



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/05/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment  
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, November 21, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sheila Frugoli, City of Portland  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative  
Amanda Punton, DLCD Natural Resources Specialist

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
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DEPT OF

NOV 01 2013

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *City of Portland*

Local file number: *LU 12-213885CP2CEN*

Date of Adoption: *Oct. 23, 2013*

Date Mailed: *Oct. 29, 2013*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: *Environmental Review*

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*Amend Comprehensive Plan Map and Zoning Map from OS, Open Space to the Industrial Sanctuary Comp. Plan designation and the IG2, General Industrial 2 zone. Environmental Review to remove resources (pond & small wetlands) and through Zoning Map Amendment remove 24.96 acres of Env. Conservation overlay zoning & 2.94*

Does the Adoption differ from proposal? Please select one

*Yes, slightly. The change of the designation & base zoning did not change. However, the changes to the Environmental Overlay zones were slightly modified from the original proposal.*

Plan Map Changed from: *Open Space* to: *Industrial Sanctuary*  
 Zone Map Changed from: *Open Space* to: *General Industrial 2*  
 Location: *7313 NE Columbia Blvd* Acres Involved: *48.36*  
 Specify Density: Previous: *N/A* New: *N/A*

Applicable statewide planning goals:

- 1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing?  Yes  No
- If no, do the statewide planning goals apply?  Yes  No
- If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 002-13 (19831) [17668]



## CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204  
phone: (503) 823-4086

web: [www.portlandonline.com/auditor/](http://www.portlandonline.com/auditor/)

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October 29, 2013

### NOTICE OF DECISION

**RE CASE FILE: LU 12- 213885 CP ZC EN**

Consider the proposal of Don Goldberg of The Trust for Public Land and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Open Space to Industrial Sanctuary and the Zoning Map designation from OS Open Space to IG2 General Industrial 2 for the Northern Parcel, and a Zoning Map Amendment to modify Environmental Protection and Environmental Conservation overlay zones on the site known as the Colwood National Golf Course, in the vicinity of NE Alderwood Rd and NE Cornfoot Rd (Hearing; LU 12-213885 CP ZC EN)

To Whom It May Concern:

On October 23, 2013, at approximately 2:00 p.m., at a regularly scheduled meeting in Council Chambers, the Council voted 5-0 and passed Ordinance No.186308.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board 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. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Yours sincerely,

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.

## ORDINANCE No. 186308

\*Amend the Comprehensive Plan Map designation and change zoning of property in the vicinity of NE Alderwood Road and NE Cornfoot Road, the northern portion of the site known as the Colwood National Golf Course property, at the request of Don Goldberg, The Trust for Public Lands (Ordinance; LU 12-213885 CP ZC EN)

The City of Portland ordains:

Section 1. Council finds:

1. The property located at 7313 NE Columbia Boulevard, currently the site of the Colwood Golf Course, consists of four parcels with State ID numbers 1N2E17 00100, 1N2E17 00400, 1N2E17 00300, and 1N2E17AA 02000, legally described as "TL 100 47.57 ACRES, SECTION 17 1N 2E; TL 400 50.40 ACRES, SECTION 17 1N 2E; TL 300 32.17 ACRES, SECTION 17 1N 2E; and TL 2000 0.30 ACRES, SECTION 17 1N 2E" (the "Overall Site"). The Applicant requested a Comprehensive Plan Map amendment and concurrent Zoning Map amendment for one of these parcels, and requested Environmental Review that requires modification of Environmental Protection and Environmental Conservation overlay zones on two of these parcels.
2. The Applicant seeks the following on the Overall Site:
  - a. a Comprehensive Plan Map Amendment from Open Space to Industrial Sanctuary for the property identified as State ID No. 1N2E17 00100, legally described as "Tax Lot 100 47.57 acres, Section 17 1N 2E" (hereinafter referred to as the "Northern Parcel");
  - b. a Zoning Map Amendment from Open Space to General Industrial 2 for the Northern Parcel;
  - c. a Zoning Map Amendment to modify Environmental Protection and Environmental Conservation overlay zones on the Northern Parcel and on the property identified as State ID No. 1N2E17 00400 and legally described as "TL 400 50.40 ACRES, SECTION 17 1N 2E" (the "Eastern Parcel"); and
  - d. approval of concurrent Environmental Review for:
    - 2.74 acres of wetland fill and riparian buffer removal within the Environmental Protection zone on the Northern Parcel;
    - Removal of approximately 24.96 acres of riparian area in the Environmental Conservation zone on the Northern Parcel;
    - A minimum of 3.07 acres of wetland creation and plantings in the Environmental Conservation zone south of Whitaker Slough and east of NE Alderwood Road (on the Eastern Parcel);

- A minimum of 8.89 acres of plantings in the area adjacent to Columbia and Whitaker Sloughs, east of NE Alderwood Road (on the Eastern Parcel);
  - A minimum of 3.15 acres of plantings within the environmental zones remaining on the Northern Parcel; and
  - A minimum of 14.04 acres of plantings in the area between Columbia and Whitaker Sloughs, west of NE Alderwood Road.
3. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map and Environmental Review has been received with the proper fee for filing paid.
  4. The Hearings Officer held a duly noticed public hearing on June 12, 2013, and a Recommendation was issued on August 21, 2013, (BDS File No. LU 12-213885 CP ZC EN). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment, Zoning Map Amendment and Environmental Review, with conditions.
  5. The requested Comprehensive Plan Amendment, Zoning Map Amendment and Environmental Review, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 12-213885 CP ZC EN, except as Conditions B and C are modified and Condition K is added by this ordinance. City Council also adopts supplemental findings to address Policies 3.5, Neighborhood Involvement, Policy 6.5, Traffic Classification Descriptions, and Criterion 33.855.050.B.2, Zoning Map Amendment, as follows:

At the September 25, 2013 City Council hearing for this proposal, the Sumner Neighborhood Association testified that they were not officially notified of the recommended condition for the construction of an additional southbound ramp at I-205 and NE Killingsworth, to fulfill the transportation mitigation requirement. City Council directed Bureau of Transportation (PBOT) staff to meet with the Sumner Neighborhood Association and discuss their concerns and commit to future timely notification to any neighborhood association whose boundaries include a location proposed for off-site mitigation.

The neighborhood meeting occurred on October 8, 2013 with PBOT, Oregon Department of Transportation staff and the applicant in attendance. The transportation staff responded to the concerns raised by neighborhood representatives and explained that the State Transportation Planning Rule allows off-site mitigation to address impacts to regional transportation systems.

The Council has considered the concerns raised by the Sumner Neighborhood Association as well as the competing evidence submitted from the applicant's transportation engineering representative and PBOT staff. The Kittelson and Associates letter dated October 22, 2013 addresses each of the Sumner Neighborhood Association's concerns and outlines the process used for recommending the preferred off-site mitigation. In addition, the letter restates that the proposal will encourage the use of major arterial streets for regional traffic and separate this traffic from local traffic. The letter also addresses the Sumner Neighborhood Association concern that the TIA contained transcription errors in some of the TIA figures. There are no errors in the subject figures. The northbound to westbound I-205 loop off-ramp loads traffic onto NE Killingsworth between these two study intersections, which accounts for the additional westbound traffic arriving at the I-205/Killingsworth Southbound Ramp signalized intersection. PBOT has reviewed the Kittelson letter and find it to be a credible complete response to the Sumner Neighborhood's expressed concerns.

Consistent with the recommendation of the Hearings Officer, Council finds the evidence in the record provided by the applicant and PBOT demonstrates that the proposal satisfies Policy 3.5 and equally supports Policy 6.5. The Council finds that evidence in the record demonstrates that the proposal satisfies City Code Section 33.855.050.B.2, as transportation services are adequate to support the proposal.

- b. The Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review for the Overall Site are approved as follows:
1. A Comprehensive Plan Map Amendment from Open Space to Industrial Sanctuary for the property identified as State ID No. 1N2E17 00100 and legally described as "Tax Lot 100 47.57 acres, Section 171N2E" (the "Northern Parcel");
  2. Zoning Map Amendment from Open Space to General Industrial 2 for the Northern Parcel;
  3. Zoning Map Amendment to modify Environmental Protection and Environmental Conservation overlay zones for the Northern Parcel and on the property identified as State ID No. 1N2E17 00400 and legally described as "TL 400 50.40 ACRES, SECTION 17 1N 2E" (the "Eastern Parcel") as shown on Exhibit B.4; and
  4. Environmental Review for:
    - 2.74 acres of wetland fill and riparian buffer removal within the Environmental Protection zone on the Northern Parcel;
    - Removal of approximately 24.96 acres of riparian area in the Environmental Conservation zone, on the Northern Parcel;
    - A minimum of 3.07 acres of wetland creation and plantings in the Environmental Conservation zone south of Whitaker Slough and east of NE Alderwood Road (on the Eastern Parcel);

- A minimum of 8.89 acres of plantings in the area adjacent to Columbia and Whitaker Sloughs, east of NE Alderwood Road (on the Eastern Parcel);
  - A minimum of 3.15 acres of plantings within the environmental zones remaining on the Northern Parcel; and
  - A minimum of 14.04 acres of plantings in the area between Columbia and Whitaker Sloughs, west of NE Alderwood Road, as illustrated by Exhibits H.26a, H.26b and H.26c.
5. The Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City code, but will not void the Comprehensive Plan Map and Zoning Map Amendments:
- A. Prior to, or concurrent with, the recording of a decision of approval with Multnomah County, the Applicant must execute and record an easement granted to the City of Portland to provide legal access for a public storm outfall. Per PCC 33.730.120, prior to the City making any changes to the Comprehensive Plan Map or Zoning Map, documentation must be submitted by the Applicant that shows that both the land use decision and the easement have been recorded.
- B. Prior to altering any environmental zone designations on the Official Zoning Map, the following must occur:
1. The Applicant must obtain permits from BDS for the mitigation work required under Condition E.
  2. The Applicant must obtain permits from BDS for the resource removal north of NE Cornfoot Road (Tax Lot 100). This may take the form of a Site Development Permit limited to clearing and grading and/or a Commercial Building Permit that includes the grading work and future development.
  3. All BDS permits for mitigation south of NE Cornfoot Road (Tax Lots 300 and 400) must receive final inspection and approval by BDS.
  4. All BDS permits for resource removal north of NE Cornfoot Road (Tax Lot 100) must receive final inspection and approval by BDS. A final occupancy cannot be obtained until the mitigation work required under Condition E (except monitoring required under Condition J) is complete.
- C. Off-site transportation improvements must be addressed, through coordination and construction under separate Public Works Permits issued by PBOT and an ODOT Permit to Construct on State Right of Way. Prior to issuance of Building Permit and/or Site Development Permits for new development on the Northern Parcel (TL 100), financial guarantees to the satisfaction of PBOT and ODOT must be provided for the following improvements:
- Add a third queuing lane for the southbound on-ramp to result in three 12-foot wide lanes;
  - Widen to the outside of the existing lane to accommodate the additional lane;
  - Replace the existing ramp meter to accommodate the additional lane;

- Provide new illumination;
  - Accommodate stormwater from the new impervious area in roadside swales; and
  - Provide any necessary related improvements to NE Killingsworth at the intersection with the southbound I 205 ramp.
- D. All Permits: As part of any Site Development permit, grading permit, and/or building permit application submittal, the following development-related conditions (D through J) must be noted on each of the required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 12-213885 CP ZC EN." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- E. Mitigation Plantings shall be installed on the parcel north of NE Cornfoot Road in substantial conformance with Exhibit H.26a. Plantings shall be installed in the area adjacent to Columbia and Whitaker Sloughs, east of NE Alderwood Road in substantial conformance with Exhibits H.26b and C.5. Plantings shall be installed in the area between Columbia and Whitaker Sloughs, west of NE Alderwood Road in substantial conformance with the forest restoration and enhancement planting tables identified on Exhibit H.26c. All mitigation plantings must be permitted with or in advance of the resource removal on the parcel north of NE Cornfoot Road (Tax Lot 100).
- F. A legal instrument sufficient to carry out mitigation activities must be provided at the time of permit review for the resource removal and mitigation work.
- G. The Applicant shall provide proof of an escrow account with no less than \$25,000 per year of required monitoring or a performance guarantee meeting the standards of PCC 33.700.050 at the time of permit for the resource removal and mitigation work.
- H. A permit from the Bureau of Development Services is required for all resource removal and mitigation activities. The following shall be submitted with applications for permit review of the project elements. All site plans listed below shall be at a scale of 1 inch = 60 feet, or larger.
1. Construction management plan conforming with Exhibits H.26a, C.9 and C.10 and graphically show the following:
    - a. Location and identification of proposed grading for all purposes, with quantities in cubic yards for both fill and cut areas
    - b. All trees to be removed are marked with a large, bold X over the tree
    - c. Location and identification of the required 6-foot chain link tree protection fence placed along the root protection zone (RPZ) of trees to be preserved within disturbance areas and within 50 feet of disturbance areas
    - d. Location of stockpile areas and worker and equipment staging areas



- e. Location and type of erosion control measures to be installed
  - f. Show the Erosion Control installation details, maintenance & monitoring procedures as notes on the plan
  - g. Location of construction ingress and egress
  - h. The official environmental overlay zone boundaries of the Environmental Protection and Conservation zones, with the transition and resource areas correctly identified.
2. A geotechnical report to the satisfaction of the Site Development section of BDS addressing grading, excavation, fill placement and compaction, dewatering, drainage considerations, and slough bank stabilization.
  3. An Erosion Control Plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer.
  4. A graphic Tree Protection Plan shall be included with any permit application, indicating the location of construction fencing for tree protection for all trees to be retained, in conformance with PCC 33.248.065. Temporary tree protection fencing shall conform with PCC 33.248 or a written Alternate Tree Protection Plan, or as required by inspection staff during the plan review and/or inspection stages.
  5. Final Planting plans shall be submitted at permit time, for Planning and Zoning review and approval. The plan shall illustrate the location, species, quantity, spacing and sizes of all required mitigation plantings, consistent with Exhibits C.3-6. The plans shall show each of the following:
    - a. The total trees, shrubs, and native groundcovers, selected from the Portland Plant List, to be planted on site.
    - b. For the restoration area north of and parallel to NE Cornfoot Road, two 40-foot wide driveway accesses may remain unplanted.
    - c. For the area between the Columbia and Whitaker Sloughs west of NE Alderwood Road, an area intended to provide vehicle parking for up to 8 parking spaces may remain unplanted. This area may also contain pedestrian pathways and benches consistent with Portland Parks and Recreation Trail Standards for natural areas.
    - d. All plant materials shall be native vegetation listed on the *Portland Plant List*.
    - e. Plantings shall be installed between October 1 and March 31.
    - f. Prior to installing required plantings, non-native invasive plants shall be removed from all areas within 10 feet of plantings.
    - g. The Applicant shall water plantings as necessary for survival.
- I. An inspection of Permanent Erosion Control Measures shall be required to document installation of the required mitigation plantings.

1. The Permanent Erosion Control Measures inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Conditions E and H.5 above);

--OR--

2. If the Permanent Erosion Control Measures inspection (IVR 210) occurs outside the planting season (as described in Condition H.5 above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the Applicant obtains a separate Zoning Permit for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.
- J. The landscape professional or designer of record shall monitor the required plantings for five years to ensure survival and replacement as described below. The land owner is responsible for ongoing survival of required plantings beyond the designated five-year monitoring period. The landscape professional shall:

1. Provide a minimum of five letters (to serve as monitoring and maintenance reports) to the Cully Neighborhood Association and to the Land Use Services Division of the Bureau of Development Services (Attention: Environmental Review LU 12-213885 CP ZC EN) containing the monitoring information described below. Submit the first letter within 12 months following approval of the Permanent Erosion Control Inspection of the required mitigation plantings. Submit subsequent letters every 12 months following the date of the previous monitoring letter. All letters shall contain the following information:
  - a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
  - b. The percent coverage of native shrubs and ground covers. If less than 80 percent of the planting areas, and restored temporary disturbance areas, are covered with native shrubs or groundcovers at the time of the annual count, additional shrubs and groundcovers shall be planted to reach 80 percent cover (replacement must occur within one planting season).
  - c. A list of replacement plants that were installed.
  - d. Photographs of the mitigation area and a site plan, in conformance with Final Planting Plans described above in Condition B.4, showing the location and direction of photos.
  - e. A description of the method used and the frequency for watering mitigation trees, shrubs, and groundcovers for the first two summers after planting. All irrigation systems shall be temporary and above-ground.
  - f. An estimate of percent cover of invasive species (invasive hawthorn, English ivy, Himalayan blackberry, reed canarygrass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 20 percent cover during the monitoring period.

- K. Prior to recording the Comprehensive Plan and Zoning Map Amendment the applicant shall provide a 20-foot wide public access easement to the City along the NE Columbia Boulevard frontage from the intersection with NE Alderwood Road to the western boundary of the site. At the time of a future project approval to improve the intersection of NE Columbia Boulevard and NE Alderwood Road the applicant shall dedicate required right-of-way within this easement area needed for those improvements. The City will then quitclaim the remaining public access easement area not needed for the improvements to this intersection.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

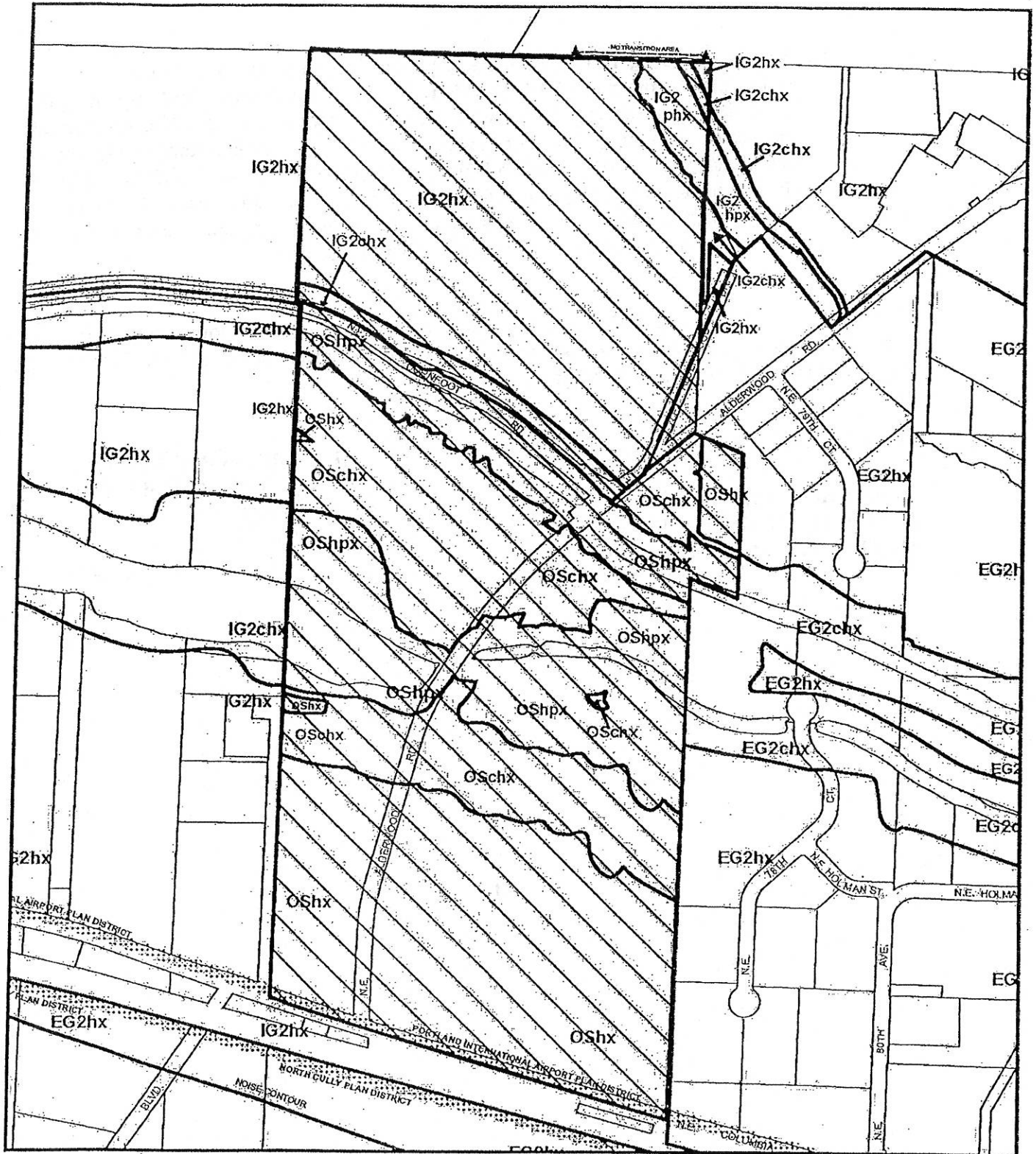
Passed by the Council: OCT 23 2013

Commissioner Amanda Fritz  
Prepared by: Sheila Frugoli, BDS  
Date Prepared: October 23, 2013

LaVonne Griffin-Valade  
Auditor of the City of Portland

By 

Deputy



# ZONING STAFF PROPOSED

 Site



This site lies within the:  
Portland International Airport  
Plan District, Middle Columbia  
Slough Subdistrict.

File No. LU 12-213885 CP,ZC,EN  
 1/4 Section 2337,2338,2437,2438  
 Scale 1 inch = 500 feet  
 State Id 1N2E17 100  
 Exhibit B4 (July 23,2013)



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



## RECOMMENDATION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File No.:** LU 12-213885 CP ZC EN  
HO 4130014

**Applicant:** Don Goldberg  
The Trust For Public Land  
808 SW 3<sup>rd</sup> Avenue, Suite 570  
Portland, OR 97204

**Owner:** Colwood Ltd. Partnership  
2155 Kalakaua Avenue #602  
Honolulu, HI 96815-2354

**Applicant's Representative:** Michael Cerbone, Planning Consultant  
Cardno WRG  
5415 SW Westgate Drive  
Portland, OR 97221

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff:** Sheila Frugoli and Rachel Whiteside

**Site Address:** 7313 NE Columbia Boulevard

**Legal Description:** TL 100 47.57 ACRES, SECTION 17 1N 2E; TL 400 50.40 ACRES, SECTION 17 1N 2E; TL 300 32.17 ACRES, SECTION 17 1N 2E; TL 2000 0.30 ACRES, SECTION 17 1N 2E

**Tax Account No.:** R942170040, R942171960, R942171970, R942171980

**State ID No.:** 1N2E17 00100, 1N2E17 00400, 1N2E17 00300, 1N2E17AA 02000

**Quarter Section:** 2337

**Neighborhood:** Cully

**Business District:** Columbia Corridor Association

**District Coalition:** Central Northeast Neighbors

**Plan District:** Portland International Airport – Airport and Middle Columbia Slough Subdistricts

**Other Designations:** Public Recreational Trail

**Zoning:** OSh, x, p, c: Open Space zone with the Aircraft Landing (h), Airport Noise (x), Environmental Protection (p) and Environmental Conservation (c) overlay zones

**Land Use Review:** Comprehensive Plan Map and Zoning Map Amendment and Environmental Review (CP ZC EN). Type III, with two hearings. The first public hearing is before the Hearings Officer. A recommendation of the Hearings Officer will be presented in a second public hearing to City Council. Council will make the final decision.

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 9:00 a.m. on June 12, 2013, in the 3<sup>rd</sup> floor hearing room, 1900 S.W. 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 11:25 a.m. The record was held open in tiers closing from June 26, 2013 to July 10, 2013. Based upon a request for additional time, the Hearings Officer found cause was shown to extend the open-record period and sent an Interim Order dated June 28, 2013 to all parties. The Hearings Officer's Interim Order extended the open-record period for additional written evidentiary submissions by any person to 4:30 p.m. on July 24, 2013. The open-record period for written responses to the evidence submitted prior to July 24, 2013 was extended to 4:30 p.m. on July 31, 2013. Finally, the open-record period was extended for written argument by the Applicant or Applicant's representatives until 4:30 pm. on August 7, 2013.

**Testified at Hearing:**

Sheila Frugoli  
Rachel Whiteside  
Don Goldberg  
Richard Gunderson  
Erwin Bergman  
Kathy Fuerstenau  
Steve Wells

Bill Saunders  
Donita Fry  
Alan Hipolito  
Victor Merced  
Terry Parker  
Doug Leisy  
Michael Cerbone

**Proposal:** Applicant is requesting a Comprehensive Plan Map and concurrent Zoning Map Amendment Review to change the current designation and zoning on the northern third of the Colwood National Golf Course property ("Overall Site"), as described above, from the Open Space designation and zone to the Industrial Sanctuary designation and IG2, General Industrial 2 zone. The total area proposed for rezoning is 48.36 acres and is identified as Tax Lot 100, Section 17 1N 2E ("Northern Parcel").

Within the Northern Parcel, Applicant has also requested an Environmental Review to implement a Federal Aviation Administration ("FAA") authorized Wildlife Hazard Management Plan. Proposed work includes the removal of a large pond at the center of the Northern Parcel and four smaller wetlands outside of the environmental zone. Concurrent with the resource removal, Applicant has requested a Zone Map Amendment to remove 24.96 acres of the Environmental Conservation overlay zoning ("c") and 2.74 acres of Environmental Protection overlay zoning ("p") on the Northern Parcel. The remaining 90 acres of the Overall Site, south of NE Cornfoot and Alderwood Roads, will remain in designated and zoned Open Space.

To compensate for the proposed environmental impacts, Applicant proposes mitigation on both the Northern Parcel and southern portions of the Overall Site. On the southern portion of the Overall Site, the Applicant proposes to create 3.07 acres of wetlands, 2.0 acres of wetland buffer, restore 17.7 acres of upland forest spanning both sides of NE Alderwood Road, and to enhance 3.06 acres of existing upland forest, as shown on the attached Mitigation Plans. In addition, native plant communities will be restored on approximately 1.95 acres on the northern portion of the site along with 1.2 acres of forest enhancement in the northeast corner of the Northern Parcel, adjacent to McBride Slough (see attached Mitigation Plans). All mitigation activities have been designed to reduce use by geese and other species that pose a potential hazard to the adjacent airport runway.

This application does not include a specific development proposal for the area proposed for industrial zoning. This application does not include a plan to redesign the existing golf course and/or redevelopment of the Open Space zoned area for other park and recreational uses.

**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 Comprehensive Plan Map Amendment
- 33.855.050 Approval Criteria for
- 33.565.580.B-C, Special Procedures for Wildlife Hazard Management
- 33.430.250.E.3-6, Environmental

**Base Zone Changes**

**Review**

- **33.855.060 Approval Criteria for Other Zone Changes**

**II. ANALYSIS**

**Site and Vicinity:** The Overall Site that is 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. The Middle Columbia Slough and Whitaker Slough bisect the Overall Site. Five delineated wetlands are present between the two sloughs. McBride Slough crosses the northeastern corner of the Overall Site. There are five delineated wetlands on the Northern Parcel, one of which is a man-made pond. Trees and other vegetation about the water bodies and numerous large mature deciduous and conifer trees are located along the edges of the fairways. The Overall Site is relatively flat (less than 10 percent slope), but generally slopes north from NE Columbia Boulevard towards the sloughs.

Movement along the golf course involves crossing two public rights-of-way. NE Cornfoot Road runs approximately east-west and divides the site into the northern portion (proposed for the base zone change) and southern portion. NE Cornfoot must be crossed between holes 12 and 13 and 16 and 17. NE Alderwood Road runs north-south and divides the southern portion of the site into southeast and southwest sections. NE Alderwood must be crossed between holes 4 and 5, 7 and 8 and 10 and 11.

The Overall Site is bounded by NE Columbia Boulevard to the south. On the western edge, the Overall 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, about the eastern property line. The eastern abutting sites have access off NE Columbia Boulevard via NE 80<sup>th</sup> Avenue and NE 82<sup>nd</sup> Avenue and the NE 82<sup>nd</sup> Avenue Frontage Road. The ITT technical college abuts the eastern property line. The Northern Parcel 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 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 Overall Site, off NE Alderwood Road, 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 Overall Site is currently zoned OS ("Open Space") with multiple overlays. The Environmental Protection ("p") overlay zone is applied along the three slough segments and several identified wetlands. The Environmental Conservation ("c") overlay is applied to additional areas that provide riparian function. The Portland International Airport Noise ("x") and the Aircraft Landing ("h") overlay zones cover the entire site. The entire site is within the Portland



International Airport Plan District, with the area north of NE Cornfoot Road in the Airport Subdistrict and the area south in the Middle Columbia Slough Subdistrict.

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 and Protection overlay zones* protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to preserve a site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant.

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.

The *Portland International Airport Plan District (PCC 33.565)* was implemented May 13, 2011 as part of the adoption of the Airport Futures Land Use Plan. This plan district replaced the Conditional Use Master Plan which regulated aviation and surface passenger related uses and associated development within the Port of Portland's airport master plan boundary.

The Airport Subdistrict allows Aviation and Surface Passenger Terminals and hotels and motels in the IG2 zone. The primary purpose of the Middle Columbia Slough Subdistrict is to address the unique circumstances related to mitigation and enhancement for development within the Environmental Overlay Zones. The environmental regulations in the plan district work in conjunction with the standards of PCC33.430 to:

- Protect inventoried significant natural resources and their functional values specific to the plan district, as identified in the Comprehensive Plan;
- Address activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety;

- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety; and
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources.
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

**Proposed Zoning:** Applicant is proposing a Zoning Map amendment that will place General Industrial 2 (IG2) zoning on approximately 48 acres (Northern Parcel) of the Overall Site. Applicant's proposal includes retention of OS zoning on the remainder of the Overall Site; approximately 90 acres. Further, Applicant proposes to remove 24.96 acres of the c, Environmental Conservation and 2.74 acres of p, Environmental Protection overlay zoning on the Northern Parcel. Applicant proposes an expansion of the Environmental Protection line to cover newly created wetland area and a minor expansion of the Conservation zone where proposed mitigation in the southeast portion of the site will extend beyond the currently mapped c zone.

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.

**Impact Analysis and Mitigation Plan:** Within the Airport Subdistrict and for activities required to implement an FAA authorized Wildlife Hazard Management Plan ("WHMP"), an alternatives analysis is not required. Instead of the supplemental narrative requirements of PCC 33.430.230.B, the following is required:

Activity Description: Applicant proposes habitat modifications in order to reduce wildlife hazards near the south runway of Portland International Airport. Specifically, Applicant proposes to fill the existing pond within the Environmental Protection zone, four other wetland areas outside of the environmental zones, and remove the associated riparian area within the Northern Parcel. Both native and non-native plants and trees will be removed as part of the wetland removal process. The extent of the impact area is shown on Exhibit H.26a and amounts to 2.74 acres within the Protection overlay zone and 25.3 acres in the Conservation overlay zone.

Documentation of Resources and Functional Values: Applicant provided a description of the resources and functional values on pages 145 through 149 of Exhibit A.1. Applicant also references *The Final Report of the Middle Columbia Corridor/Airport Natural Resources Inventory: Riparian Corridors and Wildlife Habitat* (excerpts attached as Exhibit G.5). The application of the environmental overlay zones is based on the *Middle Columbia Corridor/Airport*

*Natural Resource Inventory* and *Airport Futures ESEE Analysis* (excerpts included in file as Exhibit G.6) that was completed and adopted as part of the *Airport Futures Land Use Plan*. Environmental resources and functional values present in environmental zones are described in detail in the *Inventory*. The Overall Site is mapped as Site #CS4.

The Overall Site contains portions of the Columbia, Whitaker, and McBride Sloughs, multiple wetlands, vegetated and non-vegetated flood area, riparian forest with associated shrub and groundcover, as well as other types of vegetation that contribute to the riparian functions as detailed in the natural resource description. These landscape features provide the following functional values: microclimate and shade; stream flow moderation and water storage; bank stability, and sediment, pollution and nutrient control; organic inputs, food web and nutrient cycling; wildlife habitat; and habitat connectivity and wildlife movement corridor. The Overall Site is also identified as Special Habitat Area CS29 in the *Inventory* due to the presence of wetland, bottomland hardwood forest, and the associated functional values of wildlife habitat connectivity corridor, and migratory stopover habitat.

Construction Management Plan (“CMP”): The Applicant provided a CMP (Exhibit C.7) and detailed narrative describing erosion control measures, construction access, slope stabilization measures, disturbance limits, tree protection and quantity of cut and fill to occur on the Overall Site (pages 149 through 154, Exhibit A.1). The narrative also includes the following table outlining steps in the development process and the responsible party:

TYPE	RESPONSIBILITY	DATE
CPA/ZMA Approval	TPL/Property Owner	June 2013
Wetland Fill Permit <ul style="list-style-type: none"> <li>• Construction drawings— Existing Conditions, Construction Management Site Plan, Grading Plan &amp; Erosion Control</li> </ul>	TPL/Property Owner	August 2013
Wetland Mitigation Plantings <ul style="list-style-type: none"> <li>• Mitigation Planting Plan</li> </ul>	Property Owner	Fall 2013- Spring 2014 Note: Work must be done during wet season
Annual certification of wetland plantings	Property Owner	Spring 2014-2019
Building Permit submittal	Industrial Property Buyer	Fall 2014
TPR/Comp Plan Off-site transportation mitigation	Industrial Property Owner	Summer 2014

Mitigation/Remediation Plan: Applicant prepared a mitigation plan to compensate for the two proposed actions with significant detrimental impacts to the environment on the Northern Parcel; these are the removal of five wetlands and associated riparian area and the alteration of the

location of the environmental overlay zones. To compensate for the proposed impacts, Applicant proposed mitigation on both the Northern Parcel and southern portion of the Overall Site. Applicant proposed to create 3.07 acres of wetlands, to restore 17.7 acres of upland forest, and to enhance 3.06 acres of upland forest on the southern portion of the Overall Site. In addition, native plant communities will be restored in approximately 1.95 acres of environmental zone on the Northern Parcel; also on the Northern Parcel, the existing forest communities will be enhanced in approximately 1.2 acres of environmental zone in the northeast corner of the Overall Site, adjacent to McBride Slough. Exhibit H.26a shows the impact areas and planting areas on the area north of NE Cornfoot Road. Exhibit H.26b shows the wetland creation area and mitigation plantings on the southern portion of the Overall Site. Exhibits C.5 and C.6 include the plant lists and sample planting plans. Exhibit H.26c shows the mitigation plantings between the Columbia and Whitaker Sloughs, west of NE Alderwood Road.

A five-year monitoring period is included in the proposal. Annual reports detailing the monitoring results, remedial actions proposed to correct mitigation deficiencies, and any corrective actions taken will be provided to the Bureau of Development Services ("BDS").

**Land Use History:** City records indicate the following previous land use reviews on the Overall Site:

- The golf course was annexed from Multnomah County to 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 Road, 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 the Bureau of Environmental Services ("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.

- LU 05-138386 CP ZC: In October 2008, the Portland City Council denied a request to amend the Comprehensive Plan Map and Zoning Map designations on the Colwood site. The Applicant requested a change from the OS, Open Space designation and zoning to the Industrial Sanctuary and IG2, General Industrial 2 zone on approximately 112 acres of the 138 acre site. Based on the recommendation of the Portland Hearings Officer, the City Council found that the approval criteria for the Comprehensive Plan Map Amendment were not met. Because the Plan Map Amendment was not approved, the Zoning Map Amendment could not be approved. The Applicants appealed the decision to the Land Use Board of Appeals (LUBA). LUBA upheld the Council decision.
- 07-129247 PR: A Property Line Adjustment (PLA) 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. This decision was not recorded and therefore expired.
- 08-106184 PR: The 2007 PLA was reviewed again and approved for recording.

**Summary of Applicant's Statement:** The application includes the following information:

"This proposal has been initiated by The Trust for Public Land (TPL), a designated not-for-profit corporation whose mission is focused on the conservation of land for people to enjoy as parks, gardens, and other natural places, while ensuring livable communities for generations to come. TPL was founded in 1972 with goals of protecting land in and around cities and pioneering new land conservation techniques. TPL has helped complete more than 4,250 park and conservation projects nationwide since its inception including several projects in and around the City of Portland. TPL is excited about the opportunity to be involved with the redevelopment of the Colwood National Golf Course.

This project is not typical in that there are several stakeholders involved with the current application. TPL is the applicant and is working in partnership with the property owners (Owners) to advance the Comprehensive Plan Amendment, Zoning Map Amendment and Environmental Review that comprise this request. Should the request be approved by the City, the Owners will be responsible for any condition of approval that may be placed upon the application as well as the mitigation necessary to perfect the applications.

The 138.36 acre Colwood National Golf Course, located at 7317 NE Columbia Boulevard, is currently zoned as Open Space. TPL is involved with this project to assist with permanently protecting the 90 acres of Open Space land that is south of the slough and will not be rezoned with this

application. TPL is working with the owners of the Colwood property to rezone the northern 48.36 acres adjacent to the Portland International Airport to General Industrial (IG2). The approval of this application will allow TPL to work with other stakeholders to acquire the remaining 90 acres of the golf course for community parks, trails, and open space.

The rezone TPL is advancing with this application is a significant departure from the 2008 application that proposed an industrial rezone for a substantial portion of the site. The previous application was recommended for approval by the city staff report for the Hearings Officer but ultimately denied by the City Council and the Land Use Board of Appeals. With this application, TPL seeks to provide less industrial land, a decrease in wildlife hazards, and more open space with better habitat protection on the site, striking a balance that is in everyone's best interest.

Based on the findings previously provided by the Hearings Officer in the original decision,

'...testimony is in the record clearly establishing a serious need for additional parcels of industrial land within the City of Portland. The Hearings Officer is also cognizant of the potential negative impacts upon the Port of Portland if the entire Colwood site is retained as open space. The Hearings Officer, by this recommendation, does not preclude a different recommendation if only the portion of the Colwood site (parcel 1, approximately 47 acres) is requested for a designation other than open space.'

Therefore, this proposal has taken the Hearings Officer and the City Council Decision in 2008 as a guide to re-do the proposal. The new proposal embraces the opportunity to provide new park land for the community and improved habitat, but to also address the City's regional need for additional industrial land while reducing potential aviation hazards. The applicant has been working with the City of Portland and other agencies such as the Oregon Department of Fish and Wildlife (ODFW), the Division of State Lands (DSL), US Army Corps of Engineers and the Port of Portland in the development of this request."

**Agency Review:** A "Request for Response" was mailed April 19, 2013. The bureaus and agencies listed below have responded to this proposal. Their comments are addressed under the appropriate criteria for review of the proposal. Exhibits E contain the complete responses.

- BES
- Multnomah Drainage District No. 1
- Water Bureau
- Police Bureau

- Fire Bureau
- Portland Bureau of Transportation ("PBOT")
- Oregon Department of Transportation ("ODOT")
- Bureau of Planning and Sustainability ("BPS")

The Site Development Section of BDS responded with the following comments that, if the proposal is approved, would apply to future development of the Northern Parcel:

"Permits

The proposed clearing, grading and excavation work will require a construction permit from the Bureau of Development Services. Demolition of existing structures will require demolition permits from the Bureau of Development Services.

Flood Hazards

Portions of the site are located within the Special (100-year) Flood Hazard Area and the 1996 Flood Inundation Area.

Areas along the Columbia Slough and Whitaker Slough are mapped within the Special (100-year) Flood Hazard Area as shown on the FEMA Flood Insurance Rate Map 410183 0105 F. The Base Flood Elevation (BFE) along Columbia Slough and Whitaker Slough is 18 feet NAVD 1988. The northern portion of the site includes a substantial area mapped within the 1996 Flood Inundation Area. This includes the pond and surrounding area and an area extending to the north property boundary as shown on Figure 1. The BFE for the 1996 Flood Inundation Area on the northern portion of the site is 21 feet NAVD 1988. The proposed zoning change will make the northern portion of the site available for development. Development in the Special (100-year) Flood Hazard Area and 1996 Flood Inundation Area must comply with the requirements of Portland City Code (PCC) 24.50.

Residential-use structures must have the lowest floor, including basements, elevated at or above the flood protection elevation; one foot above the BFE. Below-grade parking garages are considered basements and are thus prohibited below the base flood elevation in residential-use structures. Non-residential structures must have the lowest floor elevated at or above the flood protection elevation or be dry-floodproofed. Dry-floodproofing requires structures to be watertight below the flood protection elevation, with walls substantially impermeable to the passage of water and having structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Materials located below the flood protection elevation must consist of flood-damage-resistant materials.

Balanced cut and fill (i.e. flood storage compensation) is required. Fill placed below the BFE must be compensated with

an equal or greater amount of excavation below the BFE." (Exhibit E.6)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 21, 2013. One written response was received from Mr. Leisy, who also spoke at the Hearings Officer public hearing. The Hearings Officer summarizes Mr. Liesy's concerns (per Exhibit F.3) as follows:

- 2008 ruling to leave as a green space. Was thought to be for more than 5 years.
- Why not leave alone? Sell as a golf course? Maybe build some walking paths around course (as Glendoveer Golf has.)
- No cost to City and still 138 acres of green space, someone once said, "When it's gone it's gone forever."
- Beautiful piece of property that has been developing for almost 100 years as a golf course (and green space).
- Hundreds of people from all over the city, state and country come here to enjoy the course.
- I believe the course is still making money with many good people working there with real jobs (the jobs would disappear with closure).
- Seems sad to know that pond and other spots on north 48 acres would be filled in and paved over in concrete.
- Don Goldberg of The Trust for Public Land said in a quote from the Portland Tribune "Now they're all in support of it". (Changing the land), as a taxpaying homeowner of Portland, Mr. Goldberg, I am 100% not in support of this idea and wonder exactly why you and your group are involved in this. What you might be gaining from being involved. I'm thinking it's financial.
- This process seems to be moving very quickly. There are many more people like me out her who barely know what's happening here (i.e. flyers regarding the hearing are barely visible at the course).

## **OVERVIEW OF STAFF'S APPROACH TO THIS RECOMMENDATION**

As described above, almost five years ago the City Council considered a Comprehensive Plan Map and Zoning Map Amendment request for this site. The current proposal differs in that the OS zone will be retained on 90 acres rather than just 22.5 acres. Furthermore, the regulatory framework differs, as follows: The Airport Futures legislative planning project was adopted in 2011. The plan implemented the Portland International Airport Plan District which applies to the airport proper, adjacent Port of Portland properties, the Colwood site and three other golf courses. The project applied additional environmental overlay zoning, both c and p on the site, and new Comprehensive Plan policies were added that provide the policy basis of the new regulations. Unique to this district, are environmental review regulations that address wildlife hazard management. The Plan District (PCC 33.565) allows for the removal of natural resource features when required to implement the Wildlife Hazard Management Plan. Unlike impacts to natural resources in other parts of the city, there is no required alternative analysis to avoid or minimize



the impacts. The Applicant may skip that analysis and proceed directly to an impact evaluation and mitigation plan. The code requires mitigation to compensate for unavoidable significant detrimental impacts.

Also, in 2012, Section 11, Economic Development was added to the State of Oregon's Transportation Planning Rule (TPR). If a requested re-zoning qualifies as "economic development," the Section allows approval without requiring mitigating the full effect on traffic.

Currently, Portland Bureau of Planning and Sustainability is in the process of updating the City's Comprehensive Plan. However, the work is not completed. The Applicant included a response to the integrated strategies identified in the Portland Plan (City Council adopted by Resolution 36918). But because the Portland Plan has not been incorporated into the City's Comprehensive Plan, these strategies cannot be considered. City's current policy framework remains essentially unchanged from the previous 2008 City Council decision.

### **Policy Analysis Methodology**

BDS reviewed the prior request for a comprehensive plan map amendment and zone change for the Overall Site. (LU 05-138368) for the Overall Site. The approach recommended by the Hearings Officer and accepted by City Council was explained in the Council's 2008 decision (Exhibit G.8). It included the following excerpts:

**"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 2<sup>nd</sup> 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            Comprehensive Plan Policy Reference  
Addressed by Policies**

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**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, 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, and 8.17, 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, 6.25, 6.26, 6.27, 6.28, 6.29,  
6.30, 6.31, 6.32, 6.35, Goal 10 Policy 10.7  
Statewide Land Use Goal 11 Policy 11.10 and  
Goal 12.

**Neighborhoods**                Goal 1 Policy 1.5 Metro Title 12, 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 Boulevard, 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.

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.')"

The Hearings Officer recently reviewed land use cases decided by LUBA and provided City Council with an updated approach to balancing the disparate comprehensive plan policies that are required to be reviewed. (LU 13-109305 CP ZC – case involving the SE corner of NE Williams and NE Fremont). The recent review validated the approach taken by City Council in its earlier decision related to the Overall Site. The Hearings Officer recommends that City Council, once again, follow the methodology set forth above.

#### **Airport Futures Policies**

Below are recently adopted goals and policies that were approved through the Airport Futures legislative planning project. Staff recommended that Policy 5.14, 8.11 and Goal 11J be given more weight in the balancing process because they are closely connected to the Overall Site, both *topically* and *geographically*:

- Policy 5.14 Portland International Airport
- Policy 8.11, Objective I. Portland International Airport/Middle Columbia Slough
- Goal 11J – Public Facilities - Portland International Airport

The Hearings Officer concurs with the methodology adopted by City Council, as stated above.

## ZONING CODE APPROVAL CRITERIA

This recommendation 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 C** Other Zone Changes
- Part D** Environmental Review

### PART A. COMPREHENSIVE PLAN MAP AMENDMENT

Applicant is requesting a Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary. 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 for the 48.36 acre Northern Site portion of the 138 acre Overall Site. The following analysis includes an assessment of the Comprehensive Plan goals and policies that are relevant to this proposal.

Based on the findings identified below, the requested Comprehensive Plan Map designation on balance can be found to be equally or more supportive of the applicable goals and policies of the *Comprehensive Plan* as the existing designation. Applicant revised its original proposal that was presented to the Hearings Officer at the public hearing. The Hearings Officer is recommending approval of Applicant's revised proposal with conditions. The Hearings Officer finds that conditions are necessary to comply with applicable approval criteria for the concurrent land use reviews. With the recommended conditions, the Hearings Officer finds Applicant's revised proposal meets all relevant approval criteria.

#### **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 and 13 should be weighted more than the other relevant Titles—Title 1, 4 and 12. With conditions recommended by BDS staff and the Hearings Officer most of the Titles are equally supported. The proposal *better supports* Title 1 and Title 4 and will *equally 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 Overall 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 Overall 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. The application cites the economic analysis, prepared by Leland Consulting Group (Exhibit A.8) that states the proposal "could accommodate 834,000 square feet of industrial or warehouse space that could support 1,085 jobs." 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 has been *repealed*.

- **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. As described in the Impact Analysis and Mitigation Plan Section of this recommendation the environmental resources and functional values present in environmental zones are described in detail and the application of the environmental overlay zones is based on the *Middle Columbia Corridor/Airport Natural Resource Inventory: Riparian Corridors and Wildlife Habitat and Economic, Social, Environment, and Energy Analysis*.

The Overall Site contains portions of the Columbia, Whitaker, and McBride Sloughs, multiple wetlands, vegetated and non-vegetated flood area, riparian forest with associated shrub and groundcover, as well as other types of vegetation that contribute to the riparian functions as detailed in the natural resource description. These landscape features provide the functional values of microclimate and shade; stream flow moderation and water storage; bank stability, and sediment, pollution and nutrient control; organic inputs, food web and nutrient cycling; wildlife habitat; and habitat connectivity and wildlife movement corridor. The Overall Site is also identified as Special Habitat Area CS29 in the *Inventory* due to the presence of wetland, bottomland hardwood forest, and the associated functional values of wildlife habitat connectivity corridor, and migratory stopover habitat.

The BES Watershed Service Group response describes the Overall Site” as a “critical habitat area and corridor link for dozens of native wildlife species that use the Columbia Slough Watershed during their breeding, wintering, or migratory seasons.” And specifically, the BES Watershed Group states the Northern Portion that contains a one-acre pond, McBride Slough and associated wetlands with narrow riparian canopy, “provides habitat for native waterfowl and potential for native population of pond breeding amphibians such as the Red-legged frog (a species of concern).” See Exhibit E.1.

To the south of NE Cornfoot Road, BES notes there are several historic Oregon white oak trees on the east side of NE Alderwood Road. These oak trees, even single trees, are extremely valuable to native wildlife. BES identifies the area in between the two sloughs; on the west side of NE Alderwood contains the most valuable habitat on the Overall Site. BES states, in Exhibit E.1, that:

"Much of the Columbia Slough has very narrow riparian buffers. This site provides a rare, wide buffer in the watershed. Riparian habitat is classified as a high priority habitat for protection and restoration by the ODFW as outlined in their 2007 Oregon Conservation Strategy. Ninety percent of wildlife species in the region depend on riparian areas. This area comprises over 30 acres, the size at which biodiversity significantly increases.

In its undeveloped state, this site offers benefits for the natural hydrologic cycle. The meadows and tree canopy offer infiltration and evapotranspiration of stormwater and groundwater. For this reasons, reduction of impervious surfaces as well as protection of permeable surfaces are strategies in the Portland watershed Management Plan. The Open Space zone provides for protection of permeable surfaces.

The current condition of the site protects the adjacent sloughs from pollutants produced by industrial development. The Slough is water-quality-limited for temperature and nutrients, as well as a host of pollutants associated with industrial and transportation land uses. The riparian buffer provides microclimate and shade benefits to the waterways, as well as stabilizing the banks, reducing sediment inputs and filtering pollutants."

During the development of the Portland International Airport Plan District (PCC 33.565), including the ESEE analysis, staff from the Port of Portland, City of Portland, and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation. In particular, open bodies of water and large areas of low structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing. The Airport Plan District specifically calls out activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety. The proposal to remove protected environmental resources is in part, according to the Applicant, to provide a safe environment for the airport. The Port of Portland concurs that removal of the pond and associated wetlands will reduce the likelihood of bird strikes and will greatly increase the safety of the airport (Exhibit A.3).



The Port of Portland has reviewed the Applicant's mitigation proposal and finds that incorporating dense scrub/shrub vegetative cover instead of open herbaceous vegetation will decrease the concentration of bird species that are of concern (Exhibit A.3).

PCC 33.565.580 allows for removal of natural resource features when required to implement a Federal Aviation Administration ("FAA") authorized WHMP. After reviewing the Applicant's narrative, the Portland International Airport WHMP (Exhibit A.16), and letters from the Port of Portland (Exhibits A.3 and A.10), and after consulting with technical experts, City staff concluded that removal of wetlands and surrounding grassy areas, as proposed, meets the provisions PCC 33.565.580 because the water features are the type that attract wildlife that pose a risk to aviation, the features are within 1,200-1,800 feet from a runway, and their features and functions can be mitigated.

As discussed in the findings sections in Parts C and D of this recommendation, the criteria in PCC 33.565.580 require Applicant to propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The BPS, BES and BDS staff determined that the proposed wetland mitigation areas are appropriate and reasonable. However, BDS found that the initial proposal was insufficient in its response to the riparian mitigation. BES determined that the initially proposed amount of riparian mitigation fell short of the minimum needed to replace habitat and resources that will be lost. Likewise, commented that the areas proposed for restoration and enhancement already provided many of the functional values that the mitigation plan is meant to replace (Exhibit E.8).

While additional plantings would improve the quality of the functions in these areas, the improvement would not offset the loss of functions currently provided by the 24 acres of riparian area.

Applicant's revised proposal (Exhibit H.26) now includes 14.04 additional acres of forest restoration planting in place of a 'future natural area ("FNA")' and a covenant to restrict future uses. This brings the riparian mitigation up to a 1 to 1 ratio, as recommended by BES and BPS.

Also, to comply with the ESEE analysis, additional 'p' zone must be added to the area within 50 feet of the wetland and "c" zone over the riparian resources farther than 50 feet and up to 300 feet from the edge of the created wetland. BDS staff 'proposed' zoning map shows changes that would comply with the ESEE. It is attached to this recommendation as Exhibit B.4 (replace with new zoning map).

With conditions that require both wetland and riparian mitigation and the application of the 'p' and 'c' zone consistent with the adopted ESEE analysis, the proposal to change designations, zoning and the overlay zones will equally support Metro Title 3.

- **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 (“RSIA’s”).

This Title has a close topical and geographic connection with this application. It limits the type and density of uses in areas on Metro’s Urban Growth Management Functional Plan designated as Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. The Overall Site is designated as an Employment Area on the on the Title 4, Industrial and Other Employment Areas map, dated January 2013. In 2008, the Overall Site was not designated as either being an Employment or Industrial area.

Eastern abutting sites in the Airport Business Center, as well as properties in the Cascade Station Plan District are designated as “Employment Land.” North and west of the site, the area is designated as “Regionally Significant Industrial Areas.” While the Overall Site is not specifically identified as an industrial site, it is located within the largest regionally significant industrial area in the region.

Specifically, the Northern Parcel is located within the Airport Subdistrict of the Portland International Airport Plan District. The Plan District expands the use allowances of IG2 zoned sites. In addition to industrial uses, the Plan District (PCC 33.565.100) allows Aviation and Surface Passenger Terminals and hotels and motels. Title 4 specifically allows “customary airport uses and uses that are accessory to the travel-related...hospitality uses, and retail uses appropriate to serve the needs of the traveling public” (Metro 3.07.430.A.1). Traditional industrial uses or aviation-related uses will provide additional employment opportunities.

Changing the Comprehensive Plan Map designation from its current Open Space to Industrial Sanctuary for approximately 48 acres (Northern Parcel) of the approximate 138 acre Overall Site *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 has been *repealed*.

- **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 Overall 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 Overall 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 has been *repealed*.

- **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 does not have a strong topical geographic connection with this application. The nearest residential area is in the Cully neighborhood, south of NE Killingsworth Avenue. The Northern Parcel which is proposed for a change in designation/zoning is located outside of the Cully neighborhood association boundary. The remainder of golf course on the Overall Site (area excluding Northern Parcel) is located over 1,200 feet from the nearest residential area. Unlike the previous proposal, approximately 90 acres

is proposed to be retained as open space that will provide a significant buffer between industrial development and residences. The 90 acre area will serve to minimize potential air pollution and noise impacts. The remaining open space vegetation will serve to absorb, cleanse, and cool the stormwater. With compliance with conditions that require additional resource mitigation, the proposal will *equally* support this Title.

- **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.*

On March 18, 2013, Metro issued notice of substantial compliance to the City. This documented acceptance of the annual Urban Growth Management Functional Plan/TSP compliance report, specifically referenced Portland's compliance to Title 13. The Airport Futures Plan, which updated natural resource inventory and environmental mapping, conforms with Metro's mapping of riparian corridors and wildlife habitat areas.

BPS, as explained in their written response, recently completed the Airport Futures project (Exhibit E.9). This legislative planning effort, developed a "diverse tool box to conserve natural resource values, including application of special development standards established in the Portland International Airport Plan District and Mitigation Plan." The provisions of the Plan District allow for removal of natural resource features when required to implement the Wildlife Hazard Management. Unlike impacts to natural resources in other parts of the City, there is no required alternative analysis to avoid or minimize the impacts. The Applicant may proceed directly to an impact evaluation and mitigation plan. PCC 33.566 requires mitigation to compensate for unavoidable significant detrimental impacts.

As discussed under Metro Title 3, BES, BPS and BDS staff indicated that the Applicant's mitigation proposal was, originally, not sufficient to compensate for the natural resources and associated functions that would be lost if the proposal is approved and implemented. In order to meet the applicable approval criteria, City staff determined that additional riparian mitigation would be necessary. With a condition that planting of the area between Columbia and Whitaker Sloughs and west of NE Alderwood Road is planted at the same time as the wetland mitigation, the proposal will compensate for impacts at the site. Also, to comply with the ESEE analysis, additional "p" zone must be added to the area within 50 feet of the wetland and "c" zone over the riparian resources farther than 50 feet and up to 300 feet from the edge of the created wetland.

As noted throughout this recommendation Applicant revised its proposal. (Exhibits H.18, H.19, H.19a and H.19b) City staff reviewed Applicant's revised proposal and determined that with conditions Applicant's revised proposal would meet this Title.

With compliance with conditions that require additional resource mitigation, the Hearings Officer finds this proposal will *equally* support this Title.

**Policy 1.6 Portland International Airport**

*Partner with the Port of Portland to achieve the overall goal of Portland International Airport becoming the most sustainable airport in the world.*

**Findings:** Given this policy is directed to the operations of the airport and the Port of Portland is not an applicant, this policy is *not relevant* to this proposal.

**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 proposal equally supports Policy 2.2 and better supports Policy 2.19. The weight of Policy 2.6, Open Space and 2.14 Industrial Sanctuaries should be greater when balancing these policies. Given that the proposal only conflicts with Policy 2.6, on balance this proposal *equally* supportive of the associated policies, as explained below.

**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 Northern Parcel than the existing designation. The corresponding zones of the proposed Industrial Sanctuary designation allow all industrial use categories. Furthermore, because the Northern Parcel is located within the Airport Subdistrict of the Portland International Airport Plan District, hotels and motels (classified as Retail Sales and Services Uses), as well as aviation and surface passenger terminals are allowed on sites that are within the IG2 zone. As explained above, the Metro Title 4 and the Airport Plan District (PCC 33.565) have identified additional services/employment that is appropriate in the Airport Subdistrict.

Applicant submitted a *Public Needs Analysis* report, prepared by Leland Consulting Group (Exhibit A.8). Exhibit A.8 does not address hospitality-related uses that are needed near the airport. The report is focused on "wholesale trade facilities and industrial and warehouse space". 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 Northern Parcel could "accommodate an estimated 834,000 square feet of building area with an employment capacity of 600 jobs. In contrast, the existing golf operation only employs between 10 and 15 full time

equivalent positions, depending on the season on the entire site.” The proposed Industrial Sanctuary designation provides more diversified employment opportunities in comparison to the limited employment opportunities generated by Open Space uses.

Exhibit A.8 states, in part, the following:

*“... the Colwood Golf Course could supply one parcel of much needed land, which is in close proximity to the Portland Airport and more specifically could provide needed industrial land for aviation support facilities. It is a Tier A (or Tier 1) industrial property that could be shovel ready in a matter of months.*

*When the existing supply of industrial land within the UGB falls short of the projected demand, it is important to recognize that converting land that is currently zoned for a different use is the only means of increasing capacity. For example, in order to maintain a 20-year supply of industrial land, as required by the State under Goal 9, Metro expanded the UGB in 2002, 2004, and again in 2011, converting agricultural lands on the edge of the UGB to industrial land.*

*In contrast to new UGB expansion areas at the edge of the region, the subject property is already served by transportation and utility infrastructure that would allow for it to be quickly developed for industrial uses.*

*The property (Colwood) has excellent multimodal transportation access, is located in the center of the region, and is surrounded by other industrial property.”*

This policy also calls for a range of living environments for Portland residents, in order to retain and attract a stable and diversified population. Open space areas 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. This proposal calls for the conversion of the 48 acre Northern Parcel, from Open Space to Industrial but will potentially create approximately 600 new jobs. The remaining 90 acres of designated Open Space has the potential to provide enhanced habitat resources, to reduce airplane bird strikes and provide greater diversity in the recreational opportunities and access of the site. Therefore, the proposal *better* supports this policy.

#### **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 must be given more weight.

Applicant is proposing the retention of the Open Space designation on approximately 90 acres of the 138 acre Overall Site. Applicant states this proposal "will set up the opportunity for the Trust for Public Land ("TPL") to work with stakeholders to acquire the remaining 90 acres of the golf course for community open space." There is no formal commitment yet for the remaining open space parcel, but TPL has expressed its desire to work with City agencies and stakeholders to address the recreation and health needs of the Cully Neighborhood and larger regional area.

This application does not specify how the remaining 90 acres will be used and/or if the facility will continue to operate a smaller (9-hole) private or public-owned golf course. If approved, the removal of the 48 acres will undoubtedly result in significant changes to an 18-hole golf course that has served the metropolitan area for over 80 years. In a letter of objection, and echoed in one person's testimony at the public hearing, the citizen indicated that there are hundreds of people from all over the city, state and country who enjoy the golf course and its beautiful green space. The citizen opined that he believes the golf course is financially viable. He stressed the golf course provides real jobs and should be left alone. (Exhibit F.3 and testimony of Parker.)

The Applicant cites the following information that was also previously noted in the 2008 Council decision:

"In 1999, Portland Parks and Recreation along with City residents developed the Parks 2020 Vision to guide future efforts to maintain and build the City's park system. According to the Plan, the Northeast Subarea bound by I-5 on the west, I-84 on the south and I-205 on the east has identified deficiencies in several areas. Overall, it is deficient in the amount of park land available to the community. More specifically, it is deficient in access to and crossings over the Columbia Slough, natural areas around the Columbia Slough, community centers and designated pedestrian connections from residential areas to the 40-Mile Loop Trail."

The application referenced the 2002 Portland Parks purchase of an approximate 25 acre site directly south of the Overall Site. The purchased 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. Applicant noted that Metro has awarded a \$570,000 grant toward Phase I development of the park. The Phase I Master Plan identifies a community garden, walking trails, a native plant area, off-leash dog area, nature play

area, youth soccer field, basketball court and a 40-car parking lot. The Applicant contends that because the Thomas Cully Community Park site is currently designated/zoned as General Employment, the development of the park will further reduce the City's industrial land supply. If this proposal is approved, the 48 acres converted from Open Space to Industrial Sanctuary will off-set the reduced industrial land supply while also providing access to at least one non-vehicular crossing of the Columbia Slough. And Applicant suggested that approval of the application would provide an opportunity to enhance the habitat and natural areas around the slough.

BES responded by stating:

"The Open Space base zone provides several values to the city, watersheds and neighborhoods. Though little access is currently provided on the site to local residents and recreationalists (except fee-based golfing), the site provides important scenic vistas, sweeping views of the Columbia Slough and Columbia River, and passive recreational opportunities (bird watching, canoeing, etc.) for all citizens. The site is enjoyed (via the public right-of-way) by birdwatchers, walkers, joggers, bicyclists, and passers-by." (Exhibit E.1)

In the BPS response, it noted that this proposal will reduce the supply of Open Space land. It states that BPS and Portland Parks recently worked with the community on plans for Thomas Cully Park. The park will be proposed for conversion from Employment to Open Space as a part of the update of the City's Comprehensive Plan. BPS states that Cully Park, when improved,

"will add diversity to the recreational opportunities in the area and be more accessible to the community than the existing pay-to-play golf course. In addition, the retention of 90 acres of golf course land as Open Space represents an attempt to balance the multi-faceted policies that apply to the proposal, particularly as relates to economic development, open space, and the environment." (Exhibit E.8)

Even though the development and legislative rezoning of the Cully Park will add to the supply of designated Open Space and as explained under Metro Titles 3 and 13, the 90 acres of remaining OS area at the Overall Site can include sufficient mitigation to compensate for the removal of natural resource areas, a reduction in the overall supply of designated Open Space does not support Policy 2.6. As noted in a letter from a concerned citizen, the current Colwood golf course is used by many Portlanders. Change to the course layout or the closure of the course would negatively impact those who utilize the facility. Hence, a change in designation that will result overall in



approximately 25 less acres of designated/zoned 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. In the past, Tri-Met operated the #86 bus line. The bus runs on NE Columbia Boulevard to NE Alderwood Road to NE 82<sup>nd</sup> Avenue during AM and PM peak business hours. The corresponding IG2 zone of the proposed Industrial Sanctuary designation does not require development to be oriented to transit streets. However, if available, transit would 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, if it becomes available again. Given fuel costs and the increasing awareness of fossil fuel impacts to the environment, employees would likely utilize transit service. The requested map amendment therefore *better* 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 the proposed Industrial Sanctuary 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 Overall 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. As identified in the findings under Policy 2.2, the City has a shortage of "shovel-ready" industrial properties. The proposal will provide some relief to this shortage. 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 Overall Site is located within the Airport Sub-District and is designated in Metro's Urban Growth Management Functional Plan as "Employment Area." To the west and north are lands identified on Metro's Plan as "Regionally Significant Industrial Areas." Further, the Northern Parcel 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 sites that were vacant or under-utilized. Because the Colwood site is surrounded by industrially-zoned land, infill on a portion of the site will increase employment opportunities. Therefore, this proposal *better* supports 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 *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 large site that is partially within the neighborhood boundary.

**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 Overall Site—the area south of NE Cornfoot Road, lies within the Cully Neighborhood boundary. Applicant met with the Cully Neighborhood Association ("CAN") on September 11, 2012, as detailed in the application (Exhibit A.12.d). The CAN was notified of a Pre-Application Conference held on June 5, 2012, during which the Applicant's proposal was discussed among the involved City bureaus. A "Request for Response" was sent to the neighborhood

association on April 19, 2013. On May 21, 2013, 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 Overall Site. The Overall Site was posted with a notice describing the proposal and stating the date and time of the hearing before the Hearings Officer on June 12, 2013.

This current application has not generated significant interest or citizen involvement. As explained above, the proposal *satisfies* the intent of this policy. However, because this policy does not have a strong topical or geographical connection, when balancing policies, it should 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:** The Cully Neighborhood Plan (“CNP”) was adopted by City Council in 1992. As detailed below, the proposed change in designation is, overall, *equally or more supportive* of applicable policies and/or objectives in the CNP than the existing designation on the Overall Site. As stated above, the relevant policies and objectives of the CNP are linked to this proposal. Similar to the policies under Goal 6 (Transportation), the CNP 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. In the previous review, City Council determined that 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 CNP 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.”

During the 2008 hearings for the previous proposal (LU 05-138386), the CNA representatives testified that the Overall Site has a strong visible and physical relationship to residents, that created an identity for the neighborhood. The Cully neighborhood has a relatively small amount of improved open space. This proposal could be seen as addressing multiple needs of CAN area residents—more job opportunities and enhanced natural habitat and recreational opportunities. Generally, testimony at the hearing before the Hearings Officer from CAN residents and business

representatives suggested support for this application. Given the lack of opposition, staff finds that this proposal *supports* this policy.

**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 Overall 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 Overall 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 harkens back to a time of less intensive development and large undeveloped spaces. The replacement of the Open Space designation and development of the Northern Parcel with industrial buildings and activities will not significantly alter the historic character of the Overall Site. Industrial development has a long history in the area near the golf course, particularly along NE Columbia Boulevard and adjacent to the Port of Portland properties. Given this, the proposal will *equally* support this objective.

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

**Findings:** Applicant proposes to accomplish multiple goals with this proposal—to retain 90 acres of land for Open Space, possibly utilizing the area for publicly-owned recreational facilities and for natural resource enhancement. Furthermore, the proposal will provide 48 acres for industrial job creation and opportunities for airport-related development on the Northern Parcel. Proposed transportation improvements at the NE Killingsworth/I-205 interchange will benefit CAN residents as well as others who work in the industrial area. Detailed natural resource mitigation plans show how the slough areas will be enhanced. Even though the application did not include information as to how the new industrial development and/or new Open Space improvements will be carefully planned and designed, the proposal *equally* supports 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:** For the reasons discussed above in the findings relating to Metro's Title 12, this proposal will *equally* support 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 Overall Site is located within the Airport Industrial District and is surrounded by lands identified on Metro's Regionally Significant Industrial Areas Map. Further, the Overall 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. According to Applicant, future development could create approximately 600 jobs on the Northern Parcel. Approval of this proposal will encourage development of the Overall 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 significantly differs from the previous 2005 land use review. Applicant indicated that TPL will work with others to acquire the remaining 90 acres of the golf course for community parks, trails, and open space.

The recreational fee-based component of the golf course inherently limits its attraction for a broad array of users. The retention of 90 acres with recreational and habitat enhancements would *better* serve the Cully neighborhood and therefore *supports* 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:** As explained in the findings under Metro Titles 3 and 13 BDS staff recommended conditions include additional natural resource mitigation to replace the removal of wetlands and riparian area in the northern portion of the site. PBOT response states, in part:

"The applicant filed a public works appeal (13-110647 PW) to seek approval for alternative street designs along all the site frontages on NE Columbia Boulevard, NE Alderwood Road, and the south side of NE Cornfoot Road. The appeal to not construct standard improvements along NE Columbia Boulevard was denied. Standard improvements and associated dedications shall be required at the time of development on the remaining Open Space (OS) portions of the site. Along both sides of NE Alderwood Road, the appeal granted a waiver to standard improvements for curbs, swales, and sidewalks. Instead, a shared 10-ft wide hard-surface, multi-use facility with 2-ft wide gravel shoulders, preferably on the east side of NE Alderwood Road from NE Columbia Boulevard north to connect to the existing curb-tight sidewalk crossing the bridge at NE Cornfoot Road shall be required as a condition of future development.

The applicant's public works appeal also requested to waive the requirement for widening the bridge on NE Alderwood Road. The applicant will not be required to widen the bridge, however the existing culvert south of the bridge will need to be upgraded and widened with a pedestrian bridge to allow the shared use pathway referenced above." (Exhibit E.2)

The resource mitigation plantings will improve water quality of the slough and the shared 10-foot wide hard-surface, multi-use facility with 2-foot wide gravel shoulders, will improve access to the sloughs. Therefore, the proposal *better* supports these 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:** Applicant proposed a transportation mitigation project directed to the NE Killingsworth/I-205 ramp area. The streets located within and adjacent to the Overall Site are designated in the Transportation Element 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 Northern Parcel. Improvements along NE Cornfoot Road will be required, consistent with City standards. Both PBOT and the ODOT expressed support of Applicant's proposed transportation mitigation. With compliance with conditions that require the mitigation improvements, the proposal *supports* this objective.

**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:** In 2008, the Overall Site was served by Tri-Met bus line #86, which provided service during AM and PM peak work hours. Since that time, transit service to and near the area has been cut. Currently, the closest bus service is the bus line #75 that runs on NE Killingsworth. The distance between the nearest stop (Killingsworth and Cully) is approximately  $\frac{3}{4}$  mile to the NE Cornfoot and NE Alderwood intersection. The jobs created through this proposal could help support increased transit ridership and will potentially influence service improvements. The Overall 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:** As explained above under Neighborhood Policy 4.E, the installation of frontage improvements and a north-south multi-use "trail" will *support* 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 NE Alderwood Drive, a designated Local Service Street, is located within the Overall Site. If new Open Space related development occurs along its frontage, improvements to meet current city street standards may be required. This objective is *equally* 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 Overall 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 on nearby properties, creating additional employment opportunities and supporting business development. With required mitigation, the loss of 48 acres of designated Open Space will not significantly lessen the recreational opportunities, habitat for wildlife, and stormwater management, water, air and noise pollution reduction benefits. The proposal could enhance the area for a place to live and work and therefore *better* support this policy.

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

**Findings:** Applicant participated in at least one meeting with the CAN. Summary notes of the meeting are included in the application (Exhibit A.12.d). 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 Overall Site is located within a Metro designated Regionally Significant Industrial Lands 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. The proposal *better* supports this objective.

### **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 Plan Map Amendment will allow development on the Northern Parcel that is well-suited for large-scale industrial businesses. The Overall 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 BPS response states, "The equity-related research conducted for the Portland Plan revealed key economic equity roles of industrial job growth and retention, which the proposed map amendment would help advance." The industrial sectors provide middle-income jobs and do not require advanced education. Manufacturing and distribution occupations are major sources of middle-income and upward mobility jobs for people of color (Exhibit E.8).

The application includes a *Public Needs Analysis* report and memo from Eric Hovee, titled "*Colwood Property Transportation Planning Rule - Job Creation and Economic Benefits Analysis*" (Exhibit A.8). The report 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. These conditions highlight how the Overall 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 of 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 BPS response states this policy implements the core requirement of Oregon's State Planning Goal 9 and notes that the proposal will help reduce the estimated 635-acre shortfall of developable industrial land needed to meet the forecast growth of 2035.

The proposal *better* supports this policy by providing a strategically-located site that would provide an area with the potential of providing a location for 600 industrial employees. As stated above, Applicant provided a report that identifies a need for large shovel-ready industrial properties in the City of Portland and 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 48-acre site, the Northern Parcel, 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 Overall Site's proximity to the interstate freeway and the Portland International Airport, Applicant stated that the property would 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:** The Overall Site is uniquely located near an interstate freeway and the airport with air freight services. The Bureau of Planning and Sustainability response offered the following: (Exhibit E.8)

"The proposed map amendment would expand the land base to support efficient use of Portland's freight hub infrastructure and its growth as a West Coast trade gateway and distribution hub. This industrial area is Oregon's freight infrastructure hub, where its largest airport, largest seaport, two interstate highways and two Class 1 railroads come together. A variety of recent plans and analysis support continued growth of Portland's freight hub role."

Additionally, as detailed under Goal 6, Transportation, both PBOT and ODOT recommend approval of the proposed mitigation project to address State TSP requirements. The proposal *equally* supports this policy. This policy, like most of the transportation policies under Goal 6, is closely linked to this proposal. However, for this proposal, it should not receive the same weight as the open space, environmental and other economic development policies.

**Policy 5.5 Infrastructure Development**

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

**Findings:** Applicant is proposing improvements to the transportation system to address mitigation requirements. 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 proposal satisfies 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:** The Overall 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. Given the Northern Parcel, that is proposed for a change in designation/zoning, is located over a ½ mile from the nearest residential area, industrial development in this location is not expected to exacerbate noise, air and water pollution impacts to the closest residential area.

This policy, which has a strong topical and geographic connection with this application, is *equally* supported.

**Policy 5.14 Portland International Airport**

*Recognize the importance of the Portland International Airport to the bi-state economy as a regional, national, and international transportation hub by including the Airport Futures Plan as part of this Comprehensive Plan.*

**Findings:** The proposed Comprehensive Plan Amendment and Zoning Map Amendment fulfills this policy by expanding available land for industrial development on a portion of the Overall Site that is located within the Airport Subdistrict of the Portland International Airport Plan District. The *Airport Futures Plan* was the

legislative planning process that developed and implemented the Plan District, updated environmental zoning in the Middle Columbia Corridor area and addressed FAA wildlife hazard management requirements. This land use review incorporates and responds to these new regulations.

This policy has a strong topical and geographic connection with this application. The proposal *supports* this policy.

### **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, PBOT and ODOT determined 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 Overall 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.

PBOT determined that the

"proposal supports the City's transportation goals by creating a developable industrial site within an established industrial district that can be served by existing public infrastructure and transportation facilities. Ultimately, the proposal constitutes a more efficient use of available land and public investment in infrastructure than alternatives located on the urban periphery that could require extensive public investment in facilities and infrastructure. Therefore, the proposal reinforces livability, supports a strong economy, and reduces impacts to the community's overall environment" (Exhibit E.2).

### **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:** Applicant's Transportation Impact Analysis ("TIA") included recommended mitigation efforts. As identified in Exhibits E.2 and E.10, Applicant has coordinated directly with the ODOT, PBOT, the Port of Portland, Business Oregon and the

Department of Land Conservation and Development (“DLCD”) during the scoping and analysis for the TIA. The proposal is *consistent* with this policy.

**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, notices must be provided to the public (PCC 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 Overall 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 issues 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.*

**Findings:** The table below summarizes the City’s classification system regarding applicable streets that abut or cross the Overall Site. The proposal *equally supports* this policy.

Street Name	Traffic	Transit	Bicycle	Pedestrian	Freight	Emergency Response	Street Design
NE Columbia Blvd.	Major City Traffic	Community Transit	Local <sup>1</sup>	City Walkway	Minor Truck <sup>2</sup>	Major	Urban Road
NE Alderwood	Neighborhood Collector	Community Transit	City Bikeway	City Walkway	Minor Truck <sup>2</sup>	Major	Urban Road
NE Cornfoot	Neighborhood Collector	Community Transit	City Bikeway	Off-street path	Minor Truck <sup>2</sup>	Major	Urban Road

<sup>1</sup>City Bikeway between Alderwood and Cully.

<sup>2</sup>Minor Truck Street within the Open Space zone, Freight District elsewhere.

**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.*

**Findings:** The proposed Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review will not alter the street classifications on abutting streets. Further, with proposed mitigation activities, the transportation system has the capacity to accommodate the additional trips anticipated as a result of the Comprehensive Map and Zoning Map amendment. Please refer to the Transportation Impact Analysis (Exhibit A.6) and the Transportation Executive Summary (Exhibit A.7). The proposal equally supports this 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.*

**Findings:** The proposed Comprehensive Map, Zoning Map Amendment, and Environmental Review will maintain the existing system of streets and will not alter the street classifications on abutting streets. Further, with proposed mitigation activities, the transportation system has the capacity to accommodate the additional trips anticipated as a result of the Comprehensive Map and Zoning Map amendment. (Refer to the Transportation Impact Analysis and the Transportation Executive Summary – Exhibits A.6 and A.7). The proposal *equally* supports this policy.

#### **6.7 Bicycle Classification Descriptions**

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

**Findings:** NE Alderwood Road, NE Cornfoot Road and a portion of NE Columbia Boulevard are identified as City Bikeways. Future improvements to the streets will include bicycle facilities as required. The proposal equally supports this policy.

#### **6.8 Pedestrian Classification Descriptions**

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

**Findings:** NE Columbia Boulevard and NE Alderwood are classified as City Walkways. Northeast Cornfoot is classified as an Off-street Walkway. Future improvements to the streets will include pedestrian facilities as required. In addition, the Columbia Slough trail is indicated on the City of Portland's map as crossing the Overall Site to connect with future segments of the trail east and west of the Overall Site. Construction of sidewalk corridors meeting current City standards along the section of the Northern Parcel shall be required as a condition of building permit approval.

Applicant filed a public works appeal (13-110647 PW) to seek approval for alternative street designs along all the Overall Site frontages on NE Columbia Boulevard, NE Alderwood Road, and the south side of NE Cornfoot Road. The appeal to not construct standard improvements along NE Columbia Boulevard was denied. Standard improvements and associated dedications shall be required at the time of development on the remaining Open Space portions of the Overall Site. Along both sides of NE Alderwood Road, the appeal granted a waiver to standard improvements for curbs, swales, and sidewalks. Instead, a shared 10-foot wide hard-surface, multi-use facility with 2-foot wide gravel shoulders, preferably on the east side of NE Alderwood Road from NE Columbia Boulevard north to connect to the existing curb-tight sidewalk crossing the bridge at NE Cornfoot Road shall be required as a condition of future development.

Applicant's public works appeal also requested to waive the requirement for widening the bridge on NE Alderwood Road. Applicant will not be required to widen the bridge, however the existing culvert south of the bridge will need to be upgraded and widened with a pedestrian bridge to allow the shared use pathway referenced above.

The public works appeal committee supported granting the appeal to not require pedestrian and bicycle facilities along the south side of NE Cornfoot Road along the property frontage. Additionally, PBOT is currently applying for a grant to fund the construction of pedestrian and bicycle improvements in this location along NE Cornfoot Road. If the grant application is successful and funding is secured or improvements are constructed along this frontage prior to the building permit application, then Applicant will no longer be required to make these frontage improvements. The proposal *equally* supports this policy.

#### **6.9 Freight Classification Descriptions**

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

#### **D. Minor Truck Street**

**Findings:** NE Columbia Boulevard, NE Alderwood and NE Cornfoot are classified as Minor Truck Streets within the Open Space zone and as Freight District elsewhere. The proposed Comprehensive Plan Map amendment, along with the Zoning Map Amendment and Environmental Review, do not change any of the functional classifications, although the City of Portland may wish to change the designations in the future for consistency. Minor Truck Streets are "intended to serve truck trips with both trip ends in a transportation district," while freight districts are "intended to provide for safe and convenient truck movement in areas serving large numbers of truck trip ends and to accommodate the needs of intermodal facilities." All streets within a freight district should be designed to accommodate trucks. Industrial zoning and freight districts work hand-in-hand; the freight district provides for street designs



that facilitate truck movements to and from industrial users. The proposal *equally* supports this policy.

#### **6.10 Emergency Response Classification Descriptions**

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

##### **A. Major Emergency Response Streets**

**Findings:** NE Columbia Boulevard, NE Alderwood and NE Cornfoot are classified as Major Emergency Response streets. The proposed Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review do not change any functional classifications. The proposal *equally* supports this 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.*

##### **G. Urban Roads**

**Findings:** NE Columbia Boulevard, NE Alderwood and NE Cornfoot are classified as Urban Roads. The proposed Comprehensive Plan Map Amendment, Zoning Map Amendment, and Environmental Review do not change any of the functional classifications. The proposal *equally* supports this policy.

#### **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 proposed Comprehensive Plan Map amendment does not change any functional classifications. The proposal *equally* supports this policy.

#### **6.13 Traffic Calming**

*Manage traffic on Neighborhood Collectors and Local Service Traffic Streets, along main streets, and in centers consistent with their street classifications, classification descriptions, and desired land uses.*

**Findings:** NE Alderwood Road and NE Cornfoot Road are Neighborhood Collectors. However, they are also Major Emergency Response Routes. Traffic calming devices are not allowed on Major Emergency Response Routes. The proposal *equally* supports this policy.

#### **6.14 Emergency Response**

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

**Findings:** NE Columbia Boulevard, NE Alderwood and NE Cornfoot are classified as Major Emergency Response streets. The proposed Comprehensive Plan Map Amendment, Zoning Map Amendment, and Environmental Review will not affect this classification or the ability of the streets to serve the network of emergency response facilities. (Refer to the Transportation Impact Analysis – Exhibits A.6 and A.7.) Therefore, the proposal *equally* supports this 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:** All mitigation activities proposed to accommodate the Comprehensive Plan Amendment, Zoning Map Amendment and Environmental Review will use existing roadway capacity efficiently and improve the safety of the system. (Refer to the Transportation Impact Analysis and the Transportation Executive Summary, which details the methodology used to determine recommended mitigation activities – Exhibits A.6 and A.7.) The proposal *equally* supports this policy.

#### **6.16 Access Management**

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

**Findings:** Access to future development sites will be reviewed by PBOT to ensure that they are safe and adequate. The proposal *equally* supports this policy.

#### **6.17 Coordinate Land Use and Transportation**

*Implement the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs.*

**Findings:** This policy is directed towards the City and does not directly apply to the Applicant. Therefore, this policy is *not relevant*.

#### **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:** The proposal *better* supports this policy. A complete Transportation Impact Analysis has been conducted, which demonstrates that this proposal is consistent with the identified function, capacity, and adopted performance measures for the facilities.

#### **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 Transportation Element of the Comprehensive Plan designates NE Columbia Boulevard, NE Alderwood Road and NE Cornfoot Road as Community Transit Streets. As explained under Policy 2.12, before service cuts, TriMet operated the #86 bus that ran on NE Columbia Boulevard to NE Alderwood Road to NE 82<sup>nd</sup> Avenue during AM and PM peak business hours. If the bus service is in the future restored, industrial development would likely utilize the service more so than recreational visitors. Therefore, the change in designation would provide a stronger link to transit use. The proposal *better* supports this 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 Overall Site is located within the Airport Industrial District and is surrounded by uses designated as Industrial Sanctuary, which is specifically intended to limit non-industrial uses. Therefore, this policy *does not apply* to this proposal.

#### **6.21 Right-of-Way Opportunities**

*Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.*

**Findings:** The proposed Comprehensive Plan Amendment, Zoning Map Amendment and Environmental Review do not propose to vacate any existing rights-of-way. In addition, the functional classifications will not be altered and the established street pattern will be maintained. In addition, improvements to the existing street system will be required as conditions of development. The proposal *equally* supports this 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.*

**Findings:** NE Columbia Boulevard and NE Alderwood are classified as City Walkways. Northeast Cornfoot is classified as an Off-street Walkway. Future

improvements to the streets will include pedestrian facilities as required. In addition, the Columbia Slough trail is indicated on the City of Portland's map as crossing the Overall Site to connect with future segments of the trail east and west of the Overall Site. The proposal *equally* supports this 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:** NE Alderwood Road, NE Cornfoot Road and a portion of NE Columbia Boulevard are identified as City Bikeways. Future improvements to the streets will include bicycle facilities as required, although the Applicant is requesting that bicycle facilities include the existing network of golf cart paths that will be retained with this proposed action. Applicant has worked with the PBOT and BES to design appropriate bicycle facilities to support the requested proposal. Required future street improvements along all frontages, including bicycle facilities are discussed under section 6.8 above, including the modifications approved under public works appeal 13-110647. The proposal *equally* supports this 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.*

**Findings:** The City of Portland Zoning Code (Title 33) implements parking regulations for the applicable zoning districts. Parking for any proposed development will be subject to the requirements set forth in the IG2 zone as well as applicable review processes. Therefore, this proposal *does not conflict* with this policy.

### **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.*

**Findings:** The City of Portland Zoning Code (Title 33) implements parking regulations for the applicable zoning districts. Parking for any proposed development will be subject to the requirements set forth in the IG2 zone as well as applicable review processes. Therefore, this policy is *equally* supported.

### **6.27 Off-Street Parking**

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

**Findings:** The City of Portland Zoning Code (Title 33) implements parking regulations for the applicable zoning districts. Parking for any proposed development will be subject to the requirements set forth in the IG2 zone as well as applicable review processes. Therefore, this policy is *equally* supported.

#### **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:** This policy is primarily directed towards the City. However, a demand management program may be provided with future development, if required. The proposal *does not conflict* with this policy.

#### **6.29 Freight Intermodal Facilities and Freight Activity Areas**

*Develop and maintain an intermodal transportation system for the safe, efficient, and cost-effective movement of freight, goods, and commercial vehicles within and through the City on Truck Streets and for access and circulation in Freight Districts.*

**Findings:** Because the Overall Site is located within an established industrial district served by existing transportation facilities that are designated as truck streets, the surrounding transportation system will provide for the safe, efficient, and cost-effective movement of freight goods, and commercial vehicles through the district. The proposal *better* supports this policy.

#### **6.30 Truck Movement**

*Provide a complete, safe, and reliable system of Major and Minor Truck Streets for local truck movement, connecting Freight Districts, intermodal facilities, and commercial areas.*

**Findings:** NE Columbia Boulevard, NE Alderwood and NE Cornfoot are identified as Minor Truck streets. The proposed Comprehensive Plan Amendment, Zoning Map Amendment, and Environmental Review do not alter the functional classification of any facilities. Therefore, the surrounding system will provide for the safe and reliable movement of freight throughout the district. The proposal *equally* supports this policy.

#### **6.31 Regional Trafficways**

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

**Findings:** Any future increases in traffic generated by potential development on the Overall Site will need to be mitigated as recommended in the Transportation Impact Analysis and Transportation Executive Summary (Exhibits A.6 and A.7) memo in this application. The proposal *equally* supports this policy.

### **6.32 Multimodal Passenger Service**

*Participate in coordinated planning, development, and interconnection of Portland, regional and intercity transportation services for passenger travel.*

**Findings:** This policy is directed towards the City and *does not apply* to the Applicant.

### **6.33 Congestion Pricing**

*Advocate for a regional, market-based system to price or charge for auto trips during peak hours.*

**Findings:** This policy is directed towards the City and *does not apply* to the Applicant.

### **6.35 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:** The proposed Comprehensive Plan Amendment, Zoning Map Amendment, and Environmental Review will allow infill development within Portland's largest established industrial district. Such development constitutes more efficient use of land than alternatives located in outer lying areas. The proposal is *more* 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.*

- 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.*
- B. Promote density, location, and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.*
- C. 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 48 acres of developable industrial land. The Overall Site is in close proximity to major transportation corridors—air freight services at Portland International Airport and I-205. 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 will also include removal of wetlands and the associated environmental zoning on the resources. Furthermore, the change will likely be the impetus for the removal of many of the existing 500 trees located on the northern portion 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 C, 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 *equally or more supportive* of most of the policies of Goal 8. Given the strong topical and geographic connection, the policies under Goal 8 must 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 Overall Site retained its existing Comprehensive Plan map designation. This greater diversity of allowed uses has the potential to increase the percentage of employees/visitors who travel to the Overall Site. If zoned for industrial use, it is likely that at least some employees and customers would use alternative transportation modes such as bicycles and transit (when/if service is restored).

If the proposal was approved and the part or all of the Overall Site were developed, required frontage improvements would include a sidewalk. Given the Overall 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 possibly future public transit. Without the change in designation, improvements to the transportation system may not occur, unless completed through publicly-funded projects.

As discussed under Goal 6, the transportation system will not be adversely impacted. Applicant proposed mitigation that will be directed to a State highway interchange facility. Even though the retention of Open Space at this location would serve to reduce trip traffic, particularly at peak periods, the proposal is *more 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 Overall Site is located outside of the designated well (groundwater) protection area which is east of NE 82<sup>nd</sup> Avenue. Development in the industrial designated areas must comply with the City's stormwater management requirements. Specifically for the Northern Parcel that is proposed for industrial development, BES and the Multnomah County Drainage District #1 recommended treatment via vegetated surface stormwater facilities and disposal off-site to the Columbia slough. BES recommended as a condition of the Zoning Map Amendment that Applicant record an easement that is granted to the City of Portland to provide legal access for a public storm outfall. The outfall will run under NE Cornfoot Road, across a section of the private property within the southern portion of the Overall Site to the Columbia Slough which is located south of NE Cornfoot Road. This will legally establish a stormwater disposal location for the proposed industrial development. This approach is deemed appropriate for all new development including buildings, impervious surfaces, and public street improvements.

In contrast, the proposed removal of the environmental overlay zones would lift the protections of wetlands and mature trees and will increase the amount of impervious surfaces. Applicant proposes the creation of 3.07 acres of wetland on the southeastern portion of the Overall Site, adjacent to Whitaker Slough. BDS found, in its original recommendation to the Hearings Officer, as explained in Part C and D of the BDS report (Exhibit H.2), that the proposed mitigation was insufficient. To address adverse impacts of removing roughly 26.08 acres of riparian area from the Environmental Conservation and Protection zones, BDS staff recommended and Applicant now proposes, restoration and enhancement plantings in the area located in between the two sloughs, west of NE Alderwood Road. As noted by BES, the area in between the two sloughs contains the most valuable habitat on the Overall Site.

These plantings, along with the City Staff recommendation to expand the Environmental Conservation zone for a distance of 300 feet from the edge of the Environmental Protection zone and to extend the Environmental Protection zone 50 feet from newly created wetland area will assist with control of sediments, nutrients, and pollutants.



With the conditions recommended under the Environmental Review in Part D of this recommendation and the BDS staff recommended Proposed Zoning Map (Exhibit H.29a), the proposal *equally or better* supports 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 must 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 48 acres of the Overall Site and the possible closure of a privately-owned golf course. Applicant is

proposing the retention of the Open Space designation on approximately 90 acres of the Overall Site. Applicant states this proposal “will set up the opportunity for the Trust for Public Land to work with stakeholders to acquire the remaining 90 acres of the golf course for community open space.” There is no formal commitment yet for the remaining open space parcel, but TPL expressed its intent to work with City agencies and stakeholders to address the recreation and health needs of the Cully Neighborhood and larger regional area which capture the sloughs and upland area along the segments of the sloughs.”

This application does not specify how the remaining 90 acres will be used and/or if the facility will continue to operate a smaller (9-hole) private or public-owned golf course. If approved, the removal of the 48 acres will undoubtedly result in significant changes to an existing 18-hole golf course that has served the metropolitan area for over 80 years. If the 90 acre southern portion of the Overall Site is sold to a public agency such as the City of Portland, the proposal will *equally* support this policy. A 90 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. As proposed, the Open Space designated area would include watershed restoration, riparian habitat enhancement, and would provide an opportunity for active and passive recreation and watercraft access to the sloughs. But, there is no certainty that the remaining 90 acres will be sold to the City and that multi-user recreational facilities would be developed. Without certainty, the Hearings Officer finds the resulting smaller golf course, with fewer holes and or shorter fairways, would *not equally or better support* 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 Overall Site contains branches of two sloughs — Whitaker Slough and the Columbia Slough --and associated vegetation and habitat areas. As explained above under Policy 8.8, BES completed a detailed analysis of the proposal and has determined that with the improvements associated with the proposed industrial development on the Northern Parcel, that City sanitary and stormwater management requirements can be met. Regarding water quality and wildlife, the findings above under Titles 3 and 13 and Policy 8.9 speak to these topics.

The BES response states, in part:

"According to a literature review conducted by Metro during the development of Goal 5/Nature in Neighborhoods Program, beneficial riparian functions of native vegetation (such as microclimate, wildlife habitat/corridors, control of sediments, nutrients, and pollutants, etc) extend nearly 800 feet from the waterways. The Slough is water-quality-limited for temperature and nutrients...The vegetated riparian buffer provides microclimate and shade benefits, reducing water temperatures, as well as stabilizing the banks, reducing sediment inputs and filtering pollutants, in partial compliance with water quality standards." (Exhibit E.1)

Regarding Objective C, during the development of the Portland International Airport Plan District (PCC 33.565), including the ESEE analysis, staff from the Port of Portland, City of Portland, and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation. In particular, open bodies of water and large areas of low structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing. Consequently, it was found that a "wildlife corridor" in the Northern Parcel is not appropriate. However, their values and function must be mitigated in the southern portion of the Overall Site, where more appropriate and with plantings that do not attract the type of birds that create the most risk.

BES, BPS and BDS staff determined that in order to address mitigation requirements for the removal of designated natural resources located in the Northern Parcel additional land area and plantings were necessary. Applicant revised its proposal to include an additional 14.04 acres of restoration to address the mitigation gap City staff identified with the original proposal. The Hearings Officer finds that with Applicant's most recently proposed mitigation the proposal *equally* supports this policy. This policy has a strong topical and geographic connection with this application and was given additional weight in the balancing process. This policy has a strong topical and geographic connection with this application and should be given more weight.

### **8.11 Special Areas**

#### **Objective I. Portland International Airport/Middle Columbia Slough**

*Conserve, restore, and enhance natural resource values through environmental zoning, voluntary strategies, and the implementation of special development standards in the plan district and the Portland International Airport/Middle Columbia Slough Natural Resources Management Plan.*

**Findings:** As explained above, with conditions that increase the amount of mitigation area and modified environmental zone boundaries, as well as other related conditions, the proposal can address a shortfall of industrial land, address wildlife hazards

associated with the nearby airport runway and fully mitigate the loss of wetland and riparian resources. With conditions that address the environmental mitigation and environmental zoning, the proposal *equally* supports this policy.

### **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:** The Overall Site contains portions of the flood hazard area. If development is proposed in these areas, it must 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.

BDS Site Development Section responded, in part, by stating:

"Portions of the site are located within the Special (100-year) Flood Hazard Area and the 1996 Flood Inundation Area. Areas along the Columbia Slough and Whitaker Slough are mapped within the Special (100-year) Flood Hazard Area as shown on the FEMA Flood Insurance Rate Map 410183 0105 F. The Base Flood Elevation (BFE) along Columbia Slough and Whitaker Slough is 18 feet NAVD 1988.

The northern portion of the site includes a substantial area mapped within the 1996 Flood Inundation Area. This includes the pond and surrounding area and an area extending to the north property boundary as shown on Figure 1. The BFE for the 1996 Flood Inundation Area on the northern portion of the site is 21 feet NAVD 1988.

The proposed zoning change will make the northern portion of the site available for development. Development in the Special (100-year) Flood Hazard Area and 1996 Flood Inundation Area must comply with the requirements Portland City Code (PCC) 24.50.

Non-residential structures must have the lowest floor elevated at or above the flood protection elevation or be dry-floodproofed. Dry-floodproofing requires structures to be watertight below the flood protection

elevation, with walls substantially impermeable to the passage of water and having structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Materials located below the flood protection elevation must consist of flood-damage-resistant materials.

Balanced cut and fill (i.e. flood storage compensation) is required. Fill placed below the BFE must be compensated with an equal or greater amount of excavation below the BFE." (Exhibit E.6)

If the Overall Site were divided, specific Land Division Review criteria that address flood hazard areas would apply. The proposal equally supports policy 8.12 and 8.13. In 2008, the Hearings Officer and City Council determined that these policies had a strong topical and geographic connection because a portion of the Overall Site is located within the floodplain.

#### **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:** As discussed above, over half of the Overall Site is within environmental overlay zones.

All of Overall Site was designated as a Special Habitat Area (CS29) in the *Middle Columbia Corridor/Airport Natural Resource Inventory and Economic, Social, Environment, and Energy (ESEE) Analysis*. The general ESEE decision for Site CS4 (Middle Slough and Whitaker Slough, including the Overall Site) was to *strictly limit* conflicting uses in all high ranking resource areas. A more specific ESEE discussion for Colwood states,

"Golf courses provide recreation opportunities and access to open spaces and natural resources. Strictly limiting conflicting uses throughout the entire area of each golf course would significantly reduce the ability of the golf course to provide these recreational uses and would not meet city goals for recreation. It is possible to manage the riparian corridors to maintain existing functions and mitigate for any open space development activities (e.g. paths, expanded paving area) on-site." (Table 44, Exhibit G.6).

The adopted ESEE analysis applied the environmental zones as follows:

- *Strictly limit* conflicting uses ("p" zone) within high-ranking riparian resource areas and land within 50 feet of the top-of-bank of streams, drainageways and wetlands;
- *Limit* conflicting uses ("c" zone) within medium and low-ranking riparian resource areas farther than 50 feet from streams, drainageways and wetlands; and
- *Allow* conflicting uses (no environmental overlay zone) in resource areas that are not ranked for riparian corridor functions in the draft natural resource inventory.

The ESEE also went on to recommend:

"... that activities required to implement a FAA approved Wildlife Hazard Management Plan be allowed, or limited only by requiring on-site or off-site mitigation for adverse impacts on inventoried natural resources. The City would not require that adverse impacts be avoided or minimized prior to considering mitigation requirements. This approach could be achieved by establishing zoning provisions specifying that necessary wildlife hazard management activities may take place within environmental overlay zones, with mitigation." (Exhibit G.6)

As described in Part C and D of this recommendation, with conditions that ensure adequate mitigation, on-going monitoring, and the placement of environmental zoning over the new wetland mitigation areas and associated riparian corridor, the Environmental Review and Zone Map Amendment for the overlay zones can be met.

For these reasons, this policy will be *equally* met by the proposal. 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.*

*C. 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:** As explained under numerous related policies above, the Overall Site provides a rare, wide buffer in the watershed. The proposal entails a map change from open space to industrial and the removal of environmental zoning on the 48-acre Northern Parcel. Even with the proposed removal of the resource and environmental zoning, the Overall Site will still have a mapped environmental area comprised of over 30 acres. At this size, habitat biodiversity significantly increases. Ninety percent of the wildlife species in the region depend on riparian areas. Consistent with PCC 33.565.580, much of the wetland and riparian resources north of NE Cornfoot Road are conditionally approved for removal. Once removed and mitigated, protecting wetland and riparian resources will no longer be applicable on the Northern Site. Objective A will continue to be supported via the required new mitigation areas, south of NE Cornfoot Road, as well as the northeast corner of the Overall Site where resources will remain within the environmental designations. City staff recommended the application of Environmental Protection zoning over the newly created wetland area south of Whitaker Slough, plus a 50-foot buffer and Environmental Conservation zoning over the adjacent 300 feet of vegetation, will further support Objective A.

Objectives B and C address water quality and stormwater management, both of which are regulations by the City of Portland Stormwater Management Manual ("SWMM"). The Stormwater Hierarchy, in SWMM, guides applicant's in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements. BES completed a detailed analysis of this proposal and has determined that the improvements associated with the proposed industrial development on the Northern Parcel, can meet sanitary and stormwater management requirements. BES staff recommended a condition that requiring Applicant to record an easement that will provide the City access for a storm outfall in the southern portion of the Overall Site to the Columbia Slough. A change in base zone or overlay zone does not impact how BES applies the SWMM at the time of development or redevelopment. Therefore, this proposal *equally* supports Objective B.

As explained above under Policies 8.12 and 8.13, if development is proposed within the flood hazard area, it would have to meet local, state and federal requirements before permits will be issued. Title 24 flood hazard regulations will continue to apply regardless of removal of environmental zones. For these reasons Objective C is *equally* met by the proposal.

With the conditions recommended under the Environmental Review in Part D of this recommendation and City staff recommended Proposed Zoning Map (Exhibit H.29a),

the proposal is consistent with all of the objectives and therefore is *equally supportive* of this policy. 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:** While all of the Overall Site was identified as a Special Habitat Area (CS29) because it provides migratory stopover habitat, environmental zoning was only applied to water bodies and the riparian buffer. As discussed under Policies 8.10 and 8.15, Objectives A and C continue to be supported in the areas south of NE Cornfoot Road, as well as the northeast corner of the Overall Site where resources will remain within the environmental designations.

PCC 10, Erosion Control, implements the City's erosion prevention and sediment control requirements that apply to all ground disturbing activities. The proposed fill and excavation work associated with the concurrent Environmental Review, and future development phases, will be required to comply with PCC 10 at the time of permit. BDS Site Development noted that the proposed fill and excavation work meets the criteria specified in PCC 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer will be required at the time of permit application. The erosion control plans will need to include dewatering plans for the pond filling. A detailed review of the Erosion Control and Construction Management plans will be undertaken by Site Development with the review of the permit application(s) for the proposed work.



BDS Site Development also noted that a geotechnical report will be required with the permit application. The report will need to address, but not necessarily be limited to, grading, excavation, fill placement and compaction, dewatering, drainage considerations, and slough bank stabilization. Because PCC 10 is implemented at the time of permit and is applied City-wide without respect to environmental zones, Objective B is *equally* met by the proposal.

With the conditions recommended under the Environmental Review in Part D of this recommendation, the proposal is *consistent* with this policy. This policy has a strong topical and geographic connection with this application and should be given more weight.

### **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.*

- 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.*
- B. City-wide. Encourage the creation or enhancement of fish and wildlife habitat throughout the city.*
- C. City Parks. Protect existing habitat and, where appropriate, incorporate new fish and wildlife habitat elements into park plans and landscaping.*

**Findings:** Policy 8.17 raises the issue of conserving natural areas and compatibility with other urban development activities. The *Middle Columbia Corridor/Airport Natural Resource ESEE* acknowledges the need to manage wildlife that is hazardous to airport operations, and supports removal of habitat that attracts hazardous wildlife near the airport. In the concurrent Environmental Review request (discussed in Part D of this recommendation), the Applicant proposes to remove 27.7 acres of open water habitat and riparian area with primarily low, open vegetation. There are many large trees in this area that will also be removed. As mitigation, the Applicant proposes to create scrub-shrub habitat in the area south of Whitaker Slough and forest restoration in the area between the two sloughs on both sides of NE Alderwood Road.

With staff recommended conditions, a significant amount of new habitat will be created or enhanced. Connectivity between Whitaker and Columbia Sloughs will be enhanced, as well as the connection to a pond on adjacent property. The new scrub-shrub wetland will provide potential nesting habitat for willow flycatchers, a special concern species that is known to occur in similar habitats elsewhere along the Columbia Slough system. The plan also creates nesting habitat for juvenile painted turtles.

Because the Overall Site is privately owned and not a City park, Objective C does not currently apply. If the Overall Site, or a portion thereof, were transferred/sold to the City in the future, the required mitigation and environmental zoning would serve to fulfill this Objective.

For this proposal, creating high value habitat area that is not attractive to wildlife species of concern for the airport, and that is farther away from airport activities, meets the objectives of the policy. The associated addition and removal of environmental zones, therefore also equally meet the policy objectives. With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with this topically and geographically weighted 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:** 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 Overall Site is located within the "x", Portland International Airport Noise Impact overlay zone. This overlay zone requires noise insulation for many non-industrial uses. Applicant is not proposing any modification to the overlay zoning on the Overall 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 Applicant *complied* with the mandated neighborhood notification requirements identified in the Portland Zoning Code. This includes posting the Overall 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. This review includes public hearings before both 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 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 approximately a third 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 requires 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, Applicant, who has the burden of proof, has 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, on balance, supports 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 Overall 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 Overall Site is the Thomas Cully Park site, which is planned to be developed for community park use. According to the BPS, the designation/zoning on the Thomas Cully park site will be changed to Open Space through a future legislative project. The Thomas Cully park is currently 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.

- **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 describe the public notification requirements for a Comprehensive Plan Map Amendment that were fully met for this review. This goal is *met*.

- **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. 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 8.10, 8.14, 8.15, 8.16, and 8.17, the proposed plan map amendment *equally or better* supports policies that address the environment (natural resources). Only open space policies 2.6 and 8.9 are *not equally or better* met.

- **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 does *not fully support* this goal.

- **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 address mitigation, 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 proposal, if approved, will likely result in the removal of many if not most of the existing trees on the Northern Parcel. 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 an 18-hole golf course site that is located within the City boundary, provides a convenient (shorter trip) destination for Portland residents.

On the other hand, the proposal would result in the Northern Parcel 48 acres being available for development as industrial land. The Overall Site is in close proximity to major transportation corridors—air freight services at Portland International Airport and I-205. Given the competing costs and benefits of retaining or changing the map designation, this proposal *equally* supports this goal.

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

A large portion of the Overall 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:** Applicant is requesting a Comprehensive Plan Map amendment from the Open Space designation to the Industrial Sanctuary designation. 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, Applicant is requesting an IG2 designation for the Northern Parcel. 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, this policy is *met*.

**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 Northern Parcel. Land use related policies are implemented through the Portland Zoning Code and land use review approval criteria. To the extent that applicable Zoning Map Amendment and Environmental Review approval criteria can be met, with conditions, this policy is *met*.

**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, including PBOT and ODOT, and these bureaus and agencies have expressed no significant concern with the amendment request (Exhibits E.1-E.16). To minimize impacts on transportation infrastructure, PBOT and ODOT recommend a condition that will require completion of proposed mitigation to a State facility—Killingsworth/I-205 ramp. With the conditions of approval, public facilities will be capable of accommodating the anticipated industrial development. 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:** Applicant is requesting a change to the map designation/zone that would allow a change of use on the Northern Parcel. 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 Overall Site is located within an established industrial area. The Overall Site and particularly the Northern Parcel is well suited for industrial development due to its size, location in proximity to transportation facilities, and relative lack of development constraints. PBOT and ODOT, with a condition, support the requested change. However, the Overall Site is not vacant. The Overall 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 Goal 6 policies, Applicant would be responsible for completing required frontage improvements and the mitigation at the Killingsworth/I-205 ramp. Required frontage improvements would be required to comply with BES stormwater drainage requirements. Public works permits to extend sanitary service to portions of the Overall Site would be required. Costs of improvements and extension of necessary public services would be addressed at the time of specific development applications. Therefore, 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 TIA 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 improvements, needed to serve as mitigation to traffic service levels, would be designed to meet City and State 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 determined that the sanitary sewer system has the capacity for new development on the Northern Parcel. By means of a new public sewer extension, the Northern Parcel will have sanitary sewer service. Also, BES reviewed the conceptual stormwater management plans for the on-site development and the plans for public right-of-way improvements. With a condition that requires a recorded easement granted to the City, for a public storm outfall, BES finds the proposal satisfies that stormwater disposal system approval criteria. 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 open space serves as "green infrastructure," providing infiltration and evapotranspiration of stormwater and groundwater. A constructed stormwater management

system for the proposed industrial development cannot replicate a green system. However, Applicant submitted a conceptual plan and stormwater analysis for the Northern Parcel 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 slough is acceptable and the proposed disposal (after water quality treatment) will be permitted. The remaining 90 acres of open space with additional mitigation plantings will continue to provide the infiltration and evapotranspiration benefits. Therefore, the proposal *equally* supports 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 remove 48 acres, developed with a golf course facility 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 Overall Site abuts three Major Emergency Response street facilities (Columbia Boulevard, 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 Overall 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.

**PORTLAND INTERNATIONAL AIRPORT GOAL & POLICIES:**

**GOAL:**

*11 J. Promote a sustainable airport (PDX) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.*

**Findings:** Adding 48 acres of shovel-ready industrial land on a property that abuts Port of Portland properties that are developed with aviation-related uses would support the airport's sustained growth. The 48 acre Northern Parcel will address a shortage of industrial land in the region. Although the amount of existing open space will be reduced by a approximately one-third, the retention of a 90 acre open space area that is available to address habitat functions and offer new recreational opportunities, will *not compromise* quality of life for future generations.

There is a strong topical and geographical link to the proposal. Therefore, the weight of this new Goal 11J and its policy deserves to be weighted the same as the Environmental policies.

**POLICIES & OBJECTIVES:**

**Policy 11.63 Regulations**

*Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District and by including the Airport Futures Plan as part of this Comprehensive Plan.*

**Objectives:**

- A. Prohibit the development of a potential third parallel runway at PDX. Ensure a transparent, thorough, and regional planning process if the Port of Portland demonstrates a need for its construction.*
- B. Support implementation of the Aircraft Landing Zone to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.*
- C. Support the Port of Portland's Wildlife Hazard Management Plan by implementing airport specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.*

**Findings:** Throughout this recommendation, the findings respond to the plan district, its environmental regulations and its link to the FAA required wildlife hazard management plan. The Northern Parcel is not owned by the Port of Portland and is not identified in the application or *Airport Futures* documents as a potential runway location. The "h" Aircraft Landing overlay zone will remain, unchanged, on the Overall Site. Therefore, this proposal

does not conflict with Objectives A and B. Because the Applicant is proposing removal of wetlands that have historically attracted flocks of large birds, the proposal directly fulfills Objective C. Therefore, the proposal *better* supports this policy.

### **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.*

### **Objective G**

*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.*

**Findings:** The proposed amendment would create a developable industrial site within the City's largest existing industrial district. The resulting industrial development on the Northern Parcel would be surrounded by similar uses.

The retention of approximately 90 acres in Open Space that is directly north of the Thomas Cully Park will maintain a linear connection providing a "greenspace" connection from the Cully residential area to the Sloughs. The loss of approximately 35 percent of this historic open space will not significantly diminish the "green" linear feature and therefore, the proposal will *equally* 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 1920's reflects the historic character of the area—as described in the Cully Neighborhood Plan—pastoral, spacious, rural, and country-like. Given that only the northern third of the Overall Site is proposed for change, the "pastoral, spacious" features of the Overall Site will,

for the most part, be retained. The special identify of the area will be retained and thus the proposal *equally* supports this policy.

#### **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 Overall Site's prominent defining features. Approval of this proposal could result in the addition of hundreds of employees. Future employees would experience the Overall 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 could provide connections through the Overall Site and to the designated slough trail system.

The remaining 90 acres will be available to provide a scenic and wildlife attraction to visitors, including pedestrians. The pleasant, rich diverse experience provided by this open space area would not be significantly lessened. Therefore, the proposal *equally* supports 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, will 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, the Portland 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 economic, open space and environmental policies and the newly adopted *Airport Futures* policies, the Hearings Officer finds that the requested Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary for approximately 48 acres (Northern Parcel) of the 138 acre Overall Site, on balance, will be *equally or more* supportive of the *Comprehensive Plan* as a whole than the Open Space designation. Therefore, with conditions, the Comprehensive Plan Map Amendment should be approved.

City staff is recommended the Hearings Officer impose conditions of approval that address the Zoning Map Amendment and Environmental Review approval criteria. The Hearings Officer concurs with the proposed City staff conditions. Only with these conditions that require additional mitigation for the removal of natural resource areas and mitigation for regional traffic impacts will the proposal equally or better supports the majority of the environment and transportation-related policies.

#### **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 Overall 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 (either quasi-judicial or legislative) 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 proposed Comprehensive Plan Map designation is Industrial Sanctuary. This designation has three corresponding zones: General Industrial 1(IG1), General Industrial 2 (IG2) and Heavy Industrial (IH). The zones are described in Zoning Code Section 33.140.030.C.1 and .2, respectively, as follows:

***General Industrial.*** *The general Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.*

*IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.*

*IG2 areas generally have larger lot and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.*

***Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.*

Because the Overall Site is large in area, in excess of 100 acres, with its size breaking the grid block pattern of the surrounding area, the IG2 zone best reflects the characteristics of the Overall Site. Lots in the surrounding non-residential area are not intensively developed, and typically have a relatively low building coverage with large paved open areas. As indicated in the description above, the IG1 zone is intended to be mapped on strips or small areas, characteristics that are inconsistent with those found at the Overall Site. The IH zone is intended to accommodate industries that can generate visual, noise and odor impacts. No landscaping is required on the industrial sites, except for parking areas.

As for being consistent with the zoning pattern in the immediate area, the area to the west and north of the Overall Site is located in a General Industrial 2 (IG2) zone, with development consisting largely of industrial uses. In the immediate area there are properties with large exterior storage areas for heavy construction equipment as well as warehouse and manufacturing buildings. The area to the east is zoned either IG2 and EG2. Sites to the east are developed with light industrial and airport-related uses. The 25 acre site immediately south of the Overall Site is zoned Employment 2 (EG2 zone). However, as explained under Policy 2.6, the Thomas Cully Park (property located immediately south) will be legislatively rezoned to Open Space.

Based on these findings, the IG2 zone is the most appropriate of the three corresponding zones of the Industrial Sanctuary designation. Therefore, this criterion is *met*.

- 2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.**

**Findings:** This Overall Site is not located within an R-zoned area or a Buffer overlay. Therefore, this approval criterion is *not applicable*.

3. **When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.**

**Findings:** The Overall Site is currently zoned Open Space and the proposal is to change to the General Industrial 2 zone. Therefore this criterion is *not applicable*.

**B. Adequate public services.**

1. **Adequacy of services applies only to the specific zone change site.**
2. **Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.**
  - a. **Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.**
  - b. **Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.**
  - c. **Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.**

**Findings:** Services will continue to be *adequate*, with conditions, as explained below.

BES submitted a detailed response which includes the following:

“The following recommended conditions of approval and informational comments are based on the land use review documents and plans provided to the Bureau of Environmental Services (BES). Comments below outline requirements that are associated

with future development of the northern third of this site (north of Cornfoot Road), such as the need for a Public Works permit to extend sanitary service and improve the public right-of-way, stormwater management requirements, natural resource protection, and mitigation for loss of natural resources.

#### **RESPONSE SUMMARY**

*For this land use application to be approved, the applicant must show that the proposal complies with the approval criteria found in Portland City Code ("PCC"). BES has specific approval criteria identified under Chapter 33.855.050.B.2, 33.855.060.B, and the Comprehensive Plan (Goal 11C, Policies & Objectives 11.14-11.22, and Goal 11D, Policies & Objectives 11.23). BES provided recommendations to the Bureau of Development Services (BDS) related to Chapter 33.430.250.E.3-6, 33.565.580.B-C, and 33.855.060.A and C. Note that the applicant has also requested an Environmental Review to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within the northern parcel on this site.*

- *BES Land Use Approval Criteria for Sanitary Waste Disposal Systems (PCC 33.855.050.B.2, 33.855.060.B, and the Comprehensive Plan Goals 11C and 11D):* BES has determined that the sanitary sewer system currently has capacity and, by means of a public sewer extension, can be made available to serve future development of the northern third of this site. Therefore, BES is satisfied that sanitary waste disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment can be met.
  
- *BES Land Use Approval Criteria for Stormwater Disposal Systems (PCC 33.855.050.B.2, 33.855.060.B, and the Comprehensive Plan Goals 11C and 11D):* BES reviewed conceptual stormwater management plans provided for private property development and public right-of-way improvements and required that a recorded easement granted to the City of Portland be provided for a public storm outfall prior to the zone map being changed. Based on this information, BES is satisfied that stormwater disposal system approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment can be met.

BES has the following recommendations of riparian mitigation for habitat and resources that will be lost through onsite impacts to the Environmental Protection Overlay, which is being assessed through an Environmental Review and concurrent Zoning Map Amendment. Note that the applicant has also requested an Environmental Review to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within the northern parcel.

- *Recommendation for Riparian Mitigation (PCC 33.430.250.E.3-6, 33.565.580.B-C, and 33.855.060.A and C):* The plant species, sizes and densities of plantings proposed by the applicant for the riparian forest restoration and enhancement are appropriate and reasonable; however the *amount* of riparian mitigation proposed falls short of the minimum

needed to replace habitat and resources that will be lost through onsite impacts to the Environmental Protection Overlay, which is being assessed through an Environmental Review and concurrent Zoning Map Amendment. Applying a planting palette substantially similar to the species, sizes, and quantities described in the proposed Forest Restoration and Enhancement Areas (applicant's Figures 5D and 5E dated 1/24/13) to other riparian portions of the site would increase the area of mitigation and address the loss of the resources in the northern third of this site. A specific opportunity area would include the land between the two sloughs on the west side of Alderwood Road, but other riparian areas could also be considered if needed. There appears to be more than enough area to provide sufficient mitigation using the restoration (1:1) and enhancement (4:1) ratios (*described in the full BES response*).

#### A. SANITARY SERVICE

*Summary - Sanitary Waste Disposal System:* There is no existing public sanitary sewer available to the northern third of this site, which is proposed to change zoning from OS to IG2. BES approval criterion for the Zoning Map Amendment indicates that the proposed sanitary waste disposal system is or will be made acceptable to BES. The City's Comprehensive Plan Map Amendment has goals related to adequacy of public services. In order to ensure this project can meet BES land use approval criteria, BES required the applicant to submit conceptual design drawings that show a feasible public sanitary sewer extension to serve the site that is proposed to be developed. The applicant submitted conceptual design information (TRACS folder #13-141158-WE and PW folder #EP9362/TI5280) and BES determined that the information submitted was sufficient to demonstrate that a proposed sanitary waste disposal system can or will be made acceptable to BES. Based on the information provided, BES is satisfied that sanitary waste disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment have been met.

1. *Existing Sanitary Infrastructure:* There are several existing public sanitary sewers of various sizes located to the east and west of this site. BES Systems Analysis previously reviewed the capacity and availability of the sanitary systems in the area of the proposed Comprehensive Plan Amendment and Zone Change and determined that the sanitary sewer system has capacity to serve proposed development of the site proposed to be zoned IG2. The sewer system is available to serve this site, but a Public Works permit would be required in order to extend sanitary service (refer to information below):
  - a. The site includes some topographical and environmental constraints that may require that 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. Please note that the site south of the Columbia Slough is in the Upper Columbia Slough Basin and the site north of the Columbia Slough Basin is in the Inverness Basin. Refer to the following comments.
    - (1) In order to develop the northern third of the site (approximately 48.36 acres), sanitary disposal would need to be connected to the public sanitary gravity sewer

located in SE 79<sup>th</sup> Court (refer to BES manhole ID# AAL641), which is in the Inverness Basin. This line is serviced by the Portal Oaks Pump Station at 6601 NE 82<sup>nd</sup> Avenue. The pump station is available to accept flows from the northern portion of this site. A Public Works Permit is required in order to extend sanitary service to this area. Refer to comment #1.b below.

2. *Proposed Sanitary Infrastructure:* The applicant has coordinated with BES through the Public Works permit process (TRACS folder #13-141158-WE and PW folder #EP9362/ TI5280), as required at the time of Pre-Application Conference #12-139667). For development of the northern third of this site (with the zone proposed to be changed from OS to IG2), the applicant provided conceptual Public Works design plans showing a public sanitary sewer extension from the public sanitary gravity sewer located in NE 79<sup>th</sup> Court. The extension would run northwest in SE 79<sup>th</sup> Court and west in NE Alderwood Road to the southeast corner of the site proposed to be zoned IG2. A gravity sanitary branch will be made available to serve this site. Connection to the public sewer system may require the installation of a private, on-site pump system due to the topography of this site and the depth of the public sanitary sewer system.
3. *Public Sanitary Sewer Extension:* At the time of development of the northern third of this site, a public works permit, or other permit as determined by BES, will be required to extend the public sanitary sewer so that sanitary sewer access is available. Note that the City of Portland has revised the process for how public works projects are reviewed and permits are issued. Contact Public Works Permitting at (503) 823-1987 for additional information regarding this process. More information about the new process can be found on the City of Portland Public Works Permitting website.
4. *Connection Requirements:* Connection to public sewers must follow the BES Rules of Connection and meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. The Rules of Connection can be found in Appendix H of the Design Manual.

#### **B. STORMWATER MANAGEMENT**

*Summary - Stormwater Disposal System:* BES approval criterion for the Zoning Map Amendment indicates that the proposed stormwater disposal system is or will be made acceptable to BES. The City's Comprehensive Plan Map Amendment has goals related to adequacy of public services. The applicant provided information for conceptual development on the northern third of this site and public right-of-way improvements in NE Cornfoot Road. The proposed conceptual stormwater management plan, which includes the use of water quality swales with discharge to a branch of the Columbia Slough via a public storm outfall, is acceptable. In order to meet BES adequacy of public services approval criteria, BES required an easement granted to the City of Portland be recorded as part of the land use process to provide legal access for a public storm outfall. The easement must be recorded prior to the zone map being changed by BDS. Note that the

Multnomah County Drainage District (MCDD) has written a letter (dated April 1, 2013) indicating that the conceptual stormwater management plan involving discharge of stormwater runoff to the slough is acceptable. The outfall to the slough *may* require additional Environmental review. **Based on the information that has been provided and the recorded easement that will be provided, BES is satisfied that stormwater disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment have been met.**

1. *Existing Stormwater Infrastructure:*
  - a. There is a public storm-only 12-inch NCP sewer located in NE Alderwood Road near NE 79<sup>th</sup> Court, just east of northern third of this site (BES job# 6153).
  - b. There is also an existing 12-inch storm-only sewer located in NE Colwood Way which outfalls to the Columbia Slough. This storm-only sewer is not owned by the City of Portland.
  - c. Two branches of the Columbia Slough run from east to west through this site. There is an existing system of storm outfalls to the Columbia Slough and culverts connecting the waterbodies on this site.
  - d. NE Alderwood Road crosses through the site and connects to NE Columbia Boulevard. There are two open channel drainage ditches located on either side of NE Alderwood Road that run approximately from NE Columbia Boulevard to the northern end of this site. There is a bridge that spans a branch of the Columbia Slough, which is located in public right-of-way at the intersection of NE Alderwood Road and NE Cornfoot Road. A culvert, located further south, conveys water from Whitaker Slough from east to west under NE Alderwood Road.
2. *Proposed Stormwater Infrastructure:* The applicant has coordinated with BES through the Public Works permit process (TRACS folder #13-141158-WE and PW folder #EP9362/ TI5280), as required at the time of Pre-Application Conference #12-139667). For development of the northern portion of this site (where the zone is proposed to be changed from OS to IG2), the applicant provided conceptual Public Works design plans showing a public storm outfall located near the southwest corner of the proposed IG2 area, which would outfall to the slough on the south side of NE Cornfoot Road. To meet BES adequacy of public services approval criteria, BES required an easement granted to the City of Portland be recorded as part of the land use process to provide legal access for the public storm outfall. The easement must be recorded prior to the zone map being changed by BDS.
  - BES coordinated with BDS Site Development. At the time of LU 05-138386 CP, BDS Site Development assessed this site and determined that due to high groundwater and poor soil infiltration characteristics, on-site stormwater infiltration was not feasible for development of the northern third of this site. BES concurs that onsite infiltration is not

a feasible stormwater disposal option for development of the northern third of this site. Therefore vegetated surface facilities (to meet water quality requirements) with off-site discharge to the Columbia Slough is the most appropriate option for this project, based on the Stormwater Hierarchy.

- The project is within MCDD jurisdiction, who must approve disposal of stormwater runoff to the Columbia Slough. MCDD has written a letter (dated April 1, 2013) describing that stormwater runoff can be directed to the slough. MCDD has the authority to manage all conduits, drainage ditches, canals, sloughs, and waterways within its boundaries. The applicant must coordinate the project with Byron Woltersdorf at (503) 281-5675 extension 308.
  - The waters in this area are classified as Waters-of-the-State and therefore are subject to all State water laws. Development of this site must be coordinated with the Department of State Lands (DSL).
  - The BES Systems Analysis has evaluated the availability of stormwater systems in the area. There is a limited public storm-only system available to this site. There is no public storm-only system plan currently established for this area. Therefore no assessment of that system could be made. However, a proposed stormwater management plan using vegetated surface stormwater facilities to meet water quality and flow control requirements with disposal to the Columbia Slough is an acceptable stormwater management system for development of this site.
  - The applicant submitted a Presumptive Approach stormwater report showing a conceptual plan of how stormwater will be managed for development of the northern portion of this site. BES reviewed the stormwater plans and report provided by Cardno dated March 29, 2013. For new impervious development area on the northern portion of this site, the applicant proposed to meet pollution reduction requirements by means of vegetated flow-through surface stormwater facilities that would include swales, planters and basins designed per the SWMM requirements. The flow-through stormwater facilities would discharge to the branch of the Columbia Slough located on the south side of NE Cornfoot Road. Private stormwater discharges will be directed to a public storm outfall. This is required for public right-of-way improvements along the north side of NE Cornfoot Road. The public storm outfall will be located near the west end of NE Cornfoot Road on this site (refer to public right-of-way comment #5 below for additional information). Discharge of stormwater runoff to the slough has been conceptually approved by MCDD under a letter from MCDD dated April 1, 2013.
3. *Public Right-of-Way Stormwater Management Comments:* BES reviews stormwater management facilities in the public right-of-way for compliance with SWMM requirements such as Infiltration and Discharge, Pollution Reduction, and Flow Control. The following comments apply to this project, as required by the City of Portland Bureau of Transportation (PBOT).



- PBOT will require all public streets within or adjacent to the site to be improved to City standards when the property is subdivided or developed by other means. Frontage improvements on the north side of NE Cornfoot Road will be required when a specific development proposal is made for the IG2 portion of the site. For the remaining two thirds of the site, a Public Works Appeal to waive the requirement for 30% design improvements for the proposed Comprehensive Plan Change and Zone Change application be waived and the requirement to construct the improvements be deferred until the time of the redevelopment of the property identified to remain as open space was approved through the Public Works permit process on April 9, 2013.
- BES reviewed conceptual plans for improving an area along the north side of NE Cornfoot Road, which involved installing vegetated water quality swales that would discharge to a public storm outfall located on the west end of NE Cornfoot Road on this site. The public storm outfall would run south under NE Cornfoot Road, across a section of private property, and outfall to a branch of the Columbia Slough. In order to meet BES adequacy of public services approval criteria, BES required an easement granted to the City of Portland be recorded as part of the land use process to provide legal access for the public storm outfall. The applicant has been coordinating with BES to establish an easement document that will be recorded prior to the zone map being changed by BDS. Discharge of stormwater runoff to the slough has been conceptually approved by MCDD under a letter from MCDD dated April 1, 2013. Note that the outfall to the slough may require additional Environmental review.

#### **CONDITIONS OF APPROVAL**

If the land use application is approved, BES recommends that the following condition be included with the decision:

- Record an easement granted to the City of Portland as part of the land use process to provide legal access for a public storm outfall. An easement document must be recorded prior to the zone map being changed by BDS. (Exhibit E.1)”

**Multnomah Drainage District No. 1** submitted a letter stated that in concept, the Drainage District approves placement of a future outfall to the middle Columbia Slough to address stormwater disposal requirements that will apply to future development of the Northern Parcel (Exhibit E.9).

The **Water Bureau** responded that it has no objections to the Comprehensive Plan Map and Zoning Map Amendment, as well as the requested Environmental Review as detailed in this LUR, for the property located at 7313 NE Columbia Boulevard. In part, the Water Bureau response is set forth below:

“There are two services which provide water to this location and they are as follow:

1. 3/4” metered service - Serial #20811057, Account #2968343500.

The above listed service is provided water from the existing 24" Steel water main in NE Alderwood Rd North of NE Cornfoot Rd.

2. 1" metered service - Serial #95048105, Account #2992321200.  
The above listed service is provided water from the existing 12" DI water main in NE Columbia Boulevard West of NE Alderwood Rd.

The estimated static water pressure range for this location is 86 psi to 108 psi at the existing service elevation of 20 ft." (Exhibit E.3)

The Fire Bureau responded with the following comment, "The Fire Bureau has no concerns. Any applicable Fire Code requirements will apply at the time of any new development on this site." (Exhibit E.4)

The Police Bureau responded with the following comment, "Richard Kepler, Strategic Services Division, reviewed this Land Use request. Additionally, North Precinct Commander Michael Leloff has reviewed this proposal. Recognizing that there is not a specific development plan, it was determined that the Portland Police Bureau is capable of serving the proposed change at this time." (Exhibit E.5)

PBOT responded that transportation staff reviewed Applicant's narrative addressing Goal 6 policies, and concurs with Applicant that the requested Comprehensive Map Amendment is consistent with adopted Goal 6 Policies. PBOT's response, in relevant part, is as follows:

"As demonstrated in the Transportation Impact Analysis and Transportation Executive Summary memo, transportation facilities in the site vicinity will, or can be made to be, adequate to meet year 2035 traffic needs. At the time of development of the requested industrial zoned portion of the site, the applicant will be required to construct partial off-site mitigation consistent with the Transportation Planning Rule to address the site's traffic impacts. In addition, roads passing adjacent to the property will be improved to City standards or as modified by the Public Works Appeal (13-110647 PW) at the time of development.

#### **TRANSPORTATION PLANNING RULE**

OAR 660-012-0060

*Plan and Land Use Regulation Amendments*

- (1) *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
  - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
  - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The Applicant has provided a transportation analysis in support of the requested amendment. The analysis described in the TIA has found that the proposed zone change for a portion of the golf course from OS to IG2 can result in acceptable traffic operations within the study area during the weekday p.m. peak hour under the year 2035 planning horizon. During the 2005 rezone effort, the previous "reasonable worst-case development scenario" trip generation estimate resulted in approximately 6,175 net new weekday daily trips, (615 weekday a.m. peak hour and 595 weekday p.m. peak hour) anticipated by the proposed zone change. The reduced size of the current proposal results in only 2,130 net new weekday daily trips, (445 weekday a.m. peak hour and 370 weekday p.m. peak hour).

The proposed zone change would require mitigation at three locations per OAR 660-0012-0060. The following mitigation projects would be needed to satisfy Transportation Planning Rule (TPR) Section 660-001200060 requirements:

- NE Alderwood Road/NE Cornfoot Road—add a separate northbound left-turn lane.
- NE Alderwood Road/NE 82<sup>nd</sup> Avenue—convert the existing eastbound right-turn lane into a shared through/right-lane and modify traffic signal to accommodate the

conversion.

- NE Killingsworth Street/I-205 Southbound Ramps—provide a free-flowing eastbound right-turn movement onto the I-205 southbound on ramp.

(2) *If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

*(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*

The Applicant will be required at the time of development to provide improvements at the Killingsworth Interstate 205 Southbound onramp to mitigate the proposed zone change. The project would consist of adding a third (3<sup>rd</sup> on-ramp) meter lane to the southbound onramp. The proposed improvement will result in a system wide benefit for automobile and freight movement benefiting the industrial and commercial uses throughout the Columbia Corridor. The system wide benefits provided from the project are sufficient to balance the significant effect even though improvements would not result in consistency with performance standards. This limited mitigation is supported by ODOT, PBOT, and Business Oregon. The limited mitigation shall include the following improvements at NE Killingsworth Street and I 205 Southbound Interchange:

- Add a third queuing lane for the southbound on-ramp to result in three 12-ft wide lanes
- Widen to the outside of the existing lane to accommodate the additional lane
- Replace the existing ramp meter to accommodate the additional lane
- Provide new illumination
- Accommodate stormwater from the new impervious area in roadside swales

- Provide any necessary related improvements to NE Killingsworth at the intersection with the southbound I 205 ramp.
- These improvements must be coordinated and constructed under separate public works permits from PBOT and/or ODOT

The applicant filed a public works appeal (13-110647 PW) to seek approval for alternative street designs along all the site frontages on NE Columbia Boulevard, NE Alderwood Road, and the south side of NE Cornfoot Road. The appeal to not construct standard improvements along NE Columbia Boulevard was denied. Standard improvements and associated dedications shall be required at the time of development on the remaining Open Space (OS) portions of the site. Along both sides of NE Alderwood Road, the appeal granted a waiver to standard improvements for curbs, swales, and sidewalks. Instead, a shared 10-ft wide hard-surface, multi-use facility with 2-ft wide gravel shoulders, preferably on the east side of NE Alderwood Road from NE Columbia Boulevard north to connect to the existing curb-tight sidewalk crossing the bridge at NE Cornfoot Road shall be required as a condition of future development.

The applicant's public works appeal also requested to waive the requirement for widening the bridge on NE Alderwood Road. The applicant will not be required to widen the bridge, however the existing culvert south of the bridge will need to be upgraded and widened with a pedestrian bridge to allow the shared use pathway referenced above.

The public works appeal committee supported granting the appeal to not require pedestrian and bicycle facilities along the south side of NE Cornfoot Road along the property frontage. Additionally, PBOT is currently applying for a grant to fund the construction of pedestrian and bicycle improvements in this location along NE Cornfoot Road. If the grant application is successful and funding is secured or improvements are constructed along this frontage prior to the building permit application then the applicant will no longer be required to make these frontage improvements.

## **RECOMMENDATION**

Portland Bureau of Transportation has no objection to approval of the proposed Comprehensive Plan and Zoning Map Amendment subject to the following condition of approval:

1) As a condition of building permit approvals of the 48.36 acre IG2 site, the following off-site transportation improvements shall be required:

- Add a third queuing lane for the southbound on-ramp to result in there 12-ft wide lanes

- Widen to the outside of the existing lane to accommodate the additional lane
- Replace the existing ramp meter to accommodate the additional lane
- Provide new illumination
- Accommodate stormwater from the new impervious area in roadside swales
- Provide any necessary related improvements to NE Killingsworth at the intersection with the southbound I 205 ramp.
- These improvements must be coordinated and constructed under separate public works permits from PBOT and ODOT

NOTE: As a condition of development on the remaining Open Space (OS) portion of the site beyond the existing uses, frontage improvements and any related dedications shall be required along the site's frontages on NE Columbia Boulevard and NE Alderwood Road as identified in Public Works Appeal 13-110647 PW."

**ODOT** submitted a formal response (Exhibit E.10). ODOT's response included the following comments:

"The site is in the vicinity of two State highway facilities NE Killingsworth St and I-205. ODOT has an interest in ensuring the safe and efficient operation of the interchange and the surrounding transportation system. The traffic volumes are high at the interchange and along NE Killingsworth St. The increase in traffic generation from the site would lengthen the existing and future 2035 year traffic queues on NE Killingsworth St as vehicles approach the I-205 southbound entrance ramp. This additional traffic would not meet the Oregon Highway Plan Policy 1F performance standard for NE Killingsworth/I-205 ramp intersection.

The Metro 2035 Regional Transportation Plan has a project to expand the NE Killingsworth/I-205 southern entrance ramp from 2 to 3 lanes to address the operational deficiencies. By providing an additional lane on the entrance ramp, vehicle queues will be reduced onto NE Killingsworth St improving the safety and operations of the ramp intersection. Through collaboration with City staff and the Applicant, ODOT has determined that although this project would not meet the performance standard for the NE Killingsworth/I-205 southbound intersection that it provides a system wide benefit to the transportation system (Transportation Planning Rule OAR 660-012-0060 (2) e)."

In summary, with conditions, service bureau and other regulatory agencies find that public services will be *adequate* to support a 48 acre Northern Parcel rezoned from Open Space to General Industrial  
2.

3. **Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.**

**Findings:** The proposal does not involve IR zoning and therefore this criterion is *not applicable*.

- C. **When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

**Findings:** The request does not include the Institutional Residential zone. Therefore this criterion is *not applicable*.

- D. **Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

**Findings:** The Overall Site is within the City of Portland. This criterion is *met*.

## **PART C. OTHER ZONE CHANGES**

### **33.855.060 Approval Criteria for Other Changes**

**In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:**

- A. **Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;**

**Findings:** Applicant's proposal includes removing 24.96 acres of Environmental Conservation overlay and 2.74 acres of Environmental Protection overlay on the Northern Parcel (Tax Lot 100). Applicant's proposal also includes the addition of a nearly equal amount of Environmental Protection overlay zone over the proposed wetland-creation area south of the Whitaker Slough and east NE Alderwood Road (Exhibit B.2). A total of 3.07 acres of wetland is being created in an area that is primarily within Environmental Conservation overlay zone.

*The Middle Columbia Corridor/Airport Economic, Social, Environment, and Energy Analysis* (ESEE analysis) establishes the level of protection to be applied to significant environmental resources on the Overall Site. The addition or removal of environmental zoning designations must be consistent with the ESEE analysis. The ESEE analysis was presented in two parts: a broad general analysis and a more specific supplemental resource site analysis for the Overall Site (Exhibit G.6). The general ESEE analysis for Open Space zoned areas yielded a decision to "strictly limit" conflicting uses for Special Habitat Areas ("SHA's") and high-ranked resources, and to "limit" conflicting uses for medium-ranked resources, except for a "strictly limit" decision for resources within 50 feet of wetlands, top-of-bank of open streams, and drainageways.

The specific ESEE analysis for Overall Site yielded a decision to "strictly limit" conflicting uses within high ranking riparian areas and land within 50 feet of top-of-bank of streams, drainageways and wetlands; a "limit" decision for conflicting uses within medium and low-ranking riparian resource areas, farther than 50 feet from streams, drainageways, and wetlands; and an "allow" decision for conflicting uses in resource areas that are not ranked for riparian corridor functions in the draft natural resource inventory.

The analysis explained:

"The vegetated areas of the golf courses are proposed to be designated Special Habitat Areas because diverse concentrations of migratory birds use the tree canopy as stopover habitat; bat species roost in riparian trees and drink from and forage over open water bodies; and they provide connectivity between other habitat areas. The predominance of use by these wildlife species, and of riparian corridor and wildlife habitat functions within the golf course, is provided by the open water bodies and the vegetation located within 300 feet of the water bodies. The turf grass associated with the golf courses does not support grassland-associated species and provides limited habitat for generalist species." (Exhibit G.6)

The "strictly limit" decision was implemented by applying Environmental Protection ("p") overlay zoning, and the "limit" decision was implemented by applying the Environmental Conservation ("c") overlay. Therefore, at the Overall Site, wetlands and water bodies, and land within 50 feet of top-of-bank of them, received the Environmental Protection overlay designation, and land farther than 50 feet from, and up to 300 feet from top-of-bank received the Environmental Conservation overlay designation. Areas farther than 300 feet from the tops-of-bank of wetlands and water bodies did not receive environmental overlay zoning.

#### Addition of Environmental overlays

To protect wetland areas as the ESEE analysis addresses protection of such resources, the proposal to create new wetland areas at Colwood Golf Course must include placing Environmental Protection overlay zoning over the wetland area, riparian areas and land within 50 feet of its edge. To protect riparian resources farther than 50 feet, and up to 300 feet from the edge of the created wetland, according to the ESEE analysis, that land must be placed within the Environmental



Conservation overlay zone.

Applicant's original proposal only places Environmental Protection up to the boundaries of the newly created wetland area and no expansion of the Environmental Conservation overlay. To comply with the ESEE analysis, additional "p" zone must be added to the area within 50 feet of the wetland and "c" zone over the riparian resources farther than 50 feet and up to 300 feet from the edge of the created wetland. A staff recommended zone map complying with the ESEE is attached to this report as Exhibit H.29a.

#### Removal of Environmental overlays

The Applicant also proposed to remove Environmental Protection and Environmental Conservation overlay zoning designations from wetland and riparian areas of the golf course, north of NE Cornfoot Road. This criterion requires the applicant to demonstrate that the reason for applying the Environmental Protection and Environmental Conservation overlay zones no longer exists or has been addressed through other means.

The reason for applying the designation was to protect existing environmental resources. Applicant proposed to remove the resources in the Environmental Review described later in this recommendation. Removal of the wetland and surrounding riparian areas from the golf course north of NE Cornfoot Road will remove the reason for applying the designation; the reason will no longer exist.

During the development of the Portland International Airport Plan District (PCC 33.565), including the ESEE analysis, staff from the Port of Portland, City of Portland, and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation.

In particular, open bodies of water and large areas of low structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing. As such, the resource removal proposed by the Applicant was anticipated and specifically discussed in the ESEE:

"It is recommended that activities required to implement a FAA approved Wildlife Hazard Management Plan be allowed, or limited only by requiring on-site or off-site mitigation for adverse impacts on inventoried natural resources. The City would not require that adverse impacts be avoided or minimized prior to considering mitigation requirements. This approach could be achieved by establishing zoning provisions specifying that necessary wildlife hazard management activities may take place within environmental overlay zones, with mitigation (Page 184 of Exhibit G.6)."

The findings under PCC 33.565.580 and PCC 33.430.250 (found in Part D, later in this recommendation) demonstrate that Applicant's proposal to remove resources can be consistent with the applicable approval criteria as long as adequate mitigation is provided. Consequently, Applicant has demonstrated that once environmental resources are removed and functional values

have been mitigated for, as allowed by PCC 33.565.580 and the environmental review recommendation, the reason for applying environmental zoning to those areas will no longer exist and this criterion will be met with regards to the designation removal.

Because the removal of the environmental zoning on the parcel north of NE Cornfoot Road based upon the physical resource removal and accompanying mitigation, it is necessary to synchronize the alteration of the environmental layers on the Official Zone Map with the actual work on the Overall Site. Delaying the alteration of the Official Zone Map to a final inspection of the mitigation plantings ensures that the resource designation is not removed until the resource truly no longer exists. A condition of approval will also address the possibility of Applicant's timeline being delayed and avoid having identified resources without any protection. This timing is consistent with Applicant's identified schedule and in Exhibit A.1.

Regarding addition of the environmental designations, with conditions of approval to place Environmental Protection overlay zoning over newly created wetland areas, and land within 50 feet of the wetland areas; and to place Environmental Conservation overlay zoning over land within 300 feet of the newly created wetlands, as depicted on Exhibit H.29a, the environmental zoning designations will provide the level of protection of environmental resources that is specifically described in the *Middle Columbia Corridor/ Airport ESEE Analysis*, and this criterion will be *met*.

**B. The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and**

**Findings:** The first part of Criterion B refers to the purpose and adoption criteria for the environmental overlay zones. PCC 33.565.500 states that the purpose of the environmental regulations in the Portland International Airport plan district is to work in conjunction with the standards of Chapter 33.430 to:

- Protect inventoried significant natural resources and their functional values specific to the plan district, as identified in the Comprehensive Plan;
- Address activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety;
- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety; and
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources.
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

This purpose statement is a reflection of the adoption criteria of the regulation, which are the *Middle Columbia Corridor/Airport Natural Resources Inventory and Economic, Social, Environmental and Energy Analysis*. The Overall Site is located within Resource Site CS 4

Middle Slough and Whitaker Slough. The *Inventory* further identified the Overall Site as SHA CS29.

The determination of the placement of environmental overlay zones begins with a Goal 5 resource inventory. Through the inventory process significant natural resources are identified. The *Middle Columbia Corridor/Airport Natural Resources Inventory* further ranked significant natural resources into high, medium, and low levels of significance. The ESEE analysis then determines the level of protection appropriate for these resources. The ESEE Decision table for Site CS 4 Middle Slough and Whitaker Slough, specific to Overall Site (Table 44 in the adopted ESEE analysis), applies the following protections to environmental resources:

Within the Overall Site:

- *Strictly limit* conflicting uses (p zone) within high-ranking riparian resource areas and land within 50 feet of the top-of-bank of streams, drainageways and wetlands;
- *Limit* conflicting uses (c zone) within medium and low-ranking riparian resource areas farther than 50 feet from streams, drainageways and wetlands; and
- *Allow* conflicting uses (no environmental overlay zone) in resource areas that are not ranked for riparian corridor functions in the draft natural resource inventory.

Applicant is receiving a recommendation for a conditional approval of removal of the environmental resources from the wetland and riparian areas north of NE Cornfoot Road, as findings indicate later in this recommendation (see Part D). Once the wetlands and riparian areas are approved for removal, and then removed, and are no longer present on the Northern Parcel, it will be consistent with the ESEE analysis to allow conflicting uses in these areas, as high-ranking and medium-and low-ranking riparian resources and wetlands, streams and rain-gears will no longer be present within the areas of modified zoning. Findings have been made under Criterion A, above, that both the addition and removal of environmental overlays, as shown on Exhibit H.29a, is consistent with the ESEE analysis. Therefore, the addition and removal are also *consistent* with the adoption criteria.

The purpose statement for the environmental zoning within the Portland International Airport plan district specifically calls out activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety. The concurrent proposal to remove protected environmental resources is, according to Applicant, is to provide a safe environment for the airport. The Port of Portland concurs that removal of the pond and associated wetlands will reduce the likelihood of bird strikes and will greatly increase the safety of the airport (Exhibit A.3). Likewise, resource mitigation and enhancement opportunities must be consistent with managing wildlife and vegetation on and around the airfield for public safety. The Port of Portland has reviewed Applicant's mitigation proposal and stated:

"The creation of wetland mitigation farther away from the AOA ("Aircraft Operations Area") utilizing the aviation wildlife hazard management design of incorporating dense scrub/shrub vegetative cover instead of open herbaceous vegetation, will

decrease the concentration of species of concern to safe aircraft operations at PDX immediately adjacent to the AOA (Exhibit A.10)."

For these reasons, the removal of the environmental zoning designations will not conflict with the purpose for the regulations.

In addition to the purpose statement in PCC 33.565.500, PCC 33.430.010 states:

"These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives."

The environmental regulations of PCC 33.565 supplement (and in some cases supersede) those of PCC 33.430, but these portions of the purpose statement are relevant to the proposal, project site, and approval criterion. The analysis of applicable goals and policies of the Comprehensive Plan, Airport Futures Plan, and Cully Neighborhood Plan follow:

#### Portland Comprehensive Plan

##### **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:** The addition and removal of environmental overlay zones on the Overall Site do not impact the use of the Overall Site as a park or golf course. PCC 33.565, Portland International Airport Plan District, contains provisions to allow for maintenance and alterations to existing golf courses within the environmental zones without the need for a discretionary review. Likewise, the creation of pedestrian pathways, interpretive facilities, and similar recreational facilities are also anticipated. For these reasons, the proposal is *consistent* with this policy.

##### **Policy 5.14 Portland International Airport**

*Recognize the importance of the Portland International Airport to the bi-state economy as a regional, national, and international transportation hub by including the Airport Futures Plan as part of this Comprehensive Plan.*

**Findings:** The Portland International Airport Plan District, including the *Middle Columbia Corridor/Airport Natural Resources Inventory and Economic, Social, Environmental and Energy Analysis*, was adopted as a section in the Zoning Code by City Council in November 2011. During the development of this plan district, staff from the Port of Portland, City of Portland and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation. In particular, open bodies of water and large areas of low

structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing.

To address this conflict, the Portland International Airport Plan District included zoning code regulations in the form of standards and discretionary approval criteria (PCC 33.565.570 and 33.565.580). These codes include standards for habitat conversion and special procedures for removal of natural resource features that attract wildlife that pose a risk to aviation. Applicant is using 33.565.580, which allows removal of features with appropriate mitigation, to compensate for the impacted resource features and functions. The proposed alterations to the Environmental zones are a reflection of resource removal and mitigation allowed under PCC 33.565.580.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the staff recommended Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with this policy.

#### **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.*

- 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.*
- B. Promote density, location, and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.*
- 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 48 acres of developable industrial land. The Overall Site is in close proximity to major transportation corridors—air freight services at Portland International Airport and I-205. This proposal addresses the regions need for more large industrial sites within areas with infrastructure/services. Furthermore, in order to receive permits, new buildings would be required to meet current energy code standards.

The mapped environmental zones conserve natural resources and their associated functional values. The Overall Site contains many mature trees which are beneficial because they intercept precipitation, filter stormwater, help prevent erosion, and provide shade which cools the air and stormwater runoff. It is difficult to mitigate for the removal of mature trees as it can take decades for new trees to provide equivalent benefits. Trees within the riparian buffer of the sloughs provide even more functions.

The change from Open Space to an industrial zone and concurrent removal of 27.7 acres of environmental overlay would likely result in the removal of many if not most of the existing trees on the 48 acre Northern Parcel. Industrial development generally includes large buildings, parking, storage and exterior work areas. The impervious surfaces and limited landscaping that

would replace the existing greenspace and riparian area 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 is, overall, *consistent* with 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 changes to the Environmental overlay zones is, on balance, *equally or more* supportive of most of the policies of Goal 8.

### **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 Overall Site is located outside of the designated well (groundwater) protection area, which is east of NE 82<sup>nd</sup> Avenue. Development on the Overall Site must comply with the City's stormwater management requirements. Specifically for the Overall Site, the BES, the BDS Site Development Section and the Multnomah County Drainage District #1 recommended 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 removal of the Environmental overlays reduces protection for mature trees and increases impervious surfaces. The Watershed Services Division of BES noted that it is difficult to mitigate for the removal of mature trees as it can take decades for new trees to provide equivalent benefits. Also, the protection of permeable surfaces is a strategy of the *Portland Watershed Management Plan*.

The removal of 27.7 acres of wetland and riparian habitat has the potential to increase impervious surface and adversely impact the functional values of groundwater recharge and sediment, pollution, and nutrient control. To address these adverse impacts, City staff recommended restoration and enhancement plantings in the area located in between the two sloughs, west of NE Alderwood Road, in addition to the plantings already originally proposed by Applicant. These plantings, along with the staff recommendation to expand the Environmental Conservation zone for a distance of 300 feet from the edge of the Environmental Protection zone and to the extend the Environmental Protection zone 50 feet from newly created wetland area will address lost functional values.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the revised Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with this policy.

### **Policy 8.9 Open Space**

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

**Findings:** The addition and removal of environmental overlay zones on the site do not impact the use of the Overall Site as a park or golf course. PCC 33.565, Portland International Airport Plan District, contains provisions to allow for maintenance and alterations to existing golf courses within the environmental zones without the need for a discretionary review. Likewise, the creation of pedestrian pathways, interpretive facilities, and similar recreational facilities are also anticipated. For these reasons, the proposal is *consistent* with this 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:** Applicant submitted stormwater analysis showing that water quality vegetated swales can be constructed to address water quality and detention requirements. 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. Objective A is *equally* supported by the proposal.

According to BES Watershed Services, the Columbia Slough is water-quality-limited for temperature and nutrients, as well as a host of pollutants associated with industrial and transportation land uses. The vegetated riparian buffer provides microclimate and shade benefits, reducing water temperatures, as well as stabilizing the banks, reducing sediment inputs and filtering pollutants, in partial compliance with water quality standards. BES also noted that much of the Columbia Slough has very narrow riparian buffers. The Overall Site provides a rare, wide buffer in the watershed. The mapped Environmental Conservation zone comprises over 30 acres, the size at which biodiversity significantly increases. Ninety percent of the wildlife species in the region depend on riparian areas (Exhibit E.1).

Adding Environmental Protection zoning over the newly created wetland area plus a 50-foot buffer, south of Whitaker Slough, and Environmental Conservation zoning over the adjacent 300 feet of vegetation will *support* Objectives B and C.

Consistent with PCC 33.565.580, the water resources north of NE Cornfoot Road are conditionally approved for removal (as discussed later in this report). Once removed and

mitigated, protecting drainageway resources for water quality and wildlife will no longer be applicable on this portion of the Overall Site. Objectives B and C will continue to be **supported** in the areas south of NE Cornfoot Road, as well as the northeast corner of the Overall Site where resources will remain within the environmental designations.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the revised Proposed Zoning Map (Exhibit H.29a), the proposal is **consistent** with this policy.

#### **Policy 8.11 Special Areas**

*Recognize unique land qualities and adopt specific planning objectives for special areas.*

**I. Portland International Airport:** *Conserve, restore, and enhance natural resource values through environmental zoning, voluntary strategies, and the implementation of special development standards in the plan district and the Portland International Airport/Middle Columbia Slough Natural Resources Management Plan.*

**Findings:** The Portland International Airport Plan District, including the *Middle Columbia Corridor/Airport Natural Resources Inventory and Economic, Social, Environmental and Energy Analysis*, was adopted as a section in the Zoning Code by City Council in November 2011. During the development of this plan district, staff from the Port of Portland, City of Portland and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation. In particular, open bodies of water and large areas of low structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing.

To address this conflict, the Airport Plan District included zoning code regulations in the form of standards and discretionary approval criteria (PCC 33.565.570 and 33.565.580). These codes include standards for habitat conversion and special procedures for removal of natural resource features that attract wildlife that pose a risk to aviation. Applicant is using 33.565.580, which allows removal of features with appropriate mitigation, to compensate for the impacted resource features and functions. Applicant's proposal to remove wetland and riparian resources, and the associated proposed alterations to the Environmental zones are a reflection of resource removal and mitigation allowed under PCC 33.565.580.

Because of the Overall Site's proximity to active airfield area, this policy carries significant weight in considering the proposal. With the conditions recommended under the Environmental Review in Part D of this recommendation and the staff recommended Proposed Zoning Map (Exhibit H.29a), the proposal is **consistent** with this policy.

#### **Policy 8.12 National Flood Insurance Program**

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



**Policy 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:** The Overall Site contains portions of the floodplain. 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 building regulations, specifically PCC 24.50, Flood Hazards. Title 24 flood hazard regulations will continue to apply regardless of removal of environmental zones.

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. As shown on Exhibit B.1 much of the Overall Site is zoned with the environmental overlay zones. These overlay zones limit or strictly limit activities within and near areas that are subject to natural flood hazards. Future development proposals will be required to address applicable processes and criteria set forth in PCC 33.430, Environmental Zones, and PCC 33.565.500's, Environmental Overlay Zones in the Portland International Airport Plan District. If the Overall Site were divided, specific Land Division Review criteria that address flood hazard areas would apply.

For these reasons, the proposal is *consistent* with policies 8.12 and 8.13.

**Policy 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:** Significant natural resources are identified in the *Middle Columbia Corridor/Airport Natural Resource Inventory and Economic, Social, Environment, and Energy Analysis*. All of Overall Site was designated as a SHA (CS29). The general ESEE decision for Site CS 4 (Middle Slough and Whitaker Slough, including the Overall Site) was to *strictly limit* conflicting uses in all high ranking resource areas. A more site-specific supplemental analysis for Overall Site determined that:

"Golf courses provide recreation opportunities and access to open spaces and natural resources. Strictly limiting conflicting uses throughout the entire area of each golf course would significantly reduce the ability of the golf course to provide these recreational uses and would not meet city goals

for recreation. It is possible to manage the riparian corridors to maintain existing functions and mitigate for any open space development activities (e.g. paths, expanded paving area) on-site." (Table 44, Exhibit G.6)

The conclusion specific to Overall Site (Table 44 in the adopted ESEE analysis), applies the following protections to environmental resources:

Within Colwood Golf Course:

- *Strictly limit* conflicting uses ("p" zone) within high-ranking riparian resource areas and land within 50 feet of the top-of-bank of streams, drainageways and wetlands;
- *Limit* conflicting uses ("c" zone) within medium and low-ranking riparian resource areas farther than 50 feet from streams, drainageways and wetlands; and
- *Allow* conflicting uses (no environmental overlay zone) in resource areas that are not ranked for riparian corridor functions in the draft natural resource inventory.

The ESEE also went on to recommend:

" . . . that activities required to implement a FAA approved Wildlife Hazard Management Plan be allowed, or limited only by requiring on-site or off-site mitigation for adverse impacts on inventoried natural resources. The City would not require that adverse impacts be avoided or minimized prior to considering mitigation requirements. This approach could be achieved by establishing zoning provisions specifying that necessary wildlife hazard management activities may take place within environmental overlay zones, with mitigation" (Table 44, Exhibit G.6).

Applicant is receiving a recommendation for a conditional approval of removal of the environmental resources from the wetland and riparian areas north of NE Cornfoot Road, as findings indicate later in this recommendation (see Part D). Consistent with Policy 8.14, removal of the natural resources will be fully mitigated, and are proposed, under Part A of this report to address the need for other urban uses in the form of accessible industrial land.

Once the wetlands and riparian areas are approved for removal, and then removed, and are no longer present on the Overall Site, it will be consistent with the ESEE analysis to allow conflicting uses in these areas, as high-ranking and medium-and low-ranking riparian resources and wetlands, streams and drainageways will no longer be present within the areas of modified zoning. Findings have been made under Criterion A, above, that both the addition and removal of environmental overlays, shown on Exhibit H.29a, is *consistent* with the ESEE analysis.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is consistent with this policy.

**Policy 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.*
- C. **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:** BES Watershed Services noted that much of the Columbia Slough has very narrow riparian buffers. The Overall Site provides a rare, wide buffer in the watershed. The mapped Environmental Conservation zone comprises over 30 acres, the size at which biodiversity significantly increases. Ninety percent of the wildlife species in the region depend on riparian areas. Adding Environmental Protection zoning over the newly created wetland area south of Whitaker Slough, plus a 50-foot buffer and Environmental Conservation zoning over the adjacent 300 feet of vegetation will *support* Objective A.

Consistent with PCC 33.565.580, much of the wetland and riparian resources north of NE Cornfoot Road are conditionally approved for removal (as discussed later in this report). Once removed and mitigated, protecting wetland and riparian resources will no longer be applicable on this portion of the site. Objective A will continue to be supported in the areas south of NE Cornfoot Road, as well as the northeast corner of the site where resources will remain within the environmental designations.

Objectives B and C address water quality and stormwater management, both of which are regulations by the SWMM. All development and redevelopment proposals are subject to the requirements of the SWMM. The SWMM is periodically updated and projects must comply with the version that is adopted when permit applications are submitted. The Stormwater Hierarchy guides the applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.

A larger discussion of the Applicant's specific stormwater disposal plan occurred earlier in this recommendation under Parts A and B. The application or removal of environmental zones does not impact how BES applies the SWMM at the time of development or redevelopment. Therefore, this proposal *equally* supports Objective B.

The Overall Site contains portions of the floodplain. 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 building regulations, specifically PCC 24.50, Flood Hazards. Title 24 flood hazard regulations will continue to apply regardless of removal of environmental zones. For these reasons Objective C is *equally* met by the proposal.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with all of the objectives of this policy.

**Policy 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 zones implement the goals of protecting wetlands, riparian areas, and water bodies, including their upland buffers. While all of Overall Site was identified as a SHA (CS29) because it provides migratory stopover habitat, is a connectivity corridor between the Columbia Slough and Whitaker Slough, and provides habitat for at-risk bat species, environmental zoning was only applied to water bodies and the riparian buffer. BES Watershed Services has commented that a literature review conducted by Metro during the development of the Goal 5/Nature in Neighborhoods Program showed that beneficial riparian functions of native (upland) vegetation extend nearly 800 feet from the waterway.

BES commented that, although manicured, the Overall Site contains hundreds of trees many which are native to the Portland area. There are many mature trees throughout the Overall Site, including several historic Oregon white oak trees on the east side of NE Alderwood Road. These oak trees, even single trees, are extremely valuable to native wildlife. Large mature deciduous and conifer trees provide lineal corridors that capture stormwater, provide cooling affects, and reduce air and water pollution.

BES Watershed Services noted that much of the Columbia Slough has very narrow riparian buffers. The Overall Site provides a rare, wide buffer in the watershed. The mapped Environmental Conservation zone comprises over 30 acres, the size at which biodiversity significantly increases. Ninety percent of the wildlife species in the region depend on riparian areas. Adding Environmental Protection zoning over new created wetland area south of Whitaker Slough, plus a 50-foot buffer and Environmental Conservation zoning over the adjacent 300 feet of vegetation will *support* Objectives A and C.

As discussed under Policies 8.10 and 8.15, the wetland and riparian resources north of NE Cornfoot Road are conditionally approved for removal under PCC 33.565.580 (as discussed later in this recommendation). Once removed and mitigated, protecting the wetland and riparian resources will no longer be applicable on the Northern Parcel. Objectives A and C continue to be supported in the areas south of NE Cornfoot Road, as well as the northeast corner of the Overall Site where resources will remain within the environmental designations.

PCC 10 implements the City's erosion prevention and sediment control requirements that apply to all ground disturbing activities. The proposed fill and excavation work associated with the concurrent Environmental Review, and future development phases, will be required to comply with PCC 10 at the time of permit. BDS Site Development has noted that the proposed fill and excavation work meets the criteria specified in PCC 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control or State of Oregon registered professional engineer will be required at the time of permit application. The erosion control plans will need to include dewatering plans for the pond filling. A detailed review of the Erosion Control and Construction Management plans will be undertaken by BDS Site Development with the review of the permit application(s) for the proposed work.

BDS Site Development also noted that a geotechnical report will be required with the permit application. The geotechnical report will need to address, but not necessarily be limited to, grading, excavation, fill placement and compaction, dewatering, drainage considerations, and slough bank stabilization. Because PCC 10 is implemented at the time of permit and is applied City-wide without respect to environmental zones, Objective B is *equally* met by the proposal.

With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with all of the objectives of this policy.

#### **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.*

*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.*

- B. City-wide: Encourage the creation or enhancement of fish and wildlife habitat throughout the city.*
- C. City Parks: Protect existing habitat and, where appropriate, incorporate new fish and wildlife habitat elements into park plans and landscaping.*

**Findings:** The Overall Site is located halfway between two regionally significant and publicly-owned natural areas – Whitaker Ponds to the west and Johnson Lake to the east. The Overall Site provides a critical corridor link for dozens of native wildlife species that use the Columbia Slough Watershed during their breeding, wintering, or migratory seasons. The Overall Site is made up of several special status habitats – habitats or landscape features that have been documented to provide especially or uniquely important fish and wildlife habitat values and function, including: forested wetlands, bottomland hardwood (riparian) forest, oak woodland, and open low herbaceous habitat.

According to the City of Portland's *Middle Columbia Corridor/Airport Natural Resource Inventory*, the Overall Site is designated as a Special Habitat Area (CS29) because it provides migratory stopover habitat, is a connectivity corridor between the Columbia Slough and Whitaker Slough, and provides habitat for at-risk bat species. "At-risk" species have been identified as in decline and/or of conservation concern by US Fish and Wildlife, National Oceanic and Atmospheric Administration, ODFW, and/or the Oregon Biodiversity Information Center and includes threatened, endangered, candidate, concern, sensitive, imperiled and rare species. Seven of Oregon's 15 native bat species have been confirmed at Overall Site. Five of these seven are considered at-risk. In addition, more than a dozen species of neotropical songbirds can be found using the riparian and wetland habitats on the Overall Site.

Policy 8.17 raises the issue of conserving natural areas and compatibility with other urban development activities. The *Middle Columbia Corridor/Airport Natural Resource ESEE* acknowledges the need to manage wildlife that is hazardous to airport operations, and supports removal of habitat that attracts hazardous wildlife near the airport. In the concurrent Environmental Review request (discussed in Part D of this recommendation), the Applicant proposes to remove 27.7 acres of open water habitat and riparian area with primarily low, open vegetation. There are many large trees in this area that will also be removed. As mitigation, Applicant proposes to create scrub-shrub habitat in the area south of Whitaker Slough and forest restoration and enhancement in the area between the two sloughs, east of NE Alderwood Road.

With conditions as proposed by BDS staff the Hearings Officer finds a significant amount of new habitat will be created or enhanced. Connectivity between Whitaker and Columbia Sloughs will be enhanced, as well as the connection to a pond on adjacent property. The new scrub-shrub wetland will provide potential nesting habitat for willow flycatchers, a special concern species that is known to occur in similar habitats elsewhere along the Columbia Slough system. The plan also creates nesting habitat for juvenile painted turtles.

For this proposal, the creation of high value habitat area that is not attractive to wildlife species of concern for the airport, and that is farther away from airport activities, meets the objectives of the policy. The associated addition and removal of environmental zones, therefore also equally meet the policy objectives. With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with all of the objectives of this policy.

**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 Zoning Map Amendment to remove environmental overlay zoning is concurrent with an Environmental Review request to remove wetland and riparian area.

The requested Zoning Map Amendment relies on the approval of the Environmental Review and mitigation plan as discussed in the findings for Criterion 33.855.060.A, above. Findings for the Environmental Review follow in Part D. A recommendation for approval of the Environmental Review is based upon adequate mitigation. If the Environmental Review cannot be approved, the natural resources will not be removed and findings cannot be made to recommend removal of the environmental zoning under the Zoning Map Amendment.

Therefore, with the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a), the proposal is *consistent* with this policy.

**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:** The addition and removal of environmental overlay zones on the Overall Site do not impact the use of the Overall Site as a park or golf course. PCC 33.565, Portland International Airport plan district, contains provisions to allow for maintenance and alterations to existing golf courses within the environmental zones without the need for a discretionary review. Likewise, the creation of pedestrian pathways, interpretive facilities, and similar recreational facilities are also anticipated. For these reasons, the proposal is *equally* supportive of this policy.

**PORTLAND INTERNATIONAL AIRPORT GOAL & POLICIES:**

**GOAL 11 J:** *Promote a sustainable airport (PDX) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.*

**Policy 11.63 Regulations**

*Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District and by including the Airport Futures Plan as part of this Comprehensive Plan.*

**C.** *Support the Port of Portland's Wildlife Hazard Management Plan by implementing airport specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.*

**Findings:** The Portland International Airport Plan District, including the *Middle Columbia Corridor/Airport Natural Resources Inventory and Economic, Social, Environmental and Energy Analysis*, was adopted as a section in the Zoning Code by City Council in November, 2011. During the development of this plan district, staff from the Port of Portland, City of Portland and stakeholders identified issues related to natural resource features that attract wildlife that pose a risk to aviation. In particular, open bodies of water and large areas of low structure vegetation located near the runways attract flocking birds and large birds that pose a risk if they are struck by an airplane during take-off or landing.

To address this conflict, the Portland International Airport plan district included zoning code regulations in the form of standards and discretionary approval criteria (PCC 33.565.570 and 33.565.580). These codes include standards for habitat conversion and special procedures for removal of natural resource features that attract wildlife that pose a risk to aviation. Applicant is using 33.565.580 which allows wildlife hazard management activities with appropriate mitigation to compensate for the impacted resource features and functions.

The Portland International Airport Wildlife Hazard Management Plan identifies the types of natural resource features that should be removed and/or managed to reduce risk; it does not identify the specific features or actions. Decisions regarding the removal of particular features are discretionary. In this case, the close proximity of the airport's south runway necessitates the removal of hazardous features and relocation of the lost functional values farther from aircraft operations.

Because of proximity to active airfield operations area, this policy carries significant weight in considering the proposal. The proposed alterations to the Environmental zones are a reflection of resource removal and mitigation allowed under PCC 33.565.580. With the conditions recommended under the Environmental Review in Part D of this recommendation and the Proposed Zoning Map (Exhibit H.29a) the proposal is *consistent* with his policy.

**Cully Neighborhood Plan**

**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:** As discussed earlier in this recommendation, the relevant policies and objectives of the Cully Neighborhood Plan are linked to this proposal. The policies that address open space and environment are applicable to the change in overlay zone and are addressed again, here, in that context.

**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:** The addition and removal of environmental overlay zones on the site do not impact the use of the Overall Site as a park or golf course. PCC 33.565, Portland International Airport plan district, contains provisions to allow for maintenance and alterations to existing golf courses within the environmental zones without the need for a discretionary review. Likewise, the creation of pedestrian pathways, interpretive facilities, and similar recreational facilities are also anticipated. For these reasons, the proposal is *equally* supportive of this 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:** All development and redevelopment proposals are subject to the requirements of the SWMM, which addresses water quality of the Columbia Slough. The SWMM is periodically updated and projects must comply with the version that is adopted when permit applications are submitted. The Stormwater Hierarchy guides the Applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.

A larger discussion of the Applicant's specific stormwater disposal plan occurred earlier in this recommendation under Parts A and B. The application or removal of environmental

zones does not impact how BES applies the SWMM at the time of development or redevelopment. Therefore, this proposal *equally* supports Objective 4E-1.

PBOT recommended, with conditions, the approval of all requested changes to zoning designations. Through a Public Works Appeal a shared 10-foot wide hard-surface, multi-use facility with 2-foot wide gravel shoulders, preferably on the east side of NE Alderwood Road from NE Columbia Boulevard north to connect to the existing curb-tight sidewalk crossing the bridge at NE Cornfoot Road shall be required as a condition of future development. The new pedestrian/bike path will provide safe access to the sloughs. Dedicated trails or sidewalks along the slough are *consistent* with Objective 4E-2.

**SUMMARY FINDINGS for 33.855.060.B – Applicable Goals and Policies of the Comprehensive Plan and Area Plans:** Based on the foregoing, the proposal can be consistent with the applicable goals and policies of the Comprehensive Plan, Airport Futures Plan, and Cully Neighborhood Plan in light of conditions of approval recommended under the concurrent Environmental Review discussed in the next section (Part D) and the Proposed Zoning Map (Exhibit H.29a). Accordingly, this criterion is *met*.

**C. In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.**

**Findings:** This Overall Site is not within the Marquam Hill plan district therefore this criterion is *not applicable*.

## **PART D ENVIRONMENTAL REVIEW**

### **33.565.580 Special Procedures for Wildlife Hazard Management**

These provisions apply to wildlife hazard management activities within environmental overlay zones that are required to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan.

**A. In addition to the exemptions and standards listed in Chapter 33.430, if the activity does not meet the exemptions of Sections 33.565.540 or the standards of Section 33.565.540 through 33.565.570, then Environmental Review is required.**

**Findings:** In this case, Standards 33.565.560.A and E are not met because disturbance in the protection zone exceeds 10,000 square feet and not all of the tree removal standards are met. Therefore, a Type II Environmental Review is required. The submittal requirements identified in Section 33.565.580.B are summarized earlier in this recommendation and addressed in detail on pages 139 through 171 of Exhibit A.1.

**C. Within the Airport Subdistrict, activities required to implement an FAA authorized Wildlife Hazard Management Plan are not required to avoid or minimize impacts to identified natural resources and functional values within a resource or transition area of either a protection or conservation overlay zone; mitigation is required. Mitigation for impacts to natural resources and functional values is required to meet only the approval criteria of section 33.430.250.E.3 through 6 when impacts to natural resources and functional values occur within a resource or transition area of either a protection or conservation overlay zone.**

**Findings:** Applicant submitted a copy of the Port of Portland's FAA authorized WHMP, included in the application case file as Exhibit A.16. The WHMP applies to the Overall Site as part of a regional safety effort for the airport. Specifically, a portion of the golf course is in the Intermediate Zone and the entire golf course is within the Secondary Zone. The Overall Site immediately abuts Management Areas A-2 and E-1 and is approximately 1,200 feet from Runway 28L. The WHMP acknowledges that the airport must partner with other stakeholders to accomplish the goals of the WHMP, particularly for properties not in Port ownership.

The long-range goal for the Port is to minimize the risk to aviation safety posed by wildlife species of concern on and around the airfield. The Portland International Airport is currently ranked the 34<sup>th</sup> busiest airport in the country, but is ranked in the top ten for bird strikes. The existing pond, wetland, and mowed turf grass result in a situation that attracts birds like red tail hawks, great blue heron, and Canada geese. This creates a setting that is hazardous to airport operations. Habitat modification is the most effective long-term remedial measure for reducing wildlife hazards on or near the airfield.

Applicant worked closely with the Port regarding this proposal to fill in the existing pond and the four wetlands on the Northern Parcel, to create a wetland elsewhere on the Overall Site, and to restore and enhance large portions of the Overall Site while proposing to reduce the wildlife hazards in and around Portland International Airport. A letter of support from the Port is provided with this application as Exhibit A.3. In that letter, the Port has documented bird strikes in the vicinity as well as indicated that they would take similar action if they happened to own the Overall Site. Note: the Port indicated in that same letter that they have no interest in purchasing the Colwood property.

Applicant documented that the proposed resource removal is necessary to meet the objectives of the Port's FAA authorized WHMP, therefore the approval criteria which apply to the resource removal are those in Section 33.430.250 E.3 through 6. Applicant provided findings for these approval criteria and BDS Land Use Services staff revised these findings or added conditions, where necessary to meet the approval criteria. The Hearings Officer concurs with the BDS revised findings and proposed conditions.

**Section 33.430.250.E.3-6**

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

**Findings:** This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site.

Applicant provided a detailed written description of the project design and construction considerations to reduce impacts in the application narrative (Exhibit A.1). The Construction Management Plan ("CMP") is summarized earlier in this recommendation. In addition, a more general graphic CMP was included in Exhibit A.1 as Figures 8A and 8B. The description in Applicant's narrative demonstrates carefully considered design and construction techniques that will ultimately protect resources outside the designated disturbance areas, however the graphic CMP does not reflect the written narrative or the extent of resource removal to occur on the parcel north of NE Cornfoot Road. The proposed fill and excavation work will require a construction permit from BDS. A final CMP must be submitted with the permit plans that graphical shows all clearing and grading work, trees to be removed and protected, erosion control measures, and environmental zone boundaries.

City service bureaus reviewed Applicant's plans and provided technical input, to be used in determining if off-site impacts will be prevented by the proposal. Technical assessment of Applicant's proposal, and City service bureau recommendations to make the project consistent with other City Titles (Title 24, Title 10, etc.) follow.

The BDS Site Development section reviews permits for compliance with the erosion prevention and sediment control requirements found in PCC 10, Erosion Control, that apply to all construction related ground disturbing activities. The proposed fill and excavation work, and future development phases, will be required to comply with PCC 10 at the time of permit.

The proposed fill and excavation work meets the criteria specified in PCC 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control or a State of Oregon registered professional engineer will be required at the time of permit application. The erosion control plans will need to include dewatering plans for the pond filling. A detailed review of the Erosion Control and Construction Management plans will be undertaken by BDS Site Development with the review of the permit application(s) for the proposed work.

BDS Site Development also notes that a geotechnical report will be required with the permit application. The geotechnical report will need to address, but not necessarily be limited to, grading, excavation, fill placement and compaction, dewatering, drainage considerations, and slough bank stabilization. Finally, a 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.

Applicant did not provide a Tree Protection Plan as part of this application or a written Alternate Tree Protection Plan, as allowed by PCC 33.248.065. Additionally, the staging and stockpile areas for the mitigation work (south of NE Cornfoot Road) must be located either outside of the environmental zones or situated in such a way as to reduce impacts to trees that are not intended for removal. If the guidelines presented in PCC 33.248 are followed and the construction staging areas are modified, trees outside the disturbance area will be protected. To this end, Applicant will be required to provide a detailed graphic tree protection plan that depicts all tree protection measures at the time of permit review.

BES administers the SWMM, in addition to the City's Title 17 Public Improvements. BES reviewed Applicant's conceptual stormwater management proposal and is satisfied that a stormwater disposal system meeting the SWMM can be provided (Exhibit E.1). The conceptual stormwater management plan includes the use of water quality swales with discharge to a branch of the Columbia Slough. Additionally, the Multnomah County Drainage District provided a response indicating the conceptual stormwater management plan is acceptable (Exhibit E.9).

Restoration of native plant communities in the environmental zone north of NE Cornfoot Road and enhancement of native plant communities in the environmental zone in the northeast portion of the Overall Site adjacent to McBride Slough will increase the functional values in these unaffected portions of the environmental zone. Use of erosion and sediment control measures will prevent impacts to portions of the environmental zone that will be preserved. The creation of wetland mitigation in the southern portion of the Overall Site, and restoration and enhancement of forest communities between Whitaker and Columbia Sloughs, will ensure there are no significant detrimental impacts to resources and functional values on the southern portion of the Overall Site that are to remain.

With conditions for a tree preservation plan, a final construction management plan, a geotechnical report, and an erosion control plan prepared by a Certified Professional in Erosion and Sediment Control or Oregon registered engineer at the time of permit review, this criterion can be met.

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

**Findings:** PCC 33.565.580 allows for removal of natural resource features when required to implement an FAA authorized WHMP. Unlike impacts to natural resources in other parts of the City, there is no required alternative analysis to avoid or minimize the impacts. An applicant may skip that analysis and proceed directly to an impact evaluation and mitigation plan. After reviewing the Applicant's narrative, the WHMP (Exhibit A.16), and letters from the Port of Portland (Exhibits A.3 and A.10), and consulting with technical experts, City staff determined that removal of wetlands and surrounding grassy areas as proposed would meet the provisions PCC 33.565.580 because:

- a. The types of features are identified in the Wildlife Hazard Management Plan as attracting wildlife that pose a risk to aviation;
- b. The features are in close proximity, 1200-1800 feet, to Runway 28L; and

- c. The features and functions can be replaced through mitigation (see discussion below).

The Hearings Officer concurs with the above-stated City staff analysis and conclusions.

The purpose of a mitigation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity. In this case, the chosen activity includes the complete removal of 1.62 acres of wetlands and approximately 26.08 acres of riparian resource area. This criterion requires the Applicant to propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation consists of creating 3.07 acres of wetlands, restoring 21.82 acres of forested riparian area, and enhancing 4.26 acres of forested riparian area. The proposed mitigation plan is described in detail in Exhibits A.1 and the memos submitted by the Applicant (H.18, 19a-b and 26c).

#### Wetland Mitigation

The wetland mitigation area in the southern portion of the Overall Site will convert a portion of the golf course to scrub-shrub wetlands that will have a direct hydrologic connection to Whitaker Slough and a pond located immediately east of the site. The proposed 1.5:1 wetland mitigation ratio is appropriate because it is consistent with accepted mitigation methods involving creation and restoration of in-kind wetlands that are in-proximity to and in-time with the impacts on the original wetland.<sup>1</sup> The BES Watershed group reviewed the proposed plantings (Exhibits H.26a-c and C.5-6) and determined that the plant species, sizes, and densities of plantings for the wetland mitigation areas are appropriate and reasonable (Exhibit E.1).

#### Riparian Mitigation

The proposed mitigation for impacts on the existing, herbaceous (primarily moved turf grass with linear tree plantings) 26.08-acre riparian area involves a mix of restoration and enhancement of other riparian areas on both the north and south portions of the Overall Site. The restoration work consists of forest and wetland buffer plantings, while the enhancement areas are mostly forested but lacking in a healthy understory. The BES Watershed group reviewed the proposed plantings (Applicant's revised figures 4B, 5B, and A submitted July 23, 2013) and found that the plant species, sizes and densities of plantings for the riparian mitigation areas are appropriate and reasonable for the type of habitat being created (see memo dated July 24, 2013 (Exhibit H.30)). Likewise, BPS reviewed the proposal and commented that the total area proposed for mitigation is approximately 1:1 which is consistent with their minimum recommendation (memo dated July 24, 2013 – Exhibit H.27).

The recommendation for a minimum 1:1 mitigation ratio is consistent with the scientifically accepted policies by other local agencies, such as the Oregon Department of State Lands (“DSL”) and Clean Water Services in Washington County, for mitigation standards. For example, Clean

<sup>1</sup> Oregon Department of State Lands (DSL), November 2011. A Guide to the Removal Fill Process; and Wetland Mitigation in Washington State - Part I: Agency Policies and Guidance. Department of Ecology, U.S. Army Corps of Engineers (Seattle District), U.S. Environmental Protection Agency (Region 10), Publication # 06-06-011a, March 2006.

Water Services uses a 1:1 mitigation ratio for on-site replacement of vegetated riparian corridors.<sup>2</sup> Research by these and other state and federal agencies has shown this approach is the minimum level of effort needed to successfully replace resources.

Restoration is generally defined by the Washington Department of Ecology as establishing new habitat where it is absent, but formerly occurred, and provides mitigation context that regulators can use to distinguish between actions that have more or less capacity to offset impacts.<sup>3</sup> In this context, the definition of restoration is relative to other actions such as “enhancement” and identifies restoration as providing significantly more environmental benefit than enhancement. Applicant’s revised proposal includes 12.82 acres of on-site restoration that is consistent with this definition.

Applicant also proposes enhancement as a mitigation method; defined as treatment of invasive vegetation within existing canopy and conversion to native understory. The ecological benefit over existing conditions is generally less with enhancement and usually a higher level of effort is required. Applicant proposes 4.26 acres of on-site enhancement mitigation. In this case, much of the enhancement area is contiguous with the restoration and wetland creation areas. The absence of enhancement in these areas would reduce the functionality of the newly created wetland area and could pose a barrier to the overall success of the remaining restoration.

The areas identified for mitigation include existing riparian area that provides a limited amount of functional value. However, as noted by Applicant, the mitigation area provides a unique opportunity within the City to preserve and restore resource values of the highest level. With the proposed enhancement and restoration, the area will provide connectivity, wildlife habitat and travel corridors, and transitional ecosystems between habitat areas, as well as allow for groundwater and wetland recharge and offer scenic, open space and aesthetic values.

With a condition that plantings occur in a manner consistent with Applicant’s new Figures 4B, 5B and A (Exhibits H.26a-c) and at the same time or in advance of resource removal, the mitigation plan will compensate for impacts at the site for the following reasons:

- The wetland mitigation, in combination with proposed forest restoration and enhancement areas, will improve and enhance wildlife habitat by increasing the area of riparian habitat connecting Whitaker and Middle Sloughs. Habitat connectivity is a key element in the identification of this area as a SHA.
- The plantings will provide food, shelter and nesting habitat for various species of small mammals, reptiles, amphibians, and various species of migratory songbirds.

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<sup>2</sup> Design and Construction Standards Environmental Review Chapter 3 Sensitive Areas and Vegetated Corridors. Clean Water Services, Washington County, OR, June 2007

<sup>3</sup> Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance. Department of Ecology, US Army Corps of Engineers (Seattle District), US Environmental Protection Agency (Region 10). Publication #06-06-011a. March 2006

- The new scrub-shrub wetland will provide potential nesting habitat for willow flycatchers, a state-listed special concern species that is known to occur in similar habitats elsewhere along the Columbia Slough system and has been spotted on the Overall Site.
- Turtle nesting habitat created based on the specifications in *Western Painted Turtle Habitat Recommendations for Restoration Projects* (BES, June 2012) will help achieve the goals of the *Conservation Plan for Native Turtles in Portland, Oregon* (Oregon Wildlife Institute).
- The proposed mitigation will result in a net benefit in aviation wildlife hazard management for PDX Airport. The new wetland forest plantings have been designed so that they are not attractive to geese or other species of flocking birds that could pose a potential hazard to aircraft at the nearby airport. The newly created habitat will be attractive to birds and small mammals and will lure them away from the airfield.

Taking into consideration future industrial development on the Northern Parcel and intended low-impact recreational uses in the area between the Columbia and Whitaker Sloughs west of NE Alderwood Road, BDS staff recommended and the Hearings Officer concurs that it is appropriate to include conditions of approval to limit conflicts with the mitigation areas. Specifically, for the restoration area north of and parallel to NE Cornfoot Road, two 40-foot wide driveway accesses may remain unplanted. For the restoration and enhancement area west of NE Alderwood Road and between the Columbia and Whitaker Sloughs, an area large enough to provide vehicle parking for up to 8 parking spaces may remain unplanted. This area may also contain pedestrian pathways and benches consistent with Portland Parks and Recreation Trail Standards for natural areas.

The proposed mitigation for impacts on the existing, herbaceous (primarily mowed turf grass with linear tree plantings) 24-acre riparian area involves a mix of restoration and enhancement of other (mostly forested) riparian areas on both the north and south portions of the site. The BES Watershed group reviewed the proposed plantings (Exhibits C.3-4 and C.5-6) and found that the plant species, sizes, and densities of plantings for the riparian mitigation areas are appropriate and reasonable for the type of habitat being created (Exhibit E.1); however BES also determined that the amount of riparian mitigation proposed falls short of the minimum needed to replace habitat and resources that will be lost. Likewise, BPS commented that the areas proposed for restoration and enhancement already provide many of the functional values that the mitigation plan intends to replace (Exhibit E.8). While additional plantings would improve the quality of the functions in these areas, the Applicant's proposal would not fully offset the loss of functions currently provided by the 24 acres of riparian area.

As this is a discretionary review, it is appropriate to consider scientifically accepted policies by other local agencies, such as the Oregon Department of State Lands (DSL) and Clean Water Services in Washington County, for mitigation standards. For example, Clean Water Services uses a 1:1 mitigation ratio for on-site replacement of vegetated riparian corridors.<sup>4</sup> Research has shown this approach is the minimum level of effort needed to successfully replace lost resources.

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<sup>4</sup> Design and Construction Standards Environmental Review Chapter 3 Sensitive Areas and Vegetated Corridors. Clean Water Services, Washington County, OR. June 2007.



Restoration is generally defined by the Washington Department of Ecology as establishing new habitat where it is absent, but formerly occurred, and provides mitigation context that regulators can use to distinguish between actions that have more or less capacity to offset impacts. In this context, the definition of restoration is relative to other actions such as “enhancement” and identifies restoration as providing significantly more environmental benefit than enhancement. The Applicant proposes approximately 7.5 acres of on-site restoration that is consistent with this definition.

The Applicant also proposes enhancement as a mitigation method; defined as treatment of invasive vegetation within existing canopy and conversion to native understory. The ecological benefit over existing conditions is significantly less with enhancement, therefore, a higher level of effort is required. Following guidance from the Washington Department of Ecology, enhancement requires four times the area of restoration, or a 4:1 ratio (of enhancement area: impact area).<sup>5</sup> Applicant proposes approximately 6.5 acres of on-site enhancement mitigation.

Applicant identified an additional 13-acre area as a “future natural area (FNA)” and proposes a covenant to restrict future uses. The Applicant states that the FNA has unique resource values of importance to the City that makes the area suitable for the future restoration and enhancement of an upland forest. The FNA includes existing riparian areas and would provide connectivity, wildlife habitat and travel corridors, and transitional ecosystems between habitat areas, as well as allow for groundwater and wetland recharge and offer scenic, open space, and aesthetic values. In addition to restoration, the proposed covenant identifies this area for low-impact recreational uses such as pedestrian trails, interpretive facilities, and potentially a parking area for up to eight vehicles.

Using the mitigation ratios cited above, the restoration and enhancement plantings proposed mitigate for approximately 9 acres of the approximately 24 acres of impact. The 13-acre FNA provides no immediate benefit as no plantings are proposed by Applicant for this area. Applying the planting schedule already described in the proposed Forest Restoration and Enhancement Areas on Exhibit C.5, to the FNA identified by Applicant, would bring the calculation of mitigation up to the 1:1 ratio recommended by the Bureau of Environmental Services and Bureau of Planning and Sustainability. BES Watershed Services commented that the area west of NE Alderwood Road between the two sloughs is a good opportunity to meet the mitigation needs of the project by applying Forest Restoration (1:1 mitigation) and Forest Enhancement (4:1 ratio) plantings.

With a condition that planting of the FNA occur in a manner consistent with Exhibit C.5 and at the same time as the mitigation identified on Exhibits C.3 and C.4, the mitigation plan will compensate for impacts at the site for the following reasons:

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<sup>5</sup> Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance. Department of Ecology, US Army Corps of Engineers (Seattle District), US Environmental Protection Agency (Region 10). Publication #06-06-011a. March 2006.

- The mitigation area, in combination with proposed forest restoration and enhancement areas, will improve and enhance wildlife habitat by increasing the area of riparian habitat connecting Whitaker and Middle Sloughs. Habitat connectivity is a key function of natural resources.
- The plantings in the mitigation area, the forest restoration and enhancement areas, and the environmental zone enhancement areas will provide food, shelter and nesting habitat for various species of small mammals, reptiles, amphibians, and various species of migratory songbirds.
- The new scrub-shrub wetland will provide potential nesting habitat for willow flycatchers, a special concern species that is known to occur in similar habitats elsewhere along the Columbia Slough system.
- Turtle nesting habitat created based on the specifications in *Western Painted Turtle Habitat Recommendations for Restoration Projects* (BES, June 2012) will help achieve the goals of the *Conservation Plan for Native Turtles in Portland, Oregon* (Oregon Wildlife Institute).
- The proposed mitigation will result in a net benefit in aviation wildlife hazard management for PDX Airport. The new wetland forest plantings have been designed so that they are not attractive to geese or other species of flocking birds that could pose a potential hazard to aircraft at the nearby airport. The newly created habitat will be attractive to birds and small mammals and will lure them away from the airfield.

Taking into consideration future industrial development on the northern parcel and intended low-impact recreational uses on the FNA, staff finds it is appropriate to include conditions of approval to limit conflicts with the mitigation areas. Specifically, for the restoration area north of and parallel to NE Cornfoot Road, two 40-foot wide driveway accesses may remain unplanted. For the restoration and enhancement area west of NE Alderwood Road and between the Columbia and Whitaker Sloughs, an area large enough to provide vehicle parking for up to 8 parking spaces may remain unplanted. This area may also contain pedestrian pathways and benches consistent with Portland Parks and Recreation Trail Standards for natural areas.

#### Monitoring

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). A five-year monitoring plan is described by Applicant in Exhibit A.1 (pages 158-159) to ensure successful establishment of native plant communities. The results of the monitoring will be included in an annual monitoring report, which will be submitted to the City. If the overall number of plants successfully established in any given designated restoration area in one year is less than 80%, then those plants that are dead will be replaced with new live plants of the same type that died; this will be done at a rate to meet or exceed the 80% survival rate. To measure survival of the plants, the property owner may inspect a sample area and extrapolate that information for the full area. Seed survival will be calculated as a percent of coverage.

Remedial actions for less than 80% survival include planting additional trees and shrubs if there is plant mortality. As described above, all dead plants found during inspections will be replaced with

live plants of the same type at a rate so as to meet or exceed the 80% survival rate. Once the dead plants are identified, it may be necessary to wait for the appropriate time of year to install the plants. The plant replacements will be included as part of the maintenance reports submitted to the City. Protective barriers will be installed around each of the plants or groups of plants if the mortality is due to animal herbivory.

#### Timing/Permitting

Applicant suggested that staff condition the Northern Parcel's grading plan to include the agreed upon mitigation on the southern property. This means that the grading of the Northern Parcel will not be considered complete until the southern mitigation work is completed and receives inspection approval by the City. The Northern Parcel will also have the responsibility of making the necessary assurances relating to the completion and five years of monitoring/maintenance.

Applicant suggested setting up an escrow account with the amount of \$125,000 (\$25,000 annually) deposited into the account for maintenance and annual certification of the mitigated area. Staff accepts this suggestion, with the provision that if an escrow account is not established at the time of permit issuance for the resource removal and mitigation work, Applicant must provide a performance guarantee meeting the standards of PCC 33.700.050.

As discussed above, the full 26.08 acres of proposed riparian planting is necessary to mitigate for the removal of 26.08 acres of riparian area from the Northern Parcel. It can take many years for newly planted restoration areas to mature to the point where they provide the same level of habitat and water quality benefit as an existing, mature riparian resource area. If the 26 acres of riparian resource area were to be removed in advance of the proposed restoration and enhancement of forested riparian areas, there would be 'time lag' between the physical removal of the 26 acres of resource and associated riparian functions and values, and their physical 'replacement' via the mitigation plan implementation. Because these plantings are necessary to mitigate for the removal of the riparian area, they must occur concurrent with or in advance of the removal of the resource to avoid such a 'time lag' in replacing the riparian functions and values. Several conditions of approval are necessary to ensure that planting is consistent with figures A, 4B, and 5 from Applicant's memo submitted July 23, 2013 (Exhibits H.26a-c), that the mitigation work is completed before occupancy of the Northern Parcel occurs, and that the mitigation plantings are monitored and maintained.

With the conditions discussed in the findings, above, this criterion can be *met*.

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

**Findings:** The proposed mitigation will occur entirely on the Overall Site as depicted on Exhibits H.26a-c. This criterion is *met*.

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

**Findings:** TPL is the Applicant representing the existing ownership. TPL describes their role as managing the process and relationships between current ownership, future industrial developer, and public agencies. TPL is under contract to purchase the 90 acres south of NE Cornfoot Road to facilitate a future park. (Exhibit A.1)

Applicant's statement regarding environmental mitigation is that the Northern Parcel at the time of successfully achieving a zone change to IG2 will carry the responsibility of the agreed upon environmental mitigation plan along with providing the necessary assurances relating to the completion as well as the suggested five-year stabilization plan. Currently the Overall Site, including the Northern Parcel and the southern portion, are under the same ownership. Applicant indicated there is intent to separate the ownership of the Northern Parcel and the southern portion of the Overall Site. For this reason, a legal instrument (such as an easement or deed restriction) must be provided at the time permits are obtained to initiate the resource removal and mitigation.

With a condition to provide a legal instrument at the time of permit review, this criterion is *met*.

## **DEVELOPMENT STANDARDS**

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

## **OTHER TECHNICAL REQUIREMENTS**

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

<b>Bureau</b>	<b>Code Authority and Topic</b>	<b>Contact Information</b>
Water Bureau	Title 21 - Water availability	503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>

Bureau	Code Authority and Topic	Contact Information
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>
Transportation	Title 17 - Transportation System Plan	503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>
Development Services	Titles 24 - Building Code, Erosion Control, Flood plain, Site Development	503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>

### III. CONCLUSIONS

In 2008, the Portland City Council denied a request to change the Comprehensive Plan map and zoning map for approximately 116 of the 138-acre Overall Site from Open Space to General Industrial. Nearly 5 years later and following the City's adoption and implementation of the *Airport Futures Land Use Plan*, TPL submitted a substantially different request for the Overall Site. According to the Applicant, this proposal is a "re-do" of the previous application. The new proposal "embraces the opportunity to provide new park land for the community and improved habitat, but also addresses the need for additional industrial land and reduces potential aviation hazards." This request retains the Open Space designation/zone on 90 acres of the Overall Site, changing just the 48.36-acre Northern Parcel. This request also addresses new environmental zoning boundaries and wildlife hazard management requirements that were implemented in 2011 through the *Airport Futures* legislation.

The City, led by BPS, is currently in the process of updating the Comprehensive Plan. Because that work is not completed, the same policies, except those that were added through the *Airport Futures* project, apply as approval criterion for the plan map amendment. In 2008, the Hearings Officer recommended Council give more "weight" or consideration to City policies that are topically and/or geographically linked to the proposal. Other policies, although still relevant, were given less weight. The City Council applied the Hearings Officer's approach.

This Hearings Officer recommendation follows the approach taken by City Council in 2008. This proposal has been evaluated, giving the most weight to policies that speak to or are related to Economic Development, Open Space and the Environment. In addition, given the topical and geographic link, the new policies that were adopted through *Airport Futures* deserve more weight.

Concurrent with this review is a Zoning Map Amendment to change both the base zoning and environmental overlay zoning on the Northern Parcel. The relevant approval criteria address and evaluate the adequacy of services. City staff recommended approval of the zone map amendments. The Hearings Officer concurs with City staff so long as conditions of approval are included in the approval.

In regards to natural resource impacts, the regulations adopted by City Council as part of the *Airport Futures Land Use Plan* do not require the usual steps of avoiding or minimizing when an action is for the purpose of reducing wildlife hazards to aircraft operations at the Portland International Airport. For this reason, a robust and effective mitigation plan is essential to approve

an Environmental Review. Substantial evidence in the record indicates the recommended mitigation is scientifically defensible and is necessary to meet the letter and intent of the recently adopted *Airport Futures* environmental regulations.

Applicant's mitigation proposal is well thought out and creates resources that are appropriate in type and location considered in the context of the airport. Applicant's original proposal, in the eyes of City staff, fell short of meeting the goals and policies of the Comprehensive Plan and adoption criteria in the *Middle Columbia Corridor/Airport Economic, Social, Environment, and Energy Analysis*. Applicant revised the proposal (Exhibits H.18, H.19, H.19a, H.19b and H.26). City staff generally approved Applicant's revised proposal. City staff recommended conditions of approval for additional plantings and expansion of the environmental overlays over new resources. The Hearings Officer agrees with City staff that Applicant's revised proposal along with the imposition of City staff requested conditions, meets (or can meet) all relevant approval criteria.

The current version of Applicant's proposal respectfully responds to the 2008 application for the Overall Property that was denied by City Council on the recommendation of the Hearings Officer. If Applicant's proposal is approved by City Council, the conditions of approval are met and Applicant is successful in attaining its goal of a publicly owned open space on the southern portion of the Overall Site the City, its citizens must be considered "winners" in this case.

#### **IV. RECOMMENDATION**

**Approval of the Comprehensive Plan Map Amendment** from the Open Space designation to the Industrial Sanctuary designation for 48.36 acres of the Colwood site, legally described as Tax Lot 100, Section 17 1N 2E (R317222) **and**

**Approval of the Zoning Map Amendment** from the Open Space zone to the General Industrial 2 zone for 48.36 acres of the Colwood site, legally described as Tax Lot 100, Section 17 1N 2E (R317222) **and**

**Approval of the Zoning Map Amendment** to modify the Environmental Protection and Conservation zones as shown on staff recommended Exhibit B.3

#### **Subject to the Following Conditions:**

- A. Prior to, or concurrent with, the recording of a decision of approval with Multnomah County, the Applicant must execute and record an easement granted to the City of Portland to provide legal access for a public storm outfall. Per PCC 33.730.120, prior to the City making any changes to the Comprehensive Plan Map or Zoning Map, documentation must be submitted by the Applicant that shows that both the land use decision and the easement have been recorded.
- B. Prior to the environmental zoning designations being altered on the Official Zoning Map, the Building Permit and/or Site Development Permit for the resource removal north of NE

Cornfoot Road (Tax Lot 100) and mitigation plantings south of NE Cornfoot Road (Tax Lots 300 and 400) must receive approval of a final inspection.

C. Prior to issuance of Building Permit and/or Site Development Permits for new development on Tax Lot 100 (48.36 acres), off-site transportation improvements must be addressed, through coordination and construction under separate Public Works Permits issued by PBOT and ODOT, with the following improvements:

- Add a third queuing lane for the southbound on-ramp to result in three 12-foot wide lanes;
- Widen to the outside of the existing lane to accommodate the additional lane;
- Replace the existing ramp meter to accommodate the additional lane;
- Provide new illumination;
- Accommodate stormwater from the new impervious area in roadside swales; and
- Provide any necessary related improvements to NE Killingsworth at the intersection with the southbound I 205 ramp.

**Approval of an Environmental Review for:**

- 2.74 acres of wetland fill and riparian buffer removal within the Environmental Protection zone in the area north of NE Cornfoot Road;
- Removal of approximately 24.96 acres of riparian area in the Environmental Conservation zone, north of NE Cornfoot Road;
- A minimum of 3.07 acres of wetland creation and plantings in the Environmental Conservation zone south of Whitaker Slough and east of NE Alderwood Road;
- A minimum of 8.89 acres of plantings in the area adjacent to Columbia and Whitaker Sloughs, east of NE Alderwood Road;
- A minimum of 3.15 acres of plantings within the environmental zones remaining on the parcel north of NE Cornfoot Road; and
- A minimum of 14.04 acres of plantings in the area between Columbia and Whitaker Sloughs, west of NE Alderwood Road.

As illustrated with Exhibits H.26a, H.26b and H.26c, subject to the following conditions:

**D. All Permits:** As part of any Site Development permit, grading permit, and/or building permit application submittal, the following development-related conditions (D through J) must be noted on each of the required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 12-213885 CP ZC EN." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

**E. Mitigation Plantings** shall be installed on the parcel north of NE Cornfoot Road in substantial conformance with Exhibit H.26a. Plantings shall be installed in the area adjacent to Columbia

and Whitaker Sloughs, east of NE Alderwood Road in substantial conformance with Exhibits H.26b and C.5. Plantings shall be installed in the area between Columbia and Whitaker Sloughs, west of NE Alderwood Road in substantial conformance with the forest restoration and enhancement planting tables identified on Exhibit H.26c. All mitigation plantings must be permitted with or in advance of the resource removal on the parcel north of NE Cornfoot Road (Tax Lot 100).

- F. A legal instrument sufficient to carry out mitigation activities** must be provided at the time of permit review for the resource removal and mitigation work.
- G.** The Applicant shall provide proof of an escrow account with no less than \$25,000 per year of required monitoring or a performance guarantee meeting the standards of PCC 33.700.050 at the time of permit for the resource removal and mitigation work.
- H. A permit from the Bureau of Development Services is required for all resource removal and mitigation activities.** The following shall be submitted with applications for permit review of the project elements. All site plans listed below shall be at a scale of 1 inch = 60 feet, or larger.
1. Construction management plan conforming with Exhibits H.26a, C.9 and C.10 and graphically show the following:
    - a. Location and identification of proposed grading for all purposes, with quantities in cubic yards for both fill and cut areas
    - b. All trees to be removed are marked with a large, bold X over the tree
    - c. Location and identification of the required 6-foot chain link tree protection fence placed along the root protection zone (RPZ) of trees to be preserved within disturbance areas and within 50 feet of disturbance areas
    - d. Location of stockpile areas and worker and equipment staging areas
    - e. Location and type of erosion control measures to be installed
    - f. Show the Erosion Control installation details, maintenance & monitoring procedures as notes on the plan
    - g. Location of construction ingress and egress
    - h. The official environmental overlay zone boundaries of the Environmental Protection and Conservation zones, with the transition and resource areas correctly identified.
  2. A geotechnical report to the satisfaction of the Site Development section of BDS addressing grading, excavation, fill placement and compaction, dewatering, drainage considerations, and slough bank stabilization.
  3. An Erosion Control Plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer.
  4. A graphic Tree Protection Plan shall be included with any permit application, indicating the location of construction fencing for tree protection for all trees to be retained, in



conformance with PCC 33.248.065. Temporary tree protection fencing shall conform with PCC 33.248 or a written Alternate Tree Protection Plan, or as required by inspection staff during the plan review and/or inspection stages.

5. Final Planting plans shall be submitted at permit time, for Planning and Zoning review and approval. The plan shall illustrate the location, species, quantity, spacing and sizes of all required mitigation plantings, consistent with Exhibits C.3-6. The plans shall show each of the following:
  - a. The total trees, shrubs, and native groundcovers, selected from the Portland Plant List, to be planted on site.
  - b. For the restoration area north of and parallel to NE Cornfoot Road, two 40-foot wide driveway accesses may remain unplanted.
  - c. For the area between the Columbia and Whitaker Sloughs west of NE Alderwood Road, an area intended to provide vehicle parking for up to 8 parking spaces may remain unplanted. This area may also contain pedestrian pathways and benches consistent with Portland Parks and Recreation Trail Standards for natural areas.
  - d. All plant materials shall be native vegetation listed on the *Portland Plant List*.
  - e. Plantings shall be installed between October 1 and March 31.
  - f. Prior to installing required plantings, non-native invasive plants shall be removed from all areas within 10 feet of plantings.
  - g. The Applicant shall water plantings as necessary for survival.

**I. An inspection of Permanent Erosion Control Measures** shall be required to document installation of the required mitigation plantings.

1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Conditions E and H.5 above);

--OR--

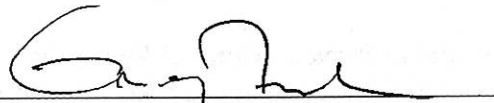
2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the planting season (as described in Condition H.5 above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the Applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.

**J.** The landscape professional or designer of record shall monitor the required plantings for five years to ensure survival and replacement as described below. The land owner is responsible for ongoing survival of required plantings beyond the designated five-year monitoring period. The landscape professional shall:

1. Provide a minimum of five letters (to serve as monitoring and maintenance reports) to the Cully Neighborhood Association and to the Land Use Services Division of the Bureau of

Development Services (Attention: Environmental Review LU 12-213885 CP ZC EN) containing the monitoring information described below. Submit the first letter within 12 months following approval of the Permanent Erosion Control Inspection of the required mitigation plantings. Submit subsequent letters every 12 months following the date of the previous monitoring letter. All letters shall contain the following information:

- a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
- b. The percent coverage of native shrubs and ground covers. If less than 80 percent of the planting areas, and restored temporary disturbance areas, are covered with native shrubs or groundcovers at the time of the annual count, additional shrubs and groundcovers shall be planted to reach 80 percent cover (replacement must occur within one planting season).
- c. A list of replacement plants that were installed.
- d. Photographs of the mitigation area and a site plan, in conformance with Final Planting Plans described above in Condition B.4, showing the location and direction of photos.
- e. A description of the method used and the frequency for watering mitigation trees, shrubs, and groundcovers for the first two summers after planting. All irrigation systems shall be temporary and above-ground.
- f. An estimate of percent cover of invasive species (invasive hawthorn, English ivy, Himalayan blackberry, reed canarygrass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 20 percent cover during the monitoring period.



Gregory J. Frank, Hearings Officer

August 21, 2013  
Date

**Application Determined Complete:** April 17, 2013  
**Report to Hearings Officer:** May 31, 2013  
**Recommendation Mailed:** August 22, 2013

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

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

**City Council Hearing.** The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (503-823-7700).

**The decision of City Council, and any conditions of approval associated with it, is final.** The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development  
Services Land Use Services Division at 503-823-0625.

**Expiration of approval.** Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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

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

**EXHIBITS**  
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Revised Proposal Description and Response to Approval Criterion, submitted February 19, 2013
  - 2. Legal Description of Site
  - 3. Wildlife Hazard Assessment, Letter from Port of Portland, submitted April 16, 2013
  - 4. Draft Deed Restriction—Declaration of Covenants, Conditions, Restrictions, submitted May 16, 2013
  - 5. On-Site Improvements, Memo to Chris Wier, Public Works Permitting Manager, submitted April 16, 2013
  - 6. Transportation Impact Analysis, Prepared by Kittelson and Associates, Received January 29, 2013
  - 7. Relevant TPR Applications, Memo from Shaun Quayle and Marc Butorac, Kittelson and Associates to Kurt Krueger and Jamie Jeffrey. Portland Bureau of Transportation, dated November 13, 2012
  - 8. Public Needs Analysis, prepared by Leland Consulting Group
  - 9. Colwood Property Transportation Planning Rule – Job Creation and Economic Benefits Analysis, Memo prepared by Eric Hovee, E.D. Hovee and Co., dated Nov. 29, 2012
  - 10. Proposed Mitigation at the Colwood Golf Course, Memo from Nick Atwell, Port of Portland to Applicant, dated Dec. 7, 2012
  - 11. Title Report, Submitted December 11, 2012
  - 12. Documentation Showing Neighborhood Outreach
    - a. Letter to Kathy Fuerstenau, dated June 12, 2012
    - b. Certified Letter Receipts
    - c. Cully Neighborhood News, Fall 2012
    - d. Cully Neighborhood Meeting Summary, Sept. 11, 2012
  - 13. Letter from Karen Goddin, Director, Business Oregon to Jason Tell, ODOT and Kurt Krueger, PBOT, dated July 18, 2012
  - 14. Original Description and Response to Approval Criterion, submitted Dec. 11, 2012
  - 15. Supplemental Transportation Planning Rule Findings, May 22, 2013
  - 16. Portland International Airport Wildlife Hazard Management Plan 2009 Update
  - 17. Cooperative Improvement Agreement for Transportation Improvements, submitted from Michael Cerbone to Robert Haley, PBOT, May 3, 2013
  - 18. Updated Zoning Proposed from Applicant, received May 16, 2013
  - 19. Email regarding driveways to Cornfoot Road from Michael Cerbone to Rachel Whiteside, May 16, 2013
- B. Zoning Map
  - 1. Existing Zoning (**attached**)
  - 2. Proposed Zoning (**attached**)
  - 3. Staff Proposed Zoning
- C. Plans and Drawings

1. Project Site with Aerial Photo
  2. Project Site without Aerial Photo
  3. Impact Areas and Planting Plan\* for Area North of Cornfoot Road
  4. Mitigation Planting Plan\* for Area East of Alderwood Road
  5. Mitigation Planting List (2 pages) (attached)
  6. Typical Planting Details (attached)
  7. Construction Management Plan\*
  8. Proposed Cut and Fill Plan\*
  9. Existing Conditions Map\*
  10. Preliminary Stormwater Plan, submitted April 12, 2013
  11. Proposed Sewer Connection, submitted April 12, 2013
- \*Copies of these plans are in black & white and color in the file. They are the same exhibit.*
- D. Notification information
1. Request for Response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailing list
  6. Mailed notice
- E. Agency Responses
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Police Bureau
  6. Site Development Review Section of Bureau of Development Services
  7. Bureau of Parks, Forestry Division
  8. Bureau of Planning and Sustainability
  9. Multnomah County Drainage District
  10. Oregon Department of Transportation
- F. Letters
1. Letter from Toby Widmer, Interim Director, PBOT to Matthew Garrett, Director, ODOT Regarding Funding Request, May 20, 2013
  2. Letter from Tim McCabe, Director to Matthew Garrett, ODOT, Identifies Killingsworth Ramp Cost and Requests Funding Assistance, May 16, 2013.
  3. Doug Leisy, Letter of Objection to the Proposal, E-Mailed May 29, 2013
- G. Other
1. Original LUR Application
  2. LCDC Notification
  3. Incomplete Application Letter from Staff to Applicant
  4. Wetland Delineation, Letter to Applicant from Peter Ryan, Oregon Department of State Lands, dated February 21, 2013
  5. Excerpts from *Middle Columbia Corridor/Airport Natural Resources Inventory*

6. Excerpts from *Middle Columbia Corridor/Airport Natural Resources Inventory and Economic, Social, Environmental and Energy Analysis*
  7. Pre-Application Conference Summary Report
  8. LU 05-138386 CP ZC, City Council Findings and Conclusions
  9. Applicant's Formal Request to Deem Application Complete and Schedule First Hearing, e-mail sent from Don Goldberg to Sheila Frugoli, April 17, 2013
- H. Received in the Hearings Office
1. Notice of Public Hearing – Rachel Whiteside
  2. Staff Report – Sheila Frugoli
  3. Cover Note providing file number – Sheila Frugoli
    - a. 6/6/13 Letter From Mandy O'Hara MCDD
  4. Testimony – Terry Parker
  5. Address Sheet – Lee Perlman
  6. PowerPoint presentation printout – Sheila Frugoli
  7. Record Closing Information Sheet – Hearings Office
  8. Email from Alan Hipolito – Sheila Frugoli
  9. 6/25/13 Memo – Sheila Frugoli
  10. Letter – Terry Parker
  11. 6/26/13 Letter – Scott Somohano
  12. 6/26/13 Letter – Brett Horner
  13. 6/26/13 Letter – Steve Wells
  14. 6/26/13 Letter from Brett Horner – Sheila Frugoli
  15. Letter from Scott Somohano, Sumner Assoc. of Neighbors – Sheila Frugoli
  16. 6/26/13 Letter – Victor Merced
  17. 6/26/13 Memo – Sallie Edmunds
  18. 6/26/13 Memo – Michael Cerbone
  19. 6/21/13 Letter to Don Goldberg – Michael Cerbone
    - a. Oversize Map
    - b. Oversize Map
  20. 6/26/13 Memo – Stacey Castleberry
  21. 6/26/13 Letter – Brett Horner
  22. 6/26/13 Memo – Jocelyn Tunnard
  23. 6/26/13 Letter from Linda Robinson – Sheila Frugoli
  24. 7/23/13 Memo – Stacey Castleberry
  25. 7/23/13 Memo – Michael Cerbone
  26. 7/22/13 Letter to Goldberg from Staveren – Michael Cerbone
    - a. Figure 4B – Michael Cerbone (**attached**)
    - b. Figure 5B – Michael Cerbone (**attached**)
    - c. Figure A – Michael Cerbone (**attached**)
  27. 7/24/13 Memo – Sallie Edmunds
  28. 7/24/13 Memo – Alan Hipolito
  29. 7/24/13 Memo – Rachel Whiteside
    - a. Zoning, Staff Proposed – Rachel Whiteside (**attached**)
  30. 7/24/13 Memo – Jocelyn Tunnard

31. 7/31/13 Memo – Rachel Whiteside



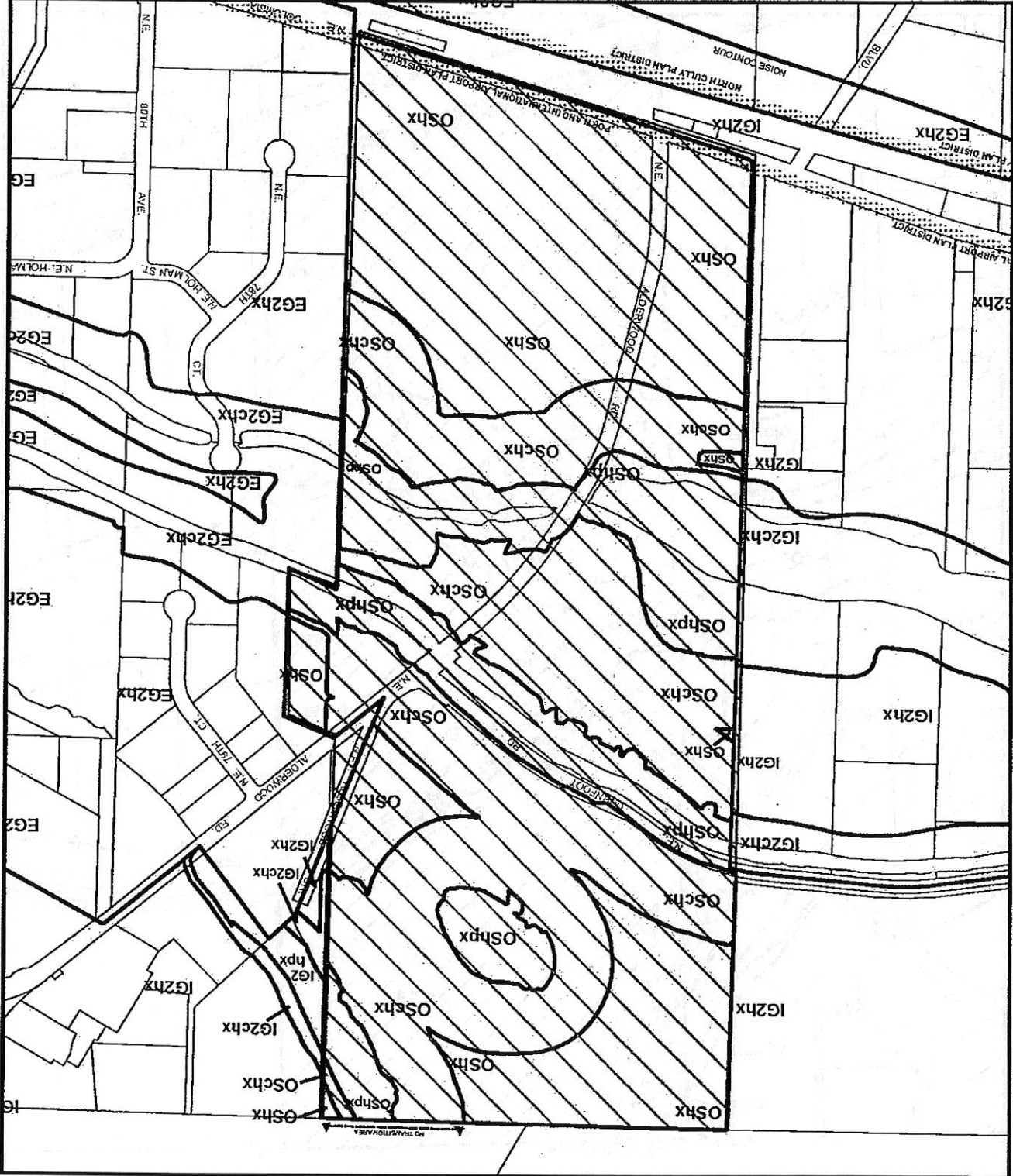
NORTH  
↓

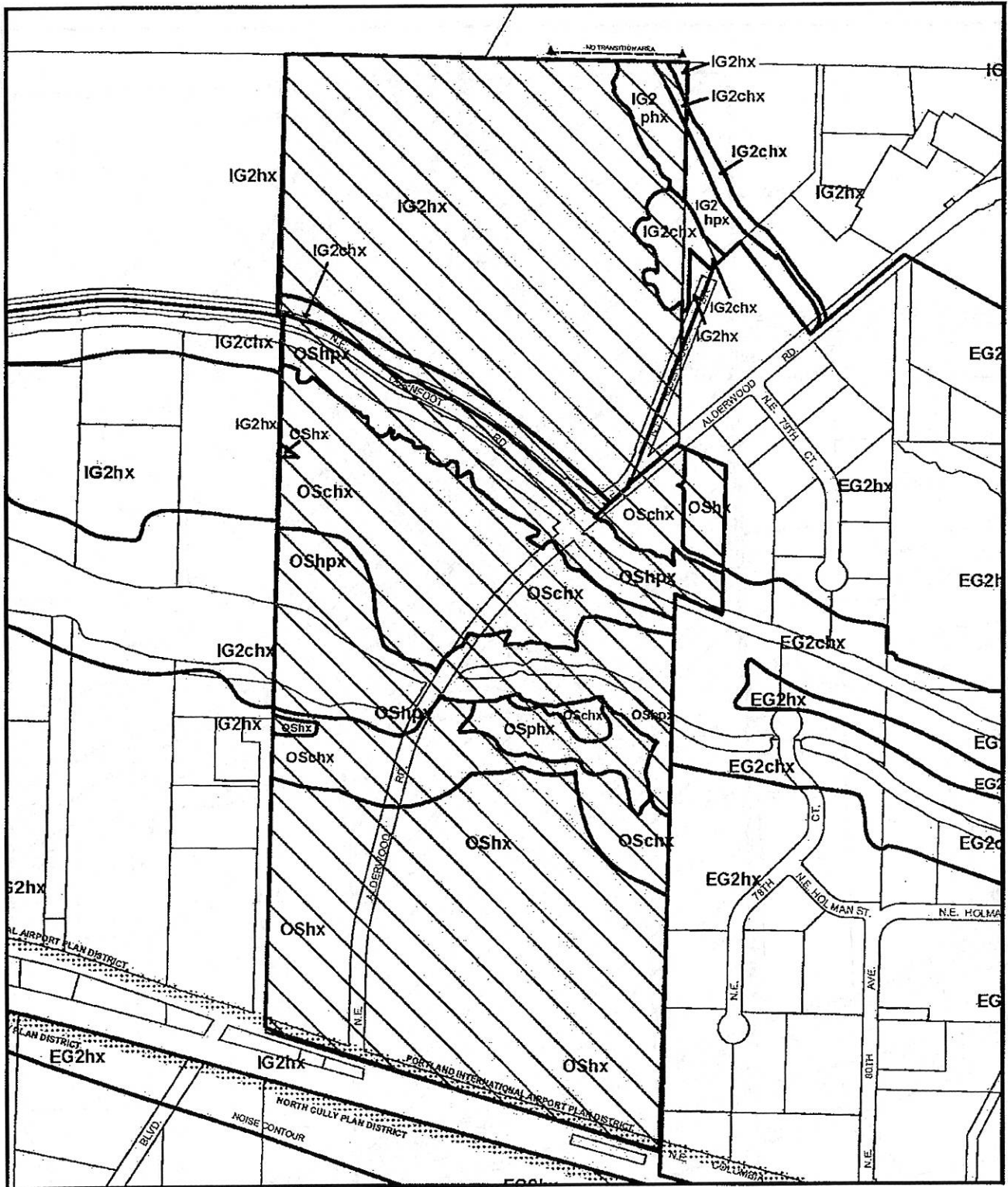
This site lies within the:  
Portland International Airport  
Plan District, Middle Columbia  
Slough Subdistrict

# ZONING EXISTING



File No. LU 12-213885 CPZC, EN  
1/4 Section 2337, 2338, 2437, 2438  
Scale 1 inch = 500 feet  
State Id 1N2E17 100  
Exhibit B1 (Apr 18, 2013)





# ZONING PROPOSED



This site lies within the:  
 Portland International Airport  
 Plan District, Middle Columbia  
 Slough Subdistrict.

File No. LU 12-213885 CP,ZC,EN  
 1/4 Section 2337,2338,2437,2438  
 Scale 1 inch = 500 feet  
 State Id 1N2E17 100  
 Exhibit B2 (Apr 18,2013)



LV: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Bx. C.5 (p.1)

Planting list for Wetland Mitigation Planting Area 1 (1.40 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Salix douglasii</i>	Douglas spruce	1102	Barroot	1.5 ft
<i>Salix alba</i>	White willow	390	Live stakes	4 ft
<i>Lonicera maackii</i>	Twinberry	530	Barroot	1 ft
<i>Agrimonia eupatoria</i>	Spice benzoin	820	Seed	NA
<i>Alnus incana</i>	White hornet	420	Seed	NA
<i>Dactylis glomerata</i>	Tule alfalfa	0.7 bu	Seed	NA
<i>Oryzopsis latifolia</i>	Tall narrowgrass	0.7 bu	Seed	NA
<i>Hordeum bogotense</i>	Head-on barley	2.1 bu	Seed	NA

Planting list for Wetland Mitigation Planting Area 2 (0.65 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Salix lasiolepis</i>	Pacific willow	132	Live stakes	4 ft
<i>Fraxinus latifolia</i>	Oregon ash	129	Barroot	6 ft
<i>Spergularia anglica</i>	Douglas spines	438	Live stakes	1.5 ft
<i>Lonicera maackii</i>	Twinberry	167	Barroot	3 ft
<i>Agrimonia eupatoria</i>	Spice benzoin	0.2 bu	Seed	NA
<i>Alnus incana</i>	White hornet	18 bu	Seed	NA
<i>Decumbentia ciliolata</i>	Tule alfalfa	0.4 bu	Seed	NA
<i>Oryzopsis latifolia</i>	Tall narrowgrass	0.4 bu	Seed	NA
<i>Hordeum bogotense</i>	Head-on barley	8.8 bu	Seed	NA

Planting list for Wetland Mitigation Planting Area 3 (0.94 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Salix lasiolepis</i>	Pacific willow	73	Live stakes	4 ft
<i>Populus deltoides</i>	Black cottonwood	98	Live stakes	6 ft
<i>Alnus rugosa</i>	Red alder	98	Barroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	98	Barroot	6 ft
<i>Salix alba</i>	White willow	294	Live stakes	4 ft
<i>Spergularia anglica</i>	Douglas spines	587	Barroot	1.5 ft
<i>Lonicera maackii</i>	Twinberry	217	Barroot	3 ft
<i>Agrimonia eupatoria</i>	Spice benzoin	0.4 bu	Seed	NA
<i>Alnus incana</i>	White hornet	2.7 bu	Seed	NA
<i>Dactylis glomerata</i>	Tule alfalfa	0.4 bu	Seed	NA
<i>Oryzopsis latifolia</i>	Tall narrowgrass	1 lb	Seed	NA
<i>Hordeum bogotense</i>	Head-on barley	1.4 bu	Seed	NA

Note: Plant materials are to be used for restoration purposes.

Planting list for Turtle Nesting Habitat (0.17 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Festuca occidentalis</i>	Western fescue	0.08 bu	Seed	NA
<i>Lolium perenne</i>	Spanish clover	0.48 bu	Seed	NA
<i>Gilia ciliata</i>	Bluish poppy	0.05 bu	Seed	NA
<i>Achillea millefolium</i>	Yarrow	0.07 bu	Seed	NA
<i>Furcraea foeniculifera</i>	Heal-all	0.07 bu	Seed	NA
<i>Lupinus holosericeus</i>	Two-color lupine	0.5 bu	Seed	NA

Areas identified as "Turtle Nesting Habitat" will be left largely unweeded as nesting habitat for turtles. The existing turf will be sprayed with glyphosate in September to kill the grass. The soil will be amended with sand and aggregate, and square meter patches a few meters apart will be seeded with the seed mix described above.

Planting list for Buffer Planting Area 1 (0.46 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Syringia vulgaris</i>	Swamp locust	150	Barroot	1 ft
<i>Rosa pratincola</i>	Rose	75	Barroot	1 ft
<i>Corylus cornuta</i>	Common hazel	75	Barroot	1.5 ft
<i>Ribes cynosbati</i>	Blackberry	75	Barroot	1.5 ft
<i>Fritularia verna</i>	Western flax	0.6 bu	Seed	NA
<i>Salix lasiolepis</i>	Pacific willow	1.2 bu	Seed	NA
<i>Salix alba</i>	White willow	0.4 bu	Seed	NA
<i>Artemisia tridentata</i>	Yarrow	0.2 bu	Seed	NA
<i>Artemisia tridentata</i>	Yarrow	0.5 bu	Seed	NA
<i>Lupinus holosericeus</i>	Two-color lupine	4.4 bu	Seed	NA

Planting list for Buffer Planting Area 2 (1.52 acres)

Species	Common Name	Quantity	Seed Type	Plant Size
<i>Acacia greggiana</i>	Black locust	278	Barroot	1 ft
<i>Populus deltoides</i>	Black cottonwood	154	Barroot	2 ft
<i>Fraxinus latifolia</i>	Oregon ash	139	Barroot	2 ft
<i>Syringia vulgaris</i>	Swamp locust	830	Barroot	1 ft
<i>Rosa pratincola</i>	Rose	417	Barroot	1.5 ft
<i>Corylus cornuta</i>	Common hazel	417	Barroot	1.5 ft
<i>Elymus fasciatus</i>	Blue wildrye	2.3 bu	Seed	NA
<i>Elymus fasciatus</i>	Blue wildrye	12.8 bu	Seed	NA
<i>Festuca occidentalis</i>	Western fescue	10.6 bu	Seed	NA

Planting list for Forest Restoration Area 1 (2.25 acres)

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Acer macrophyllum</i>	Bigleaf maple	209	Bareroot	2 ft
<i>Populus trichocarpa</i>	Black cottonwood	224	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	151	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	839	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldhip rose	407	Bareroot	1 ft
<i>Corylus cornuta</i>	Western hazel	607	Bareroot	1 ft

Planting list for Forest Restoration Area 3 (0.24 acres)

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Populus trichocarpa</i>	Black cottonwood	50	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	44	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	160	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldhip rose	30	Bareroot	1 ft
<i>Quercus crenulata</i>	Chinquerry	30	Bareroot	1.5 ft
<i>Physocarpus opulifolius</i>	Ninebark	40	Bareroot	2 ft

Planting list for Forest Restoration Area 2 (1.17 acres)

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Populus trichocarpa</i>	Black cottonwood	250	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	220	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	800	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldhip rose	150	Bareroot	1 ft
<i>Quercus crenulata</i>	Chinquerry	150	Bareroot	1.5 ft
<i>Physocarpus opulifolius</i>	Ninebark	301	Bareroot	2 ft

Planting list for Forest Enhancement Area (3.06 acres)

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Populus trichocarpa</i>	Black cottonwood	150	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	143	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	528	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldhip rose	104	Bareroot	1 ft
<i>Quercus crenulata</i>	Chinquerry	104	Bareroot	1.5 ft
<i>Physocarpus opulifolius</i>	Ninebark	183	Bareroot	2 ft

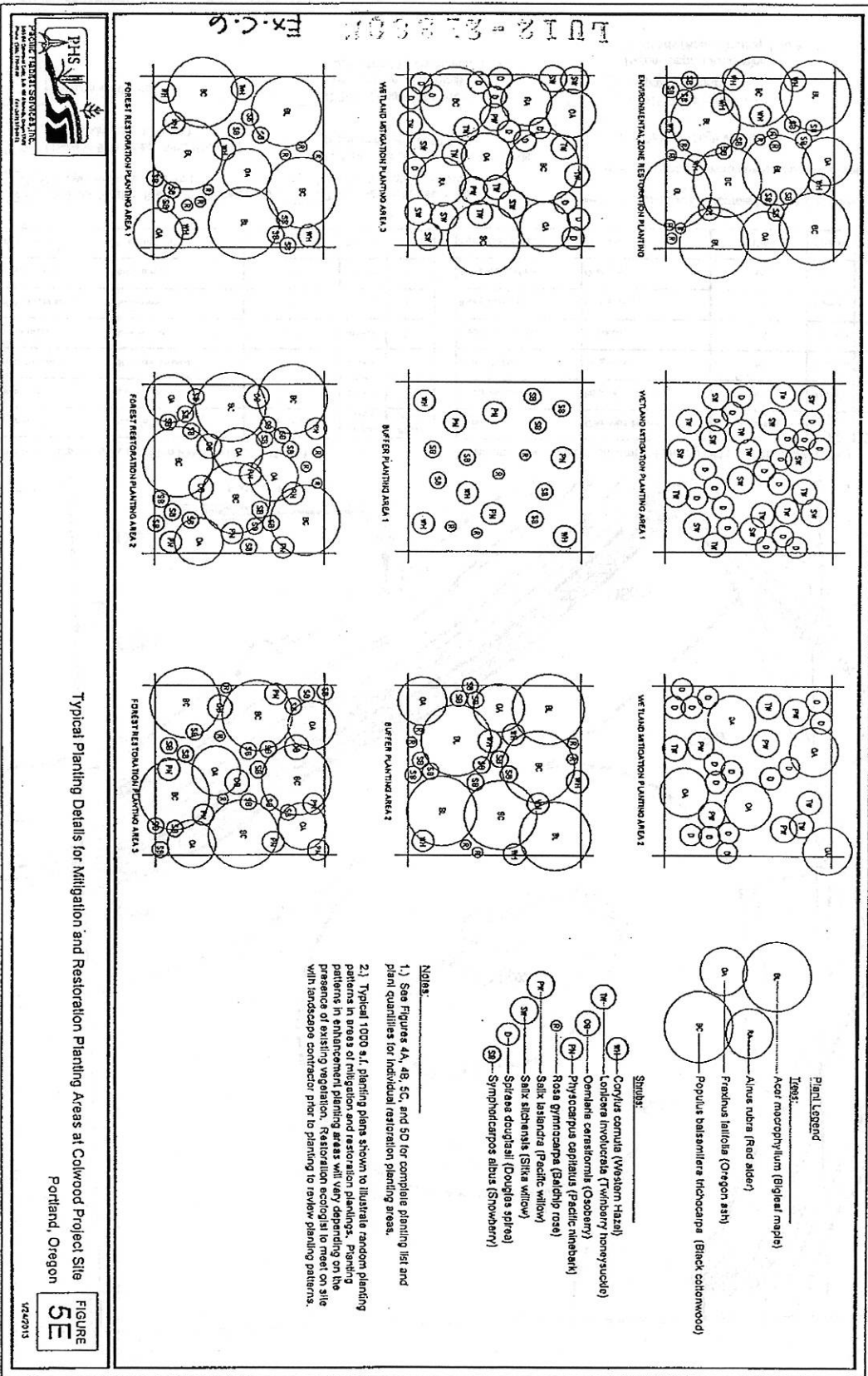
Note: Plant materials are to be used for restoration purposes.

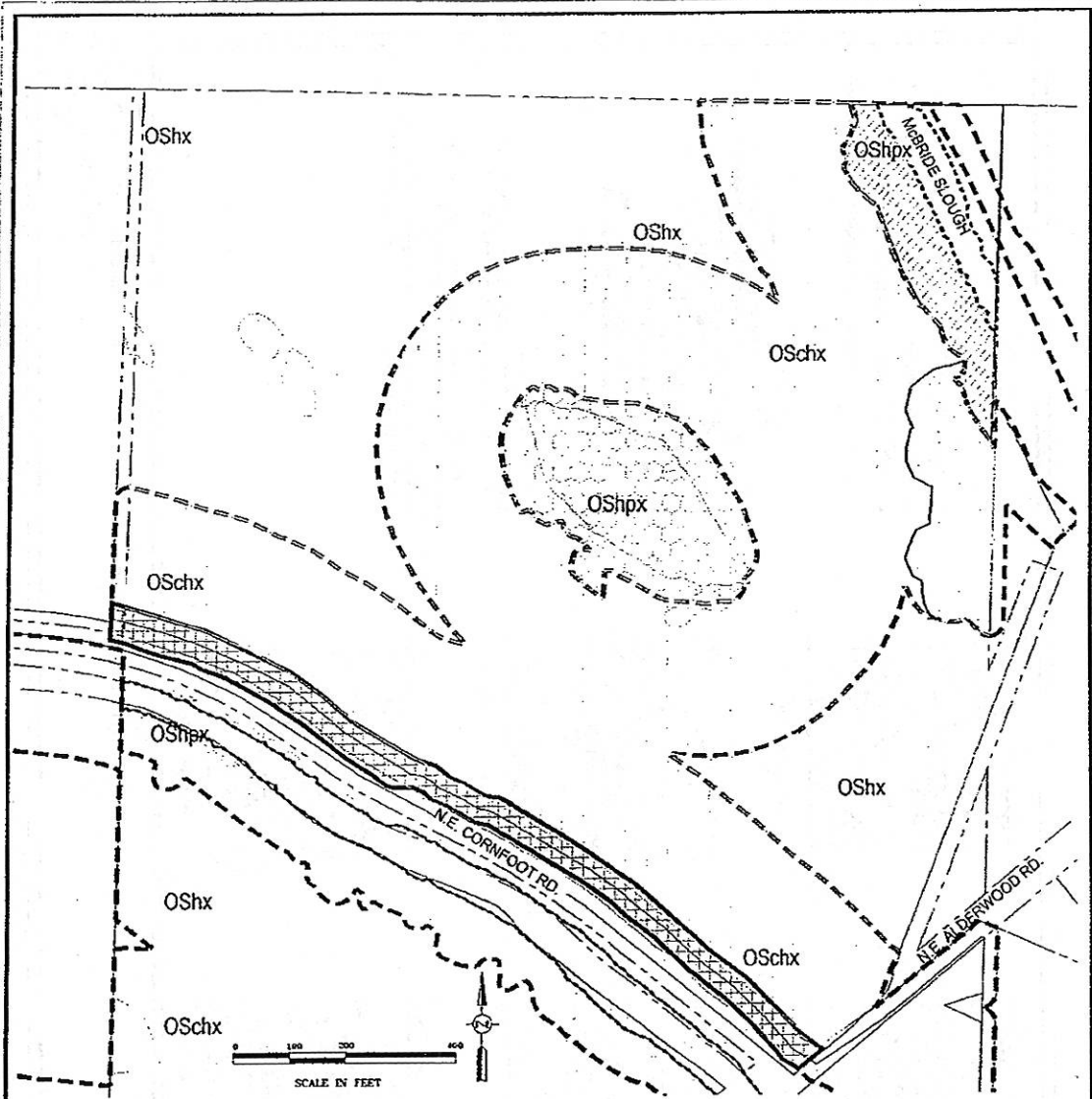
FIGURE 5D  
Ex.C.5  
(p.2)



Mitigation Planting Lists for Southern Portion of Colwood Project Site  
Portland, Oregon

FIGURE  
5D  
1/14/2013



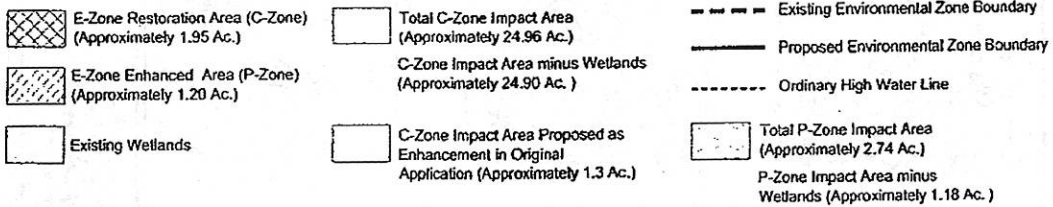


Environmental Zone Restoration Planting List ( C-Zone )

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Acer macrophyllum</i>	Bigleaf maple	305	Bareroot	2 ft
<i>Populus trichocarpa</i>	Black cottonwood	225	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	150	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	81+	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldup rose	600	Bareroot	1 ft
<i>Corylus cornuta</i>	Western Hazel	600	Bareroot	1 ft

Environmental Zone Enhancement Planting List ( C-Zone and P-Zone )

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Populus trichocarpa</i>	Black cottonwood	89	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	60	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	295	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldup rose	60	Bareroot	1 ft
<i>Oenothera caespitosa</i>	Oscoberry	60	Bareroot	1.5 ft
<i>Physocarpus opulifolius</i>	Ninebark	104	Bareroot	2 ft



Impact Areas and Planting Areas on Northern Portion of Colwood Project Site - without Aerial Photo  
Portland, Oregon

FIGURE 4B

REVISED 7-19-13

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 JUL 20 2013

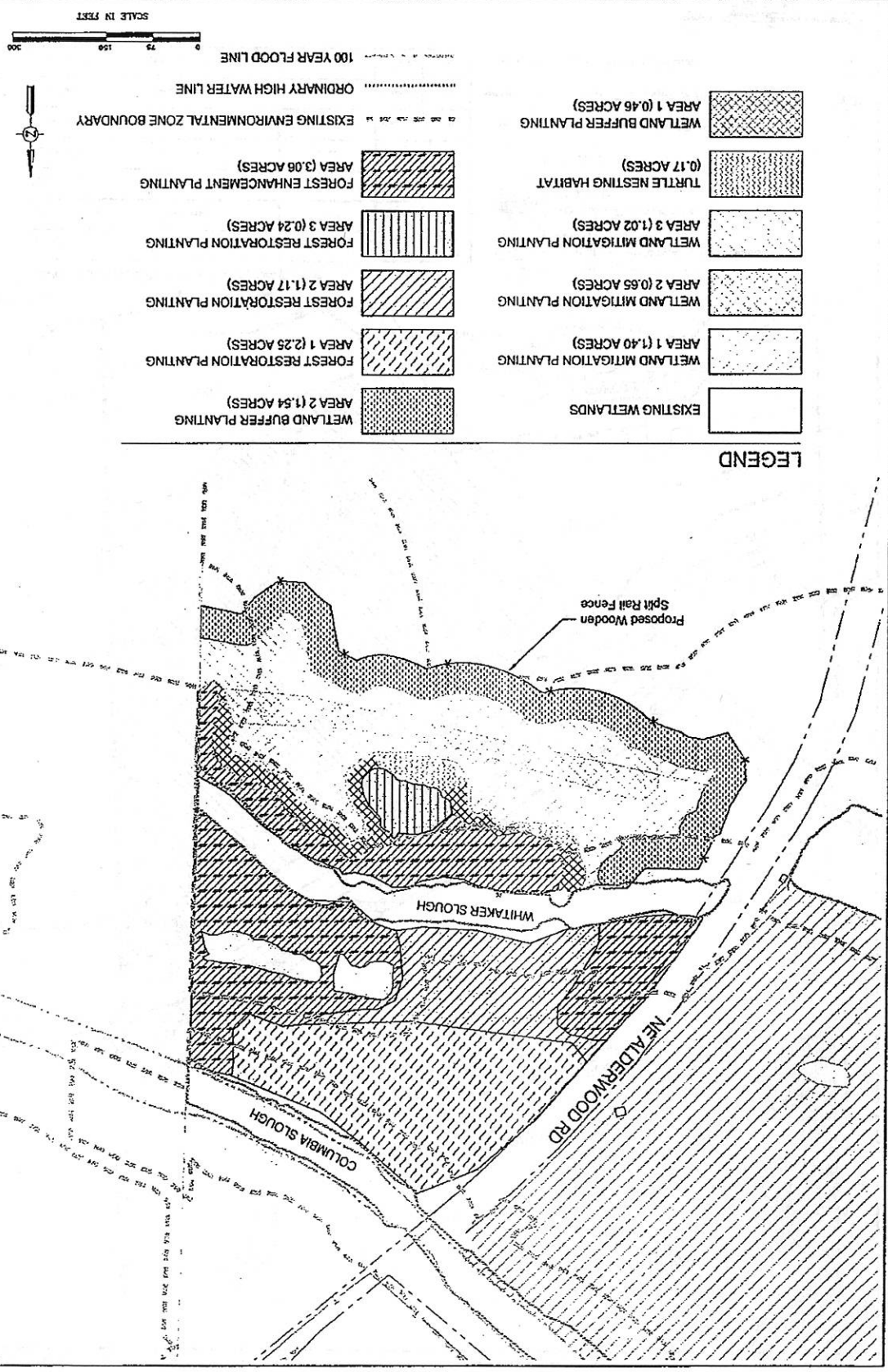
CITY OF PORTLAND  
 HEARINGS OFFICE  
 Exhibit # H-26a  
 Case # 4130014



FIGURE 5B  
1-15-13

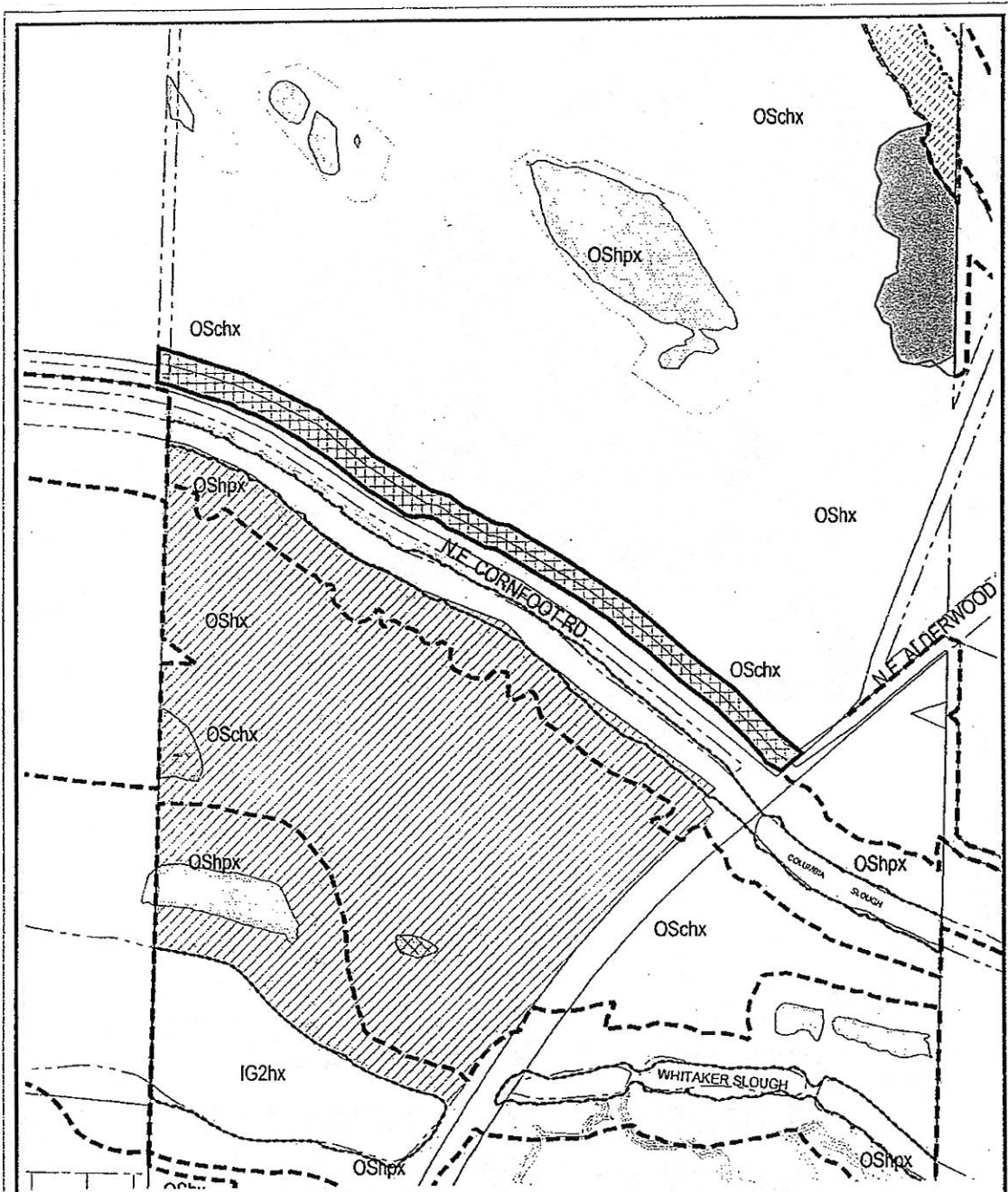
Mitigation Planting Plan on Southern Portion of Colwood Project Site - without Aerial Photo  
Portland, Oregon

CITY OF PORTLAND  
HEARINGS OFFICE  
Exhibit #H-26b  
Case # 4130014  
Bureau Case # 12-213885 CP ZC



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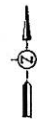
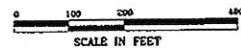


Environmental Zone Restoration Planting List (C-Zone)

Species	Common Name	Quantity	Stock Type	Plant Size
<i>Acer macrophyllum</i>	Bigleaf maple	2440	Bareroot	2 ft
<i>Populus trichocarpa</i>	Black cottonwood	1800	Bareroot	3 ft
<i>Fraxinus latifolia</i>	Oregon ash	1200	Bareroot	3 ft
<i>Symphoricarpos albus</i>	Snowberry	6550	Bareroot	1 ft
<i>Rosa gymnocarpa</i>	Baldship rose	4755	Bareroot	1 ft
<i>Corylus cornuta</i>	Western hazel	4755	Bareroot	1 ft

LEGEND

- Area of E-Zone to include 14.04 Acres of Forest Restoration
- Additional C-Zone Impact (1.3 ac.)
- Wetland
- Existing Environmental Zone Boundary
- Proposed Environmental Zone Boundary
- Ordinary High Water Line



Pacific Habitat Services, Inc.  
 440 SW Commercial, Suite 101 Portland, Oregon 97204  
 Phone: (503) 375-0200 Fax: (503) 375-0201

Additional C-Zone Planting Plan  
 Portland, Oregon

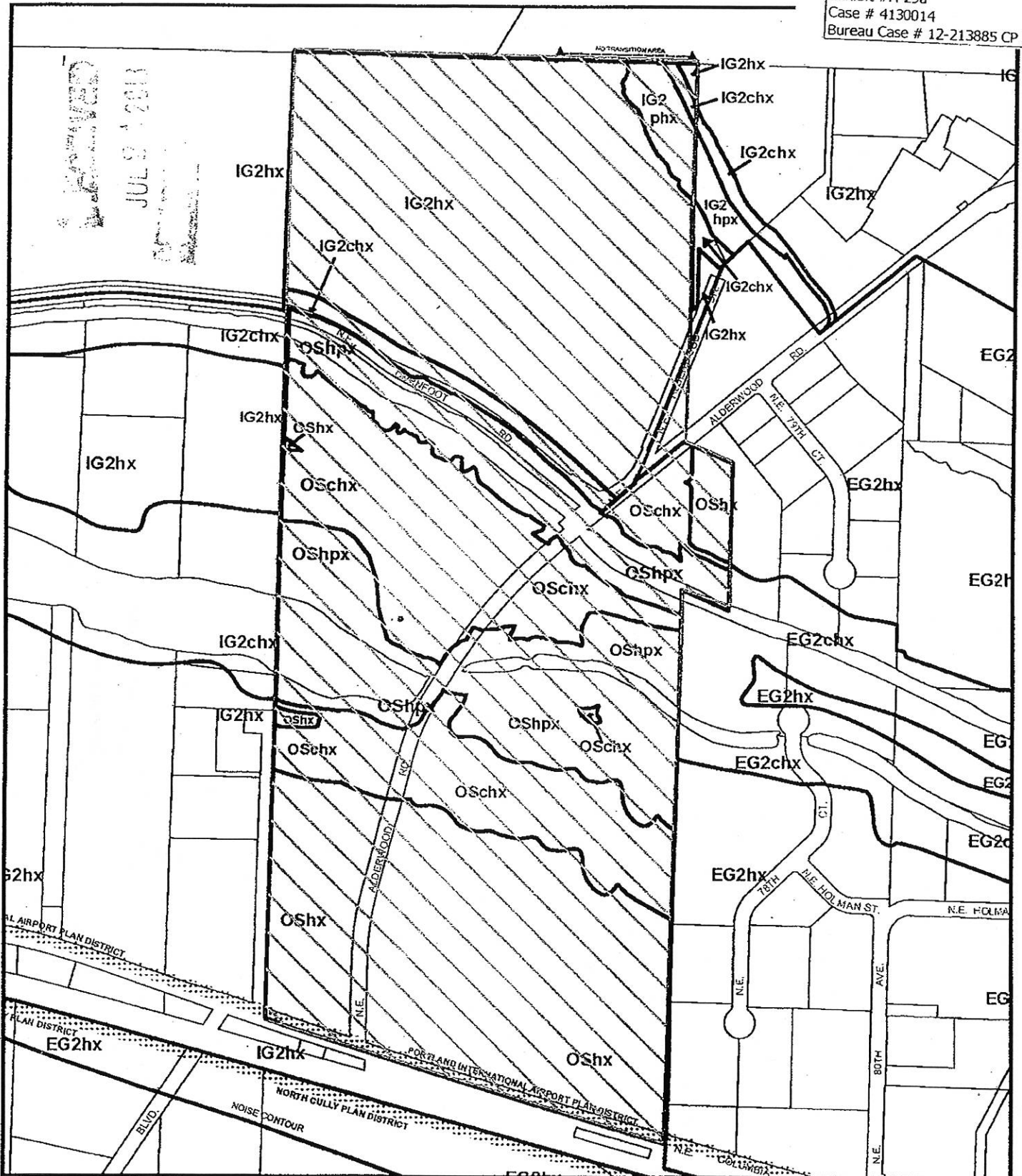
FIGURE  
**A**

06-26-13

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CITY OF PORTLAND  
 HEARINGS OFFICE  
 Exhibit # H-26c  
 Case # 4130014  
 Bureau Case # 12-213885 CP ZC





12-213885  
 JUL 23 2013

# ZONING STAFF PROPOSED

 Site



This site lies within the:  
 Portland International Airport  
 Plan District, Middle Columbia  
 Slough Subdistrict.

File No. LU 12-213885 CP,ZC,EN  
 1/4 Section 2337,2338,2437,2438  
 Scale 1 inch = 500 feet  
 State Id 1N2E17 100  
 Exhibit B4 ( July 23,2013)

**CITY OF PORTLAND, OREGON**

**Bureau of Development Services**  
1900 SW Fourth Avenue, Suite 5000  
Portland, Oregon 97201

ADDRESS SERVICE REQUESTED

016H26520410



Hasler

**\$05.60**  
10/31/2013  
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DEPT OF

NOV 01 2013

LAND CONSERVATION  
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST

DEPT. OF LAND CONSERVATION & DEVELOPMENT

635 CAPITOL ST. NE, SUITE 150

SALEM, OREGON

97301-2540