

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Sheila Frugoli & Rachel Whiteside		2. Telephone No. Sheila: 503-823-7817 Rachel: 503-823-7605	3. Bureau/Office/Dept. BDS/Land Use Services
4a. To be filed (hearing date): September 25, 2013, 2:00 TC	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: September 13, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary, and current Zoning Map Amendment from OS to IG1 and Environmental Review.

2) Purpose of the Proposed Legislation:

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment from Open Space to Industrial Sanctuary and concurrent Zoning Map Amendment from OS to IG1 and Environmental Review for the northern parcel of the Colwood National Golf Course, a 48.36 acre tax lot. Legislative Procedures described in Zoning Code Chapter 33.740 are handled by the Bureau of Planning & Sustainability. Quasi-Judicial Procedures described in Zoning Code Chapter 33.730, commonly known as "Land Use Reviews" are handled by the Bureau of Development Services. Quasi-judicial procedures specifically describe the City Council as the decision-maker for Type III Comprehensive Plan Map Amendment and concurrent review requests, per 33.730.030.E.3.

In this case, the Land Use Review includes a Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review. The Hearings Officer has submitted a recommendation of approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input checked="" type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

The applicant has stated an intent to sell the remaining 90 acres of the Colwood site, that will remain designated/zoned Open Space to a public entity such as the City of Portland. The sale of the property is not contingent or related to the proposal to change the designation zoning on the northern parcel from open space to industrial. An action to purchase the 90 acres and use, improve or redevelop the open space area will require a later, separate City Council action. Therefore, the source of the revenue does not have to be identified for this request.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the *level of confidence*.)

This is not a legislative action. There are no costs to the City associated with this Quasi-Judicial land use review. The City resources necessary to review the Comprehensive Plan Map Amendment, Zoning Map Amendment and Environmental Review are fully covered by the land use review fees paid by the applicant.

6) Staffing Requirements:

This is not a legislative action, and so there are no staffing “requirements”. No positions will be created, eliminated or reclassified as a result of this quasi-judicial land use review.

Staff/responsibilities involved in processing Land Use Reviews include: The assigned Planner(s) from BDS/Land Use Services (LUS) Division, Records Management staff from LUS, supervisory oversight, staff from PBOT, BES, BPS and potentially other city agencies who have been involved in this land use review.

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)**

No.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

(Complete the following section only if an amendment to the budget is proposed.)

None.

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate “new” in Fund Center column if new center needs

to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

The impacts from this proposal are what the Comprehensive Plan Map, Zoning Map Amendment and Environmental Review will allow, as considered in this review. Staff and the Hearings Officer have analyzed the anticipated impacts. The Hearings Officer’s recommendation speaks to these under the applicable approval criteria. In summary, the Hearings Officer found the requested amendment was, on balance, equally or more supportive of the relevant Comprehensive Plan goals and policies than the existing designation on the site. The Hearings Officer found the request, with conditions, will have no impacts to public services. And, the Hearings Officer found that, with conditions, the Environmental Review approval criteria will be met.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The Zoning Code requires for a Type III Land Use Review that public notice be mailed to property owners within 400 feet of the subject site and that the site be posted for a minimum of 30 days prior to the first hearing before the Hearings Officer. The notice also goes to the neighborhood association and any city-recognized business associations. Notice of the City Council hearing was also mailed to all the individuals and organizations described above. Hearings are also posted on the BDS website. There are no other public involvement efforts on the part of city staff.

c) How did public involvement shape the outcome of this Council item? Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Hearings Officer. Public input is also welcome at the hearing before City Council.

d) Who designed and implemented the public involvement related to this Council item? City Council adopted the procedures outlined in the Zoning Code. The Bureau of Development Services implements these land use review procedures.

e) Primary contact for more information on this public involvement process (name, title, phone, email): Sheila Frugoli, Senior Planner and Rachel Whiteside, City Planner are the assigned planners for this quasi-judicial land use review. Staff prepared the public notices used for mailing and posting. Sheila's phone is 503-823-7817, her e-mail address is: Sheila.Frugoli@portlandoregon.gov. Rachel's phone is 503-823-7605, her e-mail address is: Rachel.Whiteside@portlandoregon.gov. However, these procedural activities are not a public involvement process per se.

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. Once City Council conducts the hearing and makes their decision, the official maps will be changed, if approved. If the City Council decision is appealed it will be heard by the State Land Use Board of Appeals (LUBA). Public involvement is not a component of the review done by the higher review bodies.



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7308
Fax: (503) 823-7250
TTY: (503) 823-6868
www.portlandoregon.gov/bds

MEMORANDUM

September 25, 2013

186308

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

PLS

RE: City Council hearing on LU 12-213885 CP ZC EN (Colwood Golf Course)

The purpose of this memorandum is to transmit the adopting Ordinances, Financial Impact Statement and a brief description of the land use review that will be presented to you in public hearing on September 25, 2013 at 2:00 pm.

Site Address: 7313 NE Columbia Boulevard

BDS Representatives: Sheila Frugoli (Senior City Planner) and Rachel Whiteside (City Planner II)

1. **Land Use Reviews Requested:** Comprehensive Plan Map Amendment and Zoning Map Amendment from the Open Space designation and zone to the Industrial Sanctuary designation and IG1, General Industrial 1 zone. The map change also entails both removal and addition of "p" Environmental Protection and "c" Environmental Conservation overlay zoning associated with an Environmental Review for the removal of resources in the Environmental zones.

2. **Key Elements of Proposal:**

The applicant, The Trust for Public Lands (Don Goldberg), has requested to change the map designation and zoning on approximately a third of the existing Colwood Golf Course. The northern third is on a separate tax lot (Tax Lot 100) and is approximately 48 acres in size. Tax Lot 100 abuts Port of Portland properties, including an active runway, and is within the Airport Subdistrict of the Portland International Airport Plan District. The remaining portion of the site--90 acres will retain the Open Space and environmental overlay zoning.

Also proposed is the removal of over 27 acres of environmental zoning--24.96 acres designated with the Environmental Conservation overlay zone and 2.74 acres within the Environmental Protection overlay zone. If approved, a large man-made pond will be filled. The resource removal is proposed to implement a Federal Aviation Administration authorized Wildlife Hazard

Management Plan—to reduce bird strikes, as anticipated under the recent Airport Futures land use plan.

To compensate for the loss of resources and associated e-zone removal, the applicant has proposed mitigation (creation, enhancement, and/or restoration) at a 1 to 1 ratio. The mitigation for loss of wetland functions is addressed at over a 1 to 1.5 ratio. Most of the mitigation will entail forest and wetland restoration, between the Columbia and Whitaker Sloughs, on both the east and west side of NE Alderwood Road.

3. **Staff and Hearings Officer Recommendation:** This review has received extensive review/participation by BES, BPS, Parks and PBOT staff. Park Bureau staff has submitted requests to the Hearings Officer. Hearings Officer Gregory Frank, consistent with staff's recommendation, is recommending approval, with conditions. **Note:** During the open record period, staff recommended minor changes to recommended Conditions B and C on Page 122 of the HO Report. The changes are intended to address the applicant's concerns and to provide better clarity for implementation. Hearings Officer Frank inadvertently missed incorporating the revised conditions into his report. He will be submitting a letter to Council asking for the corrections.
4. **Requested Council Action:** Accept the Hearings Officer's recommendation, but modify Conditions B and C, per the Amendment Ordinance.

Moore-Love, Karla

186308

From: Commissioner Fritz
Sent: Wednesday, October 23, 2013 1:19 PM
To: Krueger, Kurt; Haley, Robert; McKinney, Susan
Cc: Moore-Love, Karla; Parsons, Susan; Crail, Tim; Bizeau, Tom; Shriver, Katie; Kalez, Jennifer; Grumm, Matt; Robinson, Matthew; Warner, Chris; McNamara, Ed; Rees, Linly; Crail, Tim
Subject: RE: Additional Amendments to the Colwood Ordinance

Proposed additional Condition of Approval:

PBOT will meet and collaborate with the Sumner Association of Neighbors during the design and construction phases of the off-site onramp project to mitigate the following livability issues:
 Safety, Noise, Odor and air quality, Visual screening, and Pedestrian access across Killingsworth at NE 89th.

Can we do this, or something along these lines?

Thank you,

Amanda

Amanda Fritz

Commissioner, City of Portland

The City of Portland is a fragrance free workplace. To help me and others be able to breathe, please avoid using added fragrances when visiting City offices.

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: Crail, Tim
Sent: Wednesday, October 23, 2013 11:40 AM
To: Fritz, Amanda
Subject: FW: Additional Amendments to the Colwood Ordinance

FYI

Tim Crail

503-823-3988

Policy Advisor to Commissioner Amanda Fritz

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit

10/23/2013

186308

http://www.portlandonline.com/ADA_Forms

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

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

Emailed:S FRUGOLI, R WHITESIDE, L
REES, K BEAUMONT, YVONNE
POELWIJK, D MORGAN, K KRUEGER, DAWN
KRANTZ, ROBERT HALEY, CHAR
SHARKEY, DAWN UCHIYAMA, ELISABETH
REESE CADIGAN, BPS-GIS, MARI
MOORE, HEARINGS OFF CLERKS

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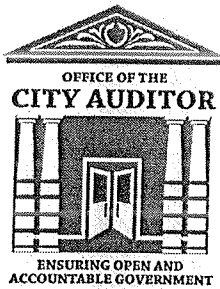
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EXECUTIVE DIRECTOR
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PORTLAND OR 97227

COALITION OF COMMUNITIES
OF COLOR
5135 NE COLUMBIA BLVD
PORTLAND OR 97218

LU 12-213885 CP ZC EN
ORDER MAILED: 10/29/13



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/

Email: Karla.Moore-Love@portlandoregon.gov

Phone: (503) 823-4086 Fax: (503) 823-4571



October 29, 2013

Don Goldberg
The Trust For Public Land
808 SW 3rd Avenue, Suite 570
Portland, OR 97204

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)

Dear Applicant:

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.

This Ordinance must to be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. Please send a check to this office for \$76.00 payable to the Multnomah County Recorder, indicating the file number on your check.

Yours sincerely,

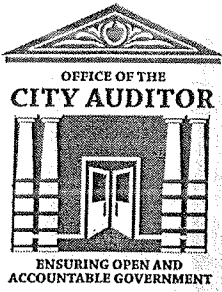
LaVonne Griffin-Valade
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.

cc: Colwood Ltd. Partnership
Michael Cerbone



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204

phone: (503) 823-4086

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Phone: (503) 823-4086 Fax: (503) 823-4571



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.