

IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND, OREGON

IN THE MATTER OF AN APPLICATION)
BY ROLAND HAERTL)
FOR A COMPREHENSIVE PLAN MAP) LU 05-138386 CP ZC
AND ZONING MAP AMENDMENT FOR)
COLWOOD NATIONAL GOLF COURSE AT:)
7313 NE COLUMBIA BOULEVARD)

FINDINGS AND CONCLUSIONS

ADOPTED BY THE
CITY COUNCIL ON
OCTOBER 22, 2008

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FINDINGS AND CONCLUSIONS

The findings and conclusions of the City Council in this matter are set forth below.

FINDINGS
For
FINAL DECISION OF THE CITY COUNCIL

GENERAL INFORMATION

File No.: LU 05-138386 CP ZC

**Applicant's
Representatives:** Steve Janik, Attorney
Ball Janik LLP
101 SW Main Street, Suite 1100
Portland, OR 97204

Trina Buitron Whitman
WRG Design, Inc.
Portland, OR 97221

Applicant: Roland Haertl
Haertl Development Company
632 NW View Ridge Lane
Camas, WA 98607

Owners: Colwood Partnership
2155 Kalakaua Ave Suite 602
Honolulu, HI 96815-2354

Site Address: **7313 NE Columbia Blvd**

Legal Description: TL 100 47.56 ACRES, SECTION 17 1 N 2E; TL 100 0.45 ACRES, SECTION 17B 1N 2E; TL 800 2.33 ACRES, SECTION 17 1N 2E; TL 400 48.15 ACRES, SECTION 17 1N 2E; TL 300 32.17 ACRES, SECTION 17 1N 2E;

Tax Account No.: R942170040, R942170320, R942171040, R942171960, R942171970

State ID No.: 1N2E17 00100, 1N2E17B 00100, 1N2E17AD 00800, 1N2E17 00400, 1N2E17 00300

Also Owns: TL 2000 .32 ACRES, SECTION 17 1N 2E, R942171980, 1N2E17AA 2000

Quarter Section: 2338, 2337, 2438

Neighborhood: Cully, contact Land Use/Planning Chair, Steve Yett at 503-282-3251.

Business District: Columbia Corridor Association, contact Steve Mason at 503-287-8686.

District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156

Plan District: None

Existing Zoning: OS, Open Space zone
c, Environmental Conservation overlay zone
h, Aircraft Landing overlay zone
x, Portland International Airport Noise overlay zone

Case Type: Comprehensive Plan Map Amendment (CP)
Zoning Map Amendment (ZC)

Procedure: Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, in a public hearing. The City Council will make the final decision on this request.

Proposal: The subject property is currently the site of the Colwood National Golf Course. This site, approximately 138 acres, is presently zoned Open Space (OS), with an Aircraft Landing (“h”) overlay zone mapped on the site, and the Portland International Airport Noise (“x”) overlay zone mapped on the northern half of the site. An Environmental Conservation (“c”) overlay zone encompasses segments of Whitaker Slough and the Columbia Slough, which run through the site. Public Recreational Trail designations are mapped generally in an east-west direction through the site. The site is bordered on the north by the Portland International Airport and by NE Columbia Boulevard to the south. NE Alderwood Road runs through the site in a north-south direction and NE Cornfoot Road runs through the site in an east-west direction.

The applicants are requesting a **Comprehensive Plan Map Amendment** from Open Space to Industrial Sanctuary and a **Zoning Map Amendment** from OS, Open Space to

IG2, General Industrial 2 for a majority of the site. The exception is the retention of OS zoning on 22.5 acres of the site, adjacent to the branches of the slough. The applicant proposes to dedicate that portion of the site to Portland Parks and Recreation. In addition, a \$100,000 cash donation will be made to Parks to assist in maintenance and physical improvements to the property. The c, h and x overlay zones will remain unchanged.

The applicant has identified no specific development plans as part of this proposal. The application includes a Transportation Impact Analysis, which assesses possible development scenarios and the resulting traffic impacts and identifies several proposed transportation improvements. The applicant proposes to: (1) fully fund new traffic signals and additional lanes at NE Alderwood/Columbia and Cully/Columbia intersections and (2) contribute funding to add a southbound to westbound right turn lane at NE 82nd Avenue/Alderwood intersection. The applicants propose to fund either the construction of a I-205 southbound on-ramp truck/carpool bypass lane from NE Killingsworth or to widen the ramp, with an island and traffic separator, to facilitate eastbound to southbound right turns from NE Killingsworth to I-205 south.

Approval Criteria:

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

- 33.810.050.A - Approval Criteria for Comprehensive Plan Map Amendments
- 33.855.050 – Approval Criteria for Base Zone Changes

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on June 21, 2005 and determined to be complete on August 2, 2005.

Recommendation:

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli, Senior Planner

BDS Staff Recommendation to Hearings Officer: Partial approval, with conditions.

Hearings Officer: Gregory J. Frank

Hearings Officer Recommendation to City Council: Denial of the Comprehensive Plan Map Amendment and Zoning Map Amendment

Procedural History:

Public Hearing before the Hearings Officer: The hearing was opened at 1:31 pm on March 24, 2008, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 4:31 p.m.. The record was held open until 4:30 pm on April 14, 2008 for new written evidence, and until 4:30 pm on April 28, 2008 for the applicant's rebuttal. The record was closed at that time. The Hearings Officer received a substantial amount of written and oral testimony (Exhibits H.1 – H116). The Hearings Officer issued his recommendation on May 15, 2008.

The Hearings Officer, per 33.730.040 (see also 33.810.040 A.), made a recommendation to the City Council. The Hearings Officer's recommendation described to the Council possible approaches to evaluate whether the proposal is on balance equally or more supportive of the Comprehensive Plan as a whole than the old designation. The

Hearings Officer rejected an approach that merely counts and compares how many policies were equally or better supported versus how many policies were not. Rather, consistent with prior Council decisions, he recommended an approach that requires the Council to analyze the current designation and the proposed designation against each relevant policy, then balance the policies, which necessarily involves subjective judgment about how to weigh the policies. The Hearings Officer recommended that policies that are more closely linked or are more significantly impacted by the proposed amendment should be given more weight. As described in the findings below, the Council adopts the Hearings Officer's recommended approach.

Public Hearing before the City Council: The Portland City Council held a hearing on September 17, 2008. In response to a letter submitted by the applicant's legal counsel, Steve Janik, the Council considered a request to postpone the hearing in order for all five members of the Council to be present. The Council declined to postpone and proceeded with the hearing. In addition, Mr. Janik requested an opportunity to respond to the testimony submitted to Council. Pursuant to ORS 197.763(6)(e), the Council granted the applicant a 7-day period to submit final written arguments. On September 23, 2008, the applicant notified the City that it would not be submitting final arguments.

The City Council received a substantial amount of written and oral testimony. Relevant arguments are addressed below in the appropriate sections of the decision and findings. The City Council closed the record and, after discussion, voted tentatively to deny the request in accordance with the Hearings Officers recommendation. The decision was contingent on consideration of the applicant's final written argument. Staff was directed to prepare draft findings for possible final action on October 22, 2008 at 2 pm. The Council made a final decision and adopted these findings on October 22, 2008.

ANALYSIS

Site and Vicinity: The site subject to the Comprehensive Plan Map/Zoning Map amendment is approximately 138 acres in size and developed as an 18-hole golf course with accessory club house with a restaurant, lounge and pro-shop and outbuildings for maintenance equipment and golf cart storage. Various segments of the Columbia Slough run through the site. There is a man-made pond in the northern section of the course. Trees and other vegetation about the water bodies and numerous large mature deciduous and conifer trees are located along the edges of the fairways. Movement along the golf course involves crossing two rights-of-way. NE Alderwood Road must be crossed between holes 4 and 5, 7 and 8 and 10 and 11. NE Cornfoot Road must be crossed between holes 12 and 13 and 16 and 17.

The site is bounded by NE Columbia Boulevard to the south. On the western edge, the site abuts NE Colwood Way, which extends approximately 1,000 feet north from NE Columbia Boulevard. This roadway provides access to industrial sites. Industrial, employment and airport-related uses, abut the eastern property line. The eastern abutting sites have access off NE Columbia Blvd via NE 80th Avenue and NE 82nd Avenue and the NE 82nd Avenue Frontage Road. The ITT technical college abuts the eastern property line. The northern property line abuts Port of Portland property identified as the Military Base Sector. This 270-acre area is leased to the Oregon Air National Guard and the US Air Force Reserve. NE Cornfoot Road, which runs in an east-west direction through most of the site, provides access to the military facilities. Immediately north of the military section is the Portland International Airport airfield, which is comprised of two main runways and a cross-wind runway. Immediately northeast of the site, off NE Alderwood Road, which runs in a north-south direction is the multi-story Country Inn

Hotel and Brennen's restaurant and lounge. Across NE Alderwood Road, on the east side of the right-of-way is the Airport Business Center. This industrial park contains multi-tenant warehouse-like buildings.

Existing Zoning: The subject site is currently zoned OS, (Open Space). The Environmental Conservation ("c") overlay zone is applied along the slough segments, the Portland International Airport Noise ("x") overlay zone covers approximately the north half of the site and the Aircraft Landing ("h") overlay zone covers the entire site.

The *Open Space* zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

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

The *Environmental Conservation overlay zone* is one of two overlay zones that are applied to protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The Environmental Conservation overlay zone is applied in areas where the resources and functional value can be protected while allowing environmentally-sensitive urban development.

The purpose of the *Portland International Airport Noise Impact* overlay zone is to reduce the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

The *Aircraft Landing* overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation near the airport.

Proposed Zoning: The applicant is proposing a Zoning Map amendment that will place General Industrial 2 (IG2) zoning on approximately 115 acres of the site. The applicants' proposal includes retention of OS zoning on 22.5 acres of the site. Further, the applicant proposes to retain the overlay zones as currently applied.

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 that is similar in character to existing development. The intent is to promote viable and attractive industrial areas. Areas mapped with the IG2 zone 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 that are usually set back from the street.

Land Use History: City records indicate the following previous land use reviews on the subject site:

- The golf course was annexed from Multnomah County in the City of Portland effective January 1, 1986 (annexation #A-28-85).
- CU 83-69/SRZ 44-89: Conditional Use Review and Site Review approval for golf cart storage addition at golf course.
- LUR 98-00818 EN: The City approved an environmental resource enhancement project for the Portland Office of Transportation in order to implement bank stabilization, erosion control and vegetative enhancement along NE Cornfoot Road. A section along the golf course on the south side of NE Cornfoot Rd., west of NE Alderwood was included. The decision required installation of native plants along the bank of the slough.
- LUR 01-00505 EN: The Multnomah County Drainage District and BES requested, through an Environmental Review, to dredge and restore stream banks along a 7.5 mile reach of the Middle and Upper Columbia Slough. The slough runs through the golf course. The request was approved with requirements for revegetation.
- LU 03-177796 EN: An Environmental Review was approved for a request from BES and Colwood to replace two culverts with pre-cast bridges over the slough. The decision required the planting of 10 trees and other revegetation along the water body.
- 07-129247 PR: A Property Line Adjustment review was approved to move property lines so that lots, owned by Colwood, on the east side of NE Alderwood Road are consolidated and separated from the large tax lot located north of NE Cornfoot Road.

Agency Review: A “Request for Response” was mailed on August 8, 2005. After reactivating the case, after it was put on hold, an updated RFR was mailed on December 28, 2007. The following Bureaus have responded with no issues or concerns regarding the requested land use review:

- Bureau of Police (Exhibit E.1);
- Fire Bureau/Fire Prevention Division (Exhibit E.2);
- Bureau of Development Services/Life Safety Plans Examiner (Exhibit E.7);
- Bureau of Water Works (Exhibit E.9)

Responses from other bureaus and agencies were sent as follows:

Bureau of Environmental Services (BES) determined that the sanitary sewer system currently has capacity and is available to serve the potential proposed development of the site. The site has some topographic and environmental constraints that likely require that sewer flow be directed to multiple existing connection points in the sanitary system. Local pump stations may be necessary to convey flow from the project area to the connection points. Public works permits will be required to extend service. Stormwater disposal, after meeting BES water quality treatment requirements, may be directed to the available facilities, which include two branches of the Columbia Slough. There is an existing system of stormwater outfalls and culverts. There is an existing City-owned storm-only 12-inch NCP main in NE Alderwood Rd., near NE 79th Court and an existing 12-inch storm-only sewer located in NE Colwood Way which outfalls into the slough. This is not City owned. And, there are two open drainage ditch channels located on both sides of NE Alderwood Rd. from NE Columbia Blvd to NE Cornfoot Rd.

The Open Space zone has intrinsic natural resource value for hydrology, water quality and habitats. In its undeveloped state, the site offers benefits for the natural hydrological cycle. The meadows and tree canopy offer infiltration and evapotranspiration of stormwater and groundwater. The Open Space zone provides for protection of permeable surfaces. The golf course provides a buffer ranging from 700 to 1,000 feet which complements the waterway by stabilizing the banks, reducing sediment inputs and filtering pollutants. Given the important watershed and wildlife habitat functions of the site, along and between the sloughs. The BES Watershed Services Group recommends that the entire site be retained as Open Space and strongly recommends that the portion of the site along and between the two sloughs ("Parcel 4 and 7") should remain designated as Open Space to ensure the watershed functions and ecosystem services are sustained in perpetuity. These comments are discussed in detail under approval criteria in 33.810.050.A.1 and 33.855.050.B. (Exhibit E.3 and E.4);

Site Development Section of the Bureau of Development Services (BDS) provided written comments. Site Development states that due to the high groundwater and poor infiltration characteristics, they do not recommend on-site infiltration of stormwater. Rather, per the Multnomah Drainage District approval, the proposed stormwater management plan with water quality swales and discharge to the Columbia Slough is acceptable. Outfalls to the slough may require additional environmental review. The existing golf course is currently served by an on-site (septic) sewage disposal system. At the time of future development, existing systems must be decommissioned through issued decommissioning permits. For new development, public sanitary sewer service connections must be provided. On-site sewage disposal would not be approved, per the State of Oregon Wastewater Treatment System Rules (OAR 340-071-0160(4)(f)). If the northern portion of the site is not sold to the Port of Portland, Site Development would not support the connection of development on the site to the Port's sewer system, as that would result in a party sewer. The property contains flood hazard areas designated by both FEMA and Metro on the Title 3 Flood Management Area maps. The proposed Open Space to remain generally appears to follow the FEMA 100-year floodplain, which is acceptable. All development in the floodplain is subject to requirements of Chapter 24.50, Flood Hazards, and in particular, the balanced cut and fill requirements. Any fill in the floodplain must be balanced by an equal amount of excavation, and all new buildings must be elevated 2 feet higher than the 1996 flood level. (Exhibit E.6)

Multnomah Drainage District No. 1 wrote on May 16, 2005 that the drainage district has reviewed the proposed stormwater plan. The proposed design is in compliance with District standards and approval is granted. (Exhibit E.16)

Portland Park & Recreation recommends the Open Space designation and zoning be retained. However, Parks offers a prioritized list of areas of the site (identified as Parcels on Exhibit C.1) that should remain Open Space. In the written comments the Parks Bureau notes it is mandated to provide parks and recreation services, including natural areas and trails, to meet Portland residents needs. Carrying out this mandate necessitates analyzing all existing open space opportunities, including privately-owned resources. Private facilities and ones operated by other agencies are all considered to be part of a regional park and open space system. It is beyond the capacity of any one public agency to achieve the city's goals. Private open space will become even more important in the future as existing land is reconfigured to accommodate more development and more people. Large open space areas will be most difficult to retain in this process.

Livability will become even more dependent on open space functions due to critical environmental issues such as global warming and resource depletion. Meeting the

city's sustainability goals will require a sufficient amount and type of uses associated with the OS designation. Open space areas are appropriate in all parts of the city, especially industrial areas where it becomes more significant and valuable in contrast to surrounding context. Open spaces provide ecosystem services including mitigating impacts of more intensive uses. Even purely visual access to open spaces particularly if vegetation or water features are present is a highly valued amenity. Public ownership is generally the mechanism used to ensure that open space sites remain as such, but private ownership of Open Space uses will be needed to meet future needs and will continue to form an integral part of the Portland open space system.

In response to the applicant's scheme that designates various "parcels", Parks recommends protection of Open Space with the following priority:

- Parcel 7: This area (22.5 acres) includes portions of the Columbia Slough and is within an Environmental overlay zone.
- Parcels 3 and 4: Conversion to industrial zoning would seriously compromise open space functions, including long term management strategies for the slough, which are aimed at protecting and enhancing its natural resource value. Industrial development of either "parcel" would limit circulation and access to the slough and restrict recreational activities. New impervious surfaces would create additional impacts as would activities associated with the use, including noise, and light, making the remaining open space values more difficult to sustain.
- Parcels 5 and 6: These parcels (approximately 49 acres) have good community and regional access (bus and vehicular) are in close proximity to other open space properties and thus have significant value to the City's and region's park and open space system. The "parcels" are immediately adjacent to the slough and directly across NE Columbia Blvd., from the planned Cully Park. This offers the potential for open space connectivity. Together the two spaces represent a large open space resource, offer visual relief in the area, open up views northward to Washington State and meet recreational needs (private or public).
- Parcel 1: This parcel has the lowest value to the open space system due to its proximity to the airport (with related impacts), interior location (poorer access), less sensitive condition, and comparatively low need for natural resource preservation. These comments are discussed in detail under approval criteria in 33.810.050.A.1 and 33.855.050.B. (Exhibit E.10)

In a separate letter, Portland Parks reports that the City Council allocated funds to the Parks Bureau to commission a consultant to prepare a park master plan to guide future development and use of the Thomas Cully Park, a 26 acre site located at NE 75th and Killingsworth (directly south of the subject site). The master plan is underway. Once it is completed, its implementation will be dependent upon the bureau securing the necessary funding from council. (Exhibit E.17)

Portland Parks submitted an additional response to the Hearings Officer while the record was open (Exhibit H-92). The memo stated the Parks Bureau does not support rezoning the existing Open Space properties. This view exists regardless of property ownership, which is separate from the consideration of land use designation. Although the site is privately owned, it nonetheless contributes to the open space system. One does not need to pay green fees to appreciate the visual and natural resource (habitat and plant biodiversity) that the site currently provides. The Parks Bureau graciously acknowledges the applicant's offer to transfer portions of the site to public ownership, along with a \$100,000 contribution. Parks continually seeks to preserve existing open space land (privately or publicly held). Parks recommends, as does the BES Watershed Group, that the entire site remain as currently zoned.

Bureau of Planning submitted written comments. Planning identified the following four areas of interest:

1. **Airport Futures:** In fall 2007 the Port of Portland began updating its airport master plan which will include a final airport layout alternative for projected passenger and cargo demand in 2035. And the City of Portland Bureau of Planning began a planning process that considers potential land uses and future development for the industrial and employment areas roughly between the Columbia River and Columbia/Lombard/Sandy Boulevards and between SE 33rd and 122nd Avenues. Both the City's legislative land use planning project and the Port's master plan will require a Traffic Impact Analysis. Assuming the Port purchases the northern portion of the golf course, the future use of that portion of the site will be analyzed as part of that Traffic Impact Analysis.
2. **Comprehensive Plan Update to Address Statewide Planning Goal 9 (Industrial and Employment Land Supply):** The City is currently in "periodic review" to update its Comprehensive Plan. This effort is expected to be completed in 2010. As part of the project, Statewide Planning Goal 9 compliance requires an economic opportunities analysis of industrial and employment land supply and demand and designation of an adequate supply to meet demand in a 20-year planning period. Recent analysis of the city's industrial land supply indicates that demand will exceed supply. The Regional Industrial Land Study (2001) found that the industrial land market, particularly for sites 50 acres or more, is not meeting demand. Expansion of the urban growth boundary (UGB) is an alternative course to meet the forecasted demand. But UGB expansion is constrained by farmland conversion limits, transportation infrastructure needs and unsuitable industrial locations. These conditions highlight the Colwood site as a rare opportunity to expand the industrial land supply within an existing industrial district.
3. **Natural Resources/Metro Title 13 Compliance:** Metro adopted Title 13 of the Urban Growth Management Functional Plan in September 2005. On January 5, 2007, the Department of Land Conservation and Development (LCDC) executed an order acknowledging Title 13. The LCDC order gives Metro area cities and counties, including Portland, two years (January 5, 2009) from LCDC acknowledgement to demonstrate compliance with Title 13. The City will soon be required to demonstrate compliance--to protect, conserve and restore fish and wildlife habitat, but is not required to do so for this proposed Comprehensive Plan Map Amendment.

Compliance with Title 13 will be particularly challenging in the Columbia Corridor where remaining natural resources are relatively scarce and industrial development is a high priority. Continuing to conserve existing natural resources and maintaining opportunities for restoration will help the City meet these obligations. The City's goal for industrial development and environmental enhancement would be better optimized by retaining the Open Space designation for the portion of the site that is between and connects the slough (as described in the BES recommendation).

4. A planning project is underway that explores how to increase and sustain the attractiveness of the Cully-Concordia area for families with school age children. The project will create an action list and build partnerships to follow up on ideas generated through the project. The project is looking at current and planned needs and desires and their connections including recreation and open spaces, transportation, land uses, et.al. The Colwood site is immediately adjacent to the project area, with the northern-most boundary at NE Columbia Blvd. These comments are discussed in detail under approval criteria in 33.810.050.A.1 and 33.855.050.B. (Exhibit E.14)

Portland Transportation (PDOT) and Oregon Department of Transportation (ODOT) provided written comments on the requested land use review, and recommend conditions of approval that will be necessary for the request to be approved. These comments (Exhibits E.11, E12 and E.13) are discussed in detail under approval criteria in 33.810.050.A.1 and 33.855.050.B. In summary, PDOT has identified a number of improvements at intersections that are necessary to mitigate traffic impacts. The improvements will achieve acceptable levels of services. Even with the mitigation, industrial development must be limited to address impacts to State (ODOT) facilities. Further, dedications will be required along the rights of way that are within or adjacent to the site.

Oregon Department of Transportation (ODOT) reviewed the proposal as the subject site is in the vicinity of US Highway 30 and Interstate 205. ODOT has jurisdiction of these State highway facilities. ODOT submitted comments on January 28, 2008 (Exhibit E.13). In response to the PDOT written response, ODOT submitted a memo on March 13, 2008. (Exhibit E.12). ODOT points out that the proposal must address the Transportation Planning Rule (TPR) and specifically must show that the proposal will result in “no significant effect”. If there is significant effect, mitigation is required. ODOT states that after much discussion about proposed mitigation measures, that for one reason or another, the proposed mitigation actions were deemed unacceptable. The applicant, the City, and ODOT did agree to the following mitigation principles:

- Development on “Parcel 1” is prohibited prior to adoption of an airport conditional use master plan amendment or the Airport Futures project.
- Development on the remaining acreage is subject to the applicant’s proposed trip cap of 259 total PM peak-hour trips. Development may be permitted outright to the point where nine additional trips occur at the Killingsworth/I-205 ramp. Development beyond that cap, up to 259 trips, may occur once the Cully Park property is developed as a park.

ODOT raises concerns regarding the trip rate of 0.27 trips per 1,000 square feet of proposed warehouse/freight movement uses. Further ODOT has recommended a change to staff recommended Condition F.

PDOT staff submitted additional findings to the Hearings Officer during the open record period (Exhibit H-97)..PDOT recommended conditions of approval to address the concerns raised by ODOT.

ODOT submitted a letter to the Hearings Officer during the open record period endorsing the PDOT recommendation (described above). (Exhibit H-101)

ODOT submitted a letter the City Council, dated September 12, 2008. This letter disputes the Hearings Officer’s recommendation regarding appropriate trip rates.

Neighborhood Review: A “Request for Response” was mailed on August 8, 2005. After reactivating the case, after it was put on hold, an updated RFR was mailed on December 28, 2007. A “Notice of a Public Hearing on a Proposal in Your Neighborhood” was mailed on January 18, 2008. . After the applicants asked to reschedule the hearing, a second “Notice of Public Hearing” was mailed on February 29, 2008.

A “Notice of Public Hearing Before the City Council” was mailed on August 18, 2008 for the September 17, 2008 City Council hearing. Written comments were submitted to staff prior to completion of the Staff Report and Recommendation. A significant amount

of written and oral testimony was submitted to the Hearings Officer. Additional oral and written testimony was submitted to the City Council. Relevant testimony is addressed below under the appropriate criterion.

Summary of Applicant's Statement: The Colwood National Golf Course has been in operation since the 1920s. When it first opened, it was located in a pastoral and largely rural area of the City. Its founding pre-dated the use of the immediate neighboring property for the Portland International Airport operations. The extensive industrial development and vehicular traffic now present in the area has grown around Colwood, leaving the golf course the exception to the current industrial use pattern in this area. Colwood is no longer competitive with newer, larger golf courses. Despite ongoing upgrade and maintenance efforts, its size and less appealing setting make the long term viability of the course fall into question.

The other reality facing Colwood is its proximity to the Portland International Airport. Colwood's owners are aware that future airport facilities expansion would directly impact the northern 47.9 acres of the golf course. Removal of nearly half the property would preclude golf course use on that portion of the site and thus prevent the course from operating as one cohesive use. The Port and golf course owners are in the process of finalizing a Purchase and Sale Agreement with the Port of Portland for the 47.9 acre piece of property.

Lastly, the Colwood site is located within a region that faces a growing need for suitable industrial sites, which has reached a critical point during the last few years. With a total of 115 developable acres, the Colwood site would be one of the largest available developable parcels in the City. The subject site is relatively flat and is just over one mile from the I-205 interchange, is bordered by industrial uses and the Portland International Airport. Development of the site would create needed jobs within the City of Portland. It is anticipated that the site will be developed as a multi-tenant business park. Businesses in the distribution and logistics sectors are likely to be the primary users of such facility. Other possible uses include light manufacturing and aviation related uses. According to the City of Portland's Industrial District Atlas, these facilities on average accommodate 17 jobs per developed acre. Therefore, 1,955 jobs could be created from this proposal.

The golf course, established in the 1920s, pre-dates the City's Comprehensive Plan and Zoning Maps. The Open Space designation was assigned to the site because of its golf course use, not for an intrinsic open space value (such as natural areas located across the entire site or proximity to existing residential areas). The site is privately owned and therefore, public access to the site is only allowed for fee-based golfing activities. While the site is zoned OS, residents cannot use the site as a true "open space". Further, the current use precludes other simultaneous uses due to the dangers associated with golfing. The proposed 22.5 acre area dedicated to the Portland Parks Bureau will be accessible to a members of the public for a variety of open space related users for free.

Required Balancing Analysis for a Comprehensive Plan Map Amendment: The applicable approval criterion for the Comprehensive Plan Map Amendment in this case is set forth below:

"33.810.050 A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met: 1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation."

The applicant, the applicant's supporters, and opponents to the application all offered extensive evidence and argument related to this criterion. The approval criterion mandates that the Council delicately balance highly disparate goals and policies.

Burden of Proof. The applicant, in a request for a comprehensive plan amendment, has the burden of proof and persuasion. It is applicant's responsibility to provide evidence, in the record, that the above-quoted approval criterion is satisfied.

Application of 33.810.050 A.1. First, the above-stated approval criterion requires a comparison of each relevant Comprehensive Plan policy: does the "new" map designation (Industrial) equally or better meet each relevant Comprehensive Plan policy than the "old" designation (Open Space)? The approval criterion is not satisfied by simply demonstrating that the "new" Comprehensive Plan map designation (Industrial) meets or is consistent with each Comprehensive Plan policy. The Council may disregard Comprehensive Plan policies that it finds irrelevant to this application (i.e. Goal 1, Title 5 Neighbor Cities and Rural Reserves). In these findings, Council discusses those Comprehensive Plan goals and policies that it finds are relevant to the proposed amendment. The Council finds that other Comprehensive Plan goals and policies are not relevant to the proposal. For those policies identified by the applicant, but which the Council believes are not relevant, the Council provides an explanation as to why such policy is not relevant.

Second, after making the comparison described above, the Council must determine whether, on balance, the new designation is equally or more supportive of the Comprehensive plan as a whole than the current designation. *Waker v. Clackamas County*, 111 Or App 189, 826 P 2nd 20 (1992) provides insight into the "balancing" process that the courts expect a local jurisdiction to conduct. The court in *Waker* expressly authorized a local jurisdiction to balance its goals and/or policies. The court stated "we think some balancing or weighing is both permissible and necessary..." *Id.* at 193. The *Waker* court went on to say that the "weight to be given a goal and the magnitude of the effects that particular proposed uses will have on the values that the different goals protect will inevitably vary from case to case" and that "some of the goals may be totally irrelevant." *Id.* at 194. The *Waker* court concluded by stating: "The way in which the factors are balanced is a question for the local government to answer initially, subject to LUBA's and our review." *Id.* at 195.

The Oregon Land Use Board of Appeals (LUBA) has relied on the *Waker* balancing analysis in evaluating the Council's past application of 33.810.050 A.1. In *Welch v. City of Portland*, 28 LUBA 439 (1994), LUBA held: "under *Waker*, so long as the record reflects that plan policies were considered and balanced, this is all that is required." *Id.* at 447. Another Portland case decided by LUBA, *McInnis v. City of Portland*, 25 Or LUBA 376, 385 (1993), held that the "choice between conflicting believable evidence belongs to the city." Finally, in *St. Johns Neighborhood Assn. v. City of Portland*, 34 Or LUBA 46, 52-53 (1998), LUBA stated that the City of Portland was permitted to balance competing plan policies under 33.810.050 A.1.

Based on these cases, the Council has broad discretion in establishing how to balance the relevant goals given the particular proposal and location. There is nothing in the City's code or policies that requires that all Comprehensive Plan policies be given equal weight in the balancing process. The Council has the authority to give some relevant Comprehensive Plan policies more weight and other relevant policies less weight in reaching its final decision as to whether the "new" (Industrial) proposed designation, equally or better, satisfies the policies than the "old" (Open Space) designation for this particular property.

“Nexus/Link” Approach. In evaluating the application against 33.810.050 A.1, the Council follows the approach recommended by the Hearings Officer. The Council gives more weight in the balancing process to Comprehensive Plan policies that are *topically* or *geographically* more closely connected to the subject site. This approach requires Council to review each policy and determine the nexus or link between the policy and the property/use in this case. For example, Goal 1, Title 2 (Regional Parking Policy) has very little topical connection with the application in this case. However, Goal 8, section 8.9 (Open Space) has a close topical link to the present application. Finally, as discussed above, some Comprehensive Plan policies are simply not relevant to the application. An example of a policy not relevant would be Goal 2, Policy 2.3 (Annexation).

The Council initially looks to those policies that are determined to have a close link to the application. In this case, the following policies fall in the “close nexus/link” category and should be given the most weight in the balancing process:

General Topic Addressed by Policies	Comprehensive Plan Policy Reference
Economic Development	Goal 1 Policy 1.5 Metro Titles 1 and 4, Goal 2 Policies 2.2, 2.14 and 2.19, Goal 3 Policy 3.6 Cully Neighborhood Plan 4B, Goal 5 Policies 5.1, 5.2, and 5.8, and Goal 10 Policy 10.7 Statewide Land Use Goal 9.
Open Space	Goal 2 Policy 2.6, Goal 3 Policy 3.6 Cully Neighborhood Plan Policy 4D, Goal 8 Policies 8.9, Goal 10 Policy 10.7 Statewide Land Use Goal 8, and Goal 11 Policy 11F.
Environment	Goal 1 Policy 1.5 Metro Titles 3, 12 and 13, Goal 3 Policy 3.6 Cully Neighborhood Plan Policy 4E, Goal 5 Policy 5.9, Goal 7 Policy 7.4, Goal 8 Policies 8.4, 8.8, 8.10, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17 and 8.18, Goal 10 Policy 10.7 Statewide Land Use Goals 5, 7, and 13, and Goals 11 and 11C and Policies 11.21 and 11.22.
Transportation	Goal 2 Policy 2.12, Goal 3 Policy 3.6 Cully Neighborhood Plan Policies 6A, 6B and 6C Goal 5 Policies 5.4 and 5.5, Goal 6 Policies 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.14, 6.15, 6.16, 6.18, 6.19, 6.20, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.30, 6.31, 6.32, 6.36, Goal 10 Policy 10.7 Statewide Land Use Goal 11 and 12, and Goal 11 and Policy 11.10.

Neighborhoods

Goal 2, Policy 2.19, Goal 3, Policy 3.6 Cully
Neighborhood Plan Policies 1A, 2B, and 7A, Goal 5
Policy 5.9.

The economic development and open space policies are closely linked to the proposal. By adding industrial land to the City, the proposal will potentially support economic development opportunities, but will remove private open space that provides recreational and scenic opportunities. The environmentally related policies are closely linked primarily because of the location of the Columbia Slough on the property, but also because of the density of trees on the site and the proximity of residential neighborhoods. Neighborhood related policies have a close link to the proposal because they apply to the particular circumstances of development in the Cully Neighborhood. Finally, the transportation policies are closely linked because the proposal, located on a Major City street, would add more vehicle, bicycle and pedestrian trips to NE Columbia Blvd., but through proposed conditions would result in construction of a number of transportation improvements.

Given that the present proposal is to convert property from an open space designation to an industrial designation, the Council gives additional weight to the following policy subject matters: Economic Development, Open Space and Environment. As discussed in the findings below, most of the economic development policies referenced above are equally or better met by a change to an industrial sanctuary Comprehensive Plan map designation. However, the open space and environmental policies are better met by retaining the existing open space designation.

Because the open space, economic development and environmental policies are most directly implicated by the proposal, Council places the most weight upon these subject matter areas. Council further finds, consistent with much of the opposition testimony, including the official position of the Bureau of Parks and Recreation, that because open space is a precious and limited quantity resource that would be extremely difficult to replace, the open space policies should be given the most weight in the balancing process for this particular application. The applicant has argued that this means that the open space policies are a prohibition on redesignation of property designated open space. That is inaccurate. Just as the weight given to industrial sanctuary policies in a proposal to redesignate industrial land does not preclude a change in the comprehensive plan designation of industrial land (see, e.g., Findings for Ordinance No. 171564 (LU 97-00158 CP ZC)), additional weight given to open space policies when an applicant proposes to change the designation of open space does not mean that a change from open space designation is prohibited. See *St. Johns Neighborhood Assn. v. City of Portland*, 34 Or LUBA at 52 (Council disagreed that open space designations are locked in concrete: “[S]uch an interpretation is inconsistent with the plan’s own recognition that its provisions and map designations are subject to appropriate change as necessary over time. We interpret the plan as necessarily retaining elements of flexibility, lest it become irrelevant or inflict hardship as circumstances change over time.”)

It does mean that an applicant has a significant burden of proof to demonstrate that the economic development policies are so supported and better met by a particular proposal that the redesignation outweighs on balance the fact that the current designation better supports the more heavily weighted open space policies. As discussed in the findings that follow, the Council finds that the applicant has not carried its burden of proving that, on balance, the current proposal to convert open space to industrial land is equally or more supportive of the Comprehensive Plan as a whole.

Constitutional issues: The applicant's representative stated during the Council hearings process that the golf course on the subject property is not a viable economic use. When asked directly about this statement, the applicant's representative stated that he believed a decision to deny the application would constitute inverse condemnation. When asked whether there was any evidence in the record to support the claim, he said there was not. Given the evidence in the record showing a number of golf courses in the same area of the City, the fact that golf course continues to operate, and the applicant's statement, the Council finds that the applicant has not established on the record that the current open space designation does not permit a viable economic use.

ZONING CODE APPROVAL CRITERIA

This report contains the following parts, each of which examines compliance with applicable criteria:

Part A Comprehensive Plan Map Amendment

Part B Base Zone Map Amendment

PART A. COMPREHENSIVE PLAN MAP AMENDMENT

The applicant is requesting a Comprehensive Plan Map amendment from Industrial Sanctuary to Mixed Employment. For the requested Comprehensive Plan Map amendment to be approved, the applicant must demonstrate that the approval criteria in Section 33.810.050 of the Portland Zoning Code are met.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

- 1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the *Comprehensive Plan* as a whole than the old designation;**

Findings: The proposal involves a Comprehensive Plan Map Amendment from Open Space to Industrial Sanctuary. The following analysis includes an assessment of the Comprehensive Plan goals and policies that are relevant to this proposal. For those policies identified by the applicant, but which the Council believes are not relevant, the Council provides an explanation as to why such policy is not relevant.

Based on the findings identified below, the requested Comprehensive Plan Map designation on balance will not be equally or more supportive of the applicable goals and policies of the *Comprehensive Plan* as the existing designation. Therefore, this criterion is not met.

Goal 1 Metropolitan Coordination

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region

Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Policy 1.5 Compliance with Future Metro Planning Efforts

Review and update Portland's Comprehensive Plan to comply with the regional Framework Plan adopted by Metro.

Findings: Policy 1.5 requires the review and update of Portland's *Comprehensive Plan* so that it complies with the *Regional Framework Plan* adopted by Metro. The *Urban Growth Management Functional Plan* was approved by the Metro Council on November 21, 1996, and became effective February 19, 1997. The purpose of this plan is to implement the Regional Urban Growth Goals and Objectives, including the 2040 Growth Concept. Local jurisdictions must address the *Functional Plan* when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. Each title of the *Urban Growth Management Functional Plan* is addressed below.

As noted in the discussion below, Titles 3, 12 and 13 should be weighted more than the other two relevant Titles—Title 1 and 4. The proposal better supports Title 1 and Title 4. However, it does not equally or better support Titles 3, 12 and 13.

The findings under Policy 10.7 respond to applicable Statewide Land Use Planning Goals.

- **Title 1, Requirements for Housing and Employment Accommodation,** *requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations.*

This title has a close topical connection with this application. Housing is a prohibited use in the Open Space zone which corresponds to the existing Open Space Comprehensive Plan Map designation on the site. The IG2 zone, that corresponds to the proposed Industrial Sanctuary designation, allows housing if approved as a Conditional Use and only if it is a houseboat on a water body. Houseboats would not be feasible along the segments of the slough. And due to the Portland International Airport Noise Impact overlay zone, even if allowed as a Conditional Use, housing is not practical on this site. Therefore, the requested change in designation and zone will not impact the region's housing goals.

The proposed Industrial Sanctuary Comprehensive Plan designation promotes a large variety of industrial uses. In contrast, the Open Space designation prohibits most employment-related uses. The proposed designation better supports this title than the existing designation in that it promotes greater opportunities for employment growth.

- **Title 2, Regional Parking Policy,** *regulates the amount of parking permitted by use for jurisdictions in the region.*

This Title requires cities and counties to place limits on parking to ensure a more efficient use of land, and to promote alternative modes of transportation. Whether the site remains under its current Open Space designation or changes to the proposed Industrial Sanctuary designation,

parking on the site will continue to be regulated by provisions of Zoning Code Chapter 33.266, Parking and Loading, and specifically, Zoning Code Section 33.266.110 (Minimum Required Parking Spaces) and PCC 33.266.115 (Maximum Allowed Parking Spaces). These regulations, which have been recognized by Metro as meeting the parking ratio requirements identified in Table 3.07-2 of Title 2, ensure that on-site parking will be consistent with Title 2. Therefore, this Title is not relevant and should not to be considered.

- **Title 3, Water Quality, Flood Management, and Fish and Wildlife Conservation**, *is intended to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities, protecting life and property from dangers associated with flooding and working toward a regional coordination program for Fish and Wildlife Habitat Areas.*

This title has a close topical and geographic connection with this application.

The site contains two branches of the Columbia Slough as well as associated vegetation and habitat area. The City's Environmental Conservation overlay zone has been applied on these resources. Except for a small strip on the southern edge of the Environmental zone, the applicant proposes to retain the Open Space designation on these resources.

The Hearings Officer and City Council received a significant amount of testimony regarding the functional values of the Open Space designation on this site. The BES Watershed Service Group has identified numerous benefits of the current Open Space designation on the Colwood site. Benefits include water quality protection, wildlife habitat and watershed function. Specifically, the trees located along the riparian area reduce the water temperatures in the slough. BES notes that there has been substantial investment in this reach of Whitaker Slough by the City of Portland and Army Corps of Engineers to improve water quality. Undersized culverts were removed and replaced with bridges just east of NE Alderwood Road. The removal of the culverts helps improve flow and reduces thermal loading and allows more groundwater into the slough thereby helping to reduce water temperatures. In addition, the City has replanted several miles of slough bank in the immediate area. Further, the site is located halfway between two regionally significant and publicly-owned natural areas (Whitaker Ponds to the west and Johnson Lake to the east) and the site itself provides a critical habitat area and corridor link for dozens of native wildlife species that use the slough watershed during their breeding, wintering, or migratory seasons. Native trees and shrubs dominate much of the riparian area, providing high quality habitat for native wildlife. During the 108th Annual Christmas Bird Count conducted on January 5, 106 of the 118 species documented by volunteers were found along the Columbia Slough and Columbia River, indicating the importance of these habitats.

BES also points out that the portions of the site along (and between) the sloughs is classified as Class I and II riparian and Class B and C upland wildlife habitat by Metro's Nature in Neighborhoods program. The vast majority of the land area between the Whitaker and Columbia Sloughs, on both sides of NE Alderwood Rd, are included as ranked habitat area in

Metro's inventory. The area between the sloughs but furthest from the sloughs are ranked as low value. Current scientific literature suggests that native vegetation must extend 100 to 656 feet, rather than the 50 to 100 foot buffers provided through the City's environmental zoning. These facts lead BES to recommend the retention of the Open Space designation on "Parcels 7 and 4". Staff states, "There is an important case to be made for the restoration of this area as open space, to ensure its protection and restoration for important watershed functions".

In a letter to City Council, the Bureau of Environmental Services noted that over \$187 million has been spent over the past decade to clean up the Columbia Slough and protect adjacent natural areas. BES stated that rezoning an area that size so close to the Columbia Slough conflicts with the efforts to improve watershed health and could put some of the public investment at risk. Similarly, citizens testified that some 500 mature trees and the 138 acre "greenfield" function as highly effective infrastructure. Replacement with industrially developed sites would overwhelm the existing stormwater management system.

The Portland Bureau of Planning submitted written comments stating that continuing to conserve existing natural resources and maintaining opportunities for restoration will help the City meet its goals and its obligations to address Metro requirements. The Planning Bureau concurs with BES and recommends the retention of the Open Space designation on the area between the sloughs--"Parcel 4". In the Planning Bureau's written comments, staff states, "The City's goal for industrial development and environmental enhancement would be better optimized by retaining the Open Space designation for the portion of the site."

The Portland Parks Bureau submitted written comments stating opposition to removing the Open Space designation on any of the Colwood site. However, in the Parks Bureau response, staff recognizes that the full array of City, State and Regional policies must be weighed when considering a Comprehensive Plan Map Amendment. The Parks Bureau staff identified a prioritized/ranked list of "parcels" on the Colwood site. The Parks Bureau recommends that in addition to "Parcels 7 and 4", "Parcel 3" should remain as Open Space. Parcel 3 is a 4.7 acre area, which is located on the east side of NE Alderwood Rd. Parks staff state that a land use change, from open space to industrial, on the area shown as Parcels 3 and 4 would seriously compromise open space functions. The functions include long term management strategies for the slough which are aimed at protecting and enhancing its natural resource values. Industrial use on either of the lots would limit circulation and access to the slough, and restrict recreational activities. New impervious surfaces would create additional impacts as would activities associated with the use including noise and light making the remaining open space values more difficult to sustain.

Staff recommended to the Hearings Officer an approval of the request, but to retain the Open Space designation on Parcels 7 and 4, a total of 36 acres. The Hearings Officer considered this recommendation but found that a 36-acre open space area was not equally or more supportive of this and many other strongly linked goals and policies. City Council agrees and finds the proposed designation is not equally or more consistent with this Title than the current designation.

- **Title 4, Industrial and Other Employment Areas**, *seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs).*

This title has a close topical and geographic connection with this application. It limits the type and density of uses in areas on the 2040 Growth Concept Map, designated as Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas.

This site is not designated as employment or industrial land on the on the Title 4 map. Eastern abutting sites in the Airport Business Center, as well as properties in the Cascade Station Plan District are designated as "Employment Land". While the site is not specifically identified as an industrial site, it is located within the largest regionally significant industrial area in the region, as identified on the RSIA map. The surrounding properties are located within the airport boundary. Title 4 acknowledges the necessity of non-industrial uses near an airport. The title includes an exception that allows non-industrial uses within airport master plan boundaries. Uses may include travel-related and freight movement activities of airports, hospitality uses, and retail uses that serve the traveling public.

The addition of over 100 acres of industrially-zoned land to this area would contribute to the region's employment needs. To prevent conflicts with industrial uses, the IG2 zone limits the size and number of retail and office and other commercial uses. BDS recommended conditions that would require the 48-acre parcel identified for acquisition by the Port of Portland, to be reviewed through either a Conditional Use Master Plan or legislative planning process. The area is currently under study as part of the City of Portland Bureau of Planning Airport Futures legislative planning study. BDS and the Portland Office of Transportation also recommended conditions that would address capacity limitations of the transportation system., such as specifically setting use, floor area and vehicle trip maximums. The recommended maximums were intended to allow up to approximately 950,000 square feet of floor area for Warehouse and Freight Movement uses. Other industrial use categories would have lower floor area maximums. And the recommended conditions significantly limited uses that typically generate more traffic such as retail and office uses. These limits generally correspond to the use restrictions of the General Industrial and Heavy Industrial zones.

Furthermore, because of the associated traffic impacts, staff recommended the following uses/development be prohibited on this site: (1) retail drive-through facilities, such as fast food or coffee drive-through businesses, (2) truck stops with accessory hotel and/or restaurant space, (3) commercial parking facilities, (4) retail sales and service floor area over 25,000 square feet per site, and (5) office floor area over 25,000 square feet per site.

Changing the Comprehensive Plan Map designation from its current Open Space to Industrial Sanctuary for approximately 115 of the 137 acres better supports Title 4 than the current designation.

- **Title 5, Neighbor Cities and Rural Reserves**, *protects land along the green corridors from continuous strip development to maintain their rural character and agricultural economy.*

This Title is not applicable to the subject site.

- **Title 6, Central City, Regional Centers, Town Centers and Station Communities**, *enhances the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers.*

Because the site is not within one of the centers identified on Metro's 2040 Growth Map, this title is not applicable to the requested amendment.

- **Title 7, Affordable Housing**, *recommends that local jurisdictions implement tools to facilitate development of affordable housing.*

This Title is unaffected by the proposed Comprehensive Plan Map designation. Therefore, it does not apply to this amendment request.

- **Title 8, Compliance Procedures**, *outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.*

This proposal meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in Portland Zoning Code Section 33.730.030 (Type III Procedure). In addition to notifying the affected City-recognized organizations and property-owners within a 400 foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development. Therefore, the proposal is consistent with this Title.

- **Title 9, Performance Measures**, *ensures that progress or lack of progress is measured in the implementation of the Urban Growth Management Functional Plan (UGMFP) and the 2040 Growth Concept.*

This Title is not applicable to the requested land use action.

- **Title 10, Definitions**, *defines the words and terms used in the document.*

This Title is not applicable to the requested land use action.

- **Title 11, Planning for New Urban Areas**, *guides planning of areas brought into the UGB for conversion from rural to urban use.*

This Title is not applicable to the requested land use action.

- **Title 12, Protection of Residential Neighborhoods**, *protects the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services through the protection of single-dwelling residential zoning, the provision of transportation facilities to commercial services and access to parks, greenspaces and schools.*

This Title has a strong topical geographic connection with this application. The nearest residential area is in the Cully neighborhood, south of NE Killingsworth Avenue. Even though the residential area is over 1,200 square feet from the site and the residential area abuts large industrial and employment zoned sites, the Hearings Officer found and the City Council agrees that replacing open space with industrial uses will add air and water pollution and noise.

Evidence submitted to the Hearings Officer and City Council identified the results of an Oregon Department of Environmental Quality air pollution study. The information showed that the Cully and other north and northeast neighborhoods currently experience some of the highest levels of carcinogen-laden air pollution in the region. Adding the Colwood site, which is not currently in the industrial land inventory, could further jeopardize the health of nearby residents. The Colwood site contains over 500 trees and nearly 136 acres of open space vegetation that serves to absorb, cleanse, and cool the stormwater and air from around and inside the area. The applicant failed to analyze the functional benefit of the Colwood site and the impacts of replacing those features with industrial development.

The proposal does not equally or better support this Title, than the current Open Space designation.

Title 13, Nature in Neighborhoods, *implements a program to conserve and protect stream corridors, rivers and their floodplains, prevents water pollution and address water quality.*

Metro adopted Title 13 of the Urban Growth Management Functional Plan in September 2005. Title 13 identifies requirements to protect and conserve riparian corridors and wildlife habitat in the region. Metro adopted maps showing the regional Habitat Conservation Areas to which the Title 13 requirements apply. The areas designated on the Colwood site largely coincide with the existing Environmental Overlay zoning, except for an area located along a secondary drainage in the northeastern portion of the site. (Metro's designations are shown on map attached to the Planning Bureau response). It was not until January 5, 2007 that the Department of Land Conservation and Development (LCDC) executed an order acknowledging this Title. This order gives Metro area cities and counties, including Portland, two years (until January 2009) to demonstrate compliance with the letter and intent of Title 13.

However, as noted above the City must address this Title by January 2009. The Bureau of Planning and BES, call attention to the riparian habitat values of the sloughs that run through the site. Both bureaus, as well as the Parks Bureau identify the importance of retaining the Open Space designation on the portions of the site that are environmentally-zoned, as well as the area between the sloughs. This recommendation is relevant to an array of policies discussed later in this report.

For these reasons and the reasons stated under Title 3, the proposal would make it more difficult for the City to comply with Title 13. Therefore, the proposed change in designation is not equally or more supportive of this topically and geographically linked Title.

Goal 2 Urban Development

Maintain Portland's role as a regional employment, population, and cultural center, and the expansion of housing and employment opportunities while retaining the character of existing areas.

Findings: The policies under Goal 2 have a strong topical and geographic connection with this application. The Hearings Officer found and Council agrees that although the proposal may equally support Policy 2.2, the weight of Policy

2.6, Open Space should be greater when balancing policies. This request is not equally or more supportive of the associated policies, as explained below.

Policy 2.1 Population Growth

Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2,000.

Findings: Neither the existing or proposed designation allows housing development outright, so the amendment request has little impact on this policy. Because industrial (employment) areas, like open space areas, play an important role in serving the increased number of Portland households, the proposal could be found to equally support this policy. However, the Cully neighborhood and the nearby Sumner and Parkrose neighborhoods have limited open space area. Portland Parks determined that the Cully neighborhood has 1 acre of park for every 2,780 residents. The Parkrose neighborhood has 1 acre per 1,840 residents. When compared to the city-wide average of 40 residents per park acre, there is a significant shortage of open space in the immediate area. A loss of approximately 115.5 acres of designated open space would not support the existing population and would not address the area's anticipated growth. The proposal does not equally or better support this policy.

Policy 2.2 Urban Diversity

Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.

Findings: This policy has a strong topical connection with this application. As previously mentioned, the proposed designation provides for greater diversity of uses on the site than the existing designation. The corresponding zones of the proposed Industrial Sanctuary designation allow all industrial use categories.

The applicant submitted an Economic Impact Report, prepared by Leland Consulting Group (Exhibit A.1.i). The report includes the following information:

The Portland region faces a long-acknowledged shortage of suitable shovel-ready industrial sites. Metro's 1999 Regional Industrial Land Study found just 2,387 acres of readily developable "Tier A" industrial land. The same study found that 80 percent of the industrial land inventory was in parcels of 10 acres or less, making them less suitable for development. The study identified just five Tier A parcels greater than 50 acres. Of these large Tier A sites, only one was in Multnomah County. In contrast, the subject site is 115 gross developable acres.

While Metro expanded the UGB in 2002 and again in 2004 to provide 2,300 and 1,940 acres of industrial land, respectively, these changes do not obviate the need for additional industrial land near the region's center. Lands on the edge of the UGB will not be development-ready in the near future due to a lack of access and existing infrastructure.

The site's size, approximately 115 gross developable acres, makes it one of the largest available developable parcels in the City. Metro's 2007

Industrial Land Supply Inventory Update found that the City had just two vacant industrial sites of 50 or more acres. Both sites are owned by the Port of Portland and are only available through ground leases, which severely limits their suitability for many users.

The applicant's economic analysis shows an immediate need in the City as well as the region for additional industrially-zoned, development-ready sites. The report estimates that 115 gross acres could result in providing a place for 1,955 new jobs. The City Council is not convinced that nearly 2,000 new jobs would be created as a result of the change. However, it is acknowledged that the proposed designation will increase the opportunities for future industrial development on the site. The proposed Industrial Sanctuary designation provides more diversified employment opportunities in comparison to the limited employment opportunities generated by Open Space uses.

This policy also calls for a range of living environments for Portland residents, in order to retain and attract a stable and diversified population. The Council heard testimony regarding the value of protected open space areas in industrial areas. The open space area can: (1) directly serve employees, (2) be an amenity that can attract new businesses locating in an area, and (3) function as "green infrastructure", reducing infrastructure/utility costs, development restrictions, and pollutants. The Colwood site serves the Cully neighborhood as well as the surrounding industrial, airport-related and commercial businesses. Given that this policy has multiple objectives, the proposal does not better support nor does it conflict with the policy. This proposal equally supports Policy 2.2.

Policy 2.6 Open Space

Provide opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries. Establish a loop trail that encircles the city, and promote the recreational use of the city's rivers, creeks, lakes and sloughs.

Findings: This policy has a strong topical and geographic connection with this application and should be given more weight.

The applicant is proposing the retention of the Open Space designation on 22.5 acres of site, which capture the sloughs and upland area along the segments of the sloughs. The applicant has stated an interest in transferring ownership of the 22.5 acres to the Portland Parks and Recreation. Further, the applicant states that the donation would be accompanied with \$100,000 to Portland Parks to help fund improvements to the property.

This proposal will result in the closure of a golf course that has served the metropolitan area for over 80 years. Numerous citizens have submitted letters stating their opposition to the proposed loss of open space. Portland Parks and Recreation does not support the change in designation from Open Space to Industrial Sanctuary. Parks states that it is beyond the capacity of any one public agency to meet the city's open space system needs. Private open space will become even more important in the future as existing land is reconfigured to accommodate more development and more people. The open space system includes steep slopes, wildlife habitat, water features, scenic views, riparian corridors, forests, woodlands, agricultural land, gardens,

institutional grounds, greenways and play areas. Further, benefits of the open space system include community identify, neighborhood character, heritage and cultural values, scenic quality, biodiversity, watershed functions and placemaking. Lastly, livability of the city in the future will become even more dependent on open space functions.

Verbal testimony and written comments from citizens speak to the amenities the golf course offers the Cully neighborhood as well as other Portland residents. Beyond it being a golf course that welcomes public use, it offers bird and wildlife watching, scenic views and vistas for bicyclist, pedestrians and motorist. The trees, vegetation and pervious surface improves air and water quality and supports the riparian habitat along the sloughs. Many note that the area, particularly the Cully Neighborhood has ample industrial land but is sorely deficient in open space.

According to the Parks Bureau 2020 Vision Plan, the Cully-Parkrose area had been designated as deficient in the following: (1) the amount of park land, (2) access to and crossings over the Columbia Slough, (3) natural areas around the Columbia Slough, (4) community centers and (5) designated pedestrian connections from residential areas to the 40-Mile Loop Trail. Portland Parks has designated NE Alderwood from NE 82nd Avenue to NE Cornfoot Road and along NE Cornfoot Road west to the Broadmoor Golf Course as a future regional recreational trail. The proposed change in designation and zone does not conflict with any future trail improvements within the public right-of-way.

In the Cully Neighborhood, the supply of City-owned parkland has increased. In 2002 the Portland Parks and Recreation purchased an approximately 25 acre site directly south of the subject site. The site, named the Thomas Cully Community Park, was used from the 1950s through the 1980s as a sand and gravel mining facility. It was converted to a landfill and used as such until 1991. The former landfill site has a permanent membrane cover with underground piping to collect and burn off methane gases. The City and community members are currently involved in a master planning process for development of the site. On January 22, 2008, the City unveiled four development concepts. All four concepts include sports fields, picnic shelters, restrooms, off-leash area and a perimeter trail. Implementation of the preferred development plan will be dependent upon the City Council allocating funding for development the park. In addition, Sacajawea Park, at NE 74th Avenue and Alberta Street, was expanded by 3.36 acres. As part of the approval of a Comprehensive Plan Map and Zoning Map Amendment request (LU 03-177121 CP, ZC) a condition required the donation. The land area that was added to Sacajawea Park remains unimproved.

The expansion of the Sacajawea Park site and the purchase and master planning for the Thomas Cully Park could eventually serve to address deficiencies in the area. However, written comments from citizens note that the future expansions/improvements should not be treated as a trade for loss of the Colwood site. Further, citizens and Parks staff note that the benefits/value of the Thomas Cully Park would be increased if the Colwood site remained as open space. A system of open spaces and connections to the slough could be established.

The Parks Bureau submitted an additional response to the Hearings Officer while the record was open (Exhibit H-92). The memo states that the Parks Bureau opposition to the change of designation exists regardless of property ownership, which is separate from the consideration of land use designation. The site provides valuable recreation opportunities as a golf course and although the site is privately owned, it contributes to the open space system. One does not need to pay green fees to appreciate the visual and natural resource (habitat and plant biodiversity) that the site currently provides. The Parks Bureau graciously acknowledges the applicant's offer to transfer portions of the site to public ownership, along with a \$100,000 contribution. But, Parks continually seeks to preserve existing open space and recreational land (privately or publicly held).

Given that the change in designation and zoning will facilitate the redevelopment of this golf course site, the Hearings Officer found and the Council agrees that this proposal does not support Policy 2.6. A change in designation that will result in only 16 percent of the site area remaining as Open Space is not equally or more supportive of this policy.

Policy 2.12 Transit Corridors

Provide a mixture of activities along major transit routes...to support the use of transit. Increase residential densities on residentially-zoned lands within one-quarter mile of existing and planned transit routes to transit-supportive levels. Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.

Findings: This policy has a topical and geographic connection with this application. The Transportation Element of the Comprehensive Plan designates NE Columbia Boulevard, NE Alderwood Road, and NE Cornfoot Road as Community Transit Streets. Tri-Met operates the #86 bus line which runs on NE Columbia Blvd. to NE Alderwood Road to NE 82nd Avenue. This line provides service during AM and PM peak business hours. The corresponding IG2 zone of the proposed Industrial Sanctuary designation, does not require that the development be oriented to transit streets. However, transit will likely be utilized. In contrast, except for employees, generally golfers do not use transit due to the necessity of transporting golf clubs and related equipment. The industrial designation will provide a stronger link to transit use. Given fuel costs and the increasing awareness of fossil fuel impacts to the environment, employees will likely utilize transit service. The requested map amendment equally supports this policy.

Policy 2.14 Industrial Sanctuaries

Provide industrial sanctuaries. Encourage the growth of industrial activities in the City by preserving industrial land primarily for manufacturing purposes.

Findings: The Comprehensive Plan describes this designation as follows:

This designation is intended for areas where City policy is to reserve land for existing and future industrial development. A full range of industrial uses are permitted and encouraged. Non-industrial uses are limited to prevent land use conflicts and to preserve land for industry. The corresponding zones are General industrial 1 (IG1), General Industrial 2 (IG2), and Heavy Industrial (IH).

The site is surrounded by lands that are designated as Industrial Sanctuary and therefore a change in designation from Open Space to Industrial Sanctuary will encourage the growth of industrial activities in the City. This policy has a strong topical and geographic connection with this application. The proposal is more supportive of this policy.

Policy 2.19 Infill and Redevelopment

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, as transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.

Findings: The subject site is located within the Airport Industrial District and is surrounded by lands identified on Metro's Regionally Significant Industrial Areas Map. Further, the site is surrounded by lands with the Industrial Sanctuary designation. The Livable City Project specifically called for infill on "opportunity sites" such as abandoned rail yards and gravel pits. The Industrial area strategy specifically targeted employment and industrial zoned site that were vacant or under-utilized. Because the Colwood site is not industrially zoned and the Livable City project did not identify open space designated areas as potential "opportunity sites", this proposal does not equally or better support Policy 2.19.

Goal 3 Neighborhoods

Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Findings: Overall, the proposal is not consistent with adopted Cully neighborhood policies and objectives that are topically linked. When weighing the myriad of relevant City policies, an adopted neighborhood plan is highly relevant, particularly for a proposal that affects a 138 acre site.

Policy 3.5 Neighborhood Involvement

Provide for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood through the promotion of neighborhood and business associations. Provide information to neighborhood and business associations which allows them to monitor the impact of the Comprehensive Plan and to report their findings annually to the Planning Commission.

Findings: Approximately two-thirds of the site—the area south of NE Cornfoot Road, lies within the Cully Neighborhood boundary. The applicant met with the Cully Neighborhood Association on three different occasions and met with the northeast coalition of neighborhood associations—Central Northeast Neighbors, as detailed in the application (Exhibit A.1.k). The neighborhood association was notified of a Pre-Application Conference held on December 8, 2004, in which the applicant's proposal was discussed among the involved City bureaus. A neighborhood association representative attended the conference.

A "Request for Response" was sent to the neighborhood association on August 8, 2005. Shortly after, the applicant asked that the review be put on-hold. After reactivating the case, an updated "Request for Response" was

mailed on December 28, 2007, in which an updated proposal was described. On January 23, 2008, a “Notice of Public Hearing on a Proposal in Your Neighborhood” was mailed to the neighborhood association as well as owners within a 400-foot radius of the boundaries of the subject site. After the applicants asked to reschedule the hearing, a second “Notice of Public Hearing” was mailed on February 29, 2008. The site was posted with a notice describing the proposal and stating the date and time of the hearing before the Hearings Officer on January 9, 2008. The notice boards were replaced with an updated hearing schedule on February 21, 2008.

Approximately 30 letters were received prior to the completion of this staff report. An extensive amount of written comments and verbal testimony was given to both the Hearings Officer and City Council. This application generated significant interest and citizen involvement. This policy does not have a strong topical or geographical connection with the request to change the Comprehensive Plan Map Amendment. Therefore, when balancing policies, it does not receive much weight.

Policy 3.6 Neighborhood Plan

Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.

Findings: Approximately the southern two-thirds of the site lies within the Cully Neighborhood boundary. The Cully Neighborhood Plan was adopted by City Council in 1992. As detailed below, the proposed change in designation does not, overall, equally or more support the following applicable policies and/or objectives in the Cully Neighborhood Plan than the existing designation on the subject site. As stated above, the relevant policies and objectives of the Cully Neighborhood Plan are linked to this proposal. Similar to the policies under Goal 6 (Transportation), the neighborhood plan policies should be given more weight than other relevant policies. However, they should not receive the same weight as the policies that have a direct topical and geographic connection to this proposal. The policies that address economic development, open space and environment should receive the most weight.

1A. Policy - Image

Develop a strong neighborhood identity that creates a sense of place and belonging for residents of the neighborhood and unifies residential, commercial and industrial interests into a cooperative force for mutual improvement and advancement.

Findings: The Cully Neighborhood Plan states that “people moved to and remained in the Cully neighborhood because of modest housing costs and the sylvan or country, spacious and country atmosphere of the area.” It states that most people in the neighborhood would like the country character to remain. However, the plan acknowledges that, “this large, diverse neighborhood lacks an identity.”

The Cully neighborhood representatives testified that this 138 acre site has a strong visible and physical relationship to residents, that creates an identity for the neighborhood. The Cully neighborhood has a relatively small amount of improved open space. This proposal does not address the mutual interests and needs of the Cully residents. Even though the Cully Neighborhood Plan does not define the identify of the neighborhood, other

than it's country character, the loss of a large improved open space would not contribute to the neighborhood's sense of place and belonging. Therefore, the proposal does not equally or better support this policy.

1A-1 Objective: Promote a street tree-planting program to reinforce neighborhood identity.

Findings: The City Forester, under Chapter 20.40, Street Trees and Other Public Tree Regulations, has established requirements for street tree plantings along street frontages. These requirements are applied during the building permit process. Future development on the site will likely include street trees on the improved street frontages. The Cully neighborhood and others testified that the possible loss of 500 trees on the site would be detrimental to the neighborhood and would adversely impact the stormwater and water quality functions of the slough. Even with the installation of new street trees, the proposal would not reinforce the neighborhood identity. Therefore, the request is not equally or more supportive of this objective.

2B. Policy - Urban Character and Historic Preservation

Maintain and improve the quality and historic character of the neighborhood's existing physical environment while attracting compatible development.

2B-1 Objective: Maintain and improve the historic character of the neighborhood.

Findings: The site is neither listed on the City's Historic Resources Inventory or the National Registry of Historic Places nor does it contain any buildings designated for historic protection. The site contributes to the historic character only in the sense that it has operated as a golf course facility in the neighborhood since the 1920s. The open character of the golf course harks back to a time of less intensive development and large undeveloped spaces. The replacement of the Open Space designation and development of the site with industrial buildings and activities will alter the historic character of this 137 acre site. However, industrial development has a long history in the area near the golf course, particularly along NE Columbia Boulevard.

Nevertheless, Council finds that even with the proposed 22.5 acre Open Space area retained, the removal of an 80-year old recreational facility with large mature trees, grass-covered vistas (fairways) and expansive habitat for migratory birds is not equally or more supportive of this objective.

2B-4 Objective: Support the careful planning and design of new development and of redevelopment to enhance neighborhood livability.

Findings: The applicant proposes to accomplish multiple goals with this proposal—to provide over 100 acres of land for industrial job creation, to provide land for airport-related development and to offer the City a 22.5 acre area for an accessible and usable public park. Proposed transportation improvements will benefit the Cully residents as well as others who work in the industrial area. However, a reduction of designated open space within the neighborhood boundary, from approximately 90 acres to 22.5 acres, would not enhance the livability of the Cully neighborhood. The testimony from the neighborhood association and northeast residents pointed out concerns regarding the loss of hundreds of trees, impervious surface and

buffer for industrial noise and air pollution. The application did not include information as to how, the new development could not mitigate or replace the benefits of the open space. Therefore, the request does not equally or better support this objective.

2B-5 Objective: Encourage the reduction of air pollution, noise, energy waste, litter, solid waste, and use of hazardous materials in the neighborhood.

Findings: As discussed above in the findings relating to Metro Urban Growth Functional Plan Title 12, substituting industrial uses for open space will, in most cases, create more air pollution, noise pollution and energy usage. The requested change is not equally or more supportive of this objective.

4B. Policy - Commercial and Industrial Uses

Maintain and encourage commercial and industrial uses which serve the neighborhood and provide stable employment.

Findings: The subject site is located within the Airport Industrial District and is surrounded by lands identified on Metro's Regionally Significant Industrial Areas Map. Further, the site is surrounded by lands with an Industrial Sanctuary designation. The Comprehensive Plan Map Amendment and Zoning Map Amendment will allow for the provision of additional industrial lands in an area already industrial in nature. Industrial facilities typically accommodate 17 jobs per developed acre; therefore, future development could create approximately 2,006 jobs on the site. Approval of this proposal will encourage development of the site and investment in nearby industrial properties. This will create employment opportunities for northeast neighborhoods and other Portland residents. The designation change is equally or more supportive of this policy.

4D. Policy - Recreation

Maintain existing parks, playgrounds and private open spaces; encourage new parks and community facilities.

4D-1 Objective: Expand existing parks or establish a new, centrally-located park within the neighborhood.

4D-2 Objective: Support public and private efforts which create park-like settings in the neighborhood.

4D-3 Objective: Preserve and encourage open space within the neighborhood.

Findings: This proposal does not support the Cully neighborhood's desire in maintaining existing open spaces. The applicant states this proposal offers an appropriate balance with this and other neighborhood (and City) policies. The applicant contends that the site is privately-owned and public access to the site is only allowed for fee-based golfing activities. Residents cannot use the site as a true "open space" because activities on the site are limited to fee-based golfing. As part of the Comprehensive Plan Amendment/Zoning Map Amendment, the applicant proposes to maintain the existing Open Space designation on a 22.5-acre portion of the site that will be dedicated to

the City of Portland's Parks and Recreation Bureau along with a \$100,000 cash donation for a new publicly-accessible and publicly-usable park.

The recreational fee-based component of the golf course inherently limits its attraction for a broad array of users. However, this policy does not speak to access to or the use of open space. Rather it simply calls for open space in the neighborhood. The change from open space to an industrial designation does not equally or better support this neighborhood policy.

4E. Policy - Columbia Slough

Develop the slough as a recreational resource as part of the 40 Mile Loop trail system.

4E-1 Objective: Improve the water quality of the slough.

4E-2 Objective: Encourage safe access to and along the slough as a major recreational resource.

Findings: The applicant proposes to set aside 22.5 acres, which includes the slough, for a public open space. The segments of the Columbia and Whitaker Sloughs on the site are zoned with the Environmental Conservation Overlay Zone. Future development will be required to comply with applicable environmental regulations.

Portland Transportation recommended, with conditions, the approval of the request to change the designation. Staff recommended conditions included requiring dedications along the streets that front or cross through the site. Frontage improvements, such as constructing sidewalks along NE Alderwood Road, will be required along frontages when development is proposed. The new sidewalks will provide safe access to the sloughs. Dedicated trails or sidewalks along the slough equally or better support this policy. However, redevelopment of approximately 115 acres, converting greenspace to industrial development, would not improve water quality of the slough. Therefore, the proposal achieves a balance between the two distinct objectives under Policy 4E.

6A. Policy - Regional

Encourage the use of major arterials for regional traffic and separate this traffic from local traffic.

6A-1 Objective: Support the existing growth at the airport for industrial and airport-related services without increasing traffic through the neighborhood.

Strategies:

- 1. Encourage use of I-205 and Airport Way as the primary access routes to the airport, airport related and industrial uses north of the slough**
- 2. Encourage use of I-205, Columbia Boulevard and Portland Highway-Killingsworth as the primary access routes to industries south of the slough.**

3. **Encourage industrial truck traffic to stay on truck routes and in truck districts as defined by the ASCP. Encourage non-local truck traffic to use designated truck routes.**
4. **Work with the Union Pacific Railroad to minimize the impact of the rail tracks and trestle on the neighborhood.**
5. **Encourage the development of light rail in the I-205 corridor right-of-way with light rail stations to serve the neighborhood.**

Findings: The applicant is proposing mitigation measures to maintain acceptable traffic operations at nearby intersections. The streets located within and adjacent to the site are designated as Priority Truck Streets. The rail tracks strategy is not applicable and light rail transit facilities to the Portland Airport are developed and additional facilities are currently under construction in the southern segment of the I-205 corridor. The proposal equally supports these objectives.

6B. Policy - Arterials

Improve the neighborhood's system of streets to ensure an energy-efficient and safe network that minimizes traffic impacts on residential areas and business operations and encourages transit use.

6B-1 Objective: Support improvements to arterial streets such as sidewalks, street and pedestrian path completion on NE Cully and NE Columbia.

Strategies:

- **Encourage full improvement of arterials including drainage, curbs and sidewalks on both sides of the street**
- **Encourage sidewalk improvements, clear of obstacles such as telephone poles in the pedestrian area. Encourage parkway strips between the sidewalks and the street to provide safety. Provide protected pedestrian crossings across wide, high-volume arterials at major transit stops, schools and commercial nodes.**
- **High priority should be given to completion of the arterial sidewalk improvements in the Arterial Streets Classification policy for the following streets: NE 72nd (between Prescott and Killingsworth), NE Cully, NE Columbia, NE 42nd, NE 82nd, NE 60th (Killingsworth to Prescott), NE 47th as listed in the Arterial Streets Classification Policy (ASCP), NE Prescott, NE Killingsworth, Slough as listed in the ASCP.**
- **Improve bicycle routes when located on arterials to provide maximum separation and safety.**
- **Support the immediate implementation of the approved NE 60th, Columbia, Lombard-Portland Highway improvement project to reduce non-local truck traffic in the neighborhood.**
- **Encourage the Oregon Department of Transportation to determine the need for additional improvements to NE Killingsworth–Columbia Boulevard between the NE 82nd underpass and I-205 for one additional traffic lane.**

Findings: A change in designation and zone would result in new development on the site. Sidewalks would be constructed along the street frontage consistent with City standards, helping to expand the area's pedestrian network. Bicycle lanes would also be constructed along the site's frontages as development occurs. The proposed mitigation projects on Columbia Boulevard in the vicinity of the Alderwood and Cully intersections would provide sidewalks and bicycle lanes on both sides of Columbia Blvd. The City's East End Columbia/Lombard Connector project has already improved traffic flow on NE Columbia and Killingsworth from NE 82nd Avenue to I-205. (See additional findings under Goal 6 of the Comprehensive Plan.) The ODOT does not support the applicant's proposed improvements at the I-205 facility. ODOT supported the requested change only if a number of conditions were imposed to control traffic (trips) that would impact the State facilities. With conditions, the proposal could better support this policy.

6B-3 Objective: Improve, maintain and encourage greater use of transit service and transit incentives in the Cully neighborhood. Establish convenient and direct access from transit stops and centers to housing, commercial and recreational areas; and create mixed land uses that allow for convenient and direct pedestrian and bicycle trips.

Strategies:

1. **Encourage commercial and industrial businesses in the neighborhood to set up carpool and transit incentive programs coordinated with Tri-Met.**
2. **Encourage Tri-Met to work with the industrial businesses in the northern portion of the neighborhood to establish and encourage transit use in this unserved area.**

Findings: Tri-Met bus line #86 provides service to the site during AM and PM peak work hours. The sidewalk improvements that will occur through development of the site will help support safe access to transit service. The jobs created through this proposal could help support increased transit ridership and will potentially influence service improvements. The site is capable of supporting larger industrial uses (i.e., those with 50 or more employees). Large employers are required under Oregon's Employee Commute Options rule to develop ways to reduce single-occupant vehicle trips (e.g., through supporting carpools, transit incentives, and/or similar programs). The proposal better supports this objective.

6C. Policy - Pedestrian, Bicycle Routes, and Local Streets

Improve sidewalks and bicycle paths to provide a safe transportation route.

6C-1 Objective: Encourage bicycle and walking as an alternative to automobile trips.

Strategies:

1. **Require sidewalks on all new commercial, industrial and multifamily projects.**
2. **Give highest priority to sidewalk improvements along the following local streets to serve public schools, parks and Tri-Met bus routes:**

- **Slough trails as listed in the Arterial Streets Classification Policy**

Findings: With a change in zoning and with future development proposals, sidewalks would be developed along the street frontage consistent with the City's standards, helping to expand the area's pedestrian network. Off-site mitigation projects, on NE Columbia Boulevard and at the NE 82nd Avenue and Alderwood intersections, would include sidewalks. Portions of the site adjacent to the sloughs are proposed to be retained as open space. In the future, recreational trails could be developed within the Open Space designated areas. The proposal better supports this objective.

6C-2 Objective: Improve local service streets to provide maximum traffic, pedestrian and bicycle safety while protecting the sylvan character of the area.

Strategies:

1. Improve local service streets to a minimum of the performance street standards.

Findings: A portion of Alderwood Drive, a local service street, is located within the site. If development occurs along its frontage, improvements to meet current city street standards would be required. This objective is better supported with this proposal.

7A. Policy - Support Businesses

Improve the neighborhood as a location for businesses while enhancing it as a place to live and work.

Findings: The subject site is surrounded by lands with an Industrial Sanctuary designation and lands identified on Metro's Regionally Significant Industrial Areas Map. The Comprehensive Plan Map Amendment and Zoning Map Amendment will allow for the provision of additional industrial lands in an area already industrial in nature. Approval of this proposal would encourage investment to nearby properties, creating additional employment opportunities and supporting business development. However, the loss of approximately 115 acres of designated open space, that provides recreational opportunities, passive recreation such as birdwatching, habitat for wildlife, stormwater management, water, air and noise pollution reduction benefits, would not enhance the area for a place to live and work. Providing additional industrial land for new businesses, at the expense of losing approximately half of the Cully neighborhood's improved open space does not equally or better meet this policy.

7A-2 Objective: Maintain open channels of communication between neighborhood residents and businesses.

Findings: The applicant has participated in several meetings with the Cully Neighborhood Association, the Central Northeast Neighbors, the Columbia Watershed Council and the Columbia Corridor Association. Summary notes of these meetings are included in the application (Exhibit A.1.k). This objective has been met.

7A-4 Objective: Support the retention and expansion of existing businesses and employment opportunities and encourage new commercial uses which provide goods and services to the local

residents and industrial activities to locate in appropriately zoned areas.

Findings: The proposal better supports this objective because it will result in the addition of readily developable industrial sites of suitable size and location. The site is located within a designated Regionally Significant Industrial Lands inventory area and is surrounded by lands designated as Industrial Sanctuary. This proposal provides opportunities for employment without adversely affecting opportunities for housing or directly impacting established residential neighborhoods.

Goal 5 Economic Development

Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the City.

Findings: The proposed amendment will allow development on a site that is well-suited for large-scale industrial businesses. The site's large size, in conjunction with its location within an industrial district, its close proximity to transportation facilities and the overall lack of development constraints underscores the economic development opportunities this proposal offers. As detailed below, the proposal is found to be more supportive of Goal 5 than the existing designation.

The Hearings Officer and City Council received letters of support and testimony from representatives of industrial businesses, industrial real estate and development companies. Supporters of the request point to a serious shortage of available, large industrial sites within the City boundary and the greater metropolitan region. They note that this site is well suited for industrial development given its proximity to I-205, I-5, I-84 and the Portland International Airport. The site is "shovel-ready" and will address immediate needs for available sites. Changing the designation/zoning on approximately 115.5 acres will help address the City's need for economic and employment growth.

The Bureau of Planning response to this proposal notes that Statewide Planning Goal 9 requires jurisdictions to address industrial and employment land demands. Local jurisdictions are required to designate/zone areas to meet forecast demand in the 20-year planning period. Expansion of the urban growth boundary (UGB) is an approach that could be taken. However, UGB expansion options are also constrained by farmland conversion limits, major transportation infrastructure needs and unsuitable industrial locations. Planning Bureau staff state that these conditions highlight how the Colwood site offers a rare opportunity to expand the industrial land supply within an existing industrial district. The Airport Industrial District is designated as prime industrial land and has been identified as Oregon's freight distribution hub and main global trade gateway.

The proposal better meets the City's economic development goal and policies as further described below. Most the policies under Goal 5 have a strong topical connection with this application.

Policy 5.1 Urban Development and Revitalization

Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Findings: The proposal better supports this policy by providing a strategically-located site that would provide an area with the potential of employing 1,955 employees (based on an average of 17 employees per acre employed at industrial facilities). The applicant has provided a marketing report, which identifies a need for large shovel-ready industrial properties in the City of Portland the greater metropolitan region.

Policy 5.2 Business Development

Sustain and support business development activities to retain, expand and recruit businesses.

Findings: The proposal supports business development activities by providing a large site that is well-suited to meet the region's need for industrial land. The proposal supports the creation and retention of industrial jobs in the City. Because of the site's proximity to the interstate freeway and the Portland International Airport, the applicant contends that the property will attract multiple tenants in the distribution and logistics sectors. The proposal better supports this policy.

Policy 5.4 Transportation System

Promote a multi-modal regional transportation system that encourages economic development.

Findings: This site is uniquely located near an interstate freeway and the airport with air freight services. The site is has peak bus service. As detailed under Goal 6, Transportation, the proposal would achieve improvements to the transportation system including pedestrian and bicycle facilities as frontage improvements. However, conditions that require transportation improvements, that would be necessary to support the more intensive industrial development should not be viewed as a means to achieving economic development. To address impacts to the transportation system, both the Portland Office of Transportation and the Oregon Department of Transportation (ODOT) recommended setting limits on the amount/type of development that would be allowed on the site. Because of anticipated impacts to the I-205/Killingsworth interchange, ODOT vigorously argued that without acceptable mitigation, the development on the site should be significantly limited. For this situation, the change in designation would lead the multi-modal transportation improvements. But even with improvements, the transportation system has capacity issues that cannot be mitigated. The proposal equally supports this policy. This policy, like most of the transportation policies under Goal 6, is linked to this proposal. However, for this proposal, it should not receive the same weight as the open space, economic development and environmental policies.

Policy 5.5 Infrastructure Development

Promote public and private investment in public infrastructure to foster economic development in Council-designated target areas.

Findings: The site is not located within an urban renewal area. However, the Portland Development Commission has a plan that supports "target industries". The plan supports growth of the distribution and logistics sector, which is identified by the applicants as the type of business most likely to locate at the site. The applicant is proposing improvements to the transportation system to address the City's level of service criteria. The availability and capacity of infrastructure to support this proposal is

addressed below, under numerous goals and policies. The proposal equally supports this policy.

Policy 5.8 Diversity and Identity in Industrial Areas

Promote a variety of efficient, safe and attractive industrial sanctuary and mixed employment areas in Portland.

Findings: The proposed Comprehensive Plan Amendment and Zoning Map Amendment fulfills this policy by expanding available land for industrial development within an established industrial district. This policy, which has a strong topical and geographic connection with this application is more supported by this proposal.

Policy 5.9 Protection of Non-industrial Lands

Protect non-industrial lands from the potential adverse impacts of industrial activities and development.

Findings: This site is surrounded by sites designated for industrial and employment use. Golf course and other parks and open space uses are allowed outright in both the Industrial Sanctuary and Mixed Employment designations/zones. There are numerous examples of Open Space designated areas located adjacent to or surrounded by industrial lands. Therefore, the Comprehensive Plan assumes compatibility rather than conflicts. However, a proposal to convert existing non-industrial land into industrially-zoned property will exacerbate noise, air and water pollution impacts to the nearby residential area.

This policy, which has a strong topical and geographic connection with this application, is not equally or more supported.

Goal 6 Transportation

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Findings: As detailed below in response to the applicable policies under Goal 6, Portland Transportation and Oregon Department of Transportation find that with recommended conditions of approval, the amendment request is equally or more supportive of most of the Goal 6 policies, than the existing Comprehensive Plan Map designation on the site. As noted above under policy 5.4, most of the transportation policies under Goal 6 are linked and therefore should be given more weight than other relevant policies. However, they should not receive the same weight as the policies that have a direct topical and geographic connection—economic development, open space and environment.

Policy 6.1 Coordination

Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

Findings: The applicant identified this policy as relevant. Council does not agree. Like most major land use review requests, requested Comprehensive Plan Map and Zoning Map Amendment requires multi-jurisdictional review.

Coordination with PDOT and ODOT occurred. But such coordination is not unique to this specific proposal. This policy is not relevant.

Policy 6.2 Public Involvement

Carry out a public involvement process that provides information about transportation issues, projects and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions about transportation.

Finding: As required by the Portland Zoning Code, all quasi-judicial land use reviews must be noticed to the public (Chapter 33.730). This notice requirement includes a mailed notice to affected property-owners, as well as to surrounding neighborhood and business associations, and city, regional and state agencies. The mailed notice solicits comments from the public on the proposed land use action. The site is also required to be posted with the proposed land use action at least 30 days in advance of the hearing. For Comprehensive Plan Map amendments, a public hearing is required before both the Hearings Officer and City Council, which provides additional opportunity for public comment. However, given that this amendment request is not directly related to transportation issue and/or a specific transportation project, this policy is not relevant.

Policy 6.4 Classification Descriptions

Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck, and emergency vehicle movement that should be emphasized on each street.

Policy 6.5 Traffic Classification Descriptions

Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, interdistrict, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.

Policy 6.6 Transit Classification Descriptions

Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, interdistrict, and local trips.

Policy 6.7 Bicycle Classification Descriptions

Maintain a system of bikeways to serve all bicycle users and all types of bicycle trips.

Policy 6.8 Pedestrian Classification Descriptions

Maintain a system of pedestrianways to serve all types of pedestrian trips, particularly those with a transportation function.

6.9 Freight Classification Descriptions

Maintain a system of truck streets and districts and other freight facilities.

Policy 6.10 Emergency Response Classification Descriptions

Major Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response.

Policy 6.11 Street Design Classification Descriptions

Street Design Classification Descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.

Findings: The following street classifications, as designated in the City's Transportation System Plan, apply to streets that are adjacent to the site: NE Columbia Blvd – Major City Traffic Street, Community Transit, Local Bikeway east of Alderwood and City Bikeway from Alderwood-Cully, City Walkway, Priority Truck Street adjacent to a Freight District, Major Emergency Response Street, and Urban Road
NE Alderwood Rd – Neighborhood Collector, Community Transit, City Bikeway, City Walkway, Priority Truck Street adjacent to a Freight District, Major Emergency Response Street, and Urban Road
NE Cornfoot Rd – Neighborhood Collector, Community Transit, City Bikeway, Off-St Path for Pedestrians, Priority Truck Street adjacent to a Freight District, Major Emergency Response Street, and Urban Road

The site has frontage on streets that have higher than local service designations for all modes identified in the City's Transportation System Plan. The change from Open Space (OS) zoning to General Industrial 2 (IG2) is consistent with all of the street classification designations and is particularly supportive of the Freight designations. PDOT will recommend that the City's Transportation System Plan be updated by incorporating this site into the surrounding Freight District if approved. The applicant submitted a Transportation Impact Analysis (TIA) that evaluates the transportation impacts from the proposed Comprehensive Plan and Zoning Map Amendment. The TIA proposes mitigations on the surrounding transportation system that are consistent with the traffic classifications. In addition, the development of the IG2 portion of the site will include improvement of the frontages (including OS zoned sections) to provide bike lanes, sidewalks and paths, and travel lanes that accommodate freight and transit movement.

With improvement of the frontages of the site, and the mitigations/improvements, per Portland Transportation recommended conditions B-F, the Comprehensive Plan and Zoning Map Amendment request equally supports policies 6.4 through 6.11.

Policy 6.12 Regional and City Travel Patterns

Support the use of the street system consistent with its state, regional and city classifications and its classification descriptions.

Findings: The site has access to arterial streets in all directions. Both NE Alderwood Road and NE Cornfoot Road are Neighborhood Collectors and are adjacent to the site. NE Columbia Boulevard is a Major City Traffic Street and is also adjacent to the site. I-205, the nearest interstate freeway, is accessible via both NE Columbia Boulevard to NE Killingsworth Street and NE Alderwood Road to NE 82nd Avenue to NE Airport Way. The proposal equally supports this policy.

Policy 6.14 Emergency Response

Provide a network of emergency response streets that facilitates prompt response to emergencies.

Findings: NE Cornfoot Road, NE Alderwood Road and NE Columbia Boulevard are designated Major Emergency Response Streets. These streets are not expected to be degraded by this proposal. The proposal equally supports this policy.

Policy 6.15 Transportation System Management

Give preference to transportation improvements that use existing roadway capacity efficiently and improve the safety of the system.

Findings: The proposed mitigations and future frontage improvements would address the objectives of this policy by adding facilities for alternative modes such as bicycles and pedestrians. This policy is equally supported by the request.

Policy 6.16 Access Management

Promote an efficient and safe street system, and provide adequate accessibility to planned land uses.

Findings: The site has frontage on multiple streets that are appropriate for access. Like all other sites in the City of Portland, access is reviewed for safe and efficient operation of the adjacent transportation facilities during building permit review when new development/redevelopment of the site is proposed. The proposal equally supports this policy.

Policy 6.18 Adequacy of Transportation Facilities

Ensure that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities.

Findings: A Transportation Impact Analysis (TIA) was prepared by Kittelson & Associates, Inc, dated June 2005. Additional memos provided by KAI, Inc include a summary memo, dated December 20, 2007, and TIA follow-up information that includes updated trip generation, trip distribution and LOS analyses, provided in January, 2008. The applicant submitted an updated TIA in March 2008 (Exhibit A.2). This document is intended to replace the June 2005 information.

Performance Standards

The Oregon Transportation Planning Rule (TPR) OAR 660-012-0060, adopted March 2005, requires transportation facilities that have a “significant affect” to be mitigated to either meet the minimum acceptable performance standard or not worsen the performance of an existing transportation facility that is projected to perform below the minimum acceptable performance standard. Acceptable level-of-service for intersections that are under City of Portland authority is LOS “D” or better. Oregon Department of Transportation (ODOT) performance standards apply to the intersections on NE 82nd Avenue (at NE Columbia), NE Killingsworth Street, and at the I-205 interchanges. A volume-to-capacity (v/c) ratio of 0.99 or lower is considered acceptable at public intersections and 0.90 or lower is considered acceptable at the ramp terminals of interchange ramps.

Trip Generation and Trip Distribution

The applicant has provided trip generation rates for warehouse uses of 0.27 trips/1000 s.f. Warehouse in the PM peak hour. This trip rate was generated from a 2002 Port of Portland trip generation study for the nearby Portland International Center. The Institute of Transportation Engineers Trip Generation Handbook supports alternative trip rates that are developed based on similar uses located in a similar environment. This alternative PM trip rate for warehouse use was accepted as a basis in the Cascade Station/Portland International Center Plan District. Portland Transportation also finds it to be acceptable for this study.

Subsequent to the 2005 TIA, the applicant submitted an Alternate Trip Rate Study, dated February 2008, to establish an alternate trip generation rate for Warehouse uses. Based on review of this study, ODOT has given preliminary indication that a Warehouse trip generation rate of 0.27 trips/1000 s.f. Warehouse in the PM peak hour is acceptable. After further review, ODOT determined that a trip rate of 0.27 was too low to reflect the impact of trip-intensive uses such as package distribution centers. ODOT, with PDOT agreement, recommended to the Hearings Officer a trip rate of 0.47/1000 s.f. for Tier 1 Warehouse Use and a rate of 0.37/1000 s.f. for Tier 2 Warehouse use development. (Exhibits H-97 and H-101)

The trip distribution in the June 2005 TIA was based on the City's regional trip assignment model which assumes free flow conditions. Upon further review, the applicant submitted a revised trip distribution based on a version of the model that was developed for the Portland International Airport to look at likely trip assignments under congested conditions. The new trip distribution primarily changed at the NE Killingsworth and I-205 interchange. Portland Transportation found that the trip distribution based on the Portland International Airport model was acceptable for this analysis area.

The application included the northern half of the ownership, approximately 48 acres of the site (located on the north side of NE Cornfoot Rd and west side of NE Alderwood Road). Although included in the proposal, the applicant intends to sell the property to the Port of Portland. As such, staff recommended that review of the traffic impacts from this portion of the site should be evaluated either through an amendment to the Airport Conditional Use Master Plan (CUMP) approval, or through the Airport Futures project, which is a legislative planning process to establish zoning requirements associated with the Portland International Airport boundary. The approval process requires the Port of Portland to demonstrate compliance with the Oregon TPR through the year 2024. NOTE: The applicant understood that if the Port of Portland purchase of the northern 48 acres did not occur, and development is desired by another party, then the transportation impacts for the site would have to be evaluated for compliance with the Goal 6 Transportation policies through a new Comprehensive Plan Map and Zoning Map Amendment review.

Intersection Analysis Summary

The TIA evaluated 20 public intersections and two site access intersections. The TPR allows projects that are identified on the federally-approved, financially constrained, regional transportation system plan (RTP) to be in place within the planning period. The TIA takes advantage of this TPR allowance and assumes the RTP projects to be in place. Based on the

results in the updated TIA, dated March 2008, four intersections under the City's jurisdiction would need additional mitigations to meet City performance standards. All other City intersections in the study area are expected to operate at LOS "D" or better. The intersection of NE Columbia Blvd and NE 82nd Avenue Northbound Ramps will need additional mitigation to meet ODOT performance standards. The ODOT interchange intersection of NE Killingsworth Street and I-205 southbound on-ramp does not meet the TPR definition of no "significant effect" if the total trips generated by the site are relied upon and cannot be mitigated. The following discussion describes each of the intersections that need additional mitigations in more detail.

NE Alderwood Road / Columbia Blvd and NE Cully Blvd / Columbia Blvd

The results of the March 2008 updated TIA indicate that, with mitigation, both intersections will operate at a Level-of-Service (LOS) "C" or better in both the AM and PM peak hours in the year 2025. The mitigation includes signalization with railroad interconnect for the Cully Blvd railroad crossing. Additional lanes including left turn lanes on NE Columbia Blvd at both intersections, a westbound right-turn lane at NE Alderwood Rd, and right and left turn lanes on both NE Alderwood Rd and NE Cully Blvd. Sidewalks and bike lanes will also be required. According to City records, there is approximately 64-75 feet of right-of-way on NE Columbia and 60 feet of right-of-way along both NE Alderwood and Cully. In order to provide this mitigation, up to 19-29 feet of property dedication is expected to be required on NE Columbia Blvd and up to 20 feet of property dedication is expected to be required on both NE Alderwood Rd and NE Cully Blvd. All of the dedications, both on-site and off-site, for this mitigation will be the responsibility of the applicant. A survey is required to confirm the required dedications.

NE Alderwood Road / 82nd Avenue

The results of the March 2008 updated TIA indicate that, with mitigation, this intersection will operate at a Level-of-Service (LOS) "D" or better in both the AM and PM peak hours in the year 2025. The mitigation includes a westbound thru-right lane on the east leg of NE Alderwood Avenue and an additional receiving lane on the west leg of NE Alderwood Rd. These lanes are in addition to the lane configuration currently under design for a Port of Portland STIP funded project. Sidewalks and bike lanes will also be required. According to City records, there is approximately 80 feet of right-of-way on the west leg of NE Alderwood Rd and 90 feet of right-of-way on the east leg. In order to provide this mitigation, up to 12 feet of additional dedication width is required on the west leg of NE Alderwood Rd, as well as additional right-of-way dedication (to be determined) to extend the lane transition on the east leg of NE 82nd Avenue. All of the off-site dedications for this mitigation project will be the responsibility of the applicant. A survey is required to confirm the required dedications.

NE Alderwood Road / Cornfoot Road

The results of the March 2008 updated TIA indicate that, with mitigation, this intersection will operate at a Level-of-Service (LOS) "C" or better in both the AM and PM peak hours in the year 2025. The Port project is based on higher projected volumes in the PM peak hour than the Colwood study projected for 2025. The updated TIA includes a LOS analysis with the higher PM peak hour volumes. Based on the results, the LOS for the intersection is LOS "F" in the PM peak hour. In order to provide a LOS "D", in the PM peak hour, a second exclusive left-turn lane is required on NE Cornfoot (in

addition to the exclusive left- and exclusive right-turn lanes provided by the Port project). Portland Transportation has determined that the volumes used for the Port project are more appropriate. As such, additional lanes are required at this intersection.

The mitigation, as noted above, includes an additional exclusive left-turn lane on NE Cornfoot Rd and an additional receiving lane on the north leg of NE Alderwood Rd to accommodate a dual left-turn from NE Cornfoot Rd. Sidewalks and bike lanes will also be required. In addition, the intersection will also be shifted to the north to provide space for a future off-street path identified in the City's Transportation System Plan. In order to provide for this mitigation and accommodate the intersection shift, up to 34 feet of property dedication is required on the north leg of NE Alderwood Rd and up to 58 feet of property dedication is required on the north side of NE Cornfoot Rd. The dedication on NE Cornfoot Rd must all be taken from the north side due to proximity of the Columbia Slough embankment to the south side of the roadway. All of the dedications for this mitigation and the Port project will be the responsibility of the applicant. A survey is required to confirm the required dedications.

NE Columbia Boulevard / NE 82nd Avenue Northbound Ramps

The results of the March 2008 updated TIA indicate that, with mitigation, this intersection will operate at a volume-to-capacity ratio of 0.14 for southbound left-turning movements during the 2025 weekday p.m. peak hour. During the weekday a.m. peak hour, the southbound approach would operate at a volume-to-capacity ratio of 0.95. The mitigation includes re-striping the existing painted median immediately east of the intersection as a two-way center left-turn lane, allowing two-stage left turns to be made. Both peak hours would meet the ODOT standard of 0.99 for this intersection.

NE Killingsworth Street / I-205 Southbound Ramps

The results of the TIA indicate that this intersection is forecast to operate at a LOS "F" with a v/c of 1.66 in the AM peak hour and a LOS "F" with a v/c of 1.68 in the PM peak hour in 2024, without Colwood traffic. In order to achieve a status of no "significant affect" at this intersection, as described in the Oregon TPR, the v/c ratio cannot be degraded further. An additional 9 PM peak hour trips and 3 AM peak hour trips may be added to the eastbound right turn movement at this intersection without further degrading the LOS. In order to allow more Colwood site trips into this intersection, the applicant presented a number of mitigation proposals for consideration. In discussion, the Oregon Department of Transportation has indicated that the mitigation proposals presented are not acceptable. Therefore, in order to achieve a status of no "significant affect", as defined by the Oregon TPR, the amount of development that can occur on the Colwood site under existing conditions must be limited.

The PM peak period is the limiting time period for additional trips. Based on a limit of 9 PM peak hour trips that may be added to the eastbound right-turn movement at this intersection, a maximum of 78 site generated trips are allowed. In order to provide adequate accounting of development that does not exceed this trip threshold, an initial set of land use allocations for the IG2 zone is required (**referred to as Tier 1**).

Thomas Cully Park

There are some technical assumptions in the TIA that can provide for additional Colwood site-generated trips into the transportation system. The Thomas Cully Park site is located just south of the Colwood site and is accessed via NE Killingsworth Street. It is identified in the Portland Parks and Recreation Master Plan. Recently a public design process to develop a master site plan for the park was completed. The final Thomas Cully Park Master Plan concept was selected. Parks Bureau staff intends to present the master plan to City Council for acceptance in late 2008. There are some TIA considerations regarding the use of the Cully Park site that could result in additional capacity at the NE Killingsworth/I-205 southbound ramp intersection. This extra capacity could provide additional trip allowances for the Colwood site.

These considerations are as follows:

- The site is currently zoned EG2, which allows park uses outright.
- Park uses typically generate lower trips than those generated by uses allowed in an EG2 zone.
- The site was formerly a landfill and, as noted in the project background for the Cully Park Master Planning effort, the permanent membrane 2 feet below the surface creates construction and landscaping restrictions that make structural development difficult and costly.
- Four master plan site concepts have been developed, only one of which will be taken forward to City Council. All four of the site plan concepts would generate significantly fewer vehicle trips than typical uses allowed in the EG2 zone.
- Purely from an operational analysis perspective, the reduction in trips from the typical EG2 uses to the Cully Park site trips, once the park is built, would offset additional trips from the Colwood site.

These considerations are acceptable for technical assumptions in the TIA if the Cully Park site is constructed as a park. At time of park build-out, a revised set of land use allocations (**referred to as Tier 2**) could be applied that would result in a TPR finding of “no significant affect”. The TIA did not analyze the transportation impacts for any site-generated trips higher than 259. Therefore, PDOT and ODOT recommended that the total number of trips for Tier 2 could not exceed 259 PM peak site-generated trips.

Required Limitations

As noted in the results above, transportation staff recommended conditions of approval set limits on land uses. These limits are based on site-generated trips and are required in order to meet the performance standards, or to make Oregon TPR findings of “no significant effect”. Staff found that since warehousing uses would most likely be the primary use, it was used as the base condition for determining all of the limitations on land use types. The NE Killingsworth Street/I-205 eastbound right turn movement requires a limit on uses that allow no more than 9 PM peak hour trips and 3 AM peak hour trips for Tier 1. The trip threshold of 78 trips equates to a maximum of approximately 166,000 s.f. of warehouse uses and approximately 105,000 s.f. or less for most other uses.

At the time that the Thomas Cully Park site is built out, the total PM trips would be limited to 259 for Tier 2 in order to meet performance standards at all study intersections. The trip threshold of 259 trips equates to a

maximum of approximately 664,000 s.f. of warehouse use floor area and approximately 350,000 s.f. or less for most other uses.

The following Table 1 defines the land use and trip rate allocations for each Tier of development. Tier 1 total trips shall not exceed 78 PM Peak hour trips, which provides for the 9 PM peak hour trips to the eastbound right turn movement at the NE Killingsworth Street/I-205 southbound on-ramp. Tier 2 allocations should only be applied after the Thomas Cully Park site is developed. The trip rate for Warehouse and Freight Movement differs for each Tier. Tier 2 total trips shall not exceed 259 PM Peak hour trips. ODOT and PDOT recommended a rate of 0.47 for Tier 1 and a rate of 0.39 for Tier 2. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, as well as existing uses, and the conversion to trips for each building permit application.

Table 1 - Land Use and Trip Rate Allocations¹		
Tier 1 = Maximum 78 trips		
Tier 2 = Maximum 259 trips		
Land Use²	Building Square Footage / Other	Trip Rate³
Warehouse and Freight Movement	1000 square feet	Tier 1 - 0.47 trips Tier 2 - 0.39 trips ³
Manufacturing and Production	1000 square feet	0.74 trips
Wholesale Sales	1000 square feet	0.74 trips
Industrial Service	1000 square feet	0.98 trips
Quick Vehicle Servicing ⁴	Vehicle Fueling Position/ Service Bay	13.86 trips
	or 1000 square feet	or 11.64 trips
Vehicle Repair	Service Bay	3.38 trips
Self Service Storage	1000 square feet	0.26 trips
Office ⁵	1000 square feet	1.49 trips
Retail ⁵	1000 square feet	26.15 trips
Headquarter Office ⁶	1000 square feet	1.49 trips

¹**The building square footage or vehicle fueling position/service bay shall be converted to trips and compared to the maximums established for each Tier. The established trip rates for these land use categories shall not be altered.**

²Per Zoning Code chapter 33.930, Description of Use Categories

³All trip rates in this table are based on the highest ITE Trip Generation, 7th Edition rates for uses in each category for Tier 1. Tier 2 rates are also based on the highest ITE Trip Generation rates, with the exception of Warehouse and Freight Movement. The Warehouse and Freight Movement trip rate is based on an alternate rate study.

⁴Quick Vehicle Servicing uses that have Vehicle Fueling Positions (VFP) or Service Bays (i.e. gas stations, quick lube, self service car wash, etc) shall be based on the VFP/Svc Bay trip rate. Uses without VFP's or service bays (i.e. automatic car washes, etc) shall be based on the square footage trip rate.

⁵Per Zoning Code Section 33.140.100.B.5, Office and Retail uses are limited to a total of 12,000 s.f of office and/or retail uses (3000 s.f. per space, with no more than 4 spaces) in IG2 zones. Any amount above the 12,000 s.f. up to 25,000 s.f. must be approved through a Conditional Use Review. Retail uses are limited further by the maximum trip allowances shown.

⁶Headquarter Office is allowed in the Industrial and Employment zones, per Section 33.920.240.D.1.

Other uses that are allowed in the IG2 zone include Commercial Parking and truck stops with accessory uses such as hotels and restaurants. Retail drive-through facilities are also allowed. The number of vehicle trips generated by each of these uses is significantly higher than the number of vehicle trips generated by the other uses allowed in the IG2 zone. In addition, they would have significant traffic impacts associated with them. These scenarios were not evaluated in the Transportation Impact Analysis. As such, Portland Transportation recommends that these uses be prohibited. █

In recommending partial approval of the request, staff recommended conditions that: (1) set a square footage limitation for allowable land uses, noted in Table 1 above for Tier 1 and Tier 2, (2) restrict development of the north parcel, and (3) require specific mitigations (improvements).

While the record was held open, the Hearings Officer received additional transportation-related comments from the applicant's traffic consultant, as well as additional comments from BDS, PDOT and ODOT staff. In the Hearings Officer's recommendation to City Council he stated support for the higher trip cap recommended by the applicants consultant—a rate of .0.27/1000 s.f. for Warehouse and Freight Distribution uses. The ODOT submitted a letter to the City Council refuting information submitted by the applicant and disagreeing with the Hearings Officer's recommendation. Because of anticipated impacts to the I-205/Killingsworth interchange, ODOT vigorously argued that without acceptable mitigation, the development on the site should be significantly limited.

With conditions that addressed transportation improvements and conditions that limited development on the site, the proposal would equally support this policy.

Policy 6.19 Transit-Oriented Development

Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers.

Findings: The development standards of the industrial zones do not include transit-oriented requirements such as reduced building setbacks, restrictions in parking location and main entrance connections to fronting streets. However, Tri-Met bus line #86, travels on NE Columbia Blvd to NE Alderwood Rd. to NE 82nd Avenue during AM and PM peak hours only. These hours serve typical industrial commuter times. Frontage improvements including sidewalks and bike facilities will be required at time of new development/development of the site. These amenities typically support transit ridership. The proposal better supports this policy.

Policy 6.20 Connectivity

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Findings: The City's policies for interconnected public streets and pedestrian connections do not apply to industrially-zoned areas. This policy, therefore, would not be equally or better met with the proposed map designation change from Open Space to Industrial Sanctuary.

Policy 6.22 Pedestrian Transportation

Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, schools and parks, employment, and transit.

Policy 6.23 Bicycle Transportation

Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

Findings: The proposed Industrial Sanctuary designation and IG2 zoning is expected to increase both pedestrian and bicycle use of the adjacent streets, in addition to increasing vehicle impacts to both of these modes. The proposed mitigations and frontage improvements would address the objectives of this policy by adding facilities for both bicycles and pedestrians. For portions of the site's street frontages that are proposed to remain in Open Space, frontage improvements would be completed at time of development of the IG2 portions of the site, since that is when the impacts to pedestrians and bicycles will occur. Widening of the bridge south of NE Cornfoot Road (City of Portland Bridge #113) will also be required to provide for pedestrians and bicycle facilities. The requested map amendment better supports these two policies.

Policy 6.24 Public Transportation

Develop a public transportation system that conveniently serves City residents and workers 24 hours a day, seven days a week and can become the preferred form of travel to major destinations, including the Central City, regional and town centers, main streets, and station communities.

Findings: Tri-Met bus line #86, travels on NE Columbia Blvd to NE Alderwood Rd. to NE 82nd Avenue. Frontage improvements, including sidewalks, will be required at time of new development/development of the IG2 zoned portion of the site. These amenities will support transit ridership.

However, this proposal does not include improvements to the public transportation system. Therefore, this policy is not relevant..

Policy 6.25 Parking Management

Manage the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality.

6.26 On-Street Parking Management

Manage the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods.

6.27 Off-Street Parking

Regulate off-street parking to promote good urban form and the vitality of commercial and employment areas.

Findings: With a change from Open Space to Industrial Sanctuary, all streets along the site's frontage are expected to be improved with no on-street parking at time of new development/redevelopment. This would be typical of arterial streets in industrial zones. The proposed Comprehensive Plan Map Amendment is not expected to create negative impacts to parking. Parking minimum and maximum standards of Zoning Code Chapter 33.266 (Parking and Loading) will apply to the new development proposed on the site. Parking spaces are regulated based upon the type of use they serve. Commercial parking, such as satellite parking that serves off-site businesses, is generally not a concern. However, given the nearby location of the airport, Portland Transportation recommended prohibiting Commercial Parking uses on the southern portion of the site. For "Parcel 1", airport-related parking would only be allowed if permitted through either the airport Conditional Use Master Plan or the Airport Futures legislative planning project. With conditions, the proposal would equally support these policies.

Policy 6.28 Travel Management

Reduce congestion, improve air quality, and mitigate the impact of development-generated traffic by supporting transportation choices through demand management programs and measures, and through education and public information strategies.

Findings: Specific demand management measures are generally proposed at time of development. The proposed mitigations and future frontage improvements will address the objectives of this policy by adding facilities for both bicyclists and pedestrians. These multi-modal improvements typically promote reduction of single-occupant vehicles (SOVs). In addition, under the Oregon Employee Commute Options (ECO) rule, employers with 50 or more employees must develop ways to reduce SOV trips. The proposal equally supports this policy.

Policy 6.30 Truck Mobility

Develop, manage, and maintain a safe, efficient, and reliable freight street network to serve Freight Districts, commercial areas, and neighborhoods.

Policy 6.31 Truck Accessibility

Improve truck access to and from intermodal freight facilities, industrial and commercial districts, and the regional freight system.

Findings: The subject site is located within a Freight District. The proposal equally supports these policies.

Policy 6.32 Regional Trafficways

Accommodate future increases in regional through-traffic in Portland on existing Regional Trafficways.

Findings: As explained under Policy 6.18, a myriad of transportation improvements and limitations on the amount of development allowed on the site would be required if the proposal were approved. The proposal equally supports this policy.

Policy 6.36 Northeast Transportation District

Support the efficient use of land in Northeast Portland by focusing development and redevelopment where there will be a reduction in reliance on the automobile.

Findings: Specifically, this proposal supports Northeast District Objectives D, I, L and M. The proposed mitigations and future frontage improvements would address the objectives of this policy by implementing projects identified in the Regional Transportation Plan and by bringing substandard streets up to City standards. The mitigation project at NE Columbia/Alderwood and NE Columbia/Cully, in particular, would improve mobility to the Interstate freeway system. Conversely, retaining the Open Space designation serves to reduce trip traffic, particularly at peak periods. Retaining the current designation provides street capacity for the existing employment and industrial sites in the area. The proposal is equally supportive of this policy.

Goal 7 Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Policy 7.4 Energy Efficiency Through Land Use Regulations

The City shall promote residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources.

Findings: The following objectives under this policy are relevant:

- **Objective A.** *Promote land use patterns that increase energy efficiency in buildings and transportation systems by making energy efficiency a critical element when developing new zoning regulations and modifying old regulations and the comprehensive map.*
- **Objective B.** *Promote density, location, and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.*
- **Objective E.** *Promote tree planting as a way to reduce summer cooling loads and air pollution, making sure the trees do not cause the need for additional street lighting.*

Findings: The proposal would result in approximately 115 acres of developable industrial land. The site is in close proximity to major transportation

corridors—air freight services at Portland International Airport and I-205. And the site is currently served by public transit (bus). Furthermore, in order to receive permits, new buildings would be required to meet current energy code standards. This proposal addresses the regions need for more large industrial sites within areas with infrastructure/services. In contrast, the designated Open Space provides recreational opportunities for the immediate northeast neighborhoods as well as the greater Portland area. The availability of large open spaces, specifically, golf course sites that are located within the City boundary, provide a convenient (shorter trip) alternative for Portland residents. The change from Open Space to an industrial zone would likely result in the removal of many if not most of the existing 500 trees on the site. Industrial development generally includes large buildings, parking, storage and exterior work areas. The impervious surfaces and limited landscaping that would replace the existing greenspace would most likely result in an increase of heat loads and air pollution. Even though the proposal does not support Objective E, because it equally supports Objectives A and B, the proposal equally supports this policy.

Goal 8 Environment

Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: As addressed below, the requested Comprehensive Plan Map Amendment is not equally or more supportive of most of the policies of Goal 8. Given the strong topical and geographic connection, the policies under Goal 8 should be given more weight when balancing applicable policies.

Policy 8.4 Ride Sharing, Bicycling, Walking, and Transit

Promote the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area.

Findings: The proposed Industrial Sanctuary designation would accommodate a wider range of uses than would otherwise be allowed outright if the subject site retained its existing Comprehensive Plan map designation. This greater diversity of allowed uses has the potential to increasing the percentage of employees/visitors who travel to the site. If zoned for industrial use, it is likely that at least some employees and customers would use alternative transportation modes such as transit and bicycles.

If the proposal were approved and the site were developed, required frontage improvements would include sidewalks and bicycle lanes. Given the site's proximity to northeast residential neighborhoods and to NE Columbia Boulevard, Cornfoot Road and Alderwood Road which are designated Community Transit Streets, the future employment opportunities would have access to alternative modes of transportation including bicycling, walking and public transit. Without the change in designation, improvements to the transportation system may not occur, unless completed through publicly-funded projects.

However, as the above transportation analysis shows, the transportation system, particularly the roadways and State facilities will be impacted by anticipated vehicle trip increases beyond what the Open Space designated area is expected to generate. The retention of Open Space at this location

would serve to reduce trip traffic, particularly at peak periods. The proposal is equally supportive of this policy.

Policy 8.8 Groundwater Protection

Conserve domestic groundwater and surface water resources from potential pollution through a variety of regulatory measures relating to land use, transportation, and hazardous substances.

Findings: The site is located outside of the designated well (groundwater) protection area which is east of NE 82nd Avenue. Development in the industrial designated areas must comply with the City's stormwater management requirements. Specifically for this site, the Bureau of Environmental Services, the Site Development Section of the Bureau of Development Services and the Multnomah County Drainage District #1 recommend treatment via vegetated surface stormwater facilities and disposal off-site to either the sloughs or to stormwater sewer facilities. This approach is deemed appropriate for all new development including buildings, impervious surfaces, and public street improvements.

In contrast, the Watershed Services Division of the Bureau of Environmental Services notes that if the Open Space designation were retained, the meadows and tree canopy would continue to offer infiltration and evapotranspiration of stormwater and groundwater. Further the golf course offers a wide riparian buffer that compliments the function of the sloughs by stabilizing the bank, reducing sediment inputs and filtering pollutants.

Staff recommended the retention of 36 acres of site area located along and in between the two sloughs. As noted by the Bureau of Environmental Services, that area could provide a robust buffer for the waterway on either side. Staff recommended the remaining 101 acres of site be designated for industrial use/development. The applicant opposed staff's recommendation to retain more than the originally proposed 22.5 acres in open space.

The Hearings Officer found, and Council concurs, that even if the new industrial development met current stormwater management requirements, the proposal does not equally or better support this policy.

Policy 8.9 Open Space

Protect Portland Parks, cemeteries and golf courses through an Open Space designation on the Comprehensive Plan.

Findings: This policy has a strong topical connection to this application and should be given more weight. This policy is not intended to be read as an absolute prohibition against the redesignation of lands currently mapped with the Open Space designation. In three previous cases, the City Council has interpreted policies that protect certain uses via a Comprehensive Plan designation as not prohibiting the removal of the designation. The three cases are summarized below:

LUR 97-00158 CP ZC: *A Comprehensive Plan Map/Zoning Map Amendment from Industrial Sanctuary to Central Employment (IG1 to EXd). In approving the request, City Council rejected the Hearings Officer's recommendation of denial, and the Hearings Officer's finding that Policy 2.14 is a prohibition against the redesignation of industrially-zoned lands. "This interpretation," Council stated,*

“transforms one policy, which is to be read in balance with the [Comprehensive] Plan as a whole, into an absolute prohibition against redesignation of industrially zoned lands.” “We reject this interpretation of Policy 2.14 in support of a more balanced approach” (Page 8, Findings and Decision of the City Council).

LU 05-181402 CP ZC: *A Comprehensive Plan Map/Zoning Map Amendment from Industrial Sanctuary to Mixed Employment, with the Zoning Map designation changing from General Industrial 1 (IG1) to General Employment 2 (EG2). Both the Hearings Officer and City Council found that the removal of the industrial sanctuary designation is not prohibited. Rather, the conflict of one (or more policies) must be weighed with other applicable goals and policies.*

LUR 96-00234 CP ZC SU: *A Comprehensive Plan Map/Zoning Map Amendment from Open Space (OS) and High Density Single Dwelling (R5) to Low Density Multi-Dwelling (R2) and Subdivision on an unimproved 13-acre site. The City Council found that the open space policies in the Comprehensive Plan are not absolute requirements. Rather, the Council interpreted the criteria to mean that all relevant policies must be balanced together including open space protection and addressing housing needs.*

This proposal entails the removal of the Open Space designation on approximately 115-acres of the site and the closure of a privately-owned golf course. The applicant states that the golf course is not economically viable due to the pressures of possible airport facility expansion, its industrial location and its relatively small size. Nevertheless the golf course continues to operate, as do a number of golf courses in the near vicinity.

The applicant contends that this proposal strikes a balance between several different needs for the parcel. If approved, a privately owned golf course, only available to the public through green fees will meet the City’s critical needs for: (1) needed land to accommodate airport facility expansions, (2) a 22.5 acre public park surrounding segments of the Columbia Slough, providing full access to the public, (3) needed land for industrial uses and job creation, and (4) over \$3 million in public transportation improvements. The applicant notes that the original land use request included a proposed donation of 19 acres to the Portland Parks and Recreation. The size of the donation was increased to 22.5 acres in order to ensure adequate land for public gathering spaces and access to all parts of the slough that runs through the site. Further, the applicant added the offer of giving \$100,000 to the Parks Bureau to help fund maintenance and improvements on the property.

In 1999, Portland Parks and Recreation completed a needs assessment, documented in the 2020 Vision Plan. This study identified deficiencies in northeast Portland. It found that overall the area was deficient in the following: (1) park land to serve the community, (2) access to and crossing over the Columbia Slough, (3) natural areas along the slough, (4) community centers, and (5) pedestrian connections from residential areas to the 40-Mile Trail.

Over the past few years, there have been actions taken that could be seen as efforts to address the park deficiency in the Northeast area, particularly in

the Cully Neighborhood. In 2002, Portland Parks and Recreation purchased approximately 25 acres directly south of the subject site. The site, named the Thomas Cully Community Park was used from the 1950s through the 1980s as a sand and gravel mining facility. It was converted to a landfill and used as such until 1991. The former landfill site has a permanent membrane cover with underground piping to collect and burn off methane gases. The City and community members were recently involved in a Master Plan process for development of the site. On January 22, 2008 the City unveiled four development concepts. All four concepts included sports fields, picnic shelters, restrooms, off-leash area and a perimeter trail. Through a public process, the preferred concept was selected. The Parks Bureau will likely submit the master plan to City Council for acceptance in late 2008. The funding for park improvements has yet to be secured and therefore no schedule has been determined for development of the park.

In addition, the Sacajawea Park, at NE 74th Avenue and Alberta Street, was expanded by 3.36 acres as a condition of a Comprehensive Plan Map and Zoning Map Amendment approval (case file LU 03-177121 CP, ZC). Park improvements to the expansion area have not been made.

The applicant contends that the proposed 22.5 acres will provide the immediate northeast area, as well as the greater Portland area, public access along segments of the Columbia Slough and could provide access for watercraft onto the slough. Further, the donation to the City will provide opportunities to enhance and protect the natural features along the waterways.

Portland Parks and Recreation does not support the proposal. Parks contends that unlike other zones, the Open Space designation/zone is typically only applied on land that is existing open space. To create new open space areas, usually another type of land use must be converted. While land use amendments can be proposed and approved to create new open space, the process is rare and is generally difficult, due to displacement, demolition, and entitlement issues. It is far more common to see conversion of vacant land and open space to development, making open space designations inherently more fragile than others. Public ownership is generally the mechanism used to ensure that open space sites remain as such. But private ownership of Open Space uses will continue to form an integral part of the Portland open space and recreation system.

In its written response, Portland Parks recognizes that this policy is weighed with other city policies such as those that address economic development, employment and housing. Parks suggests that if the map amendment is supported, "Parcel 7" should remain unchanged. The second highest priority should be "Parcels 3 and 4". Parks views them as important in protecting the management strategies of the sloughs.

Staff recommended to the Hearings Officer that the Open Space designation be retained on 36 acres of the site. The Open Space designation would encompass the segments of the sloughs and upland areas designated with environmental zoning and the 13.5 acre portion of the site, identified as "Parcel 4" located between the sloughs. A 36-acre open space area would replace a recreational facility that offers use for one sport—golf. The golf course could be replaced with a facility that served multiple objectives and multiple users. The open space designated area would offer an opportunity

for watershed restoration, riparian habitat enhancement, a gathering place for active and passive recreation and watercraft access to the sloughs. However staff recognized that, even if enhanced, the designated area would only constitute only 26 percent of the current Open Space facility. Therefore, the proposal, with or without the staff recommended additional open space area, did not equally or better support this policy.

Most of the letters received from interested persons state objections to amending the Comprehensive Plan Map and changing the zoning. The prevailing theme in the letters is a desire to preserve the large open space. At the hearing before the Hearings Officer, the applicant objected to the staff recommendation to retain the Open Space designation on “Parcel 4” and argued that the proposed change should be approved, with the following points:

- Privately owned open spaces are fundamentally different. They do not belong to the public. Therefore public access to the property can be limited or prohibited.
- Privately owned open space are operated as “for profit” activities. They need to be financially viable. The golf course’s financial future is questionable and if it begins to lose money, it could close.
- The golf course could cease to exist once the Port of Portland determines that it is needed for airport functions.
- In two previous land use review decisions the City approved Comprehensive Plan Map Amendment and Zoning Map Amendment changes from Open Space to other designations/zones on City-owned sites.
- The Colwood site is not well situated to serve the Cully neighborhood. Only 7 percent of the residential area is within a ½ mile from the Colwood site. Other City-owned sites—Sacajawea and Thomas Cully Park sites should be improved to serve the Cully residents.
- The staff recommended 36 acres of retained Open Space (Parcels 7 and 4) is baseless. Parcel 4 should not be included because there are no standards that warrant retention as open space for watershed protection. The area has low natural resource values.

The Hearings Officer considered the applicants’ evidence and argument related to the need for parks in the area surrounding the Colwood site. The Hearings Officer stated that “although such evidence and argument is relevant, it is not, and of itself, dispositive.” Further, he found that, “open space includes land dedicated to public park use but also finds that open space also includes land not in public park use. Open Space... includes public and private open space and park and non-park open space.”

City Council heard testimony that recently completed forecasts document that the airport will not need to expand its facility to accommodate an additional runway. Therefore, opponents of the proposal contend that “Parcel 1” is not needed to address regional transportation service demands. The Port of Portland representative stated an interest in purchasing the northern portion of the site, but specifically stated the use of the site would

be determined through the City's legislative project—Airport Futures. The purchase is not driven by a need for a third runway, but rather is an opportunity for long-term planning and operational flexibility.

The Council notes that the application did not provide evidence that documented that the existing golf course was not a viable use. The Council finds that the proposal, which converts 84 percent of the 138-acre site of Open Space to an Industrial designation, is not equally or better supportive of this topically relevant policy.

Policy 8.10 Drainageways

Regulate development within identified drainageways for the following multiple objectives.

- A. *Stormwater runoff: Conserve and enhance drainageways for the purpose of containing and regulating stormwater runoff*
- B. *Water quality and quantity: Protect, enhance, and extend vegetation along drainageways to maintain and improve the quality and quantity of water.*
- C. *Wildlife. Conserve and enhance the use of drainageways where appropriate as wildlife corridors which allow the passage of wildlife between natural areas and throughout the city, as well as providing wildlife habitat characteristics including food, water, cover, breeding, nesting, resting, or wintering areas.*

Findings: The central portion of the site contains branches of two sloughs—Whitaker Slough and the Columbia Slough and associated vegetation and habitat areas. This area is contained within the Environmental Conservation Overlay Zone. The applicant is not requesting a change to the placement of the environmental zoning on the site.

The applicant submitted stormwater analysis that shows that water quality vegetated swales can be constructed to address water quality and detention requirements. The Multnomah County Drainage District #1 submitted written comments stating that stormwater disposal into the sloughs is allowed and the proposed disposal (after water quality treatment) will be permitted.

Beyond the identification of current water quality treatment and stormwater disposal requirements, the Bureau of Environmental Services Watershed Services Group provided detailed information regarding the value of the open space zone and specifically the role that Colwood golf course provides in the Columbia Slough watershed. The following characteristics/attributes were identified:

- Meadows and tree canopy offer infiltration and evapotranspiration of stormwater and groundwater.
- Protects permeable surfaces.
- Protects the slough from pollutants produced by industrial development.
- Provides a microclimate and shade for the sloughs.
- A riparian buffer complements the waterway by stabilizing banks, reducing sediment inputs and filters pollutants.
- Site provides a critical habitat area for breeding, wintering, migratory seasons and moving up and down between the sloughs and corridor for dozens of native wildlife species.
- Colwood is listed as an “anchor” habitat area in the City's 2007 Terrestrial Ecology Enhancement Strategy.

- The Colwood site has the following special status habitats: forested wetlands, oak woodland, bottomland hardwood (riparian) forest and open meadow.
- The Colwood site contains high quality habitat for several bat species, native turtles and neotropical songbirds.
- The City needs open space for habitat protection and restoration in order to honor the City's 2003 signing of an Urban Conservation Treaty for Migratory Birds with the US Fish and Wildlife Service.
- The large open meadow offers important habitat for cackling goose, Canada goose, native ducks and other species including predators—coyotes and raptors.

With guidance from the BES Watershed Group, the Bureau of Planning and the Parks Bureau, the BDS staff recommended that this policy and others would be equally or more supported through the retention of 36 acres of Open Space on "Parcel 7" and "Parcel 4". The Hearings Officer disagreed with staff's conclusion and found that the retention of the entire Colwood site better meets this policy. In particular, retaining the Open Space designation provides a better wildlife corridor than converting (even part) of the site to the industrial map designation.

Council concurs with the Hearing's Officer's determination that the proposal does not equally or better support this policy. This policy has a strong topical and geographic connection with this application and should be given more weight.

8.12 National Flood Insurance Program

Retain qualification in the National Flood Insurance Program through implementation of a full range of floodplain management measures.

8.13 Natural Hazards

Control the density of development in areas of natural hazards consistent with the provisions of the City's Building Code, Chapter 70, the Floodplain Ordinance and the Subdivision Ordinance.

Findings: These policies have a strong topical and geographic connection with this application and should be given more weight. The site contains portions of the floodplain. However, most of the area located within the floodplain would remain designated as Open Space, within the 22.5 acres. If development were proposed within the floodplain, it would have to meet local, state and federal requirements before permits will be issued. The National Flood Insurance Program is maintained through the floodplain management measures in the City's code— Chapter 24.50, Flood Hazards of Title 24, Building Regulations,.

The City of Portland Comprehensive Plan and Zoning Code implements a natural resources protection policy framework through environmental policy goals and specific environmental zone overlay zone regulations. This framework has been deemed to be in compliance with Statewide Goal 5. The site is zoned with the Environmental Conservation Overlay Zone along the sloughs. This overlay zone limits activities within and near areas that are subject to natural flood hazards. Future development proposals would be required to address applicable processes and criteria set forth in Chapter 33.430, Environmental Zones. If the site were divided, specific Land Division

Review criteria that addresses flood hazard areas would apply. The proposal equally supports policy 8.12 and 8.13.

8.14 Natural Resources

Conserve significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. Balance the conservation of significant natural resources with the need for other urban uses and activities through evaluation of economic, social, environmental, and energy consequences of such actions.

Findings: The Environmental Conservation Overlay Zone covers the sloughs that run through the site. The environmental overlay zone limits activities within and near these waterbodies. The City's environmental zone is intended to implement the goals of protecting wetlands, riparian areas, and water bodies with significant functions.

The Bureau of Environmental Services Watershed Services Group provided detailed information regarding the value of the open space zone and specifically the role the Colwood golf course provides in the Columbia Slough watershed (see findings under Policy 8.10). BES notes that according to Metro and Portland State ecologists, sites that are 30 acres or more in size have significantly higher potential for biodiversity.

The applicant submitted testimony to the Hearings Officer stating that the natural resource values on the site are found within the area currently zoned with the environmental overlay zone. In contrast, testimony to the Hearings Officer and City Council included information regarding the important role of the Colwood site for bat habitat, migratory bird habitat and watershed health. These functions would be lost or severely reduced with the removal of the Open Space designation.

This proposal, which would result in the conversion of most of the green space and removal of hundreds of existing mature trees for industrial development would not equally or better support this policy. Because this policy has a strong topical and geographic connection with this application it should be given more weight.

8.15 Wetlands/Riparian/Water Bodies Protection

Conserve significant wetlands, riparian areas, and water bodies which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat. Regulate development within significant water bodies, riparian areas, and wetlands to retain their important functions and values.

- A. *Wetland/water body Buffer. Conserve significant riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area.*
- B. *Water Quality. Maintain and improve the water quality of significant wetlands and water bodies through design of stormwater drainage facilities.*

- D. *Stormwater and Flood Control Conserve stormwater conveyance and flood control functions and values of significant riparian areas within identified floodplains, water bodies, and wetlands.*

Findings: The Hearings Officer and City Council received a significant amount of testimony that directly addressed the functions of the slough. The applicant argued that the City designated environmental zoning and the donation of 22.5 acres to the city provides adequate protection of the slough.

Others, including BES, pointed out the City has invested over \$187 million over the past decade to clean up the Columbia Slough and to protect adjacent natural areas. The Open Space designation provides important functions to the watershed including infiltration, pollution prevention and control, and wildlife habitat. The open space serves as “green infrastructure” that cannot be replaced/mitigated with industrial development.

The proposal does not equally or better support this policy than the current designation. Because this policy has a strong topical and geographic connection with this application, it should be given more weight.

8.16 Uplands Protection

Conserve significant upland areas and values related to wildlife, aesthetics and visual appearance, views and sites, slope protection, and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces in a manner beneficial to the city and compatible with the character of surrounding urban development.

- A. *Wetland/ water body Buffer Provide protection to significant wetland and water body natural resources through designation of significant upland areas as a buffer between the resource and other urban development and activities.*
- B. *Slope Protection and Drainage Protect slopes from erosion and landslides through the retention and use of vegetation, building code regulations, erosion control measures during construction, and other means.*
- C. *Wildlife Corridors Conserve and enhance drainageways and linear parkways which have value as wildlife corridors connecting parks, open spaces, and other large wildlife habitat areas, and to increase the variety and quantity of desirable wildlife throughout urban areas.*

Findings: The City’s Environmental Overlay Zone implements the goals of protecting wetlands, riparian areas, and water bodies. The environmental zoning was not applied to much of the upland area extending beyond the sloughs. Although manicured, the site contains hundreds of trees many which are native to the Portland area. Large mature deciduous and conifer trees provide lineal corridors that capture stormwater, provide cooling affects, and reduce air and water pollution.

The BES submitted testimony to the Hearings Officer stating that the golf course provides a buffer ranging from 700 to 1,000 feet which complements the waterway by stabilizing the banks, reducing sediment inputs and filtering pollutants. Trees and other vegetation serve to capture particulate

matter such as carbon dust from diesel motors. The oxygen generated by the vegetation and the physical buffer it creates, helps reduce concentrations of air pollution.

This proposal does not include revegetation or habitat enhancement actions that would be carried out to mitigate impacts to the environment. This policy has a strong topical and geographic connection with this application and should be given more weight. This proposal does not equally or better meet this policy.

8.17 Wildlife

Conserve significant areas and encourage the creation of new areas which increase the variety and quantity of fish and wildlife throughout the urban area in a manner compatible with other urban development and activities.

Objective A.. Natural resource areas. Regulate activities in natural resource areas which are deemed to be detrimental to the provision of food, water, and cover for fish and wildlife.

Objective B. City-wide. Encourage the creation or enhancement of fish and wildlife habitat throughout the city.

Objective C. City Parks. Protect existing habitat and, where appropriate, incorporate new fish and wildlife habitat elements into park plans and landscaping.

Findings: The City's Environmental Overlay Zone implements the goals of protecting wetlands, riparian areas, and water bodies with significant functions. Beyond the e-zone regulations, the Open Space designation/zone contributes significantly to the establishment and protection of wildlife habitat areas. Under Policy 8.10, the Bureau of Environmental Services identifies a number of characteristics/attributes that are found at the Colwood site.

This policy has a strong topical and geographic connection with this application and should be given more weight. The proposal to amend the City's Comprehensive Plan Map and Zoning Map from Open Space to Industrial Sanctuary does not equally or better support this policy.

8.18 Natural Resources Management Plans

The development of natural resource management plans for large parcels or areas is encouraged. Overlapping plan and permit requirements for natural resource management plans and developments therein will be minimized. Plans approved through the regulations of the Environmental zones are deemed to be in compliance with Policies 8.9 through 8.17.

Findings: The subject site is located within the Columbia Corridor, for which a natural resource management plan was developed in 1989 (*Inventory and Analysis of Wetlands, Water Bodies, and Wildlife Habitat Areas for the Columbia Corridor: Industrial/Environmental Mapping Project.*) The environmental zoning on the site implements the management plan. The applicant is not proposing to remove or modify this environmental zoning. This policy has a geographic connection with this application. However, because the environmental overlay zoning is in place and is not proposed to

be changed, this policy should not have the same weight as most of the other Goal 8 policies. The proposal equally supports this policy.

Policy 8.20 Noise Abatement Strategies

Reduce and prevent excessive noise levels from one use which may impact another use through on-going noise monitoring and enforcement procedures.

Findings: Concerns have been raised that if redeveloped with industrial uses, the natural resource values of areas along the sloughs would be degraded by impacts of noise. New industrial development is subject to noise restrictions. Off-site impacts of noise (Zoning Code Chapter 33.262) as well as vibration, odor and glare, are restricted. Noise impacts affecting Open Space zoned areas are subject to standards set forth under City Title 18, Noise Control. The Cully neighborhood association raised concerns regarding noise impacts. However, this specific policy, which speaks to noise monitoring and enforcement, does not have a topical connection to the proposal and therefore is not relevant.

Policy 8.21 Portland International Airport Noise Impact Area

Ensure compatible land use designations and development within the noise impacted area of the Portland International Airport while providing public notice of the level of noise and mitigating the potential impact of that noise within the area.

Findings: The site is located within the “x”, Portland International Airport Noise Impact overlay zone. This overlay zone requires noise insulation for many non-industrial uses. The applicant is not proposing any modification to the overlay zoning on the site. This policy has a geographic connection with this application. However, because the airport noise overlay zoning is in place and is not proposed to be changed, this policy should not have the same weight as most of the other Goal 8 policies. The proposal equally supports this policy.

Goal 9 Citizen Involvement

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Policy 9.1 Citizen Involvement Coordination

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to city residents and businesses, and notice of official public hearings to neighborhood associations, business groups, affected individuals and the general public.

Policy 9.3 Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city’s residents, businesses and organizations.

Findings: As noted previously, the City and the applicant have complied with the mandated neighborhood notification requirements identified in the Portland Zoning Code. This includes posting the site with a description of the proposal at least 30 days prior to the hearing; mailing affected property-owners, neighborhood associations, district coalition offices, and business

associations a written description of the proposal (with exhibits) and notifying them of the opportunity to comment on the proposal, and holding public hearings before the Hearings Officer and City Council. As such, Goal 9 will be met. Policies 9.1 and 9.3 do not have a topical or geographic connection with this specific map amendment proposal. Therefore, they carry no weight when balancing the relevant policies.

Goal 10 Plan Review and Administration

Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

Findings: As indicated below in response to the applicable policies, the proposal will not be equally or more supportive of this goal as is the existing designation.

Policy 10.4 Comprehensive Plan Map

The Comprehensive Plan Map is the official long-range planning guide for uses and development in the city. The Comprehensive Plan Map uses the designations listed below. The designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation. Comprehensive Plan Map designations are shown on the Official Zoning Maps.

Policy 10.5 Corresponding Zones and Less Intense Zones

Corresponding zones are zones which best implement a Comprehensive Plan Map designation. Base zones must either be the zone corresponding to the designation, or be a zone less intense than the corresponding zone. When the Comprehensive Plan Map is amended legislatively and the underlying base zones are more intensive than allowed by the amended Plan Map, the zones are automatically changed to corresponding zones. When the Comprehensive Plan Map is amended through a quasi-judicial review and the underlying base zone is more intensive than allowed by the amended Plan Map, the zone must be changed to a corresponding zone as part of the review. In either situation, when the underlying base zone is less intensive than the corresponding zone, the underlying zone may remain. Base zones that are corresponding, less intense, and more intense for each designation are shown in Table 10.4-1.

Findings: The applicant is requesting a Comprehensive Plan Map amendment on most of the site from the Open Space designation to the Industrial Sanctuary designation. The Industrial Sanctuary designation is applied to areas where industrial development may occur, with non-industrial uses limited to prevent land use conflicts and to preserve land for industry. The Industrial Sanctuary designation has three corresponding zones – General Industrial 1 (IG1), General Industrial 2 (IG2) and Heavy Industrial (IH). As discussed in more detail in response to the Zoning Map Amendment approval criteria, the applicant is requesting an IG2 designation for the site. The IG2 zone is the most appropriate General Industrial zone. The IG2 zone is generally found outside of the central core where there are larger lots and an irregular or large block pattern. The Heavy Industrial zone is not found near the site while IG2 zoning is applied on most of the surrounding properties. The IG2 zone corresponds to the Industrial

Sanctuary designation. Therefore, the proposal is consistent with policy 10.4 and 10.5.

Policy 10.7, Amendments to the Comprehensive Plan Map

Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is: (1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies, (2) Compatible with the land use pattern established by the Comprehensive Plan Map, (3) Consistent with the Statewide Land Use Planning Goals, and (4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

Findings:

- 1) *Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies.*

The approval criteria contained in Zoning Code Section 33.810.050.A require the applicant to demonstrate the requested amendment is equally or more supportive of applicable goals and policies of the Comprehensive Plan than the existing designation. As detailed in the findings included herein, the applicant, who has the burden of proof, has not demonstrated, that the proposal equally or better supports those policies with a strong topical and/or geographic connection. As the previous findings reflect, the proposal does not support appropriate Comprehensive Plan Goals and Policies.

- 2) *Compatible with the land use pattern established by the Comprehensive Plan Map.*

The proposed designation is compatible with the established land use pattern in the area. The subject site is flanked on three sides by industrial and employment uses. Changing the designation from Open Space to Industrial Sanctuary reflects the industrial nature of the area. Immediately south of the site is the Thomas Cully Park site, which is planned to be developed for community park use. The future park is on land that is zoned for General Employment (EG2). Park uses are allowed in the Employment and Industrial zones.

- 3) *Consistent with the Statewide Land Use Planning Goals.*

The State Land Conservation and Development Commission (LCDC) has acknowledged the City's *Comprehensive Plan*, and the City goals mentioned in "LCDC and Comprehensive Plan Considerations" are comparable to the statewide planning goals, as follows: City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14 (Urbanization); and City Goal 3 deals with local issues of the neighborhoods. Additionally, the following City and State goals are similar: City Goal 4 - State Goal 10 (Housing); City Goal 5 - State Goal 9 (Economic Development); City Goal 6 - State Goal 12 (Transportation); City Goal 7 - State Goal 13 (Energy Conservation); City Goal 8 - State Goals 5, 6, 7 and 8 (Open Space, Scenic and Historic Areas and Natural Resources, Air, Water and Land Resource Quality,

Areas Subject to Natural Disaster and Hazards, and Recreational Needs); and City Goal 9 - State Goal 1 (Citizen Involvement). Further, City Goal 10 addresses City plan amendments and rezoning, and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). The following analysis includes an assessment of the State goals deemed relevant by the applicant.

- **Goal 1, Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The findings under City Policy 3.5, Neighborhood Involvement and Policy 9.1, Citizen Involvement Coordination describes the public notification requirements for a Comprehensive Plan Map Amendment that were fully met for this review. This goal is not geographically or topically linked with this proposal. Therefore, Goal 1 is not relevant.

- **Goal 2, Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The “General Information” section of this document describes the procedural history of this review and includes an extensive section describing the analysis required to address the approval criterion. Like State Goal 2, this goal is not relevant to this application.

- **Goal 5, Natural Resources:** To protect natural resources and conserve scenic and historic areas and open spaces.

As explained under City policies 8.9, 8.10, 8.14, 8.15, 8.16, and 8.17, the City Council finds that the proposed Comprehensive Plan Map Amendment does not equally or better support policies that address open space and the environment (natural resources).

- **Goal 7, Natural Hazards:** To protect people and property from natural hazards.

Findings under City policies 8.12 and 8.13 state that the proposal equally supports policies that address natural hazards,

- **Goal 8, Recreational Needs:** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Similar to the conflicts with City Open Space Policies 2.6 and 8.9, the proposal conflicts with State Goal 5, Open Space which includes a guideline for the “maintenance and development of open space in urban areas.”

- **Goal 9, Economic Development:** To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

The proposal, as the findings describe under City Policies 5.1, 5.2, 5.4, and 5.8, equally or better supports most City economic development policies.

- **Goal 11, Public Facilities and Services:** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

As explained under City Goal 11, Public Facilities, services are or could be made available to adequately support development that would be allowed, if designated for industrial use.

- **Goal 12, Transportation:** To provide and encourage a safe, convenient and economic transportation system.

With conditions that addressed necessary improvements, mitigation, and with limits on the development allowed on the site, the proposal would equally support most of the policies under City Goal 6, Transportation.

- **Goal 13, Energy Conservation:** To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

As discussed under City policy 7.4, the likely result in the removal of many if not most of the existing 500 trees on the site. Industrial development generally includes large buildings, parking, storage and exterior work areas. The impervious surfaces and limited landscaping that would replace the existing greenspace would most likely result in an increase of heat loads and air pollution. Furthermore, the designated Open Space provides recreational opportunities for the immediate northeast neighborhoods as well as the greater Portland area. The availability of large open spaces, specifically, golf course sites that are located within the City boundary, provide a convenient (shorter trip) alternative for Portland residents.

On the other hand, the proposal would result in approximately 115 acres of developable industrial land. The site is in close proximity to major transportation corridors—air freight services at Portland International Airport and I-205. And the site is currently served by public transit (bus). Given the competing costs and benefits of retaining or changing the map designation, this proposal equally supports this goal.

- **Goal 14, Urbanization:** To provide for an orderly and efficient transition from rural to urban land use.

The applicant identified this State goal as being relevant. However, given the subject site is located within the City boundary and well within the City's urban growth boundary, this goal does not apply to this proposal.

- 4) *Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.*

A large portion of the site is located within the boundaries of the Cully neighborhood. As analyzed under Policy 3.6, on balance the proposed designation is not equally or more supportive of the Cully Neighborhood Plan than the existing designation on the site.

Policy 10.8 Zone Changes

Base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in the designation. When a designation has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone and the zoning and general land uses of surrounding lands. Zone changes must be granted when it is found that public services are presently capable of supporting the uses allowed by the zone, or can be made capable prior to issuing a certificate of occupancy. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities, and police and fire protection.

Findings: The requested Zoning Map Amendment cannot be approved unless the Comprehensive Plan Map Amendment is approved. Because the application did not meet its burden to prove that the proposed designation satisfies criterion 33.810.050.A.1, the Zoning Map Amendment from OS, Open Space to IG2, General Industrial 2 must also be denied.

Policy 10.9 Land Use Approval Criteria and Decisions

The approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request. The approval criteria are derived from and are based on the Comprehensive Plan. A proposal that complies with all of the criteria is in conformance with the Comprehensive Plan and will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with the necessary conditions. A proposal that cannot comply with the criteria will be denied.

Findings: The proposed Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary is combined with a Zoning Map Amendment request to place the corresponding zone of IG2 on the site.

The requested Zoning Map Amendment cannot be approved unless the Comprehensive Plan Map Amendment is approved. Because the application did not meet its burden to prove that the proposed Comprehensive Plan designation satisfies criterion 33.810.050.A.1, both the Comprehensive Plan Map and Zoning Map Amendment from OS, Open Space to IG2, General Industrial 2 must be denied.

Goal 11 Public Facilities

11 A Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

Policy 11.2 Orderly Land Development

Urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Findings: The proposed Comprehensive Plan Map amendment has been reviewed by the City service bureaus and other affected agencies, and with the exception of Portland Transportation and Oregon Department of Transportation, these bureaus and agencies have expressed no significant concern with the amendment request (Exhibits E.1-E.16). To minimize impacts on transportation infrastructure, Portland Transportation and ODOT recommended conditions of approval that limit the intensity of development and types of uses that are allowed outright on the site and mitigation. With the conditions of approval, both the City and State transportation agencies determined that the transportation system would be capable of accommodating the anticipated industrial traffic. The proposal equally supports this policy.

11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

Findings: The applicant is requesting a change to the map designation/zone that would allow a change of use. The proposed Comprehensive Plan Map Amendment and Zoning Map Amendment would result in new development on an improved open space with an existing recreational facility. The site is located within an established industrial area. The site is well suited for industrial development due to its size, location in proximity to transportation facilities, and relative lack of site constraints. The Oregon Department of Transportation and Portland Transportation support the requested change but with conditions that require mitigation and limit the level of development—floor area restrictions of industrial uses. However, the Colwood site is not vacant. The site is fully improved and operating with a privately-owned golf course. Therefore, the proposal does not equally support this policy.

11.5 Cost Equity

To the maximum extent possible, the costs of improvement, extension and construction of public facilities should be borne by those whose land development and redevelopment actions made such improvement, extension and construction necessary. A procedure is to be established that defines the responsibility for improvements of individual projects.

Findings: As identified under Policies 6.18, 6.22 and 6.23, the applicant would be responsible for completing intersection improvements at: (1) NE Alderwood Road/NE Columbia Blvd and NE Columbia Blvd/NE Cully, (2) NE Alderwood Rd/NE 82nd Avenue, and (3) NE Alderwood Rd/NE Cornfoot Rd. Further, the applicant would be required to dedicate portions of the site along NE Columbia Blvd, NE Alderwood Rd and NE Cornfoot Rd. All public streets within or adjacent to the site would be required to be improved to City standards when the property is subdivided or developed by other means. Required frontage improvements would be required to comply with BES stormwater drainage requirements. Public works permits to extend sanitary service to portions of the site would be required. Costs of improvements and extension of necessary public services would be addressed at the time of specific development applications. The proposal better supports this policy.

11.10 Street Design and Right-of-Way Improvements

Design improvements to existing and new transportation facilities to implement transportation and land use goals and objectives.

Objectives:

- A. *Make changes to public rights-of-way that are consistent with their street classifications and descriptions in the Transportation Element of the Comprehensive Plan.*
- B. *Consider the needs and safety of all users of a planned facility in its design and during the construction process.*
- C. *When changes to a right-of-way are proposed, consider the overall capacity impacts to the immediately affected street, as well as potential areawide capacity impacts.*
- D. *Use Metro street design guidelines (Creating Livable Streets: Street Design for 2040, November 1997 and Green Streets, July 2002) as a resource in developing and designing projects for streets on the regional system.*
- E. *Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland's Pedestrian Design Guide, Bicycle Master Plan-Appendix A, and Design Guide for Public Street Improvements.*
- F. *Provide planned bicycle facilities in conjunction with street improvements, or develop equally safe and convenient alternative access for bicycles on parallel streets when the appropriate bikeway facility cannot be provided on the designated street because of severe environmental or topographical constraints, unacceptable levels of traffic congestion, or the need to retain on-street parking.*
- G. *Include sidewalks on both sides of all new street improvement projects, except where there are severe topographic or natural resource constraints or when consistent with the Pedestrian Design Guide.*
- H. *Include improvements that enhance transit operations, safety, and travel times in projects on existing or planned transit routes.*
- I. *Improve streets within Freight Districts and on truck-designated streets to facilitate truck movements.*
- J. *Construct local residential streets to minimize pavement width and total right-of way width, consistent with the operational needs of the facility and taking into account the needs of both pedestrians and vehicles.*
- K. *Ensure that transportation facilities are accessible to all people and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990.*
- L. *Encourage the beautification of the City by incorporating appropriate streetscape elements along regionally designated streets and along other City-designated arterials, in conjunction with the Urban Forestry Program.*

- M. *Encourage the formation of local improvement districts (LIDs for the construction of transportation infrastructure, which may include streets, curbs, or other structures; pedestrian or bicycle facilities; drainage; and street trees.*
- N. *Continue to explore cost-effective methods to finance local street improvements.*
- O. *Consider and minimize impacts on the natural environment, consistent with the City and regional response to the Endangered Species Act and stream crossing design guidelines in the Green Streets handbook, in the planning, design, and development of transportation projects.*
- P. *Consider the desired character of the area, including neighborhood livability, in the design and development of transportation projects.*

Findings: The Transportation Impact Analysis acknowledges the City's Capital Improvements Plan and demonstrates that the proposal is consistent with the Transportation System Plan. With a change in zoning the required intersection improvements, needed to serve as mitigation to traffic service levels, would be designed to meet City standards. Dedications and frontage improvements would be required to meet City standards. The proposal equally supports this policy.

SANITARY AND STORMWATER FACILITIES GOAL & POLICIES

GOAL:

11 C Insure an efficient, adequate and self supporting wastewater collection treatment and disposal system which will meet the needs of the public and comply with federal, state and local clean water requirements.

Findings: BES reports that while no sewer lines currently exist on the property, future BES reports that while no sewer lines currently exist on the property, future development on the site may connect to existing sewer lines located east and west of the subject site. BES, BDS Site Development and Multnomah Drainage District #1 recommended, if approved, on-site stormwater treatment and detention with disposal should be directed to the sloughs or stormwater sewer facility. However, as explained under Policies 11.21 and 11.22 the benefits provided by the large impervious area, with meadow-like fields and hundreds of trees, compliments the function of the sloughs by stabilizing the bank, reducing sediment inputs and filtering pollutants. The proposal does not equally or better support this goal.

11 D Provide for adequate solid waste disposal.

Findings: BES reports that while no sewer lines currently exist on the property, future development on the site may connect to existing sewer lines located east and west of the subject site. The proposal equally supports this goal.

Policy 11.21 Stormwater Management

Integrate master planning for stormwater management with other city activities to achieve adequate drainage and to minimize pollution and erosion problems.

Policy 11.22 Impervious Surfaces

Where necessary, limit the increase of Portland's impervious surfaces without unduly limiting development in accordance with the Comprehensive Plan.

Findings: The applicant submitted stormwater analysis that shows that vegetated swales can be constructed to address water quality and detention requirements. The Multnomah County Drainage District #1 submitted written comments stating that stormwater disposal into the sloughs is allowed and the proposed disposal (after water quality treatment) will be permitted.

However, the Watershed Services Division of the Bureau of Environmental Services notes that if the Open Space designation were retained, the meadows and tree canopy would continue to offer infiltration and evapotranspiration of stormwater and groundwater. Further the golf course offers a wide riparian buffer that compliments the function of the sloughs by stabilizing the bank, reducing sediment inputs and filtering pollutants. The Colwood site provides a microclimate and shades the slough. Others, including BES, pointed out the City has invested over \$187 million over the past decade to clean up the Columbia Slough and to protect adjacent natural areas. The open space serves as “green infrastructure” that cannot be replaced/mitigated with industrial development. Therefore, the proposal does not equally or better support policies 11.21 and 11.22.

WATER SERVICE GOAL & POLICIES

GOAL:

11 E Insure that reliable and adequate water supply and delivery systems are available to provide sufficient quantities of high quality water at adequate pressures to meet the existing and future needs of the community, on an equitable, efficient and self-sustaining basis.

Findings: Water service is currently provided by the City of Portland Water Bureau. The Water Bureau reports that service is available.

PARKS AND RECREATION GOAL & POLICIES

GOAL:

11 F Maximize the quality, safety and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland.

Findings: This proposal will ultimately result in the cessation of a privately-owned golf course that has operated at the site for over 80 years. As explained in the findings under policies 2.6 and 8.9, this proposal does not equally or better support this policy. This policy has a strong topical connection with this application and should be given more weight.

FIRE GOAL & POLICIES

GOAL:

11 G Develop and maintain facilities that adequately respond to the fire protection needs of Portland.

Findings: The subject site abuts three Major Emergency Response street facilities (Columbia Blvd, Alderwood, and Cornfoot). The change in land use designation will not affect the function of the streets with respect to emergency response. Therefore, the proposal is consistent with the City’s goal to maintain adequate emergency response facilities.

POLICE GOAL & POLICIES:**GOAL:**

11 H Develop and maintain facilities that allow police personnel to respond to public safety needs as quickly and efficiently as possible.

Findings: The subject site abuts two Major Emergency Response street facilities. A change in land use designation would not affect the function of the streets with respect to emergency response. Therefore, the proposal equally supports the City's goal to maintain adequate emergency response facilities.

Goal 12 Urban Design

Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

Policy 12.1 Portland's Character

Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.

Findings: The proposed amendment would create a developable industrial site within the City's largest existing industrial district. The resulting industrial development would be surrounded by similar uses. At the City Council hearing the applicant presented a number of photos of the surrounding development and the street scene along the perimeter of the site. The applicant argued that the surrounding development did not create an attractive setting for nearby residents to pass by, to get to the designated open space.

In a response from Portland Parks, staff cites Objective G under Policy 12.1, which states:

Extend urban linear features such as linear parks, park blocks and transit malls. Celebrate and enhance naturally occurring linear features such as rivers, creeks, sloughs and ridge-lines. Tie public attractions, destinations and open spaces together by locating them in proximity to these linear features. Integrate the growing system of linear features into the City's transportation system, including routes and facilities for pedestrians, bicyclists and boaters.

Portland Parks contends that this and other policies "demonstrates that open space functions are woven into the city's physical form and contribute in many way to its livability." Parks does not support changing the map designation from Open Space to Industrial Sanctuary.

City Council heard testimony that the 138 acre designated Open Space is consistent with one of the City's earliest land use planning reports—the 1903 Report to the Portland Park Board, prepared by the Olmstead brothers. The Olmsteads called for large open space "meadow park" areas to be located along the Columbia Sloughs. The removal of a very large, 80-year old recreational facility would depart from the Olmstead vision. Even if new industrial development was of quality design, the loss of 84 percent of this historic open space would diminish, rather than enhance, the livability of the northeast Portland area. Therefore, the proposal, does not equally or better support this policy.

12.2 Enhancing Variety

Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial and industrial areas should have attractive identities that enhance the urbanity of the City.

Findings: The Cully area remained an independent settlement until the 1980's when the area was annexed into the City of Portland. The Colwood golf course, which was established in the 1920s reflects the historic character of the area—as described by the applicants and in the Cully Neighborhood Plan--pastoral, spacious, rural, country-like. The proposal would result in the replacement of approximately 115 acres of open space with industrial development. A loss of most of the designated and improved open space in the neighborhood would not equally or better support the areas special identity.

12.4 Provide for Pedestrians

Portland is experienced most intimately by pedestrians. Recognize that auto, transit and bicycle users are pedestrians at either end of every trip and that Portland's citizens and visitors experience the City as pedestrians. Provide for a pleasant, rich and diverse experience for pedestrians. Ensure that those traveling on foot have comfortable, safe and attractive pathways that connect Portland's neighborhoods, parks, water features, transit facilities, commercial districts, employment centers and attractions.

Findings: The Airport Industrial District is one of the region's most significant industrial areas. The nearby Portland International Airport and the sloughs are the site's prominent defining features. Approval of this proposal would result in the addition of hundreds of employees. Future employees would experience the site in part as pedestrians. NE Columbia Boulevard and NE Alderwood Road are classified as City Walkways. NE Cornfoot Road is classified as an Off-street Path. Future improvements to the streets would include pedestrian facilities. In addition, the Columbia Slough trail is indicated on the City map as crossing the site to connect with future segments of the trail. Street improvements would provide connections through the site and to the designated slough trail system.

City Council heard testimony that this Open Space, although a private golf course, provides a scenic and wildlife attraction to many, including pedestrians. If the zoning were approved, this would result in the development of much of the site. The pleasant, rich diverse experience provided by this open space area would be significantly changed. Therefore, the proposal does not equally or better support this policy.

12.7 Design Quality

Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting, history and to the enhancement of its character.

Findings: The proposal, if approved, would result in new industrial buildings and associated exterior activities/improvement. Except for the Central Employment zone, the City has not placed industrially-zoned areas within design districts. Further, Zoning Code development standards that address design features such as

window requirements and main entrance requirements are not applied to General Industrial zones. Rather, the zones are intended to allow the full array of industrial development. Only through voluntary action, would a future development be a model of innovation and leadership in design.

The City has placed a few Open Space designated sites within design districts. However, most remain outside the purview of design review. Development associated with Open Space designated/zoned areas generally is considered attractive. However, like the industrial zones, there are few development standards that address site and building design. Therefore, the proposal equally supports this policy.

Summary

Based on these findings and the weight given to the open space and environmental policies for this particular proposal, the Council finds that the requested Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary for approximately 115 acres of the 138 acre site and the retention of the Open Space on 22.5 acres of site area, on balance, is not equally or more supportive of the *Comprehensive Plan* as a whole than the Open Space designation. The requested Comprehensive Plan Map amendment, therefore, must be denied.

2. When the requested amendment is:

- **From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or**
- **From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;**

the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained.

Findings: Because the existing Comprehensive Plan Map designation is neither residential nor Urban Commercial with a CM zone, this criterion is not applicable.

3. When the request is for a site within the Guild's Lake Industrial Sanctuary plan district and involves a change from the Industrial Sanctuary designation to any other designation, in order to prevent the displacement of industrial uses and preserve land primarily for industrial uses, the following criteria must also be met:

- a. **The uses allowed by the proposed designation will not have significant adverse effects on industrial uses in the plan district or compromise the district's overall industrial character;**
- b. **The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the plan district. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;**

- c. **The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the plan district, including truck, rail, and marine facilities; and**
- d. **The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary within the plan district and not result in a discontinuous zoning pattern.**

Findings: Because the site is not within the Guild's Lake Industrial Sanctuary plan district, this criterion is not applicable.

PART B BASE ZONE MAP AMENDMENT

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

- 1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.**

Findings: The requested Zoning Map Amendment cannot be approved unless the Comprehensive Plan Map Amendment is approved. Because the application did not meet its burden to prove that the proposed designation satisfied criterion 33.810.050.A.1, the Zoning Map Amendment from OS, Open Space to IG2, General Industrial 2 must also be denied.

CONCLUSIONS

The applicant is requesting a Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary, and a Zoning Map amendment from OS (Open Space) to IG2 (General Industrial 2) on most of the Colwood National Golf Course site. This proposal directly speaks to numerous policies from the obvious open space and business development to others such as environment, transportation, urban design and neighborhood desires (defined in the Cully Neighborhood Plan). The Hearings Officer recommended denial of this request based on an analysis of applicable, weighted and then balanced goals and policies.

The Council finds that the most important Comprehensive Plan policy subject areas, as they relate to this particular proposal, are open space, environmental and economic development and gives these subject areas the greatest weight in the balancing process required by 33.810.050 A.1. The Council further finds that open space/environmental policies, in this case, can and should be given greater weight than the economic development policies. The Council does not ignore the fact that applicant's proposal does provide for retention of limited open space and provides funds towards development/maintenance of the retained open space. The Council acknowledges that testimony is in the record establishing a need for additional parcels of industrial land within the City of Portland. Consistent with our findings in previous cases, we find that

the open space and environmental polices, although given greater weight, do not prohibit a change from the open space designation. Rather, the Council finds that the economic development benefits of a proposal that retains only 16% of the site in open space do not outweigh the negative impacts on the open space policies. The Council concludes that this application does not meet the burden of proving that, on balance, the current proposal is equally or more supportive of the Comprehensive Plan as a whole than the current Open Space designation. As a result, the application is not approved.

DECISION

Denial of the Comprehensive Plan Map Amendment from the Open Space designation to the Industrial Sanctuary designation.

Denial of the Zoning Map Amendment from the OS, Open Space zone to the IG2, General Industrial 2 zone.

APPEAL INFORMATION

Appeals to the Land Use Board of Appeals

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-(503) 373-1265 for further information on filing an appeal.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Revised/Updated Land Use Review Submittal, Submitted December 2007
 - a. Cover Letter – Proposal Update
 - b. Land Use Request
 - c. Existing Conditions
 - d. Proposal Overview
 - e. Response to Approval Criteria
 - f. Response to Cully Neighborhood Plan Policies and Objectives
 - g. Land Use Application Form and Property Title Information
 - h. Pre-Application Meeting Summary
 - i. Economic Impact Analysis
 - j. Letter to Mr. Haertl from Mark Ellsworth, Office of the Governor, dated July 15, 2005
 - k. Neighborhood and Business Association Meeting Summary Notes
 - l. Transportation Executive Summary, from Kittelson, dated December 20, 2007
 - m. Kittelson Concept Design for Columbia Blvd/Cully Rd
 - n. Kittelson Concept Design for NE Alderwood & 82nd Ave
 - o. Kittelson Concept Design for Proposed Ramp Lane at I-205/Killingsworth
 - p. Kittelson Concept Design, Alternative at I-205/Killingsworth
 - q. Transportation Impact Analysis, Colwood Golf Course, prepared by Kittelson and Assoc., Submitted June 2005
 - r. Letter to Mr. Haertl from Robin Grimwald, Portland Parks, dated June 15, 2005
 - s. Preliminary Stormwater Drainage Analysis
 - t. Multnomah County Drainage District Service Provider Letter, dated May 16, 2005
 - u. Utility Service Availability Letters
 - 2. Transportation Impact Analysis, Colwood Golf Course, prepared by Kittelson and Assoc., Submitted March 2008
 - 3. Original Land Use Review Submittal, Submitted June 2005
 - a. Land Use Request
 - b. Existing Conditions
 - c. Proposal Overview
 - d. Response to Approval Criteria
 - e. Land Use Application Form and Property Title Information
 - f. Pre-Application Meeting Summary
 - g. Economic Impact Analysis
 - h. Letter to Mr. Haertl from Mark Ellsworth, Office of the Governor, dated July 15, 2005
 - i. Neighborhood and Business Association Meeting Summary Notes
 - j. Transportation Impact Analysis, Colwood Golf Course, prepared by Kittelson and Assoc., Submitted June 2005
 - k. Letter to Mr. Haertl from Robin Grimwald, Portland Parks, dated June 15, 2005
 - l. Preliminary Stormwater Drainage Analysis
 - m. Multnomah County Drainage District Service Provider Letter, dated May 16, 2005
 - n. Utility Service Availability Letters
- B. Zoning Map
 - 1. Existing (attached)

2. Proposed, requested December 2007
 3. Proposed with original application, June 2005
- C. Plans & Drawings
1. Zoning/Comprehensive Plan Map Proposal by Acreage
 2. Existing Conditions Site Plan/Aerial Photo – Identifying Floodplain and Streets
 3. Storm Plan
 4. Utility Plan
 5. Existing Conditions Aerial Photo
 6. Proposed Park Exhibit
 7. Original Zoning/Comprehensive Plan Map Proposal by Acreage, Submitted June 2005
 8. Original Proposed Park Exhibit, Submitted June 2005
- D. Notification information
1. Second Request for response, dated December 28, 2007
 2. First Request for response, dated August 8, 2005
 3. Posting letter for Rescheduled Hearing sent to applicant, dated Feb. 13, 2008
 4. Posting letter sent to applicant, dated December 31, 2007
 5. Rescheduled Hearing Notice to be posted
 6. Original Notice to be posted,
 7. Applicant's statement certifying re-posting, dated February 21, 2008
 8. Aerial photo from applicant identifying location of posting boards
 9. Photos of each posting board
 10. Applicant's statement certifying posting, dated January 9, 2008
 11. Mailing List for Rescheduled Hearing
 12. Mailing List for Hearing
 13. Mailed Notice for Rescheduled Hearing dated February 29, 2008
 14. Mailed Notice for Hearing
 15. LCDC Notice of Proposed Amendment
 16. Original LCDC Notice of Proposed Amendment,
- E. Agency Responses:
1. Police Bureau
 2. Fire Bureau/Fire Prevention Division – TRACS Response
 3. Bureau of Environmental Services Revised Response
 4. Bureau of Environmental Services Addendum to Land Use Response
 5. Bureau of Environmental Services Land Use Response
 6. Bureau of Development Services/Site Development Review Section
 7. Bureau of Development Services/Life Safety Plans Examiner
 8. Bureau of Water Works – Pre-Application Conference Response
 9. Bureau of Water Works – TRACS Response
 10. Portland Parks & Recreation
 11. Portland Bureau of Transportation Engineering and Development Review
 12. Oregon Department of Transportation, dated March 13, 2008
 13. Oregon Department of Transportation, received Jan. 28, 2008
 14. Bureau of Planning, dated March 5, 2008
 15. Bureau of Planning, dated Jan. 28, 2008
 16. Multnomah Drainage District #1, dated May 16, 2005
 17. Portland Parks memo to PDOT regarding Thomas Cully Park
- F. Correspondence
1. Corky Collier, Columbia Corridor Association, P.O. Box 55651, Portland, OR 97238
 2. Andy Kangas, CB Richard Ellis, 1300 SW Fifth Ave., Suite 200, Portland, OR 97201
 3. Tony Reser, GVA Kidder Mathews, One SW Columbia St., Suite 950, Portland, OR 97258

4. John Bartell, Opus Northwest, LLC, 1500 SW First Ave., Suite 1100, Portland, OR 97201
 5. Todd A. DeNeffe, Cascade Commercial Real Estate, LLC, 2323 N. Williams Ave., Portland, OR 97227
 6. Todd Sheaffer, Specht Development, 15325 SW Beaverton Creek Court, Beaverton, OR 97006
 7. Todd Sheaffer, National Association of Industrial and Office Properties, Portland, OR
 8. Steven Wells, Trammell Crow Company, 4949 SW Meadows Rd., Suite 150, Lake Oswego, OR 97035
 9. Mike Houck, Urban Greenspaces Institute, P.O. Box 6903, Portland, OR 97228
 10. Richard Gunderson, Cully Association of Neighbors
 11. Frank Jagodnik, Oregon Recreation and Park Association, 309 Lexington Ave., Astoria, OR 97103
 12. Jane Van Dyke, Columbia Slough Watershed Council, 7040 NE 47th Ave., Portland, OR 97218
 13. Troy Clark, Friends of Smith and Bybee Lakes, 2821 NE Klickitat, Portland, OR 97212
 14. Bruce Seiler
 15. Erika Read, Portland Habitat for Humanity, 1478 NE Killingsworth St., Portland, OR 97211
 16. Shawn Busse, 5936 NE Mason St., Portland, OR
 17. Jean and Robert Thompson, 5316 NE 53rd Ave., Portland, OR 97218
 18. Greg Ames, Luther Memorial Lutheran Church, 4800 NE 72nd, Portland, OR 97218
 19. Bonnie J. Gregg, Luther Memorial Lutheran Church, 4800 NE 72nd, Portland, OR 97218
 20. Micki Carrier
 21. Cascade Anderson Geller
 22. Don Jacobson, 941 SE 55th Ave., Portland, OR 97215
 23. Linda Rose, 4343 NE Ainsworth, Portland, OR 97218
 24. Tony DeFalco, 4347 NE Sumner St., Portland, OR 97218
 25. Ben Cannon, 1125 SE Madison, Suite 100B, Portland, OR 97214
 26. Shirley Simmons, 216 SE 30th Ave., Portland, OR 97214
 27. Rachel Felice, 703 NE Sumner St., Portland, OR 97211
 28. Erwin Bergman, 5330 NE Holman St. Portland, OR 97218
- G. Other
1. Site History Research
 2. Application Incompleteness Letter to Applicant, dated July 11, 2005
 3. Bureau Representatives Correspondence. Preparing and Responding to Pre-Application Conference
 4. Copies of Previous CP/ZC Amendments from OS Zone to Applicant from BDS Staff, dated April 25, 2005
 5. Memo from PDOT to Applicants Regarding Colwood Development Agreement, dated Sept. 21, 2005
 6. Memo from ODOT to BDS Staff, dated Sept. 1, 2005
 7. Memo from ODOT to BDS Staff, dated August 31, 2005
 8. Memo Regarding Development Agreement Concept to BDS Staff from Kittelson and Assoc., dated Aug. 5, 2005
 9. Letter from Applicant, Trina Buitron Whitman to BDS Staff Regarding Updated Completeness Submittal, dated July 20, 2005
 10. Letter from Applicant, Trina Buitron Whitman to BDS Staff Regarding Proposed Zone Boundary Explanation, dated Aug. 26, 2005
 11. E-mail response to Applicant and City Staff from PDOT, dated Aug. 8, 2005

12. E-mail from Kittelson to BDS Staff regarding incomplete letter, dated July 18, 2005
 13. Notes from Meeting Discussing Colwood Development Agreement, June 12, 2006
 14. Memo to Kittelson (Paul Ryus) from PDOT regarding Feasibility Analysis, dated Dec. 17, 2005
 15. Memo to Jack Orchard, Paul Ryus from PDOT, Colwood Follow-up, dated Jan. 20, 2006
 16. Draft Development Agreement, with Staff editorial comments, July 10, 2006
 17. E-mail updated from PDOT to City staff, dated Oct. 5, 2006
 18. Memo from Kittelson and Assoc. to PDOT staff regarding Killingsworth/I-205 ODOT TPR Issues, dated February 28, 2007
 19. Memo from Kittelson and Assoc. to PDOT and ODOT regarding Alternative Open Space Land Use Scenario
 20. Copy of Courtesy e-mail sent to Bureau Contacts and Others Regarding Hearing Reschedule, dated February 8, 2008
 21. Request to Postpone Original Hearing Date from Applicant to BDS, dated Aug. 16, 2005
 22. Request from Applicant to Reschedule Hearing
 23. Request from Applicant to Reschedule Hearing to March 24, 2008
- H. Received in the Hearings Office
1. Request to reschedule, Frugoli, Sheila
 2. Hearing notice, Frugoli, Sheila
 3. Request to reschedule, Poelwijk, Yvonne
 4. Rescheduled hearing notice, Frugoli, Sheila
 5. Letter dated 2/15/08, Ames, Pastor Greg
 6. Updated mailing list, Hearings Office
 7. Letter to Hearings Officer dated 3/13/08, McCaffrey, Robin
 8. Staff report, Frugoli, Sheila
 9. Duplicate copy of Exh. H-7 (original), McCaffrey, Robin
 10. Memo to Hearings Officer regarding 25 attached letters (exhibited separately), Frugoli, Sheila
 11. Letter from Rachel Felice dated 3/10/08, Frugoli, Sheila
 12. Email from JJ Sweeney dated 3/12/08, Frugoli, Sheila
 13. Email from George Bruender dated 3/12/08, Frugoli, Sheila
 14. Duplicate of email in Exh. H-13, Frugoli, Sheila
 15. Email from Jhan Hochman dated 3/13/08, Frugoli, Sheila
 16. Email from Kathleen Sheridan dated 3/13/08, Frugoli, Sheila
 17. Email from Walt Quade & Marcia Tate dated 3/13/08, Frugoli, Sheila
 18. Email from Greg & Shelley Peters dated 3/13/08, Frugoli, Sheila
 19. Email from Chris Browne dated 3/14/08, Frugoli, Sheila
 20. Email from Kathy O'Neill dated 3/14/08, Frugoli, Sheila
 21. Email from Jim Wentworth dated 3/14/08, Frugoli, Sheila
 22. Email from Chrisandra Sarda dated 3/14/08, Frugoli, Sheila
 23. Email from Jean Brown dated 3/15/08, Frugoli, Sheila
 24. Email from Tamra Dickinson dated 3/16/08, Frugoli, Sheila
 25. Email from Bhronwhyn Dean dated 3/17/08, Frugoli, Sheila
 26. Email from Tom O'Neill dated 3/17/08, Frugoli, Sheila
 27. Email from Janis Stange dated 3/17/08, Frugoli, Sheila
 28. Email from Alan Locklear dated 3/17/08, Frugoli, Sheila
 29. Email from Lawrence Jones dated 3/17/08, Frugoli, Sheila
 30. Letter from James & Lorace Miller, Frugoli, Sheila
 31. Email to Anna Curtin dated 3/18/08, Frugoli, Sheila
 32. Letter from Helen Gradt, Frugoli, Sheila
 33. Email from M'Lou Christ dated 3/19/08, Frugoli, Sheila

34. Email from Rachel Freifelder dated 3/19/08, Frugoli, Sheila
35. Email from Dove Hotz dated 3/19/08, Frugoli, Sheila
36. Letter, Brown, Kerry
37. 3/24/08 Memo, Frugoli, Sheila
38. 3/24/08 Letter Mike Houch to Frugoli, Frugoli, Sheila
39. 3/24/08 E-mail Dianne Ensign to Frugoli, Frugoli, Sheila
40. 3/24/08 Memo from Linda Robinson, Frugoli, Sheila
41. 3/24/08 E-mail from Margaret Hollyer, Frugoli, Sheila
42. 3/20/08 Letter Susan L. Nelson to Frugoli, Frugoli, Sheila
43. 3/23/08 Letter Bob Sallinger to Frugoli, Frugoli, Sheila
44. 3/24/08 E-mail Julie Morris to Frugoli, Frugoli, Sheila
45. 3/19/08 Letter Katie Ugolini/Concordia NA to Frugoli, Frugoli, Sheila
46. 3/21/08 E-mail Johanna Rayman to Frugoli, Frugoli, Sheila
47. 3/20/08 E-mail Greg Schramm to Frugoli, Frugoli, Sheila
48. Staff's PowerPoint presentation printout, Frugoli, Sheila
49. Applicant's PowerPoint presentation printout, Raus, Paul
50. Testimony form with letter attached, Loughran, Sean
 - a. 3/24/08 Letter Christopher Corich to Frank, Loughran, Sean
51. Testimony form, Conley, Mark
52. Testimony form, Robinson, Linda
53. Testimony form, Sallinger, Bob
54. Testimony form, Clark, Troy
55. Testimony form with attachments, Fuerstenau, Kathy
 - a. 3/24/08 Letter Fuerstenau to Hearings Officer, Fuerstenau, Kathy
 - b. Cully Neighborhood Fact Sheet, Fuerstenau, Kathy
 - c. Table, Fuerstenau, Kathy
56. Testimony form, Bergman, Erwin
57. Testimony form, Denburg, Robin
58. Testimony form with attachment, Barber, Bill
 - a. 3/20/08 Letter Barber/Central NE Neighbors to Hearings Officer
59. Testimony form, Collier, Corky
60. Testimony form, Metzger, Patrick
61. Testimony form, Quade, Walt
62. Testimony form, Hood, Darcy
63. Testimony form, Fritz, Barbara
64. Testimony form, Eckert, Richard A.
65. Testimony form, Jensvold, Martin
66. Agreement for Donation and Acceptance of Real Property, Orchard, Jack
67. Testimony form, LeDoux-Callan, Elizabeth
68. Testimony form, Stadelman, Kevin
69. Testimony form, Perlman, Lee
70. Testimony form, Bergemann, Rhonda
71. Testimony form, Brown, Kerry
72. Testimony form, DeRidder, Tamara
73. 3/24/08 Letter Kathy Fuerstenau to Hearings Officer with attachments,
 - a. Cully Neighborhood Fact Sheet, Fuerstenau, Kathy
 - b. Table, Fuerstenau, Kathy
74. 3/24/08 Memo Robinson to Hearings Officer, Robinson, Linda
75. 3/24/08 Letter, Conley, Mark
76. Testimony, Fritz, Barbara
77. Testimony form, Sherman Cohen, Helen
78. 3/24/08 Letter with attachments, DeRidder, Tamara
 - a. Cully Neighborhood Survey Results 2006 & 2000 Demographics, DeRidder, Tamara
 - b. Cully Neighborhood Zoning, DeRidder, Tamara

- c. Cully Neighborhood Fact Sheet, DeRidder, Tamara
 - d. Cully Association of Neighbors Action Plan for 2007-2008, DeRidder, Tamara
79. Letter dated 3/26/08, Thompson, Jean and Robert
 80. Letter, Browning, Rachel
 81. Letter, De Andrade, John
 82. 3/25/08 E-mail from Charles LeGrand, Frugoli, Sheila
 83. 3/21/08 Letter from Dennis Stoecklin, Concordia University, Frugoli, Sheila
 84. 3/31/08 Letter, Ames, Pastor Greg
 85. 4/7/08 E-mail from Judy Henderson , Frugoli, Sheila
 86. 4/7/08 E-mail from Larry Jones, Frugoli, Sheila
 87. 4/7/08 E-mail from Karen Smith, Frugoli, Sheila
 88. 4/7/08 E-mail from Cheyne Cumming, Frugoli, Sheila
 89. 4/9/08 E-mail from Elizabeth, Frugoli, Sheila
 90. 4/7/08 E-mail from Judy Todd, Frugoli, Sheila
 91. Letter, Ritter, Erica
 92. Letter dated 4/10/08, Horner, Brett
 93. Fax letter to HO, Oliver, Kathy
 94. Faxed letter to HO, Rebanal, Olivia
 95. Letter to HO dated 4/14/08, Whitaker, David
 96. Memo to HO dated 4/14/08 (5 pages), Frugoli, Sheila
 97. Report to HO dated 4/10/08 on PDOT letterhead, Jeffrey, Jamie
 98. Letter to HO dated 4/12/08, Fuerstenau, Kathy
 99. Report to HO dated 4/14/08, Whitman, Trina Buitron
 100. Letter to HO dated 4/11/08 w/2 11x17 color maps attached, Corich, Christopher
 101. Fax cover w/multiple docs from various people attached (Exh. 101a-101d), Kevlin, Ross
 - a. Letter to HO dated 4/11/08 on ODOT letterhead, Kevlin, Ross
 - b. Copy of email from Kevlin to various parties dated 4/14/08, Kevlin, Ross
 - c. Copy of email from Robin McCaffrey to Garth Appanaitis dated 4/13/07, Kevlin, Ross
 - d. Attachment V document, Kevlin, Ross
 102. Faxed copy of letter from Neighborhood Assns. to Frugoli dated 4/10/08, Hatfield, Teresa
 103. Faxed memo to HO dated 4/14/08, Robinson, Linda
 104. Letter to HO dated 4/10/08, Walker, Jaymes
 105. Letter to HO dated 3/24/08 on Columbia Corridor letterhead, Collier, Corky
 106. Letter to HO dated 4/9/08, Hamilton, Dr. Carol C.
 107. Duplicate of Exh. H-102, Frugoli, Sheila
 108. Copy of email from Frodo Okulam to S. Frugoli & others dated 4/10/08
 109. Letter to HO from Wilkes Community Group dated 3/26/08, Frugoli, Sheila
 110. Copy of email from Elisabeth Minthorn to S. Frugoli & others dated 4/9/08,
 111. Memo to HO entitled: Addendum #2 to Land Use Response, Tunnard, Sears, Thompson, & Hendrickson at BES, Submitted After Record Closed
 112. Letter to HO, Knight, Ron, Submitted After Record Closed
 113. Letter to HO, Luck, Susanna, Submitted After Record Closed
 114. Letter to HO, Hyatt, Greg, Submitted After Record Closed
 115. Letter to HO, Sterry, Kate, Submitted After Record Closed
 116. Letter of rebuttal dated 4/24/08 w/attachments, Whitman, Trina Buitron
 - a. Kittelson & Assoc. Memo dated 4/21/08 (5 pgs), Whitman, Trina Buitron
 - b. Memo to City of Troutdale re: Fed-X, from Kevlin @ ODOT dated 8/29/07, Whitman, Trina Buitron, Received
- I. Hearings Officer's Decision dated June 18, 2004
 - J. City Council Hearing

1. Notice of Public Hearing Before City Council (mailed copy and mailing list)
 2. Briefing memorandum from Sheila Frugoli, BDS, dated September 8, 2008
 3. Briefing memorandum from Jamie Jeffrey, PDOT, dated September 8, 2008
 4. Copy of Bureau of Development Services Staff Presentation (Powerpoint) to the City Council
- K. Correspondence Received by Council (maintained by Council Clerk and not listed as separate exhibits)