

33.515 Columbia South Shore Plan District

515

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General

33.515.010 Purpose

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

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

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

33.515.020 Where the Regulations Apply

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

33.515.025 Relationship Among Subdistrict Regulations

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

Use Regulations

33.515.110 Uses in the Industrial Business Opportunity Subdistrict

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

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

C. Standards

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

33.515.120 Commercial Uses

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

33.515.130 Additional Conditional Uses

A. Columbia Riverfront.

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

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

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

B. Commercial parking facilities.

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

C. Professional / technical facilities.

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

D. Retail Sales And Service.

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

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

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

Development Standards

33.515.200 Streetscape Standards

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

33.515.205 Airport Way Streetscape

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

The Airport Way streetscape embodies the following themes:

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

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

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

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

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

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

33.515.210 Airport Way Landscaping

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

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

33.515.215 Marine Drive Streetscape and Landscape

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

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

- B. Where the regulations apply.** This section applies to the portions of sites within 200 feet south of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.
- C. Streetscape standards.**
1. Building heights. Within 200 feet south of the Marine Drive right-of-way, building height limits are imposed to maintain the open character. Building height is measured to the top of the parapet or exterior wall, whichever is higher. Within 100 feet of the right-of-way, buildings are limited to 35 feet in height. Between 101 feet and 200 feet from the right-of-way, buildings are limited to 45 feet in height.
 2. Building setbacks. Buildings must be set back at least 10 feet from the tree row required by Paragraphs D.1 and D.4, below. Locating buildings away from Marine Drive is encouraged.
 3. Fences. Fences are prohibited between the toe of the Marine Drive slope and the tree row required by Paragraphs D.1 and D.4, below.
- D. Landscape standards.** Generally, a continuous landscaping treatment is required, as shown in Figures 515-1 through 515-3. The continuous landscaping must include a row of trees, flowering shrubs, and ground cover, as specified below. In two locations, as identified in Subparagraph D.4, below, a clustered landscape treatment is allowed as an alternative.
1. Tree row. A row of trees meeting the following standards is required:

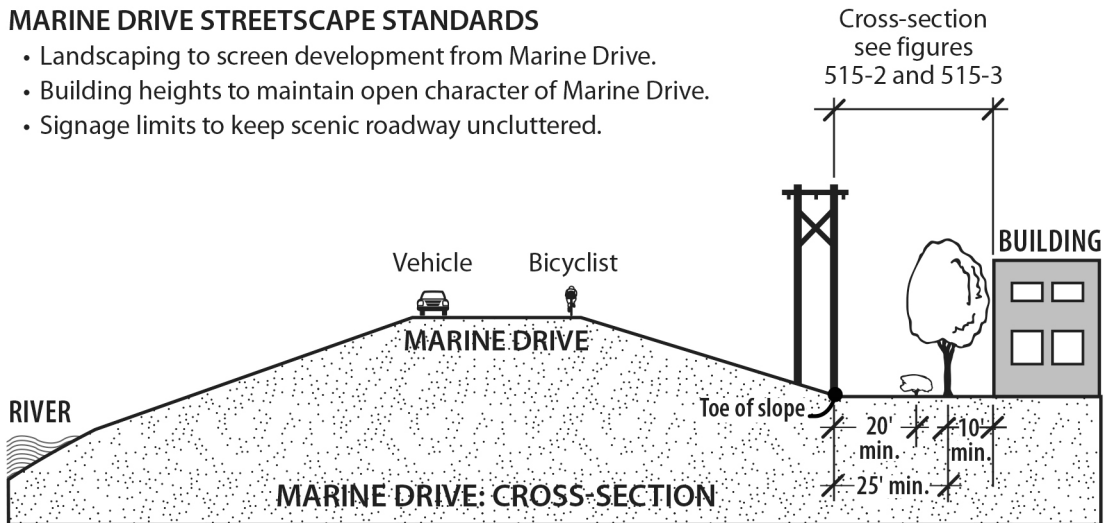
- a. Location. As shown in Figure 515-2, a row of trees must be planted between development and the toe of the Marine Drive slope. The tree row must be at least 25 feet south of the toe of the slope.
 - b. Spacing. The trees must be spaced 15 feet on center.
 - c. Species. The trees must be one of the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

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

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

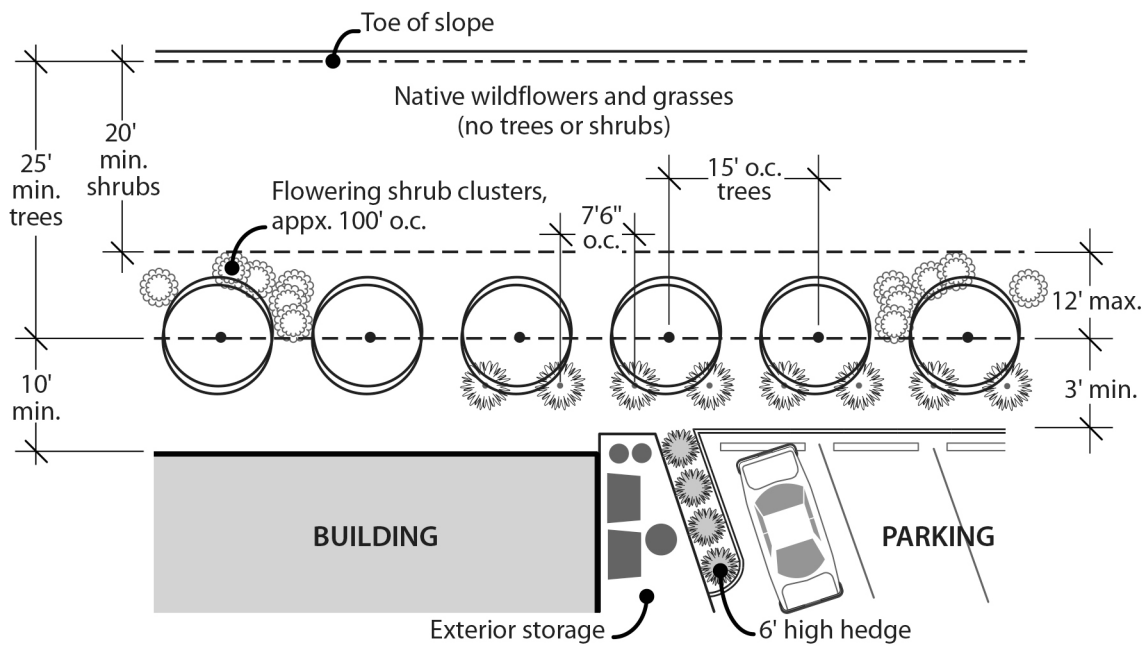
MARINE DRIVE STREETScape STANDARDS

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



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

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



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

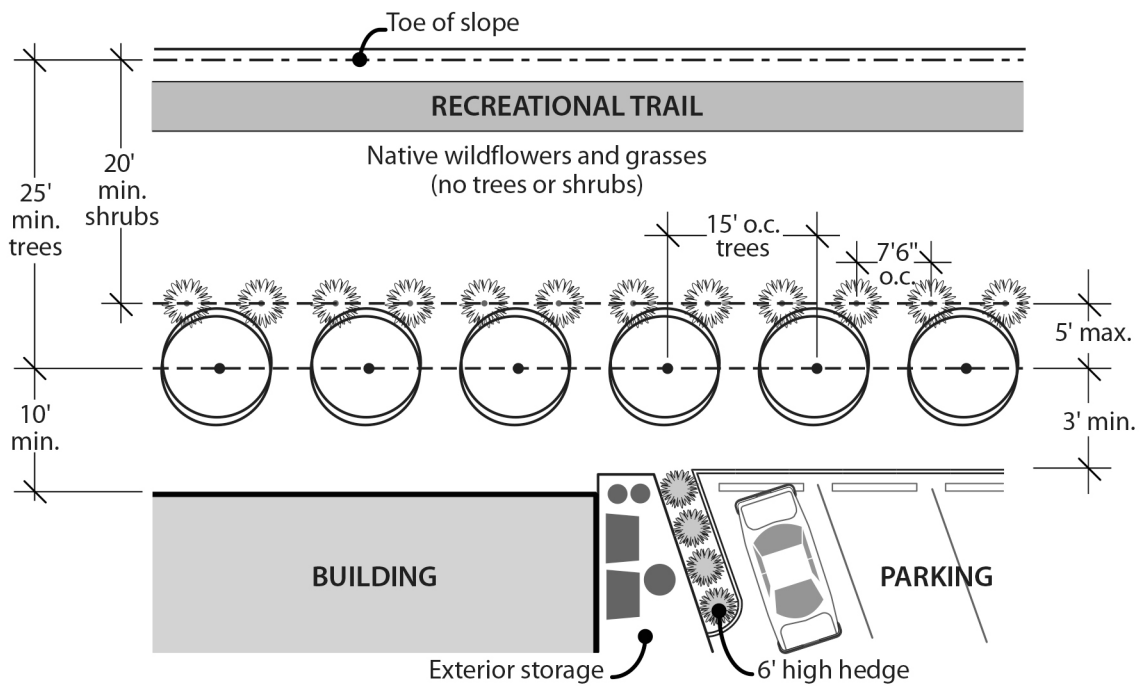
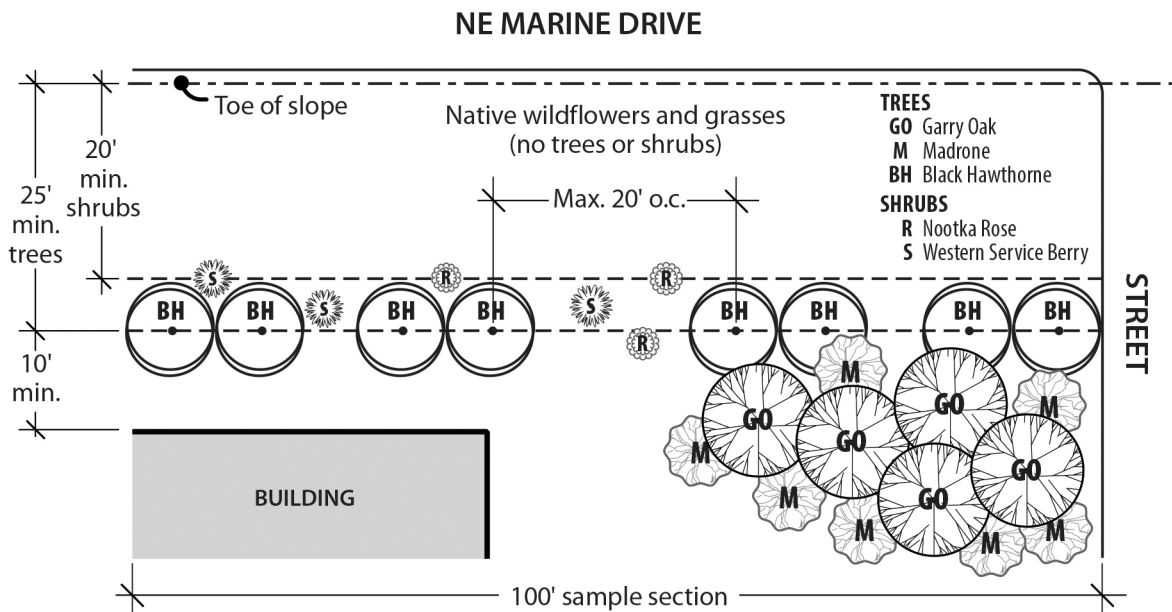


Figure 515-4
Clustered Landscaping Example



5. Ground cover.

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

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

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

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

F. Nonconforming landscaping. Some sites along Marine Drive have a double row of trees, which was required by previous regulations. Some of these trees are within 25 feet of the toe of the Marine Drive slope. There also may be shrubs within 20 feet of the toe of the slope.

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

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

33.515.225 Transfer of Floor Area

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

33.515.230 View Corridors

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

33.515.235 Rooftops

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

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

33.515.240 Exterior Display

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

33.515.245 Signs

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

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

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

33.515.257 Pedestrian Standards

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

33.515.260 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, except those in the Columbia South Shore Slough Trail area or Cross-Levee Trail area. Sites in these areas, shown on Map 515-4, must also comply with the regulations of this section. If the trail is located within the Environmental zones, the trail must also comply with those requirements.
- B. Columbia South Shore Trail.**
 1. Columbia South Shore Slough Trail area. The recreation trail designations that apply to the Columbia South Shore Slough Trail are shown on Map 515-4 at the end of this chapter.
 2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time

of development if both ends of their trail segment connect with another built trail or public right-of-way. The chosen option must be indicated on the building permit. If the trail improvement option is chosen, the trail location and construction specifications must be shown on the site plans.

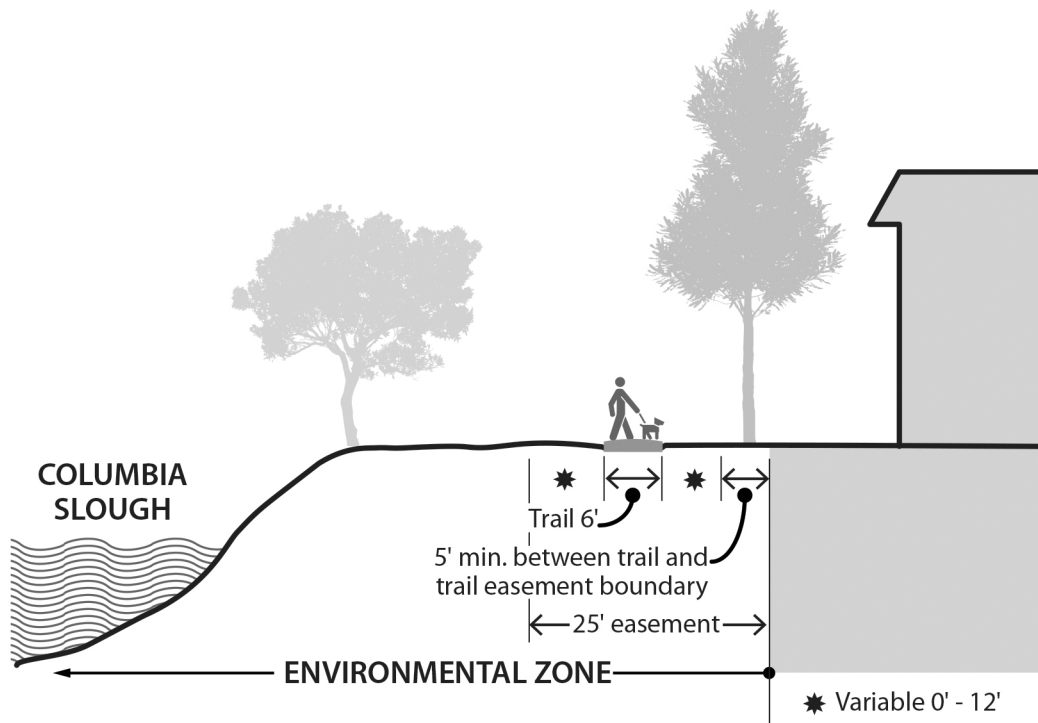
- a. Trust fund option. The Columbia South Shore Recreational Trail Trust Fund provides a method for accepting and dedicating funds for the Slough Trail construction in the Columbia South Shore plan district and an alternative to constructing the on-site trail segment.
 - (1) Trust fund administration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

- c. Trail and easement location.
- (1) In environmental zones:
- The location of the trail or easement is subject to environmental review;
 - If a trail or easement exists on an adjacent site, the trail or easement must connect to them; and
 - If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone. See Figure 515-5.
- (2) In all other zones: The trail route must be as shown on the Official Zoning Maps.

C. **Cross-Levee Recreation Trail easement.** The Cross-Levee public recreation trail is shown on the Official Zoning Maps and on Map 515-4 at the end of this chapter. The requirement for a trail does not apply to the Cross-Levee Recreation Trail but the requirement for an easement does apply. (See Section 33.272.020).

D. **Other recreation trails.** Other recreation trails are regulated by Chapter 33.272.

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



33.515.262 Archaeological Resource Protection

A. **Purpose.** Archaeological evidence has confirmed that American Indians used the plan district prior to entry of EuroAmericans to the Portland area. Archaeological resources have historic, cultural, and scientific value to the general public and heritage value to associated

tribes, whose ancestors lived in the plan district area and harvested local natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbance activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places.

Specific purposes of this section are to:

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

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

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

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

D. Identification of archaeological resources.

1. Purpose. There is a public interest in testing for archaeological resources prior to project construction. The earlier an archaeological resource is found and evaluated, the better are chances that reasonable development proceeds without delay and the

archaeological resource is protected. Confirmation testing can reduce the chances that archaeological resources are encountered during project construction. Much of the plan district has already received confirmation testing using a consistent methodology. This section requires that applicants fill gaps in confirmation testing within archaeological sensitivity areas.

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

specify that confirmation testing of the site is complete and that no archaeological resource was identified. The written documentation may be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.

6. Confirmation testing required. Additional auger testing is required for sites with some property designated "confirmation testing required" on Map 515-7 at the end of this chapter. Prior to development, the applicant must conduct confirmation testing to determine the location and type of any archaeological resources identified on the site through current or previous archaeological testing. Confirmation testing, consisting of subsurface auger probes and consultation with appropriate Oregon tribes, must meet all the standards of this paragraph.

The standards are:

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

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

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.
2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and

may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.

6. Where more than one archaeological resource is identified. Where more than one archaeological resource is identified together:
 - a. If one of the archaeological resources is a burial, the regulations for burials apply to all resources;
 - b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the regulations for villages; or traditional, sacred, or cultural use sites apply to all resources;
 - c. If all of the archaeological resources are seasonal campsites or activity areas, the regulations for seasonal campsites or activity areas apply to all resources.

F. Archaeological resource subareas.

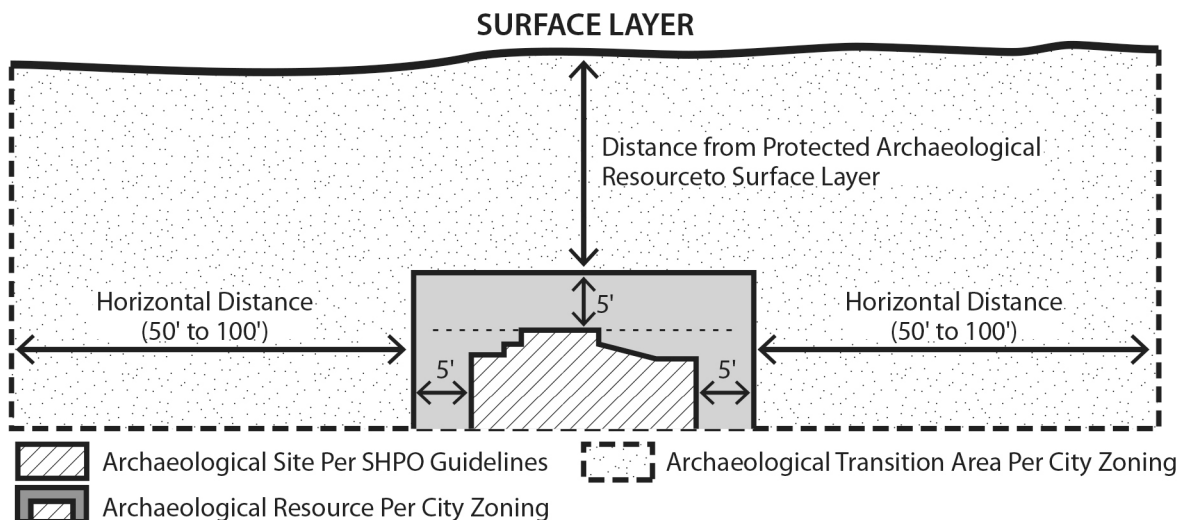
1. Archaeological resource. An archaeological resource is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:
 - a. An archaeological site that meets SHPO guidelines, plus a five foot vertical buffer and a five foot horizontal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

G. Protection of identified archaeological resources.

1. Ground disturbance activities within the archaeological resource and transition area are either allowed, limited, or prohibited, depending on the resource type. Table 515-1 provides a summary of the standards. Activities shown with a "Y" are allowed if they comply with other use and development standards of this Title. Activities shown with an "MOU" are allowed through a private agreement specified in Paragraph G.6, below; without that private agreement, such activities are prohibited. The footnote letters from Table 515-1 refer to subparagraphs of Paragraph G.6, below. Activities shown with an "N" are prohibited.

2. For sites with identified archaeological resources, the base zone development standards are modified as follows:
 - a. Minimum building setbacks are reduced to zero;
 - b. Minimum number of off-street parking spaces is reduced to zero; and
 - c. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the archaeological resource from the total site area.
 - d. The area occupied by the archaeological resource is exempt from the standards of 33.515.215, Marine Drive Streetscape.
3. For archaeological resource areas of burials, all ground disturbance activities are prohibited.

Figure 515-6
Archaeological Resource Subareas



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

- e. Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and sensitivity areas;
- f. Removing a tree listed on the Nuisance Plants Lists. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
- g. Construction of the Columbia Slough recreational trail, as identified in Section 33.515.260 of this chapter;
- h. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment; and
- i. Public street and sidewalk improvements that do not enlarge the ground disturbance area horizontally or vertically.

Table 515-1 Archaeological Resource Protection by Resource Type						
Ground Disturbance Activities	Burial		Village; or Traditional, Sacred, or Cultural Use Site		Seasonal Campsite or Activity Area	
	Resource	Transition	Resource	Transition	Resource	Transition
Ongoing and low-impact activities (33.515.262.G.4)	N	Y	Y	Y	Y	Y
Parking lots and vehicle circulation areas (33.515.262.G.4.j and 33.515.262.G.6)	N	Y	N/MOU [a]	Y	N/MOU [b]	Y
All other activities otherwise permitted	N	N	N/MOU [a]	N/MOU [a]	N/MOU [b]	N/MOU [b]

Y = Yes, Allowed

[a] see Subparagraph G.6.a.

N/MOU = Private agreement option; otherwise, prohibited

[b] see Subparagraph G.6.b.

N = No, Prohibited

- 5. All activities otherwise permitted by other regulations of this Title. All activities otherwise permitted, other than ongoing and low-impact activities listed in Paragraph G.4 above, are prohibited within archaeological resource and transition areas of

villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, except:

- a. Activities listed in Paragraph G.4 are allowed;
 - b. Activities allowed through an archaeological resource recovery plan, as provided in Paragraph G.6 below; and
 - c. Construction of a parking lot or vehicle circulation area within the transition area is allowed.
6. Archaeological resource recovery. This regulation applies to all archaeological resource and transition areas of Table 515-1 that have an "MOU." For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the applicant must protect the archaeological resource areas either by prohibiting all ground disturbance activities or complying with a private agreement for archaeological resource recovery, as stated in this paragraph.
- a. For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
 - b. For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
 - c. An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate Oregon tribes, and a private agreement (Memorandum of Understanding) between the applicant and tribes. Each step is described below.
 - (1) Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for archaeological resource recovery projects.
 - (2) Consultation with appropriate tribes.
 - The applicant must contact the appropriate tribes for the area, by registered or certified mail, to request comments on archaeological testing and offer a meeting. The Commission on Indian Services determines the appropriate Oregon tribes to be consulted.
 - The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.

- The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the archaeological resource recovery plan. More than one meeting may be held.
 - After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
- (3) Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, and at least one appropriate Oregon tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.

H. Application, Review, and Inspection.

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

encountered during confirmation testing. The archaeological resource overlay must also show the transition area associated with each archaeological resource. Any conservation easements intended to protect archaeological resources must be shown on this overlay.

- (4) For archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with tribal governments must be filed with the building permit.
 - c. It is the applicant's responsibility to provide any archaeological reports filed with SHPO after July 1, 1994 to verify changes to the state's inventory affecting the development site. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 515-6 at the end of this chapter.
2. Review of applications.
 - a. Where a qualified archaeologist, in consultation with the appropriate Oregon tribes, certifies that no archaeological resources were found through confirmation testing required by this section, the Bureau of Planning and Sustainability will provide a letter to the applicant waiving any additional compliance with this section.
 - b. The Bureau of Planning and Sustainability may contract with a qualified archaeologist to assist the City in review and inspection of proposals.
 - c. The SHPO maintains a list of qualified archaeologists.
 - d. An additional fee for special archaeological evaluations and inspections may be charged to the applicant for any grading permit or building permit.
 3. Compliance reports. For ground disturbance in an archaeological resource or transition area, the applicant must provide documentation that the approved resource recovery plan or other development activities comply with plans submitted for Subsection H.1.b.
 - a. Archaeological resource recovery plans. The required documentation for resource recovery plans is specified in the signed MOU.
 - b. All other developments. For developments not covered by a signed MOU, the applicant must submit compliance reports from a qualified archaeologist to BDS. The archaeologist must submit a final signed report certifying that the work was in conformance with this section.

Environmental Zones

33.515.265 Purpose

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

- Protect inventoried significant natural resources and their functional values in the Columbia South Shore Plan District, as identified in the Comprehensive Plan;

- Implement the Comprehensive Plan environmental policies and objectives;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

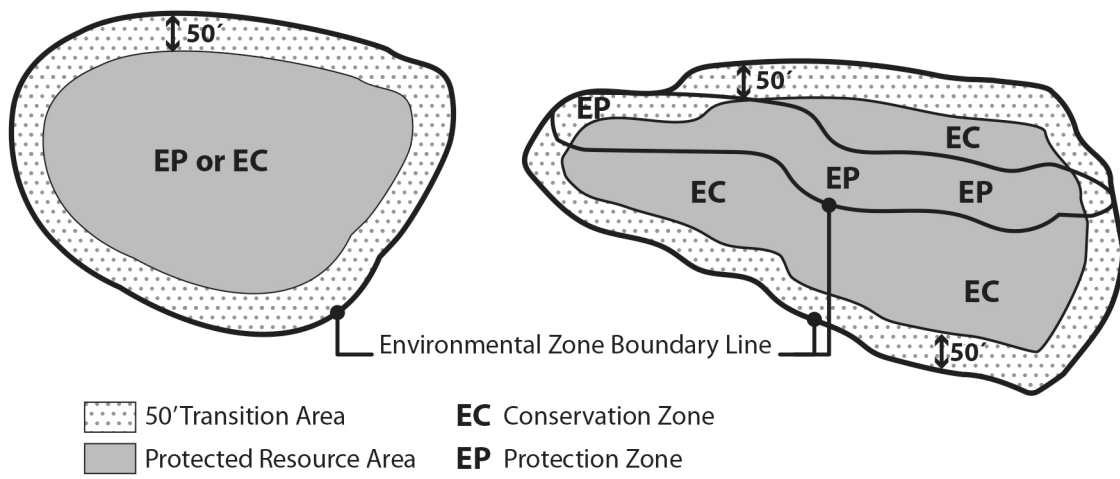
33.515.268 Where These Regulations Apply

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

33.515.270 Overlay Zones

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

Figure 515-7
Environmental Zone Subareas



33.515.272 Items Subject to These Regulations

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

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

33.515.274 Items Exempt From These Regulations

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

- A. Sale of property or change of ownership of a business;
- B. Changes to the interior of a building;

- C. Normal repair and maintenance of structures and development, including irrigation;
- D. Temporary emergency procedures necessary for the safety or protection of property;
- E. Single utility poles required to provide service to the local area;
- F. Right-of-way dedications for widening existing rights-of-way, when additional right-of-way is needed to ensure consistent width;
- G. Actions taken by the City to correct or abate a nuisance;
- H. Utilities installed below portions of public rights-of-way with existing paved travel lanes and utility lines installed above developed public rights-of-way;
- I. Activities which the City is directed to perform by judgments entered by courts of competent jurisdiction;
- J. Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations;
- K. Planting of native vegetation listed on the *Portland Plant List* when planted with hand held equipment;
- L. Removing trees listed and plants on the Nuisance Plants List;
- M. Removing trees that are within 10 feet of an existing building and structures attached to existing buildings, such as decks, stairs, and carports;
- N. Removing dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
 - 1. Remain, or are placed, in the resource area of the same ownership on which they are cut; or
 - 2. Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees; and
- O. Pruning trees in accordance with Title 11 permit requirements.

33.515.276 Use Regulations

- A. **Permitted uses.** The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:
 - 1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.
 - 2. In environmental zones:
 - a. Planting-required vegetation;
 - b. Removal of vegetation identified on the Nuisance Plants List in the *Portland Plant List*;
 - c. Resource maintenance;

- d. Stormwater discharge;
 - e. Sewer connections to individual properties;
 - f. Water quality monitoring facilities;
 - g. Construction of the Columbia South Shore Slough Trail;
 - h. Water-based drainageway maintenance, including construction of staging areas;
 - i. Maintenance of the water level in the Columbia Slough system;
 - j. The addition of sidewalks and bicycle lanes to public rights-of-way with existing paved travel lanes; and
 - k. Land divisions.
3. In the transition area:
 - a. Overhead and underground utilities;
 - b. Planting native vegetation if not required; and
 - c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.
- B. Review required.** The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:
1. In environmental zones:
 - a. Fill or destruction of a resource in an environmental conservation zone;
 - b. Removal of vegetation which is not identified on the Nuisance Plants List in the *Portland Plant List*;
 - c. Planting non-native vegetation;
 - d. Other resource enhancement or alteration;
 - e. Fencing;
 - f. Dedication of a public right-of-way;
 - g. New construction, widening, and relocation of roads in a public right-of-way;
 - h. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan; and
 - i. Other drainageway activities or facilities for stormwater conveyance, including flood control structures.
 2. In the protected resource:
 - a. Planting native vegetation if not required;

- b. Overhead and underground utilities, except sewer connections to individual properties; and
- c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

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

33.515.278 Development Standards

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

- a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;
 - b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting;
 - c. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and
 - d. If cover and species requirements are not met within one year or two growing seasons from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year of replanting.
 - e. Plants used for revegetation may also count towards other landscaping requirements.
2. Revegetation in a protected resource must meet the following:
- a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;
 - b. Planting must cover 90 percent of the ground within one year;
 - c. Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore lists all protected natural resources in the plan district and identifies their resource values. If a site is a riparian area, Subsubparagraph (1) must be met. If a site is not a riparian area, but is a meadow or open space without trees, Subsubparagraph (2) must be met. All other sites must meet Subsubparagraph (1).
 - (1) Planting requirements with trees:
 - At least 8 species of plants must be used;
 - At least 2 species must be shrubs and 2 must be trees;
 - Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered;
 - One tree and 3 shrubs are required for every 500 square feet of planting area; and
 - Trees and shrubs must be planted in clusters of at least 3.
 - (2) Planting requirements without trees:
 - At least 8 species of groundcover plants must be used; and
 - Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered.
 - d. If cover and species requirements are not met within one year from issuance of any occupancy permit or final inspection, replanting is required and the requirements of this section must be met within one year of replanting.
 - e. Plants used for revegetation may also count towards other landscaping requirements.

3. Herbicides used for removal of vegetation must be listed by the U.S. Environmental Protection Agency as appropriate for application in aquatic areas and use must be in accordance with directions for application.
4. Areas cleared of vegetation must be reseeded or replanted within one year of vegetation removal.
5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing and Grading, and to the *Erosion Control Manual*. In addition, the following standards must be met:
 - a. Wet weather. All development between November 1 and April 30 of any year, which disturbs more than 500 square feet of ground, requires wet weather measures described in the Erosion Control Technical Guidance Handbook. These measures must be met until issuance of any occupancy permit or final inspection;
 - b. Maintenance. Erosion control measures must be maintained until 90 percent of all disturbed ground is covered by vegetation;
 - c. Self inspection. Areas where the ground is disturbed must be inspected by or under the direction of the owner at least once every 7 calendar days, within 24 hours of any storm event greater than one-half inch of rain in any 24-hour period, or at any time when water runoff occurs. These measures must be met until issuance of any occupancy permit or final inspection; and
 - d. Record keeping. Records must be kept of all inspections. Instances of measurable erosion must be recorded with a brief explanation of corrective measures taken. This record must be available to the City and retained until final inspection.
6. Stormwater discharge must pass through water quality facilities which conform to Chapter 17.38, Drainage and Water Quality.
7. Stormwater discharge into a mitigation area is not allowed unless it is part of the mitigation plan.
8. Except for stormwater discharges, industrial or sanitary discharges, including wastewater and overflow, into the slough system is not allowed.
9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual properties and stormwater outfalls, cannot affect more than a 25-foot-wide corridor across the resource. These activities cannot result in the killing or removal of trees over 6 inches in diameter, measured 4-1/2 feet above the ground.
10. Road improvements across the slough must be by bridge unless a water control structure is a necessary part of the design.
11. Water quality monitoring facilities may be up to 100 square feet in area.
12. In Employment and Industrial zones, new lots completely within the environmental protection zone are exempt from minimum lot size and shape requirements of Chapter 33.614 and chapter 33.615. All other new lots must meet the minimum size

and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.

13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.
14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.
15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.
16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.
17. Nonconforming situations
 - a. Required improvements.
 - (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$300,000, paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
 - (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
 - (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.
 - b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 - c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.
 - d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:
 - a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
 - b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
 - c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.
- B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.
 1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
 2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.
- C. Procedures.** All required reviews are processed through a Type II procedure.
- D. Approval criteria.**
 1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
 - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
 - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;

- d. If the mitigation area is within a protected resource:
 - (1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and
 - (2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
 - f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.
2. Removal of vegetation in an environmental zone or planting of native vegetation if not required in a protected natural resource will be approved if the review body finds that all activities will result in no loss of resource values identified in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore.
 3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:
 - a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and
 - b. Is not classified as a plant on the Nuisance Plants List in the *Portland Plant List*.
 4. The following activities will be approved if the review body finds that the criteria of this paragraph are met: other resource enhancement or alteration or road improvements in public rights-of-way in an environmental zone; or overhead utilities, underground utilities other than sewer connections to individual properties, or recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan in the protected resource:
 - a. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
 - b. All detrimental environmental impacts are mitigated in the following manner:
 - (1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed

- will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
- (2) The mitigation area abuts or is within a protected resource;
 - (3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - (4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site;
- c. A monitoring or maintenance plan has been prepared which insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
- (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
- d. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.
5. Fencing in an environmental zone will be approved if the review body finds that:
- a. It is needed;
 - b. It allows for appropriate passage of wildlife;
 - c. It is the minimum necessary, both in height and length; and
 - d. There are no alternative sites or methods that have less impact on the protected resource.
6. Public right-of-way dedication in an environmental zone will be approved if the review body finds that there are no practicable alternatives that have less impact on the protected resource.
7. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan, and other activities or drainageway facilities for stormwater conveyance, including flood control structures will be approved if the review body finds that:
- a. The proposal is dependent upon and relates directly to the resource;

- b. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
- c. All detrimental environmental impacts are mitigated in the following manner:
 - (1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - (2) The mitigation area abuts or is within a protected resource;
 - (3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts; and
 - (4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site.
- d. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
- e. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

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

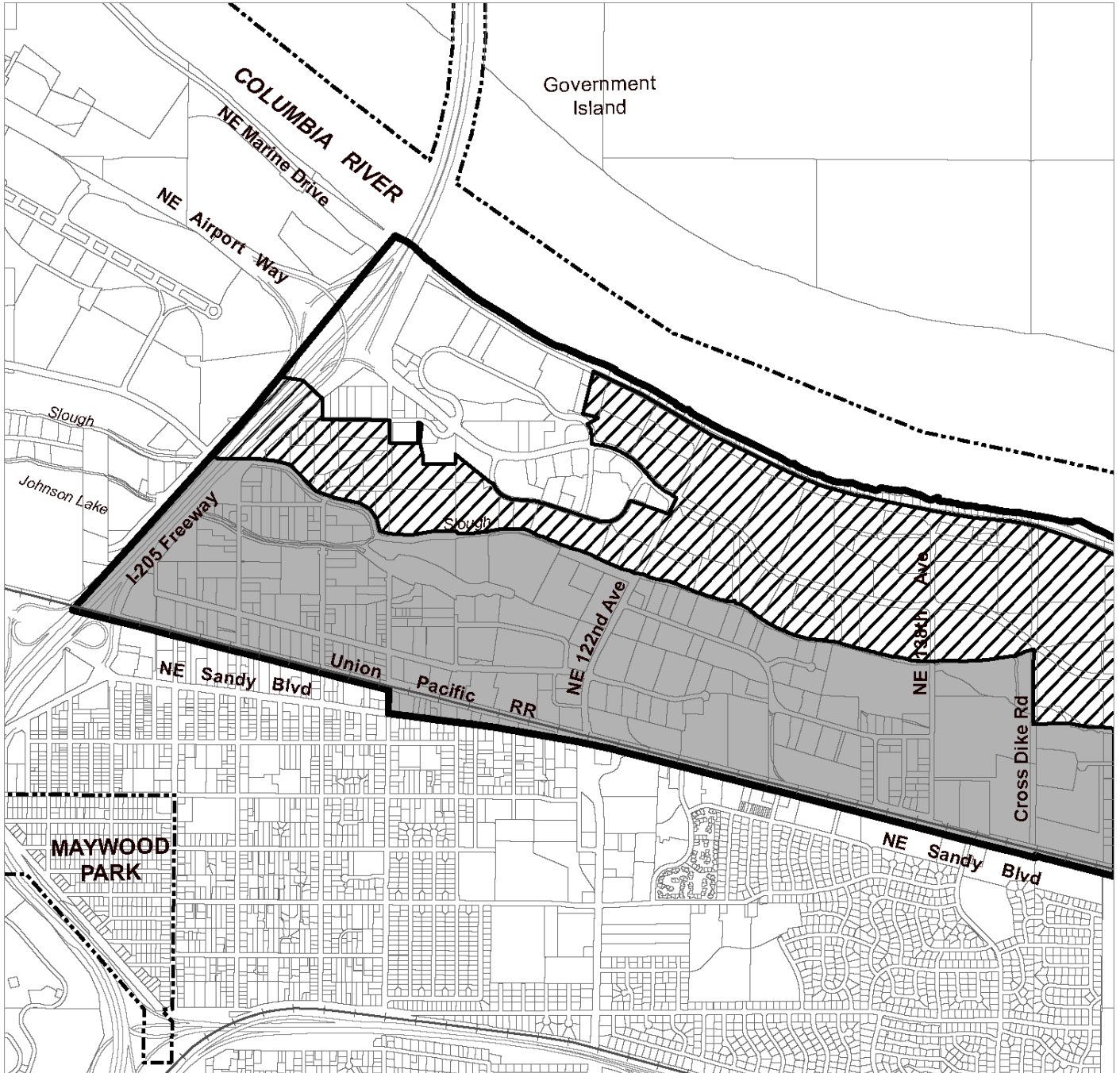
188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. , effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20.)

Columbia South Shore Plan District and Subdistricts

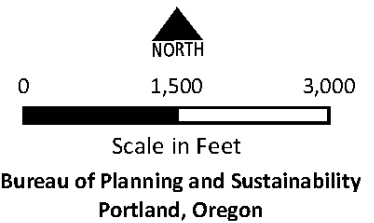
Map 515-1

Map 1 of 2

Map Revised May 24, 2018



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

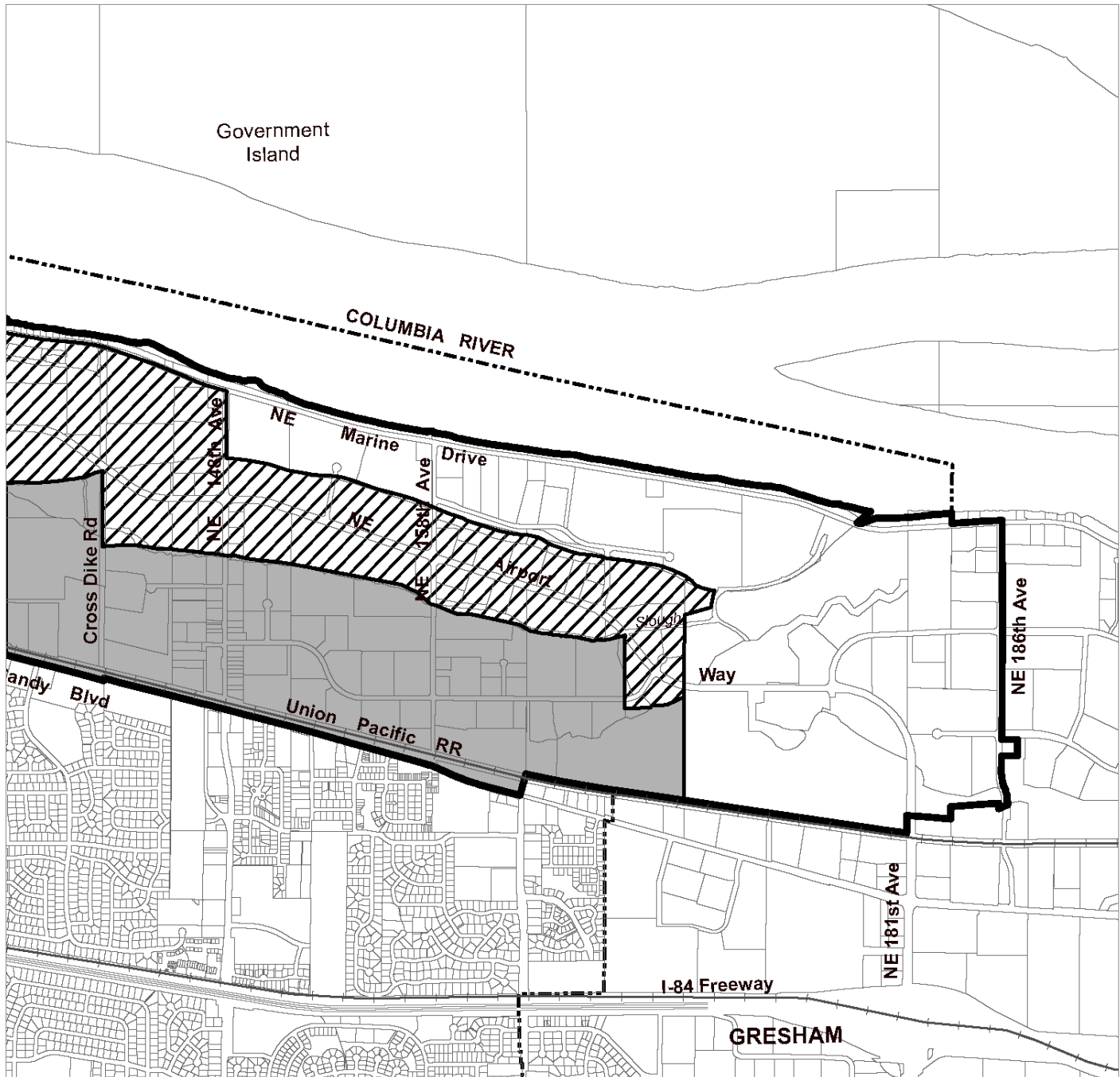


Columbia South Shore Plan District and Subdistricts

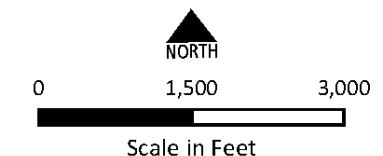
Map 515-1

Map 2 of 2

Map Revised May 24, 2018



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



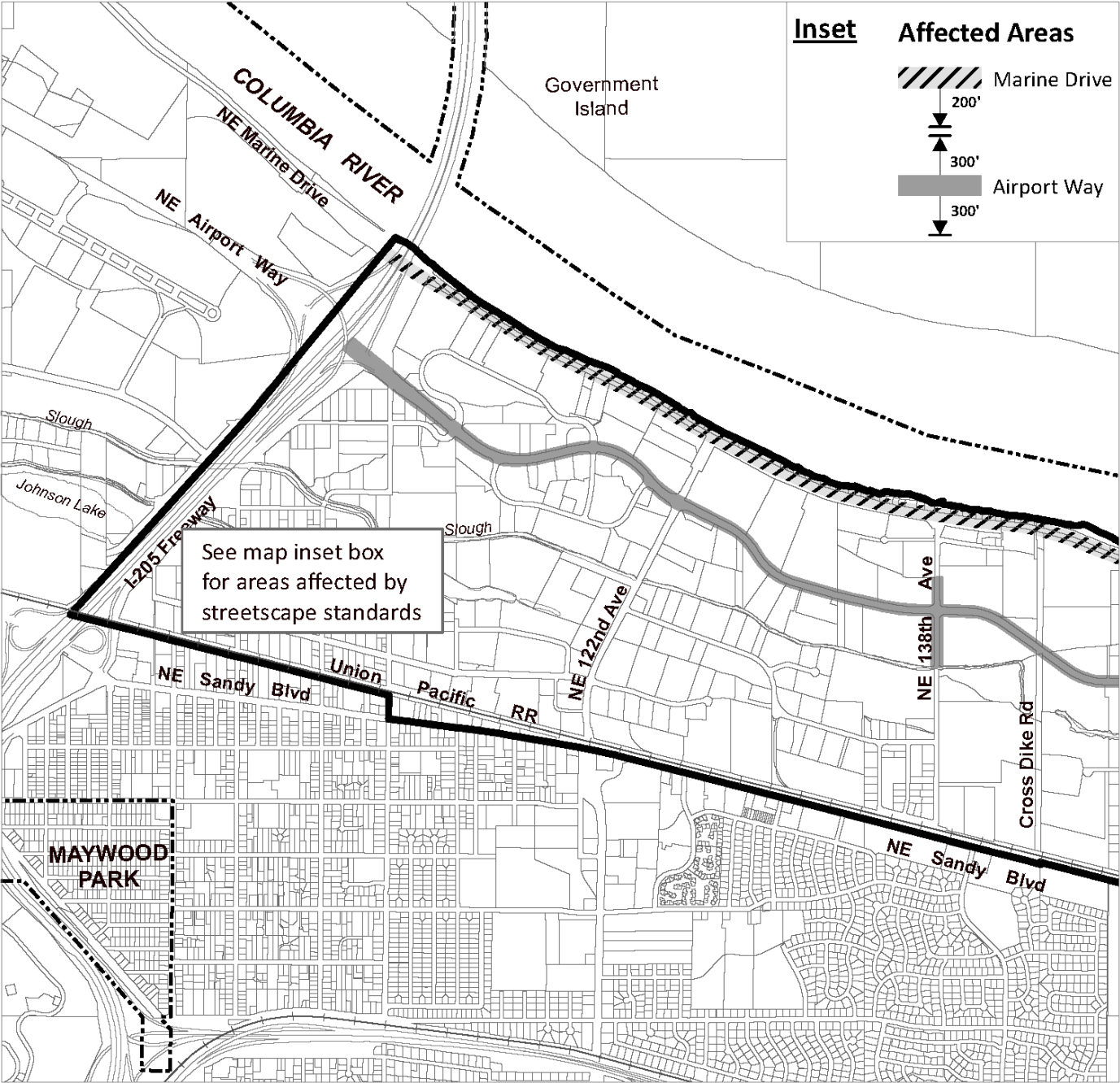
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Streetscape Standards




Map 515-2

Map 1 of 2





Map Revised January 1, 2015

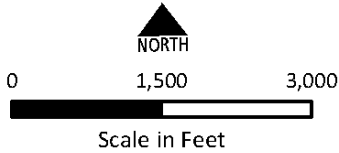


Inset **Affected Areas**

 Marine Drive
 200'
 300'
 Airport Way
 300'

See map inset box for areas affected by streetscape standards

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



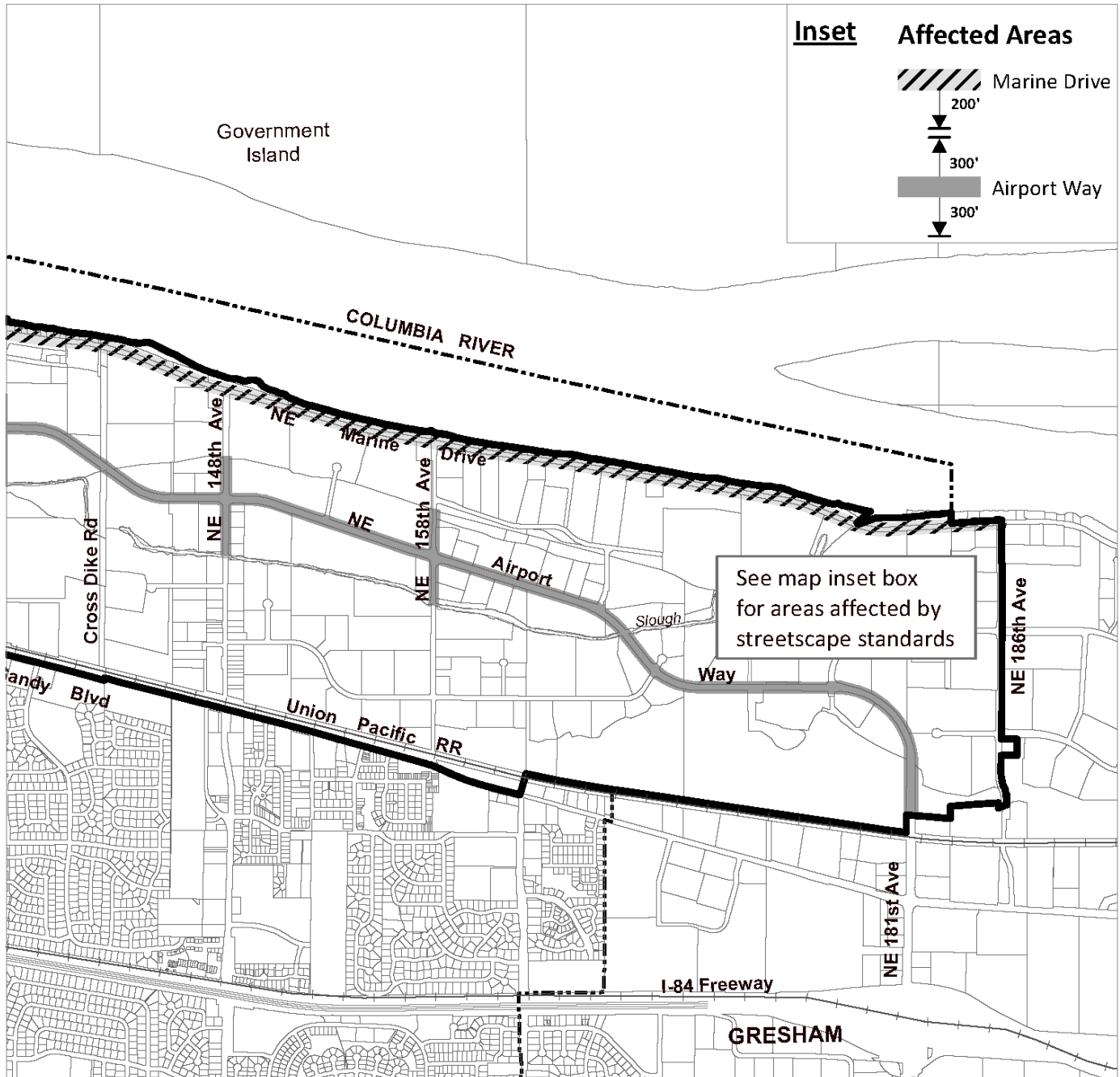
Bureau of Planning and Sustainability
Portland, Oregon





Columbia South Shore Streetscape Standards

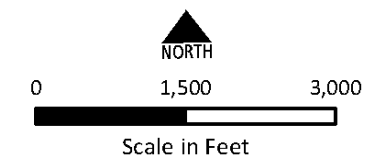
Map 515-2

Map 2 of 2

Map Revised January 1, 2015



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



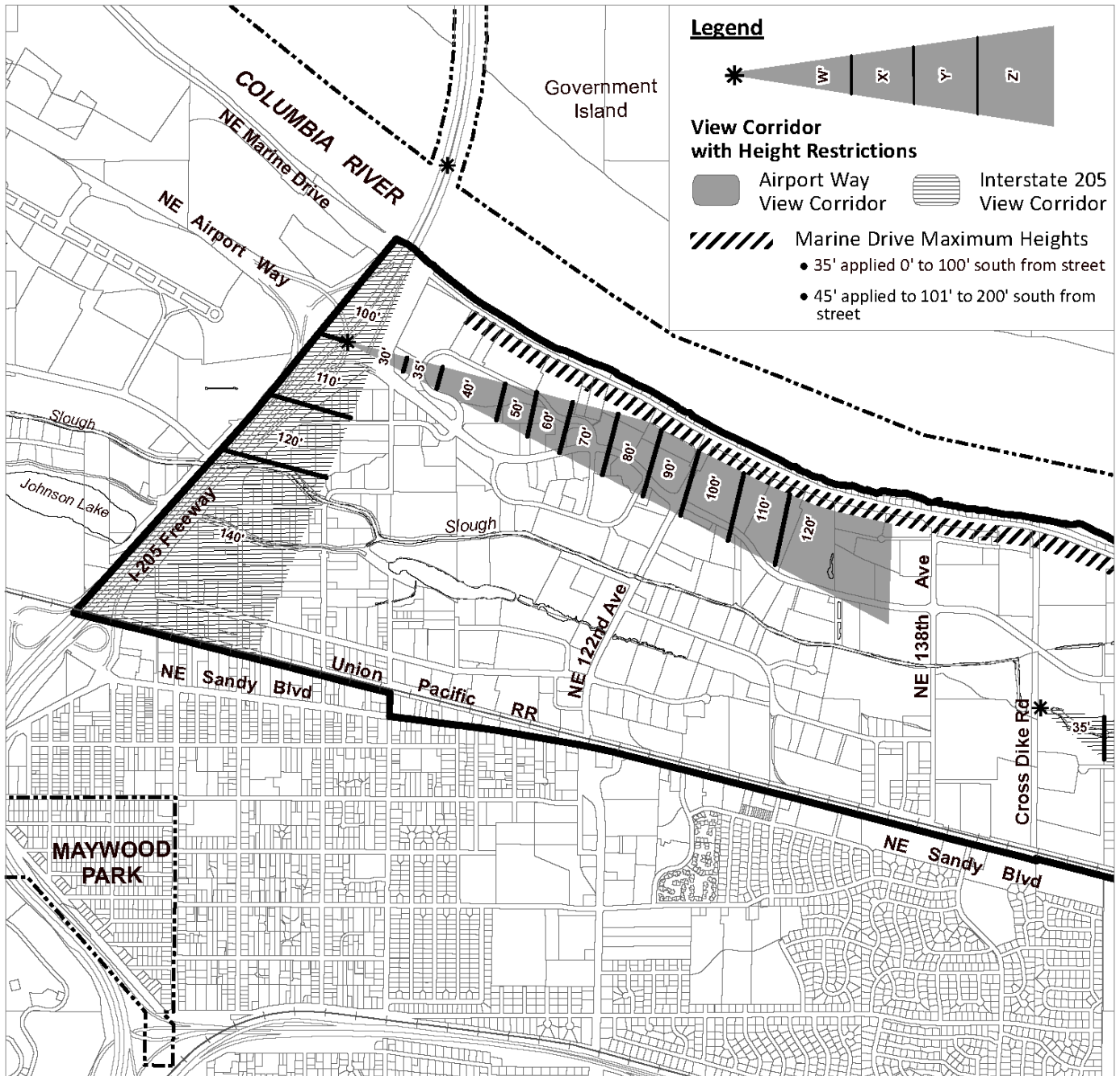
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Maximum Building Heights

Map 515-3

Map 1 of 2

Map Revised January 1, 2015



Legend

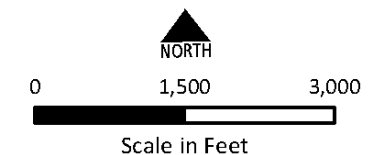


View Corridor with Height Restrictions

- Airport Way View Corridor
- Interstate 205 View Corridor

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

- City Boundary
- Plan District Boundary



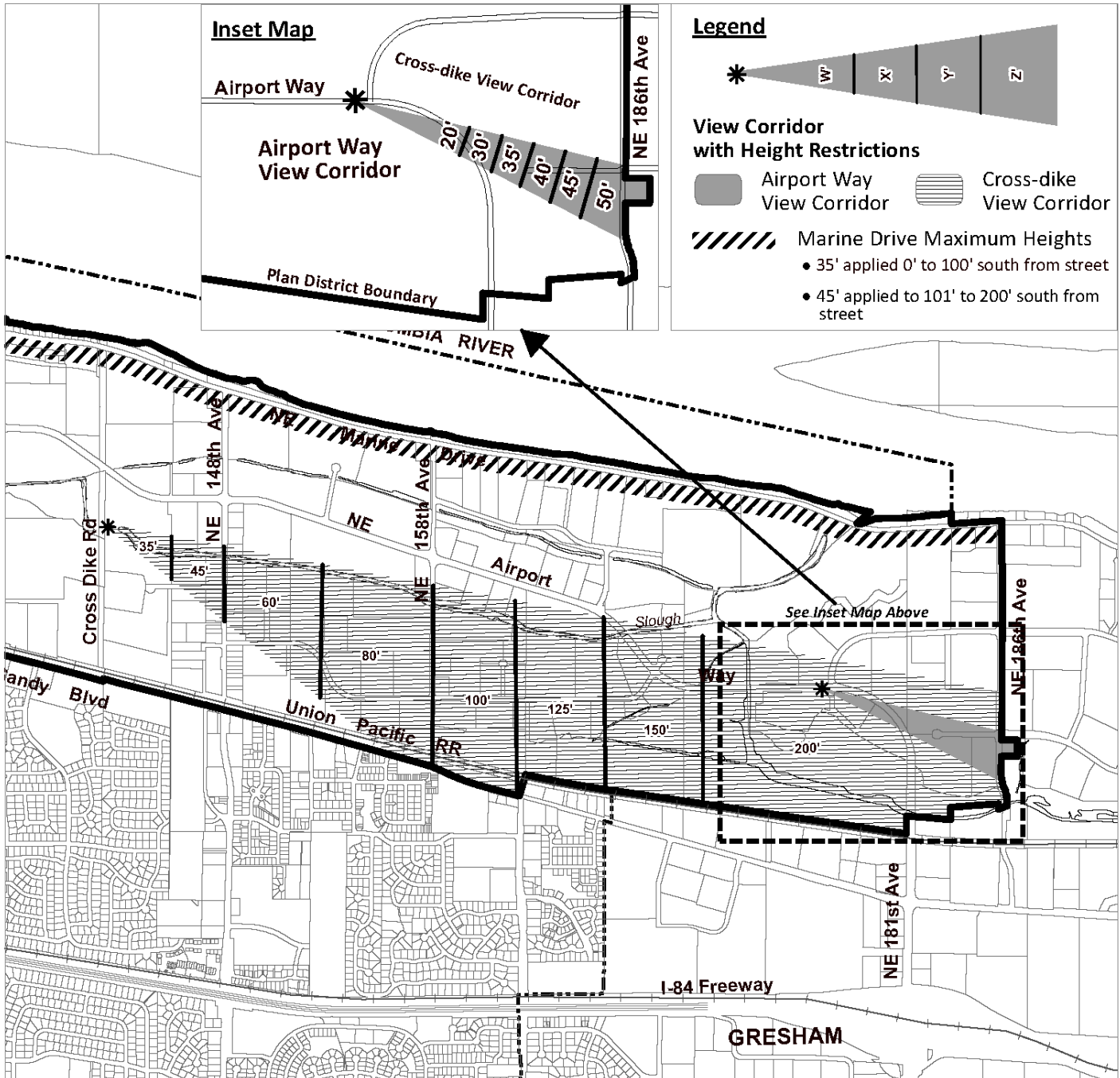
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Maximum Building Heights

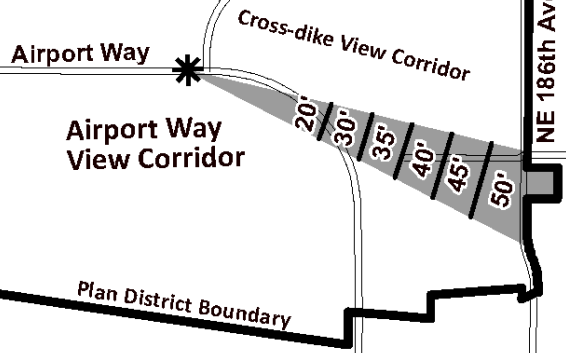
Map 515-3

Map 2 of 2

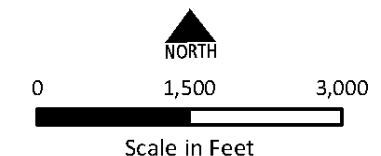
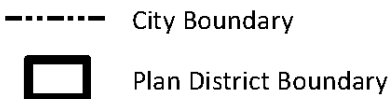
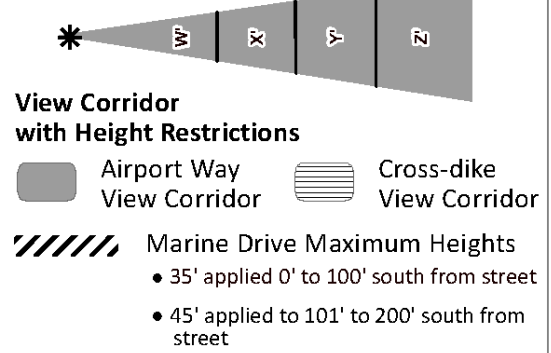
Map Revised January 1, 2015



Inset Map



Legend



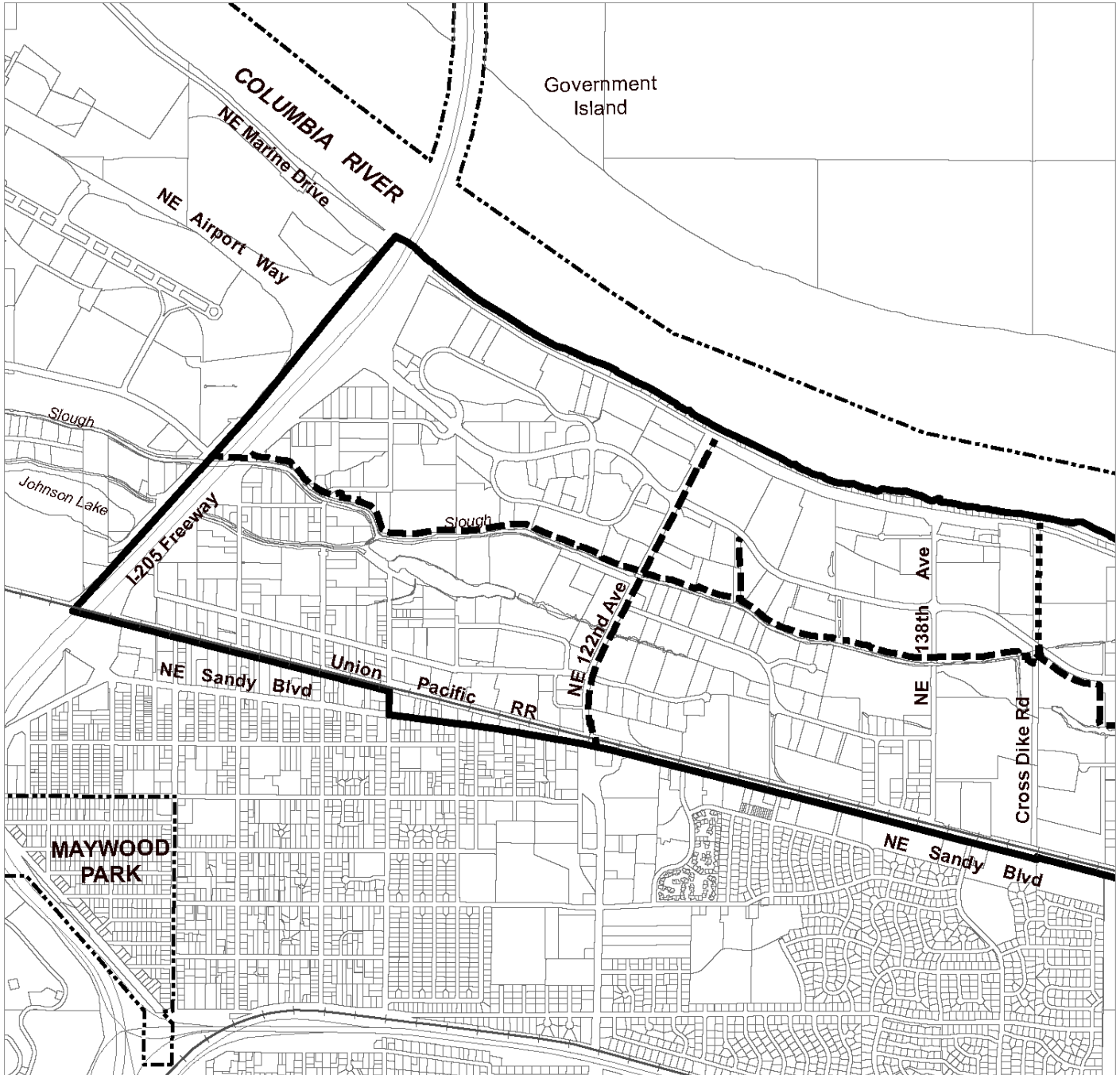
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Slough Trail

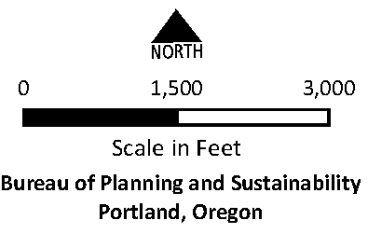
Map 515-4

Map 1 of 2

Map Revised December 31, 2018



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

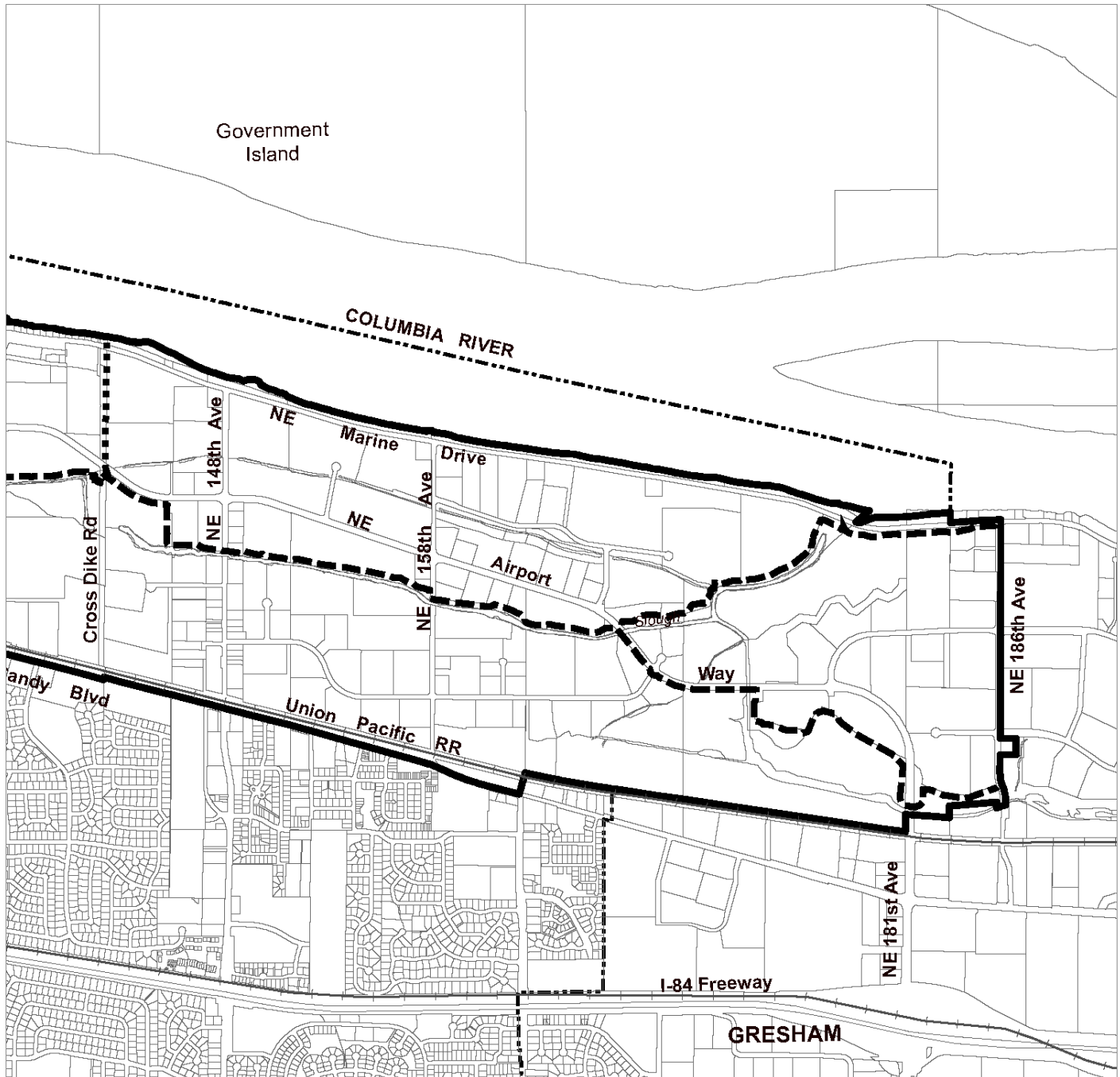


Columbia South Shore Slough Trail

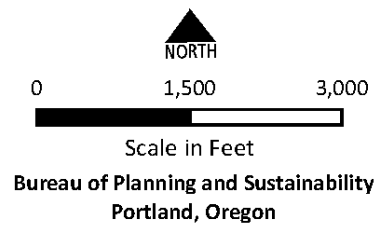
Map 515-4

Map 2 of 2

Map Revised December 31, 2018



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



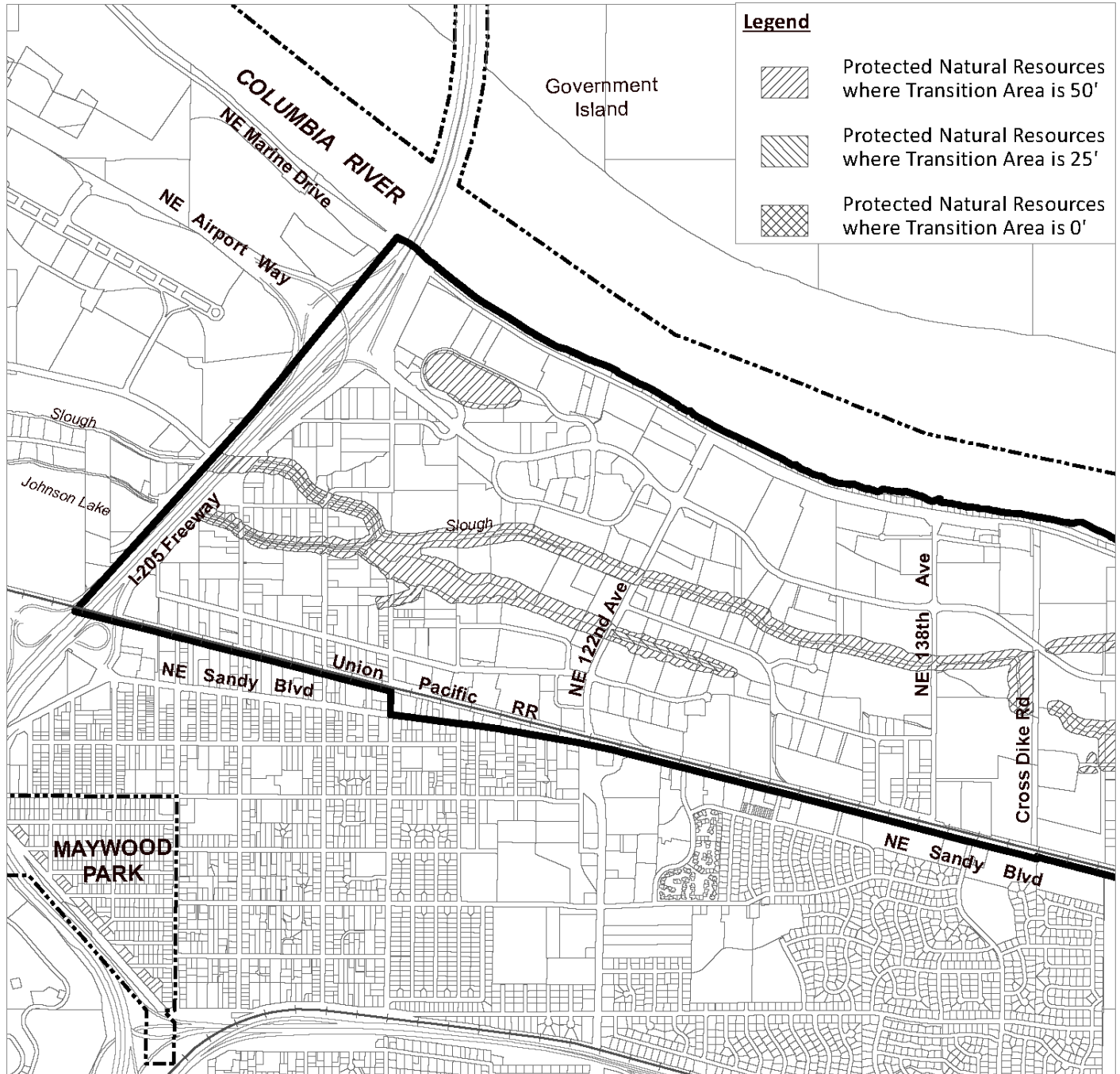
Columbia South Shore Environmental Transition Areas

Map 515-5

Map 1 of 2



Code reference: 33.515.270.B

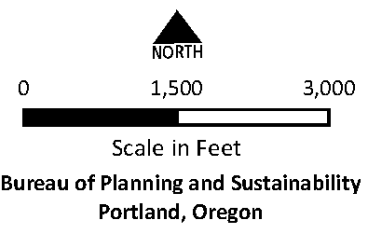
Map Revised January 1, 2015



Legend

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

-  City Boundary
-  Plan District Boundary



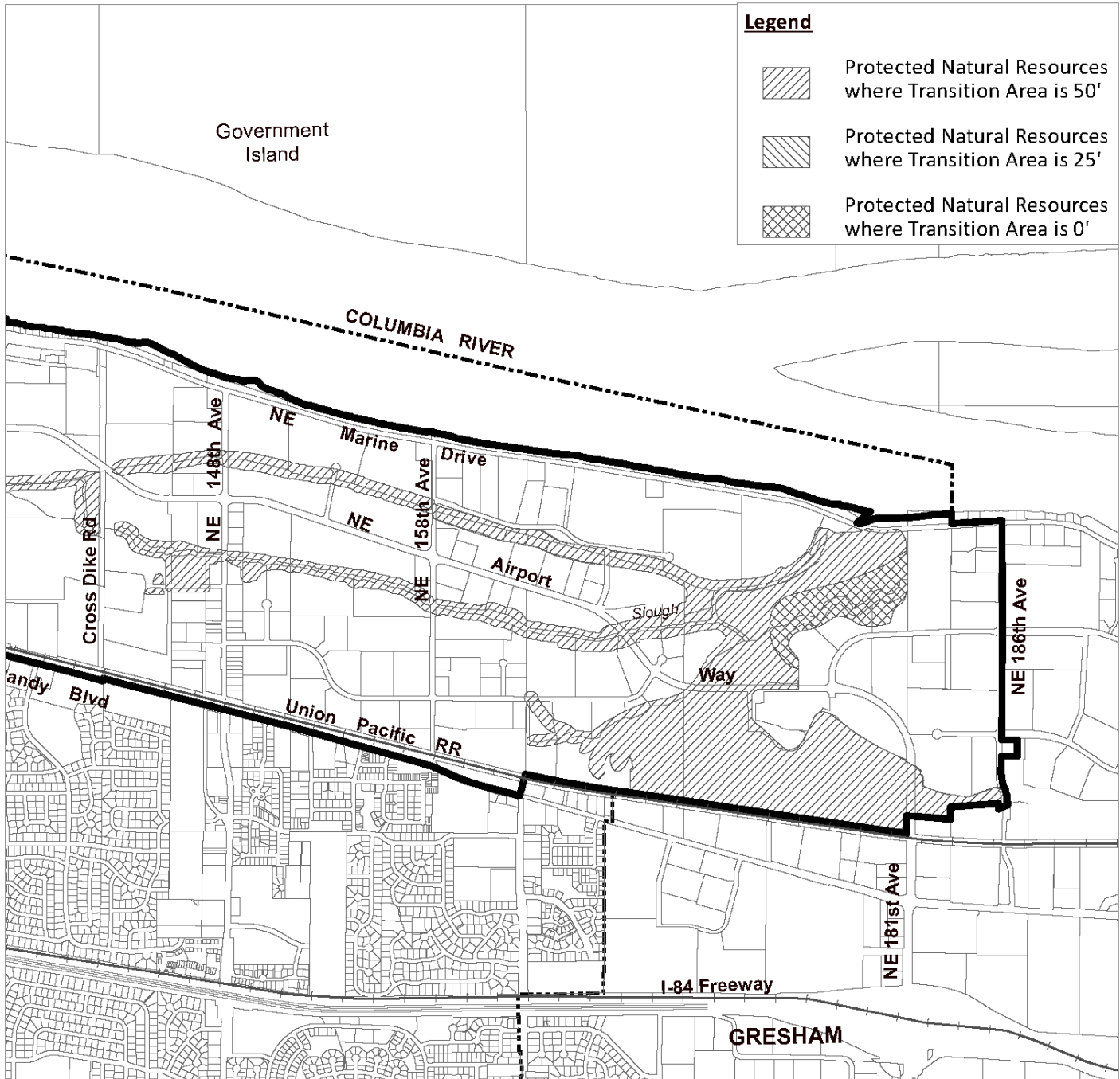
Columbia South Shore Environmental Transition Areas

Map 515-5

Map 2 of 2



Code reference: 33.515.270.B

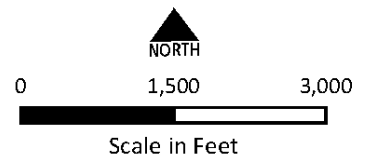
Map Revised January 1, 2015



Legend

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

-  City Boundary
-  Plan District Boundary



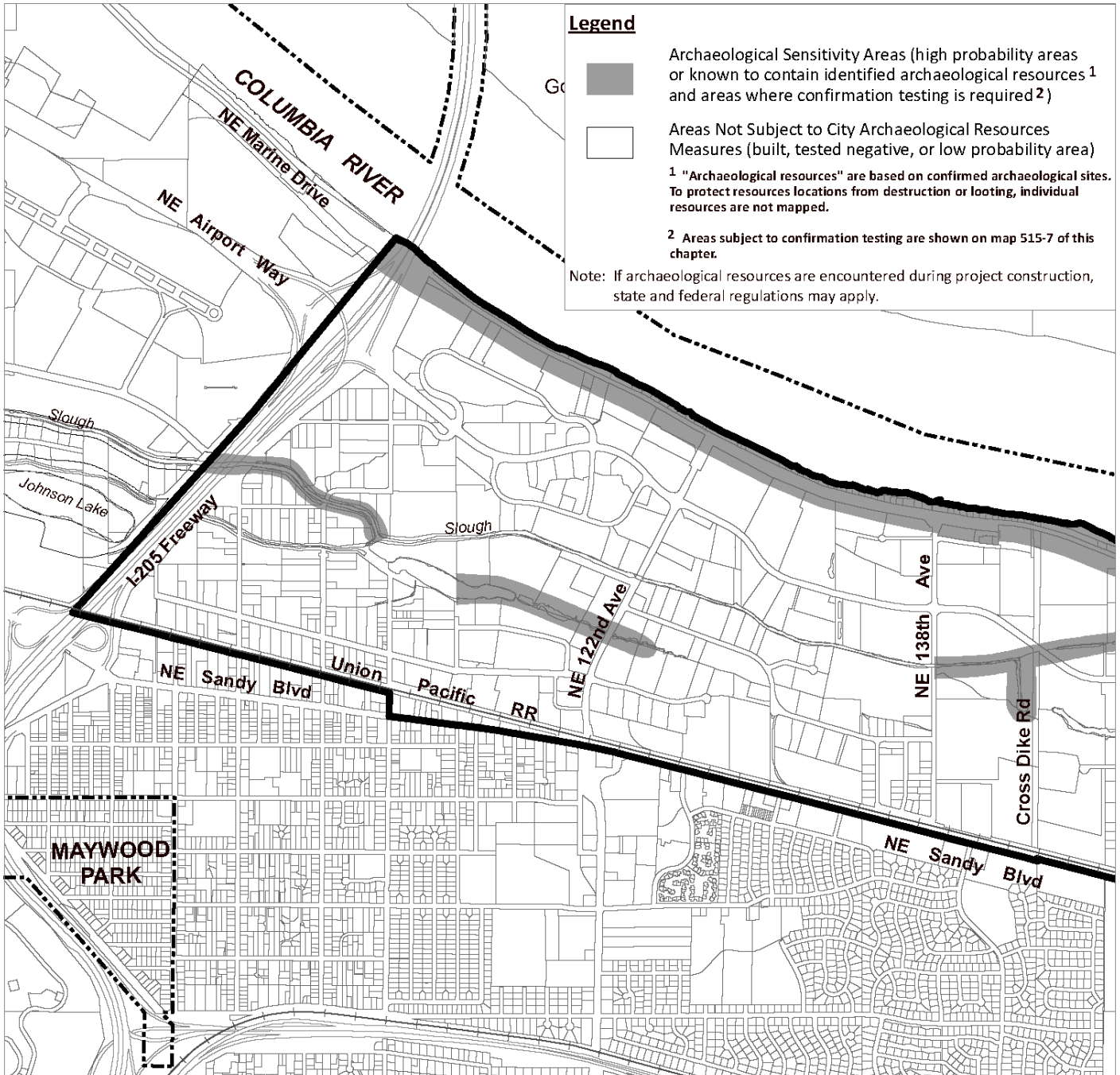
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Areas of Archaeological Interest

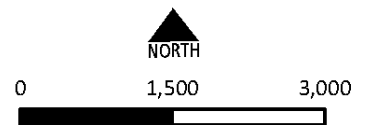
Map 515-6

Map 1 of 2

Map Revised January 1, 2015



----- City Boundary
 □ Plan District Boundary



Scale in Feet

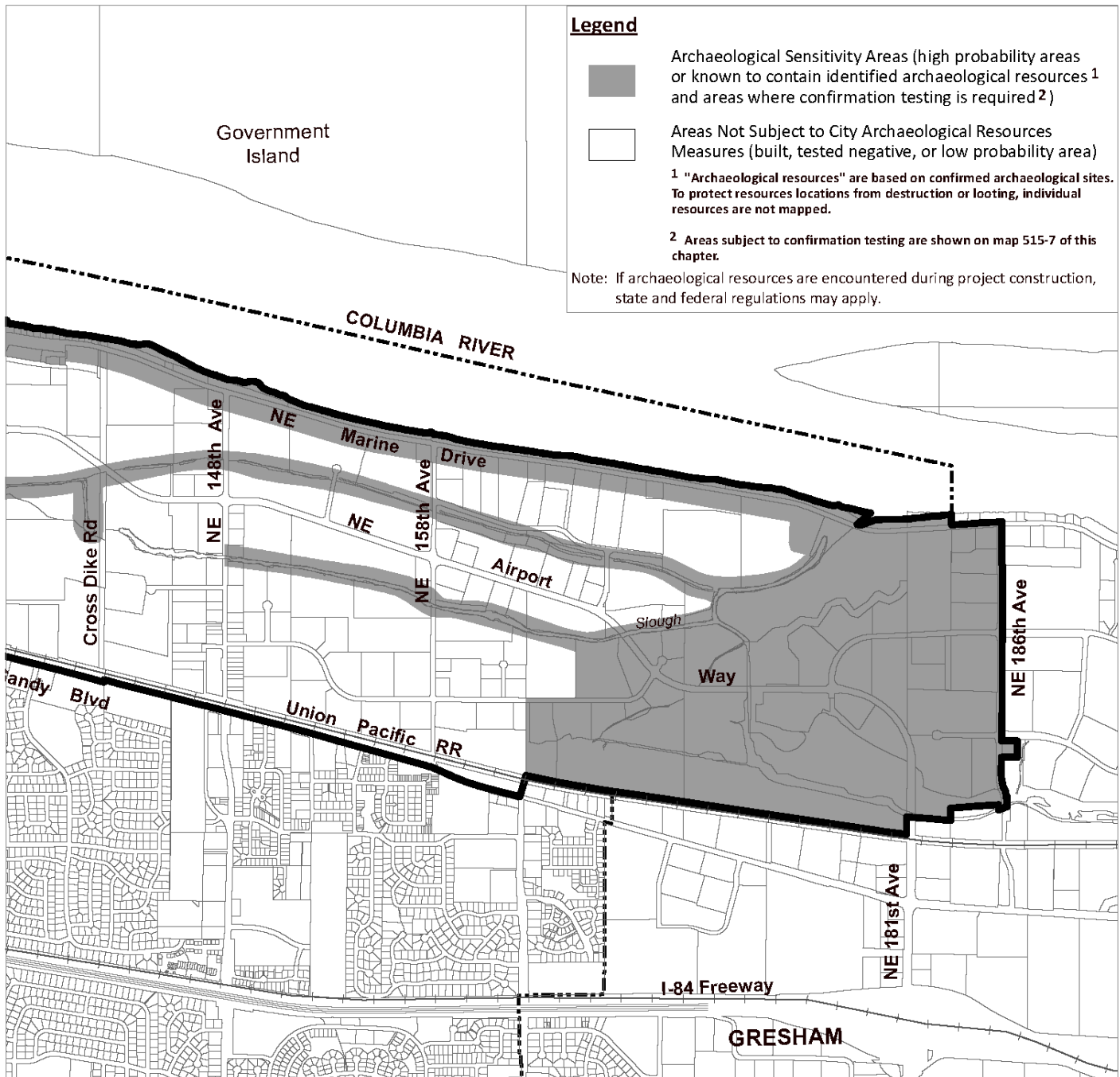
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Areas of Archaeological Interest

Map 515-6

Map 2 of 2

Map Revised January 1, 2015

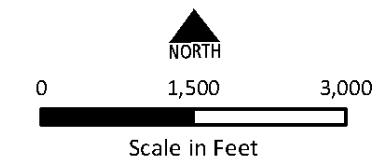


Legend

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

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

- City Boundary
- Plan District Boundary



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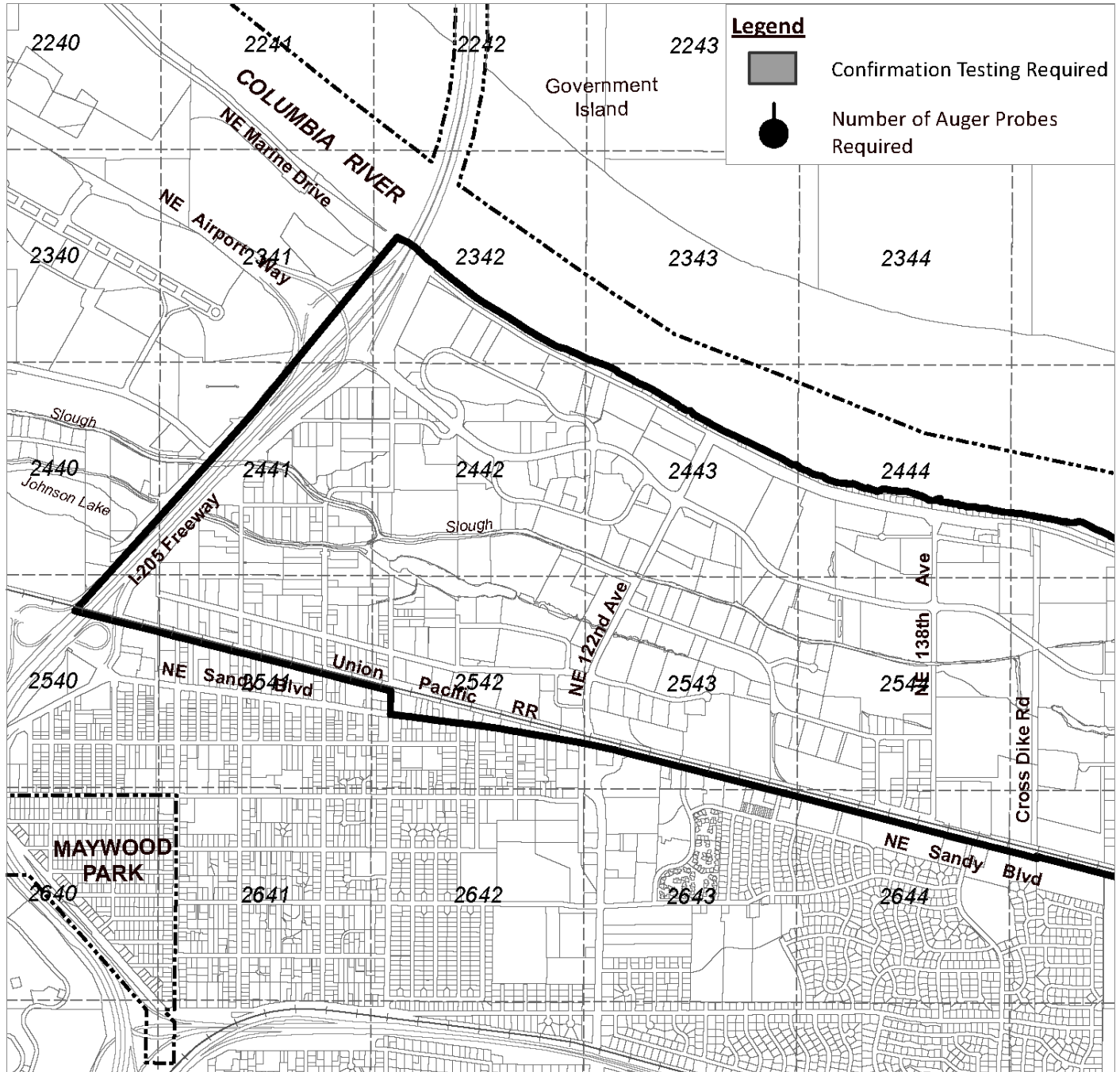
Columbia South Shore

Areas Where Confirmation Testing is Required

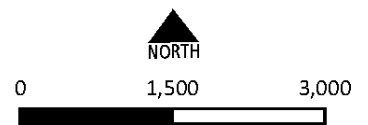
Map 515-7

Map 1 of 2

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary



Scale in Feet

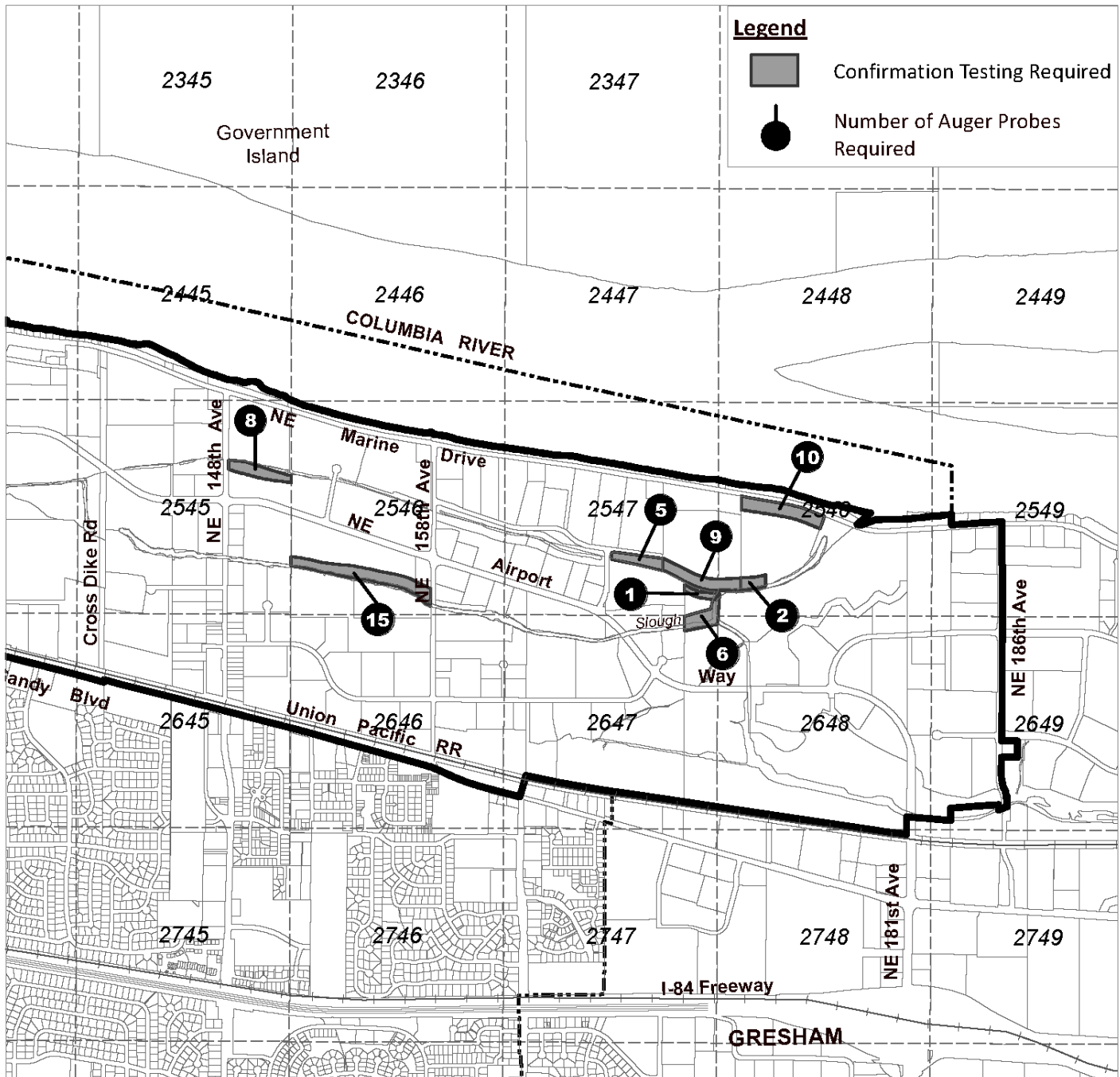
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Areas Where Confirmation Testing is Required

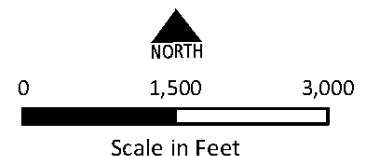
Map 515-7

Map 2 of 2

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary



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

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Portland, Oregon