



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
 FROM CONCEPT TO CONSTRUCTION

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**Date:** August 14, 2019  
**To:** Interested Person  
**From:** Arthur Graves, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 19-163769 HR: INSTALLATION OF 9' TALL FENCING TO THE PORTION OF THE BRIDGE OVER I-5**

**GENERAL INFORMATION**

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 HRD Engineering Inc | 1050 SW 6th Avenue, Suite 1800  
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**Site Address:** **RIGHT OF WAY: BURNSIDE BRIDGE**  
**Legal Description:** RIGHT OF WAY  
**Tax Account No.:** RIGHT OF WAY  
**State ID No.:** RIGHT OF WAY  
**Quarter Section:** 3030  
**Neighborhood:** Buckman, contact Richard Johnson at [buckmanlandusepdx@gmail.com](mailto:buckmanlandusepdx@gmail.com), Kerns, contact Elliott Mantell at [commonchiro@yahoo.com](mailto:commonchiro@yahoo.com)

**Business District:** Central Eastside Industrial Council, contact [ceic@ceic.cc](mailto:ceic@ceic.cc).  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Plan District:** Central City Plan District, Central Eastside Sub-District  
**Other Designations:** Historic Landmark: Burnside Bridge, listed November 12, 2012.  
**Zoning:** OSd,e,g\*: Base Zone - Open Space (OS), Overlay Zones – Design (d), River Overlay Plan Zone: River Environmental (e), River Overlay Zone: River General (g\*), Historic Resource Protection Overlay

**Case Type:** HR: Historic Resource Reivew

**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant seeks Historic Resource Review approval for alterations to a portion of the Burnside Bridge. Proposed alterations include adding 222 linear feet of 9' tall "ornamental protective fence" to the eastern portion of the bridge that is above Interstate Highway I-5. The fencing is to be added to both the north and south sides of the bridge in this location. Fencing is proposed to be metal construction with wire mesh attached. The fence will be "resin bonded" to the outside (river-side) of the existing concrete railings.

Historic Resource Review is required because the proposal is for exterior alterations to a historic landmark.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- *Central City Fundamental Design Guidelines;*
- *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan; and*
- *Criteria in Section 33.846.060.G of the Portland Zoning Code.*
- *Oregon Statewide Planning Goals*

## ANALYSIS

**Site and Vicinity:**

The Burnside Bridge opened to traffic in May 1926 and spans the Willamette River in downtown Portland, Oregon, at River Mile 12.7, just upstream from the Steel Bridge, within the core of the central commercial district of the city. A steel deck truss with a central, double-leaf Strauss bascule, the bridge measures 788 feet long between the abutment walls (i.e., not including the approach spans). The first bascule bridge to rely upon a concrete deck for its movable span, at 5000 tons (according to Wortman, 2000), the Burnside is one of the heaviest bascule bridges constructed in the United States. The Burnside Bridge design was initially the work of Ira G. Hedrick and Robert E. Kremers, with some modification and construction supervision by Gustav Lindenthal. The bridge is owned and maintained by Multnomah County.

**Zoning:**

The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation 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 Design Overlay (d) promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The River Overlay Zone: River General (g\*). The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.

The River Overlay Zone: River Environmental. The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. Mitigation is required for unavoidable impacts and is intended to have no net loss of natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in a detailed study titled Willamette River Central Reach *Natural Resources Protection Plan* (2017). This overlay zone always applies in combination with one of the other River Overlay zones.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **July 2, 2019**.

1. Fire Bureaus: Dawn Krantz, July 03, 2019. (Exhibit E-1). With no concerns.
2. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, July 19, 2019. (Exhibit E-2). With the following comment:
  - Life Safety Plan Review does not object to the approval of this proposal. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.
3. Portland Bureau of Transportation: Michael Pina, July 23, 2019. (Exhibit E-3). With no concerns.
4. Bureau of Development Services Site Development: Kevin Wells, July 23, 2019. (Exhibit E-4). With no concerns.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 2, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### **Chapter 33.846, Historic Reviews**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic/Conservation Landmark. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

**G. Other Approval Criteria:**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**Findings for 1 and 2:** As stated by the applicant: "The historic character and integrity of the Burnside Bridge will remain intact as the proposed installation of the proposed metal fence will not remove, alter or degrade any key contributing elements of historical significance. In addition, in the event that the metal fence is removed, no key historic elements of the bridge will be removed, altered or degraded and restoration efforts needed to return the bridge to pre-installation condition will be minimal."

As further stated by the applicant: "In the Section 106 Finding of No Adverse Effect Document (Exhibit A-1), Oregon Department of Transportation (ODOT) and the FHWA found, and the Oregon SHPO concurred, that the 'proposed work generally would retain, preserve, or suitably repair character-defining features in a manner consistent with the Secretary of Interior's Standards for such work.'

Collectively, the proposed alterations will have minimal structural impact on the bridge allowing the bridge to continue to be a record of its time. However, as the installation is currently proposed, staff believes the fencing will have significant unnecessary visual impact on the bridge's aesthetic and, by extension, the bridge's historic character. As the SHPO document does not appear to make note or commentary about the importance of the proposed metal fencing being located on the interior of the existing concrete railing vs the exterior, staff has added a condition of approval that the proposed 9' metal fencing as shown in submitted drawings be installed not on the outside (river-side) of the bridge's existing concrete railing (as is shown by the applicant), but on the inside (road-side) of the bridge's existing concrete railing.

*Therefore, with the condition of approval that the proposed 9' metal fencing shall be installed not on the outside of the bridge's existing concrete railing (as is shown by the applicant), but on the inside of the bridge's existing concrete railing, these guidelines are met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

**Findings for 3, 4 and 5:** The proposed alterations to the bridge will not impact any changes on the bridge that have acquired historic significance. Historic materials will be protected and no chemical or physical treatments (such as sandblasting) will be used. Historic features on the bridge will not be impacted. In the event that a feature, such as the existing concrete railing, were to be impacted by this project, full documentation will be provided, and necessary steps will be addressed and followed per the historic designation and SHPO.

*Therefore, these guidelines have been met.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 7, 8, 9 and 10:** The proposed 9' metal fence will clearly read as none original and new to the structure: however, the existing historic character and integrity of the bridge will remain intact. Further, although the metal fence requires six 1-inch holes to be drilled into each concrete railing in the areas of the bridge where the metal fence is proposed to be located, if removed in the future the essential form and integrity of the bridge will remain intact.

In addition, the proposed metal fence, while foreign in material and design to the original bridge, is compatible with the greater palette of pragmatic industrial materials that are found in similar structures, and so collectively the alterations maintain compatibility.

*Therefore, these guidelines have been met.*

### **Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **Central Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.

- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**Findings:** The proposed 9' tall metal fencing to be located on the inside (adjacent to the public sidewalks on the bridge) of the bridge, while not completely site obscuring, will be a significant and noticeable feature that will provide the perception of greater urban enclosure by contrast to the rest of the pedestrian realm on the bridge that is open and without metal fencing.

*Therefore, this guideline is met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for B1 and C10:** The proposed 9' tall metal fence installed to dissuade objects from being thrown onto the lower Interstate Highway will be located on the inside of the existing concrete railing as conditioned above only for the length of the bridge that spans I-5. The proposed fencing will be located in the area of the sidewalk that is currently defined by the existing fixed light poles, which extend approximately a foot into the sidewalk right-of-way. Because the proposed fencing is shown to extend no more than 5" from the existing concrete railing (per Exhibit X) once installed on the inside of the existing concrete railing the proposed fencing will not impact pedestrians convenient access.

*Therefore, these guidelines are met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** The proposed metal fencing material is constructed of HSS 4 x 4 x 1/4 tubular steel vertical members at 14'-2" to 16'-10" on-center spacing, additional HSS 1 x 1 x 1/8 vertical infill posts at 7" on-center spacing, 3" profile MC (4 x 13.8) horizontal members and 3 x 3 – W5.0 x W5.0 infill metal fencing. All materials are metal construction and attached to the bridge via 3/4" diameter resin bonded anchor (at a 9" minimum embedment).

*Therefore, this guideline is met.*

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**Findings:** The proposed metal fencing is limited to the area over the I-5 Interstate Highway. Because of this, and because the fencing is to be located on the inside (road-side) of the bridge's existing concrete railing, as conditioned above and repeated here, the fencing will not be as visible from surrounding areas when viewing the portions of the bridge that are actually spanning the Willamette River. Locating the fencing on the inside of the existing concrete railing will further ensure that strong horizontal lines of the bridge will not be negatively impacted by those viewing the bridge from a distance.

*Therefore, with the condition of approval that the proposed 9' metal fencing shall be installed not on the outside of the bridge's existing concrete railing (as is shown by the applicant), but on the inside of the bridge's existing concrete railing, these guidelines are met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**Findings:** As previously mentioned, existing lighting and light poles play a pivotal role in the installation of the proposed fencing due to their extending into the existing sidewalk right-of-way and so providing protected or recessed areas on the inside of the bridge for the proposed metal fencing to be located.

*Therefore, this guideline is met.*

## **Oregon Statewide Planning Goals findings for site in the Central City plan district**

### **Goal 1: Citizen Involvement**

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

### **Goal 2: Land Use Planning**

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

### **Goal 3: Agricultural Lands**

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

### **Goal 4: Forest Lands**

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goals 3 and 4 do not apply.

### **Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic ("s") overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is the Burnside Bridge. Compliance with all requirements related to this designation have been verified as part of this land use review, as discussed earlier in this report. Therefore, the proposal is consistent with Goal 5.

**Goal 6: Air, Water and Land Resources Quality**

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application with conditions, as mentioned earlier in this report. Staff finds the proposal is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The site is within a floodway. Compliance with regulations related to this designation either has been addressed in the findings included as part of this land use review, and/or will be verified during building permit review and inspection. Therefore, the proposal is consistent with Goal 7.

**Goal 8: Recreation Needs**

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

**Goal 9: Economy of the State**

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

**Goal 10: Housing**

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** Since this proposal is not related to housing or to land zoned for residential use,

Goal 10 is not applicable.

**Goal 11: Public Facilities and Services**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal.

**Goal 12: Transportation**

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

The extent to which a proposal affects the City's transportation system is evaluated by the Portland Bureau of Transportation (PBOT). The proposal constitutes exterior alterations to existing development and will result in no impact to the existing transportation system. Therefore, the proposal is consistent with Goal 12.

**Goal 13: Energy**

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

**Goal 14: Urbanization**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are

administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

**Goal 15: Willamette Greenway**

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities.

The subject site for this review is within the River General (g\*) and the River Environmental (e) overlay zones. The applicable requirements for the River overlay zone in Zoning Code Chapters 33.475 and 33.865 are found to be met. Therefore, the proposal is consistent with Goal 15.

**Goal 16: Estuarine Resources**

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

**Goal 17: Coastal Shorelands**

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

**Goal 18: Beaches and Dunes**

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19: Ocean Resources**

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

**Findings:** Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

**DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed alterations to the Burnside Bridge, a listed landmark, will maintain the overall integrity and historic character of the original resource with the addition of one condition of approval.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Historic Resource Review approval of proposed 9' tall metal fence over Interstate 5 on the Burnside Bridge, a historic landmark in the Central City Plan District and Central Eastside Sub-District.

Approval, per the approved site plans, Exhibits C-1 through C-6, signed and dated August 09, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-163769 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. With the condition of approval that the proposed 9' metal fencing shall be installed not on the outside of the bridge's existing concrete railing (as is shown by the applicant), but on the inside of the bridge's existing concrete railing.
- D. NO FIELD CHANGES ALLOWED.

**Staff Planner: Arthur Graves**

**Decision rendered by:**  **on August 09, 2019.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 14, 2019.**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on May 13, 2019, and was determined to be complete on June 25, 2019.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on May 13, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 23, 2019.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 28, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 29, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

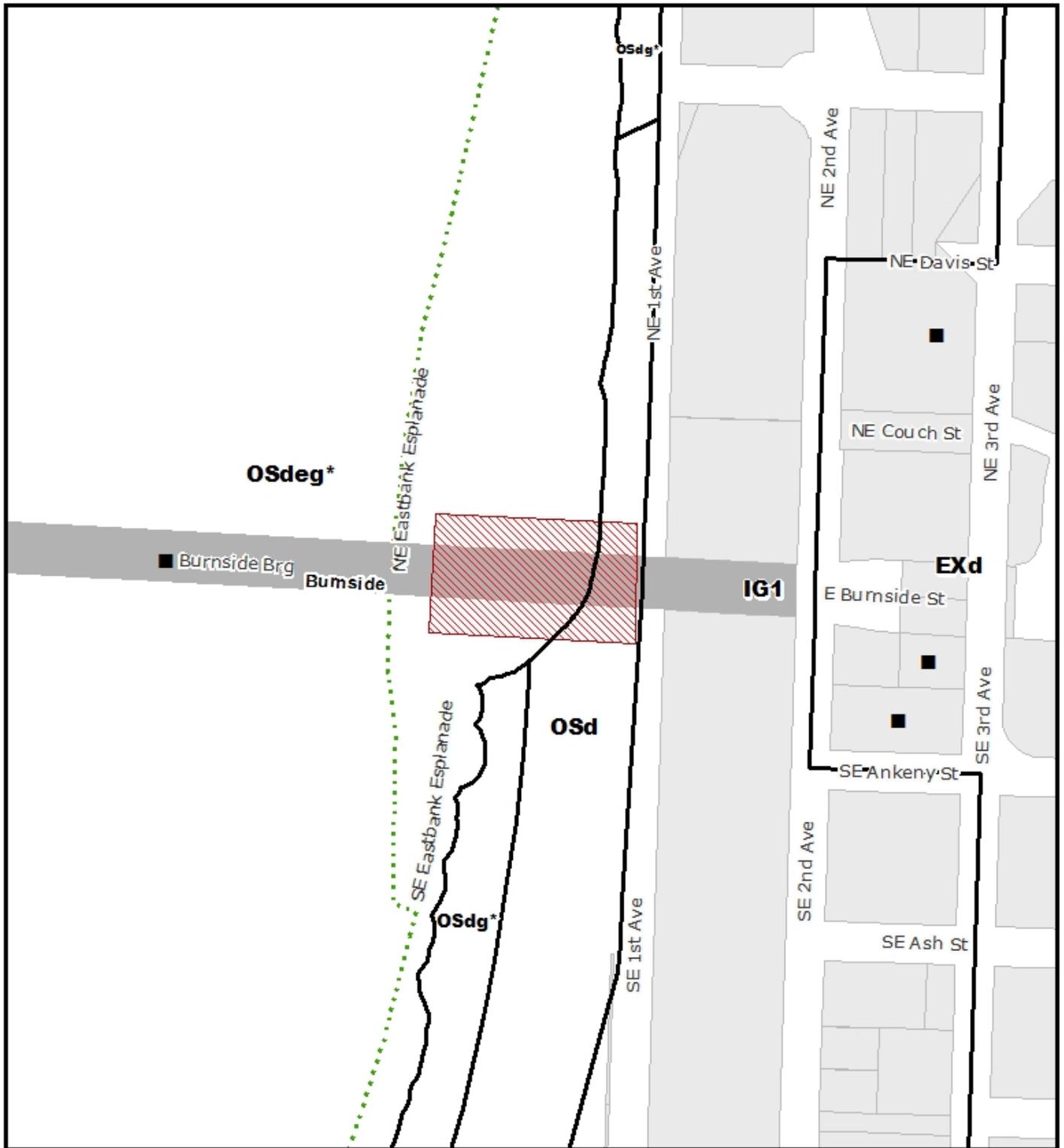
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Initial Narrative: May 13, 2019
  - 2. Revised Drawings: June 18, 2019
  - 3. Email: July 26, 2019
  - 4. Email: July 31, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan ("Sheet No 1") (attached)
  - 2. Plan and Elevation ("Sheet 3 of 60") (attached)
  - 3. Plan and Elevations Enlarged ("Sheet 61 of 64")
  - 4. Elevation ("Sheet 62 of 64") (attached)
  - 5. Section and Details ("Sheet 64 of 64") (attached)
  - 6. Details ("Sheet 63 of 60")
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau: Dawn Krantz: July 03, 2019.
  - 2. Bureau of Development Services Life Safety / Building Code Section: Chanel Horn: July 19, 2019.
  - 3. Portland Bureau of Transportation: Michael Pina: July 23, 2019.
  - 4. Bureau of Development Services Site Development: Kevin Wells: July 23, 2019.
- F. Correspondence: None Received
- G. Other:
  - 1. Original LU Application
  - 2. Revised LU Application
  - 3. Site Pictures
  - 4. Aerial image with zoning overlay
  - 5. Historic Information
  - 6. Landmark Nomination
  - 7. Incomplete Letter: May 23, 2019

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



**ZONING**   
 NORTH

THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUBDISTRICT

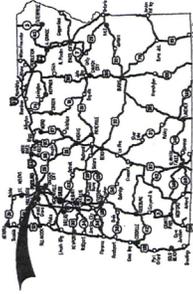
-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19-163769 HR
1/4 Section	3030
Scale	1 inch = 200 feet
State ID	1N1E34DD 1000
Exhibit	B May 16, 2019

STATE OF OREGON  
 DEPARTMENT OF TRANSPORTATION  
 PLANS FOR PROPOSED PROJECT  
 STRUCTURES AND PAINT

**BURNSIDE ST: WILLAMETTE RIVER BR  
 PAINT & REHAB PROJECT**

BURNSIDE STREET  
 MULTNOMAH COUNTY  
 JANUARY 2017



Overall Length Of Project - 0.4 Miles

LET'S  
 WORK TOGETHER  
 TO MAKE THIS  
 JOB SAFE

ATTENTION:  
 Oregon has adopted the Federal Rules  
 Adopted By The Oregon Utility Institution  
 Committee. These Rules Are Set Forth In  
 OAR Chapter 800.000. The Rules Apply To  
 All Utility Work Done In The State Of  
 Oregon. The Oregon Utility Institution For  
 The Oregon Utility Institute, (888) 232-1867.

Burnside St  
 related to the  
 Oregon Transportation Commission  
 Oregon Department of Transportation  
 Director of Transportation  
 Sam O'Halloran  
 Commissioner  
 Amanda Simpson  
 Commissioner  
 Matthew J. Gerritt  
 Director of Transportation

PLANS PREPARED FOR  
 OREGON DEPARTMENT OF TRANSPORTATION



**HDR**

These plans were developed using AASHTO design standards. Exceptions to these standards, if any, have been submitted and approved by the ODOT Chief Engineer or their delegated authority.

Approving Authority: *[Signature]* 11/30/16  
 Signature & date  
**STEVE DRAHOTA, PE**  
 Project Manager  
 Print name and title  
 Concurance by ODOT Chief Engineer

<b>BURNSIDE ST: WILLAMETTE RIVER BR PAINT &amp; REHAB PROJECT</b>		SHEET NO.	1
BURNSIDE STREET MULTNOMAH COUNTY		PROJECT NUMBER	C051(099)
FEDERAL HIGHWAY ADMINISTRATION	OREGON DIVISION		

Sec. 34, T. 1 N., R. 1 E., W.M.



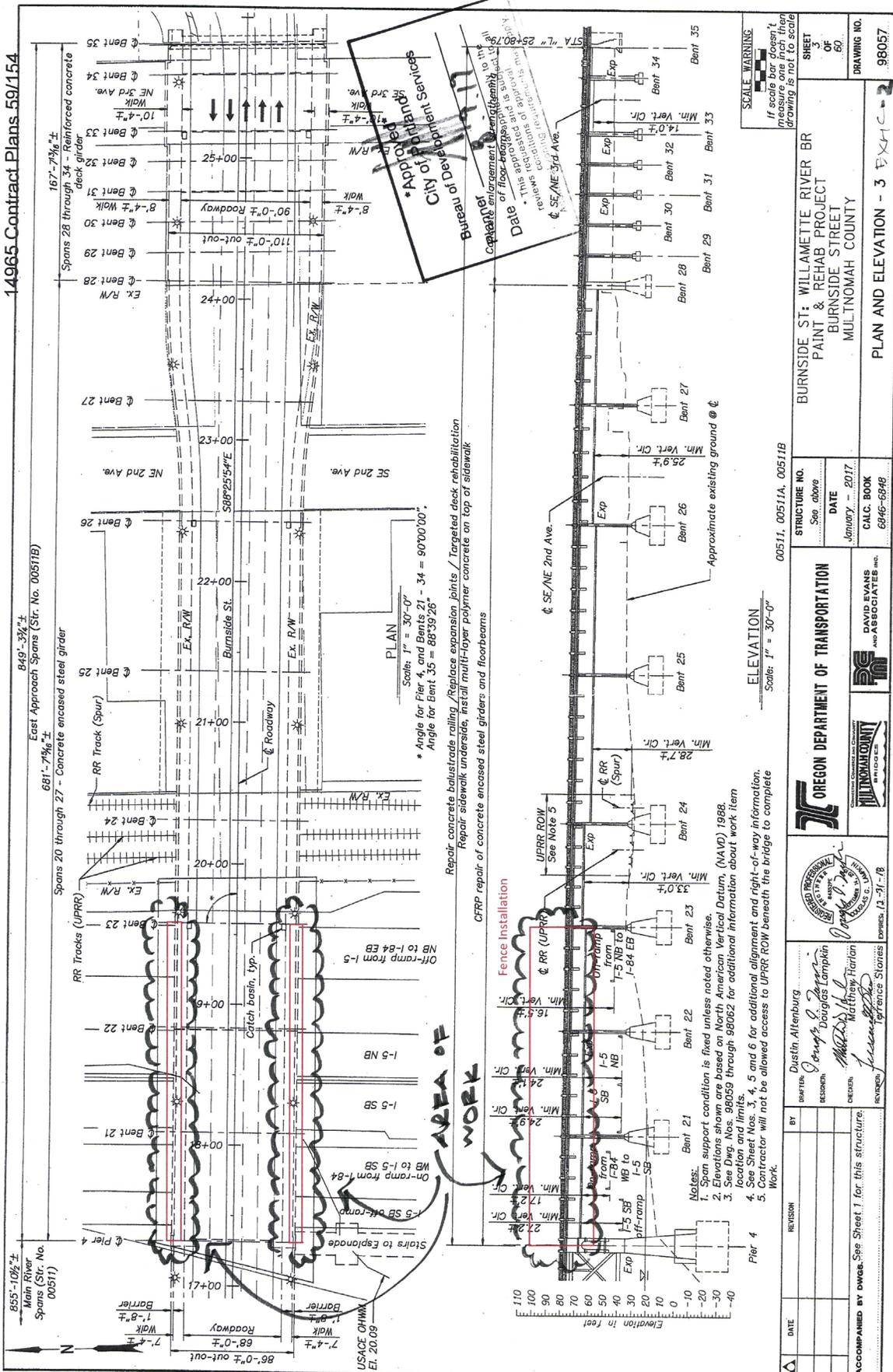
**BEGINNING OF PROJECT C051(099)**  
 STA. 2+72.50

**AREA OF WORK**

**END OF PROJECT C051(099)**  
 STA. 25+80.79

EXH 5-1  
 1019-163769 HW

14965 Contract Plans 59/154



**\*APPROVED\***  
City of Multnomah  
Bureau of Development Services

Approved for the  
City of Multnomah  
Bureau of Development Services  
Date: \_\_\_\_\_

**SCALE WARNING**  
If scale bar doesn't measure one inch then drawing is not to scale

STRUCTURE NO. 005111, 00511A, 00511B  
DATE: January 2017  
CALC. BOOK: 6946-6848

**OREGON DEPARTMENT OF TRANSPORTATION**  
DAVID EVANS AND ASSOCIATES INC.

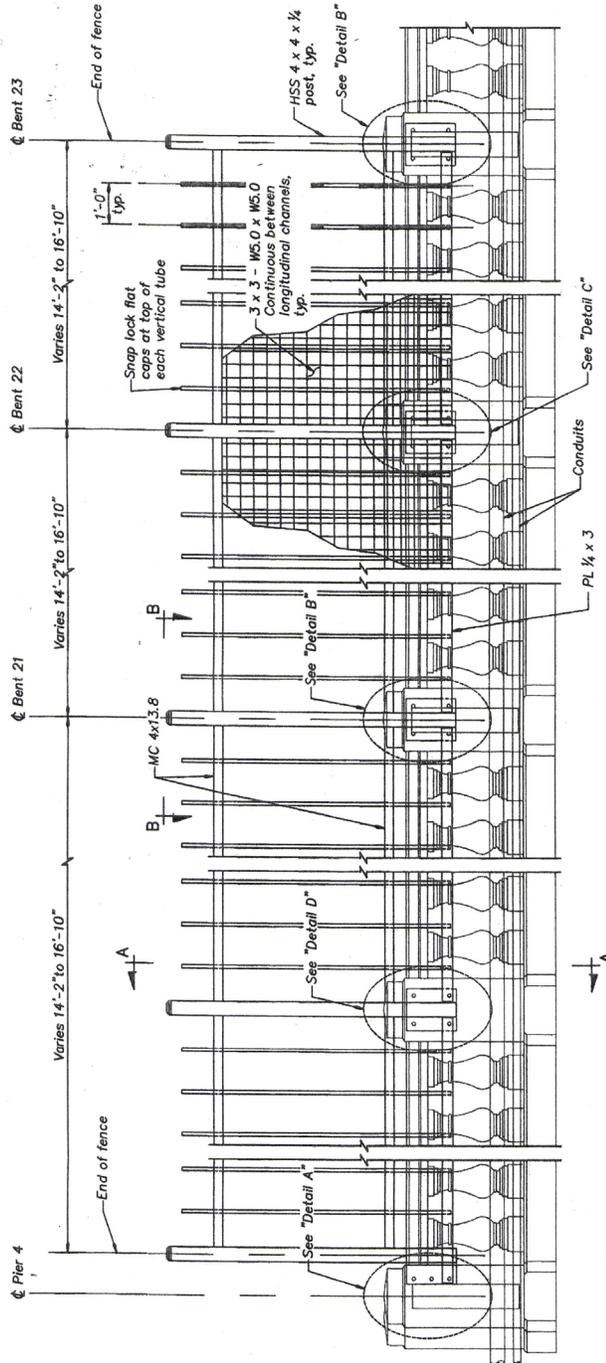
**MULTNOMAH COUNTY**  
BRIDGE DIVISION, 13-21-18

BURNSIDE ST: WILLAMETTE RIVER BR  
PAINT & REHAB PROJECT  
BURNSIDE STREET  
MULTNOMAH COUNTY

PLAN AND ELEVATION - 3 EXAC-2

SHEET 3 OF 60  
DRAWING NO. 98057

LU 19-103769 HR



ELEVATION - TYPICAL ORNAMENTAL PROTECTIVE FENCE

Scale: 3/4" = 1'-0"

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner **BAH**  
 Date \_\_\_\_\_  
 \*This approval applies only to the reviews requested of approved conditions and materials only. Additional conditions may apply.

**NOTE: PER CONDITION OF APPROVAL METAL FENCE TO BE LOCATED ON INSIDE OF EXISTING CONCRETE RAILING**



BY: Heather Gonsior  
 DESIGNED: Santosh Timilsina  
 CHECKED: Doug Weirlock  
 REVISION: Mark Libby

DATE	REVISION

ACCOMPANIED BY DWGS. See Sht. 1 for this structure.

OREGON DEPARTMENT OF TRANSPORTATION

STRUCTURE NO. 005111 part A, 00511B  
 See above  
 DATE: Jan. - 2019  
 CALC. BOOK: 69-46-69-48

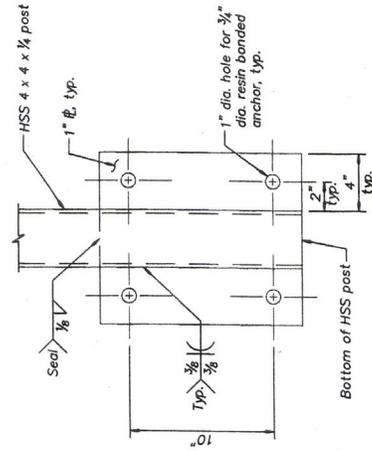
**HR**

BURNSIDE ST: WILLAMETTE RIVER BR  
 PAINT & REHAB PROJECT  
 BURNSIDE STREET  
 MULTNOMAH COUNTY EX-11-4

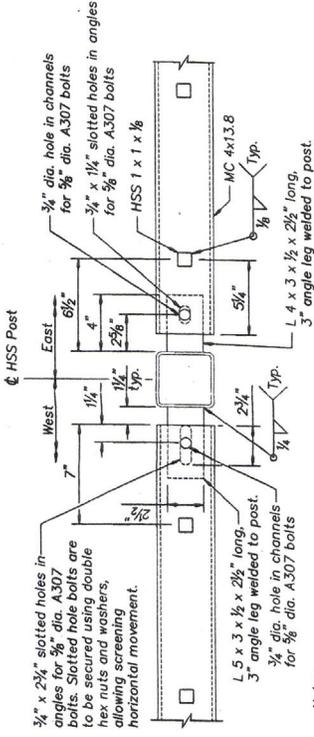
ORNAMENTAL PROTECTIVE FENCE DETAILS - 1

SHEET 62 OF 64  
 DRAWING NO. 102898

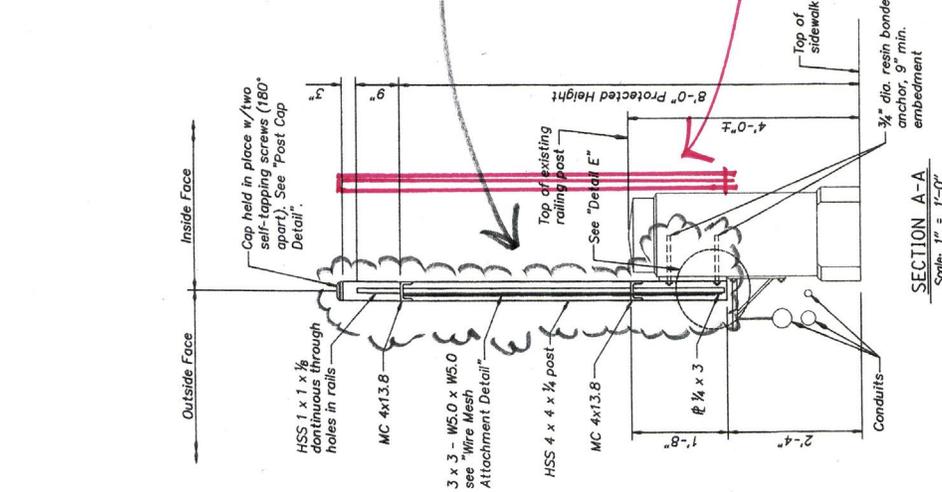
LD 19-16 3769 HKE



DETAIL D  
Scale: 3" = 1'-0"



SECTION B-B  
TYPICAL POST CONNECTION DETAILS  
Scale: 3" = 1'-0"



SECTION A-A  
Scale: 1" = 1'-0"

**NOTE: PER CONDITION OF REMOVAL OF EXISTING METAL FENCE TO BE SOUTHWEST SIDE OF EXISTING CONCRETE RAILING, A POSITION IN RED**



DETAIL E  
Scale: 1 1/2" = 1'-0"

Notes:  
1. Verify all joint detail dimensions in the field prior to construction.

DATE	REVISION	BY	HEATHER GONSTOR
		DESIGNED	Santosh Trimalina
		CHECKED	Doug Wellock
ACCOMPANIED BY DWGS. See Sht. 1 for this structure.			REVIEWER: Mark Libby



OREGON DEPARTMENT OF TRANSPORTATION  
**FD**  
 MULTIMODAL BRIDGE

STRUCTURE NO. See above	BURNSIDE ST: WILLAMETTE RIVER BR
DATE Jan. - 2019	PAINT & REHAB PROJECT
CALC. BOOK 6846-6848	BURNSIDE STREET MULTNOMAH COUNTY

PROJECT NO. 00511.00511A.00511B	DRAWING NO. 103019
SHEET 64	OF 64

ORNAMENTAL PROTECTIVE FENCE DETAILS - 3

LU 19-163769 HR

Planner  
 City of Portland  
 Development Services

Wire Mesh Attachment Notes:  
 Wire mesh to be installed per detail to all existing panels (see) on adjacent panels. Panels (see) on adjacent panels shall be installed on long flare bevel groove welds at 6" on center, each way to 1" sq. vertical tubs. For vertical tubes nearest edge of mesh panel, provide welds at 6" vertically. Provide a minimum of 3 welds to each vertical tube on mesh below bottom channel. Align horizontal wires of adjacent panels of welded wire mesh.