

## City of Portland

## **Bureau of Development Services**

Land Use Services Division

1900 SW Fourth Ave., Suite 5000 Portland, Oregon 97201 Telephone: (503) 823-7300

TDD: (503) 823-6868 FAX: (503) 823-5630 www.portlandonline.com/bds

## NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE MAP AMENDMENT

CASE FILE: LU 12-213885 CP ZC EN

WHEN: Wednesday, September 25, 2013 at 2:00 PM

WHERE: CITY COUNCIL CHAMBERS 1221 SW FOURTH AVENUE

Date: August 29, 2013
To: Interested Person

From: Sheila Frugoli, Senior Planner, Land Use Services, (503) 823-7817

Rachel Whiteside, City Planner, Land Use Services, (503) 823-7605

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map, Zoning Map Amendment and Environmental Review. On August 21, 2013 the Hearings Officer issued a recommendation of **approval** (with conditions) of the requested Comprehensive Plan Amendment, Zoning Map Amendment and Environmental Review. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the existing and proposed zoning maps and mitigation plans are attached. We are the staff persons handling this case - please contact one of us if you have questions regarding this proposal, the Council hearing, or how to testify in this matter. For a general explanation of the City Council hearing process, please refer to the last page of this notice.

**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

**Representative:** Michael Cerbone, Planning Consultant

Cardno WRG

5415 SW Westgate Drive Portland, OR 97221

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/Proposal:** Comprehensive Plan Map, Zoning Map Amendment and Environmental Review (CP ZC EN) is processed as a Type III, with two hearings. The first public hearing was held before the Hearings Officer on June 12, 2013. The recommendation of the Hearings Officer will be presented in a second public hearing to City Council, date and time noted above. Council will make the final decision.

**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 Base Zone Changes 33.855.060 Approval Criteria for Other Zone Changes 33.565.580.B-C, Special Procedures for Wildlife Hazard Management 33.430.250.E.3-6, Environmental Review

## **DECISION MAKING PROCESS**

**Review of the Case File:** The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact the receptionist at 503-823-7300 to schedule a time to review the file. We can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at <a href="https://www.ci.portland.or.us">www.ci.portland.or.us</a>

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97201.

## **APPEAL PROCESS**

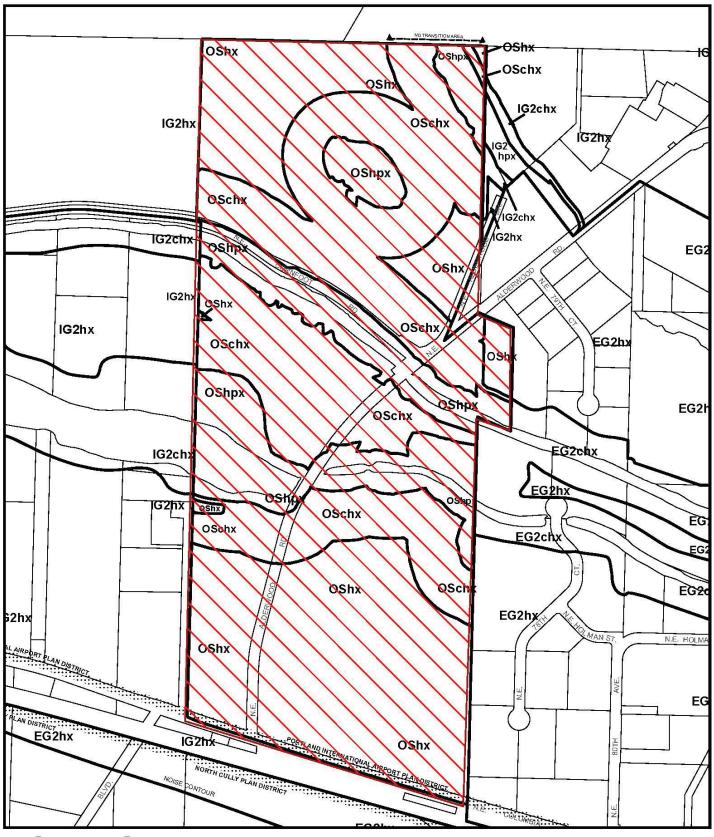
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or <a href="www.trimet.org/routes\_times.htm">www.trimet.org/routes\_times.htm</a>) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

## Attachments:

- 1. Existing Zone Map Exhibit B.1
- 2. Proposed Zone Map Exhibit B.4/H-29a
- 3. Environmental Mitigation Plans Exhibit C.5, C.6, H-26.a-c.
- 4. City Council Hearing Process



## ZONING Site EXISTING

NORTH

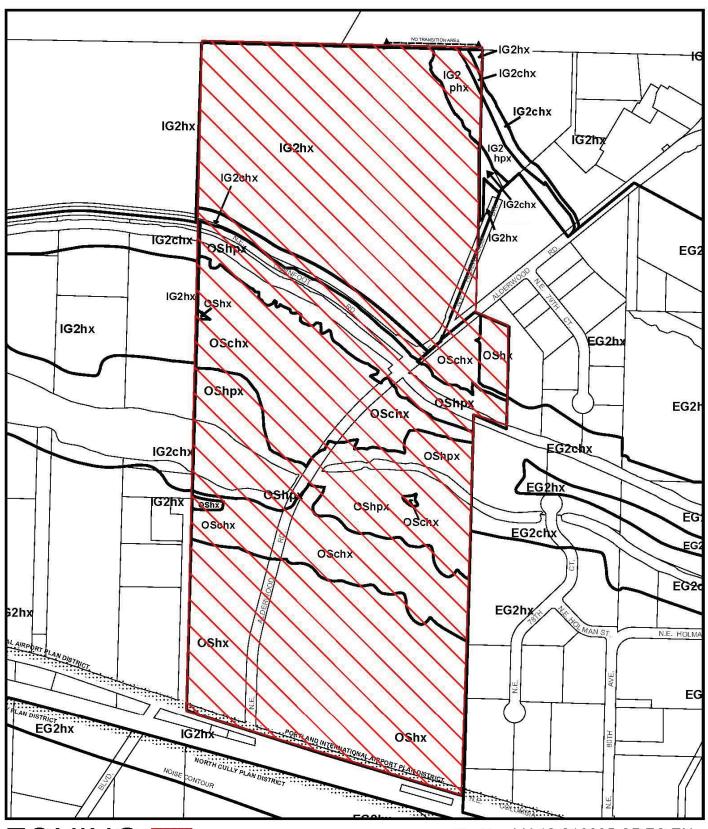
This site lies within the: Portland International Airport Plan District, Middle Columbia Slough Subdistrict. File No. <u>LU 12-213885 CP,ZC,EN</u>

1/4 Section 2337,2338,2437,2438

Scale 1 inch = 500 feet

State\_Id 1N2E17 100

Exhibit B1 (Apr 18,2013)



ZONING Site

## STAFF 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\_ld <u>1N2E17</u> 100 Exhibit B4

(July 23,2013)

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

Species	Common Name	Quantity	Stock	Plant Size
Spiroco douglasii	Douglas spiraea	1102	Bareroot	1.5 ft
Salix sitchensis	Sitka willow	280	Live stakes	4 14
Lonicera involucrata	Twinberry	550	Bareroot	3 ft
Agrostis exorota	Spike bentgrass	0.6 lbs	Seed	n/a
Alopecurus geniculatus	Water foxtail	40 lbs	Seed	4/0
Deschampsia cespitasa	Tufted hairgrass	0.7 lbs	Seed	4/1
Glyceria elata	Tall mannagrass	0.9 lbs	Seed	4/1
Hordeum brachyantherum	Meadow barley	21.3 lbs	Seed	r/a

Species	Common Name	Quantity	Stock	Plant Size
Salix losiondra	Pacific willow	132	Live stakes	4 #
Fraxinus latifolia	Oregon ash	129	Bareroot	6 ft
Spiraea douglasii	Doughs spiraea	439	Live stakes	1.5 ft
Lonicero involucrata	Twinberry	191	Bareroot	3 ft
Agrostis exorata	Spike bentgrass	0.3 lbs	Seed	κ'n
Alopecurus geniculatus	Water foxtail	1.8 lbs	Seed	ν <sub>2</sub>
Deschambsia cespitasa	Tufted hairgrass	0.4 lbs	Seed	ν <sub>α</sub> /0
Glyceria elata	Tall mannagrass	0.6 lbs	Seed	ν <sub>6</sub> /α
Hordeum brachyantherum	Meadow barley	9.8 lbs	Seed	ν

# Planting list for Wetland Mitigation Planting Area3 (0.94 acres)

Species	Common Name	Quantity	Stock	Plant Size
Solix lasiandra	Pacific willow	93	Live stakes	4 ft
Populus trichocarpa	Black cottonwood	86	Live stakes	6 ft
Ainus rubra	Red alder	86	Bareroot	3 ft
Fraxinus latifolia	Oregon ash	86	Bareroot	6 ft
Salix sitchensis	Sitka willow	194	Live stakes	4 ft
Spiraea douglasii	Douglas spiraea	587	Bareroot	1.5 ft
Lonicera involucrata	Twinberry	167	Bareroot	3 ft
Agrostis exarata	Spike bentgrass	0.4 lbs	Seed	r/u
Alopecurus geniculatus	Water foxtall	2.7 lbs	Seed	e/a
Deschambsia cespitosa	Tufted hairgrass	0.6 lbs	Seed	r/a
Glyceria elata	Tall mannagrass	ď	Seed	r/a
Hordeum brochyantherum	Meadow barley	149 lbs	Seed	ν <sub>3</sub>

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

## Planting list for Turtle Nesting Habitat (0.17 acres)

Species	Common Name	Quantity	Stock	PlantSize
Festuca occidentalis	Western fescue	0.08 lbs	Seed	Ş
Lotus purshionus	Spanish clover	0.48 lbs	Seed	Ş
Gilia capitata	Blueglobe	0.05 lbs	Seed	ş
Achillea millefolium	Yarrow	0.03 lbs	Seed	ş
Prunella vulgaris	Heal-all	0.07 lbs	Seed	ş
Lupinus bicolor	Two-color lupine	0.65lbs	Seed	ź
Areas identified as "Turtle turtles. The existing turf v will be amended with san	Areas identified as "Turtle Nesting Habitat" will be left largely unvegetated 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	t largely unvegetated ste in September to k meter patches a fev	l as nesting h ill the grass. v meters apa	abitat for The soil art will be
cooks help cook mix decribed above	decribed shows			

## Planting list for Buffer Planting Area 1 (0.46 acres)

Species	Common Name	Quantity	Stock	Plant Size
Symphoricarpos albus	Snowberry	150	Bareroot	- H
Rosa gymnocarpa	Baldhip rose	75	Bareroot	<u>+</u>
Corylus comuta	Western hazel	75	Bareroot	1.5 ft
Physocarbus capitatus	Ninebark	75	Bareroot	1.5 ft
Festuca occidentalis	Western fescue	0.6 lbs	Seed	e/v
Lotus purshionus	Spanish clover	3.2 lbs	Seed	r/a
Gilio capitata	Blueglobe	0.4 lbs	Seed	έν
Achillea millefolium	Yarrow	0.2 lbs	Seed	e/u
Prunella vulgaris	Heakall	0.5 lbs	Seed	κ/v
Lupinus bicolor	Two-color lupine	4.4 lbs	Seed	e'v

## Planting list for Buffer Planting Area 2 (1.52 acres)

Species	Common Name	Quantity	Stock	PlantSize
Acer macrophyllum	Bigleaf maple	278	Bareroot	2 ft
Populus trichocarpa	Black cottonwood	154	Bareroot	2 ft
Fraxinus latifolia	Oregon ash	139	Bareroot	2 ft
Symphoricarpos albus	Snowberry	858	Bareroot	#
Rosa gymnocarba	Baldhip rose	417	Bareroot	- 14
Corylus cornuta	Western hazel	417	Bareroot	1.5 ft
Elymus glaucus	Blue wildrye	2.3 lbs	Seed	د/ه
Bromus carinatus	California bromw	12.9 lbs	Seed	ς,
Festuco occidentalis	Western fescue	10.6 lbs	Seed	ν,

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



Species	Common Name	Quantity	Stock	Plant Size
Acer macrophyllum	Bigleaf maple	309	Bareroot	2 ft
Populus trichocarpa	Black cottonwood	228	Bareroot	3#
Fraxinus latifolia	Oregon ash	152	Bareroot	3,4
Symphoricarpos albus	Snowberry	829	Bareroot	- 4
Rosa gymnocarba	Baldhip rose	409	Bareroot	- F
Corylus comuta	Western hazel	409	Bareroot	-

Planting list for Forest Restoration Area 2 (1.17 acres)

Species	Common Name	Quantity	Stock	Plant Size
Populus trichocarpa	Black cottonwood	250	Bareroot	3 ft
Fraxinus latifalia	Oregon ash	220	Bareroot	3 ft
Symphoricarpos albus	Snowberry	800	Bareroot	7
Rosa gymnocarpa	Baldhip rose	150	Bareroot	- 2
Oemlaria cerasiformis	Osoberry	150	Bareroot	1.5 ft
Physocarbus capitatus	Ninebark	295	Bareroot	2 ft

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

Planting list for Forest Restoration Area 3 (0.24 acres)

Species	Common Name	Quantity	Type	Plant Size
Populus trichocarpa	Black cottonwood	80	Bareroot	3 ft
Fraxinus katifalia	Oregon ash	2	Bareroot	3 ft
Symphoricarpos albus	Snowberry	091	Bareroot	1,1
Rosa gymnocarba	Baldhip rose	30	Bareroot	1 1 1
Oemlana cerasiformis	Osoberry	30	Bareroot	1.5 ft
Physocarpus capitatus	Ninebark	09	Bareroot	2.16

Planting list for Forest Enhancement Area (3.06 acres)

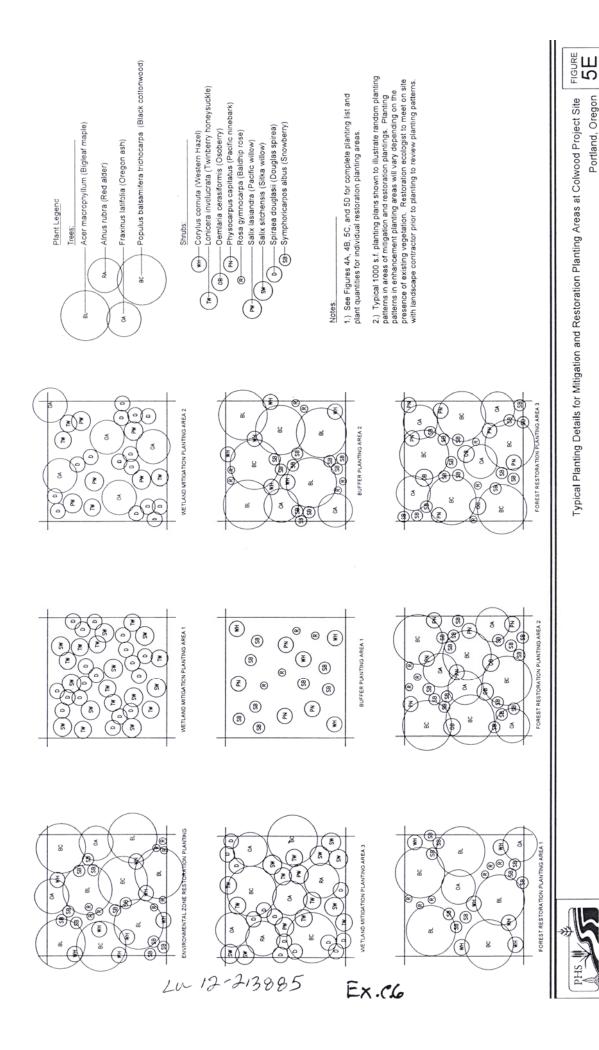
Specier	Common Name	Quantify	Type	Plant Size
Populus trichocarpa	Black cottonwood	159	Bareroot	3 ft
Fraxinus latifaão	Oregon ash	143	Bareroot	3 ft
Symphoricarpos albus	Snowberry	529	Bareroot	- 4
Rosa gymnocorpa	Baldhip rose	901	Bareroot	- k
Oemlaria cerasiformis	Osoberry	901	Bareroot	1.5 ft
Physocarpus capitatus	Ninebark	185	Bareroot	2.ft

Mitigation Planting Lists for Southern Portion of Colwood Project Site

Portland, Oregon

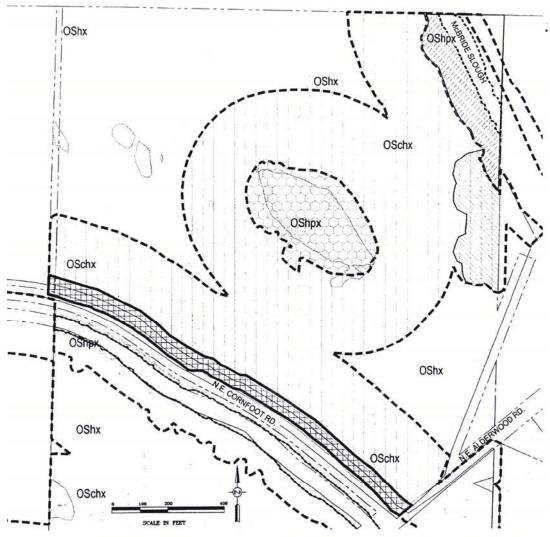


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1/24/2013

Portland, Oregon



## nvironmental Zone Restoration Planting List ( C-Zone )

Western hazel

pe cies	Common Name	Quantity	Туре	Size
ter macrophytum	Biglea f maple	305	Bareroot	2 ft
pulus trichocarpa	Black cottonwood	225	Bareroot	3 ft
arinus kat (oka	Oregon ash	150	Bareroot	3 ft
mphericarpos abus	Snowberry	819	Bareroot	1 fc
na primocarba	Baldhip rose	600	Bareroot	1 ft

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

Species	Common Name	Quantity	Stock Type	Plant
Populus trichocarpa	Black cottonwood	89	Bareroot	3 t
Fraxinus lasfolia	Oregon ash	90	Bareroot	3 t
Symphoricarpos albus	Snowberry	295	Bareroot	1 t
Rosa <b>р</b> тпосара	Baldhip rose	60	Bareroot	1.6
Oemiana cerasiformis	Osoberry	60	Bareroot	1.5 k
Physicarpus capitatus	Nnebark	104	Bareroot	2 ±

E-Zone Restoration Area (C-Zone)	Total C-Zone Impact Area	Existing Environmental Zone Boundary
(Approximately 1.95 Ac.)	(Approximately 24.96 Ac.)	Proposed Environmental Zone Boundary
E-Zone Enhanced Area (P-Zone) (Approximately 1.20 Ac.)	C-Zone Impact Area minus Wetlands (Approximately 24.90 Ac. )	Ordinary High Water Line
Existing Wetlands	C-Zone Impact Area Proposed as Enhancement in Original Application (Approximately 1.3 Ac.)	Total P-Zone Impact Area (Approximately 2.74 Ac.)
		P-Zone Impact Area minus Wetlands (Annoximately 1 18 Ac. )

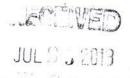


Impact Areas and Planting Areas on Northern Portion of Colwood Project Site - without Aerial Photo FIGURE

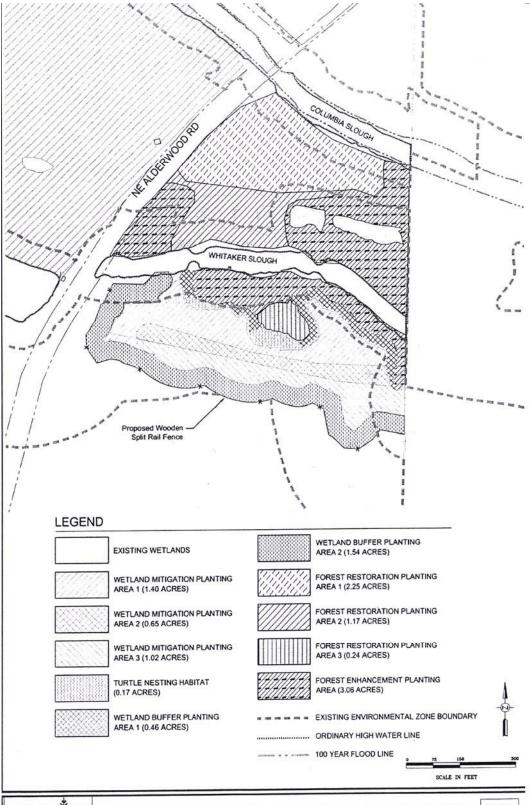
Portland, Oregon

**4B** 

revised 7 -19 - 13



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

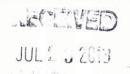




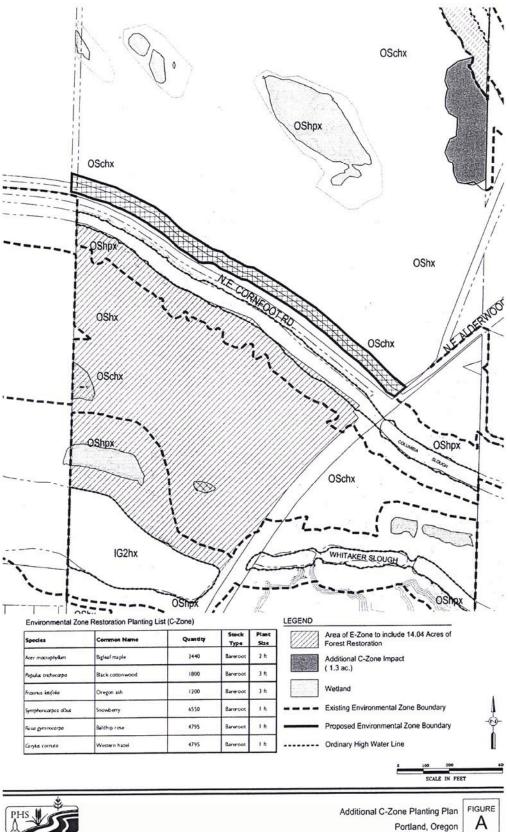
Mitigation Planting Plan on Southern Portion of Colwood Project Site - without Aerial Photo Portland, Oregon

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







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

## GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR EVIDENTIARY/DE NOVO HEARINGS

## 1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

## 2. HEARINGS PROCESS

a. The order of appearance and time allotments are generally as follows:

Staff Report 10 minutes
Applicant 10 minutes
Supporters of Applicant 3 minutes each
Principal Opponent 15 minutes
Opponents 3 minutes each
Applicant Rebuttal 5 minutes
Council Discussion

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

## 3. OTHER INFORMATION

**a.** Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.