



Portland General Electric Company
121 SW Salmon Street • Portland, Oregon 97204
PortlandGeneral.com

July 15, 2016

via e-file
puc.filingcenter@state.or.us

Public Utility Commission of Oregon
201 High St. SE, Suite 100
PO Box 1088
Salem, OR 97308-1088

Attention: **Commission Filing Center:**

Re: **UP-344** In the Matter of the Application of Portland General Electric Company in Regard to the Sale of its Harborton Restoration Project Property.

Enclosed is the signed Application requesting approval to place a deed restriction on property in Multnomah County, Oregon and sell utility property.

We ask that this Application be placed on the docket for consideration at the Commission's public meeting on July 16, 2016, or as soon thereafter as possible.

Concurrent with this filing, PGE is also filing Advice No. 16-11, Schedule 149, Environmental Remediation Costs Recovery Adjustment, Direct Testimony and Exhibits of Arya Behbehani, Stefan Brown, and Kirk Stevens, and a request for Deferred Accounting Treatment of revenues and costs related to the Environmental Remediation Costs Recovery Adjustment, Schedule 149. Although filed separately, the three filings are interrelated. PGE proposes that this Application for Property Sale, Advice Filing, and the Application for Deferral be consolidated.

If you have any questions or require further information, please call me at (503) 464-8929 or Launa Harmon at (503) 464-7251. Please direct all formal correspondence, questions, or requests to the following e-mail address: pge.opuc.filings@pgn.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stefan Brown", is written over the typed name.

Stefan Brown,
Manager, Regulatory Affairs

Encls.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UP 344

In the Matter of the Application of)	
Portland General Electric Company in Regard)	Application for Approval of Sale of
to the Sale of its Harborton Restoration)	Harborton Restoration Project Property
Project Property)	

Pursuant to ORS 757.480 and OAR 860-027-0025, Portland General Electric Company ("PGE") seeks approval from the Public Utility Commission of Oregon ("Commission") for the right to create and sell the Discount Service Acre Year (DSAY) credits generated by the Harborton Restoration Project (Harborton) and make certain changes in the status of PGE's Harborton property due to placing a deed restriction on the property ("Application"). As described below, this restriction is a required element of Portland Harbor Natural Resource Trustee Council's process that will allow PGE to develop the Harborton Restoration Project ("Harborton").

Background

PGE intends to design, construct, monitor and maintain the Harborton Restoration Project at 12500 NW Marina Way, Portland, Multnomah County, Oregon. PGE will be using part of the 78.51 acres of the Overall Property (see detailed description in Attachment I-1). The Overall Property is located on the north side of NW Marina Way approximately 400 feet northwest of the intersection with St. Helens Road, Portland, Oregon. The Property is located on Tax Lots 100, 300 and 1000 on Assessor's Map 2N-1W-34, Multnomah County, Oregon. A map of the project is included as Attachment I-2. The property houses a sub-station and pole yard, which are not included in the project. It also includes a significant area of flood prone open space. The substation component is not affected by the proposed deed restriction and easement.

The Harborton Restoration Project will restore and enhance approximately 62 acres on the west bank of the Willamette River and the southwestern bank of the Multnomah Channel. Key elements of the proposed restoration activities include removal of fish passage barriers; enhancement of fish habitat and riparian habitat characteristics; preservation and enhancement of wetland area utilized by red-legged frogs; control of invasive plant species; enhancement of shoreline, riparian, and upland habitats through site re-vegetation; and routine ongoing maintenance.

PGE asks for Commission approval to allow PGE to sell DSAYs generated from the Harborton Project and issue specific deed restrictions that limit the possible uses of PGE property devoted to the Harborton Restoration Project. This deed restriction is expected to become a conservation easement after the first ten years of project life.

The developed project will provide DSAY credits, which can be monetized and used to offset PGE's environmental obligations. The anticipated DSAY release schedule is attached as confidential Attachment K-1. PGE intends to sell DSAY credits at the market price and use proceeds to offset Harborton Restoration Project development and operational costs, PGE's legal expenses associated with Portland Harbor, Downtown Reach and NRD insurance recovery, and PGE's environmental remediation and natural resource damage liabilities associated with the Portland Harbor Superfund Site including NRD damages.

The property shall be restricted as follows:

1. The Olympic Pipeline (petroleum) runs through the site and has an easement, so the Olympic Pipeline company needs to have regular access to perform inspections and maintenance work.
2. The following parties would be able to use the Harborton Project for natural resource damages restoration: PGE and the Trustee Council.

The Trustee Council consists of the National Oceanic and Atmospheric Administration on behalf of the Department of the Commerce, the United States Fish and Wildlife Service on behalf of the Department of Interior, the Oregon Department of Fish and Wildlife on behalf of the State of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. The term “natural resource” shall be defined pursuant to 42 U.S.C. § 9601 (16). The PGE accounting cost of the Harborton Restoration Project will primarily include the following:

- design and construction costs, as well as other related costs, such as legal fees, administration costs, and development costs;
- expected operating, monitoring and maintenance costs;
- a decrease in land value reflecting appraised loss (see Appraisal in attachment I-5); and
- an endowment fund if PGE decides to outsource monitoring and maintenance of the project in the future.

The current estimate of Harborton development costs include approximately \$10-12 Million in capital and \$1-2 Million in O&M for the life of the project which is currently estimated to be through 2028. Detailed estimated costs and revenues for the Harborton Restoration Project are included as confidential Attachment K-2. PGE will monitor and maintain the site for the first 10 years following construction, and anticipates that it will outsource monitoring and maintenance to a non-profit agency for the rest of the monitoring period. PGE estimates that the monitoring endowment will be approximately \$1.5 Million. PGE is planning to offset these costs with the sale proceeds from DSAY

Credits¹ and proceeds from historical insurers. PGE has yet to make a decision as to whether it will retain ownership of the Harborton project site after the first ten years.

In addition to this filing, PGE has filed Schedule 149 — Environmental Remediation Cost Recovery Adjustment, Testimony and Exhibits in support of Schedule 149, and a Deferral Application requesting authorization to defer for later rate-making costs associated with the Harborton Restoration Project, Portland Harbor and the Downtown Reach portions of the Willamette River. A more detailed discussion of Schedule 149 and the Deferral application is included in the UE ___ / PGE / 100, testimony in support of Schedule 149.

¹ In the event the market for DSAY Credits does not develop and Declarant is unable to sell DSAY Credits, the Declarant may terminate the Harborton Restoration Project and the Harborton Restoration Plan, upon returning to the Trustee Council all credits previously released by the Trustee Council for the Harborton Project and reimbursing the Trustee Council for all cost they have incurred with respect to the review and approval of the Harborton Restoration Plan prior to the termination. In the event Declarant so terminates the Harborton Restoration Project and the Harborton Restoration Plan the Trustee Council shall release the Property from the terms of this Declaration of Restrictions and Grant of Entry.

I. Required Information under OAR 860-027-0025(1)

Pursuant to the requirements of OAR 860-027-0025, PGE represents as follows:

- (a) *The exact name and address of the utility's principal business office:* Portland General Electric Company, 121 SW Salmon Street, Portland, Oregon 97204.
- (b) *The state in which incorporated, the date of incorporation, and the other states in which authorized to transact utility operations:* PGE is a corporation organized and existing under and by the laws of the State of Oregon. The date of its incorporation is July 25, 1930. PGE is authorized to transact business in the states of Oregon, California, Idaho, Montana, Utah, Washington and as of February 21, 1995, is also registered as an extra-provincial corporation in Alberta, Canada, but conducts retail utility operations only in the state of Oregon.
- (c) *Name and address of the person on behalf of applicant authorized to receive notices and communications in respect to the applications:*

PGE-OPUC Filings
Rates & Regulatory Affairs
Portland General Electric Company
121 SW Salmon Street, 1WTC-0306
Portland, OR 97204
(503) 464-8929 (telephone)
(503) 464-7651 (fax)
pge.opuc.filings@pgn.com

Doug Tingey
Associate General Counsel
Portland General Electric Company
121 SW Salmon Street, 1WTC-1301
Portland, OR 97204
(503) 464-8926 (telephone)
(503) 464-2200 (fax)
doug.tingey@pgn.com

In addition, the names and addresses to receive notices and communications via the e-mail service list are:

Stefan Brown, Manager, Regulatory Affairs
E-Mail: Stefan.Brown@pgn.com

- (d) *The names, titles, and addresses of the principal officers:* As of June 6, 2016, the following are the principal officers of PGE, and their titles. They are each located at PGE's primary business offices located at 121 SW Salmon Street, Portland, Oregon 97204:

<u>Name</u>	<u>Title</u>
James J. Piro	President and Chief Executive Officer
James F. Lobdell	Senior Vice President, Finance, CFO & Treasurer
William O. Nicholson	Senior Vice President, Customer Service, Transmission and Distribution
Maria M. Pope	Senior Vice President, Power Supply & Operations, and Resource Strategy
Larry N. Bekkedahl	Vice President, Transmission & Distribution Services
Carol A. Dillin	Vice President, Customer Strategies and Business Development
J. Jeffrey Dudley	Vice President, General Counsel, Corporate Compliance Officer and Assistant Secretary
Campbell A. Henderson	Vice President, Information Technology and Chief Information Officer
Bradley Y. Jenkins	Vice President, Generation
Anne F. Mersereau	Vice President, Human Resources, Diversity & Inclusion
W. David Robertson	Vice President, Public Policy
Kristin A. Stathis	Vice President, Customer Service Operations
Kirk M. Stevens	Controller and Assistant Treasurer
Christopher A. Liddle	Manager of Finance and Assistant Treasurer
Marc S. Bocci	Associate General Counsel and Corporate Secretary
Nora Arkonovich	Assistant Corporate Secretary
Cheryl Chevis	Assistant Corporate Secretary
Karen J. Lewis	Assistant Corporate Secretary
David F. White	Assistant Corporate Secretary

(e) *A description of the general character of the business done and to be done, and a designation of the territories served, by counties and states:* PGE is engaged, and intends to remain engaged, in the generation, purchase, transmission, distribution, and sale of electric energy for public use in Clackamas, Columbia, Hood River, Jefferson, Marion, Morrow, Multnomah, Polk, Sherman,

Washington, and Yamhill counties, Oregon. PGE is also engaged, and intends to continue to engage in the wholesale purchase and sale of natural gas.

(f) *A statement as of the date of the balance sheet submitted with the application, showing for each class and series of capital stock: brief description; the amount authorized (face value and number of shares); the amount outstanding (exclusive of any amount held in the treasury); amount held as reacquired securities; amount pledged; amount owned by affiliated interests; and amount held in any fund:* The following represents PGE's stock as of March 31, 2016, the date of PGE's 1st Quarter 10-Q:

	<u>Outstanding Shares</u>	<u>Amount (\$000s)</u>
Common Stock: *		
No Par Value	88,899,359	\$1,194,734
(160,000,000 shares authorized)		

* Company Directors hold 259,328 shares.

None of the outstanding shares of common stock referenced above are held as reacquired securities or have been pledged by PGE. Vanguard Group, Inc. held 7.25% of the outstanding PGE common stock reported as of February 10, 2016, in an SEC Form 13-G filing. BlackRock, Inc. held 5.70% of the outstanding PGE common stock reported as of January 28, 2016, in an SEC Form 13-G filing. PGE reports major shareholder activity annually to the Commission pursuant to OAR 860-027-0175 (AR-544). PGE does not have enough information to determine if any of these funds qualify as affiliates.

(g) *A statement, as of the date of the balance sheet submitted with the application, showing for each class and series of long-term debt and notes: brief description (amount, interest rate and maturity); amount authorized; amount outstanding (exclusive of any amount held in the treasury);*

amount held as reacquired securities; amount pledged; amount held by affiliated interests; and amount in sinking and other funds: The long-term debt as of March 31, 2016 is as follows:

Description	Authorized (\$000s)	Outstanding (\$000s)
First Mortgage Bonds:		
6.10% series due 4-15-2019	300,000	300,000
2.51% series due 1-5-2021	140,000	140,000
9.31% series MTN due 8-11-2021	20,000	20,000
6.75% series VI due 8-1-2023	50,000	50,000
3.51% series due 11-15-2024	80,000	80,000
3.55% series dues 1-15-2030	75,000	75,000
6.26% series due 5-1-2031	100,000	100,000
6.875% series VI due 8-1-2033	50,000	50,000
3.50% series due 5-15-2035	70,000	70,000
6.31% series due 5-1-2036	175,000	175,000
5.80% series due 6-1-2039	170,000	170,000
5.81% series due 10-1-2037	130,000	130,000
5.43% series due 5-03-2040	150,000	150,000
4.74% series due 11-15-2042	105,000	105,000
4.47% series due 8-14-2043	75,000	75,000
4.47% series due 6-15-44	150,000	150,000
4.39% series due 8-15-2045	100,000	100,000
4.44% series due 10-15-2046	100,000	100,000
4.84% series due 12-15-2048	<u>50,000</u>	<u>50,000</u>
Total First Mortgage Bonds	<u>2,090,000</u>	<u>2,090,000</u>
Pollution Control Bonds:		
City of Forsyth, MT		
5.45% series B 5-1-2033(1)	21,000	21,000
Series A 5-1-2033, remarketed 3-11-10 at 5%	97,800	97,800
Port of Morrow, OR		
Series A 5-1-2033, remarketed 3-11-10 at 5%	23,600	23,600
(1)This debt instrument, purchased by the Company on May 1, 2009, is currently held for possible remarketing	<u>(21,000)</u>	<u>(21,000)</u>
Total Pollution Control Bonds outstanding	<u>121,400</u>	<u>121,400</u>
Other Long Term Debt:		
Long-Term Contracts	84	84
Unamortized Debt Discount and Other	(641)	(641)
Unamortized Debt Expense	<u>(11,793)</u>	<u>(11,793)</u>
Total Other Long-Term Debt	<u>(12,350)</u>	<u>(12,350)</u>
Total Classified as Short-Term	-	-
Net Long Term Debt	<u>2,199,050</u>	<u>2,199,050</u>

None of the long-term debt is pledged or held as reacquired securities, by affiliated interests, or in any fund, except as noted above.

(h) *Whether the application is for disposition of facilities by sale, lease, or otherwise, a merger or consolidation of facilities, or for mortgaging or encumbering its property, or for the acquisition of stock, bonds, or property of another utility, also a description of the consideration, if any, and the method of arriving at the amount thereof:* PGE asks for the Commission's approval to sell DSA Ys and place a deed restriction on the property which is necessary in order to develop the Harborton Restoration Project.

(i) *A statement and general description of facilities to be disposed of, consolidated, merged, or acquired from another utility, giving a description of their present use and of their proposed use after disposition, consolidation, merger, or acquisition. State whether the proposed disposition of facilities or plan for consolidation, merger, or acquisition includes all the operating facilities of the parties to the transaction:* The facility to be disposed of is a proposed 62 acres adjacent to PGE's functioning substation.

(j) *A statement by primary account of the cost of the facilities and applicable depreciation reserve involved in the sale, lease, or other disposition, merger or consolidation, or acquisition of property of another utility. If original cost is not known, an estimate of original cost based, to the extent possible, upon records or data of the applicant or its predecessors must be furnished, a full explanation of the manner in which such estimate has been made, and a statement indicating where all existing data and records may be found:* The original book cost of land designated for Harborton Restoration Project is \$405,674.01. The original book cost of the substation area is \$68,055.56.

(k) *A statement as to whether or not any application with respect to the transaction or any part thereof, is required to be filed with any federal or other state regulatory body:* No application with

respect to this transaction is currently required to be filed with any federal or other state regulatory body.

(l) *The facts relied upon by applicants to show that the proposed sale, lease, assignment, or consolidation of facilities, mortgage or encumbrance of property, or acquisition of stock, bonds, or property of another utility will be consistent with the public interest:* The proposed Harborton Restoration Project is consistent with the public interest as it provides a means to support PGE's efforts to mitigate environmental damage to Portland Harbor.

(m) *The reasons, in detail, relied upon by each applicant, or party to the application, for entering into the proposed sale, lease, assignment, merger, or consolidation of facilities, mortgage or encumbrance of property, acquisition of stock, bonds, or property of another utility, and the benefits, if any, to be derived by the customers of the applicants and the public:* See the "Background" section and paragraphs h) and l) above.

(n) *The amount of stock, bonds, or other securities, now owned, held or controlled by applicant, of the utility from which stock or bonds are proposed to be acquired:* Not applicable.

(o) *A brief statement of franchises held, showing date of expiration if not perpetual, or, in case of transfer/sale, that transferee has the necessary franchises:* Not applicable.

II. Required Exhibits under OAR 860-027-0025(2)

The following exhibits are submitted and by reference made a part of this application:

EXHIBIT A. *A copy of the charter or articles of incorporation with amendments to date:* Third Amended and Restated Articles of Incorporation, effective on May 7, 2014 and previously filed in Docket UP-310 and by reference made a part of this Application.

EXHIBIT B. *A copy of the bylaws with amendments to date:* The Tenth Amended and Restated Bylaws dated May 7, 2014 were previously filed in Docket UP-310 and by reference made a part of this application.

EXHIBIT C. *Copies of all resolutions of directors authorizing the proposed disposition, merger, or consolidation of facilities, mortgage or encumbrance of property, acquisition of stock, bonds, or property of another utility, in respect to which the application is made and, if approval of stockholders has been obtained, copies of the resolutions of the stockholders should also be furnished:* Not applicable.

EXHIBIT D. *Copies of all mortgages, trust, deeds, or indentures, securing any obligation of each party to the transaction:* See Exhibit D for the list of documents required for the project approval.

EXHIBIT E. *Balance sheets showing booked amounts, adjustments to record the proposed transaction and pro forma, with supporting fixed capital or plant schedules in conformity with the forms in the annual report, which applicant(s) is required, or will be required, to file with the Commission:* Balance sheet showing booked amounts, adjustments to record the proposed transactions and pro forma Balance sheets as of March 31, 2016 are attached. [electronic format]

EXHIBIT F. *A statement of all known contingent liabilities, except minor items such as damage claims and similar items involving relatively small amounts, as of the date of the application:* A Statement of Contingent liabilities, as of March 31, 2016, is attached. [electronic format]

EXHIBIT G. *Comparative income statements showing recorded results of operations, adjustments to record the proposed transaction and pro forma, in conformity with the form in the annual report which applicant(s) is required, or will be required, to file with the Commission:* A comparative income statement showing recorded results of operations and adjustments to record the proposed transaction, as of March 31, 2016, is attached. [electronic format]

EXHIBIT H. *An analysis of surplus for the period covered by the income statements referred to in Exhibit G: An analysis of surplus for the period covered by the income statements referred to in Exhibit G, as of March 31, 2016, is attached. [electronic format]*

EXHIBIT I. *A copy of each contract in respect to the sale, lease or other proposed disposition, merger or consolidation of facilities, acquisition of stock, bonds, or property of another utility, as the case may be, with copies of all other written instruments entered into or proposed to be entered into by the parties to the transaction pertaining thereto: A copy of property appraisal prepared by George W. Donnerberg, MAI, Real Property Consultants is attached as Attachment I-1. A map of the project is included as Attachment I-2. [electronic format]*

EXHIBIT J. *A copy of each proposed journal entry to be used to record the transaction upon each applicant's books: Not applicable.*

EXHIBIT K. *A copy of each supporting schedule showing the benefits, if any, which each applicant relies upon to support the facts as required by subsection (1)(l) of this rule and the reasons as required by subsection (1)(m) of this rule: PGE relies upon Confidential Attachments K-1 (DSAY credit release schedule) and K-2 (Detailed estimated costs and revenues for the Harborton Restoration Project), this Application, and all other documentation attached to provide support as required by OAR 860-027-0025(l)(1) and (l)(m). [electronic format]*

EXHIBIT L. *A statement by primary account of the Cost of the Property. Not Applicable.*

III. Prayer for Relief

PGE respectfully requests a Commission order finding the construction of Harborton Project will not harm PGE customers and is consistent with the public interest.

Dated this 15th day of July, 2016.

Respectfully Submitted,



Stefan Brown,
Manager, Regulatory Affairs
On Behalf of Portland General Electric Company
121 SW Salmon Street, 1WTC0306
Portland, Oregon 97204
Phone: (503) 464-8929
E-Mail: Stefan.Brown@pgn.com
Facsimile: (503) 464-7651

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APPRAISAL OF

**PORTLAND GENERAL ELECTRIC CO.
HARBORTON SITE
12500 NW Marina Way
Portland, Oregon**

PREPARED FOR

Mike Livingston, Manager, Property Services
Portland General Electric Company
121 SW Salmon Street
Portland, Oregon 97204

PREPARED BY

George W. Donnerberg, MAI
Real Property Consultants
4805 SW Oleson Road
Portland, Oregon 97225
503-618-0965

DATE OF VALUE

March 16, 2016

RPC 16-002

REAL PROPERTY
CONSULTANTS

P O R T L A N D

4805 SW OLESON ROAD • PORTLAND, OREGON 97225

503/618-0965

April 22, 2016

Mike Livingston, Manager, Property Services
Portland General Electric Company
121 SW Salmon Street
Portland, Oregon 97204

Re: PGE Harborton site
12500 NW Marina Way
Portland, Oregon
RPC File 16-002

Dear Mr. Livingston:

In accordance with your request, I have completed an appraisal of the above-referenced property. It is my opinion, that the before and after value difference resulting from the proposed conservation easement, as of March 16, 2016, is:

**THREE MILLION TWO HUNDRED THIRTY-TWO THOUSAND DOLLARS
(\$3,232,000)**

This report is intended to comply with the Uniform Standards of Professional Appraisal Practices of the Appraisal Standards Board. This report is also in compliance and subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the Appraisal Institute. The value reported is subject to all Assumptions and Limiting Conditions presented herein.

Respectfully submitted,



George W. Donnerberg, MAI
Oregon Certification C000075

GWD:lb

REAL PROPERTY CONSULTANTS, INC.

AFFILIATE OFFICES:

Real Property Consultants Portland

Real Property Consultants Salem

Real Property Consultants Medford

Real Property Consultants Klamath Falls

Each office is independently owned and operated.

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SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Owner	Portland General Electric Company 121 SW Salmon Street Portland, OR 97204
Property Address	12500 NW Marina Way Portland, Oregon 97231
Property Location	The subject is located on the north side of NW Marina Way approximately 400 feet northwest of the intersection with St. Helens Road, Portland, Oregon.
Legal Description	The subject is known as Tax Lots 100, 300 and 1000 on Assessor's Map 2N-1W-34, Multnomah County, Oregon.
Site Size	The site includes 78.51 acres per the survey information provided by Portland General Electric Company.
Existing Use	The subject is currently being used as a sub-station and pole yard and also includes a significant area of flood prone open space.
Zoning	IHgq and OSnq
Highest and Best Use	Riverfront industrial development and habitat/buffer
Estimated Value	Before Easement: \$6,916,547 After Easement: <u>\$3,684,981</u> Difference: \$3,231,566 Rounded: \$3,232,000
Date of Inspection	March 16, 2016
Date of Value	March 16, 2016
Date of Report	April 22, 2016

ASSUMPTIONS AND LIMITING CONDITIONS

General

1. The property description used in this report is assumed to be reasonably correct.
2. No survey of the property has been made by the appraiser, and no responsibility is assumed in connection with such matters. Maps in this report are included only to assist the reader in visualizing the property. Property dimensions and size should be considered as approximate.
3. No responsibility is assumed for matters of a legal nature affecting title to the property, nor is an opinion of title rendered. The title is assumed to be good and merchantable.
4. Information furnished by others is assumed to be true, correct and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.
5. All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering, which may be required to discover them.
7. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser however is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired. No environmental impact studies were either requested or made in conjunction with this appraisal, and the appraiser hereby reserve the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation.
8. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.

9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.
10. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
11. The appraiser will not be required to give testimony or appear in court because of having made this appraisal, with reference to the property in question, unless arrangements have been previously made therefore.
12. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with properly written qualification and only in its entirety.
13. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the appraiser. Nor shall the appraiser's, firm, or professional organizations of which the appraiser is a member be identified without written consent of the appraiser.
14. The liability of the appraiser, his employees and subcontractors is limited to the initial employer (client) only, and only up to the amount of the fee actually received for the assignment. Further, there is no accountability, obligation, or liability to any third party. If the appraisal report is placed in the hands of anyone other than the initial employer, the initial employer shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser is in no way responsible for any costs incurred to discover or correct any deficiency (if any) in the property.
15. Acceptance of and/or use of this appraisal report constitutes acceptance of the foregoing assumptions and limiting conditions.

Specific Assumption

1. The subject is situated adjacent to the Portland Harbor and is a potential candidate for redevelopment as a mitigation bank for the Portland Harbor cleanup project. Said project may potentially impact value beyond that which exists for typical economic uses allowed within the zoning. The extent of the potential impact (if any) is not known at this time and the appraisal is being completed based on the hypothetical condition whereas the cleanup project does not exist, and that the value of the subject is not influenced by the proposed cleanup project.
2. The subarea acreage estimates have been developed based on scaled dimensions taken from existing subarea map exhibits prepared by URS and dated March 2011. It is assumed that said area allocations are reasonably correct, but may be subject to some adjustment with survey.

GENERAL CONSIDERATIONS

Exposure Time

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of appraisal. Exposure time is always assumed to have been prior to the effective date of the appraisal. In this instance, the appraisal is based on an exposure time estimate of 12 to 24 months.

Property Rights Appraised

The property rights appraised constitute the fee simple interest and/or the easement impact on the fee simple interest of the subject property.

Purpose of Appraisal

The purpose of the appraisal is to estimate the market value of the property on a before and after basis relative to a proposed conservation easement which will encumber a portion of the site.

Intended Use

The intended use of this appraisal is to provide documentation of the value impact of the proposed conservation easement.

Client

The client is Mike Livingston of Portland General Electric Company.

Intended User

The intended user is Portland General Electric Company and agents thereof.

Reporting Option

The report is intended to meet the requirements identified as an "appraisal report" as found in the 2014/2015 edition of USPAP Standard 2-2(a).

Definition of Market Value

According to the Appraisal Institute's Dictionary of Real Estate Appraisal 5th Edition (page 122), market value is defined as the most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming that neither is under duress.

SCOPE OF THE APPRAISAL

The scope of the appraisal assignment includes a physical inspection of the subject property and a review of the surrounding neighborhoods. The City of Portland Zoning Code was researched in order to ascertain allowable uses for the property. The location and/or availability of utilities was confirmed with municipal jurisdictions, utility companies, and/or property owners.

Land sales were researched through County records, CoStar Comps, Metroscan, and other professional resources. The sales utilized in this report were confirmed via buyer and seller, or if these individuals were unavailable, reliable third-party sources were utilized to ensure the accuracy of the information.

The site is improved with a substation with related buildings and fencing. The substation component is not affected by the proposed easement. The appraisal scope is limited to the value impact of the easement on the land. The improvements within the easement do not contribute to highest and best use. Thus, the value estimate was limited to land alone.

The subject property was inspected by George W. Donnerberg, MAI, on several occasions. The initial inspection took place on June 29, 2011. An appraisal of the entire property was conducted at that time. The property was re-inspected by George W. Donnerberg, MAI on March 16, 2016 in the course of the current appraisal of the property relative to the proposed conservation easement. The second inspection revealed few changes from those conditions which existed on June 29, 2011. All comparable sales used within this report were personally inspected by George W. Donnerberg, MAI.

NEIGHBORHOOD DESCRIPTION

The subject is located within the corporate limits of the City of Portland in the extreme northwest sector of the city. Access to the riverfront industrial district is via US Highway 30 also known as St. Helens Road. Generally, the northwest industrial district commences just north of the Portland Central Business District near the Fremont Bridge. The neighborhood follows the banks of the Willamette River to the Multnomah Channel near Kelly Point and the Columbia River. The lands on the westerly side of the river are generally improved with older, heavy industrial occupants within the Guilds Lake Industrial District situated between St. Helens Road and the Portland Harbor near Terminal #2.

Rail service follows the alignment of St. Helens Road providing further support for heavy industrial activity. Historic uses in the neighborhood include rail car manufacturing, petroleum terminals, barge moorage, dry dock facilities and other marine oriented uses.

The early years of industrial activity were generally unregulated and as a result, much of the neighborhood river front is subject to varying levels of environmental concerns.

The industrial lands on the easterly banks of the Willamette River were more recently developed including the Swan Island Industrial Park, and the Rivergate Industrial Park which spans between the Willamette and Columbia Rivers near Kelly Point. The River Gate properties generally consist of larger, fully served properties developed in more recent times, and generally improved with modern facilities.

The lands on the west bank of the river north of the St. Johns Bridge and the community of Linnton generally consist of smaller, more fragmented tracts resulting from the narrow configuration between St. Helens Road and the river. The industrial district extends north from Linnton to the entrance of the Multnomah channel and the limits of the City of Portland. Beyond this point, the lands tend to become rural in nature and are generally occupied by farm or rural residential uses.

In conclusion, the subject is situated near the northwest limits of the neighborhood in an area that is lightly developed for industrial uses. The immediate adjacent properties are lightly developed due to topographical and environmental considerations. Given increasing concerns for habitat conservation, it is unlikely that existing use patterns will change significantly in the foreseeable future.

GENERAL PROPERTY INFORMATION

Owner

Portland General Electric Company
121 SW Salmon Street
Portland, OR 97204

Property Address

12500 NW Marina Way
Portland, Oregon 97231

Property Location

The subject is located on the north side of NW Marina Way approximately 400 feet northwest of the intersection with Saint Helens Road, Portland, Oregon.

Legal Description

The subject is known as Tax Lots 100, 300 and 1000 on Assessor's Map 2N-1W-34, Multnomah County, Oregon. The parcel is further identified as PGE Plat B21-34/1 relative to tax lots 100 and 300.

Assessment Data

The subject is centrally assessed by the Department of Revenue and separate assessment information is not available.

Zoning

The subject has two designated base zones. These include the OS (Open Space Zone) and the IH (Heavy Industrial Zone). Per Section 33.100 of the Development Code, "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". This is a highly restrictive zone having little development potential.

Per Section 33.140, the Heavy Industrial Zone "is one of the three zones that implement the industrial sanctuary map designation of the Comprehensive Plan." This is the least restrictive industrial zone. Per the code, "the development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development."

The site is also subject to the Greenway Overlay Zone. The Greenway map symbols are identified as follows:

Greenway Overlay Zone	Map Symbol
River, Natural	n
River, Recreational	r
River, General	g
River, Industrial	i
River Water Quality	q

The Greenway Overlay restrictions are outlined in Section 33.440 of the Development Code. Said overlay places additional limitations on the uses authorized within the base zones. With exception of the r (River, Recreational) limitation, all of the Greenway zones impact the subject to a varying degree.

Site Area

Per the Multnomah County Assessor's Office, the combined subject site totals 74.99 acres as tabulated below:

Tax Lot	Account Number	Area (Acres)	Area (Acres)*
100	R325467	10.80	13.26
300	R325472	62.97	64.03
1000	R325470	<u>1.22</u>	<u>1.22</u>
Total		74.99	78.51

* The assessor's estimate varies from recorded plat information which indicates 13.26 acres for tax lot 100 and 64.03 acres for tax lot 300. No additional information is available for tax lot 1000. The plat information will be the basis of this appraisal.

Utilities

The subject is served via an 8-inch water main in NW Marina Avenue. The line runs westerly extending to the mid portion of the site. Electric and phone service is by pole line. Sanitary service is not available in the vicinity.

Sales History

The subject site has been held in the ownership of Portland General Electric Company for an extended period with no recorded transactions in the past 5 years.

Inspection

George W. Donnerberg, MAI, initially inspected the site on June 29, 2011. Brad Rawls of URS accompanied the appraiser and discussed the site characteristics at that time.

The property was subsequently inspected by George W. Donnerberg, MAI on March 16, 2016. He was unaccompanied at that time.

SITE DESCRIPTION

The subject includes a complex site having a total area of approximately 78.51 acres. The parcel is situated on the northeasterly side of NW Marina Way and extends to the river bank. The parcel is situated at the entrance of the Multnomah channel adjacent to the Willamette River.

Access to the parcel is via NW Marina Way being a 22-foot asphalt surfaced road with gravel shoulders. Said route runs adjacent to and northeasterly of the Burlington Northern Railroad right of way which lies between Marina Way and St. Helens Road. NW Marina Way connects with St. Helens Road via a railroad grade crossing just southeast of the southeast property corner. NW Marina Way terminates approximately ½ mile west of the subject site.

The property has a past history for use as an electrical generation facility. The site is no longer being placed to said use, but remnants of equipment and fencing remain. The fenced gravel area includes approximately 26.20 acres and has a heavy gravel base. The approximate southeasterly ½ of the fenced area is presently being used as an electric substation with an adjacent pole storage facility. The adjacent lands southeasterly of the fenced area are being used as an overhead electrical transmission corridor. The land underlying the transmission lines are undeveloped and subject to periodic inundation. The lands northwesterly of the fenced area are undeveloped and consist of wetlands and/or are subject to periodic inundation.

As per FEMA Community Panel No. 410183 0005 C, the 100-year flood elevation in this vicinity is approximately 27 feet. As noted on the map, the natural ground elevation lies between 14 to 18 feet above sea level. Hence, except for Subarea 2, the property is subject to periodic inundation. Given the differences within the various subareas, a separate discussion for each area will be undertaken in the following paragraphs.

A map dated 2011 prepared by URS Engineering has delineated the subject into four subareas. The map exhibit may be found in the Addenda of this report and will be the basis for the following discussion.

Subarea 1

Subarea 1 reportedly includes approximately 6.75 acres and is situated along the southeasterly boundary of Tax Lot 300. Subarea 1 lies outside of the filled area and generally lies at an elevation between 20 and 22 feet. This component is currently being used as an electric transmission corridor and includes two transmission line towers. An unnamed stream flows across the site along the toe of the adjacent filled property. This parcel has cover of native deciduous trees and undergrowth. The parcel has an IH heavy industrial zone; however, the need for riparian setbacks combined with the existing power line restrictions appear to limit further economic development potential for this component.

Subarea 2

Subarea 2 consists of the filled site which is currently improved with a substation facility. Per scaled dimensions, this component includes approximately 26.20 acres. The site fronts approximately 900 feet along the Willamette River. The level portion of this site lies at an elevation ranging between 28 to 30 feet and is entirely above the 100-year flood elevation.

Subarea 2 has been improved with a structural gravel base and has been enclosed with chain link fencing. Structural improvements are limited to the substation facility together with several small, assorted buildings and shelters, and a radio tower. Water service has been extended to the site via an 8-inch line in Marina Way. Electric and phone service is also available in Marina Way but no other utilities have been extended to the site. Rail access is available via spur running along the southerly property boundary. A 30-foot subsurface pipeline easement in favor of Olympic Pipeline Company runs between the rail spur and NW Marina Way.

Subarea 3

Subarea 3 includes approximately 20.43 acres and has overall dimensions of approximately 660 feet by 1,350 feet. This site has been enclosed with an earth berm surrounding the perimeter. Approximately 16.66 acres lie within the bermed area. The berm rises to an elevation of approximately 28 feet and over time portions of the site have been filled with dredge sand. The southwesterly portions of the site have been filled to an elevation of approximately 24 to 26 feet. The interior of the site lies at an elevation between approximately 20 to 24 feet. It is noted that portions of the berm have been breached and the lower portions of the site have some potential for flooding. The parcel is unimproved, and has cover of native grasses and small deciduous trees. As per Brad Rawls of USR, approximately 35% to 40% of this site consists of delineated wetlands. Thus, further fill attempts must first mitigate for the conversion of said wetlands. The site also includes approximately 1.26 acres lying on the outboard side of the berm adjacent to the river. This component includes approximately 660 feet of river frontage.

Subarea 4

Subarea 4 is the northwesterly site component. This parcel lies entirely beyond the limits of the berm or filled area and lies at an elevation ranging between 14 and 18 feet. Per scaled dimensions, this site includes approximately 23.91 acres. Given the 27 foot 100-year flood level, this component is subject to frequent inundation. The parcel has cover of native deciduous trees and undergrowth. A small, unnamed stream course runs along the northerly portion of the site. It is also noted that the Olympic subsurface petroleum pipeline runs parallel with and inside the northwesterly boundary. The centerline of the pipeline appears to lie approximately 200 feet southeast of the property line. A 15-foot subsurface easement, in favor of Pacific Fiber Link LLC, adjoins the west side of the pipeline easement. This component includes approximately 300 feet of

frontage along NW Marina Way and includes approximately 1,200 linear feet of river frontage. The majority of the frontage is formed by the Multnomah channel.

Tax Lot 1000

Tax Lot 1000 consists of a non-contiguous 50-foot-wide strip easterly of Tax Lots 100 and 300. The strip is situated 125 feet southeast of the Bonneville Power Administration corridor, which adjoins Subarea 1. This tax lot contains 1.22 acres and has cover of native vegetation. The site has rolling topography with elevations ranging from approximately 22 feet to 28 feet. Thus, much of this component is subject to inundation at the 100-year flood event. The strip is unimproved with access via a dirt service road linking Marina Way and the Willamette River frontage.

Conclusion

The primary site consists of tax lots 100 and 300 and totals 77.29 acres. Thus, together with the 1.22-acre Tax Lot 1000, yields a site total of 78.51 acres. The primary site is made up of four distinct components which have been labeled subareas 1, 2, 3, and 4. Of these, Subareas 1 and 4 are generally undevelopable and have Highest and Best Use limited to habitat and buffer area. Subarea 2 appears to be developable subject to availability of necessary utilities. If filled, Subarea 3 has some potential for future development; however, the presence of delineated wetlands (35% to 40%) will severely limit the potential net gain of usable land. Tax Lot 1000 lies beyond the limits of the proposed easement and is not affected by the project.

HIGHEST AND BEST USE

The highest and best use is that legal and probable use that will support the highest value of the site as of the date of appraisal. The highest and best use must be legal, marketable, financially feasible, and physically possible. In addition, the highest and best use should have a maximizing benefit for the community.

The majority of the parcel is flood prone and includes a variety of wetlands. Subareas 1 and 4 are subject to frequent inundations and have riparian and habitat characteristics, which would likely prevent filling in the future. As such, the highest and best use of this portion is judged to be for continued use as open space with some potential for mitigation purposes. The existing subsurfaces have little impact.

Subarea 3 was once bermed in anticipation of fill. The fill plan was terminated and the berm was breached. The existing levels of wetlands make a further fill effort difficult. However, this land has favorable characteristics for habitat mitigation purposes. Again, the subsurface easement has little impact.

Subarea 2 is zoned for Heavy Industrial. This site has been filled and is desirable for continued industrial use. The subsurface easements run parallel with the rail spur and do not have a measurable impact on highest and best use.

Given the physical site characteristics, the highest and best use for Subareas 1, 3, and 4 is judged to be for Habitat and mitigation purposes, while Subarea 2 is for industrial use. This component includes approximately 900 feet of river frontage. Regardless, river front industrial sites do not typically yield a significant value premium over non-frontage sites in the neighborhood. While the frontage may provide some marketing flexibility, it does not materially affect the Highest and Best Use for a standard industrial application. With this in mind, and in light of the limited infrastructure, the Highest and Best Use of Subarea 2 is judged to be for open yard storage, truck/trailer parking, or equipment maintenance.

Alternately, the site has potential for a marine maintenance or storage facility. The remaining portion of the subject has a Highest and Best Use related to buffer or habitat preservation. Subarea 3 may have some added potential for mitigation purposes or as a fill site; however, said potential is limited by the high percentage of wetland.

Consideration has also been given to a highest and best use related to the Portland Harbor Restoration Plan. A submarket for properties within the vicinity has been created as part of the Portland Harbor Cleanup Project.

The Portland Harbor Natural Resource Trustee Council ("Trustee Council") has developed a program whereby a property owner's harbor clean-up liability can be offset by purchasing DSAY (Discounted Service Acre Year) credits as approved by the Trustee Council. The DSAY credits can be developed on an approved site with a site

restoration/mitigation plan. Typically, there is an inverse relation to the achievable number of credits relative to the restoration wetland/habitat value. In general, properties with high-quality, existing habitat have relatively low mitigation potential. Conversely, developable lands, having little existing habitat characteristics, may yield the highest number of credits through conversion.

A March 1, 2016 report (see Addenda) identifies six approved properties, including the subject, which are currently in the planning process and/or are in the permitting or construction process. At this point in time, the Trustee Council will not assist additional third party restoration properties on any new restoration projects until further notice. The Trustee Council's moratorium on new site assistance is brought about by the "need to encourage balance between the supply of and demand for natural resource damages (NRD) restoration credits." As such, the subject and the other five properties may have a specific use potential not available to other similar properties in the area.

The value increment for such potential is difficult to monetize due to the high level of speculation related to the number of credits each site may yield, and due to the unknown mitigation costs necessary to develop the sites. There are also speculative challenges related to the marketability of said credits at the time they become available. Regardless of the above noted moratorium, the potential number of credits may potentially outstrip demand.

The potential impact on the underlying land value reflects the market perception to be associated with risks and costs involved in purchasing land, developing the site and marketing the credits. Without further documentation, it is not possible to develop a model which can reliably identify a residual land value without an inordinate level of speculation. As such, the highest and best use conclusion must rely on the limited available market evidence.

Market information was secured for three of the six identified mitigation sites, including the Alder Creek site, the Linnton Plywood site, and the Miller Creek site. Said properties will be discussed in the subsequent value section as Industrial Sales 8 and 9 and Open Space Sale 7. The industrial sales range from \$2.61 per square foot to \$4.70 per square foot. These prices are generally reflective of prices which would be expected for similar industrial properties. The non-development comparable (Miller Creek site) involved a lease with a contingent return equivalent to \$22,901 to \$26,718 per acre over a ten-year lease term. When considering the need for discount to present value, this transaction would suggest a value within the typical range found for non-project open space properties as well.

In light of the above, given the uncertain and speculative nature of this sub-market, it is judged that the highest and best use of the subject would be served with a conventional non-project oriented use.

VALUATION COMMENTS

There are three classic approaches which can be used in estimating a value for a given parcel of real estate. These methods are the Sales Comparison Approach, the Income Capitalization Approach and the Cost Approach.

The Sales Comparison Approach is a method whereby the value for a given property is estimated through a comparison process with other similar properties which have recently sold. The sale prices are adjusted for differences including the element of time, physical characteristics, and condition. The Sales Comparison provides a reliable value indication given the availability of adequate sales data.

The Cost Approach is a method whereby the replacement cost of the improvements is estimated. The estimated cost new is then charged for depreciation including physical deterioration, plus functional and economic obsolescence. The value of the underlying site is then added to this figure, resulting in an overall value indication for the property being appraised. The subjectivity of the depreciation estimate tends to increase with the age of the improvements. The Cost Approach is therefore most reliable when dealing with newer properties.

The final method is the Income Capitalization Approach. This method is generally applicable to commercial and investment properties which are capable of producing a rental income. This process first involves the estimation of the economic rent the property is capable of producing. The appropriate expenses are then deducted, resulting in an estimate of net operating income. The income is then capitalized with an overall rate, resulting in the final value estimate.

In the case of the subject property, the parcel is considered a vacant site. The Sales Comparison Approach is typically the only meaningful method to be considered in the valuation of vacant land and will be the only method used in this report.

Given the physical differences within the various subareas, multiple sales analysis will be undertaken to estimate the contribution of each subcomponent. The analysis will include consideration of industrial properties, fill sites, and open space/buffer transactions.

The sales comparison will commence with the contribution of the Subarea 2 developable industrial component, followed by an analysis of the contribution of the undevelopable Subarea 1 and 4 open space components. Finally, consideration will be given to the contribution of the Subarea 3 partially bermed potential fill/mitigation site.

SALES COMPARISON APPROACH

INDUSTRIAL DEVELOPMENT COMPONENT

The primary subject component consists of the 22.00 acres of fenced area with rock base. As such, emphasis was placed on comparables involving larger industrial land transactions. Given the relatively low volume of transactions involving larger industrial sites, the search was expanded to include the relatively large geographic area extending to both the northwest and northeast industrial districts. Of the available data, the following comparables were helpful to the appraiser.

Primary Land Comparables					
No	Grantee	Date	Price	Area (Ac)	\$ / SF
1	Riverside Industrial Properties, LLC	8/2015	\$ 725,000	4.56	\$3.65
2	Pactrust	8/2015	\$ 1,600,000	9.31	\$3.95
3	Dpf Or 185, LLC	12/2015	\$ 3,550,000	13.67	\$5.96
4	Amstar Holland Cameron, LLC	10/2014	\$ 2,200,000	20.40	\$2.48
5	Interstate Crossroads, LLC	5/2014	\$ 7,050,000	28.13	\$5.75
6	Port of Portland	1/2015	\$ 7,805,115	44.75	\$4.00
7	Colwood Industrial Park, LLC	10/2014	\$ 6,000,000	45.75	\$3.01
8	Wildlands	3/2012	\$ 7,261,000	63.89	\$2.61
9	Linnton Water Credits LLC	9/2015	\$ 5,750,000	24.74	\$5.70
10	Listing	3/2016	\$ 1,450,000	5.98	\$5.57

Discussion

Sale No. 1 – RK Storage and Warehousing, Inc. to Riverside Industrial Properties, LLC et.al. – This transaction involves a 4.56-acre tract located at 10937 NW Front Avenue in Portland. This parcel sold in August 2015 for \$725,000 or \$3.65 per square foot of gross land area. Reportedly, only 3.30-acres are usable, yielding a net unit price of \$5.04 per square foot. The parcel includes approximately 500 feet along the Willamette River and has a level topography with rock surface. The parcel had an NFA letter. Per the seller’s agent, the site had “some housekeeping issues” but was free from on-site contamination. The parcel was subject to potential liability related to the Harbor Restoration Project. Whereas the amount (if any) and timing were unknown, the buyer held back \$100,000, which was secured with a note bearing 9% interest. At the end of an eight-year term, the \$100,000 would be returned to the seller, less any potential costs which may have been incurred through that time. The parcel included a 4,000 square foot industrial building. This was essentially a land transaction; however, the building continues to be used. The selling agent estimated building contribution of \$150,000 leaving \$575,000 or \$4.00 per square foot of net land area.

Sale No. 2 – Prologis Logistics Services, Inc. to Pacific Realty Associates – This transaction involves a 9.31-acre tract located on the south side of NE Airport Way, opposite Riverside Parkway. The sale took place in August 2015 for \$1,600,000 or 43.95 per square foot of gross land area. This is a slightly irregular site situated adjacent to the South Shore Commons open space, which forms the rear boundary. The parcel includes two tax lots. Portions of the site lie within a view corridor, which restricts building heights to 20 feet. Per the selling agent, the restriction resulted in an approximate price reduction of 35% compared to a fully usable site. An additional \$250,000 reduction was made for the projected cost to remove a surcharge file on the site. Thus, the development ready site would compare at \$2,412,561 or \$5.95 per square foot.

Sale No. 3 – Summit Properties, Inc. to Dpf Or 1 Le 185, LLC – This transaction involves a 13.67-acre tract situated along the west side of NE 185th Avenue in the South Shore Industrial Park. The sale closed in December 2015 for \$3,550,000 or \$5.96 per square foot. The parcel is divided via NE Riverside Parkway. An 8.92-acre parcel lies to the south of said route and 4.75 acres lie to the north. The northerly component is fully serviced with utilities, but in need of soil surcharging. The south 8.92-acres had been surcharged and was allocated an additional \$1.50 per square foot, or \$582,833, of the gross sale price. Hence, the un-surcharged land allocation is \$2,967,167 or \$4.98 per square foot.

Sale No. 4 – Entercom Portland, LLC to Amstar Holland Cameron, LLC

This transaction involves a 20.40-acre tract located on NE Cameron Boulevard, east of NE 166th Avenue near Airport Way in Portland. Of the site total approximately 17.65 acres were considered useable. The sale took place in October 2014 for \$2,200,000 indicating \$2.48 per square foot on a gross basis or \$2.86 on a net basis. The IG2 tract has general industrial capability. Infrastructure was available to the southwest corner of the site however street access had not been developed into the property. In addition, the parcel needed soil surcharging. Per the selling broker, the price was based on a finished value of \$5.00 per net square foot less an adjustment for the required on-site development work which at time of sale was estimated to fall within a range of \$1.50 per square foot to \$2.00 per square foot of net area. The actual costs were approximately \$1.61 per square foot for a total site cost of \$4.47 per square foot.

Sale No. 5 – ICDC, LLC to Interstate Crossroads, LLC

This transaction involves a 28.13-acre tract situated between NE Marine Drive and NE Cameron Boulevard just east of NE 158th Avenue. The IG-2 tract has all services available and had been surcharged in anticipation of development. The parcel had been certified by the State of Oregon as development ready and is located in an area of moderate to upper scale industrial properties. The site was acquired for speculative development of a distribution warehouse. The sale occurred in May 2014 for \$7,050,000 or \$5.75 per square foot. The parcel was fully useable with the exception of approximately one acre along the toe of the levy which adjoins the north property boundary. The seller indicated that there was no discount given for the levy encumbered area whereas this land could be used for landscaping requirements.

Sale No. 6 – SolarWorld America, Inc. to Port of Portland

This transaction involves a 44.75-acre parcel situated adjacent to the SolarWorld site at 25300 NW Evergreen Road in Hillsboro. The sale closed in January 2015 for \$7,805,115 or \$4.00 per square foot. All services were available to the parcel; however, some site work was necessary. The MP zoned industrial parcel represented an opportunity purchase on the part of the Port of Portland and no condemnation was threatened. SolarWorld offered the site to the Port and was reportedly highly motivated to sell with a short closing period. As such, the circumstances may reflect a conservative price.

Sale No. 7 – Colwood Limited Partnership to Colwood Industrial Park, LLC – This transaction involves a 45.75-acre tract located on NE Alderwood Road near the Portland International Airport. The sale took place in October 2014 for \$6,000,000 or \$3.01 per square foot. It is noted, that at the time of sale the parcel was not zoned for industrial purposes. The price was initially based on \$8,000,000 which reflected \$4.01 per square foot of useable land area. Said price was to be adjusted downward to reflect the actual cost of re-zoning, mitigation, and development of transportation and utility infrastructure. Regardless, the negotiated minimum price was to be \$6,000,000 reflecting approximately \$3.00 per square foot in the raw un-zoned condition.

Sale No. 8 – Alder Creek Lumber Company to Portland Harbor Holdings II, LLC – This transaction involves a 63.89-acre tract located at 14456 NW Gillihan Road on Sauvie Island. The site sold in March 2012 for \$7,261,000 or \$2.61 per square foot. The buyer expended an additional \$67,338 to obtain a Quit Claim Deed from the Division of State Lands for the same property. The combined price was therefore \$7,328,338 or \$2.63 per square foot of gross area. This parcel had an MUA-20 Multiple Use Agricultural Zone, but had a grandfathered quasi-industrial use relative to the prior occupancy as a saw mill. As per the seller, the majority of the site was considered to be usable. The parcel was acquired for a mitigation site to develop DSAY credits on a speculative basis. Reportedly, the parcel was capable of producing approximately 650 DSAY credits. Portions of the site have since been mitigated and 35 credits were recently sold to the City of Portland at a price of \$75,000 each.

Sale No. 9 – Linnton Plywood Association to Linnton Water Credits, LLC – This transaction involves a 24.74-acre parcel (assessor shows 23.17 acres) located at 10504 St. Helens Road. The parcel includes approximately 1,690 feet of Willamette River frontage with deep water marine capability. The rail served parcel was previously used as a plywood plant and includes 210,000 square feet of building area. The buildings have minimum contribution beyond interim holding potential. This site was acquired for speculative conversion into habitat and the re-sale of resulting DSAY credits. The selling agent felt no premium was paid for this mitigation potential and the price reflected that of a conventional use. The parcel sold in September 2015 for \$5,750,000 or \$5.34 per gross square foot based on seller's calculations. Reportedly, approximately 3.74 acres were submerged or submersible lands yielding approximately 21.00 net usable acres. On this basis, the net price was \$6.29 per square foot inclusive of buildings.

Comparable No. 10 – ACF Industries, Inc. – Current Listing – This parcel is currently available for purchase at an asking price of \$1,450,000. The site consists of 5.98 acres indicating \$5.57 per square foot. The site is located on the northeast corner of St. Helens Road and NW Marina Way. The parcel had a previous occupancy by Trumball Oil Company and consists of a level, fence-enclosed, industrial parcel with extensive exposure along St. Helens Road and access via NW Marina Way. The parcel is served with utilities and has potential rail access. This parcel has an NFA letter. The seller's agent indicates there is little or no potential liability related to the harbor restoration project.

ADJUSTMENTS

Terms

Each of the above transactions involve cash or cash equivalent terms and thus no further adjustment for this item is necessary.

Time

The majority of the transactions span a period between May 2014 and the current listing. An exception is Sale No. 8, which took place in March 2012. Said sale is greatly inferior in zoning and location and was included to assist in identifying highest and best use. The balance of the transactions occurred over a 21-month period to the date of value. The industrial land market has been relatively stable throughout this period. As such, no specific adjustment has been made for time, however, this factor will be considered in the final weighting process.

Market Conditions

The sales vary relative to additional acquisition costs and soil conditions, etc. Several of the sales have been partially or fully surcharged and were reported to be development ready. Other sales required some additional soil work and/or were subject to additional off-site development costs. Thus, in order to develop a baseline comparison, the comparables will be considered to reflect a surcharged condition. The various adjustments for market conditions have been considered as follows:

Sale No.	Conditions	Adjustment
1	Improvement contribution	- \$150,000
2	Zone restrictions & soil removal	+ \$812,561
3	Partial surcharge	+ \$310,365
4	Off-site development cost	+ \$1,237,823
5	None	\$0
6	None	\$0
7	Zoning & infrastructure	+ \$2,000,000
8	DSL Quit Claim	+ \$67,338
9	None	\$0
10	None	\$0

The following table identifies the required adjustments to reflect a site having structural soil capability, with infrastructure and zoning in place.

Market Conditions							
No.	Price	Adjustment	Adjusted Price	Gross Area (Acres)	\$/SF Gross	Net Area (Acres)	\$/SF (Net)
1	\$725,000	- \$150,000	\$875,000	4.56	\$2.90	3.30	\$4.00
2	\$1,600,000	+ \$812,561	\$2,412,561	9.31	\$5.95	9.31	\$5.95
3	\$3,550,000	+ \$310,365	\$3,860,365	13.67	\$6.48	13.67	\$6.48
4	\$2,200,000	+ \$1,237,823	\$3,437,823	20.40	\$3.87	17.65	\$4.47
5	\$7,050,000	\$0	\$7,050,000	28.13	\$5.75	28.13	\$5.75
6	\$7,805,115	\$0	\$7,805,115	44.75	\$4.00	44.75	\$4.00
7	\$6,000,000	+ \$2,000,000	\$8,000,000	45.75	\$4.01	45.75	\$4.01
8	\$7,261,000	+ \$67,338	\$7,328,338	63.89	\$2.63	63.89	\$2.63
9	\$5,750,000	\$0	\$5,750,000	24.74	\$5.70	21.00	\$6.29
10	\$1,450,000	\$0	\$1,450,000	5.98	\$5.57	5.98	\$5.57

Additional consideration has been given for site size, heavy industrial zoning and rail access.

Size

Absent Sale No. 8, the comparables range between 4.56-acres and 45.75-acres on a gross basis. Typically, there is an inverse relationship between size and unit price. In this instance, the lack of availability of large industrial tracts tend to offset this factor as evidenced by the above noted adjusted price bracket.

Heavy Industrial Zone and Rail Access

The majority of the sales involved general industrial zones. In comparison, the rail served subject is zoned IH, Heavy Industry. Few heavy industrial sales have occurred

within the market area; however, discussions with industry participants would suggest that there is little price distinction for heavy industrial rail served parcels compared to non-rail general industrial sites. As an example, a 2.0-acre rail-served HI parcel located in the Cascade Industrial Park located on NE 194th Avenue near San Rafael sold in June 2014 for \$550,000 or \$6.13 per square foot. In comparison a 1.51-acre non-rail general industrial site sold on NW Commerce Court near the Troutdale Airport in April 2014 for \$418,500 or \$6.36 per square foot. Given the above, no specific adjustment has been made for either the heavy industrial zone or for rail access. Regardless, these factors will be considered in the final value estimate.

Conclusion

Given the limited number of large industrial site comparables, combined with the multitude of characteristics within both the subject and comparables, a further refinement of the adjustment process is not realistic. Instead, the sales will be analyzed on a qualitative basis using a bracketing technique.

The low end of the range is represented by Sale 8, being an MUA zoned site with a rural industrial non-conforming use as a saw mill. This parcel was acquired for DSAY credit mitigation, but would generally understate the subject value as an industrial site.

The majority of the remaining comparables fall within a range of \$4.00 to \$6.00 per square foot. The highest sale, being Sale 9 at \$6.29 per square foot. This parcel was better located and had deep water marine potential. This parcel also included 210,000 square feet of industrial buildings which may have influenced the price. All considered, the subject is considered inferior to this site.

Comparables 2 through 5 involve suburban northeast development ready sites and suggest values from \$4.47 per square foot to \$6.48 per square foot after adjustments. The subject is inferior by comparison to these sales as it lacks sewer and is on the periphery of the industrial neighborhood.

Of the remaining comparables, Sale 1 and Comparable 10 are most similar in location and heavy industrial zoning. Said comparables suggest a relevant range from \$4.00 per square foot to \$5.57 per square foot. The high end of the range is an unsold listing and it is likely that the ultimate sale price will fall below this figure. In the final analysis, given consideration to the subject size, location and physical characteristics, the value for the developable industrial component is estimated at \$4.50 per square foot of usable area.

A final adjustment must be made whereas the subject Subarea 2 is improved with a structural gravel base, which would be desirable for a variety of storage uses. This factor would support an upward adjustment of \$1.00 per square foot for a combined contribution of \$5.50 per square foot of net area or \$239,580 per acre for the Subarea 2 developable land.

OPEN SPACE LAND

The subject includes two components of non-developable open space lands and namely Subarea 1 and Subarea 4. Both parcels are heavily encumbered and/or zoned for open space and, as a result, have little economic potential. With this in mind, the appraiser searched the metropolitan area for sales of buffer/habitat lands having little effective development potential. Regardless of their underlying zoning, said lands tend to fall within a relatively narrow unit value range as tabulated in the following table:

Non Development Land Sales					
No.	Grantee	Date	Price	Area (Acres)	\$/Ac
1	Gerlach	4/2006	\$ 100,000	10.14	\$ 9,862
2	Biehler	5/2009	\$ 110,000	2.00	\$55,000
3	City of Portland	1/2010	\$ 58,000	4.23	\$13,712
4	City of Hillsboro	7/2010	\$ 50,000	15.22	\$ 3,285
5	Murhadi	4/2012	\$ 22,000	3.13	\$ 7,029
6	THPRD	3/2013	\$ 17,030	5.24	\$ 3,250
7	Wildlands	6/2013	\$350,000	13.10	\$26,718

Discussion

Open Space Sale No. 1 – Morse Brothers to Gerlach – This transaction involves a 10.14-acre tract located on the south side of Tonquin Road near the Clackamas County line in Tualatin, Oregon. The sale took place in April 2006 for \$100,000 indicating a unit price of \$9,862 per acre. This is a low lying parcel, the majority of which was comprised of ponds and wetlands. The site had an industrial zone and the purchaser acquired the site with motives related to potential yard storage on the non-wetland area.

Open Space Sale No. 2 – Clapp to Biehler – This transaction involves a 2.00-acre tract located at 4923 SE 174th Avenue in Portland, Oregon. The parcel consists of a low-lying site situated near the Springwater Trail and Johnson Creek. The R-5 zoned parcel was encumbered with p environmental overlay zones which restricted future development potential. The parcel was acquired in May 2009 for \$110,000 or \$55,000 per acre. The buyer immediately sold the parcel the City Water Bureau for \$140,000. The latter sale is not judged to be reflective of an arms-length transaction as reported by the buyer's agent. Further, it is felt that this price may overstate the value of the non-developable site due to site size and the circumstances of sale.

Open Space Sale No. 3 – Moyer to City of Portland – This sale involves a 4.23-acre industrial zoned site adjacent to the Springwater Trail. The sale closed in January 2010 for \$58,000 or \$13,711 per acre. The level parcel included wetlands and the majority of the site was within a p overly protection district.

Open Space Sale No. 4 – Dimeo to the City of Hillsboro– This transaction involves a 15.22-acre site situated south of the Tualatin Valley Highway several hundred feet west of SE 36th Avenue. The parcel was platted as part of the D & G Industrial Park which adjoins to the east. This site consists entirely of wetlands and has no separate development potential. The transaction occurred in July 2010 for \$50,000 or \$3,285 per acre.

Open Space Sale No. 5 – Leitgeb to Murhadi – This parcel involves a 3.13-acre tract situated on the east side of SE Regner Road north of Gabbert Road in Gresham. The site sold in April 2012 for \$22,000 or \$7,029 per acre. This is a sloping parcel with a drainage course running through the midpoint of the site. The parcel has cover of mature trees. Environmental zone overlays preclude most uses and the parcel was acquired on speculation.

Open Space Sale No. 6 – Sequoia Equities to Tualatin Hills Park and Recreation District – This transaction involves a 5.24-acre tract situated on the north side of T.V. Highway west of and near SW 153rd Drive. The sale occurred in March 2013 for \$17,030 or \$3,250 per acre. The entire site lies within the Beaverton Creek flood area and a majority of the parcel is subject to seasonal inundation. The majority of the site is comprised of wetlands and has no development potential. This parcel was acquired from the adjacent property owner, which is improved with the 264-unit Center Pointe apartment complex.

Open Space Sale No. 7 – Frevack Land Company to Wildlands – This comparable involves a ten-year land lease subject to a permanent encumbrance with a conservation easement. The parcel adjoins Fred’s Marina at 12800 NW Marina Way and is known as the Miller Creek site in the Portland Harbor Restoration Plan. The existing owner will retain title, but the transaction is considered tantamount to the sale of the property. The lease commenced in mid-2013. The lessee/buyer will enhance the habitat value of the property and intends to sell DSAY credits as part of the Harbor Restoration Project. Whereas much of this parcel is flood-prone wetlands, only 180 DSAY credits are anticipated. Consideration for the lease will be paid over time as the credits are sold. The actual price and marketing success cannot be known at this time; however, the fee owner anticipates a total payment ranging from \$300,000 to \$350,000 over the ten-year term. At the low end of the range, the lease is equivalent to \$22,901 per acre or \$26,718 per acre at the upper range.

Conclusions

The sales span a period of ten years from date of value. In general, this class of real estate has experienced little appreciation over time. This primarily results from ever increasing zoning restrictions, which tend to offset inflation. Thus, no adjustment is appropriate for time.

In considering the above sales, Comparable No. 1 is given reduced weight in the analysis, being the farthest removed and the oldest transaction. Comparable No. 2 involved non-government parties; however, the sale appears to have been motivated by

a profit potential for subsequent resale to the Portland Water Bureau. Hence, at \$55,000 per acre, this transaction is judged to overstate the contribution of the subject components.

Comparable No. 3 involved a non-buildable industrial site adjacent to the Springwater Trail. The transaction was a voluntary sale to the City of Portland and reportedly reflected market value at the time. Thus, at \$13,721 per acre, this sale is judged to provide a reasonable indicator for the subject.

Comparable No. 4 consists entirely of wetlands and is of similar size compared to the subject wetland components.

Comparable No. 5 has no realistic development potential and was acquired on speculation with no identified use. This sale is helpful in identifying possible contribution for speculation such as habitat mitigation.

Comparable No. 6 is one of the most recent transaction. The parcel size falls within the middle of the data range at 5.24 acres. This parcel has characteristics very similar to subject component Subarea 4. The parcel was acquired for habitat preservation and has no development potential.

The Comparable 7 leased site adjoins the subject and is physically most comparable of all of the transactions. Regardless, the indicated consideration range of \$22,901 per acre to \$26,718 per acre would generally overstate that of a non-contingent upfront cash payment sale.

In the final analysis, Comparables 4 and 6 are similar in terms of physical site characteristics of Subarea 4, but lack the subject speculative for possible limited habitat mitigation. Thus, the proper value for this component is judged to be in excess of that indicated by Comparables 4 and 6. Comparable 7 established the upper end of the relevant range.

Secondary weight has been given to Comparables 1 and 3. Little weight is placed on Comparable 2 due to the circumstances of sale. All considered, the data would support a conclusion towards the middle of the relevant range (excluding Comparable 2) at \$10,000 per acre.

FILL SITE

The subject includes approximately 20.43-acres of land which is enclosed with an earth berm having a top elevation of approximately 28 feet. This area has been partially filled; however, the majority of the site appears to have an elevation below 22 feet. Hence, except for the berm, nearly all of the site is subject to flooding at the 100-year level. Further, given the uneven topography, the parcel has little industrial potential in its current state. This parcel will require a fill volume of near 275,000 yards assuming that it can be entirely filled. In light of the wetlands involved, it is unlikely that a significant portion of the site can be filled and much of the land will be required for mitigation

purposes. Sites of this nature sell for significant discounts relative to the finished land value. In this light, the appraiser searched the area for transactions involving fill sites. Several parcels were located; however, they were somewhat dated and far removed from the subject. Regardless, they are helpful in suggesting the required percentage discount from the perceived development ready value.

Fill Sale No. 1 – Kagawa Et Al to Woods – This transaction involves a 5.29-acre tract located on the east side of NE 207th Avenue at the I-84 interchange in Fairview, Oregon. The sale took place in July 2002 for \$130,000. On a unit basis, the sale reflects \$24,575 per acre or 56.4¢ per square foot. The parcel was acquired by an excavation contractor as a fill site with future potential as a commercial interchange property. In comparison, a nearby interchange sale situated at NE 238th Drive near Sandy Blvd took place in December 2001 for \$2,079,626 or \$6.90 per square foot. With all else equal, the fill site sold for 8.2% of the perceived development-ready value.

Fill Sale No. 2 – Nelson to Port of Kalama – This transaction involves a 128.46-acre tract which sold in May 2001 for \$815,500 or \$6,348 per gross acre. The light industrial zoned parcel was acquired on anticipation of realizing approximately 60.00 net acres of usable industrial space. On a net basis the price was therefore equivalent to \$13,592 per acre. Like the subject, this parcel had potential for hydraulic sand import from the Columbia River. At time of purchase, the Port of Kalama was marketing finished industrial tracts for \$80,000 per acre. Hence, the raw net land price was equivalent to 17% of the finished land value or 7.9% on a gross basis.

The two above examples suggest significant deductions from finished land value. The above noted ranges are relatively wide, with net fill sites selling for between approximately 8% and 17% of the finished land value or 7.9% to 8.2% on a gross basis. Given the low net potential of the subject, the gross comparison is most applicable and the subject is judged to compare at 8% of the finished value. Based on the previous discussions, the subject development land was estimated to contribute at the rate of \$4.50 per square foot prior to site improvements. Hence, the fill site has an as-is contribution of:

$$\begin{aligned} \$4.50 \text{ per SF} \times .08 &= \$0.36 \text{ per SF or } \$15,682 \text{ per acre} \\ &\text{Rounded to } \$15,700 \text{ per acre} \end{aligned}$$

VALUE CONCLUSION

(Before Conditions)

The subject has been analyzed on a component basis relative to the contribution of the site Subareas.

The unit value contributions for the various site components has been estimated to include:

- a) Industrial \$239,580 / ac
- b) Open Space \$ 10,000 / ac
- c) Fill Site \$ 15,700 / ac

Based on the prior discussions, several of the Subarea sites include combinations of developable and non-developable land yielding the following values:

Subarea 1

Open Space	6.75 ac	x	\$10,000	=	\$67,500
Industrial	<u>0.00 ac</u>	x	<u>n/a</u>	=	<u>\$ 0</u>
Total	6.75 ac	x	\$10,000	=	\$67,500

Subarea 2

Open Space	0.00 ac	x	n/a	=	\$ 0
Industrial	<u>26.20 ac</u>	x	<u>\$239,580</u>	=	<u>\$6,276,996</u>
Total	26.20 ac	x	\$239,580	=	\$6,276,996

Subarea 3

Fill Site	20.43 ac	x	\$15,700	=	\$320,751
Industrial	<u>0.00 ac</u>	x	<u>n/a</u>	=	<u>\$ 0</u>
Total	20.43 ac	x	\$15,700	=	\$320,751

Subarea 4

Open Space	23.91 ac	x	\$10,000	=	\$239,100
Industrial	<u>0.00 ac</u>	x	<u>n/a</u>	=	<u>\$ 0</u>
Total	23.91 ac	x	\$10,000	=	\$239,100

Tax Lot 1000

Open Space	1.22 ac	x	\$10,000	=	\$12,200
Industrial	<u>0.00 ac</u>	x	<u>n/a</u>	=	<u>\$ 0</u>
Total	1.22 ac	x	\$10,000	=	\$12,200

Sum Allocation – Before Condition

Subarea 1	6.75 ac	x	\$ 10,000	=	\$ 67,500
Subarea 2	26.20 ac	x	\$239,580	=	\$6,276,996
Subarea 3	20.43 ac	x	\$ 15,700	=	\$ 320,751
Subarea 4	23.91 ac	x	\$ 10,000	=	\$ 239,100
Tax Lot 1000	<u>1.22 ac</u>	x	<u>\$ 10,000</u>	=	<u>\$ 12,200</u>
Total	78.51 ac	x	\$ 88,098 ±	=	\$6,916,547

PROPOSED PROJECT AND EFFECTS ON REMAINDER

The subject has been identified as a candidate for use in the Portland Harbor Restoration Project. For inclusion in the project, it is necessary to encumber the property with a conservation easement, which will permanently restrict uses of the property to habitat, restoration and preservation as outlined within the example conservation easement document found in the Addenda of this report. The easement will encumber approximately 62.27-acres of the 72.29-acre contiguous site total and will not encumber the 1.22-acre Tax Lot 1000. A portion of the existing fenced area containing approximately 12.13-acres will be excepted from the easement. The excepted area will also include a narrow corridor, which will allow access to the adjacent power line towers. The easement will also except the narrow corridor currently encumbered with a subsurface pipeline easement and fiber optic easement.

Per Exhibit A of the proposed conservation easement, the above noted exception areas have been identified as Exceptions A, B, C, and D. Of these, an area calculation has only been provided for Exception D at 12.17-acres. The areas within Exception A, B, and C have been developed by scale and have been allocated as follows:

Overall Allocations			
Subarea	Before Acres	Exception Acres	Subtotal Acres
1	6.75	1.32	5.28
2	26.20	12.13	14.07
3	20.43	0.37	20.06
4	<u>23.91</u>	<u>1.20</u>	<u>22.71</u>
Total	77.29	15.02	62.27

Exception Allocations Per Subarea					
Subarea	SA1	SA2	SA3	SA4	Total
A	0.09	0.64	0.37	0.77	1.87
B	0.00	0.00	0.00	0.43	0.43
C	0.55	0.00	0.00	0.00	0.55
D	<u>0.68</u>	<u>11.49</u>	<u>0.00</u>	<u>0.00</u>	<u>12.17</u>
Total	1.32	12.13	0.37	1.20	15.02

The majority of the 62.27-acres to be encumbered consist of open space, or fill lands, as discussed earlier in this report. Said lands total:

Open Space	27.77 acres
Fill Land	<u>20.43 acres</u>
Total	48.20 acres

Thus, of the 62.77-acres included within the conservation easement, 48.20-acres consist of undeveloped wetland/fill lands and the usable area to be encumbered totals approximately 14.07-acres. The conservation easement will be in perpetuity and said lands will have no further development potential beyond that of habitat restoration

and/or mitigation uses. Said mitigation uses will not be affected by the easement and their rights will be retained by the fee owner.

EFFECTS ON REMAINDER

As noted above, approximately 48.20-acres to be encumbered with the proposed easement currently have little use potential and consist of wetlands or filled areas within Subareas 1, 3 and 4. Generally, the highest and best use of these lands was considered for buffer or habitat protection in the before condition and this use will not be impacted by the proposed conservation easement. In contrast, the 26.20-acres within Subarea 2 currently have industrial land capability, which has been previously identified at \$5.50 per square foot. Approximately 14.07-acres of this land will be converted from its existing industrial use potential to that of open space not unlike that undeveloped fillable land. Said land was allocated \$15,700 per acre. A further deduction of approximately 10% is judged to be warranted to this figure due to the additional restrictions on the land relative to loss of recreational use and control. Hence, the non-developable fill land sites are judged to contribute \$14,130 per acre in the after condition.

A total of 12.13-acres of industrial land within Subarea 2 will be excepted from the easement and will continue to have an industrial highest and best use. Thus, the usable land area within Subarea 2 will have the following impact:

Status	Area (Acre)	\$/SF	\$/Acre	Value
Before	26.20	\$5.50	\$239,580	\$6,276,996
After	12.13	\$5.50	\$239,580	\$2,906,105
	<u>14.07</u>	<u>\$0.3204</u>	<u>\$ 14,113</u>	<u>\$ 198,570</u>
Difference	26.20	\$2.78 ±	\$121,081	\$3,172,321

The non-developable site components (Subarea 1, 3, and 4) will suffer little additional change in highest and best use as a result of the conservation easement. These lands will generally be placed to the same potential uses which existed prior to the project. Some loss of control will result; however, particularly related to recreational uses and any potential for possible fill in the future. The loss related to these restrictions is judged to be too slight to accurately measure based on the available data, but it is not judged to exceed 10% of the before value contribution. Hence, the value contribution for the various site components in the after condition is estimated to include:

- a) Industrial \$239,580/ac
- b) Open Space \$ 10,000/ac x 0.90 = \$9,000
- c) Fill Site \$ 15,700/ac x 0.90 = \$14,130

Based on the above discussions, the value loss associated with the placement of the permanent conservation easement has been developed on a before and after basis relative to the contribution of each of the subareas as tabulated below:

Subarea 1

Before	6.75 ac	×	\$10,000	=	\$67,500
Loss	5.28 ac	×	\$ 1,000	=	\$ 5,280
Loss	<u>1.32 ac</u>	×	<u>\$ 0</u>	=	<u>\$ 0</u>
After	6.75 ac	×	\$ 9,218	=	\$62,222

Subarea 2

Before	26.20 ac	×	\$239,580	=	\$6,276,996
Loss	14.07 ac	×	\$224,450	=	\$3,172,082
	<u>12.13 ac</u>	×	<u>\$ 0</u>	=	<u>\$ 0</u>
	26.20 ac	×	\$121,072	=	\$3,172,082
After	14.07 ac	×	\$ 14,130	=	\$ 198,809
	<u>12.13 ac</u>	×	<u>\$239,580</u>	=	<u>\$2,906,105</u>
	26.20 ac	×	\$118,508	=	\$3,104,914

Subarea 3

Before	20.43 ac	×	\$15,700	=	\$320,751
Loss	20.06 ac	×	\$ 1,570	=	\$ 31,494
Loss	<u>0.37 ac</u>	×	<u>\$ 0</u>	=	<u>\$ 0</u>
After	20.43 ac	×	\$14,158	=	\$289,257

Subarea 4

Before	23.91 ac	×	\$10,000	=	\$239,100
Loss	22.71 ac	×	\$ 1,000	=	\$ 22,710
Loss	<u>1.20 ac</u>	×	<u>\$ 0</u>	=	<u>\$ 0</u>
After	23.91 ac	×	\$ 9,050	=	\$216,390

Tax Lot 1000

Before	1.22 ac	×	\$10,000	=	\$12,200
Loss	<u>0.00 ac</u>	×	<u>\$ 0</u>	=	<u>\$ 0</u>
After	1.22 ac	×	\$10,000	=	\$12,200

Before & After Allocation

On a before and after comparison the project impact may be allocated as follows.

	Subarea 1	Subarea 2	Subarea 3	Subarea 4	TL 1000	Total
Before	\$67,500	\$6,276,996	\$320,751	\$239,100	\$12,200	\$6,916,547
Loss	\$ 5,280	\$3,172,082	\$ 31,494	\$ 22,710	\$ 0	\$3,231,566
After	\$62,220	\$3,104,914	\$289,257	\$216,390	\$12,200	\$3,684,981

After rounding the loss associated with the placement of the permanent conservation easement encumbrance totals \$3,231,566 rounded \$3,232,000.


**THREE MILLION TWO HUNDRED THIRTY-TWO THOUSAND DOLLARS
(\$3,232,000)**

REAL PROPERTY CONSULTANTS

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- ◆ The statements of fact contained in this report are true and correct.
- ◆ The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions and conclusions.
- ◆ I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- ◆ I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- ◆ My engagement in this assignment was not contingent upon the developing or reporting predetermined results.
- ◆ My compensation for this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- ◆ My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- ◆ I have made a personal inspection of the subject property and the comparable sales used in this report.
- ◆ Unless otherwise noted, no one provided significant professional assistance to the person signing this report.
- ◆ The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Practice of the Appraisal Institute.
- ◆ I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- ◆ I have previously appraised the subject on October 7, 2011. I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- ◆ As of the date of this report, George W. Donnerberg, MAI, has completed the requirements of the continuing education program of the Appraisal Institute.


George W. Donnerberg, MAI
Oregon Certification C000075 Exp. 7/31/17

ADDENDUM

**PHOTOGRAPHS – SUBJECT PROPERTY
TAKEN JUNE 29, 2011 BY GEORGE W. DONNERBERG, MAI**



2011-032-088 (11-046)

Facing northeasterly, viewing toward subject.



2011-032-089 (11-046)

Facing north, viewing toward Subareas 3 and 4.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-032-091 (11-046)

Facing north, viewing toward Subarea 2.



2011-032-092 (11-046)

Facing north, viewing toward Subarea 1.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-058 (11-046)

Facing north, viewing toward entrance driveway at NW Marina Way.



2011-023-007 (11-046)

Facing southeast, viewing across Subarea 1 from adjacent Subarea 2.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-008 (11-046)

Facing southwest, viewing across Subarea 1 from northeast corner of Subarea 2.



2011-023-009 (11-046)

Facing northwest, viewing river frontage adjacent to Subarea 2.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-011 (11-046)

Facing northwest, viewing across rear of Subarea 2.



2011-023-012 (11-046)

Facing southerly, viewing across Subarea 2 from northern most corner.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-015 (11-046)

Facing southwest, viewing along line between Subarea 2 and Subarea 3.



2011-023-020 (11-046)

Facing northerly, viewing along line between Subarea 2 and Subarea 3.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-019 (11-046)

Facing northerly, viewing across Subarea 3 from west line of Subarea 2.



2011-023-030 (11-046)

Facing northeasterly, viewing along berm near southeast corner of Subarea 3.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-034 (11-046)

Facing northeasterly, viewing along westerly berm near southwest corner of Subarea 3.



2011-023-035 (11-046)

Facing southeasterly, viewing along railroad spur from a point near southwest corner of Subarea 3.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-044 (11-046)

Facing southerly, viewing across Subarea 4.



2011-023-046 (11-046)

Facing northwesterly, viewing across Subarea 4.

PHOTOGRAPHS – SUBJECT PROPERTY



2011-023-055 (11-046)

Unnamed stream on Subarea 4.

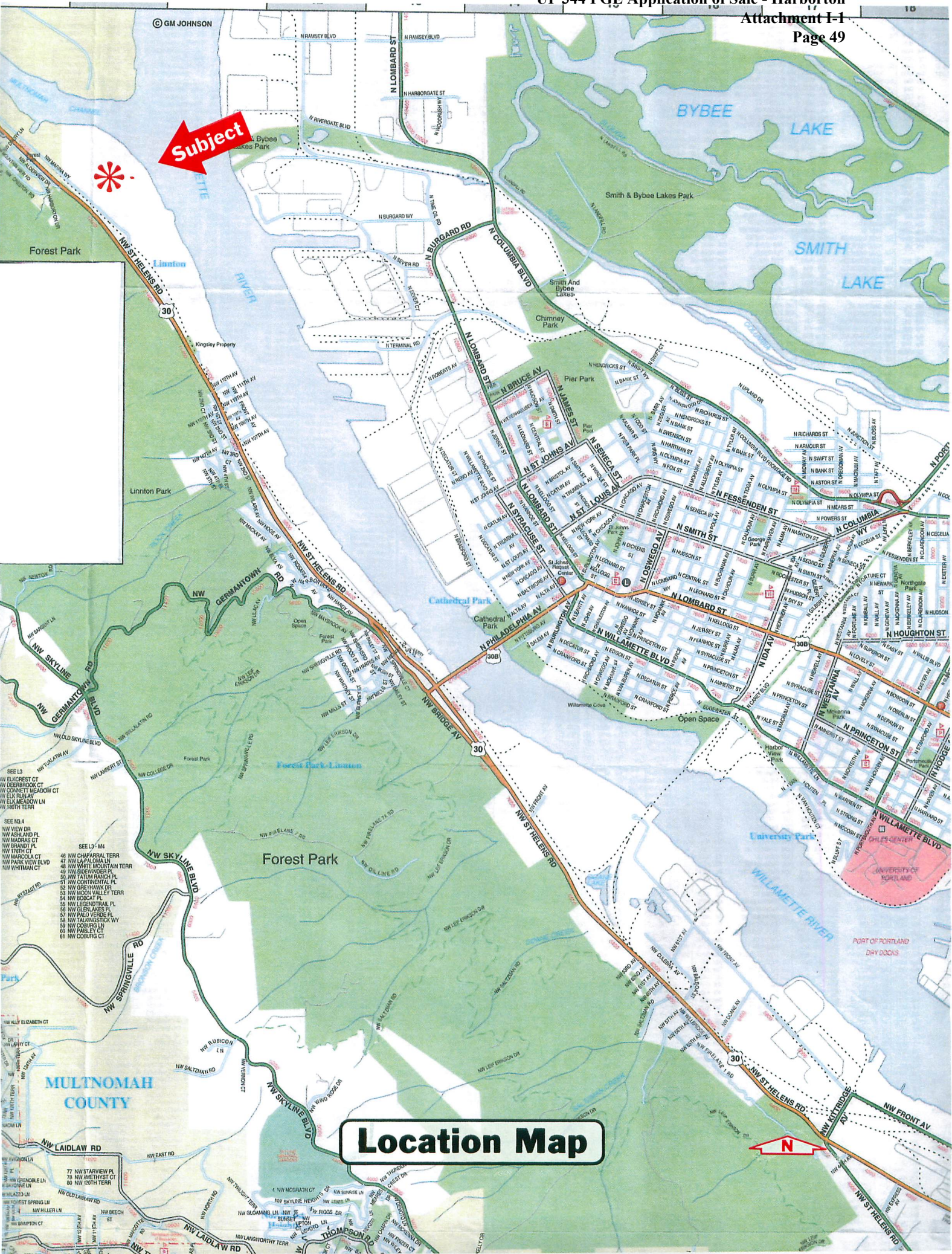


2011-023-051 (11-046)

Facing southeasterly, viewing river front adjacent to Subarea 4.

© GM JOHNSON

Subject



Location Map

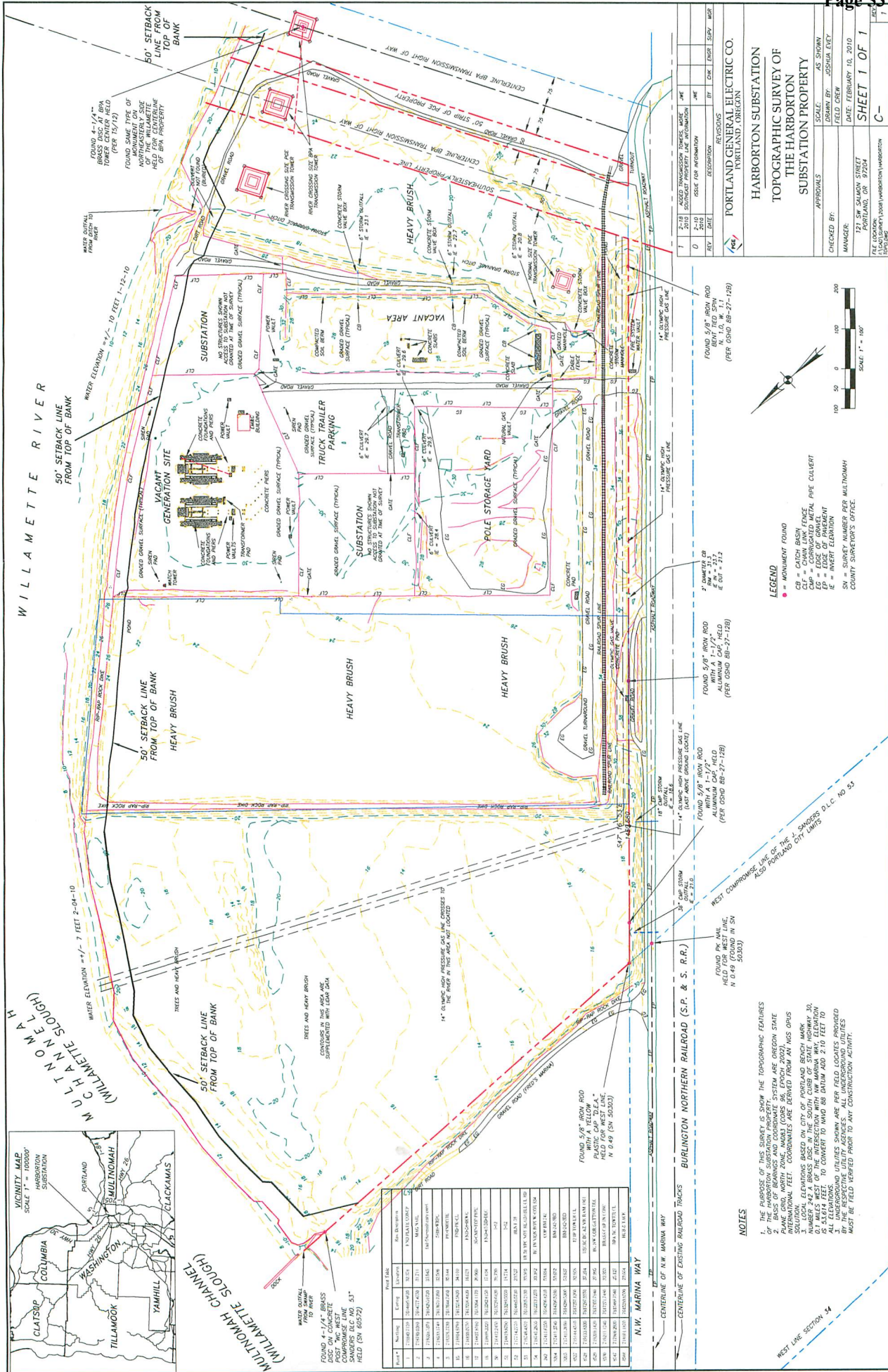


- SEE L3
- NW ELKCREST CT
- NW DEERBROOK CT
- NW CONNETT MEADOW CT
- NW ELK RUN AV
- NW ELK MEADOW LN
- NW 180TH TERR
- SEE ND 4
- NW VIEW DR
- NW ASHLAND PL
- NW MACRAS CT
- NW BRANDT PL
- NW 17TH CT
- NW MARCOLA CT
- NW PARK VIEW BLVD
- NW WHITMAN CT
- SEE L3, M4
- 48 NW CHAMARRIAL TERR
- 47 NW LA PACOLIA LN
- 46 NW WHITE MOUNTAIN TERR
- 49 NW SIDEWINDER PL
- 50 NW LATAH FRANCH PL
- 51 NW CONTINENTAL PL
- 52 NW GREENWYCK DR
- 53 NW MOON VALLEY TERR
- 54 NW ROCKGAT PL
- 55 NW LEGENDTRAIL PL
- 56 NW ELK LAKE PL
- 57 NW PALO VERDE PL
- 58 NW TALKINGSTOCK WY
- 59 NW COBBLER LN
- 60 NW PASSELY CT
- 61 NW COODING CT

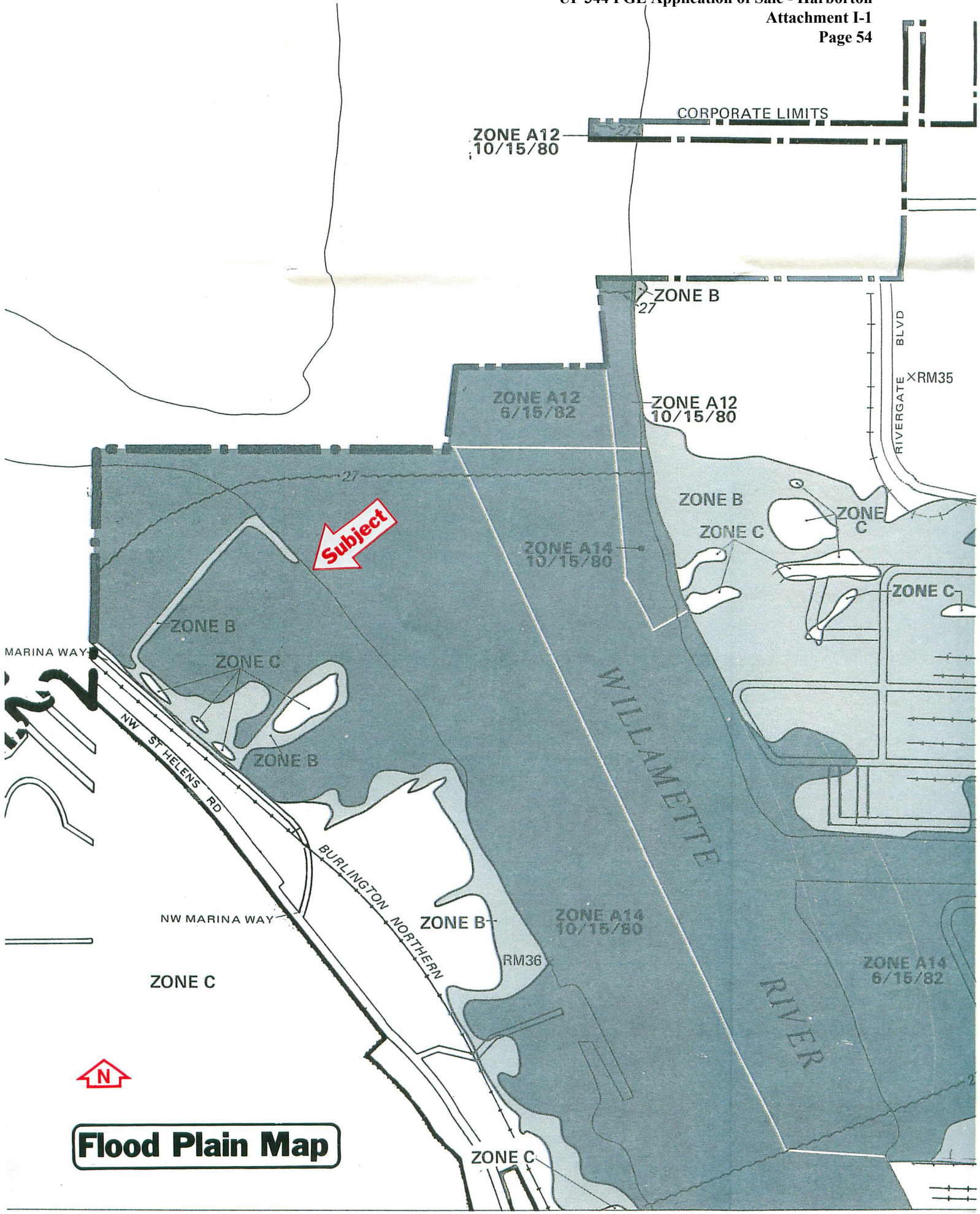
- NW ALLY ELIZABETH CT
- NW 17TH CT
- NW 18TH CT
- NW 19TH CT
- NW 20TH CT
- NW 21ST CT
- NW 22ND CT
- NW 23RD CT
- NW 24TH CT
- NW 25TH CT
- NW 26TH CT
- NW 27TH CT
- NW 28TH CT
- NW 29TH CT
- NW 30TH CT
- NW 31ST CT
- NW 32ND CT
- NW 33RD CT
- NW 34TH CT
- NW 35TH CT
- NW 36TH CT
- NW 37TH CT
- NW 38TH CT
- NW 39TH CT
- NW 40TH CT
- NW 41ST CT
- NW 42ND CT
- NW 43RD CT
- NW 44TH CT
- NW 45TH CT
- NW 46TH CT
- NW 47TH CT
- NW 48TH CT
- NW 49TH CT
- NW 50TH CT
- NW 51ST CT
- NW 52ND CT
- NW 53RD CT
- NW 54TH CT
- NW 55TH CT
- NW 56TH CT
- NW 57TH CT
- NW 58TH CT
- NW 59TH CT
- NW 60TH CT
- NW 61ST CT
- NW 62ND CT
- NW 63RD CT
- NW 64TH CT
- NW 65TH CT
- NW 66TH CT
- NW 67TH CT
- NW 68TH CT
- NW 69TH CT
- NW 70TH CT
- NW 71ST CT
- NW 72ND CT
- NW 73RD CT
- NW 74TH CT
- NW 75TH CT
- NW 76TH CT
- NW 77TH CT
- NW 78TH CT
- NW 79TH CT
- NW 80TH CT
- NW 81ST CT
- NW 82ND CT
- NW 83RD CT
- NW 84TH CT
- NW 85TH CT
- NW 86TH CT
- NW 87TH CT
- NW 88TH CT
- NW 89TH CT
- NW 90TH CT
- NW 91ST CT
- NW 92ND CT
- NW 93RD CT
- NW 94TH CT
- NW 95TH CT
- NW 96TH CT
- NW 97TH CT
- NW 98TH CT
- NW 99TH CT
- NW 100TH CT



EA Figure 4



Topographical Map



SAUVIE ISLAND



K:\PGE\Harborton\MXD\Expert_Panel_Method\Fig 2 Existing Site Conditions.mxd

Legend

- Study Area Tax Lots
- ~ Streams (Metro RLIS)
- Fill Areas

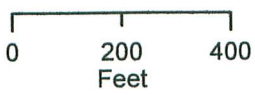


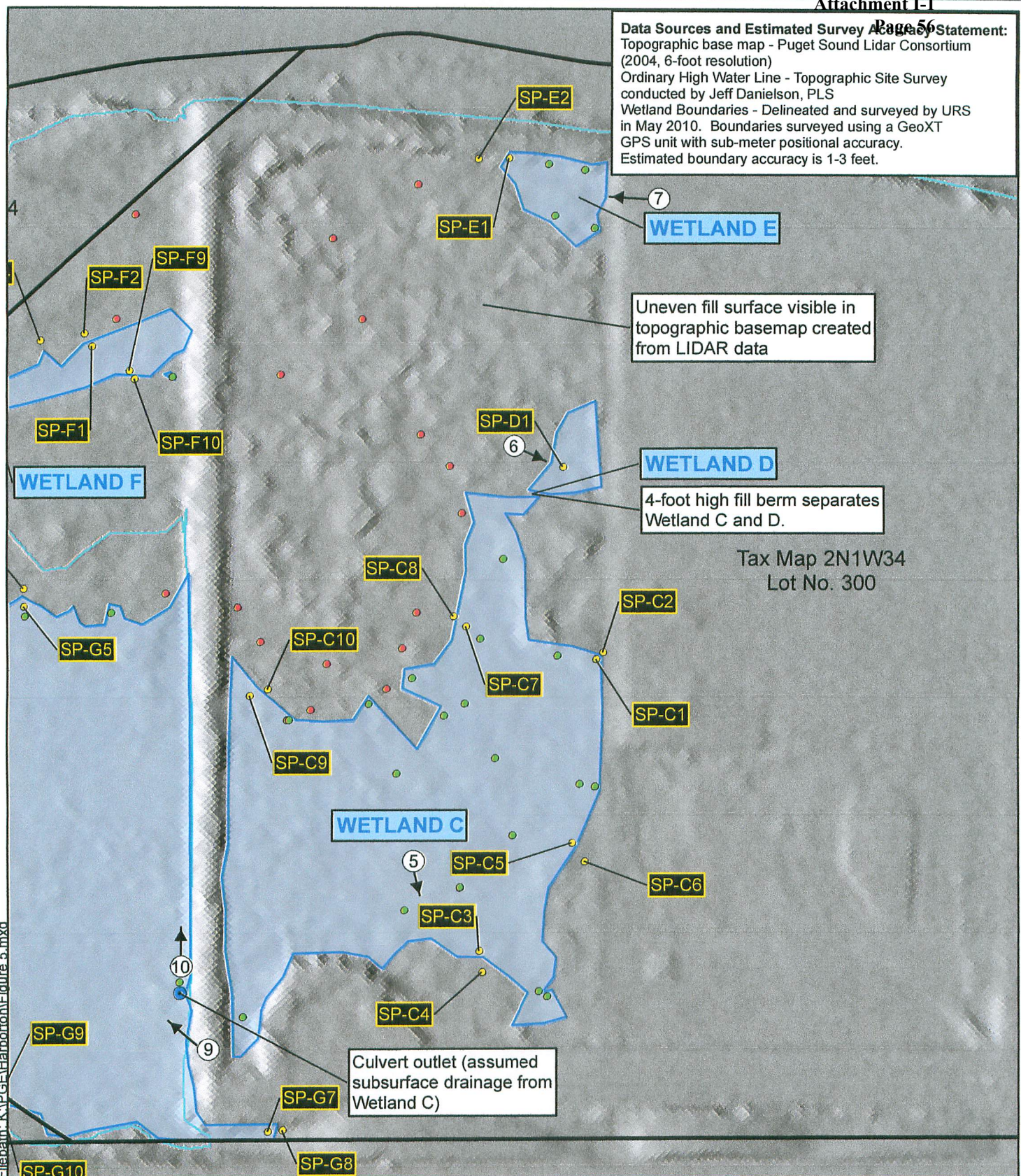
Figure 2 - Existing Site Conditions with Tax Lot Numbers

Natural Resources Delineation Report
PGE Harborton Property
Portland, Oregon

March 2011
Prepared for Portland General Electric



Data Sources and Estimated Survey Accuracy Statement:
 Topographic base map - Puget Sound Lidar Consortium (2004, 6-foot resolution)
 Ordinary High Water Line - Topographic Site Survey conducted by Jeff Danielson, PLS
 Wetland Boundaries - Delineated and surveyed by URS in May 2010. Boundaries surveyed using a GeoXT GPS unit with sub-meter positional accuracy. Estimated boundary accuracy is 1-3 feet.



Filepath: K:\PGE\Harborton\Figure 5.mxd

Legend

- Study Area Parcels
- Wetland Delineation Boundary (URS 2010)
- Willamette River OHWL (18' COP)
- Documented Sample Plot
- Undocumented Pit: Free water below 16" bgs
- Undocumented Pit: Free water >16" bgs

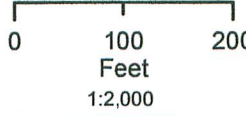
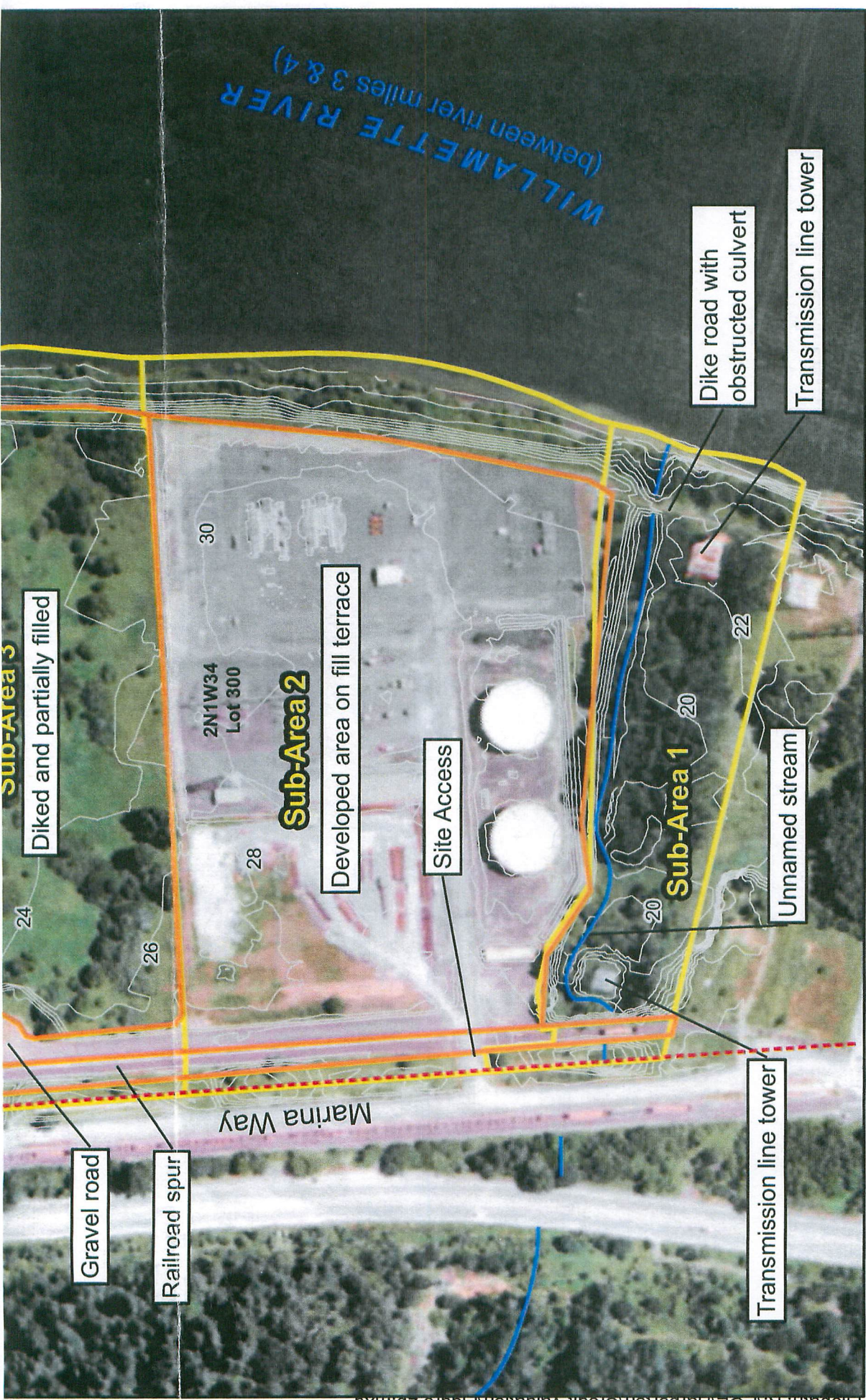


Figure 5B - Wetland Detail Map Panel B

Wetland Delineation Report
 PGE Harborton Substation
 Portland, Oregon

June 21, 2010
 Prepared for Portland General Electric





WILLAMETTE RIVER
(between river miles 3 & 4)

Figure 2 - Existing Site Conditions and Sub-Areas

Natural Resources Credit Valuation Report
PGE Harborton Property
Portland, Oregon

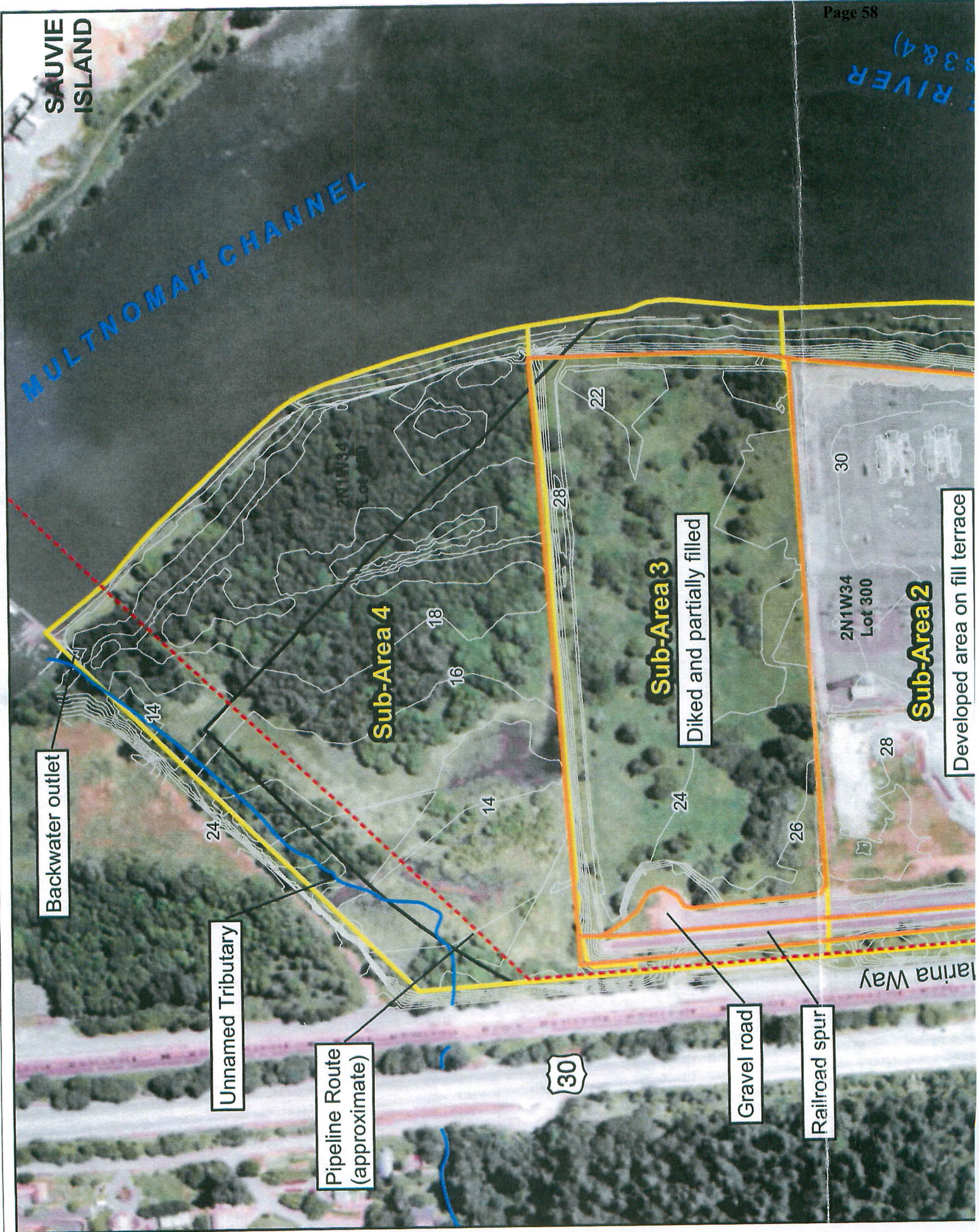


March 2011
Prepared for Portland General Electric

Legend

- Study Area Tax Lots
- Streams (Metro RLIS)
- Fill Areas
- Approximate Pipeline Route
- Habitat Sub-Areas

Filepath: K:\PGE\Harborton\Credit Valuation\Figure 2b.mxd



SAUVIE ISLAND

MULTNOMAH CHANNEL

RIVER (S 384)

Backwater outlet

Unnamed Tributary

Pipeline Route (approximate)

Sub-Area 4

Sub-Area 3

Diked and partially filled

Sub-Area 2

Developed area on fill terrace

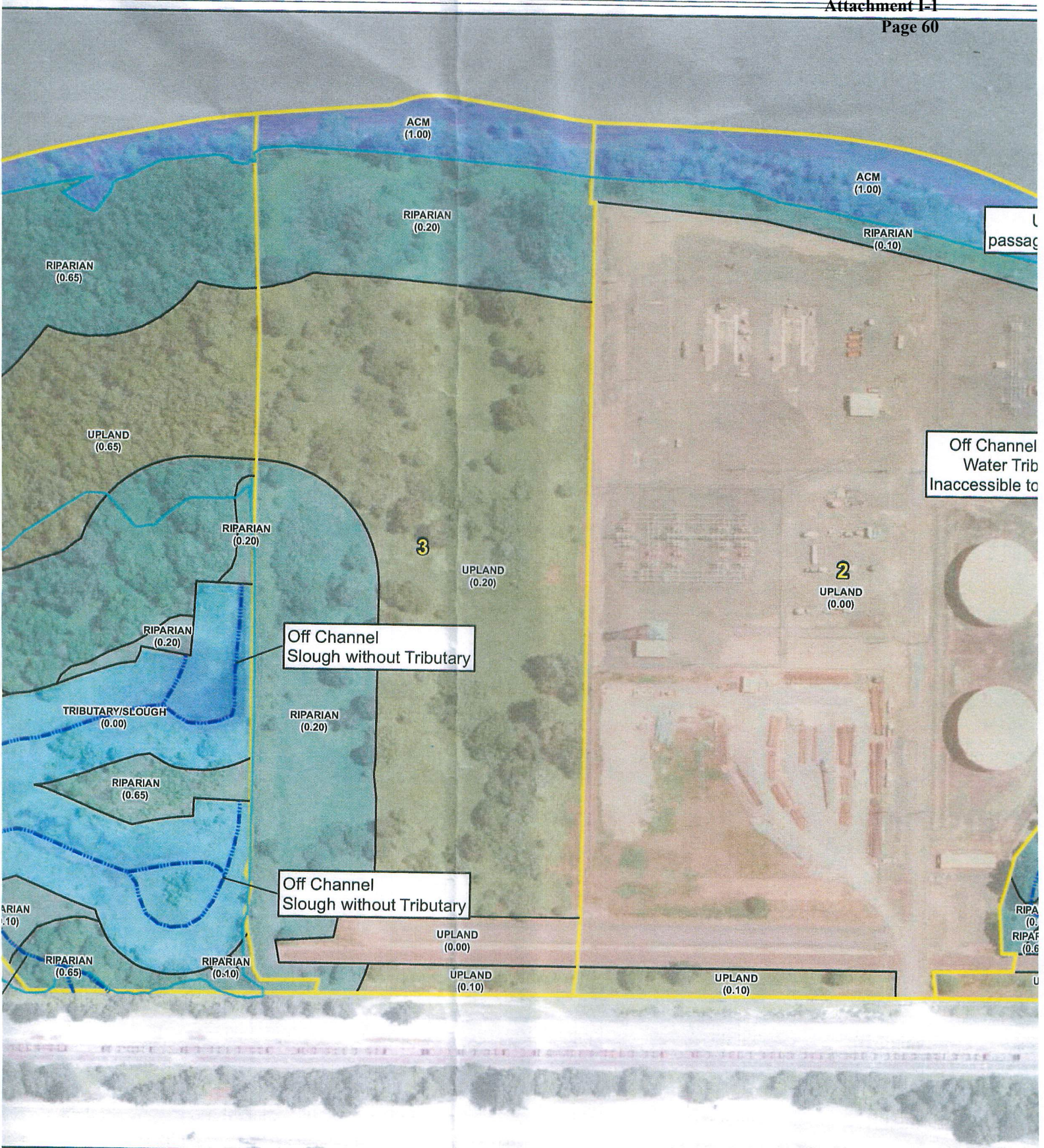
2N1W34 Lot 300

Marina Way

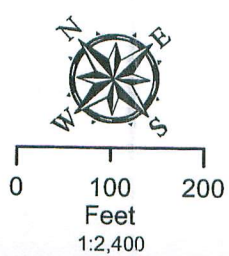
30

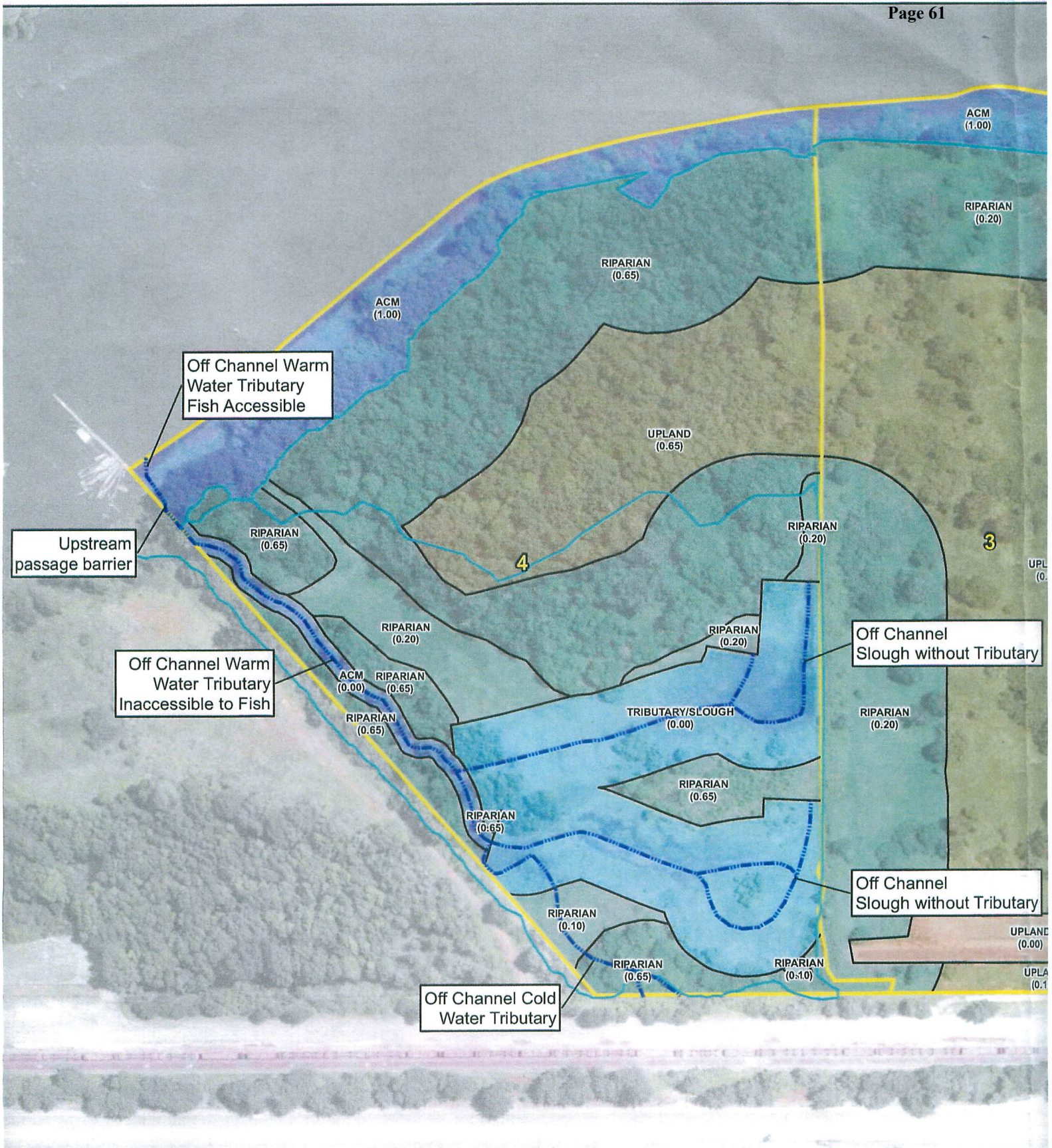
Gravel road

Railroad spur



1) (el Margin)
y or Slough



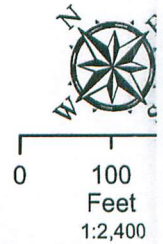


Legend

-  Streams
-  Willamette River OHWL (18' CPD)
-  Habitat Sub-Areas

Habitat (Functional Score)

-  ACM (Active Channel Margin)
-  Off Channel Tributary or Slough
-  Riparian
-  Upland



Year	Improvements	Land	Special Use	Real Market	Exemptions	Page 63 Assessed
2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Districts

Code	Description
101	PORT OF PORTLAND
130	CITY OF PORTLAND
130L	CITY OF PORTLAND - NEW LEVIES
130M	CITY OF PORTLAND PARKS LOP
143	METRO

Tax History

Year	Property Tax	Total Tax
2015	\$0.00	\$0.00
2014	\$0.00	\$0.00
2013	\$0.00	\$0.00
2012	\$0.00	\$0.00
2011	\$0.00	\$0.00

Tax Maps

Quarter Section	Size
2n1w34 (Current Property)	109.4 KB
2n1w34bc	99.2 KB
2n1w34cb	49.2 KB
2n1w34dc	172.5 KB
2n1w34det	53.7 KB



12500 NW MARINA WAY

PORTLAND, OR 97231

ASSESSOR

Address 12500 NW MARINA WAY
Address2 PORTLAND, OR 97231
City PORTLAND
Property ID R325472
Tax Roll SECTION 34 2N 1W, TL 300 62.97 ACRES, DEPT OF REVENUE
Use CENTRALLY ASSESSED
Lot TL 300
County Multnomah
State ID 2N1W34 300
Alt Account Number R971340180
Map Number 342N1W OL
Assessor Update Date 03/07/2016 7:27AM

Owner Name PORTLAND GENERAL ELECTRIC COMPANY
 1WTCO501-CORPORATE TAX DEPT
Type OWNER (PRIMARY)
Address 121 SW SALMON ST
City PORTLAND
State OR
Zip Code 97204-2901

Sales History & Deed

Type INST
Instrument BP06461178
Sale Price \$0.00

Assessment History

Year	Improvements	Land	Special Use	Real Market	Exemptions	Assessed
2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Districts

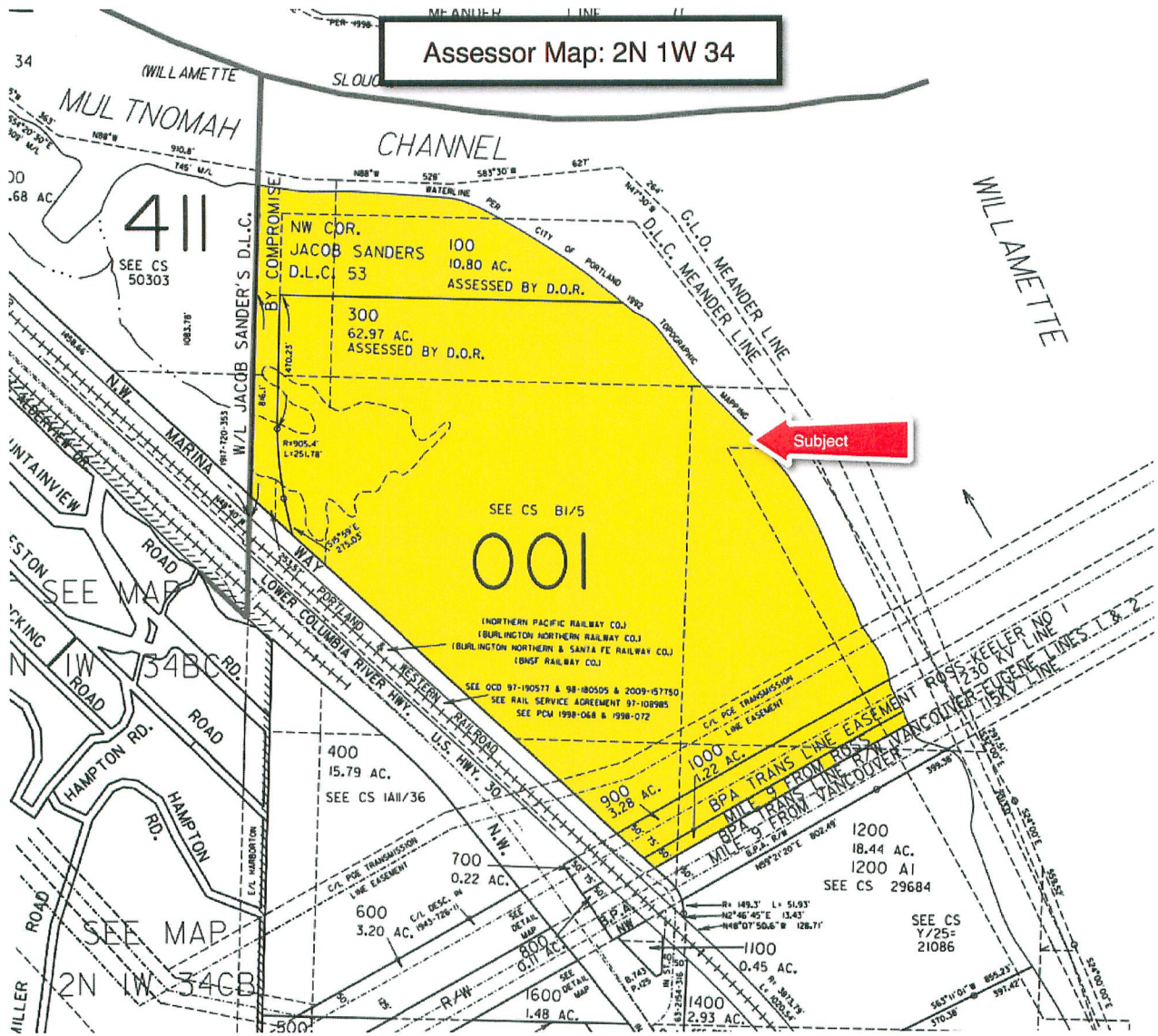
Code	Description
101	PORT OF PORTLAND
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Tax Maps

Quarter Section	Size
2n1w34 (Current Property)	109.4 KB
2n1w34bc	99.2 KB
2n1w34cb	49.2 KB
2n1w34dc	172.5 KB
2n1w34det	53.7 KB



Year	Improvements	Land	Special Use	Real Market	Exemptions	Page 68 Assessed
2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Districts

Code	Description
101	PORT OF PORTLAND
130	CITY OF PORTLAND
130L	CITY OF PORTLAND - NEW LEVIES
130M	CITY OF PORTLAND PARKS LOP
143	METRO

Tax History

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2014	\$0.00	\$0.00
2013	\$0.00	\$0.00
2012	\$0.00	\$0.00
2011	\$0.00	\$0.00

Tax Maps

Quarter Section	Size
2n1w34 (Current Property)	109.4 KB
2n1w34bc	99.2 KB
2n1w34cb	49.2 KB
2n1w34dc	172.5 KB
2n1w34det	53.7 KB

Proposed Conservation Easement for Harborton

Exhibit A

A parcel of land situated in a portion of Section 34, Township 2 North, Range 1 West, Willamette Meridian, and in the Jacob Sanders Donation Land Claim (DLC No.53), Multnomah County, Oregon being more particularly described as follows;

ALL that tract of land conveyed to Portland General Electric, described by warranty deed recorded on October 21, 1968 in Book 646, Page 1178, Multnomah County Deed Records.

EXCEPTING therefrom;

EXCEPTION "A"

All that area described in the CLARIFICATION OF EASEMENT for the Olympic Pipe Line Company recorded in Multnomah County deed records book 755, page 27 on October 12, 1970.

EXCEPTION "B"

All that area described in the COMMUNICATIONS EASEMENT for Pacific Fiber Link LLC recorded in Multnomah County deed records document 98179150 on October 5, 1998.

EXCEPTION "C"

A strip of land parallel with and 20.0 feet northwesterly of the northwesterly line of that tract of land conveyed to the United States of America (B.P.A. Ross-Keller Transmission Line No. 1) by deed recorded on December 21, 1942 in Book 726, Page 11, Multnomah County Deed Records. Said line shall extend or shorten to terminate at the easterly and westerly lines of said Portland General Electric tract.

EXCEPTION "D"

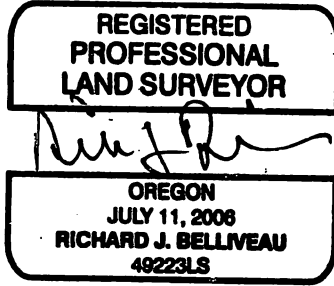
All that area described as follows;

BEGINNING at a point on the northeasterly line of said EXCEPTION "A" which bears South 21° 38' 32" East, 1695.31 feet from a 2" Iron Pipe with a 4-1/4" brass disk witness corner to the northwest corner of the Jacob Sanders Donation Land Claim (DLC No. 53); Thence North 43° 19' 15" East, 836.63 feet; Thence South 46° 36' 46" East, 582.41 feet; Thence South 88° 08' 39" East, 380.37 feet; Thence South 27° 35' 44" East, 374.40 feet to the northwesterly line of said EXCEPTION "C"; Thence along said line of said EXCEPTION "C", South 60° 31' 45" West, 30.02 feet; Thence leaving said line, North 27° 35' 44" West, 138.95 feet; Thence South 62°24'16" West, 30.00 feet; Thence South 27°35'44" East, 70.00 feet; Thence South 62°24'16" West, 75.00 feet; Thence North 27°35'44" West, 120.00 feet; Thence North 62°24'16" East, 75.00 feet; Thence South 27°35'44" East, 25.00 feet; Thence, North 62°24'16" East, 30.00 feet; Thence North 27°35'44" West, 172.51 feet; Thence North 88° 08' 39" West, 430.75 feet; Thence South 43° 19' 15" West, 713.43 feet; Thence South 47°16'53" East, 270.06 feet; Thence North 41°59'10" East, 49.55 feet; Thence North 28°25'42" West, 54.89 feet; Thence North 61°34'18" East, 60.00 feet; Thence, South 28°25'42" East, 80.00 feet; Thence South 61°34'18" West, 56.00 feet; Thence South 41°59'10" West, 45.22 feet; Thence South 47°16'53" East, 71.67 feet to the Northwesterly line of said EXCEPTION "C"; Thence along said line of said EXCEPTION "C", South 60°31'45" West, 21.01 feet; Thence North 47°16'53" West, 360.52 feet; Thence South 43°19'15" West, 22.07 feet to the northeasterly line of EXCEPTION "A"; Thence along said line of said EXCEPTION "A", North 47° 16' 53" West, 571.66 feet to the POINT OF BEGINNING.

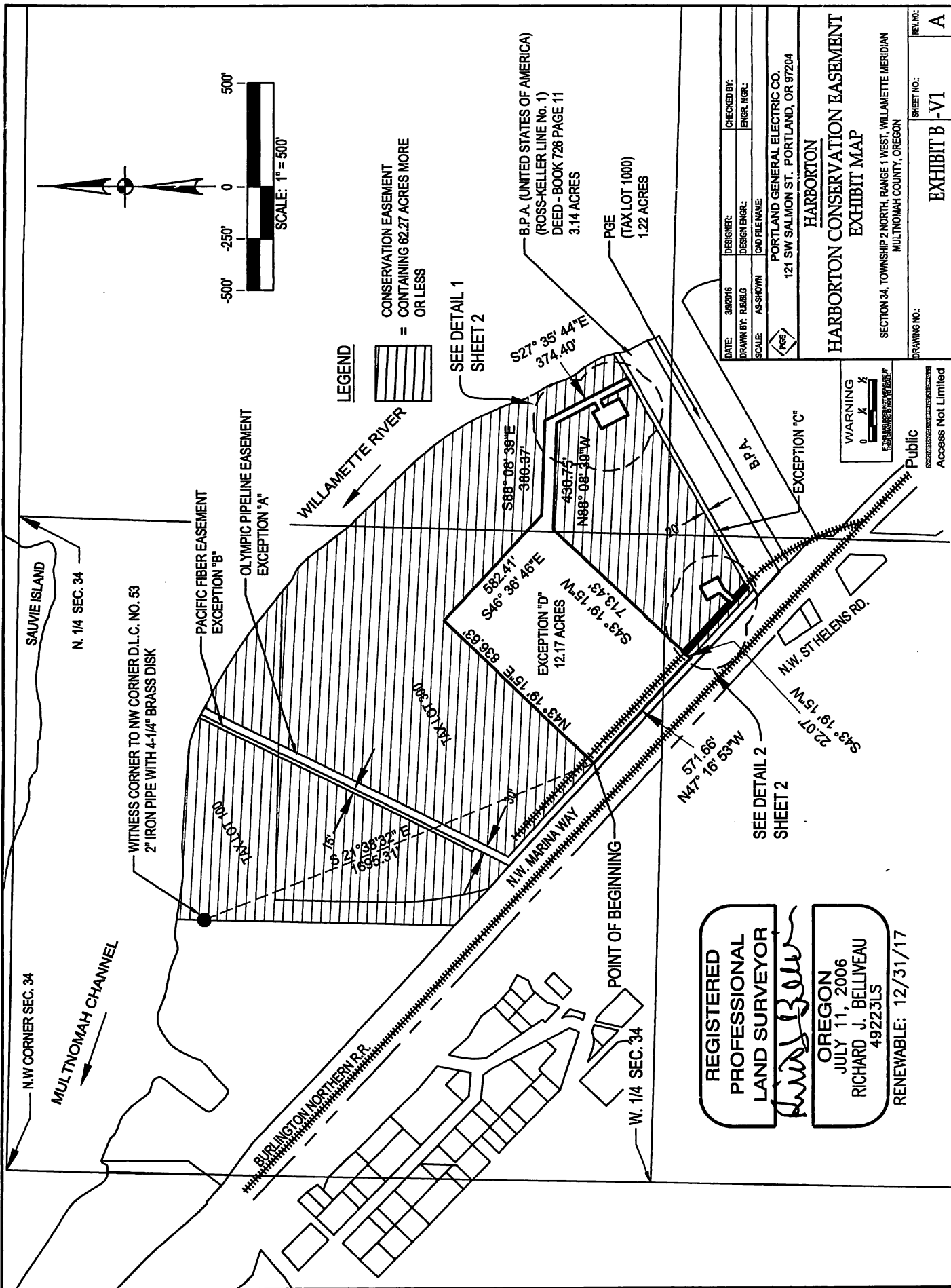
The above-described conservation easement containing 62.27 acres, more or less.

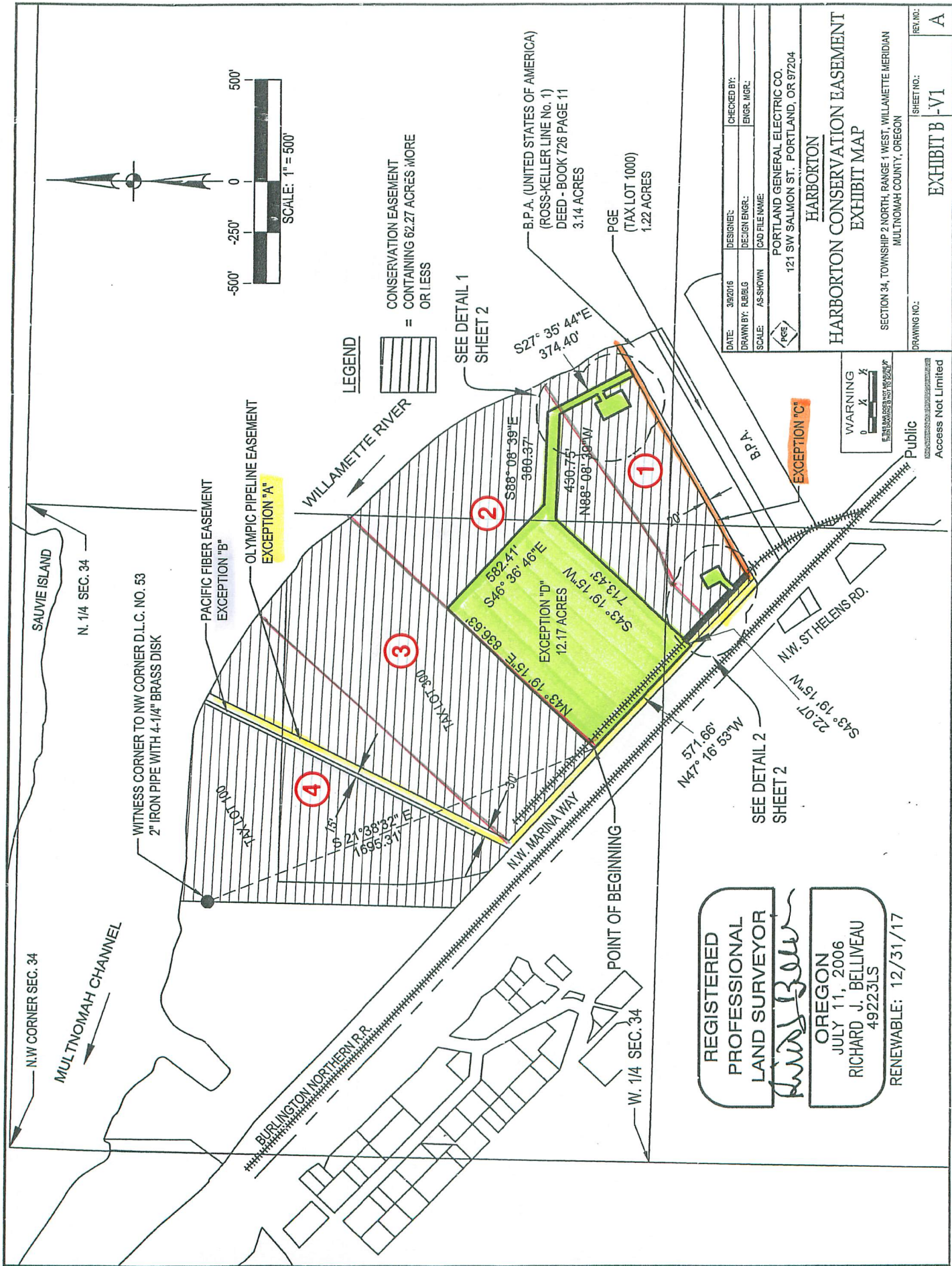
The bearings shown in this description are based on Oregon State Plane Coordinates, (North Zone), NAD 83(2011).

The above-described parcel is shown on Portland General Electric Company drawing "HARBORTON, CONSERVATION EASEMENT EXHIBIT MAP – EXHIBIT B" attached hereto which by reference thereto is made a part hereof.



RENEWAL DATE: DEC. 31, 2017

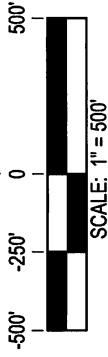
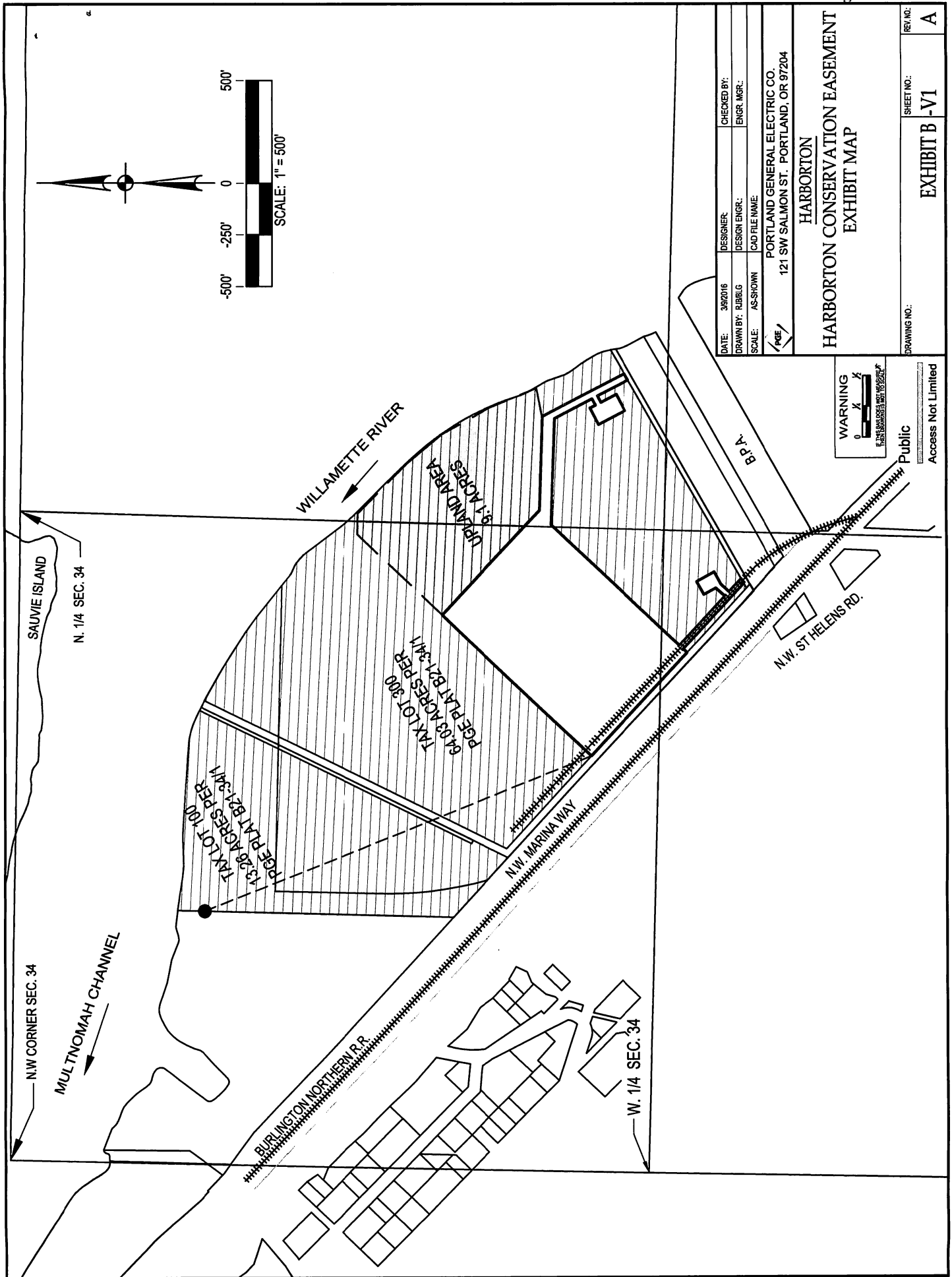




DATE: 3/9/2016	DESIGNER:	CHECKED BY:
DRAWN BY: RJB/BLG	DESIGN ENGR.:	ENGR. INGR.:
SCALE: AS SHOWN	CAD FILE NAME:	
PORTLAND GENERAL ELECTRIC CO. 121 SW SALMON ST., PORTLAND, OR 97204		
HARBORTON HARBORTON CONSERVATION EASEMENT EXHIBIT MAP		
SECTION 34, TOWNSHIP 2 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN MULTNOMAH COUNTY, OREGON		
DRAWING NO.:	SHEET NO.:	REV. NO.:
	EXHIBIT B - V1	A

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Richard J. Belliveau
 OREGON
 JULY 11, 2006
 RICHARD J. BELLIVEAU
 492231LS
 RENEWABLE: 12/31/17

WARNING
 THIS MAP IS NOT TO BE USED FOR
 PUBLIC
 Access Not Limited



DATE: 3/9/2016	DESIGNER:	CHECKED BY:
DRAWN BY: RUBBLG	DESIGN ENGR:	ENGR. MGR.:
SCALE: AS-SHOWN	CAD FILE NAME:	
PORTLAND GENERAL ELECTRIC CO. 121 SW SALMON ST. PORTLAND, OR 97204		
HARBORTON		
HARBORTON CONSERVATION EASEMENT EXHIBIT MAP		
DRAWING NO.:	SHEET NO.:	REV. NO.:
	EXHIBIT B -V1	A

**DECLARATION OF RESTRICTIONS
AND GRANT OF ENTRY**

Property Address: 12500 NW Marina Way
Multnomah County
Portland, OR _____

Tax Parcel IDs: _____

Deed Reference(s): Multnomah County
Recording No. _____

Portland General Electric Company (hereafter the "DECLARANT") is the fee simple owner of the Harborton property in Multnomah County, Oregon, which is more particularly described in the attached Attachment A (hereafter "Overall Property"). Attachment A is incorporated herein by reference.

The Declarant intends to implement a natural resource damage assessment restoration project known as the Harborton Natural Resource Damage Assessment Restoration Project ("Harborton Project") on approximately 62 acres of the Overall Property. The Harborton Project portion of the Overall Property is more particularly depicted and described in the attached Attachment B (hereafter the "Property"). Attachment B is incorporated herein by reference.

The Declarant hereby restricts, as set forth below, the uses to which the Property may be put. The Declarant declares that these restrictions shall constitute covenants that run with the land, as provided by applicable law, and said restrictions shall continue in perpetuity or for the maximum period allowed by law. The restrictions on the Property's use under this Declaration shall be binding on the Declarant, its personal representatives, heirs, successors, assigns, employees, agents, lessees, licensees and invitees, and any subsequent person or entity claiming an interest in the Property. However, this deed restriction will terminate at the time that Declarant conveys a conservation easement approved by the **Portland Harbor Natural Resource Trustee Council** (hereafter "Trustee Council") to an authorized holder.

RESTRICTIONS:

The Property shall be restricted as follows:

1. Uses by the Declarant and the Trustee Council furthering natural resource damage assessment restoration objectives. The Trustee Council consists of the National Oceanic and Atmospheric Administration on behalf of the Department of the Commerce, the United States Fish and Wildlife Service on behalf of the Department of Interior, the Oregon Department of Fish and Wildlife on behalf of the State of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian

Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. The term “natural resource” shall be defined pursuant to 42 U.S.C. § 9601 (16).

2. Implementation of the Harborton Restoration Plan consistent with and pursuant to the terms of the Harborton Restoration Plan (including Exhibits), incorporated herein by reference and agreed to by the Trustee Council and the Declarant.
3. Purposes compatible with the preservation and enhancement of native species and their habitats in a manner consistent with the conservation purposes and performance standards set forth in the Harborton Restoration Plan.

The Property shall not be used for any purposes inconsistent with the Harborton Project and the perpetual protection and conservation of the Property as provided in the Harborton Restoration Plan; however, the Property is and will continue to be encumbered with a pre-existing underground pipeline easement granted to Olympic Pipe Line Company, dated June 10, 1965 (“Pipeline Easement”), as well as an associated in service pipeline (the “Pipeline”), and will be further encumbered with overhead electric transmission facilities to be constructed and operated on and over portions of the Property. All rights accruing from Declarant’s ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not prohibited herein and are not inconsistent with the purposes of this Declaration are reserved to Declarant and Declarant’s personal representatives, heirs, successors, and assigns.

Prohibited uses of the Property, in so far as they are not actions identified by the Harborton Restoration Plan and its Exhibits, include, but are not limited to, the following:

1. Construction, reconstruction or placement of any permanent building or structure, other than as needed for the repair or operation of the Pipeline consistent with the terms of the Pipeline Easement, and the construction, repair and operation of the electric transmission facilities to be constructed and operated on and over portions of the Property.
2. Unseasonable watering; use of fertilizers, biocides, or other agricultural chemicals; incompatible fire protection activities; and any and all other uses which may adversely affect conservation objectives and performance standards.
3. Grazing and agricultural activity of any kind.
4. Commercial or industrial uses; however, the Property is and will continue to be encumbered with a pre-existing underground Pipeline as well as to be constructed electric transmission facilities which will operate on and over portions of the Property.
5. Depositing or accumulating soil, trash, ashes, refuse, waste, bio-solids or any other material.

6. Filling, dumping, excavating, draining, dredging, mining, drilling, removing, exploring for or extracting minerals, loam, gravel, soil, rock, sand or other material on or to a depth of 100 feet below the surface of the Property, or granting or authorizing surface entry for any of these purposes of the Property, or granting or authorizing surface entry for any of these purposes.
7. Altering the surface or general topography of the Property, including building roads, paving or otherwise covering the Property with concrete, asphalt, or any other impervious material.
8. Removing, destroying, or cutting trees, shrubs or other vegetation, except as required for accessing or repairing the Pipeline consistent with the terms of the Pipeline Easement, and constructing, accessing or repairing electric transmission facilities.
9. Use of motorized vehicles on the Property, except as required for accessing or repairing the Pipeline consistent with the terms of the Pipeline Easement, and constructing, accessing or repairing electric transmission facilities.
10. Transferring any water, mineral, or air rights necessary to maintain or restore the biological resources of the Property.
11. Planting, introduction, or dispersal of invasive or exotic plant or animal species.
12. Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the Property, other than those actions set forth under the Harborton Restoration Plan, and any activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.
13. Permitting a general right of access to the Property.
14. Hunting.
15. Trapping of native species.

GRANT OF ENTRY:

The Declarant hereby grants the Trustee Council or its designee(s) the right to enter the Property at reasonable times, subject to giving the Declarant 48-hours' notice (except in cases where the Trustee Council or its designee(s) determines that immediate entry is required to preserve the conservation values of the Property) to monitor the Declarant's compliance with the terms of this Declaration and for other purposes not inconsistent with this instrument; provided that the Trustee Council or its designee(s) shall not unreasonably interfere with the Declarant's authorized use and quiet enjoyment of the Property.

ENFORCEMENT:

The Declarant hereby grants the Trustee Council or its designee(s) the right to enforce the terms of this instrument and prevent any activity or use of the Property that is inconsistent with the terms of this instrument or the Harborton Restoration Plan and, thus, detrimental to the interests of the Trustee Council and its designee(s). Further, consistent with the forgoing grant of a right of enforcement, the Declarant hereby recognizes the Trustee Council and its designee(s)' standing to enforce the terms of this instrument and the Harborton Restoration Plan and require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use or activity that is inconsistent with the purposes of this instrument and the Harborton Restoration Plan. In the event the market for DSAY Credits collapses and Declarant is unable to sell DSAY Credits, the Declarant may terminate the Harborton Project and the Harborton Restoration Plan conditioned upon Declarant first: (1) returning to the Trustee Council all DSAY Credits previously released to Declarant by the Trustee Council for the Harborton Project; and, (2) reimbursing the Trustee Council for all cost the Trustee Council has incurred with respect to the review and approval of the Harborton Project and the Harborton Restoration Plan prior to termination. In the event Declarant so terminates the Harborton Project and the Harborton Restoration Plan, the Trustee Council shall release the Property from the terms of this Declaration of Restrictions and Grant of Entry.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the undersigned being duly authorized by the Declarant herein, has unto set its hand this ____ day of _____, 2014.

FOR THE DECLARANT,

Name _____
Title _____

STATE OF OREGON
COUNTY OF _____

This instrument was acknowledged before me on _____ (date) by _____
_____ (name(s) of person(s)) as _____ (type of authority, e.g.,
officer, trustee, etc.) of _____.

NOTARY PUBLIC

Print Name: _____

My Commission Expires: _____

Exhibit A
Overall Property
[legal description of overall property]

Exhibit B
Property
[legal description of property]

EXAMPLE – SUBJECT TO CHANGE

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

**Conservation Easement Deed
(Harborton Restoration Project)**

THIS CONSERVATION EASEMENT DEED (“Conservation Easement”) is made this _____ day of _____. Portland General Electric Company, an Oregon business corporation (the “Grantor”), in favor of [charitable entity whose purpose is to protect natural resources] (“Grantee”).

RECITALS

A. Grantor is the sole owner in fee simple of certain real property containing approximately 74 acres in the County of Multnomah, State of Oregon more particularly described in Exhibit A attached hereto and incorporated herein (the “Overall Property”). Grantor desires to grant the Conservation Easement over a 62 acre portion of the Overall Property (the “Property”). The Property is more particularly described in Exhibit B, which is attached hereto and incorporated herein.

B. Grantee is an organization qualified by ORS 271.715 (3) to hold conservation easements.

C. This agreement is a conservation easement as provided for by ORS 271.715 to 271.795 and will run with the land.

D. This Conservation Easement Deed is being executed and delivered pursuant to the Restoration Plan for the Harborton Natural Resource Damage Assessment Restoration Project (the “Harborton Restoration Plan”) and “Memorandum of Agreement between the Natural Resource Trustees and Portland General Electric Company for Crediting Habitat Restoration Projects toward Future Settlement of Natural Resource Damage Claims at the Portland Harbor CERCLA Site” (collectively the “Conservation Agreement”). A specific habitat development plan and a long-term stewardship plan for the Property have been developed, entitled _____ (the “Habitat Development Plan”) and the _____ (the “Stewardship Plan”). Grantor and Grantee each have a copy of the Stewardship Plan and the Habitat Development Plan, both incorporated herein by reference.

E. The Property provides or is capable of providing significant ecological and habitat values that benefit endangered, threatened, and other species (collectively, "Conservation Values"), as set forth in the Conservation Agreement, including ___[this needs to be completed]___.

F. The Portland Harbor Natural Resource Trustee Council ("Trustee Council") consists of the following members: the National Oceanic and Atmospheric Administration ("NOAA") on behalf of the United States Department of Commerce, the United States Fish and Wildlife Service ("USFWS") on behalf of the United States Department of the Interior, the Oregon Department of Fish and Wildlife ("ODFW") on behalf of the State of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. As referenced to in this Easement Deed, "Trustee Council" means all of the above listed Trustee Council members. The Trustee Council is conducting a damage assessment for the Portland Harbor Superfund site ("Site"), and anticipates bringing claims for injuries to natural resources under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601, *et seq.* ("CERCLA"), the Oil Pollution Act of 1990, 33 U.S.C. §§ 9601, *et seq.* and other applicable federal and state law.

G. Additionally, NOAA and USFWS exercise jurisdiction with respect to the conservation, protection, restoration, enhancement, and management of threatened and endangered species and habitat pursuant to various federal laws including the Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.* ("ESA"), the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-666c, the Magnuson-Stevens Act ("MSA") as amended (16 U.S.C. §§ 1801 *et seq.*) and the Fish and Wildlife Act of 1956 (16 U.S.C. §§ 742(f) *et seq.*).

H. Grantor intends to convey to Grantee the right to preserve, protect, sustain, and enhance and/or restore the Conservation Values of the Property in perpetuity.

COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the United States and the State of Oregon, Grantor hereby voluntarily grants and conveys to Grantee the Conservation Easement in perpetuity over the Property of the nature and character consistent with the Conservation Agreement to the extent hereinafter set forth.

1. Purpose. The purpose of this Conservation Easement is to ensure that the Property will be retained forever in a condition contemplated by the Conservation Agreement and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. Grantor intends that this Conservation Easement will confine the use of the Property to such activities including, without limitation, those involving the preservation and enhancement of native species and their habitats in a manner consistent with the conservation purposes of this Conservation Easement and the Conservation Agreement.

2. Rights of Grantee. To accomplish the purposes of this Conservation Easement, Grantor hereby grants and conveys the following rights to Grantee, along with the right of enforcement to the National Oceanic and Atmospheric Administration on behalf of the United States Department of Commerce, the United States Fish and Wildlife Service on behalf of the United States Department of the Interior, the Oregon Department of Fish and Wildlife on behalf of the State of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe (referred to collectively hereafter as “the Trustee Council”) or their designee(s) as third party beneficiaries hereof, consistent with the Conservation Agreement:

A. To preserve, protect, sustain, enhance, and/or restore the Conservation Values of the Property.

B. To enter upon the Property at reasonable times, subject to giving Grantor forty-eight (48) hours’ notice, except in cases where Grantee determines that immediate entry is required to prevent, terminate, or mitigate a violation of the Agreement, to monitor Grantor’s compliance with and to otherwise enforce the terms of this Conservation Easement; provided that Grantee shall not unreasonably interfere with Grantor’s authorized use and quiet enjoyment of the Property.

C. To prevent any activity on or use of the Property that is inconsistent with the habitat conservation purposes of this Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use or activity that is inconsistent with the purposes of this Conservation Easement.

D. All mineral, air and water rights necessary to preserve, protect and sustain the biological resources and Conservation Values of the Property, unless specifically excluded from this Conservation Easement, including Grantor’s right, title and interest in and to any waters consisting of: (a) any riparian water rights appurtenant to the Property; (b) any appropriative water rights held by Grantor to the extent those rights are appurtenant to the Property; (c) any waters, the rights to which are covered under contract between the Grantor and any irrigation or water district, to the extent such waters are customarily applied to the Property; and (d) any water from wells that are in existence or may be constructed in the future on the Property or on those lands described as excepted from the Property in the legal description and that were historically used by the Grantor to maintain the Property in a flooded condition (collectively, “Easement Waters”). The Easement Waters, mineral, air and water rights are limited to the amount of Grantor’s waters reasonably required to maintain the Conservation Values of the Property.

E. All present and future development rights.

3. Prohibited Uses. Any activity on or use of the Property inconsistent with the conservation purposes of this Conservation Easement and the Conservation Agreement is prohibited, except that the Property is and will continue to be encumbered with a pre-existing underground pipeline easement granted to Olympic Pipe Line Company, dated June 10, 1965

("Pipeline Easement"), as well as an associated in service pipeline (the "Pipeline"), and will be further encumbered with overhead electric transmission facilities to be constructed and operated on and over portions of the Property. Without limiting the generality of the foregoing, Grantor, its personal representatives, heirs, successors, assigns, employees, agents, lessees, licensees and invitees are expressly prohibited from doing or permitting any of the following on the Property unless specifically authorized by the Grantee, Restoration Plan, the Development Plan or the Stewardship Plan:

A. Construction, reconstruction or placement of any permanent building or structure, other than as needed for the repair or operation of the Pipeline consistent with the terms of the Pipeline Easement, and the construction, repair and operation of the electric transmission facilities to be constructed and operated on and over portions of the Property.

B. Unseasonable watering; use of fertilizers, biocides, or other agricultural chemicals; incompatible fire protection activities; and any and all other uses which may adversely affect the conservation purposes of this Conservation Easement.

C. Grazing and agricultural activity of any kind.

D. Commercial or industrial uses; however, the Property is and will continue to be encumbered with a pre-existing underground Pipeline as well as to be constructed electric transmission facilities which will operate on and over portions of the Property.

E. Depositing or accumulating soil, trash, ashes, refuse, waste, bio-solids or any other material.

F. Filling, dumping, excavating, draining, dredging, mining, drilling, removing, exploring for or extracting minerals, loam, gravel, soil, rock, sand or other material on or to a depth of 100 ft. below the surface of the Property, or granting or authorizing surface entry for any of these purposes of the Property, or granting or authorizing surface entry for any of these purposes.

G. Altering the surface or general topography of the Property, including building roads, paving or otherwise covering the Property with concrete, asphalt, or any other impervious material.

H. Removing, destroying, or cutting trees, shrubs or other vegetation, except as required for accessing or repairing the Pipeline consistent with the terms of the Pipeline Easement, and constructing, accessing or repairing electric transmission facilities.

I. Use of motorized vehicles other than is required to access or repair the Pipeline consistent with the terms of the Pipeline Easement, and constructing, accessing or repairing electric transmission facilities.

J. Transferring any water right necessary to maintain or restore the biological resources of the Property.

K. Planting, introduction, or dispersal of invasive or exotic plant or animal species.

L. Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the Property and any activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.

M. Permitting a general right of access to the Property.

4. Grantor's Duties. Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the Conservation Values of the Property and are inconsistent with the Conservation Agreement.

5. Grantor's Reserved Rights. All rights accruing from Grantor's ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not prohibited herein and are not inconsistent with the purposes of this Conservation Easement, are reserved to Grantor and Grantor's successors, and assigns.

6. Remedies for Violation and Corrective Action. If Grantee, Grantor, or the Trustee Council or the Trustee Council's designee(s) determines there is a violation of the terms of this Conservation Easement or that a violation is threatened, written notice of such violation and a demand for corrective action sufficient to cure the violation shall be given to Grantor or Grantee. Within ten (10) days of the receipt of written notice of such violation, the notice recipient shall provide a written response to each of the parties to this Conservation Easement, including the Trustee Council or the Trustee Council's designee(s), pursuant to section 12 of this Conservation Easement. In any instance, measures to cure the violation shall be reviewed and approved by the Trustee Council or the Trustee Council's designee(s). If a violation is not cured within thirty (30) days after receipt of written notice and demand, or if the cure reasonably requires more than thirty (30) days to complete and there is failure to begin the cure within the thirty-day period or failure to continue diligently to complete the cure, the Parties shall first engage in the following dispute resolution process to resolve any disputes arising related to the violation and cure. The Grantor, Grantee, or Trustee Council or the Trustee Council's designee(s), shall issue a written Notice of Deficiencies to all Parties, detailing the claimed deficiencies concerning the violation and cure. The Notice of Deficiencies shall identify a higher-level administrative officer within the issuing Party's organization who shall represent the Party in the dispute resolution process ("Dispute Resolution Representative"). The Notice of Deficiencies shall include the Dispute Resolution Representative's contact information. Within fourteen (14) days of the receipt of the Notice of Deficiencies, the remaining Parties shall identify corresponding Dispute Resolution Representatives within their respective organizations and communicate to schedule a joint conference to be held at the earliest opportunity. The Dispute Resolution Representatives shall engage in a reasonable, good-faith effort to review the dispute and decide upon a mutually agreeable cure, which shall be diligently implemented. If, after a reasonable period of time, the Dispute Resolution Representatives are unable to reach agreement, the Grantor, Grantee, or the Trustee Council or the Trustee Council's designee(s) may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance with the terms of this Conservation Easement, to recover any damages to which Grantee,

Grantor, or the Trustee Council or the Trustee Council's designee(s) may be entitled for violation of the terms of this Conservation Easement or for any injury to the Conservation Values of the Property, or for other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any violation or injury. Without limiting violator's liability therefore, any damages recovered may be applied to the cost of undertaking any corrective action on the Property.

6.1 Injunctive Relief. If Grantee, Grantor, or the Trustee Council or the Trustee Council's designee(s), in each its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee, Grantor, or the Trustee Council or the Trustee Council's designee(s) may pursue its remedies under this Section without prior notice or without waiting for the period provided for cure to expire to enjoin the violation, ex parte as necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, and to require the restoration of the Property to the condition that existed prior to any such injury. The remedies described in this Section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. The failure of Grantee, Grantor, the Trustee Council or the Trustee Council's designee(s) to discover a violation or to take immediate legal action shall not bar taking such action at a later time.

6.2 Standing. If at any time Grantee, Grantor, or any successor in interest or subsequent transferee uses or threatens to use the Property for purposes not in conformance with the stated conservation purposes contained herein, or releases or threatens to abandon this Conservation Easement in whole or in part, then, the Trustee Council or the Trustee Council's designee(s) shall have standing as an interested party in any proceeding affecting this Conservation Easement.

6.3 Costs of Enforcement. All reasonable costs incurred in enforcing the terms of this Conservation Easement including, but not limited to, costs of suit and attorneys' fees, and any costs of restoration necessitated by violation or negligence under the terms of this Conservation Easement shall be borne by the violator.

6.4 Enforcement Discretion. Enforcement of the terms of this Conservation Easement shall be at the discretion of Grantee, Grantor, or the Trustee Council or the Trustee Council's designee(s), and any forbearance to exercise rights of enforcement under this Conservation Easement in the event of any breach of any term of this Conservation Easement shall not be deemed or construed to be a waiver of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any rights under this Conservation Easement. No delay or omission in the exercise of any right or remedy upon any breach shall impair such right or remedy or be construed as a waiver.

6.5 Catastrophic Acts Beyond Grantee's or Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee, Grantor, or the Trustee Council or the Trustee Council's designee(s) to bring any action for any injury to or change in the Property resulting from causes beyond Grantee or Grantor's control, including, without

limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantee or Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. The Grantor, Grantee, and Trustee Council or the Trustee Council's designee(s) shall be notified of the catastrophic event within forty-eight (48) hours of its discovery. The Grantor, Grantee, and the Trustee Council or the Trustee Council's designee(s) shall meet as soon as reasonably possible to determine a response to such catastrophic event. In the interim, the Grantor shall continue to the fullest extent possible to manage and maintain the Property consistent with the conservation purposes of the Conservation Easement and Conservation Agreement.

6.6 Third Party Beneficiary Right of Enforcement. All rights and remedies conveyed under this Conservation Easement shall extend to and are enforceable by the Trustee Council or its designee(s) as a third party beneficiary. These rights of enforcement are in addition to, and do not limit, the rights of enforcement under the Conservation Agreement.

7. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including transfer costs, costs of title and documentation review, and maintenance of adequate liability insurance coverage. Grantor remains solely responsible for obtaining any applicable permits and approvals required for any activity or use permitted on the Property by this Conservation Easement, and any such activity or use shall be undertaken in accordance with all applicable federal, state, local and administrative agency laws, statutes, ordinances, rules, regulations, orders and requirements.

7.1 Taxes; No Liens. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively, "taxes"), including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantor shall keep Grantee's interest in the Property free from any liens arising out of any obligations incurred by Grantor for any labor or materials furnished or alleged to have been furnished at or for use on the Property.

7.2 Hold Harmless. Grantor shall hold harmless, indemnify, and defend Grantee, Trustee Council or the Trustee Council's designee(s), and their respective members, directors, officers, employees, agents, and contractors and the successors, and assigns of each of them (collectively, "Indemnified Parties"), from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, orders, liens, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with (a) injury to or the death of any person, or physical damage to any property, resulting from any negligent act, omission of Grantor, or from any condition allowed by Grantor inconsistent with the Restoration Plan, the Development Plan or the Stewardship Plan, except to the extent due to the negligence of any of the Indemnified Parties, and (b) the obligations, covenants, representations, and warranties of this Conservation Easement relating to Costs and Liabilities of this Section 7.

7.3 No Hazardous Materials Liability. Other than as described in ____ [this needs to be completed] ____, Grantor represents and warrants that it has no knowledge of any release or threatened release of hazardous materials in, on, under, about, or affecting the Property. Without limiting the obligations of Grantor as otherwise provided in this instrument, Grantor agrees to indemnify, protect, and hold harmless the Indemnified Parties against any and all Claims arising from or connected with any hazardous materials present, released in, on, from, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, except to the extent caused by any of the Indemnified Parties, the then current or past holder of the Pipeline Easement, or any third party.

8. Best and Most Necessary Use. The habitat conservation purposes of the Conservation Easement are presumed to be the best and most necessary public use.

9. Conservation Easement Assignment or Transfer. This Conservation Easement may be assigned or transferred by Grantee or any successor in interest upon written approval of the Trustee Council or its designee(s) and Grantor, which approval shall not be unreasonably withheld. Grantee agrees to give Grantor and the Trustee Council or the Trustee Council's designee(s) written notice of its intent to transfer any interest in this Conservation Easement at least thirty (30) days prior to the date of such transfer. Grantee or any successor in interest may assign or transfer its rights and obligations under this Conservation Easement only to an entity or organization as approved by the Trustee Council or the Trustee Council's designee(s) and Grantor. As a condition of such assignment or transfer, Grantee shall require that the conservation purposes of this Conservation Easement and the Conservation Agreement are carried out and notice of such restrictions, including the Conservation Agreement, shall be recorded in the County where the Property is located. The failure of Grantee to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or its enforcement in any way.

10. Subsequent Property Transfer. This Conservation Easement may be assigned or transferred by Grantor or any successor in interest upon written approval of the Trustee Council or its designee(s), which approval shall not be unreasonably withheld. Grantor agrees to give Grantee and the Trustee Council or the Trustee Council's designee(s) written notice of its intent to transfer any interest in this Conservation Easement at least thirty (30) days prior to the date of such transfer. Grantor or any successor in interest may assign or transfer its rights and obligations under this Conservation Easement only to an entity or organization as approved by the Trustee Council or its designee(s). Grantor further agrees to incorporate the terms of this Conservation Easement in any deed or other legal instrument by which Grantor divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantee or the Trustee Council or the Trustee Council's designee(s) shall have the right to prevent subsequent transfers in which prospective subsequent claimants or transferees are not given notice of the terms, covenants, conditions and restrictions of this Conservation Easement or whenever a subsequent Property transfer will result in a merger of the Conservation Easement and the Property in a single Property owner (thereby extinguishing the Conservation Easement) if no method or mechanism deemed adequate to preserve, protect, and sustain the Property in

perpetuity has been established. The failure of Grantor to perform any act required by this section shall not impair the validity of this Conservation Easement or limit its enforcement in any way.

11. Estoppel Certificates. Grantee shall, within 30 business days after receiving Grantor's request therefore, execute and deliver to Grantor a document certifying, to the best knowledge of the person executing the document, that Grantor is in compliance with any obligation of Grantor contained in this Conservation Easement, or otherwise evidencing the status of such obligation to the extent of Grantee's knowledge thereof, as may be reasonably requested by Grantor.

12. Notices. Any notice, demand, request, consent, approval, or other communication that Grantor, Grantee, or the Trustee Council or the Trustee Council's designee(s) desires or is required to give to the others shall be in writing and either served personally or sent by first-class mail, postage prepaid or by recognized overnight courier that guarantees next-day delivery addressed as follows:

To Grantor: Portland General Electric Company

To Grantee: [Insert Grantee information]

To Trustee Council: NOAA
Restoration Center
1201 NE Lloyd Blvd., Suite 1100
Portland, OR 97232

United States Fish and Wildlife Service
Pacific Region
Attn: Field Supervisor
911 NE 11th Ave. # 1
Portland, OR 97232

Oregon Department of Fish and Wildlife
3406 Cherry Avenue N.E.
Salem, OR 97303

Confederated Tribes of the Grand Ronde
Community of Oregon
Portland Office

4445 S.W. Barbur Blvd.
Portland, OR 97239

Confederated Tribes of Siletz Indians
ATTN: Natural Resources Manager
P.O. Box 549
Siletz, OR 97380

Confederated Tribes of the Umatilla Indian
Reservation Nixyaawii
Governance Center
46411 Timine Way
Pendleton, OR 97801

Confederated Tribes of the Warm Springs
Reservation of Oregon
1107 Wasco Street
Warm Springs, OR 97761

Nez Perce Tribe
P.O. Box 305
Lapwai, ID 83540

or to such other address as a party shall designate by written notice to the others. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by reputable overnight courier or, in the case of delivery by certified or registered mail and postage prepaid, five (5) days after deposit into the United States mail.

13. Recordation. Grantor shall submit an original, signed and notarized Conservation Easement to Grantee and Grantee shall promptly record this instrument in the official records of the County in which the Property is located, and shall thereafter promptly provide a conformed copy of the recorded Conservation Easement to the Grantor and to the Trustee Council or the Trustee Council's designee(s). Grantee may re-record at any time as may be required to preserve its rights in this Conservation Easement.

14. Amendment. This Conservation Easement may be amended by Grantor and Grantee only by mutual written agreement and written approval by the Trustee Council or the Trustee Council's designee(s). Any such amendment shall be consistent with the purposes of this Conservation Easement and shall not affect its perpetual duration, and Grantee shall promptly record this amended instrument in the official records of the County in which the Property is located, and shall thereafter promptly provide a conformed copy of the recorded amended Conservation Easement to the Grantor and to the Trustee Council or its designee(s).

15. No Warranty; AS IS. Grantee agrees, for itself, successors, and assigns, that it is accepting this grant on an AS IS basis, without reliance upon any representation or warranty of

Grantor, and relying solely upon Grantee's own expertise, experience and investigation of the Property and Grantee expressly disclaims, waives and releases any warranty or representation, express or implied, by Grantor or any representative of Grantor, including as to title, condition, or suitability for any particular purpose.

16. Additional Interests. Except for another conservation easement established in accordance with the Conservation Agreement and which is not adverse to the Conservation Easement established herein, Grantor shall not grant any additional interest in the Property that is not subordinate to this Conservation Easement, nor shall Grantor grant, transfer, abandon, or relinquish any water or water right associated with the Property, including without limitation any Easement Waters, without the prior written authorization of Grantee and the Trustee Council or the Trustee Council's designee(s). Such consent may be withheld if the proposed interest or transfer is inconsistent with the purposes of this Conservation Easement and the Conservation Agreement or will impair or interfere with the Conservation Values of the Property. This Section shall not prohibit the transfer of a fee title or leasehold interest in the Property that is otherwise subject to and complies with the terms of this Conservation Easement.

17. Third-Party Beneficiaries and Access. Grantor and Grantee acknowledge that the Trustee Council and its designee(s) are third-party beneficiaries of this Conservation Easement with rights of access to the Property for monitoring or conservation activities contemplated by this Conservation Easement or the Conservation Agreement, except in cases where the Trustee Council or its designee(s) determine that immediate entry is required to prevent, terminate, or mitigate a violation of the Agreement, such access is subject to providing the Grantor with forty-eight (48) hours' notice, and with rights to enforce all of the provisions of this Conservation Easement.

18. Condemnation. If all or any part of the Property is the subject of an eminent domain proceeding, Grantor will take reasonable actions to defend the Property and the Conservation Values associated with it. In the event that said efforts are unsuccessful, Grantor shall take all appropriate actions to recover the full value of the taking and all incidental or direct damages resulting from the taking (the "Proceeds"). Grantee shall receive the portion of the Proceeds equal to the value of the conservation easement, which Proceeds shall be applied to the cost of undertaking any corrective action on the Property to the extent practicable. Disagreements regarding the appropriate response under this Section shall be resolved in accordance with the Dispute Resolution provision in this Conservation Easement.

19. General Provisions, Controlling Law. The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Oregon and applicable Federal law including the ESA.

19.2 Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the deed to affect the purposes of this Conservation Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

19.3 Severability. If any provision of this Conservation Easement or the application thereof is found to be invalid the remaining provisions of this Conservation Easement or the application of such provisions other than that found to be invalid shall not be affected thereby.

19.4 Entire Agreement. This Conservation Easement and the Conservation Agreement incorporated by reference herein, including all of the exhibits thereto, together set forth the entire agreement of the parties and supersede all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with the provisions herein.

19.5 No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

19.6 Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Property. This Conservation Easement shall remain valid consistent with the terms of ORS 271.745.

19.7 Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts, omissions or breaches occurring prior to transfer shall survive transfer.

19.8 Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

19.9 Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

20. No Merger. This Conservation Easement shall be of perpetual duration, it being the express intent of the Parties that this Easement not be extinguished by, or merged into, any other interest or estate in the Property now or hereafter held by Grantee or any other Party.

IN WITNESS WHEREOF, Grantor has executed and delivered this Conservation Easement Deed as of the day and year first above written.

GRANTOR:

PORTLAND GENERAL ELECTRIC COMPANY

By: _____

Title: _____

Date: _____

GRANTEE:

By: _____

Title: _____

Date: _____

Exhibit A
Overall Property

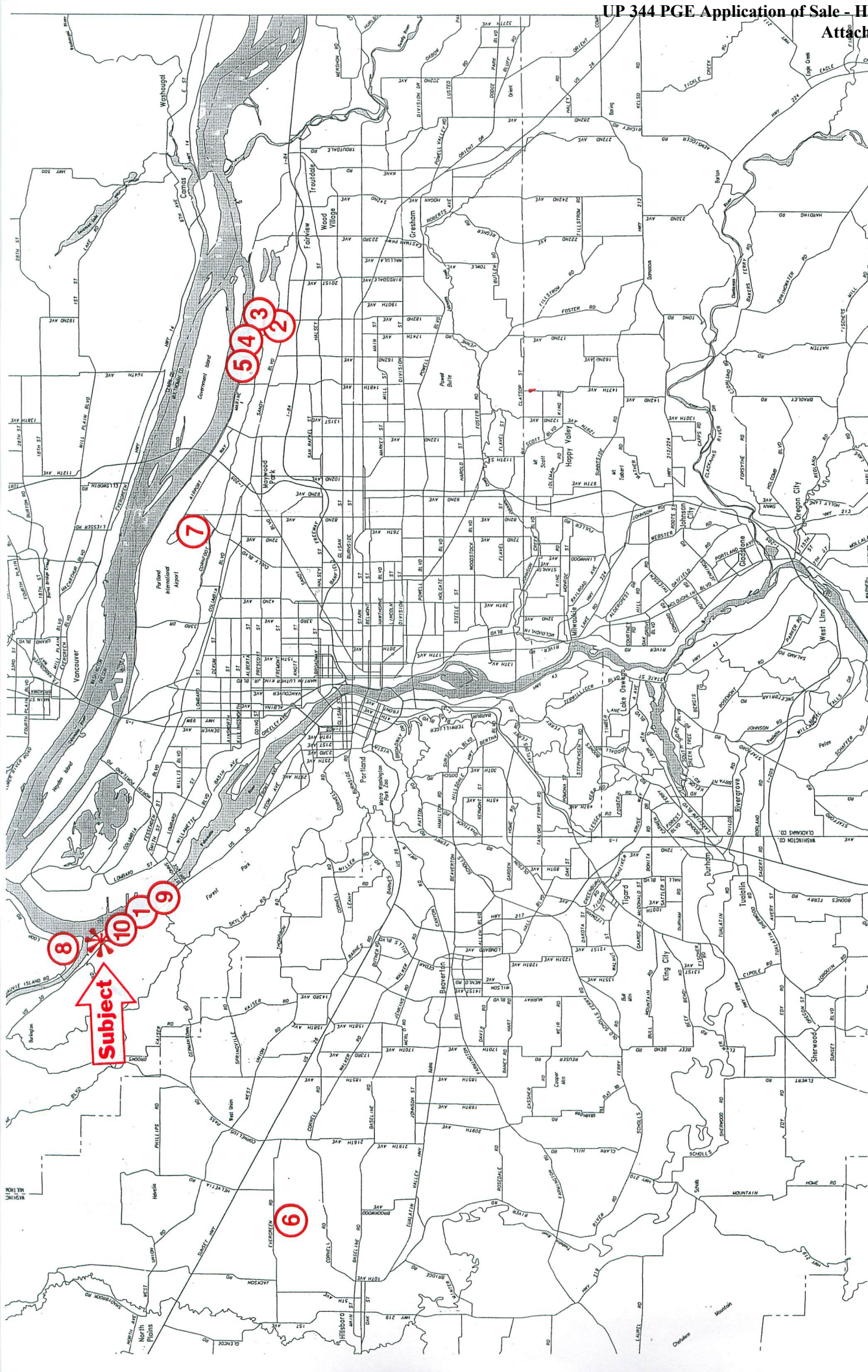
[legal description of overall property]

Exhibit B
Property
[legal description of property]





Land Sales Map



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11
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Subject

6

INDUSTRIAL LAND SALE NO. 1



2016-004-109 (2016-002)

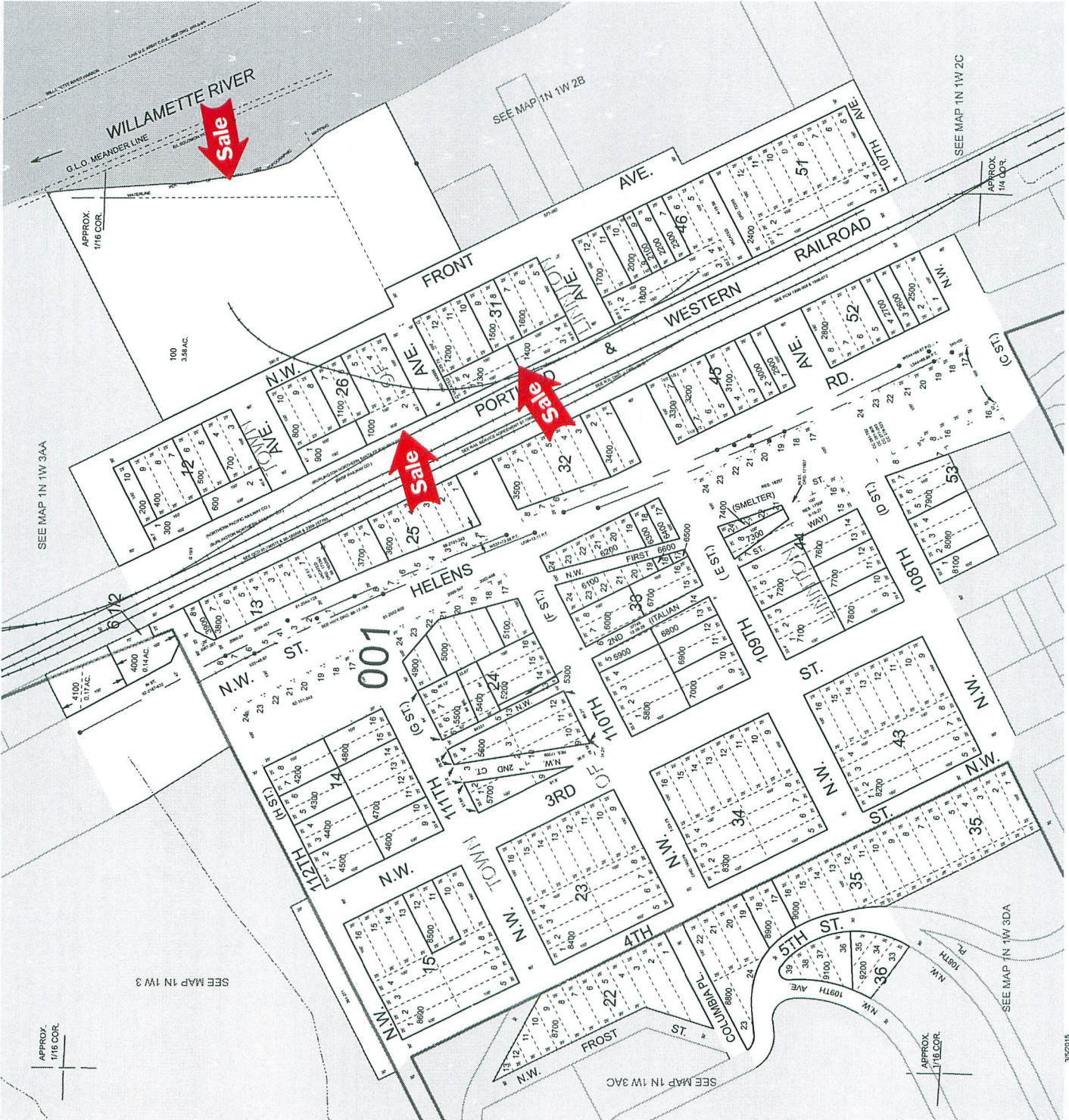
Location: 10937 NW Front Avenue, Portland, Oregon
Legal Description: 1N-1W-3AD, Tax Lots 100, 600, 900, 1000, 1100, 1200, 1300, and 1400 in Multnomah County, Oregon
Date: August 7, 2015
Price: \$725,000
Grantor: RK Storage and Warehousing, Inc.
Grantee: Riverside Industrial Properties, LLC et.al.
Recording: 2015-101376
Zone: HI, heavy industrial
Site Size: 4.56 acres (gross) 3.30 acres (net)
Unit Price: \$3.65 per square foot (gross) \$3.58 per square foot (net)
Verified: Tony Reser, 503-221-2277

COMMENTS – This transaction involves a 4.56-acre tract located at 10937 NW Front Avenue in Portland. This parcel sold in August 2015 for \$725,000 or \$3.65 per square foot of gross land area. Reportedly, only 3.30-acres are usable, yielding a net unit price of \$5.04 per square foot. The parcel includes approximately 500 feet along the Willamette River and has a level topography with rock surface. The parcel had an NFA letter. Per the seller's agent, the site had "some housekeeping issues" but was free from on-site contamination. The parcel was subject to potential liability related to the Harbor Restoration Project. Whereas the amount (if any) and timing were unknown, the buyer held back \$100,000, which was secured with a note bearing 9% interest. At the end of an eight-year term, the 4100,000 would be returned to the seller, less any potential costs which may have been incurred through that time. The parcel included a 4,000 square foot industrial building. This was essentially a land transaction; however, the building continues to be used. The selling agent estimated building contribution of \$150,000 leaving \$575,000 or \$4.00 per square foot of net land area.

1N 1W 3AD
PORTLAND

1N 1W 3AD
PORTLAND

S.E. 1/4 N.E. 1/4 SEC. 3 T.1N. R.1W. W.M.
MULTNOMAH COUNTY
1" = 100'



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

INDUSTRIAL LAND SALE NO. 2



2016-004-113 (2016-002)

Location: South side of NE airport Way opposite NE Riverside Parkway, Portland, Oregon

Legal Description: 1N-3E-19D, Tax Lots 100 and 200, Multnomah County, Oregon

Date: August 25, 2015

Price: \$1,600,000

Grantor: Prologis Logistics Services, Inc.

Grantee: Pacific Realty Associates LP

Recording: 2015-109313

Zone: HI-EG2

Site Size: 9.31 acres

Unit Price: \$3.95 per square foot

Verified: Tony Reser, 503-221-2277

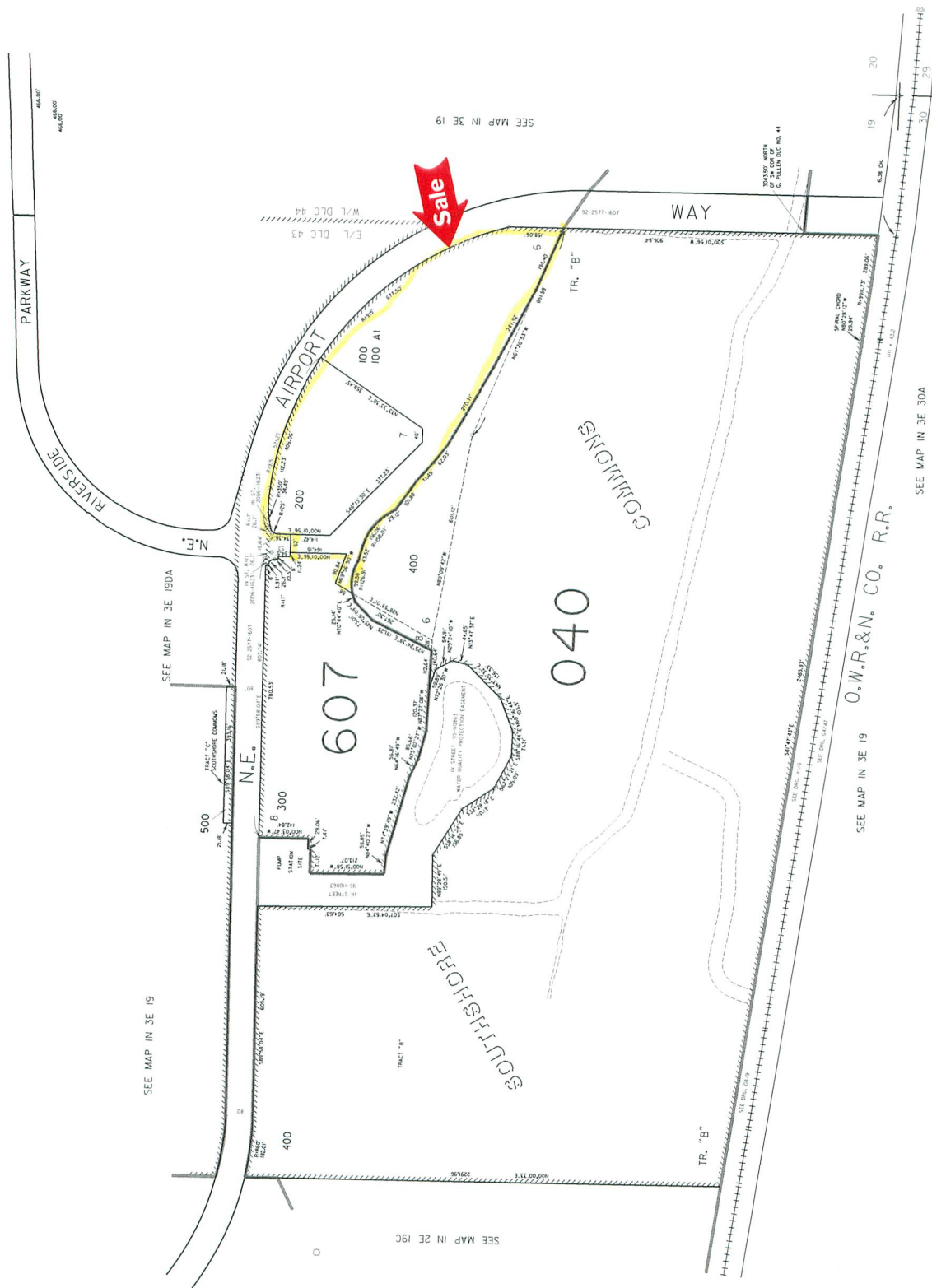
COMMENTS – This transaction involves a 9.31-acre tract located on the south side of NE Airport Way, opposite Riverside Parkway. The sale took place in August 2015 for \$1,600,000 or 43.95 per square foot of gross land area. This is a slightly irregular site situated adjacent to the South Shore Commons open space, which forms the rear boundary. The parcel includes two tax lots. Portions of the site lie within a view corridor, which restricts building heights to 20 feet. Per the selling agent, the restriction resulted in an approximate price reduction of 35%. An additional \$250,000 reduction was made from the original asking price for the result of the projected cost to remove a surcharge file on the site. Thus, the development ready site would compare at \$2,412,561 or \$5.95 per square foot.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE 1/4 SEC. 19 T.1N. R.3E. W.M.
MULTNOMAH COUNTY

IN 3E 19D
PORTLAND

1" = 200'



IN 3E 19D
PORTLAND

INDUSTRIAL LAND SALE NO. 3



2016-004-110 (2016-002)

Location: Northwest corner and southwest corner of NE 185th Avenue and NE Riverside Parkway, Portland, Oregon

Legal Description: 1N-3E-20, Tax Lot 900 and 1N-3E-20B, Tax Lot 1900, Multnomah County, Oregon

Date: December 10, 2015

Price: \$3,550,000

Grantor: Summit Properties, Inc.

Grantee: Dpf Or 1 Le 185, LLC

Recording: 2015-147725

Zone: IG-2

Site Size: 13.67 acres

Unit Price: \$5.96 per square foot

Verified: Scott Kappas, 503-326-9000

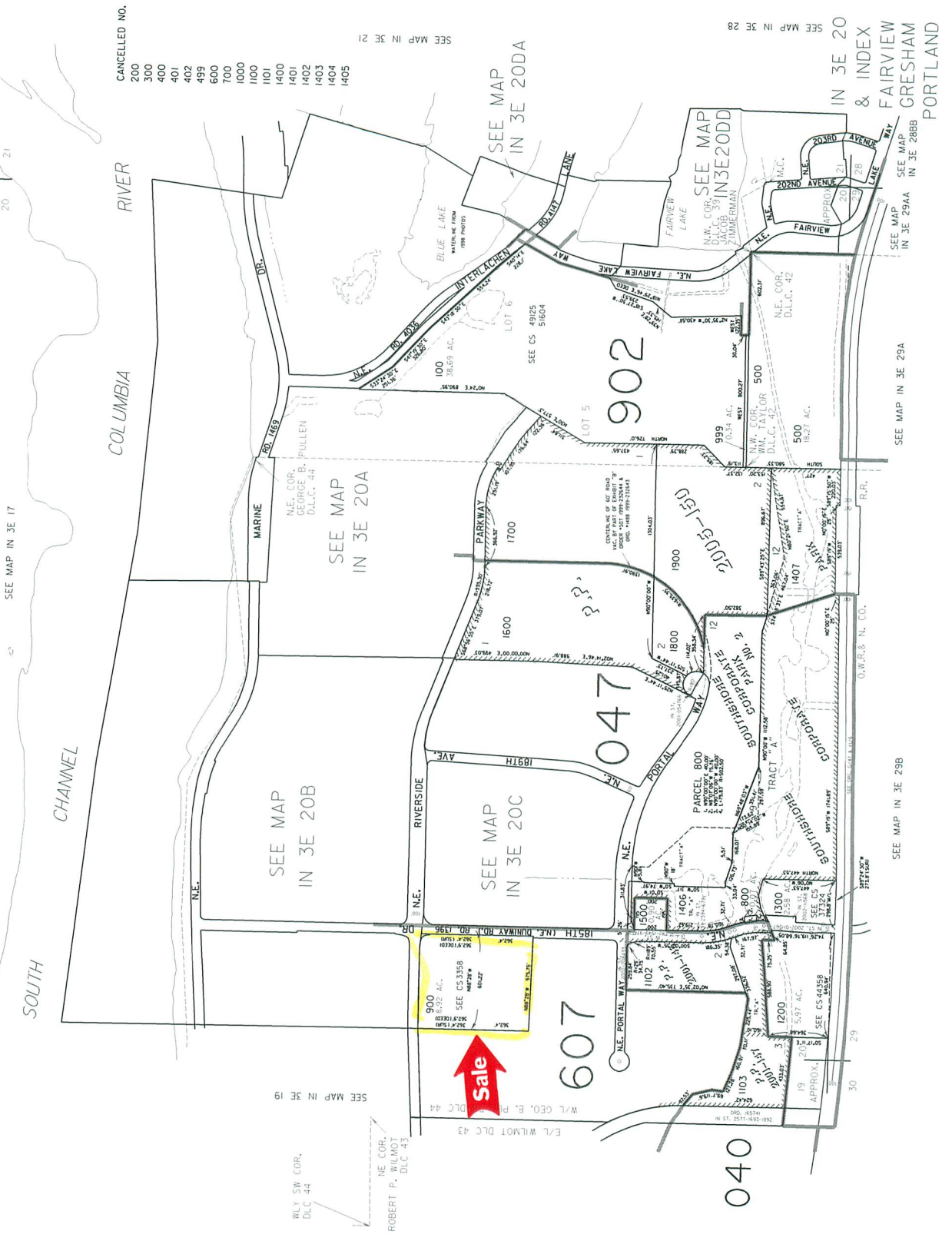
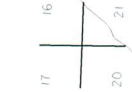
COMMENTS – The sale property consists of two parcels separated by NE Riverside Parkway. The north parcel contains 4.75 acres compared to the south parcel at 8.92 acres. Both parcels are located in a finished industrial park with all municipal utilities available. The level sites were generally development ready. It is noted that the southerly 8.92 acres had previously been surcharged for two buildings. The north site may need additional soil work. The surcharging was estimated to contribute \$1.00 per square foot for a total of \$582,833. By extension, the non-surcharged land contributed \$2,967,167 of the sale price or \$4.98 per square foot.

SECTION 20 T.1N., R.3E., W.M.
 MULTNOMAH COUNTY

1" = 400'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

IN 3E 20
 & INDEX
 FAIRVIEW
 GRESHAM
 PORTLAND



CANCELLED NO.

200
300
400
401
402
499
600
700
1000
1101
1400
1401
1402
1403
1404
1405

W/L SW COR.
 D.L.C. 44
 ROBERT P. WILMOT
 D.L.C. 43



IN 3E 20
 & INDEX
 FAIRVIEW
 GRESHAM
 PORTLAND

SEE MAP IN 3E 29A

SEE MAP IN 3E 29B

SEE MAP IN 3E 29C

SEE MAP IN 3E 29D

SEE MAP IN 3E 28B

SEE MAP IN 3E 28C

SEE MAP IN 3E 28D

SEE MAP IN 3E 28E

SEE MAP IN 3E 28F

SEE MAP IN 3E 28G

SEE MAP IN 3E 28H

SEE MAP IN 3E 28I

SEE MAP IN 3E 28J

SEE MAP IN 3E 28K

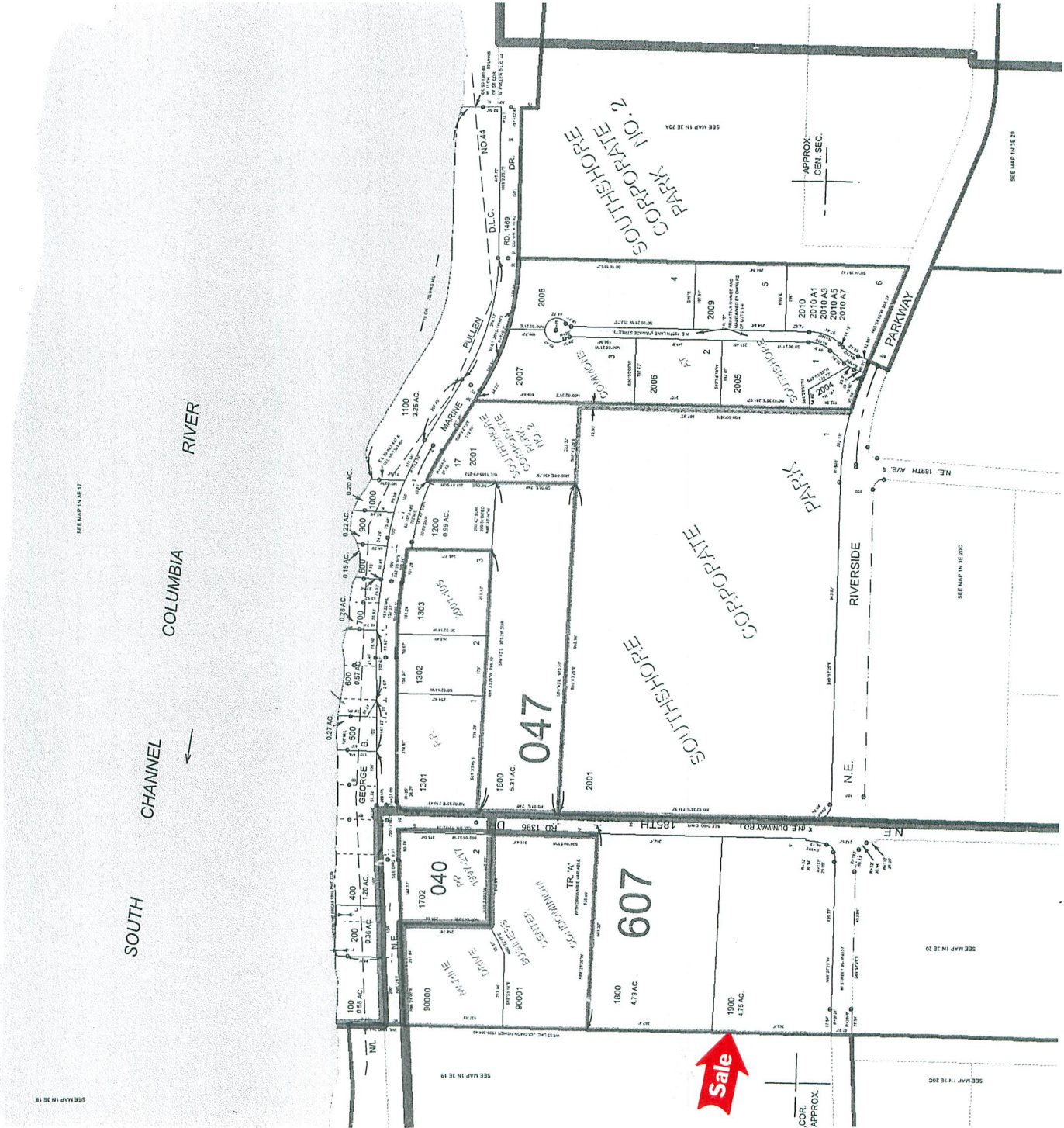
SEE MAP IN 3E 28L

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

N.W. 1/4 SEC. 20 T.1N. R.3E. W.M.
 MULTNOMAH COUNTY
 1" = 200'

1N 3E 20B
 GRESHAM

1N 3E 20B
 GRESHAM



01/15/2014

INDUSTRIAL LAND SALE NO. 4



2015-008-074 (2016-002)

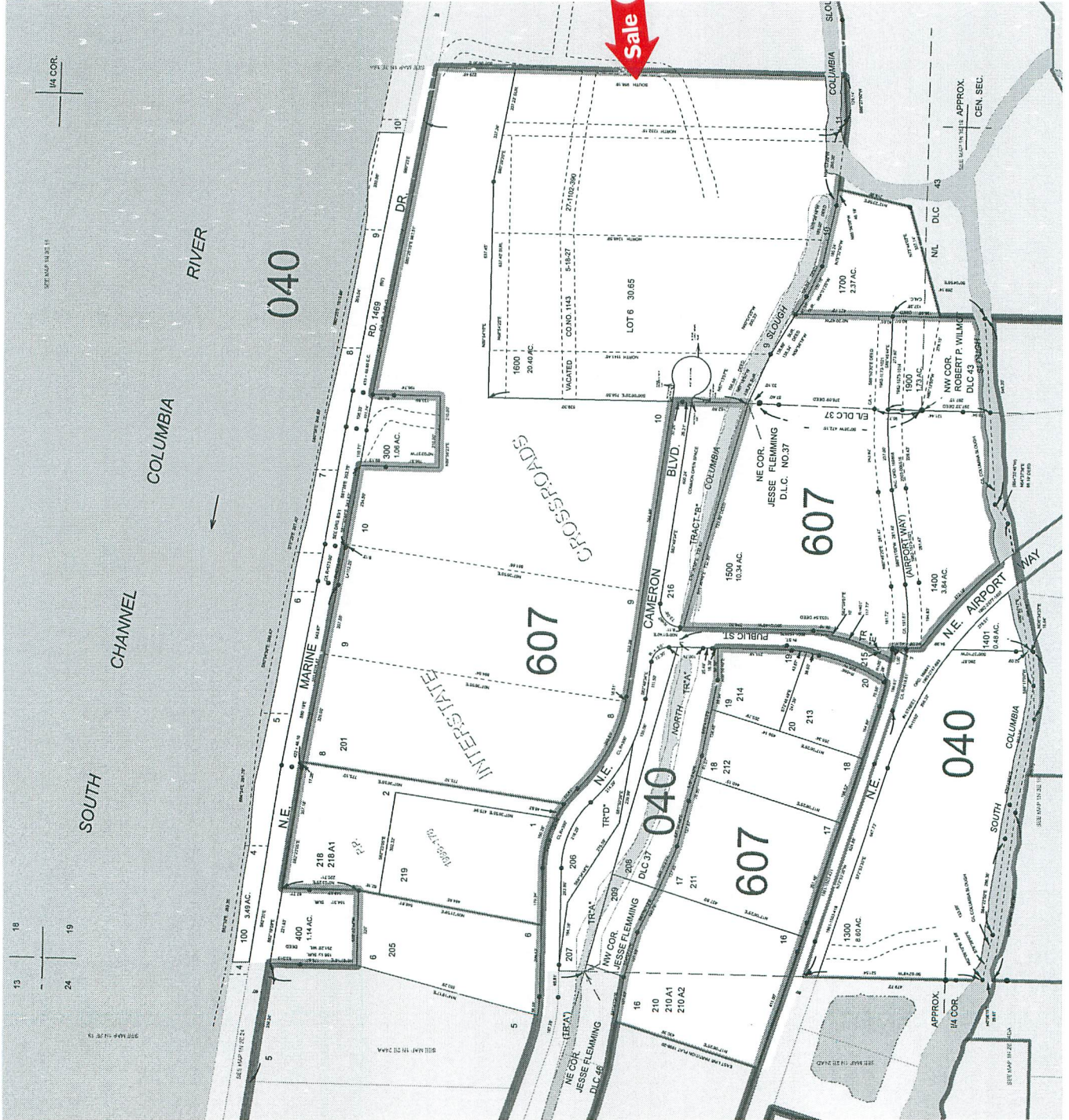
Location: East terminus NE Cameron Blvd, Portland, Oregon
Legal Description: 1N-3E-19B, Tax Lot 1600, Multnomah County, Oregon
Date: October 27, 2014
Price: \$2,200,000
Grantor: Entercom Portland LLC
Grantee: Amstar Holland Cameron DC LLC
Recording: 2014-107413
Zone: IG-2
Site Size: 20.40 acres gross (17.65 acres net)
Unit Price: \$2.48 per square foot gross (\$2.86 per square foot net)
Verified: Tom Talbot, 503-221-2270

COMMENTS – This sale involves a near rectangular parcel situated at the east terminus of Cameron Blvd between NE Marine Drive and Airport Way. The south boundary fronts along the Columbia Slough resulting in some loss for environmental concerns. The sale was based on a net usable area of 17.65 acres. Access is limited to a single city street, which terminates at the southwest corner of the site. All utilities are available in the street. The parcel was sold in a raw, unfinished state. Extensive grading and surcharging was required, including the import of additional fill material. The site work added approximately \$1.61 per square foot for a finished development ready cost of \$4.47 per square foot of usable area.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W.1/4 SEC.19 T.1N. R.3E. W.M.
MULTNOMAH COUNTY
1" = 200'

1N 3E 19B
PORTLAND



1N 3E 19B
PORTLAND

Sale

INDUSTRIAL LAND SALE NO. 5



2014-006-071 (2016-002)

Location: North side of NE Cameron Blvd at NE 166th Avenue, Portland, Oregon

Legal Description: Tax Lots 201, 202, and 203, Map 1N-3E-19B, Multnomah County, Oregon

Date: May 13, 2014

Price: \$7,050,000

Grantor: ICDC LLC

Grantee: Interstate Crossroads LLC

Recording: 2014-045071

Zone: IG-2

Site Size: 28.13 acres

Unit Price: \$5.75 per square foot

Verified: Tim Warren, 503-799-1885

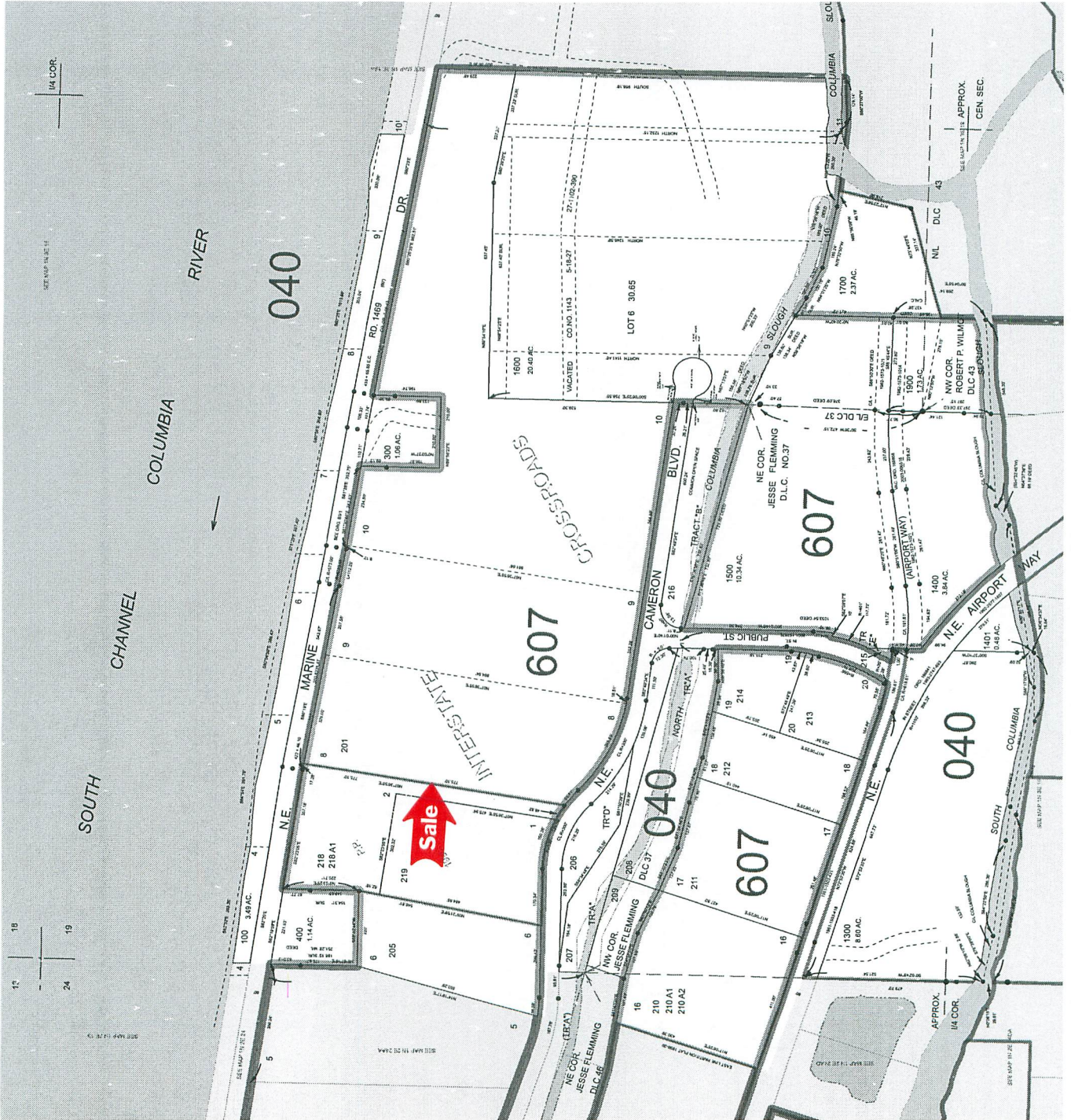
COMMENTS – This transaction involves the pending sale of a 28.13-acre tract situated between NE Marine Drive and NE Cameron Blvd just east of NE 158th Avenue. The IG-2 tract has all services available, and has been surcharged in anticipation of development. The parcel had been certified by the State of Oregon as development ready and is located in an area of moderate to upper scale industrial properties. The site was acquired for speculative development of a distribution warehouse. The parcel is fully useable with the exception of approximately one acre along the toe of the levy, which adjoins the north property boundary. The seller indicated that there was no discount given for the levy encumbered area whereas this land could be used for landscaping requirements.

N.W.1/4 SEC.19 T.1N. R.3E. W.M.
MULTNOMAH COUNTY
1" = 200'

1N 3E 19B
PORTLAND

1N 3E 19B
PORTLAND

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



INDUSTRIAL LAND SALE NO. 6



2015-029-008 (2016-002)

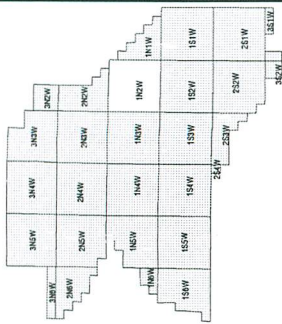
Location: Adjacent to 25300 NW Evergreen Road in Hillsboro, Oregon
Legal Description: 1N-2-28, Tax Lot 3400, Washington County, Oregon
Date: January 27, 2015
Price: \$7,805,115
Grantor: SolarWorld Americas, Inc.
Grantee: Port of Portland
Recording: 15-005475
Zone: MP
Site Size: 44.75 acres
Unit Price: \$4.00 per square foot
Verified: Scott Kilgo, (503) 415-6538

COMMENTS – This transaction involves a 44.75-acre parcel situated adjacent to the SolarWorld site at 25300 NW Evergreen Road in Hillsboro. All services were available to the parcel; however, some site work was necessary. The MP zoned industrial parcel represented an opportunity purchase on the part of the Port of Portland and no condemnation was threatened. SolarWorld offered the site to the Port and was reportedly highly motivated to sell with a short closing period. As such, the circumstances may reflect a conservative price.

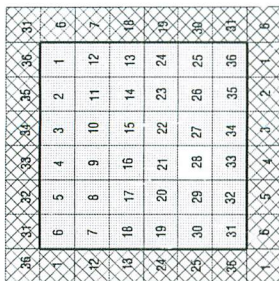
1N 2 28

1N 2 28

1N 2 28



WASHINGTON COUNTY OREGON
SECTION 28 T1N R2W W.M.
SCALE 1" = 400'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	BB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

Cancelled Taxlots For: 1N228
 1500-A2, 1500-A3, 1500-A4, 1500-A5, 1500-A6, 1500-A7, 1500-A8, 1500-A9, 1500-A10, 1500-A11, 1500-A12, 1500-A13, 1500-A14, 1500-A15, 1500-A16, 1500-A17, 1500-A18, 1500-A19, 1500-A20, 1500-A21, 1500-A22, 1500-A23, 1500-A24, 1500-A25, 1500-A26, 1500-A27, 1500-A28, 1500-A29, 1500-A30, 1500-A31, 1500-A32, 1500-A33, 1500-A34, 1500-A35, 1500-A36, 1500-A37, 1500-A38, 1500-A39, 1500-A40, 1500-A41, 1500-A42, 1500-A43, 1500-A44, 1500-A45, 1500-A46, 1500-A47, 1500-A48, 1500-A49, 1500-A50, 1500-A51, 1500-A52, 1500-A53, 1500-A54, 1500-A55, 1500-A56, 1500-A57, 1500-A58, 1500-A59, 1500-A60, 1500-A61, 1500-A62, 1500-A63, 1500-A64, 1500-A65, 1500-A66, 1500-A67, 1500-A68, 1500-A69, 1500-A70, 1500-A71, 1500-A72, 1500-A73, 1500-A74, 1500-A75, 1500-A76, 1500-A77, 1500-A78, 1500-A79, 1500-A80, 1500-A81, 1500-A82, 1500-A83, 1500-A84, 1500-A85, 1500-A86, 1500-A87, 1500-A88, 1500-A89, 1500-A90, 1500-A91, 1500-A92, 1500-A93, 1500-A94, 1500-A95, 1500-A96, 1500-A97, 1500-A98, 1500-A99, 1500-A100, 1500-A101, 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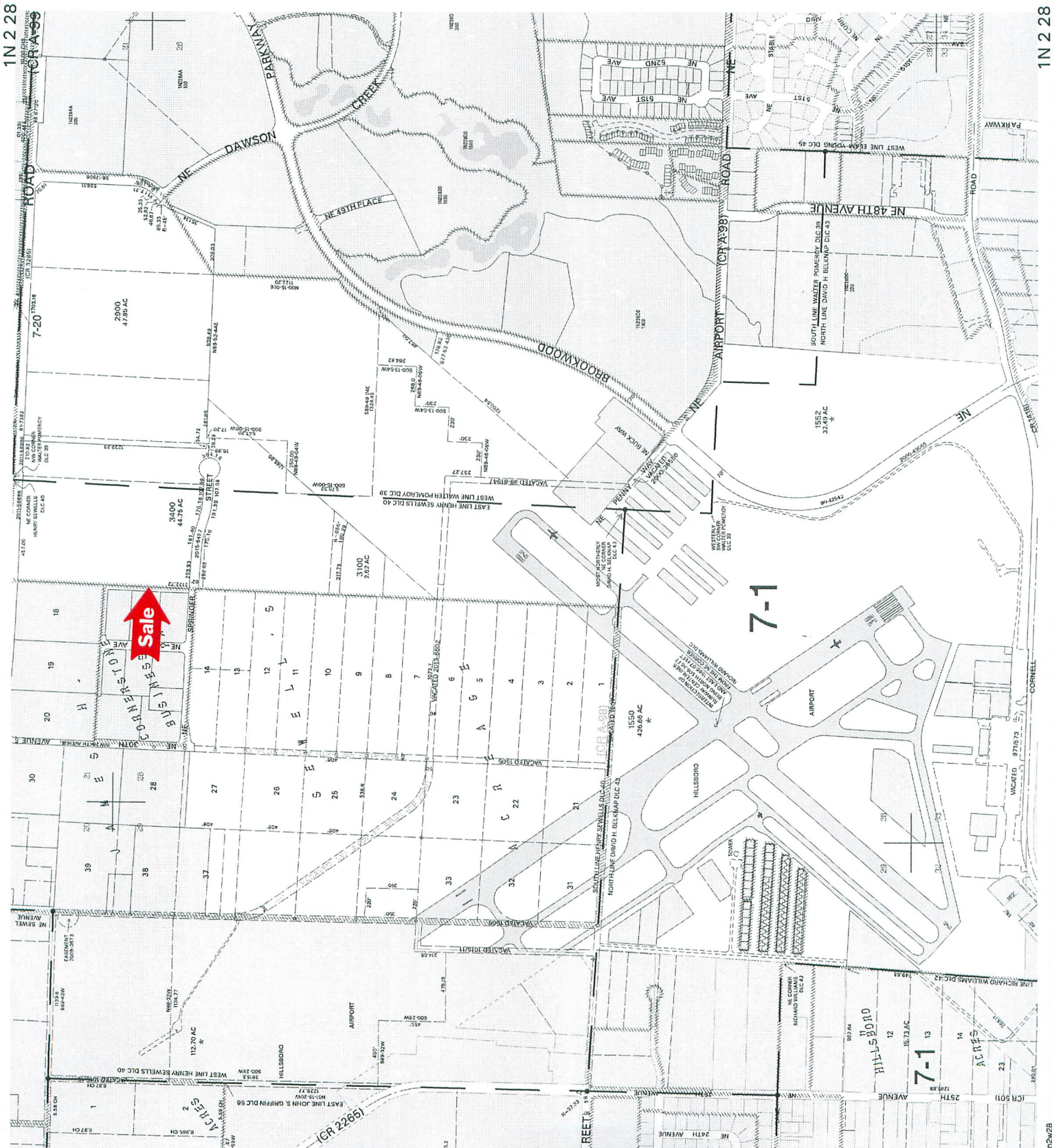
Assessment
CARTOGRAPHY
Taxation

PLOT DATE: July 31, 2015
 FOR ASSESSMENT PURPOSES
 ONLY. DO NOT RELY ON
 THIS MAP FOR OTHER USE.

Map areas delineated by other maps, including a cross-hatch pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

1N 2 28

1N 2 28



INDUSTRIAL LAND SALE NO. 7



2015-###-004 (2016-002)

Location: NW corner of NE Cornfoot Road & NE Alderwood Drive in Portland, Oregon

Legal Description: 1N-2E-17, Tax Lot 100, Multnomah County, Oregon

Date: October 17, 2014

Price: \$6,000,000

Grantor: Colwood Limited Partnership

Grantee: Colwood Industrial Park, LLC

Recording: 14-104189

Zone: IG2

Site Size: 45.75 acres

Unit Price: \$3.01 per square foot

Verified: Isaac Barrow, (503) 415-6351

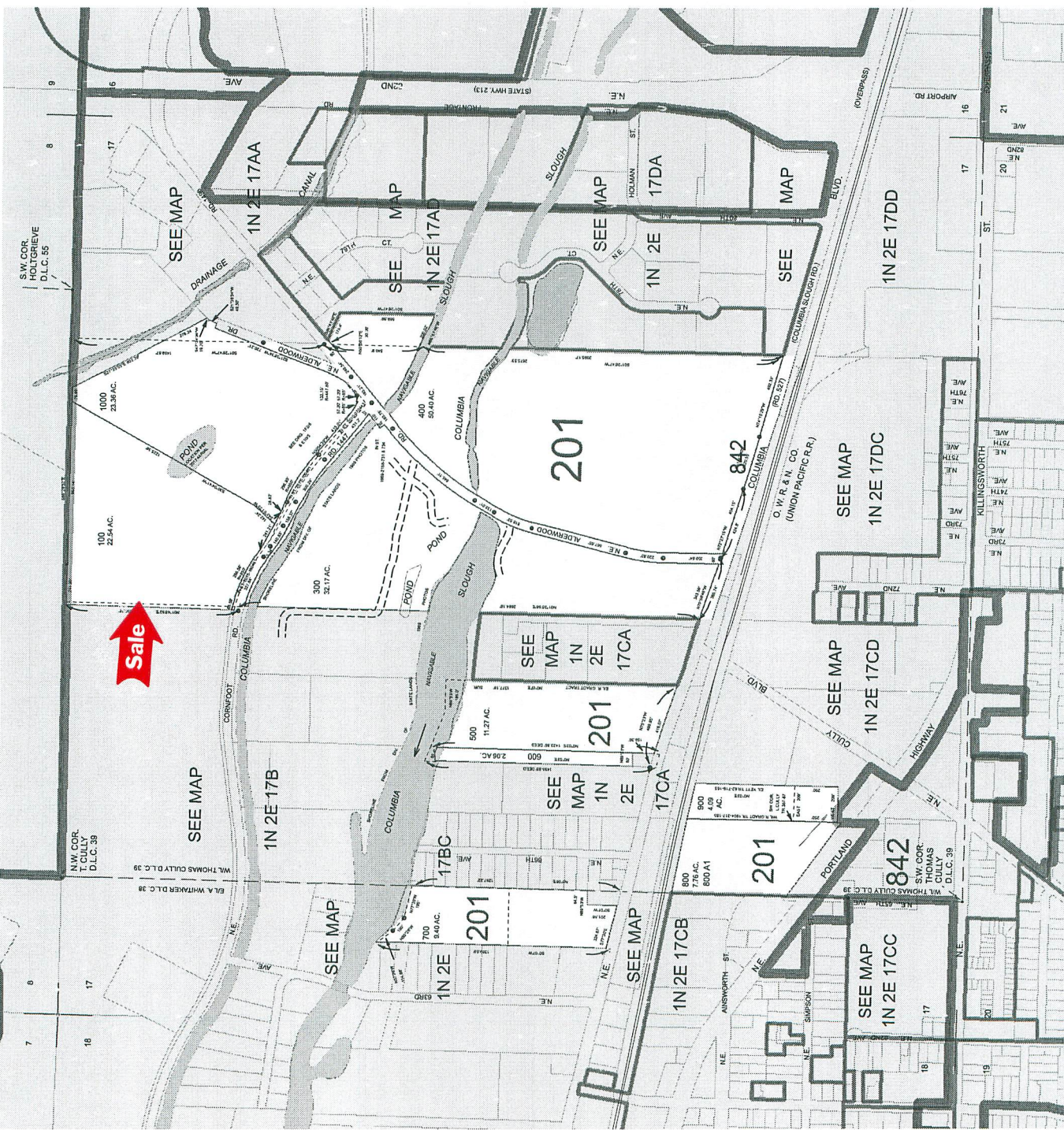
COMMENTS – This transaction involves a 45.75-acre tract located on NE Alderwood Road near the Portland International Airport. The sale took place in October 2014 for \$6,000,000 or \$3.01 per square foot. It is noted, that at the time of sale the parcel was not zoned for industrial purposes. The price was initially based on \$8,000,000 which reflected a finished site at \$4.01 per square foot of useable land area. Said price was said to be adjusted downward to reflect the actual cost of re-zoning, mitigation, and development of transportation and utility infrastructure. Regardless, the negotiated minimum price was to be \$6,000,000 reflecting approximately \$3.00 per square foot in the raw un-zoned condition.

1N 2E 17
PORTLAND

1N 2E 17
PORTLAND

SECTION 17 T.1N. R.2E. W.M.
MULTNOMAH COUNTY
1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



INDUSTRIAL LAND SALE NO. 8



2016-004-103 (2016-002)

Location: 14456 NW Gillihan Road, Portland, Oregon
Legal Description: 2N-1W-27, Tax Lots 700 and 800, Multnomah County, Oregon
Date: March 27, 2012 and June 11, 2014
Price: \$7,261,000 + \$67,338 = \$7,328,338
Grantor: Alder Creek Lumbar Company
Grantee: Portland Harbor Holdings II, LLC (Wildlands PNW)
Recording: 2012-036501 and 2014-058177
Zone: MUA-20
Site Size: 63.89 acres
Unit Price: \$2.63 per square foot overall
Verified: Mrs. Jerry Nudellman, 503-246-0088

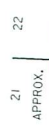
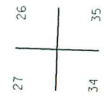
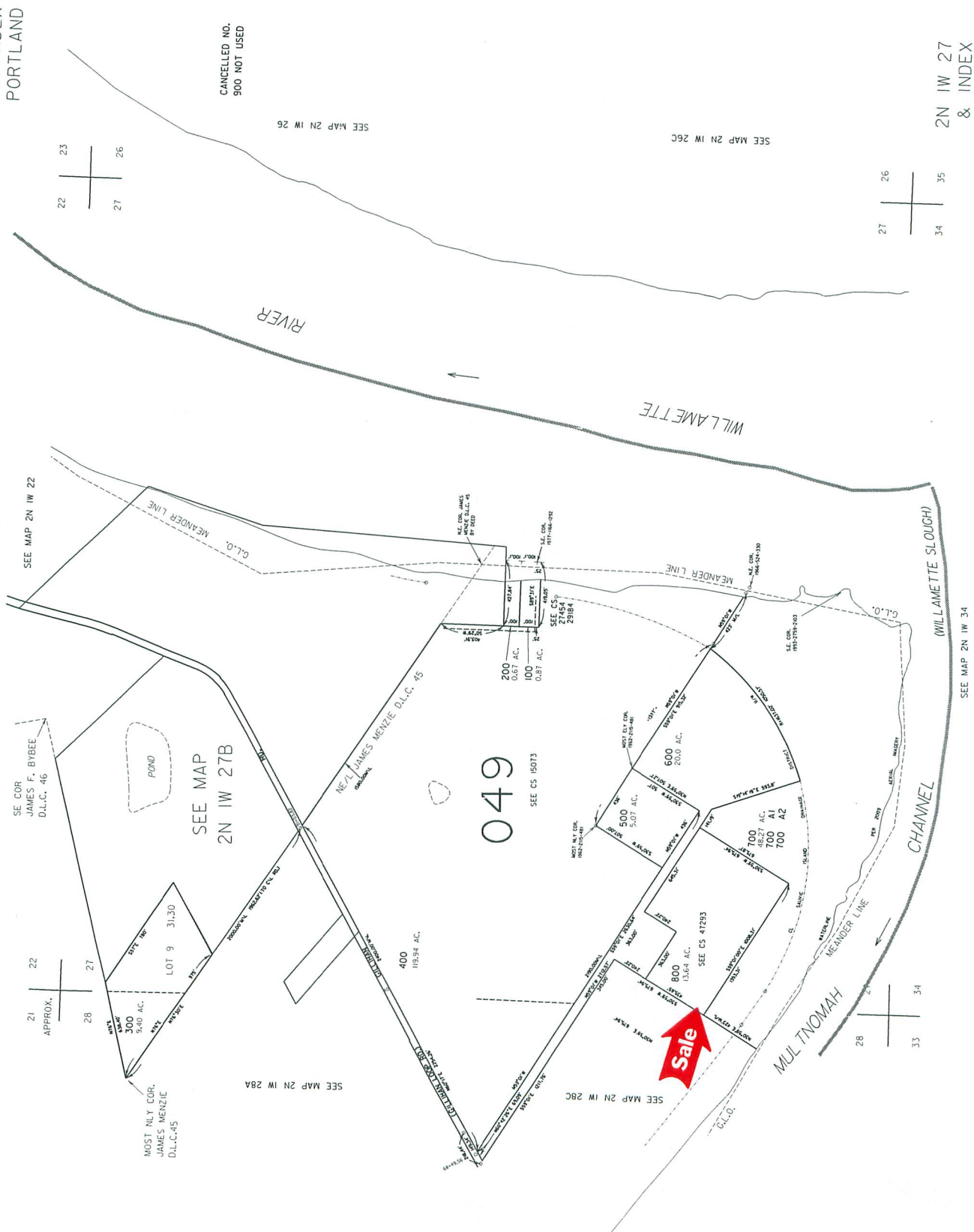
COMMENTS – This transaction involves a 63.89-acre tract located at 14456 NW Gillihan Road on Sauvie Island. The site sold in March 2012 for \$7,261,000 or \$2.61 per square foot. The buyer expended an additional \$67,338 to obtain a Quit Claim Deed from the Division of State Lands for the same property. The combined price was therefore \$7,328,338 or \$2.63 per square foot of gross area. This parcel had an MUA-20 Multiple Use Agricultural Zone, but had a grandfathered quasi-industrial use relative to the prior occupancy as a saw mill. As per the seller, the majority of the site was considered to be usable. The parcel was acquired for a mitigation site to develop DSAY credits on a speculative basis. Reportedly, the parcel was capable of producing approximately 650 DSAY credits. Portions of the site have since been mitigated and reportedly 35 credits were sold to the City of Portland at a price of \$75,000 each.

SECTION 27 T.2N. R.1W. W. M.
MULTNOMAH COUNTY
1" = 400'

2N 1W 27
& INDEX
PORTLAND

2N 1W 27
& INDEX
PORTLAND

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



INDUSTRIAL LAND SALE NO. 9



2016-004-107 (2016-002)

Location: 10504 NW St. Helens Road, Portland, Oregon
Legal Description: 1N-1W-02C, Tax Lots 100 and 200, 1N-1W-02B Tax Lot 800, Multnomah County, Oregon
Date: September 2, 2015
Price: \$5,750,000
Grantor: Linnton Plywood Association
Grantee: Linnton Water Credits LLC
Recording: 2015-11603
Zone: IH
Site Size: 23.17 acres per assessor sold as 24.74 gross acres
Unit Price: 5.34 per square foot gross
Verified: David Hill, 503-972-5510

5COMMENTS – This transaction involves a 24.74-acre parcel (assessor shows 23.17 acres) located at 10504 St. Helens Road. The parcel includes approximately 1,690 feet of Willamette River frontage with deep water marine capability. The rail served parcel was previously used as a plywood plant and includes 210,000 square feet of building area. The buildings have minimum contribution beyond interim holding potential. This site was acquired for speculative conversion into habitat and the re-sale of resulting DSAY credits. The selling agent felt no premium was paid for this mitigation potential and the price reflected that of a conventional use. The parcel sold in September 2015 for \$5,750,000 or \$5.34 per gross square foot based on seller's calculations. Reportedly, approximately 3.74 acres were submerged or submersible lands yielding approximately 21.00 net usable acres. On this basis, the net price was \$6.29 per square foot inclusive of buildings.

IN 1W 2C
 & INDEX
 PORTLAND

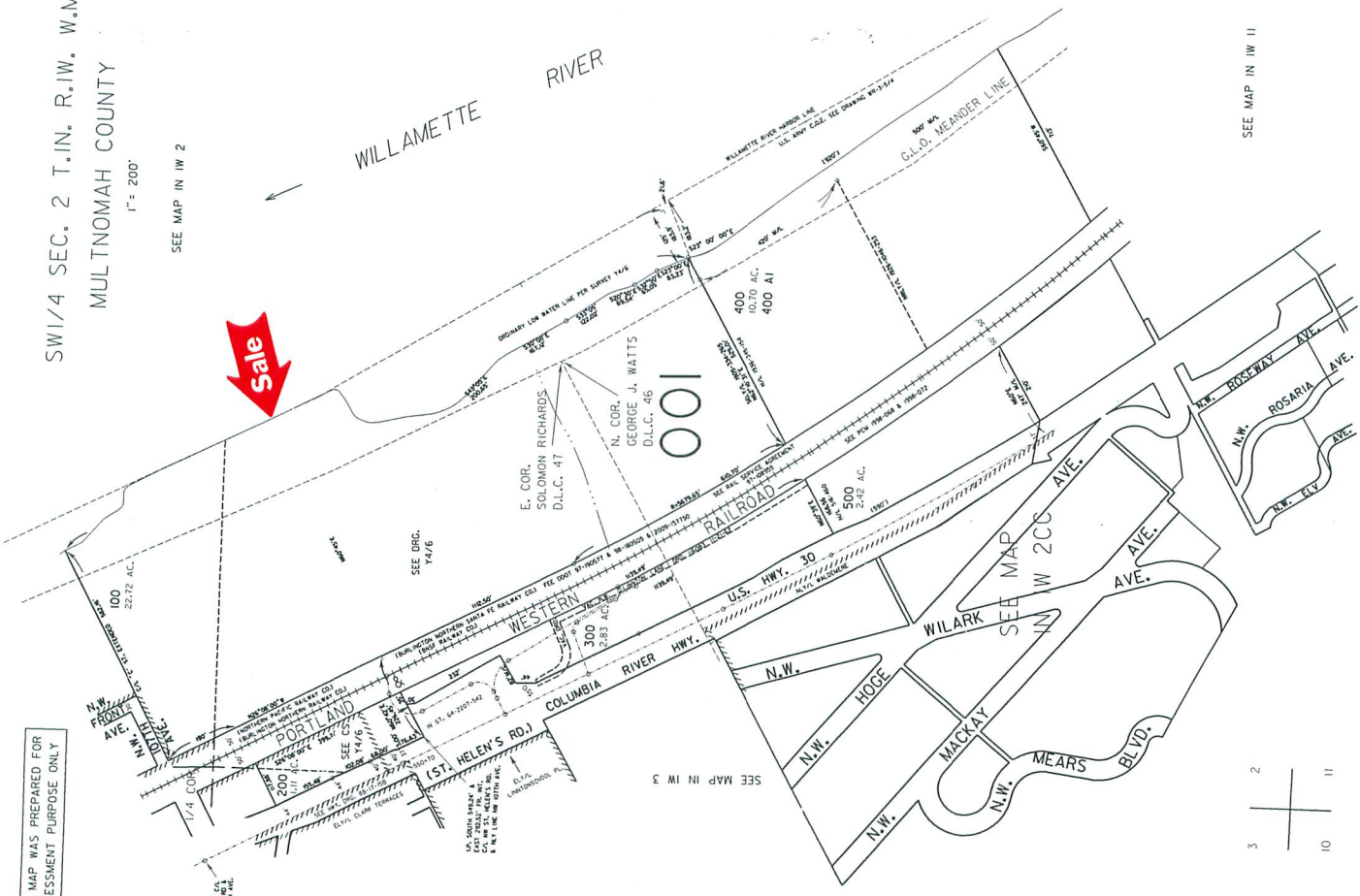
IN 1W 2C
 & INDEX
 PORTLAND



SEE MAP IN IW 2

SEE MAP IN IW 11

SW 1/4 SEC. 2 T. 1N. R. 1W. W.M.
 MULTNOMAH COUNTY
 1" = 200'



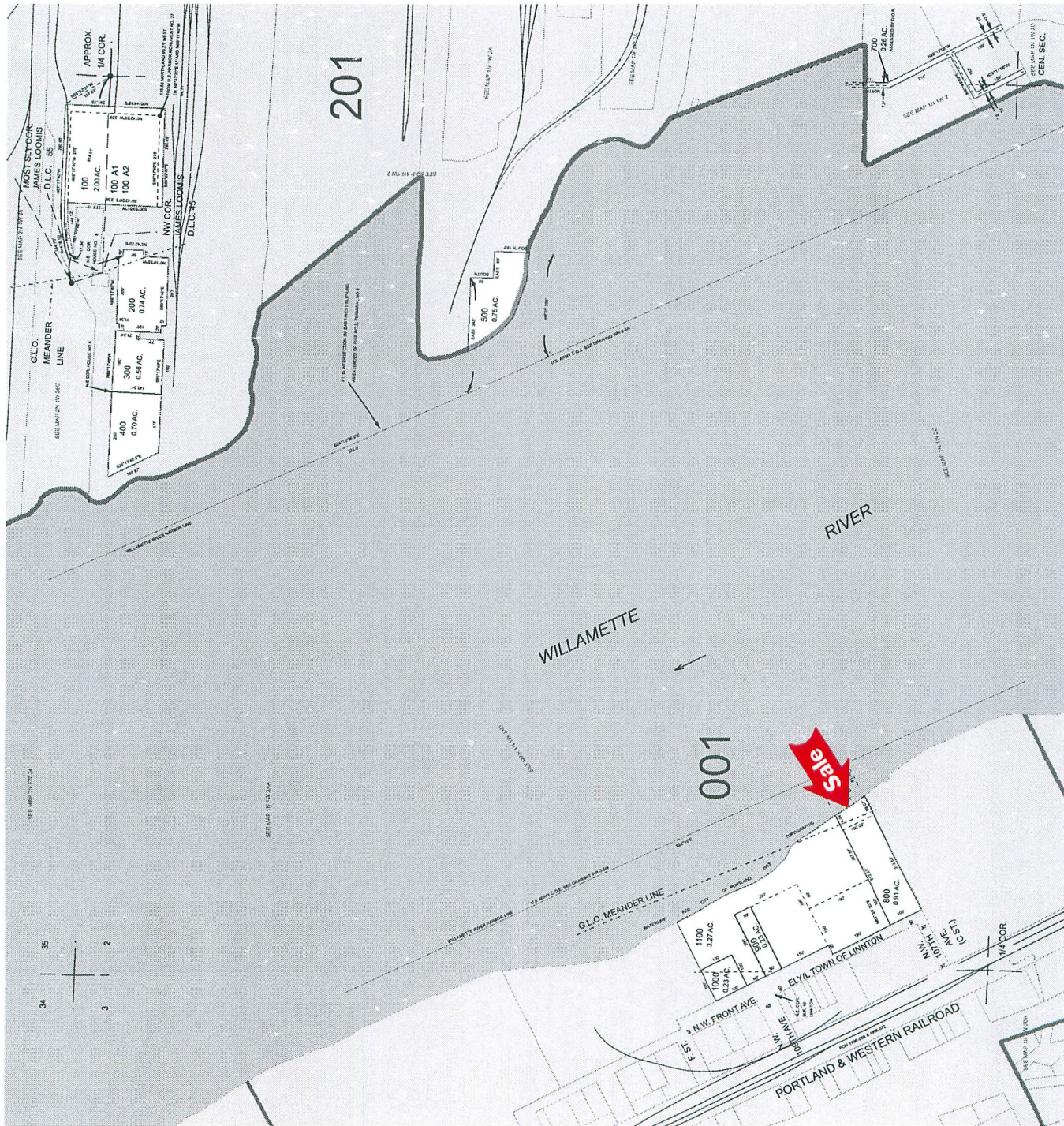
SEE MAP IN IW 3

N.W. 1/4 SEC. 2 T. 1N. R. 1W. W.M.
MULTNOMAH COUNTY
1" = 200'

1N 1W 2B
PORTLAND

1N 1W 2B
PORTLAND

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



INDUSTRIAL LAND SALE NO. 10



2016-004-010 (2016-002)

Location: NE corner of St. Helens Road and NW Marina Way, Portland, Oregon

Legal Description: 2N-1W-34, Tax Lot 1400, 2N-1W-34DC, Tax Lots 100 and 200, Multnomah County, Oregon

Date: Listed as of March 15, 2016

Price: Asking \$1,450,000

Grantor: ACF Industries, Inc.

Grantee: Current Listing

Recording: N/A

Zone: HI

Site Size: 5.98 acres

Unit Price: \$5.57 per square foot

Verified: Gary Randles, 503-279-1721

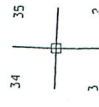
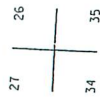
COMMENTS – This parcel is currently available for purchase at an asking price of \$1,450,000. The site consists of 5.98 acres indicating \$5.57 per square foot. The site is located on the northeast corner of St. Helens Road and NW Marina Way. The parcel had a previous occupancy by Trumbull Oil Company and consists of a level, fence-enclosed, industrial parcel with exposure along St. Helens Road and access via NW Marina Way. The parcel is served with water and electric/communication utilities and has potential rail access. This parcel has an NFA letter. The seller's agent indicates there is little or no potential liability related to the harbor restoration project.

2N 1W 34
 & INDEX
 PORTLAND

2N 1W 34
 & INDEX
 PORTLAND

SEC. 34 T.2N. R.1W. W.M.
 MULTNOMAH COUNTY
 1" = 400'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY



SEE MAP 2N 1W 35

NOTE
 SEE RETAIL MAP
 200-100-1000 & 1000

SEE MAP IN 1W 3

SEE MAP 2N 1W 33A

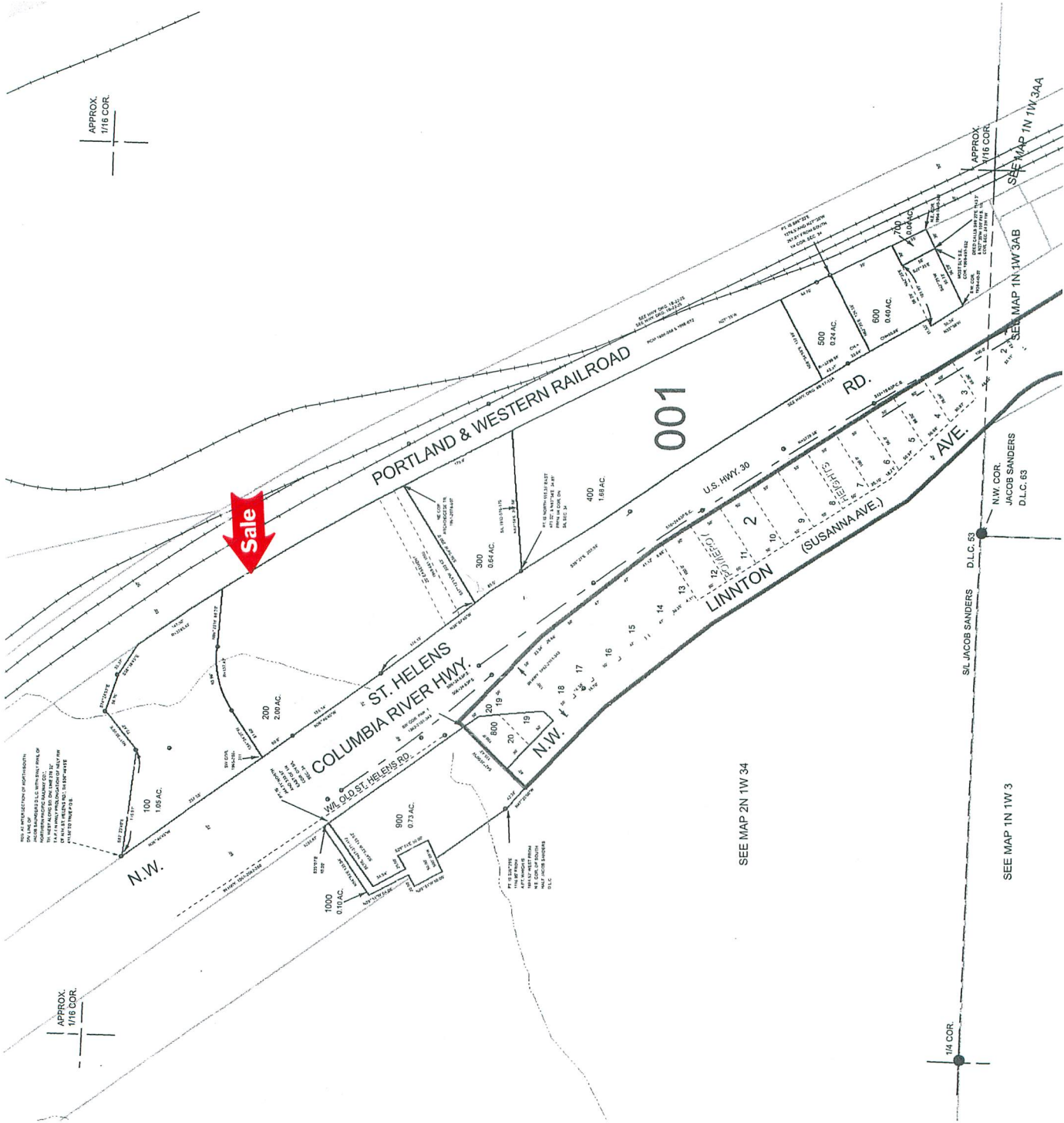
SEE MAP 2N 1W 33D

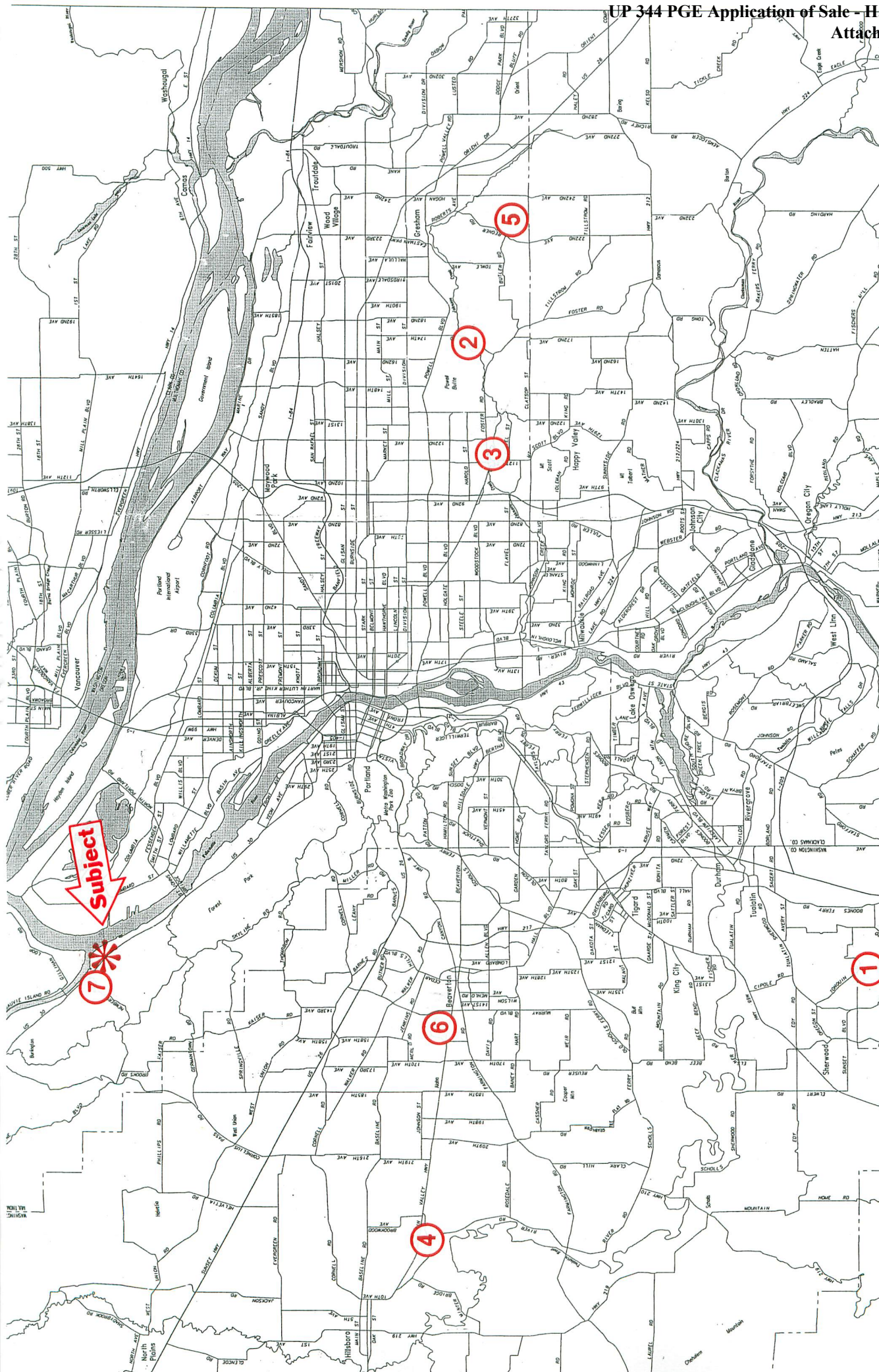
2N 1W 34DC
 PORTLAND

2N 1W 34DC
 PORTLAND

S.W. 1/4 S.E. 1/4 SEC. 34 T.2N. R.1W. W.M.
 MULTNOMAH COUNTY
 1" = 100'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY





Land Sales Map

OPEN SPACE LAND SALE NO. 1



2006-058-03 (2016-002)

Location: The south side of Tonquin Road, west of 12060 and east of Tualatin Valley Fire & Rescue Center, Tualatin, Oregon

Legal Description: Washington County Parcel 3S-1-03B, Tax Lot 200

Date: April 2006

Price: \$100,000

Grantor: Morse Brothers, Inc.

Grantee: Joshua Gerlach, east arm's length

Recording: 2006-50107, Warranty Deed

Zone: MAE, Industrial

Site Size: 10.14 acres gross; 9.862 acres net

Unit Price: \$.23 per square foot, or \$9,862 per acre

Verified: Jeff Steyaert, Seller, 541-928-6491

COMMENTS – The sale involves a 10.14-acre, low-lying site adjacent to the Morse Bros. Coffee Lake Quarry. The majority of the parcel is comprised of pond/wetlands. Reportedly, approximately 2.0 acres may have some storage or development potential. The parcel had been used as buffer to the quarry and the purchaser signed a waiver as to future nuisance claims.

3S | 3 B

NW1/4 SECTION 3 T3S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=200'

SEE MAP
2S 1 34C

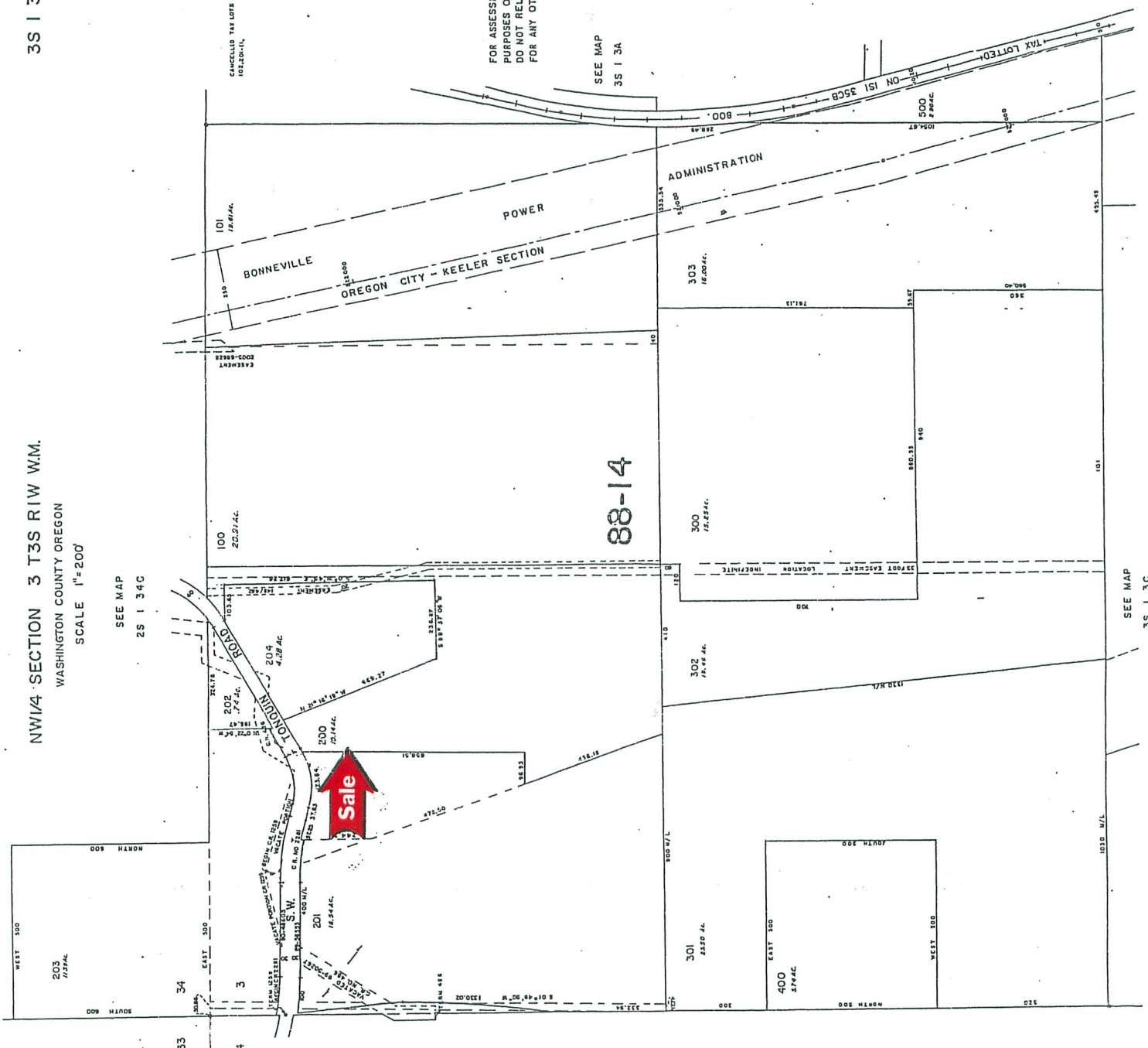
FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
3S 1 3A

3S | 3 B

SEE MAP
3S 1 3C

C L A C K A M A S
C O U N T Y



OPEN SPACE LAND SALE NO. 2



JD2009-035-023 (2016-002)

Location: 4923 SE 174th Avenue, Portland, Oregon 97236

Legal Description: Multnomah County Parcel 1S-3E, Section 18B, Tax Lot 600; also known as Parcel R340504

Date: May 5, 2009

Price: \$110,000

Grantor: Sidney J. Clapp Estate

Grantee: Nancy & Kenneth Biehler

Recording: 09-9061520

Zone: City of Portland R-5 within Johnson Creek Basin; property encumbered with "p" zone Environmental Overlay

Site Size: 2.0 acres

Unit Price: \$55,000 per acre or \$1.26 per square foot

Verified: Gregory Biehler, Buyer/Agent, 503-804-5990

COMMENTS – This transaction involves a .94-acre site, which was formerly improved with a dilapidated single-family residence. Conversations with the listing agent indicate that the residence was livable; however, the site was located in a floodplain area and was ultimately purchased by the Portland Water Bureau to be improved with City Water Bureau infrastructure. The site had Johnson Creek frontage, which is seen as an amenity in this instance, due to the fact that the residence was reportedly outside of the potential flood area on the south portion of the site. The property was subsequently resold approximately 2 months later to the Portland Water Bureau, which is not seen as an arms-length transaction due to the potential threat of condemnation, according to conversations with the buyer and listing agent.

OPEN SPACE LAND SALE NO. 3



2010-002-022 (2016-002)

Location: North of 11411 SE Foster Road, Portland, Oregon
Legal Description: 1S-2E-15DC, Tax Lot 100, Multnomah County, Oregon
Date: January 7, 2010
Price: \$58,000
Grantor: Tom Moyer Theatres
Grantee: City of Portland
Recording: 10-004988
Zone: IG-2 with P and C overlays
Site Size: 4.23 acres
Unit Price: \$0.315 per square foot or \$13,711 per acre
Sue O'Halloran, 503-661-8000
Verified: North of 11411 SE Foster Road, Portland, Oregon

COMMENTS – The sale consists of a triangular shaped parcel situated on the north side of the Springwater Recreational Trail. Access is available via undeveloped streets including SE 115th and 117th Avenues, which terminate into Knight Street and the north property boundary. The level site is flood prone, the majority of which is within a p protection overlay. Additional portions are within a C overlay, and only a small segment of the site lies beyond the conservation district. This parcel has minimal development potential and was acquired for habitat protection and recreational purposes related to the adjacent bicycle path.

OPEN SPACE LAND SALE NO. 4



2011-019-011 (2016-002)

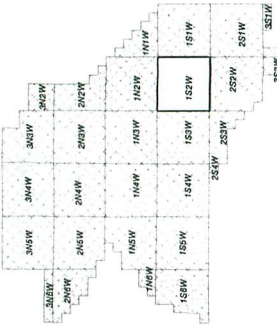
Location: Rear of 17350 SW Shaw Street, Hillsboro, Oregon
Legal Description: 1S-2W-09BC, Tax Lot 1100, Washington County, Oregon
R1126579
Date: July 7, 2010
Price: \$50,000
Grantor: David Dimeo
Grantee: City of Hillsboro
Recording: 10-053177
Zone: M-P, Industrial Park
Site Size: 15.22 acre
Unit Price: \$3,285 per acre
Verified: Roger Anderson 503-697-3003

COMMENTS – This site consists of a non-buildable wetland PUD remnant adjoining an industrial park. The flood prone wetland was acquired by the city for habitat preservation. The price was established by appraisal with no threat of condemnation.

1S 2 09BC

1S 2 09BC

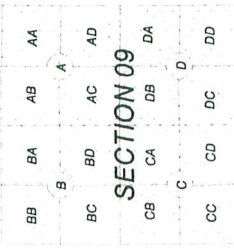
HILLSBORO
1S 2 09BC



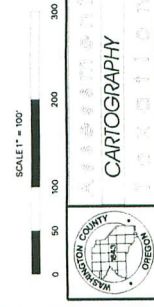
WASHINGTON COUNTY OREGON
 SW1/4 NW1/4 SECTION 09 T1S R2W W.M.
 SCALE 1" = 100'

36	31	32	33	34	35	36	31
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13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 1S209BC
 700,400,500,301,1500.



PLOT DATE: June 16, 2010
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



OPEN SPACE LAND SALE NO. 5



2012-001-009 (2016-002)

Location: East side of SE Regner Road approximately 600 feet north of SE Gabbert Road, Gresham, Oregon.

Legal Description: 1S-3E-22BA, Tax Lot 300, Multnomah County, Oregon.

Date: April 12, 2012

Price: \$22,000

Grantor: Irwin Leitgeb

Grantee: Gunawan Murhadi

Recording: 12-043662

Zone: LDR-7

Site Size: 3.13 acres

Unit Price: \$7,029 per acre

Verified: Chelsea Ausland, 503-548-7973

COMMENTS – This parcel involves a 3.13-acre site situated on the east side of SE Regner Road north of SE Gabbert Road in Gresham. The parcel had been offered for sale for an extended period. Over time the price had been reduced from \$225,000 starting in October 2005. This is a sloping parcel with a drainage course running through the midpoint of the site. The site has cover of deciduous and fir trees and is subject to slope overlays which will severely limit development potential. The listing agent indicated there may be a possibility to develop one residence on a 5,000 square foot pad within the parcel.

IS 3E 22BA
GRESHAM

NE1/4 NW1/4 SEC. 22 T.1S. R.3E. W.M.
MULTNOMAH COUNTY

1" = 100'
SEE MAP IS 3E 15CD

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SEE MAP IS 3E 22A

SEE MAP IS 3E 228B

IS 3E 22BA
GRESHAM

SEE MAP IS 3E 228D

OPEN SPACE LAND SALE NO. 6



2016-003-010 (2016-002)

Location: North side of Tualatin Valley Highway approximately 100 feet west of SW 153rd Drive, Beaverton, Oregon

Legal Description: 1S-1-08DC, Tax Lot 100, Washington County, Oregon

Date: March 18, 2013

Price: \$17,030

Grantor: Sequoia Equities

Grantee: Tualatin Hills Park & Recreation District

Recording: 2013-023934

Zone: OI, Office Industrial

Site Size: 5.24 acres

Unit Price: \$3,250 per acre

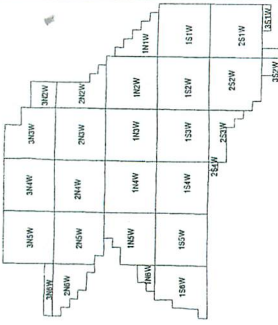
Verified: Aisha Willits, 503-629-6305

COMMENTS – This transaction involves an irregular flood-prone site situated several hundred feet east of SW 153rd Drive. This parcel adjoins an existing THPRD ownership. The entire site lies within the floodplain of Beaverton Creek and is subject to seasonal inundation. A majority of the site is also delineated as wetlands and has no development potential. The seller owns the adjacent Center Pointe apartment complex. They considered the wetland component as a liability and approached THPRD and negotiated an arms-length sale.

1S 1 08DC

1S 1 08DC

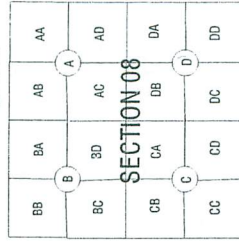
1S 1 08DC



WASHINGTON COUNTY OREGON
SW1/4 SE1/4 SECTION 08 T1S R1W W.M.
SCALE 1" = 100'

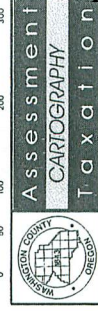
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25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 1S108DC
300,592,593,200.

SCALE 1" = 100'



PLOT DATE: October 24, 2011
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. An appropriate map for the most current information.

BEAVERTON
1S 1 08DC



**OPEN SPACE LAND SALE NO. 7
(Land Lease)**



2016-004-080 (2016-002)

Location: 12800 SW Marina Way, Portland, Oregon
Legal Description: Portion of 2N-1W-34, Tax Lot 200, Multnomah County, Oregon
Date: June 2013
Price: \$300,000 to \$350,000
Grantor: Frebach Land Company
Grantee: Wild Lands LLC
Recording: Unavailable
Zone: MUA-20
Site Size: 13.10 acres
Unit Price: \$22,901 per acre to \$26,718 per acre
Verified: Cherie Sprando, 503-307-2212

COMMENTS – This comparable involves a ten-year land lease subject to a permanent encumbrance with a conservation easement. The parcel adjoins Fred’s Marina at 12800 NW Marina Way and is known as the Miller Creek site in the Portland Harbor Restoration Plan. The existing owner will retain title, but the transaction is considered tantamount to the sale of the property. The lease commenced in mid-2013. The lessee/buyer will enhance the habitat value of the property and intends to sell DSAY credits as part of the Harbor Restoration Project. Whereas much of this parcel is flood-prone wetlands, only 180 DSAY credits are anticipated. Consideration for the lease will be paid over time as the credits are sold. The actual price and marketing success cannot be known at this time; however, the fee owner anticipates a total payment ranging from \$300,000 to \$350,000 over the ten-year term. At the low end of the range, the lease is equivalent to \$22,901 per acre or \$26,718 per acre at the upper range.

2N 1W 34
 & INDEX
 PORTLAND

2N 1W 34
 & INDEX
 PORTLAND

SEC. 34 T.2N. R.1W. W.M.
 MULTNOMAH COUNTY
 1" = 400'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY



SEE MAP 2N 1W 35

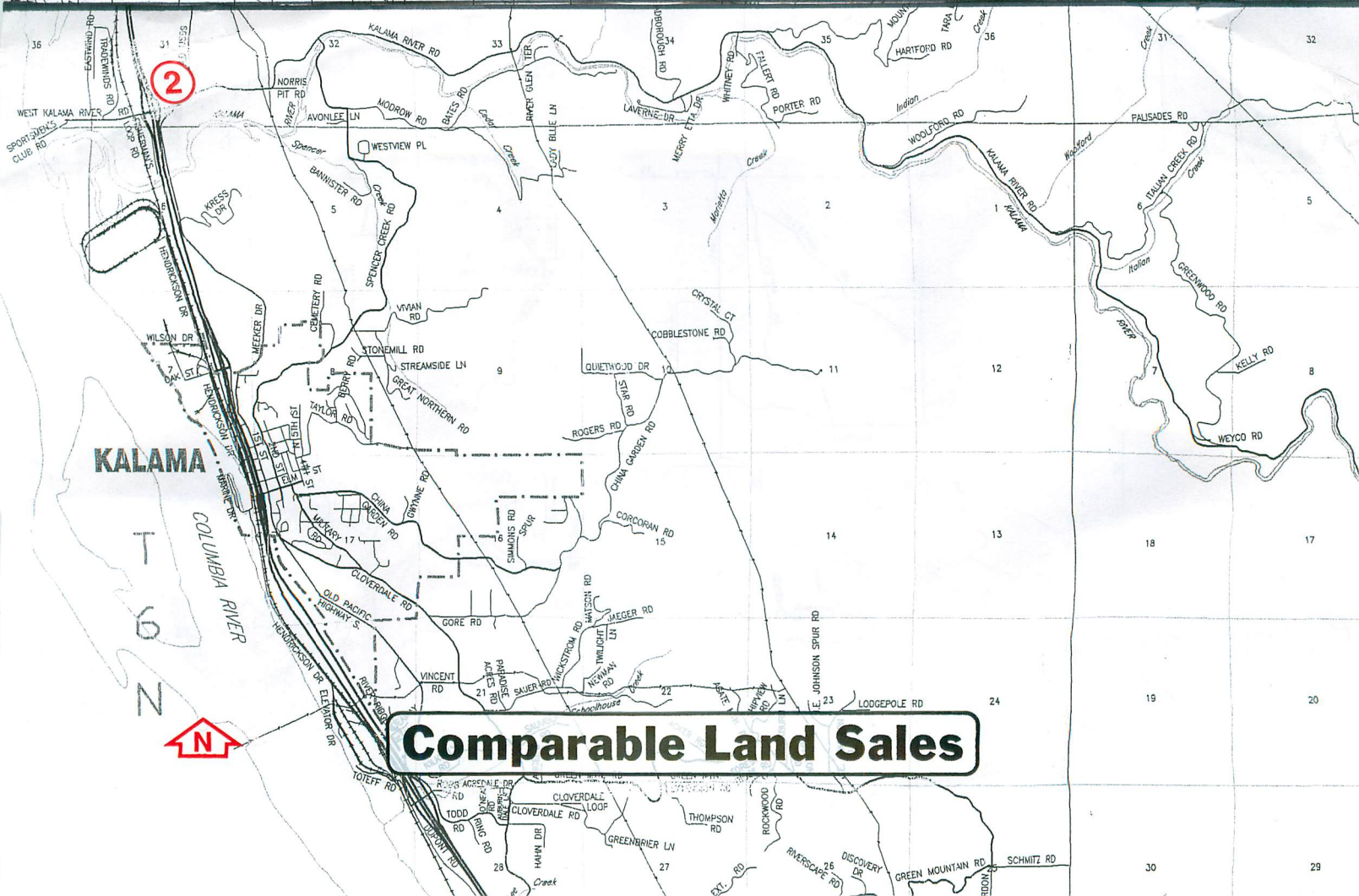
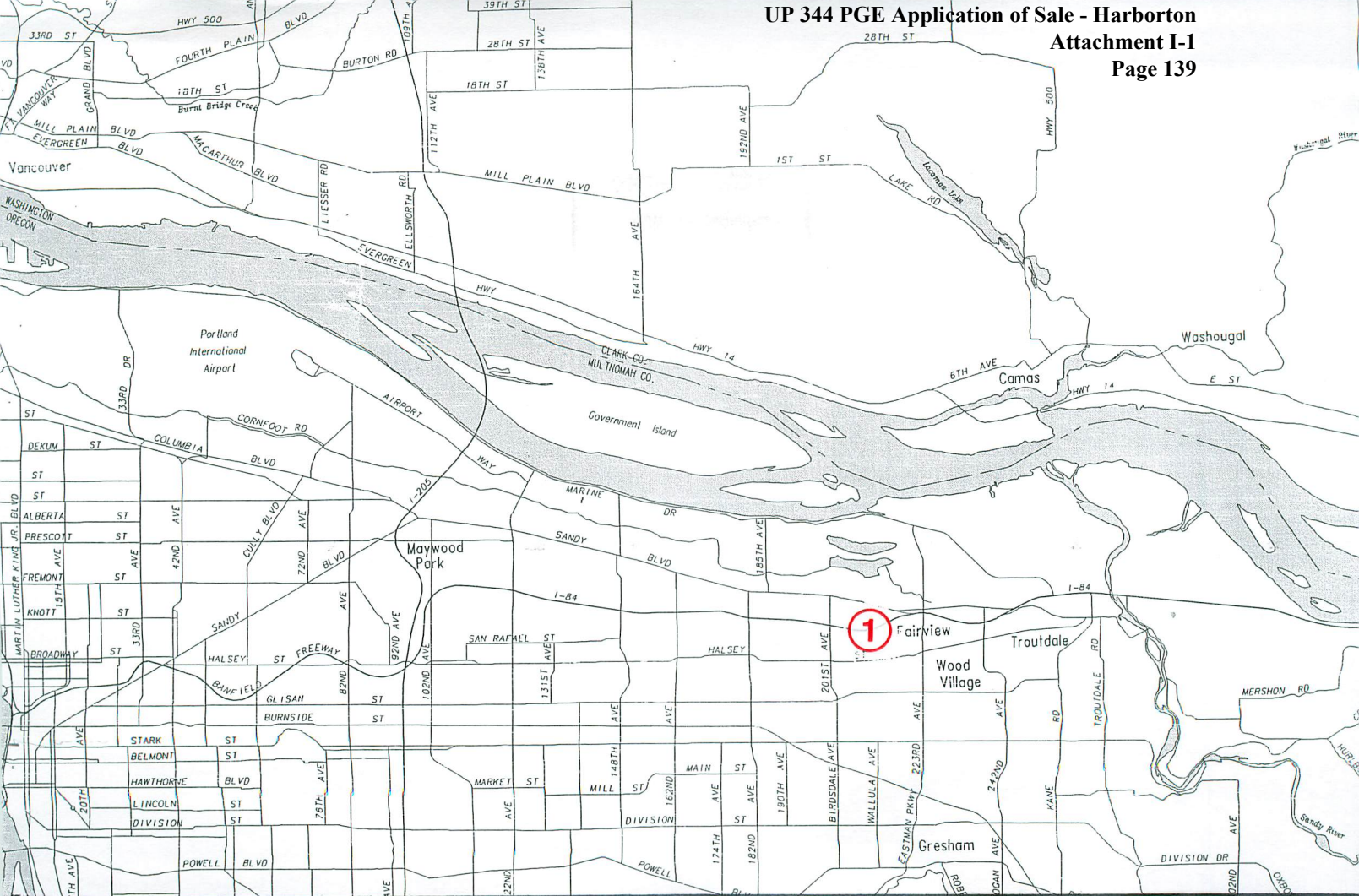
SEE MAP 2N 1W 33D

SEE MAP 2N 1W 33A

SEE MAP IN 1W 3

SEE CS C 3/29

SEE DETAIL MAP FOR PARCELS 200-20000 & 400



FILL SALE NO. 1



2005-019-015 (16-002)

Location: East side of NE 207th Avenue, between I-84 and Wistful Vista Drive, Fairview, Oregon

Legal Description: Tax Lot 1900, Map 1N-3E-28, Multnomah County, Oregon

Date: July 20, 2000

Price: \$130,000

Grantor: Henry I. Kagawa et al

Grantee: Lynnia K. Woods

Recording: 2000-100664

Zone: R, Residential District

Site Size: 5.29 acres

Unit Price: \$24,575 per acre or 56.4¢ per square foot

Verified: Henry Pelfrey

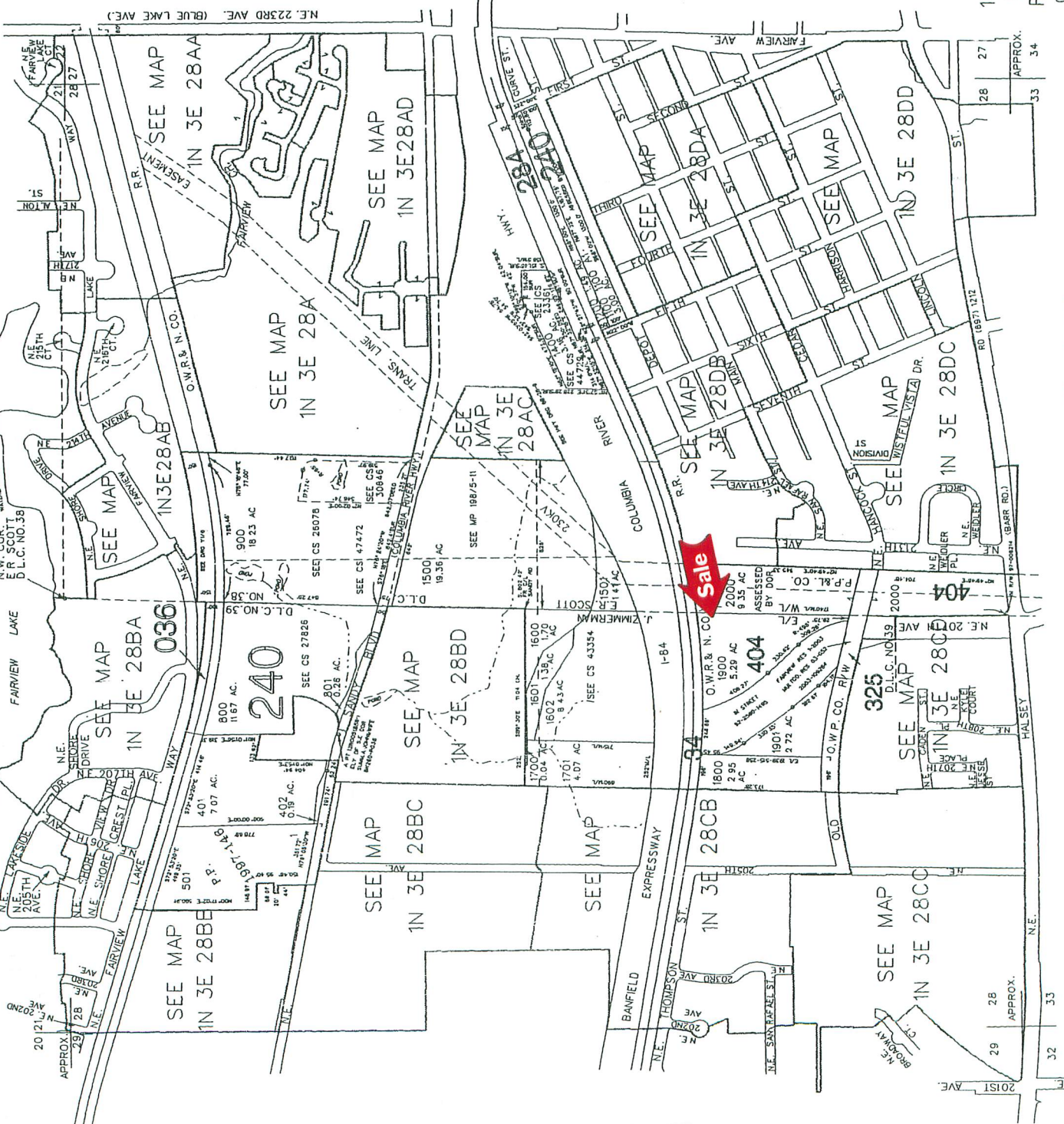
COMMENTS – The sale consists of an irregular parcel located at the southeast quadrant of the NE 207th Avenue interchange with I-84. The parcel is a remnant from the NE 207th Avenue street project and sits well below the grade of the new road. The parcel has access limited to a 29.75-foot strip fronting onto Wistful Vista Drive, being an undeveloped public right-of-way connecting with NE 207th Avenue. The parcel was acquired by an excavation fill contractor as a fill site with speculative redevelopment potential.

1N 3E 28
 & INDEX
 FAIRVIEW
 GRESHAM

SECTION 28 T.1N.R.3E. W.M.
 MULTNOMAH COUNTY

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

- CANCELLED NO.
- 100.....
 - 101.....
 - 102.....
 - 103.....
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SEE MAP IN 3E 21DD

SEE MAP IN 3E 21DC

SEE MAP IN 3E 21CA

SEE MAP IN 3E 21CC

SEE MAP IN 3E 21CB

SEE MAP IN 3E 278C

SEE MAP IN 3E 277C

SEE MAP IN 3E 278D

SEE MAP IN 3E 278E

SEE MAP IN 3E 278F

SEE MAP IN 3E 278G

SEE MAP IN 3E 278H

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FILL SALE NO. 2



2003-045-004 (16-002)

Location: NWQ Interstate 5 and Kalama River Road.
Legal Description: Cowlitz County 7N 1W 31-60827, 6330103
Date: May 2001
Price: \$815,500
Grantor: Lloyd A. Nelson et al
Grantee: Port of Kalama
Recording: 3115525
Zone: UZO (Light Industrial motive)
Site Size: 128.46 acres
Unit Price: \$6,348 per gross acre
Verified: Lanny Cawley 360-673-2325

COMMENTS – Irregular parcel located between Interstate 5 and old Highway 99 at the Kalama River interchange. Interchange provides 4-way freeway access, site has excellent exposure and lies at grade with adjoining old highway. Site was used for sand mining in conjunction with construction of the freeway and for farming activities. A freeway underpass provides access between the site and buyer lands west of the freeway that can be used to hydraulically fill the site as needed. No environmental study was performed, however buyer estimated approximately 60 acres could be buildable, possibly more, from on-site wetland mitigation. Buyer intends to plant pulp trees or otherwise farm the property. The property was listed for \$1,200,000 and the sale negotiated without threat of condemnation. The offered \$815,500 price was appraisal based, but countered \$1,000,000 by the seller. Seller eventually agreed to the price offered. Wetland conversion will be accomplished by on-site mitigation, filling and balancing on-site and hydraulic import as needed.

PORTLAND HARBOR
Natural Resource Trustee Council



Important Message Regarding New Third-Party Restoration Projects

The Portland Harbor Natural Resource Trustee Council (Trustee Council) has determined that due to (1) the current resource constraints of its restoration planning representatives, and (2) the need to encourage a balance between the supply of and demand for natural resource damages (NRD) restoration credits, the Trustee Council will not assist third-party restoration proponents on any new restoration projects until further notice.

The Trustee Council is involved in a number of restoration projects that are currently in development. The restoration pause does not affect these current projects. Current projects are those where there is 1) a site-specific MOA between the Trustee Council and restoration proponent in place, 2) a conceptual design for the restoration project received by Trustee Council, and 3) a project-specific scope of work and budget developed by the Trustee Council and restoration proponent providing for the Trustee Council technical assistance for the design of the restoration project. This pause also does not apply to restoration projects proposed by potentially responsible parties who currently are working collaboratively with the Trustee Council to achieve settlement of their NRD liabilities if those projects are intended to resolve all or part of their NRD liability.

This pause does not prevent a third-party restoration proponent from proceeding with a restoration project on its own. However, the third-party proponent would be doing so at its own risk with no guarantees that the project would be suitable for NRD credits or for any specific number of NRD credits. If you have any questions, please contact Julie Weis (weis@hk-law.com) or Deirdre Donahue (deirdre.donahue@sol.doi.gov).

3/1/2016

PORTLAND HARBOR
Natural Resource Trustee Council



Overview of Restoration Planning for
Portland Harbor

Megan Callahan Grant
NOAA Restoration Center

March 3, 2016

Portland Harbor NRD Timeline

- Site placed on National Priorities List in 2000
- Trustee Council formed in 2002
- Began restoration planning in 2007
- Began current cooperative damage assessment process in 2008
- Issued draft Restoration Plan/Programmatic EIS in 2012
- First restoration project completed in 2015
- Draft cleanup plan expected in 2016
- Final RP/PEIS expected in 2016

3/1/2016

Restoration Planning

- Concurrent with injury assessment
- Identify, evaluate and preserve high value restoration opportunities in light of habitat limitations and land use pressure
- Identify partners to help implement, monitor and maintain restoration sites
- Ensure early and meaningful community engagement and transparent process

Purpose of Restoration

- make the environment and public whole for injury to or loss of natural resources and services
- return injured natural resources and services to "baseline" conditions
- compensate for interim losses from the date of the incident until recovery of such natural resources and services
- restore, rehabilitate, replace, or acquire equivalent natural resources and/or services



3/1/2016

Restoration Goals

- Move toward normative hydrology
- Restore floodplain function
- Reestablish floodplain and riparian plant communities
- Improve aquatic and riparian habitat conditions
- Improve river margin habitat (increase complexity)
- Restore habitat that provides ecological value in the landscape context (connectivity)
- Improve river-based recreational opportunities
- Must ensure strong nexus between injury and restoration

Restoration Planning Milestones

- Developed restoration goals and objectives
- Developed geographic priorities and boundaries
- Developed project screening criteria for "guilds" of potentially injured species
- Implemented a community-based process to identify potential restoration projects
 - ~60 projects considered
- Developed Ecological Restoration Portfolio
 - 44 potential restoration projects identified

3/1/2016

Restoration Planning Milestones (con't)

- Developed monitoring and stewardship framework
- Issued RFQ for potential conservation easement holders
- Developed and issued Draft Restoration Plan/Programmatic EIS
- Provided technical assistance to developers of restoration projects ("restoration up front")

Presidential Memorandum

- Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (November 3, 2015)
- "Encourage private investment in restoration and public-private partnerships, and help foster opportunities for businesses or non-profit organizations with relevant expertise to successfully achieve restoration and conservation objectives"
- Sec. 3(d): "With respect to natural resource damage restoration plans, natural resource trustee agencies should evaluate criteria for whether, where, and when consideration of restoration banking or advance restoration projects would be appropriate ... "



3/1/2016

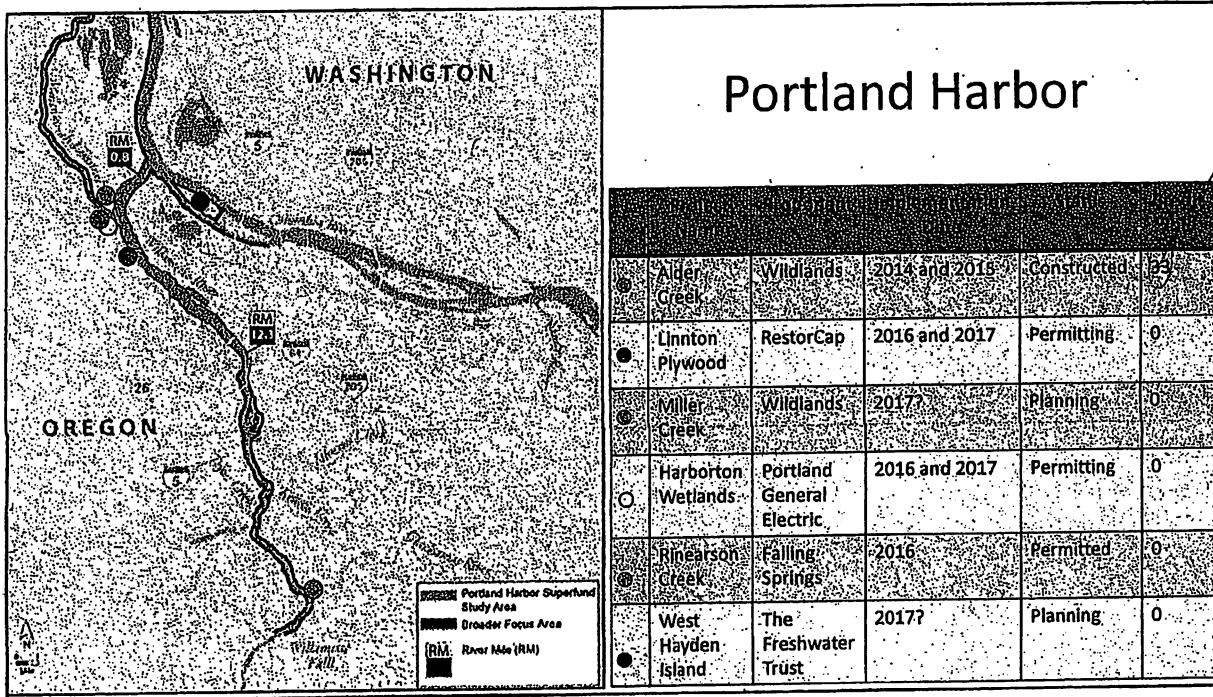
Memorandum of Agreement for Restoration Up Front

- Restoration projects can be created in advance of completion of damage assessment and in advance of settlements
- Trustees cannot make any final determination about whether to accept a project or credits from a project in advance of court approval of a settlement (there is inherent risk for project developers)
- A project begins to generate ecological benefit at the point of implementation; the credit "clock" does not have to wait until settlements are concluded
- Projects are developed prospectively for the NRD market (with the intent of marketing credits to one or more PRPs)

Elements of Trustee Technical Assistance

- Feedback on site selection, feasibility questions, project design
- Input on development of monitoring plan and performance standards
- Review of financial assurances, long-term stewardship estimates, land protection mechanisms, credit sales agreement
- Guidance and support in public involvement/outreach efforts
- Facilitate contact with PRPs in the market for credits
- Purpose of Trustee technical assistance is to maximize the likelihood that credits from the project can ultimately be accepted in settlement

3/1/2016



Types of Settlement Credit Transactions

- PRP can construct a project in advance of settlement, and propose to use the project or credits from the project in settlement
- PRP can purchase credits from a bank and propose to use these credits in settlement
- Trustee Council can purchase credits from a restoration bank using cash-out settlement funds
- Settlements could include a combination of transactions above

3/1/2016

How will Trustee Council evaluate/compare among restoration options?

- Using cash-out settlement funds, Trustee Council could:
 - Purchase credits from a restoration bank
 - Partner with another entity (gov, NGO, etc) to implement a project
 - Construct a Trustee-led project
- Trustee Council will evaluate which option(s) best meet Trustee restoration objectives and sustainability criteria by considering:
 - Restoration objectives and selection criteria in RP/PEIS
 - Project performance (for already-constructed projects): project status; and progress of constructed projects toward meeting performance criteria
 - Habitat type: will seek to ensure that a mix of high-priority habitat types are restored for potentially injured species
 - Cost: will consider the price and cost-effectiveness of each option

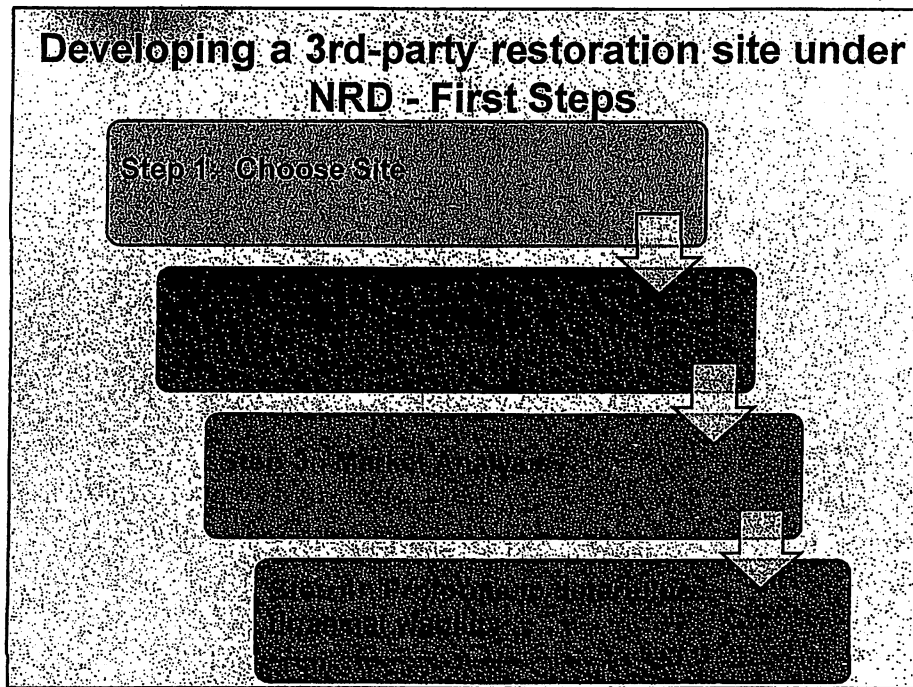
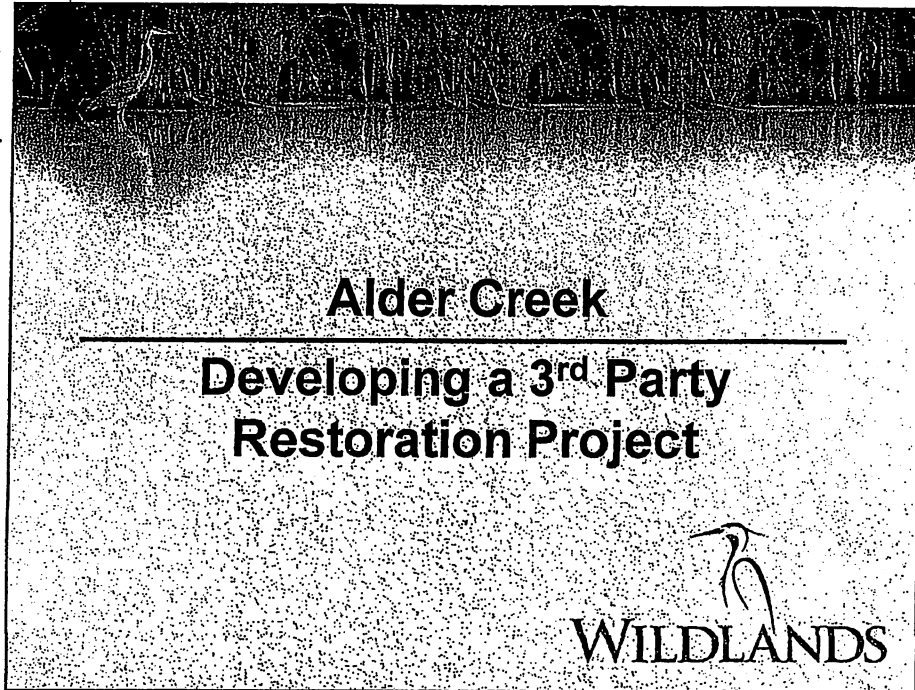
*make credits available
for broader markets*

*sell back
some credits*

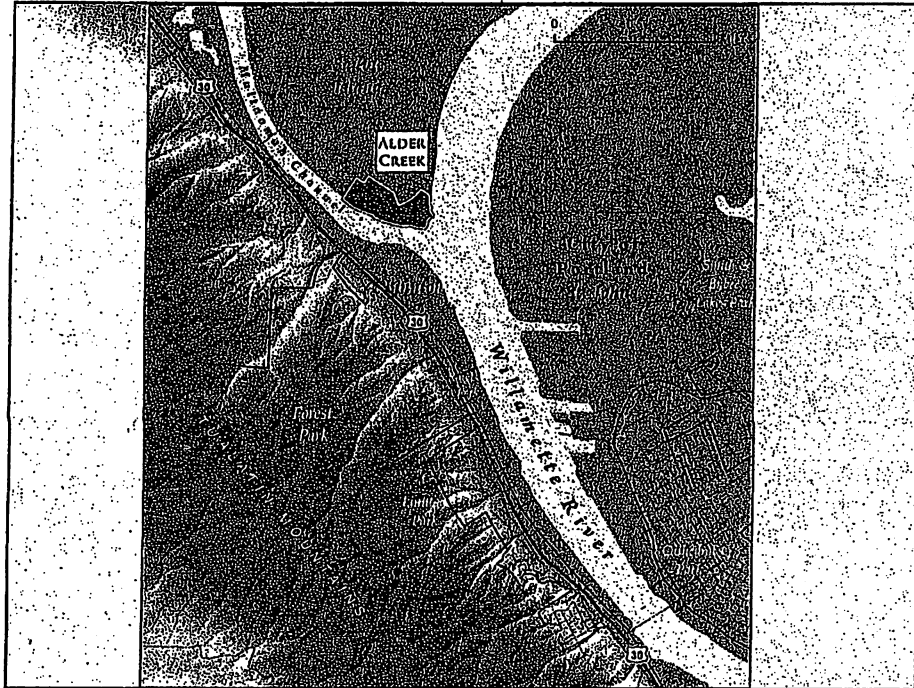
*Cascade ERM
John*

talk to John M

3/1/2016



3/1/2016



Credits / DSAYs

A credit is a unit of measurement used to determine the ecological value and/or functional lift of a site (ideally the same unit is used to measure the impact of a project).

DSAY – Discounted Service Acre Year – Metric used by Portland Harbor NRDA to assess both damages and functional lift from restoration.

Ensure Wildlands' DSAY calc and Trustee's DSAY calc match.

3/1/2016

Why Use a 3rd Party Restoration Project?

- Leaves property available for other uses
- Satisfies legal requirements
- Transfers responsibility of restoration success
- Streamlined process
- Provides certainty of process
- All-inclusive credit price (one-time payment)
- Market-based which encourages competition (could result in variety of compensation options, competitive pricing, etc...)

What is Included in a Credit?

- Feasibility costs
- Property cost
- Planning and entitlement
- Construction
- Technical studies
- Habitat Development Plan/Long-term Management Plan
- Maintenance and monitoring in perpetuity
- Permanent site protection
- Financial assurances (construction, adaptive management, performance, and endowment)
- Other costs (lamprey monitoring, Trustee oversight)

3/1/2016

Market Analysis

■ Demand

- 50% of the restoration required to be in the Study Area

■ Supply

- Limited opportunities for meaningful, high quality restoration in the Study Area

■ Timing

- Trustees committed to encouraging early settlements
- Some PRPs committed to early settlements

Factors Used to Determine Financial Feasibility


- Property cost
- Planning, entitlement, & construction costs
- # of potential credits
- Credit value
- Market demand
- Sustainability and management costs
- Unknown costs (reasonable contingency)

If project is determined to be financially viable, then....

3/1/2016


3rd Party Process

- Continue Feasibility**
 - Data review
 - Preliminary design
 - Preliminary technical studies
 - Trustee and agency coordination
 - Determine credit potential – final
- Permitting and Entitlement**
 - Finalize design
 - Engineering considerations, drawings, approvals
 - Apply for and obtain construction permits
 - Entitlement documents
- Construction**
 - Demolition
 - Earth work/grading
 - Planting/seeding
- Monitoring and Maintenance**
 - Establishment Period
 - Long-term

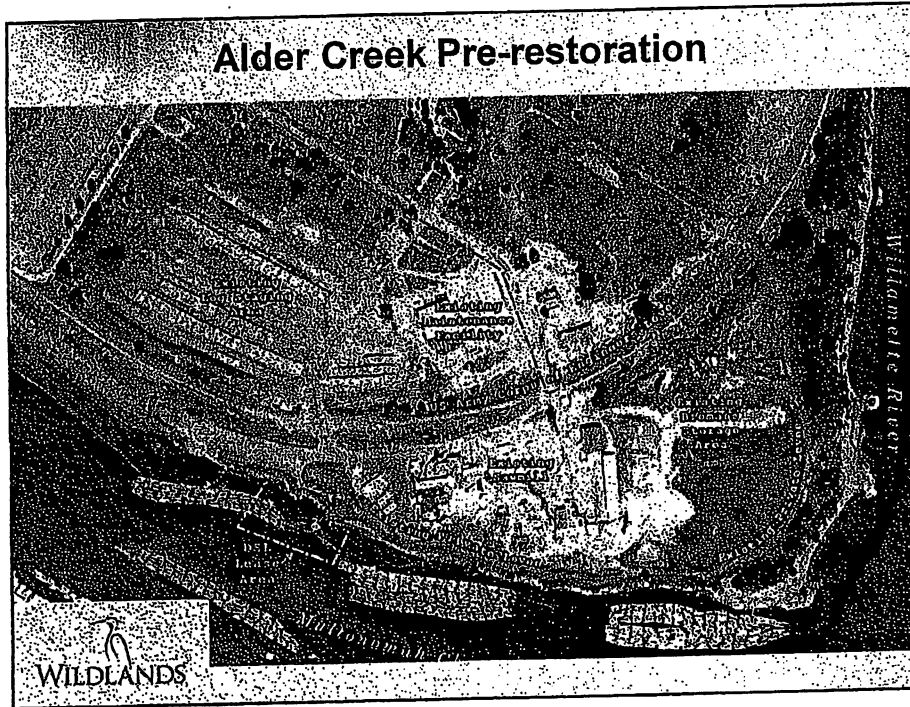


RISKS

- Huge upfront capital investment (e.g., buying industrial land to restore)
- Many critical negotiations typically occur after the purchase of the property
 - Crediting
 - Financial assurance costs
 - Performance standards
- Unknown timeframes, delays, etc...
- Time until you get a return on investment - unknown
- Decisions can either stimulate or suppress demand
- Specialized credits may not be marketable in other arenas



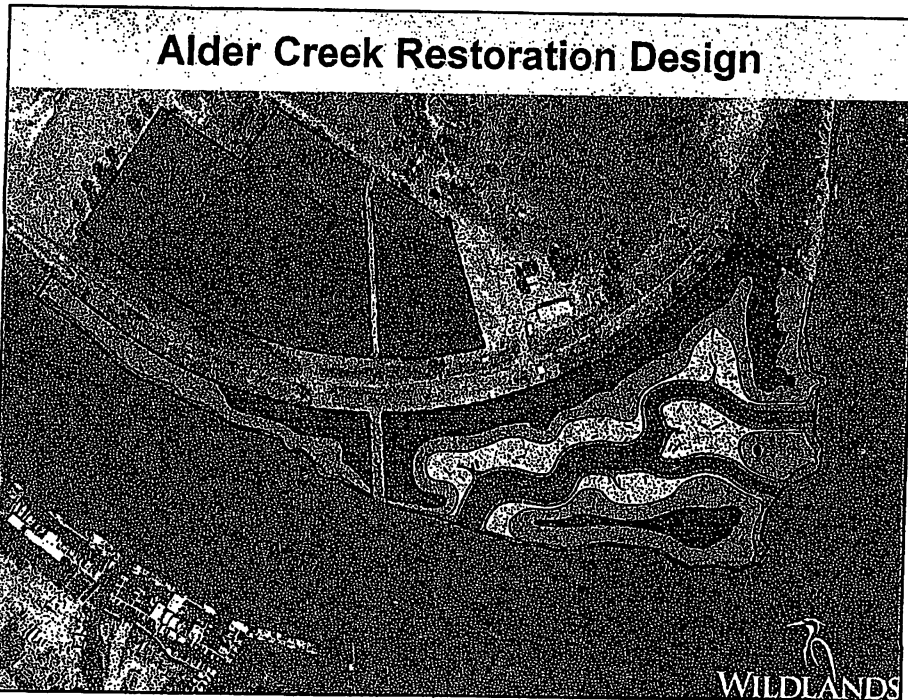
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Alder Creek Project Elements

- Wildlands bought the property in 2011
- Remove sawmill facility and private berm
- Excavate approx. 440,000 cy of material
- Create a complex of habitats within the active channel margin (channels, marsh/mudflat, riparian)
- Create upland forested habitat (oak dominated and cottonwood dominated)
- Install LWD in channels, debris piles in uplands
- Protect and enhance existing habitats

3/1/2016




Milestones and Schedule

- ✓ Spring 2014 – Demolished sawmill
- ✓ July 2014 – Alder Creek Restoration Plan signed by Trustee Council
- ✓ Summer 2014 – Construction started
 - ✓ Installed ~7,000 marsh plants
- ✓ October 2014 – Deed Restriction was recorded

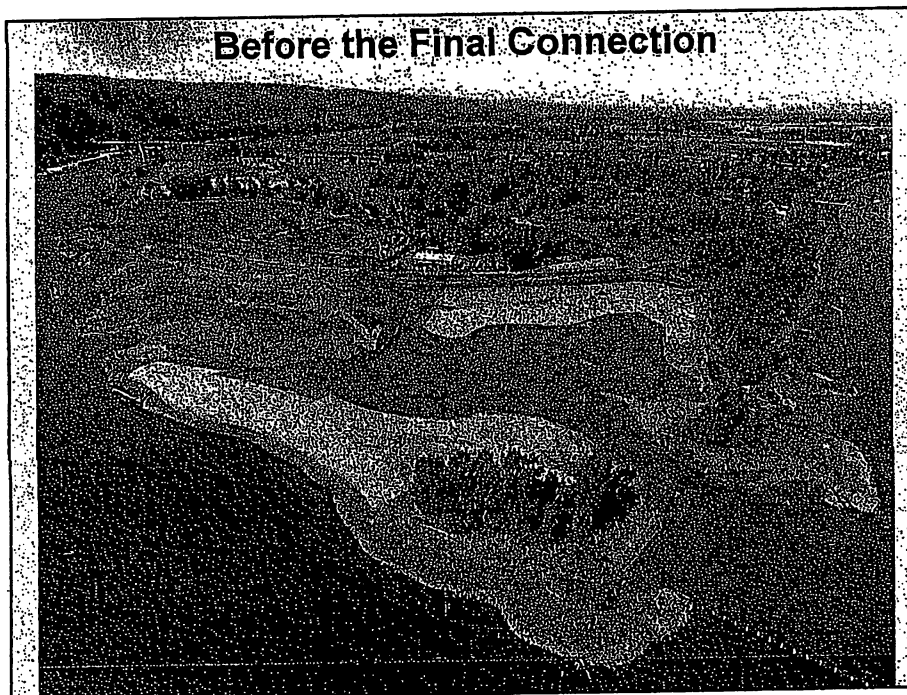

WILDLANDS

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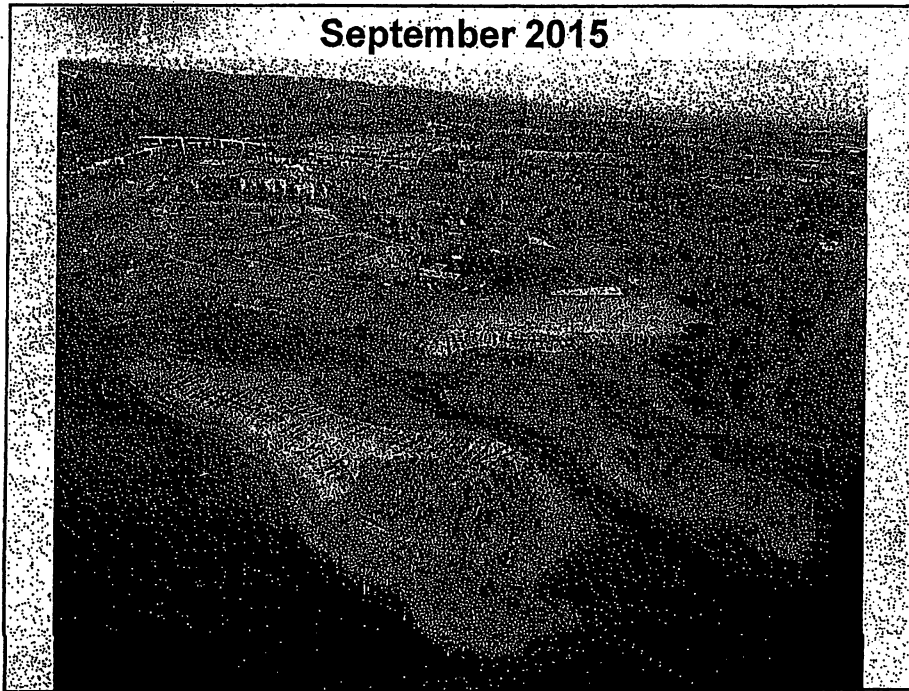


Milestones and Schedule

- ✓ Early 2015 – 1st credits released, 1st credit sale!
- ✓ Summer 2015 – Finished earthwork!!
- ✓ Winter 2015 – Installed ~33,000 trees and shrubs
 - Summer 2016 – Install ~25,000 marsh plants
 - Fall 2016 – Install ~32,000 more trees and shrubs




3/1/2016



Challenges

- Strange soil situations – perched water, fill material, saturated soils, etc.
- Trespass – Many people trying to access the site from both the water and land sides
- Invasive weed control
- Trash and debris
- Herbivory
- Ensuring financial viability


WILDLANDS

3/1/2016

3rd Party NRD Restoration Site Benefits

- Cost savings due to economies of scale
- Credits for ecological lift pre-approved by Trustees
- Financial assurances and other costs are built-in
- Measurable performance standards already agreed upon
- Permanent protection (conservation easement)
- Early restoration = higher value = cost savings
- Large sites offer more protection from adjacent land uses, more likely to be ecologically successful
- Someone else's problem!

Contact

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jmentzer@wildlandsinc.com

WILDLANDS PNW
520 SW 6th Avenue, Suite 1210
Portland OR, 97204
Office: (503) 241-4895



33.140 Employment and Industrial Zones

140

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions
- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the

allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name/Map Symbol
General Employment 1	EG1
General Employment 2	EG2
Central Employment	EX
General Industrial 1	IG1
General Industrial 2	IG2
Heavy Industrial	IH

33.140.030 Characteristics of the Zones

- A. General Employment.** The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.
 - 1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.
 - 2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.
- B. Central Employment.** This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.
- C. General Industrial.** The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones

provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. **General Industrial 1.** IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
 2. **General Industrial 2.** IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.
- D. Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
 1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.

2. **Group Living.** This regulation applies to all parts of Table 140-1 that have a [2].
 - a. **General regulations.** All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.
 - b. **Alternative or post incarceration facilities.** Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
3. **EG commercial limitation.** This regulation applies to all parts of Table 140-1 that have a [3].
 - a. **Limited uses.**
 - (1) **Office uses.** Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area. On sites with historic landmarks, the net building area for Office uses may be up to twice the total square footage of the site area. Exceptions to these size limits are prohibited.
 - (2) **Retail Sales And Service uses.** Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or twice the total square footage of the site area, whichever is less.
 - b. **Conditional uses.**
 - (1) Retail Sales And Service uses that exceed the area limits in 3.a(2) are a conditional use.
4. **IG1 commercial limitation.** This regulation applies to all parts of Table 140-1 that have a [4].
 - a. **Limited uses.** One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display and storage area may be up to 3,000 square feet.
 - b. **Conditional uses.**
 - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

- c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

- b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
- c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
- 8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.
 - a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;
 - b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and
 - c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.
- 9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
 11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.
 12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.
 13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
 14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.
 16. Agriculture. This regulation applies to all parts of Table 140-1 that have a [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-3. The FARs apply to all nonresidential development in all of the zones and to residential uses in the EX zone. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Transfer of FAR from Landmarks in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Landmark as follows:
 - 1. **Maximum increase in FAR.** An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
 - 2. **Development standards.** The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;
 - 3. **Receiving site.** The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
 - 4. **The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density.** The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with

the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

- D. Transfer of FAR from Landmarks in the EG Zones.** Floor area ratios may be transferred from a site zoned EG1 or EG2 that contains a Landmark as follows:
1. **Maximum increase in FAR.** An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
 2. **Development standards.** The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Paragraph D.1 above;
 3. **Receiving site.** The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
 4. **The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density.** The covenant must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

33.140.210 Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. The height standard.** The height limits for all structures, except detached accessory structures, are stated in Table 140-3. The height standards for detached accessory structures are stated in 33.140.265. Exceptions to the maximum height standard are stated below.
1. **Projections allowed.** Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
3. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
4. Small wind turbines are subject to the standards of Chapter 33.299.
5. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-4	15 ft.	See Table 140-4	See Table 140-4	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @ L3	0 / none
	16 to 30 ft.	8 ft. / 5 ft. @ L3	8 ft. / 5 ft. @ L3
	31 to 45 ft.	11 ft. / 5 ft. @ L3	11 ft. / 5 ft. @ L3
	46 ft. or more	14 ft. / 5 ft. @ L3	14 ft. / 5 ft. @ L3
EG2, IG2, IH	Any height	15 ft. / 10 ft. @ L3	15 ft. / 10 ft. @ L3

Notes:

[1] Does not apply to lot lines that abut lots in the RX zone. See 33.140.215.B.

33.140.215 Setbacks

- A. Purpose.** The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal

setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

- B. Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
1. Generally. The required building setbacks are stated in Table 140-3.
 2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-4. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 3. Exceptions to the building setbacks.
 - a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
 4. Extensions into required building setbacks.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not project into the landscape buffer required by Paragraph B.2.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns, and planters;
 - (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and
 - (3) Bays and bay windows extending into the setback also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.

- b. The following minor features of a building are allowed to extend into required building setbacks but may not project into the landscaped buffer required by Paragraph B.2:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
 - (3) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
5. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of 33.120.280. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below.

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.
 - a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
 - b. Measurement.
 - (1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing facade of the entire building. See Figures 140-1 and 140-2.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and
 - The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having

the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

- c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:
 - (1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
 - (2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
 - (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.
- e. In a Pedestrian District. Where the site is in a Pedestrian District:
 - (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;

- (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
 - Standard 2 must be met on the frontage of the transit street,
 - Standard 1 must be met on the intersecting non-transit street;
 - (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting transit street;
 - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting street;
 - (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
 - Standard 2 must be met on the frontage of one street; and
 - Standard 1 must be met on an intersecting street.
2. Exemption. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

Figure 140-1
Alteration to Existing Building in Conformance with Maximum Setback Standard

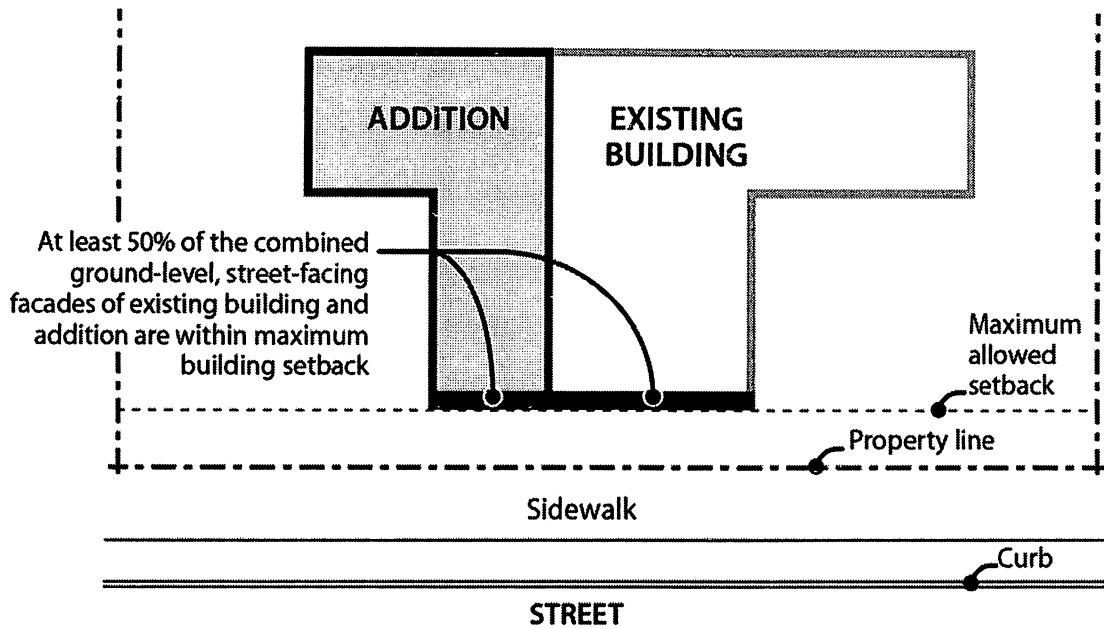
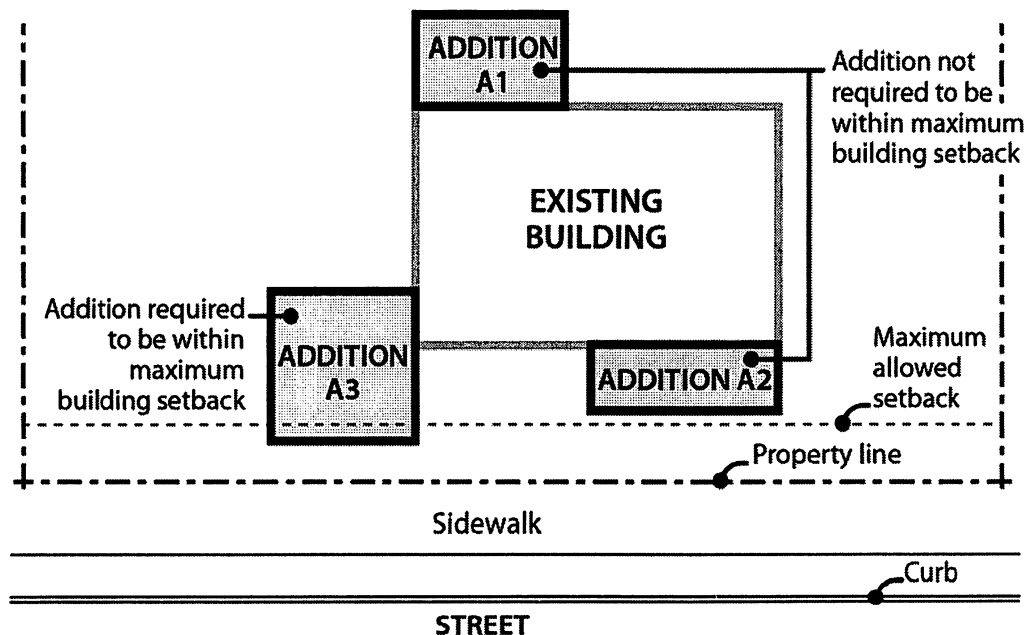


Figure 140-2
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 140-3
Calculating Maximum Building Setback When More Than One Building On Site

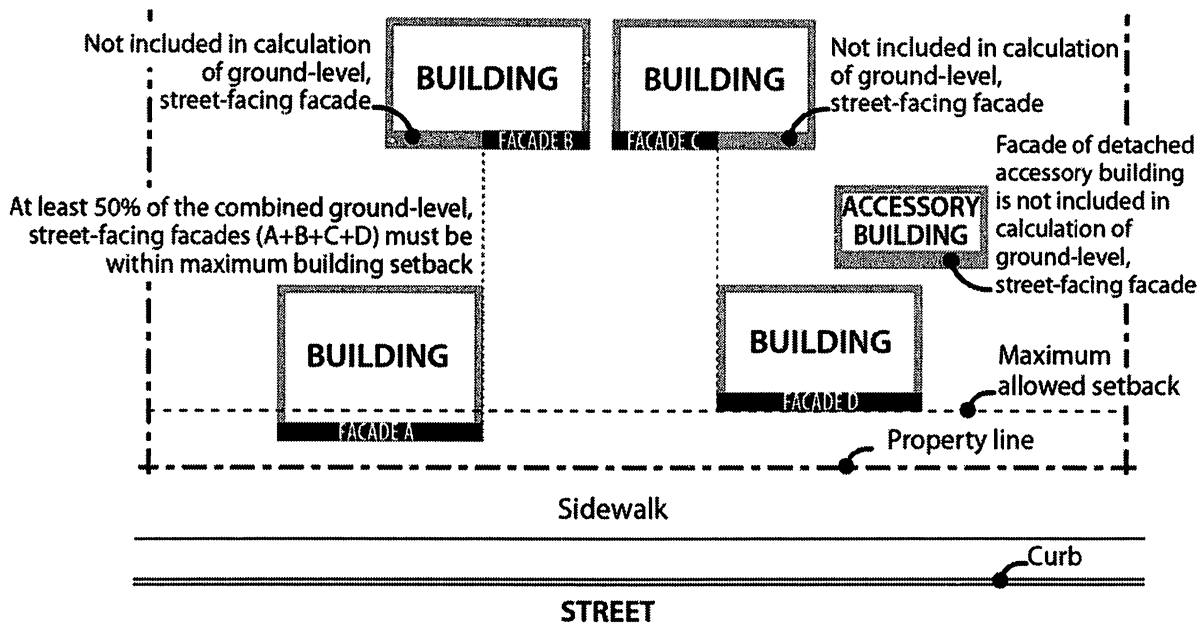
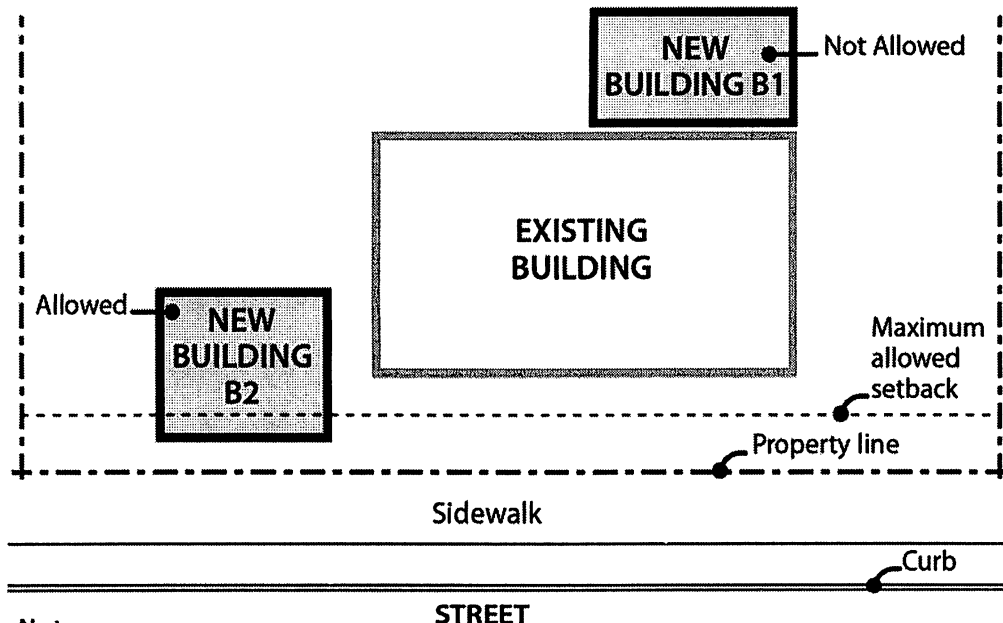


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

D. Alternative maximum setback option for large retailers.

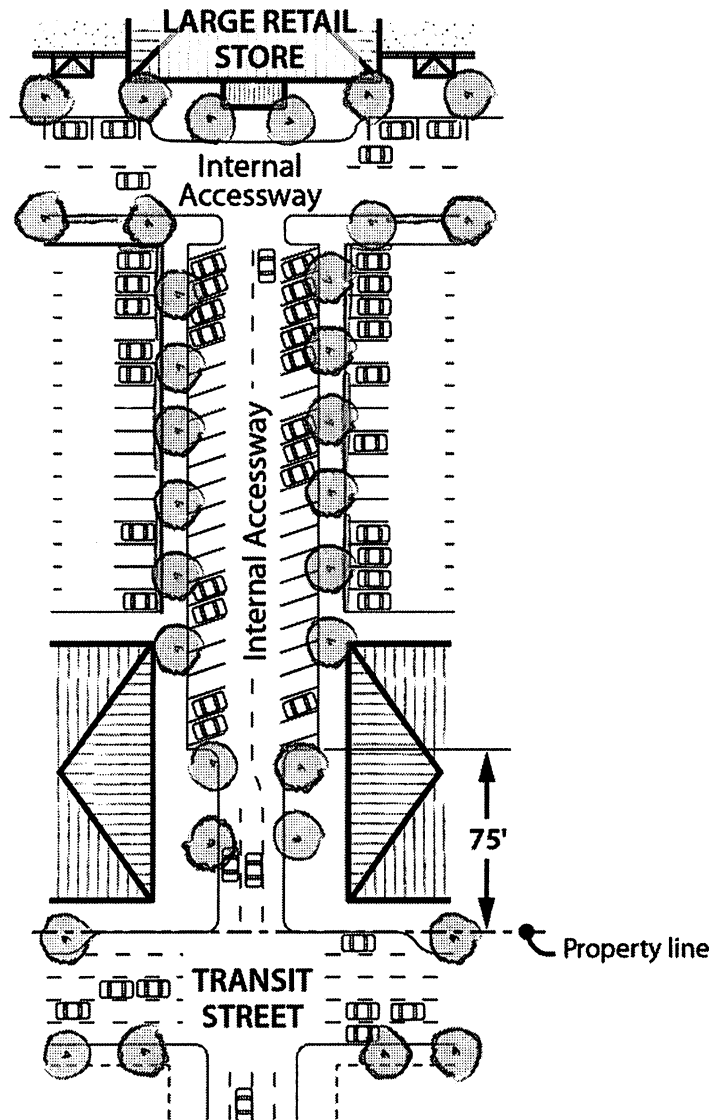
1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange

for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.

2. Regulation. Sites with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-3 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;
 - b. Internal circulation system. An internal circulation system that meets the following standards must be provided.
 - (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

- (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-5, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 140-5
Internal Circulation System



33.140.220 Building Coverage

- A. **Purpose.** The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.
- B. **The building coverage standards.** The maximum building coverage for a site is stated in Table 140-3. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

- A. Purpose.** Landscaping is required to help soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 140-3. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.227 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.140.230 Ground Floor Windows in the EX Zone

- A. Purpose.** In the EX zone, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Required amounts of window area.** In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
- C. Qualifying window features.** Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
- D. Exceptions for Public Arts.** Outside of the Central City plan district, public art is allowed instead of meeting the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to

ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

33.140.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of an area.
- B. Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
 - 1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 - 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
 - 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.140.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this section apply to all development in the EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.
 - 1. Connections. Pedestrian connections are required as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage.
 - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may

not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.

- Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
- Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

(2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:

- The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of B.1.a(1) to one main entrance on the site;
- An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

- a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
- b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
- c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

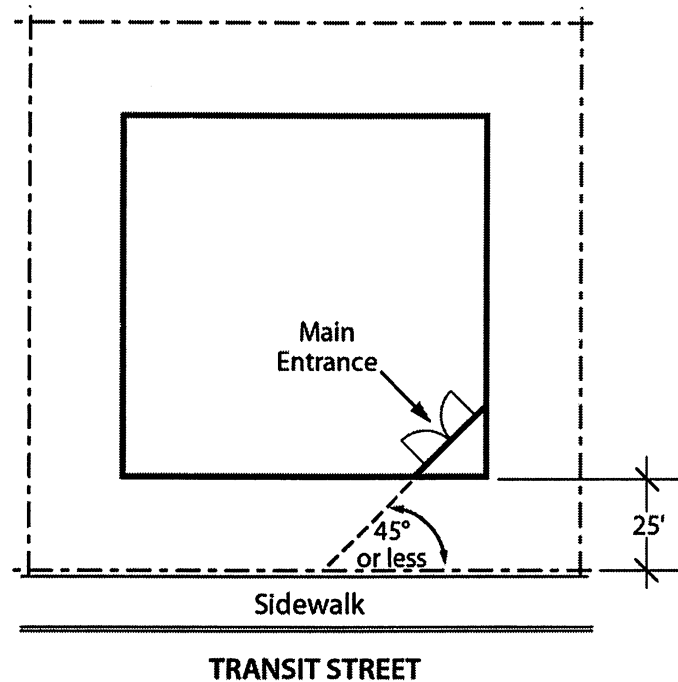
3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

4. EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

33.140.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
 1. Generally. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards for the nonresidential uses. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
 2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
 1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Either:
 - a. Face the transit street; or
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6.
- D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C must be unlocked during regular business hours.

**Figure 140-6
Transit Street Main Entrance**



33.140.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of an employment or industrial area;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.** Exterior display of goods is allowed in all of the E and I zones except the EX zone. The setbacks and landscaping standards for exterior display areas are stated in Table 140-6.
- C. Exterior storage.** Exterior storage is allowed in all of the E and I zones except the EX zone. The setback and landscaping standards for exterior storage areas are stated in Table 140-6.
- D. Exterior work activities.** Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are the same as for exterior storage areas stated in Table 140-6.
- E. Paving.** All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Table 140-6 Exterior Development Setbacks and Landscaping [1]				
	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, or I zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, or I zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3

Notes:

[1] The development standards first state the required setback, then the required landscaping standard.

[2] If parking areas are placed between exterior storage areas and the street, an F2 screen only is required on the edge of the storage area.

[3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

33.140.250 Trucks and Equipment

The regulations for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, or to the use of vehicles during construction, or other service at the site which occurs on an intermittent and short-term basis. The truck categories are defined in Chapter 33.910.

- A. Light and medium trucks.** The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.
- B. Heavy trucks.** The parking of heavy trucks and similar equipment is allowed in zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

33.140.255 Drive-Through Facilities

Drive-through facilities are allowed in the zones which are intended for auto- accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

- A. EG and I zones.** Drive-through facilities are allowed in the EG and I zones.
- B. EX zone.** Drive-through facilities are prohibited in the EX zone.

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

- A. **Generally.** Except as specified in this section, base zone development standards continue to apply;
- B. **Existing buildings.** Residential uses in existing buildings have no density limit within the building;
- C. **New development.** Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;
- D. **Permit-Ready houses.** Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.
- E. **Residential main entrance.**
 1. Purpose. The main entrance standards serve several purposes:
 - The main entrance standards, together with the window and garage standards ensure that there is a physical and visual connection between the living area of the residence and the street;
 - They enhance public safety for residents and visitors and provide opportunities for community interaction;
 - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
 - Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
 2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the employment and industrial zones.
 - b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
 - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
 - d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each dwelling unit must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
 - b. Either:
 - (1) Face the street. See Figure 140-7;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 140-8. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.
 4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.
- F. Street-facing facades.**
1. Purpose. The standard:
 - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
 2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, and duplexes in the Employment and Industrial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
 3. The standard. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

Figure 140-7
Main Entrance Facing the Street

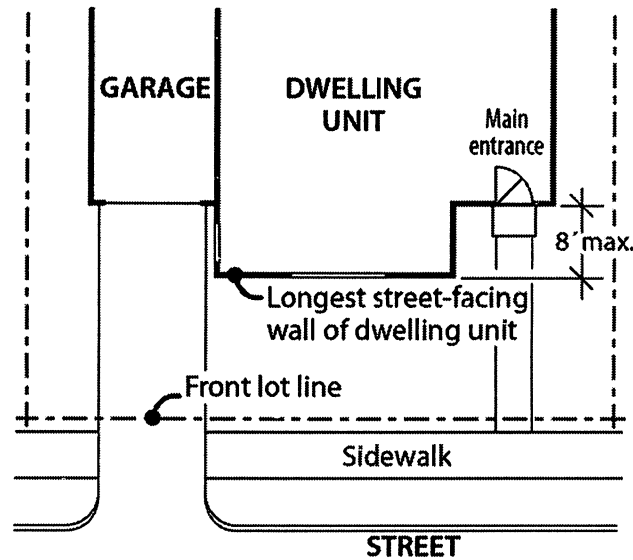
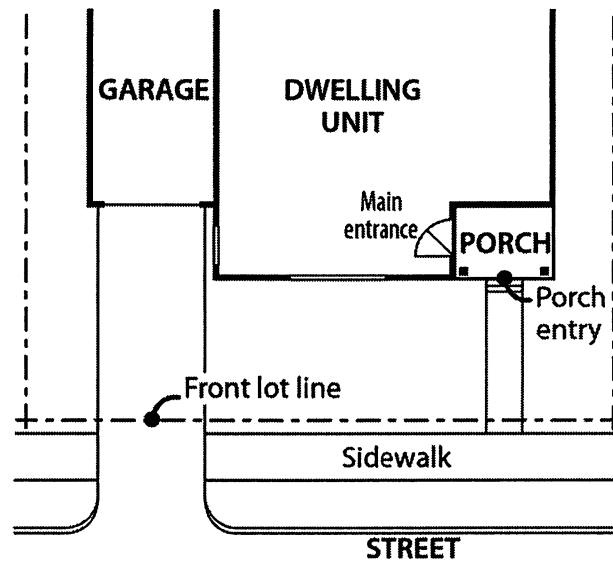


Figure 140-8
Main Entrance Opening Onto a Porch



G. Garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;

- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - Enhance public safety by preventing garages from blocking views of the street from inside the residence.
2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraph F.4, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall.
- a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 140-9. On corner lots, only one street-facing garage wall must meet this standard.
 - b. Exception. Where the street-facing facade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 140-10.
 - (1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or
 - (2) A covered balcony above the garage that is:
 - At least the same length as the street-facing garage wall;
 - At least 6 feet deep; and
 - Accessible from the interior living area of the dwelling unit.
4. Street lot line setbacks.
- a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11.
 - b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
- c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

33.140.270 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.
- B. General standards.**
1. The regulations of this section apply to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280. Detached garages that are accessory to residential development are also subject to the standards of 33.140.265, Residential Development.
 2. Unless stated in this section, the height and building coverage standards of the base zone apply to detached accessory structures.
- C. Setbacks.**
1. Uncovered accessory structures. Uncovered accessory structures, such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts, are allowed in a street setback, but not in a required setback from an abutting residential zone.
 2. Covered structures.
 - a. Covered structures, such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures, are subject to the setbacks for buildings.
 - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks abutting a residential zone.
 - c. See Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

Figure 140-9
Length of Street-Facing Garage Wall

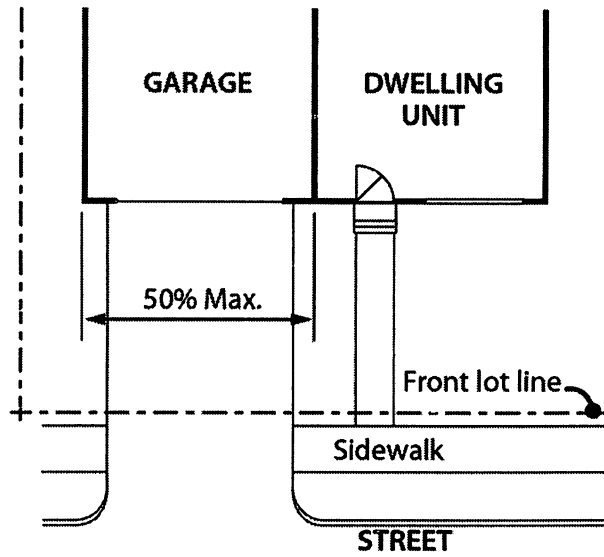


Figure 140-10
Length of Street-Facing Garage Wall Exception

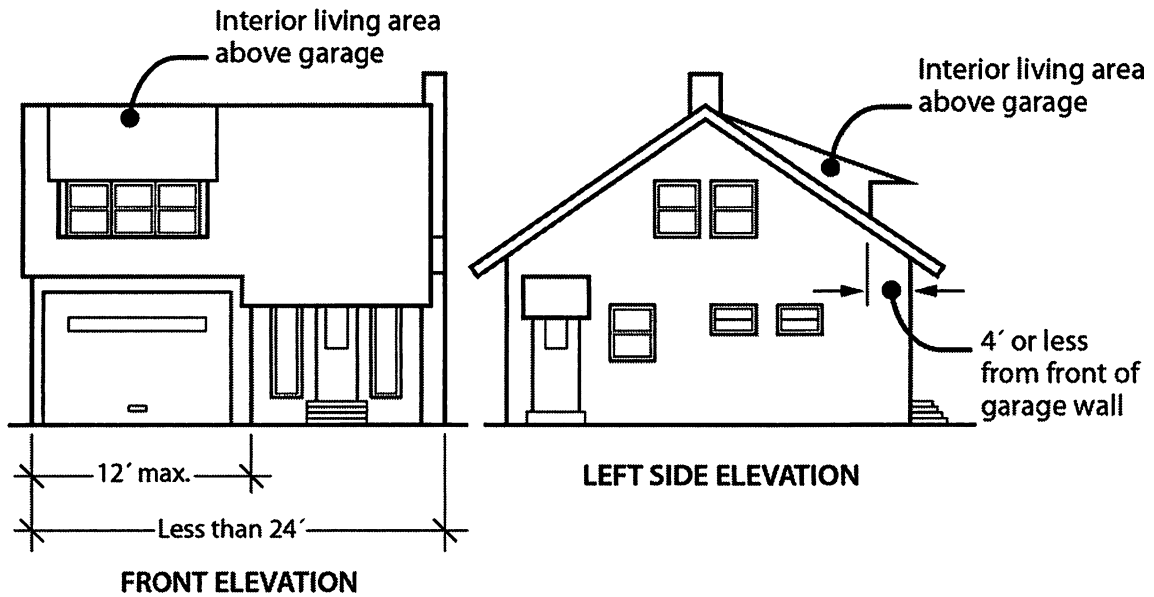


Figure 140-11
Street Lot Line Setback

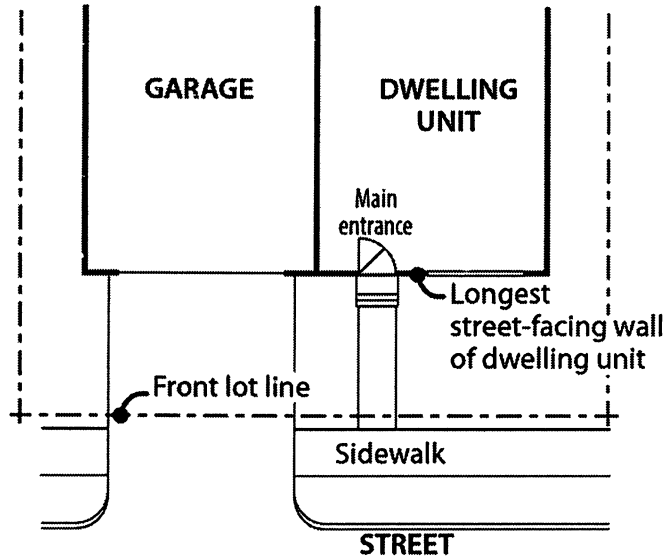
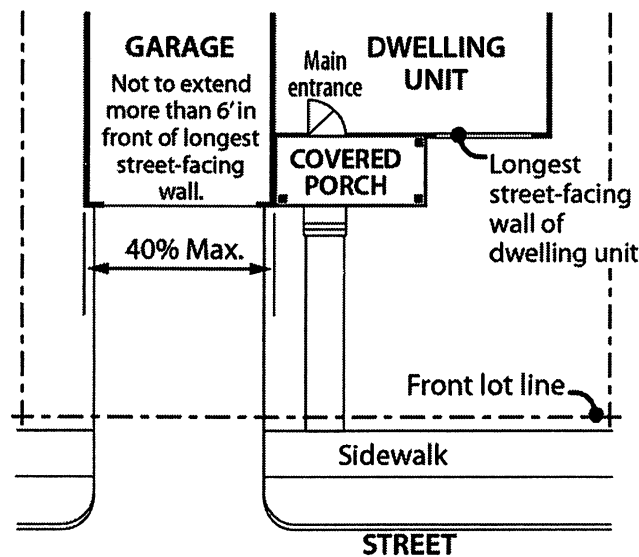


Figure 140-12
Garage Front Setback Exception



33.140.275 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Title 33, Planning and Zoning
1/1/16

Chapter 33.140
Employment and Industrial Zones

- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
1. Fences along street lot lines, including pedestrian connections.
 - a. EG1, IG1 and IH zones. In EG1, IG1, and IH zones, fences up to 3-1/2 feet high are allowed in a required street building setback, including setbacks from pedestrian connections.
 - b. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:
 - (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;
 - (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 - c. EG2 and IG2 zones. In EG2 and IG2 zones, fences that are more than 50 percent sight-obscuring may be up to 8 feet high within the street building setback if they are more than 10 feet from the lot line.
 2. Fences along other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
 3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and 2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.140.280 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolitions of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.140.290 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.140.295 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and loading areas are stated in Chapter 33.266, Parking And Loading.

33.140.300 Signs

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

33.140.310 Superblock Requirements

Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.140.315 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16.)

33.100 Open Space Zone

100

Sections:

General

- 33.100.010 Purpose
- 33.100.020 Short Name
- 33.100.030 Where the Zone Is Applied
- 33.100.040 Other Zoning Regulations

Use Regulations

- 33.100.100 Primary Uses
- 33.100.110 Accessory Uses
- 33.100.120 Nuisance-Related Impacts

Development Standards

- 33.100.200 Development Standards
- 33.100.205 Fences
- 33.100.210 Demolitions
- 33.100.220 Nonconforming Development
- 33.100.225 Signs
- 33.100.230 Trees
- 33.100.240 Recycling Areas

General

33.100.010 Purpose

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;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

33.100.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the open space zone. Sites in overlay zones, plan districts, or with designated historic landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Table 100-1 Open Space Zone Primary Uses	
Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N

Table 100-1 Open Space Zone Primary Uses	
Use Categories	OS Zone
Institutional Categories	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	L[7]
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed L = Allowed, But Special Limitations CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.100.100 Primary Uses

- A. Allowed uses.** Uses allowed in the open space zone are listed in Table 100-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.
1. **Retail Sales And Service.** This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.

2. **Parks And Open Areas.** This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain accessory uses and facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.
 - a. Swimming pools.
 - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
 - c. Golf courses including club houses, restaurants and driving ranges.
 - d. Boat ramps.
 - e. Parking areas.
 - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
3. **Radio Frequency Transmission Facilities.** This regulation applies to all parts of Table 100-1 that have note [3]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
4. **Community Services.** This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.
5. **Basic Utilities.** This regulation applies to all parts of Table 100-1 that have note [5].
 - a. Basic Utilities that serve a development site are accessory uses to the primary use being served.
 - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. The requirements of Chapter 33.262, Off Site Impacts, must be met;
 - c. All other Basic Utilities are conditional uses.
6. **Manufacturing and Production.** This regulation applies to all parts of Table 100-1 that have note [6]. Utility Scale Energy Production from Large Wind Turbines is a conditional use. All other Manufacturing And Production uses are prohibited.
7. **Agriculture.** This regulation applies to all parts of Table 100-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

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- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.100.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

33.100.120 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Development Standards

33.100.200 Development Standards

- A. Allowed or limited uses.** Allowed or limited uses are subject to the development standards stated below.
 - 1. **Building setbacks.** Except as specified in paragraph A.3., buildings must be set back from all property lines a minimum of 1 foot for each foot of building height.
 - 2. **Outdoor activity facility setbacks.** Except as specified in paragraph A.3. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
 - 3. **Recreational fields for organized sports.** Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- B. Conditional uses.** Conditional uses are subject to the development standards stated below.
 - 1. **Generally.** Except as modified by paragraph B.2 and B.3, the development standards of Table 110-5, in Chapter 33.110, Single-Dwelling Zones, apply.
 - 2. **Minimum setbacks.** Buildings must be set back from all property lines a minimum of 1 foot for each foot of building height. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

3. **Parking.** Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.

33.100.205 Fences

- A. Purpose.** 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.
- B. Types of fences.** The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location.** Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.100.210 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.100.220 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.100.225 Signs

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

33.100.230 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.100.240 Recycling Areas

See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

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(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10, Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15.)

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33.440 Greenway Overlay Zones

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Sections:

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- 33.440.010 Purpose
- 33.440.030 Greenway Overlay Zones
- 33.440.050 Relationship to State and Federal Reviews
- 33.440.060 Sunset Provision

Use Regulations

- 33.440.100 Use-Related Restrictions

Development Regulations

- 33.440.200 Application of the Development Standards
- 33.440.210 Development in the Greenway Setback
- 33.440.220 Floor Area Ratios
- 33.440.230 Landscaping
- 33.440.240 Public Recreational Trails
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Greenway Review

- 33.440.300 Purpose
- 33.440.310 Where Greenway Review Applies
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- 33.440.330 Procedures
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- 33.440.345 Supplemental Application Requirements
- 33.440.350 Approval Criteria
- 33.440.360 Greenway Goal Exceptions

Map 440-1 Willamette Greenway Public Access

General

33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and

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- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

33.440.030 Greenway Overlay Zones

- A. Purpose.** The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.
1. **River Natural.** The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.
 2. **River Recreational.** The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.
 3. **River General.** The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.
 4. **River Industrial.** The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.
 5. **River Water Quality.** The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.
- B. Where these regulations apply.** The regulations of this chapter apply to all land and fills and structures in water within the Willamette Greenway Plan boundary designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones except that the area within the interior of Ross and Hardtack Islands which is presently subject to the Ross Island Management Plan will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan remains in effect. In addition, the public trail standards of Section 33.440.240 below apply to all lands designated on the Willamette Greenway Plan with the recreational trail symbol but which are outside of the greenway zones. However, the regulations of this chapter do not apply within the South Waterfront subdistrict of the Central City plan district. Sites in the South Waterfront subdistrict are instead subject to Section 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict.

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- C. **Removal or remediation of hazardous substances.** For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.
- D. **Map symbols.** The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i
River Water quality	q

33.440.050 Relationship to State and Federal Reviews

In addition to any City requirements, all development within or riverward of the greenway setback, including fills, must be approved by the Oregon Division of State Lands and the U.S. Army Corp of Engineers.

33.440.060 Sunset Provision

The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

Use Regulations

33.440.100 Use-Related Restrictions

- A. **Generally.** In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.
- B. **Use restrictions.**
 1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.
 2. River Industrial zone. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below. There are no special use restrictions on sites that do not have river frontage.
 3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.

4. River Water Quality zone. In the River Water Quality zone, use restrictions apply only within the greenway setback. Primary uses that are river-dependent or river-related are allowed and do not need to comply with Section 33.440.345, Supplemental Application Requirements or the approval criteria of Subsection 33.440.350.G. Primary uses that are not river-dependent or river-related may be allowed if they are approved through greenway review. Existing uses that change to a non-river-dependent or non-river-related use are subject to greenway review.

Development Standards

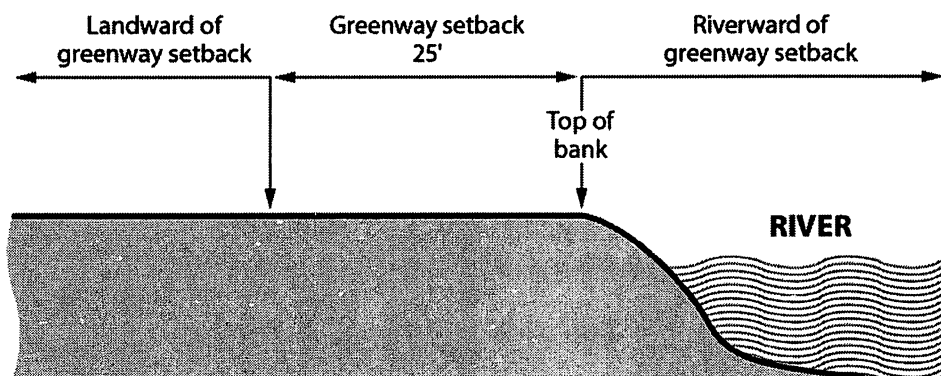
33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

33.440.210 Development in the Greenway Setback

- A. **General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.
- B. **The setback areas.**
 1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

Figure 440-1
Greenway Setback



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.
3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

**Figure 440-2
 Greenway Setback in the River Water Quality Zone**

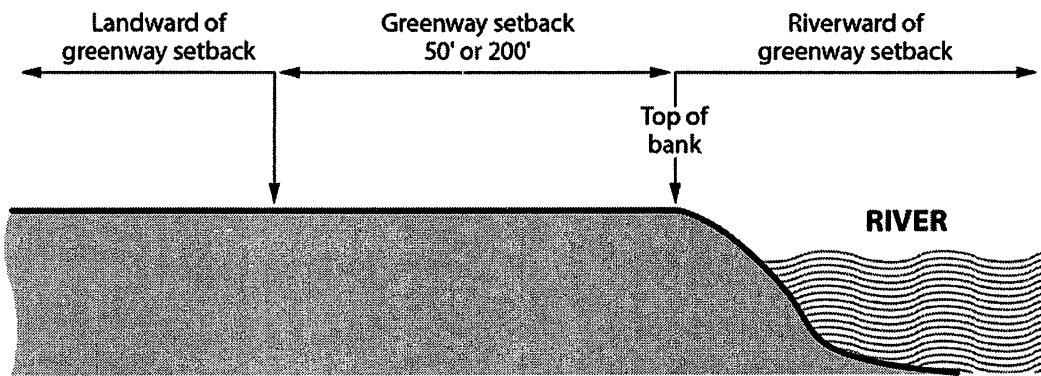


Table 440-1 Setbacks for River Water Quality Zone	
Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
> 25% for 150 feet or more [2]	200 feet

[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%

[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the uphill direction from the protected water feature.

C. Development regulations.

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.
2. Development within the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.

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3. Development riverward of the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal riverward of the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

- A. The site is already subject to a more restrictive FAR;
- B. The site is located in the Central City plan district, where the plan district FAR limits apply; or
- C. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

- A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.
- B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.
 1. A minimum of one tree for every 20 feet of river frontage.
 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.

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- C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. **Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
 - 1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$155,900. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
 - 2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 - 3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Public Recreational Trails

- A. **Purpose.** Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. **Public recreational trail requirements.** All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. **Recreational trails in the River Natural and River Water Quality zones.** Recreational trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. **Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;

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- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.310 When Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

- A. New development;
- B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;
- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;
- E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;
- F. Non river-dependent or river-related primary uses in the River Industrial Zone; and
- G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

33.440.320 Exemptions from Greenway Review

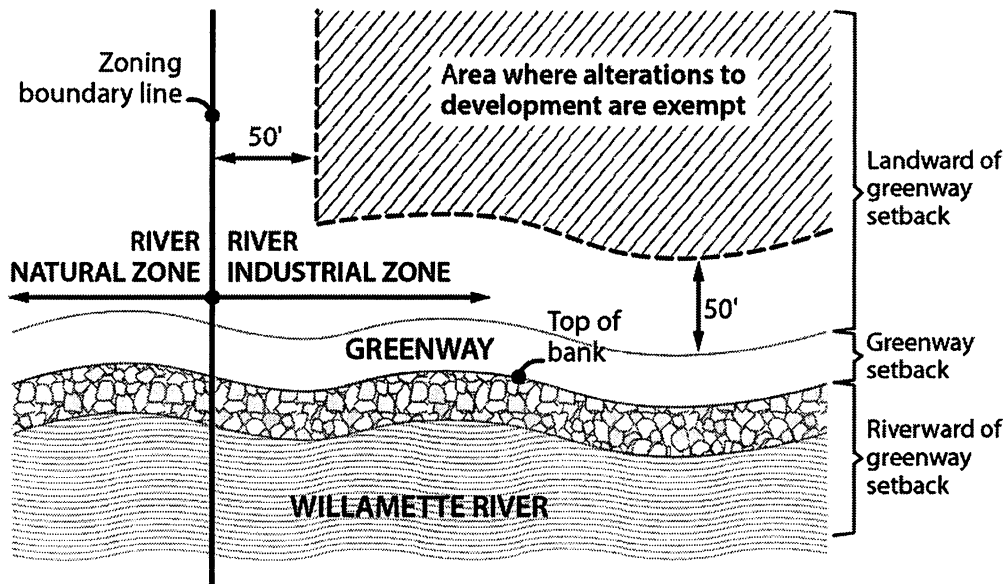
Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

- A. As illustrated in Figure 440-3, alterations to development in the River Industrial zone that are outside of the areas listed below:
 1. The greenway setback;
 2. Riverward of the greenway setback;
 3. Within 50 feet landward of the greenway setback; or
 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Public Recreational

Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;

- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;

**Figure 440-3
 Exemptions from Greenway Review**



- H. Dredging, channel maintenance, and the removal of gravel from rivers;
- I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs;
- L. Removal of vegetation on the Nuisance Plants List; and
- M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.

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33.440.330 Procedures

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.

BDS will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.345 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

- A. Supplemental site plans.** One copy of each plan must be at a scale of at least one inch to 100 feet.
 1. An existing conditions site plan, showing the following:
 - a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;
 - b. The top of bank and the setback area;
 - c. Distribution outline of shrubs and ground covers with a list of most abundant species;
 - d. Trees identified by species, including the location of the drip line;
 - e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;
 - f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;
 - g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and
 - h. Stormwater management facilities.
 2. A development proposal site plan including:
 - a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;
 - b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and

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- c. Areas where existing topography and vegetation will be left undisturbed.
 3. A construction management site plan including:
 - a. Areas that will be disturbed, including equipment maneuvering areas;
 - b. Location of site access and egress;
 - c. Equipment and material staging and stockpile areas;
 - d. Erosion control measures; and
 - e. Tree protection measures for trees to be preserved that meet the requirements of Title 11, Chapter 11.60, Technical Specifications.
- B. River Quality overlay zone.** The following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:
 1. A mitigation or remediation plan including:
 - a. Detailed plans or drawings describing any proposed mitigation or remediation activities;
 - b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;
 - c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - d. Water bodies to be created, including depth; and
 - e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.
 2. Narrative. The following written narratives are required:
 - a. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the functional values found on the site;
 - (2) Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and

- (3) Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.
- b. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction equipment will be controlled, and describe how trees will be protected in conformance with Chapter 11.60, Technical Specifications, and erosion controlled in conformance with Title 10, Erosion and Sediment Control Regulations.
- c. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:
 - (1) A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:
 - Significant detrimental impacts must be avoided where practicable;
 - Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
 - The mitigation must be on the construction site, and must enhance the same kind of resource.
 - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.
 - (2) Functional values to be restored, created, or enhanced on the mitigation or remediation site
 - (3) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - (4) Construction timetables;
 - (5) Operations and maintenance practices;
 - (6) Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

- A. For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.

- B. River frontage lots in the River Industrial zone.** In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.
- C. Development within the River Natural zone.** The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.
- D. Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.
- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.
- F. Development riverward of the greenway setback.** The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:
1. The proposal will not result in the significant loss of biological productivity in the river;
 2. The riverbank will be protected from wave and wake damage;
 3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
 4. The request will not significantly interfere with beaches that are open to the public.
- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:
 - a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;
 - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;
 - d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of Subsection 33.440.350.H; and
 - f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
2. Public safety facilities. For public safety facilities, the applicant's impact evaluation must demonstrate that all of the following are met:
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - c. All significant detrimental impacts on functional values will be offset through a mitigation plan;
 - d. The mitigation plan meets the requirements of Subsection 33.440.350.H; and
 - e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

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3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
 - a. There will be no significant detrimental impact on functional values;
 - b. There will be a significant improvement of at least one functional value; and
 - c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.
4. Public recreational facilities. Public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;
 - c. The public benefits of the proposal outweigh all significant detrimental impacts;
 - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the *Portland Plant List*;
 - e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of Subsection 33.440.350.H; and
 - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:
 - a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;

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- b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;
 - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;
 - e. All significant detrimental impacts on functional values will be offset through mitigation;
 - f. The mitigation plan meets the requirements of Subsection 33.440.350.H;
 - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and
 - h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.
- H. Mitigation or remediation plans.** Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:
- 1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
 - a. On site and as close as practicable to the area of disturbance;
 - b. Within the same watershed as the proposed use or development; and
 - c. Within the Portland city limits.
 - 2. The applicant owns the mitigation or remediation 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 or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
 - 3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
 - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
 - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and

- c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

33.440.360 Greenway Goal Exception

- A. **When a greenway goal exception is required.** Approval of an exception to Statewide Planning Goal 15 — Willamette Greenway, is required to locate a development or right-of-way that is not river-dependent or river-related within or riverward of the greenway setback. A greenway goal exception is not required to add revetments to a riverbank.
- B. **Approval criteria.** Requests for greenway goal exceptions will be approved if the review body finds the applicant to have shown that all of the following approval criteria are met:
 1. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;
 2. The proposal will not have a significant adverse effect on the inventoried greenway values of the site or on abutting sites or water areas;
 3. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;
 4. The proposal will provide a significant public benefit;
 5. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;
 6. The proposal cannot reasonably be accommodated in a location which does not require a goal exception;
 7. Of all other potential locations within the greenway that require a goal exception, there are none with significantly better long-term environmental, economic, social, and energy consequences after mitigation measures;
 8. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and
 9. Development and fills riverward of the greenway setback must show that there are no practical on-site alternatives which achieve the same level of public benefit.

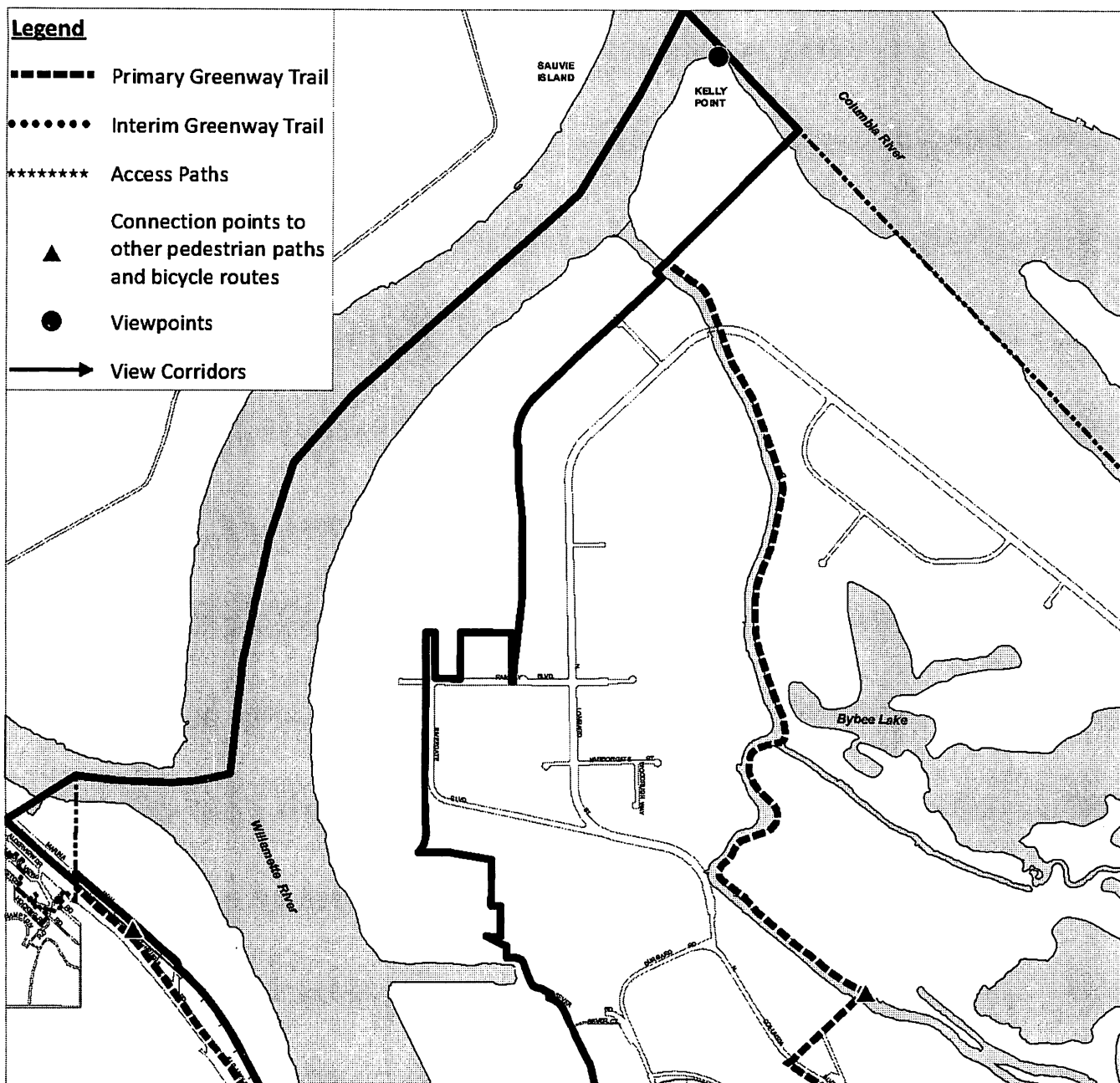
(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 186053, effective 1/1/15.)

Willamette Greenway Public Access Map

Map 440-1

Map 1 of 5

Map Revised January 1, 2015



Legend

- Primary Greenway Trail
- Interim Greenway Trail
- ***** Access Paths
- ▲ Connection points to other pedestrian paths and bicycle routes
- Viewpoints
- View Corridors

- City Boundary
- Greenway Boundary
- Proposed Right-of-Way

▲
NORTH

0 2,000 4,000

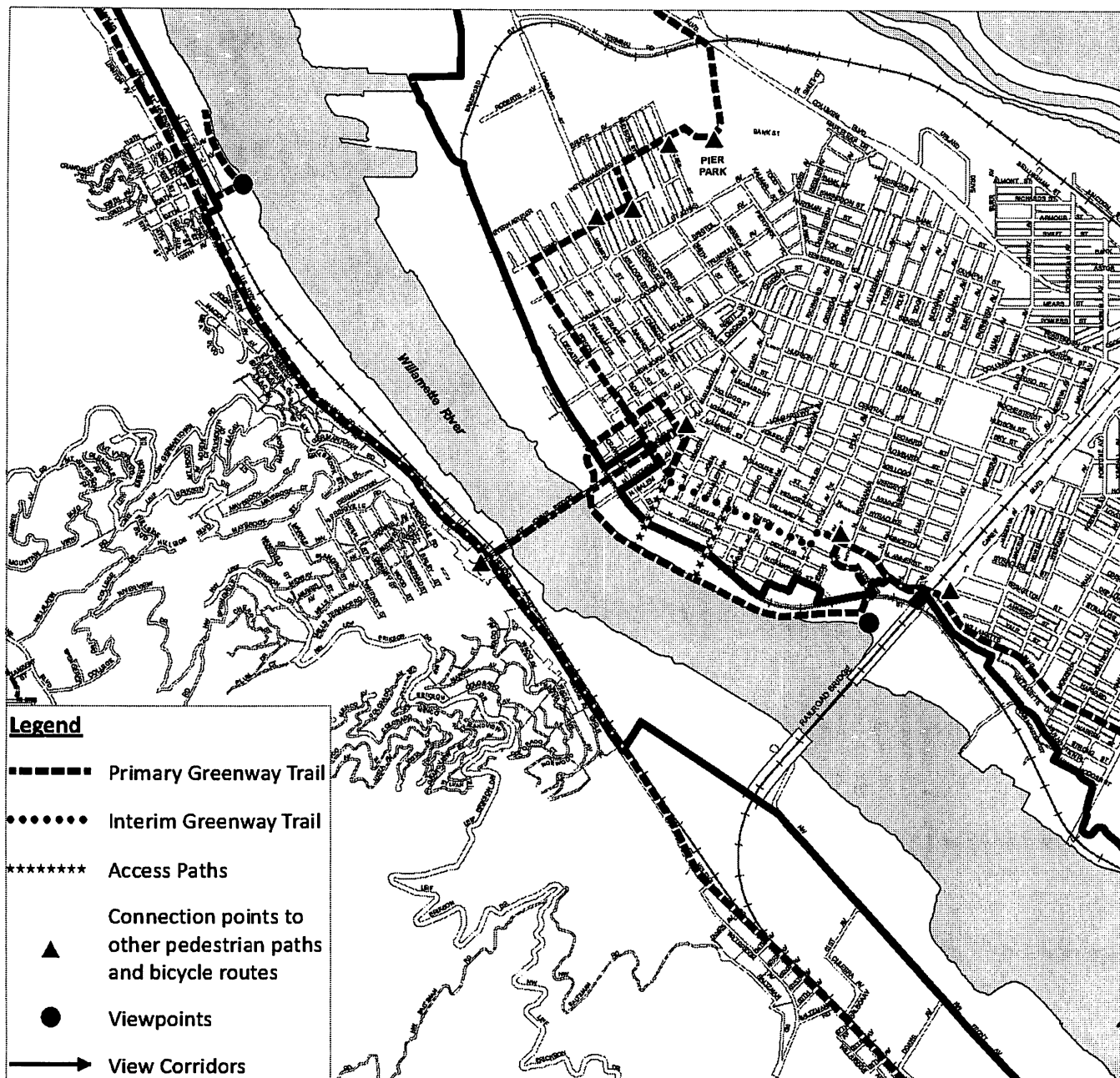
Scale in Feet
 Bureau of Planning and Sustainability
 Portland, Oregon

Willamette Greenway Public Access Map

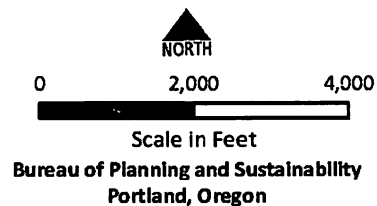
Map 440-1

Map 2 of 5

Map Revised January 1, 2015



- City Boundary
- Greenway Boundary
- Proposed Right-of-Way

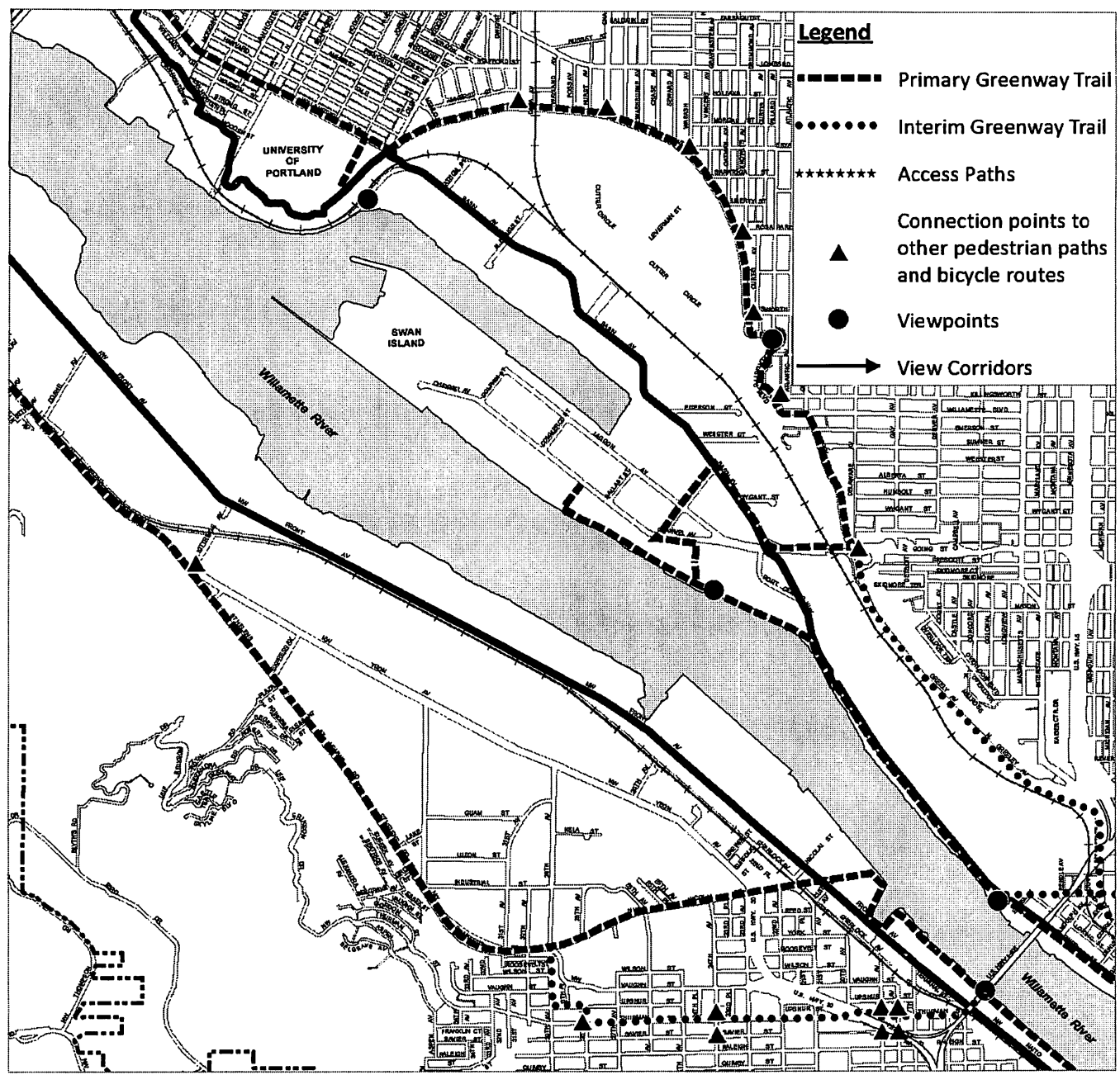


Willamette Greenway Public Access Map

Map 440-1

Map 3 of 5

Map Revised January 1, 2015



- Legend**
- Primary Greenway Trail
 - Interim Greenway Trail
 - ***** Access Paths
 - ▲ Connection points to other pedestrian paths and bicycle routes
 - Viewpoints
 - View Corridors

- City Boundary
- Greenway Boundary
- Proposed Right-of-Way

NORTH

0 2,000 4,000

Scale in Feet

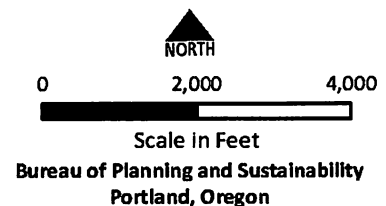
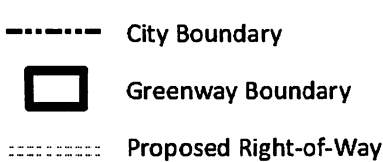
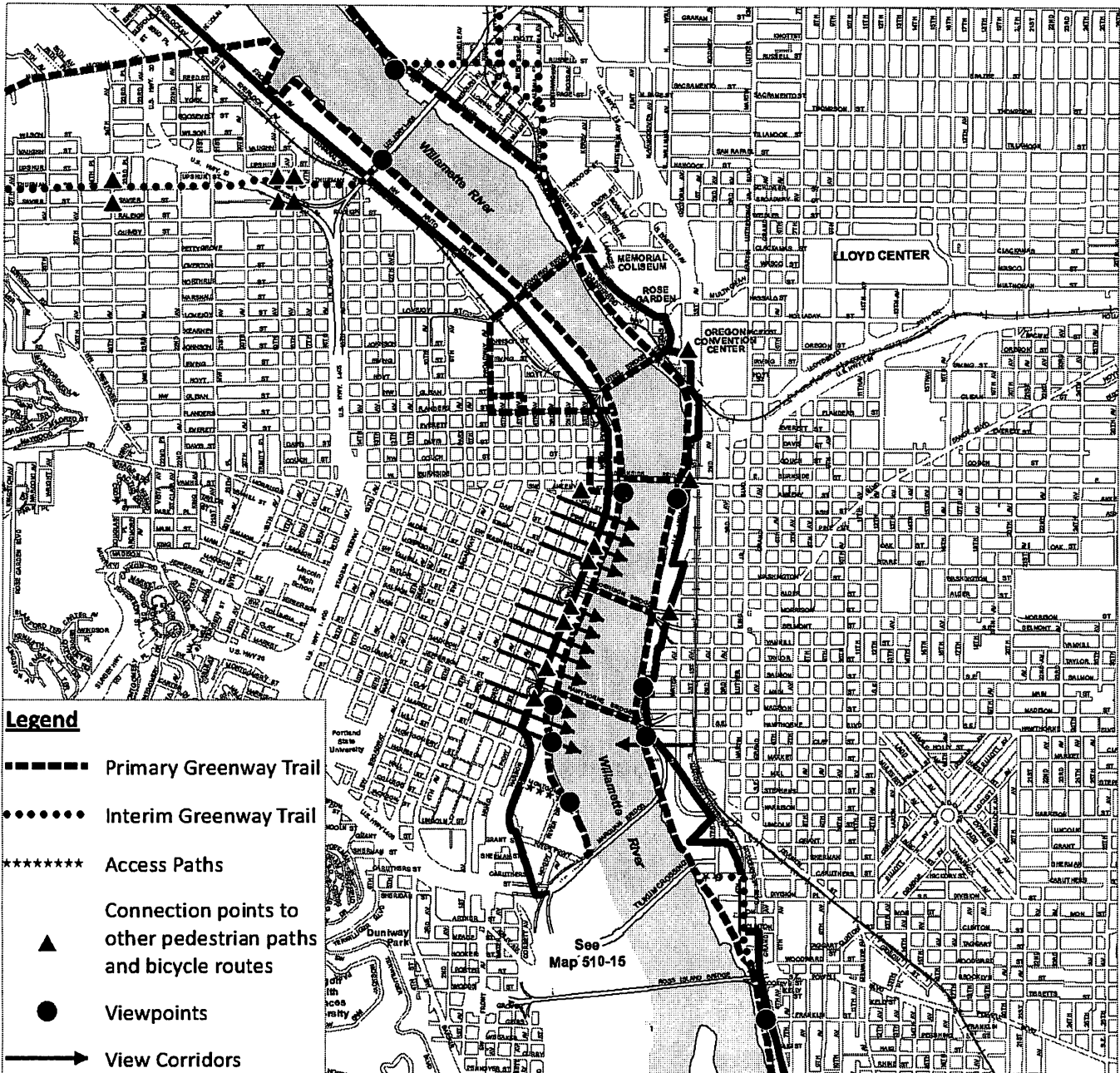
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 Portland, Oregon

Willamette Greenway Public Access Map

Map 440-1

Map 4 of 5

Map Revised January 1, 2015

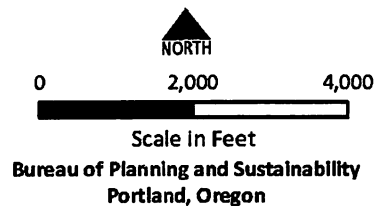
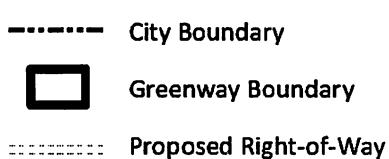
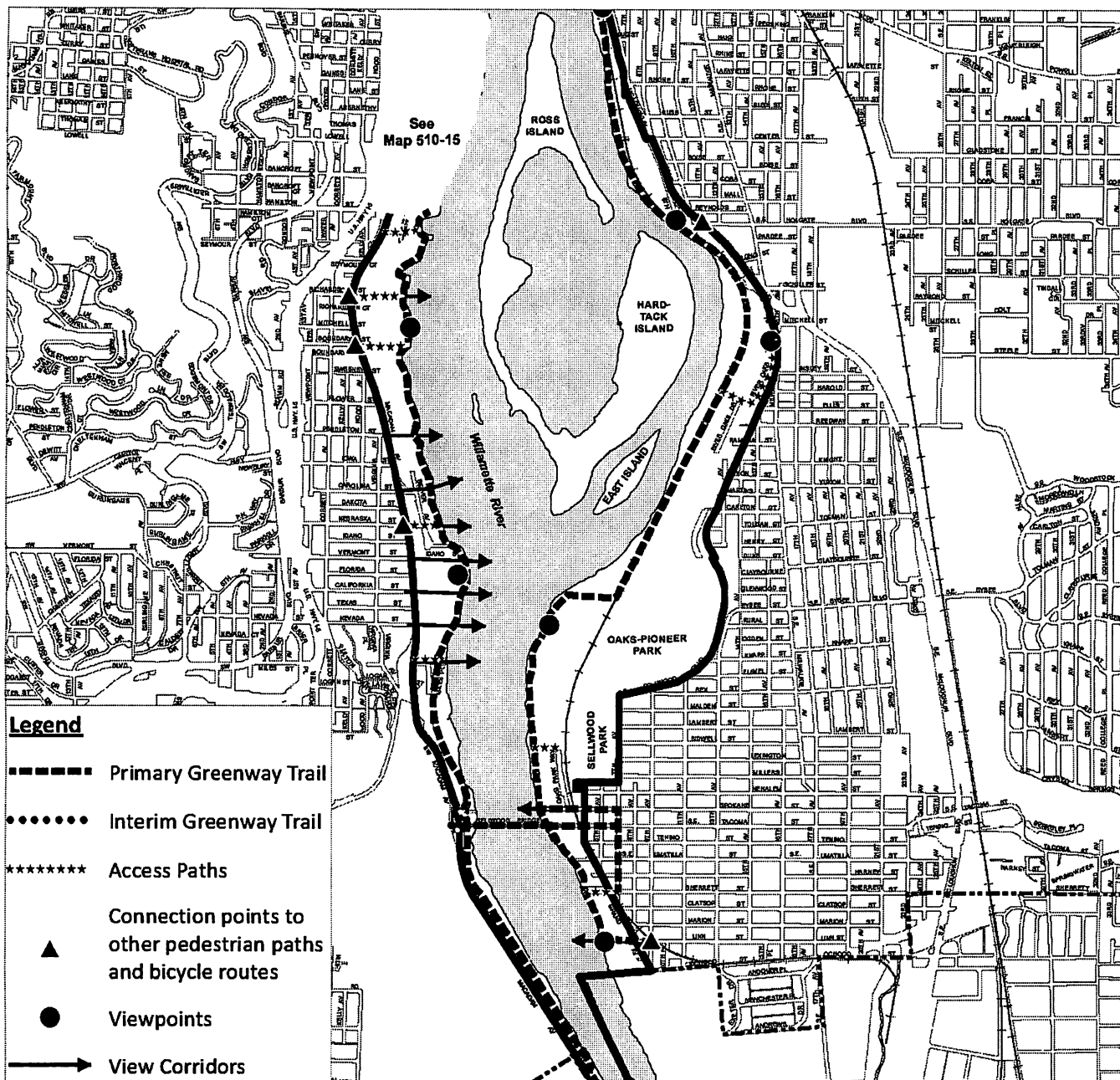


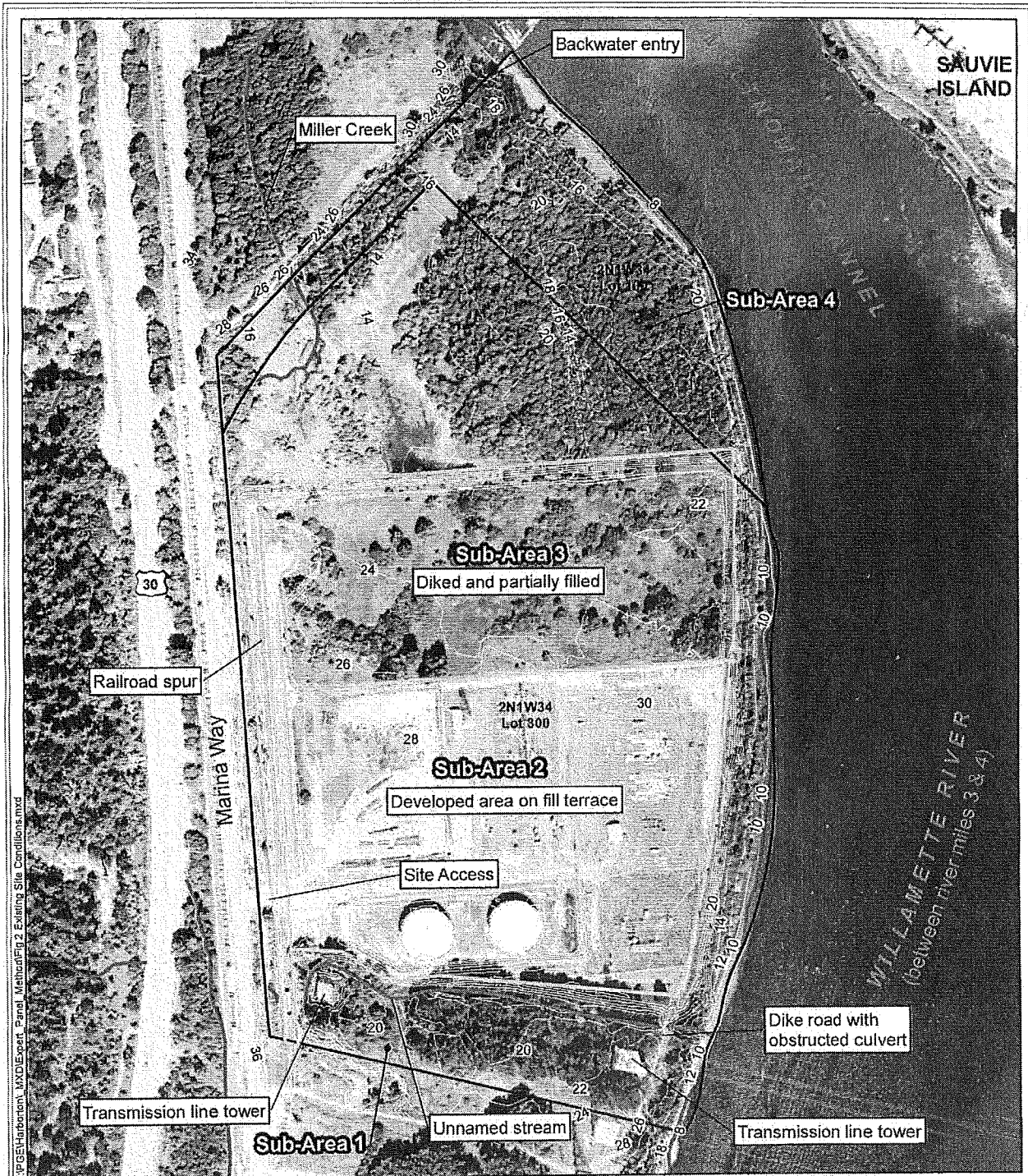
Willamette Greenway Public Access Map

Map 440-1

Map 5 of 5

Map Revised January 1, 2015





KIP@Harborton_MXDExpert_Panel_MatchFig 2 Existing Site Conditions.mxd

- Legend**
- Study Area Tax Lots
 - Streams (Metro RLIS)
 - Fill Areas



Figure 2 - Existing Site Conditions with Tax Lot Numbers

Natural Resources Delineation Report
 PGE Harborton Property
 Portland, Oregon

March 2011
 Prepared for Portland General Electric



Exhibit K-1

Confidential

Exhibit K-2

Confidential