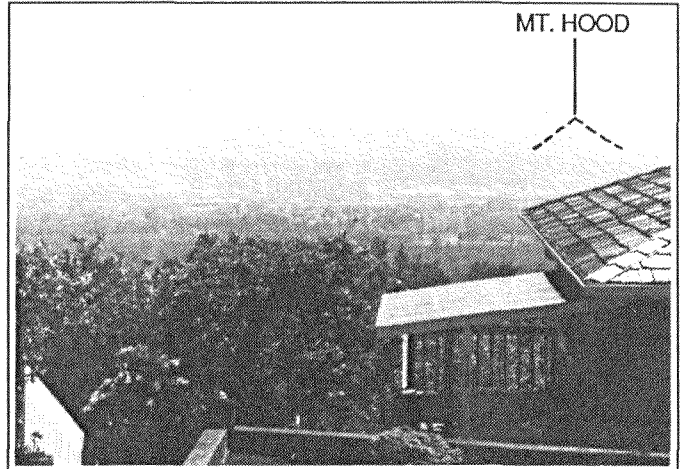
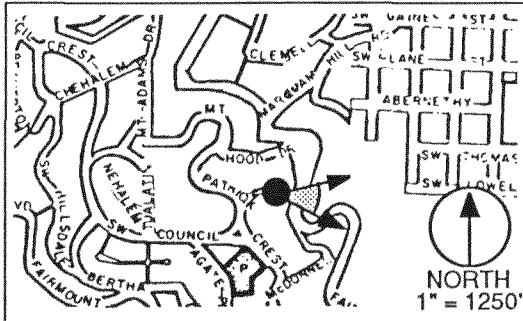


VM 30-05

### View of Mt. Hood from SW Patrick Way

Score: 63.24 (9 of 20)

The intersection of SW Patrick Way and SW Patrick Place near Council Crest creates a vista with Mt. Hood showing above the horizon. The distance between two residences at the end of the street allows relatively unobstructed views to the east.

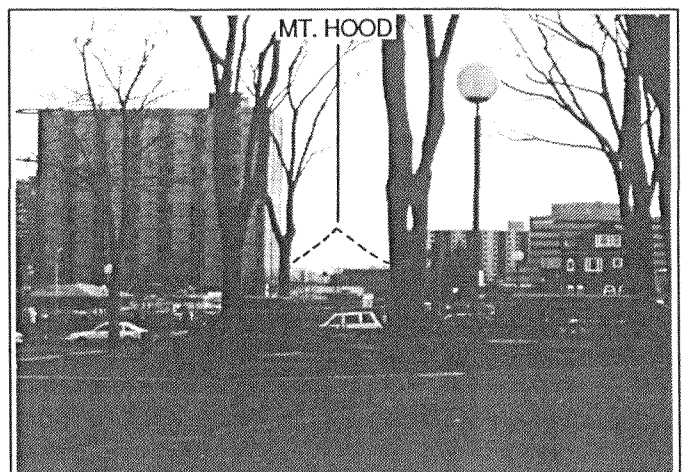
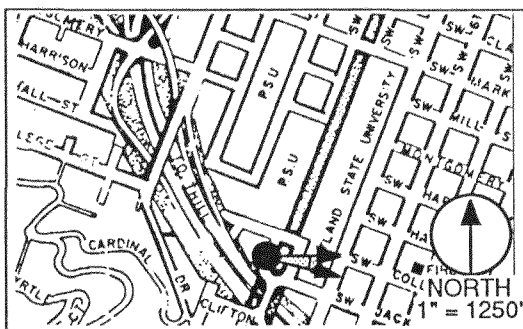


VM 24-21

### View of Mt. Hood from South Park Blocks

Score: 62.02 (10 of 20)

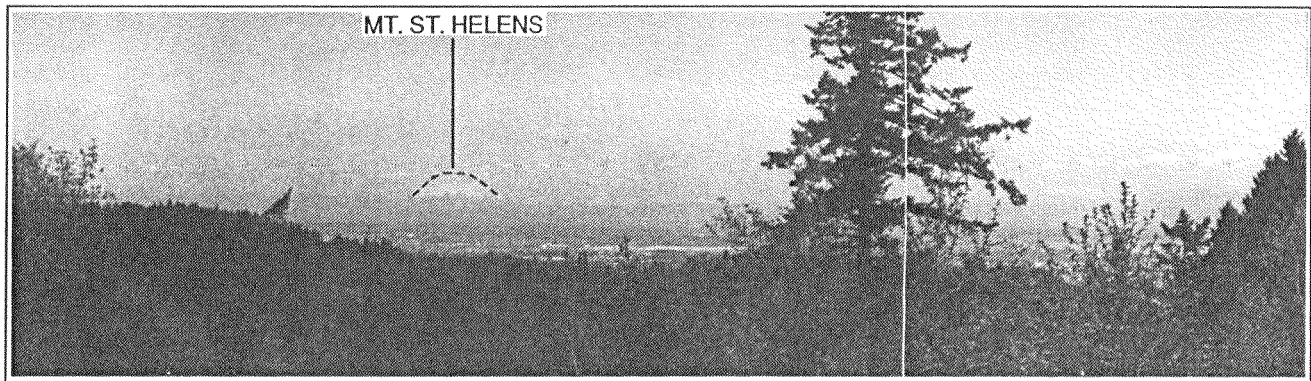
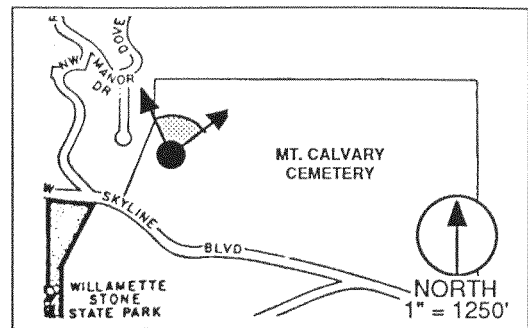
The vantage point for this view of Mt. Hood is from approximately the center of the southernmost park block. Mt. Hood is visible between buildings, and is framed by the trees in the park.



### View of St. Helens from Mt. Calvary Cemetery

Score: 58.82 (11 of 20)

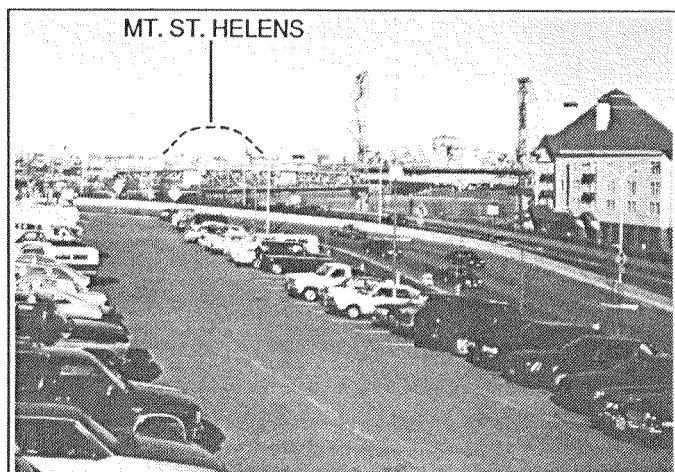
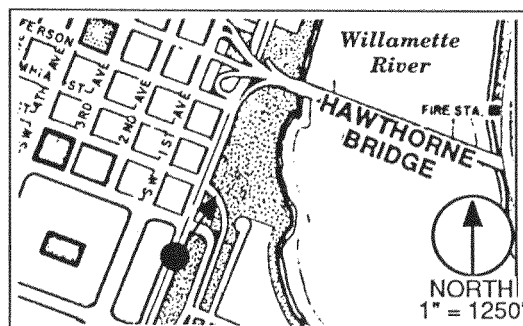
This view is seen from a small addition to Mt. Calvary Cemetery off of NW Skyline Boulevard. The recent addition to the cemetery is accessed by a U-shaped drive that, at the bottom of the U, provides a wide view of Mts. St. Helens and Adams. The foreground is of undisturbed mixed forest rising toward the horizon. The cemetery, though privately owned, is open to the public.



### View of St. Helens from Gazebo at SW Front

Score: 58.09 (12 of 20)

The gazebo is located on the east side of SW Front Avenue, halfway between SW Market and Harrison Streets. The gazebo is built over a small parking lot. The gazebo provides views of Mt. St. Helens and of the RiverPlace Development.

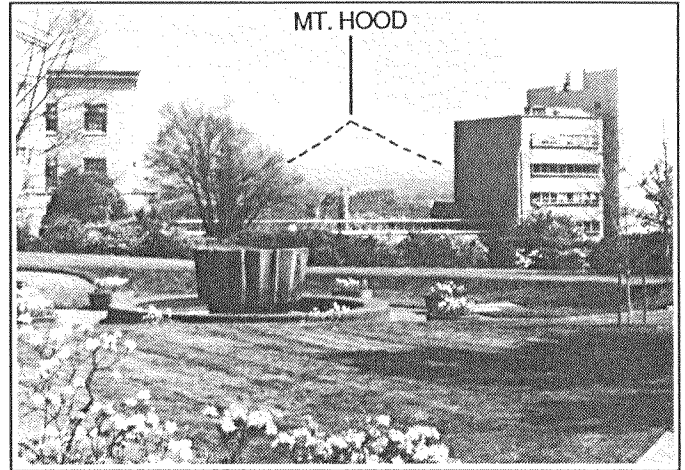
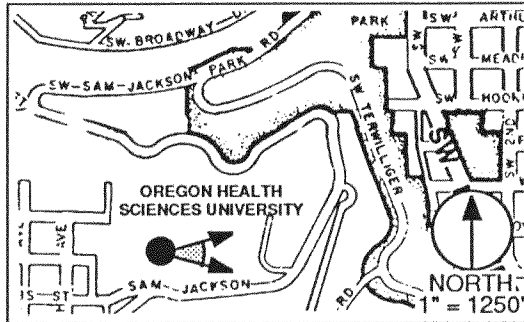


VM 31-25

### View of Mt. Hood from OHSU

Score: 57.41 (13 of 20)

The vantage point is at the fountain in front of the Oregon Health Sciences University off of SW Sam Jackson Park Road. The view of Mt. Hood is framed between two hospital buildings. The large landscaped area in the foreground enhances the view.

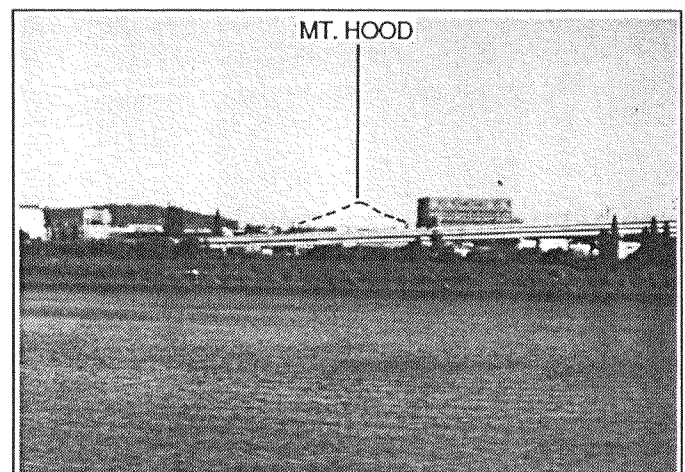
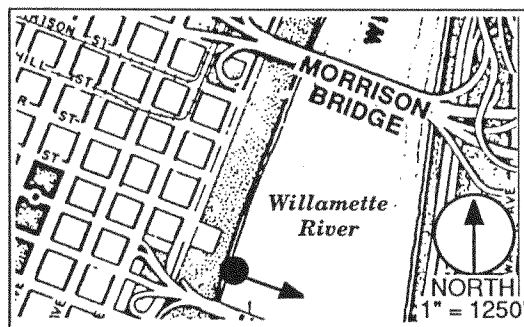


VM 24-45

### View of Mt. Hood from Steamer Portland Site

Score: 56.24 (14 of 20)

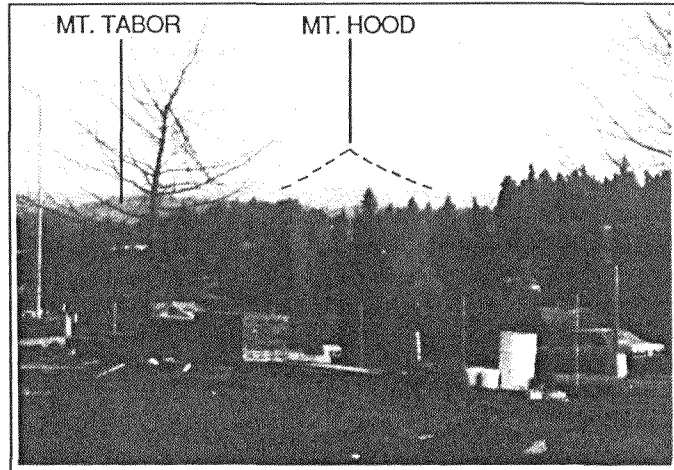
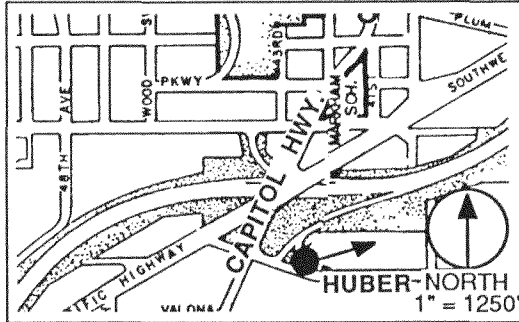
This viewpoint is from Waterfront Park at the approximate location for the proposed Steamer Portland dock, in the vicinity of the alignments of SW Main and SW Salmon. Mt. Hood is visible beyond the eastern end of the Hawthorne Bridge.



### View of Mt. Hood from SW Capitol and Huber

Score: 54.25 (15 of 20)

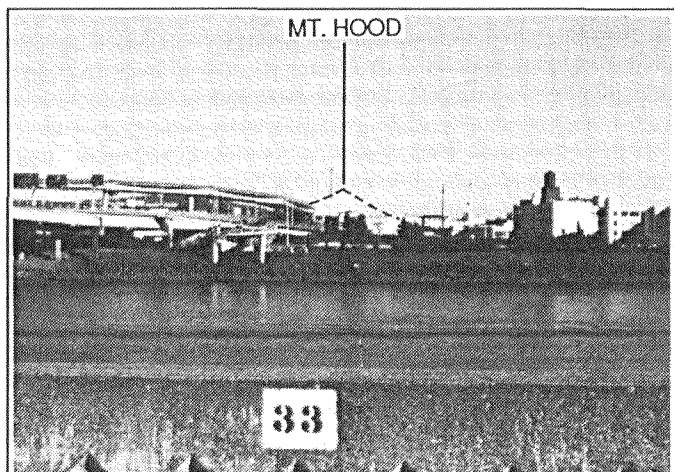
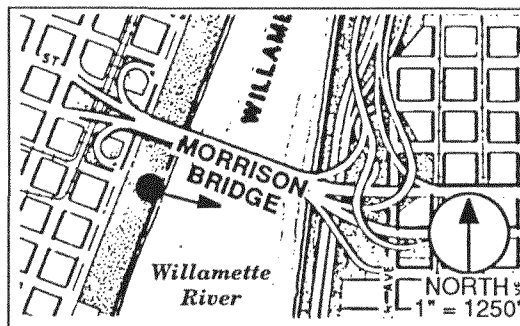
At the intersection of SW Capitol and SW Huber there is a view of Mt. Hood to the northeast rising above a stand of trees. The view may be blocked by construction that is underway on the site in the foreground.



### View of Mt. Hood from south of Morrison Bridge

Score: 54.20 (16 of 20)

This viewpoint in Waterfront Park is on the south side of the Morrison Bridge. Mt. Hood is visible above the eastern off-ramps of the Morrison Bridge. This view could be obscured by new multi-story construction at the bridge head.

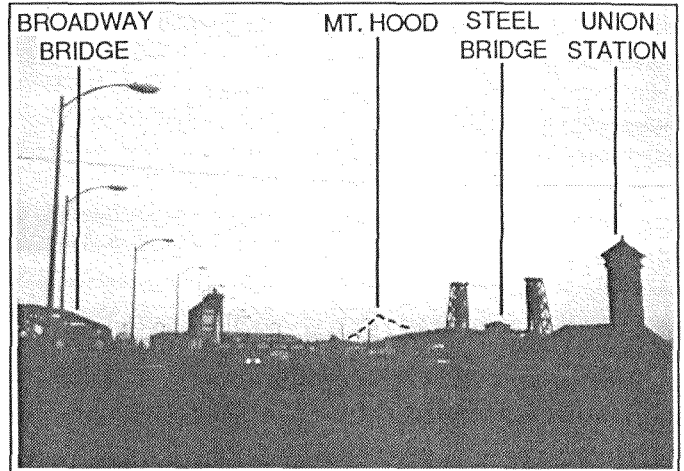
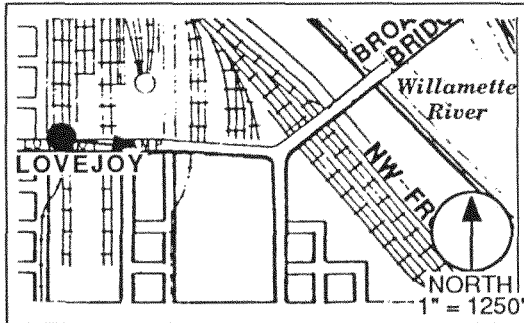


VM 24-42

### View of Mt. Hood from NW Lovejoy

Score: 53.87 (17 of 20)

The vantage point for this view is from the NW Lovejoy on-ramp to the Broadway Bridge. Mt. Hood is visible to the left of the Steel Bridge. Union Station and the Broadway Bridge frame the view on the right and left, respectively.

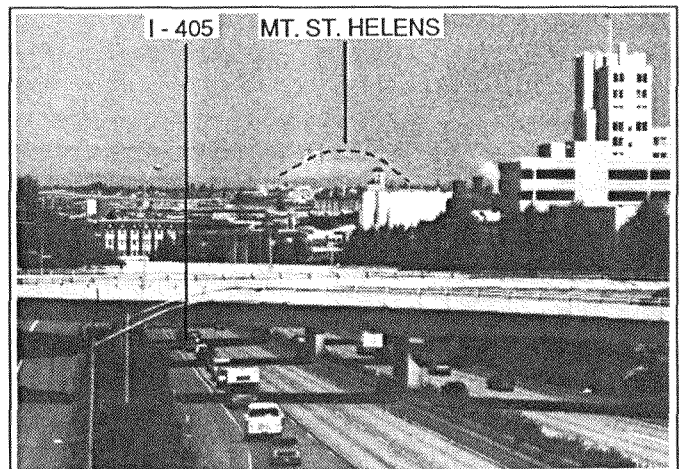
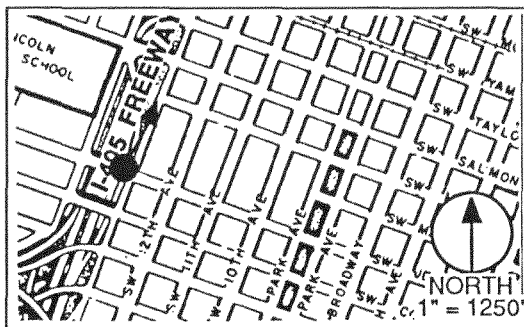


VM 24-22

### View of Mt. St. Helens from Jefferson Street Overpass

Score: 52.26 (18 of 20)

Mt. St. Helens is visible from the SW Jefferson Street overpass above the I-405 freeway west of downtown. The submerged freeway opens up a relatively unobstructed view of the mountain. Future development to the northeast may interfere with the view.

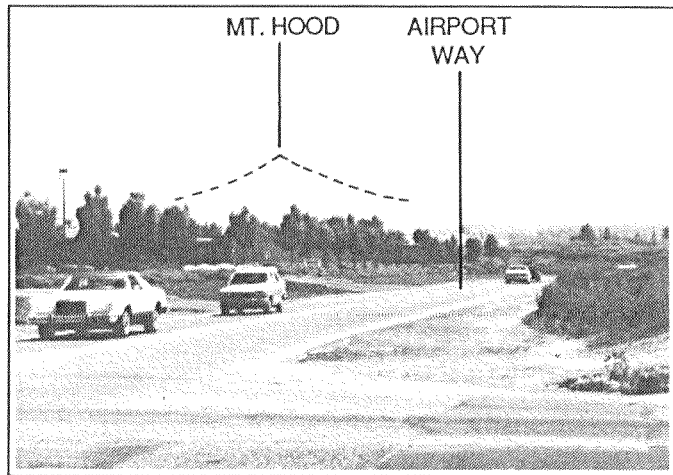
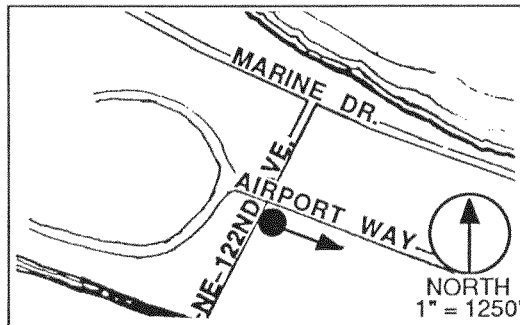




### View of Mt. Hood from Airport Way

Score: 51.69 (19 of 20)

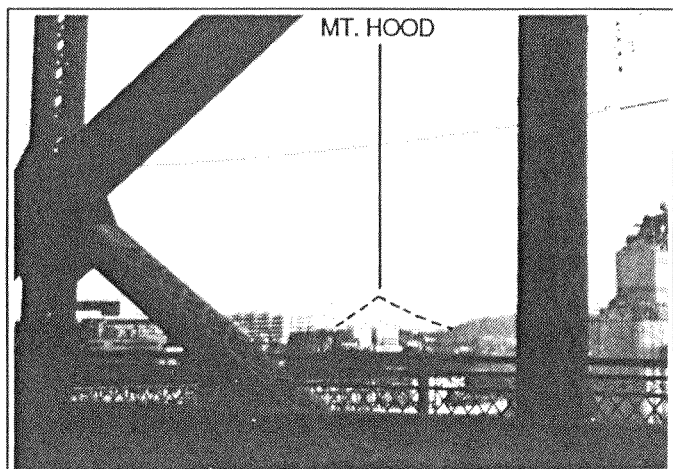
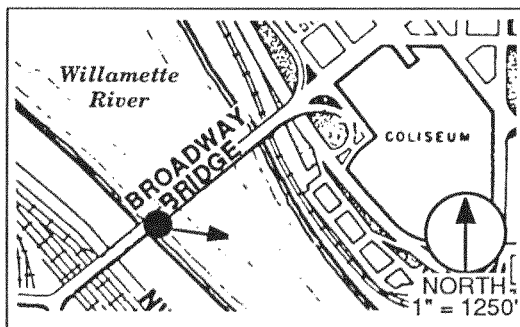
A relatively unobstructed view of Mt. Hood is available at the intersection of Airport Way and NE 122nd Avenue. Future development in the area may obstruct this view. Currently, the majority of land is undeveloped.



### View of Mt. Hood from the Broadway Bridge

Score: 50.55 (20 of 20)

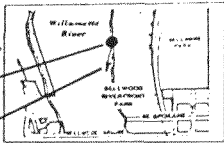
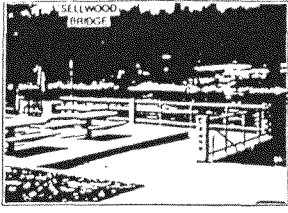
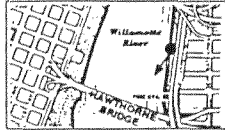
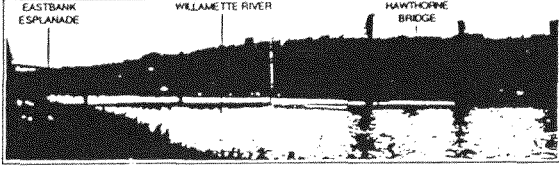
This view of Mt. Hood is from the north sidewalk on the Broadway Bridge. The mountain is framed within the bridge supports. Future development in the central eastside could obstruct this view.



## D. Views of Bridges

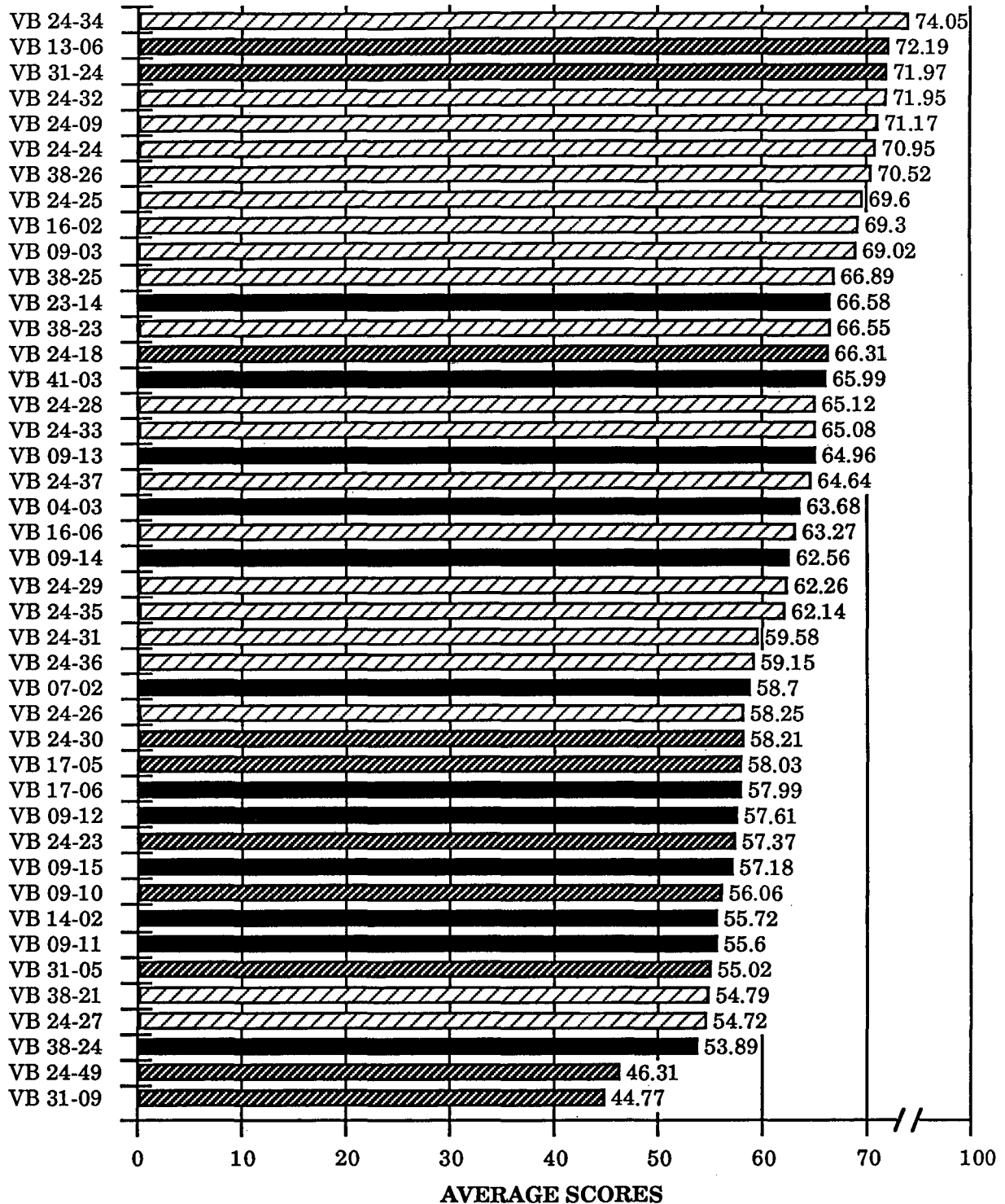
This category is made up of 43 views of one or more bridges. The view may include other major elements such as a river or mountain. Often, determining whether the view was a bridge view, a city view, or a mountain view was somewhat difficult to make. The views were grouped in categories to give the committee some frame of reference when ranking a single view. Some views are wide-angle while others are framed by trees or buildings. The differences are accounted for in the variety of descriptors that were used and the weight that was given to each descriptor. Generally, views of bridges ranked higher when accompanied by other interesting features.

Immediately following is a summary chart showing the ranking and relative placement of each view of a bridge. The chart also shows whether the resource currently is fully or partially protected, or whether there are no protection measures in place. The following pages provide a description of each of the 43 views of bridges that the Planning Commission accepted. The diagram below shows the layout of the various elements of the description of each bridge view, including its identification number, name, score, rank, a written summary, a vicinity map, and a photograph. The format is varied to allow wide-angle views to be displayed more fully. The diagram below shows both variations in layout.

	Identification Number
Name	View of Sellwood Bridge from Sellwood Riverfront Park
Score	Score: 70.52 (7 of 46)
Rank	
Written Description	This viewpoint is in the recently developed Sellwood Riverfront Park. The viewpoint is designated in the Greenway Plan. It provides a view of the Sellwood Bridge and the west hills across the river. This viewpoint also provides access down to the river and serves as a picnic area.
Vicinity Map	
Location of Viewpoint	
Direction of View	
	VB 38-26
Name	View of Hawthorne Bridge from Eastbank Esplanade
Score	Score: 69.60 (8 of 46)
Rank	
Written Description	The vantage point for this view of the Hawthorne Bridge is from the Eastbank Esplanade south of the Morrison Bridge. The downtown and the west hills are also prominent in the view.
Vicinity Map	
Location of Viewpoint	
Direction of View	
	VB 24-25

# SCENIC VIEWS, SITES AND DRIVES INVENTORY

REFERENCE NUMBER



## Legend:

- Protection measures in existence
- Partial protection measures in existence
- No protection measures in existence

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

Bureau of Planning  
City of Portland

**AVERAGE SCORES:  
VIEW OF BRIDGES**

Figure **4**

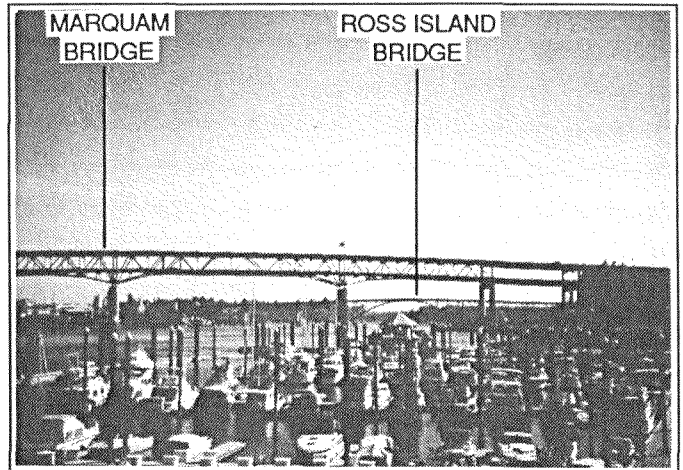
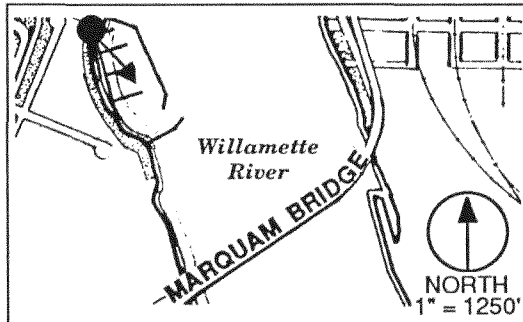


VB 24-34

### View of Marquam and Ross Island Bridges from north viewpoint at RiverPlace

Score: 74.05 (1 of 43)

This viewpoint is located at the north end of the RiverPlace development adjacent to the Alexis Hotel. The viewpoint is developed with landscaping and a seating area. It provides views of the Marquam and Ross Island Bridges, the marina at RiverPlace, and Ross Island in the background.

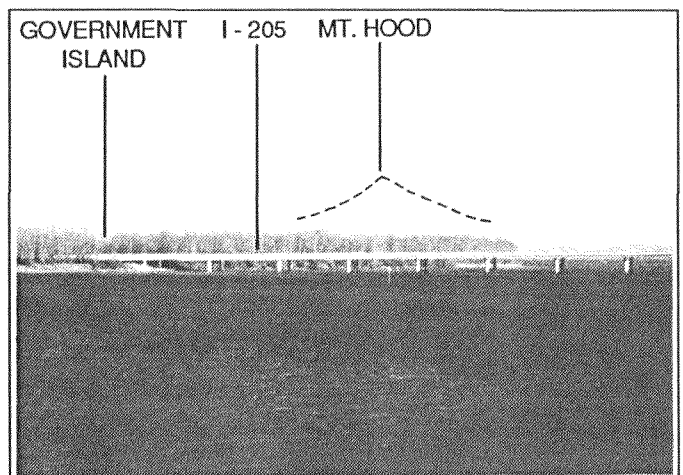
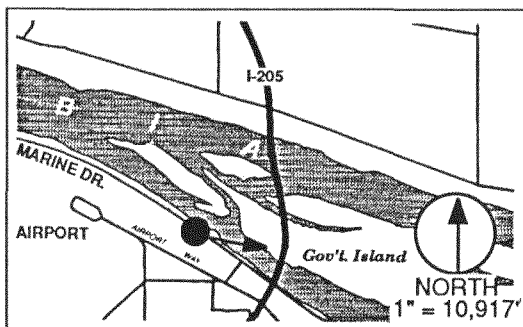


VB 13-06

### View of I-205 Bridge from NE Marine Drive

Score: 72.19 (2 of 43)

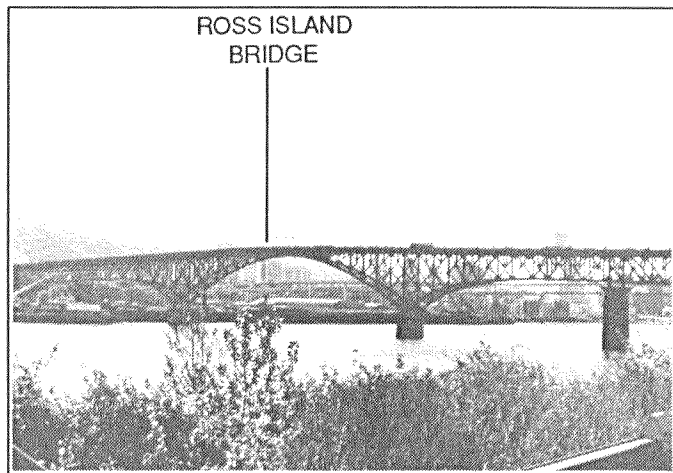
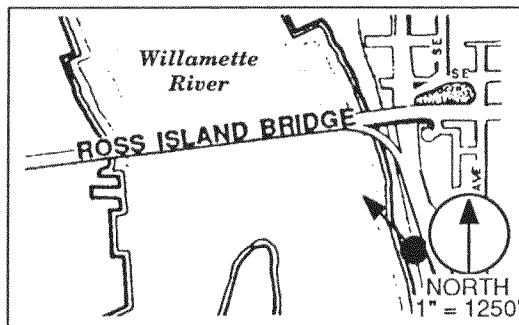
This viewpoint is from NE Marine Drive between NE 82nd Avenue and Interstate 205. As one looks east, Mt. Hood rises above the I-205 (Glenn Jackson) Bridge, where it spans the Columbia River and Government Island. The committee agreed that the simplicity of the bridge structure enhanced the view of the mountain and the river.



### View of Ross Island Bridge from slope adjacent to SE McLoughlin Boulevard

Score: 71.97 (3 of 43)

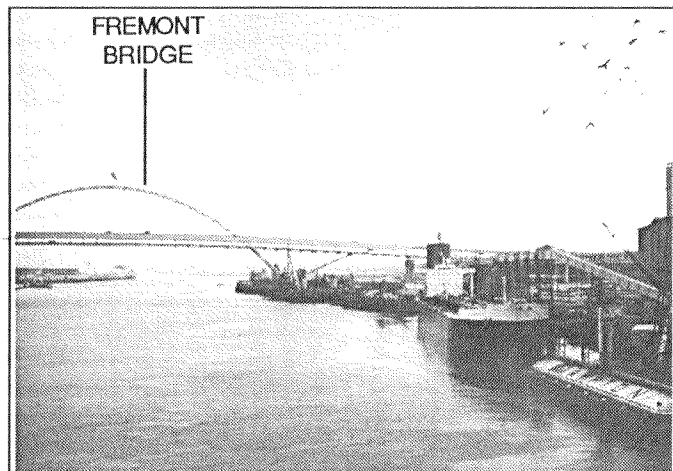
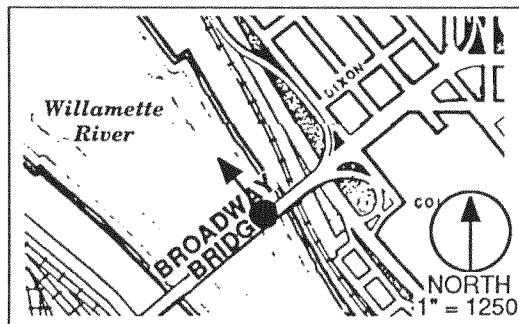
This is an undeveloped viewpoint on the slope down from SE McLoughlin at approximately the alignment with SE Haig. The view is of the Ross Island Bridge with the City and west hills in the background and Ross Island on the left. Access to this viewpoint is limited to the railroad right-of-way that extends north to the Eastside Esplanade. The right-of-way is designated as a recreational trail. An approximately one-acre parcel is designated as open space and is in public ownership at this viewpoint.



### View of Fremont Bridge from Broadway Bridge

Score: 71.95 (4 of 43)

This viewpoint on the north sidewalk of the Broadway Bridge provides a vantage point for viewing the Fremont Bridge and the river activity of the industrial area.

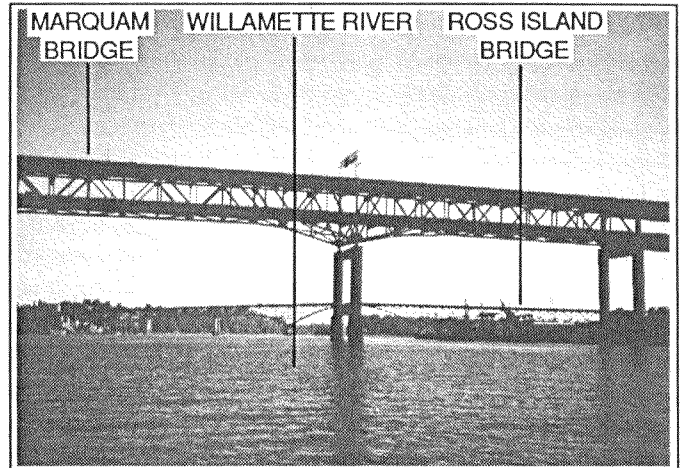
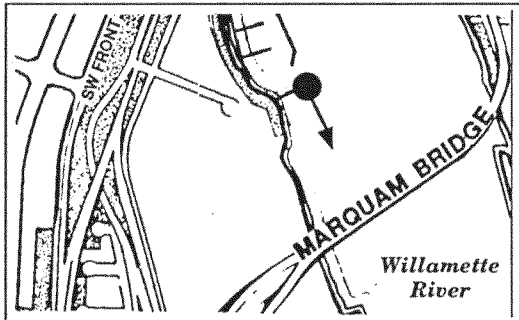


VB 24-09

### View of Marquam and Ross Island Bridges from the south viewpoint at RiverPlace

Score: 71.17 (5 of 43)

This viewpoint is from the floating dock at the south end of the RiverPlace development with a view up-river to the Marquam and Ross Island Bridges and Ross Island. From this viewpoint, there is a nearly 360-degree view up and down the river and of the downtown. Also inventoried from the floating dock are VB 24-33 and VC 24-43.

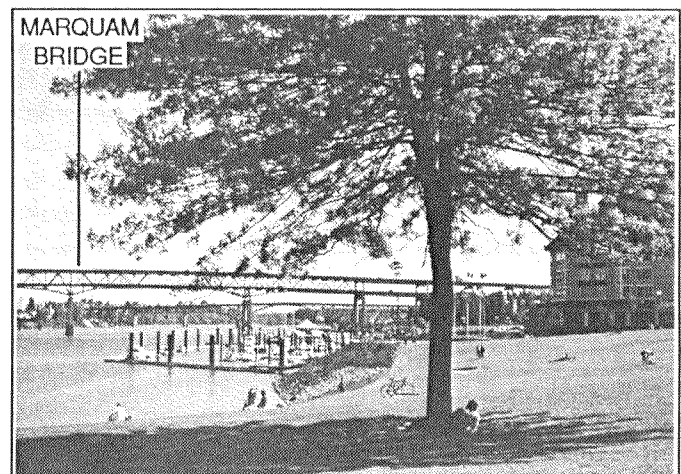
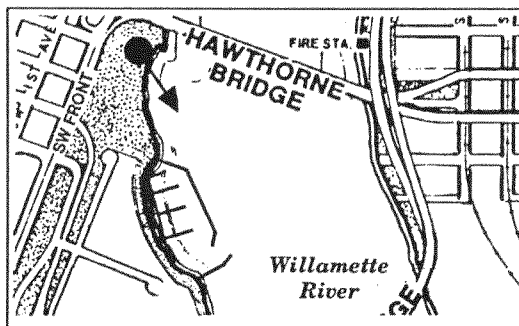


VB 24-24

### View of Marquam and Ross Island Bridges from Waterfront Park

Score: 70.95 (6 of 43)

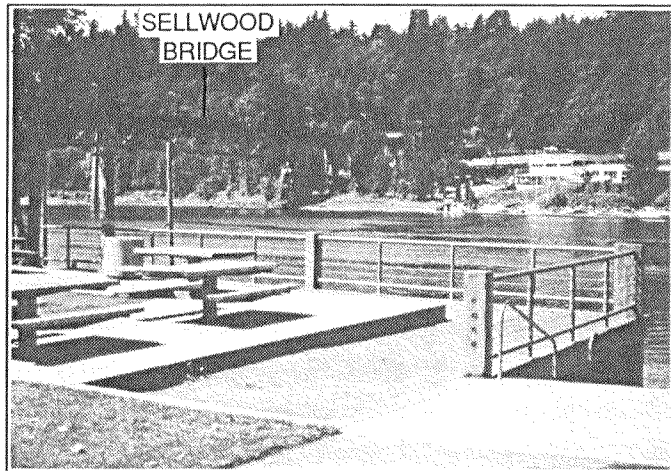
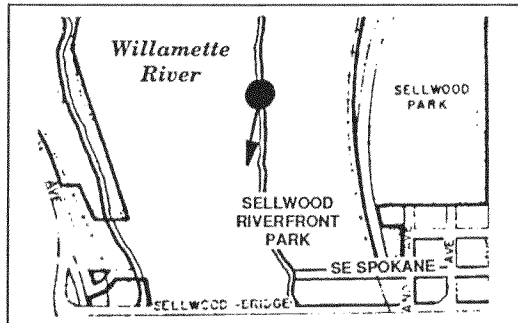
This viewpoint is from the open area in Waterfront Park north of the RiverPlace development. The view is similar to VB 24-34, but it provides a more distant view of the bridges and the marina, and more open space visible in the foreground.



### View of Sellwood Bridge from Sellwood Riverfront Park

Score: 70.52 (7 of 43)

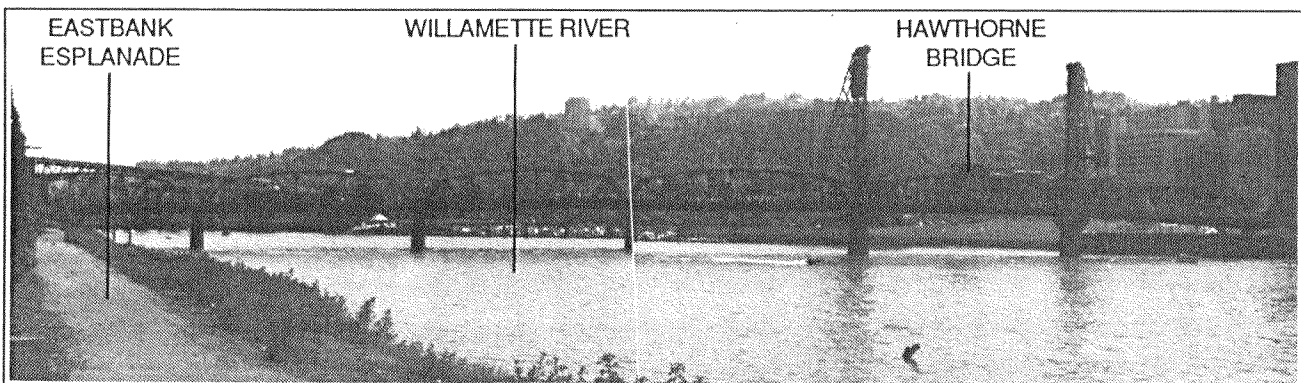
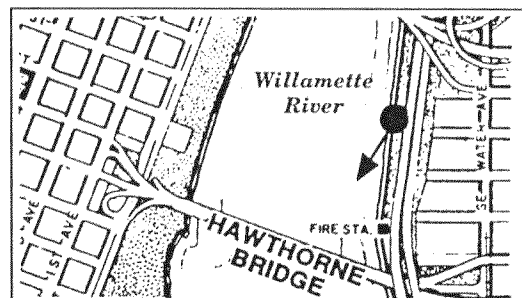
This viewpoint is in the recently developed Sellwood Riverfront Park. It provides a view of the Sellwood Bridge and the west hills across the river. There are picnic tables at the viewpoint and access down to the river.



### View of Hawthorne Bridge from Eastbank Esplanade

Score: 69.60 (8 of 43)

The vantage point for this view of the Hawthorne Bridge is from the Eastbank Esplanade south of the Morrison Bridge. The downtown and the west hills are also prominent in the view.

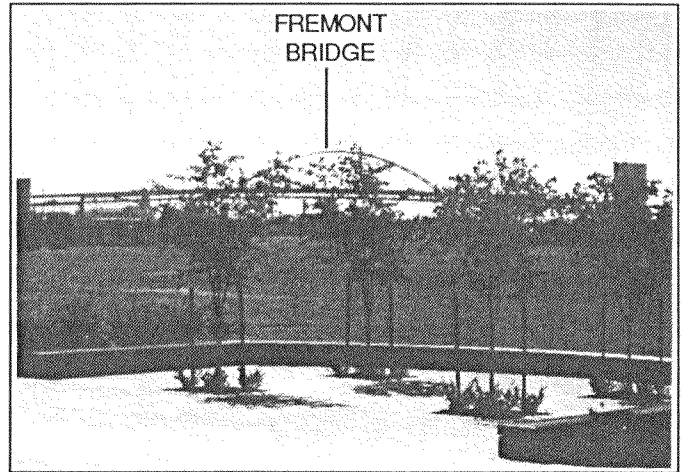
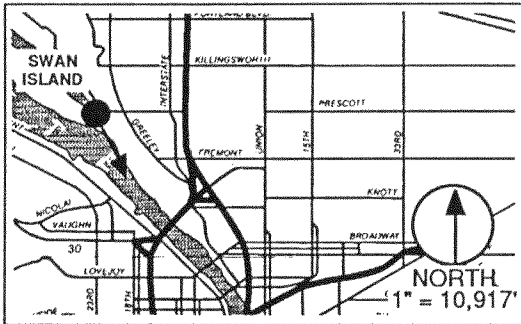


VB 16-02

### View of Fremont Bridge from Swan Island

Score: 69.30 (9 of 43)

This viewpoint on Swan Island, near the Ports O' Call building, is one of the developed Greenway viewpoints adjacent to the recreational trail. The view is to the south-east showing the Fremont Bridge and the port area near Swan Island.

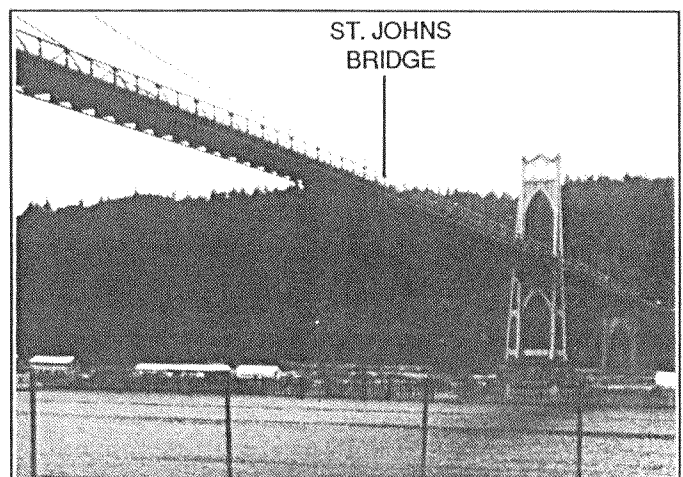
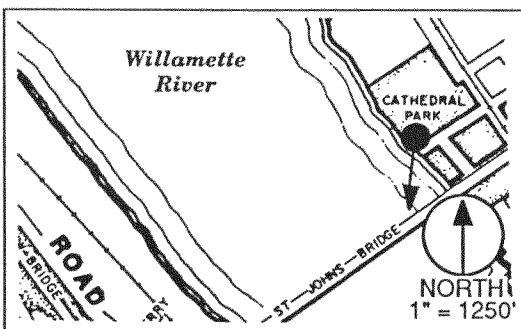


VB 09-03

### View of St. Johns Bridge from Cathedral Park

Score: 69.02 (10 of 43)

Cathedral Park is located directly under the St. Johns Bridge on the east side of the Willamette River. This vantage point is north of the bridge near the boat ramp. From the park, the bridge stands out against the west hills. There is some industrial development beneath the bridge on the west side.

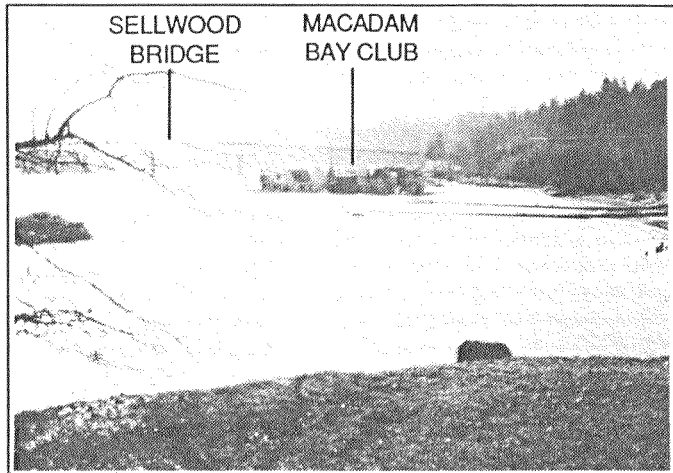
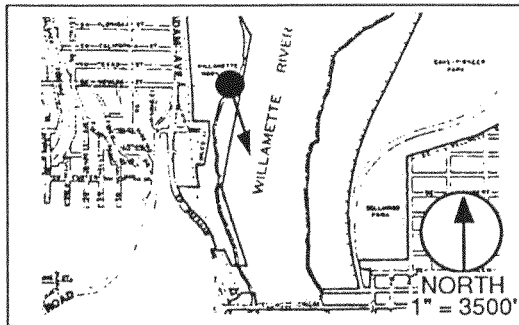




### View of Sellwood Bridge from Willamette Park

Score: 66.89 (11 of 43)

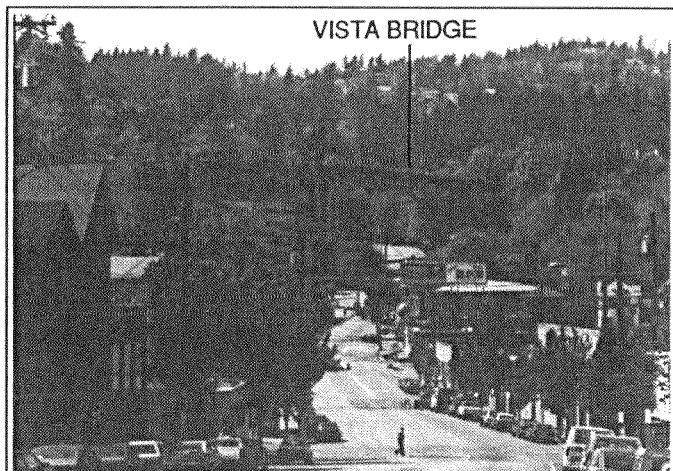
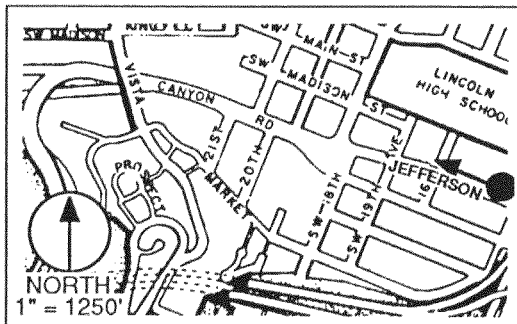
This viewpoint at the south end of Willamette Park is on the Greenway Trail. The park extends out into the river giving an excellent view of the Macadam Bay houseboats, the Sellwood Bridge, and river activities.



### View of Vista Bridge from SW Jefferson Street

Score: 66.58 (12 of 43)

The Vista Bridge is visible from several locations along SW Jefferson looking west. The best bridge views are just west of the I-405 freeway overpass. Overhead wires may intrude into some views of the bridge. A nearby view of Mt. St. Helens was also inventoried as VM 24-22.

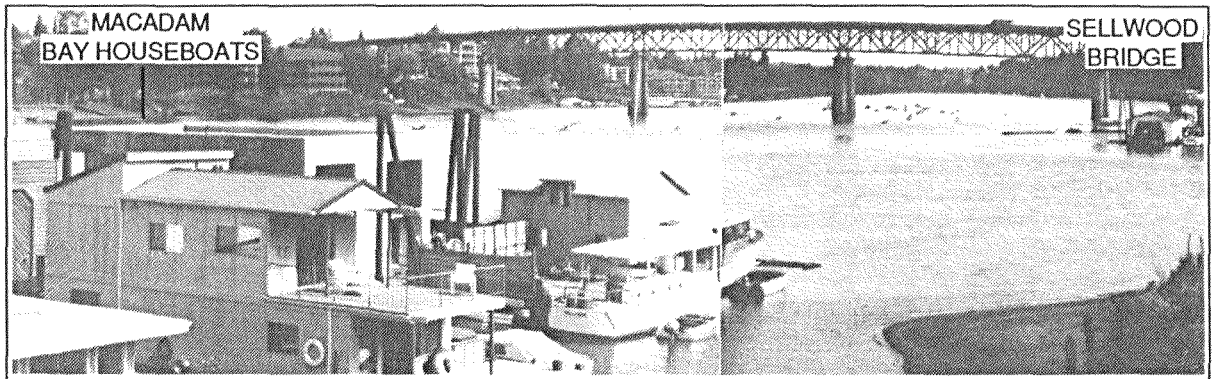
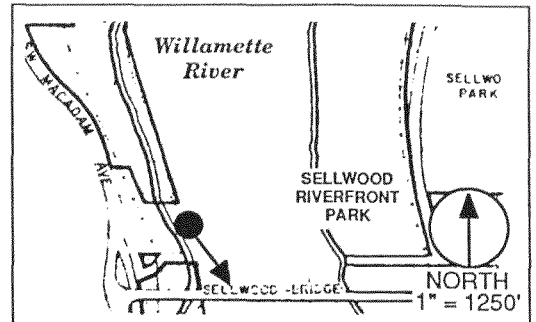


VB 38-23

### View of Sellwood Bridge from the Macadam Bay Club

Score: 66.55 (13 of 43)

The elevated ramp leading to the Macadam Bay Club provides a view of the Sellwood Bridge to the south. The Greenway Trail terminates from the north in the vicinity of this viewpoint.

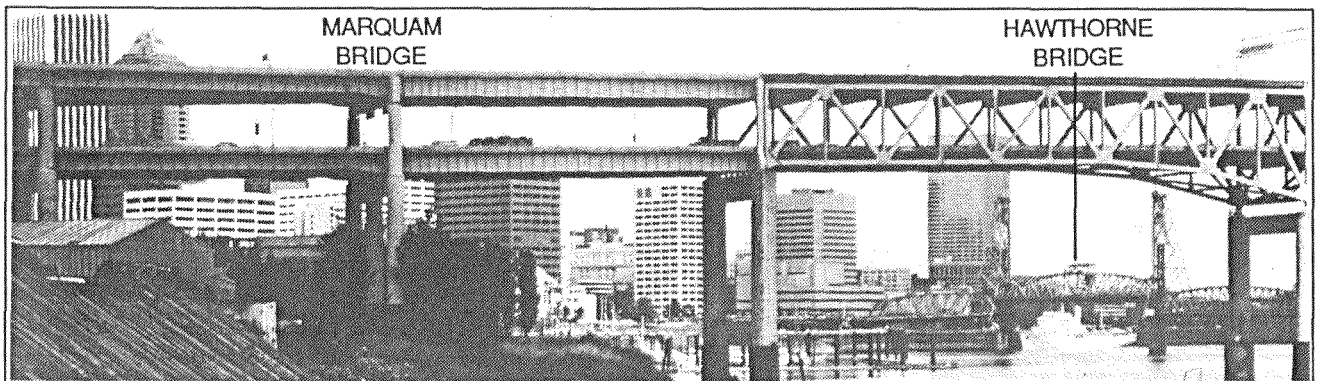
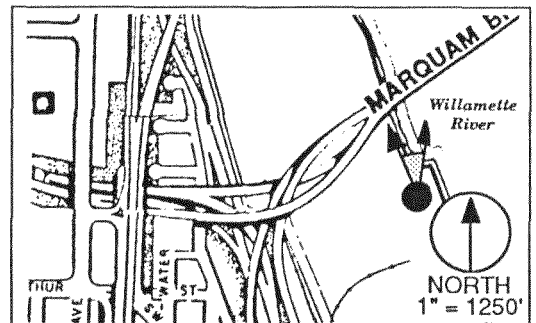


VB 24-18

### View of Marquam Bridge from south side

Score: 66.31 (14 of 43)

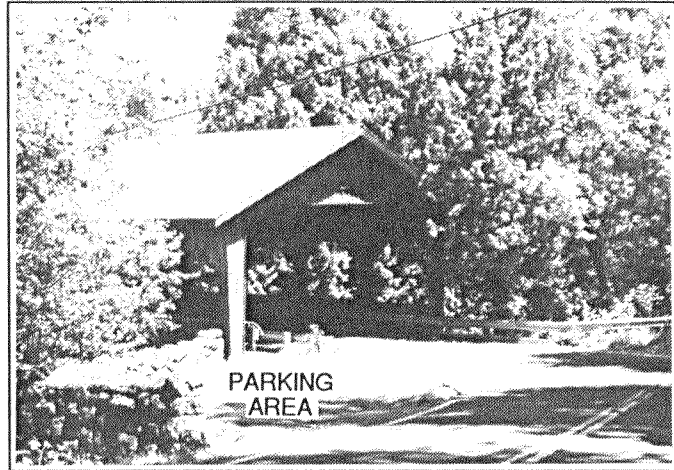
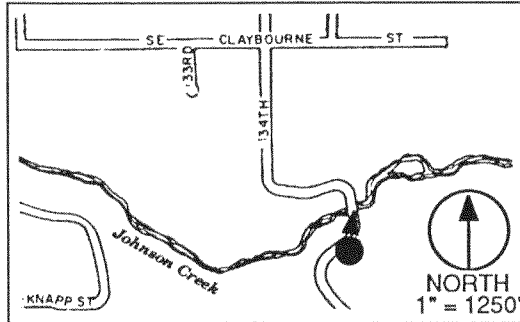
This viewpoint is located south of the Marquam Bridge and to the east of the Alaska Steel property. The vantage point is the approximate location of a future Greenway Trail and looks north to the Marquam Bridge and to the RiverPlace development and the downtown skyline.



### View of the covered bridge over Johnson Creek

Score: 65.99 (15 of 43)

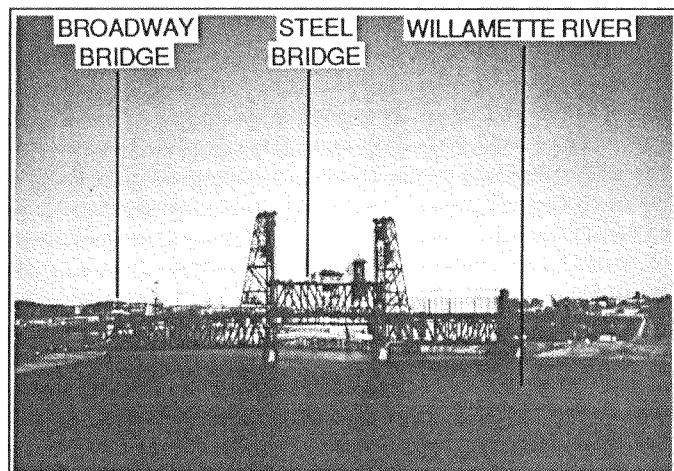
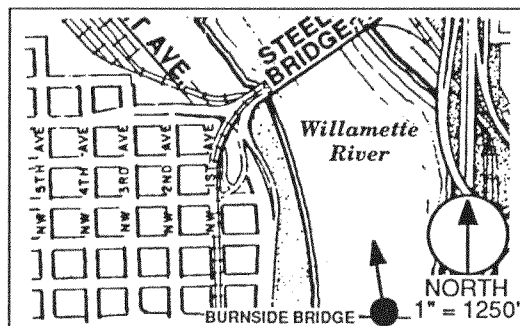
The covered bridge is relatively new and is located off of SE 134th at SW Deardorf Road. There is a small gravelled area on the southwest side of the bridge where a car can pull off the road. Nearby parcels are either vacant or developed with residences.



### View of Steel Bridge from Burnside Bridge

Score: 65.12 (16 of 43)

This view is from the middle of the Burnside Bridge looking north to the Steel Bridge. The Broadway and Fremont Bridges are also visible in the background.



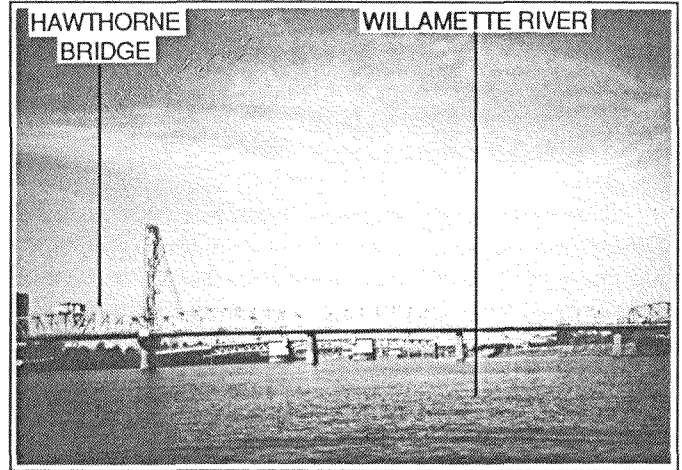
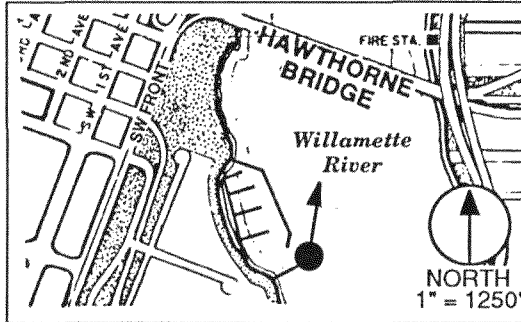


VB 24-33

### View of Hawthorne and Morrison Bridges

Score: 65.08 (17 of 43)

This view is from the south viewpoint at the RiverPlace development looking north at the Hawthorne and Morrison Bridges. Both sides of the river, including the downtown area, are also visible. Also inventoried from the floating dock are VB 24-09 and VC 24-43.

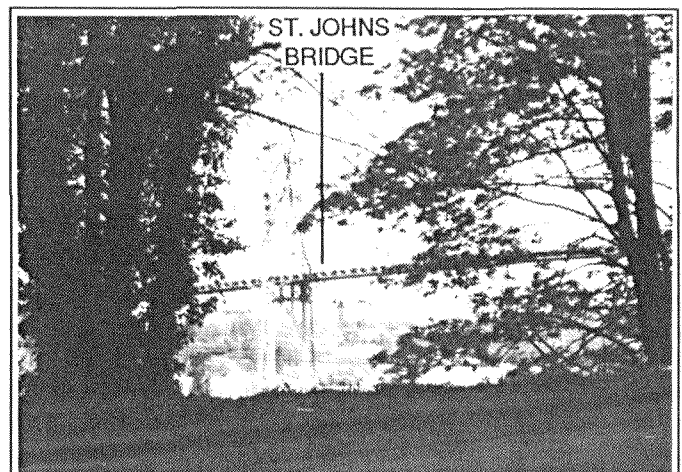
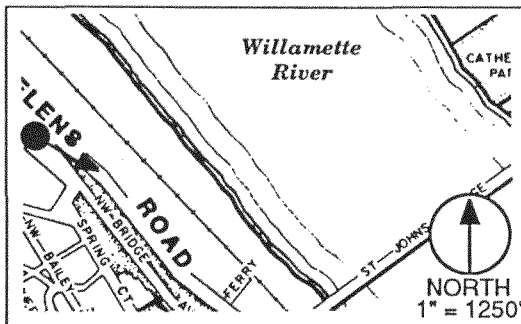


VB 09-13

**View of St. Johns Bridge from the bridge approach above St. Helens Road**

Score: 64.96 (18 of 43)

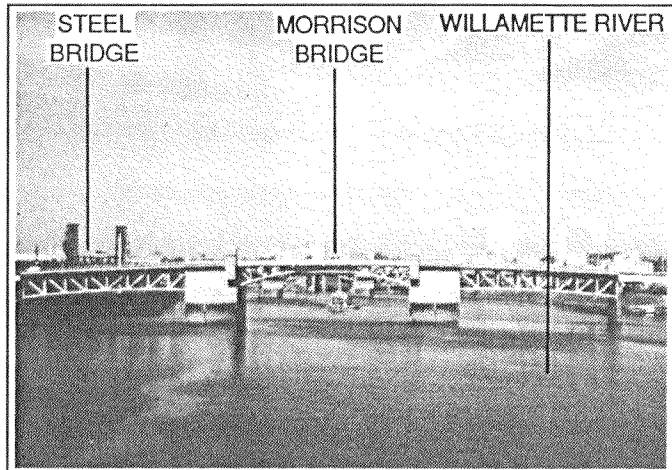
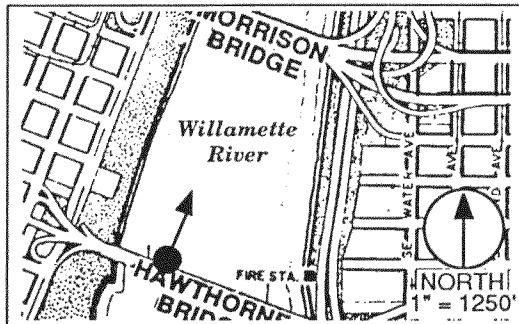
This view of the St. Johns Bridge is from the southbound bridge approach above St. Helens Road near the intersection with Germantown Road. The view is partially obscured by branches in the winter, and almost completely obscured in the summer when the trees have leafed out.



### View of Morrison Bridge from Hawthorne Bridge

Score: 64.64 (19 of 43)

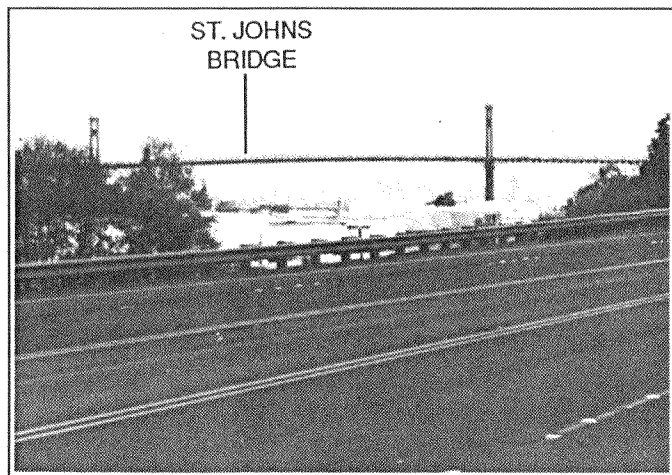
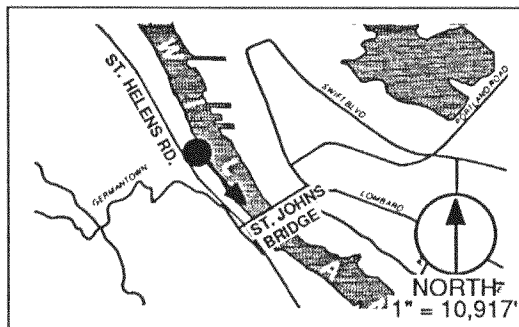
This view is from the Hawthorne Bridge sidewalk looking north at the Morrison Bridge. Both sides of the river, including the downtown skyline and the high-rise buildings at Lloyd Center, are also visible.



### View of St. Johns Bridge from St. Helens Road

Score: 63.68 (20 of 43)

This view of the St. Johns Bridge is from St. Helens Road near the south end of the Linnton area. This vantage point provides a view of the entire bridge span, but the committee felt that the storage tanks in the foreground significantly detracted from the scenic qualities.

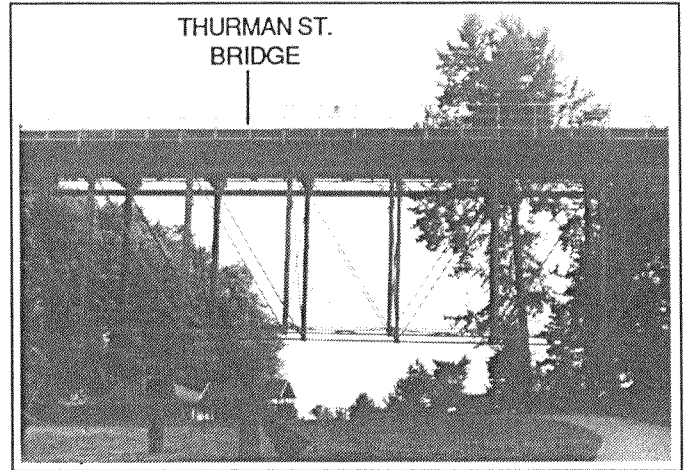
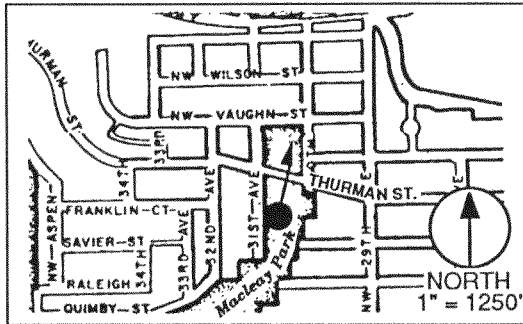


VB 16-06

### View of Thurman Street Bridge

Score: 63.27 (21 of 43)

This view is of the Thurman Street overpass above Macleay Park in northwest Portland. The bridge is most visible from the park trailheads looking northeast over the industrial area.

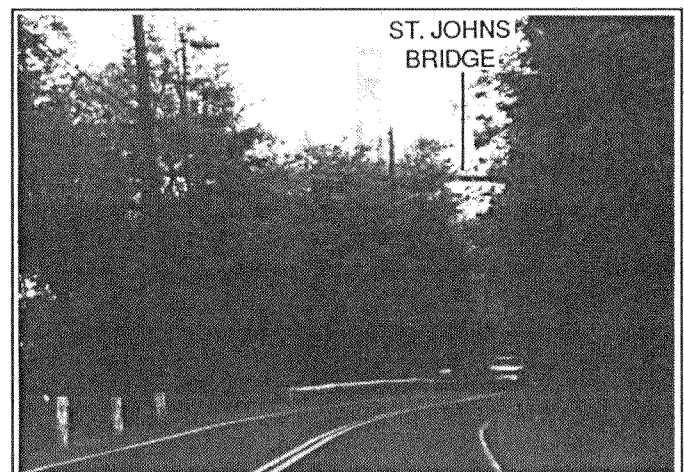
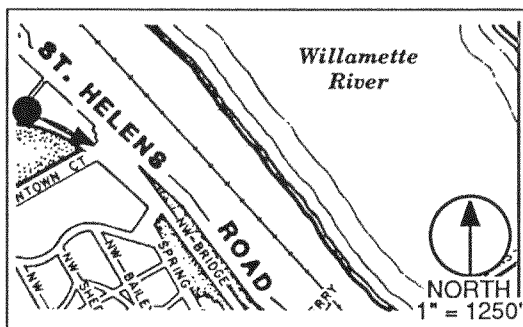


VB 09-14

### View of St. Johns Bridge from NW Germantown Road

Score: 62.56 (22 of 43)

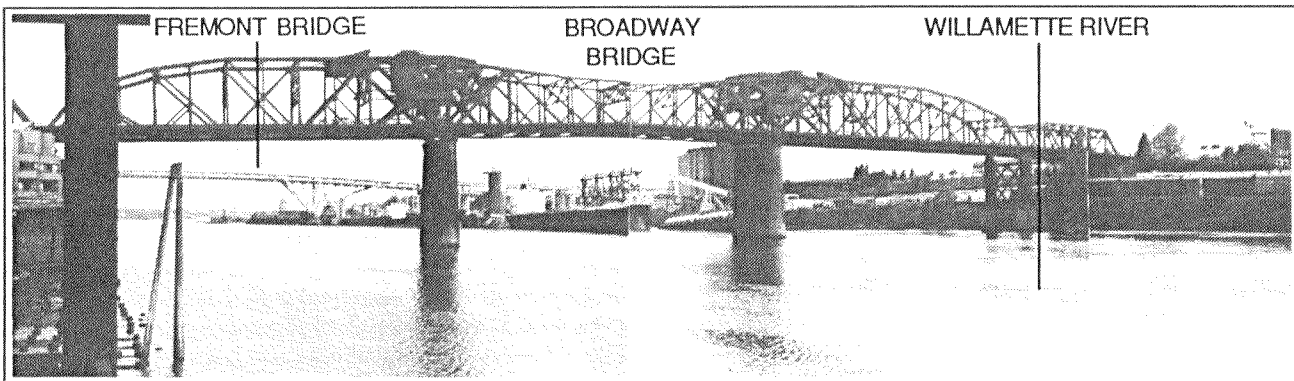
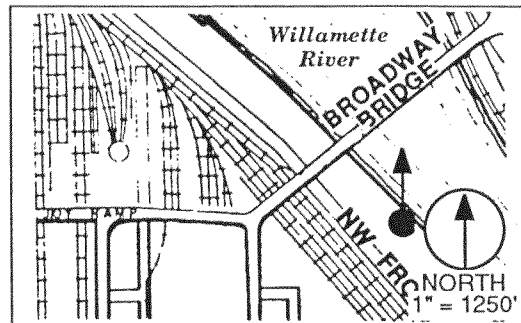
This view of the St. Johns Bridge is from NW Germantown Road above St. Helens Road and looking to the east. The bridge is framed with trees on either side. The view is partially obscured during the summer.



### View of Broadway Bridge from the west side

Score: 62.26 (23 of 43)

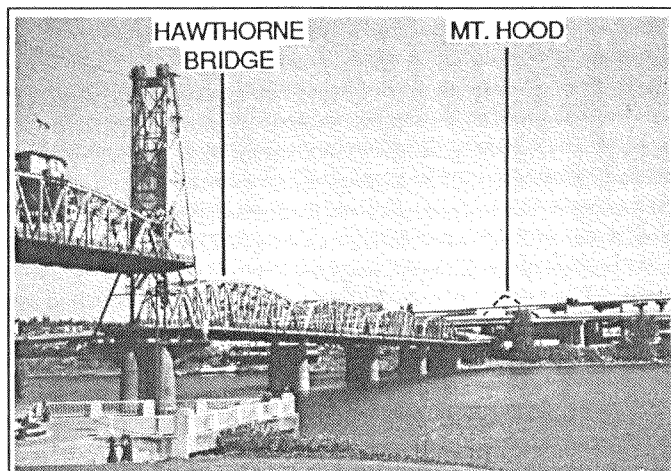
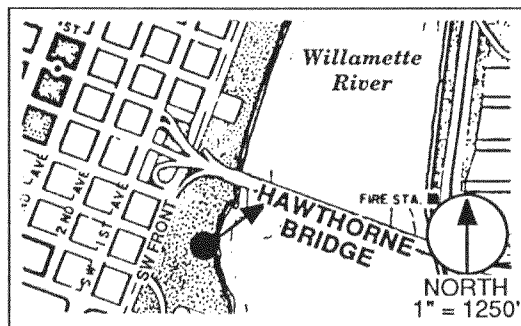
This view of the Broadway Bridge is from the south side of the west bank of the Willamette River. The Greenway Trail is located to the east of the McCormick Pier Apartments.



### View of Hawthorne Bridge from Waterfront Park

Score: 62.14 (24 of 43)

This view of the Hawthorne Bridge is in Waterfront Park from its south side. Mt. Hood is just visible above the eastside I-5 freeway ramps.

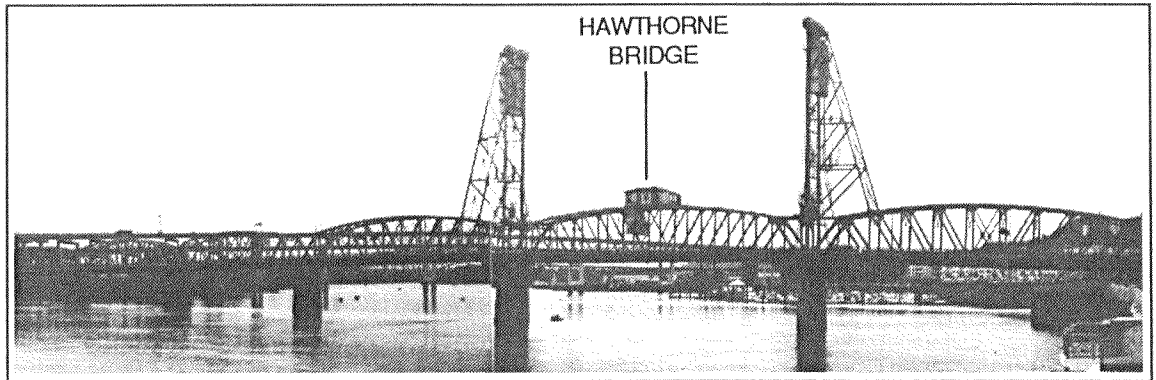
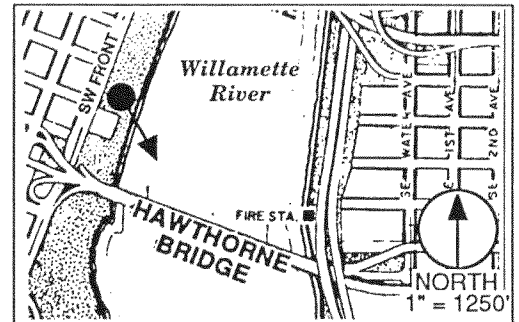


VB 24-31

### View of Hawthorne Bridge from Waterfront Park

Score: 59.58 (25 of 43)

This view of the Hawthorne Bridge is also from Waterfront Park, but from the north side of the bridge looking south-east. A nearby view of Mt. Hood is also inventoried as VM 24-45.

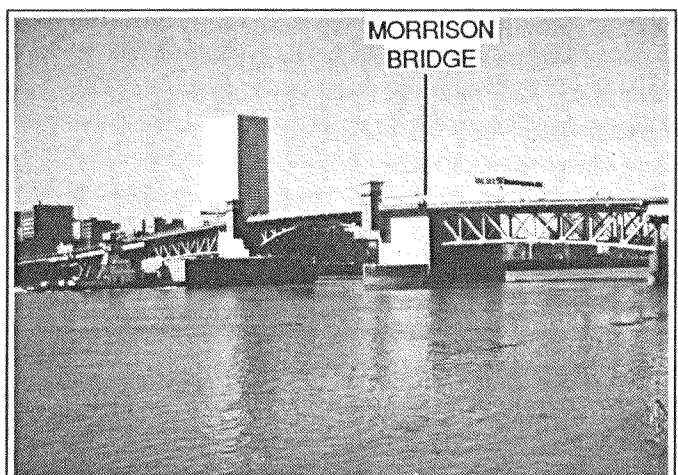
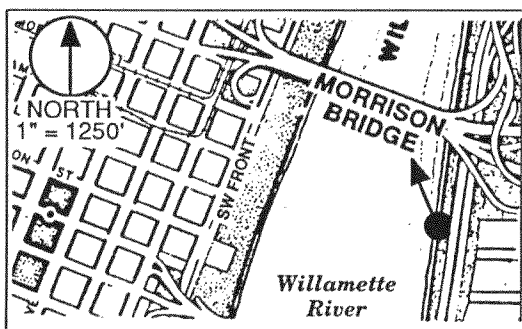


VB 24-36

### View of Morrison Bridge from Eastbank Esplanade

Score: 59.18 (26 of 43)

This view of the Morrison Bridge is from the Eastbank Esplanade on the south side of the bridge looking to the northwest. The downtown skyline is visible from this location. A separate city view is inventoried as VC 24-48.

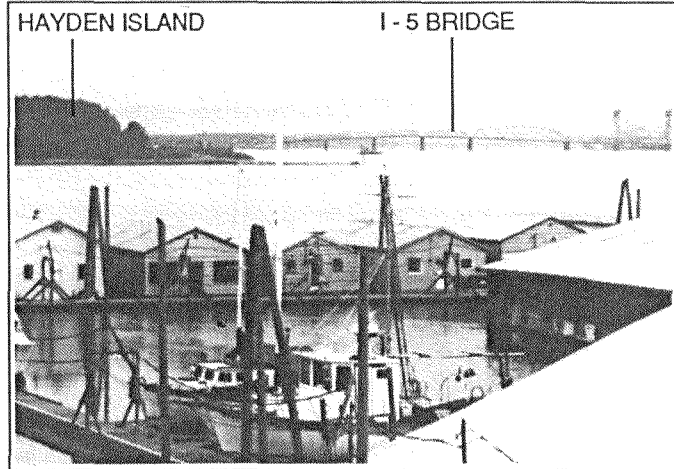
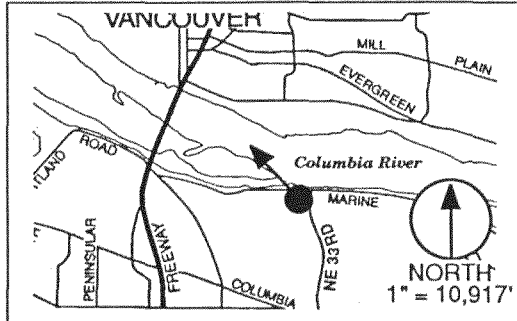




### View of I-5 Bridge from Marine Drive

Score: 58.70 (27 of 43)

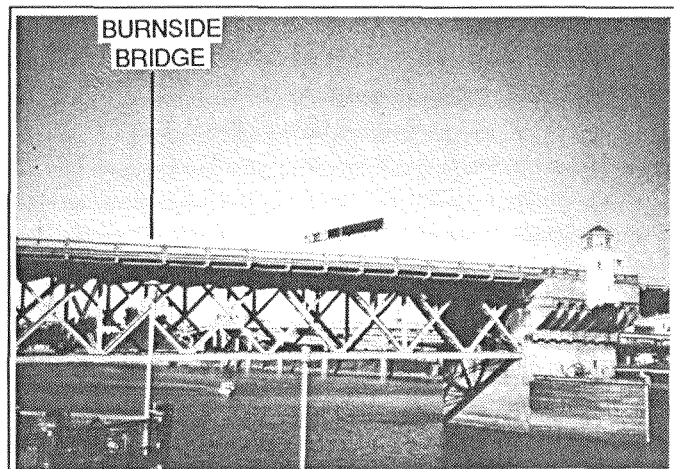
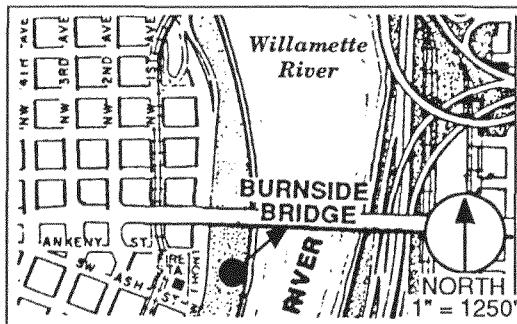
The I-5 Bridge leading to Washington State is visible from NE Marine Drive at NE 33rd. The east end of Hayden Island is also visible.



### View of Burnside Bridge from Waterfront Park

Score: 58.25 (28 of 43)

This vantage point is the developed viewpoint/gathering area in Waterfront Park on the south side of the Burnside Bridge. The sloped landscape design creates a variety of sitting areas at different heights that provide numerous opportunities for viewing the river.

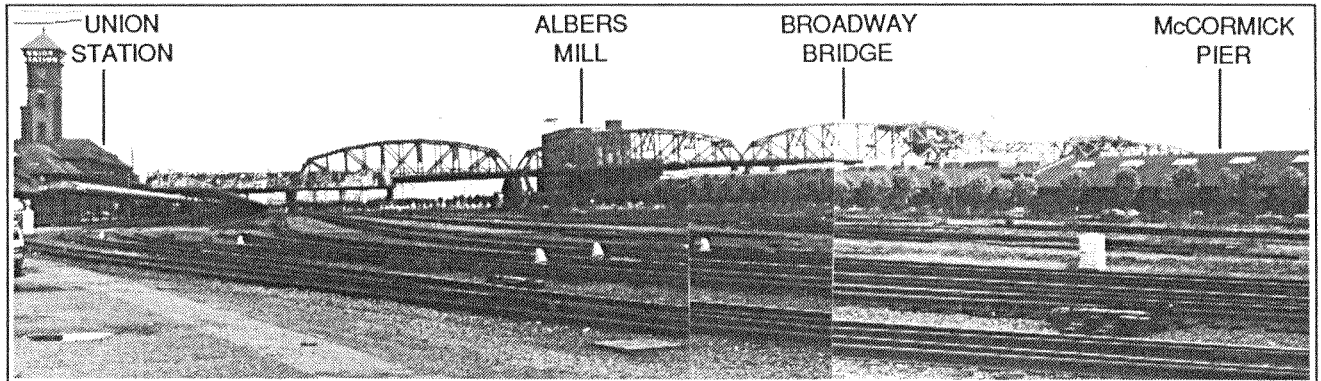
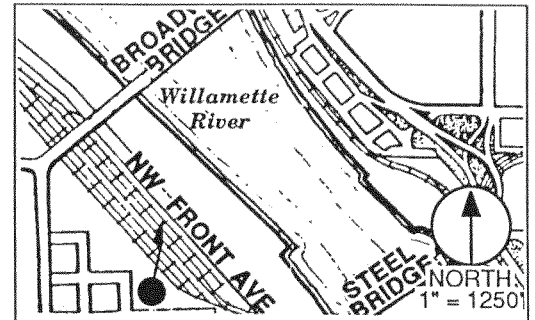


VB 24-30

### View of Broadway Bridge from the railyards

Score: 58.21 (29 of 43)

The Broadway Bridge, the McCormick Pier Apartments, and Albers Mill are visible from the railyards northeast of Union Station. The Portland Development Commission has plans to remove all but five sets of these tracks for future development.

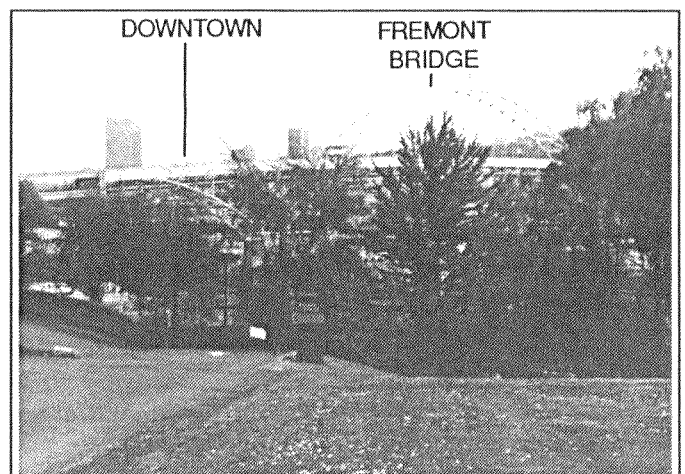
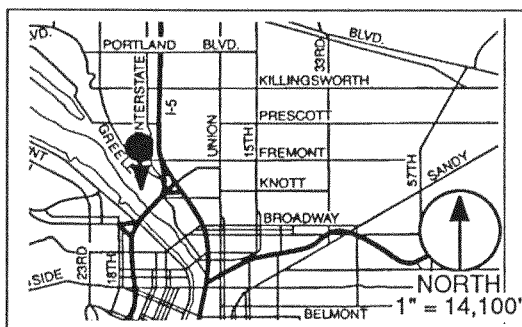


VB 17-05

### View of Fremont Bridge from Overlook Park

Score: 58.03 (30 of 43)

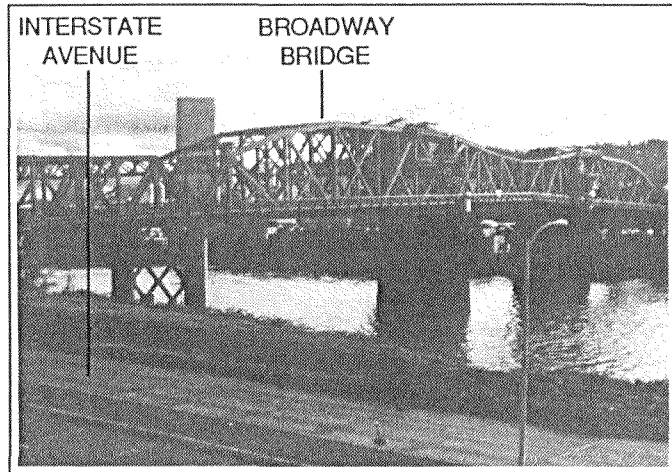
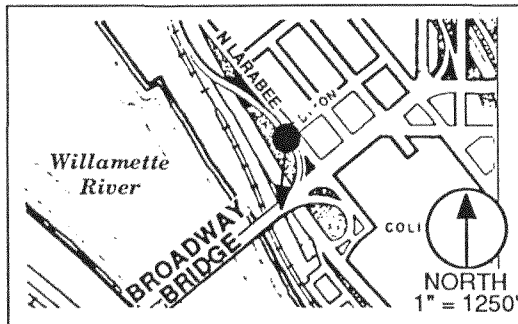
This view of the Fremont Bridge is somewhat obscured by vegetation, particularly in the summer. The vantage point also suffers from its proximity to the parking area for the adjacent clinic.



### View of Broadway Bridge from lower Albina

Score: 57.99 (31 of 43)

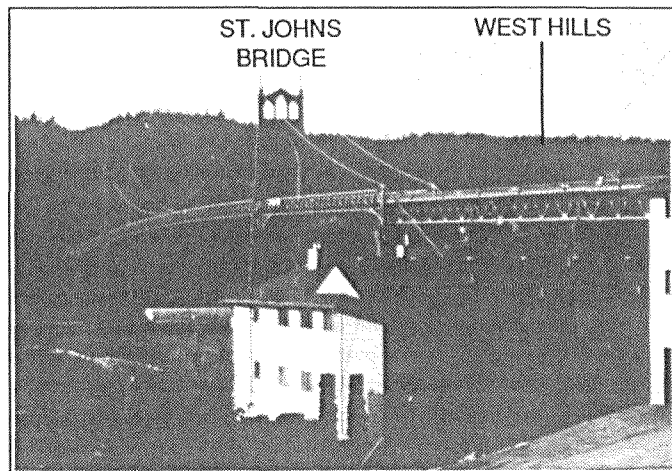
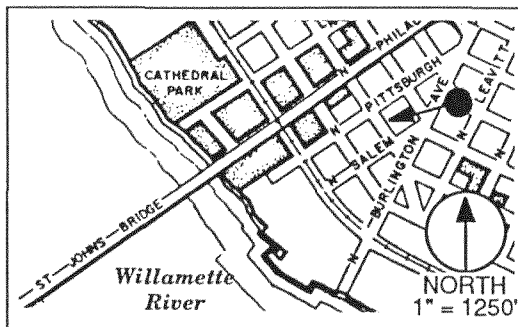
This view of the Broadway Bridge is from N. Larabee Street in the lower Albina area. This viewpoint is to the west of the main Portland School District facility. The relatively high ground at this location provides better views than from the adjacent Interstate Avenue. The downtown and west hills are also somewhat visible.



### View of St. Johns Bridge from N. Willamette

Score: 57.61 (32 of 43)

This vantage point is from the intersection of N. Willamette and N. Burlington Avenue. This location is on the route to the vacant site owned by the Portland Development Commission (PDC) south of the St. Johns Bridge. The view is of the bridge and of the west hills. Nearby views that were inventoried are VB 09-10 (UDAG site) and VB 09-11 (N. Burlington Avenue).



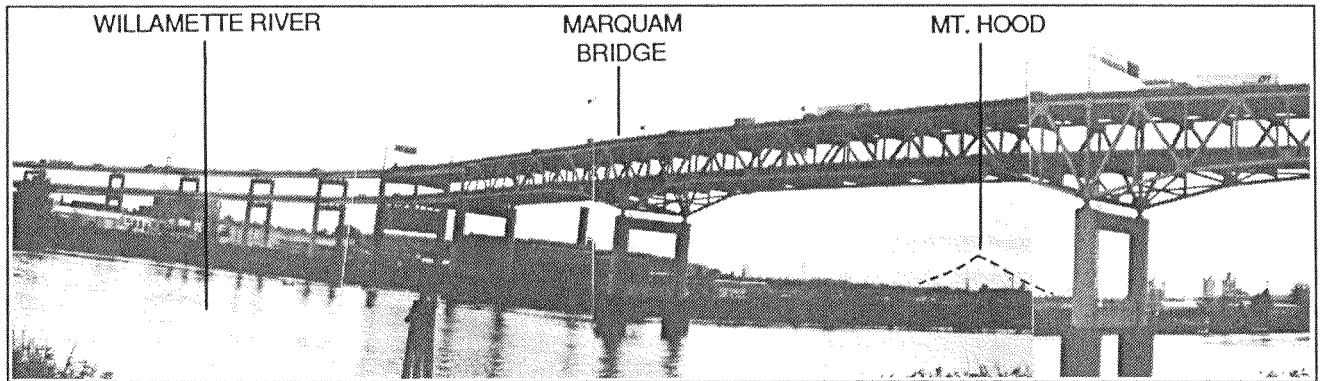
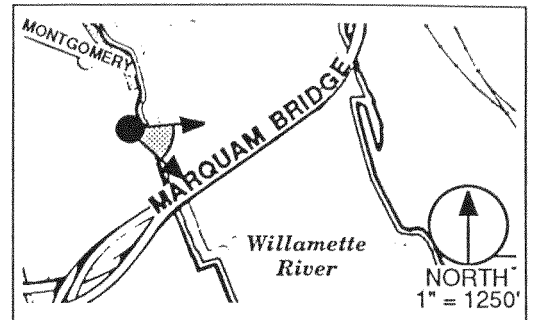


VB 24-23

### View of Marquam Bridge from the steam plant

Score: 57.37 (33 of 43)

This viewpoint is from the east side of the vacant steam plant between the Riverplace development and the Marquam Bridge. Beneath the bridge is a view of Mt. Hood. This is the location of a future phase of the RiverPlace development and the alignment of the Greenway Trail.

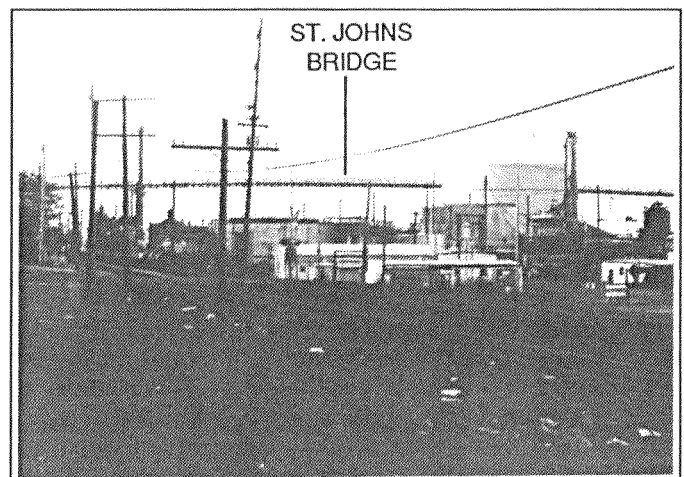
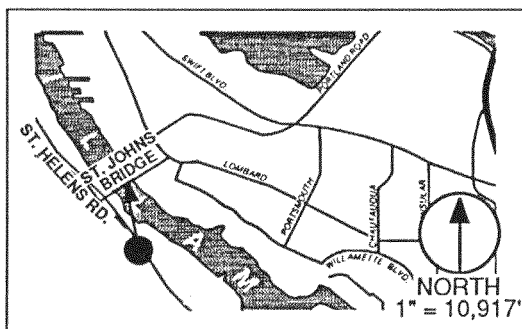


VB 09-15

### View of St. Johns Bridge from St. Helens Road

Score: 57.18 (34 of 43)

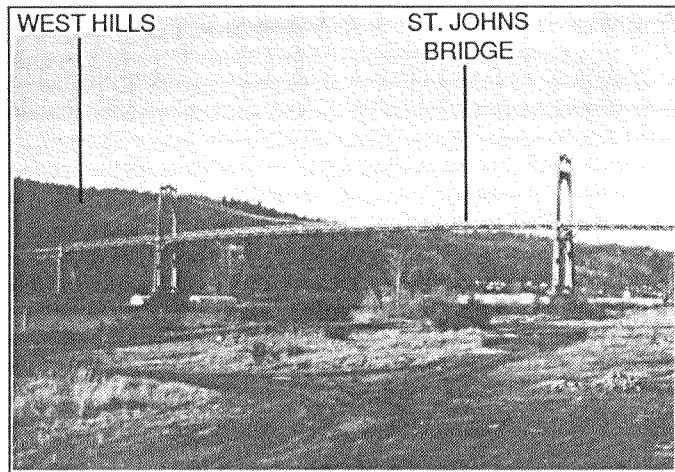
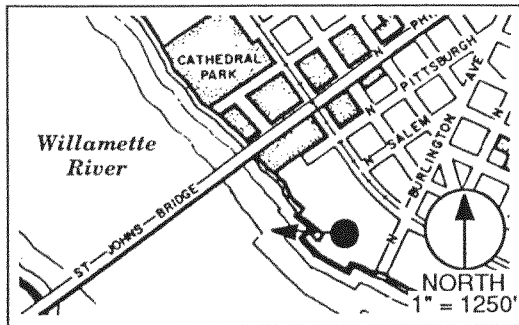
This view of the St. Johns Bridge is from St. Helens Road northbound. There are several chemical tanks in the foreground that lessen the quality of the view.



### View of St. Johns Bridge from UDAG site

Score: 56.06 (35 of 43)

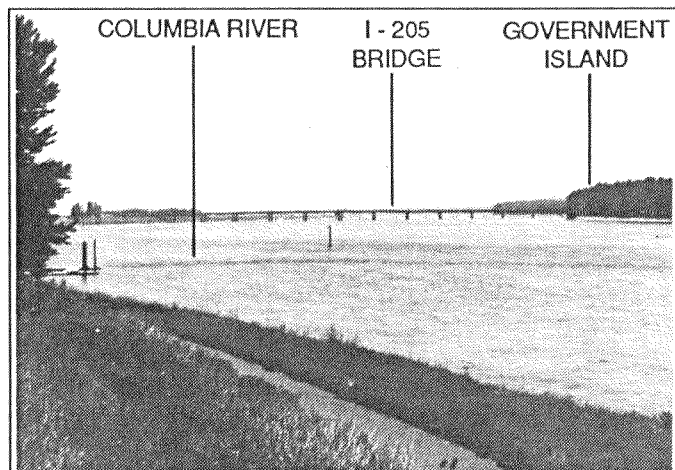
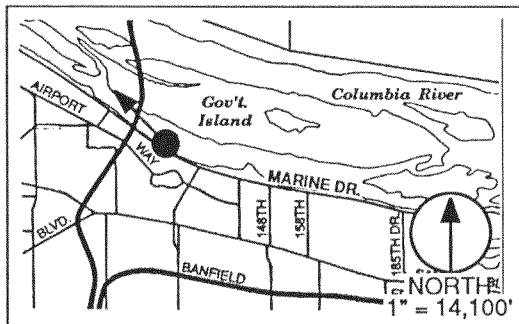
This view of the St. Johns Bridge is from the UDAG (Urban Development Action Grant) site owned by PDC. No plans have been made for development of the site, but a Greenway Trail will be constructed in the vicinity of this viewpoint. The committee felt that the existing buildings detracted significantly from the quality of the view.



### View of I-205 Bridge from NE Marine Drive

Score: 55.72 (36 of 43)

This view of the I-205 (Glenn Jackson) Bridge is looking west along NE Marine Drive. The vantage point is a turnout area located approximately 500 feet west of NE 122nd Avenue.

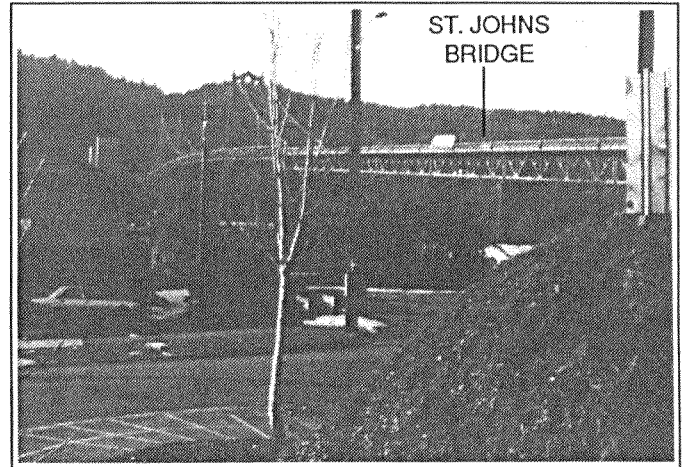
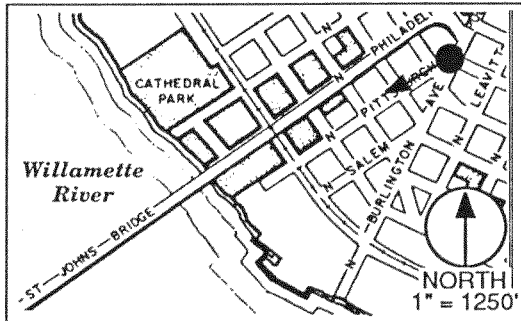


VB 09-11

### View of St. Johns Bridge from N. Burlington

Score: 55.60 (37 of 43)

This view of the bridge is from N. Burlington at N. Willamette Boulevard. N. Burlington Avenue is one of the access routes to the UDAG site owned by PDC south of the bridge. The view will be increasingly obscured by the street trees that have recently been planted.

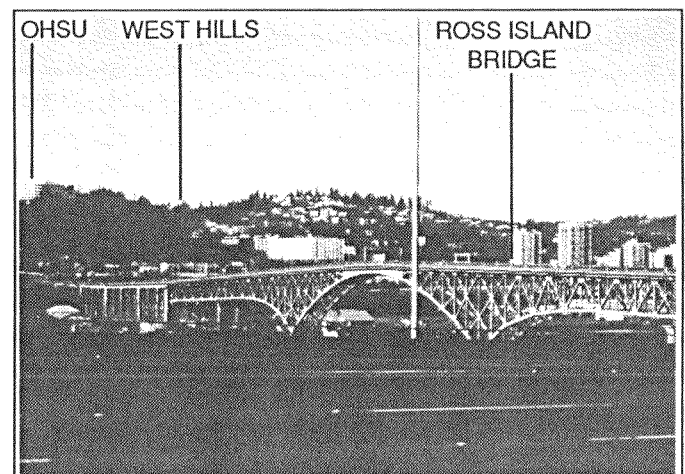
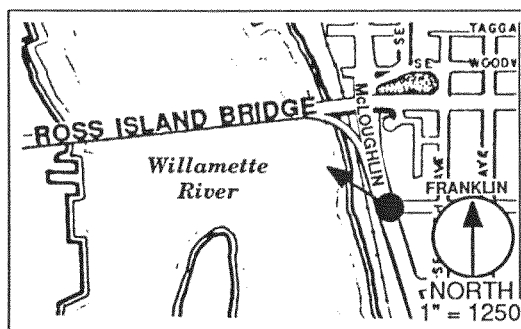


VB 31-05

### View of Ross Island Bridge from SE McLoughlin

Score: 55.02 (38 of 43)

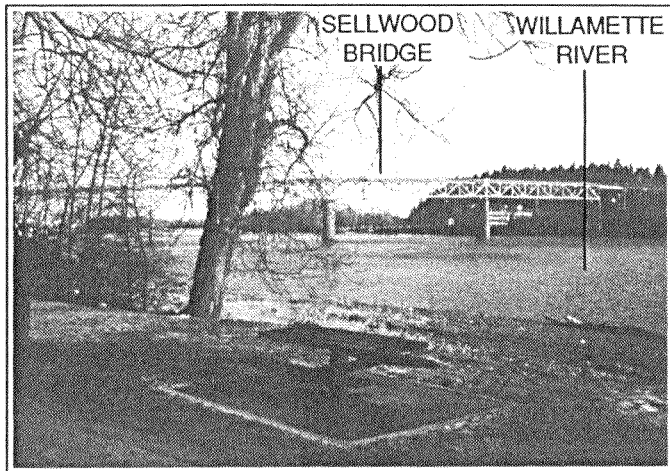
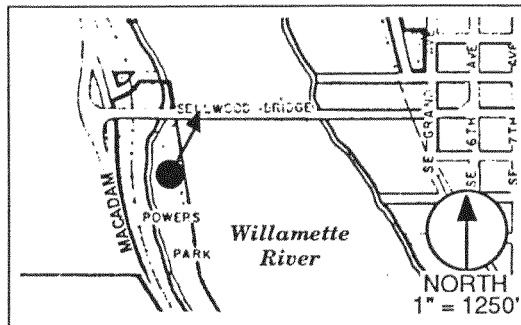
This view of the Ross Island Bridge, the west hills and the downtown skyline is taken from SE McLoughlin northbound at the approximate alignment of SE Franklin.



### View of Sellwood Bridge from Ira Powers Park

Score: 54.79 (39 of 43)

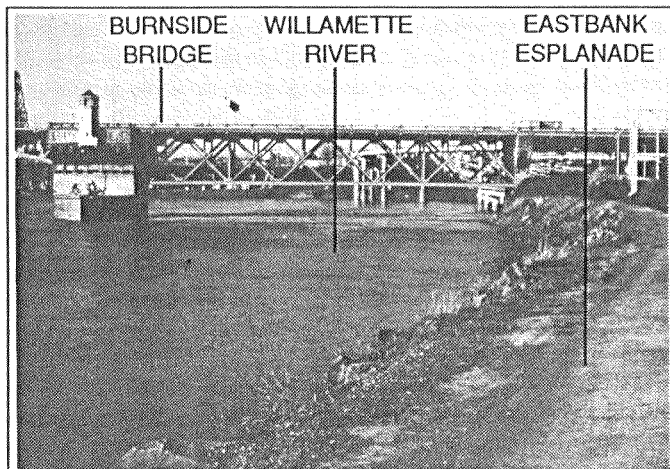
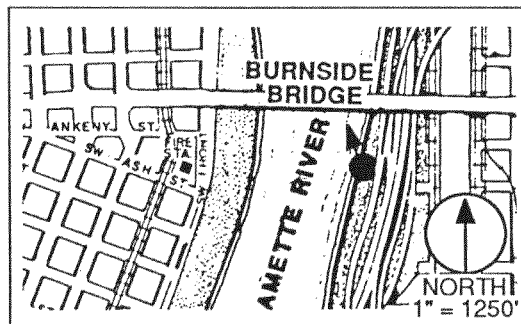
Ira Powers Park is located between Macadam Avenue and the river. This view is of Sellwood Bridge and Oaks Bottom beyond. This vantage point is adjacent to the Jefferson Street rail line.



### View of Burnside Bridge from Eastbank Esplanade

Score: 54.72 (40 of 43)

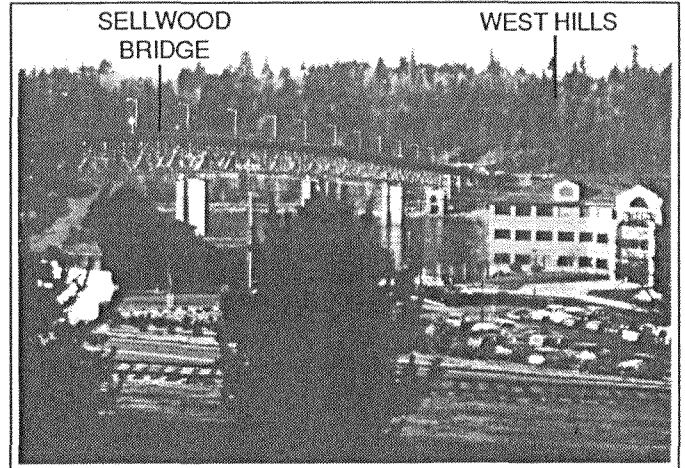
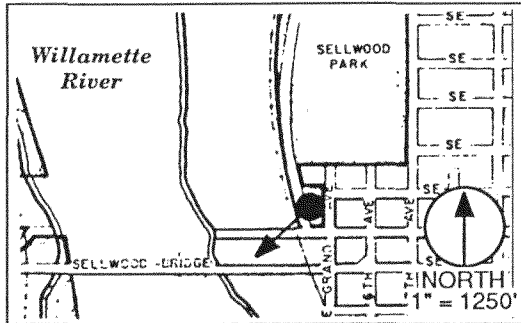
This view is from the Eastbank Esplanade south of the Burnside Bridge and west of the I-5 freeway. The esplanade is a part of the 40-Mile Loop system. This viewpoint is shown on the Greenway Plan public access map.



### View of Sellwood Bridge from Pioneer Church

Score: 53.89 (41 of 43)

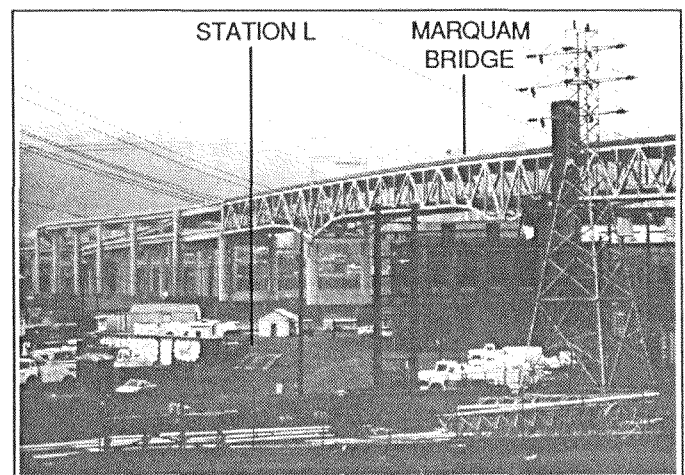
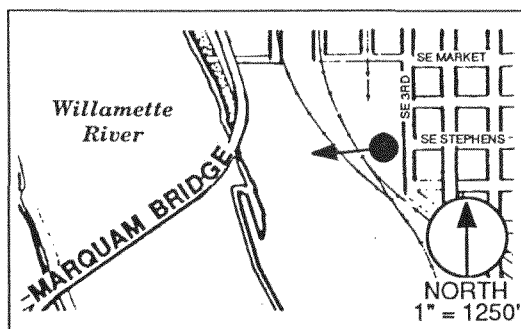
This view of the Sellwood Bridge is from the back of Pioneer Church, where there is a patio with benches. Unfortunately, recent development and the placement of shrubbery interferes with the view and will become more of a problem in the future.



### View of Marquam Bridge from Station L

Score: 46.31 (42 of 43)

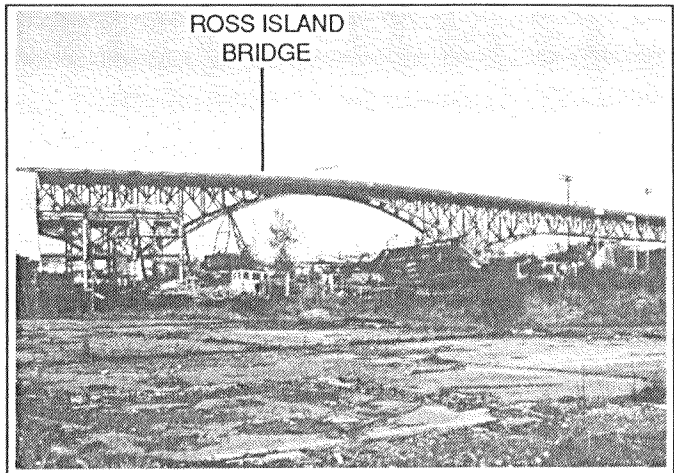
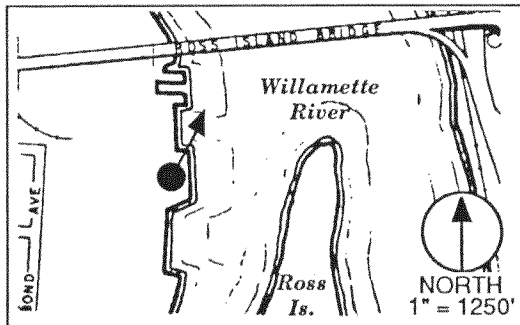
This view of the Marquam Bridge is from the east side of the Station L site, the future location of OMSI. The existing development detracts from the view of the bridge and interferes with views of the downtown. The railroad tracks and power transmission wires also lessen the quality of the view.



## View of Ross Island Bridge from south

Score: 44.77 (43 of 43)

This vantage point is from the currently underutilized land south of the Ross Island Bridge on the west side of the river. The committee ranked this site relatively low because of the presently disturbed state of the land that significantly detracts from the view of the bridge.

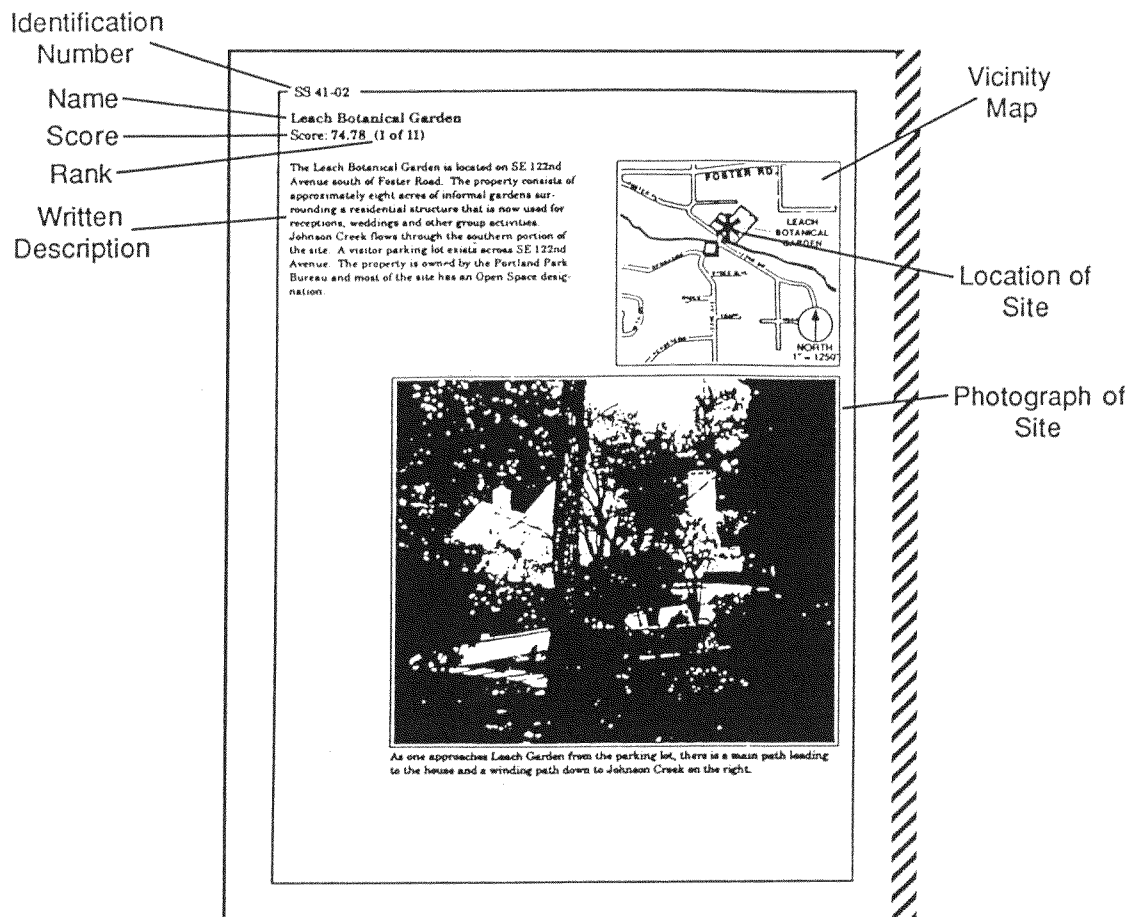




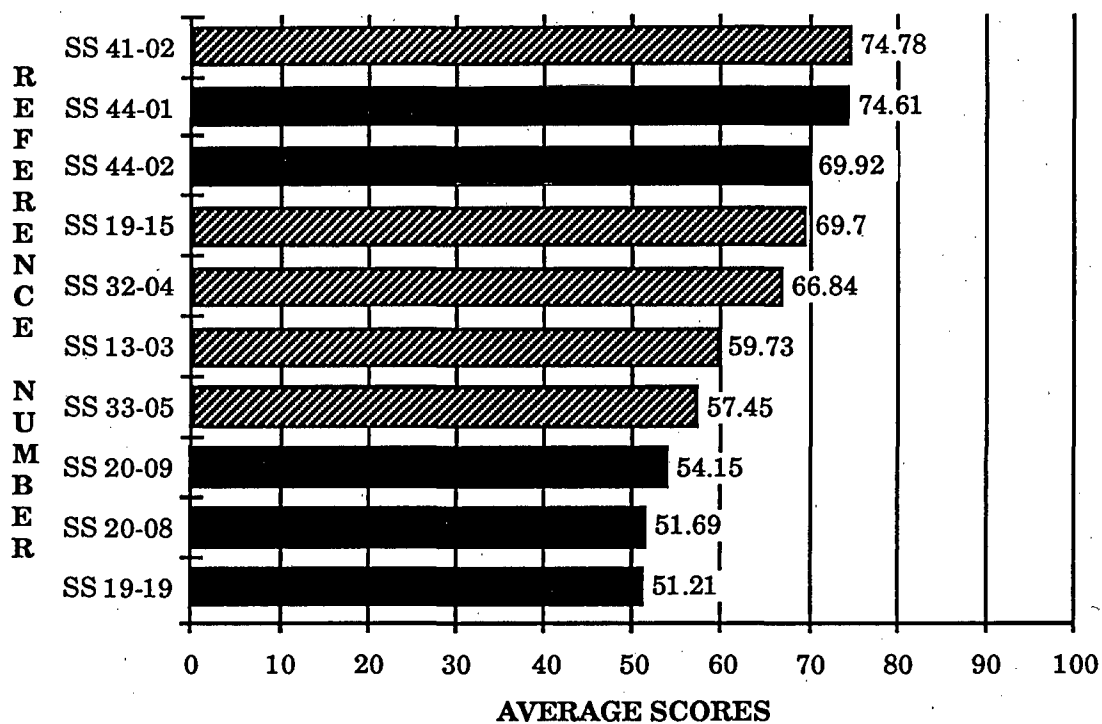
## E. Scenic Sites

This category is made up of 10 scenic sites within the Portland Urban Services Boundary. With the exception of Leach Botanical Garden, parks and open spaces currently designated as Open Space (OS) or County Community Service (CS) for parks, cemeteries, or golf courses were excluded from this inventory. The sites in this section may be in public or private ownership but, because of the nature of their use, are subject to some kind of land use review. The existing review process generally does not protect the scenic values of the resource.

Immediately following is a summary chart showing the ranking and relative placement of each scenic site. The chart also shows whether the resource currently is fully or only partially protected, or whether there are no protection measures in place. The pages following the chart provide a description of each of the 10 sites that the Planning Commission accepted. The diagram below shows the layout of the various elements of the description of each scenic site, including its identification number, name, score, rank, a written summary, a vicinity map, and one or more photographs. Each page is devoted to a single scenic site.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:



Protection measures  
in existence



Partial protection measures  
in existence



No protection measures  
in existence

## AVERAGE SCORES: SCENIC SITES

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

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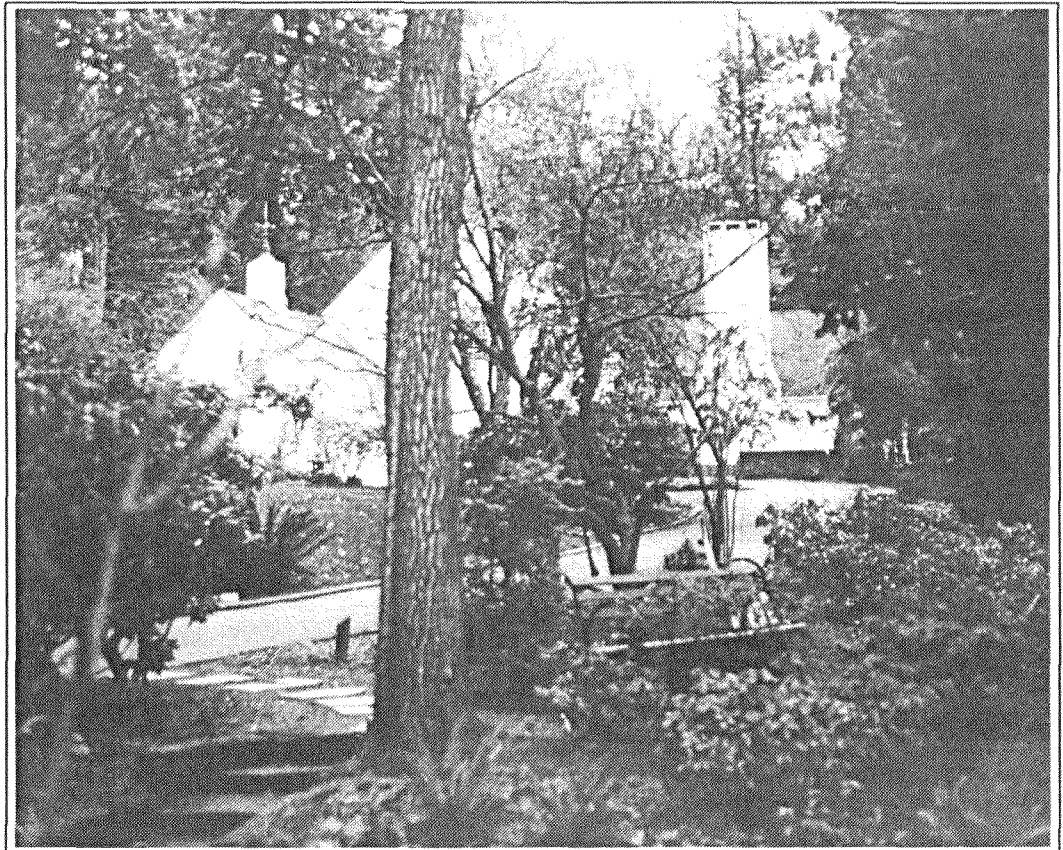
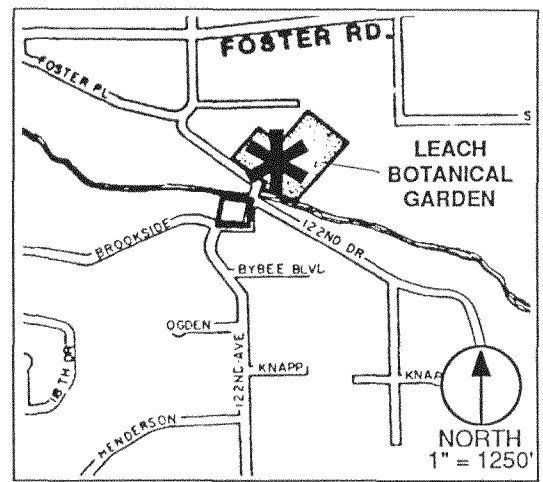
Figure **5**



## Leach Botanical Garden

Score: 74.78 (1 of 10)

The Leach Botanical Garden is located on SE 122nd Avenue south of Foster Road. The property consists of approximately eight acres of informal gardens surrounding a residential structure that is now used for receptions, weddings and other group activities. Johnson Creek flows through the southern portion of the site. A visitor parking lot is located across SE 122nd Avenue. The property is owned by the Portland Park Bureau and has an Open Space designation.

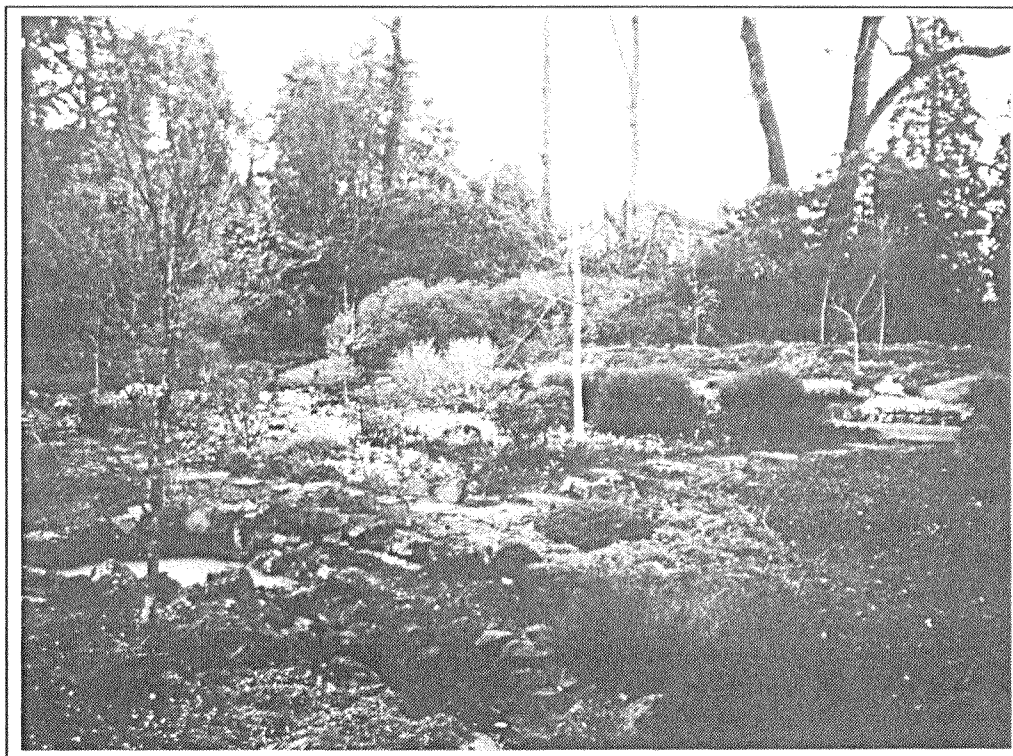
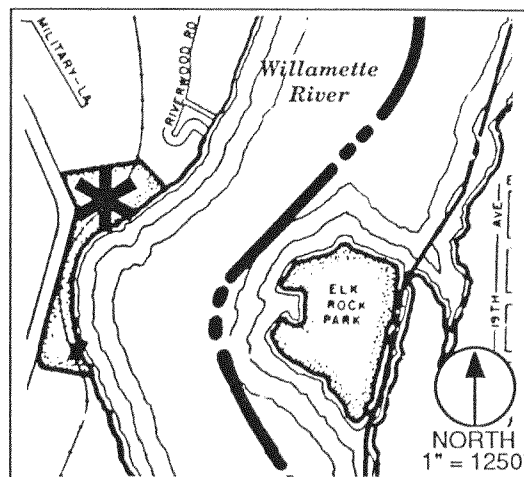


As one approaches Leach Garden from the parking lot, there is a main path leading to the house and a winding path down to Johnson Creek on the right.

## Bishop's Close

Score: 74.61 (2 of 10)

The Elk Rock Garden of Bishop's Close is owned by the Protestant Episcopal Bishop of Oregon. It was formerly a private residence and is located in unincorporated Dunthorpe on SW Military Lane. The site contains approximately 13 acres and is landscaped with large gardens in the English country style. The site, located above the Willamette River, provides sweeping views up and down the river, to Elk Rock Island and Mt. Hood. The grounds are open to the public for daytime viewing.



Paths lead visitors past a large rear lawn, through rock gardens and to the bluff overlooking the river.

## Berry Botanical Garden

Score: 69.92 (3 of 10)

The Berry Botanical Garden was built as a private residence and is now maintained by the Friends of the Rae Selling Berry Botanical Garden. The almost six-acre site is located in unincorporated Dunthorpe on SW Summerville Avenue. The grounds are planted with rhododendron, alpine, primula, lily and native Northwest species in a natural woodland setting. Visits are by appointment only.

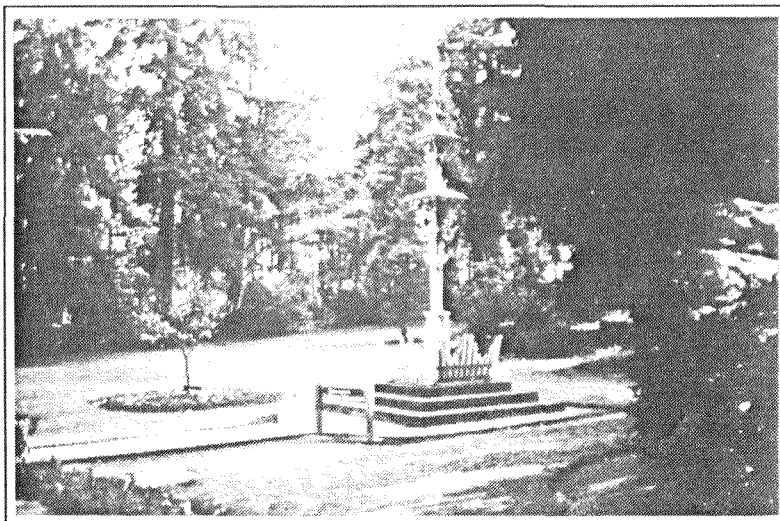
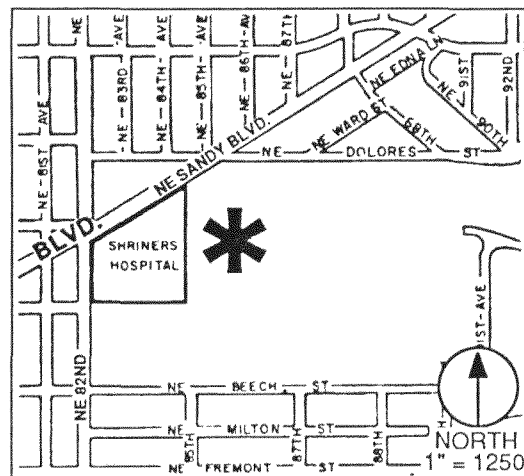


Alpine and other specialty plantings are interspersed among the trees and large lawn.

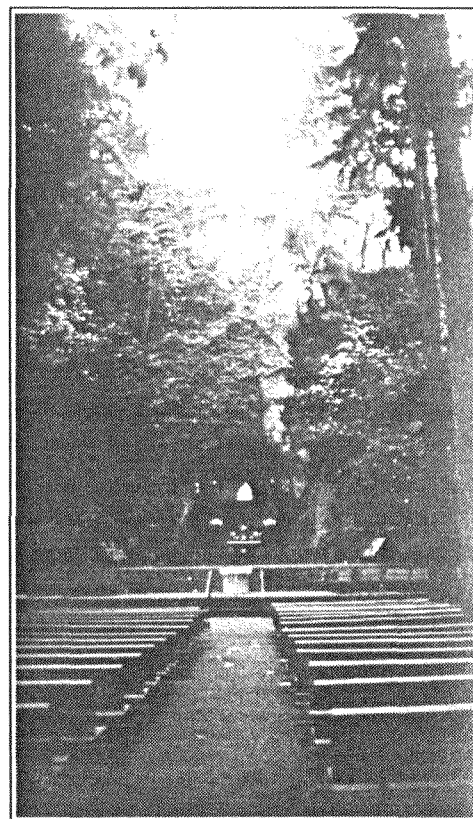
## The Grotto

Score: **69.70** (4 of 10)

The Grotto is a religious facility owned by the Sanctuary of Our Sorrowful Mother. It is located on NE Sandy Boulevard near 82nd Avenue. The site is 64 acres in size and is developed with a variety of facilities, including a monastery and chapel. The site has a number of monuments and statuary among its landscaped grounds. The site also provides views to the north and northeast of Mts. St. Helens, Rainier and Adams from higher grounds reached by way of an elevator. This view has been reviewed as VP 19-14.



The upper level grounds are landscaped and contain memorials.

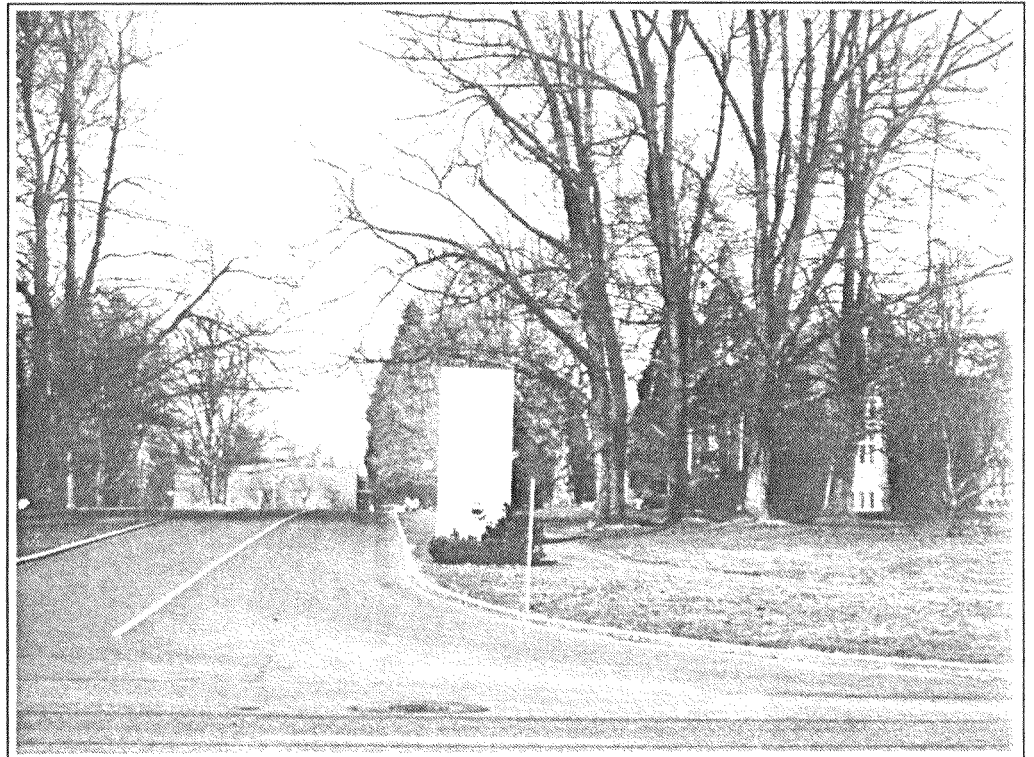
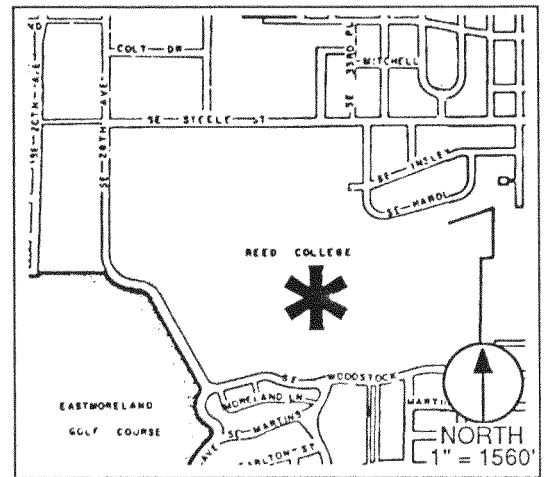


An open sanctuary is a major feature of the lower level grounds.



**Reed College**Score: **66.84** (5 of 10)

Reed College is located at SE Woodstock Boulevard and 32nd Avenue. The site is approximately 100 acres in size and is developed with a number of buildings. It is owned by Reed Institute. The older buildings and landscaped grounds are the main attractions of the site.

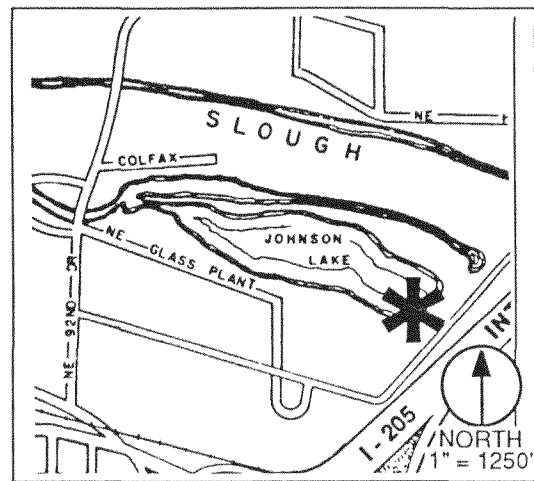


Large deciduous trees and a monument sign mark the main entryway to Reed College.

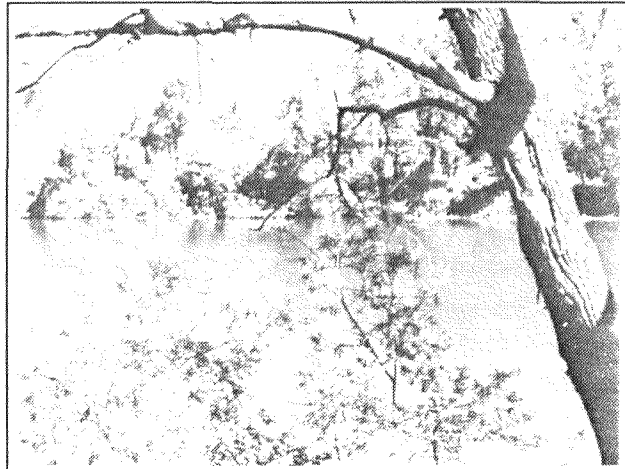
## Johnson Lake

Score: 59.73 (6 of 10)

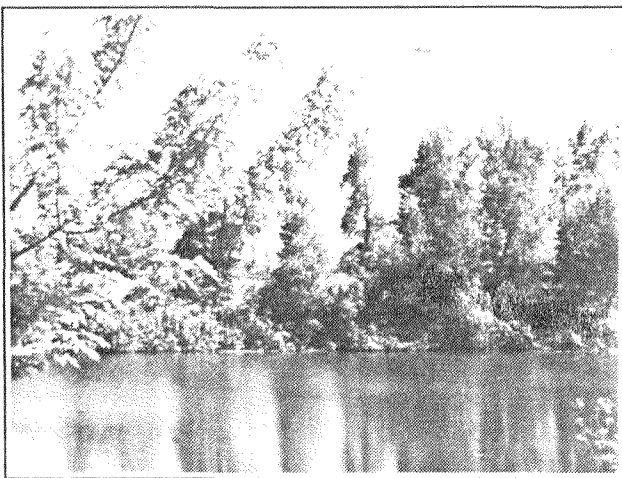
Johnson Lake is located west of I-205 north of NE Columbia Boulevard. It is owned by Owens-Illinois Glass Company and is part of a 54-acre site. The site can be reached by an access road through the industrial part of the site; it is not visible from I-205. It is nearly surrounded by stands of trees and dense shrubs and attracts numerous bird life.



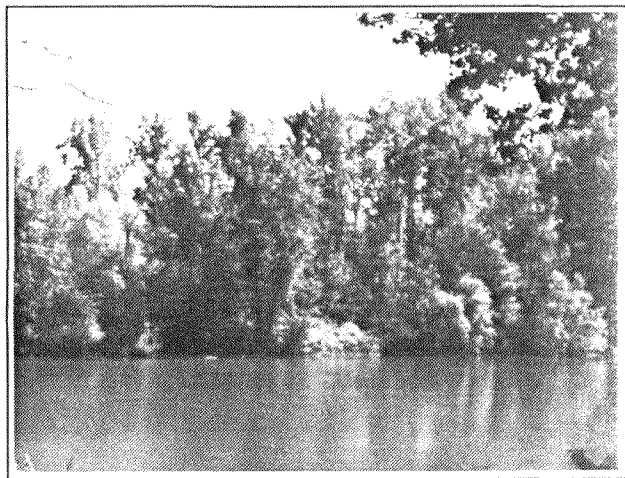
The east end of Johnson Lake is open and accessible for bird-watching.



Trees and shrubs surround the other three sides of the lake.



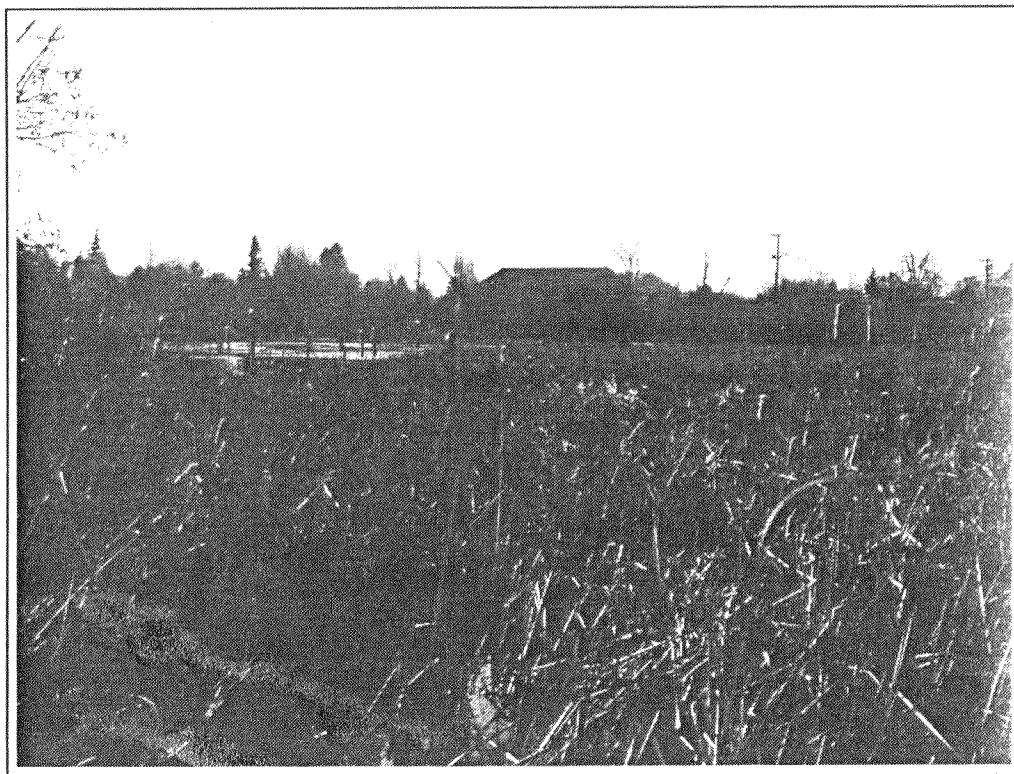
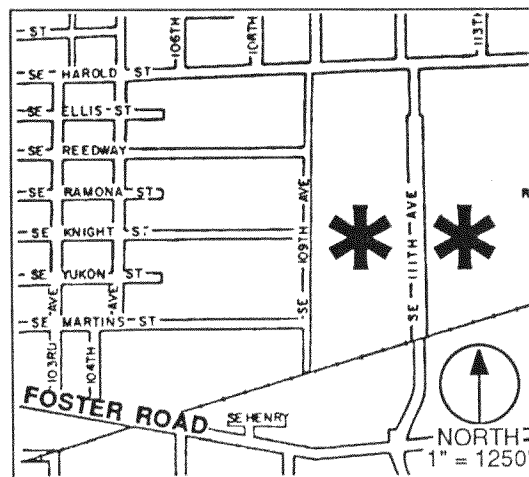
A passing jet serves as a reminder that the airport is not far away.



A private picnic area provides a somewhat open view of the lake.

**Beggar's Tick Marsh**Score: **57.45 (7 of 10)**

Beggar's Tick Marsh covers more than 30 acres and is in a combination of public and private ownership. It is located north of SE Foster Road on both sides of 111th Avenue. The publicly-owned portion of the site is completely undeveloped. The amount of water on the site varies with the season as does the vegetation and bird life. Some members of the committee felt that the site should be maintained as a wetland/habitat area rather than as a scenic area.

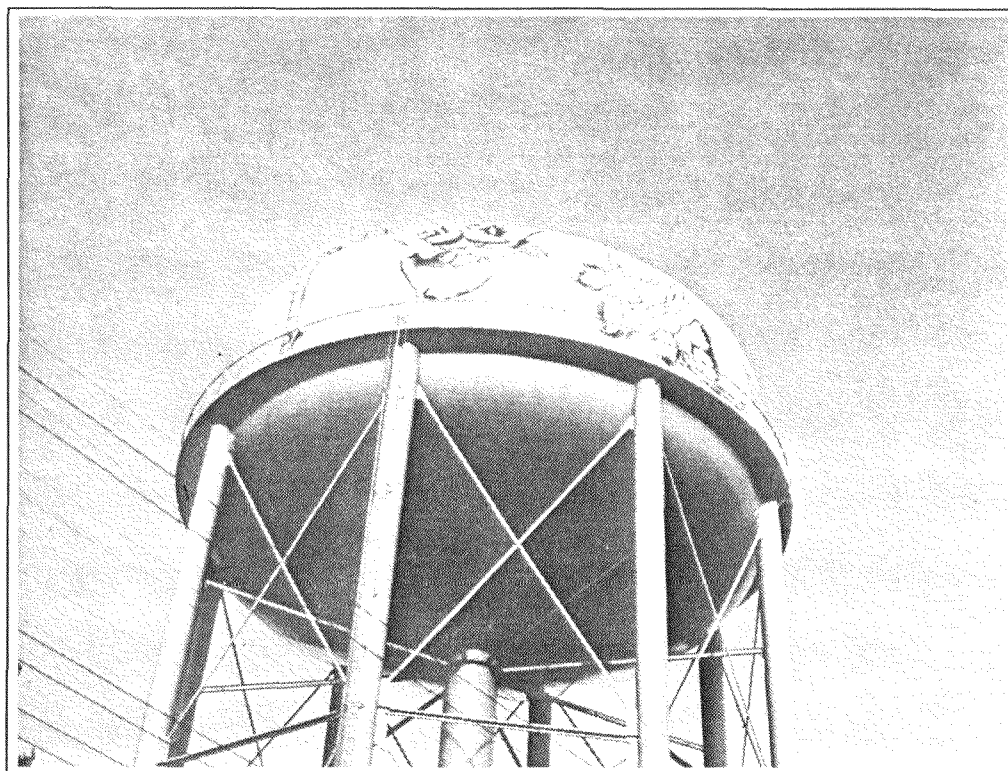
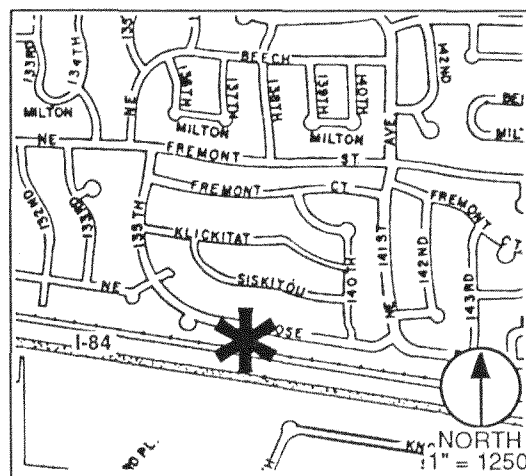


A winter shot of the western section reveals seasonal wetland vegetation, including cattails and reed canary grass. Surrounding development is industrial and residential.

## Water Tower at NE Rose Parkway

Score: 54.15 (8 of 10)

This site is located on NE Rose Parkway at about 138th Avenue. The site is owned by the Portland Water Bureau and consists of a half-acre grassy area with large Douglas Firs beneath the water tower. Over the past few years, five large roses have been painted on the sides of the water tower. This colorful display has become a local landmark that can be seen from nearby Interstate 84. Some committee members noted that the roses were the most important feature of the site.



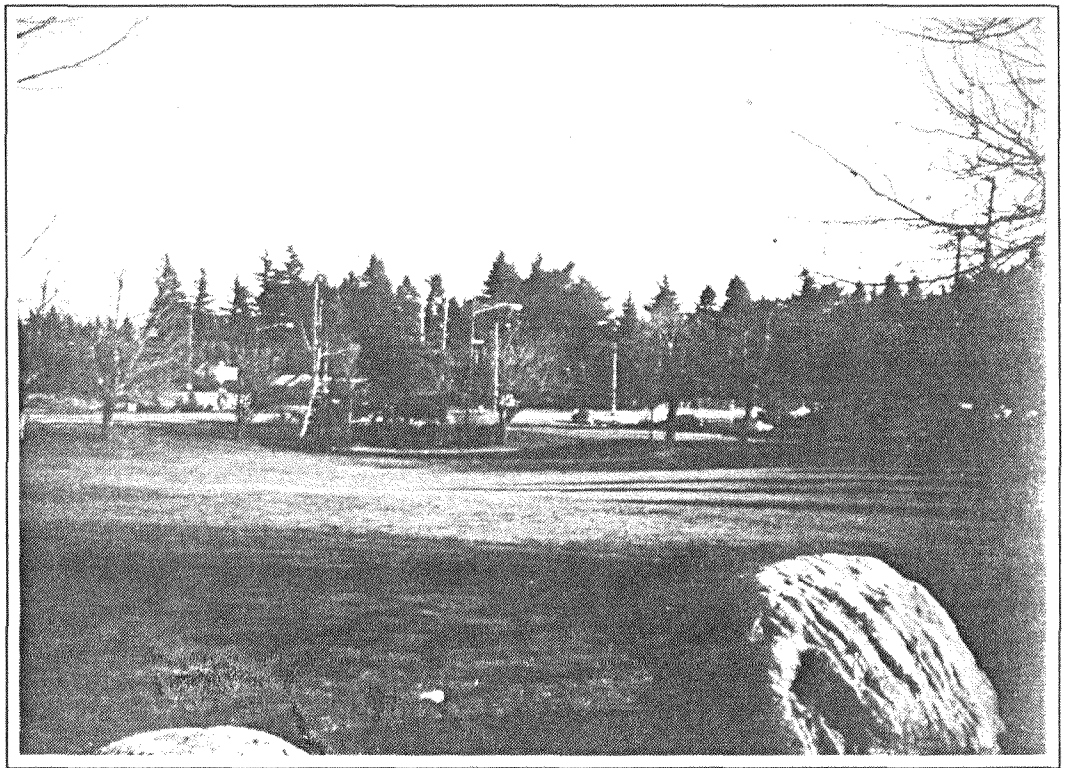
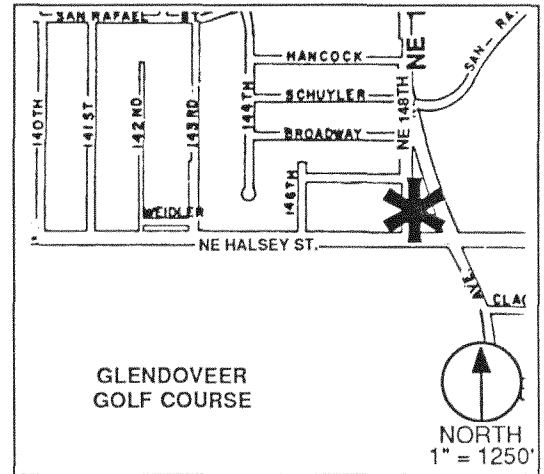
Five large roses painted on the water tower are visible to motorists on the freeway.



## Open Space at NE 148th and NE Halsey

Score: 51.69 (9 of 10)

This site is owned by the Portland Water Bureau and is approximately 2.6 acres in size. Half of the site is covered by partially buried water tanks, but the portion at the intersection of 148th and Halsey is landscaped with grass and trees. The site is across NE Halsey from the Glendoveer Golf Course.

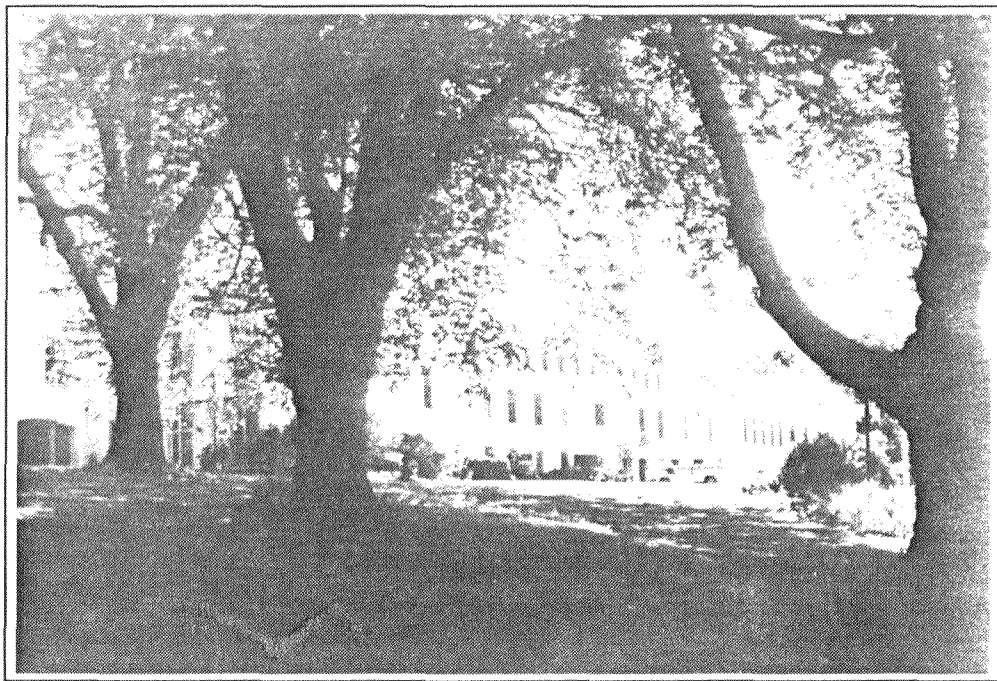
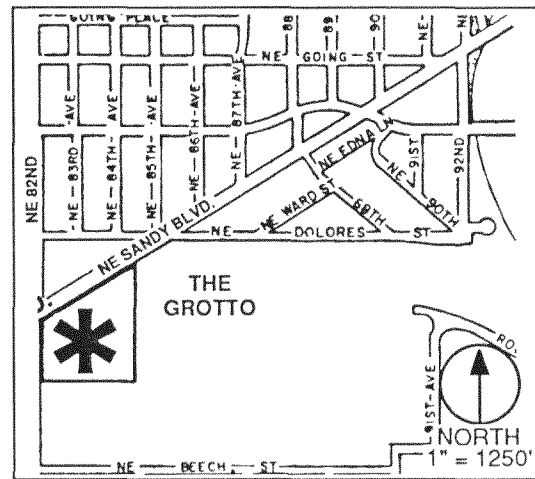


Large boulders from ancient flood deposits define the western perimeter of the site.

## Shriner's Hospital

Score: 51.21 (10 of 10)

This is the site of the old Shriner's Hospital. The property covers approximately 10 acres and is located at the corner of NE Sandy Boulevard and 82nd Avenue. The site is developed with a large white building and landscaped grounds. It is in private ownership. A conditional use application has been submitted to operate an institutional care facility for senior housing. The proposal calls for adding two rear wings while maintaining the front façade and landscaping. The Grotto (SS 19-15) is situated immediately to the west.

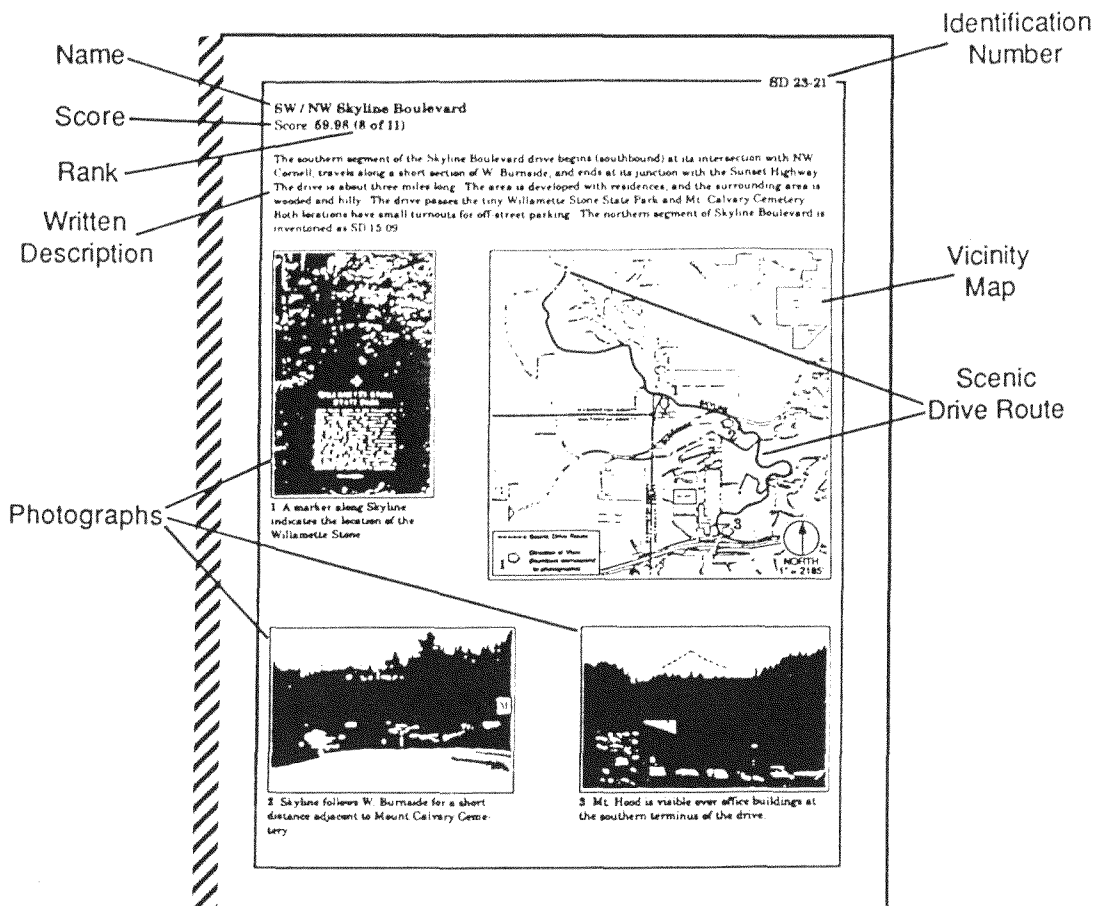


The sprawling, three-story former hospital sits on a rise of landscaped grounds.

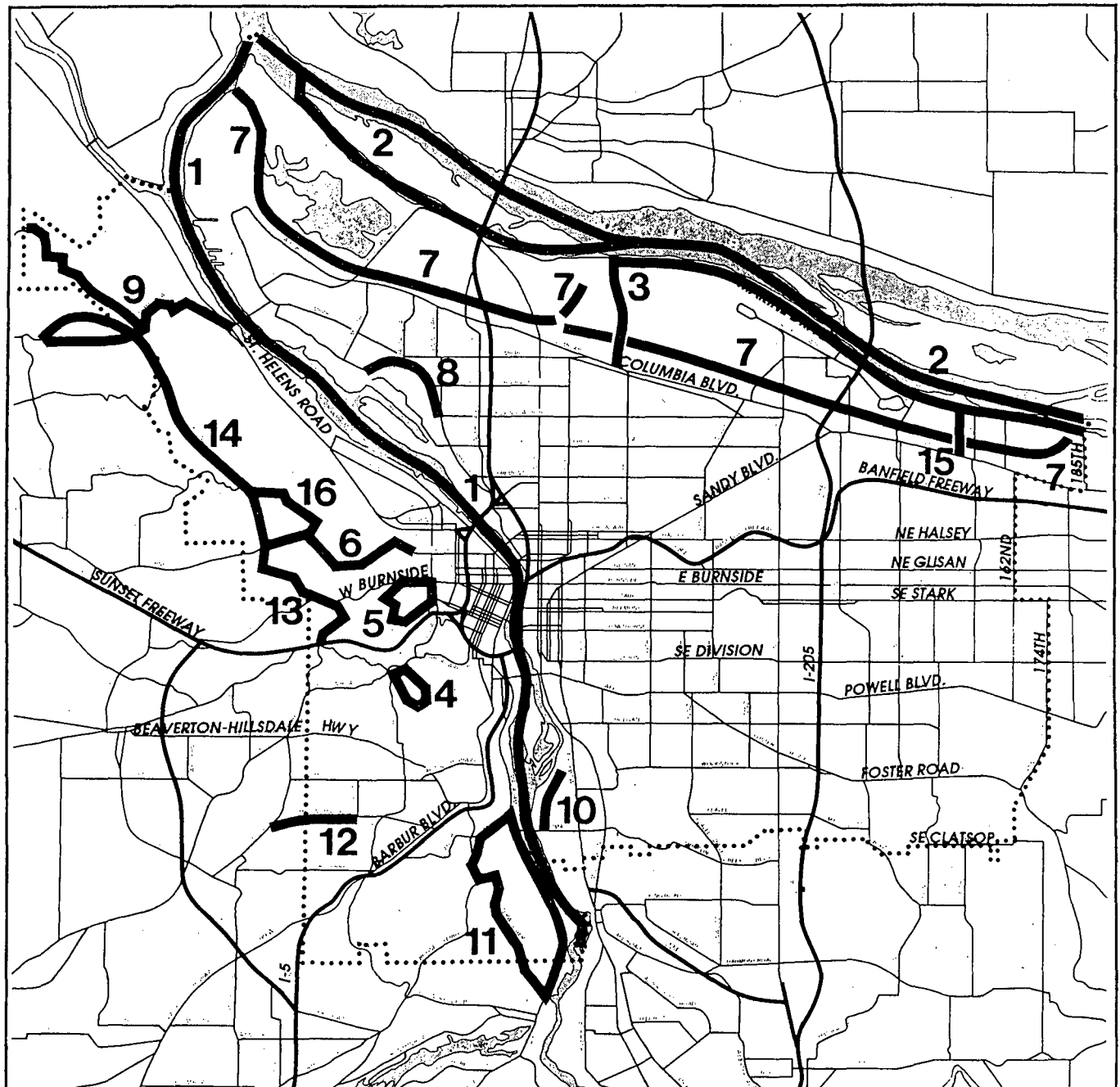
## F. Scenic Drives

This category is made up of 16 scenic drives. A drive may be a segment of a longer drive, may include one or more streets, or may be a waterway. The City currently has one designated scenic drive, SW Terwilliger Boulevard. The committee, as a whole, considered all of the drives reviewed to have some scenic qualities. The scenic qualities include the views from the drives, the vegetation along the drive, or the combination of development and open areas. The committee reviewed the drive in person, each member driving along the route and ranking the drive. A further review and consensus-building occurred when the committee met as a group and reviewed video tapes of the drives.

Immediately following is a map showing all the scenic drives, numbered according to their relative ranking. A summary chart follows showing the ranking and relative placement of each scenic drive. The chart also shows the existing level of protection of the scenic qualities of the drive. The pages following the chart provide a description of each of the 16 drives that the Planning Commission accepted. The diagram below shows the layout of the various elements of the description of each scenic drive, including its identification number, name, score, rank, a written summary, a vicinity map, and one or more photographs. The format is varied to accommodate several sizes of vicinity maps and photographs.



# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

- Scenic Drives**
1. Willamette River (SD 01-04)
  2. Columbia River (SD 02-01)
  3. 33rd and Marine Dr (SD 12-04)
  4. Fairmount Blvd (SD 30-03)
  5. Washington Park (SD 23-25)
  6. Cornell Road (SD 23-16)
  7. Columbia Slough (SD 11-03)
  8. Willamette Blvd (SD 10-07)
  9. NW Germantown Rd (SD 09-17)
  10. Sellwood Blvd (SD 38-29)
  11. SW Macadam/Terwilliger Loop (SD 38-27)
  12. Multnomah Blvd (SD 37-03)
  13. SW Skyline Blvd (SD 23-21)
  14. NW Skyline Blvd (SD 15-09)
  15. Cross-dike Road (SD 20-10)
  16. NW Thompson Rd (SD 15-05)

## SCENIC DRIVES

(Number indicates relative position of a given resource to other resources of a given category)

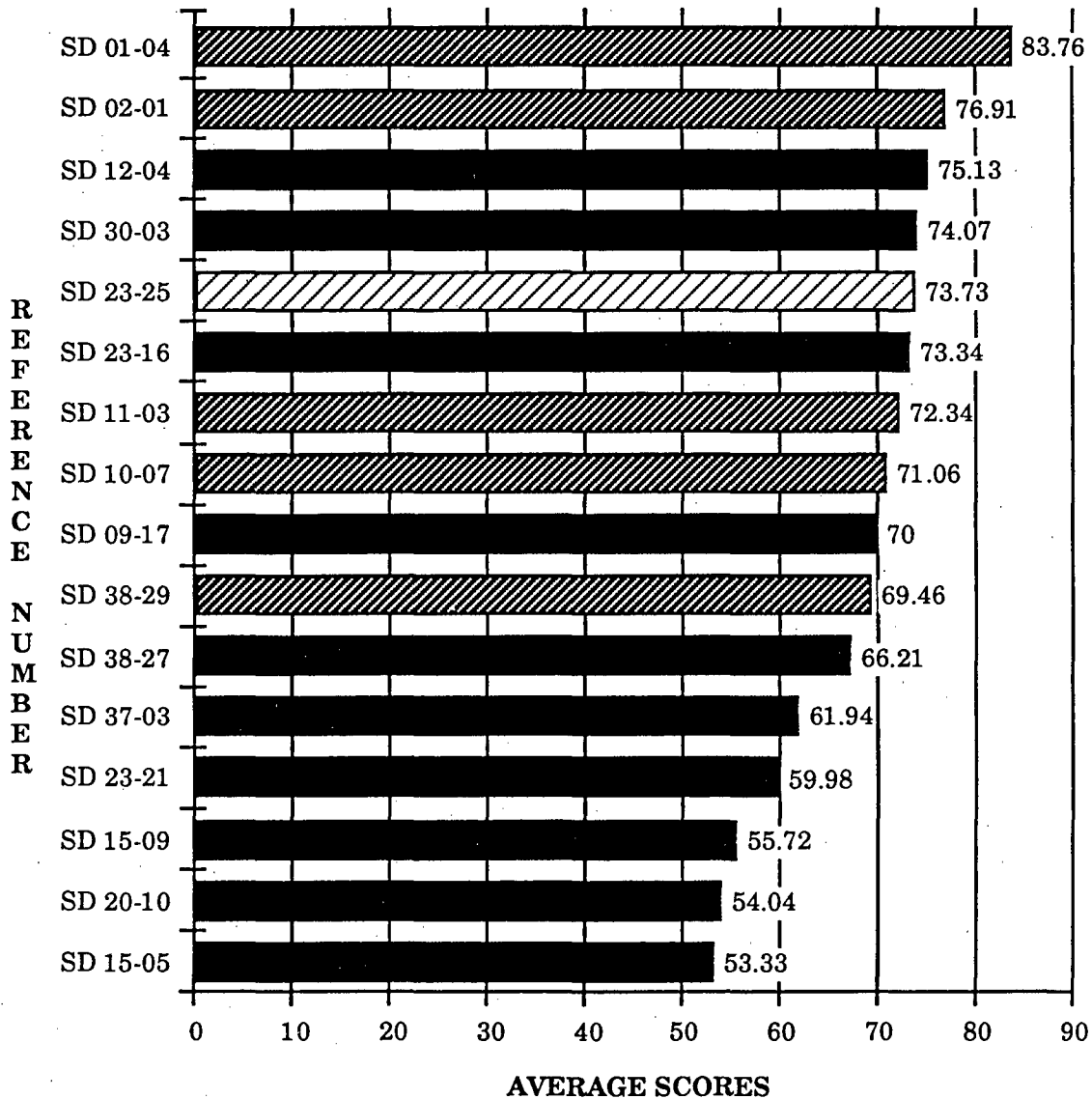
Scale: 1" = 13,318'






Bureau of Planning  
City of Portland

Map **12**

# SCENIC VIEWS, SITES AND DRIVES INVENTORY



## Legend:

-  Protection measures in existence
-  Partial protection measures in existence
-  No protection measures in existence

## AVERAGE SCORES: SCENIC DRIVES

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

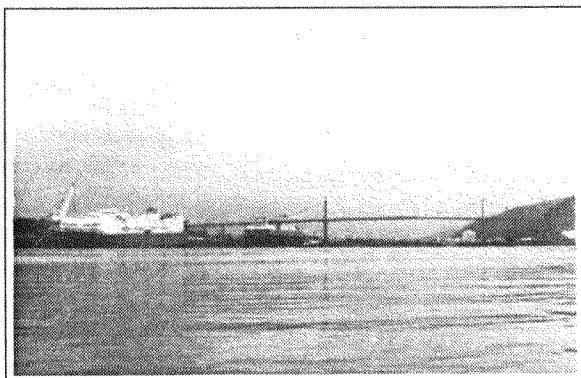
Bureau of Planning  
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Figure **6**

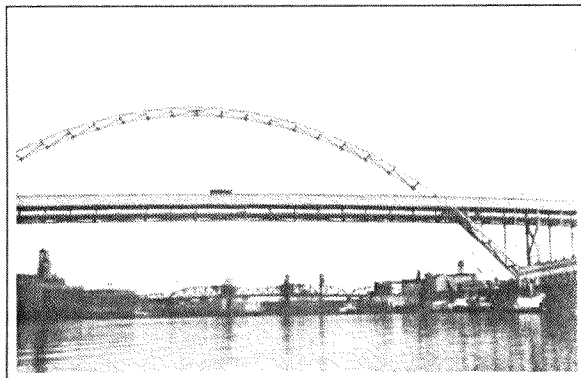
## Willamette River from Elk Rock Island to Kelley Point Park

Score: 83.76 (1 of 16)

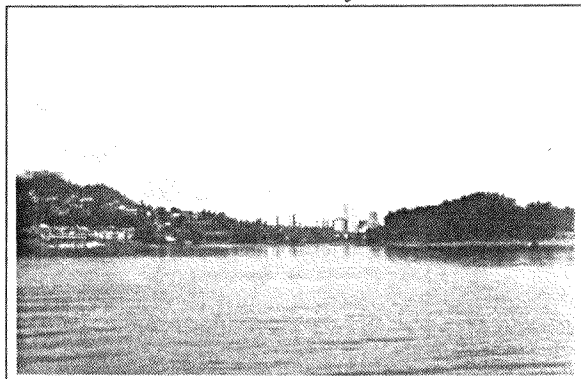
This portion of the Willamette River flows north from one City park (Elk Rock Island) to another (Kelley Point Park) at its confluence with the Columbia River. The river flows past other City parks, Ross Island, and a mixture of residential, commercial and industrial development. The river offers many outstanding views of the west hills and the downtown skyline. Most areas along the river have been modified over time, but there are remaining natural areas where great blue herons and other birdlife can be seen. Several views from the banks of the river are included in the inventory.



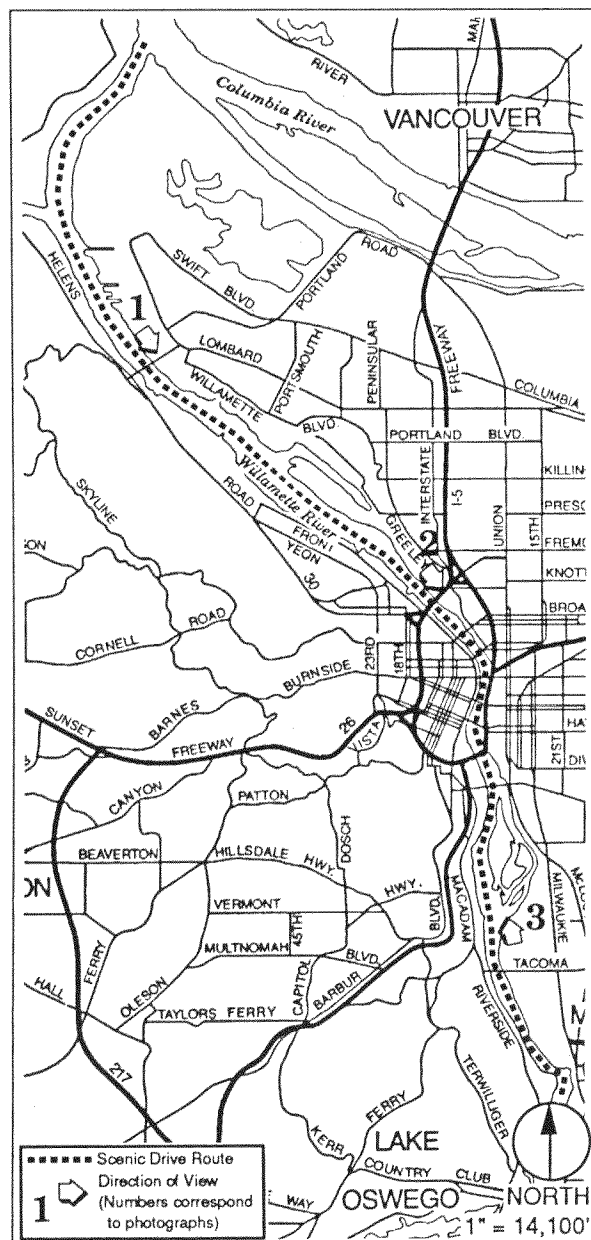
1. The historic St. Johns Bridge is a prominent landmark where it joins the west hills and St. Johns.



2. The Fremont Bridge marks the northern entrance to the Central City.



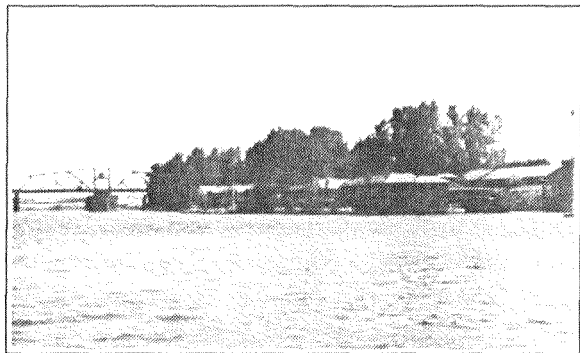
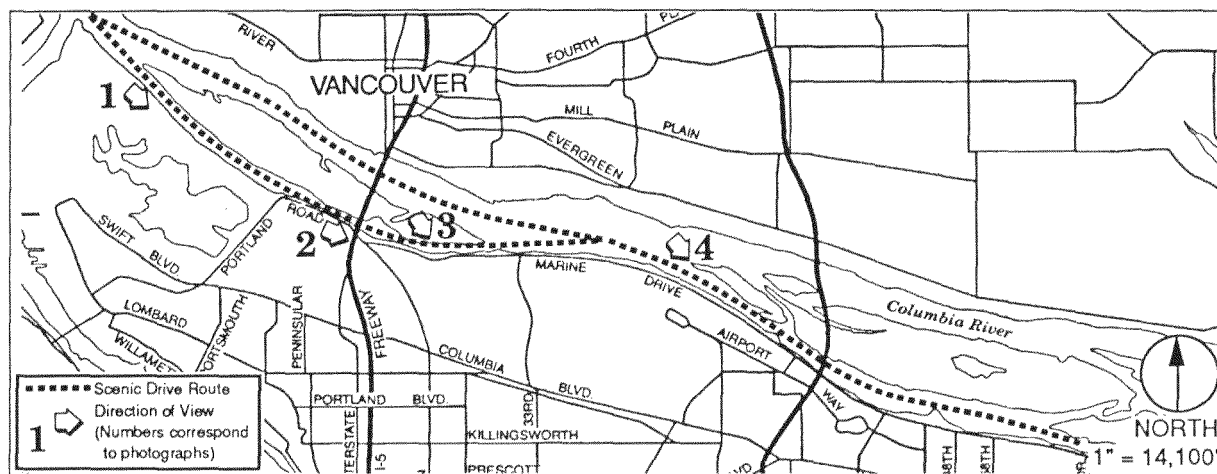
3. The downtown skyline is visible between the west hills and Ross Island as one looks north off-shore of Willamette Park.



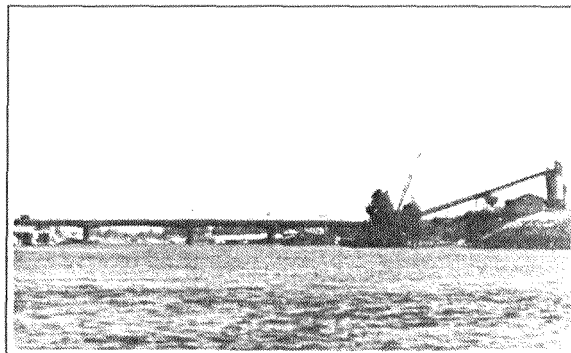
## Columbia River from NE 185th Avenue to Kelley Point Park

Score: 76.91 (2 of 16)

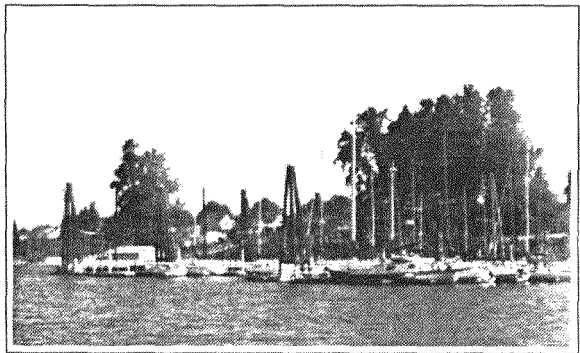
The most spectacular views from the Columbia River are to the east, where Mt. Hood is frequently visible above the water and bridges. The Columbia River shoreline tends to be less developed than along the Willamette River shoreline, although the Port of Portland does have a loading terminal east of Kelley Point Park. There are several houseboat moorages along the Columbia, particularly on and near Hayden and Tomahawk Islands. The western portion of Hayden Island, Lemon Island and Government Island are all relatively undeveloped and offer views of natural areas. Other points of interest along the river are the airport and beaches.



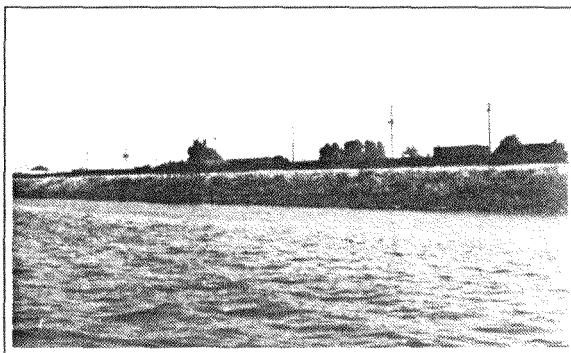
1. Houseboat moorages are a common sight along the Columbia River. This one is near the railroad bridge to Hayden Island.



2. The slough bridge crosses to Hayden Island where a variety of development is located.



3. Moorages provide a variety of boat-watching opportunities.



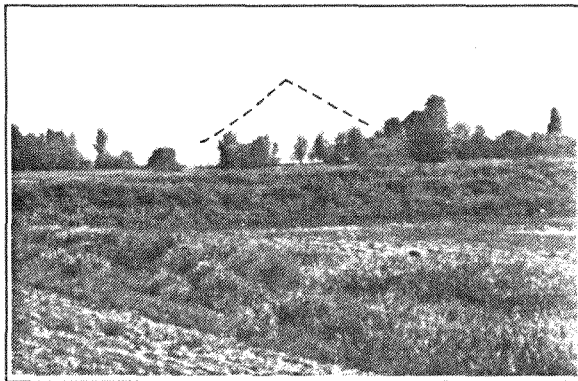
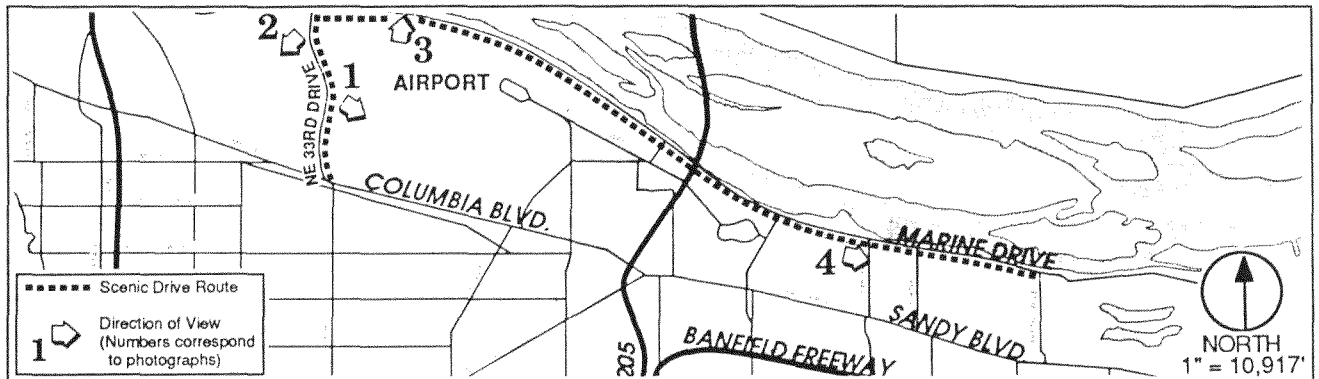
4. Although the landscape is less interesting near the Airport, airplanes provide visual relief.



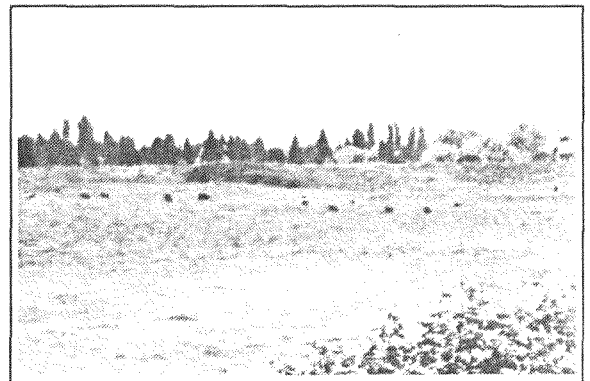
## NE 33rd Drive and Marine Drive

Score: 75.13 (3 of 16)

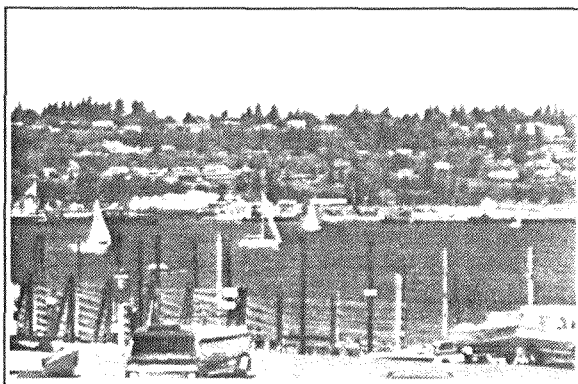
The NE 33rd Drive and Marine Drive route is approximately 10.6 miles long from the junction of 33rd Drive with Columbia Boulevard to NE 185th. The best views are obtained by driving north on 33rd and east on Marine Drive. The drive provides views of open areas, the airport, the Columbia River, Government Island, and particularly spectacular views of Mt. Hood. Some turnouts are provided along Marine Drive, and a portion of the 40-Mile Loop parallels Marine Drive. This portion of the loop trail is a hard-surfaced bicycle path that alternates on either side of Marine Drive. Several individual views have been inventoried along Marine Drive (see VB 07-02, VB 13-06, and VB 14-02).



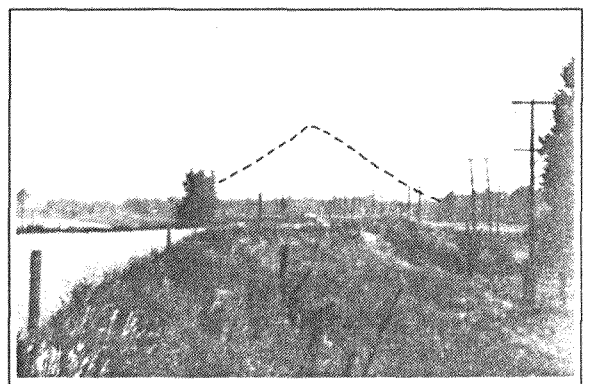
1. View of Mt. Hood from NE 33rd Drive.



2. Cows grazing west of NE 33rd Drive near Marine Drive.



3. County-owned boat ramp on north side of Marine Drive.



4. View of Mt. Hood from Marine Drive near cross-dike.



## SW Fairmount Boulevard Loop

Score: 74.07 (4 of 16)

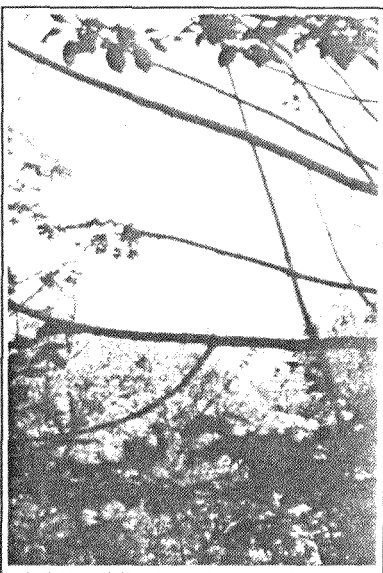
The Fairmount Boulevard drive is an approximately 3.4 mile loop that circles Council Crest Park and loops to the southeast through a wooded residential area. The drive is attractive travelling in either direction and is popular with bicyclists, walkers, and joggers, as well as motorists. Parking on the shoulder is very limited due to the street's narrowness. Views of the City and Mt. Hood are afforded between houses and through wooded areas looking to the southeast. Views of development to the southwest can be glimpsed through the trees on the western portion of the drive. Mt. St. Helens is visible at the northern portion of the drive at a turnout inventoried as VP 30-07.



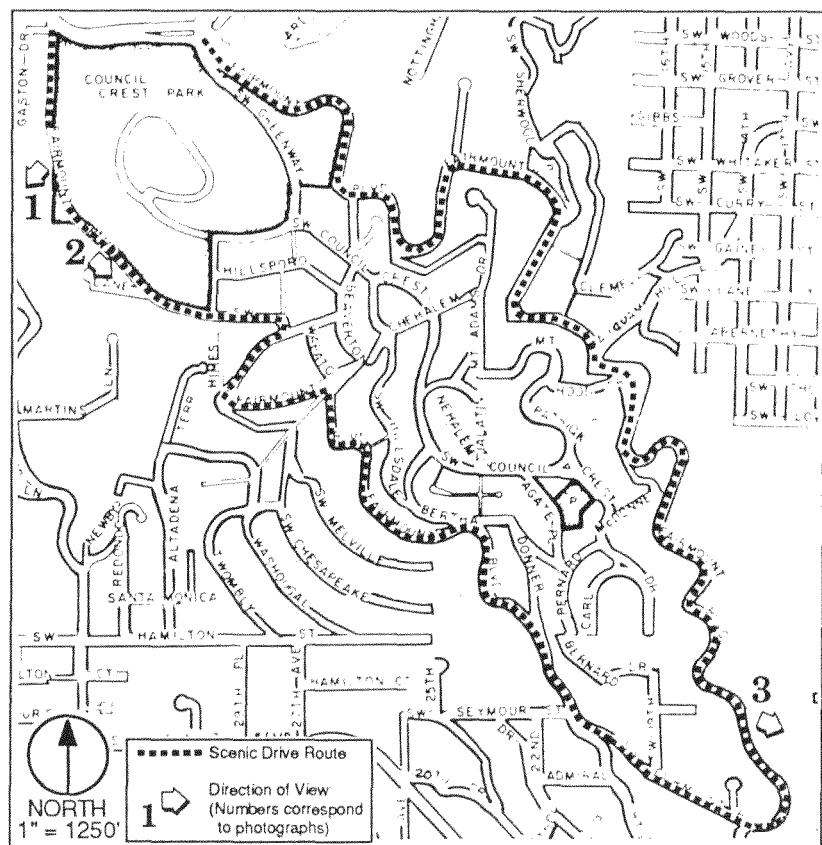
1. Typical valley view over rooftops at north-west portion of drive.



2. Typical new construction along Fairmount Boulevard.



3. View of new Veteran's Hospital seen from southeast extension of drive.



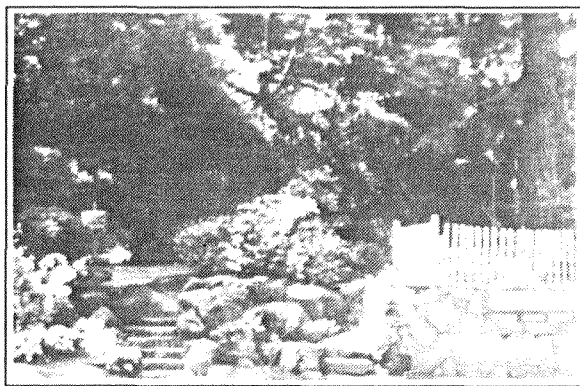
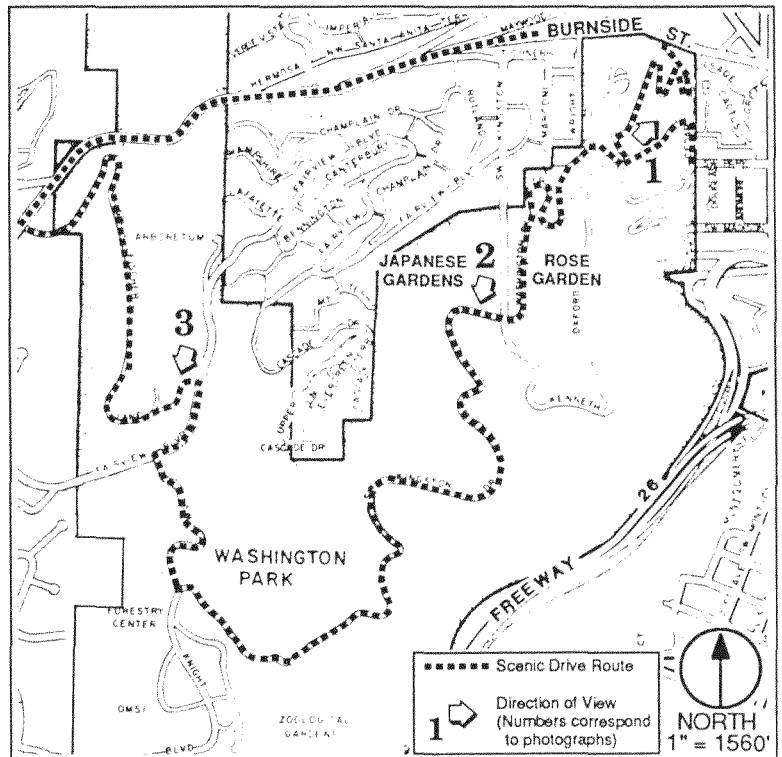
## Washington Park and Hoyt Arboretum Loop

Score: 73.73 (5 of 16)

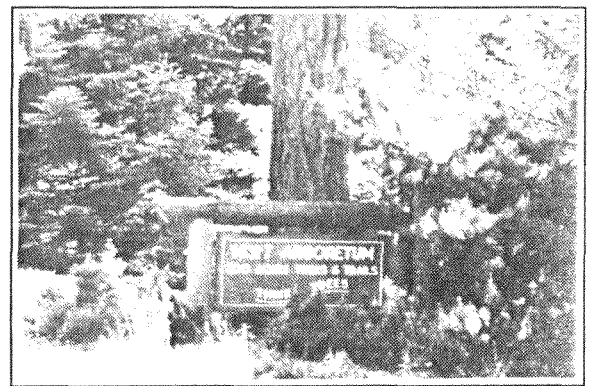
This loop is approximately six miles long and winds through both Washington Park and the Hoyt Arboretum. The entire route is attractive, consisting of a mixture of gardens, wooded areas, and some residential areas. There are also side streets that can be taken to lengthen the route. Parking is in designated parking areas only with limited on-street parking in some areas along the route. Hiking trails crisscross the arboretum and excellent views of the mountains and of the City are obtained from various vantage points off the main loop.



1. Sacajawea monument near entrance to Washington Park.



2. Entrance to Japanese Gardens near tennis courts on SW Kingston.

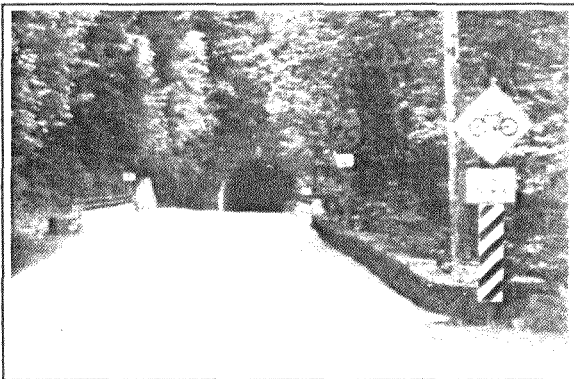
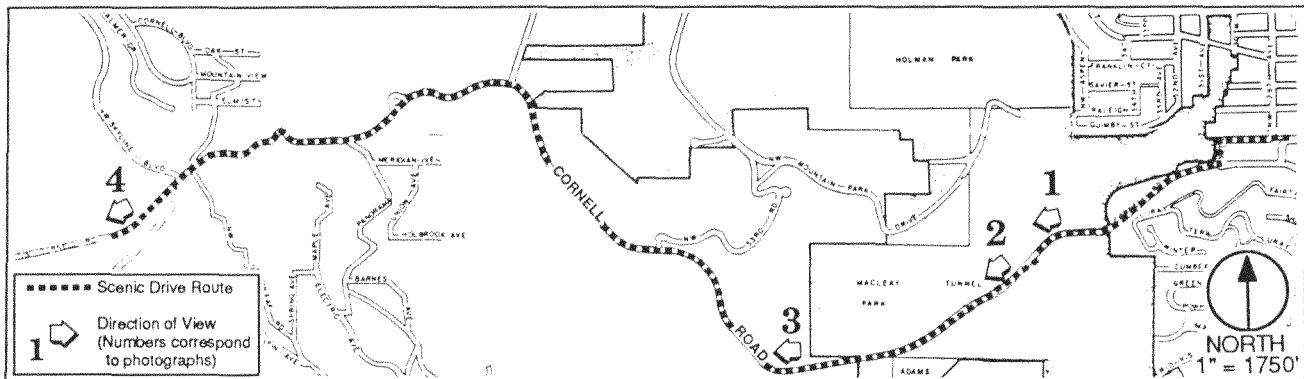


3. Hoyt Arboretum sign at SW Fairview and SW Fischer.

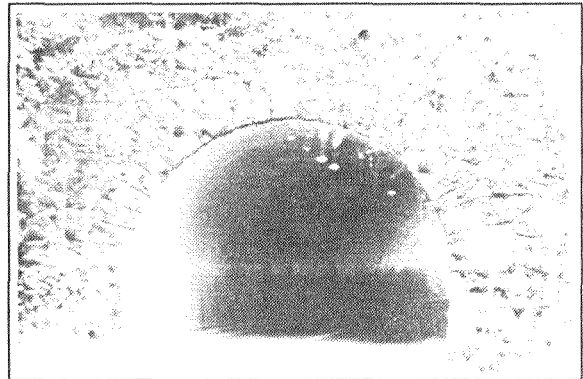
## NW Cornell Road

Score: 73.34 (6 of 16)

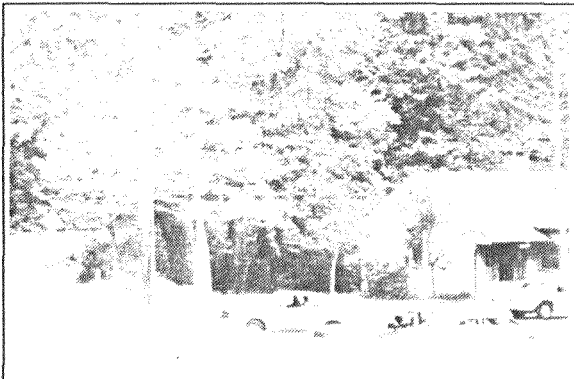
The Cornell Road drive is approximately 3.5 miles long from its beginning at NW Lovejoy to its junction with Miller Road. The eastern portion of the drive begins in a developed residential area and passes through two tunnels, Macleay Park, and the Audubon Society bird sanctuary. The western stretch of the drive passes through rugged, wooded areas and provides connections to NW 53rd Drive. Balch Creek is occasionally visible on the southern side of Cornell Road, but is generally not accessible. Parking areas are limited to a few turnouts and the Audubon parking lot.



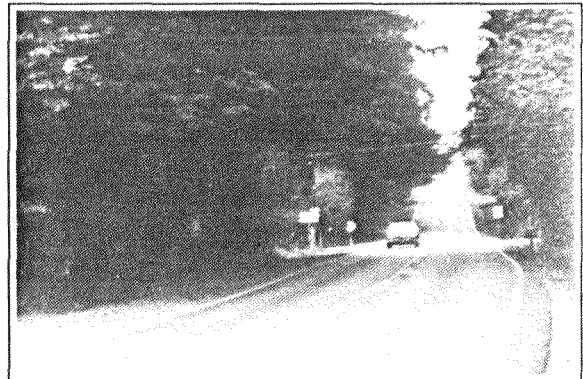
1. Bike path shares roadway except where diverted at tunnels.



2. The two tunnels through the hills along Cornell were built in 1941.



3. The Audubon Society bird sanctuary adjacent to Macleay Park.

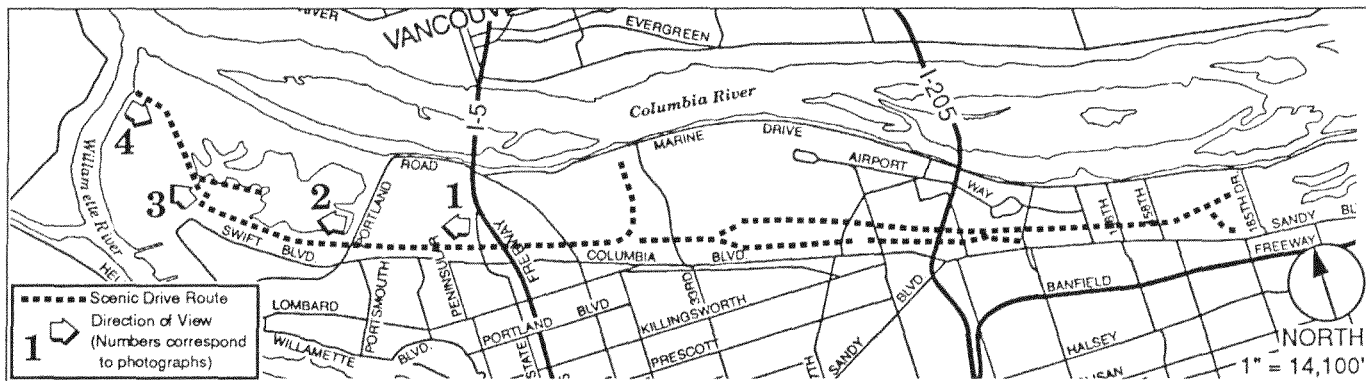


4. The western terminus of the Cornell drive west of NW Skyline.

## Columbia Slough from NE 185th Avenue to Kelley Point Park

Score: 72.34 (7 of 16)

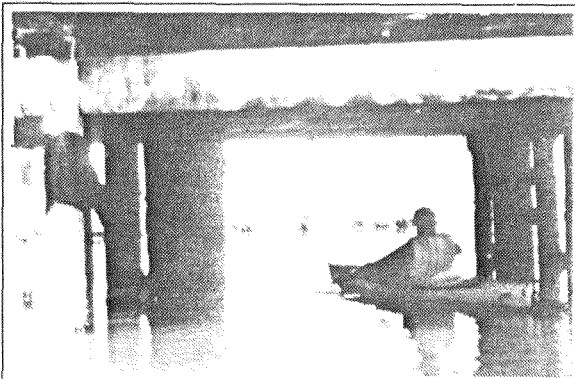
The Columbia Slough is actually several unconnected segments of slough and several secondary sloughs, including the Peninsula Slough. The slough flows through a wide variety of development, from agricultural to industrial and many recreational and wildlife habitat areas. The slough provides opportunities for canoeing, fishing and bird watching. Mt. Hood is visible from some parts of the eastern stretches of the slough. Three related City projects address the slough. The Bureau of Planning will implement environmental review of developments near the slough to protect natural resource values. The Portland Development Commission is preparing a natural resources management plan for the section east of 82nd Avenue. The Bureau of Environmental Services is developing a Columbia Slough Management Plan to identify water quality and recreational improvements.



1. Access to the slough is limited due to steep banks along much of its length.



2. The slough flows past the St. Johns landfill.



3. The slough is used for canoeing and kayaking although access is frequently impaired due to culverts or low clearance.

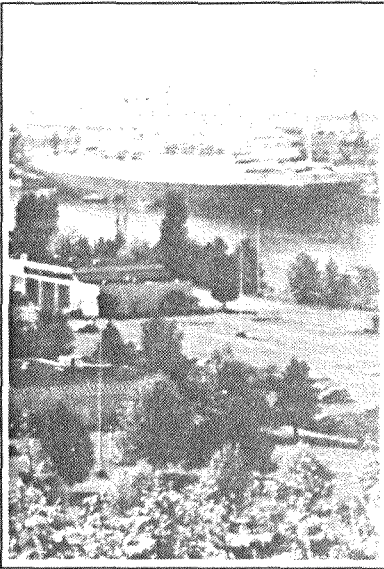


4. The slough empties into the Willamette River on the south boundary of Kelley Point Park.

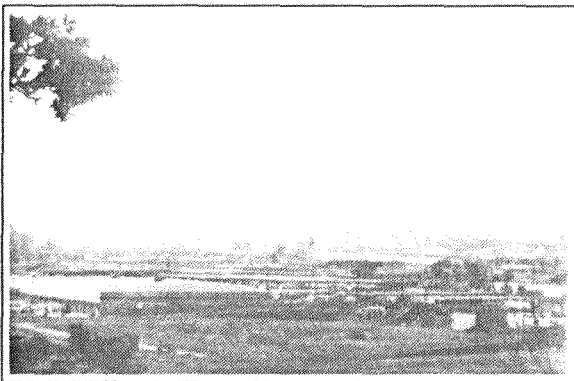
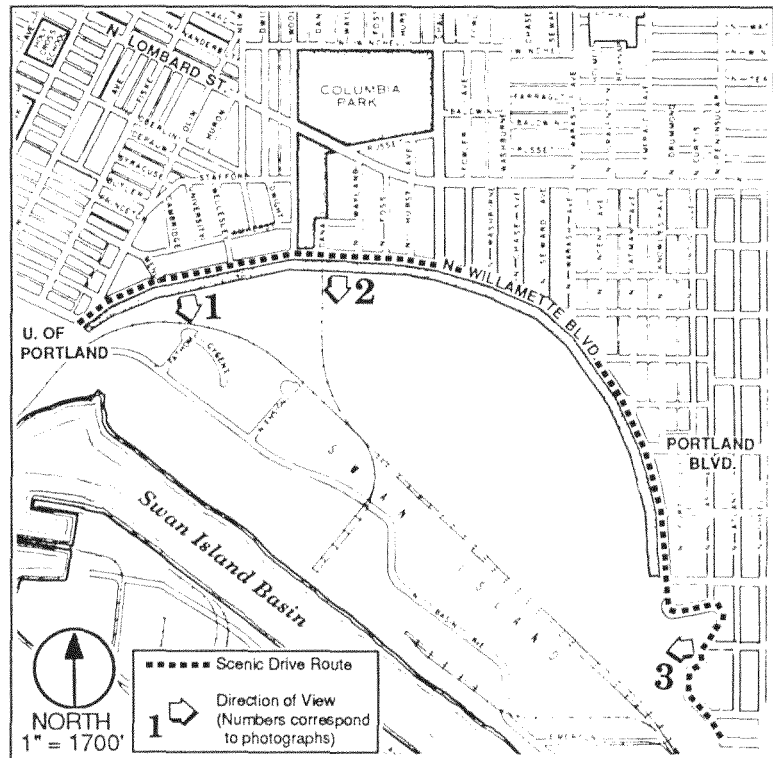
## Willamette Boulevard

Score: 71.06 (8 of 16)

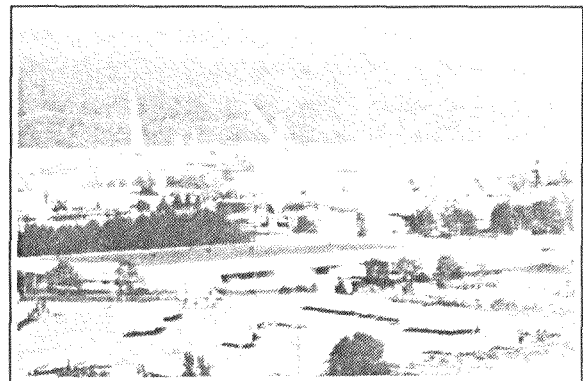
The Willamette Boulevard drive is approximately two miles long from N. Killingsworth to the University of Portland, providing views of Swan Island and the ship repair yard, the City, and the west hills. The drive is attractive from either the north or the south direction. A barrier located at the southern end of the drive requires a one-block detour to the east. There are no opportunities to pull out of traffic, although on-street parking is allowed opposite the bluff. There are no sidewalks on the western side of the street, though a rough path along the top of the bluff gets frequent usage.



1. View of ship repair yard at Swan Island.



2. View of Mock's Landing and downtown skyline.



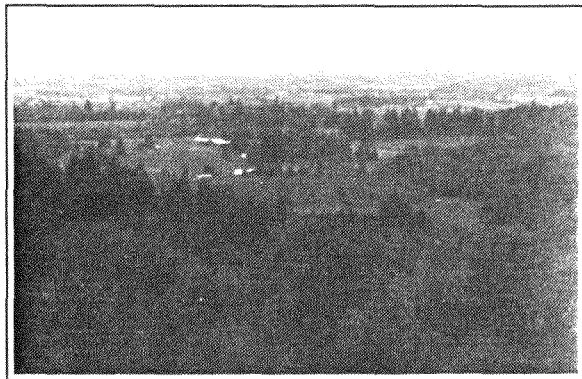
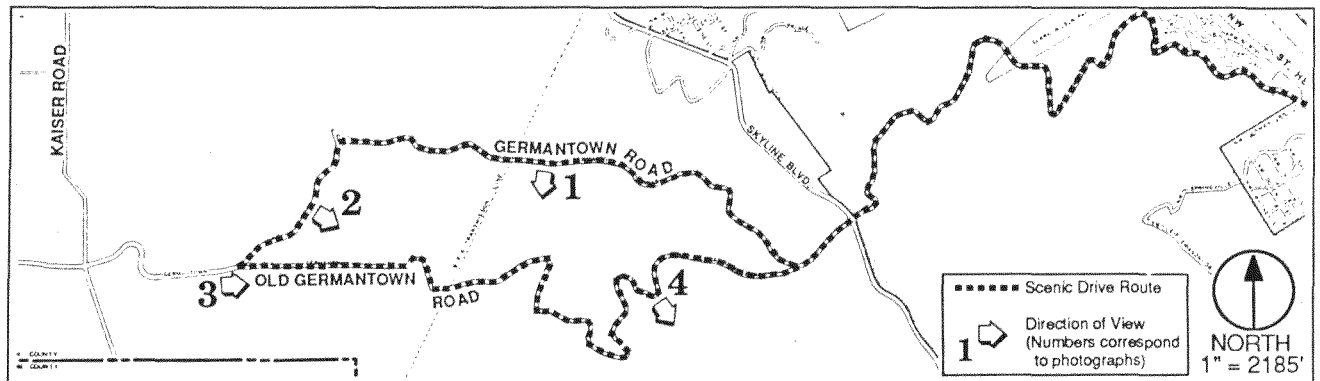
3. View of Swan Island industrial area.



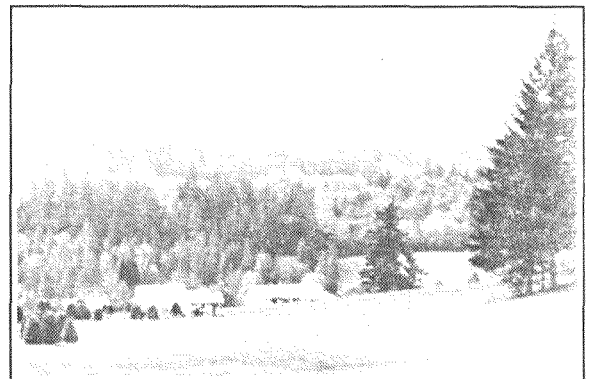
**NW Germantown Road**

Score: 70.00 (9 of 16)

The Germantown Road drive is approximately 6.5 miles long from its beginning at St. Helens Road and including the Old Germantown Road segment. The drive travels through a sparsely developed residential area becoming progressively more rural and agricultural in character. There are several turnouts on the eastern portion of the drive at hiking trail locations, but few opportunities for on-street parking along the rest of the drive. The Old Germantown Road portion of the loop is a very narrow road that winds through deep woods and grazing land. This drive can easily be combined with the NW Skyline Boulevard drive (SD 15-09). As one approaches St. Helens Road from NW Germantown Road, the lower Willamette River industrial areas and the St. Johns Bridge are visible. A specific view of the bridge from NW Germantown was also inventoried (see VB 09-14).



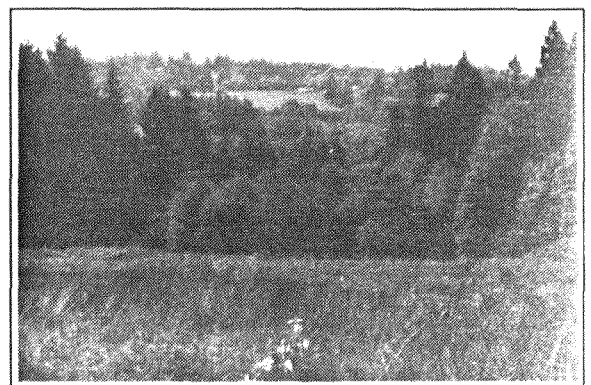
1. Looking southwest from Germantown to farmland in valley.



2. Farming activity along Germantown Road.



3. Junction of Germantown and Old Germantown Road at western end of drive.

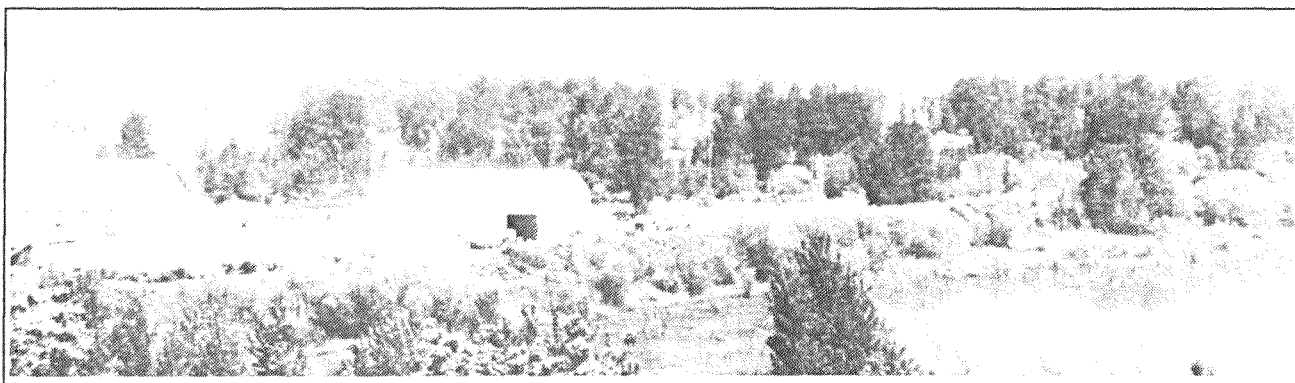


4. Typical view of valley from Old Germantown Road.

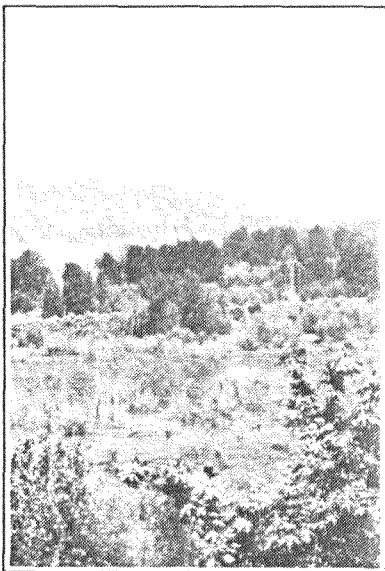
## Sellwood Boulevard

Score: 69.46 (10 of 16)

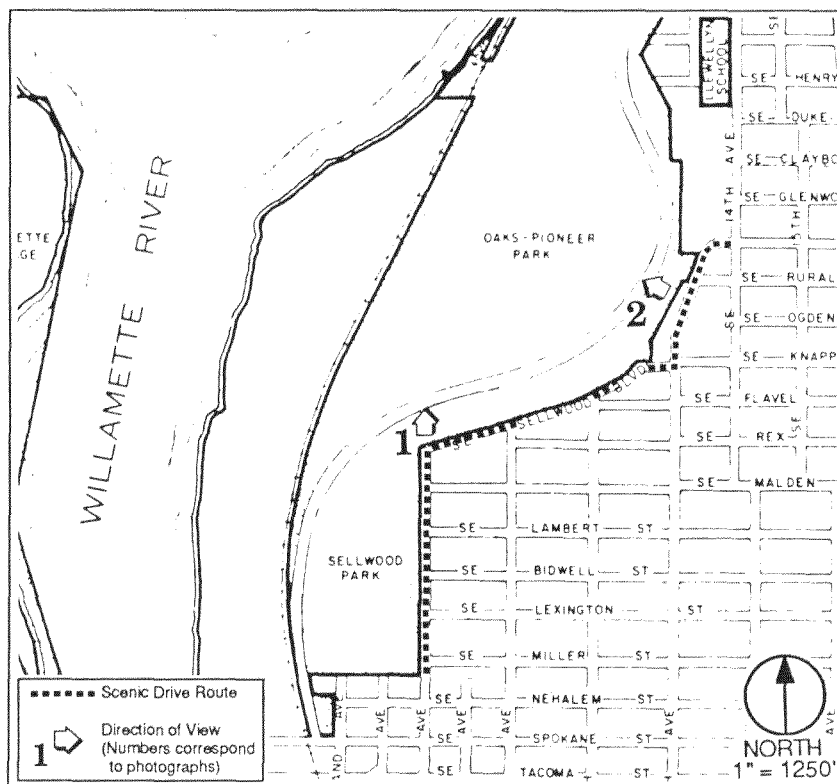
The drive begins along SE 7th Avenue adjacent to Sellwood Park, where there is a parking lot. SE 7th leads directly to the southern end of Sellwood Boulevard. The drive continues along Sellwood Boulevard and provides views of Oaks Bottom, the river, the west hills, and the downtown skyline. The open, upper elevation of the bluff provides dramatic glimpses of blue herons feeding in Oaks Bottom. The drive is relatively short, less than a mile in length. Parking is allowed only on the east side of the street. The drive can be approached from the south via the Sellwood Bridge or from the north using SE Milwaukie. The drive skirts a primarily residential area. A panoramic view from Sellwood Boulevard is inventoried as VP 38-03.



1. Oaks Bottom in the foreground provides an unusual and striking setting for the downtown skyline.



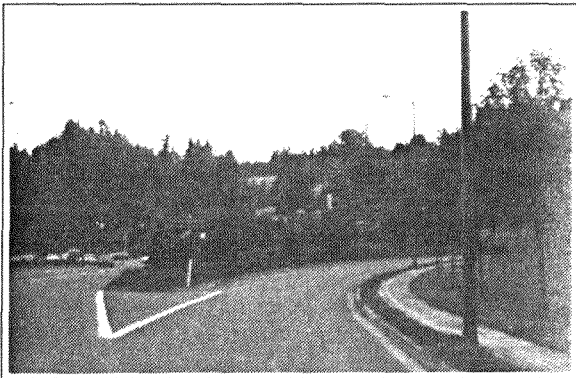
2. Oaks Bottom provides abundant habitat for a variety of wildlife.



**SW Macadam/SW Taylors Ferry/SW Boones Ferry/SW Terwilliger Loop**

Score: 66.21 (11 of 16)

This scenic drive creates a loop, although the southernmost portion is within Lake Oswego. The SW Terwilliger portion is adjacent to Tryon Creek State Park and Northwestern School of Law. SW Boones Ferry connects SW Terwilliger to SW Taylors Ferry for a short distance. SW Taylors Ferry passes by several cemeteries and connects on the northern portion of the loop to SW Macadam Avenue. This portion of SW Macadam passes by portions of Willamette Park and between Riverveiw Cemetery and Powers Marine Park where it is known as Riverside Drive. SW Macadam continues south through Dunthorpe to the city limits of Lake Oswego.



1. SW Taylor's Ferry branches off of SW Macadam near SW Miles Street.



2. The entrance to Tryon Creek State Park is off SW Terwilliger to the west. A bike trail parallels the street.



3. Northbound Macadam from Lake Oswego is framed by trees.

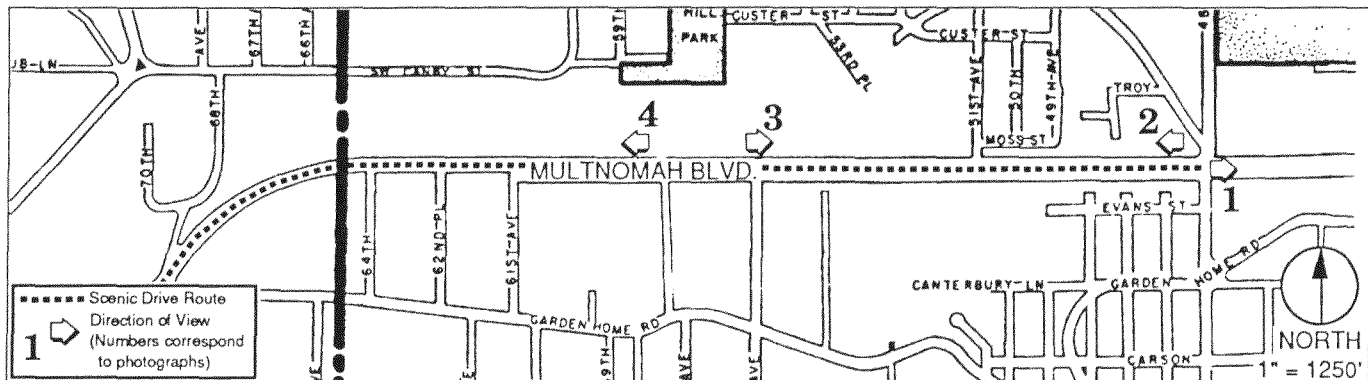




## SW Multnomah Boulevard from SW 45th Avenue to SW Garden Home

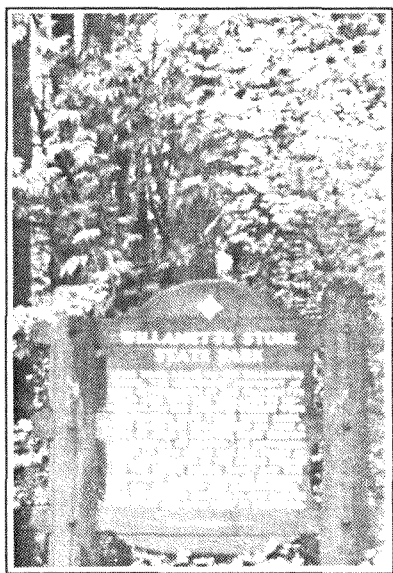
Score: 61.94 (12 of 16)

The drive along SW Multnomah Boulevard from SW 45th to SW Garden Home Road is lined with trees and heavy vegetation, creating an enclosed passageway. Development is generally sparse or is screened from the road. The intersections with 45th and with Garden Home are more open and are developed with small commercial nodes. The SW Multnomah right-of-way varies in width substantially along this stretch; frequently it is more than 100 feet wide. There was a rail line in Multnomah at this location and the wide right-of-way is due to the railroad's prior ownership of the right-of-way.

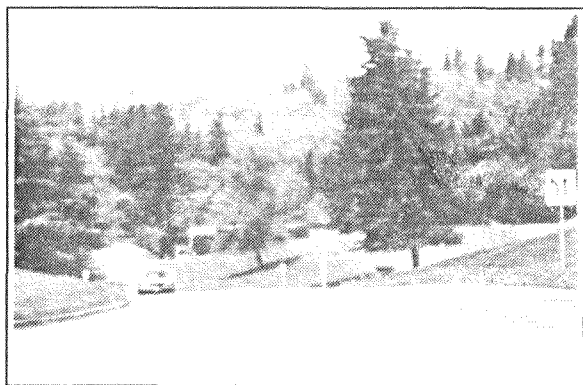
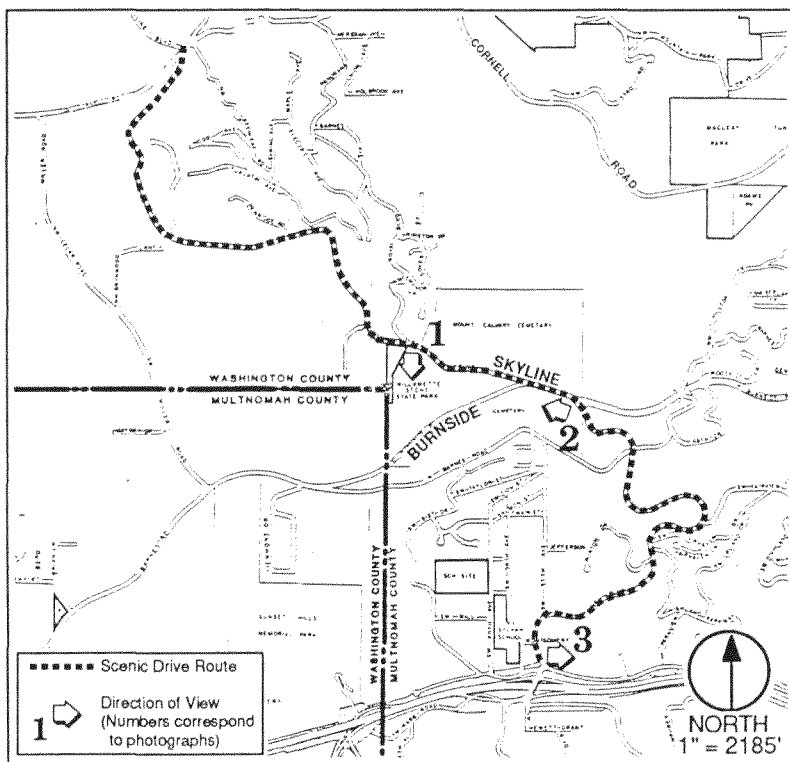


**SW / NW Skyline Boulevard**Score: **59.98 (13 of 16)**

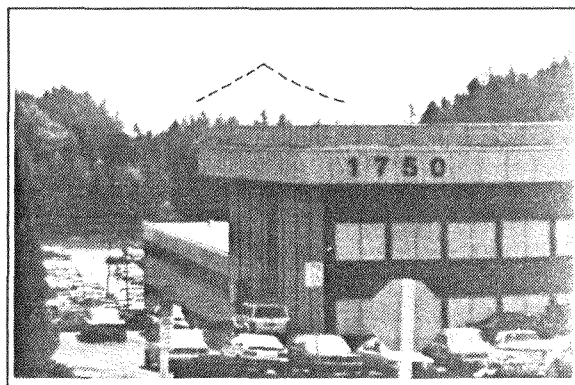
The southern segment of the Skyline Boulevard drive begins (southbound) at its intersection with NW Cornell, travels along a short section of W. Burnside, and ends at its junction with the Sunset Highway. The drive is about three miles long. The area is developed with residences, and the surrounding area is wooded and hilly. The drive passes the tiny Willamette Stone State Park and Mt. Calvary Cemetery. Both locations have small turnouts for off-street parking. The northern segment of Skyline Boulevard is inventoried as SD 15-09.



1. A marker along Skyline indicates the location of the Willamette Stone.



2. Skyline follows W. Burnside for a short distance adjacent to Mount Calvary Cemetery.

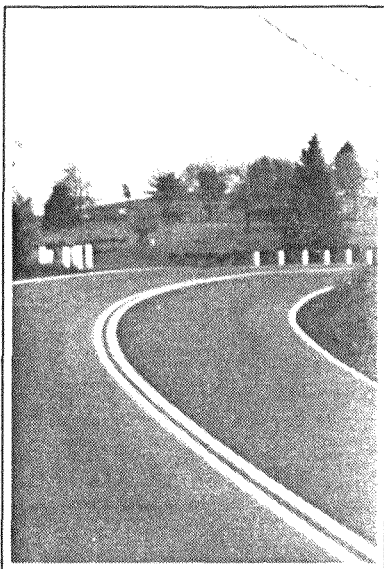


3. Mt. Hood is visible over office buildings at the southern terminus of the drive.

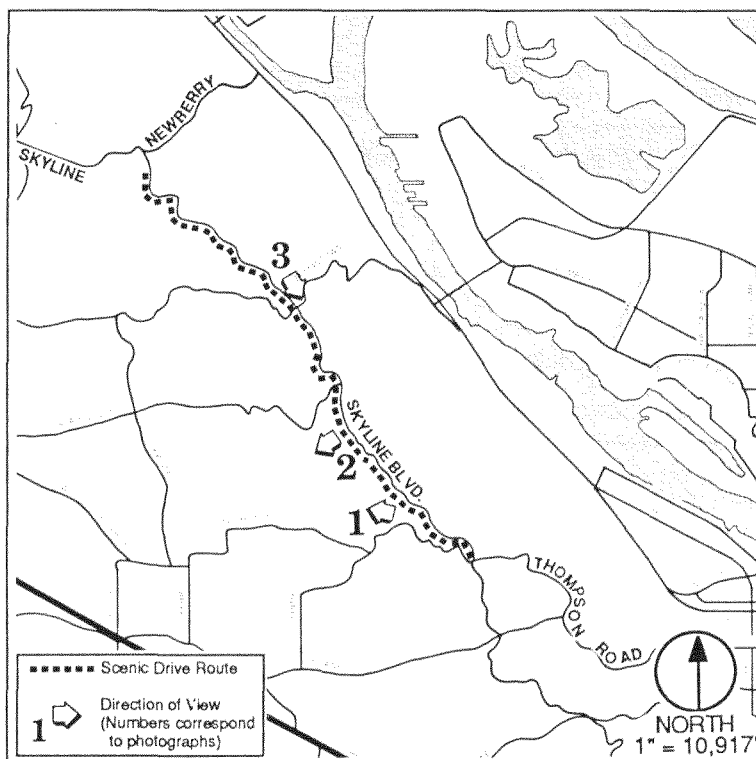
## NW Skyline Boulevard

Score: **55.72** (14 of 16)

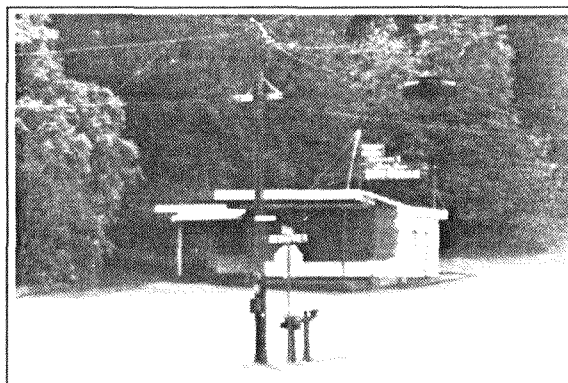
The most northern segment of the Skyline Boulevard drive is approximately 5.5 miles in length and reaches from the intersection with NW Thompson Road north to the intersection with NW Newberry Road. The drive passes by scattered residential development, the Skyline Memorial Gardens, and open areas that provide views of the Tualatin Valley. There are several rutted turnouts that provide views of the valley. Unfortunately, the turnouts are often used as a place to dump trash.



1. Skyline Memorial Gardens is a prominent development along Skyline.



2. Typical valley view looking to the southwest.



3. This vacant ice cream stand is a familiar feature at the intersection of Skyline with Germantown Road.

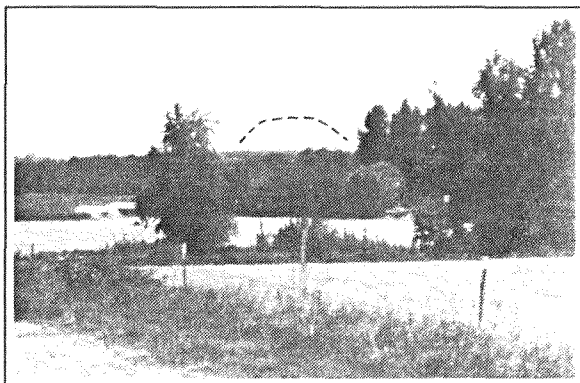
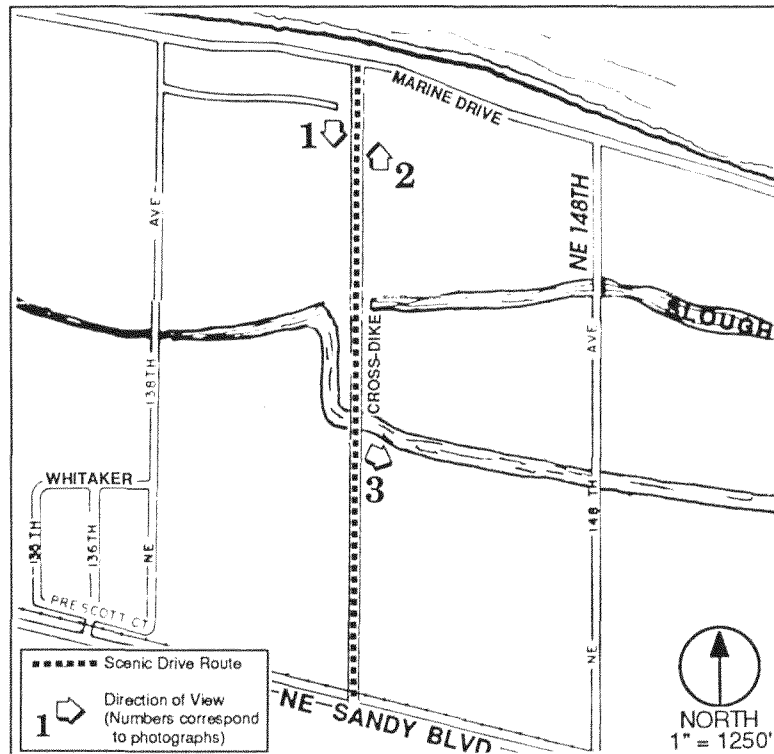
**Cross-dike**

Score: 54.04 (15 of 16)

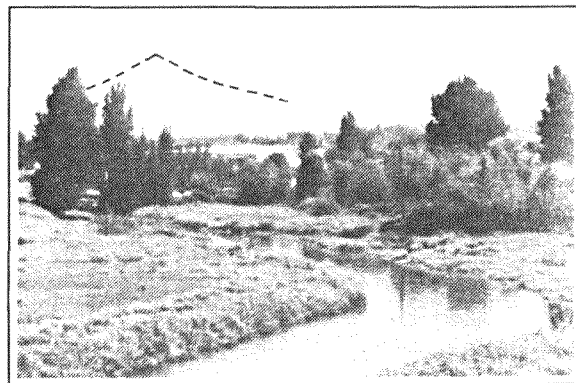
The cross-dike is a north-south embankment that provides flood protection from the Columbia River. Currently, the route is better hiked than driven because of its unpaved surface and because vehicles are occasionally chained out. The drive offers views of Mt. Hood to the east and of Mt. St. Helens to the north. There are also views of some of the sloughs and natural areas in the Columbia South Shore district. It measures less than one mile in length and extends from NE Marine Drive on the north to NE Sandy Boulevard on the south. The cross-dike is designated as a portion of the 40-Mile Loop, but is not currently improved to trail standards.



1. Looking south toward Sandy Boulevard. The condition of the road discourages usage.



2. Mt. St. Helens is visible looking north toward Marine Drive.

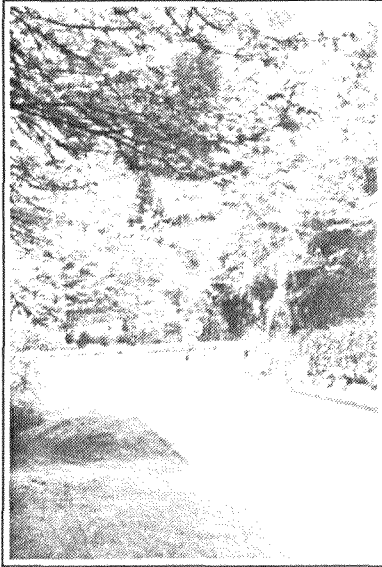


3. Mt. Hood rises majestically above the slough.

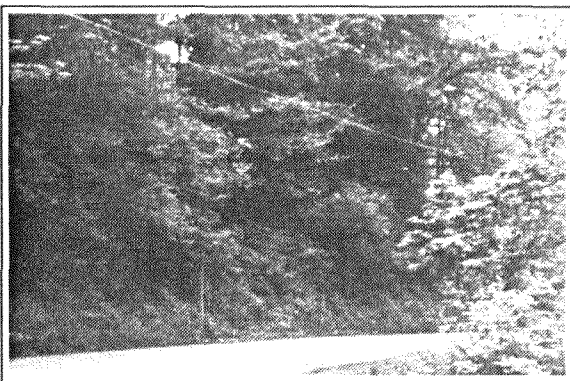
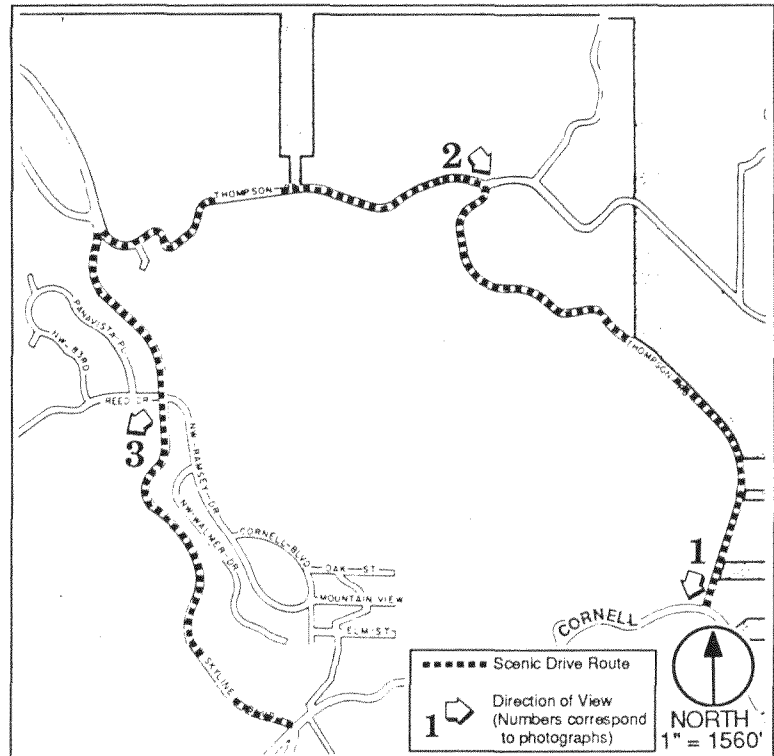
## NW Skyline / Thompson Loop

Score: **53.33 (16 of 16)**

The Skyline/Thompson loop is approximately 2.5 miles long and includes a short portion of NW Skyline and a segment of NW Thompson. Both ends of the loop connect to NW Cornell. The area character consists of alternating residential and undeveloped wooded areas along a curving road. The Skyline portion of the loop provides views of the Tualatin Valley to the southwest. Generally, there are no convenient places to pull off the road.



1. Rock retaining walls provide visual interest at the intersection of NW Thompson with Cornell Road.



2. Thompson Road winds through heavily vegetated areas near its junction with NW 53rd.



3. Expansive views of the Tualatin Valley open up along the Skyline portion of the drive.

# **Section IV**

## **APPENDICES**

## **CITIZEN/TECHNICAL REVIEW COMMITTEE**

### **Neighborhood Association Representatives**

Dr. Keith Claycomb

Homestead Neighborhood Association  
Chair, Southwest Neighbors

Catherine Sohm

Sellwood-Moreland Improvement League

Alan Lashbrook

Overlook Neighborhood Association

### **Architect Representatives**

Tom Thompson

Thomas W. Thompson, Architect

Jerry Brock

Brock/Hilts, Architects and Planners

### **Landscape Architect Representative**

Carol Mayer-Reed

Mayer/Reed, Landscape Architecture &  
Planning

### **Interest Group Representatives**

Bonnie Brunkow

Leach Botanical Garden

Ken Benshoof

Rocky Butte Preservation Society

### **City Bureau Representatives**

Dave Yamashita

Bureau of Parks and Recreation

Bruce Niss

Bureau of Water



# SCENIC VIEWS WORKSHEET

## FIELD WORKSHEET & EVALUATION FORM

REF NO \_\_\_\_\_  
SCORE \_\_\_\_\_

### NAME OF VIEW

LOCATION	AREA DESCRIPTION	VIEW CATEGORIES
		STATIONARY e.g. park
STREETS	TIME OF DAY	THRESHOLD e.g. entryway
	DATE	SUSTAINED e.g. along street
	ENVIRONMENTAL CONDITIONS	DRAMATIC GLIMPSES
MAP NOS.		DIRECTION

### VIEW DESCRIPTION

TYPE OF VIEW	Framed		Wide Angle	Panorama	
VIEWER DISTANCE	Close		Intermediate	Far	
VIEWER ELEVATION	Below		Normal	Above	
ACTIVITY PATTERN	Agricultural	Commercial	Residential	Industrial	Recreation/Oper
LANDFORM/TOPOG	Flat	Hills	Mountains	Water	Mixed
VEGETATION	Wooded	Park	Shrubs	Mixed	Other
FOCAL ATTRACTIONS	Mountain	City Skyline	Hills	Mixed	Other
ACCESS	From Vehicle	Path/Sidewalk	Handicapped	Open Terrain	Other
IMPACT OF CHANGE	LOW	MED	HIGH	ENHANCEMENT OPPORTUNITY	YES NO

DESCRIPTORS		LOW		MEDIUM		HIGH	COMMENTS
COHERENCE/UNITY	Order expressed by patterns	1	2	3	4	5	
COMPLEXITY/ VARIETY	Expectation of more info. with more time spent	1	2	3	4	5	
EDGE	Presence of distinct boundaries	1	2	3	4	5	
ACCESSIBILITY	Ease of access, proximity	1	2	3	4	5	
SPATIAL DEFINITION	Enclosure, framing view	1	2	3	4	5	
COLOR	Value, hue	1	2	3	4	5	
FITNESS/ INTACTNESS	Responsible human stewardship or unaltered	1	2	3	4	5	
SCENIC BEAUTY/ VIVIDNESS	Special features, standing out from surroundings	1	2	3	4	5	
MYSTERY	Expectation of more info. with change of vantage point	1	2	3	4	5	
IMAGEABILITY	Identifying Portland as place giving character to city	1	2	3	4	5	
TOTALS							

SCENIC VIEWS, SITES AND DRIVES INVENTORY

Appendix B



## SCENIC SITES WORKSHEET

### FIELD WORKSHEET & EVALUATION FORM

REF NO \_\_\_\_\_  
SCORE \_\_\_\_\_

NAME OF SITE \_\_\_\_\_

LOCATION	AREA DESCRIPTION	LEGAL DESCRIPTION
STREETS		
	TIME OF DAY	
	DATE	SITE SIZE
	ENVIRONMENTAL CONDITIONS	OWNERSHIP
MAP NOS.		

#### SITE DESCRIPTION

LANDFORM/TOPO	Flat	Hills	Mountains	Water	Mixed
VEGETATION	Heavily Wooded	Groomed Park	Open	Mixed	Other
ACTIVITY/USE	Agricultural	Undeveloped	Passive Rec.	Active Rec.	Other
ATTRACTIONS	Hills	Gardens	Recreation	Structures	Other
ACCESS	From Vehicle	Path/Sidewalk	Handicapped	Open Terrain	Other

OTHER CHARACTERISTICS (FOCUS, ATTRACTIVE FEATURES)

DESCRIPTORS		LOW		MEDIUM		HIGH		COMMENTS
COHERENCE/UNITY	Order expressed by patterns	1	2	3	4	5		
COMPLEXITY/ VARIETY	Expectation of more info. with more time spent	1	2	3	4	5		
EDGE	Presence of distinct boundaries	1	2	3	4	5		
ACCESSIBILITY	Ease of access, proximity	1	2	3	4	5		
SPATIAL DEFINITION	Enclosure,framing view	1	2	3	4	5		
COLOR	Value, hue	1	2	3	4	5		
FITNESS/ INTACTNESS	Responsible human stewardship or unaltered	1	2	3	4	5		
SCENIC BEAUTY/ VIVIDNESS	Special features, standing out from surroundings	1	2	3	4	5		
MYSTERY	Expectation of more info. with change of vantage point	1	2	3	4	5		
IMAGEABILITY	Identifying Portland as place, giving character to city	1	2	3	4	5		
TOTALS								

**SCENIC VIEWS, SITES AND DRIVES INVENTORY**

**Appendix C**

## GLOSSARY OF TERMS

### Qualifying viewpoints or sites

One of the following must be met for a scenic viewpoint or site to be considered as a part of the inventory:

- it must be in public ownership, or
- it must be from a public right-of-way, or
- it must have a reasonable chance of being in public ownership, or
- it must be a location where public access is assured, either through public easement or some other means, or
- if private, it must be subject to discretionary public review.

### GENERAL TERMS

**Scenic drive, scenic corridor:** This category includes streets, bikeways, trails, roadways or waterways through parks, natural areas, or urban areas. They may be either short or long sections of a particular street or drive or path and may or may not already be designated as a scenic drive or corridor. The corridor may include scenic views along it, but it may also be valued for its intrinsic scenic qualities such as a winding road through a wooded area.

**Scenic view, scenic site:** Lands valued for their aesthetic appearance. These can include structures, resources, or activities which provide this value, as well as areas from which scenic views may be obtained. Scenic views are considered to be outstanding views of physical elements such as structures, resources, or activities that make a positive contribution to the aesthetics, character, and overall image of the City. Scenic resources within the City will frequently include urban activities and development as well as the scenic qualities found in more rural areas.

### DESCRIPTORS

**Coherence, unity:** A view or site possessing these characteristics will have a strongly defined internal unity that extends beyond its setting to imply continuity with other settings. Transitions within the view or site will be harmonious and/or be expressed as patterns. Coherence is established by the physical linkage of disparate parts, including fragmented open space.

**Complexity, variety:** A view or site possessing these characteristics will have striking contrasts and/or dramatic alteration of elements within it, and will frequently possess dynamic qualities with changing activities. These characteristics are also expressed as the expectation of more information to be extracted from the view or site with additional time spent looking at it.

## GLOSSARY OF TERMS

**Edge:** The presence of distinct boundaries create edges within a site or view. Edges break up the monotony of a view or site and contribute to the pattern and variety within it.

**Accessibility:** Scenic sites or views have value because many people can easily or frequently see them. The enjoyment of a significant view or site is not diminished because it is visited or seen frequently or on a regular basis.

**Spatial Definition:** Scenic views can be made more attractive or striking by being enclosed or framed as that enclosure causes the viewer to focus more intently on the view, shutting out intrusive elements.

**Color:** Color is expressed in terms of hue and value. Hue refers to the gradation of color, the attribute of colors that permits them to be classified as red, yellow, green or blue or an intermediate between any of these colors. Value refers to the lightness and darkness of color tones. The contrast in brightness between objects in the landscape plays an important part in determining how well an observer can see the objects.

**Fitness, intactness:** Fitness and intactness refer to the quality of human modification that has been made to the site or within the view area. The modification may be major in nature and still rank high in this quality as long as the modifications fit into the context of the view or site. The appropriate level of maintenance of the site or areas within the view area is also considered under this category of descriptors.

**Scenic beauty, vividness:** Sites or views that rank high in these qualities will be more striking than other similar sites or views and will have particularly memorable qualities.

**Mystery:** Mystery refers to the potential for more information when the viewpoint is changed or, in walking through a site, where not all of the site is visible at one time. This quality is similar to complexity since it refers to the potential for additional information about the site or view, except that complexity refers to more time spent in observing from a single location.

**Imageability:** Imageability refers to the physical qualities which relate to the attributes of identity and structure. This is the quality which gives a high probability of evoking a strong mental image and identifies the view or site as being of a particular place.

## PAIRED COMPARISONS OF DESCRIPTORS

The process of paired comparisons is used to determine the relative importance of each of the descriptors for evaluating the scenic sites, views, and corridors. For each pair of descriptors, indicate which is more important in the determination of the significance of a view, site, or corridor. Even though a given descriptor may be more important than another for a view and not for a site, try to make a determination of which is more important on average for all three categories. Keep in mind the definitions of the descriptors and our discussion of them in making your determination. Put a check mark in front of the more important of the two descriptors in each set.

Although you will not know the ultimate weighting of each descriptor, the weightings will be used in ranking the sites, views, and corridors and will affect the final score for each worksheet.

- |   |   |
|---|---|
| 1. Coherence, Unity<br>Complexity, Variety      | 11. Complexity, Variety<br>Accessibility            |
| 2. Coherence, Unity<br>Edge                     | 12. Complexity, Variety<br>Spatial definition       |
| 3. Coherence, Unity<br>Accessibility            | 13. Complexity, Variety<br>Color                    |
| 4. Coherence, Unity<br>Spatial definition       | 14. Complexity, Variety<br>Fitness, Intactness      |
| 5. Coherence, Unity<br>Color                    | 15. Complexity, Variety<br>Scenic beauty, Vividness |
| 6. Coherence, Unity<br>Fitness, Intactness      | 16. Complexity, Variety<br>Mystery                  |
| 7. Coherence, Unity<br>Scenic beauty, Vividness | 17. Complexity, Variety<br>Imageability             |
| 8. Coherence, Unity<br>Mystery                  | 18. Edge<br>Accessibility                           |
| 9. Coherence, Unity<br>Imageability             | 19. Edge<br>Spatial Definition                      |
| 10. Complexity, Variety<br>Edge                 | 20. Edge<br>Color                                   |

## PAIRED COMPARISONS OF DESCRIPTORS

- |  |   |
|--|---|
| 21. Edge<br>Fitness, Intactness                    | 36. Color<br>Fitness, Intactness                    |
| 22. Edge<br>Scenic Beauty, Vividness               | 37. Color<br>Scenic beauty, Vividness               |
| 23. Edge<br>Mystery                                | 38. Color<br>Mystery                                |
| 24. Edge<br>Imageability                           | 39. Color<br>Imageability                           |
| 25. Accessibility<br>Spatial definition            | 40. Fitness, Intactness<br>Scenic beauty, Vividness |
| 26. Accessibility<br>Color                         | 41. Fitness, Intactness<br>Mystery                  |
| 27. Accessibility<br>Fitness, Intactness           | 42. Fitness, Intactness<br>Imageability             |
| 28. Accessibility<br>Scenic beauty, Vividness      | 43. Scenic Beauty, Vividness<br>Mystery             |
| 29. Accessibility<br>Mystery                       | 44. Scenic Beauty, Vividness<br>Imageability        |
| 30. Accessibility<br>Imageability                  | 45. Mystery<br>Imageability                         |
| 31. Spatial definition<br>Color                    |   |
| 32. Spatial definition<br>Fitness, Intactness      |   |
| 33. Spatial definition<br>Scenic beauty, Vividness |   |
| 34. Spatial definition<br>Mystery                  |   |
| 35. Spatial definition<br>Imageability             |   |

**Section V**  
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#1

**PLEASE PRINT LEGIBLY!**

**MEETING DATE**

10/18/94

**NAME**

Arnold Rochlin

**ADDRESS**

PO Box 83645

**STREET**

Portland, OR 97283

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #**

P-2

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

#2

**PLEASE PRINT LEGIBLY!**

**MEETING DATE**

10/18/94

**NAME**

Jane Hest - Marro

**ADDRESS**

STREET

CITY

ZIP CODE

**I WISH TO SPEAK ON AGENDA ITEM #**

P-2

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

#3

PLEASE PRINT LEGIBLY!

MEETING DATE

10/18/94

NAME

Wlaus Heyne

ADDRESS

41101 SE London Rd

STREET

Corbett

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-2

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: October 11, 1994 **OCT 18 1994**

AGENDA NO: P-3 P-2

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** C 11-94 Proposed Ordinance - First Reading

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

**REGULAR MEETING:** Date Requested: October 11, 1994

Amount of Time Needed: 1 Hour

**DEPARTMENT:** DES **DIVISION:** Planning

**CONTACT:** R. Scott Pemble **TELEPHONE #:** 3182  
**BLDG/ROOM #:** 412/103

**PERSON(S) MAKING PRESENTATION:** Planning Staff

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

**SUMMARY** (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 11-94 A proposed Ordinance, amending Comprehensive Framework Text Plan Policy 16-B and MCC 11.15 regarding the regulation of surface mining and nearby surrounding land uses in partial fulfillment of Periodic Review Work Program tasks required to bring Multnomah County's land use program into compliance with Statewide Planning Goal 5. - First Reading

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_

OR

**DEPARTMENT MANAGER:** 

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions:** Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

## ORDINANCE FACT SHEET

Ordinance Title:

An Ordinance amending Comprehensive Framework Text Plan Policy 16-B and MCC 11.15 regarding the regulation of surface mining and surrounding land uses in partial fulfillment of Periodic Review Work Program tasks required to bring Multnomah County's land use program into compliance with Statewide Planning Goal 5.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

The Comprehensive Plan and Zoning Code amendments will provide the land use regulation tools to carry out the concluding programs in the West Hills and Howard Canyon Area Reconciliation Reports. The ordinance will make the necessary amendments to provide clear standards to protect from future conflicts those mineral and aggregate sites determined to be appropriate for mining, while also providing standards applicable to mining that will reduce the impacts of mining activities on surrounding land uses. The amendments are necessary to comply with Statewide Planning Goal 5 and OAR 660-16.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Every county and city in the state is subject to compliance with Statewide Planning Goal 5 and OAR 660-16. Washington County has a similar mining overlay zoning district.

What has been the experience in other areas with this type of legislation?

Additional regulations and reviews of land uses surrounding a mining site and mining operation proposals. The overlay zone concept is the method recommended by the Department of Land Conservation and Development for regulating mining and surrounding land uses.

What is the fiscal impact, if any?

Future mining proposals not on the list of "Protected Sites" will encounter new application costs of \$500.00 for a Plan Revision and \$1,000 plus \$50.00 per acre for a Zone Change in addition to the present \$800.00 Conditional Use fee. New nearby land uses, after a mining operation permit is approved, could be required to expend more money in construction to lessen conflicts with mining activities (ie. a new homeowner constructing a sound berm between a proposed house and the mine). Additional staff time will be needed in review of surrounding regulated land uses. No anticipated budget impacts.

### SIGNATURES

Person Filling Out Form: \_\_\_\_\_

Planning & Budget Division (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official:  \_\_\_\_\_

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the Matter of amending the Comprehensive )  
Framework Plan and Zoning Code to protect )  
Aggregate and Mineral Goal 5 resources )

**RESOLUTION  
C 11-94**

**WHEREAS**, Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to certain Statewide Planning Goal 5 resources; and

**WHEREAS**, On August 9, 1994 the Board of County Commissioners decided that the Howard Canyon aggregate site is a significant Goal 5 resource. Based on an analysis of conflicting uses and economic, social, environmental and energy (ESEE) consequences, the Board determined that the appropriate level of protection for the resource should be "3-C" (allow conflicting uses in a limited manner that will give some protection to the resource). The analysis and reasons justifying the Board's decision are incorporated in the Howard Canyon Reconciliation Report; and

**WHEREAS**, OAR 660-16 requires the county to amend its comprehensive plan and zoning designations to be consistent with the level of protection and protection programs determined to be appropriate for each resource. These amendments are necessary in order to provide clear standards under which development can occur, so that the aggregate resources are protected from possible negative effects of development; and

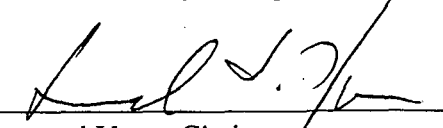
**WHEREAS**, The Planning Commission held open workshops for drafting of the proposed amendments to the zoning code text and Comprehensive Framework Plan on August 22, 1994, September 19, 1994, and September 26, 1994; and

**WHEREAS**, The Planning Commission conducted a public hearing on September 12, 1994, to accept public testimony on proposed amendments to the zoning code text and Comprehensive Framework Plan; and

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the zoning code and revise the Comprehensive Framework Plan, as indicated in the attached Ordinance, to fulfill requirements of the LCDC Periodic Review Remand Order.

Approved this 26th day of September, 1994

By

  
Leonard Yoon, Chair

Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 regarding the regulation of surface mining and nearby surrounding land uses in partial fulfillment of Periodic Review Work Program tasks required to bring Multnomah County's land use program into compliance with Statewide Planning Goal 5.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to protection and regulation of aggregate and mineral resources to be in compliance with the requirements of Statewide Planning Goal 5 and associated Oregon Administrative Rules (OARs).

(B) On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order.

(C) On August 9, 1994 the Board of County Commissioners decided on the appropriate level of protection of the Angell Brothers and Howard Canyon aggregate resource sites.

(D) OAR 660-16 requires the county to amend its Comprehensive Plan and zoning code to be consistent with the adopted protection programs for each Goal 5 resource. This ordinance will make the necessary amendments to provide clear standards to protect mining operations from future conflicts while providing standards applicable to mining which will reduce the impacts of mining on surrounding land uses.



1 (E) On August 22, 1994 the Planning Commission held open workshops for drafting of the  
2 amendments. On September 12, 1994 the Planning Commission held a public hearing. On September 26,  
3 1994 the Planning Commission held an additional open workshop for review of the amendments.  
4 Hearings before the Board of County Commissioners followed on \_\_\_\_\_ and  
5 \_\_\_\_\_, 1994. At each of the hearings all interested persons were given an opportunity to  
6 appear and be heard.

7

8 Section II. Amendment of Framework Plan Text.

9 Multnomah County Comprehensive Framework Plan Policy 16-B is amended to read as follows:

10 POLICY 16 - B: MINERAL AND AGGREGATE RESOURCES

11 IT IS THE COUNTY'S POLICY TO PROTECT AND ENSURE APPROPRIATE USE [AREAS] OF  
12 MINERAL AND AGGREGATE RESOURCES OF THE COUNTY, [FROM INAPPROPRIATE LAND  
13 USES WHICH COULD LIMIT THEIR FUTURE USE] AND MINIMIZE CONFLICT BETWEEN SUR-  
14 FACE MINING ACTIVITIES AND SURROUNDING LAND USES.

15 STRATEGIES

16 A. The county shall protect significant gravel and mineral resources consistent with Statewide Planning  
17 Goal 5 and Oregon Administrative Rules Chapter 660, Division 16.

18 B. ~~[A.]~~ As a part of the ongoing planning program the County will maintain [engage in] an inventory of  
19 mineral and aggregate resource[s] sites within the County ~~[utilizing data, criteria and standards from~~  
20 ~~the most recent study of rock material resources compiled by the State Department of Geology and~~  
21 ~~Mineral Industries].~~ The comprehensive plan inventory is to include four classifications of sites:

22 1. "Potential sites" are sites for which information about the location, quality, and quantity of a  
23 resource site is not adequate to allow a determination of significance (Goal 5 Process Flow Chart  
24 designation of "1B");

25 2. "Not significant sites" are sites for which information about the location, quality, and quantity of a  
26 resource site shows that the site is not a significant resource (Goal 5 Process Flow Chart designa-

tion of "1A");

3. "Protected sites" are significant resource sites which are identified through the Goal 5 process as resources that the county will protect from conflicting uses (Goal 5 Process Flow Chart designations "2A," "3A," and "3C"); and

4. "Not protected sites" are significant resource sites for which the decision of the ESEE analysis is to not protect the resource from conflicting uses (Goal 5 Process Flow Chart designation of "3B").

C. A resource site may include all or portions of a parcel, and may include contiguous parcels in different ownerships.

~~D. [B During County initiated Comprehensive Plan updates, the County will utilize information made available from other sources regarding the location, quality and quantity of mineral and aggregate resources when that information is verified by such qualified professionals as certified engineering geologists and recognized testing laboratories]~~ For sites on the "potential sites" inventory, the county shall review available information about aggregate and mineral resources, and if the information on location, quantity, and quality is adequate, determine if the site is significant. Initiation of this process shall occur either:

1. As part of the next scheduled periodic review; or

2. When a landowner or operator submits information concerning the potential significance of a resource site and applies for a comprehensive plan amendment.

~~E. [C Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource]~~ The county will consider aggregate resources significant if the resource meets Oregon Department of Transportation specifications for concrete aggregate rock, and the site contains a minimum of one million cubic yards of mineable reserves.

F. The county will judge the significance of non-aggregate mineral resources on a case by case basis. Resources shall be judged by the commercial or industrial value of the resource, and the relative quality and relative abundance of the resource within at least the county.

- 1 G. ~~[D. "Important" sites should be reviewed using the Statewide Planning Goal 5 "Economic, Social,~~  
2 ~~Environmental, and Energy analysis" (ESEE) procedure as outlined in OAR 660-16-000 through 660-~~  
3 ~~16-025 and only those sites receiving a "2A", "3A", or "3C" designation should be considered for con-~~  
4 ~~ditional use approval for mineral and aggregate extraction.] For each site determined to be significant,~~  
5 the county shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyz-  
6 ing the Economic, Social, Environmental, and Energy (ESEE) consequences of the conflicting use(s),  
7 and designating a level of protection from conflicting uses. If the final decision concerning the site is  
8 to preserve fully or partially protect the resource from conflicting uses, the county shall zone the site  
9 and the designated ESEE impact area with the Protected Aggregate and Mineral Resources Overlay  
10 Zoning Subdistrict (PAM).
- 11 ~~[E. In between scheduled plan updates, additional sites may be added to the plan inventory of "Important"~~  
12 ~~sites and receive an ESEE designation by means of the standard plan amendment process initiated by~~  
13 ~~the owner of the resourcee.]~~
- 14 H. Mining and the associated processing of aggregate and mineral materials, in excess of the limited  
15 exemptions, may only be allowed at sites included on the "protected sites" inventory. Approval of a  
16 mining operation at a "protected site" shall be reviewed as a conditional use. The general conditional  
17 use provisions regarding time limits, conditions, restrictions, and approval criteria, (MCC .7110(C),  
18 .7110(E), .7115, .7120, .7122, and .7125, September, 1994), shall not apply.
- 19 I. The following activities are exempt from the approval requirements and development standards of this  
20 policy:
- 21 1. Mining auxiliary to forest practices;  
22 2. In the Exclusive Farm Use (EFU) zone, mining less than 1,000 cubic yards of material or mining  
23 an area of less than one acre;  
24 3. In all other zones, mining less than 5,000 cubic yards of material or disturbing less than one acre  
25 of land within a period of 12 consecutive months until mining affects five or more acres.
- 26 J. To approve surface mining at a site zoned Exclusive Farm Use (EFU) the county shall find, as part of

1 the conditional use approval criteria, that the proposed activity:

2 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devot-  
3 ed to farm or forest use; and

4 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to  
5 farm or forest use.

6 K. To approve surface mining at a site zoned Commercial Forest Use (CFU), the county shall find, as part  
7 of the conditional use approval criteria, that:

8 1. The proposed mining will not force a significant change in, or significantly increase the cost of,  
9 accepted farming or forest practices on agriculture or forest lands;

10 2. The proposed mining will not significantly increase fire hazard or significantly increase fire sup-  
11 pression costs or significantly increase risks to fire suppression personnel; and

12 3. A written statement recognizing the rights of adjacent and nearby property owners to conduct  
13 accepted forest practices has been recorded with the property deed in accordance with OAR 660-  
14 06-025 (1994).

15 L. The county shall not independently apply the Protected Aggregate and Mineral Resources Overlay  
16 Subdistrict (PAM) to land within another county, or within a city or its urban growth boundary. The  
17 county shall encourage protection of significant sites through cooperative agreements with another  
18 county or a city where the resource or its impact area extends across jurisdictional boundaries.

19 M. The county shall require increased setbacks, insulation, screening, or similar measures as conditions of  
20 approval for any new conflicting use within an impact area surrounding an aggregate or mineral  
21 resource site when such measures are necessary to resolve conflicts identified in a site-specific Goal 5  
22 analysis.

23 N. The county shall impose conditions on surface mining when necessary to lessen conflicts identified as  
24 part of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in  
25 the Protected Aggregate and Mineral Resources Overlay, the conditions developed through the Goal 5  
26 process shall control.

- 1 O. Based upon the Goal 5 ESEE analysis and the existing base zoning district, the county shall determine  
2 the appropriate post-mining use of the site.
- 3 P. The county recognizes the jurisdiction of the Department of Geology and Mineral Industries (DOGA-  
4 MI) over mined land reclamation pursuant to ORS 517.750 to 517.900 (1994) and the rules adopted  
5 thereunder.
- 6 Q. Unless specifically determined on a case by case basis, it shall be the policy of the county, that  
7 DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating per-  
8 mit until the county decides all comprehensive plan amendments and/or conditional use approvals.
- 9 R. No surface mining or processing activity, as defined by the zoning ordinance, shall begin without land  
10 use approval from the county, and approval of a reclamation plan and issuance of an operating permit  
11 by DOGAMI.
- 12 S. When the aggregate or mineral site has been reclaimed, the county may rezone land to remove the  
13 Protected Aggregate and Mineral Resources Overlay Subdistrict (PAM) without revising the ESEE  
14 Analysis for the site. Rezoning shall not relieve requirements on the part of the owner or operator to  
15 reclaim the site in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.
- 16 ~~[F. The Zoning Code should include provisions for:~~
- 17 ~~1. Mineral and aggregate extraction, processing, and distribution as a special conditional use with~~  
18 ~~performance oriented criteria of approval for those sites receiving a "2A", "3A", or "3C" designa-~~  
19 ~~tion as part of the ESEE analysis.]~~
- 20 ~~2. Associated processing and distribution activities as a conditional use that must meet all conditional~~  
21 ~~use requirements if the site is not a "2A", "3A", or "3C" resource location.~~
- 22 ~~3. The exemption of small scale and farm and forest practice extraction sites from conditional use~~  
23 ~~review.~~
- 24 ~~4. The establishment of extraction and rehabilitation standards for mineral and aggregate resources in~~  
25 ~~compliance with DOGAMI regulations as applicable.~~
- 26 ~~5. Protection of natural resources.~~

6. ~~A standard setback buffer between "noise sensitive" land uses and extraction activities.~~

~~(a). The location of proposed extraction activities should be setback from existing "noise sensitive" uses.~~

~~(b). The location of "noise sensitive" land uses should be setback from both existing mining activities and designated ESEE "2A", "3A", and "3C" resource site boundaries.~~

~~(c). Some reduction in the setback buffers may be appropriate if the "noise sensitive" land use property owner agrees to record a non remonstrance deed restriction agreeing to the reduced distance.]~~

Section III. Repeal of certain Zoning Code subsections.

The following subsections of Multnomah County Code Chapter 11.15 regarding setbacks between land uses and mining operations are repealed:

.2016(F); .2058(G); .2096(K); .2138(F); .2218(F); .2258(F); .2360(H); .2480(I); .2692(K); .2834(J); .2844(J); .2854(J); .2864(J); .2874(J); .2884(J); .2894(I); and .7025(H).

Section IV. Amendment of Zoning Code.

Multnomah County Code Chapter 11.15 is amended to read as follows:

**Classification of Districts, Zoning Map & References to Other Sections**

**11.15.1005 Districts**

The County of Multnomah, outside incorporated cities, is hereby divided into the following districts:

\* \* \*

(B) Special Districts:

\* \* \*

SPA - Special Plan Area District

PAM - Protected Aggregate and Mineral District

\* \* \*

1  
2 **Protected Aggregate and Mineral Resources PAM**

3 **11.15.6750 Purposes**

4 The purposes of the Protected Aggregate and Mineral Resources Overlay Subdistrict are:

5 (A) To provide a mechanism to identify and, where appropriate, protect significant aggregate and min-  
6 eral resource sites;

7 (B) To allow surface mining subject to uniform operating standards; and

8 (C) To regulate conflicts with surface mining activities.  
9

10 **11.15.6755 Area Affected**

11 This subsection shall apply to those lands designated PAM on the Multnomah County Zoning Map.  
12 On the Zoning Map shall also be a reference to the relevant site-specific Comprehensive Plan docu-  
13 ments.  
14

15 Exemption activities as described in MCC .6760 are allowed in all districts, not only those designated  
16 PAM.  
17

18 **11.15.6760 Exemptions**

19 The following activities are exempt from the requirements of this section. Operators or land owners  
20 have the burden of qualifying for any exemption.

21 (A) In exclusive farm use zones, mining less than 1,000 cubic yards of material or mining an area of  
22 less than one acre;

23 (B) In all other zones, mining less than 5,000 cubic yards of material or disturbing less than one acre  
24 of land within a period of 12 consecutive months until mining affects five or more acres;

25 (C) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest  
26 Practices Act as administered by the Oregon Department of Forestry.

1  
2 **11.15.6765 Definitions**

3 As used in this subdistrict and MCC .7305 through .7335, unless otherwise noted, the following words  
4 and their derivations shall have the following meanings:

5 (A) *Conflicting Use* – A use authorized in the underlying zone which, if allowed, could adversely  
6 affect operations at a protected aggregate and mineral resource site. As used in this subsection, a  
7 *conflicting use* is also another inventoried significant Goal 5 resource located on or adjacent to a  
8 protected aggregate or mineral site if that resource could force a change in mining or processing at  
9 the site.

10 (B) *Dust Sensitive Use* – A *conflicting use* which is primarily used for habitation. Residential struc-  
11 tures, churches, hospitals, schools, public libraries, and campgrounds are considered dust sensitive  
12 uses during their period of use. Forest uses and farm uses are not *dust sensitive uses* unless deter-  
13 mined through the *Goal 5 process*.

14 (C) *ESEE Analysis* – The analysis of Economic, Social, Environmental and Energy consequences of  
15 allowing mining at a *significant site*, and allowing *conflicting uses* to displace mining at a *signifi-*  
16 *cant site*. The *ESEE analysis* is the basis for determining the level of protection to be given the  
17 resource.

18 (D) *Extraction Area* – The area of a *protected* aggregate and mineral resource site in which mining and  
19 associated processing is permitted.

20 (E) *Goal 5 Process* – The planning process required by Oregon Administrative Rules Chapter 660,  
21 Division 16. The *Goal 5 process* involves identifying resource sites, determining their signifi-  
22 cance, identifying conflicting uses, analyzing the economic, social, environmental and energy con-  
23 sequences of *conflicting uses*, determining the level of protection given to a resource site, and  
24 implementing a program to protect *significant sites*.

25 (F) *Impact Area* – The area surrounding the *extraction area* in which direct conflicts between mining  
26 and other land uses are found. The *impact area* is the area in which ESEE consequences of *con-*



1 licting uses are analyzed, and conflicting uses are regulated.

2 (G) Mining – The excavation of sand, aggregate (gravel), clay, rock, or other similar surface or subsur-  
3 face resources. Mining does not include:

4 (1) Excavations conducted by a landowner or tenant on the landowner or tenant's property for the  
5 primary purpose of reconstructing or maintaining access roads.

6 (2) Excavation or grading conducted in the process of farm or cemetery operations.

7 (3) Excavation or grading conducted within a road right-of-way or other easement for the primary  
8 purpose of road construction, reconstruction or maintenance, or

9 (4) Removal, for compensation, of materials resulting from on-site construction for which a devel-  
10 opment permit and a construction time schedule have been approved by the county.

11 (H) Noise Sensitive Use – A conflicting use which is primarily used for habitation. Residential struc-  
12 tures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensi-  
13 tive uses during their period of use. Forest uses and farm uses are not noise sensitive uses unless  
14 determined through the Goal 5 process.

15 (I) PAM Overlay Subdistrict – A special purpose zoning designation for the purposes of MCC .6750  
16 that is placed on a zoning map over a base zoning district (ie. CFU). The provisions of the PAM  
17 subdistrict shall apply to land uses as specified, notwithstanding the provisions of the underlying  
18 zone district.

19 (J) Processing – The washing, crushing, screening, and handling of aggregate and mineral resources.  
20 Batching and blending of asphalt or portland cement concrete are included in the definition of pro-  
21 cessing.

22 (K) Protected Site – Significant resource sites which are identified through the Goal 5 Process as  
23 resources that the county will protect from conflicting uses. The special district designation  
24 Protected Aggregate and Mineral Resources (PAM) shall only be applied to protected sites.

25 (L) Restrictive Covenant – An enforceable promise, given by the owner of a parcel whose use and  
26 enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel.

1 not to object to the terms of a permit issued by a local government, state agency or federal agency.  
2 The restrictive covenant shall be recorded in the real property records of the county, shall run with  
3 the land, and is binding upon the heirs and successors of the parties. The covenant shall state that  
4 obligations imposed by the covenant shall be released when the site has been mined and reclama-  
5 tion has been completed.

6 (M) Significant Site – A site containing either significant aggregate resources or significant mineral  
7 resources.

8 (1) A significant aggregate resource is a site that contains aggregate or stone materials which meet  
9 Oregon Department of Transportation specifications for construction grade material and is  
10 located within an ownership or long-term lease containing more than one million cubic yards  
11 of reserves. The burden shall be upon the applicant for designation to demonstrate to the  
12 Approval Authority that the samples tested for grading are representative of the entire area of  
13 the site.

14 (2) A significant mineral resource site is a site that contains metallic and non-metallic minerals  
15 other than aggregate and stone materials. The significance of a mineral resource is based upon  
16 the resource's use for commercial or industrial purposes, and the relative quality and abun-  
17 dance of the resource within the county. The burden shall be upon the applicant for designation  
18 to demonstrate to the Approval Authority that the samples tested for grading are representative  
19 of the entire area of the site.

#### 21 11.15.6770 PAM Overlay Special Subdistricts

22 The Protected Aggregate and Mineral Resource Subdistrict (PAM) comprises two areas, the *Extraction*  
23 *Area* (PAM-EA) and the *Impact Area* (PAM-IA).

24 (A) The *Extraction Area* shall be applied to the portion of *protected sites* where mining and associated  
25 processing is to occur. The *Extraction Area* may consist of one or more parcels or portions of  
26 parcels, and may be applied to contiguous properties under different ownership. The *Extraction*

1 Area boundary may be modified through the *Goal 5 process* to reduce conflicts with *conflicting*  
2 *uses* existing when the overlay is applied. The *Extraction Area* shall be shown on the zoning map  
3 with the designation PAM-EA.

4 (B) The *Impact Area* shall be applied to parcels or portions of parcels adjacent to the *Extraction Area*  
5 and within the *Impact Area* deemed appropriate through the *Goal 5 process*. The *Impact Area* shall  
6 be shown on the zoning map with the designation PAM-IA.

7  
8 **11.15.6775 Procedure For Applying The PAM Subdistrict**

9 (A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and  
10 Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon  
11 Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; MCC  
12 11.05.290(1) and (2); and the applicable provisions of MCC 11.15.8205 through .8295. The factors  
13 in MCC 11.15.8230(D) and (E) shall not apply.

14 (B) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy  
15 16-B and based upon the analysis of information about the location, quality, and quantity of the  
16 aggregate and mineral resource, the county shall make the following determinations regarding the  
17 inventory status of the resource site and, if appropriate, continuation of the *Goal 5 process*:

18 (1) If the information about the location, quality, and quantity of a resource site is not adequate to  
19 allow a determination of significance, the site shall be placed on a plan inventory of "poten-  
20 tial sites" and shall remain on that inventory until information is available to determine  
21 whether or not the site is *significant*, or

22 (2) If the resource site does not meet the definition of a *significant site*, the site shall be placed on  
23 a plan inventory of "not significant sites", or

24 (3) If the resource site meets the definition of a *significant site*, the *Goal 5 process* shall be con-  
25 tinued.

1 (C) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy  
2 16-B and based upon the *ESEE analysis*, the county shall determine the amount of protection to be  
3 given each *significant* site. Each determination shall be incorporated into the comprehensive plan,  
4 and shall be reflected on the zoning maps. One of the following determinations shall be made:

5 (1) Protect the site fully and allow surface mining as a conditional use. The county shall place the  
6 site on the *Protected Sites* inventory, apply the Protected Aggregate and Mineral Resources  
7 Subdistrict, specify the planned use of the site following reclamation, and prohibit the estab-  
8 lishment of *conflicting uses* within the *Extraction Area* and the *Impact Area*. Conditional use  
9 approval of surface mining shall be pursuant to MCC .7305 through .7335 and shall not be  
10 subject to the conditional use provisions of MCC .7110(C), .7110(E), .7115, .7120, and .7125.

11 (2) Balance protection of the site and conflicting uses, allow surface mining as a conditional use.  
12 The county shall place the site on the *Protected Sites* inventory, apply the Protected  
13 Aggregate and Mineral Resources Subdistrict, specify the planned use of the site following  
14 reclamation, and identify which uses in the underlying zone are allowed outright, allowed  
15 conditionally, or prohibited. Conditional use approval of surface mining shall be pursuant to  
16 any site-specific requirements developed through the *Goal 5 process* and MCC .7305 through  
17 .7335. Review criteria and conditions shall not include the conditional use provisions of  
18 MCC .7110(C), .7110(E), .7115, .7120, and .7125. Site-specific requirements developed  
19 through the *Goal 5 process*, MCC .6780, and .6785 shall govern development of *conflicting*  
20 *uses*.

21 (3) Allow *conflicting uses* fully and do not allow surface mining except as exempted in MCC  
22 .6760. The county shall then place the site on the "Not Protected Sites" inventory in accor-  
23 dance with Framework Plan Policy 16-B, not apply the Protected Aggregate and Mineral  
24 Resource Subdistrict, and not protect the site from *conflicting uses*.

1 11.15.6780 Extraction Area (PAM-EA) - Allowed Uses

2 Notwithstanding the use provisions of the underlying district, the following use provisions shall apply  
3 in the PAM-EA Subdistrict:

4 (A) Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed Conditions, and  
5 Conditional Uses allowed in the underlying district may be permitted subject to the underlying dis-  
6 trict provisions and criteria of approval, except as provided for in this subsection.

7 (1) Uses identified through the Goal 5 process to be prohibited within the Extraction Area shall  
8 not be permitted.

9 (2) Noise or dust sensitive uses not prohibited in (1) may be permitted under the conditional use  
10 procedural provisions of MCC .7105 through .7140 when found by the Hearing Authority to  
11 satisfy the approval criteria of MCC .6790 and the approval criteria of the underlying district.

12 (3) Conflicting uses required by the Goal 5 process to be conditionally approved may be permit-  
13 ted under the procedural provisions of MCC .7105 through .7140 when found by the Hearing  
14 Authority to satisfy the approval criteria of MCC .6790 and the approval criteria of the under-  
15 lying district.

16 (B) The following uses may be permitted subject to a finding by the Hearing Authority that all stan-  
17 dards adopted as part of the Goal 5 process and the provisions of MCC .7305 through .7335 are  
18 met. Review by the Hearing Authority shall be under the procedural provisions of MCC .7105,  
19 .7107, .7110(A), .7110(B), .7110(D), .7130 and .7135.

20 (1) Mining;

21 (2) Processing, except the batching or blending of aggregate and mineral materials into asphalt  
22 concrete within two miles of a planted commercial vineyard existing on the date of condition-  
23 al use approval;

24 (3) Stockpiling of aggregate and mineral materials;

25 (4) Sale of mineral products excavated and processed on-site;

26 (5) Storage of equipment or vehicles used in on-site mining or processing;

1       (6) Buildings, structures, and activities necessary and accessory to mining or reclaiming aggregate or mineral resources.

4    **11.15.6785 Impact Area (PAM-IA) - Allowed Uses**

5       Notwithstanding the use provisions of the underlying district, the following use provisions shall apply  
6       in the PAM-IA Subdistrict. Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed  
7       Conditions, and Conditional Uses allowed in the underlying district may be permitted subject to the  
8       underlying district provisions and criteria of approval, except as follows:

9       (A) Uses identified through the Goal 5 process to be prohibited within the Impact Area shall not be  
10       permitted;

11       (B) Noise or dust sensitive uses not prohibited in (A) may be permitted under the conditional use pro-  
12       cedural provisions of MCC .7105 through .7140 when found by the Hearing Authority to satisfy  
13       the approval criteria of MCC .6790 and the approval criteria of the underlying district; and

14       (C) Conflicting uses required by the Goal 5 process to be conditionally approved may be permitted  
15       under the procedural provisions of MCC .7105 through .7140 when found by the Hearing  
16       Authority to satisfy the approval criteria of MCC .6790 and the approval criteria of the underlying  
17       district.

19   **11.15.6790 Use Approval Criteria**

20       (A) In acting to approve a Conditional Use subject to these provisions, the Hearing Authority shall find  
21       that:

22               (1) The proposed use will not interfere with or cause an adverse impact on lawfully established  
23               and lawfully operating mining operations;

24               (2) The proposed use will not cause or threaten to cause the mining operation to violate any  
25               applicable standards of this chapter, or the terms of a state agency permit. The applicant for a  
26               new noise sensitive use shall submit an analysis prepared by an engineer or other qualified

1 person, showing that applicable DEQ noise control standards are met or can be met by a  
2 specified date by the nearby mining operation; and

3 (3) Any setbacks or other requirements imposed through the Goal 5 process have been met, or  
4 can be met by a specified date.

5 (B) Approval Conditions.

6 (1) Compliance with the use approval criteria may be satisfied through the imposition of clear  
7 and objective conditions of approval.

8 (2) Approval of any conflicting use in the extraction area or impact area shall be conditioned  
9 upon execution of a restrictive covenant in favor of the mining operator. The restrictive  
10 covenant shall incorporate all approval conditions, and an agreement not to object to the con-  
11 duct of lawful operations conducted at the nearby surface mine.

12  
13 11.15.6795 Termination of the Protected Aggregate and Mineral Resources Subdistrict

14 When the aggregate or mineral site has been reclaimed, the county may rezone land to remove the  
15 Protected Aggregate and Mineral Resources Overlay Subdistrict (PAM) without revising the ESEE  
16 Analysis for the site. Rezoning shall not relieve requirements on the part of the owner or operator to  
17 reclaim the site in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.

18  
19 \* \* \*

20  
21 **Conditional Uses CU**

22 **11.15.7105 Purposes**

23 Conditional uses as specified in a district or described herein, because of their public convenience,  
24 necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in  
25 the district or described herein, provided that any such conditional use would not be detrimental to the  
26 adjoining properties or to the purpose and intent of the Comprehensive Plan.

1  
2 Certain conditional use provisions of time limits, conditions, restrictions, and approval criteria shall not  
3 apply to Mineral Extraction conditional uses.  
4

5 **11.15.7107 Mineral Extraction Exemptions from Standards**

6 Mineral Extraction conditional uses are exempted from the provisions of MCC .7110(C), .7110(E),  
7 .7115, .7120, .7122, and .7125.  
8

9 **11.15.7110 General Provisions**

10 (A) Application for approval of a Conditional Use shall be made in the manner provided in MCC  
11 .8205 through .8280.

12 (B) The Approval Authority shall hold a public hearing on each application for a Conditional Use,  
13 modification thereof, time extension or reinstatement of a revoked permit.

14 (C) ~~[Except as provided in MCC .7330, +]~~ The approval of a Conditional Use shall expire two years  
15 from the date of issuance of the Board Order in the matter, or two years from the date of final reso-  
16 lution of subsequent appeals, unless:

- 17 (1) The project is completed as approved, or  
18 (2) The Approval Authority establishes an expiration date in excess of the two year period, or  
19 (3) The Planning Director determines that substantial construction or development has taken  
20 place. That determination shall be processed as follows:  
21 (a) Application shall be made on appropriate forms and filed with the Director at least 30  
22 days prior to the expiration date.  
23 (b) The Director shall issue a written decision on the application within 20 days of filing.  
24 That decision shall be based on findings that:  
25 (i) Final Design Review approval has been granted under MCC .7845 on the total pro-  
26 ject; and



- (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.
- (D) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.
- (E) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

#### **11.15.7115 Conditions and Restrictions**

~~[Except as provided for Mineral Extraction and Processing activities approved under MCC .7305 through .7325 and .7332 through .7335, t]~~ The approval authority may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Chapter and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

1 **11.15.7120 Conditional Use Approval Criteria**

2 (A) A Conditional Use shall be governed by the approval criteria listed in the district under which the  
3 conditional use is allowed. If no such criteria are provided, the approval criteria listed in this sec-  
4 tion shall apply. In approving a Conditional Use listed in this section, the approval authority shall  
5 find that the proposal:

- 6 (1) Is consistent with the character of the area;  
7 (2) Will not adversely affect natural resources;  
8 (3) Will not conflict with farm or forest uses in the area;  
9 (4) Will not require public services other than those existing or programmed for the area;  
10 (5) Will be located outside a big game winter habitat area as defined by the Oregon Department of  
11 Fish and Wildlife or that agency has certified that the impacts will be acceptable;  
12 (6) Will not create hazardous conditions; and  
13 (7) Will satisfy the applicable policies of the Comprehensive Plan.

14 ~~[(B) Except for off site stockpiling, subpart (A) of this subsection shall not apply to applications for~~  
15 ~~mineral extraction and processing activities. Proposals for mineral extraction and processing shall~~  
16 ~~satisfy the criteria of MCC 7325.]~~

17

18 \* \* \*

19

20 **Mineral Extraction CU**

21 **11.15.7305 Definitions**

22 As used in this section, the words and their derivations defined in MCC 6765 shall have the meanings  
23 given therein.

24 ~~[(A) Mining means the removal of minerals or aggregate material, whether extracted from land or~~  
25 ~~water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.~~

26 ~~(B) Minerals include any and all solid mineral products, metallic and non-metallic, extracted for com-~~

1       ~~mercial, industrial or construction use from natural deposits.~~

2       ~~(C) Aggregate material includes crushed or uncrushed gravel, crushed stone, or sand from natural~~  
3       ~~deposits.~~

4       ~~(D) Reclamation Plan shall have the meaning contained in ORS 517.750.~~

5       ~~(E) Noise Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries,~~  
6       ~~offices or other similar uses determined to be noise sensitive uses by the Department of~~  
7       ~~Environmental Quality.~~

8       ~~(F) Dust Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries,~~  
9       ~~offices, food service or other similar uses determined to be dust sensitive uses by the Department~~  
10       ~~of Environmental Quality.~~

11       ~~(G) ESEE is an abbreviation for the "Economic, Social, Environmental, and Energy" analysis proce-~~  
12       ~~dure for Goal 5 resources described in OAR 660-16-000 through 660-16-025 and which is adopted~~  
13       ~~as a part of the Comprehensive Plan.]~~

#### 15   **11.15.7310 Board Findings**

16       (A) There is a need to conserve and protect known mineral and aggregate resources for present and  
17       future generations.

18       (B) There is a need to plan and make allowances for interim, transitional, and secondary use utilization  
19       of mineral and aggregate resource extraction areas.

20       (C) There is a need to promote healthy and visually attractive environments, and to reduce conflicts  
21       between different land uses.

22       (D) There is a need to provide regulations in accordance with LCDC Statewide Planning Goals.

#### 24   **11.15.7315 Purposes**

25       The purposes of the Mineral Extraction section are to promote the public health, safety and general  
26       welfare[,] through the protection of mineral and aggregate resources [##] in accordance with [ORS

215, ~~ORS 517, and 522,~~] LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulations ~~[of uses within this district]~~ are designed to:

- (A) Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- (B) Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- (C) Recognize mineral and aggregate resource sites which receive an ESEE designation for protection of "2A", "3A", or "3C" as being appropriate for extraction operations when in compliance with MCC .7325 – .7332; and
- (D) Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

**~~11.15.7320 Uses~~**

- ~~(A) Extraction of materials including the storage, stockpiling, distribution, and sale thereof;~~
- ~~(B) Installation and operation of plants or apparatus for rock crushing and cement treatment of minerals excavated at the site for which the Conditional Use is being requested, including screening, blending, washing, loading, and conveying of materials.~~
- ~~(C) Mining and processing of geothermal resources.~~
- ~~(D) Activities utilizing the extracted minerals such as mixing or batching plants, or manufacturing the extracted minerals into finished products.~~
- ~~(E) Structures, facilities and mobile homes for the repair, maintenance, and storage of equipment or supplies, office spaces or watchmen, as are reasonably necessary for the conduct of the proposed use.~~

1 **11.15.7322 Exceptions**

2 Exempted from the requirements of this section are those mineral extraction sites and activities as  
3 given in MCC .6760. [which:

- 4 ~~(A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre, or~~  
5 ~~(B) Produce less than 5,000 cubic yards of material and affect less than one acre in any consecutive 12~~  
6 ~~month period, and which over time affect less than a total of five acres, or~~  
7 ~~(C) Produce materials which are used by the owner or tenant for construction and maintenance of on-~~  
8 ~~site access roads, and farming or forest practices.]~~

10 **11.15.7325 Criteria for Approval**

11 The approval authority shall find that:

- 12 (A) The site is ~~[designated "2A", "3A", or "3C" through an ESEE analysis]~~ included on the inventory  
13 of protected aggregate and mineral resource sites in the Comprehensive Plan.
- 14 (B) There is a proposed reclamation plan which will allow the property to be utilized as envisioned by  
15 the Comprehensive Plan and the underlying district.
- 16 (C) ~~[The following general operation requirements and standards have been, or will be met:]~~ The  
17 applicant has shown that the standards of this section, or site-specific requirements adopted as part  
18 of a comprehensive plan amendment, can or will be met by a specified date.
- 19 (1) Access and traffic.
- 20 (a) Prior to any surface mining activity, all on-site roads used in the mining operation and all  
21 roads from the site to a public right-of-way shall be designed and constructed to accom-  
22 modate the vehicles and equipment which will use them.
- 23 (b) All on-site and private access roads shall be paved or adequately maintained to minimize  
24 dust and mud generation within 100 feet of a public right-of-way or 250 feet of a *dust*  
25 *sensitive* land use.
- 26 (c) No material which creates a safety or maintenance problem shall be tracked or discharged

1 in any manner onto any public right-of-way.

2 (d) The applicant shall submit a traffic management plan which identifies [y] the most com-  
3 monly used routes of travel from the site and contains the following components: Traffic  
4 Study Section, Operational Study Section, Pavement and Other Structures Study Section,  
5 System Condition Conclusions and Improvement Alternatives Analysis Section, and  
6 Economy/Cost Responsibility Study Section. [and t] The County Engineer shall review  
7 the Traffic Management Plan and shall certify, based on findings relating to the  
8 Multnomah County Rules for Street Standards, that those roads:

9 (i) Are adequate to safely accommodate any additional traffic created by the extraction  
10 operation for the duration of the activity, or

11 (ii) Are inadequate to safely accommodate any additional traffic created by the extraction  
12 operation for the duration of the activity, but the applicant has committed to finance  
13 installation of the necessary improvements under the provisions of 02.200(a) or (b)  
14 of the *Multnomah County Rules for Street Standards*.

15 (iii) Satisfy any requirements that may be contained in the site-specific Comprehensive  
16 Plan Program.

17 (2) Screening, landscaping and visual appearance.

18 (a) All existing vegetation and topographic features which would provide screening and  
19 which are within 50 feet of the boundary of the proposed area of extraction shall be pre-  
20 served.

21 (b) If the site-specific Goal 5 analysis determines that existing ~~[natural]~~ vegetation and  
22 topography is ~~[found to be]~~ insufficient to obscure ~~[views of]~~ the site from existing noise  
23 and dust sensitive conflicting uses, the site shall be screened with landscape berms,  
24 hedges, trees, walls, fences or similar features. Required screening shall be in place prior  
25 to commencement of the extraction activities

26 (c) The Approval Authority shall grant exceptions to the screening requirements ~~[only upon~~

1 ~~finding that~~ if:

- 2 (i) The proposed extraction area is not visible from any [~~dwelling, school, public park,~~  
3 ~~church, hospital, public library, or publicly maintained road~~] noise and dust sensitive  
4 conflicting uses existing on the date of application, or  
5 (ii) Screening will be ineffective because of the topographic location of the site with  
6 respect to surrounding properties, or  
7 (iii) The area is part of the completed portion of a reclamation plan.

8 (3) **Signing.**

9 Signing shall be controlled by the standards of MCC .7932(A)-(D), except that only one sign  
10 for each point of access to each differently named improved street may be allowed for any  
11 operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, M-2, and M-1 district.

12 (4) If no {H} hours and days of operation are contained in the site-specific Comprehensive Plan  
13 Program, the following shall apply: [.]

14 (a) Operating hours shall be ~~allowed~~ from 7:00 am to 6:00 pm. No operation shall be allowed  
15 on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving  
16 Day, and Christmas Day.

17 (b) [~~(a) The Approval Authority may allow alternative hours on sites for which the ESEE anal-~~  
18 ~~ysis has identified other potential operating time periods;~~] Blasting shall be restricted to  
19 the hours of 9:00 am to 5:00 pm. No blasting shall be allowed on Saturdays, Sundays or  
20 on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
21 Christmas Day.

22 (c) [~~(b)~~] Short-term exceptions to the hours and days of operation may be approved pursuant to  
23 the provisions of MCC .8705.

1 (5) Air, water, and noise quality.

2 (a) ~~[The discharge of airborne contaminants and dust created by the extraction operation shall~~  
3 ~~comply with the air quality standards established by the Department of Environmental~~  
4 ~~Quality.]~~ The applicant shall obtain and comply with the standards of all applicable emis-  
5 sion discharge permits from the Department of Environmental Quality. Copies of all  
6 required permits shall be provided to the county prior to beginning mining.

7 (b) ~~[Sedimentation and erosion resulting from the extraction operation shall comply with the~~  
8 ~~standards established by the Department of Environmental Quality.]~~ The applicant shall  
9 obtain and comply with the standards of all applicable waste water discharge permits  
10 from the Department of Environmental Quality. Copies of all required permits shall be  
11 provided to the county prior to beginning mining.

12 (c) Sound generated by an operation shall comply with the noise control standards of the  
13 Department of Environmental Quality. Compliance with the standards can be demonstrat-  
14 ed by the report of a certified engineer. Methods to control and minimize the effects of  
15 sound generated by the operation on ~~[off-site locations]~~ noise sensitive uses existing or  
16 approved (valid action or administrative decision) on the date of application may include,  
17 but not be limited to, the installation of earth berms, equipment location, limitations on  
18 the hours of operation, and relocation of access roads.

19 (6) Fish and wildlife protection.

20 (a) Fish and wildlife habitat ~~[identified by]~~ inventoried in the Comprehensive Plan ~~[, or rec-~~  
21 ~~ognized as significant by an ESEE analysis, or found to be significant during project~~  
22 ~~review]~~ shall be protected [to the maximum possible] according to the program contained  
23 in the Comprehensive Plan. ~~[Where appropriate, such habitat may be mitigated by such~~  
24 ~~enhancement measures as the provision of additional feed and cover for wildlife or fish~~  
25 ~~stream habitat.~~

26 (b) The extent of the operation's impact on and the importance of the fish and wildlife values



present shall be determined in consultation with the State Department of Fish and Wildlife.

(c) Streamside riparian vegetation shall be retained for all streams not a part of direct extraction activities.

(7) Setbacks.

(a) For mineral and aggregate processing activities:

(i) 200 feet to a property line, or

(ii) 400 feet to a *noise sensitive* land use existing or approved (valid action or administrative decision) on the date of application [February 20, 1990];

(b) For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and

(c) For mineral extraction and all other activities:

(i) 50 feet to a property line, or

(ii) 250 feet to a *noise sensitive* land use existing or approved (valid action or administrative decision) on the date of application [February 20, 1990].

~~[(8) Reclaimed Topography.~~

~~All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain.~~

~~(9) Blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Saturday.~~

( 8 [40] ) Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable

~~[(11) Phasing program.~~

1 ~~All phases of an extraction operation shall be reclaimed before beginning the next, except~~  
2 ~~where the Approval Authority finds that the different phases cannot be operated and reclaimed~~  
3 ~~separately.]~~

4 [(12) ~~Reclamation Schedule.~~

5 ~~The reclamation plan shall include a timetable for continually reclaiming the land. The~~  
6 ~~timetable shall provide for beginning reclamation within twelve (12) months after extraction~~  
7 ~~activity ceases on any segment of the mined area and for completing reclamation within three~~  
8 ~~(3) years after all mining ceases.]~~

9 (D) The proposed operations will not result in the creation of a geologic hazard to surrounding proper-  
10 ties, such as through slumping, sliding, or drainage modifications, and have been certified by a  
11 registered soils or mining engineer, or engineering geologist as meeting this requirement.

12 (E) Proposed blasting activities will not adversely affect the quality or quantity of groundwater within  
13 wells in the vicinity of the operation.

14 (F) ~~[Conditional or preliminary approval for all phases of the proposed operation, including reclama-~~  
15 ~~tion, has been received from all governmental agencies having jurisdiction over mineral extraction,~~  
16 ~~and the applicable requirements in ORS 517 and ORS 522 have been complied with.]~~

17 If the site is zoned Exclusive Farm Use (EFU), the proposed operations:

18 (1) Will not force a significant change in accepted farm or forest practices on surrounding lands  
19 devoted to farm or forest use; and

20 (2) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to  
21 farm or forest use.

22 (G) If the site is zoned Commercial Forest Use (CFU):

23 (1) The proposed operations will not force a significant change in, or significantly increase the  
24 cost of, accepted farming or forest practices on agriculture or forest lands;

25 (2) The proposed operations will not significantly increase fire hazard or significantly increase  
26 fire suppression costs or significantly increase risks to fire suppression personnel; and

(3) A written statement recognizing the rights of adjacent and nearby property owners to conduct accepted forest practices has been recorded with the property deed in accordance with OAR 660-06-025 (1994).

~~[(C) The Approval Authority may establish a program for periodic monitoring and reporting.]~~

#### ~~[11.15.7328 Operation Limitations~~

~~On sites with an ESEE analysis designation of "3C" the Approval Authority may place restrictions on extraction activities found to impact other Statewide Planning Goal 5 resources, noise sensitive uses, and other conflicting uses identified in the ESEE analysis. Restrictions may include limitations on the operating season and size or location of extraction activity, among others. Restrictions shall be site specific and directly related to the findings of the ESEE analysis and shall consider the need to balance the importance of the competing resources and conflicting uses against the mineral and aggregate resource.]~~

#### ~~[11.15.7329 Off Site Stockpiling and Processing~~

~~Stockpiling, processing, and distribution activities listed in MCC .7320, related to but not including extraction, may be approved by the Approval Authority under the procedural provisions of MCC .7110 through .7120 on sites other than ESEE designated "2A", "3A", and "3C" resource locations upon a finding that the applicable standards of MCC .7325 are satisfied.]~~

#### ~~[11.15.7330 Time Limit~~

~~A Conditional Use permit hereunder shall be valid for a maximum of five years from date of final approval. The Approval Authority may allow a time limit of a maximum of ten years on sites for which the ESEE analysis has identified a longer potential time limit. The applicant may apply for renewal not less than 90 days prior to the expiration of such permit. The renewal application may be denied, approved subject to previous conditions, or approved subject to new conditions in light of the follow-~~

ing factors, among others:

(A) ~~Previous impacts of the use upon surrounding lands and activities;~~

(B) ~~Changes in technology and activities of the operation which will impact the surrounding lands and activities, and~~

(C) ~~Compliance with MCC .7325 and conditions of approval.]~~

#### **11.15.7331 Site Reclamation**

(A) No mining shall begin without the operator providing the county a copy of a DOGAMI operating permit and approved reclamation permit or exemption certificate.

(B) When approving an application under this section the county shall determine the post-mining use of the property. The determination of post-mining use shall be coordinated with DOGAMI to ensure technical feasibility. The designated post-mining use shall conform to the Comprehensive Plan.

#### **11.15.7332 Monitoring**

The Planning Director shall periodically monitor all extraction operations. The beginning dates and frequency of monitoring shall be determined by the Approval Authority based upon any such requirement in the Comprehensive Plan Program and upon the number and type of noise and dust sensitive land uses, and other Goal 5 resources identified in the ESEE Analysis. If the Director determines that an extraction operation is not in compliance with MCC .7325 or site-specific requirements of the Comprehensive Plan Program, such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance.

#### **11.15.7335 Existing Operations**

All mineral extraction uses that have been approved under MCC 5575, 5580, and 7305 through 7335, prior to July 26, 1979, shall continue to comply with the ~~[following requirements:]~~ zoning stan-

1 ards and conditions of approval imposed at the time of approval.

2 [~~(A) No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one~~  
3 ~~foot horizontal for one foot vertical.~~

4 ~~(B) No mining, quarrying, excavating or processing of material shall be permitted closer than 100 feet~~  
5 ~~from the boundaries of a Natural Resource, Rural, Residential, Office or Commercial district.~~

6 ~~(C) Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring~~  
7 ~~fence, except for reasonable areas of access and egress, as designated by the approval authority.~~

8 ~~(D) No permanent structure, such as rock crusher, washer or sorter, shall be located closer than 500~~  
9 ~~feet from any district boundary.~~

10 ~~(E) Any conditions of operation imposed as a result of previous zoning controls or regulations shall~~  
11 ~~continue.]~~

12  
13 \* \* \*

14  
15 **Fees**

16 **11.15.9005 Payment**

17 All fees are payable at the time of application.

18  
19 **11.15.9010 Action Proceedings**

20 (A) Change of zone classification

21 (1) Rural, Urban Future and Urban Low and Medium Density Residential:

22 One acre or less \$500.00

23 Each additional acre 50.00

24 (2) Apartment Residential and Urban High Density Residential:

25 One acre or less 1,000.00

26 Each additional acre 50.00

1 (3) Commercial or Industrial 1,000.00  
2 (B) ~~[Planned Developments]~~ Special District designation (LF, OP, PD, HP, SPA, PAM)  
3 One acre or less 1,000.00  
4 Each additional acre 50.00  
5 Maximum charge 5,000.00

6  
7 \* \* \*  
8  
9

10 Section III. Adoption.

11 ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1994, being the date of its \_\_\_\_\_  
12 reading before the Board of County Commissioners of Multnomah County.  
13  
14  
15

16 ( S E A L )  
17  
18

19 By \_\_\_\_\_  
20 Beverly Stein  
21 Multnomah County Chair

22 REVIEWED:

23 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL  
24 for MULTNOMAH COUNTY, OREGON

25 By \_\_\_\_\_  
26



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
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BOARD OF COUNTY COMMISSIONERS  
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DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Board of County Commissioners

FROM: Planning Staff  
Division of Planning and Development

DATE: October 14, 1994

SUBJECT: Proposed Mining Regulation Ordinance

CLERK OF  
COUNTY COMMISSIONERS  
1994 OCT 14 PM 4:12  
MULTNOMAH COUNTY  
OREGON

At the October 11, 1994 Board of County Commissioners first reading and public hearing on the proposed mining ordinance, the Board requested additional information and suggested language changes for some issues. Following is a partial listing of those issues. The remainder of the issues are being researched by planning staff and/or County Counsel and will be available before any third reading.

Where changes to the wording of the ordinance dated 9/26/94 is given, those recommendations will be in the format of underlined new language and ~~crossed through words~~ to be deleted. (The 9/26/94 ordinance sections are transferred to this memo in plain type and do not reflect amendments of the existing code as shown in the actual ordinance.)

**ITEM 1.** Replace the word "operator" with "owner's representative".

**Page 3; Lines 17 to 18; Plan Policy 16-B, Strategies, D, 2**

2. When a record owner landowner or the authorized agent of the record owner ~~operator~~ submits information concerning the ~~potential~~ significance of a resource site and applies for a comprehensive plan amendment.

DISCUSSION: MCC 11.05.140(A)(3) uses the terms "record owner and authorized agent" for parties that can initiate a plan revision. The word "potential" is not needed.

**ITEM 2. Regulation of "Exempt Mining Activity"**

**Page 4; Lines 19 to 25; Plan Policy 16-B, Strategies, I**

- I. The following activities are exempt from the approval requirements and development standards of this policy:
1. Mining auxiliary to forest practices;
  2. In the Exclusive Farm Use (EFU), Rural Residential (RR), Rural Center (RC), and all Urban Residential Districts zone, mining less than 1,000 cubic yards of material or mining an area of less than one acre;
  3. In all other districts zones, mining less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres.
  4. Mining activities as given in 2 and 3 are not exempt from the requirement to obtain other applicable permits including, but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit.

**Page 8; Lines 18 to 26; MCC 11.15.6760**

**11.15.6760 Exemptions**

The following activities are exempt from the requirements of this section. Operators or land owners have the burden of qualifying for any exemption.

- (A) In EFU, RR, RC, and all Urban Residential Districts exclusive farm use zones, mining less than 1,000 cubic yards of material or mining an area of less than one acre;
- (B) In all other Districts zones, mining less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres;
- (C) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry;
- (D) Mining activities as given in (A) and (B) are not exempt from the requirement to obtain other applicable permits including, but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit.

DISCUSSION: The Board raised two concerns regarding this issue. First, was the preference of the Board to regulate in some manner this scale of mining which is exempt from DOGAMI requirements for reclamation. This objective can be met by requiring that these smaller mines obtain a Hillside and/or Erosion Control Permit from the County and any applicable Significant Environmental Concern Permit. Mining on forest lands auxiliary to forestry operations, by statute, cannot be regulated by Counties.

Secondly, there was concern expressed as to whether the 5,000 cubic yards per year limit would be too large a scale of operation in a residential area. An option in this regard is to add residential zones to the limitation of 1,000 cubic yards for the Exclusive Farm Use Zone.



**ITEM 3.** County participation with DOGAMI in review of a reclamation permit proposal.

**Page 6; Lines 6 to 8; Plan Policy 16-B, Strategies, Q**

Q. Unless specifically determined on a case by case basis, it shall be the policy of the county, that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit until the county decides all comprehensive plan amendments and/or conditional use approvals. It is also the policy of Multnomah County to participate in and cooperate with DOGAMI in their review of a permit application to that agency.

DISCUSSION: Language very similar to this is in the two recently adopted aggregate "Reconciliation Reports".

**ITEM 4.** Hours of Operation

**Page 24; Lines 12 to 16; MCC 11.15.7325(C)(4)**

(4) If no hours and days of operation are contained in the site-specific Comprehensive Plan Program, the following shall apply:

(a) Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

DISCUSSION: The word "allowed" was deleted only because it was thought to be unnecessary — it was assumed the operator would have the option of setting his own hours within the time frame given.

**ITEM 5.** Beginning Mining with DOGAMI and DEQ permits

**Page 6; Lines 9 to 11; Plan Policy 16-B, Strategies, R**

R. No surface mining or processing activity, as defined by the zoning ordinance, shall begin without land use approval from the county, and approval of a reclamation plan and issuance of an operating permit by DOGAMI and Department of Environmental Quality.

DISCUSSION: Presented by Board Staff at first reading.

**ITEM 6.** Add Dust Sensitive Land Uses in Section on Setbacks for Mining Activities

**Page 26; Lines 8 to 9; MCC 11.15.7325(C)(7)(a)(ii)**

(ii) 400 feet to a noise and dust sensitive land use existing or approved (valid action or administrative decision) on the date of application ;

**Page 26; Lines 14 to 15; MCC 11.15.7325(C)(7)(c)(ii)**

(ii) 250 feet to a noise and dust sensitive land use existing or approved (valid action or administrative decision) on the date of application.

DISCUSSION: Presented by Board Staff at first reading.

ITEM 7. Screening of mine sites from "noise and dust sensitive" land uses

Page 23; Lines 21 to 25; MCC 11.15.7325(C)(2)(b)

(b) If the site-specific Goal 5 analysis determines that existing vegetation and topography is insufficient to obscure the site from identified key viewing areas and corridors ~~existing noise and dust sensitive conflicting uses~~, then measures as identified in the Goal 5 analysis to reduce or eliminate conflicts shall be implemented. ~~site shall be screened with~~ Methods of screening may include landscape berms, hedges, trees, walls, fences or similar features. Any ~~the~~ required screening shall be in place prior to commencement of the extraction activities.

DISCUSSION: The terms "noise and dust sensitive" land uses was used only as a short hand way to avoid listing "residences, churches, hospitals, schools, public libraries, and campgrounds". There was no intention of trying to make any correlation between noise and dust with visibility concerns. After further review of this provision, staff recommends the above changes to match the terms and methods of determining scenic views in the West Hills Reconciliation Report.

ITEM 8. Transportation Requirements

Page 22; Lines 16 to 18; MCC 11.15.7325(C)

The applicant has shown that the standards of this section, or site-specific requirements adopted as part of a comprehensive plan amendment, can or will be met by a specified date.

Page 23; Lines 2 to 16; MCC 11.15.7325(C)(1)(d)

(d) The applicant shall submit all traffic information and traffic management plans required in any site-specific Comprehensive Plan Program. The County Engineer shall review the submitted plans and shall certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that the roads identified in the Plan:

(i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

(ii) If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:

- The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*, and

- A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(e) ~~4~~ If there are no traffic management requirements in the site-specific Comprehensive Plan Program requirements, the applicant shall submit a traffic management plan which identifies the most commonly used routes of travel from the site, and contains the following components: Traffic Study Section, Operational Study Section, Pavement

~~and Other Structures Study Section, System Condition Conclusions and Improvement Alternatives Analysis Section, and Economy/Cost Responsibility Study Section.~~ The County Engineer shall ~~review the Traffic Management Plan and shall~~ certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that those roads:

- (i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or
- (ii) If the roads ~~A~~ are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:
  - The applicant has submitted a traffic management plan that is sufficient for the County Engineer to make relevant findings regarding necessary road improvements;
  - ~~but~~ The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards* ; and
  - A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.
- (iii) ~~Satisfy any requirements that may be contained in the site specific Comprehensive Plan Program.~~

DISCUSSION: The above changes are suggested to address the Boards concerns about:

(1) ensuring that applicants who have no traffic related issues regarding the proposed site are not required to submit a traffic management plan, (2) retaining some "trigger" that could require such a study if traffic problems were missed at the time of the ESEE analysis, and (3) clarifying the timing of heavy truck use of the roads in relation to certain levels of road improvement.

## REMAINING ISSUES

Listed below are issues raised during the first reading for which staff does not yet have a recommendation. Staff is working with County Counsel on these issues and in making this list staff is not asking for action or a response from the Board at this time.

1. **County regulation of mining reclamation.** After the county has approved a conditional use request for a mining operation, participated with DOGAMI in the review of a proposed reclamation plan, and DOGAMI has issued their permit, then what authority does the county have in controlling and or curtailing mining activities conducted under that DOGAMI permit? Page 26, Lines 16-19&26; Page 27, Lines 1-8.

The proposed ordinance on page 22, lines 16-18 requires a conditional use application to address and comply with all site-specific requirements adopted as part of the ESEE Analysis and Program in the Comprehensive Plan. Additional backing for that regulation is in the Plan Policies on page 5, lines 23-26. It is difficult and probably unnecessary to attempt to

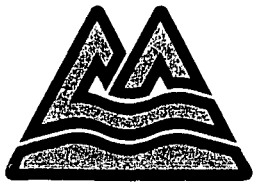
draft language in the zoning code that would control how every site should be mined, any particular problems anticipated at any site can be addressed in the Comprehensive Plan and then examined in detail in review of the conditional use application.

On page 29, lines 15-22 is a section titled "Monitoring" which sets up an operational monitoring program at the time of conditional use approval. Language in the section also states: "If the Director determines that an extraction operation is not in compliance with MCC 11.15.7325 or site-specific requirements of the Comprehensive Plan Program, such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance."

2. **Fish and Wildlife Protection.** Page 25, lines 19-26 and page 26, lines 1-4; MCC 11.15.7325(C)(6). What provisions of this section are inconsistent with the LCDC Remand Order or the Goal 5 Rules? The Remand Order reads on this issue: "Amend, as necessary, in accordance with Goal 5 and the Goal 5 rule the following provisions: ... MCC 11.15.7325(C) requiring protection of fish and wildlife habitat without supporting justification in a site-specific ESEE analysis. ..."

DLCD staff has suggested that the wording in paragraph (C)(6)(a) meets the remand order requirement, but that paragraphs (b) and (c) should be deleted. The Planning Commission recommended to the Board to retain (b) and (c).

3. **Is the definition of "Conflicting Use" in conformance with current case law?** Page 9, lines 5-9; MCC 11.15.6765(A). The definition is taken verbatim from a DLCD model ordinance.
4. **Is the definition of "ESEE Analysis" in conformance with current case law?** Page 9, lines 14-17; MCC 11.15.6765(C). The definition is taken verbatim from a DLCD model ordinance.
5. **Is the definition of "Impact Area" in conformance with current case law?** Page 9, lines 25-26 and page 10, line 1; MCC 11.15.6765(F). The definition is taken verbatim from a DLCD model ordinance.
6. **Is the definition of "Significant Site" in conformance with the Goal 5 Rule?** Page 11, lines 6-19; MCC 11.15.6765(M). The definition is taken verbatim from a DLCD model ordinance except that "one million cubic yards" has been inserted where the model had a blank line to fill in an amount.
7. **Is the use of the word "adjacent" in the description of the Impact Area in conformance with current case law?** Page 12, lines 4-6; MCC 11.15.6770(B). The DLCD model ordinance includes the word "adjacent" in describing where to place an Impact Area Overlay Zone.



# MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN, CHAIR  
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TANYA COLLIER  
SHARRON KELLEY

## M E M O R A N D U M

TO: Board of County Commissioners  
Beverly Stein, Chair  
Tanya Collier  
Gary Hansen  
Sharron Kelley  
Dan Saltzman

FROM: John L. DuBay

DATE: October 18, 1994

RE: Code amendments for periodic review

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
J. MICHAEL DOYLE  
SANDRA N. DUFFY  
GERALD H. ITKIN  
H.H. LAZENBY, JR.  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
JACQUELINE A. WEBER

1994 OCT 18 4:05 PM  
CLERK OF COUNTY  
OREGON

Here's my analysis of Arnold Rochlin's objections to the proposed ordinance. These comments only address the items alleged to be "unlawful."

1. A proposed amendment to comprehensive plan Policy 16-B Strategies states the County will evaluate the quantity, quality and location of potential aggregate sites either during periodic review or "[w]hen a landowner or operator submits information concerning the potential significance of a resource site and applies for a comprehensive plan amendment." Rochlin contends an amendment is required because an operator cannot initiate a comprehensive plan amendment.

Neither statute nor state regulations control who may initiate comprehensive plan amendments. Our code does. It states comprehensive plan amendments can be initiated by the Board, the Planning Commission, or the owner or owner's authorized agent. MCC 11.05.140. Although the plan strategy would not create a right in others to initiate a change, the reference to an operator's application for a plan change is not accurate. Removing the reference could avoid confusion.

2. Rochlin states the proposed Policy 16-B Strategy E is unlawful because it is inconsistent with LCDC's Goal 5 rules.

The rules require a determination of significance to include some consideration of a site's resource quality and quantity compared to other resource sites. The rules do not limit a finding of significance only to the site with the highest quality or quantity. Sites with various quantities or qualities of any resource can be considered significant. However, the rules do require the process include a comparison of quality and quantity at other sites if the information is available or obtainable.

Strategy E states a site will be considered significant if more than one million cubic yards of aggregate at the site meets ODOT's standards for road construction use. Without more information, either in the plan or supporting documents, showing how this two prong test was derived, it lacks any consideration of comparative data.

Also, the reference to the ODOT standards weakens the definition. ODOT has no adopted standards. If reference to a particular test is desired, and it is based on comparative data, the test should be described specifically, including the date it was promulgated.

I recommend strategy E be deleted and strategy F be amended to read:

"The county will judge the significance of mineral and aggregate resources on a case by case basis, under the standards and procedures in LCDC's Goal 5 interpretive rules."

3. Rochlin contends a proposed definition of "conflicting use" applicable in two zoning districts is unlawful. He states the definition is too narrow and must also include non-resource uses that could suffer negative impacts from use of the protected resource.

The first sentence in the proposed definition states: "[a] use in the underlying zone which, if allowed, could adversely affect operations at a protected aggregate and mineral resource site." This sentence closely follows the definition in the rule: "[a] conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site." OAR 660-16-005(1). The definitions are essentially the same.

Rochlin then asserts that because the ESEE analysis requires consideration of the impacts on conflicting uses by the Goal 5 resource, the definition of "conflicting use" must be enlarged.

Rochlin's point is true that the ESEE analysis must consider the effect of the resource site on conflicting uses. As stated in Eckis v. Linn County, 19 Or LUBA 15, 31 (1990):

"Under OAR 660-16-005, the county is required to address the impacts of the proposed Goal 5 resource site use on the identified conflicting uses, as well as the impacts of the conflicting uses on the resource site use." (Emphasis in original)

That said, no rule or case holds this reciprocal evaluation of ESEE consequences requires a change in the definition of "conflicting use." None is necessary because the end result of the ESEE process is a balancing of impacts that the conflicting uses and the resource site have on each other.

No change is necessary, although Rochlin's suggested addition would not be harmful.

4. Rochlin contends the definition of "ESEE Analysis" rewrites LCDC's rules. The rules, however, do not define "ESEE analysis." They do say "[b]oth the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences." OAR 660-16-005(2). The proposed definition is a characterization of that requirement in the context of an aggregate resource analysis. While unartfully phrased, the definition does not, and cannot, alter the specific rule requirement to make the reciprocal analysis.

No change is necessary. Further, simply deleting "to displace mining" as Rochlin suggests would make the definition worse.

5. Rochlin next challenges the proposed definition of "impact area." The term is not defined by statute or rule. LCDC's rule merely requires that the inventory include a map of the resource site and the impact area to be affected, if different. In a case where a county designated a resource site without designating a different impact area, LUBA concluded an impact area is the area where uses may occur that could adversely affect the resource site or be adversely affected by the resource site. Portland Audubon v. Clackamas County, 14 Or LUBA 433, 442, aff'd 80 Or App 593 (1986). (This is the definition favored by Rochlin.) LUBA there held an impact area coterminous with the resource site was acceptable.

The proposed definition inserts some concepts not present in LUBA's definition. For example, an impact area need not surround

a resource site; conflicts between the resource site and other uses need not be direct; and the conflicting uses are not the only use which may be regulated as a result of the ESEE analysis. I recommend LUBA's definition be substituted for the proposed definition.

6. Rochlin again objects to the definition of "significant site" for the same reasons as the objection to use of the two prong test proposed for Policy 16-B. For the reasons stated in paragraph 2, above, the language should be changed.

7. Last, Rochlin alleges the first sentence of proposed MCC 11.15.6770(B) improperly limits impact areas to all or parts of parcels within or adjacent to extraction areas.

Whether or not an impact area outside the resource area must be adjacent to the resource site has not been mandated by regulation or case law. The proposed language is not prohibited although the issue could be raised in the context of a particular Goal 5 analysis.

Given the lack of regulatory or precedential guidance, I do not believe a change is necessary.



SHARRON KELLEY  
Multnomah County Commissioner  
District 4



Portland Building  
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Portland, Oregon 97204  
(503) 248-5213

MEMORANDUM

To: Board of Commissioners  
From: Commissioner Sharron Kelley  
Re: Agenda Item P-2  
Date: October 18, 1994

MULTNOMAH COUNTY  
OREGON

1994 OCT 18 AM 11:11

CLERK OF  
COUNTY COMMISSIONERS

1. Sites of Less Than 5000 Cubic Yards Annually

On Friday, planning staff circulated a draft of changes to the approval process for gravel operations less than 5000 cubic yards annually. The amendments clarify that all sites of this size except those ancillary to mining operations would be subject Hillside and Erosion Control permits, SEC permits, and Flood Plain permits. In addition:

\*The draft would allow operations in EFU, urban residential, rural center and rural residential zones of less than 1000 cubic yards; and

\*The draft would allow operations in all other zones if less than 5000 cubic yards annually (the current size of Howard Canyon).

On Monday, we held a meeting attended by Charlie Ciecko of Metro Parks, Sharon Timko, Gary Clifford, Gordon Howard, Robert Trachtenberg and myself in which several concerns were raised. There may be numerous properties with the capability to conduct gravel operations of this size. These operations may create traffic problems, social conflicts with neighbors, and reclamation control would be limited to the erosion issue.

To address these concerns, Gary Clifford has drafted an alternative approach (attached) consistent with our discussion yesterday. Under this approach:

\*Mining operations would not be permitted in rural residential, rural center, and rural residential districts; and

\*In other districts, mining operations between 1000 and 5000 cubic yards annually would be subject to the conditional use permit process. This would allow review for consistency with the character of the area and traffic impacts as well as the

imposition on stronger reclamation requirements. Sites of less than 1000 cubic yards in these districts would not be subject to the conditional use process.

## 2. Site Distance Requirements

We also discussed a number of the other changes suggested by Metro. Metro had proposed different site distance requirements on the basis of Charlie's experience of working in close proximity to a gravel operations site.

\*On page 23, line 19, change the vegetation screening from 50 to 100 feet;

\*On page 26, line 13, the setback for mineral extraction should be 100 feet to a property line, not 50 feet;

\*On page 26, line 14, the setback to a noise or dust sensitive use should be 400 feet, not 250 feet.

A 50-foot separation is considered minimal, not much deeper than a single tree. We have previously recognized a 1200 foot sound impact area, and Charlie has observed substantial dust travelling in excess of 250 feet.

These requirements would not apply to pre-existing sites, and they can be raised or lowered in the context of an ESEE. The requirements would apply if the ESEE does not address the issue.

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ITEM 2. Regulation of "Exempt Mining Activity"

Page 4; Lines 19 to 25; Plan Policy 16-B, Strategies, I

- I. The following activities are exempt from the approval requirements and development standards of this policy:
  1. Mining auxiliary to forest practices, +
  2. In all Districts, except the Exclusive Farm Use (EFU) Rural Residential (RR), Rural Center (RC), and all Urban Residential Districts zone, mining less than 1,000 cubic yards of material or mining an area of less than one acre. The mining activity is not exempt from the requirement to obtain other applicable permits including but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit. +
  3. In all other zones Districts, except Rural Residential (RR), Rural Center (RC), and all Urban Residential Districts, mining more than the limitations in 2 above, but less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres. This level of mining activity shall require approval by the Hearing Authority as a conditional use action proceeding pursuant to the general conditional uses provisions (MCC 11.15.7105 through 7140). The mining activity is also not exempt from the requirement to obtain other applicable permits including, but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit.

Page 8; Lines 18 to 26; MCC 11.15.6760

11.15.6760 Exemptions

The following activities are exempt from the requirements of this section. Operators or land owners have the burden of qualifying for any exemption.

- (A) In all Districts, except RR, RC, and all Urban Residential Districts exclusive farm use zones, mining less than 1,000 cubic yards of material or mining an area of less than one acre. The mining activity is not exempt from the requirement to obtain other applicable permits including but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit. +
- (B) In all other Districts zones, except RR, RC, and all Urban Residential Districts, mining more than the limitations in (A), but less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres. This level of mining activity shall require approval by the Hearing Authority as a conditional use action proceeding pursuant to the general conditional uses provisions of MCC 11.15.7105 through 7140. The mining activity is also not exempt from the requirement to obtain other applicable permits including, but not limited to, a Hillside and Erosion Control permit, a Significant Environmental Concern permit, and a Flood Plain permit. +
- (C) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry. +

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Page 17; Lines 2 to 7; MCC 11.15.7105 and .7107 General Conditional Uses (Not the Mining Conditional Use Section, which starts at MCC 11.15.7305)

Except as provided in MCC 11.15.6760(B), certain conditional use provisions of time limits, conditions, restrictions, and approval criteria shall not apply to Mineral Extraction conditional uses.

11.15.7107 Mineral Extraction Exemption from Standards

Except as provided in MCC 11.15.6760(B), Mineral Extraction conditional uses are exempted from the provisions of MCC .7110(C), .7110(E), .7115, .7120, .7122, and .7125.

October 18, 1994

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Multnomah County Board of Commissioners

**C 11-94** Aggregate: Comprehensive Framework Plan and Zoning Code Amendments.

**Transportation Requirements**

Page 4, Item 8, (d):

The last 6 words, "that the roads identified in the Plan" should be changed to  
**"that roads are appropriately identified in the Plan"**

Reason: Errors in identification of the roads that are of concern must be addressed as part of approval of the plan.

Page 5, first paragraph:

The last 3 words, "that those roads" should be changed to **"that the applicant has identified the appropriate roads, and they are"**

Reason: Same as above.

**Remaining Issues**

**page 5, #1, County regulation of mining reclamation.**

The issue is mis-stated. The question is not what authority the county has in "controlling" or "curtailing" mining after it has issued a conditional use permit. Responding to a question from the Planning Commission County Counsel advised in a memorandum of September 21st to Mr. Pemble that the county has authority to set more restrictive reclamation requirements than does DOGAMI. County regulations cannot cancel or weaken DOGAMI's standards. Last week, under questioning from the Board, staff did not give an answer to what is the county's authority. The question is: Can the county lawfully retain the reclamation standards that staff proposed to delete (11.15.7325(C), (8), (11) and (12) at pages 26-27 of the staff memorandum on C 11-94 presented last week)? The answer is yes. Instead of giving that direct answer, staff instead spoke of the cooperative relationship that might prevail between the county and DOGAMI, and how we might persuade them to adapt their program to our wishes. DOGAMI is required to comply with your lawfully enacted standards, but not with suggestions made concerning a specific application that's before them. If you want reclamation standards, you have to retain them in the code, or revise them to comply with any changes in your policy, but you should not delete them.

The proposed deletions, 11.15.7325(C)(8), (11) and (12), should be retained. They requires that reclamation blend in with surrounding areas, that it be done in phases, where practical, and that on application, a timetable for reclamation, relative to mining, be submitted. These are all reasonable standards.

page 6, #3-7, Legal Issues

The staff does not confront the issues. Instead of replying to the charge that the proposals conflict with the OAR and with case law, the staff reports that the text was given to them by DLCD. There was never much doubt about the source, only about whether it's legal and whether it's the policy that this county wants.

I still claim, and staff does not deny, that all of the provisions referred to by staff in items 3 to 7 on page 6, are unlawful for the reasons given in my testimony last week. The Board asked County Counsel to comment on my comments; I haven't received his comments and have no idea what they are.

That DLCD staff has pressured the county to adopt particular proposals is no secret. That they are the authors of our staff's proposal does not commend it. The DLCD staff is very biased in favor of aggregate mining. During this terribly laborious process of periodic review and remand, DLCD has shown serious interest in only one Goal, Goal 5. And, they have put pressure on the county concerning only one of twelve listed Goal 5 resources, aggregate. Their concern about other resources has been limited mainly to the issue of conflict with aggregate.

Ask the staff to give direct answers to these questions: Is the county legally obliged to adopt the challenged DLCD staff proposals as recommended by county staff? If yes, under what specific legal authority?

