

Legislative History of MCC 39.7515(B)

On September 6, 1977, the 1977 Board of County Commissioners adopted approval criteria for Community Service Uses in certain districts, including the MUA-20 zone, via Ordinance No. 148. Ordinance No. 148 inserted into the Code for the first time the six words at issue today, “will not adversely affect natural resources.” Those six words in the Code have not been changed or amended in any manner since Ordinance No. 148 in 1977.

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(I) A Type B home occupation when approved pursuant to MCC 39.8850.

(J) In the West of Sandy River Rural Plan Area, a State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in MCC 39.8000 through 39.8050, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(K) In the East of Sandy River Rural Planning Area only, agri-tourism events subject to MCC 39.8930.

§ 39.4320 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Community Service Uses listed in MCC 39.7520 pursuant to the provisions of MCC 39.7500 through MCC 39.7810;

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;

(2) Commercial processing of agricultural products primarily raised or grown in the region;

(3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine over four months of age;

(6) Raising of fur bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels; and

(8) Commercial processing of forest products primarily grown in the region.

(C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:

(1) Planned Development for single family residences, as provided in MCC 39.5300 through MCC 39.5350 and the applicable current “planned unit development” standards within the Oregon Administrative Rules Chapter 660, Division 004;

(2) Except for in the West of Sandy River Rural Plan Area, the following uses pursuant to the provisions of MCC 39.7000 through 39.7020:

- (a) Cottage industries,
- (b) Limited rural service commercial uses such as local stores, shops, offices, repair services and similar uses, and
- (c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

(D) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

(E) Large Fills as provided for in MCC 39.7200 through 39.7220.

§ 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this base zone shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.



APPENDIX B - GLOSSARY

This Glossary of Terms includes common definitions of terms used in the Comprehensive Plan and is intended as a convenience to help readers better understand some of the terms used in the Plan. Definitions for terms used in this Comprehensive Plan that are defined in the Multnomah County Zoning Ordinance or in state statutes or administrative rules are found in those documents and those definitions control in the case of any conflict between those definitions and any statement in this Comprehensive Plan. Lastly, because the definitions in this Glossary are intended solely for the convenience of the reader in conveying a general idea of the meaning of the terms used in this Plan, nothing in this Comprehensive Plan prohibits the County from previously or subsequently defining any term, whether in the Zoning Ordinance or otherwise, in a manner that may or does conflict with the meaning of any term used in this Plan.

TERM	DEFINITION
Accessory Dwelling Unit (ADU)	Generally, a second dwelling unit created on a lot, parcel or tract with an existing detached single-family house or manufactured home. The second unit is auxiliary to, and is typically smaller than, the main dwelling.
Adjacent use	Generally, a use located on a lot, parcel or tract that abuts the subject property.
Aggregation/disaggregation	Defined in Multnomah County Zoning Ordinance.
Agri-tourism	To be defined in Multnomah County Zoning Ordinance.
Commercial Forest Use (CFU)	Defined in Oregon Revised Statutes.
Channel migration	Lateral movement of rivers in response to normal sedimentation (gradual) or flooding events (abrupt)
Community facilities	See public facilities.
Conditional use	Defined in Multnomah County Zoning Ordinance.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 148

An Ordinance amending Ordinance No. 100, establishing new districts to regulate development in areas designated "Rural or Natural Resource" by the Multnomah County Comprehensive Framework Plan; establishing standards and administrative review procedures for developments in the Willamette River Greenway and designated Areas of Significant Environmental Concern; adding and revising certain other sections and defining terms; all for the purpose of implementing various provisions of the Comprehensive Framework Plan.

Multnomah County ordains as follows:

3.133.3 CONDITIONAL USES

The following uses may be permitted when found by the Hearings Council to satisfy the applicable ordinance standards:

- a. **Community Service Uses pursuant to the provisions of Section 7.00;**
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
 1. Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral or subsurface resources;
 2. Commercial processing of agricultural products, primarily raised or grown in the region;
 3. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
 4. Feed lots;
 5. Raising of four or more swine over four months of age;
 6. Raising of fur-bearing animals for sale at wholesale or retail; and
 7. Commercial dog kennels.
- c. The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:
 1. Rural planned developments for single-family residences as provided in Section 7.10; and
 2. Pursuant to the provisions of Section 7.50:
 - (a) Cottage industries;
 - (b) Limited rural service commercial uses, such as local stores, shops, offices, repair services, and similar uses; and
 - (c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, and similar uses.

SECTION 11

Section 7.00 of Ordinance No. 100 is amended to read:

7.00 COMMUNITY SERVICE CS

7.010 PURPOSE

This Section provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Ordinance.

7.020 GENERAL PROVISIONS

7.021 Application for approval of a Community Service use shall be made in the manner provided in subsection 12.20.

7.022 The Hearings Council shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

7.023 The approval of a Community Service Use shall expire two years from the date of such approval if substantial construction or development has not taken place, unless the Hearings Council shall have established a longer period.

7.024 A Community Service approval shall be for the specific use or uses together with the limitations or conditions as determined by the Hearings Council. Any change of use or modification of limitations or conditions shall be subject to Hearings Council approval after a public hearing.

7.025 In granting approval of a Community Service Use, the Hearings Council may attach limitations or conditions to the development, operation or maintenance of such use in relation to the purposes of this Ordinance, including but not limited to setbacks, screening and landscaping, off-street parking and loading, access performance standards, performance bonds, structure height and location or construction standards.

7.025.1 Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.

7.026 A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

7.027 COMMUNITY SERVICE APPROVAL IN CERTAIN DISTRICTS: STANDARDS

The following standards shall be applied to the approval of a Community Service Use in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:

7.027.1 **The Hearings Council shall find that the proposal:**

- a. is consistent with the character of the area;
- b. **will not adversely affect natural resources;**
- c. will not conflict with farm or forest uses in the area;
- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.030 USES

Except as otherwise provided in Section 3.10, the following uses, and those of a similar nature, may be permitted in any district; provided such is consistent with the purposes of this Ordinance and when approved at a public hearing by the Hearings Council:

- a. Boat moorage, marine or boathouse moorage.
- b. Camp or campground.
- c. Cemetery, crematory, mausoleum, mortuary or funeral home.
- d. Church.
- e. Government building or use.
- f. Hospital, sanitarium, rest or retirement home.
- g. Library.
- h. Park, playground, sports area, golf course or recreational use of a similar nature.
- i. Philanthropic or eleemosynary institution.
- j. Power substation or other **public utility building or use.**
- k. Private club, fraternal organization, lodge.
- l. Racetrack.
- m. Radio or television station or tower.
- n. Refuse dump or sanitary landfill.

- o. Resort, dude ranch, hunting or fishing lodge.
- p. Riding academy or the boarding of horses for profit.
- q. School, private, parochial or public; educational institution.
- r. Accessory uses to the above when approved by the Hearings Council.
 - 1. Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

7.040 RESTRICTIONS

These buildings and uses shall meet the following requirements:

- 7.041 Minimum yards in EFU-38, CUF-38, F-2, MUA-20, MUF-20, RR, RC, R-40, R-30, R-20, and R-10 districts:
 - a. Front yards shall be 30 feet.
 - b. Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.
 - c. Rear yards shall be as required in the district.
- 7.042 Minimum yards in R-7.5, R-7, R-4, A-2, and A-1-B districts:
 - a. Front yards shall be 30 feet.
 - b. Side yards for one-story buildings shall be 15 feet; for two story buildings, 20 feet.
 - c. Rear yards shall be as required in the district.
- 7.043 Minimum yards in other districts shall be as required in the district.
- 7.044 Minimum Site Size:
 - a. For day nurseries and kindergartens, shall provide not less than 100 square feet per child, of outdoor play area located other than in the required front yard.
 - b. For primary (kindergarten through fourth grade), private and parochial schools shall be one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.

- c. For elementary public schools, shall be one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.
 - d. For churches, shall be 15,000 square feet.
- 7.045 Off-street parking and loading shall be provided as required in Section 6.20.
- 7.046 Any sign associated with a Community Service Use in an EFU-38, CFU-38, MUA-20, MUF-20, or in an F, R, or A district:
- a. shall be limited to identification of the use or occupancy of the premises;
 - b. may be only indirectly illuminated;
 - c. shall be either placed flat against the building or, if freestanding, located not less than 15 feet from a street lot line; and
 - d. shall be limited to not more than two signs with a maximum total area on one side of four square feet unless the Hearings Council shall determine that other standards would be in harmony with the area.
- 7.047 Other restrictions and limitations shall be as required in the district.

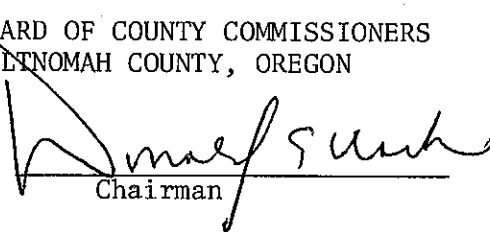
SECTION 14 ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 6th day of September, 1977, being the date of its SECOND reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

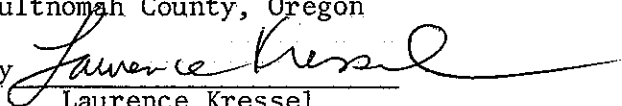
By


Chairman

APPROVED AS TO FORM:

John B. Leahy
County Counsel for
Multnomah County, Oregon

By


Laurence Kressel
Deputy County Counsel

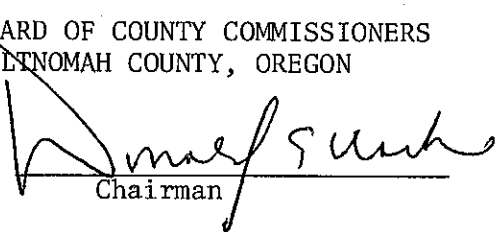
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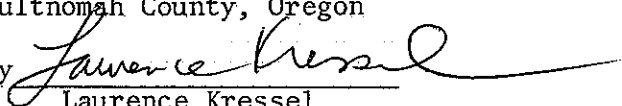
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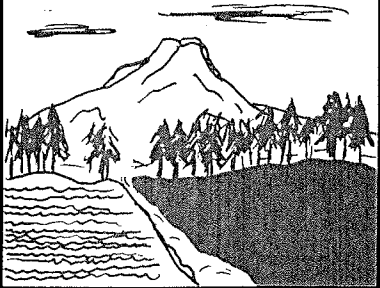
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RURAL



NATURAL
RESOURCE



COMPREHENSIVE FRAMEWORK PLAN

October 1977



MULTNOMAH COUNTY OREGON

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ACKNOWLEDGEMENTS

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*Resigned

Plan Adopted: September 6, 1977
Effective Date: October 6, 1977

NATURAL ENVIRONMENT POLICIES

This section includes the following policies:

Air and Water Quality, and Noise Levels

Development Limitations

Areas of Significant Environmental Concern

Natural Resources

AIR AND WATER QUALITY & NOISE LEVEL POLICY

INTRODUCTION

Air pollution, water pollution and excessive noise impose serious burdens on the public. Once considered limitless; air, land and water are now recognized as finite resources. Governments at all levels have established laws, standards and regulations for protection of these resources in order to protect the public health and welfare.

The U.S. Environmental Protection Agency estimates that air pollution causes an annual national loss of six billion dollars from sickness and premature deaths, and ten billion from property losses. Although difficult to quantify, the added nuisance of increased cloudiness, reduced visibility, obscured skylines, discolored buildings, damaged plant and animal life and restricted enjoyment of scenic areas, must be considered in the price Americans pay for polluting the air. Pollution can no longer be considered as an external cost of industry, business and transportation systems, but must be looked upon as a cost of production and doing business.

Air and water quality levels are affected by the activities of many jurisdictions. This leads to "spillover" of pollution from one jurisdiction to another. Therefore, air, water and noise standards have been enacted by the Federal and State governments and are being administered on those levels.

In order to protect the public's health and welfare, the purpose of the following policy is to promote the attainment and maintenance of environmental quality standards established by the U.S. Environmental Protection Agency and the State of Oregon Department of Environmental Quality. In order to support this policy and its implementation, the County will coordinate its efforts with those of Federal, State and regional agencies.

It is not intended that the County enact air or water quality standards, but rather to be certain that all Federal and State standards can be met before a development action is approved. The County will request that the appropriate agency or agencies provide a statement to that affect.

THE COUNTY'S POLICY IS TO SUPPORT THE MAINTENANCE, AND WHERE POSSIBLE, THE ENHANCEMENT OF AIR AND WATER QUALITY AND THE REDUCTION OF NOISE POLLUTION BY REQUIRING, PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION, A STATEMENT FROM THE APPROPRIATE AGENCY THAT ALL STANDARDS CAN BE MET WITH RESPECT TO:

- 13**
- A. AIR QUALITY;
 - B. WATER QUALITY; AND
 - C. NOISE LEVELS.

IF THE PROPOSAL IS LOCATED IN A NOISE CONGESTED AREA OR IS A NOISE GENERATOR, THE FOLLOWING SHALL BE INCORPORATED INTO THE SITE PLAN:

- D. BUILDING PLACEMENT ON THE SITE IN AN AREA HAVING MINIMAL NOISE LEVEL DISRUPTIONS; AND
- E. LANDSCAPING AND OTHER TECHNIQUES TO LESSEN NOISE IMPACTS TO LEVELS COMPATIBLE WITH THE SURROUNDING LAND USES.

STRATEGIES

Environmental quality management has five elements: legislation, planning, administration, monitoring and enforcement all of which are Federal and State responsibilities. To protect the broad community interests, however, the County should be involved in reviewing and making recommendations with respect to each element. In addition, adopted laws require the preparation of region-wide plans which address solutions to pollution problems. There are also activities which the County can undertake to address adverse local situations.

The following are strategies which the County should pursue in maintaining an environmental quality management program which balances environmental, social and economic interests.

A. Legislation - Administration

1. The County should maintain staff capability to:
 - a. compile and evaluate the impacts on the County of existing and proposed State and Federal air, water and noise standards;
 - b. advise the legislative body and its appointed bodies on the land planning impacts of existing and proposed requirements; and

- c. recommend actions on existing or proposed air, water and noise requirements concerning land planning impacts.

B. Planning

1. The County should participate in environmental quality planning through participation in the regional planning process and committee structure charged with the preparation of:
 - a. An Air Quality Maintenance Plan;
 - b. A Water Quality Management Plan; and
 - c. A Land Use Plan.
2. Community Plan elements of the Comprehensive Plan should take into consideration airshed quality and noise level limitations.
3. The County should prepare and maintain coordinated storm water management and sewer plans in accord with the regional water quality management plan.

C. Implementation

1. The following should be addressed in the preparation of the Community Development Ordinance:
 - a. The Development Standards Article: will include provisions related to, but not limited to the following:
 - (1) erosion protection;
 - (2) noise barriers in high noise impact areas;
 - (3) protection of, or planting of vegetation in high noise impact areas;
 - (4) drainage capacity and quality;
 - (5) indirect pollution sources considering parking facilities, streets and such land uses as major industrial, commercial, recreational and governmental developments and facilities;
 - (6) buffering or separation of land uses which cause conflicts in demands upon air or water resources;
 - (7) suitable sites for pollution control facilities; and
 - (8) airshed carrying capacity.
 - b. As a part of the Capital Improvements Program process, priority should be given to areas where the public health, safety or welfare is being impaired.

D. Monitoring

1. The County should ask the State to establish a monitoring system within the County in order to determine adjustments which must be made in the planning program to protect or enhance air and water quality and maintain or reduce noise levels.

E. Enforcement

1. Air, water and noise quality enforcement should be provided by the appropriate Federal or State agencies.
2. The County Department of Environmental Services, Division of Community Services, should be responsible for enforcing compliance with all aspects of the Community Development Ordinance and conditions resulting from the implementation process.

DEVELOPMENT LIMITATIONS POLICY

INTRODUCTION

Many natural features impose limitations on development and, if not recognized in the development process, they can create public health and safety hazards. For example, flood plains perform important water storage functions and, if filled, force the water into other lands formerly not affected. These newly affected areas may have buildings which will be flooded. Erosive soils create stream siltation and can affect water quality and fish life habitat. A high water table can preclude septic tanks from functioning properly and create ground water pollution. These are important features which must be considered.

The purpose of this policy is to protect the public health and safety and to insure that development does not create an "on site" or "off site" public harm. It is not intended to prohibit development except where design and construction techniques cannot provide for a safe development.

THE COUNTY'S POLICY IS TO DIRECT DEVELOPMENT AND LAND FORM ALTERATIONS AWAY FROM AREAS WITH DEVELOPMENT LIMITATIONS EXCEPT UPON A SHOWING THAT DESIGN AND CONSTRUCTION TECHNIQUES CAN MITIGATE ANY PUBLIC HARM OR ASSOCIATED PUBLIC COST, AND MITIGATE ANY ADVERSE EFFECTS TO SURROUNDING PERSONS OR PROPERTIES. DEVELOPMENT LIMITATIONS AREAS ARE THOSE WHICH HAVE ANY OF THE FOLLOWING CHARACTERISTICS:

- A. SLOPES EXCEEDING 20%;
- B. SEVERE SOIL EROSION POTENTIAL;
- C. LAND WITHIN THE 100 YEAR FLOOD PLAIN;
- D. A HIGH SEASONAL WATER TABLE WITHIN 0-24 INCHES OF THE SURFACE FOR 3 OR MORE WEEKS OF THE YEAR;
- E. A FRAGIPAN LESS THAN 30 INCHES FROM THE SURFACE;
- F. LAND SUBJECT TO SLUMPING, EARTH SLIDES OR MOVEMENT.

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STRATEGIES

- A. As a part of the ongoing planning program, the County should:
1. identify areas with development limitations; and
 2. establish a process for reviewing development proposals in these areas.
- B. The following should be addressed in the preparation of the Community Development Ordinance:
1. The Zoning Article: should include:
 - a. Standards for development within the 100 year flood plain, recognizing the standards and criteria established by the Federal Flood Plain Insurance Program. The Flood Plain should be applied to all areas within the 100 year flood plain as designated by the U.S. Army Corps of Engineers, U.S. Soil Conservation Service, and special studies prepared by the County.
 2. The Development Standards Article: should include provisions for:
 - a. Site Development Standards which address:
 - (1) geologic impact analysis;
 - (2) erosion control;
 - (3) grading;
 - (4) drainage; and
 - (5) retention of vegetation and significant natural or habitat areas.
 - b. Density Transfer
 - (1) As part of the Community Development Ordinance, provisions should be included which allow the density which would have been permitted in hazard areas, if it were not for the restrictions, to be transferred on-site or to adjoining property, if held in the same ownership and if developed as a planned development.

AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN POLICY

INTRODUCTION

The designation, "areas of significant environmental concern", is an overlay classification which will be applied as shown on the Comprehensive Framework Plan or as the result of a plan amendment to areas having significant natural or man-made features. It is not intended to restrict the use of land, as allowed by the Comprehensive Plan and other regulations, but to identify these areas in which land uses will be subject to a review process. However, the review process may result in the imposition of design standards to minimize adverse environmental and aesthetic impacts.

The purpose of the classification is to protect natural shoreline vegetation systems, critical and unique habitat areas, historic and archeological features, views and vistas, flood water storage areas, and similar areas having public value. This will be achieved by locating buildings or uses on the site in a place which minimizes the impacts of the use on the features to be protected, and by design or landscaping techniques.

THE COUNTY'S POLICY IS TO DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, AREAS HAVING SPECIAL PUBLIC VALUE IN TERMS OF ONE OR MORE OF THE FOLLOWING:

- A. ECONOMIC VALUE, E.G., A TOURIST ATTRACTION;
- B. RECREATION VALUE, E.G., RIVERS, LAKES, WETLANDS;
- C. HISTORIC VALUE, E.G., HISTORIC MONUMENTS, BUILDINGS, SITES OR LANDMARKS;
- D. EDUCATIONAL RESEARCH VALUE, E.G., ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS;
- E. PUBLIC SAFETY, E.G., MUNICIPAL WATER SUPPLY WATERSHEDS, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES;
- F. SCENIC VALUE, E.G., AREAS VALUED FOR THEIR AESTHETIC APPEARANCE;
- G. NATURAL AREA VALUE, E.G., AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR FOR SPECIFIC NATURAL FEATURES, OR VALUED FOR THE NEED TO PROTECT NATURAL AREAS; OR
- H. ARCHEOLOGICAL VALUE, E.G., AREAS VALUED FOR THEIR HISTORICAL, SCIENTIFIC AND CULTURAL VALUE.

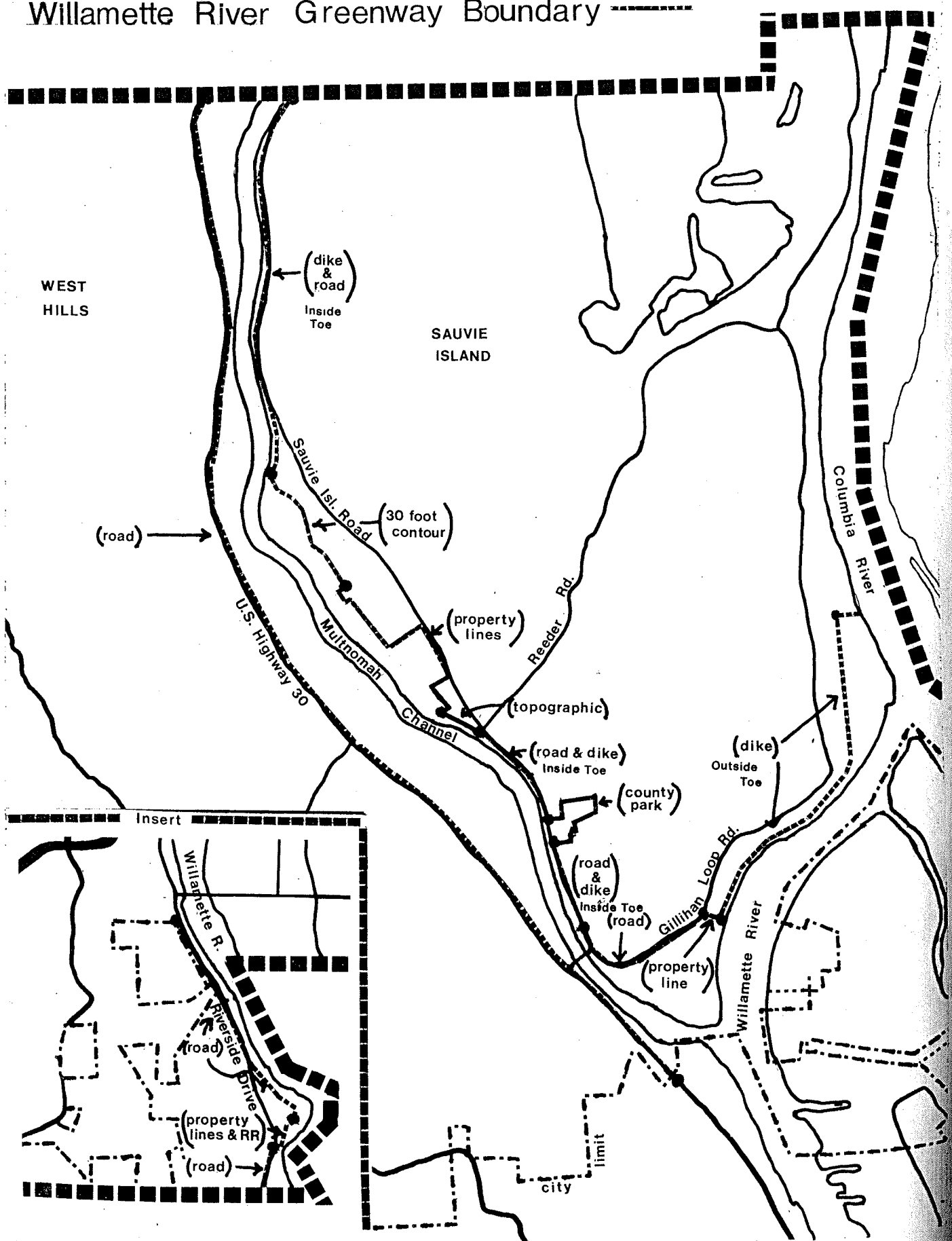
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STRATEGIES

- A. The following areas should be designated as "areas of significant environmental concern":
1. The Columbia Gorge from the Sandy River east to the County line
 2. The Sandy Scenic River
 3. Portions of the Mt. Hood National Forest
 4. The Willamette River Greenway
 5. Smith and Bybee Lakes
 6. The Undeveloped Columbia River Islands
 7. Sturgeon Lake
 8. Blue Lake and Columbia River shore area and islands
 9. Such other areas as may be determined under established procedures to be suitable for this "area" designation.
- B. The following strategies should be addressed in the preparation of the Community Development Ordinance:
1. The Zoning Article: should include:
 - a. an overlay zone entitled "Areas of Significant Environmental Concern" which should:
 - (1) establish a review process for the approval of proposals and uses;
 - (2) define criteria for the approval of proposals and uses which affect various features including, but not limited to the following:
 - (a) Natural shoreline vegetation systems;
 - (b) Critical and unique wildlife habitats;
 - (c) Historical features and archeological sites;
 - (d) Significant vegetation;
 - (e) Views and vistas;
 - (f) Municipal water supplies;
 - (g) Natural hazard lands;
 - (h) Rare or valuable ecosystems and geological formations;
and
 - (i) endangered plant and animal systems.
 - b. A historic preservation overlay district which should be applied to areas or specific sites.
 - c. An overlay zone entitled "Willamette River Greenway" which will establish an administrative review procedure to implement the requirements of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:
 - (1) setback lines for non-water dependent uses;
 - (2) a design plan;

- (3) the review procedures;
 - (4) specific findings required.
- d. the areas of significant environmental concern overlay district should be applied to the area between the inside and outside toe of the dike on the eastern portion of Sauvie Island.

Willamette River Greenway Boundary



NATURAL RESOURCES POLICY

INTRODUCTION

The purpose of the natural resource policy is to protect areas which are necessary to the long term health of the economy or a community: for example, mineral and aggregate sources, energy resource areas, domestic water supply watersheds, wildlife habitat areas, and ecologically significant areas.

The intent of the policy is to protect these areas for their natural resource value. Mineral, aggregate, energy, and watershed areas are limited, and inappropriate land uses can destroy their future use. Significant habitat and ecological areas are important to the public for their educational, recreational and research value, and they often function to balance the effects of other land uses. The benefits gained by the preservation of wildlife habitat range from aesthetic enhancement of the landscape to improvement of community health. Greenspaces and vegetation significantly affect such factors as air flow, temperatures, oxygenation, travel patterns and pollution.

THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCE AREAS AND TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT THE LONG-RANGE AVAILABILITY AND USE OF THE FOLLOWING WILL NOT BE LIMITED OR IMPAIRED:

- A. MINERAL AND AGGREGATE SOURCES;
- B. ENERGY RESOURCE AREAS;
- C. DOMESTIC WATER SUPPLY WATERSHEDS;
- D. FISH HABITAT AREAS;
- E. WILDLIFE HABITAT AREAS; AND
- F. ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS.

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STRATEGIES

- A. As a part of the ongoing planning program, the County should:
 - 1. engage in a survey of mineral and aggregate sources and will develop criteria for designating aggregate sites;

2. consider designating significant habitat and ecological areas identified by such agencies as: the Oregon State Department of Fish and Wildlife, the Nature Conservancy Heritage Program, the State Natural Areas Committee, or any federally designated Research Natural Area, as areas of significant environmental concern.
- B. The following strategies should be addressed in the preparation of the Community Development Ordinance:
1. The Zoning Article should include provisions for:
 - a. mineral and aggregate extraction as conditional uses;
 - b. protecting domestic water supply watersheds with a zoning standard appropriate to the soil conditions.
 2. The Development Standards Article should include provisions which:
 - a. establish extraction and rehabilitation standards;
 - b. require the retention of significant vegetation and natural waterways necessary to support wildlife habitat;
 - c. provide for density transfer which:
 - (1) should allow the density which would have been permitted, if it were not for this policy, to be transferred on-site or to adjoining property if held in the same ownership.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

IAN I. COURTER, LAUREN A. COURTER,
CRIS M. COURTER, and SUZANNE C.
COURTER, as Co-Trustees of the COURTER
FAMILY TRUST; MICHAEL KOST, an
individual, and CAROL KOST, an individual,

Plaintiffs,

v.

CITY OF PORTLAND, acting by and through
PORTLAND WATER BUREAU, an Oregon
Municipal Corporation,

Defendant.

Case No.

COMPLAINT
(Nuisance, Trespass, Timber Trespass,
Inverse Condemnation, Injunctive
Relief)

NOT SUBJECT TO MANDATORY
ARBITRATION

Prayer: \$1,906,000

Fee Authority: ORS 21.160(1)(d) — \$884

JURY TRIAL DEMANDED

INTRODUCTION

Plaintiffs and their families are local residents seeking injunctive and monetary relief against the City of Portland for repeated and ongoing nuisance, trespasses, and uncompensated takings in connection with the City’s multi-billion dollar construction of a 94-acre water treatment facility known as the Bull Run Filtration Project (“the Project”)—the City’s largest ever capital construction project. The City’s Project has transformed Plaintiffs’ idyllic, rural neighborhood into an industrial construction zone fundamentally depriving Plaintiffs of their right to use and enjoy their Properties while displacing and destroying abundant surrounding natural resources.