

Report to Hearings Officer: July 25, 2003
Decision Mailed: September 19, 2003
Last Date to Appeal: October 3, 2003
Effective Date (if no appeal): October 6, 2003

DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 99-00971 MS CU EN EV AD

Representative: Greg Winterowd
Winterbrook Planning
310 SW 4th, #1000
Portland OR 97204

Applicant: Mark Wigginton
Portland Parks and Recreation
1120 SW 5th Ave, Ste. 1302
Portland OR 97204

Hearings Officer: Gregory J. Frank

BDS Staff Representatives: Stephanie Liefeld
Kimberly Parsons
Kara Fioravanti

Site Address: 1940 N Victory Blvd

Legal Description: Tl 400 359.94 acres, Section 04 1N 1E

Tax Account No.: R941040120

State ID No.: 1N1E04 00400

Quarter Sections: 1926, 1927, 1928, 2026, 2027, 2028, 2128

Neighborhood: Kenton
St. Johns
HINOON
Bridgeton
Sunderland
East Columbia
Community Association
Piedmont
Arbor Lodge

Business District: Columbia Corridor Association

District Coalition: North Portland Neighborhood Office

Plan District: Portland International Raceway Plan District

Zoning: Open Space with areas of Environmental Conservation and Aircraft Landing overlay zones (OS[h][c])

Other Designations: 100-Year Floodplain; Natural Resources Management Plan for Peninsula Drainage District No. 1 (Pen 1 NRMP)

Land Use Review: Type III, Master Plan, Conditional Use, Environmental Review, Environmental Violation, and Adjustment reviews

BDS Staff Recommendation to the Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:05 a.m. on August 4, 2003, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 12:15 p.m. The record was held open for all written comments until 4:30 p.m. on August 18, 2003; until 4:30 p.m. on August 25, 2003, for BDS staff rebuttal; and until 4:30 p.m. on September 2, 2003, for applicant's final rebuttal. The record was closed at that time.

Testified at the Hearing: Stephanie Liefeld, BDS; Kara Fioravanti, BDS; Kim Parsons, BDS; Pat Beery, 1750 SW Harbor #380, Portland, OR, 97201; Greg Winterowd, 310 SW 4th Avenue #1000, Portland, OR, 97204; Ben Schoenberger, 310 SW 4th Avenue #1000, Portland, OR, 97204; Gordon Wilson, Parks Bureau; Mark Wigginton, Parks Bureau; John van Staveren, Pacific Habitat Services, Inc., 9450 SW Commerce Circle, #180, Wilsonville, OR, 97070; Judith Stray, 610 SW Alder #700, Portland, OR, 97201; Steven Capellas, Vancouver Police Dept., 605 E. Evergreen, Vancouver, WA, 98660; Pam Arden, 1817 N. Winchell, Portland, OR, 97217; Kent Hoddick, Arbor Lodge Neighborhood Assn., 2209 N. Schofield, Portland, OR, 97217, and Kathy L. Crawford, University Park Neighborhood Assn., 5121 N. Amherst, Portland, OR, 97203.

Proposal: The site is located in a low-lying area of the Columbia River basin which has been drained and protected by dikes since the early 1900's. In the early 1940's, the area was known as Vanport City, the second largest city in Oregon, constructed in under a year in order to house the influx of shipyard workers recruited by Henry Kaiser to help with the war effort. Vanport City had its own post office, nine schools, a fire station, a 400-seat cafeteria, a 785-seat theater, a library, a hospital, fourteen playgrounds, five commercial centers, and a police station staffed by twenty-two officers. The city was destroyed in 1948, when a dike failed during the Memorial Day flood. The remains of the development were cleared and the area was not rebuilt. The City of Portland acquired the property in 1959 and used the existing Vanport road system to provide the basic infrastructure for a sports car track and drag racing strip, which opened in 1961.

Although Portland International Raceway (PIR) has operated since 1961, it was never an allowed use. Currently, race tracks are defined by the Zoning Code as "Major Event Entertainment" uses, which are prohibited in the Open Space zone. In order to resolve the longstanding conflict between the existing use and the existing zoning, the City undertook a legislative project to create a plan district for the area. The purpose of the plan district was to "recognize" existing uses, including those that are prohibited by the Zoning Code, and to find a way to balance those uses with the environmental resources found on the PIR site. The legislative process also discussed the possibility of adding an additional Major Event Entertainment use to the site, in the form of a large concert amphitheater. The final City Council decision creating the plan district specifically states that an amphitheater is not allowed at the PIR site, and that the existing racetrack is the only Major Event Entertainment use allowed at the site.

In December 1998, the Portland City Council adopted the Portland International Raceway Plan District. Creation of a plan district for the PIR site was intended to help preserve and enhance the special character and opportunities of the unique area by requiring a master plan to establish development standards, design standards and guidelines, and review procedures specifically tailored to the site. The plan district regulations were crafted to go beyond requiring that development within the racetrack core not negatively affect the other areas; instead they require a careful design and balancing so that, on the one hand, the recreational and entertainment uses do not overwhelm the overall natural setting, and on the other, the natural setting continues to enhance the recreational and entertainment uses. The master plan will provide a clear review path for future development of the site.

Portland Parks and Recreation, the property owner and manager of the PIR site, has complied with the primary requirement of the plan district by submitting a PIR Master Plan, which is the focus of this land use review. In addition to approval of the master plan, the applicant requests approval of the following: a Conditional Use for a new year-round recreational vehicle (RV) park, Environmental Review for several proposed projects and to modify a previous condition of approval, Environmental Violation review to resolve outstanding violation issues on the site, and Adjustments to development standards related to proposed master plan projects. The proposal and applicable approval criteria are described in detail below.

Master Plan Proposal

The regulations of the PIR Plan District (Chapter 33.564 of the Zoning Code) require inclusion of the following specific components as part of the master plan submittal:

- Boundaries of the property
- Overall scheme
- Site plan
- Environmental requirements
- Description of operations
- Proposed development standards
- Proposed design standards or guidelines
- Description of subdistricts within the plan district area
- Proposed integrated sign program
- Transportation impact and transportation demand management plan information
- Proposed implementation plan; thresholds and approval criteria for future reviews

The applicant provided the above information through several submittals to the City. All of the application information is included in the case file, and is available for public review. Included in the applicant's submittal are the following descriptions of proposed projects for the ten-year life of the master plan:

Projects Within the Environmental Conservation Overlay Zone

These projects will be reviewed against the Environmental Review Approval Criteria as well as the PIR Master Plan Approval Criteria. (See attached drawings for project locations.)

1. *Slough Trail*: As described in the Peninsula 1 Natural Resource Management Plan (NRMP), the Slough Trail is intended to provide an improved pedestrian connection between North Force Avenue and the main entrance of PIR. The trail follows the line of the North Slough on its northern edge. (Exhibits C.13 and C.14)
2. *Middle Slough Crossing*: The Middle Slough Crossing is intended to complete the connection between a new bridge over the track and the Central Racetrack Core. The crossing will follow the general route of the existing crossing. The crossing will accommodate both vehicles and pedestrians. (Exhibits C.4 and C.5)
3. *North Paddock Connector Road*: The connector road will link the new bridge over the track and the Middle Slough Crossing with the activities of the Central Racetrack Core. When completed, the connection will allow vehicles and pedestrians to access the inside of the track loop without needing to halt race activities on the track. (Exhibits C.6 and C.7)
4. *Widen Merging Lane*: Championship Auto Racing Teams—the sanctioning organization for major event racing at the track—may require PIR to improve the safety associated with the pit exit and the entrance to the Festival Curves. This project will extend the racetrack surface to the north to allow more space for cars coming from the pit area to merge into general race traffic. (Exhibits C.8 and C.9)

5. *Southern Emergency Access Road*: This project connects the Southeast Racetrack Core with the western parts of the track area. The improvements will follow the line of the existing road, south of the track and at the north edge of the Southern Slough. Currently, the road is too narrow to allow adequate access by fire and life safety vehicles. (Exhibits C.10 and C.11)
6. *Storage Units*: For decades, PIR has used an area to the south of the Southern Slough to store material used for the maintenance and repair of the track. The area is partially paved and fenced, and currently contains 11 storage boxes and other miscellaneous materials. PIR is seeking environmental review approval to keep the storage boxes within the facility. (Exhibit C.12)

Projects Outside of the Environmental Conservation Overlay Zone

A. Northeast Racetrack Core

1. *PIR Office*: A new structure will house administrative, operations, and security offices for PIR personnel. The building is also intended to provide space for ticket sales, and a shop for PIR merchandise.
2. *Museum Building and Community Meeting Rooms*: This project will provide space for an auto or race museum, meeting and conference rooms, rest rooms, and a historical display addressing the city of Vanport.
3. *Plaza and Monument*: The plaza will be a main entry point for PIR visitors. Design elements will commemorate local contributors and figures in motorsports, and a memorial will describe the site's historic connection to the city of Vanport.
4. *Slough Trail*: A portion of this trail is outside the Environmental zone. *See project description under "Projects Within the Environmental Conservation Overlay Zone", above.*
5. *Broadacre Paddock/Driver Training Area*: Paving and parking area improvements, south of Broadacre Road, will accommodate an expanded driver training and safety area for use by police departments in the region.

B. Southeast Racetrack Core

1. *Remodel Tower*: The existing race tower will undergo a complete interior renovation under the current building footprint.
2. *Display Tent Pads*: The display tent concrete pads will provide a secure, permanent area for setting up the temporary display tents that are a feature of major events.
3. *Renovate South Paddock Restrooms*: The existing restrooms will be upgraded and remodeled to better serve a hub of spectator activity. Showers and dressing rooms will be added.
4. *Multi-Tenant Shops*: These new buildings will accommodate race-related business and services. Potential tenants include race equipment and supply shops, team shops, commissaries, and storage. The buildings will provide flexibility for dividing the interior, depending on the space needs of the occupants.
5. *Maintenance Building*: A maintenance building will consolidate the uses found in a variety of structures currently scattered around PIR. The building will include a small office space for maintenance staff, a rest room, and secured storage.

6. *South Paddock Paving Expansion and Stormwater Facility Upgrade:* The existing paved area in the Southeast RTC will be expanded west to improve the area used for parking and staging during major events. This will also accommodate the area intended for the Multi-Tenant Shops. As part of the paving expansion, a stormwater facility will be constructed to clean runoff before it enters the Columbia Slough. This facility will be sized to treat all runoff from both the expanded area and the existing South Paddock.
7. *Re-locate Pro Drive Trailer:* The existing Pro Drive race school building will be replaced and re-located within the Southeast RTC.
8. *Southern Emergency Access Road:* A portion of this road is outside the Environmental zone. *See project description under "Projects Within the Environmental Conservation Overlay Zone", above.*
9. *Replace Lighting Poles:* Existing light poles on the main straightaway will be replaced with shielded, energy efficient lighting that directs more light at the racetrack surface and diffuses less light to other locations.

C. Central Racetrack Core

1. *North Paddock Paving Expansion:* The existing paved area in the Central RTC will be expanded to the west to connect with the new connector road. The paved area will improve conditions for major events.
2. *Racing Garage:* A garage will provide a permanent location for race vehicle assembly and maintenance. Currently this service is provided by temporary structures during race events.
3. *North Paddock Restroom Remodel:* The existing restroom will be improved and remodeled to accommodate more spectators.
4. *Middle Slough Crossing:* A portion of this project is outside the Environmental zone. *See project description under "Projects Within the Environmental Conservation Overlay Zone", above.*
5. *North Paddock Connector Road:* A portion of this project is outside the Environmental zone. *See project description under "Projects Within the Environmental Conservation Overlay Zone", above.*
6. *Widen Merging Lane and Inside Slough Mitigation:* A portion of this project is outside the Environmental zone. *See project description under "Projects Within the Environmental Conservation Overlay Zone", above.*
7. *Vehicle Washing Area:* An area for washing vehicles of mud and dirt will be installed at the north edge of the North Paddock, close to the dirt motorsports area. This facility will follow all Bureau of Environmental Services standards for vehicle washing areas, as described in the *2002 Stormwater Management Manual*, Section 4.7.
8. *Oval Track and Viewing Areas:* An approximately 1/8 to 3/8 mile dirt track oval and related spectator amenities will provide a venue for this kind of racing. The facility will help fill the niche left open by the closure of nearby Portland Speedway.
9. *Media Center Building:* A new media building will provide space for a viewing room, interview room, and a small office. The wall adjacent to the track will provide direct views of the track and the pit exit for members of the media and other spectators.

D. East Bank

1. *East Bank Terraces:* A terraced spectator area along the east bank of the property will provide a more comfortable seating area for a greater number of people. Currently, the area is a steep, unimproved, grassy slope.
2. *Denver Wall Replacement:* The replacement of the wall between Denver Avenue and the top of the East Bank slope will mark the edge of the PIR property line, prevent unauthorized and unsafe access to the track, and prevent a traffic hazard by keeping Denver Avenue through traffic from stopping or slowing to watch race events.
3. *Venue Sign:* A venue sign will be the central sign feature for the entrance to the site. The sign will efficiently direct visitors to the PIR property, and will help avoid conflicts with adjacent properties and uses.
4. *Turn 12 Realignment:* This track re-alignment project will create a sharper turn, reduce speeds, and change the line of the race cars.

E. West End Improvements

1. *Turn 8 Vehicle and Pedestrian Bridge:* A vehicle and pedestrian bridge that connects the inside of the track loop to the outside of the loop will be constructed over Turn 8. This bridge will provide a second pedestrian connection to the inside of the loop, and a vehicular connection that allows passage regardless of race activity on the track. This access will result in improved track safety, and more convenience for all users.
2. *Recreational Vehicle Park:* The RV Park will provide a permanent facility for recreational vehicles. The area in which it is located is currently used by recreational vehicles, but only for major events. The new facility will have improved spaces with utility hookups and landscaping, and will be open more than just during major events. (This project also requires a Conditional Use review.)
3. *West End Pedestrian Bridges:* One or more bridges over the tracks at the west end of the track will provide pedestrian access to the activities of the Central Racetrack Core without having to walk all the way to the Goodyear Bridge. Like the existing pedestrian bridge above the main straightaway, these bridges are not planned to be used for vehicles.
4. *Track modifications:* Depending on the future requirements of sanctioning bodies for auto racing, PIR may change the curves or length of the track to accommodate stock cars. This would require widening or relocating the track in various areas of the Racetrack Core or Transitional Open Space Subdistricts in order to meet racing standards.
5. *Pave Existing Paths:* Many existing paths that provide vehicle and pedestrian circulation around the PIR site are paved. Others, particularly in the west end, are graveled or packed dirt. As part of an overall site upgrade, these paths will be paved to improve the experience for PIR visitors.

Other Reviews Concurrent with the Master Plan

As noted above, projects proposed within the Environmental Conservation overlay zone will be reviewed against the Environmental Review approval criteria in addition to the PIR Master Plan criteria. In addition, the applicant requests modification of a previous condition of approval of an Environmental Review. Condition B of LUR 99-00913 EN states: *No parking will be allowed beginning at the intersection of access roads A and C and ending immediately north of*

the pump station, as shown on staff modified Exhibit C.3. Two gates must be constructed to prohibit parking. One gate must be placed at the intersection of access roads A and C and one must be placed on the north side of Pen 1 Drainage District's pump station, as shown on the staff modified Exhibit C.3. These gates must be sized and placed adequately in order to inhibit vehicular access into the area between the gates. The fence in this area must be constructed on the asphalt edge of access road A using postholes. The applicant requests modification of the condition so that it reads: No parking will be allowed beginning at the intersection of access roads A and C and ending immediately north of the pump station, as shown on staff modified Exhibit C.3. PIR will install a "Through Traffic Only" sign on each end of this road segment. In addition, PIR will install "No Parking in Environmental Zone: Portland Zoning Code Chapter 33.430" signs every 300 feet along the road segment. PIR management will periodically check this area and remove any vehicles. The requested modification of condition language will be reviewed against the Environmental Review approval criteria.

The applicant also requests Adjustments to three development standards related to proposed and possible master plan projects described above. The requested Adjustments are:

1. *Fence Standards in the Open Space zone:* Waive the requirement for a fence in the OS zone to be no more than 10 percent opaque, in order to replace the existing Denver Avenue wall with a new fully opaque wall.
2. *Vehicle Area Landscaping:* Waive the interior landscaping, striping, and curbing requirements for several vehicle areas described as "multi-use paved areas" in order to provide maximum flexibility for PIR operations.
3. *Vehicle Area Paving:* Waive the paving requirement for overflow parking areas used no more than four times per year.

In addition, the applicant requests approval of a Conditional Use review for the proposed recreational vehicle (RV) park. Recreational vehicle parks are defined in PCC 33.920.250 as a Retail use, allowed conditionally in the Open Space zone. The proposed RV park will be located in the northwest corner of the site, and will provide 80 to 100 RV spaces. Improvements will include electricity, water and sewer hook-ups, and restroom facilities.

The applicant also requests approval of an Environmental Violation review for two violations that have been identified on the PIR site. The first violation occurred when fill material was placed within the Environmental Conservation overlay zone in the southwest corner of the site, south of the outfall from Forebay Slough into Midwestern Slough (Exhibits C.17 and C.18). The applicant proposes to resolve this violation by scraping off the top 1,800 square feet of the fill pile; leaving the existing cottonwood saplings at lower levels, planting the top of the scraped pile with native vegetation and removing fill material from the Southern Slough. The second violation occurred when ground was disturbed during the removal of several juniper shrubs from the dike in the southeast corner of the PIR site. The junipers were removed by backhoe and the area was stabilized with bark mulch. A native flower and grass mix is proposed as mitigation.

Finally, the applicant requests approval of “*Actions in conformance with the Plan*” and *amendments to the timelines* for projects identified in the Peninsula 1 Natural Resource Management Plan, in order to coordinate those projects with implementation of the master plan.

II. ANALYSIS

Site and Vicinity: This site was acquired by the City of Portland after the Vanport City flood. In 1959, the City built a sports car track and drag strip. Management of the site was assigned to the Portland Parks and Recreation Bureau (PPR). Current management is divided between Portland International Raceway and the PPR.

The site is approximately 270 acres in size, located west of Interstate 5 and north of N Columbia Boulevard. The site is bounded to the west by Heron Lakes Golf Course, to the north by Vanport Wetlands and the Expo Convention Center, to the east by N Denver Avenue, and to the south by the Columbia Slough. Existing development is primarily concentrated in the southeast corner of the site, and consists of several small buildings and large areas of paving. The racetrack itself loops through the site, surrounding two of the five major slough areas on the site.

Additional gravel roads circle the perimeter of the site, providing access to a storage and maintenance area at the south edge and spectator viewing areas along the west and north sides. A motocross course, additional access roads and paved areas are located on the inside of the main racetrack.

Primary access to PIR is from N Expo Road and N Denver Avenue, which run along the east edge of the site. A private, undedicated street (N Broadacre) runs through the northeast corner of the site. Interstate MAX light rail is currently under construction along the east edge of the site, with a Park and Ride stop to be located at the main entrance to PIR. The 40-Mile Loop trail runs along the south edge of the site on top of the dike.

Zoning: The site is zoned Open Space (OS), with areas of Environmental Conservation (c) overlay zone. The northern third of the site has an Aircraft Landing Zone (h) overlay. The site is located within the boundaries of the Portland International Raceway Plan District and the Natural Resources Management Plan for Peninsula Drainage District No. 1. The site also has a Public Recreational Trail designation along the southern boundary.

The *Open Space zone* is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

The Environmental Conservation Overlay zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

The environmental zone is divided into resource area and transition area. The resource area contains important environmental resources to be protected. The transition area is the outermost 25 feet of the environmental zone and is intended to buffer the resource area from impacts of surrounding development.

Natural Resource Management Plans, such as the Pen 1 NRMP, may contain regulations that supercede or supplement the regulations of Chapter 33.430 Environmental Zones. Whenever natural resource management plan provisions conflict with other provisions of Chapter 33.430, the natural resource management plan provisions supercede. Non-conflicting provisions supplement the provisions of Chapter 33.430.

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The site is located in the "7:1 Transitional Zone." The allowed height limit for buildings and vegetation on the PIR site is approximately 150 feet above the lowest base point at the Portland International Airport (18.3 feet). The applicant proposes a more restrictive building height limit as part of the PIR master plan.

The Public Recreational Trail requirements are intended to: increase recreational opportunities and connect these recreational opportunities with a regional recreational trail system; increase public access along significant natural resource areas; provide emergency vehicle access; assist in flood protection and shoreline anchoring; support alternative modes of transportation; provide connections to other transportation systems; implement the City's Comprehensive Plan policies regarding public recreational trails; help create a pleasant, aesthetically pleasing urban environment; and provide consistent standards for trail development.

The Portland International Raceway Plan District is intended to preserve and enhance the special character and opportunities of this unique area. The plan district recognizes existing uses and their impacts, and works to minimize the impacts of future development.

Within the plan district are several distinct areas, or subdistricts:

- Environmental resource areas accommodate a rich array of wildlife, providing opportunities for food, shelter, and breeding. Because these areas include many sloughs and wetlands they are particularly valuable to the region. The primary purpose of these areas is to support wildlife, with only passive or un-intrusive recreational uses.
- The natural, grassy, open areas provide food and some shelter for wildlife, and also help to accommodate the occasional larger recreational events. Primarily, however, these areas

provide a special experience of an open, undeveloped, and natural setting for those who are within it, or those who are viewing it from the racetrack core area.

- The racetrack core area provides both recreational and entertainment opportunities for the region. This is the part of PIR that is used most regularly for recreation, and is the part where development and year-round activity can be the most intense. This area includes the paved and grass area in the southeastern corner, the infield area including the paddock and moto-cross track, the road connecting the north entrance to the paddock, and the racetrack itself. The racetrack is used for major racing events, and also for many functions of local motor sports clubs and service organizations. This area provides an opportunity for active, intense, and vibrant uses, while preserving and enhancing the natural setting and highlighting the experience of the transition between them. Part of the experience for those within this area is the sights, sounds, and excitement that are inherent to a racetrack; part of the experience is the contrast with the natural setting that serves as a backdrop to this area.

Environmental Resources: Application of the environmental zones is based on detailed studies that have been carried out within eight separate areas of the City. The City's policy objectives for these areas are described in the reports. Each study report identifies the resources and describes the functional values of the resources sites. Functional values are the benefits provided by the resources. The values for each resource site are described in the inventory section of these reports.

This subject property is located within Resource Site 50 of the Western Columbia Corridor in the *Columbia Corridor Industrial and Environmental Mapping Project Area* and also contains Water Features 35 through 37 and abuts Water Feature 40. The following significant environmental resources are present in Resource Site 50: groundwater recharge/discharge, flood storage, erosion control/sediment trapping, pollution removal/nutrient retention, fish and wildlife habitat, scenic values, open spaces, wildlife habitat corridors, and education resources.

Resource site 50 contains part of West Delta Park, including land-intensive uses such as a golf course and auto race track. It is immediately north of the Columbia Slough, the major drainageway for the Columbia Corridor. Even though protected by levees and railroad fill, the site is located entirely within the 100-year flood boundary. Ponding of stormwater in lower swales, as well as water bodies (identified as water Features 35-37) allows sediment trapping.

Vegetation is mostly reed canarygrass, much of which is mowed. Gallery forests exist along the sloughs. Some areas are very weedy from disturbance. Slough banks are generally overhung with a mix of blackberry and willow. Flowering and red-osier dogwood, hawthorn, and ash are common. Rushes are common in shallow water, and in patches at places of saturated soils. Cattail is noticeably absent; some duckweed and smartweed are present.

There are varied habitat functions in this resource site. Water bodies are important for invertebrate production (insects, clams, crayfish, etc.). The open grassland functions as a

foraging ground for waterfowl, raptors, small mammals, and coyotes. Gallery forests are roost/nest habitat for song birds. The littoral zones are important to beaver, shorebirds, and fish.

Human use is extensive, and primarily related to the raceway. Some fishing and nature viewing occurs now. Dense crowds are confined generally to the raceway, though it is assumed that human visitation is common to the entire site. Frequency of human use is probably of a seasonal nature and most intense during weekends. This is an example of intensive recreational use of an area which still allows maintenance of natural values.

Natural Resources Management Plan (NRMP) for Peninsula Drainage District No. 1 (Pen 1).
The purpose of the Natural Resource Management Plan for Peninsula Drainage District No. 1 (NRMP) is:

- To manage the wetlands, wildlife habitat, and other natural resources location on both public and private land within the Peninsula Drainage District No. 1 (Pen 1) in a focused and coordinated manor.
- To evaluate the Pen 1 ecosystem as a whole and provide specific direction for protection and enhancement of the natural resources throughout the Pen 1 area.
- To provide a level of certainty in the environmental review process by identifying primary areas for mitigation for approved development projects that are consistent with the protection of resources within Pen 1.

The wetlands and wildlife habitats of Pen 1 are widespread but interconnected; much of their value comes from the diversity of the habitat types and their interconnections. Critical interconnections can be found at the intersection of the Middle Slough, Southern Slough, and Forebay Slough. Protection and/or establishment of contiguous native vegetation in all these areas would enhance the entire system. In addition, a natural resource management objective listed in the NRMP (page 55) states the following:

“Avoid future crossings of the open water sloughs to prevent further fragmentation of existing corridors and reductions of open water areas. Necessary crossings should be mitigated by significantly improving wildlife and wetland corridors elsewhere”.

Land Use History: Numerous land use reviews are on record for the Portland International Raceway (PIR). These cases relate mainly to the construction of buildings on the site, the vacation of PIR interior streets, paving of existing parking, excavation and fill projects, and enhancement projects located north of the site.

- **V 42-61:** Approved the vacation of N Force Avenue, N Broadacre Street and N Vanport Street lying in West Delta Park.
- **CU 016-70:** Approved a Conditional Use for an excavation and fill project.
- **CU 070-73:** Approved with conditions a Conditional Use request from the Bureau of Parks to utilize a sanitary land fill composed of inorganic materials to make mounds to be used as spectator viewing areas for watching the road track.

- **CU 088-73:** Approved with conditions a Conditional Use request by the Bureau of Parks to construct fills in various parts of West Delta Park to bring the grade of the sites up to the grade of the adjacent land (two sites are in the vicinity of the road racing circuit and one is to the west near a proposed picnic area).
- **6747C R:** Approved with conditions Ordinance No. 146285 granting a Revocable Permit to locate a mobile home park at the Portland International Raceway, West Delta Park.
- **6959C R:** Approved with conditions Ordinance No. 149914 granting a Revocable Permit to construct a 1,300 square foot stable and corral area, including a small office/shower facility and parking for six to seven cars.
- **CU 098-81:** Approved with conditions a Conditional Use requested by the Bureau of Facilities Management for a riding academy at West Delta Park that includes a horse stable, training arena, office and 36 parking spaces.
- **CU 28-89:** Approved a Conditional Use request to grade and pave an existing parking area.
- **CU 043-89:** Approved a Conditional Use for a minor addition to the clubhouse.
- **CU 95-89:** Approved with conditions a Conditional Use request to place approximately 5,000 cubic yards of fill in several potholes located throughout the Portland International Raceway site and to create a spectator viewing berm with approximately 200,000 cubic yards of fill.
- **LUR 91-00151 EN:** Approved with conditions an Environmental Review for a nine-hole addition to an existing 27-hole golf course (West Delta Park).
- **LUR 96-00183 CU:** Approved a Conditional Use review for an interim timing and scoring facility for race officials, scoring people, camera and other media crew.
- **LUR 96-00212 EN:** Approved an Environmental Review for construction of the Inverness sewer pipeline through environmental conservation zones and to cross over the Forebay Slough and a Mud Slough culvert.
- **LUR 96-00487 EN CU:** Approved with conditions an Environmental Review and Conditional Use Review to relocate existing Pacific Power and Light power lines and poles (approximately 65 feet further south) in conformance with the submitted plans. In addition, the applicant requested that Approval Condition N, in case LUR 91-00151 EN, be removed. This condition required an approved natural resource plan for all city owned land in the Peninsula Drainage District #1 before any other development could occur within this district.
- **LUR 96-00687 EN:** Approved an Environmental Review for a resource enhancement project to restore a wetland along the south bank of the Northern Slough.
- **LUR 97-00723 CU:** Request for a Conditional Use to replace a pump station. Case withdrawn; proposal allowed by right.
- **LUR 99-00913 EN:** Approved with conditions an Environmental Review for construction of a fence at the toe of the dike. Required mitigation will be located along the south side of Forebay Slough and Southern Slough.
- **LUR 99-01004 EN:** Approved an Environmental Review for the proposed mitigation as required by the impacts created by the placement of a culvert and fill material on Portland International Raceway property. The applicant must still resolve the temporary emergency repair activity of placement of the culvert and fill material. This activity must be made permanent through a land use review application.

- **LUR 00-00560 EN:** Approved an Environmental Review for a natural resource enhancement project along the midwestern slough.
- **LUR 01-00040 EN:** Approved with conditions an Environmental Review to construct a stormwater system and bridge across the Columbia Slough, realign a portion of N Expo Road, construct the north/south Interstate Max Light Rail Transit (LRT) System adjacent to N Expo Road and an Expo Station, mitigate for impacts at Ramsey Lake, mitigate for impacts at Forebay Slough, and to revise the previously approved LUR 99-00913 EN. Items relevant to this land use review are the requirements for mitigation at Forebay Slough and the relocation of mitigation required in LUR 99-00913 EN to the southwestern portion of the property, adjacent to Heron Lakes Golf Course.
- **LUR 01-00255 CU AD:** Approved a Conditional Use for a 330 space park and ride parking lot associated with Interstate MAX light rail. Also approved an adjustment to the perimeter landscaping standards for parking areas.

Summary of Applicant's Statement: The purpose of this application is to provide a master plan that will control infrastructure and environmental improvements on the 270-acre Portland International Raceway site over the next 10 years. The goal of the proposed master plan is to balance development and environmental values by applying three subdistricts, resource and design overlays, and development regulations throughout PIR. The development and environmental regulations proposed in the master plan will have the effect of protecting wetlands, riparian areas and wildlife habitat from intrusive racing activities, while preserving and enhancing PIR's unique natural environment.

PIR is a self-supporting recreational enterprise owned by the City of Portland Parks Bureau. Because PIR's purpose is not to maximize profits or provide a return to private investors, it can pursue non-economic goals such as fostering a healthy environment, moderating neighborhood impact, and serving local, amateur racing organizations as well as larger professional events. PIR's enterprise fund status requires that PIR be financially self-supporting, which in turn constrains its operations and the scheduling of capital improvements. PIR management must assign a high priority to the needs of paying customers and corporate sponsors to maintain financial viability.

Compared to other west coast racetracks, PIR is a small operation with limited financial capacity. The track has only six full-time employees, and its operating fund generates about \$1,000,000 in annual gross revenue. In a good year, after covering its operating expenses, the PIR fund generates just less than \$100,000 that may be used for capital expenditures on the 270-acre site. Because this is a relatively modest income stream for capital improvements, the projects listed in this master plan will happen only gradually.

Projects listed in the PIR Master Plan are scheduled for construction between 2003 and 2013, that is, within the 10 year life of the master plan. However, the order and timing of proposed and possible projects depends on available financing.

Agency Review: A “Request for Response” was mailed April 22, 2003. The following agencies have responded:

The BDS Plan Review Section responded with the comment that building permits will be required for all building construction, repairs, alterations, additions or site improvements, demolition of existing structures, or changes of use (Exhibit E.1).

The Bureau of Water Works responded that the site has an existing water service, and additional water is available from an existing 6” diameter water main in N Victory Boulevard (Exhibit E.2).

The Fire Prevention Division responded with a recommended condition of approval stating that all requirements of Policy B-1 must be met at the time of each development stage (Exhibit E.3).

The Oregon Division of State Lands responded that any structures or infrastructure placed within the beds and banks of the Columbia Slough require authorization from the Division of State Lands (Exhibit E.4).

The Bureau of Environmental Services (BES) responded with comments related to the physical and environmental characteristics of the site (Exhibit E.5). BES had no specific objections to the proposal, and provided no recommendations for conditions of approval. BES comments are discussed in more detail in response to the approval criteria, below.

The BDS Site Development Section responded with comments related to stormwater treatment and disposal, projects and mitigation requirements, construction management plans, sanitary sewer for the RV park, erosion control, landscape plans, and permits required (Exhibit E.6). Site Development comments are discussed in more detail in response to the approval criteria, below.

The Tri-County Metropolitan Transportation District (Tri-Met) responded that the PIR site will be served by the MAX light rail starting in 2004, and that bus service may also be provided to the park and ride station in the future (Exhibit E.7).

Portland Transportation Development Review responded with comments and recommended conditions of approval (Exhibit E.8). Transportation comments are discussed in detail in response to the approval criteria, below.

The BDS Noise Control Section responded with concerns in regards to noise impacts on neighborhoods and wildlife (Exhibit E.9). Noise concerns are discussed in detail in response to the approval criteria, below.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on June 6, 2003. The following written response was received:

The *Arbor Lodge Neighborhood Association* responded with questions and concerns about the proposal. Specific comments included:

- Concern about the size and use of the proposed Museum Building and Community Meeting Rooms; potential for use of the site as a conference center;
- Concern about the amount of additional paving requested, specifically in the Broadacre Paddock/Driver Training area;
- Concern about function of the Multi-Tenant Shops and whether permanent businesses will be allowed there;
- Concern about the size of the proposed Racing Garage and whether the garage will be used only for special events, or throughout the year;
- Concern about the proposed oval racing track; how many seats will be built, how often it will be used, and whether it is really necessary;
- Request to use venue sign to advertise events at the Expo Center, and to provide information on whether parking is available at the light rail park and ride station;
- Concern about the size and level of use of the proposed RV park; request for North Portland Neighborhoods to receive a portion of the income from the park;
- Concern about proposed track modifications and whether they entail a change of use; and
- Concern about the daily attendance threshold proposed for the Traffic Management Plan.

ZONING CODE APPROVAL CRITERIA

In order to be approved, this proposal must comply with the relevant approval criteria of Title 33, Portland Zoning Code. Because this proposal involves multiple land use reviews, there are several sets of approval criteria that are applicable. The approval criteria are included below.

All of the code references in the analysis below refer to the 1999 Zoning Code, which was in effect at the time this land use review application was submitted.

Unless otherwise noted in a finding, all references to the proposed master plan relate to the “revised” master plan proposed by the applicant in Exhibit H.17.

Components of a PIR Master Plan (PCC 33.564.200.B)

The applicant must submit a PIR Master Plan with all of the following components:

- 1. Boundaries of the property. The boundaries of the property to be included in the PIR Master Plan.**

Comment: The proposed PIR Master Plan boundary matches the boundary of the PIR Plan District, as identified on Map 564-1 in the Zoning Code. This boundary is different than the site area shown on the official Zoning Map (Exhibit B), in that the zoning map shows a large portion of the adjacent Heron Lakes Golf Course property as part of the “site”. PIR and Heron Lakes are currently pursuing a Property Line Adjustment (PLA) to adjust the northern boundary between their two sites.

- 2. Overall scheme. An overall scheme, which includes both written and graphic elements, that describes and ties together existing, proposed, and possible development plans, each phase of development, estimated timelines, interim uses of property awaiting development, review procedures for each phase, and what standards, guidelines, and approval criteria will be used to evaluate each phase.**

Comment: The application includes both written and graphic descriptions of the overall master plan scheme. An *Illustrative Concept Plan* is included as Exhibit C.3 of this decision (Figure 9 in the application packet). The applicant's narrative fully describes the existing uses and development, and the proposed and possible projects. The proposed review procedures, standards, guidelines and approval criteria for future reviews are included in Sections 2.2.3, 2.4.1, 2.5.4, and 2.7 of the proposed master plan.

- 3. Site plan. A site plan, showing the location, size and dimensions of existing and proposed buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, and open areas. This information must cover the following:**
 - a. Existing development and improvements, including those that will be removed and those that will remain after development of any proposed new facilities;**
 - b. Proposed development and improvements;**
 - c. Conceptual plans for possible future development and improvements;**
 - d. Existing and proposed pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:**
 - (1) Major buildings, activity areas, and transit stops within the boundaries and adjacent streets and adjacent transit stops; and**
 - (2) Development adjacent to the plan district and the proposed development;**
 - e. Infrastructure improvements. Schematic drawings showing proposed infrastructure improvements, including facilities for water, sewer, stormwater management, and electrical facilities;**
 - f. Existing and proposed drainage patterns;**
 - g. Existing and proposed wetlands and water features;**
 - h. A grading and erosion control plan;**
 - i. Location of swales or created wetlands to treat runoff from the racetrack, parking lots, and other impervious surfaces;**
 - j. Location and description of wildlife habitat areas;**
 - k. Landscaping. A conceptual landscape plan, including proposed tree plantings, fencing, screening and other existing and proposed landscape features; and**
 - l. Any proposed temporary uses or locations of uses during construction periods.**

Comment: The original application did not include a site plan that shows all of the above information. However, much of the information is provided throughout the application materials. Existing uses and impacts are graphically shown on Figure 3 of

the application. Existing development is described in Section 2.8.1 (page 45) of the proposed master plan. Proposed development is graphically illustrated on Figure 7 and described in Section 2.8.2 of the proposed master plan. A conceptual plan for the proposed RV park is illustrated on Appendix I (Preliminary Project Designs) of Exhibit A.7. Figure 8 of the proposed master plan contains existing and proposed utility information. The drawings included in Figure 4 of the proposed master plan illustrate construction management and mitigation measures for each project located in an environmental zone. The Environmental Assessment contained in Appendix D of the application describes wetlands, wildlife and other environmental resources on the PIR site.

Proposed landscaping standards are included in Section 2.2.3 of the proposed master plan. A "Proposed Landscape Buffers" map was provided with Exhibit H.17. No information was provided about temporary uses or location of uses during construction periods.

4. **Environmental requirements. Environmental requirements must be met as part of the review of the PIR Master Plan. The PIR Master Plan must include information as to how the proposed and possible development will meet the requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1;**

Comment: The application includes graphic exhibits and a written narrative describing how the environmental requirements are met (Figure 4 and Section 2.4 of Exhibit A.7).

5. **Operations.**
 - a. **A description of the existing, proposed, and possible uses and activities in the plan district;**
 - b. **Expected hours of operation of each activity or use existing or proposed in the plan district;**
 - c. **Expected number of employees;**
 - d. **Information on how operations will limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May); and**
 - e. **Information on on-going activities in the plan district, including maintenance and repair of facilities.**

Comment: Exhibit H.17 (pages 6-9), the final in a series of submittals by the applicant, includes information about PIR operations.

6. **Development standards. Any proposed standards that will control development in the plan district, where those standards are in addition to or instead of development standards in other chapters of the Zoning Code. Standards that are less restrictive than those of the Zoning Code require adjustments.**

Comment: Proposed development standards are included in Section 2.2.3 of Exhibit H.17. The applicant has requested three adjustments to Zoning Code standards. The requested adjustments relate to fence standards in the Open Space zone, landscaping in vehicle areas, and paving of vehicle areas.

7. Design standards or guidelines that will be used to evaluate development in the plan district.

Comment: Proposed design standards and guidelines are included in Section 2.5 of the application. See Exhibit H.17 pages 17 – 25.

8. Subdistricts. A description and a map showing the boundaries of subdistricts within the plan district.

Comment: The proposed subdistricts of the PIR plan district are illustrated on Figure 5 and discussed in Section 2.3 of the application.

9. An integrated sign program that addresses both temporary and permanent signs, including the size, number, visibility from outside the plan district, visibility from natural areas within the plan district, and, for temporary signs and banners, the length of time they will be used and a method for tracking these time periods.

Comment: A proposed sign program is included in Section 2.6 of the master plan (See Exhibit H.17, pages 26 – 28). The sign program is modeled after Title 32, the City of Portland Sign Code, and includes all of the elements listed above.

Of particular concern to both the BDS staff and the applicant is a “venue sign” which is proposed to be located in the eastern portion of the PIR site. The applicant describes the “venue sign” as follows: “A venue sign will be the central sign feature for the entrance to the site. The sign will efficiently direct visitors to the PIR property, and will help avoid conflicts with adjacent properties and uses.” (Exhibit H.17, page 39)

The applicant requested a “venue sign” no greater than 50 feet in height, 300 square feet in area, and with 200 square feet of changing image area. BDS staff recommended that the “venue sign” be limited to a height of 20 feet and with an area of 100 square feet; which is consistent with the Portland Zoning Code CX zone standards.

Applicant framed its argument around the following two questions:

“Is the proposed sign program consistent with the purpose statement of the plan district?”

and,

“Are the proposed venue sign limits reasonable, given the particulars of the site?”

(Exhibit H.12, page 1)

The Hearings Officer finds this approach to be consistent with the PIR Plan District section of the zoning code and generally agrees with the applicant's statements contained in Exhibits H.3 and H.17.

The general location of the sign is within the intensively used Racetrack Core Subdistrict and is distant from any environmental resource areas. In addition, one of the recognized uses on this site is the auto racetrack which, on occasion draws large crowds. A venue sign clearly identifying the active, intense and vibrant uses of the racetrack, in close proximity to Interstate Highway 5 and N. Denver Avenue seems appropriate to the Hearings Officer.

The applicant described the specific challenges of topography (in and near the venue sign) and the distance from such sign to I-5 and N. Denver Ave. The applicant explained the relationship of the size of a sign and the speed vehicles travel on I-5 and North Denver Ave. (Exhibit H.12, pages 2 – 6 and attachments, see also Exhibit H.3)

The Hearings Officer found the applicant's evidence and arguments persuasive and finds that the location, size and configuration (inclusion of a maximum area of 200 square feet of changing image area; generally as portrayed in the graphic presentations by Tube Art, Option B found attached to Exhibit H.12) meets the requirements of this approval criteria and with a condition this criteria can be satisfied.

10. Transportation.

- a. Information on impacts. Information on the projected transportation impacts of the existing and proposed activities and improvements. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and an analysis of the impact of those trips on the surrounding neighborhoods;**
- b. A Traffic Management Plan, including mitigation measures. The Traffic Management Plan should be designed to meet the approval criteria in Section 33.564.220, Approval Criteria for a PIR Master Plan. Mitigation measures may include specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, shuttle buses, and other alternatives to single occupancy vehicles or improvements to the street system; and**
- c. Information on how the PIR Master Plan complies with the Transportation Element of the Portland Comprehensive Plan.**

Comment: The applicant's final application submittal, Exhibit A.7, includes a Transportation Impact Report (Appendix E). The narrative and response to the approval criteria also contain a detailed discussion of transportation issues, including use of a

Traffic Management Plan and compliance with the Transportation Element of the Comprehensive Plan.

PIR Master Plan Review (MS)

These approval criteria are applicable to the entire proposal. See below for approval criteria specifically related to the Conditional Use request, Environmental Review and Environmental Violations, and requested Adjustments.

33.564.220 Approval Criteria for a PIR Master Plan

The PIR Master Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Generally. The proposed PIR Master Plan will enhance the special qualities of the plan district, and is consistent with the purpose of the plan district.

Findings: This criteria is interpreted by the Hearings Officer as a “general” or “broad brush” criteria. This criteria is not, in the opinion of the Hearings Officer intended to override other listed, and more specific, approval criteria. In applying this approval criteria the Hearings Officer asked the following two questions: (1) Does the proposed PIR Master Plan “generally” enhance the qualities of the plan district, and (2) is the proposed PIR Master Plan generally consistent with the purpose section of 33.564? The BDS staff report identified a number of specific items and analyzed each very carefully. The Hearings Officer does not disagree with much of the analysis provided by BDS staff, but determined that the “detailed” analysis was appropriate under other approval criteria.

The first step required under this approval criteria is to list the “special qualities of the plan district.” The purpose section of the Portland International Raceway Plan District is set forth in 33.564.010. In part, this section of the code states:

“The activities currently occurring in the park, coupled with the characteristics of the land itself and the location, are unlike any other park in the region. The natural setting of this plan district is a broad open, natural area with unusual expansive vistas of the Columbia River flood plain.”

“Geographically, West Delta Park is a transition area between the natural areas of Smith and Bybee Lakes to the west and the freeway-oriented “special event” uses to the east: the East Delta Park sports complex, Portland Meadows, Portland Speedway, and the Expo Center. Within the park, the character of the land similarly changes as one moves from the west to the east: the Heron Lakes Golf Course has more wildlife and other environmental resources than the Portland International Raceway (PIR), while PIR is a more developed use and absorbs large crowds for special events.”

“Within the plan district are several distinct areas, or subdistricts:

- Environmental resource areas accommodate a rich array of wildlife, providing opportunities for food, shelter, and breeding. Because these areas include many sloughs and wetlands they are particularly valuable to the region. The primary purpose of these areas is to support wildlife, with only passive or unintrusive recreational uses.
- The natural, grassy, open areas provide food and some shelter for wildlife, and also help to accommodate the occasional larger recreational events. Primarily, however, these areas provide a special experience of an open, undeveloped, and natural setting for those who are within it, or those who are viewing it from the racetrack core area.
- The racetrack core area provides both recreational and entertainment opportunities for the region. This is the part of PIR that is used most regularly for recreation, and is the part where development and year-round activity can be the most intense. This area includes the paved and grass area in the southeastern corner, the infield area including the paddock and moto-cross track, the road connecting the north entrance to the paddock, and the racetrack itself. The racetrack is used for major racing events, and also for many functions of local motor sports clubs and service organizations. This area provides an opportunity for active, intense, and vibrant uses, while preserving and enhancing the natural setting and highlighting the experience of the transition between them. Part of the experience for those within this area is the sights, sounds, and excitement that are inherent to a racetrack; part of the experience is the contrast with the natural setting that serves as a backdrop to this area.”

In summary, the Hearings Officer finds that the special qualities of the plan district are:

- contrasting uses of land, including environmentally sensitive areas and areas of high intensity use; and
- environmental resources areas accommodating wildlife; and
- natural, grassy, open areas providing limited wildlife resources, but primarily providing open space and occasionally accommodating larger recreational events; and
- the racetrack core where use is occasionally intense (such as major racing).

The purpose of the plan, in the opinion of the Hearings Officer, generally overlaps the above discussion of the “special qualities.” The plan district is zoned for Open Space, a zone with a number of purposes. “The PIR plan district helps to implement those purposes by:

- Preserving and protecting public open and natural areas;
- Providing opportunities for outdoor recreation

- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas; and
- Preserving the capacity and water quality of the stormwater drainage system.”

The Hearings Officer concurs with the section of the application quoted in the staff report (Exhibit H.1, page 21) which says:

“The PIR Master Plan is consistent with the purpose of the plan district because it balances the need for environmental protection and enhancement with the primary use on the site, intensive race-related activities. The broad open areas of West Delta Park make the PIR site unique both as a natural resource and a raceway site are maintained by the master plan. Existing and proposed development “preserves and enhances” the special qualities of the district by improving and upgrading race related facilities while minimizing impacts on natural areas.

Environmental resources will be restored and enhanced as part of the master plan. Proposed projects that directly impact natural areas have been identified and mitigated for in great detail in the PIR Environmental Assessment. The master planned projects provide for certainty in mitigation and a system for defining and monitoring environmental impacts.

Increased planting and landscaping in the transition areas between protected resources and intense racing uses will prevent the new development from overwhelming the natural setting, while enhancing the race experience for spectators and participants. The screening provided by new and existing vegetation also restores and improves views from the 40 Mile Loop trail, helping to preserve the scenic qualities of the plan district.

Part of the development strategy within the master plan is to confine intense race-related uses to specific areas in the northeast, southeast, and central areas of the Racetrack Core Subdistrict. Concentrating active race-related uses and segregating them from the protected natural areas on the site has two main benefits. First, it allows for more efficient use of space and interaction between race participants and spectators in the developed areas. Second, it protects the natural areas from intrusion that might disturb sensitive or fragile plant or wildlife habitat.”

The Hearings Officer agrees with the BDS staff position in the staff report which says that “...staff agrees in general that the proposed master plan will enhance the special qualities of the plan district, and is consistent with the purpose of the plan district...” However, the Hearings Officer disagrees with the staff position that a “...more specific

discussion and some modifications are necessary for certain areas of the proposal” under the analysis of this approval criteria. (Exhibit H.1, page 22)

A review of the applicant’s proposed PIR Master Plan is found, by the Hearings Officer, to enhance the special qualities of the plan district and is consistent with the purpose of the plan district as set forth in 33.564.010.

BDS staff also expressed concern regarding the proposed sign program. In particular the BDS staff was concerned with the location of a “venue sign” along the eastern frontage of the site facing N. Denver Ave. and the Interstate Highway 5 right-of-way. BDS stated that the “venue sign” standards represented a “substantial departure from the Title 32 regulations for the OS zone, and are not consistent with the ‘balancing’ purpose of the plan.” (Exhibit H.1, page 21) BDS staff suggested that the sign standards in the CX zone were should be applied to the “venue sign.”

Applicant provided evidence and argument against the BDS staff position regarding the “venue sign.” (Exhibits H.3, H.12, and H.17) The Hearings Officer generally agrees with the applicant’s position. The Hearings Officer found no reference in the Portland International Raceway Plan District to support the application of the CX zone sign standards. And, the Hearings Officer finds that there is no logical “nexus” between the CX zone sign standards and the Portland International Raceway Plan District. Rather, the Hearings Officer did find substantial evidence in the record to support the applicant’s request for a “venue sign” which is no greater than 50 feet in height, 300 square feet in area, and with 200 square feet of changing area. (See Exhibit H.12, attachment Option B – depictions of location and sign)

The proposed “venue sign” does address and satisfy the purpose statement of 33.564.010 and the requirements of 33.564.200.B.9. The “venue sign” is proposed to be located at the intersection of North Broadacre Street and North Expo Road, in PIR’s northeast corner. This location is within the intensively used Racetrack Core Subdistrict and is distant from any environmental resources. Locating the “venue sign” at this location is consistent with the Plan District’s purpose statement in that it will be in an area of “active, intense, and vibrant uses” and add to the “sights, sound, and excitement that [is] inherent to a racetrack.”

A listing and description of the development projects can be found on pages 31 to 42 of Exhibit H.17 and the list is incorporated into this finding.

This approval criteria is satisfied.

Hearings Officer Note: An issue was raised by BDS staff, in its discussion of this approval criteria, which has broad implications to this Master Plan application and any future updates or revisions. The Hearings Officer believes that it would be helpful to the

applicant and BDS staff if the Hearings Officer would take a definitive position on this issue, and if this decision is appealed, then City Council can make a make a definitive statement as to its' intent in this matter. The Hearings Officer does not have, in the record of this case, a transcript of the deliberations related to the adoption of the "Portland International Raceway Plan District" (33.564; ord. no. 172978, effective 1/22/99) and therefore the Hearings Officer is forced to rely on a "plain reading" interpretation of this section of the ordinance.

BDS staff states that (Exhibit H.1, pages17 and 18):

"The [applicant's] narrative continues with the statement that existing development at PIR is not required to comply with Title 33 development standards, based on plan district purpose statement phrase 'This plan recognizes existing uses and their impacts.' There is not evidence in the legislative record to support this assertion. Had City Council intended the word "recognized" as a retroactive approval of all of the existing uses and development at the site, a land use review of this size and scope would not have been required."

The BDS staff position, as viewed by the Hearings Officer, does not reflect the "plain meaning" of the words used in 33.564. 33.564.010 states that "This plan district *recognizes existing uses and their impacts*, and works to minimize the impacts of future development." (*emphasis added*) The Hearings Officer interprets this language as the City Council's clear recognition and acceptance of the uses which existed on the date that ordinance 172978 was adopted. The purpose section continues with a list "subdistricts" and a description of many of the uses occurring within those districts.

33.564.030 specifically refers to other sections of the Code which existing and proposed uses must comply. Under 33.564.030 all development must meet the requirements of 33.430 (Environmental Overlay Zones) and the Natural Resources Management Plan for the Peninsula Drainage District No. 1. Had City Council intended other provisions of the Code to apply to this plan district they could have included such provisions within the list contained in 33.564.030.

33.564.100 specifically recognizes a racetrack for motor vehicles as an additional allowed use. 33.564.110 requires "All development within the PIR plan district" to be master planned (four exceptions are listed in this section). Therefore, all uses, whether existing or proposed, must be included as part of "the plan." This language is consistent with the way the Hearings Officer viewed 33.564: The plan must take into consideration existing development and look at cumulative impacts of the existing and any proposed development projects but, the authority of the staff, hearings officer and council, under the adopted provisions of 33.564 is limited to approving, denying or conditioning newly proposed development. A decision maker, under the Portland International Raceway

District Plan is not given the authority to mandate “updates” or “conditions” directly on previously approved uses.

The Hearings Officer interprets 33.564 as approving the uses, development and improvements existing on the site on the date ordinance 172928 became effective. The Hearings Officer finds that he has no authority to mandate “non-conforming upgrades” for existing and previously approved uses. This finding of the Hearings Officer does not prohibit the imposition of conditions relating to new development and the cumulative impacts of the existing and newly proposed development. Unless the Hearings Officer finds a nexus that is directly proportional to the impacts created by the newly proposed development such condition or conditions cannot be imposed.

The Hearings Officer acknowledges that the above analysis cannot be applied generally to the Portland Zoning Code. This analysis shall not be cited as precedent for any other section of the Portland Zoning Code other than 33.564.

B. Environmental Requirements. The proposed PIR Master Plan, and development proposed within it, must meet the following requirements:

- 1. The timing, frequency, and location of large spectator events in the plan district must be controlled to limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May). Aspects to be controlled include: size, timing (time of day, time between events, numbers of events per day), and location (directing spectators and activity away from certain areas);**

Findings: The applicant has addressed this approval criterion on page 62 of Exhibit A.7, as follows:

The largest spectator events at PIR take place during the summer. The events are organized races or shows that occur in the daytime and draw substantial crowds. However, these events are limited to no more than four per year because of a noise agreement with the City of Portland (see Appendix G). Major events that draw substantial crowds and have the biggest potential to impact wildlife do not occur during the breeding season for most wildlife species. PIR does not, and will not schedule major racing events before June 1. Events that occur during the winter and spring months are less frequent, and have many fewer participants and spectators. A schedule of events for 2001 is included as part of this document (Appendix C).

The Master Plan establishes defined districts for resource protection and for the racetrack core. Racetrack activities are restricted to areas identified for that use and are not conducted on environmentally sensitive areas. Spectators are not allowed to encroach on the resource protection zones. This practice prevents direct disturbance of wildlife habitat. The most intensive spectator uses of the

plan district during large events occur on the southeast part of the site, well within the racetrack core district and away from wildlife habitat areas.

Events identified in Appendix C of the applicant's submittal that occur mid-February to the end of May include driver training and races. Beginning in early April there are events planned Tuesday through Thursday weekly, in addition to the regularly scheduled events.

The applicant has provided an Environmental Assessment Analysis (Exhibit A.7) which addresses minimizing impacts of racetrack activities on wildlife. Page 7 of this assessment states the following:

Many of the species listed are commonly found in urban areas and are adapted to typical levels of noise and human activity. However, there are several species of birds that may be adversely affected by larger racetrack activities. This is especially true of major racing events attended by large numbers of spectators that can last for several days. These events may affect the ability of many species of birds to successfully breed and to properly incubate their eggs.

The breeding period for many birds is typically over by the end of May. For example, great blue herons, who have nested within the vicinity of the track in the past, court between mid-February and mid-March and lay eggs between mid-March and mid-April. Their eggs generally hatch after 28 days. The breeding season for green heron generally begins in mid-April, with the incubation period lasting approximately 21 days. Marsh wrens usually start to breed by late-April. Their incubation period lasts approximately two weeks.

To minimize the likelihood of racing events impacting the ability of birds to court, lay and incubate their eggs, PIR will not stage major racing events before June 1.

Other ways to minimize the impact of racing activities on the wildlife will be to direct lights away from the environmentally sensitive areas of the racetrack; decreasing the presence of pedestrians within the vicinity of the slough by increasing the width of the vegetated buffers; and removing storage areas from buffers.

Applicant stated that impacts will be minimized by the above stated activities but did not indicate how these items will be provided. Limitations on lighting is addressed below in approval criterion B.2. The Proposed Subdistricts map (Exhibit C.1) does address potential impacts to environmentally sensitive areas by placing Environmental zone areas in the Resource Protection subdistrict or in the Resource Conservation overlay so that future development in these areas will be required to meet environmental standards or go through Environmental Review. In addition with the RP Subdistrict designation, these areas will be protected to allow for future

resource enhancement as anticipated by the NRMP. However, a number of areas that are used during large spectator events are located within the Environmental Conservation zone. The applicant did not provide protection of these areas during large spectator events.

The applicant did not, in its original application, identify where greater buffers along the sloughs will be provided to deal with large spectator events and has not specifically proposed greater buffers unless required as mitigation through an Environmental Review or through development standards tied to new structures. In addition, the proposed mitigation areas are not adjacent to the main areas of activity (RV Park, Central Racetrack Core, and Northeast Racetrack Core) so the plantings would not buffer these areas of high activity from environmentally sensitive areas.

In order to limit wildlife disturbance year-round, BDS staff recommended that additional buffer plantings be provided at the time of construction of projects adjacent to environmentally sensitive areas that may not trigger the development standard for landscaping to buffer structures. BDS and management met with the applicant's representatives to negotiate the extent and width of the buffers required to meet this criterion. Specifically, there are three locations that with additional native plantings would substantially increase the buffer along areas used for major race events, as well as year round activities, and would direct spectators away from environmental areas. These areas include the following:

1. RV Park –The entire area north of the access road along the north side of the RV Park was originally recommended by staff to be planted as a buffer since this area is entirely within the environmental zone and a portion of this area is also shown on Exhibit 12 Parks Maintenance Plan as Forest Understory Enhancement. The planting of this area would create a dense vegetated buffer between the midwestern slough and the RV park, which could limit wildlife disturbance from the RV park.

The Hearings Officer finds that the year-round use of the RV park will introduce increased levels of human presence and noise to the slough along both the west and north side of the RV Park, which has the potential to disrupt wildlife. Therefore, the Hearings Officer finds a suggested condition, generally agreed to between the applicant and the BDS staff, as set forth in Condition K, would create an effective buffer for the protection of wildlife (See also Exhibit H.17, attachment labeled Propose Landscape Buffers).

2. Central Race Track Core Upland Forest Areas – There are two small extensions of the environmental zone that extend into the central racetrack core area (Exhibit C.1). Currently, this area is used as unpaved racetrack staging area and the applicant wishes to continue this use.

Originally, staff recommended that this environmentally zoned area be planted with additional trees and understory vegetation. The additional tree and understory plantings would provide a beneficial buffer between activities in the core and the Middle Slough and direct spectators away from this environmentally sensitive area.

However, the applicant expressed objections to planting this environmentally zoned area because it has been used over time for staging during large events. BDS staff agreed to allow continued use of most of the area for racetrack staging. BDS staff revised the recommendation that a 20 foot buffer in the environmental zone as shown on Exhibit C.1 to direct spectators away from these wildlife areas and provide a vegetated buffer. The applicant requested a 20-foot wide buffer measured from the top of the bank. (Exhibit H.13). BDS staff concurred with this approach in its memo to the Hearings Officer dated August 1, 2003 (Exhibit H.2) and revised its recommendation again in a August 18, 2003 memo to the Hearings Officer (Exhibit H.11). The Hearings Officer is persuaded by the applicant's discussion in its final argument (Exhibit H.17) and finds that using the top of the bank (as opposed to the boundary of the Resource Protection Zone) provides greater certainty and meets the goal of this criterion to "direct spectators and activity away from" the slough during large events.

3. North Broadacre – As described in the Adjustment Section below, the applicant proposes an *unpaved* multi-use area north of North Broadacre Street. This is a use which was made of this area prior to the adoption of the Portland International Raceway Plan District. A portion of this area is in the Environmental zone.

The BDS staff and the applicant disagreed as to how to approach this area. Applicant asserts that the "natural grade separation, the fence, and the operations of the site sufficiently directs spectators and activity away from the resource area and therefore satisfies the objective of the criterion. (Exhibit H.17, page 7) BDS staff asserts that a 20-foot buffer along the edge of the protected resource would "limit the wildlife disturbance during large events and activities that occur at this location." (Exhibit H.1, page 29)

BDS staff expressed goal is to "direct spectators away from this environmentally sensitive area." (Exhibit H.1, page 28). 33.564.010 lists a number of purposes in support of the BDS staff position: "Preserving and protecting public open and natural areas" and "Protecting sensitive or fragile environmental areas." Applicant responds that "there is currently a fence along the property line and a significant grade separation down to the wetland area." (Exhibit H.17, page 7) Further, the applicant states that 33.564.010 identifies the "natural setting of this plan district is a broad open, natural area with expansive vistas of the Columbia River flood

plain” and sets out at least one purpose which supports applicant’s position: “Preserving scenic qualities.” If the BDS staff position is adopted the applicant asserts that there will be a negative impact upon the scenic qualities “expansive vistas of the Columbia River flood plain.” The Hearings Officer finds the applicant’s argument persuasive.

In addition, there is no new use being proposed in the “grassy area north of Broadacre Street.” As stated above, the Hearings Officer must find a nexus between a *proposed use or development*” and a recommended condition. In this case, there is no new proposed use or development. Therefore, no condition can be imposed upon the applicant for the continuation of its historical use of this portion of the site.

2. Lighting must be designed so as to have no adverse impact on environmental zones; and

Findings: The applicant states that lighting is a safety facility that is a permitted use within the Racetrack Core Subdistrict. New lighting must be constructed consistent with the development standards and avoid any additional adverse impacts to the RP Subdistrict. As described above under proposed projects, the existing light poles on the main straightaway will be replaced with shielded, energy efficient lighting that directs more light at the racetrack surface and diffuses less light to other locations.

In order to ensure that lighting will not have any adverse impacts on areas with environmental zoning, as a condition of approval, the applicant will be required to direct lights so that they do not shine directly into resource areas. Any light poles which are located within the environmental zone must meet the development standard for lighting as required by Chapter 33.430. This development standard requires that exterior lights must be spaced at least 25 feet apart and placed so that they do not shine directly into resource areas. Therefore, with conditions of approval for lighting, this criterion can be met.

3. The requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1 must be met.

Findings: The requirements of Chapter 33.430 and the NRMP are addressed below under the Environmental Review and Environmental Violation Section. With conditions of approval as described below for these reviews, the requirements of Chapter 33.430 and the NRMP can be met, and therefore, this criterion can be met.

C. Transportation.

1. The PIR Master Plan must comply with the Transportation Element of the Portland Comprehensive Plan;

Findings:

The Hearings Officer reviewed the BDS staff report (Exhibit H.1, pages 30 to 47), comments made by the applicant at the hearing and in writing (Exhibit H.17, pages 9 and 10), written testimony from the East Columbia Neighborhood Association (Exhibit H.10), and public testimony offered at the hearing. The Hearings Officer finds that the facts and analysis provided in the BDS staff report is persuasive and adopts by this reference the staff report findings (Exhibit H.1, pages 30-38). Only the conclusion from the BDS staff report is quoted below.

Conclusions

Planned improvements to the surrounding transportation system will greatly improve transit access to the site and will mitigate operational problems at the Interstate 5/Victory Boulevard intersection. With appropriate traffic management measures, PIR events have minimized impacts on surrounding transportation system. No adverse transportation impacts are anticipated as a result of the development plan. Conversely, several projects would improve circulation and connectivity for pedestrians and bicycles, as well as vehicles within PIR. The proposed PIR Master Plan can be implemented while maintaining a safe and efficient transportation system.

2. The transportation system must be capable of safely supporting the proposed development as well as existing uses in the area. Evaluation factors include:

a. Access to arterials from the site, and from surrounding neighborhoods;

Findings: The site has access from N Denver Avenue, which is an arterial. North Denver connects the site to the residential areas to the south.

b. Transit availability;

Findings: The newly constructed light rail line runs adjacent to the east edge of the PIR site, and has a park and ride station near the main entrance to PIR. Tri-Met bus route #5 runs along N Denver Avenue, adjacent to the site.

c. On-street parking impacts in the surrounding neighborhoods;

Findings: The findings in response to Criterion C.1 (by incorporation of the BDS staff report findings for this section).

d. Other neighborhood impacts;

Findings: The closest residential neighborhood is located south of the site, beyond N Columbia Boulevard. There are no anticipated traffic impacts on the neighborhood.

e. Pedestrian and bicycle safety; and

Findings: A condition of approval will require sidewalk improvements along N Denver Avenue.

f. Street capacity and level of service. The traffic analysis and Traffic Management Plan must meet the following:

- (1) **ODOT level of service standards will be maintained during peak hours in the transportation system including the I-5/Victory Boulevard interchange to the Hayden Meadows Drive. If typical weekday commuter peak hour conditions will operate below the ODOT standards, mitigation must be implemented to restore acceptable operations;**

Findings: A detailed discussion of the traffic analysis and traffic management plan are included in the BDS staff report findings which are incorporated into the findings for Criterion C.1, above.

- (2) **Traffic management plans will be used during any event with daily attendance in excess of 20,000 visitors. The plan will:**
 - **Require scheduling the event to coincide with the off-peak of the commuter system; and**
 - **Maintain traffic operations within capacity (volume-to-capacity less than 1.0) during the event. The volume-to-capacity of the I-5/Victory Boulevard interchange to the Hayden Meadows Drive transportation network shall not exceed 1.0 for more than one consecutive hour during event peaks; and**

Findings: A detailed discussion of the traffic analysis and traffic management plan are included in the BDS staff report findings which are incorporated in Criterion C.1, above.

- (3) **A program for regular monitoring of events with more than 20,000 daily visitors must be instituted. The monitoring program must be conducted to identify level of service and volume-to-capacity on the transportation system including the I-5 freeway mainline, and impacts in the surrounding neighborhood.**

Findings: A detailed discussion of the traffic analysis and traffic management plan are included in the BDS staff report findings which are incorporated in Criterion C.1, above.

Portland Transportation reviewed the proposal and recommends that the lower threshold for the Transportation Management Plan be changed from events with fewer than 6,000 attendees to events with fewer than 4,000 attendees. The second tier should be changed to events with 4,000 to 15,000 attendees. With conditions of approval as noted, this criterion is met.

D. Design. Design guidelines and standards in the PIR Master Plan must ensure that:

- 1. All development in the plan district will enhance the special character of the plan district, and the special character of each subdistrict of the plan district, as described in Section 33.564.010, Purpose, and in the PIR Master Plan itself;**

Findings: This criterion works in conjunction with Criterion D.6 (below), which requires that *“The design of areas and structures used for the racetrack use, including accessory uses, will not overwhelm the overall, natural setting of the plan district.”*

The special character of the plan district is enhanced by defining three subdistricts, and two overlays, in a manner consistent with the purpose of the PIR Plan District. The special character of PIR is a function of the juxtaposition of a major event entertainment (racing) facility and sensitive natural resource areas. The proposed RP subdistrict, combined with the proposed RC overlay, ensure that significant scenic, water and habitat resources on the site are protected. The proposed RTC subdistrict concentrates intensive racetrack related development in areas prescribed in the purpose section of the PIR Plan District. The proposed Visitor Center overlay ensures that buildings which are routinely open to the public are located near the light right park-and-ride, at the gateway to PIR. The TOS subdistrict allows uses that typically are allowed in the Portland’s Open Space Zone, and provides grassy open areas that accommodate accessory major event uses, such as parking, spectator viewing areas, concessions and camping. The remainder of the year, TOS designated land appears much like a public park.

How met through proposed development standards: In addition to use limitations, the development standards help to ensure that the “special character” of each subdistrict is maintained, as prescribed in the purpose section of the PIR Plan District. As noted above, the RP subdistrict permits only beneficial or low impact uses, such as habitat and wetlands restoration and enhancement, trails and (through

Type II EN review) drainage facility improvements. To ensure that the TOS subdistrict maintains its open space character, impervious surfaces in the TOS subdistrict are strictly limited. The RTC subdistrict, appropriately, has the least restrictive development standards, because this area is intended for intensive racetrack related uses and development.

How met through proposed design guidelines: To ensure that the unique racetrack character of PIR is maintained and enhanced, PIR Design Guideline 1 requires that PIR develop a distinct architectural style that celebrates this international racing facility at important public areas. It also encourages a PIR aesthetic so that the venue begins to establish a cohesive appearance, unlike the existing random assortment of buildings and structures. The Visitor's Center is expected to be a development with high quality building standards, a strong focus on the pedestrian realm, and a direct, clear connection to public transit facilities. Responding to the natural surroundings, this guideline also encourages efficient development patterns in those areas allowed to be developed, Green Building practices, transitions between the natural and built environments, and landscaping to be an integral component of projects. Finally, PIR Design Guideline 1 acknowledges the history of the site and asks that, where possible and appropriate, projects celebrate the Historic Vanport Community. This design guideline applies to designated high profile proposals, proposals that will be visible from afar, and those that cannot or choose not to meet applicable objective design standards.

How met through proposed design standards: Section 2.5.4, Design Standards, applies to buildings over 5,000 square feet that are not of the high profile, public nature of those subject to design guidelines. PIR Design Standard 8, which requires all plantings to be from the Portland Plant List, respects the natural setting of this larger plan district area. PIR Design Standard 11 addresses the potential negative effects of building lighting on the natural environment and requires that building lighting be shielded from these special areas. It is noted here that light poles are exempt from the design standards and guidelines because they are addressed under approval criterion 33.564.220 B.2. PIR Design Standards 1-4 are intended to ensure that these PIR buildings do not overwhelm the natural surroundings when considering color, material, and wall and roof variation. These four design elements (color, material, and wall and roof variation) are basic and fundamental when considering effects the built environment has on the natural environment – carefully chosen colors and materials will help buildings fade into the backdrop of the natural setting and varied roof and wall planes break down overwhelming building masses, allowing buildings to appear smaller and less visually obtrusive. To ensure these notions are incorporated into the approved Design Standards, however, BDS staff suggested two revisions to submitted Section 2.5 [Exhibit A. 10].

One *[suggested revisions to Design Standard 1]*: In the spirit of keeping all design standards “clear and objective”, Design Standard 1 should state, “All buildings and building components will be of colors submitted in compliance with Condition of Approval A.11. This condition of approval will require that the applicant submit a neutral color palette [which includes paint manufacturers, paint numbers and paint chips] for buildings and building components prior to final Master Plan approval. A specific color palette that calls out paint manufacturers and paint numbers is truly clear and objective. To demonstrate compliance with this suggested revised Design Standard 1 the applicant would simply have to specify a PIR Master Plan approved paint manufacturer and paint number on the building permit plan set. This is an improvement over what is currently submitted by the applicant as Design Standard 1, [All building facades must have a neutral color scheme, (e.g, dark green, brown, terra cotta, sepia, ochre, oatmeal).], because the applicant’s submitted standard leaves “neutral” open to interpretation.

Two *[suggested revisions to Design Standard 4]*: As it is currently written, Design Standard 4 may ensure a varied façade, but it does not ensure avoidance of a flat, one-dimensional, unarticulated wall plane. Staff feels an articulated façade that has a variety of projections and/or insets, depending upon the size of the wall, visually breaks down building mass to provide a sense that the building is smaller and/or less imposing and less overwhelming to the natural environment. As such, staff suggests that Design Standard 4 be revised as follows [the language below follows the language of an existing Title 33 Community Design Standard in Chapter 33.218]:

4. Wall Area. The façade of the building that includes the main entrance must be divided into distinct planes of 750 square feet or less. Areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof overhang, are also individual building wall planes. This division can be done by:

1. Incorporating canopies, arcades, or other design features that project at least 3 feet from the front façade for a width of at least 4 feet, to break up large wall surfaces on their street facing elevations; or
2. Setting part of the facade back at least three feet from the rest of the facade.

With adoption of the suggested revisions to Design Standards 1 and 4, stated above, criteria 1 and 6 are met.

- 2. An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the orientation of main**

entrances, the design of the ground floor—or pedestrian level—of all structures, and provision of amenities such as seating and viewing opportunities;

Findings: The pedestrian system will provide access to all facilities at PIR. The PIR Proposed Pedestrian and Vehicle Circulation Plan shows where the main existing and planned pedestrian facilities will be located and improved. The 40-Mile Loop Trail is improved and runs in an east-west direction along the top of the southern dike, outside the PIR security fence. Separate pedestrian walkways are proposed:

- Connecting the Park-and-Ride to the PIR Visitor Center;
- Through the PIR Visitor Center;
- On both sides of the west and central PIR access roads;
- Along the southern, northern and western boundaries of the North Slough Resource Protection area;
- Connecting the Central and Southeast RTC areas;
- Along the east and south boundaries of the proposed RV park; and
- Along Broadacre Road

PIR includes a number of shared pedestrian/vehicle areas and accessways, where the speed of vehicles is restricted to 15 mph. These shared facilities are analogous to those typically found at a campground or fairground, where slow vehicle speeds allow pedestrians and vehicles to co-exist.

With adoption of the suggested revisions to Design Standard 4 as set forth above in D.1 criterion 2 is met.

- 3. There will be smooth and attractive transitions between the plan district and adjacent areas, and between subdistricts of the plan district. Gateways to the plan district and to subdistricts will be well designed when considering location, appearance, landscaping, and compatibility with the adjacent area;**

Findings: *How met through proposed development standards:* A smooth and attractive transition between the PIR Plan District and adjacent areas and among PIR subdistricts is addressed in many Master Plan components [other than Design Standards and Guidelines], including the application of the RP subdistrict or the RC overlay, required buffers and setbacks, and maximum building coverage and impervious surface area standards.

How “Transitions” met through proposed design guidelines and design standards: Some PIR Design Standards and Guidelines build on this important notion of “transitions”. PIR Design Guidelines 3A1-4 address transitions in two ways. One,

they require efficient development locations within the RTC subdistrict, away from designated natural areas. And, two, they address PIR's most prominent and public face, the eastern edge along N Denver Avenue [a designated City Walkway]. Existing conditions along this street [i.e. solid plywood fence] are less than desirable in terms of pedestrian scale, interest, quality, and community responsibility. These proposed guidelines are in place to ensure that future development will be thoughtful and promote permanence and quality, necessary goals for the public face of any international entertainment facility. PIR Design Standard 8 directs projects to continue a Northwest identity by requiring all plantings to be from the Portland Plant List. PIR Design Standards 1-4 establish a building design vocabulary to create background buildings that blend into and not overwhelm the surrounding natural setting when considering color, material, and wall and roof variation. These four design elements (color, material, and wall and roof variation) are basic and fundamental when considering effects the built environment has on the natural environment – carefully chosen colors and materials will help buildings fade into the backdrop of the natural setting and varied roof and wall planes break down overwhelming building masses, allowing buildings to appear smaller and less visually obtrusive. To ensure these notions are incorporated into the approved Design Standards, however, staff suggests two revisions to submitted Section 2.5 [Exhibit A. 10] which are discussed in the findings for D.1 above.

How “Gateways” met through proposed design guidelines: Because the Visitor's Complex is the agreed upon PIR Gateway and all development in this designated area is only subject to design guidelines, the issue of “Gateways” is only addressed through proposed PIR Design Guidelines. PIR Design Guideline 3B1 establishes the appropriate identity for the planned Visitor's Complex. Buildings in this area are anticipated to be bold and architecturally distinctive, and pedestrian-oriented. Connections to and between transit facilities and public plaza areas will be part of this area's development as a result of this guideline. And finally, prevalent throughout all Visitor Complex development will be a respect for nature.

With adoption of the suggested revisions to Design Standard 4 as set forth above in D.1 criterion 3 is met.

4. The visual impact of structures visible from natural areas will be minimized;

Findings: *How met through proposed development standards:* This criterion is met through many of the same “non-design related” provisions described under Design Review Criterion 3, above. The TOS subdistrict and the RC overlay district limit development and provide open space buffers between the RP subdistrict and the more intensively used RTC subdistrict. TOS and RTC development standards minimize building coverage and impervious surface area.

How met through proposed design guidelines: PIR Design Guideline 4 responds to this criterion in several ways. It requires proposals to minimize physical and visual impacts of mechanical equipment, lighting, signs and reflective building materials. It also requires visual relief from large expanses of undifferentiated pavement, wall area and roofs. Requiring that all structures [except light poles] over 50' in height go through design review subjects large and visually prominent structures to, at a minimum, this PIR Design Guideline.

How met through proposed design standards: PIR Design Standard 8 directs projects to continue a Northwest identity by requiring all plantings to be from the Portland Plant List. PIR Design Standards 1-4 establish a building design vocabulary that will create background buildings that blend into and not overwhelm the surrounding natural setting when considering color, material, and wall and roof variation. These four design elements (color, material, and wall and roof variation) are basic and fundamental when considering effects the built environment has on the natural environment – carefully chosen colors and materials will help buildings fade into the backdrop of the natural setting and varied roof and wall planes break down overwhelming building masses, allowing buildings to appear smaller and less visually obtrusive. To ensure these notions are incorporated into the approved Design Standards, however, staff suggests two revisions to submitted Section 2.5 [Exhibit A. 10] which are discussed in the findings for D.1 above.

With adoption of the suggested revisions to Design Standard 4 as set forth above in D.1 criterion 4 is met.

5. The negative effects of human visitation to natural areas will be minimized;

Findings: The PIR Master Plan concentrates intensive development, which translates to regular human visitation, within the RTC subdistrict. The requirement of a Master Plan has a goal of reducing impacts on natural areas from human visitation.

The PIR Pedestrian and Vehicle Circulation Plan shows pedestrian walkways and shared pedestrian-vehicle connections at the perimeter of the Southern Slough, Forebay Slough, Midwestern Slough, and Inside Slough and Southern Slough. Proposed walkway improvements will direct pedestrian activity near, but not within, protected natural areas.

How met through proposed development standards: RTC and TOS development standards require native landscape buffers in order to separate protected natural areas in the RP subdistrict from more actively used areas. PIR considered the possibility of constructing fencing at the edge of protected natural areas. However,

because such fencing would also restrict wildlife movement, fencing is not recommended.

How met through proposed design guidelines: Design Review Guideline 5 recognizes the inherent conflict between encouraging public trails and visual access to protected natural areas on the one hand, and limiting the impacts from “human visitation” on the other. It requires that development help direct the flow of PIR visitors to appropriate locations and limit their access into natural areas through the use of signage, landscaping and appropriately scaled built elements. It also invites the education of the surrounding natural resources through the use of plaques, informative signage, etc. for people to understand the sensitivity of these special areas.

How met through proposed design standards: PIR Design Standard 9 requires outdoor seating and viewing areas, as well as windows facing natural areas. These amenities will provide opportunities to view natural areas from indoor and outdoor viewing areas, which should reduce human visitation impacts by providing designated viewing areas. Additionally, PIR Design Standard 10 requires a clear, direct pedestrian path to designated trails for certain projects to ensure pedestrians are directed to allowed areas.

For these reasons, this criterion is met.

- 6. The design of areas and structures used for the racetrack use, including accessory uses, will not overwhelm the overall, natural setting of the plan district; and**

Findings: See response to Criterion D.1, above.

- 7. The design, landscaping, and location of surface and structured parking will minimize negative effects on the natural setting and the pedestrian environment.**

Findings: It should be noted that paved parking areas serve several other uses (*e.g.*, race event staging, concessions, bicycle racing, public gatherings, police training, and the like). These areas are concentrated in RTC subdistrict to reduce negative effects on the natural setting. The TOS subdistrict does not permit paved parking, except in the RV Park. As noted above, the maximum impervious surface area allowed throughout the TOS subdistrict is limited, which is an effective way to minimize impacts from paved parking areas.

The PIR Pedestrian and Vehicle Circulation Plan shows how the existing and planned pedestrian system provides a combination of separate pedestrian walkways

and shared pedestrian-vehicle connections. Defined pedestrian walkways will be required whenever new multi-use paved areas are constructed, thus minimizing negative effects on the pedestrian environment.

PIR is also committed to addressing the requirements of the Portland Stormwater Management Manual in the construction of new impervious surface areas (including multi-use paved areas).

How met through proposed development standards: PIR's subdistrict development standards also limit the negative of effects of parking (multi-use paved) areas by requiring landscaped setbacks from the RP subdistrict, restricting new paving in the RC overlay and requiring landscaping between buildings and paved areas.

How met through proposed design guidelines: PIR Design Guideline 6 further limits the visual and physical impacts of paved areas, by requiring that landscaping be an integral design component, safe pedestrian paths be provided, and development [including paved area] be grouped together away from natural areas. If parking garages are proposed, this design guideline ensures landscaping will be an integral component for screening and softening and it requires screening of visually obtrusive parking garage elements such as lighting and sloping floors.

How met through proposed design standards: PIR Design Standards recognize the level of regulation related to paved areas, with regard to amount and location of paved areas, in other components of the PIR Master Plan. As such, Design Standards relating to paved areas are limited; only Design Standard 8, which required all plantings to be from the Portland Plan List, is applicable to this criterion.

For these reasons, this criterion is met.

The above findings in response to criteria D.1.-7. are based on the Revised Section 2.5, Design Standards and Guidelines submitted by the applicant (Exhibit H.17, pages 17-26).

E. Public Services. Public services for water, police and fire protection and sanitary sewer are capable of serving the proposed improvements or will be made capable by the time the development is completed.

Findings: The proposal was reviewed by the Bureau of Water Works, the Police Bureau, the Fire Prevention Division, and the Bureau of Environmental Services. The agencies responded with the following comments:

The Bureau of Water Works responded that the site has existing water service, and that additional water is available from an existing 6” diameter water main in N Victory Boulevard (Exhibit E.2).

The Police Bureau responded verbally (phone call from Joe Midgett, Central Precinct, on June 11, 2003) that services appear to be adequate. Additional information may be received from the precinct prior to the public hearing.

The Fire Prevention Division responded with a recommended condition of approval stating that all requirements of Policy B-1 must be met at the time of each development stage (Exhibit E.3).

The Bureau of Environmental Services (BES) responded as follows (Exhibit E.5): *The submitted “Proposed Utilities” plan for PIR does not identify how this area complies with the conditions of the Stormwater Management Manual . . . a revised plan will need to be submitted which identifies a proposed method and location of an acceptable stormwater management facility. BES will conduct a thorough review of the calculations and sizing at the time of building permit review. In addition, BES states that “the proposed mitigation for environmental impacts is limited to mitigation for future development . . . The applicant should propose additional mitigation for the extensive impact to environmental resources on the site occurring previous to this application.”*

With conditions of approval requiring an updated “Proposed Utilities” plan to be submitted with the final approved version of the master plan, and requiring development to comply with the Stormwater Management Manual at the time of building permit, this criterion is met.

- F. Stormwater Management. Stormwater must be managed on site and have no negative impact on nearby sloughs, wetlands, or groundwater. Primary treatment for water quantity and quality including temperature must occur prior to stormwater entering existing wetlands or sloughs. The PIR Master Plan must include provisions to manage stormwater quality and quantity for each improvement made to the site.**

Findings: The existing stormwater system consists mainly of two collection systems, one south of the main straightaway and one north of the pit area. The area on the south side of the track collects stormwater runoff and leads to an outfall in the Southern Slough. The collection system north of the pit area leads runoff into the Inside Slough. The applicant’s Drainage Analysis, Exhibit A.8 states that runoff from the track surface itself is effectively treated by sheet flow to the adjacent grass areas, so a collection and treatment system for the track surface is not needed.

Stormwater management on site otherwise consists of culverts collecting and directing open channel systems to the sloughs. The storm system within the track area is controlled by the Multnomah County Drainage District owned pump station at the southwest end of Forebay Slough. The pump collects water from the sloughs around the track and pumps it to the Columbia Slough.

The master plan includes provisions for on site collection of runoff and primary treatment of the collected surface water, before it is released to the surrounding sloughs and wetlands. Stormwater management facilities are tied to improvements and development projects, particularly within the racetrack core subdistrict. PIR will construct and upgrade systems for stormwater management as specific projects are undertaken. In all cases, development projects at PIR will follow the Bureau of Environmental Services' Stormwater Management Manual.

Because PIR is located within a key area for flood control and actively managed by the drainage district for this purpose, storm water will be detained for water quality purposes only. The BES Stormwater Manual specifically exempts properties within the PEN 1 Drainage District from requirements to detain storm water for flood control, unless MCDD determines that it is necessary for the protection of the drainage system. (See BES Stormwater Management Manual, 2002, page 1-19, "Circumstances When Flow Control is Not Required.") Drainage district procedures and plans are described in Appendix J.

Specific storm water collection system improvements proposed by the applicant include the following:

1. The storm system in the south paddock and track areas will be improved. A facility for improving runoff water quality will be sized to accommodate existing south paddock paved areas as well as the proposed paving expansion.
2. The existing storm system east of the north paddock will be updated to meet current requirements and upgraded to serve new development (garages). Potential re-grading in the area may require drainage pattern changes.
3. A water quality facility will be constructed at the west end of the north paddock. The exact size, location, and configuration will depend on the nearby development and will be determined concurrent with new building projects.
4. A major water quality facility will be constructed at the center of the Tri-Met park and ride lot that is on PIR property. Additional or supplemental facilities to serve the adjacent PIR Village development projects (museum, meeting rooms, and offices) will be designed to fit with this facility and manage runoff from new impervious surfaces.

If any of these proposed facilities are located in environmental zones, they must meet environmental development standards or go through an Environmental Review.

The applicant provided a Drainage Analysis (Exhibit A.8) which evaluates treatment alternatives for the South Paddock area. This analysis recommends a wet pond for stormwater treatment for this area. This system will be reviewed at the time of building permit review and will be required to meet the requirements of BES and BDS. In addition, while it is difficult to determine because environmental zone boundaries are not shown on the plans (Exhibit A.8), it appears that the proposed facility may extend into the environmental zone. If the stormwater facility is located in an environmental zone, the applicant will be required to meet development standards or go through environmental review.

For the proposed Slough Crossing, Middle Crossing, Widen Merging Lane, and Southern Access Road Widening projects in the environmental zone the applicant proposes to treat stormwater runoff from the newly paved surfaces prior to release into the slough. Water quality facilities will be designed according to the most current version of the Bureau of Environmental Services' Stormwater Manual. Any proposed facility must be located within approved disturbance area limits, meet environmental development standards, or be approved through an Environmental Review.

The Bureau of Environmental Services reviewed the proposal (Exhibit E.5) and provided the following comments related to stormwater management at the site:

The submitted "Proposed Utilities" plan for PIR does not identify how this area complies with the conditions of the Stormwater Management Manual. Prior to land use approval, a revised plan will need to be submitted which identifies a proposed method and location of an acceptable stormwater management facility. BES will conduct a thorough review of the calculations and sizing at the time of building permit review. The Multnomah County Drainage District may have additional requirements. Any proposed on-site subsurface stormwater disposal systems for existing or proposed structures must be pre-approved by BES and BDS.

The Bureau of Development Services Site Development Section also reviewed the proposal (Exhibit E.6) and provided the following comments related to stormwater treatment and disposal:

Except for the South Paddock area, the applicant has not identified specific means of stormwater treatment and disposal. Site Development has discussed this matter with BES and drainage district staff and there are viable options of stormwater treatment and disposal at this location without requiring specificity at this time. Site Development, however, wants to make sure that the applicant recognizes that future storm water management projects within an environmental zone will require additional environmental land use review. To simplify permitting procedures in the future, Site Development recommends that the applicant consider identifying maximum potential disturbance area limits within the Environmental zone now, together with mitigation requirements. Otherwise, future PIR stormwater projects may be delayed so that required reviews will occur.

Since the proposed and possible projects are not designed to a level of specificity at this time that would allow for the design of the stormwater management facilities, the applicant will be required to meet the stormwater management requirements of BES and BDS at the time of building permit review. Primary treatment for water quantity and quality must be provided. If the proposed stormwater management facility improvements or construction occurs within the environmental zone, the applicant will be required to meet the development standards of Chapter 33.430 or go through an Environmental Review. Therefore, with conditions of approval this criterion can be met.

G. Noise. The PIR Master Plan, and the activities that occur within the plan district must meet the requirements of Title 18, Noise Control.

Findings: Noise has historically been an issue at PIR, and was a major topic of discussion during the legislative project that created the PIR Plan District. Prior to the legislative project, a task force of neighborhood residents, business owners, race track users, race promoters, the noise review board, and an independent chair worked for two years to formulate recommendations to present to the Portland City Council. In 1989, City Council approved Resolution 34626, “PIR Task Force Recommendations” (included in Appendix G of Exhibit A.7). The resolution included a multi-year variance to Title 18 (Noise Control) for four events at the raceway per year. The applicant states that PIR also established a limit of 105 decibels at trackside. Racing organizations are required to “black flag” or eliminate cars from competition if they violate this level.

The BDS Noise Control Section reviewed the proposal and responded with concerns regarding noise impacts on neighborhoods and wildlife in the area. In particular, BDS Noise Control notes that Commissioner Mike Lindberg in a letter attached to the 1989 City Council Resolution stressed the need for “a comprehensive analysis of innovative barrier and physical noise abatement techniques.” BDS Noise Control also points out that the proposed PIR Master Plan makes no mention of the potential impact of noise levels on wildlife at the site, and recommends a requirement for the applicant to address the impact of any development or changes to the sound-scape on wildlife normally present in the area.

The PIR Master Plan includes a proposal for a new oval racetrack to be located in the center of the site, next to the existing motocross track. This new racing venue appears to have the greatest potential to increase noise on the site in the next ten years. In response to BDS Noise Control Section concerns, BDS staff recommended a condition of approval requiring the applicant to provide a noise study, addressing impacts on both the surrounding neighborhoods and the wildlife inhabiting the site, prior to building permit approval of the oval track project. The applicant concurred with this BDS staff recommendation. With this condition, this criterion is met.

H. Implementation. The PIR Master Plan must set out how specific development and use proposals will be reviewed, including review procedures and what standards, guidelines, and approval criteria will be used to evaluate each proposal.

Generally, the more specifically a development or use is described in the PIR Master Plan, the lower the level of further review necessary. If no discretion is needed to determine if a proposal complies with the PIR Master Plan, the proposal may be reviewed administratively.

Findings: The applicant provided a proposed implementation plan in Section 2.7 of the master plan submittal (Exhibit A.7). In general, the implementation plan follows the model of the City's "two-track" approach to building permits and land use reviews. The two-track system allows certain projects, generally those that are smaller in scope or were reviewed in detail in this master plan, to proceed through the building permit process. Larger projects, or those that require additional review due to lack of specificity, etc., are reviewed through a land use review (Design Review, Environmental Review, or Adjustment Review) before proceeding through the building permit process. The proposed implementation plan also provides for a review process for amendments to the master plan, and for new conditional uses not proposed in the master plan.

The proposed master plan includes specific criteria for Adjustment reviews in Section 2.7 of the master plan. The proposed criteria differ from City criteria only in that they replace the words "equally meet the purpose of the regulation" with "equally meet the purpose of the plan district." These criteria will be used for all future Adjustment reviews at PIR.

Proposed design standards and guidelines are included in Section 2.5 of the master plan submittal, and are discussed in detail in response to PIR Master Plan Approval Criteria D, Design, above. Section 2.5 also includes information on where the design standards and guidelines apply to development on the site.

The proposed master plan includes additional thresholds for future review in Section 2.4, Environmental Review. The thresholds in Section 2.4 are not entirely consistent with those proposed in the "Implementation" portion of the master plan.

BDS staff concurred with the general approach outlined in the application but suggested a revised version of the plan in order to (1) allow new projects (not reviewed in this master plan) that comply with all of the master plan standards to be permitted without a discretionary review in certain situations, (2) to allow projects in the Environmental Conservation Overlay zone that meet the standards of Chapter 33.430 and the Peninsula 1 NRMP to be permitted without a discretionary review, and (3) to require expansions of existing development in environmental zones to be subject to a discretionary review.

In order to maintain a consistent approach to all projects on the PIR site, BDS staff recommended that the review procedures information (sections labeled “Exemptions,” “Plan Check Required,” “Staff Review with Public Notice Required—Type II,” and “Public Hearing before the Land Use Hearings Officer Required—Type III”) be removed from Section 2.4, and recommended the following modified review thresholds replace those listed in Section 2.7, Project Implementation:

Plan Check Required

This level of review is limited to those projects where the use is allowed, and where master plan development, design, and environmental standards are met. For a project to fall into this category it must meet any one of the following definitions below:

- 1. Is a previously approved environmental project described in the master plan; or*
- 2. Is a project listed as “approved” in the master plan, with no further discretionary review required; or*
- 3. Meets all of the following criteria:*
 - a. Is not in the RP subdistrict;*
 - b. If in the RC overlay or the Environmental Conservation zone, meets all of the applicable standards of Zoning Code Chapter 33.430 and the Peninsula 1 NRMP;*
 - c. Is either exempt from design review, or has met all applicable design standards; and*
 - d. Meets all development standards for its subdistrict.*
 - e. Complies with all relevant conditions of approval of this master plan.*

Staff Review with Public Notice Required—Type II

This level of review is reserved for those projects that require further review by staff and the public. This review may focus on changes to development, design, or environmental standards. A project in this category must meet any one of the following definitions below:

- 1. Is a new development, expansion of existing development, or intensification of an existing use in the RC overlay or RP subdistrict; or*
- 2. Does not comply with applicable design standards, or is specifically required to go through design review using the subjective design guidelines; or*
- 3. Requires an adjustment or modification (through Design Review) to development standards.*

Projects in this category will be processed with the same administration and procedures as Type II land use reviews (33.730.020). Projects in the RC overlay and RP subdistricts must comply with the applicable Environmental Review criteria of Chapter 33.430. Projects requiring Design Review are subject to the Design Guidelines of Section 2.5 of this master plan. Modifications to development standards can be processed concurrent with a Design Review. Requests for Adjustments to the development standards will be

reviewed against the Adjustment Approval Criteria contained in Section 2.7 of the master plan.

Public Hearing before the Land Use Hearings Officer Required—Type III

This level of review is for major changes to the master plan. For a project to fall into this category, it must meet any one of the following criteria:

- 1. Is an amendment to the master plan (listed in 33.564.200.D); or*
- 2. Is for a conditional use not specifically approved by the master plan.*

Projects in this category will be processed with the same administration and procedures as Type III land use reviews (33.730.030). Conditional use reviews at PIR will be required to meet the city's Conditional Use Approval Criteria (33.815.100) but would replace the words "PIR Plan District" for "OS zone" in criterion 33.815.100.A. Amendments to the Master Plan are subject to the PIR Master Plan Approval Criteria (33.564.200).

These implementation guidelines are consistent with City policies and procedures, and provide a reasonable balance of discretionary and administrative review of future projects at the PIR site. This criterion is met.

Conditional Use Review (CU)

These approval criteria are applicable to the proposed recreational vehicle (RV) park.

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

- 1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;**

Findings: The applicant proposes a new 100-space recreational vehicle (RV) park. The purpose of the OS zone, per PCC 33.100.010, is as follows: *The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Preserving the capacity and water quality of the stormwater drainage system;*
and
- *Providing pedestrian and bicycle transportation connections.*

The site is located in the PIR Plan District, which is an OS zoned area with a specific purpose, as stated in PCC 33.564.010, and included in the “Zoning” section, above. In general, the overall purpose of the PIR Plan District area is to preserve and enhance the special character and opportunities of the unique area, in part through careful design and balancing of the recreational and entertainment uses so that they do not overwhelm the natural setting, and so that the natural setting continues to enhance the recreational use.

The proposed RV park is located in the northwest corner of the site, in a large grassy area adjacent to the west edge of the racetrack. The applicant states that this area has for many years been used as an RV park for major events at the site, although no services were provided. The proposal provides additional opportunities for outdoor recreation at the site, while at the same time preserving the scenic qualities and protecting the sensitive environmental areas of the site. This criterion is met.

2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and

Findings: The PIR site is approximately 270 acres in area. Although some areas of the site are significantly more developed than most sites in the Open Space zone, the development is primarily contained in the southeastern and central sectors. The balance of the site, and particularly those areas protected by the Environmental Conservation zone (and the proposed Resource Protection subdistrict) retain the open and natural character that creates a unique setting for the racetrack and other uses. The proposed RV park is proportionally small in comparison to the site size and will require a limited number of permanent structures. The park is tucked away from the more public areas of the site, and will provide visual access to the environmental resources and wildlife habitat along the western edge of the site and on the adjacent Heron Lakes Golf Course property. This criterion is met.

3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

Findings: The application narrative provides the following response to this criterion (Section 3.4.1, page 146 of Exhibit A.7):

“The city has designated environmental resources along the edges of the Midwestern Slough that have value as habitat areas and for their natural beauty. The planting and landscaping of the new RV park, which includes bank stabilizing vegetation along the edge of the slough, will protect and enhance these environmental resources. The park’s orientation toward the racetrack and away from the more sensitive environmental areas will help protect the slough and its banks from intrusion.”

The Hearings Officer concurs with this statement. This criterion is met.

B. Public services.

- 1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;**
- 2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;**

Findings: The applicant's narrative includes a detailed analysis of the policies of the Transportation Element (Exhibit A.7, page 64). Portland Transportation reviewed the proposal and found it to be in compliance with this criterion (Exhibit E.8).

- 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.**

Findings: Bureau responses are included in the BDS staff report and incorporated into this finding. (Exhibit A.1, page 54)

With a condition of approval requiring compliance with BES sanitary service requirements at time of building permit, this criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

- 1. Noise, glare from lights, late-night operations, odors, and litter; and**

Findings: The site is located just west of Interstate 5 and north of N Columbia Boulevard. As shown on the zoning map (Exhibit B), PIR and Heron Lakes Golf Course form an island of Open Space zoning that is bordered with industrial zoning to the south, north and east. Additional industrial zoning is located west of Heron Lakes Golf Course. The closest residentially zoned properties are located on the south side of N Columbia Boulevard, more than a quarter-mile from the site.

The proposed RV park will not result in a significant increase in noise or odors. Due to the location of the RV park within the site, and the location of the site within a larger industrially zoned area, no significant adverse impacts on residential lands are

expected due to glare from lights or late-night operations. The park improvements will include appropriate trash collection areas in order to avoid adverse impacts from increased litter. This criterion is met.

2. Privacy and safety issues.

Findings: As noted above, there are no nearby residential lands. The proposed RV park will be located in the northwest corner of the site, adjacent to Heron Lakes Golf Course. This criterion is met.

D. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is located within the boundaries of the Kenton Neighborhood Plan, adopted by City Council as part of the Albina Community Plan in October 1993. The plan focuses largely on the residential and commercial areas south of Columbia Boulevard. Applicable policies and objectives of the plan are discussed below.

Policy 5 : Transportation. Improve access to Kenton by providing a variety of transportation modes while reducing noise, pollution, and safety hazards.

Objective 7: Improve pedestrian and bicycle connections between the Denver Avenue Business District and the industrial area to the north.

Comment: Portland Transportation reviewed the proposal and responded with a recommended condition of approval requiring construction of sidewalks on N Denver Avenue, between the light rail park and ride station and the entrance to the 40-Mile Loop Trail. With this condition, the master plan will be consistent with this policy.

Policy 9: Land Use North of Columbia Boulevard. The area of Kenton north of Columbia Boulevard, which makes up two-thirds of the neighborhood, should be a recreational and economic resource for Kenton. Industrial and recreational uses should be designed and encouraged to be good neighbors.

Comment: As stated by the applicant, PIR is both a recreational and an economic resource for the Kenton neighborhood. The proposed RV park will provide an additional commercial service for the area, with little or no impact on the residential areas of the neighborhood.

The proposal is consistent with this policy.

Environmental Review (EN) and Environmental Violation Review (EV)

These approval criteria are applicable to the projects proposed within the Environmental Conservation Overlay Zone, the request to modify a previous condition of approval, and the Environmental Violations described above.

Natural Resource Management Plans, such as the Pen 1 NRMP, may contain regulations that supercede or supplement the regulations of Chapter 33.430. Whenever Natural Resource Management Plan provisions conflict with other provisions of Chapter 33.430, the natural resource management plan provisions supercede (33.430.030).

Slough Trail (Exhibits C.13 and C.14)

The trail is an “Action in Conformance with the Plan” project (No. PPR1) in the NRMP. As such, the trail is processed through a Type I Environmental Review and must comply with approval criteria b, c, and d from the minor modifications procedure in Subsection D.2. It must also meet the development standards of Subsection B. These are addressed below.

NRMP Approval Criteria (Section D.2)

b. The proposed action is consistent with Peninsula Drainage District No. 1 Natural Resources Management Plan Policies and Management Objectives.

Findings: The Slough Trail can be functionally classified as a public recreational facility that affects an environmental zone.

The Land Use and Recreation Policies include the following:

1. *Provide a public recreation trails system within Pen 1 District and connect it to the Forty-Mile Loop.*

Findings: The proposed Slough Trail, along with Portland Transportation’s requested sidewalk improvements along N Denver Avenue will provide a connection from the 40-Mile Loop trail along the Columbia Slough to the 40-Mile Loop Trail along N Marine Drive. Therefore, with required sidewalk improvements along N Denver Avenue this Policy is met.

2. *Create a passive recreational focal-point on the bank of Force Lake.*

Findings: Force Lake is not located on PIR property. Therefore, this Policy is not applicable.

3. *Support a Max Light Rail Transit Station for West Delta Park that supports the activities at the Expo Center, PIR, and Heron Lakes Golf Course.*

Findings: A MAX Light Rail Transit Station is currently under construction along N Denver Avenue adjacent to PIR. The proposed trail will connect the MAX station, through PIR, to the Heron Lakes Golf Course. This Policy has been met.

4. *Support development of properties within Pen 1 that conform to the other Policies of the NRMP and implement NRMP Management Objectives.*

Findings: The applicant is proposing a number of projects within Environmental zones that conform with other policies of the NRMP and implement NRMP Management Objectives including:

- Slough Trail – NRMP Exhibit 11 and Land Use and Recreation Policy #1 and Management Objective #1
- Middle Slough Crossing - Natural Resource Management Objective #2, #3, and #4
- North Paddock Connector Road – Natural Resource Management Objective #3 and #4
- Widen Merging Lane – Natural Resource Management Objectives #3 and #5
- Mitigation Areas – NRMP Exhibit 10
- Drainage District Standard Operating Procedures – Hydrologic Resource Management Objective #5

The Management Objectives for land use and recreation issues are summarized below:

1. *Improve public access and recreation opportunities within the Pen 1 District and connect to the Forty-Mile Loop.*

Findings: The trail, which will run along the northern edge of Northern Slough between Force Avenue and the Broadacre parking lot, follows the alignment shown on Exhibit 11 of the NRMP. Force Avenue connects to N Marine Drive, which had a 40-Mile Loop Trail designation. Furthermore, as described elsewhere in this report, the applicant will be required to construct sidewalk improvements on Denver Avenue, which will connect the site to the 40-Mile Loop along the Columbia Slough. Therefore, this Management Objective is met.

2. *Establish Force Lake as a focal point for passive recreation through the development of a Visitors Information Center Trailhead with descriptions of the natural and historic resources within the Pen 1 District.*

Findings: Force Lake is not located on the PIR property. Therefore, this Management Objective does not apply to this proposal.

3. *This plan identifies specific areas and actions within Pen1 for the enhancement of existing resources or for the mitigation of natural resources that are removed through an approved environmental review. Implement the mitigation aspect of the Pen 1 Enhancement/Mitigation Plan by linking it to the potential development of environmentally zoned properties within Pen 1.*

Findings: The applicant proposes to mitigate impacts to the Environmental Conservation zone from the construction of the Slough Trail by enhancing a portion of the north bank of the Northern Slough. The applicant proposes riparian enhancement consisting of 0.21 acres of the bank of the Northern Slough for 0.19 acres of impacts. Exhibit 10 states that the Northern Slough should have wetland restoration to establish an emergent wetland bench with a shrub and riparian forest edge. The applicant's proposed mitigation area can be approved in conformance with Exhibit C.10 because it is directly adjacent to a mitigation area shown on Exhibit 10. Therefore, this Management Objective is met.

4. *Allow for the proposed drainage and water quality facility on the SF Stockyards, LLC property, which is a direct benefit to the resources of Pen 1.*

Findings: This Management Objective does not apply to the proposal at PIR.

5. *With the next Metro Portland Expo Center expansion require water quality improvements for runoff entering the Pen 1 system from the Expo Center property. Passive on-site treatment is required with the option of the additional construction of a polishing wetland on the Excel Communications property.*

Findings: This Management Objective does not apply to the proposal at PIR.

- c. **Alternative locations and design modifications were evaluated to show that the proposal or modification has the least significant detrimental environmental impact on identified Plan resources of all the practicable alternatives.**

Findings: This criterion requires the applicant to demonstrate that alternative locations and designs were considered during the design process. For this request to be approved, this decision must conclude that there are no practicable alternatives that would be less detrimental to the identified resources and functional values.

The identified resources and functional values have been summarized in the "Environmental Resources" section of this decision (above).

Location: Exhibit 11 of the Pen 1 NRMP indicates the desire for a trail which extends from N Denver Avenue, along the Northern Slough to Broadacre Street connecting to Force Ave. The trail is shown on Exhibit 11 of the NRMP as located between the existing road and the Northern Slough. Since the location of a public recreational trail was established by the Pen 1 NRMP, the standard approach to evaluating alternative locations is not applicable.

Design: The applicant proposes an 8-foot wide recreational trail. As required by the Pen 1 NRMP (Land Use and Recreation Objective 1), the trail must incorporate hard surface

treatment to enable access by all persons regardless of mobility impairments pursuant to the American with Disabilities Act (ADA).

The Environmental zone is mapped along the northern edge of the Northern Slough and in one location overlaps with the paved surface of N Broadacre Street. To accommodate the trail and to ensure that impacts to the E-Zone are minimized, approximately 0.20 acres (8,981 square feet) of North Broadacre Street along the northern edge of Northern Slough will be removed. The narrower road will still accommodate limited traffic, but the road will no longer overlap with the E-Zone boundary.

The Slough Trail will then be constructed along the edge of the newly relocated road edge. Although the trail will impact approximately 0.19 acres (8,276 square feet) of the Environmental zone, most of this impact will be limited to an area that has historically been paved. Only in the narrowest section will a small area of the Environmental zone beyond the current extent of the road be impacted by the construction of the trail.

Analysis: Based on evaluation of project purpose and the NRMP indicating this as a proposed recreational trail location; the proposed development plan avoids significant detrimental impacts to the resource by providing construction management and mitigation plantings as described below. There are no other practicable alternatives for the location or design of the trail. This criterion is met.

d. A construction management plan and a mitigation plan demonstrate that unavoidable impacts on identified Plan resources are fully mitigated within the Plan boundary.

Findings: Impacts on identified plan resources includes a loss of riparian vegetation resulting in increased erosion and reduced sediment trapping.

Construction Management: The construction area will be delineated with a construction fence with sediment fencing within those limits to provide erosion control. Material staging and stockpiling will be required to be located outside of the Environmental zone. No trees are proposed to be removed. Trees within the disturbance area must meet the requirements of Section 33.248.068 or provide an alternative tree preservation plan meeting the requirements of Section 33.248.065.C.

Detailed erosion control plans will be required by BDS for a Site Development Permit prior to construction activity. The erosion control measures will ensure that there will be no detrimental impact on resources and functional values in areas designated to be left undisturbed. Although proposed sediment barriers seem adequate to protect resources outside of the proposed disturbance area, City inspectors often note the need for additional sediment control during on-site field inspections.

The Site Development Section of BDS responded that the site is located in the 100-year floodplain and all development in the floodplain is subject to the applicable requirements of Chapter 24.50, particularly balanced cut and fill requirements. At the time of plan review for all projects, the applicant will be required to address these requirements.

With conditions for allowing City inspectors to require additional sediment barriers if deemed necessary in the field, and requiring temporary construction fencing along the perimeter of the temporary disturbance are, this criterion can be met by the proposal.

Mitigation: Along the southern edge of the trail where the trail abuts the removed section of the road, the riparian area will be planted with native trees and shrubs to ensure a buffer between the trail and the slough and to enhance the slough's riparian area. Prior to planting, non-native species will be controlled using the procedures discussed in the Portland Parks and Recreation Department's *Pest Management Program*. Sprayed and cleared areas will be seeded with a mixture of flowers and grass.

Plants will be installed during the dormant season (preferably about the first of February). The applicant states that the exact planting pallet will be determined based on soil, hydrology, and shade in the planting area based on the list of plant species provided in Exhibit A.7, Environmental Assessment for the Portland International Raceway. Development Standard B (addressed below) requires all vegetation to be planted for projects that are an "Action in Conformance with the Plan" to use the plant list of the Pen 1 NRMP. The applicant has not requested a Modification to the Pen 1 NRMP to change the plant list and therefore, cannot utilize the list provided in Exhibit A.7.

The applicant will be required to plant the mitigation plantings consistent with the type of plantings proposed (trees, shrubs, groundcovers) but selected from the Appendix 1 Plant List of the Pen 1 NRMP. These plants will be installed in random groupings, with at least 30 plants per 1,000 square feet.

Mitigation for the trail construction will take place within the Plan boundary and will mitigate for the construction by providing a buffer between the trail and the slough. Exhibit 10 of the NRMP identifies Upland Forest mitigation along the north bank of the Northern Slough. The applicant's proposed mitigation is consistent with Exhibit 10 of the NRMP. Mitigation must occur concurrent with the Slough Trail construction because a portion of the disturbance area will be replanted. With conditions of approval related to mitigation plantings, this criterion is met.

NRMP Development Standards (Section B)

1. No wetland creation may occur within existing forested uplands;

Findings: No wetland will be created within forested uplands as compensation for the construction of the trail. The trail will be constructed outside of the Environmental zone in all areas except the existing road surface of N Broadacre Street. As mitigation, riparian enhancement is proposed along a portion of the north bank of the Northern Slough. Therefore, this development standard will be met.

- 2. Primary water quality treatment for any development site must take place within the proposed development site. For example, water quality swales located within a parking lot.**

Findings: No additional water quality treatment facilities are needed for the construction of the Slough Trail. The removal of asphalt from the existing road and the enhancement of the riparian area will improve the overall water quality performance of this area. Therefore, this development standard will be met.

- 3. Each tree removed within a Resource Area of an Environmental Zone that is over 6 inches in diameter must be replaced with at least three trees and two shrubs selected from the plant list in Appendix 1. Tree replacement planting must take place within the Resource Area of an Environmental Zone.**

Findings: The applicant does not propose tree removal for construction of the trail. However, the submitted plans do not show existing vegetation so it is unclear whether there may be trees in the proposed disturbance area that may be impacted. Therefore, it is recommended that the applicant provide a survey of existing trees in the disturbance area in order to meet this development standard at the time of permits. Therefore, with a condition of approval for a tree survey and replacement of any trees removed, this development standard will be met.

- 4. All vegetation planted must be selected from the Pen 1 NRMP plant list in Appendix 1. Plants listed in Appendix 1 are native and consistent with the plant communities found within the Columbia River floodplain.**

Findings: Approximately 0.21 acres of the Northern Slough's riparian area will be enhanced. The applicant states that plants will be selected from Appendix 1 of the NRMP and will be installed during the dormant season (preferably about the first of February). These plants will be installed in a random manner with at least 30 plants per 1000 square feet.

However, the applicant's proposed plantings (Exhibit A.7, Environmental Assessment) are not all listed on the Appendix 1 Plant List. Therefore, as described above, the applicant will be required to plant the same type of plantings (trees, shrubs, groundcovers) consistent with those shown on the Mitigation Plan Exhibit C.13 with species chosen from the Appendix 1 Plant List. As an alternative, the applicant can request a Minor Modification of the Pen 1 NRMP to deviate from Development Standard B.4 to plant additional species not found in

the Appendix 1 Plant List. Without a Minor Modification, with a condition of approval for mitigation, this criterion can be met.

5. Planting plans must contain the following:

- **A survey of existing native vegetation by location, type and size;**
- **A landscape plan substantially in accordance with the requirements of Portland City Code Chapter 33.248, Landscape and Screening; and**
- **A monitoring/reporting plan substantially in accordance with Portland City Code Section 33.248.090.E.**

Findings: The development permit for the Slough Trail will contain a detailed planting plan with all of the above elements included. The applicant will be required to provide a survey of existing vegetation, including a tree survey prior to project implementation.

Monitoring: Monitoring will include visiting the enhancement areas annually at the end of the summer to determine the planting success. The annual planting counts will be made for five consecutive years. The criteria for success will be 100 percent survival rate for trees, shrubs and groundcover. The applicant proposes for additional trees and shrubs to be planted after the second year if there is plant mortality. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to beaver or other animal herbivory. All plants will be watered for the first two years and as needed for the remaining years of the monitoring period. Annual photographs will be taken from fixed locations. Invasive vegetation will be controlled each year by application of an approved herbicide or through mechanical means.

The required components of the monitoring reports will be:

- The contact name, number, and address of the responsible party for the monitoring and maintenance of the site.
- One annual count during the late summer for five summers after planting to determine the rate of tree and shrub mortality for that year.
- If the tree, shrub, and groundcover survival rate is determined to be less than **100 percent** at the time of each annual count (during the monitoring period), replacement of dead plants is required to reach 100 percent of the original number of live native plantings (replacement must occur within one planting season).
- Photographs of the mitigation area during the annual visits and a site plan showing the location and direction of photos.
- A watering schedule for trees, shrubs, and groundcovers for the first two summers after planting.
- One annual estimate of percent cover of invasive species (reed canarygrass, Himalayan blackberry) within 10 feet of all planting areas.
- The means by which plant species can be identified at the time of final Site Development permit inspection.
- *Approved monitoring and maintenance reports will be retained in case file (LUR 99-00971).*

The results of the monitoring will be included in an annual monitoring report. This annual monitoring report will be submitted to the City of Portland. The Zoning Code requires that a reasonable number of the shrubs and trees to be planted will survive until maturity. Monitoring and maintenance of the plantings would address this requirement and demonstrate that it is met. The most effective way to ensure that the given survival benchmarks have been reached, is to require the submittal of a Monitoring and Maintenance Report to the City for five years. A five year Monitoring and Maintenance Plan is typically required for projects in the Pen 1 NRMP.

Therefore, with conditions of approval for a native vegetation survey and monitoring and maintenance requirements, this development standard can be met.

Middle Slough Crossing (Exhibits C.4 and C.5)

The site is located within the Pen 1 NRMP and is subject to development standards and criteria found in this plan. However, improvement of the Middle Slough Crossing is not listed as an Action in Conformance with the Plan and is, therefore, subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen 1 NRMP.

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .170, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and planned unit developments (PUDs). Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

- 1. General criteria for public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and PUDs;**
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process.

The identified resources and functional values have been summarized in the “Environmental Resources” section of this decision (above). The applicant has provided an alternatives analysis as part of the application package (Exhibit A.7), and it is summarized below. This analysis examines several alternatives that were considered throughout the design of this proposed development. Locations, designs, and construction methods were discussed in the BDS staff report and are incorporated into this finding (Exhibit A.1, pages 62 & 63).

Analysis: Based on evaluation of project purpose and the existing condition of the resource as well as the above-mentioned alternatives analysis; the proposed development plan avoids significant detrimental impacts to the resource. The applicant has chosen to propose improvements to the existing crossing as the least damaging practicable alternative. Specifically, the proposed improvement of the existing crossing will focus disturbance and impacts in an area of existing development. This criterion is met.

b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 63, 64, & 65)

With conditions ensuring compliance with the Stormwater Manual, the Erosion Control Manual, for tree replacement, and for temporary construction fencing and mitigation, this criterion can be met.

c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 65 & 66)

With conditions of approval for mitigation plantings and annual monitoring and maintenance this criterion can be met.

- d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
- e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: The mitigation for the Middle Slough Crossing occurs within the same watershed as the slough crossing and is within the city limits. Portland Parks and Recreation owns the entire site. All mitigation measures will be undertaken on PIR-owned property. The ownership of the site is sufficient to carry out and ensure the success of the mitigation program. These criteria are met.

3. Roads, driveways, walkways, outfalls, and utilities;

- a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;**

Findings: Utility lines will be extended beneath the new paved crossing. The site does not contain an environmental protection zone. Therefore, this criterion does not apply.

- b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and**

Findings: The presence of fish within PIR is limited to warmwater species such as mosquito fish (*Gambusia affinis*) and carp (*Cyprino carpio*). The sloughs do not contain habitat for salmonids. As such, the consideration of migration, rearing, feeding, or spawning of fish does not apply.

- c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.**

Findings: Because of the shape of the Middle Slough in relation to the racetrack, any connection between the central racetrack core and the areas to the north requires a crossing. There are no other practicable alternatives that would not require a crossing of Middle Slough. Therefore, this criterion is met.

C. Actions Subject to Chapter 33.430, Environmental Zones and Mitigation

Requirements:

All other actions or development in environmental zones within the Plan boundary that are not specifically referred to under subsection A above, are subject to the regulations of Chapter 33.430, Environmental Zones. The approval standards of Chapter 33.430 supersede the requirements of the NRMP for development actions not identified in the Plan. Actions that are approved through an environmental review and require mitigation shall carry out one or more of the mitigation options listed in the Pen 1 Enhancement/Mitigation Plan in conformance with the following:

- 1. A construction timetable is required showing that the mitigation actions are to be undertaken concurrently with or prior to filling or development of the site.**

Findings: Ideally, the mitigation plan will be implemented concurrently or slightly before the development project. However, due to PD1's responsibility of ensuring the sloughs convey floodwaters, that applicant states that it may be necessary to dredge and consequently implement the mitigation plan well ahead of the proposed development project. If this is the case, credit for implementing the mitigation plan will be sought from the City, DSL and the COE. Monitoring of the mitigation area will commence after the mitigation plan has been implemented and will proceed regardless of when the development project is finally realized.

The applicant's proposed mitigation plan shows mitigation in areas that are proposed to be disturbed during construction of the widened slough crossing. Therefore, the applicant's anticipated timeline of installing mitigation prior to the proposed development does not appear feasible. Therefore, the applicant will be required to implement the mitigation plan concurrent with the proposed development. With a condition of approval for mitigation to occur immediately following construction of the proposed development, this criterion can be met.

- 2. Each mitigation site corresponds to those shown in Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation. However, if there are insufficient enhancement or mitigation areas remaining within Pen 1, an applicant may satisfy the provisions of the NRMP by using mitigation areas outside the boundaries of Pen 1.**

Findings: Exhibit 10 of the NRMP shows wetland restoration as an opportunity for enhancement and mitigation at the southern tip of the Middle Slough. Page 53 of the NRMP also states that areas at the south end of the Middle Slough which are assumed to be former wetlands could be excavated for an emergent wetland bench and planted along shoreline areas currently lacking in forest vegetation. The applicant's proposed mitigation corresponds with those shown in Exhibit 10. This criterion is met.

- 3. The number of acres of wetlands that are required to be enhanced or restored in the Enhancement/Mitigation Plan are based on the following ratios—at a minimum:**

- **A 1:1 ratio for wetland restoration.**
- **A 3:1 ratio for wetland enhancement.**
- **A 1.5: 1 ratio for wetland creation.**

Findings: The total area to be enhanced within the slough will be 1.06 acres, which compensates for the environmental zone impacts from the construction of the crossing at a ratio of 3:1.

Project name	E Zone Impact (acres)	Wetland Impact (acres)	Wetland Mit. (acres)	Upland Mit. (acres)
Middle Slough Crossing	0.29	0.20	0.60	0.46

This criterion is met.

- 4. A minimum 5 year Monitoring and Maintenance plan is required that includes the following elements:**
- **Clearly defined and obtainable success criteria.**
 - **Yearly monitoring reports that document progress towards meeting the success criteria.**
 - **An alternative or back-up plan that indicates the actions to be taken if the success criteria are not being met.**

Findings: PIR will be responsible for monitoring the wetland and riparian areas annually at the end of each summer to determine planting success. Annual planting counts will be made for five consecutive years. The criteria for success will be 100 percent survival rate for trees, shrubs and groundcover. Additional trees and shrubs will be planted after each monitoring if there is plant mortality. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to beaver or other animal herbivory. All plants will be watered for the first two years and as needed for the remaining years of the monitoring period. Annual photographs of the wetland and riparian restoration areas will be taken from fixed locations. Invasive vegetation will be controlled each year by application of an approved herbicide or through mechanical means. The results of the monitoring will be included in an annual monitoring report. This annual monitoring report will be submitted to the City and state and federal permitting agencies. With a condition of approval clarifying monitoring and maintenance requirements, this criterion can be met.

North Paddock Connector Road (Exhibits C.6 and C.7)

The site is located within the Pen 1 NRMP and is subject to development standards and criteria found in this plan. However, construction of the North Paddock Connector Road is not listed as an Action in Conformance with the Plan and is, therefore, subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen 1 NRMP.

33.430.250 Approval Criteria.

A. Public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and planned unit developments (PUDs). Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and PUDs;

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process, to minimize impacts on identified resources and functional values.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 69 & 70)

Analysis: Based on evaluation of project purpose and the existing condition of the resource as well as the above-mentioned alternatives analysis; the proposed development plan avoids significant detrimental impacts to the resource and will allow for the future removal and discontinued use of an existing slough crossing. Specifically, the proposed driveway has been located outside of the slough, adjacent to an area of existing development (motorcross), while accommodating the needs of the project. This criterion is met.

b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 70 & 71)

Construction within the E-Zone will be conducted following the erosion control measures of the Erosion Control Technical Guidance Handbook, City of Portland, BES and Chapter 24.70, Clearing, Grading and Erosion Control of Title 24, Building Regulations.

With conditions of approval for construction management and erosion control, this criterion is met.

c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values. Impacts on identified resources and functional values include:

- Groundwater Recharge/Discharge and Flood Storage, and
- Erosion Control/Sediment Trapping and Pollution Removal/Nutrient Retention.

All significant detrimental impact on resources and values in the environmental zone will be compensated for. In total, the area of mitigation is over twice the area. The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 71 & 72)

Additional Mitigation: In addition to the enhancement of the riparian area, the storage facility that is currently located adjacent to the slough in the vicinity of the proposed connector driveway will be removed and the area restored. The storage facility has already been cleaned up by PIR staff, but it remains in use. All debris from the storage facility will be removed to an upland area. The ground surface will be seeded with a native flower and grass mix and planted with native trees and shrubs listed in the Portland Plan List.

With conditions of approval for mitigation plantings, this criterion is met.

d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

- e. **The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: The mitigation projects occur within the same watershed as the proposed use and within the city limits. Portland Parks and Recreation owns the entire PIR site. All mitigation measures will be undertaken on property owned by PIR. The ownership of the site is sufficient to carry out and ensure the success of the mitigation program. These criteria are met.

C. Actions Subject to Chapter 33.430, Environmental Zones and Mitigation Requirements: All other actions or development in environmental zones within the Plan boundary that are not specifically referred to under subsection A above, are subject to the regulations of Chapter 33.430, Environmental Zones. The approval standards of Chapter 33.430 supersede the requirements of the NRMP for development actions not identified in the Plan. Actions that are approved through an environmental review and require mitigation shall carry out one or more of the mitigation options listed in the Pen 1 Enhancement/Mitigation Plan in conformance with the following:

1. **A construction timetable is required showing that the mitigation actions are to be undertaken concurrently with or prior to filling or development of the site.**

Findings: The mitigation plan will be implemented concurrently with construction of the connector driveway. Mitigation cannot occur prior to construction as proposed as an option by the applicant because mitigation is proposed in an area that is also proposed as disturbance area for construction. Therefore, with mitigation occurring with construction, this criterion is met.

2. **Each mitigation site corresponds to those shown in Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation. However, if there are insufficient enhancement or mitigation areas remaining within Pen 1, an applicant may satisfy the provisions of the NRMP by using mitigation areas outside the boundaries of Pen 1.**

Findings: Exhibit 10 of the NRMP shows wetland restoration as an opportunity for enhancement and mitigation at the Inside Slough. Page 54 of the NRMP also states that a combination of excavation and recontouring could be done to remove reed canarygrass in the existing slough remnant and to restore wetland hydrology to the area adjacent to the remnant slough. The applicant's proposed mitigation of riparian plantings with native species and removal of reed canarygrass is consistent with Exhibit 10. Therefore, this criterion is met.

3. **The number of acres of wetlands that are required to be enhanced or restored in the Enhancement/Mitigation Plan are based on the following ratios—at a minimum:**

- **A 1:1 ratio for wetland restoration.**
- **A 3:1 ratio for wetland enhancement.**
- **A 1.5: 1 ratio for wetland creation.**

Findings: Exhibit 10 indicates wetland restoration at this location which requires a 1:1 ratio. As a guide, BDS applies the required ratios to the proposed impacts and the proposed mitigation, throughout environmental zones, including both the wetland and upland areas. The applicant is impacting 0.32 acres in the Environmental zone and is proposing to mitigate an approximately 0.58 acre area. Therefore, this criterion is met.

- 4. A minimum 5 year Monitoring and Maintenance plan is required that includes the following elements:**
- **Clearly defined and obtainable success criteria.**
 - **Yearly monitoring reports that document progress towards meeting the success criteria.**
 - **An alternative or back-up plan that indicates the actions to be taken if the success criteria are not being met.**

Findings: PIR will be responsible for monitoring the riparian areas annually at the end of each summer to determine planting success. Annual planting counts will be made for five consecutive years. The criteria for success will be 100 percent survival rate for trees, shrubs and groundcover. Additional trees and shrubs will be planted after the second year if there is plant mortality. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to beaver or other animal herbivory. All plants will be watered for the first two years and as needed for the remaining years of the monitoring period. Annual photographs of the wetland and riparian restoration areas will be taken from fixed locations. Invasive vegetation will be controlled each year by application of an approved herbicide or through mechanical means. The results of the monitoring will be included in an annual monitoring report. This annual monitoring report will be submitted to the City. With conditions of approval clarifying monitoring and maintenance requirements, this criterion can be met.

Widen Merging Lane

The site is located within the Pen 1 NRMP and is subject to development standards and criteria found in this plan. However, widening of the merging lane is not listed as an Action in Conformance with the Plan and is, therefore, subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen 1 NRMP.

33.430.250 Approval Criteria.

- A. Public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and planned unit developments (PUDs). Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general**

criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and PUDs;

- a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process in order to minimize impacts on identified natural resources and functional values.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, page 74)

Analysis: Based on evaluation of project purpose and the existing condition of the resource as well as the above-mentioned alternatives analysis; the proposed development plan avoids significant detrimental impacts to the resource by focusing disturbance adjacent to an area of existing development, while accommodating the needs of the project. This criterion is met.

- b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 75 & 76)

With conditions of approval for construction management and erosion control, this criterion is met.

- c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values. Impacts on identified resources and functional values include:

- Groundwater Recharge/Discharge and Flood Storage,
- Erosion Control/Sediment Trapping and Pollution Removal/Nutrient Retention, and
- Fish and Wildlife Habitat functions.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 76 & 77)

With conditions of approval for mitigation plantings and submerged logs, this criterion is met.

- d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
- e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: The mitigation projects occur within the same watershed as the proposed use and within the city limits. Portland Parks and Recreation owns the entire PIR site. All mitigation measures will be undertaken on property owned by PIR. The ownership of the site is sufficient to carry out and ensure the success of the mitigation program. These criteria are met.

C. Actions Subject to Chapter 33.430, Environmental Zones and Mitigation Requirements: All other actions or development in environmental zones within the Plan boundary that are not specifically referred to under subsection A above, are subject to the regulations of Chapter 33.430, Environmental Zones. The approval standards of Chapter 33.430 supersede the requirements of the NRMP for development actions not identified in the Plan. Actions that are approved through an environmental review and require mitigation shall carry out one or more of the mitigation options listed in the Pen 1 Enhancement/Mitigation Plan in conformance with the following:

- 1. A construction timetable is required showing that the mitigation actions are to be undertaken concurrently with or prior to filling or development of the site.**

Findings: The mitigation plan will be implemented prior to or concurrently with the construction of the merging lane. If the mitigation is installed prior to construction of the widened turning lane, the applicant will be required to obtain a Site Development permit for erosion control for removal of the existing access driveway across the slough and mitigation plantings. With a condition of approval, this criterion is met.

- 2. Each mitigation site corresponds to those shown in Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation. However, if there are insufficient enhancement or mitigation areas remaining within Pen 1, an applicant may satisfy the provisions of the NRMP by using mitigation areas outside the boundaries of Pen 1.**

Findings: Exhibit 10 of the NRMP shows wetland restoration as an opportunity for enhancement and mitigation at the southern end of the Middle Slough. In addition, page 53 of the NRMP states that areas of the south and west end of the Middle Slough which are assumed to be former wetlands could be excavated for an emergent bench and planted along shoreline areas currently lacking in forest vegetation.

The applicant's proposed mitigation of riparian plantings with native species and wetland restoration including removal of reed canarygrass is consistent with Exhibit 10. Therefore, this criterion is met.

- 3. The number of acres of wetlands that are required to be enhanced or restored in the Enhancement/Mitigation Plan are based on the following ratios—at a minimum:**
- **A 1:1 ratio for wetland restoration.**
 - **A 3:1 ratio for wetland enhancement.**
 - **A 1.5: 1 ratio for wetland creation.**

Findings: Exhibit 10 indicates wetland restoration at the applicant's chosen mitigation location, which requires a 1:1 ratio. The applicant is impacting 0.65 acres in the Environmental zone and is proposing to mitigate a total of 0.69. Therefore, this criterion is met.

- 4. A minimum 5 year Monitoring and Maintenance plan is required that includes the following elements:**
- **Clearly defined and obtainable success criteria.**
 - **Yearly monitoring reports that document progress towards meeting the success criteria.**
 - **An alternative or back-up plan that indicates the actions to be taken if the success criteria are not being met.**

Findings: PIR will be responsible for monitoring the riparian areas annually at the end of each summer to determine planting success. Annual planting counts will be made for five consecutive years. The criteria for success will be 100 percent survival rate for trees, shrubs and groundcover. Additional trees and shrubs will be planted after the second year if there is plant mortality. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to beaver or other animal herbivory. All plants will be watered for the first two years and as needed for the remaining years of the monitoring period. Annual photographs of the wetland and riparian restoration areas will be taken from fixed

locations. Invasive vegetation will be controlled each year by application of an approved herbicide or through mechanical means. The results of the monitoring will be included in an annual monitoring report. This annual monitoring report will be submitted to the City. With conditions of approval specifying monitoring and maintenance requirements, this criterion can be met.

Southern Emergency Access Road (Exhibits C.10 and C.11)

The site is located within the Pen 1 NRMP and is subject to development standards and criteria found in this plan. However, widening of the southern emergency access road is not listed as an Action in Conformance with the Plan and is, therefore, subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen 1 NRMP.

33.430.250 Approval Criteria.

A. Public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and planned unit developments (PUDs). Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

- 1. General criteria for public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, and PUDs;**
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process to minimize impacts on resources and functional values.

The identified resources and functional values have been summarized in the "Environmental Resources" section of this report (above). The applicant has provided an alternatives analysis as part of the application package, Exhibits A.7, and is summarized below. This analysis examines several layouts that were considered throughout the design of this road widening. Locations, designs, and construction methods are discussed separately below.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, page 80)

Analysis: Based on evaluation of project purpose and the existing condition of the resource as well as the above-mentioned alternatives analysis; the proposed development plan avoids significant detrimental impacts to the resource by utilizing

areas adjacent to existing disturbed area. The width of the road has been minimized to the greatest extent possible while still achieving the access goals of the project. Moreover, the portion of the E-zone that will be impacted is of relatively low quality, and no trees will be removed as a result of the project. This criterion is met.

b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 81 & 82)

With conditions of approval for construction management and erosion control, this criterion is met.

c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 82 & 83)

Therefore, with conditions of approval for mitigation plantings and plans, this criterion is met.

d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: The mitigation projects occur within the same watershed as the proposed use and within the city limits. Portland Parks and Recreation owns the entire PIR site. All mitigation measures will be undertaken on property owned by PIR. The

ownership of the site is sufficient to carry out and ensure the success of the mitigation program. These criteria are met.

C. Actions Subject to Chapter 33.430, Environmental Zones and Mitigation Requirements: All other actions or development in environmental zones within the Plan boundary that are not specifically referred to under subsection A above, are subject to the regulations of Chapter 33.430, Environmental Zones. The approval standards of Chapter 33.430 supersede the requirements of the NRMP for development actions not identified in the Plan. Actions that are approved through an environmental review and require mitigation shall carry out one or more of the mitigation options listed in the Pen 1 Enhancement/Mitigation Plan in conformance with the following:

- 1. A construction timetable is required showing that the mitigation actions are to be undertaken concurrently with or prior to filling or development of the site.**

Findings: The mitigation plan will be implemented prior to or concurrently with the construction of the emergency area. This criterion will be met.

- 2. Each mitigation site corresponds to those shown in Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation. However, if there are insufficient enhancement or mitigation areas remaining within Pen 1, an applicant may satisfy the provisions of the NRMP by using mitigation areas outside the boundaries of Pen 1.**

Findings: Exhibit 10 of the NRMP shows wetland enhancement as an opportunity for mitigation within the middle and northern portions of the Southern Slough. Page 5 of the NRMP also states that for the Southern Slough a combination of excavation and recontouring to remove reed canarygrass, and planting of native species could be used to enhance wetland functional values in this area which is currently a monoculture of reed canarygrass. Exhibit 10 also shows Upland Forest Enhancement at the southeast corner of the Southern Slough.

The applicant is proposing a combination of wetland enhancement and riparian restoration in and adjacent to the areas designated on Exhibit 10. As mentioned earlier in this report, Exhibit 10 was intended to show general locations for mitigation and enhancement. Since the proposed mitigation area is adjacent to an area shown on Exhibit 10, staff recommends that the proposed mitigation area be considered in conformance with the NRMP.

A total of 0.79 acres of environmental zone impacts are proposed. The total wetland enhancement/riparian restoration mitigation area is 1.82 acres. The applicant is also proposing 0.21 acres of Upland Forest Enhancement in the southeast corner of the Southern Slough. The wetland/riparian enhancement and the upland forest enhancement generally conform to Exhibit 10 of the NRMP, therefore, this criterion is met.

- 3. The number of acres of wetlands that are required to be enhanced or restored in the Enhancement/Mitigation Plan are based on the following ratios—at a minimum:**
 - A 1:1 ratio for wetland restoration.**
 - A 3:1 ratio for wetland enhancement.**

- **A 1.5: 1 ratio for wetland creation.**

Findings: The applicant is proposing to impact 0.79 acres in the Environmental zone and to provide a total of 2.03 acres of mitigation. Mitigation consists of 0.21 acres of Upland Forest Enhancement, which does not have a ratio, plus 1.82 acres of wetland/riparian enhancement, which has a 3:1 ratio. Applying the 3:1 ratio to the 1.82 acres of wetland/riparian enhancement mitigates 0.61 acres of impact area. As such, the total mitigation area would address 0.82 acres of impact (0.61 acres plus 0.21 acres). Therefore, this criterion is met.

4. A minimum 5 year Monitoring and Maintenance plan is required that includes the following elements:

- **Clearly defined and obtainable success criteria.**
- **Yearly monitoring reports that document progress towards meeting the success criteria.**
- **An alternative or back-up plan that indicates the actions to be taken if the success criteria are not being met.**

Findings: PIR will be responsible for monitoring the wetland and riparian areas annually at the end of each summer to determine planting success. Annual planting counts will be made for five consecutive years. The criteria for success will be 100 percent survival rate for trees, shrubs and groundcover. Additional trees and shrubs will be planted after the second year if there is plant mortality. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to beaver or other animal herbivory. All plants will be watered for the first two years and as needed for the remaining years of the monitoring period. Annual photographs of the wetland and riparian restoration areas will be taken from fixed locations. Invasive vegetation will be controlled each year by application of an approved herbicide or through mechanical means. The results of the monitoring will be included in an annual monitoring report. Therefore, with a condition of approval for monitoring and maintenance, this criterion is met.

Storage Units (Exhibit C.12)

The site is located within the Pen 1 NRMP and is subject to development standards and criteria found in this plan. However, review of the storage area is not listed as an Action in Conformance with the Plan and is, therefore, subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen 1 NRMP.

Section 33.430.080.C.7 exempts development over existing paved surfaces that are over 50 feet from any identified wetland or waterbody. In the BDS staff report (Exhibit A.1) all of the storage containers in this area were determined to require environmental review. However, BDS staff subsequently informed the Hearings Officer that the applicant had demonstrated that 11 of the containers on the west side of the storage area are located on a paved surface. Therefore, the 11 storage containers are exempt from environmental regulations per 33.430.080 C.7 and environmental review is not required for those containers. (See Exhibit H.2) BDS staff further

noted that the applicant had not demonstrated that the two remaining containers on the east side of the storage area are located on a paved surface. Photographs submitted by the applicant are inconclusive and an existing conditions site plan has not been submitted which shows the existing paved surfaces at the site. BDS Site Development and Land Use Review staff conducted site visits and were unable to verify that the containers on the east side of the storage area are on a paved surface. Therefore, the Hearings Officer finds that an Environmental Review is required for the remaining 2 containers in the storage area.

The two containers appear to be located on compacted gravel which has stormwater infiltration capabilities. BDS staff found that there are minimal environmental impacts related to the 2 containers. The 2 containers are fenced from environmental resource areas to the north. Impacts are primarily scenic in nature, such as views of the storage area from the 40-Mile Loop Trail, and the containers are partially screened by the existing fence around the eastern storage area. BDS staff recommended that the applicant's proposed plantings along the access road be required without additional mitigation.

33.430.250.E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**

Findings: The site is located within City Resource Site 50 in the *Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor*. This document indicates that the following functions and values were identified in Resource Site 50:

- Drainageway functions including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal.

For the purpose of this criterion, the impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone. The applicant is not required to minimize environmental impacts in an absolute sense. The purpose of this criterion is to recognize that some form of development is allowed, consistent with the base zone. Other approval criteria require minimizing the intensity of development in order to reduce environmental impacts.

Development of this nature is not allowed in the Open Space base zone, however, the Plan District is intended to allow the raceway use. Review of the Master Plan for the raceway use includes criteria and findings which demonstrate consistency of that use with those uses generally allowed in the base zone. To the extent that the PIR Master

Plan approval criteria are met for this use, it is consistent with those allowed in the base zone.

The applicant has demonstrated that the proposed development minimizes the loss of resources and functional values (see next criterion), consistent with allowing those uses generally permitted or allowed in the Plan District. This criterion is met.

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process in order to minimize impacts on resources and functional values.

The BDS staff report findings related to this section are incorporated into this finding. (Exhibit A.1, pages 82 & 83)

Analysis: Based on evaluation of project purpose and the existing condition of the resource as well as the above-mentioned alternatives analysis; the proposal avoids significant detrimental impacts to the resource by providing screening of the storage containers with vegetation. The visual impact of the containers are minimized to the greatest extent possible while still achieving the goals of the project. This criterion is met.

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal.

The placement and continued use of the two storage boxes does not require any construction activity. The boxes have been placed on a paved surface or compacted gravel that does not require ground disturbance. The addition of the storage containers creates impacts to visual and scenic resources. The storage area is located along the boundary of the PIR property, adjacent to the 40-Mile Loop trail at the top of the dike. The public using the trail has direct sight into the storage area. In order to mitigate for visual and scenic impacts, the applicant proposes to provide a vegetative screen between the storage area and the 40-Mile Loop.

The storage area is directly adjacent to two waterbodies which are within Environmental zones and identified in the NRMP as Forebay Slough and Southern Slough. Forebay Slough has been recently restored and Southern Slough is identified as an opportunity for

enhancement or mitigate by the NRMP. Southern Slough is proposed to be enhanced as mitigation for the access road widening and it is anticipated that Southern Slough will be further enhanced in the future. Therefore, it is crucial that the activities within the existing storage area are contained and that there are clear limits of disturbance since the storage containers are mobile units which can be moved and reoriented within the storage area. Therefore, staff recommends that a permanent fence be located around the existing storage area to limit the possibility of impacting the adjacent sloughs from organization activities within the storage area. The fence should be a black coated chain link fence to minimize visual impacts.

Therefore, with mitigation plantings to provide a vegetated screen to buffer the storage containers from sight and a fence to limit intrusion into the sloughs beyond the existing storage area limits, this criterion is met.

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values. Impacts on identified resources and functional values include scenic and visual resources. The view of the storage boxes from the 40-Mile Loop has a potential aesthetic impact. As such, it is proposed that native trees and shrubs be planted along a section of the northern side of the fence that runs along the northern edge of the dike.

The placement and continued use of the two storage boxes within the storage area has had little effect on the functions discussed above. No vegetation was impacted by their placement and no increased areas of impervious surface were added. The only impacts that have occurred are to scenic values. This is due to the likelihood that pedestrians on the 40-Mile Loop Trail can likely see the storage boxes and the whole storage facility. Trees are not allowed on the dike, so height-obscuring vegetation at the same elevation as pedestrians is not possible.

The trees and shrubs proposed to be planted along the fence include the following species: Ponderosa pine (*Pinus ponderosa*), big-leaf maple (*Acer macrophyllum*), Douglas fir (*Pseudotsuga menziesii*) and bitter cherry (*Prunus emarginata*). The conifers will provide year-round cover for the storage area from the trail. The bitter cherry will provide a food source for songbirds. The big leaf maple will provide roosting and nesting habitat. With a condition of approval for mitigation plantings, this criterion can be met.

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere;

- 6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: Mitigation will occur within the same watershed as the proposed use and within the city limits. Portland Parks and Recreation owns the entire PIR site. All mitigation measures will be undertaken on property owned by PIR. The ownership of the site is sufficient to carry out and ensure the success of the mitigation program. This criterion is met.

C. Actions Subject to Chapter 33.430, Environmental Zones and Mitigation Requirements: All other actions or development in environmental zones within the Plan boundary that are not specifically referred to under subsection A above, are subject to the regulations of Chapter 33.430, Environmental Zones. The approval standards of Chapter 33.430 supersede the requirements of the NRMP for development actions not identified in the Plan. Actions that are approved through an environmental review and require mitigation shall carry out one or more of the mitigation options listed in the Pen 1 Enhancement/Mitigation Plan in conformance with the following:

The approval criteria of the NRMP does not apply because mitigation is not required to meet 33.430.250 E.

BES Fill Violation (Exhibits C.17 and C.18)

33.430.250 Approval Criteria for Environmental Review: An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .170, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: Approximately four years ago, fill material was placed within the Environmental Zone in the southwest corner of PIR, south of the outfall from Forebay Slough into Midwestern Slough. The approximately 4,500 cubic yards (6,300 square feet or 0.14 acres) of fill was placed on the site during the construction of the Inverness Force Main by BES. Placement of the fill to be used as needed for fill in the golf course was mutually agreed upon by the golf course and PIR.

The fill occurred within the Environmental Conservation overlay zone without the City's required environmental review. The fill resulted in a violation of Chapter 33.430 of the Portland Zoning Code. The approval criteria must address remediation of this activity. The Zoning Code

approval criteria which must be addressed to correct violations of this chapter are found in Section 33.430.250.G. This section also requires that all applicable approval criteria in Sections A through F be addressed. The violation approval criteria in Section 33.430.250.G require that the unpermitted activities first be reviewed according to the applicable Environmental Review approval criteria, to determine whether the activities would have been approved through the City's standard (pre-development) land use review process. The fill would normally be subject to the six criteria of Section 33.430.250.E. If any of the six criteria from Section 33.430.250.E cannot be met, with regards to the ground disturbance in the environmental zone, then all of the criteria under Section G must be met, including the criterion which requires removal of the unpermitted development. The applicant has provided findings for these approval criteria and the Hearings Officer has added conditions where necessary to meet the approval criteria.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

Findings: The criteria found under Section E, below, apply to the fill in the environmental zone. The findings under Section E provide a mechanism to determine if any of the completed work could have been approved if the applicant had applied for a land use review prior to development.

E. Other development in the Environmental Conservation zone or within the Transition Area only: In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**

Findings: Park and open area uses such as natural areas and areas consisting mostly of vegetative landscaping is an allowed use in the Open Space base zone. However, the stockpiling of fill material at this location for future use does not minimize the loss of resources and functional values, due to the proximity to sloughs and the opportunities for placement of fill outside of the Environmental zone. Criterion E.1 is not met for the fill material.

- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

Findings: It has not been demonstrated by the applicant that the placement of the fill material in the resource area of the environmental zone was the alternative with the least amount of impacts on resources and functional values. An alternative with fewer impacts would be to stockpile the fill material outside of the environmental zone, in designated storage areas at PIR, or at locations not directly adjacent to sloughs. Criterion E.2 is not met for the fill material.

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: The applicant states that aerial photographs from 1986, 1987, and 1988 show the fill area as a relatively level surface between Forebay Slough and the levee along Southern Slough, covered with tall grass during the summer. Several black cottonwood trees are seen at the west end of the area separating the golf course from PIR. There is no evidence that wetland was present and the actual fill location appears to have no woody vegetation. The area within this portion of PIR is approximately 2.0 acres. This two-acre area between the levee and Forebay Slough is reputed to have been used as a dump site for many years and to have been covered with reed canarygrass (*Phalaris arundinacea*), teasel (*Dipsacus sylvestris*), blackberry (*Rubus sp.*), and other weedy species.

The area of fill provided open space and a buffer between PIR and the adjacent sloughs. It also served as flood storage for the outfall from Forebay Slough into Midwestern Slough. The 1999 FEMA Base Flood Elevation for the area is 11 feet NGVD. The entire portion of the fill location lies above this elevation at approximately 14 feet NGVD.

The fill material was placed on what appears to have been previously disturbed land in the environmental zone. However, this area was not an approved or recognized dump site and was designated to be left undisturbed. The tall grass during the summer could have provided some resource and functional value in terms of erosion control, scenic, and wildlife habitat values. In addition, the applicant has not demonstrated that appropriate erosion control measures were installed prior to placement of the fill in this area. Criterion E.3 has not been met for the fill material.

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values.

Habitat for wildlife utilizing the lower ground along the water's edge was lost by the creation of the fill mounds in this area. Visibility of the watercourse from the

trail along the base of the levee is also considerably reduced by the presence of the fill piles.

The applicant proposes to completely remove the fill pile and restore the native ground surface elevation. The exposed surface will be seeded with a 50 percent mix of flowers, such as small-flowered lupine (*Lupinus micranthus*) and 50 percent of grass, such as blue wildrye (*Elymus glaucus*) and California brome (*Bromus carinatus*). In addition, the newly seeded area will be planted with trees and shrubs selected from the Portland Plant List. The trees and shrubs will be installed in a random manner with at least 30 plants per 1000 square feet (spaced approximately every seven feet).

With the removal of the fill pile and the planting of trees and shrubs this criterion can be met.

5. **Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
6. **The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: All mitigation will be carried out on the property where the development occurred. The applicant owns the mitigation site. These criteria are met.

The findings in Section E, above, indicate that the stockpiling of fill material did not meet all of the approval criteria, and would not have been permitted if reviewed through the normal permitting process. As a result, the applicant must address all of Section G (1, 2a, 2b, and 2c), below, for the fill material.

G.1. The remediation is done in the same area as the violation; and

Findings: All of the fill material within the resource area will be removed, and this area planted with native trees, shrubs, and groundcover. Remediation will be done in the same area occupied by the fill material. This criterion is met.

G. 2. The remediation plan demonstrates that after its implementation there will be:
a. No permanent loss of any type of resource or functional value;

Findings: This criterion requires that activities in violation of the Portland Zoning Code environmental regulations be removed and the area returned to a natural state, and that all

resources and functional values formerly present in the violation area, are restored by the remediation plan.

The findings in the BDS staff report for this criterion are incorporated into this finding. (See Exhibit A.1, pages 92 & 93)

With the removal of the entire fill pile and replanting with native species, this criterion can be met.

b. A significant improvement of a least one functional value; and

Findings: This criterion requires a remediation plan that not only compensates for the detrimental impact of the completed work, but also leads to significant improvement of at least one functional value. This improvement is measured against the resource values that existed prior to the violation. Essentially, with a correction to a violation, the end result must be a resource improvement that exceeds resource values present before the violation, rather than simply compensating for the resources lost due to the violation.

The applicant proposes to remove the entire fill pile and replant this area with native trees and shrubs. Prior to the placement of the fill material, the location of the violation was dominated by weedy grasses and forbs. The planting of native trees and shrubs within this area will eventually provide a visual buffer along the edge of the sloughs and increase the quality of the wildlife habitat by increasing the structural and species diversity. The remediation plantings are proposed to restore wildlife foraging, nesting, and cover habitat in the area of the violation and to replace scenic values.

With the planting of the native trees and shrubs, this criterion can be met.

c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

Findings: This criterion requires the applicant to protect remaining resources during construction through effective construction management; to install remediation plantings in a timely manner; and to document the establishment of the full remediation plan through monitoring. Erosion control must be installed around the fill area prior to and during removal of the pile. Site access, stockpiling, and a well-defined construction disturbance area are indicated on the construction management plan.

The findings in the BDS staff report for this criterion are incorporated into this finding. (See Exhibit A.1, pages 93 & 94)

With conditions for erosion control and allowing City inspectors to require additional sediment barriers if deemed necessary in the field; and monitoring and maintenance of required plantings; loss of resource functions and values will be minimized during remediation, and this criterion can be met.

Juniper Removal Violation (Exhibits C.15 and C.16)

33.430.250 Approval Criteria for Environmental Review: An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .170, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: In 2000, the Parks Department removed several juniper shrubs growing on the dike in the southeast corner of PIR. These junipers were in poor condition and it was felt their presence on the dike potentially could undermine the dike's integrity because the roots of trees and shrubs can create instability. The Parks Department decided to remove the junipers with a backhoe and to stabilize the area with bark mulch.

Ground disturbance resulted from removal of the vegetation within the Environmental Conservation overlay zone without the City's required environmental review. The ground disturbance resulted in a violation of Chapter 33.430 of the Portland Zoning Code. Because junipers are not native vegetation their removal could have been exempt from review if they were removed with hand held equipment that did not require grading of the site. The approval criteria must address remediation of these ground disturbing activities. The Zoning Code approval criteria which must be addressed to correct violations of this chapter are found in Section 33.430.250.G. This section also requires that all applicable approval criteria in Sections A through F be addressed. The violation approval criteria in Section 33.430.250.G require that the unpermitted activities first be reviewed according to the applicable Environmental Review approval criteria, to determine whether the activities would have been approved through the City's standard (pre-development) land use review process. The ground disturbance associated with removal of the junipers would normally be subject to the six criteria of Section 33.430.250 E. If any of the six criteria from Section 33.430.250 E cannot be met, with regards to the ground disturbance in the environmental zone, then all of the criteria under Section G must be met, including the criterion which requires removal of the unpermitted development. The applicant has provided findings for these approval criteria and BDS Land Use Review staff have revised these findings, and added conditions where necessary to meet the approval criteria. The Hearings Officer concurs with the staff revisions.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and

paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

Findings: The criteria found under Section E, below, apply to the ground disturbance in the environmental zone. The findings under Section E provide a mechanism to determine if any of the completed work could have been approved if the applicant had applied for a land use review prior to development.

E. Other development in the Environmental Conservation zone or within the Transition Area only: In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**

Findings: Park and open area uses such as natural areas and areas consisting mostly of vegetative landscaping is an allowed use in the Open Space base zone. The loss of resources and functional values due to ground disturbance was minimal, and open areas are allowed by the base zone standards. This criterion is met for the ground disturbance.

- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

Findings: Alternative locations and designs are not appropriate to evaluate considering the nature of the violation. For construction methods to remove vegetation, had the applicant applied for an Environmental Review, staff most likely would not have approved the use of a backhoe. However, use of the backhoe most likely would have been considered the least detrimental with appropriate erosion control measures and mitigation consisting of native species listed on the Portland Plant List. With plantings consisting of native species that will improve vegetative cover and wildlife habitat, the impacts of the use of a backhoe will be further minimized and this criterion can be met.

- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

Findings: All ground disturbance activity took place on a previously disturbed surface (dike slope). Impacts of the ground disturbance will be minimized by planting a native flower and grass mix on the slope. With conditions for additional plantings, this criterion can be met for the ground disturbance.

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace all lost resource functions and values.

The ground disturbance removes wildlife habitat and reduces erosion control. The slopes is currently covered with bark chips. The applicant proposes to mitigate for impacts by scraping off the bark chips and seeding with native species. A native grass and flower mix will provide wildlife habitat and erosion control once established. This criterion will be met.

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: All mitigation will be carried out on the property where the development occurred. The applicant owns the mitigation site. These criteria are met.

G.1. The remediation is done in the same area as the violation; and

Findings: The remediation plan (Exhibit C.16) indicates that the area of the violation will be planted with native species. To mitigate for the loss of the non-native junipers, it is proposed that bark be scraped away and the area seeded with a 50 percent mix of flowers, such as small-flowered lupine (*Lupinus micranthus*) and 50 percent of grass, such as blue wildrye (*Elymus glaucus*) and California brome (*Bromus carinatus*).

These plantings of native groundcovers will mitigate adverse impacts from the ground disturbance. A grassy slope will be created, which will improve wildlife habitat, water quality, and stormwater interception. This criterion is met.

G. 2. The remediation plan demonstrates that after its implementation there will be:

b. A significant improvement of a least one functional value; and

Findings: This criterion requires a remediation plan that not only compensates for the detrimental impact of the completed work, but also leads to significant improvement of at least one functional value. This improvement is measured against the resource values that existed prior to the violation. Essentially, with a correction to a violation, the end result must be a resource improvement that exceeds resource values present before the violation, rather than simply compensating for the resources lost due to the violation.

The findings in the BDS staff report for this criterion are incorporated into this finding. (See Exhibit A.1, pages 96 & 97)

With conditions for removal of the bark and installation of remediation plantings, this criterion can be met.

c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

Findings: This criterion requires the applicant to protect remaining resources during construction through effective construction management; to install remediation plantings in a timely manner; and to document the establishment of the full remediation plan through monitoring.

The findings in the BDS staff report for this criterion are incorporated into this finding. (See Exhibit A.1, pages 97 & 98)

With conditions of approval for monitoring and maintenance, this criterion can be met.

Modification of LUR 99-00913 EN Condition

LUR 99-00913 EN was an Environmental Review for a fence along the length of the PIR boundary to provide a separation between the 40-Mile Loop and the raceway. As part of the master plan approval, the applicant requests to modify condition of approval B of LUR 99-00913 EN. Condition B of LUR 99-00913 EN (see Exhibit G.5 for LUR 99-00913 EN Decision) states:

“No parking will be allowed beginning at the intersection of access roads A and C and ending immediately north of the pump station, as shown on staff modified Exhibit C.3. Two gates must be constructed to prohibit parking. One gate must be placed at the intersection of access roads A and C and one must be placed on the north side of the Pen 1 Drainage District’s pump station, as shown on the staff modified Exhibit C.3. These gates must be sized and placed adequately in order to inhibit vehicular access into the area between the gates. The fence in this area must be constructed on the asphalt edge of access road A using postholes.”

The applicant requests to modify this condition for safety purposes and to assure effective management and vehicle traffic during large events.

Section 33.730.140 Requests for Changes to Conditions of Approval requires that requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review. The site is located within the Pen. 1 NRMP and is subject to development standards and criteria found in this plan. However, the original request for a fence was not listed as an Action in Conformance with the Plan and was processed using the regulations of Chapter 33.430. Therefore, the request to change a condition of approval is subject to the regulations of Chapter 33.430, Environmental Zones and specific mitigation requirements set forth in the Pen. 1 NRMP.

33.430.250 Approval Criteria for Environmental Review

E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**
- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

Findings: The request to change Condition of Approval B will not affect these approval criteria from being met. Please refer to the BDS decision (LUR 99-00913 EN), which indicated that these criteria are met.

- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

Findings: The intent of Condition of Approval B was to ensure that the placement of the fence along the access road would not result in a shift of parking to areas adjacent to mitigation plantings. The concern was that if the parking might shift as a result of the placement of the fence between the 40-Mile Loop and the raceway.

The findings for this criterion in LUR 99-00913 EN which specifically addressed the requirement for Condition of Approval B included the following:

The forested area in this section is sparse and some areas are devoid of trees. Therefore, approving a fence and parking in this section may shift parking north of access road A. Because this section is not as forested and protected as Section B, vehicles would most likely park north of the road in areas devoid of trees, impacting upland forest and wetland areas. In addition, this area is designated for future upland enhancement and wetland restoration projects (refer to Pen. 1 NRMP, Exhibit 10). Therefore, in order to create no impacts to resources and functional values designated to be left undisturbed and to insure that areas designated for restoration and enhancement are left undisturbed, no parking will be allowed north of access road A.

Impacts due to construction of the fence:

According to the applicant, constructing a fence on the asphalt edge of access road A may shift vehicle maneuvering and parking to the north side of the road during major events at PIR. Parking is not proposed north of access road A because these areas (Sections B and C) consist of forested and wetland habitat. These forested and wetland areas north of the road would become impacted because: 1) patrons wanting to avoid the fence would park in vacant areas north of the road; and 2) people parking along the fence would create a narrower access road, causing traffic to shift north into virtually undisturbed areas within the environmental zone. However, placing the fence approximately four to eight feet south of the road (as proposed) does not guarantee that the above mentioned impacts will not occur. According to the Pen. 1 NRMP, areas in Section C are designated as wetland restoration and upland forest enhancement areas and areas in Section B are also designated as upland forest enhancement areas. Therefore, these areas should be enhanced, not impacted further.

Section C: Therefore, the applicant will be required to install a gate at the intersection of access roads A and C and on the north side of the Drainage District's pump station. These gates must be constructed in a way that will prohibit vehicular access and parking in Section C and must be locked during major race events. Therefore, approximately 1,200 feet of access road A will be closed off for parking in order to preserve and restore the forested upland and wetland areas associated with Forebay Slough. As a result of closing this area for parking, there is no need to place the fence along the grass portion of the dike and, therefore, must be located on the asphalt edge of access road A, similar to the first 1,565 feet of fence. Moving the fence further north, away from the trail, will also lessen the "corridor-like" atmosphere of the fence as mentioned by PDOT (Exhibit E.3).

This criterion was required to be met with Approval Condition B which required:

“No parking will be allowed beginning at the intersection of access roads A and C and ending immediately north of the pump station, as shown on staff modified Exhibit C.3. Two gates must be constructed to prohibit parking. One gate must be placed at the intersection of access roads A and C and one must be placed on the north side of the Pen 1 Drainage District’s pump station, as shown on the staff modified Exhibit C.3. These gates must be sized and placed adequately in order to inhibit vehicular access into the area between the gates. The fence in this area must be constructed on the asphalt edge of access road A using postholes.”

As part of the master plan approval, PIR requests to modify Condition of Approval B of LUR 99-00913 EN. This modification is requested for safety purposes and will assure effective management of pedestrian and vehicle traffic during large events.

The applicant states that while PIR agrees with the goal of preventing parking along this section of the road, gating and locking this area to block vehicular access during large scale events will conflict with pedestrian circulation and emergency vehicle access, inhibiting site management and increasing safety concerns. Without open access along this section of road, the only through circulation around the track is along the pedestrian road immediately south of the racetrack, behind the bleachers. At peak hours and during major events, pedestrian activity along this road is extremely congested and significantly impedes vehicular traffic. Through-traffic along access road A facilitates emergency vehicle access and provides better on-site management of pedestrian and vehicular traffic. Rather than imposing a condition that prohibits any vehicular access at all during major raceway events, PIR requests that the condition to construct and lock gates across this access road be removed.

PIR proposes a different method for achieving the objective of this condition, which is specifically to “prohibit parking” on this section of the road. In lieu of a locked gate system, PIR will prevent parking in this area by providing a “Through Traffic Only” sign on both ends of the road segment. In addition, the applicant proposes to install “No Parking in Environmental Zone: Portland Zoning Code Chapter 33.430” signs every 300 feet along the road. Management will periodically check this area and remove any vehicles.

The applicant requests to revise condition to read as follows:

“No parking will be allowed beginning at the intersection of access roads A and C and ending immediately north of the pump station, as shown on staff modified Exhibit C.19. PIR will install a “Through Traffic Only” sign on each end of this road segment. In addition, PIR will install “No Parking in Environmental Zone: Portland Zoning Code Chapter 33.430” signs every 300 feet along the road segment. PIR management will periodically check this area and remove any vehicles.”

BDS staff expressed concerns about the general public's knowledge of the Environmental zone and its exact location in this area. The requested revision to the condition implies that the general public knows the location of the Environmental zone at this location. Since this is unlikely and there is nothing on site to indicate its location, BDS staff recommended that the signs instead read "No Parking" with arrows indicating where the no parking starts or double sided arrows to indicate no parking between signs. In addition, boulders or log barriers should be required to be a maximum of 4 feet apart placed along the northern edge of the paving along this section of the access road between the signs to further prevent parking from occurring. The Hearings Officer concurs with the BDS recommendations.

Changing the requirement from a gate to a sign (with accompanying boulders or log barriers) will achieve the same intended purpose of protecting environmental resources in this area while accommodating the safety needs of the site. Therefore, with the revised condition of approval, this criterion is met.

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: The applicant does not propose to change or modify the mitigation required by LUR 01-00040 EN (which modified mitigation requirements of LUR 99-00913 EN). Mitigation requirements of LUR 01-00040 EN will continue to apply. Please refer to the findings of LUR 01-00040 EN, which indicated that this criterion is met.

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: Mitigation plantings will not change as a result of the requested amendment to Condition of Approval B. Please refer to the findings of LUR 01-00040 EN (which modified the findings of LUR 99-00913 EN), which indicated that these criteria will be met. These criteria will continue to be met.

NRMP Requirements

Major Modification to Timelines

Recreational Trails – Phase I:

The Pen 1 NRMP identifies PPR1 Recreational Trails Phase I as an Action in Conformance with the Plan needing a Type I Review. On page 64 of the NRMP, PPR1 is described as: *The City must construct—as part of the next five year capital improvement plan developed after adoption of the NRMP—a system of trails within Pen 1 in substantial compliance with the system shown on Exhibit 11, Proposed Public Access Improvements. The trail system must include the following:*

- *A combination hard-surface and soft-surface trail system surrounding the perimeter of Heron Lakes Golf Course with a connection of the on-site trail system to the Forty-Mile Loop Trail located on the south levee. The main golf course trail must be a hard-surface trail. Soft-surface trails or viewing platforms will provide access to views into more environmentally-sensitive areas without adversely affecting wildlife habitat areas.*
- *A bicycle connection between the Marine Drive bike route and Force Lake. The connection will consist of a hard-surface bicycle path or if Force Avenue is improved to City standards a bike lane.*

The NRMP also states that this action was to take place within the next 5 years after the NRMP was adopted. The NRMP became effective on July 12, 1997 and the 5-year deadline to complete the Recreational Trail Phase 1 requirement was July 12, 2002.

The Slough Trail, addressed above, implements this identified action and the trail location is consistent with Exhibit 11. However, the Master Plan does not identify when the trail is anticipated to be completed. The NRMP states that a Minor Modification is required to modify the time within which an NRMP Action Item identified in the tables is to take place. Any modification in excess of 20 percent of the time permitted for compliance is processed as a Major Modification. 20 percent of 5 years would allow an additional year to complete the trail (July 12, 2003). Since this time is about to expire, a Major Modification is therefore required to allow the Slough Trail to be completed within the life of the Master Plan.

Forebay Polishing Swale:

The Forebay Polishing Swale is identified in the NRMP as an Action Needing a Type I Review. Page 65 of the NRMP describes PPR5 Forebay Polishing Swale as: *If water quality discharge standards for the Columbia Slough and tributaries are established by the Oregon Department of Environmental Quality then Portland Parks and Recreation and the Bureau of Environmental Services must investigate the feasibility or necessity of constructing a final polishing swale at the confluence of drainage basins A and B. The A and B basins join at the narrow drainageway between the Midwestern Slough and the Forebay Slough. The polishing swale in the narrow*

drainageway must be constructed in accordance with the typical section identified in Exhibit 13, Final Polishing Swale Proposed Typical Section.

The NRMP also states that this action was to take place within the next 5 years after the NRMP was adopted. The NRMP became effective on July 12, 1997 and the 5-year deadline to complete the Recreational Trail Phase 1 requirement was July 12, 2002.

The Master Plan does not address this NRMP requirement. The NRMP states that a Minor Modification is required to modify the time within which an NRMP Action Item identified in the tables is to take place. Any modification in excess of 20 percent of the time permitted for compliance is processed as a Major Modification. 20 percent of 5 years would allow an additional year. Since this time is about to expire, a Major Modification is therefore required to allow this timeline to be extended.

Drainageway Maintenance Standards:

The NRMP also states that this action was to take place within the next 5 years after the NRMP was adopted. The NRMP became effective on July 12, 1997 and the 5-year deadline to complete the Recreational Trail Phase 1 requirement was July 12, 2002.

The Master Plan did not address this NRMP requirement. The NRMP application stated that a Minor Modification is required to modify the time within which an NRMP Action Item identified in the tables is to take place. Any modification in excess of 20 percent of the time permitted for compliance is processed as a Major Modification. 20 percent of 5 years would allow an additional year. Since this time is about to expire, a Major Modification is therefore required to allow this timeline to be extended.

D. Major and Minor Modifications to the Plan (page 72 of the NRMP)

Major modifications to the Plan are reviewed through a Type III environmental review procedure (see Zoning Code Chapter 33.430.210 through .240). Environmental reviews for major modifications will be approved if the following approval criteria are met:

Major Modification Approval Criteria.

- a. The proposal meets all of the approval criteria for minor modifications.**

Findings:

Minor Modification Approval Criteria.

- a. There is a demonstrated need for the modification.**

Findings:

Slough Trail:

Extending the time frame for completion of the trail is necessary because the Master Plan must be approved for any new development to occur on the PIR site. Since funding is not confirmed for all the projects proposed by the Master Plan and the applicant has not specified

the date of which the trail is expected to be constructed it is necessary to modify the time frame for completion of the trail to the life of the Master Plan. The trail must be constructed after completion of the Interstate MAX Park and Ride so that the trail can connect to the facility and extend to N Denver Avenue. In addition, it would be beneficial for other improvements anticipated by the Master Plan to be constructed within the Northeast Racetrack Core and sidewalk along Denver Avenue. Therefore, this criterion is met.

Forebay Polishing Swale:

Extending the time frame to allow this water quality standards to be established and feasibility of a polishing slough to be investigated is necessary to allow this to occur within the life of the Master Plan. Therefore, this criterion is met.

Drainageway Maintenance Standards:

Extending the time frame to allow the Drainageway Maintenance Standards to be approved as part of the Master Plan is necessary in order to comply with the NRMP requirements. Therefore, this criterion is met.

b. The proposed action is consistent with Peninsula Drainage District No. 1 Natural Resources Management Plan Policies and Management Objectives.

Findings:

Slough Trail:

As mentioned above, the Slough Trail is consistent with Peninsula Drainage District No.1 NRMP Policies and Objectives. A proposed action is not requested for the modification to the time frame for completion of the Slough Trail. Therefore, this criterion does not apply.

Forebay Polishing Swale:

In order to be consistent with the NRMP, as a condition of approval, when water quality discharge standards are established by DEQ, within 5 years the applicant must investigate the feasibility or necessity of constructing a final polishing swale at the confluence of drainage basins A and B. If the Final Polishing Swale is required, the applicant must meet the requirements of the Pen 1 NRMP, which requires a Type I review. Therefore, this criterion is met.

Drainageway Maintenance Standards:

The extension of the time frame to allow the Drainageway Maintenance Standards to be approved as part of the Master Plan is consistent with the NRMP Policies and Management Objectives because it allows for an action in conformance with the plan to be carried out. Therefore, this criterion is met.

c. Alternative locations and design modifications were evaluated to show that the proposal or modification has the least significant detrimental environmental impact on identified Plan resources of all the practicable alternatives.

Findings: Alternative locations and design modifications were evaluated above for construction of the Slough Trail. This criterion does not apply to the proposed modification to the time frame for completion of the Slough Trail, the Forebay Polishing Swale, or the Drainageway Maintenance Standards.

d. A construction management plan and a mitigation plan demonstrate that unavoidable impacts on identified Plan resources are fully mitigated within the Plan boundary, or outside the Plan boundary if no suitable mitigation sites remain within the boundary, and are in conformance with the Management Objectives for wetlands and natural resources (see Chapter 3).

Findings: A construction management plan and mitigation plan demonstrated impacts to resources were fully mitigated and was found to be in conformance with the Management Objectives for wetlands and natural resources as described above in the findings for the Slough Trail. This criterion does not apply for modification to the time frame for completion of the Slough trail, Forebay Polishing Swale, or Drainageway Maintenance Standards.

- b. The proposal is a park-related development, or no alternative locations exist outside of the Plan boundary.**
- c. There are no practicable alternative locations within the Plan boundary suitable for the use in which the development will have less adverse impact on identified resource values.**
- d. Any long-term adverse impacts of the proposed action on resource values are fully mitigated within the Plan boundary, or outside the Plan boundary if no suitable mitigation sites remain within the boundary.**
- e. The proposal is consistent with the conclusions of the ESEE analysis for the applicable Resource Site, as listed in the Columbia Corridor Industrial/Environmental Mapping Project document (effective 5/20/89).**

Findings: These criteria do not apply to a modification to the time frame for completion of the Slough Trail, Forebay Polishing Swale, and Drainageway Maintenance Standards.

PIR Maintenance Plan

A number of the action items listed at the beginning of this Chapter 4 of the NRMP receive approval through adoption of this NRMP and require no further land use review. All projects identified in the Actions Allowed column will require a development permit and must meet the development standards stated in subsection B (pg 70).

PPR4 Parks Maintenance Plan is listed as an “Action in Conformance with the Plan” and requires the following: On the Heron Lakes Golf Course and the Portland International Raceway, Parks must continue maintenance practices that enhance existing riparian vegetation and allow for additional forest and shrub areas in compliance with the NRMP.

- Riparian vegetation must be restored through the creation of fringes of healthy emergent, shrub and forested wetlands along ponds and waterways in areas not identified for vegetative height maintenance (see Exhibit 12, Parks Maintenance Plan).
- Understory vegetation must be established in forested areas between fairways and under groves of trees.
- Parks must develop maintenance guidelines for natural areas and train maintenance personnel in the control of undesirable and invasive plants such as Himalayan blackberry.

Findings: The NRMP requires a development permit for items listed as “Allowed Actions” and to meet the development standards of Section B. The Parks Maintenance Plan is not “development” and therefore is not required to obtain a development permit.

The applicant stated that PIR and Portland Parks currently have a maintenance plan in place for the management of existing resources on the site. The applicant stated that the plan fits the description contained in the NRMP and is in compliance with the referenced Exhibit 12. A detailed description of the PIR Maintenance Plan is found in the applicant’s narrative (page 129 of Exhibit A.7).

B. Development Standards

All Actions in Conformance with the Plan listed under subsection A above must meet the development standards listed below:

- 1. No wetland creation may occur within existing forested uplands (see Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation).**

Findings: The PIR Maintenance Plan does not include a proposal to create wetlands. This development standard is met.

- 2. Primary water quality treatment for any development site must take place within the proposed development site. For example, water quality swales located within a parking lot.**

Findings: The PIR Maintenance Plan does not propose development which would require water quality treatment. This development standard does not apply.

- 3. Each tree removed within a Resource Area of an Environmental Zone that is over 6 inches in diameter must be replaced with at least three trees and two shrubs selected from the plant list in Appendix 1. Tree replacement planting must take place within the Resource Area of an Environmental Zone.**

Findings: The PIR Maintenance Plan does not propose tree removal. Any tree removal that may occur for maintenance would need to meet standards or be approved through an environmental review. This criterion is met.

- 4. All vegetation planted must be selected from the Pen 1 NRMP plant list in Appendix 1. Plants listed in Appendix 1 are native and consistent with the plant communities found within the Columbia River floodplain.**

Findings: For planting associated with Parks maintenance, the applicant will be required to select plants from the Pen 1 NRMP plant list in Appendix 1, unless a Minor Modification is granted for deviation from this development standard. Therefore, with a condition of approval, this development standard can be met.

- 5. Planting plans must contain the following:**
- a. A survey of existing native vegetation by location, type and size;**
 - b. A landscape plan prepared substantially in accordance with the requirements of Portland City Code Chapter 33.248, Landscaping and Screening; and**
 - c. A monitoring/reporting plan substantially in accordance with Portland City Code Section 33.248.090.E.**

Findings: The applicant does not propose plantings as part of the PIR Maintenance Plan. Therefore, this development standard does not apply.

Drainageway Maintenance Standards

Drainageway Maintenance Standards are identified in the NRMP as an Action Needing a Type I Review. Page 66 of the NRMP describes DD1 Drainageway Maintenance Standards as:
Define drainageway maintenance requirements and adopt maintenance standards that provide for the continued conveyance of stormwater flows as well as provide for environmental benefits. This includes phasing slough dredging and maintenance operations from land-based to water-based systems where feasible.

The Drainageway Maintenance Standards are an “Action in Conformance with the Plan” project (No. DD1) in the NRMP. As such, the Drainageway Maintenance Standards are processed through a Type I Environmental Review and must comply with approval criteria b, c, and d from the minor modifications procedure in Subsection D.2. It must also meet the development standards of subsection B. These are addressed below.

NRMP Approval Criteria (Section D.2)

- b. The proposed action is consistent with Peninsula Drainage District No. 1 Natural Resources Management Plan Policies and Management Objectives.**

Findings: The applicable Policies include the following:

Hydrology and Water Quality Policies:

2. *Establish, maintain or modify appropriate hydrologic conditions within the three Pen 1 hydraulic regions to achieve necessary drainage of accumulated stormwater through the District, and appropriate levels of water to retain wetland sand sensitive habitat areas.*

The applicable Management Objectives include the following:

Hydrology and Water Quality Management Objectives:

5. *Define drainageway maintenance requirements and activities so the waterways can be managed for multiple benefits. Adopt maintenance standards that provide for the continued conveyance of stormwater flows as well as provide for environmental benefits.*

Wetlands and Natural Area Management Objectives:

2. *Work with Pen 1 and MCDD to identify maintenance requirements for the drainageways within the study area. Where feasible, develop maintenance dredging activities that will have the least amount of impact to natural resources while still maintaining the required conveyance requirements for flood control purposes.*

Findings: The Drainageway Maintenance Standards will allow for the Drainage District to carry out typical maintenance activities for conveyance and flood control. The Drainageway Maintenance Standards include provisions for slough dredging and maintenance operations from land based systems which will have the least impact to natural resources by limiting disturbance on slough banks. Therefore, this criterion is met.

- c. **Alternative locations and design modifications were evaluated to show that the proposal or modification has the least significant detrimental environmental impact on identified Plan resources of all the practicable alternatives.**

Findings: The proposal is for Drainageway Maintenance Standards. Therefore, the typical approach to evaluating alternative locations and designs is not appropriate. This criterion does not apply.

- d. **A construction management plan and a mitigation plan demonstrate that unavoidable impacts on identified Plan resources are fully mitigated within the Plan boundary, or outside the Plan boundary if no suitable mitigation sites remain within the boundary, and are in conformance with the Management Objectives for wetlands and natural resources (see Chapter 3).**

Findings: The proposal is for Drainageway Maintenance Standards. This document contains provisions for construction management. No specific development is approved as part of the drainageway Maintenance Standards. Therefore, this criterion does not apply.

B. Development Standards

All Actions in Conformance with the Plan listed under subsection A above must meet the development standards listed below:

- 1. No wetland creation may occur within existing forested uplands (see Exhibit 10, Pen 1 Opportunities for Enhancement and Mitigation).**

Findings: The Drainageway Maintenance Standards are intended to provide provisions for maintenance of existing sloughs and wetlands at the PIR site. No wetlands are proposed to be created within existing forested uplands. This development standard is met.

- 2. Primary water quality treatment for any development site must take place within the proposed development site. For example, water quality swales located within a parking lot.**

Findings: No development is proposed as part of the Drainageway Maintenance Standards. This development standard does not apply.

- 3. Each tree removed within a Resource Area of an Environmental Zone that is over 6 inches in diameter must be replaced with at least three trees and two shrubs selected from the plant list in Appendix 1. Tree replacement planting must take place within the Resource Area of an Environmental Zone.**

Findings: No development is being reviewed. Therefore, this development standard does not apply.

- 4. All vegetation planted must be selected from the Pen 1 NRMP plant list in Appendix 1. Plants listed in Appendix 1 are native and consistent with the plant communities found within the Columbia River floodplain.**

Findings: No plantings are proposed. Therefore, this development standard does not apply.

- 5. Planting plans must contain the following:**
 - a. A survey of existing native vegetation by location, type and size;**
 - b. A landscape plan prepared substantially in accordance with the requirements of Portland City Code Chapter 33.248, Landscaping and Screening; and**
 - c. A monitoring/reporting plan substantially in accordance with Portland City Code Section 33.248.090.E.**

Findings: The Drainageway Maintenance Standards do not include planting plans. Therefore, this development standard does not apply.

Adjustment Review (AD)

The applicant requests three Adjustments to development standards, concurrent with the Master Plan review. These Adjustments will be reviewed against the Zoning Code criteria included below. As part of the Master Plan, the applicant also proposes a new set of Adjustment Approval Criteria, specifically tailored to the PIR Plan District site (see discussion in response to PIR Master Plan Approval Criterion H, above). Those criteria will apply to future Adjustment requests.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant requests adjustments to required landscaping, paving, and improvements for surface parking areas (referred to as multi-use paved areas), and to the fence standards for the Open Space zone.

Fences in the OS zone

The regulations of the Open Space zone limit fences within 30 feet of a street property line to be no more than 10 percent sight obscuring. The PIR site has an existing wood fence along N Denver Avenue. The proposed PIR Master Plan includes a project to replace the existing fence during the life of the master plan. The applicant requests an adjustment to allow the new fence to be fully sight-obscuring.

The applicant states that a fully sight-obscuring fence is necessary in order to maintain traffic safety on N Denver Avenue, as well as to avoid pedestrians standing along N Denver Avenue gaining free visual access to race events.

The existing fence is located at the top of an embankment along the west edge of the PIR site. Technically, the fence is located almost entirely on right-of-way governed by Portland Transportation and the Oregon Department of Transportation. The only portion of the existing fence actually located on PIR property is a small section at the north end that angles away from the Denver Street frontage, down to the main entrance gate. At this time, the location of the new fence is unclear. Any new development within the right-of-way will require approval from the relevant transportation authority. Potential improvements to the right-of-way (for example, sidewalks along N Denver Avenue) could affect the location of the new fence.

Adjustment decisions are not applicable to development within the right-of-way, per PCC 33.10.030.B. This adjustment review is limited to discussion of the potential development of a fence on PIR property.

The purpose of the fence standards of the OS zone, per PCC 33.110.205, is as follows: *The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

At this time, only a small portion of the existing fence is actually located on PIR property. The relevant section of fence is approximately 52 feet long, angling down from the Denver Avenue right-of-way toward the main entrance gate. It is assumed that if a new fence is built, some portion of it will be constructed in the same area in order to provide a complete enclosure along the east side of the racetrack core area. Because the topography slopes significantly down from N Denver Avenue into the PIR site, this portion of the fence is only partially visible to vehicles traveling southbound. If sidewalks are added along the frontage in the future, this portion of the fence would have limited or no impact on the pedestrian environment due to both topography and the angle of the wall away from the street. Because of this, the angled portion of the fence is unlikely to create any negative effects as described by the purpose statement, above. As a result, the adjustment approval will allow the “connector” portion of the new fence to be fully sight-obscuring. The “connector” portion is defined as the portion that angles down the slope toward the main entrance gate, is not parallel with N Denver Avenue, and is no more than 100 feet in length.

In addition, any portion of the new fence that is located at least 30 feet from the edge of street improvements (i.e. curb or sidewalk) on N Denver Avenue can also be fully sight obscuring. Because of the unusual configuration of property lines in this area (see Exhibit C.18), a fence located at least 30 feet from the *edge of street improvements* (including sidewalk), as opposed to 30 feet from the *street property line*, can equally meet the purpose of the fence regulation. As a result, the adjustment approval will allow all areas of the fence that are at least 30 feet from the edge of street improvements to be fully sight-obscuring. This criterion is met for this adjustment request.

Parking Area Layout and Landscaping Standards

As discussed previously, the PIR site currently has large expanses of paving that are used for many different purposes. BDS staff asserted that these “multi-use paved areas” are defined by the Zoning Code as “parking areas”. Applicant disagreed with this characterization asserting that the areas in question as neither “parking areas” nor “vehicles areas” as defined in 33.910. The Hearings Officer found this disagreement to be troublesome but very important to the outcome of this adjustment analysis.

Portland City Code section 33.910 defines parking area and vehicle areas as follows:

“Parking Area: A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to nonpassenger loading.”

“Vehicle Areas: All the area on a site where vehicles may circulate or parking including parking areas, driveways, drive-through lanes, and loading areas.”

The applicant stated that:

“If the multi-use areas were new, and were devoted to parking, they would be subject to the applicable standards of 33.266, Parking and Loading. These parking lot standards include the requirements that all vehicle areas be paved (33.266.130.D.1), that parking areas include interior landscaping (33.266.130.G.3.a[1]) that parking areas be striped for aisles and spaces (33.266.130.D.2), and that parking lots be subject to BES stormwater guidelines (33.266.130.E).

PIR’s multi-use areas are devoted to a wide array of uses – race car staging, informal soccer games, driver training, concessions – that are described individually below. Many of these longstanding uses would be incompatible with the layout of a single-purpose parking lot, with its dispersed landscaping, curbs, trees, bollard, and tire stops. Skid car training, for example, would be impossible with these numerous obstructions.

Multi-use areas such as the ones at PIR are unique, and not specifically defined in the code, nor do they have specific development standards. PIR acknowledges that parking is one, among many, uses that occurs on these areas, and that if they were new, these areas would not meet the standards for parking areas listed above. Therefore, this section addresses how the PIR master plan meets the purpose section of the parking area development standards (33.266.130.A) and how that purpose section is compatible with the purpose of the PIR Plan District. Consistency with the plan district purpose is the focus of this approval criterion. (An adjustment to certain vehicle area requirements for possible *future* expansions to these paved areas is included in the adjustment findings.)

The relevant language from the purpose section of the parking and loading chapter (33.266.130.A) reads:

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- *Improve and soften the appearance of parking areas:*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

33.266.130 B. states that the development standards set forth in 33.266 (for other than household uses) apply to “all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.” (Exhibit A.7, page 60)

The Hearings Officer must decide if the applicant’s described “multi-use” areas is a “parking area” or “vehicle areas.” The applicant argues that while vehicles may circulate or park in “multi-use” areas, they are not devoted to motor vehicles per the definition. Rather, the applicant states, these “multi-use” areas are more akin to fairgrounds. Applicant asserts that parking is an intermittent use.

The Hearings Officer does not interpret the code language “devoted” as meaning that the area is to be used for parking to the exclusion of all other uses. Applicant uses an analogy to a fairground. However, even a fairground may have an area used primarily for parking and occasionally for other uses. Another analogy might be a grocery store parking lot; at times the grocery store parking lot is used for parking, or carnival purposes, or the display of merchandise, or a “farmer’s market.” The PIR “multi-use” areas are used for parking for major events and for other purposes during other times of the year. It appears to the Hearings Officer that the primary reason these areas were paved was to park vehicles during major events. Therefore, a plain reading of the “vehicle areas” definition would include the North Paddock and South Paddock and the Hearings Officer finds that even though the “multi-use” areas have been used for other purposes, the “multi-use” areas are areas where vehicles circulate and park. The Hearings Officer finds that the multi-use area proposed to be paved fit within the definition of “parking area.”

The applicant “does not believe these future projects should be subject to all the parking lot development standards of 33.246.130.” (Exhibit A.7, page 135) The Hearings Officer disagrees with this position taken by the applicant. While the Hearings Officer does appreciate the applicant’s desire to use the paved areas for many different uses and that imposing the requirement for striping and landscaping would negatively impact many uses (except for parking) that are expected to occur in these locations, the Hearings Officer finds that the adjustment process provides the flexibility needed for unusual situations, such as this one, and allows for alternative ways to meet the purposes of the code. Further, 33.564.200 A.6. states, in part, that “Standards that are less

restrictive than those of the Zoning Code require adjustments.” The adjustment process is appropriately applied to the multi-use area paving expansions to allow for flexible uses of these sites.

The proposed paving expansions include: 80,000 square feet in the South Paddock (located in the southeast corner of the site); 50,000 square feet in the North Paddock (central-east area of the site); and 100,000 square feet near the main entrance gate, on the south side of Broadacre Street.

As stated earlier in this decision, existing uses and their impacts are recognized under the Portland International Raceway Plan District and the existing “vehicle areas” are, therefore, not directly subject to this adjustment analysis. However, “new” or “proposed” development or uses must meet current code standards or, seek an adjustment.

As part of the 10-year master plan, the applicant proposes to expand several areas of paving, and requests an adjustment to waive the curbing, striping, and interior landscaping requirements for the expanded areas. The applicant states that the adjustment to curbing, striping, and landscaping standards for the new areas of paving are necessary in order to maintain full functionality of the areas. The expanded areas would be used for driver training, police safety training and race car school training, as well as for pavilions and concessions during events.

As noted by the applicant, the areas of expanded paving are subject to the proposed development standard for “Landscape Buffer from Resource Protection Subdistrict.” Application of this development standard to the proposed paving expansions results in a some level of landscaping along the southwest edge of the Broadacre paving expansion, adjacent to the Northern Slough. The applicant proposes this area of landscaping as mitigation for the adjustment request. No other landscaping standards apply to any of the areas of expanded paving.

The purpose of the parking area layout standards, per PCC 33.266.130 (1999 version) is as follows: *The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. The parking area layout standards are intended to promote safe circulation within the parking area and to provide for convenient entry and exit of vehicles.* BDS staff concurred with the applicant’s statement that removal of the requirements for striping and curbing will not negatively affect either safety or appearance of the paved areas. The Hearings Officer concurs as well. During events, the parking areas are supervised by racetrack employees. During non-event times, the number of vehicles arriving at the site is relatively low, and traffic and circulation problems are therefore unlikely.

The purposes of the parking area landscaping standards, per PCC 33.266.130 (1999 version) are as follows:

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas; and*
- *Decrease airborne and waterborne pollution.*

While it is true that the PIR site has significant natural areas, those natural areas are generally in the central and western portion of the site, away from the public frontage. The large, unbroken areas of paving along the eastern edge of the site (excluding the North Paddock) are visible from public right-of-way—and more significantly, from the 40-mile loop trail. In addition, the PIR site has sensitive environmental resource areas which are significantly impacted by the impervious surface (both existing and proposed) at PIR. As a result, BDS staff recommended that the Hearings Officer find that without mitigation the requested adjustment to waive the requirement for interior landscaping for the South Paddock and Broadacre paving expansions would not equally (1) improve and soften the appearance of parking areas; (2) shade and cool parking areas; and (3) decrease airborne and waterborne pollution. In particular, the enormous scale of the paved areas and the lack of trees in and around the areas were seen by the BDS staff to be problematic.

In order to mitigate for the requested adjustment, and to equally meet the purposes of the landscaping regulation, the Hearings Officer finds it necessary to impose the following conditions (See Exhibit H.17, attachment labeled Proposed Landscape Buffers):

- The applicant will provide a five foot width of landscaping along the south and east edges (adjacent to the entry drive) of the South Paddock, with trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Landscaping materials will be selected from the Portland Plant List or from the Urban Forester's Street Tree List. The landscaping will be provided in conjunction with the South Paddock paving expansion, or with the first new building in the Southeast Racetrack Core area, whichever happens first. Vehicle and pedestrian crossings through the area are allowed, up to a maximum of 10% of the length of the required landscaped area.
- At the time that the South Paddock Paving occurs, the applicant will provide a five foot width of landscaping along the south edge of the new paved area. The landscaped area will include trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Vehicle and pedestrian crossings through the areas are allowed, up to a maximum of 10% of

the length of the required landscaped area. Landscaping materials will be chosen from the Portland Plan List or from the Urban Forester's Street Tree List.

- At the time of the Broadacre paving expansion, the applicant will provide a five foot width of landscaping along the north edge of the new paved area, adjacent to Broadacre Street as shown on Exhibit C.21. The landscaped area will include trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Vehicle and pedestrian crossings through the area are allowed, up to a maximum of 10% of the length of the required landscaped area. Landscaping materials will be chosen from the Portland Plan List or from the Urban Forester's Street Tree List.

The North Paddock paving expansion is generally not visible from any public rights-of-way. If the paving is located within 50 feet of any of the RP Subdistrict areas in the center of the site, the "Landscape Buffer from Resource Protection Subdistrict" standard will be triggered and a 20-foot width of plantings will be required, effectively buffering the environmental resource areas from the impacts of the new paving. No additional mitigation is requested for the North Paddock paving expansion.

With these conditions of approval, this criterion is met for this adjustment request.

Parking Area Paving

The Parking and Loading regulations (PCC 33.266.130.D) require that all vehicle areas be paved, in order to control dust and mud. The applicant requests an adjustment to waive the paving requirement for overflow parking areas used no more than four times per year. Per the applicant, those areas include:

- Broadacre multi-use area, located in the northeast corner of the site
- West of the South Paddock and east of the Southern Slough, adjacent to the South Paddock
- Southwest corner of the site, close to the track, between the Midwestern and Forebay Sloughs
- The RV parking area in the northwest corner of the site
- The Central Racetrack Core (motocross area, adjacent to North Paddock, cottonwood grove)

Two of these areas are of potential concern. The first is the northwest corner of the site, near the proposed RV park. It is unclear whether this area includes the corner on the north side of the internal access road, adjacent to the Northern Slough. This area is discussed in detail in response to the PIR Master Plan Approval Criterion B (Environmental Requirements), above. Because of the environmental value of these areas, mitigation plantings will be required along the edge of the slough, as described in response to Criterion B. Those mitigation plantings will also serve to reduce the

impacts of dust and mud on the adjacent environmental areas, consistent with the purpose of the paving regulation.

The second area of concern is the northeast corner of the site, north of N Broadacre Street. This area is directly adjacent to the Vanport Wetland, located just north of the site. The wetland is a sensitive environmental resource and is in the City's Environmental Conservation overlay zone. The overflow parking area is located near the main entrance to the site, and is visible from N. Denver Avenue. BDS staff took the position that in order to protect the adjacent resource area, to reduce the potential impacts of dust and mud caused by parking on unpaved surfaces, and to comply with the design criteria which requires "smooth and attractive transitions between the plan district and adjacent areas," that a condition of approval applying the proposed "Landscape Buffer from Resource Protection Subdistrict") to the north edge of this area should be imposed. BDS recommended a buffer standard requires a 20 foot width of plantings.

The Hearings Officer disagrees with the BDS staff recommendation. There is no evidence in the record of "dust" or "mud" problems. Intuitively, since the area is not paved and is covered with grass, dust *could* be a problem. But, there must be substantial evidence in the record to support this intuition before a condition can be imposed. Also, the Hearings Officer finds that the design criteria requiring a smooth and attractive transition is better served with no landscaping; a landscape buffer in this location would interfere with the open and expansive vista of the Columbia River Floodplain. Finally, as stated by the applicant, the area between the wetlands to the north which is owned by the Port of Portland and the PIR site is buffered by a fence and elevation change which provides protection for the wetland from persons visiting the PIR site. For these reasons the Hearings Officer finds that no mitigation landscaping plantings are required on the northeast boundary of the property.

Further discussion of this recommendation is provided in response to PIR Master Plan Approval Criterion D (Design), above.

With exceptions and conditions as noted, this criterion is met for this adjustment request.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a OS, C, E, or I zone, the proposal will be consistent with the desired character of the area; and**

Findings: The applicant requests three adjustments. The site is located in the Open Space zone, and more specifically, the PIR Plan District. The "area" for this criterion is typically defined as adjacent properties with the same type of zoning, with major streets, etc., forming the area boundaries. In this case, the "area" includes the PIR site and the adjacent Heron Lakes Golf Course, which is also zoned OS. The purpose statement for

the PIR Plan District refers to this area as West Delta Park, and describes it as a “transition area between the natural areas of Smith and Bybee Lakes to the west and the freeway-oriented ‘special event’ uses to the east.” The character of the area is also one of transition, in that “Heron Lakes Golf Course has more wildlife and other environmental resources than the Portland International Raceway (PIR), while PIR is a more developed use.”

The requested adjustment to allow a new, fully sight-obscuring fence is consistent with the desired character of the area. The new fence will be located along the southeastern edge of the site, where the bulk of PIR development is concentrated. The new fence will be required to comply with design standards or guidelines, and as a result will enhance the public frontage of the site. As a transition area and the public face of PIR, it is particularly important for the east edge of the site to be defined with a structure that is unique and attractive, as well as functional.

With conditions of approval as noted, the request to waive the curbing, striping and interior landscaping requirements for three areas of paving, and the request to waive the paving requirement for several overflow parking areas are consistent with the desired character of the area. The overflow parking areas are generally located along the northern and eastern areas of the site, away from the more developed “racetrack core”. These areas should remain undeveloped in appearance, in order to maintain the green and natural character of the area. In addition, paving in these areas could result in a negative impact on the sloughs found on both the PIR and Heron Lakes sites, as well as the Vanport Wetland, located directly north of the site. The areas of paving expansion are also consistent with the transitional character of the site, in that they are generally found toward the eastern edge of the site, which is more developed. Mitigation will be provided for the new paved areas as discussed in response to Adjustment Approval Criterion A, above. The mitigation will assist in softening the appearance of the paved areas, creating a better transition between natural and developed areas on the site, and reducing the impact of paving on adjacent environmental resource areas. This criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The applicant requests three adjustments, as described previously. The overall purpose of the OS zone, per PCC 33.110.010, is as follows: *The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;

- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

The combination of environmental resources and intensive development at the PIR site are unlike any other Open Space site in the City of Portland. The site has a mix of open, natural, and improved park and recreational areas, providing opportunities for a wide array of recreational activities.

With conditions of approval as noted, the requested adjustments to fence, landscaping, and parking lot standards do not result in a cumulative effect that would be inconsistent with the purpose of the OS zone. The adjustment to the fence standards has no impact on the various purposes of the OS zone. The adjustment to landscaping will be mitigated as described in response to Approval Criterion E, below. The adjustment to waive paving requirements for specific overflow parking areas will protect the site's environmental resources by limiting impervious surface to those areas where it is clearly necessary. The requested adjustments are consistent with the overall purpose of the zone. This criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are indicated on City zoning maps by a lowercase "s". Historic resources are indicated by a reference dot. There are no City-designated scenic or historic resources on the subject site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The applicant requests three adjustments to development standards, related to projects proposed during the ten year duration of this master plan. Potential impacts of these adjustments are discussed below.

Fences in the OS zone

The existing fence is located along the edge of N Denver Avenue, the west boundary of the PIR site. The proposed fence will be in a similar location, to be determined by PIR management and relevant transportation authorities. The proposed fence will be reviewed against design criteria in order to mitigate any potential impacts in terms of its appearance, height, and location. Due to the topography of the east edge of the site, the portion of the fence located on PIR property is not anticipated to result in any impacts. This criterion is met for this adjustment request.

Parking Area Layout and Landscaping Standards

As discussed in response to Adjustment Approval Criterion A, above, the applicant's proposed mitigation through landscaping buffers does address the purpose statement for the parking landscaping standards. The mitigation planting will reduce the impact of the additional paving on the adjacent slough and habitat areas. With these conditions, this criterion is met for this adjustment request.

Parking Area Paving

With a condition as referenced above, this criterion is met for this adjustment request.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site has several areas mapped with the Environmental Conservation ("c") overlay zone. The "c" zone is generally found on the water bodies of the site: five sloughs located on the north, south, and west edges of the site, and in the center of the site. None of the proposed adjustments are located within an environmental zone. Therefore, this criterion is not applicable.

III. CONCLUSIONS

PIR Master Plan

The applicant has proposed a master plan to guide future development at the PIR site through the next ten years, in conformance with the requirements of the PIR Plan District. In general, the proposed master plan is consistent with the purpose of the plan district as set out in PCC 33.564.010. BDS staff and the applicant had a few disagreements as to the "scope" of the Portland International Raceway Plan District. These disagreements resulted in certain conditions of approval being recommended by BDS staff which the applicant felt should not be included in the decision or should be modified.

The Hearings Officer found that the Portland International Raceway District approved the uses and development on the site on the date the Plan District became effective.

Conditional Use Review

The proposal to provide a recreational vehicle park at the PIR site is consistent with the character of the OS zone and the purpose of the PIR Plan District. The proposal is relatively small in comparison with the size of the site, and as a result retains adequate open space, while protecting the site's environmental resources. With conditions of approval requiring additional work on sanitary and stormwater service issues, public services will be adequate to support the proposal. Given that the nearest residential neighborhoods are located a significant distance from the site, there will be no adverse impacts on livability in the area. The proposal complies with the relevant approval criteria, and should be approved.

Environmental Review/Environmental Violation

The applicant has proposed six projects in the environmental zone and two corrections to violations. Mitigation and remediation has been proposed for impacts resulting from these projects to replace or improve resources and functional values found at PIR. There are also several items identified in the Peninsula Drainage District No. 1 NRMP that have been addressed by the applicant or added by staff in order to address the PIR Plan District approval criteria. Staff recommends some minor changes to the applicant's proposed mitigation and remediation plans in order to meet applicable approval criteria of Chapter 33.430 and the NRMP. With conditions of approval requiring construction management, mitigation/remediation plantings, and monitoring and maintenance the proposal complies with the relevant approval criteria and should be approved.

Adjustment Review

The applicant requested three adjustments to development standards for proposed master plan projects. With conditions requiring landscaping mitigation, the requests were found to equally meet the purpose of the regulations, to be consistent with the character of the OS zone and the PIR site, and to result in no significant adverse impacts. The proposed adjustments comply with the relevant approval criteria, and should be approved.

IV. DECISION

Approval of a Portland International Raceway Master Plan, including the use regulations, development standards, design standards and guidelines, and future review procedures contained therein, effective for 10 years from the date of final decision of this land use review. Approval of specific Master Plan projects as follows:

- Approval of the following projects, with no further discretionary review unless required by the thresholds laid out in Section 2.7, Implementation, (building permit review is required):
 - Project B.1, Remodel Tower (interior only)
 - Project B.2, Display Tent Pads
 - Project B.3, Renovate South Paddock Restrooms
 - Project B.4, Multi-Tenant Shops
 - Project B.5, Maintenance Building
 - Project B.7, Relocate Pro-Drive Trailer
 - Project B.9, Replace Lighting Poles
 - Project C.3, North Paddock Restroom Remodel
 - Project C.7, Vehicle Washing Area
 - Project C.8, Oval Track and Viewing Areas
 - Project C.9, Media Center Building
 - Project D.4, Turn 12 Realignment
 - Project E.4, Track Modifications for Stock Cars
 - Project E.5, Pave Existing Paths

- Conceptual approval, subject to a future discretionary review, of the following projects:
 - Type II Design Review required:
 - Project A.1, PIR Office Building
 - Project A.2, Museum Building
 - Project A.3, Plaza and Monument
 - Project C.2, Racing Garage
 - Project D.2, Denver Wall Replacement
 - Project D.1, East Bank Terraces
 - Project D.3, Venue Sign
 - Project E.1, Turn 8 Vehicle and Pedestrian Bridge
 - Project E.3, West End Pedestrian Bridges

The Master Plan approval is subject to the following conditions:

- A. The applicant will submit 6 copies of the final revised master plan to the City by August 31, 2004, or prior to submitting for permits for any of the master plan projects, whichever comes first. The final version of the master plan will incorporate the following revisions:
 - 1. A list of all previous conditions of approval, using the list of previous land use reviews found in the “Land Use History” section, above, and will identify the status of each condition of approval (i.e. “satisfied”, or “remains in effect”).
 - 2. The “operations” table provided in Exhibit H.17 will be included in the final master plan.
 - 3. Revisions to Section 2.6, the Sign Program, as follows:
 - a. Only one freestanding sign allowed along N Denver Avenue frontage.
 - b. The “venue sign” shall be located in the vicinity of the intersection of North Broadacre Street and North Expo Road, in PIR’s northeast corner (within the Racetrack Core Subdistrict) and will be limited to a maximum of 50 feet in height 300 square feet in area (per side of the sign) and a maximum of 200 square feet (included within the maximum 300 square foot size limit) of changing image area. The placement and design of the venue sign will generally be consistent with Exhibit H.17 b.
 - c. The balance of applicant’s revised sign plan, not conflicting with 6.a and b. above, as revised in Exhibit H.17 (pages 26 & 27) shall be considered the “sign program.”
 - 4. A revised “Proposed Utilities” plan will be provided, responding to comments from the Bureau of Environmental Services and BDS Site Development Review (Exhibits E.5 and E.6).
 - 5. A revised “Subdistricts” map will be provided, clearly identifying the location of the “PIR Visitor Complex/PIR Village,” including dimensions of the area. At a minimum, the area will extend to the east property line (N Denver Avenue).

- B. All development will comply with the current Stormwater Management Manual in effect at the time of building permit application. The stormwater management requirements of BES and BDS shall be met at the time of building permit review including provisions for primary treatment for water quantity and quality. If the proposed stormwater management facility improvements or construction occurs within the environmental zone, the work is subject to Chapter 33.430.
- C. The nonconforming upgrades standards of Chapter 33.258 do not apply to development approved as part of this Master Plan, and are replaced by the following requirements:
 - 1. Bicycle parking will be provided at a rate of one space per 10,000 square feet of building area (minimum two spaces) with each new building.
 - 2. The applicant will provide a five foot width of landscaping along the south and east edges (adjacent to the entry drive) of the South Paddock, with trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Landscaping materials will be selected from the Portland Plant List or from the Urban Forester's Street Tree List. The landscaping will be provided in conjunction with the South Paddock paving expansion, or with the first new building in the Southeast Racetrack Core area, whichever happens first. Vehicle and pedestrian crossings through the area are allowed, up to a maximum of 10% of the length of the required landscaped area.
- D. The applicant will construct a sidewalk to City standards along N Denver Avenue from the 40-Mile Loop Trail entrance to the pedestrian crossing from the park and ride lot near Broadacre Street. The sidewalk will be constructed at the time the wall is replaced and/or the slope west of the wall on Denver is terraced (Projects D.1 and D.2 in the master plan).
- E. The current program for managing traffic to PIR must be modified to include the recommendations in the transportation analysis section of the Master Plan. A copy of the monitoring program must be submitted to PDOT and ODOT by August 31, 2004. Recommendations by PDOT Traffic Operations and ODOT must be incorporated into the traffic management plan. The threshold for when PIR must initiate traffic management measures will be lowered from events with 6,000 attendees to 4,000 attendees. The second tier will be changed to 4,000-15,000 attendees.
- F. N. Broadacre, N. Liberty, and N. Force shall be open to vehicles whenever N. Expo is closed to vehicle traffic.
- G. A noise control study, prepared by a licensed acoustical engineer, will be submitted to the Bureau of Development Services and to the Noise Control Office, prior to BDS approval of permits for the Oval Track project. The noise study will analyze

- potential impacts of the oval track development on area neighborhoods and on wildlife at the site, and will demonstrate the project's compliance with Title 18.
- H. Motor-vehicle race events with a total attendance of 20,000 or more, with a peak day attendance of 6,000 or more, shall not occur between February 14 and May 31.
 - I. Light standards shall be directed so that they do not shine directly into resource areas. In addition, in Environmental zones, any light poles shall be spaced at least 25 feet apart.
 - J. When water quality discharge standards are established by DEQ, within 5 years the applicant must investigate the feasibility or necessity of constructing a final polishing swale at the confluence of drainage basins A and B. If the Final Polishing Swale is required, the applicant must meet the requirements of the Pen 1 NRMP, which requires a Type I review.
 - K. Concurrent with building permits and construction of the RV Park, a 20 foot wide area extending from top of bank, as shown on Exhibit C.1, shall be planted with at least three species of trees and at least four species of shrubs listed from the Western Hemlock-Douglas Fir Forest Community Section of the Portland Plant List. Trees shall be planted at 15 feet on center and shrubs shall be planted 5 to 7 feet on center. The permits for construction of the RV Park shall not be finalized until the required plantings have been installed and inspected.
 - L. At the time of construction of the Racing Garage (Project C.2 of Exhibit C.2), the applicant shall provide a 20 foot wide landscape buffer from top of bank in the locations shown on Exhibit C.1. The buffer planting will consist of trees planted 15 feet on center and shrubs planted 5 to 7 feet on center. At least three species of trees and four species of shrubs shall be used, with all species selected from the Western Hemlock-Douglas Fir Forest section of the Portland Plant List. The planting will be consistent with Exhibit H.17 a.

Approval of a Conditional Use for the proposed improved RV Park with up to 100 spaces, subject to the following conditions:

- M. The RV park development will comply with Bureau of Environmental Services sanitary service requirements at time of building permit. Construction of a private pump station and pressure sewer may be required. If located in an Environmental Conservation overlay zone, the sanitary line must comply with the standards of Chapter 33.430 or be approved through an Environmental Review.

Approval of an Environmental Review and Environmental Violation Review for:

- Middle Slough crossing and utility lines under paved surfaces as shown on Exhibits C.4 and C.5
- North Paddock Connector Road and utility lines under paved surfaces as shown on Exhibits C.6 and C.7
- Widen Merging Lane as shown on Exhibits C.8 and C.9
- Emergency Road as shown on Exhibits C.10 and C.11
- Storage Area as shown on Exhibits C.12
- Slough Trail as shown on Exhibits C.13 and C.14
- Remediation of Juniper Removal Violation as shown on Exhibits C.15 and C.16
- Remediation of Fill Violation as shown on Exhibits C.17 and C.18
- Modification of LUR 99-00913 condition of approval B, to read as follows: “No Parking” with arrows indicating where the no parking area starts or double sided arrows to indicate no parking between signs shall be placed every 300 feet in the area indicated on Exhibit C.19. In addition, boulders or logs shall be placed along the northern edge of the paving no more than 4 feet apart along this section of the access road between the signs.
- Parks Maintenance Plan
- Drainageway Maintenance Standards
- Timeline Modifications for Slough Trail, Forebay Slough, and Drainageway Maintenance Standards

all within the Environmental Conservation Overlay zone, and in substantial conformance with Exhibits C.4 - C.19. Approval is subject to the following conditions:

For all Environmental Reviews:

- N. **All permits:** Copies of the stamped Exhibits C.4 – C.19 from LUR 99-00971 applicable to each review, shall be included as part of all plans submitted for permits (building, grading, site development, erosion, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, *“Any field changes shall be in substantial conformance with approved Exhibits C.4 – C.19 Substantial conformance shall be verified by BDS, Land Use Review Staff.”*
- O. Construction staging and stockpiling must be located outside of the Environmental Conservation overlay zone.
- P. Construction within any sloughs will be restricted to the in-water work period specified by the Oregon Department of Fish and Wildlife (June 15 through September 15).
- Q. Written annual **monitoring reports** shall be submitted for each mitigation project (Slough trail, Middle Slough Crossing, North Paddock Connector Road, Widen Merging Lane, Southern Access Road, Storage Units, Juniper Removal Violation, and Fill Violation) for review and approval by the Land Use Review Division of the

Bureau of Development Services (1900 SW Fourth Avenue, Suite 5000, Portland, OR, 97201, Attention: **Environmental Planner: LUR 99-00971**).

The first report shall be submitted within 12 months of the final inspection of the mitigation planting project as required below in Conditions W, Z, AA, BB, CC, HH, and KK. Reports shall be submitted annually for five years.

Reports shall be prepared by a professional biologist or a registered landscape architect. The reports shall include the following information:

1. The contact name, number, and address of the responsible party for the monitoring and maintenance of the site.
2. One annual count during the late summer for three summers after planting to determine the rate of tree mortality for that year. If the tree, shrub, and groundcover survival rate is determined to be less than 100 percent at the time of each annual count (during the monitoring period), replacement of dead plants is required to reach 100 percent of the original number of live native plantings (replacement must occur within one planting season).
3. Photographs of the mitigation area during the annual visits and a site plan showing the location and direction of photos.
4. A description of the method and frequency for the watering of trees, shrubs, and groundcovers for the first two summers after planting.
5. One annual estimate of percent cover of invasive species (English ivy, Himalayan blackberry, reed canarygrass) within 10 feet of all planting areas.
6. The means by which plant species can be identified at the time of final Site Development permit inspection, after the third monitoring report.
7. *Approved monitoring and maintenance reports will be retained in case file (LUR 99-00971).*

- R. Within one month after the fifth monitoring report is submitted for each mitigation project (Slough trail, Middle Slough Crossing, North Paddock Connector Road, Widen Merging Lane, Southern Access Road, Storage Units, Juniper Removal Violation, and BES Fill Violation), the applicant shall obtain a Site Development Permit for the purpose of inspecting the required mitigation plantings. Documentation for final success of mitigation shall include the following:

- The planting plan approved under this review;
- A planting plan showing the mitigation planting area and approximate location of surviving native vegetation: indicating 100 percent survival of the required native tree, shrub, and groundcover plantings.
- The system used to provide for field plant identification.

The planting plan submitted for this condition shall be in substantial conformance with:

- Exhibits C.13 and C.14 for Slough Trail
- Exhibits C.4 and C.5 for Middle Slough crossing
- Exhibits C.6 and C.7 for North Paddock Connector Road

- Exhibits C.8 and C.9 for Widen Merging Lane
- Exhibits C.10 and C.11 for Emergency Road
- Exhibit C.12 for Storage Units
- Exhibits C.15 and C.16 for Juniper Removal Violation
- Exhibits C.17 and C.18 for Fill Violation.

Any plant substitutions must have been approved in writing by the Bureau of Development Services Land Use Review Planners (attach letter(s) allowing substitution to submitted plans). ***This permit shall not be considered final until the site exhibits 100 percent survival of the native trees, shrub, and groundcovers installed as required by this review.***

- S. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to PCC 33.700.040 and/or seek to enforce compliance with these conditions in any manner authorized by law.

Slough Trail

- T. The trail shall be a maximum width of 8 feet.
- U. Mitigation plantings shall be species listed in the Pen 1 NRMP Appendix 1 Plant List or receive approval of a Minor Modification of the Pen 1 NRMP to deviate from Development Standard B.4 (pg 70).
- V. For the Site Development permit (described below), the applicant shall provide a survey of the disturbance area showing trees by location, type and species, and a survey of the mitigation area showing existing native vegetation by location, type and size.
- W. **Prior to any ground disturbing activities for the Slough Trail**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing and mitigation plantings, as follows:
1. Sediment barriers and protective construction fencing shall be installed prior to any ground-disturbing activities.
 2. Temporary construction fencing shall conform with Section 33.248.068 (Tree Protection Requirements) unless an alternative tree preservation plan meeting 33.248.065 is submitted indicating alternative tree protection and preservation.
 3. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the trail, as depicted on Exhibit C.14, or as required by Site Development inspection staff during the plan review and/or inspection stages.
 4. Sediment barriers shall be installed as depicted on Exhibit C.14, or as required by Site Development inspection staff during the plan review and/or inspection

stages.

5. No mechanized construction vehicles are permitted outside of the approved “Limits of Construction Disturbance” delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
6. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
7. Mitigation Plantings shall be in substantial conformance with the type of plantings (trees, shrubs, groundcovers) and spacing shown on the Mitigation Plan Exhibit C.13. A minimum of 0.21 acres shall be planted. Species shall be chosen from the Pen 1 NRMP Appendix 1 Plant List. As an alternative, the applicant can request a Minor Modification of the Pen 1 NRMP to deviate from Development Standard B.4, to plant additional species not found in the Appendix 1 Plant List.
8. Mitigation plantings shall be installed within *six months* after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until March 1 of the following year to plant.
9. Prior to inspection of the required plantings by Site Development inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.
10. Prior to inspection of the required plantings, the applicant shall submit to Site Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and species of plants indicated on approved Exhibit C.13 have been installed. Changes to species shall first receive written approval from BDS case review staff.
11. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

Middle Slough Crossing

- X. Excavation of the banks of Middle Slough for mitigation shall be in substantial conformance with Exhibit 9 (page 51) of the NRMP and the Drainage District Standard Operating Procedures (adopted with Master Plan).
- Y. For the Site Development permit (described below), the applicant shall provide a survey of location and size of existing trees in the disturbance area.
- Z. **Prior to any ground disturbing activities for the Middle Slough Crossing**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing, and mitigation plantings, as follows:

1. Sediment barriers, turbidity curtains, and protective construction fencing shall be installed prior to any ground-disturbing activities. Sediment barriers shall be installed as depicted on Exhibit C.5, or as required by Site Development inspection staff during the plan review and/or inspection stages.
2. Temporary construction fencing shall conform with Section 33.248.068 (Tree Protection Requirements) unless an alternative tree preservation plan meeting 33.248.065 is submitted indicating alternative tree protection and preservation.
3. If trees identified in the survey must be removed for this development, any trees over six-inches in diameter shall be replaced with at least three trees, planted 15 feet on center, and two shrubs, planted 5 to 7 feet on center, selected from the Portland Plant List. Trees shall be at least one-inch in diameter and shrubs shall be in at least a 2-gallon container or the equivalent in ball or burlap. Tree replacement planting shall be provided in the disturbance or mitigation area.
4. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the Middle Slough Crossing, as depicted on Exhibit C.5, or as required by Site Development inspection staff during the plan review and/or inspection stages.
5. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
6. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
7. Mitigation Plantings shall be in substantial conformance with the type of plantings (trees, shrubs, groundcovers) and spacing shown on Exhibit C.4. Species shall be chosen from the Portland Plant List.
8. Mitigation plantings shall be installed within *six months* after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until March 1 of the following year to plant.
9. Prior to inspection of the required plantings by Site Development inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.
10. Prior to inspection of the required plantings, the applicant shall submit to Site Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and type of plants indicated on approved Exhibit C.4 have been installed. Changes to species shall first receive written approval from BDS case review staff.
11. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

North Paddock Connector Road

- AA. **Prior to any ground disturbing activities for the North Paddock Connector Road**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing, and mitigation plantings, as follows:
1. Sediment barriers and protective construction fencing shall be installed prior to any ground-disturbing activities.
 2. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the road construction, as depicted on Exhibit C.7, or as required by Site Development inspection staff during the plan review and/or inspection stages.
 3. Sediment barriers shall be installed as depicted on Exhibit C.7, or as required by Site Development inspection staff during the plan review and/or inspection stages.
 4. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
 5. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
 6. Mitigation Plantings shall be in substantial conformance with the type of plantings (trees, shrubs, groundcovers) and spacing shown on Exhibit C.6. Species shall be chosen from the Portland Plant List. Trees shall be at least one-inch in diameter and shrubs shall be in at least a 2-gallon container or the equivalent in ball or burlap.
 7. Mitigation plantings shall be installed within *six months* after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until March 1 of the following year to plant.
 8. Prior to inspection of the required plantings by Site Development inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.
 9. Prior to inspection of the required plantings, the applicant shall submit to Site Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and type of plants indicated on approved Exhibit C.6 have been installed. Changes to species shall first receive written approval from BDS case review staff.
 10. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

Widen Merging Lane

- BB. **Prior to any ground disturbing activities for the Merging Lane**, the applicant shall obtain the required permits from the Bureau of Development Services. If the applicant proposes mitigation to be installed separately and prior to construction of the Merging Lane, a **Site Development Permit** must be obtained. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing and mitigation plantings (including removal of the Inside Slough crossing), as follows:
1. Sediment barriers, turbidity curtain, and protective construction fencing shall be installed prior to any ground-disturbing activities, including removal of the Inside Slough crossing.
 2. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the emergency access widening, as depicted on Exhibit C.9, or as required by Site Development inspection staff during the plan review and/or inspection stages. The area required for removal of the Inside slough crossing shall install construction fencing as required by Site Development.
 3. Sediment barriers and turbidity curtains shall be installed as depicted on Exhibit C.9, or as required by Site Development inspection staff during the plan review and/or inspection stages.
 4. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
 5. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
 6. Mitigation Plantings shall be in substantial conformance with the type of plantings (trees, shrubs, groundcovers) and spacing shown on Exhibit C.8. Species shall be chosen from the Portland Plant List. Trees shall be at least one-inch in diameter and shrubs shall be in at least a 2-gallon container or the equivalent in ball or burlap.
 7. Partially submerged logs shall be provided at the of mitigation planting installation in the Inside Slough.
 8. Mitigation plantings shall be installed within *six months* after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until March 1 of the following year to plant.
 9. Prior to inspection of the required plantings by Site Development inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.
 10. Prior to inspection of the required plantings, the applicant shall submit to Site

Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and type of plants indicated on approved Exhibit C.8 have been installed. Changes to species shall first receive written approval from BDS case review staff.

11. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

Emergency Access Road

CC. **Prior to any ground disturbing activities for the Emergency Access Road**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing and mitigation plantings, as follows:

1. Sediment barriers and protective construction fencing shall be installed prior to any ground-disturbing activities.
2. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the emergency access widening, as depicted on Exhibit C.11, or as required by Site Development inspection staff during the plan review and/or inspection stages.
3. Sediment barriers shall be installed as depicted on Exhibit C.11, or as required by Site Development inspection staff during the plan review and/or inspection stages.
4. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
5. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
6. Mitigation Plantings shall be in substantial conformance with the type of plantings (trees, shrubs, groundcovers) and spacing shown on the Mitigation Plan Exhibit C.10. Species shall be chosen from the Portland Plant List. Trees shall be at least one-inch in diameter and shrubs shall be in at least a 2-gallon container or the equivalent in ball or burlap. Trees shall be planted at 15 feet on center and shrubs shall be planted 5 to 7 feet on center.
7. Partially submerged logs shall be provided at the time of mitigation planting in the Southern Slough.
8. Mitigation plantings shall be installed within *six months* after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until March 1 of the following year to plant.
9. Prior to inspection of the required plantings by Site Development inspectors, the

applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.

10. Prior to inspection of the required plantings, the applicant shall submit to Site Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and type of plants indicated on approved Exhibit C.10 have been installed. Changes to species shall first receive written approval from BDS case review staff.
11. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

Storage Units

DD. Mitigation plantings shown on Exhibit C.12 shall be installed no later than April 30, 2004.

EE. **Prior to planting required for the Storage Units**, the applicant shall obtain the required permits, including a Zoning Permit for the mitigation plantings, from the Bureau of Development Services as follows:

1. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
2. Prior to inspection of the required plantings by inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by inspection staff.
3. Prior to inspection of the required plantings, the applicant shall submit to inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and species of plants indicated on approved Exhibit C.12 have been installed. Changes to species shall first receive written approval from BDS case review staff.
4. The Zoning permit shall not be finalized until mitigation plantings are completed and inspected.

Juniper Removal Violation

FF. Mitigation plantings shown on Exhibits C.15 and C.16 shall be installed no later than April 30, 2004.

GG. The bark chips shall be removed using hand held equipment prior to mitigation planting.

HH. **Prior to planting for the Juniper Removal Violation**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Zoning Permit** to document the installation of mitigation plantings at the southeast corner of the Southern Slough, as follows:

1. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
2. The planting area shall be planted in substantial conformance with Exhibit C.16. The area shall be planted with at least 3 tree species and 4 shrub species selected from the Western Hemlock-Douglas Fir Forest Community Section of the Portland Plant List. Trees shall be planted 15 feet on center and shrubs shall be planted 5 to 7 feet on center. Trees shall be at least one-inch in diameter and shrubs shall be in at least a 2-gallon container or the equivalent in ball or burlap.
3. Prior to inspection of the required plantings by inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by inspection staff.
4. Prior to inspection of the required plantings, the applicant shall submit to inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and species of plants required by condition 2 above have been installed. Changes to species shall first receive written approval from BDS case review staff.
5. The Zoning permit shall not be finalized until mitigation plantings are completed and inspected.

BES Fill Violation

- II. Mitigation plantings shown on Exhibit C.18 shall be installed no later than April 30, 2004.
- JJ. The 6,300 square foot BES fill pile as shown on Exhibit C.17, shall be removed.
- KK. **Prior to any ground disturbing activities for the removal of the BES fill**, the applicant shall obtain the required permits from the Bureau of Development Services. The required permits shall include a **Site Development Permit** to document the installation of erosion control, temporary construction fencing and mitigation plantings, as follows:
 1. Sediment barriers and protective construction fencing shall be installed prior to any ground-disturbing activities.
 2. Four-foot high temporary construction fencing shall be placed along the disturbance area boundary for the fill removal, as depicted on Exhibit C.17, or as required by Site Development inspection staff during the plan review and/or inspection stages.
 3. Sediment barriers shall be installed as depicted on Exhibit C.17, or as required by Site Development inspection staff during the plan review and/or inspection stages.

4. No mechanized construction vehicles are permitted outside of the approved “Limits of Construction Disturbance” delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
5. Prior to planting, non-native invasive plant species shall be removed from all areas within 10 feet of the planting area, using handheld equipment.
6. A minimum of 6,300 square feet shall be planted in the location of the removed BES fill pile in substantial conformance with the location shown on Exhibit C.18. The area shall be planted with at least 3 tree species and 4 shrub species selected from the Western Hemlock-Douglas Fir Forest Community Section of the Portland Plant List. Trees shall be planted 15 feet on center and shrubs shall be planted 5 to 7 feet on center.
7. Prior to inspection of the required plantings by Site Development inspectors, the applicant shall identify all required plantings with a plant labeling or tagging system, pre-approved by BDS Site Development inspection staff.
8. Prior to inspection of the required plantings, the applicant shall submit to Site Development inspection staff, a letter signed by the person responsible for overseeing the plant installation, confirming that the number and species of plants indicated on approved Exhibit C.18 have been installed. Changes to species shall first receive written approval from BDS case review staff.
9. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.

Approval of Adjustments as follows:

1. Waive the OS zone fence standard that requires fences to be no more than 10% sight obscuring for the “connector” portion of the new fence. The “connector” portion is defined as the portion that angles down the slope toward the main entrance gate, is not parallel with N Denver Avenue, and is no more than 100 feet in length. In addition, allow any portion of the Denver Avenue fence that is located at least 30 feet from the edge of street improvements (including sidewalks) to be fully sight-obscuring. This Adjustment decision may be modified through a future Type II Design Review for the fence.
2. Waive the curbing, striping, and interior landscaping requirements for the proposed paving expansions in the South Paddock, North Paddock, and Broadacre areas.
3. Waive the paving requirement for the overflow parking areas used no more than four times per year. Those areas are all within the Transitional Open Space subdistrict, and include:
 - Broadacre multi-use area, located in the northeast corner of the site
 - West of the South Paddock and east of the Southern Slough, adjacent to the South Paddock
 - Southwest corner of the site, close to the track, between the Midwestern and Forebay Sloughs
 - The RV parking area in the northwest corner of the site

- The Central Racetrack Core (motocross area, adjacent to North Paddock, cottonwood grove)

Adjustments are approved subject to the following conditions:

LL. *South Paddock Expansion:* At the time that the South Paddock Paving occurs, the applicant will provide a five foot width of landscaping along the south edge of the new paved area. The landscaped area will include trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Vehicle and pedestrian crossings through the areas are allowed, up to a maximum of 10% of the length of the required landscaped area. Landscaping materials will be chosen from the Portland Plan List or from the Urban Forester's Street Tree List. The planting will be consistent with Exhibit H.17 a.

MM. *South Paddock paving expansion.* The stormwater facility proposed in the project description for this paving expansion is not approved through this Master Plan and Adjustment review. The facility must be approved by the Bureau of Environmental Services and BDS, and is subject to the implementation thresholds and future review procedures of the approved Master Plan. The planting will be consistent with Exhibit H.17 a.

NN. *Broadacre paving expansion.* At the time of the Broadacre paving expansion, the applicant will provide a five foot width of landscaping along the north edge of the new paved area, adjacent to Broadacre Street as shown on Exhibit C.21. The landscaped area will include trees every 30 feet, shrubs to form a 3' high continuous screen within 3 years of installation, and groundcover to fill the area. The landscaped area will be curbed or otherwise protected from vehicle traffic. Vehicle and pedestrian crossings through the area are allowed, up to a maximum of 10% of the length of the required landscaped area. Landscaping materials will be chosen from the Portland Plant List. The planting will be consistent with Exhibit H.17 a.

Note:

1. The site is located within 100-year floodplain. Any excavation or fill will be required to meet Site Development requirements for balanced cut and fill.

Gregory J. Frank, Hearings Officer

Date

The application for this land use review was determined to be complete on June 21, 2000.

Decisions of the Hearings Officer may be appealed to City Council. Unless appealed, this Decision of the Hearings Officer is effective on October 6, 2003, the day after the last day to appeal.

ANY APPEAL OF THIS ACTION BY THE HEARINGS OFFICER MUST BE FILED AT, 1900 S.W. 4TH AVENUE, PORTLAND, OR, 97201 (823-7526) NO LATER THAN **5:00 P.M. on October 3, 2003.** Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 5:00 p.m., file the appeal at the Reception Desk on the 4th Floor. **An appeal fee of \$4,684.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Failure to raise an issue by the close of the record at or following the final hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Failure to provide sufficient specificity to allow the review body to respond to an issue raised precludes appeal to LUBA based on that issue.

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Assistance in filing the appeal and information on fee waivers is available from the Office of Planning and Development Review, 1900 SW 4th Avenue, first floor. Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working

days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision. If this Land Use Review is approved, the final decision must be recorded by the Multnomah County Recorder before the approved use is permitted, any building or zoning permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland, OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland, OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires three years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the Building Code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal

1. Original submittal, dated December 1999
2. 120-Day Waiver, dated December 21, 1999
3. DSL/Army Corps Permit Application
4. Supplemental information received June 21, 2000
 - a. Transmittal letter, dated June 15, 2000
 - b. Design Guidelines and Standards
 - c. Framework for Implementing Design Guidelines and Standards
 - d. Conditional Use for Park and Ride Facility, dated April 3, 2000
 - e. Chart of Existing Activities in Conservation Zone
 - f. Adjustment to Fence Standards
 - g. List of Established Activities, Locations, and Structures
 - h. Traffic Information memo, dated June 5, 2000
 - i. Email regarding Broadacre improvements, dated June 9, 2000
 - j. Nonconforming Development Issues
 - k. Noise Variance Information
 - l. Helicopter Operations Memo, dated June 5, 2000
 - m. Environmental Zone Boundary Map
5. Wetland Determination by Fishman Environmental Services, dated July 7, 2000
6. Comprehensive New Submittal, binder, dated June 2002
7. Comprehensive New Submittal, binder, dated April 2003
8. Drainage Analysis, received June 12, 2003
9. Proposed South Paddock planting strip graphic, received June 18, 2003
10. Revised Section 2.5, Design Standards and Guidelines, received July 10, 2003
11. Revised Site Plans, received June 18, 2003
12. Postponement request, dated June 20, 2003
13. Additional information submitted July 22, 2003
14. Additional information submitted July 23, 2003

B. Zoning Map (**attached**)

C. Plans/Drawings (**all attached**)

1. Proposed Subdistricts, staff modified (attached)
2. Proposed and Possible Projects (attached)
3. Illustrative Concept Plan (attached)
4. Middle Slough Crossing Mitigation (attached)
5. Middle Slough Crossing Construction Management (attached)
6. North Paddock Connector Road Mitigation (attached)
7. North Paddock Connector Road Construction Management (attached)
8. Widen Merging Lane Mitigation (attached)
9. Widen Merging Lane Construction Management (attached)

10. Emergency Road Mitigation (attached)
 11. Emergency Road Construction Management (attached)
 12. Storage Area Mitigation (attached)
 13. Slough Trail Mitigation (attached)
 14. Slough Trail Construction Management (attached)
 15. Juniper Removal Violation Construction Management (attached)
 16. Additional Mitigation for Juniper Removal Violation (attached)
 17. BES Fill Violation Construction Management (attached)
 18. BES fill Mitigation (attached)
 19. Modification to LUR 99-00913 sign area (attached)
 20. PIR Property Lines and Denver Avenue Fence (attached)
 21. Adjustment Plantings and RV Plantings (attached)
- D. Notification Information
1. Request for Response
 2. Posting Letter
 3. Notice to be Posted
 4. Posting Certification
 5. Mailed Notice
 6. Mailing List
 7. Postponement Mailed Notice
- E. Agency Responses
1. BDS Plan Review Section
 2. Bureau of Water Works
 3. Fire Prevention Division
 4. Division of State Lands
 5. Bureau of Environmental Services
 6. BDS Site Development Section
 7. Tri-County Metropolitan Transportation District
 8. Portland Transportation Development Review
 9. BDS Noise Control Section
- F. Correspondence
1. Letter of Incomplete Application, dated January 5, 2000
 2. Portland Transportation letter, dated January 18, 2000
 3. Request for information letter, dated January 20, 2000
 4. Email request to extend review period, dated January 21, 2000
 5. Meeting summary letter, dated January 24, 2000
 6. Notice of staff change, dated April 18, 2000
 7. Memo regarding mitigation for LUR 99-00913 EN, dated April 19, 2000
 8. Memo regarding south dike fence, case LUR 99-00913 EN, dated April 27, 2000
 9. Memo regarding Design Standards and landscaping, dated June 1, 2000
 10. Status memo, dated July 17, 2000
 11. Portland Transportation letter, dated July 20, 2000
 12. Letter regarding environmental violations, dated July 20, 2000

13. Request for additional information letter, dated July 31, 2000
14. Response to environmental violations, dated July 31, 2000
15. Memo regarding Adjustment and Wetland Delineation, dated August 7, 2000
16. DSL review of Wetland Delineation, fax dated August 8, 2000
17. Status/issues letter, dated August 15, 2000
18. Extension request and meeting summary, dated September 18, 2000
19. BES memo and remediation plan, dated October 27, 2000
20. Extension request, dated December 1, 2000
21. Memo regarding park and ride lot, dated December 18, 2000
22. Extension request, dated January 31, 2001
23. Extension request, dated May 31, 2001
24. Extension request, dated September 4, 2001
25. Extension request, dated October 17, 2001
26. Extension request, dated November 29, 2001
27. Extension request, dated January 31, 2002
28. Extension request, dated March 13, 2002
29. Extension request, dated March 29, 2002
30. Extension request, dated April 19, 2002
31. Extension request, dated May 9, 2002
32. Extension request, dated June 5, 2002
33. Extension request, dated July 2, 2002
34. Request for additional information, dated August 2, 2002
35. Issue memo, dated August 22, 2002
36. Fee memo, dated August 27, 2002
37. Final review comments, dated February 23, 2003
38. Hearing extension request, dated April 24, 2003
39. Arbor Lodge Neighborhood Association letter, dated May 27, 2003

G. Other

1. Application form
2. Site History
3. 1998 Aerial Photo
4. 2002 Aerial Photo
5. LUR 99-00913 Decision

Exhibits Received in the Hearings Office

- H.
1. BDS Staff Report
 2. BDS / Parsons, Liefeld 8/1/03 memo
 3. Wilson e-mail (via planner)
 4. Winterbrook – PIR subdistricts graph
 5. Winterbrook – Behr color palette
 6. Winterbrook – schematic drawing
 7. Crawford Engineering report
 8. Arbor Lodge Neigh. Assn. / Hoddick 8/4/03 letter
 9. BDS Power Point presentation

10. East Columbia Neigh. Assn. / Toma letter and fax
11. BDS / Parsons 8/18/03 memo
12. Winterbrook / Schonberger 8/18/03 response memo
13. Pacific Habitat Services / van Staveren 8/18/03 memo
14. Port of Portland / McFarland 8/18/03 response letter
15. Port of Portland / McFarland 8/18/03 response letter (duplicate of H-14)
16. BDS / Fioravanti, Parsons 8/25/03 final comments memo
17. Winterbrook / Schoenberg 9/2/03 final rebuttal
- 17a. Proposed Landscape Buffers Map (attachment to H.17 reduced to 8 ½" x 11")(**attached**)
- 17b. Option B; graphic representation of location and design of "venue sign" (black and white version) (**attached**)