

186308

Moore-Love, Karla

From: Frugoli, Sheila
Sent: Wednesday, October 23, 2013 11:23 AM
To: Moore-Love, Karla; Parsons, Susan; Crail, Tim; Bizeau, Tom; Shriver, Katie; Kalez, Jennifer; Grumm, Matt; Robinson, Matthew; Warner, Chris; McNamara, Ed
Cc: Rees, Linly; Krueger, Kurt; Haley, Robert; McKinney, Susan
Subject: Additional Amendments to the Colwood Ordinance
Attachments: Colwood ordinance additional amendts submitted on Oct 23_FINAL.doc

Hi Council Clerks and Commissioner's Assistants,

Attached are additional amendments to the Colwood Golf Course (LU 12-213885 CP ZC EN) Ordinance, that I plan to submit to Council at the hearing this afternoon.

The additional findings are intended to complete the legal record. We are recommending the amended ordinance be adopted as an **emergency**. The applicant--Trust for Public Land is very concerned about the timeline and further delays in adoption of the map changes.

After a brief introduction, I will suggest that Council allow testimony (following the standard time limits) to speak to the transportation mitigation project--Killingsworth Ramp at I-205. After testimony, I will ask the Council Clerk to distribute the amendment language.

Thanks,

Sheila
Sheila Frugoli, Sr. Planner
Land Use Services Division
Bureau of Development Services
503-823-7817

10/23/2013

Amendments

*Ordinance to amend comprehensive plan map and zoning map for portion of Colwood Golf Course (LU 12-213885 CP ZC EN)

1. Amend Directive a. as follows:
 - 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.

2. Add Section 2. as follows:

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

Motions from September 25, 2013 for LU 12-213885 CP ZC EN
Colwood Golf Course

923
#1:

Motion to accept amendments from the Hearings Officer to amend Directive 'a' with added Condition K, replace Directive b.5.B and C, add Condition K from PBOT, amend Finding 2b and Directive b2 to substitute General Industrial 2 for General Industrial 1.

Moved by Fritz
Seconded by Fish
Roll: Y-4

922
#2:

Motion to tentatively accept the Hearings Officer's decision with the amendments previously adopted and potentially some amendments to the findings after further consultation with the Sumner Neighborhood Association. ordinance

Moved by: Fritz
Seconded by: Fish
Roll: Y-4

As amended by Council 9-25-13

Moved, 2nd
Voted 4-0 to amend

Amendment Requests for Council Agenda Item No. 923:

186308

Ordinance to amend comprehensive plan map and zoning map for portion of Colwood Golf Course (LU 12-213885 CP ZC EN)

1. Amend Directive a. as follows:

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 by this ordinance.

and Condition K is added to

2. Replace Directive b.5.B and C (Conditions B and C) as follows:

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.

4. Amend Finding 2b to substitute "Gen'l Indust 2" for "Gen'l Indust. 1" and Directive b 2

3. Add condition K from PBOT (attached)



Steve
Novick
Commissioner

Date: September 25, 2013

Leah Treat
Director

To: City Council

From: Kurt Krueger, PBOT

Subject: Additional condition of approval for land use case 12-213885 CP ZC EN Colwood

In order to ensure adequate right-of-way will exist for future improvements to NE Columbia Boulevard and NE Alderwood Road a public easement is needed as a condition of approval of the Colwood comprehensive plan and zoning map amendment. PBOT requests the following condition of approval be required:

- 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 Blvd 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 Blvd 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.

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H.O. Amendments
Submitted by
BDS Staff 9/23/13

Amendment Requests for Council Agenda Item No. 923:

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2. Replace Directive b.5.B and C (Conditions B and C) as follows:

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.

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