

July 25, 2016

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VIA EMAIL (PSC@PORTLANDOREGON.GOV)

Ms. Katherine Schultz, Chair
Planning and Sustainability Commission
City of Portland
1900 SW Fourth Avenue, Suite 7100
Portland, OR 97201-5380

Re: Broadmoor Inc.'s Objection to Proposed Major Public Trail Designation Across Broadmoor Golf Course (3509 NE Columbia Boulevard) – Miscellaneous Zoning Amendments Project (June 2016)

Dear Chair Shultz and Members of the Commission:

This firm represents Broadmoor Inc. (“Broadmoor”), which is comprised of a family that has owned and operated the Broadmoor Golf Course located at 3509 NE Columbia Boulevard (the “Property”) for over 100 years. Please include this testimony in the record of the Miscellaneous Zoning Amendments project proceedings, and provide us with notice of the final decision.

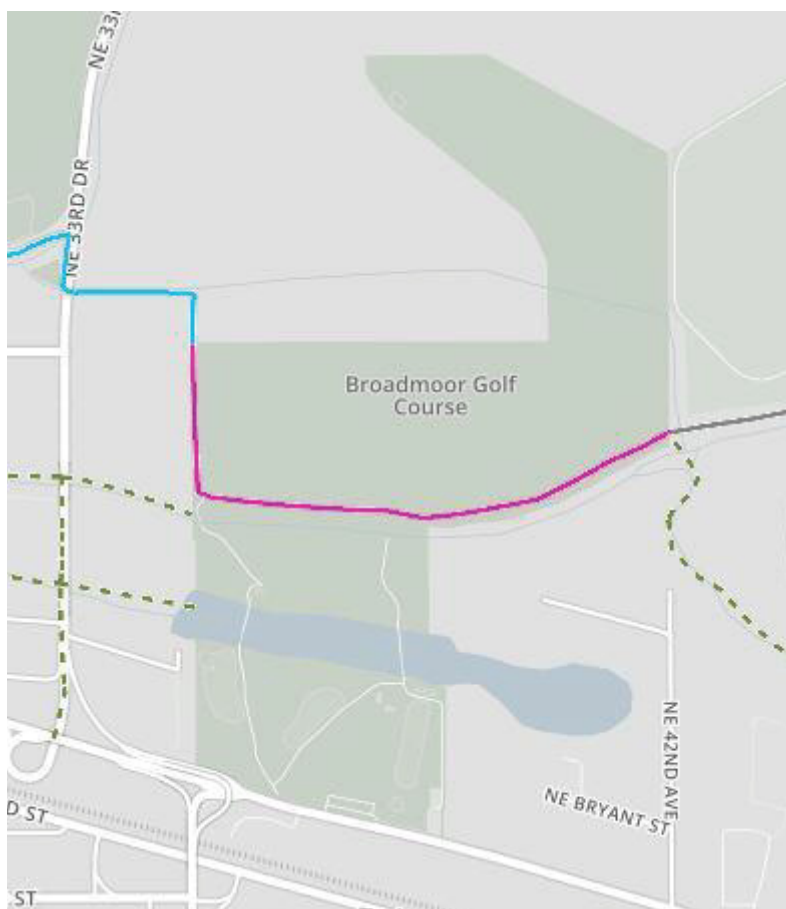
Broadmoor provided the attached testimony to the PSC at its July 12, 2016 public hearing regarding the Zoning Composite Map. That testimony related to zoning map issues, including the proposed Major Public Trail designation across the Property. The Major Public Trail designation is also a part of the Miscellaneous Zoning Amendments Project, so we resubmit the July 12th testimony into the record for these proceedings.

The Major Public Trails function on the Portland Map App as applied to the Property is depicted below, and illustrates the trail immediately adjacent to active fairways running east-west, and then making a 90-degree turn so that it cuts through two active greens and two active tee boxes as it runs north-south. Most of this area is in a “p” or “c” environmental overlay zone.

As detailed in our testimony, we request that the PSC remove the proposed Major Public Trail that crosses the Property, for the following reasons:

- Broadmoor received no notice of, and was not aware of any discussion relating to, the new major public trail that the Comprehensive Plan process that proposed to bisect the Property. The lack of notice and public dialogue is inconsistent with Policies 2.39 (Notification) and 8.55 (Trail coordination).

- The trail has devastating negative consequences on the ongoing operation of the Property as a public golf course, which is recreational use. Limiting the recreational opportunities of the Property as a golf course are inconsistent with Goal 8.H (Parks, natural areas, and recreation), Policies 8.92 (Acquisition, development, and maintenance), 8.99 (recreational facilities) and 8.101 (Self-sustaining and inclusive golf facilities).
- The new trail requirement also has an outsized impact on Broadmoor's Property because of the Code's triggers for dedicating and constructing trails. Requiring Broadmoor to dedicate a trail easement for small structural improvements that do not provide large amounts of value to its operation makes the new trail requirement particularly egregious.



Source:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

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For all of these reasons, Broadmoor requests that the zoning map be amended so that the Major Public Trail does not cross the Property. There are two alternative and more suitable locations for the trail:

- **Relocate the trail so that it crosses the Metro-owned open space, which is already publicly-owned land, or so that it follows the right of way.** A Metro-oriented realignment would be more consistent with Goal 8.H (Parks, natural areas, and recreation) and Policies 8.54 (Trail system connectivity) and 8.59 (Trail and Habitat Corridor coordination) related to connecting trails to recreational opportunities and natural areas, such as the publically owned, but not currently publically accessible, 54-acre Catkin Marsh Natural Area.
- **Relocate the trail so that it is within the right-of-way.** This alignment is consistent with Goal 8.D (Public rights-of-way), because it would enhance the right of way by providing a “multi-purpose, connected, safe and healthy physical space for movement and travel...” as well as Policies 8.40 (Transportation function) and 8.47 (Flexible design).

Thank you for your consideration of these requests.

Very truly yours,



Dana L. Krawczuk

DLK:dlk

Enclosure

cc: Scott Krieger, Broadmoor, Inc. (with enc.) (via email)
Erik Krieger, Broadmoor Inc. (with enc.) (via email)
Steve Kountz, Senior Economic Planner, BPS (with enc.) (via email)
Tom Wright, Mackenzie (with enc.) (via email)
Gabriela Frask, Mackenzie (with enc.) (via email)

July 12, 2016

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**Re: Broadmoor Inc.'s Testimony Requesting Zoning Map Amendment for
22.08 Acres at Broadmoor Golf Course (3509 NE Columbia Boulevard)**

Dear Chair Shultz and Members of the Commission:

This firm represents Broadmoor Inc. ("Broadmoor"), which is comprised of a family that has owned and operated the Broadmoor Golf Course located at 3509 NE Columbia Boulevard (the "Property") for over 100 years. Please include this testimony in the record of the Composite Zoning Map proceedings, and provide us with notice of the final decision.

We have three requests:

1. Amend the zoning of the Property's 22.08-acre frontage on NE Columbia Boulevard General Employment 2 (EG2) (see attached map); or
2. In the alternative, amend the zoning of the Property's 22.08-acre frontage on NE Columbia Boulevard to General Industrial 1 (IG1); and
3. Remove the proposed Major Public Trail that crosses the Property.

Rezone the Property's 22.08-Acre Frontage on NE Columbia Boulevard

In June 2016, the City Council adopted an Industrial Sanctuary Comprehensive Plan designation over the Property's 22.08-acre frontage on NE Columbia Boulevard. During that process, the PSC was supportive of Broadmoor's October 27, 2015 request to have the zoning map designation amended concurrently with the Comprehensive Plan designation. However, the current Composite Zoning Map does not make that change and retains OS zoning for most of the 22.08-acre area.

We request that the 22.08-acre area depicted on the attached map be rezoned to support employment uses. The issue then becomes a question of which zoning designation, EG2 or IG1,

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is most appropriate for the 22.08-acre area. No change to the proposed Prime Industrial overlay is requested.

As Broadmoor has evaluated the feasibility of redeveloping the Property's frontage, we have determined that the topography of that area is better suited for the slightly more flexible uses allowed in the EG2 zone than the limited uses in the IG1 zone. For example, the steep topography makes truck access from NE Columbia Boulevard challenging, and significant fill would be required to provide level building pads suitable for industrial uses. The EG2 zone is more appropriate because it allows all of the IG1 uses (except for Railroad Yards and Waste-Related) but also allows slightly more office and retail sales and service uses. See Code Table 140-1. Zoning the 22.08-acre portion of the Property EG2 would allow job-intense uses; particularly those that support nearby industrial uses. Also, EG2 uses would provide the economic lift necessary to facilitate natural resource enhancement on the remaining 111 acres of open space on the Property.

Broadmoor acknowledges that the Comprehensive Plan designation approved by City Council for the 22.08-acre area is Industrial Sanctuary, which is not compatible with the EG2 zone. Broadmoor believes that the more appropriate Comprehensive Plan designation for this area is Mixed Employment, which corresponds to the EG2 zone, but also allows IG1 zoning. Broadmoor requests that, in consideration of the practical infeasibility of developing IG1 uses on the Property, that the Commission recommend rezoning this property to EG2 with a recommendation to the City Council to consider reconciling the Comprehensive Plan designation to allow this more appropriate zoning.

Removal of Major Public Trails Designation

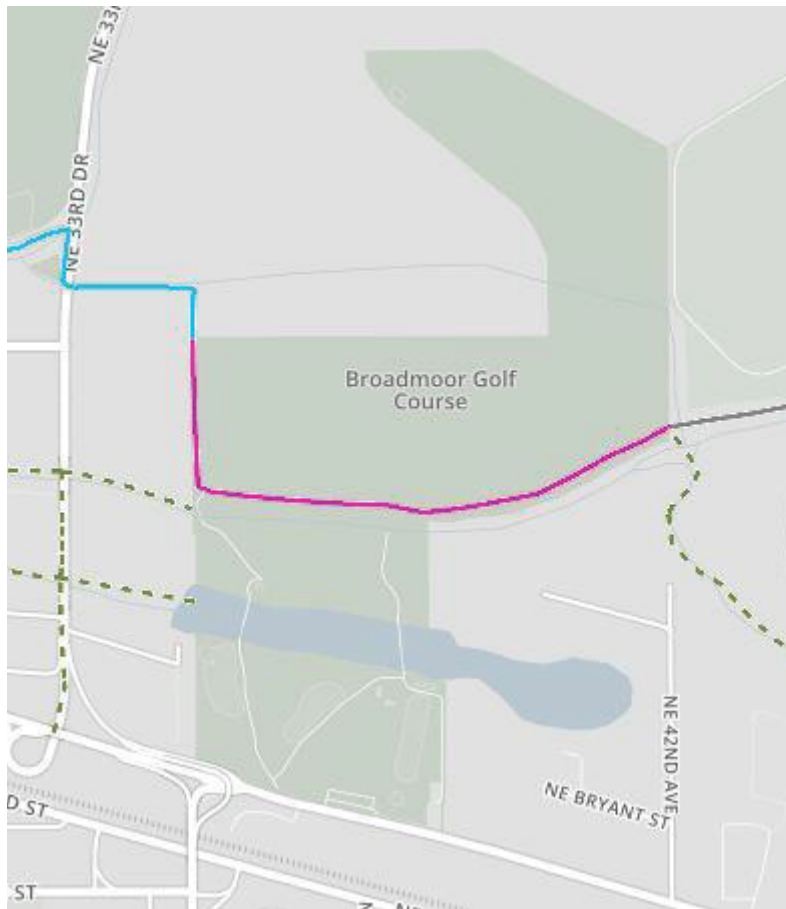
Broadmoor participated in the Comprehensive Planning process. During that extensive process, Broadmoor received no notice of, and was not aware of any discussion relating to, the new major public trail that is proposed to bisect the Property. Broadmoor's lack of awareness is not surprising. No mailed notice was provided, and the sole reference to the trail across the Property is buried on the "Major Trails, Public Trails" map; a single map located on the last page the Comprehensive Plan's "Chapter 8: Public Facilities and Services" (Figure 802, page GP 8-29, attached). Broadmoor first learned of this proposed trail when it received a notice of this public hearing, which occurred *after* the public record was closed on the Comprehensive Plan.

This single map and faint "future public trails" line that runs through the golf course was not subject to any public discussion, and yet it has devastating negative consequences on the ongoing operation of the Property as a golf course, and further reduces the likelihood that the frontage

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acreage will redevelop with IG1 uses. Broadmoor strongly objects to the zoning map amendment designating a Major Public Trail through the Property.

The Major Public Trails function on the Portland Map App is depicted below, and illustrates the trail immediately adjacent to active fairways running east-west, and then making a 90-degree turn so that it cuts through two active greens and two active tee boxes as it runs north-south. Most of this area is in a “p” or “c” environmental overlay zone.



Source:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

At least five of the golf course's 18 holes are directly impacted by the trail's alignment. Not only are more than a quarter of the golf course's holes encroached upon by the trail, but

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Broadmoor's ability to operate the golf course is significantly impacted. It is unreasonable to require Broadmoor to bear the risk of inviting the public to cross through an active golf course where they may be injured by golf balls that are propelled at great rates of speed. Members of the public using a public trail would not be engaged in the sport of golf (and therefore unaware of the risks of the game) and would likely be distracted (e.g., jogging with headphones on), presenting even greater risk of injury.

The new trail requirement also has an outsized impact on Broadmoor's Property because of the Code's triggers for dedicating and constructing trails. The Code requires dedication of the mapped trail if a building permit is issued, and the trail must be constructed (including permitting through the environmental overlay zone) for any "new development" or improvements to the exterior of an existing development in excess of 35% of the assessed value of the existing improvements. For most types of development that derive their value from *structured* improvements, the trail costs are triggered by activities that simultaneously provide a large amount of value (e.g., building a new office development). Broadmoor's use is on undeveloped land and involves some necessary, but not high value-enhancing, structures (such as a golf cart storage shed). Requiring Broadmoor to dedicate a trail easement for small structural improvements that do not provide large amounts of value to its operation makes the new trail requirement particularly egregious.

For all of these reasons, Broadmoor requests that the zoning map be amended so that the Major Public Trail does not cross the Property. An alternative, more suitable location would be for the trail to be relocated so that it crosses the Metro-owned open space, which is already publicly-owned land, or so that it follows the right of way.

Thank you for your consideration of these requests.

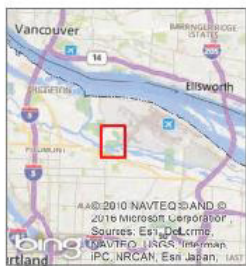
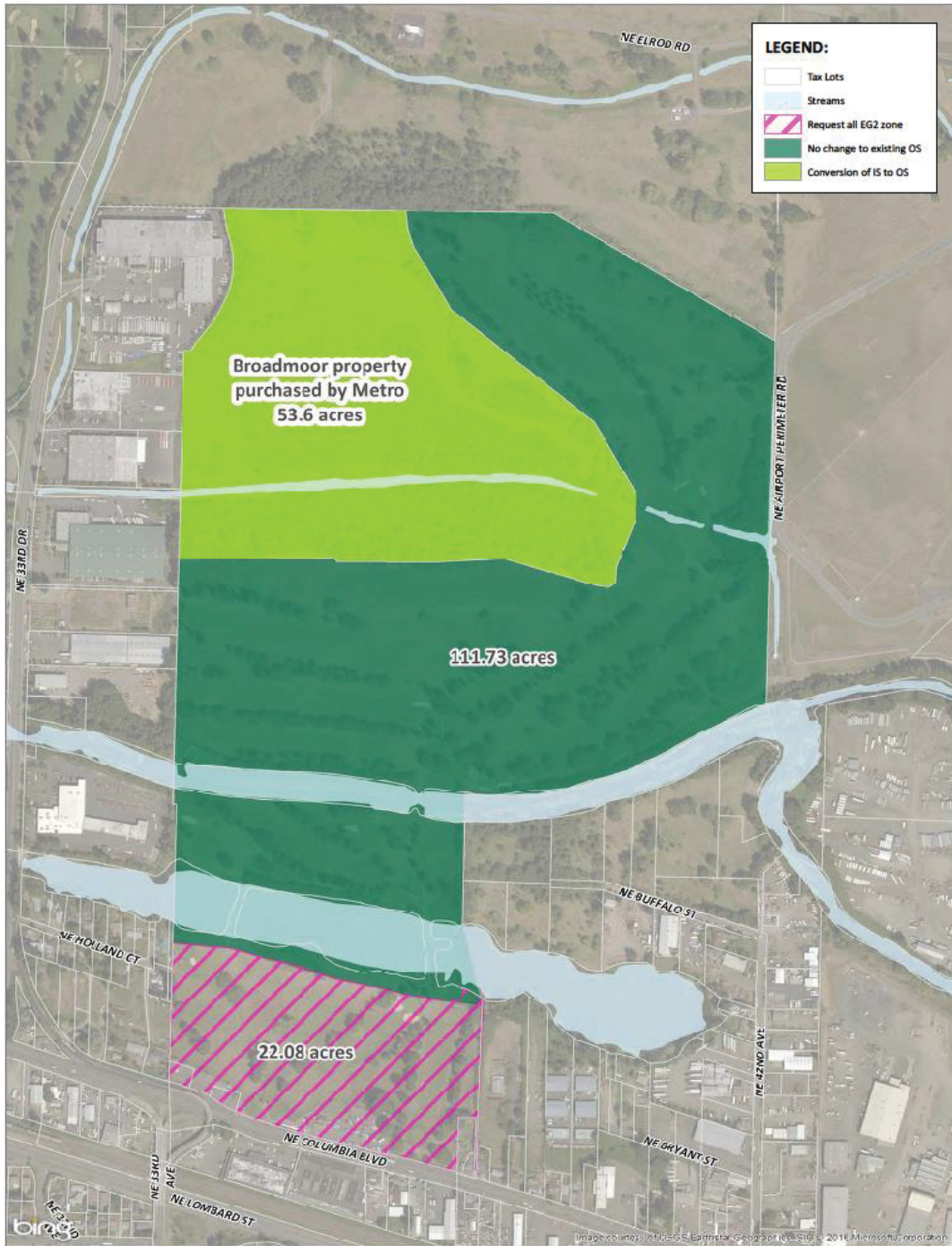
Very truly yours,



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DLK:dlk

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Erik Krieger, Broadmoor Inc. (via email)
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Gabriela Frask, Mackenzie (via email)



BROADMOOR GOLF COURSE **Portland, Oregon**
Zoning Map Amendment Request (July 12, 2016)

0 200 400 800 Feet
 1 inch = 400 feet

SOURCE DATA: Metro GIS Site Base Data, Aug 2015
 GEOGRAPHIC PROJECTION: NAD 83 HARN, Oregon North Lambert Equal Area Conic

Date: 07/12/2016 Map Created By: GP
 File: Proposed_Zoning_Map_Amendments Project File: 20160712_ZM

MACKENZIE.

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Figure 8-2. Major Public Trails

