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| **From:** | ERICK REDDEKOPP |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Proposed Bike Path on Hayden Island |
| **Date:** | Thursday, November 17, 2016 3:25:14 PM |

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Dear Mayor Hales and City Council Members,

I am writing as a lifelong Oregonian and a resident of the Hayden Island Manufactured Home Community, offering my testimony in regards to the proposed bike path on Hayden Island as part of the 2035 Comprehensive Plan regarding Hayden Island.

I suppose I am confused just what direction the members of this council want to take this city or wonder if you ever stop and look at what your actions say about our city. In what world, exactly, does it make sense to displace nearly 500 families for a bike path? Let me repeat this question, IN WHAT WORLD does that make sense? Why is it that EVERYTHING the city has done in regards to Hayden Island since annexing it into the city has been downright destructive to the community and residents of this island? The proposed CRC project, West Hayden Island development and now this???

Well let me tell you what message it sends about this city…that you DO NOT care about your citizens…the citizens and communities you are to be serving. Have you not learned anything from past development mistakes this city has done in its drive to be SO progressive. Let's ask the remaining African American families of North Portland neighborhoods like along N. Williams how they feel about this progress. Oh wait, we'll need to go out to Rockwood to find most of them.

Is it not possible to actually do something useful and helpful for our community on Hayden Island? Like say take over the roads so they we are not all driving in pot hole central there? Roads that are so bad in places that they have put up signs saying "Drive at your own risk" as opposed to this pet projects you do that will please some element of the Portland community while ruining the lives of MANY.

Again where is the sense in this?

I have an alternative proposal…instead of trying to ruin West Hayden Island with Port development…how about you push to have your bike path over there…done in a way that preserves and maintains the beauty and nature of that part of the Island and while you are at it…take over and improve the roads going to it.

As we have shown REPEATEDLY in our community…we are not merely some "trailer park" that will not fight for our community. I didn't vote for Trump this election cycle…but I can certainly understand the push back and anger that those who did supported him. It's just this kind of idiotic "progressive" movement that destroys lives and leaves people angry…and I promise you if the City Council continues its concept of push a bike path through our homes in our community we will make the protests downtown recently look like a church social by comparison. We will tear off this "Portlandia" facade the city keeps working under and will show the TRUTH of the lives being destroyed by the ridiculous planning going on.

NO BIKE PATH THROUGH OUR HOMES ON HAYDEN ISLAND!

Regards,

Erick Reddekopp
Resident of Hayden Island
503-724-8008
ereddekopp@icloud.com

**From:** jackbookwalter@yahoo.com
**To:** BPS Comprehensive Plan Testimony
**Subject:** Amendments 9 and 10 Zoning Map
**Date:** Thursday, November 17, 2016 3:25:12 PM

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City Commissioners,

I serve as the Land Use Chair of the Beaumont-Wilshire Neighborhood Association. At our monthly Board meeting last Monday evening, the Board directed me to write this response opposing the proposed Amendments 9 & 10 of the Zoning Map that you will be considering on November 17.

The City/BPS had been holding monthly meetings of the Mixed Use Zoning Advisory Committee for over a year. When this was completed, a recommendation on a new zoning map was sent to the Planning Commission for review and approval. The B-WNA submitted written testimony and I personally testified at that public hearing. We urged this Commission at that time to approve the zone map as proposed by staff. We mentioned that the proposal represented over a year of input and discussion, and the hard work and best efforts of staff. We were satisfied that the proposal accomodated the present and future needs of the Beaumont-Wilshire neighborhood. Apparently, the Planning Commission agreed, as the map that they approved was, at least for the Beaumont -Wilshire Neighborhood, identical to what had been staff's recommendation. This Planning Commission approved zoning map has now been sent to you, the City Council, for your review and approval.

And now, at this late date, we find that you will be considering two amendments to this thoroughly studied and vetted zoning map that affect the Beaumont neighborhood: more specifically Amendments #s 9 & 10. Amendment 9 concerns properties on the south side of NE Fremont St between NE 40th and NE 42nd. Amendment 10 concerns properties on the north side of Fremont St. from NE 46th to NE 48th. We urge you to not approve the proposed amendments and to approve the zoning map as originally sent to you by the Planning Commission.

Both amendments are requesting that these parcels be raised from the currently proposed designation of CM - 1 to the a new CM - 2. We feel that the CM-1 zoning is much more in keeping with the smaller scale neighborhood "Main St." that "Beaumont Village" represents. CM-2 is better suited to urban streets like Division and Hawthorne Sts. Streets which are opportunity-rich in urban services and infrastructure. Fremont St is not opportunity-rich in these areas.

The most glaring deciciency on Fremont is in the provision of frequent public transit (this especially affects Amendment #10). The zoning designation of CM-2 will bring 4-story (and possibly 5 with bonus) mixed use apartment blocks to Fremont St. The present #24 Fremont bus service is less than adequate. Cutbacks by Trimet over the years have resulted in little more than skeletal service. The busline  does not even run on weekends. One of the main criteria used by BPS's study for designating CM-2 zoning was that it be located near "frequent" transit service. Bus service is anything but frequent along Fremont these days. And for those who might advocate a build-it-and-they-will-come approach for future transit increase, we would counsel that these people have never sat down face-to-face with Trimet officials (as we have)
and realized the futility of that argument. Trimet has so many other (to-them) more important priorities for NE Portland, if and when more funding might become available, which it probably won't. Frequent bus service for Fremont St is not even on their radar. It is not even mentioned in their recently adopted 20 Year Vision plan. When pressed if a full build-out of apartments along Fremont St would alter their plans, they replied that regardless of what happens, frequent service along Fremont St is not in the cards for the next 20 years. In the unlikely event that Trimet DOES somehow in the future find unexpected funds to beef up the service along Fremont, we can always look at rezoning THEN, once frequent service seems at least possible.

There are other reasons, aside from transit, that make most of Fremont an unlikely candidate for CM-2 development. First of all, Fremont is not as wide as the other heavily traveled east-west traffic arteries like Hawthorne or Division. There is just so much increased density and traffic a street like Fremont can take. For instance, when two (of the infrequent) buses pass each other going in opposite directions, the drivers have to almost completely stop the vehicles and gingerly navigate around the other's side-view mirrors. Other structural neighborhood features that argue against a CM-2 designation include the fact that none of the north-south streets north of Fremont line up with the streets south of Fremont. This creates hazards for both drivers and pedestrians alike. Also, many of the streets

north of Fremont do not have sidewalks.

And lastly, it should be noted that the CM-1 zoning that the neighborhood is willing to accept is hardly a NIMBY low-density suburban zone. It does, after all, allow 3-story mixed-use structures. We understand the reasons the city must grow more dense. But there are ways to do this responsibly. CM -1 zoning for Fremont would represent Portland-style SMART PLANNING at its best.

Thank you.

Jack Bookwalter

T-Mobile. America's First Nationwide 4G Network.

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| **From:** | Alan Kessler |
| **To:** | Commissioner Fritz; Commissioner Saltzman; BPS Comprehensive Plan Testimony; Commissioner Novick |
| **Cc:** | Hales, Mayor; Commissioner Fish; Grumm, Matt |
| **Subject:** | Comprehensive Plan Implementation |
| **Date:** | Thursday, November 17, 2016 3:20:57 PM |
| **Attachments:** | 1460-1467-Online.pdf.pdf |

Dear Commissioners Fritz, Saltzman, Novick, and Mayor Hales:

I wanted to respond to Commissioner Fritz's question during my oral testimony today.

I handed each of you a Harvard Law Review article relating to the *San Jose* case on takings. My reason for doing so was to argue that Portland should be as bold as San Jose and implement a strong inclusionary zoning framework without worrying about a takings issue. I also argued that in the alternative, if there is a takings problem, because of the timing of the Comp Plan with respect to the timing of the Inclusionary Zoning implementation, you could vote to eliminate parking minimums with Amendment 34, and still vote to eliminate them even sooner in the IZ hearing.

Commissioner Fritz reminded me at the end of my presentation that the Oregon legislature required municipalities to provide at least one of a list of incentives. This is true, but unless I am misreading the statute there is no requirement for the incentive to have any particular value (let alone a value as substantial as the cost of providing structured parking). If there is no threshold required by the statute, then it’s simply a matter of choosing a small fee or tax waiver or financing provision that will comply with the law and satisfy the stakeholders.

The current parking requirements are too harmful to continue and should be repealed as quickly and fully as possible.

Please follow the advice of Chris Smith and repeal the minimum parking requirements “early and often.”

Best Regards,
Alan Kessler
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TAKINGS CLAUSE — AFFORDABLE HOUSING — CALIFORNIA SUPREME COURT UPHOLDS RESIDENTIAL INCLUSIONARY ZONING ORDINANCE. — *California Building Industry Ass'n v. City of San Jose*, 351 P.3d 974 (Cal. 2015).

Ghettoization, or the concentration of poverty within small geographic areas, has long plagued many cities.[1] Ghettoization has wide-ranging impacts on both individuals and municipalities: for example, it begets racial segregation,[2] limits access to quality education for the poor,[3] contributes to increased crime,[4] reduces private investment,[5] and raises local government costs.[6] Moreover, it is often accompanied by a generalized shortage of affordable housing.[7] To combat these problems, many cities have enacted residential inclusionary zoning ordinances.[8] These ordinances vary in their particulars, but are fundamentally similar in that they attempt to incorporate affordable housing into new residential developments.[9]

Recently, in *California Building Industry Ass'n v. City of San Jose*[10] (*CBIA*), the California Supreme Court upheld a residential inclusionary zoning ordinance, and it did so in part by arguing that these ordinances, as use restrictions and not confiscations of property or money, are not subject to a rigorous analysis under the U.S. Supreme Court's "exactions" doctrine.[11] But while the *CBIA* court established that residential inclusionary zoning ordinances should be viewed formally as use restrictions, the court did not probe how these ordinances

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[1] *See* ELIZABETH KNEEBONE ET AL., BROOKINGS INST., THE RE-EMERGENCE OF CONCENTRATED POVERTY 5–7 (2011), http://www.brookings.edu/~/media/research/files/papers/2011/11/03-poverty-kneebone-nadeau-berube/1103_poverty_kneebone_nadeau_berube.pdf [http://perma.cc/F9KA-HEDH].

[2] *See* Camille Zubrinsky Charles, *The Dynamics of Racial Residential Segregation*, 29 ANN. REV. SOC. 167, 197 (2003).

[3] KNEEBONE ET AL., *supra* note 1, at 2.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *See* NAT'L LOW INCOME HOUS. COAL., OUT OF REACH 2014, at 7 (2014), http://nlihc.org/sites/default/files/oor/2014OOR.pdf [http://perma.cc/398Z-WCNH].

[8] ALEX F. SCHWARTZ, HOUSING POLICY IN THE UNITED STATES 224 (2d ed. 2010).

[9] *Id.*

[10] 351 P.3d 974 (Cal. 2015).

[11] *See id.* at 986–96. An exaction, in this context, "confers a public benefit, such as an easement or the payment of an impact fee, and is demanded by government from real-estate developers in exchange for the grant of a development permit." *Land-Use Exaction*, BLACK'S LAW DICTIONARY (10th ed. 2014). Conferrals of benefits to government qualify as exactions for purposes of this doctrine only if they would constitute Fifth Amendment takings requiring payment of just compensation if imposed outside the land-use-permitting process. Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. 2586, 2598–99 (2013). Regulations restricting the use of land do not constitute Fifth Amendment takings except in select circumstances that were not alleged in this case. *See* Penn Cent. Transp. Co. v. New York City, 438 U.S. 104, 127 (1978).

function as such. The court's analysis can be supplemented by arguing that residential inclusionary zoning is fundamentally use restrictive in that it pursues integration by limiting the construction of exclusive residences. This feature makes residential inclusionary zoning akin to ordinary zoning, which is subject to a less stringent standard of review.

In 2010, San Jose enacted a residential inclusionary zoning ordinance in response to a local and regional affordable housing shortage.[12] This ordinance required developers of residential properties of twenty or more units either to set aside fifteen percent of units for sale at an affordable price, or to fulfill one of four alternative compliance options.[13] The California Building Industry Association (CBIA) brought a facial challenge to the ordinance, claiming that it was an unconstitutional exaction under the Takings Clauses of the California and U.S. Constitutions via the unconstitutional conditions doctrine.[14]

The Santa Clara County Superior Court ruled for CBIA.[15] In an opinion written by Judge Manoukian, the court relied on a previous California Supreme Court case, *San Remo Hotel L.P. v. City and County of San Francisco*,[16] for the proposition that a permitting condition violates Takings Clause rights if the government cannot demonstrate an essential nexus and reasonable relationship between the permitting condition and a deleterious public impact of the development.[17] As the city did not present evidence of such a relationship, the court held the ordinance invalid.[18]

The Sixth District Court of Appeal reversed and remanded.[19] In an opinion written by Justice Elia, the court distinguished *San Remo* by arguing that, in *San Remo*, the government set conditions on development with the purpose of "mitigating housing loss *caused by* new residential development," while San Jose's ordinance aimed more broadly at improving public welfare by promoting affordable development.[20] Justice Elia thus remanded for review under the police-power standard, which holds land use ordinances valid so long as they "are reasonably related to [a] legitimate public purpose."[21]

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[12] *CBIA*, 351 P.3d at 981–82.

[13] *Id.* at 983.

[14] *Id.* at 978. The unconstitutional conditions doctrine "holds that government may not grant a benefit on the condition that the beneficiary surrender a constitutional right." Kathleen M. Sullivan, *Unconstitutional Conditions*, 102 HARV. L. REV. 1413, 1415 (1989).

[15] Cal. Bldg. Indus. Ass'n v. City of San Jose, No. 110CV167289, slip op. at 6 (Cal. Super. Ct. May 25, 2012).

[16] 41 P.3d 87 (Cal. 2002).

[17] *See Cal. Bldg. Indus. Ass'n*, slip op. at 6.

[18] *Id.*

[19] Cal. Bldg. Indus. Ass'n v. City of San Jose, 157 Cal. Rptr. 3d 813, 825 (Ct. App. 2013).

[20] *Id.* at 820.

[21] *Id.* at 825.

The California Supreme Court affirmed.[22] Writing for a unanimous court, Chief Justice Cantil-Sakauye turned first to the question of whether the ordinance's requirement that a developer sell fifteen percent of its units at an affordable price constituted an "exaction" for purposes of the federal and California Takings Clauses.[23] If it did, then under the U.S. Supreme Court's exactions doctrine as set forth in *Nollan v. California Coastal Commission*,[24] *Dolan v. City of Tigard*,[25] and *Koontz v. St. Johns River Water Management District*,[26] "special scrutiny" would apply, and San Jose would be able to impose the condition only if it could demonstrate an "essential nexus" and "rough proportionality" between the ordinance's affordable housing requirement and a harm caused by residential development.[27] The *CBIA* court, however, distinguished the relevant U.S. Supreme Court cases on the ground that in each case the government had demanded *acquisition* of some property interest in return for a building permit; San Jose, by contrast, did not seek to acquire anything from developers, but instead sought to restrict developers' *use* of property.[28] To establish this distinction, the court asserted that residential inclusionary zoning ordinances set price ceilings, which the Supreme Court has previously characterized as use restrictions and to which the essential nexus and rough proportionality requirements have never applied.[29] Therefore, the court concluded, the San Jose ordinance did not constitute an exaction.[30]

Next, the court turned to CBIA's argument that even if the U.S. Supreme Court's exactions doctrine did not apply, the San Jose ordinance should be held to *San Remo*'s very similar standard of review for legislatively imposed mitigation fees.[31] The court dismissed this argument as meritless. First, it noted that "there is no indication" that *San Remo*, when read in context, applies to use restrictions.[32] Second,

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[22] *CBIA*, 351 P.3d at 979.

[23] *Id.* at 986.

[24] 483 U.S. 825 (1987).

[25] 512 U.S. 374 (1994).

[26] 133 S. Ct. 2586 (2013).

[27] *See CBIA*, 351 P.3d at 989.

[28] *See id.* at 990–91.

[29] *Id.* at 991–93.

[30] *Id.* at 996.

[31] *See id.* at 996, 998. Regarding the relation between this standard and the U.S. Supreme Court's exactions standard, there is a split among state supreme courts concerning whether the exactions standard applies to permitting conditions instituted legislatively. David L. Callies, *Through a Glass Clearly: Predicting the Future in Land Use Takings Law*, 54 WASHBURN L.J. 43, 49 (2014). In *San Remo*, the California Supreme Court held that, like exactions, legislatively imposed mitigation fees must bear an essential nexus and rough proportionality to a harm caused by the development at issue, but the linkage between fee and harm "need not be so close or so thoroughly established" as in the exactions context. San Remo Hotel L.P. v. City and County of San Francisco, 41 P.3d 87, 106 (Cal. 2002); *see also* Callies, *supra*, at 57–58.

[32] *CBIA*, 351 P.3d at 998.

the court determined that the *San Remo* standard applies only to fees designed to mitigate a particular harm caused by a particular development.[33] Residential inclusionary zoning ordinances, by contrast, aim more broadly to promote public goods, namely the provision of affordable housing and the dispersal of such housing throughout the community.[34] The court ultimately followed the court of appeal in applying the more lax police-power standard, and upheld the ordinance at issue under that standard.[35]

While the *CBIA* court convincingly characterized residential inclusionary zoning ordinances as use restrictions by virtue of their character as price ceilings, the court did not consider how these ordinances function as use restrictions, and not exactions, on the ground. This gap in the court's argument can be filled: because inclusionary zoning ordinances pursue integration not only narrowly by setting price ceilings but also more broadly by barring the construction of exclusionary buildings, they meaningfully restrict the use of property in a way that is more analogous to long-upheld ordinary zoning ordinances than it is to exactions.

It is worth noting preliminarily that if residential inclusionary zoning ordinances were subject to an essential nexus and rough proportionality review, they would almost universally fail.[36] Building a residential building does not usually *cause*, in any direct sense, a lack of affordable housing in a municipality. So it is hard to imagine a municipality being able to establish an essential nexus, much less rough proportionality, between a caused harm and the requirement that developers internalize affordable housing costs.[37]

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[33] *Id.* at 999.

[34] *Id.* at 1000.

[35] *See id.* at 1006. The court did not consider whether the ordinance's alternative compliance options were constitutional because *Koontz* clarified that if developers are presented with one constitutional option, then other options are irrelevant. *Id.* at 996 (citing Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. 2586, 2598–99 (2013)).

Justice Werdegar concurred. *Id.* at 1006–09 (Werdegar, J., concurring). The author of *San Remo*, she wrote separately to characterize its test as a due process analysis rather than a takings analysis because it considers "whether a regulation of private property is *effective* in achieving some legitimate public purpose," and the U.S. Supreme Court has considered analysis of effectiveness to be outside the ambit of the Takings Clause. *Id.* at 1008 (quoting Lingle v. Chevron U.S.A. Inc., 544 U.S. 528, 542 (2005)).

Justice Chin also concurred. *Id.* at 1009–10 (Chin, J., concurring). He agreed that the police-power standard used by the court was appropriate, but added that imposing an ordinance that forced developers to incur a loss on particular units would extend beyond the city's police powers. *Id.*

[36] *See* Callies, *supra* note 31, at 56 (arguing that such ordinances would survive analysis "only when the local government . . . provides sufficient incentive to offset all or a substantial portion of the cost of the mandatory affordable housing set-asides").

[37] *See id.*

But, as the *CBIA* court recognized, these requirements have not been held to apply to government action if that action is viewed as a use restriction, and not a confiscation of property.[38] In characterizing the ordinance at issue as a use restriction, the court referenced a number of U.S. Supreme Court precedents stating that price ceilings are use restrictions.[39] Despite the formal appeal of this argument, over the past few years there has been increasing speculation that some courts, including the U.S. Supreme Court, might view residential inclusionary zoning as subject to an exactions analysis.[40] This point of view is based in skepticism regarding whether inclusionary zoning is really use restrictive in practice. A price ceiling in this particular context can be seen as a sort of confiscation: it saves cities money by requiring developers, rather than cities themselves, to provide affordable housing, so it can appear as if cities are effectively taking money directly from developers.[41] Moreover, because residential inclusionary zoning limits the price at which a developer can sell or rent a property, it directly relates to money that is connected to an interest in land. This characteristic aligns it with the most recent U.S. Supreme Court exactions case, *Koontz*, which held that conditioning a land-use permit on spending money to preserve wetlands elsewhere amounted to a monetary exaction and was subject to essential nexus and rough proportionality review.[42]

By looking at how residential inclusionary zoning ordinances function on the ground, we can see the error in this point of view. Residential inclusionary zoning restricts landowners in a more meaningful way than by setting price ceilings: it restricts developers' ability to use their land in an exclusionary manner by constructing homogenously high-income residences. This restrictive aspect is crucial to residential inclusionary zoning's integrative effectiveness. In the case of New York City, for example, the City's Department of City Planning found that while its pre–inclusionary zoning affordable housing plan created affordable housing, the plan's heavy reliance on public land resulted in the congregation of low-income residents in particular areas of the city,

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[38] *See CBIA*, 351 P.3d at 990.

[39] *Id.* at 992–93 (citing Yee v. City of Escondido, 503 U.S. 519, 528–30 (1992); Pennell v. City of San Jose, 485 U.S. 1, 11–14 (1988); Permian Basin Area Rate Cases, 390 U.S. 747, 768 (1968); Nebbia v. New York, 291 U.S. 502, 539 (1934)).

[40] *See, e.g.*, Callies, *supra* note 31, at 44; Tim Iglesias, *Maximizing Inclusionary Zoning's Contributions to Both Affordable Housing and Residential Integration*, 54 WASHBURN L.J. 585, 605–06 (2015).

[41] *See* Petitioner's Opening Brief at 28, *CBIA*, 351 P.3d 974 (No. S212072).

[42] *See* Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. 2586, 2595, 2599–600 (2013). *Koontz* looked to "functional[]" concerns in departing from the traditional view that takings analyses do not extend to monetary confiscations. *See* John D. Echeverria, Koontz*: The Very Worst Takings Decision Ever?*, 22 N.Y.U. ENVTL. L.J. 1, 38 (2014) (quoting *Koontz*, 133 S. Ct. at 2599).

while the private market elsewhere supported primarily exclusive, more expensive residences.[43] Upon the introduction of residential inclusionary zoning in certain areas, the city noted a correlation between the creation of affordable housing and economic diversity within neighborhoods.[44] Central to this integrative success was the transition from a policy focused purely on affordable development to one focused additionally on the restriction of unaffordable development.

When viewed as restrictions on the construction of exclusionary residences, residential inclusionary zoning ordinances actually look nearly identical to many long-upheld zoning ordinances. In particular, the regulation of a use deemed harmful to "health, safety, morals, or general welfare" is paradigmatic of general zoning laws.[45] The U.S. Supreme Court has established that the pursuit of a "well-balanced" community falls reasonably within the "broad and inclusive" scope of "public welfare."[46] Given the negative effects of socioeconomic segregation and the positive effects of integration on low-income communities, racial minorities, and municipalities at large, cities could reasonably conclude that the construction of exclusive residential buildings is harmful to the "public welfare," and that the restriction of such housing furthers the public aim of building a "well-balanced" community.

Moreover, there is something perverse about the idea that inclusionary zoning might *not* qualify as ordinary zoning. So-called "exclusionary zoning" ordinances — which police residency by limiting, for example, the number of unrelated individuals per residence or the size of particular lots — have long survived challenge at the federal level.[47] Viewing inclusionary zoning as a restriction on exclusionary residential construction, rather than merely as a price ceiling, brings out the parallel nature of exclusionary and inclusionary zoning. Both regulate residency by limiting how owners can develop or market their land, and both aim to affect the tenor of the community and the way that residents interact. Under this formulation, it is difficult to justify giving greater deference to the exclusionary policy.

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[43] *See* N.Y.C. DEP'T OF CITY PLANNING & N.Y.C. DEP'T OF HOUS. PRES. & DEV., NEW YORK CITY MANDATORY INCLUSIONARY HOUSING 70 (2015), http://www.nyc.gov/html/dcp/pdf/housing/mih_report.pdf [http://perma.cc/3WND-33SE].

[44] *Id.* at 71. Studies elsewhere have also found that inclusionary zoning promotes economic diversity better than alternative housing policies. *See* Robert Hickey et al., *Achieving Lasting Affordability Through Inclusionary Housing* 5 (Lincoln Inst. of Land Policy, Working Paper Product Code WP14RH1, 2014), http://communitylandtrust.org/wp-content/uploads/2014/08/CLT-inclusion-July2014-LincLandInst.pdf [http://perma.cc/JU7W-YZS4].

[45] Penn Cent. Transp. Co. v. New York City, 438 U.S. 104, 125 (1978) (quoting Nectow v. City of Cambridge, 277 U.S. 183, 188 (1928)).

[46] Village of Belle Terre v. Boraas, 416 U.S. 1, 6 (1974) (quoting Berman v. Parker, 348 U.S. 26, 33 (1954)).

[47] *See* Wayne Batchis, *Suburbanization and Constitutional Interpretation: Exclusionary Zoning and the Supreme Court Legacy of Enabling Sprawl*, 8 STAN. J. C.R. & C.L. 1 (2012).

Last, inclusionary zoning is not just zoning — it is good zoning that reflects the evolution of residential preferences over time. The negative effect of residential segregation on the poor and on disadvantaged racial minorities is enormous: it undermines their educational experience, access to employment, and capacity for social mobility.[48] Moreover, isolation entrenches racial divides: studies have indicated that a lack of interracial contact breeds negative stereotypes.[49] Economic integration — when pursued by expanding the poor's freedom of choice[50] — can help alleviate these problems. It has been associated with better academic outcomes for the poor,[51] greater residential stability,[52] and reduced racial stereotyping.[53] And although these effects on the poor are of course most important, the influence on the culture of the city as a whole is substantial as well. As Professor Richard Sennett writes: "A city ought to be a school . . . . Through exposure to others, we might learn how to weigh what is important and what is not."[54] Perspectives like this one have been marginalized historically,[55] but populations are diversifying[56] and young people more open to integrated neighborhoods are displacing their predecessors in the hous-

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[48] *See* Charles, *supra* note 2, at 197–99.

[49] *See, e.g.*, Jeffrey C. Dixon & Michael S. Rosenbaum, *Nice to Know You? Testing Contact, Cultural, and Group Threat Theories of Anti-Black and Anti-Hispanic Stereotypes*, 85 SOC. SCI. Q. 257, 276 (2004); *see also* W. E. BURGHARDT DU BOIS, THE SOULS OF BLACK FOLK 167 (1st ed. 1903) (positing that limited interaction with only the poorest among whites entrenched the perspective among blacks that "Southern white people do not have the black man's best interests at heart").

[50] It is worth noting that governments have used the aim of economic integration to justify policies displacing residents from extant low-income neighborhoods, or neglecting such areas. *See* John O. Calmore, *Fair Housing vs. Fair Housing: The Problems with Providing Increased Housing Opportunities Through Spatial Deconcentration*, 14 CLEARINGHOUSE REV. 7, 8 (1980). These policies should be distinguished from integrative approaches, like inclusionary zoning, "directed at providing an open choice of housing opportunities for the urban nonwhite and poor." *Id.*

[51] *See* Stephen J. Caldas & Carl Bankston III, *Effect of School Population Socioeconomic Status on Individual Academic Achievement*, 90 J. EDUC. RES. 269, 274–75 (1997).

[52] *See* HEATHER SCHWARTZ, THE CENTURY FOUND., HOUSING POLICY IS SCHOOL POLICY 7–8 (2010), http://www.tcf.org/assets/downloads/tcf-Schwartz.pdf [http://perma.cc/EAE2-5BBY].

[53] *See* Dixon & Rosenbaum, *supra* note 49, at 276.

[54] RICHARD SENNETT, THE CONSCIENCE OF THE EYE, at xiii (1990); *see also* IRIS MARION YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 238–39 (1990) ("The urban ideal expresses difference . . . , a side-by-side particularity neither reducible to identity nor completely other. In this ideal groups do not stand in relations of inclusion and exclusion, but overlap and intermingle without becoming homogenous.").

[55] *See* Edward G. Goetz, *Housing Dispersal Programs*, 18 J. PLAN. LITERATURE 3, 14 (2003).

[56] Press Release, U.S. Census Bureau, Millennials Outnumber Baby Boomers and Are Far More Diverse, Census Bureau Reports (June 25, 2015), http://www.census.gov/newsroom/press-releases/2015/cb15-113.html [http://perma.cc/X6F3-4E5Q].

ing market.[57] The institution of residential inclusionary zoning ordinances is evidence that community values are shifting, and governments should be able to support this shift via their police powers — particularly given that they have been empowered to similarly support exclusionary tendencies in the past.

These arguments may be countered by asserting that, regardless of its merits, residential inclusionary zoning forces developers to internalize costs associated with building affordable housing, and that it thus uses developers to supplement the public finances (an ostensibly confiscatory aim). But this similarity to exactions is shared by many zoning ordinances that have long survived challenge. In fact, an entire class of zoning ordinances, termed "fiscal zoning," aims "to exclude from a jurisdiction any proposed development that might create a net financial burden and to encourage development which promises a net financial gain."[58] Such zoning often manifests itself in the exclusion of "lower income groups, and especially large families which require significant public expenditures"[59] by setting lower bounds on lot size or limiting construction of multi-unit housing more accessible to those of lower incomes.[60] These ordinances thus limit property owners' ability to more profitably divide or market their properties, and in so doing save municipalities money. That the narrowly construed mechanism by which residential inclusionary zoning operates — a price ceiling — should distinguish it from these ordinances seems incoherent: both inflict measurable financial harm on landowners and provide financial gain to municipalities.[61] Given the functional similarity between inclusionary zoning and extant zoning regulations, as well as inclusionary zoning's significant integrative impact, it would be inappropriate to hold inclusionary zoning to a higher standard of review.

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[57] *See* William A.V. Clark, *Changing Residential Preferences Across Income, Education, and Age: Findings from the Multi-City Study of Urban Inequality*, 44 URB. AFF. REV. 334, 346 fig.3, 352–53 (2009).

[58] NAT'L COMM'N ON URBAN PROBLEMS, BUILDING THE AMERICAN CITY, H.R. DOC. NO. 91-31, at 19 (1968).

[59] *Id.*

[60] *See id.* at 7.

[61] This discussion can even be broadened to more paradigmatic zoning ordinances: the plaintiffs in *Euclid* and *Penn Central*, for example, both claimed that their property interests were confiscated. Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 384 (1926); Brief for Appellants, Penn Cent. Transp. Co. v. New York City, 438 U.S. 104 (1978) (No. 77-444), 1978 WL 206882, at *22. And, indeed, absent the zoning power governments would have to pay — through negotiation or eminent domain — to achieve the public aims now pursued through zoning. *See* John Edward Cribbet, *Concepts in Transition: The Search for a New Definition of Property*, 1986 U. ILL. L. REV. 1, 34.

| | |
|---|---|
| **From:** | J. M. Zweerts |
| **To:** | BPS Comprehensive Plan Testimony |
| **Cc:** | jbmiinc@comcast.net |
| **Subject:** | Hayden Island Bike path |
| **Date:** | Thursday, November 17, 2016 2:53:00 PM |

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Dear Portland City Commissioners,

Portland is a city that loves trees and it's neighborhoods. The current plan to "girdle" Hayden Island is a plan to kill off a neighborhood just as cutting through the bark all the way around (a tree or branch), typically in order to kill it or to kill a branch to make the tree more fruitful.

On the North side of Hayden Island is a low income mobile home community that would no longer be self supporting after many home are removed to fit in a 30 foot right of way.

On the South side of Hayden Island is a "Blue Collar/ Middle Class" gated community of float-homes that would lose it's covered parking and blow open the parking lot to anyone who wished to break into autos unseen.

To prevent the thefts and break-ins would require fences along the length of the floating home community or building a raised path above this area. I don't see the city pony up that kind of money.

Please do not "GIRDLE" Hayden Island with a Neighborhood Killing 30 foot bike way around Hayden Island.

J. M. Zweerts retired locomotive engineer

Dear Council Members:

I am requesting for your earnest consideration that you take the action of removing the current proposed bike path plans on Hayden Island. To start, I am a strong advocate of bicycling & do a majority of my commuting and recreational travel via bicycle. That said, it appears that the proposed bicycle paths for Hayden Island that go through areas that are currently occupied for residential purposes would significantly impact the safety, welfare, & value of these properties. From my experience living here on the island, the only significant traffic that occurs is on major corridors that provide access to the commercial shopping businesses on the island such as target & home depot. Even still the traffic on roads such as North Jantzen Avenue, which runs along the north edge of our moorage, is lightly traveled & a road such as this could easily accommodate basic & cost effective improvements to as multi-modal transportation arteries. This also applies to most of the roads that run along the periphery of private properties on the island. I have significant experience with this as I routinely utilize all of these roads for exercise running or bicycling.

Please take into consideration:

- The original bike path plan was tied to the Columbia Crossings new I-5 bridge construction that included a pedestrian and bike crossing into Vancouver. That plan is null and void, and so should be this Hayden Island Bike Path Plan (Path).

- The Path would result in the loss of 120 manufactured homes and likely lead to the unsustainability of the entire 450-home community, leaving hundreds of low income, senior, and disabled citizens homeless.

- The Path will eliminate over 500 parking spaces in secure gated areas owned by residents of floating homes, manufactured homes, condos, private homes and the leased vehicle storage areas! Car break-ins are high city-wide and many island residents park long distances from their vehicles. The Path will expose these vehicles to non-Islanders and increase criminal behavior.

- The Path will make it easier for transients to set up illegal encampments near the adjoining, fragile natural wildlife habitats of West Hayden Island, an issue the island residents already struggle to control.

- The Path could take up to 29 acres of space as a meandering, narrow land parcel (30' x 42,240') that will impact multiple residential and commercial property owners. The City Council will need negotiate with each property owner, which could be both costly and contentious.

Thank you for you consideration of this plan that would very likely be quite costly to the residents of Hayden Island and the city of Portland, with very minimal benefit to the cause of improving bicycle infrastructure.

regards,

Paul Schornack
1667 N Jantzen Ave
Portland, OR  97217

slopester68@yahoo.com
520-405-5438

# Portland City Council Public Testimony Against "2035 Comprehensive Plan Early Implementation Council Amendments", Amendment 38, which reads:

**38. Hayden Bay Trail Bike Classification**
**Street Segment #**: TP01-0039442, 0039443, 0039444, 0039445, 0039446, 0039447, 0039448, 0039437.
**Requested by:** Hales, Novick
**Related testimony (for or against):** property owners, individuals
**Amendment: Remove the City Bikeway classification from Hayden Bay:**
Staff recommendation: Support. This is consistent with the adopted Hayden Island Plan.
url: http://www.portlandoregon.gov/bps/article/597256
Map url: https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=tspBike

*Public testimony by Alastair Roxburgh, Hayden Island resident aroxburgh@ieee.org*
*Submitted by email for PCC meeting, November 17, 2016*

Mayor and City Commissioners, I will get straight to my point, to be followed with justification and background material.

Amendment 38 (Hayden Bay Trail Bike Classification) does not address the larger problem created by city Bikeway code on the unique situation on Hayden Island. Rather, it comes across as an attempt to placate a few Hayden Island's property owners who are in in the highest-property-tax-bracket.

Amendment 38 does nothing to address the problems of forcing PBOT Bikeways (a.k.a. 'bike boulevards' defined as 30-foot wide plus setbacks) on an island that is mostly privately owned, has little public space that can be developed, and is poorly connected to the mainland. Due to its small size is already well-connected by existing roads, many of which albeit are on private property. Adding 'bike boulevards' to this will eat up significant privately-owned space, potentially removing half of the population,[1] some of whom back in 2009 signed off on a Hayden Island Plan that was predicated on the near-term existence of a new I-5 bridge (which is now widely regarded as the wrong solution to the Portland road congestion problem), and promised a stack of amenities related to that, including high-rise housing (an idea that is also now defunct).

[1] This is a reference to the effect of the Bikeway network on 1) The Hayden Island Manufactured Home community, which would not only lose 120 homes, but would overall become non-viable since more than a hundred of these homes are in prime locations. 2) The loss of garaging and storage area for Jantzen Beach. 3) The loss of other precious space on an island which has almost no space to spare.

At the 2035 Comp Plan TSP Update work session on September 20, 2016 (the PCC briefing by PBOT staff) a city commissioner asked PBOT who would the shoreline bike paths benefit? The PBOT staff member answered that they would be for the basic mobility of the islanders. The staffer also said that the Bikeway had always been on the 2009 Hayden Island Plan, failing to mention that this was before humble bike paths grew to monstrous 30+ feet wide proportions, and was pictured there as a faint dashed line, not the solid green line on the current map PBOT is showing around (see map url above).

It is *not* the will of Hayden Islanders that they need more bicycle paths, let alone 'bike boulevards' to get around the island. Why, even along the north shore there is already a street that has very low traffic density, and is bike mobility friendly! Moreover, it does not seem to be appreciated that having a 30-foot sudden drop-off, as exists along a lot of the north shore, particularly by the Manufactured Home Community (MHC), does not create a benign place to bicycle, when sudden injury or death could be a consequence of inattention. Moreover, the necessary removal of 120 homes in the Hayden Island MHC to make room for a 30-foot wide, plus setbacks, 'bike boulevard', would likely make the MHC unsustainable. This cannot be allowed to happen, *ever*, and would expose the faulty-thinking that crisscrossing Hayden Island with 30-foot wide 'bike boulevards' is to enable Hayden Island residents to get around more easily (for the islanders' "basic mobility" was claimed by a PBOT staffer at the September 20th meeting referred to above). It is already easy to get around on Hayden Island by bicycle; something I personally enjoy. Moreover, any kinds of bike tracks/paths/'boulevards' along the island shoreline would give travel times that are much-longer, not shorter-and-more-convenient! Due to its small size, land space on Hayden Island is at a premium, and the island cannot afford to arbitrarily lop 30-plus feet from many properties. I'm not the only one who believes such shoreline swaths of asphalt would mainly be for the recreational pleasures of a 'spandexed' few, who would first have to drive to the island, to enjoy the privilege of riding their $5000 bikes where people in low-cost housing used to live (elderly, disabled, vets, minority families). In any case, Hayden Island's shoreline will be the first thing to go in a large earthquake, so what is really needed is an unpopulated open space and setback zone, which is pretty much what already exists.

**Classic Case of Bait and Switch**

An oft-heard PBOT claim is that Hayden Islanders agreed to the Bikeway concept in the 2009 Hayden Island Plan. The problem with this is that there was no 30-foot wide plus setbacks 'bike boulevard' defined in 2009. So, the *bait* for Hayden Islanders was modest improvements in the infrastructure, including some old-fashioned bicycle paths, while the *switch* was the change from some undefined but organic conceptual bike path or track which implicitly would be scaled to suit the particular locations, etc., but which we have now learned must absolutely conform to the code-defined uniform *Bikeway* concept of a 30-foot wide plus setbacks bicycle 'boulevard'!

**2009 Hayden Island Plan Needs to Be Revised**
In the seven years since the Hayden Island Plan was adopted, there have been radical changes in not only the perception of Portland's transportation problems, but also in the proposed solutions.

The Hayden Island Plan was predicated on the near-term construction of the I-5 CRC Bridge. With the demise of the bridge, the plan should not be deemed to have a relevant separate on-going existence.

With the late adoption of a city-wide definition of 'Bikeway' *after* the 2009 Hayden Island Plan was adopted, it cannot truthfully be claimed that because bike paths are mentioned in the Hayden Island plan, that the residents of Hayden Island agreed to this definition, or its 'monstrous' scale (which such it is, because Hayden Island is relatively small).

In the 2009 Hayden Island Plan, not all bike paths are equal; some are more definite than others, and then there are those (such as along the north shore) which (as are described in the transcript in the appendix) are purely 'aspirational'. Again, it cannot be claimed that as a result of the new Bikeway code definition, that all such bike paths, aspirational or not, should be upgraded to the Bikeway concept of 'bike boulevards' 30-feet wide plus setbacks. The current PBOT map shows (see map url above) all bike paths, aspirational and otherwise, as equal-width green lines, implying that all are equal, and would all receive a full 'code' bike boulevard treatment. Future plans for Hayden Island must be open, forthright, reflect democratic principles in their construction, and not be subjected to 'creeping changes' over time, as definitions morph and change.

## Please Consider These Action Points:

1) **EITHER: Revise the 2009 Hayden Island Plan to reflect what amenities Hayden Island residents and property owners currently desire for their island.** The consensus of opinion on the island is that the dedicated bikeways should be removed from the shore line, but kept in the case of shared motor vehicle/bicycle roadways. Also, remove all parts of the 2009 Hayden Island Plan which were inserted or modified by various Bureaus after its adoption by City Council in 2009 (Exhibits C and D, for example, may be in this category; bike paths redefined as Bikeways also need to be redefined and/or removed), but without Council authorization or the notification of Hayden Island residents of these insertions and modifications. Any such revision should pay more than lip service to the principle of all City Bureaus directly and actively engaging all Hayden Island resident and business stakeholders in all plans impacting Hayden Island's future.

   **OR: Drop the 2009 Hayden Island Plan.** Because a large proportion of the 2009 Hayden Plan was predicated on the CRC project, it makes no logical sense to keep it. Keeping it so that some 'aspirational future ideas' can be more easily implemented by the City, not only keeps Hayden Island is a perpetual state of stress and depression of property

values. Further city money should not be wasted on implementing any 'aspirational' aspects of this plan this plan when basics such as roads, water and sewer pipes are in dire straits. The 2009 Hayden Island Plan, as a Community Preference Overlay, has been repeatedly disregarded by the City of Portland as a community-based document, and purposely modified by City Bureaus without Council authorization resulting in plans that diminish quality of life on Hayden Island and work against the will of our local residents and businesses, I ask the Portland City Council to rescind and dissolve the Hayden Island Plan of 2009 as it is now being used against its original intended purpose and certainly against the will of the people of Hayden Island. The CRC expended something like $100 million; against which the waste of a less than $1 million Hayden Island Plan is pocket change. We are Hayden Island, not 'Fantasy Island'!

2) **EITHER: Change the Amendment 38 to: Remove the City Bikeway classification from the shores of Hayden Island, namely Hayden Bay, Waterside Condominiums, Red Lion Hotel, Hayden Island Manufactured Home Community (where an estimated 120 homes would need to be destroyed), Jantzen Beach Moorage, Inc. (garaging and storage area), etc.**

   **OR: Change Amendment 38 to: Remove the City Bikeway classification from Hayden Island.**

3) **City Council to publicly acknowledge that to build a *Hayden Island Recreational Shoreline Bikeway* would be a grave mistake that is not supported by the revised zoning in the Draft 2035 Comprehensive Plan, nor by the wishes, nor will of the majority of Hayden Island residents. And that no Portland City development of Hayden Island should be allowed to engage in the seizure of privately-owned island land, whether through eminent domain or some other means, now or in the distant future.**

**Appendix**

The following seven pages are a transcript of the PSC TSP hearing, held March 22, 2016. It provides some vital background to this testimony, and is *compelling reading*!

# Portland Planning and Sustainability Commission TSP Hearing (transcript), March 22, 2016

*Transcript version information: March 31, 2016 by Alastair Roxburgh*

**Participants:**

*PBOT representatives:*

**Denver Igarta**, Senior Transportation Planner
**Peter Hurley**, Senior Transportation Demand Management Specialist
**Francesca Patricolo**, Transportation Planner + Public Involvement Specialist

*Public Testimony about Hayden Island Bikeway was presented by:*

**Chris Schwartzkopf**, MHC, Hayden Island
**Alastair Roxburgh**, Hayden Island
**Timme Helzer**, Hayden Island

*PSC Commissioners (L to R):*

**André Bough, Teresa St. Martin, Michelle Rudd, Gary Oxman, Katherine Schultz (Chair);**
**Chris Smith, Katie Larsell, Eli Spevak, Margaret Tallmadge, Mike Houck**
**Susan Anderson, Dir. PBPS.**

**Time Code:** 1:08:00 (video https://youtu.be/WsqBngc8yaw )

**Denver:** (*paraphrased*) Last PBOT hearing was March 8. Included testimony from the Bike Advisory Committee. The majority of testimony was from Hayden Island, talking about the path along the north edge of Hayden Island. Amended by PCC on the Hayden Island Plan (HIP) [to remove the Hayden Bay extension "mistake"]. PBOT does not recommend any change to the alignment of the bike routes on Hay Island. 2009 HIP was adopted by the Comprehensive Plan (CP). There is no project to move on the track, either in the 2030 Portland Bike Plan, or the 2035 CP. New bike path classification: A Bike Path became a "Bikeway" upon inclusion in the CP. PBOT is not proposing any changes to Bikeway and claims that the Bikeway plan is consistent with the HIP adopted by PCC.

**Chris Smith:** (*paraphrased*) Denver, please clarify what you said (without the PBOT jargon).

**André Bough:** (*paraphrased*) Peter, have you ever been involved with the making of administrative rules? I would like to request that PBOT develop some administrative rules for PBOT procedures.

**Chris Schwartzkopf:** (*paraphrased*) 40 foot swath. MHC is *not* a mobile home. MHC is affordable housing for fixed income people. Park would fold if the riverside homes were removed, bringing total loss to Portland of 500 low cost housing. Bike access to Hayden Island is limited.

**Alastair Roxburgh:** (*paraphrased*. Full testimony file is available on-line) What Denver did not mention about the egregious loss of low cost housing. It does not matter whether the plan goes ahead next week or twenty years from now. Either way this plan is a bad idea. "Oregon's statewide planning goals reflect values consistent with home ownership, *directing the state and local governments to provide for the housing needs of all its citizens* [OAR 660-015-0000(10)]. *Preserving existing affordable homes is the best way to meet this goal* (see, e.g., White paper: Manufactured Home Parks in Oregon, by Community Development Law Center, CASA of Oregon. 1 October 2007.)" This bike track is a recreational fantasy, rather than a serious transportation plan. It would destroy 120 homes along the north and south river shores, and some in-between. As a result the whole park (500 homes) would become an unprofitable unit, and would be closed.

**Timme Helzer:** (*paraphrased*) Environmental injustice. 112 housing units would be removed. Because these 112 riverfront homes provide about 50% of the income for Lautrec, the MHC would close. Where will 500 families go? The MHC includes many who are on low and fixed income and disability. The track would serve people on $2,000 bikes wearing $500 Spandex outfits, whizzing round an Island where 500 families have been removed. Do you want those headlines? Think about it!

**Chris Smith:** (*paraphrased*) A question for Timme. So rather than ask us to create some new rules, you want us to roll back the 2009 HIP approved by PCC?

**Timme Helzer:** (*paraphrased*). This track is in the HIP, which is predicated by the CRC. All of the Island infrastructure was based on that plan. So, why adopt a bike plan that no longer has the CRC and HIP?

**Chris Smith:** (*slightly ruffled; paraphrased*) What the plan is really about is getting access to the river, and is not about the CRC.

**Time Code:** 1:47:30

---end of hearing of public testimony---

**Time Code:** 2:11:15

André Bough says he'd like to get PBOT back for some questions.

While PBOT are coming back, Chris Smith asks a procedural question about extending the close of the written record for receiving last minute testimony on TSP issues. After a short discussion

Katherine Schultz asks TSP representatives, who agree to leave it open until Friday. TSP work session is April 12.

**André Bough:** "My one question is on this administrative rule, which seems to be a hanging point. So, is it your proposed process on the administrative rules for the TDM to have (…I guess) participation from the stakeholders, and comments, or is this just going to be a closed door session of PBOT? I am just trying to understand the process to get to what these rules are. You don't have to answer [it now], but it would be good to have in your response, going forward, to clearly articulate that rule making process, and who might be involved in how it might work."

**Peter Hurley:** (*summary*) Peter pledges openness, transparency, and engaging the stakeholders (which he claimed that PBOT has done or has been doing already).

**André Bough:** "It would be good to have it on paper that you are going to hold three meetings, that are going to include …these people, and the director will…do what, …and then there will be a decision… however that's going to work. I don't want to put words in your mouth… I'm just looking for something, because that seems to be a sticking point here. No one knows what the process is, and if they have input."

**Peter Hurley:** "Very good, we'll respond."

**André Bough:** "Thanks."

**Michelle Rudd:** "I would just include in that how that process gets revisited in the future, because I think that part of the concern was…everyone is watching it right now and they see how the rules get developed but they could change along the way, and people might not be aware that they were changing. And then I don't know if it's in the material that we have already, I just haven't got to it, but a rationale for why you are going the with the proposal, as opposed to standards, in the code sections that were referenced, would be helpful."

**André Bough:** (*addressed to Peter*) "One more thing, relevant to Michelle's question, I didn't see it in your letter, but is this the first time you've done Administrative rules this way, as PBOT?

**Peter Hurley:** "Definitely not." (Peter summarizes his experience)

**André Bough:** (*addressed to Peter*) "That would be good, because it would be good to know what else is under/in/within your purview, that people still may not know, or be aware."

**Eli Spevak:** (*addressed to PBOT*) "In the memo we got, 'The status of the PPD states…'; I don't know what 'PPD' stands for."

**Peter Hurley:** "Portland Policy Documents. That's a repository for administrative rules and other similar types of documents that are not part of a land use code, or one of the other titles. Apologies for use of the acronym."

**Eli Spevak:** "OK. So when it says that documents are not land-use decisions, …it like a question of non-land-use decisions, as determined by the City Council or as determined by legal precedent, or how? Just so I can understand, what defines what is a land-use decision and what isn't a land-use decision?"

**Eric Engstrom:** "So, a land-use decision is something that is related to the use and development of land, and that is the simplistic definition, but there's hundreds of thousands of pages of case law that basically defines what is and isn't a land-use decision. It's kind of one of those 'quacks like a duck' standards that people will debate, but the assumption is that you don't write land-use kind of codes in an administrative rule; you put those in the zoning code. And you put things in an administrative rule that are likely to change often, and need frequent updates, either due to technology or changing circumstances or things like that. So there's always that [kind of] three levels of regulation within the City, and within most cities there's kind of the code [above] and then there's administrative details that sit in a layer below that, and in Portland Policy Documents is the City's way of being transparent about that, and saying that if it's not in that repository then it's not a rule that we enforce."

**Time Code:** 2:18:50

**Susan Anderson:** "We can all talk about this at another time, a little bit more, but mainly, and Michelle can weigh in on this too, but what is 'behavior change' (which is getting someone to walk, getting them on their bike), not 'building the bike lane'; that's a bit of a differentiation in terms of is it land-use or something that can be in the administrative rules."

**Chris Smith:** (*paraphrased*) Mentioned that he expects to have a few Portland Bicycle Map amendments for a meeting with staff early next week.

**Time Code:** 2:20:30

**Chris Smith:** (*paraphrased*) Two questions regarding Hayden Island.
Little question first: Regarding the Mayor's arterial bridge project (which involved Hayden Island), as a potential replacement for the CRC, "should we adopt a street classification for that bridge? Would that be helpful?" What would that classification be?
Big question: "Would Messieurs Bough and Rudd share their recollections of the discussions around the 2009 HIP, and that pathway around the edges of the Island? I'd love to be edified."

(General laughter…)

**André Bough:** "I did resurrect the meeting notes so that's my recollection. And from the meeting notes: There was this broad discussion of a path and the need to be near the water, because at that time we were increasing density on the Island, and that density was going to literally double, so there was this idea that we could draw a line, and figure out the details later, because we didn't have the opportunity to really say what that might look like. From the meeting notes, I don't think we actually talked about removal of housing at the time. Yes, I think we just talked about: It's a line; we'll figure out the details later. But without the line we were not going to have the opportunity to have bikes along a river and we'd struggled with having bikes along the river in the main corridor of the City and in some areas. So that was kind of a philosophical discussion, I guess I'd say, as best as I can read from the notes."

**Mike Houck:** "Yes, well it seems inconceivable to me that the City of Portland would be removing those homes to put a bicycle path in. So, I'd like to get a little more clarity on the reality of what is being discussed tonight."

**Denver:** Right now, all it is in the TSP is a classification, not only for bikes but also for pedestrians. It's a pathway classification in our TSP. And as I mentioned, there is no capital project, which means there is really no initiative of the City to actually build that project. It's an aspirational line, recognizing in part that the east-west opportunities by bike, in particular, and walking, are on the busier arterial streets, and so it provides a quieter, more low-stress attractive option for residents on the Island. And so, there's no scenario I can think of where this project would result in the removal or displacement of homes that are there. Right now, it's an aspirational line, which most likely would potentially be implemented if the uses of those sites along the river were to change.

**Katherine Schulz:** "Are there not other creative ways to solve putting the bike path besides on somebody's property, along the river? Whether you could afford them is a whole other story. But, I mean it goes along with whether you could afford to demolish homes too."

**Denver:** "In part, what we're doing as staff is we're honoring the two-year process of planning and working with the community to develop the Hayden Island Plan, and that's the recommendation that they came with, the Planning Commission, that was adopted by Council, so we're trying to stay consistent with that."

**Mike Houck:** "So is the basis for concern, that we were hearing, just the fact that there's a line on the map puts the specter of the potential for a trail diminishes the value of the property… potentially…or…? I don't…"

**Eli Spevak(?):** "Of course, I heard that maybe it potentially increases the value of the property."

**Mike Houck:** "It's the Spandex."

**André Bough:** "The line drawn appears to go through some of the mobile homes, and I think I don't…, I don't remember us ever talking about removal of mobile homes. It was to draw, as Denver said, an aspirational line on a map, which just said, if in the future, by some… either redevelopment or something, because we were talking more about redevelopment of Hayden Island, and how many units we could get on the Island. If we had the opportunity, here's where we'd want a bikeway, or something like that. And *how* that came about was not [?] part of the discussion, at least according to the notes that were taken at the time.

**Susan Anderson:** "We can come back when we come back for discussion at the meeting when you are actually going to vote on this, and lay out what from the minutes that were taken at that time, and also provide additional information about the discussion that got us to that point. Again it doesn't mean you… There are times when something has been adopted by Council, and you can come along with the next plan and disagree, and put that in your recommendation. But we want to clarify whether the intent is to actually have anything go through those properties, and at this point that is not the intent.

**Katherine Schulz:** "I think it is important to make sure that is really clear. [pause] Are there any other questions for staff?

(someone else…Francesca?…, [unintelligible], …answers came from Chris?)

**Kaytie Larsell:** (*addressing PBOT staff*) "To finish up on that one… As the newest member of this body, I'm not always sure how far-reaching our decisions are, etc., and so can you kind-of over-explain that one when you are talking about the houses, because, …I'd like to really get a sense for: 'OK we approved this.' Of course, obviously, I know, it goes to City Council after we approved. But what will the actual impact be? At least in the short-term. Then maybe in the mid-term, and maybe in the long-term. Because I don't necessarily have all the scenarios in my head at this point. So that would be really, really helpful to me."

**André Bough:** "Is South waterfront a good example of a line that was drawn, and eventually became a path?

**Denver:** "Exactly. A lot of our riverfront pathways were originally aspirational lines that were drawn and then redevelopment occurred, went like South Waterfront industrial use, private, to higher density. It's a good example. I think…the one thing I want to be really clear about is that we're not proposing to add a line [on Hayden Island]. In the plan we're just being consistent with what is already in the TSP."

**Eli Spevak** "Is what it means that if the area is redeveloped, a condition of redevelopment could be to add the line. Is that the impact of it?

**Chris Smith:** A current example would be…the line for the Springwater Corridor runs right through the Portland Spirit dock facility. And the owners of the Portland Spirit have been clear that aside from their dead bodies or eminent domain, it's not happening while they own the property. It's been a contentious issue for probably a couple of decades, but that's the worst-case situation you can probably wind up in. Hopefully it comes out way better than that.

**Time Code:** 2:29:00

**South Waterfront Bikeway**
Bikes and walking on separate tracks separated by a grassy verge (yet to be built-up and planted) and grassy setbacks on either side (under construction).
https://www.portlandoregon.gov/parks/45643

Disclaimer: Every attempt has been made to attain accuracy in this transcript, but not responsible for errors. Version 1.1, 3/31/2016

**From:** ellenpillow@comcast.net
**To:** BPS Comprehensive Plan Testimony
**Subject:** Comprehensive Plan implementation
**Date:** Thursday, November 17, 2016 2:30:16 PM

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Honored Commissioners,
Concerning the CP amendment 53d, I am opposed to re-zoning the mentioned areas of Homestead Neighborhood from CM1 to CM2. I strongly disagree with this zoning change as I believe it places too much of a traffic burden on our small neighborhood. THe plan will largely serve developers who do not live in the neighborhood and have little investment in the quality of life in Homestead neighborhood. The increase in noise and pollution will be not be good for our Marquam Nature Park, or George Himes Park, the jewels of our neighborhood, and a treasure to the entire city. I believe these natural areas deserve consideration in this decision. We know that selling parking is big business here on this hill, and I imagine new parking structures, a low risk, highly profitable business venture that will fly in the face of the city's efforts to decrease dependence on car commuting and increase the traffic clogs we already experience here on the Hill.. The CM1 zoning designation is sufficient for allowing increased housing density and the neighborhood has been and will be reasonable in consideration of those types of future projects. I hope you will agree to maintain the current zoning so that our neighborhood growth can be a benefit to all.

Thanks for your consideration,
Ellen Pillow
3435 SW 12th Ave
Portland, OR

| | |
|---|---|
| **From:** | Kimberli Sebastian |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Hayden Island bike path |
| **Date:** | Thursday, November 17, 2016 2:22:56 PM |

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Hello,

I would like to add my request to the cancellation of a bike path being built and/or expanded through the parking lots of already existing properties. I am attaching a neighbors letters to you, with all the legal info in it.

Thank you,
A new resident at JB moorage.
Kimberli Sebastian

From: **Ron Schmidt** ronspdxus@gmail.com
Subject: "Comprehensive Plan Implementation" Please remove ALL BIKE PATHS On Private Property of Hayden Island/Use existing roadbeds
Date: November 17, 2016 at 12:56 PM
To: cputestimony@portlandoregon.gov
Cc: **Charlie Hales** MayorHales@portlandoregon.gov, **Nick Fish** Nick@ci.portland.or.us, **Amanda Fritz** amanda@portlandoregon.gov, **Steve Novick** novick@portlandoregon.gov, **Dan Saltzman** dan@portlandoregon.gov

Dear Council Members:

Please remove all bike path plans on Hayden Island which are on private property as these areas are environmentally sensitive, many are cutting through secured areas deemed necessary for life and safety historically and more so today and use future funds for developing multi modal transportation in a part of the city critically short on city maintained roadways.

I am a 28 year resident of Hayden Island and Portland and have fought hard to keep our community safe and Hayden Island seems to have been targeted, abused or ignored more than other areas of the city. In my past position as President of HINooN Hayden Island Neighborhood Network and board member of the homeowners group Jantzen Beach Moorage, Inc. I worked hard with city planners, North Precinct Police, ONI and others to minimize the impact of lottery, transportation issues, development issues and more. I still serve on the HINooN Board, the Waterfront Organizations of Oregon Board and serve on your behalf on the Citizen's Noise Advisory Committee at the Port of Portland.

The decision to annex the island in the late 1980s, early 1990s did not include the majority of the streets on the island. Moneys would be much better spent on developing these roadways for multiple use and most project paths are within hundreds of feet of existing roadways. The island is, by it's very nature, extremely limited for land and typical planning can be devastating to the livability and use of our limited resources.

Please take into consideration:

- The original bike path plan was tied to the Columbia Crossings new I-5 bridge construction that included a pedestrian and bike crossing into Vancouver. That plan is null and void, and so should be this Hayden Island Bike Path Plan (Path).

- The Path would result in the loss of 120 manufactured homes and likely lead to the unsustainability of the entire 450-home community, leaving hundreds of low income, senior, and disabled citizens homeless.

- The Path will eliminate over 500 parking spaces in secure gated areas owned by residents of floating homes, manufactured homes, condos, private homes and the leased vehicle storage areas! Car break-ins are high city-wide and many island residents park long distances from their vehicles. The Path will expose these vehicles to non-Islanders and increase criminal behavior.

- The Path will make it easier for transients to set up illegal encampments near the adjoining, fragile natural wildlife habitats of West Hayden Island, an issue the island residents already struggle to control.

- The Path could take up to 29 acres of space as a meandering, narrow land parcel (30' x 42,240') that will impact multiple residential and commercial

property owners. The City Council will need negotiate with each property owner, which could be both costly and contentious.

Thank you for your consideration, we are grateful you can and will remove this specter haunting our community's future and our residents' safety and welfare.

Best wishes,

Ron Schmidt
1983 N Jantzen Avenue
Portland OR 97217
ronspdxus@gmail.com
503-539-6817

Nov. 17, 2016 <Sent this date via e-mails noted below>

City of Portland
Attn: City Council - CPUTestimony@portlandoregon.gov
1221 SW 4th Ave, Room 130
Portland, OR 97204

CC: BPS Director, Susan Anderson (Susan.Anderson@PortlandOregon.gov)
BPS Long Range, Joe Zehnder (Joe.Zehnder@portlandoregon.gov)
BPS Project Lead Eric Engstrom (Eric.Engstrom@portlandoregon.gov)
BPS District Liaison, Nan Stark (nan.stark@portlandoregon.gov)
CNN Exec. Dir., Alison Stoll (alisons@cnncoalition.org)

Subject: RCPNA Supports Tamara DeRidder's Oct. 13, 2016 Letter on Recommendations on 2045 C. Plan Early Implementation – Adequate Parking

Honorable Mayor Charlie Hales and City Commissioners:

Thank you for the opportunity to testify on the Early Implementation Package for the 2045 Comprehensive Plan. On Nov. 15th the RCPNA Board supported the Oct. 29 Land Use & Transportation recommendation supporting Tamara DeRidder's Oct. 13th testimony on this packages.
She specifically calls for the city to address the new comprehensive plan Policy 9.58 which states,"Strive to provide adequate but not excessive off-street parking where needed…"

See the attached document.

Thank you for your consideration in addressing this issue. Please let me know if you have any questions or I can be of further assistance.

Respectfully,

Tamara DeRidder, AICP
Chairwoman, RCPNA
1707 NE 52nd Ave.
Portland, OR 97213

Oct. 13, 2016 <sent this date to the email address cited below>

City of Portland
Attn. City Council <cputestimony@portlandoregon.gov.>
1221 SW 4th Ave.
Portland, OR

Subject: Comprehensive Plan Implementation – Request a Continuance of the Public Hearing

Dear Mayor Charlie Hales and Portland City Commissioners:

I want to alert you to a missing element in the proposed Title 33 Zoning Code. It fails to include any language regarding a determination of 'Adequate' parking, as stated in the policy of the recently approved Comprehensive Plan. This is of major concern for our RCPNA area since the NE Sandy Blvd. Corridor contains only a block of depth in the Mixed Use Commercial with elevations that could reach up to 8 stories. The reduced parking min. within 500' of frequent transit corridors, as is the case with NE Sandy Blvd. will become a first come, first served with on-street parking for the new residents and businesses. This leaves absolutely no on or off-street parking to support the neighborhood businesses and, thereby, will impact on-street parking in neighboring residential areas as well.

Therefore, as a resident, business owner, and Chairwoman of RCPNA I urge you to continue this public hearing to a date and time certain. This time period prior to the final hearing needs to be long enough to provide staff and the public the opportunity to address the implementation language for 'adequate parking'.

Analysis.
Strategies need to be in place now, prior to new mixed use construction, that predicts the 80% parking capacity mark and how much need there is at 70% build out based on the 2035 land use plan. Then all development should participate in providing a public parking fee for future constructed parking.

As it is currently, and with the proposed parking minimums, the 6- story mixed used proposed by Vic Remmers on the corner of NE 51st and Sandy Blvd. will provide NO off-street parking for the commercial tenant on the bottom floor of the structure.

This is an equity issue. I am not opposed to parking permits for on-street parking to make the fee for constructed parking viable. What I am opposed to is for the folks who develop in 5 years to get stuck paying most of the costs for off street parking for their commercial area just because the city let the early developers skate on this responsibility.

In addition, strategies such as limiting the number of vehicles registered by DMV for a Mixed Use Commercial site will go a long way with the neighborhoods in helping support new residential dwellings in mixed use commercial.

The following citations highlight the applicable language for RCPNA regarding this issue out of

the Title 33 amendments posted here: https://www.portlandoregon.gov/bps/article/588570
P 166. (Mixed Use Commercial)
33.130.205 Floor Area Ratio
P. 292. - 295 (Off Street Parking Requirements)
33.266.110. B Minimum number of required parking spaces.

TriMet identifies frequent transit street (every 20 min) at this website:
https://trimet.org/schedules/frequentservice.htm
>The frequent transit street in the Rose City Park neighborhood is NE Sandy Blvd. So, anything within 500 ft of this street is to receive reduced min. parking.
>The Transit Station is located at 60th Ave. and I-84. Properties within 1,500 feet of this station also received reduced min. parking requirements.

Nothing in the proposed zoning code I have reviewed so far includes an option to determine 'adequate' off-street parking as was included in the policy of Council-adopted Comprehensive Plan. See page 17 in this document adopted in the Transportation Element of the 2035 Comprehensive Plan at this link: http://www.portlandoregon.gov/bps/article/579174

Plan Policy reads as follows:
"Policy 9.58 Off -street parking.
Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off - street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. **Strive to provide adequate but not excessive off- street parking where needed <emphasis added>**, consistent with the preceding practices."

In conclusion, the Early Implementation language of the Title 33 implementing ordinances needs to comply with transportation chapter polices of the 2035 Comprehensive Plan. With the failure of the Title 33 language, Recommended by the PSC, to address the important policy 'adequate' off street parking the document fails to satisfy compliance with the 2035 Comprehensive Plan.

Please let me know if you have any questions or I can be of further assistance in this matter

Best,

Tamara DeRidder, AICP
Chair, RCPNA
&
Principal, TDR & Associates
1707 NE 52nd Ave.
Portland, OR 97213
503-706-5804

| | |
|---|---|
| **From:** | LeeAnne Miller Hines |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Hayden Island Bike Path Testimony |
| **Date:** | Thursday, November 17, 2016 2:11:04 PM |

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Dear City Council,

I am writing to add my testimony to the issue of bike path plans on Hayden Island that would run through Jantzen Beach Moorage located off Jantzen Avenue. As a resident of the moorage, I am very concerned about losing our security gates! Living on Hayden Island can be scary, and those gates are all that stand between me and a large and unpredictable homeless population. I walk my dog in the dark and really enjoy the peaceful and safe community we bought into. We would never have moved to this area without the security of being in a gated community.

I am all for bike paths on the existing roadways.

Now, if something could be done about the homeless encampments on the beaches of our island I'd be thrilled.

Sincerely,

LeeAnne Hines
1783 N Jantzen Ave.
Portland, OR 97217
503-793-3397

AUDITOR 11/17/16 AM10:01

RE: Comprehensive Plan Implementation - Hayden Island Bike Path
From: Michael Scott (2331 N Menzies Court, Portland, 97217)

Distinguished Council Members:

I recently moved into the Hayden Island Manufactured Home Community. I live along the riverfront. My home is within the 30 feet of proposed bike path, and would be directly impacted by its construction. With this testimony, I hope to highlight factors that I hope will influence the decision you make on this issue.

My home was built in 1974. Although it's had some modest renovations in its 42 years of existence, a lot of it is old – the plumbing, the roof, the subfloors, the insulation under the house, etc. These elements wouldn't survive transportation to another site. Because my home was made 2 years prior to the HUD building standards being approved, I've been told it can't be traded in. All of that means it would have to be demolished. I just purchased my home two months ago, and losing it so quickly would mean a huge financial loss for me personally.

The company that owns our Manufactured Home Community, Lautrec, says that 50% of the park's revenue comes from homes along the river. If these homes had to be removed, that would impact the economics of running the park. The park is home to many low-income residents. It provides much needed affordable housing – not just to Hayden Island, but the city as a whole. Portland is in desperate need of affordable housing, and losing some or all of the park would be a huge loss for the community as a whole.

Beyond these humanistic appeals, it's also important to consider some of the more empirical factors as well. The Hayden Island Plan was adopted in 2009. Back then, it was envisioned that the Columbia River Crossing would be constructed, giving island residents and Portland in general a great opportunity to remake the neighborhood. Unfortunately, the bridge was not built. And in the eight years since the plan was adopted, Hayden Island has evolved in a very different way. The City of Portland has also been presented with new challenges that didn't exist when the plan was debated and then adopted.

Extending light rail to Hayden Island was a huge part of the plan. It's importance – and the impact of its loss – can't be overstated! For example – creating a new biking path on the island would undoubtedly be a draw for other people in Portland. However, the only way for people to reach the island today is by car. If people want to drive to Hayden Island to bicycle around the river, they'll add more car trips, additional traffic on I-5, and more parking problems. Specifically, on the west side (near my mobile home park), the only place they'll be able to park is at the mall.

**The charter of the TSP is to help make Portland more environmentally-friendly, accessible, and growth-oriented. Won't encouraging more car trips and I-5 traffic be counter to this goal?**

Let's suppose you find that argument compelling – and I hope you do! That's not the end of the story. You'll inevitably say that we still need to reduce car trips on the island itself. And that makes sense on the surface, especially if you read through the Hayden Island Plan. The plan suggests that new transit-oriented housing would be built. And a new neighborhood center would be constructed over east of I-5. Along with the bike path, it would totally remake the island into a sustainable community. A great plan, to be sure!

However, the loss of the Columbia River Crossing has derailed the Hayden Island Plan – not just a little, but wholly and completely! EDENS, the company that owns the Jantzen Beach outdoor mall, has constructed new retail space in the spot where transit-oriented housing was slated. And it's not just any type of retail space. It's regional retail space, which isn't a draw for locals. In fact, it's not just regional retail – it's the huge big box stores, like Home Depot! There's just no chance that anyone, island residents or mainlanders alike, need bicycle accessibility to stores like Home Depot.

Likewise, the neighborhood retail center proposed for the east-side was never built. That land was supposed to be claimed via eminent domain from the CRC project. Since the CRC was never built, the land was never condemned, and redevelopment never took place. I can say from experience that establishments in that area aren't much of a local draw. For example, one occupant in that area is Hooters. In my conversations with neighbors, I've never heard anyone say they need a biking path down to Hooters.

It's also worth highlighting the demographics of Hayden Island. My mobile home community is occupied by older/elderly, retired, and disabled people. Even the more expensive condos on the east side of Hayden Island are predominantly home to retired people. Most of my neighbors are not in good enough health to commute regularly to retail establishments or other community resources (like parks) using a bicycle. They're good walkers – I see them walking behind my home all the time! – but they're generally not the cycling type.

Speaking of parks, having more of them on the island would be an amazing thing. However, the explosion of Portland's homeless population will most certainly impact the city's expansion of parks on the island. Since the Hayden Island Plan was created, a homeless camp has emerged on the beach just west of my mobile home community. I would love to have beach access and a beautiful park! But in reality, things are moving in the opposite way. The Port of Portland is putting up a new fence – with razor wire! – to keep people out. With the blight in that area, and a new park unlikely, there's little reason to bike along the river to visit that spot.

I touched on this earlier in my testimony, but I want to explicitly mention that just last Tuesday, 186,000 Portlanders voted to have the city issue bonds in support of affordable housing. In its recommendations related to the "Hayden Island Issues",

the PSC correctly noted that our mobile home park is a source of affordable housing for the island. However, I want to reiterate: we're not just a source of affordable housing for islanders, but all of Portland! Affordable housing not only impacts the elderly and disabled. It also supports minority housing efforts. We have minority families in our community that would likely be pushed out of Portland with a loss of their homes. The extent of the affordable housing/homelessness crisis was not foreseen in the Hayden Island Plan, and the Hayden Island Plan doesn't consider how the island can partner with the larger city to address some of these problems, problems that are much bigger than just a bike path.

**The city council should mirror the values and needs of the community it serves. Portland isn't monolithic, and transportation policies that work for some parts of the city may not be best for others. I humbly ask that you respect the views of our community.**

**I urge you to remove the bikeway classification from west Hayden Island.**

Thank you for your consideration!

Michael Scott
2331 N Menzies Court
Portland, OR 97217

Nov. 17, 2016 <Sent this date via e-mails noted below>

City of Portland
Attn: City Council - CPUTestimony@portlandoregon.gov
1221 SW 4th Ave, Room 130
Portland, OR 97204

CC: BPS Director, Susan Anderson (Susan.Anderson@PortlandOregon.gov)
BPS Long Range, Joe Zehnder (Joe.Zehnder@portlandoregon.gov)
BPS Project Lead Eric Engstrom (Eric.Engstrom@portlandoregon.gov)
BPS District Liaison, Nan Stark (nan.stark@portlandoregon.gov)
CNN Exec. Dir., Alison Stoll (alisons@cnncoalition.org)

Subject: RCPNA Recommendations on 2045 C. Plan Early Implementation – Parking

Honorable Mayor Charlie Hales and City Commissioners:

Thank you for the opportunity to address the Nov. 4, 2016, BPS Memo to the City Council containing the Proposed Council Amendments for the Early Implementation Package for the 2045 Comprehensive Plan. On Nov. 15th the RCPNA Board recommended the following:

Regarding Item 34. Removal of minimum off-street parking requirements, proposed by Mayor Hales.

**Oppose.** Keep the off-street parking minimum requirements as is until such time as there is a community discussion and agreed upon implementation measures for a parking program and Transportation Demand Management program.

Reasoning:

A. Incentive. By keeping minimum off street parking requirements these parking spaces can be used as trade collateral for increased bicycle, pedestrian, and community amenities.
B. Needed off-street parking capacity. Creates off-street parking that could be used as a shared/future-public parking facility.
    a. Supplementing the limited nearby on-street parking that is handicap accessible. Accessibility is a primary issue of concern for an aging population as well.
    b. Supporting of local business clientele.

C. Retains future income generating options. Retains leverage with property owners in bringing them and developers to the table to create future parking management options. This could include a parking district fee-based system in lieu of constructing on-site parking. These funds could serve as matching funds for future city-constructed public parking.

Please honor the 2012-2013 decision to implement off-street parking minimum requirements that culminated out of nearly a year of community discussion and public hearings until such time as a broad discussion reviews this item in the future.

The Board also supported Mayor Hales direction to PBOT under item 51.B. Transportation Demand Management and on-street parking management. This urges PBOT to develop an expanded TDM policy development with input from stakeholders representing development, transportation service providers and advocates, business groups, neighborhood associations, as well as other bureaus.

We look for future collaborations regarding these issues.

Thank you for your time and consideration. Please let me know if you have any questions or I can be of further assistance.

Respectfully,

Tamara DeRidder, AICP
Chairwoman, RCPNA
1707 NE 52nd Ave.
Portland, OR 97213

**City of Portland**
Historic Landmarks Commission

1900 SW Fourth Ave., Suite 5000 / 16
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

November 17, 2016

To: Mayor Hales and Portland City Council

Re: 2035 Comprehensive Plan Amendments/ "Miscellaneous zoning" project

The Portland Historic Landmarks Commission (PHLC) has previously written to you to support the lowering of FAR allowances in RH-zoned portions of the Alphabet Historic District north of Glisan, where the oldest (and smallest) resources in the district exist. We still strongly support this limitation as it will reduce inherent conflicts in compatibility and scale.

The difference between an allowable FAR of 2:1 vs 4:1 is significant. Using added FAR transfer or bonus options, these RH-zoned properties would still be able to access another 3:1 in FAR, so the effective allowance may be up to 5:1 vs an effective allowance of 7:1. Because of setback regulations, 5:1 FAR generally results in a 6-story structure; 7:1 in an 8- or 9-story structure. Most of the existing historic buildings in the Alphabet Historic District are no more than 4 stories.

A package of Amendments now under your consideration includes three new options for RH-zoned FAR properties in the Alphabet District. All of them retain the originally proposed 4:1 FAR allowance in areas south of Glisan, which the PHLC supports.

- Option A was the initial proposal to remove 4:1 FAR allowances generally north of Glisan. We support this option.

- Option B looks to keep 4:1 in all RH-zoned areas of the Historic District. We do not support this as it creates far too much development pressure on existing landmark properties.

- Option C would keep the 4:1 FAR at certain sites north of Glisan, including 624 NW 18th Ave, 1727 NW Hoyt St (the Buck-Prager site where a previous demolition request was denied), 1806-1816 NW Irving St, and 777 NW 19th Ave. This option seems to be creating some "spot" allowances in the area just around the Buck-Prager building, which is one of the densest concentrations of Landmarks in the City. We do not support this option as it creates the potential for out-of-scale development.

We fear that without the reduction of FAR, developers will be less likely to explore alternatives to demolition, thereby promoting projects that are not compatible with the district's historic fabric.

Thank you for your consideration of our comments on this important zoning project.

Sincerely,

Kirk Ranzetta
Chair

Paul Solimano
Vice Chair

cc
Brandon Spencer-Hartle, BPS
Hillary Adam, BDS

PERKINSCOIE

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November 17, 2016

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D. +1.503.727.2036
F. +1.503.346.2036

**VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)**

Portland City Council
Attn: Comprehensive Plan Implementation
1221 SW 4th Ave, Room 130
Portland, OR 97204

**Re: Testimony Regarding Comprehensive Plan Early Implementation Amendments on Behalf of Multiple Property Owners, Including Killian Pacific, Oregon Racing, Broadmoor Inc., SolTerra, and WREH Lloyd Plaza**

Dear City Council Members:

Several of our clients will be impacted by the proposed 2035 Comprehensive Plan Early Implementation Recommended Draft (August 2016) ( the "Recommended Draft"). We have testified in person and in writing before this Council and the Planning and Sustainability Commission regarding these issues and have requested amendments to address the detrimental impacts the Recommended Draft will have on our clients' properties.[1] Unfortunately, many of our clients' concerns were not addressed in the proposed City Council Amendments List (November 4, 2016).

Almost all of our requests, shown on the attached table and map exhibits, **will prevent current uses from becoming non-conforming, or will bring an existing non-conforming use into conformance.** Changes to prevent new non-conformance, which we feel are the most crucial, are denoted by blue shading in the table. Many of these changes appear to be mistakes that were not addressed earlier in the process, despite being raised with staff. **We ask this Council to appreciate the gravity of a change to non-conforming use status and take action to prevent these problematic changes.**

We request that the City Council revise the Amendments List to add amendments for adoption at this time for certain properties, and to add other properties to Item 53, for future consideration for zoning and comprehensive plan changes by staff. Brief details of these requests are listed in the attached table. A map or photograph of each impacted property is included in the attached map list for your reference.

[1] Property addresses and owners' names are listed on the attached table and maps.

If the City Council feels it cannot support some of our requested changes at this time, we urge the City Council to direct staff to further consider the non-conforming issues we have identified in a future rulemaking, as a new Item 55.

Thank you for your consideration of these important changes.

Very truly yours,

Dana L. Krawczuk

DLK:ar
Enclosures:
Table of Requests
Property Maps

cc: Clients

PERKINSCOIE

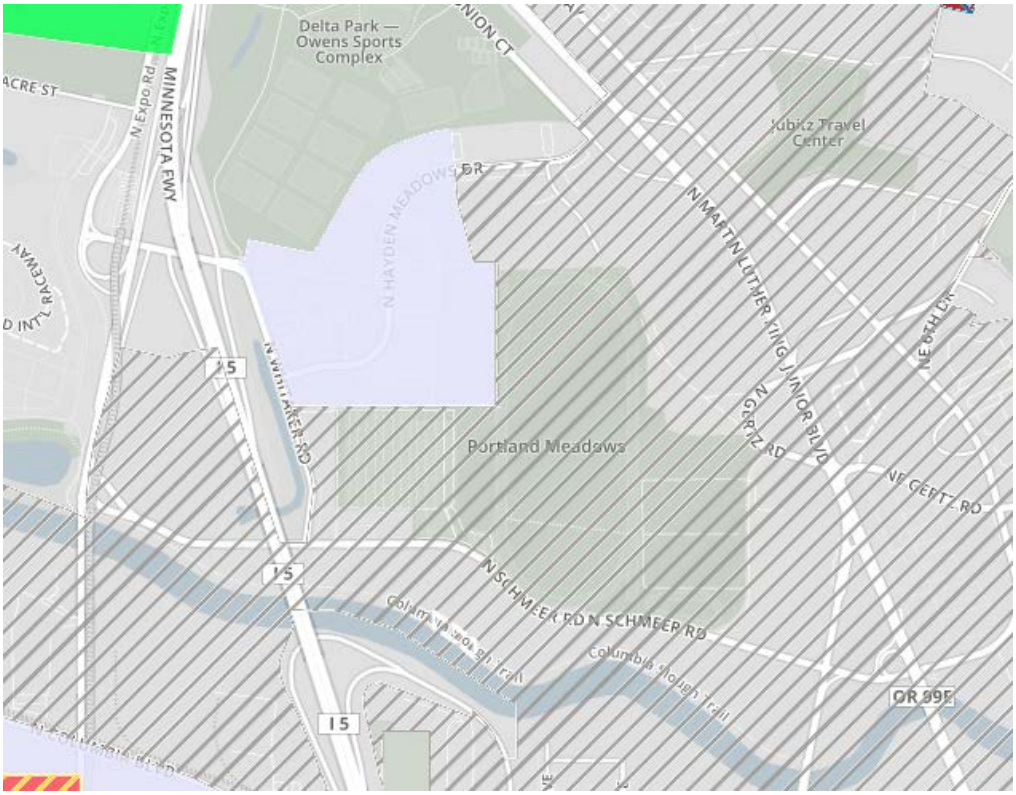
**Blue shading in table denotes request that will prevent a currently-allowed use from becoming non-conforming**

| **Owner and Address** | **Issues** | **Proposed Solutions** | **Requested City Council Action** |
|---|---|---|---|
| 1. Oregon Racing (1001 N Schmeer Road) | New Prime Industrial ("i") overlay zone prohibits Oregon's Racing's current use (outdoor recreation and major event entertainment) | Allow currently-existing outdoor recreation and major event entertainment uses to remain conforming uses and prohibit only new uses of this type in the "i" overlay | **Adopt Early Implementation Amendment** prohibiting only "new" outdoor recreation and major entertainment uses in the "i" overlay to prevent use from becoming non-conforming |
| 2. Broadmoor Golf Course (3509 NE Columbia Boulevard) | • New Prime Industrial ("i") overlay renders current golf course (open space) use non-conforming because property is zoned for industrial use<br><br>• Frontage along NE Columbia Blvd is proposed to be rezoned IG2; EG2 zoning would allow more opportunity for redevelopment | • Either remove the "i" overlay from the property or allow currently-existing open space uses to remain conforming uses by prohibiting only new uses of this type in the "i" overlay<br><br>• Rezone frontage along NE Columbia Blvd to EG2 and adjust Comprehensive Plan designation | **Adopt Early Implementation Amendment** prohibiting only "new" open space uses in the "i" overlay to prevent use from becoming non-conforming<br><br>**Add Property to Item 53 List** for Future Rezoning and Comprehensive Plan Consideration by Planning Staff |
| 3. SolTerra Woods (25 N Fargo Street) | Proposed rezone from RX to RH will make ground floor commercial a non-conforming use | Allow existing ground floor commercial on formerly RX-zoned sites | **Adopt Early Implementation Amendment** allowing existing ground floor commercial uses on formerly RX-zoned sites to remain conforming uses |

| **Owner and Address** | **Issues** | **Proposed Solutions** | **Requested City Council Action** |
|---|---|---|---|
| 4.WREH Lloyd Plaza (1425-1435 NE Irving Street) | Planned Development Height Bonus for CX zone maximum height of 120 feet does not allow heights needed for redevelopment or desired urban form | Allow unlimited height or a maximum height of 160 feet for Planned Developments in the CX zone outside of the plan districts | **Adopt Early Implementation Amendment** adjusting maximum height to 160 feet for Planned Developments in the CX zone outside of plan districts, an amendment that impacts very few properties |
| 5. Killian Pacific - Hawthorne (4511 SE Hawthorne Street) | Proposed CM2 zoning makes redevelopment unlikely due to economic constraints | Rezone property CM3 to encourage mixed use redevelopment along vibrant Hawthorne corridor | **Adopt Early Implementation Amendment** rezoning property to CM3 |
| 6. SolTerra Strata (3138 N Vancouver Avenue) | Proposed R1 zoning (down-zone from RX) makes brand new project a non-conforming development and ground floor commercial a non-conforming use | • Retain RX zoning and change Comprehensive Plan designation to RX<br>• Alternatively, rezone to RH (4:1 FAR and 75 feet high) and allow ground floor commercial | **Add Property to Item 53 List** for Future Rezoning and Comprehensive Plan Consideration by Planning Staff to <u>prevent new development from becoming non-conforming</u> |
| 7. Killian Pacific - Lovejoy Medical (2525 NW Lovejoy Street) | Existing medical office building is a non-conforming use and development under the property's current and proposed RH zoning | Rezone the property to CM2 or CM3 which allow office uses and do not limit the amount of office use per site; adjust Comprehensive Plan designation accordingly | **Add Property to Item 53 List** for Future Rezoning and Comprehensive Plan Consideration by Planning Staff to <u>bring current use into conformance</u> |
| 8. Killian Pacific - Pottery Barn (310 NW 23rd Avenue) | • This property is currently split-zoned CS and RH. The Recommended Draft retains the split zone (CM2 and RH); Commercial uses on the RH portion of the property are non-conforming | Eliminate both the split zone and non-conforming use issue by rezoning the full property CM2 | **Support Proposed Amendment 53** which contains this item and will <u>bring current use into conformance</u> |

## 1. Oregon Racing (1001 N Schmeer Road)

***<u>Request:</u>* Adopt Early Implementation Amendment** *prohibiting only "new" outdoor recreation and major entertainment uses in the "i" overlay* **(will prevent current allowed use from becoming non-conforming)**



## 2. Broadmoor Golf Course (3509 NE Columbia Boulevard)

***Requests:***

***Adopt Early Implementation Amendment*** *prohibiting only "new" open space uses in the "i" overlay* **(will prevent current allowed use from becoming non-conforming)**

***Add Property to Item 53 List*** *for Future Rezoning and Comprehensive Plan Consideration by Planning Staff*

## 3. SolTerra Woods (25 N Fargo Street)

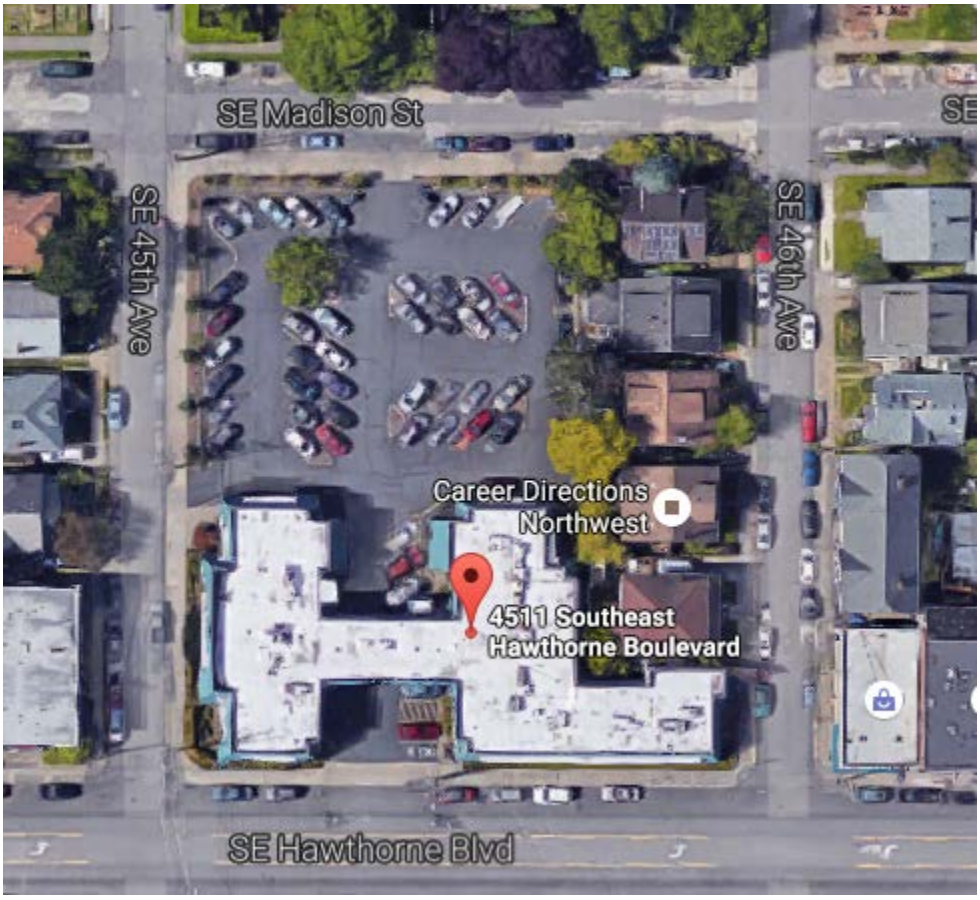
***<u>Request</u>: Adopt Early Implementation Amendment*** *allowing existing ground floor commercial uses on formerly RX-zoned sites to remain conforming uses* **(will prevent current allowed use from becoming non-conforming)**

## 4. WREH Lloyd Plaza (1425-1435 NE Irving Street)

***<u>Request:</u> Adopt Early Implementation Amendment*** *adjusting maximum height to 160 feet for Planned Developments in the CX zone outside of the plan districts*

## 5. Killian Pacific - Hawthorne (4511 SE Hawthorne Street)

***<u>Request</u>: Adopt Early Implementation Amendment*** *rezoning property to CM3*

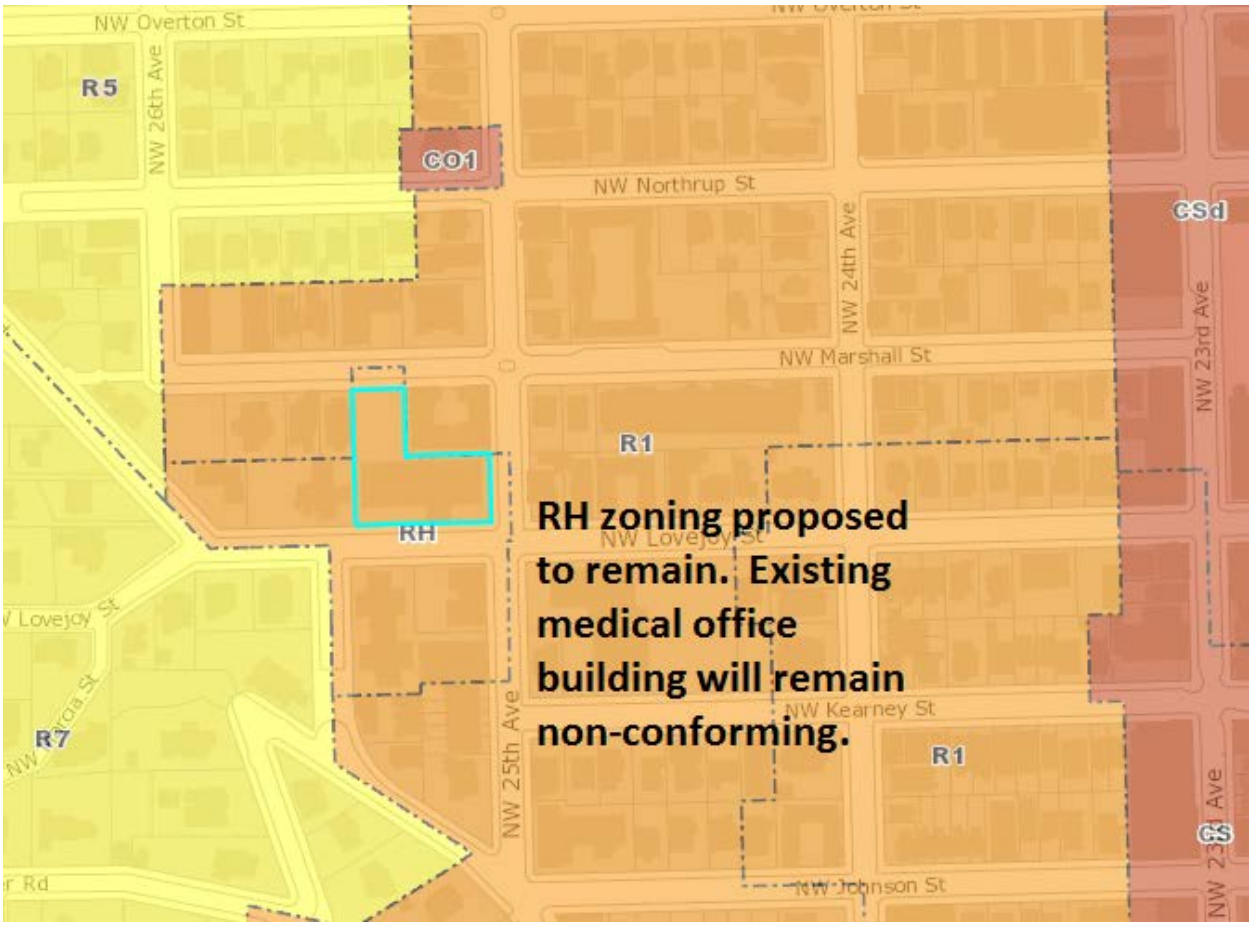


## 6. SolTerra Strata (3138 N Vancouver Avenue)

***<u>Request</u>: Add Property to Item 53 List*** *for Future Rezoning and Comprehensive Plan Consideration by Planning Staff* **(will prevent current allowed use from becoming non-conforming)**

## 7. Killian Pacific - Lovejoy Medical (2525 NW Lovejoy)

***Request*: Add Property to Item 53 List** *for Future Rezoning and Comprehensive Plan Consideration by Planning Staff* **(will allow current use to become conforming)**



## 8. Killian Pacific - Pottery Barn (310 NW 23rd Avenue)

***Request*: Support Proposed Amendment 53** *which contains this item* **(will allow current use to become conforming)**

November 17, 2016

The Honorable Charlie Hales, Mayor
The Honorable Steve Novack, Transportation Commission
The Honorable Amanda Fritz
The Honorable Nick Fish
The Honorable Dan Saltzman
Andrew Aebi, South Portal Project Manager
Dan Bower, Portland Streetcar Director

Subject: Testimony regarding the South Waterfront Transportation Plan Amendments

I spoke before the City Council on Wednesday, November 16, 2016 regarding my concerns for this project. I want to reiterate my concerns to the City as you determine the direction to go to alleviate the traffic issues in the South Waterfront area. My comments focus on the Moody Street Extension.

My husband, Mike, and I own and have as primary residence a condo in the Heron Pointe Condominiums on Landing Drive (4970, 4980, 4990, 5050).

We were told by City and Portland Streetcar representatives that the streetcar is only a peripheral part of the South Waterfront Transportation Plan project discussions and was not to be discussed in conjunction with this project. It's like the "pink elephant" in discussions on this project—skirted around but not addressed. I believe that to disregard the streetcar in these discussions could greatly impact the City's future transportation plans to extend service to SW Portland, does not respect the impact to the residents on Landing Drive, and may not take into account the long-range financial impact to the City of Portland. Plus extending the streetcar south of the Waterfront could reduce car traffic inflow into the area—which could strengthen the South Waterfront Transportation Plan by including an enhanced public transportation solution.

I have picked up pieces of information from the various meetings I have attended—alone they may not mean anything, but together they could paint a broader picture:

- Andrew Aebi spoke with the Heron Pointe HOA and gave an overview of the South Waterfront Transportation plan and why the decision to extend Moody Street to Hamilton Court was the best alternative. It made sense at the time and I believed that Andrew was amenable to working with the Landing Drive residents to ensure Landing Drive was not impacted by the plan. He also assured us (as was supported by Dan Bower's e-mail) that the streetcar would NOT extend past Hamilton Court. Both Andrew and Dan have talked with residents throughout the HOA's on Landing Drive and heard repeatedly that the residents do NOT want the streetcar to go through Landing Drive.
- Dan Bower spoke to the Heron Pointe HOA on November 15. While he stressed that the Streetcar was not part of the proposal, he made comments that there has been talk of extending the Portland Streetcar to the Sellwood area and the new Sellwood Bridge can support

the Streetcar. (This is supported by the Sellwood Bridge Project – 10-29-2010—see attached—highlighted in yellow.) I assumed the streetcar would be designed to flow along Macadam Avenue. He said that the Hamilton Court Street is too steep for the streetcar. This means that a streetcar extended on Moody to Hamilton Court could NOT flow into Macadam Avenue via Hamilton Court.

- Dan provided a map of the area. I presented the map at the council meeting (with my additions in color) (attached). The pink line is the Moody Extension. Directly across the street is the existing track (orange). If the streetcar line is added to the street extension, it clearly shows that the ONLY flat access to Macadam Street is through Landing Drive.
- The Honorable Charlie Hales did ask if adding the streetcar a few blocks into the neighborhood would be ok. Two comments:
    - Definitely NOT. This track would increase congestion/impede foot traffic to the path along Willamette River. It also could create a safety issue with the Johns Landing Apartments, which are being constructed on either side of the tracks. The parking spaces for the Johns Landing Apartment for both apartment buildings will be in the apartment building closest to Landing Drive. There will probably be a lot of foot traffic/bicycles movement over the tracks to access the other half of the apartment complex located closest to the river. Pedestrians, bikes, railway sounds like a dangerous combination.
    - This comment suggests that there has been discussion regarding the streetcar extending south of Hamilton Court. Again, a reason to include the streetcar discussion into the South Waterfront Transportation Plan.
- The Honorable Charlie Hales said that the Streetcar will never go to Lake Oswego. I'm not sure how we can be so sure of this. Life will evolve since the initial Lake Oswego streetcar project was defeated. It's a solid idea and the mood may change in the future. Additionally, if the City is even considering extending southward to Sellwood, plans should be made now to include the Portland Streetcar into the South Waterfront Transportation Plan.

Additionally, as you know, the Johns Landing area along Landing Drive is in the process of building/renting three new apartment buildings. We have no idea what this will do to the livability/traffic on Landing Drive, a privately owned street. If the Moody Street extension goes forward and the resulting influx of new residents on Landing Drive creates major traffic issues, there is no access south of Landing Drive to push our traffic onto. And, as Andrew pointed out, the streets south of Landing drive for about a mile are privately owned. The City would have no incentive to help Landing Drive with traffic issues. We need to keep Hamilton Court as our backup to potential traffic issues on Landing Drive.

Until the apartments are completed and more fully rented, it seems premature to add anything that could add traffic pressure to our Johns Landing community. I would think it prudent for the City to invest in a traffic study of the Johns Landing area to determine the effects of traffic from South Waterfront onto Hamilton Court, streetcar extension into the area (where roads are privately owned and has many, many infrastructure issues), and effects on livability in our neighborhood.

Two final comments:

- I encourage the city to re-assess the Bancroft Street connection to Macadam to review how this street could be used to release the South Waterfront traffic pressures as well as adopt a Bancroft to Macadam route as a means to reaching Sellwood Bridge via streetcar.
- I recommend that the City consider using the railroad tracks for a second path for bicycles. The bicycle/pedestrian mix on the single path along the Willamette River creates a dangerous situation as bicycles fly past pedestrians disregarding the 10mph speed limit. Perhaps the City could benefit from redevelopment dollars and possibly get support for a LID.

I also ask that there be transparency in discussions so that residents can easily disseminate the City's plans going forward.

Thank you for listening.

Madelyn Stasko

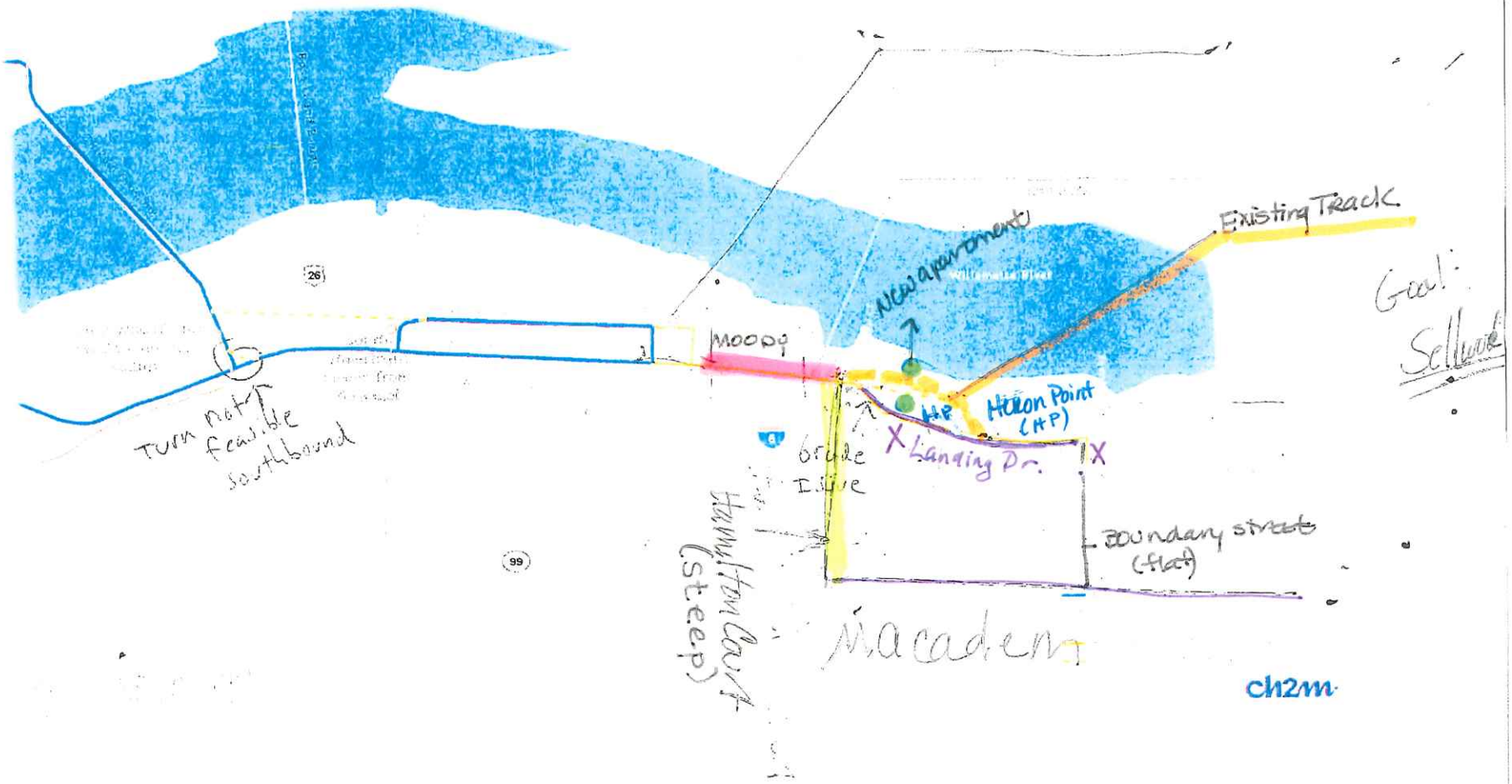
Madelyn Stasko
mzstasko@comcast.net

# Johns Landing

## Expansion Study

PORTLAND STREETCAR

JOHN'S LANDING




ch2m

# Justification and Work Plan
# for Special Experimental Project No. 14 (SEP-14)
# Construction Manager/General Contractor (CM/GC) Contract

## Sellwood Bridge Project (Multnomah County), CM/GC Project

October 29, 2010

## INTRODUCTION AND PURPOSE

Multnomah County ("County") hereby submits this work plan for review and approval as a Construction Manager/General Contractor (CM/GC) project under the provisions of Special Experimental Project No. 14 (SEP-14) for the use of innovative contracting practices.

This document provides a justification for Federal Highway Administration's approval for Multnomah County to use the CM/GC method of delivery on the Sellwood Bridge Project and a Work Plan for how the Special Experimental Project will be monitored and reported. The CM/GC project delivery method is expected to result in a savings in time and cost, as well as creating a more effective product.

The State of Oregon has an exemption process that allows for the use of alternative contracting methods and many state and local government agencies in Oregon have successfully utilized CM/GC as a standard contracting practice for vertical (building) construction. In April 2010, the County obtained a State exception authorizing the use of the CM/GC contracting method. As part of that exemption, the County will assess and utilize the lessons learned, processes, and guidance from the Oregon Department of Transportation (ODOT), the TriMet Regional Transit District and David Evans and Associates Consultants (Multnomah County's owner representative) who have demonstrated effective and successful results in managing the CM/GC process as a means to ensure that program and project objectives are met.

Multnomah County developed a strategy for incorporating the lessons learned from previous CM/GC contracts in the state, in particular, ODOT's Willamette River Bridge (Eugene) project and TriMet's Clackamas Town Center Light Rail Line. Other lessons learned were gleaned from an ODOT workshop paneled by the experienced CM/GC owners Utah DOT and Arizona DOT.

## PROJECT DESCRIPTION AND SCOPE OF WORK

The existing Sellwood Bridge is five miles south of downtown Portland, Oregon. It carried SE Tacoma St across the Willamette River and connects Oregon Highway 43 at its west end to Highways US 99E and Oregon 224 to the east. It also connects several SE Portland communities, such as the Sellwood neighborhood and suburban Clackamas County, with downtown Portland, Lake Oswego and Washington County. Its importance is evident in the current usage rate of 31,000 vehicles per day (it is a 2-lane bridge) and in the 1,400 daily trucks use even after the weight limit had been restricted to 32 tons in 1985.

In 2004, Multnomah County discovered extensive cracking in the Sellwood Bridge. In 2005, a new weight limit of 10 tons was posted that forced trucks, transit buses, and emergency vehicles to use alternate routes. Also, the existing two twelve-foot travel lanes and no shoulders with a 4' sidewalk has been identified as inadequate for bicyclists and pedestrians.

Multnomah County undertook a federally funded planning process that considered many viable alternatives including the "no-build" alternative. The Sellwood Bridge project produced a Draft Environmental Impact Statement in November 2008. The Board of County Commissioners selected a Preferred Alternative in February 2009. The project team has refined the preferred alternative and drafted a Final Environmental Impact Statement (FEIS), which received Federal approval and a Record of Decision (ROD) on September 30, 2010. Products of the NEPA process, Draft and Final Environmental Impact Statements and a Record of Decision, are available at the Sellwood Bridge website: www.sellwoodbridge.org.

Main construction components of the Preferred Alternative include:

- Constructing a new 2000 foot long Sellwood Bridge, under traffic, on an alignment 15' south of the existing centerline;
- Maintaining the existing 2 traffic lane configuration, while adding shoulder/bike lanes and sidewalks on either side;
- Removing the existing Sellwood Bridge;
- Constructing a new interchange with Highway 43, under traffic;
- Reconstructing approximately 2,600 feet of Oregon State Highway 43 roadway in the vicinity of the bridge, under traffic;
- Constraining the existing landslide and mitigating for potential future earth movement;
- Reconstructing parts of the Willamette Shoreline railroad, where the Sellwood Bridge Project is impacting the existing alignment and grade;
- Rehabilitating impacted properties in the project area, including any required mitigation of parks and historic properties.
- The new bridge will be able to accommodate future streetcar service into the Sellwood neighborhood as well as the Lake Oswego to Portland transit project;

Multnomah County considers completing this project its highest priority. The existing bridge is at risk of further subsidence and shifting of the ground due to the landslide at the west end.

Although the Preferred Alternative defines major elements of the project, there are several areas of the project where decisions remain. These include:

- The exact configuration and scope of various facilities on the Westside;
- How the Lake Oswego to Portland Transit project will be accommodated;

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|---|---|
| **From:** | Joe Marx |
| **To:** | BPS Comprehensive Plan Testimony |
| **Cc:** | Scott Huff (scotthuff29@gmail.com); John Vecchio (johnj.vecchio@gmail.com) |
| **Subject:** | "Comprehensive Plan Implementation" |
| **Date:** | Thursday, November 17, 2016 1:25:51 PM |

Council Members,

I am a resident of Hayden Island, I am concerned with the proposed bike path plan that has once again resurfaced.

Currently my community, River House, has a private path which allows walkers the opportunity to walk around the bay. The entire bay is lined with a path that the neighboring communities allow the public to use. The construction of a new path was part of the Columbia River Crossing project, and with the demise of the CRC project, the plan for a new path should face the same fate as the bridge. The impact to scenery and wildlife should not be over looked.

To build a path to expand the biking trails inside of Portland city limits would cost my community, and the city, immensely. Not only would the city have to purchase prime real estate from the effected communities, it would also displace a large number of low income and senior residents on the island. At a time when affordable housing levels are at a critical juncture, I don't see how a bike path would serve our community in a positive manner.

A path would invite more crime to our community from transient visitors. On Hayden Island we currently have seen an increase in crime and a decrease in police patrols. The addition of the path will certainly not help the current climate of crime, and in fact it will do nothing short of inviting more crime to the island with little to no support from the city or the police.

If the city wants to expand the bike trails map, there is plenty of land at the west end of the island to build miles and miles of paths. Along with the paths come the responsibility to maintain the area and be a steward. The last thing our community wants to see is another Springwater corridor experiment where the plan is executed and a mess evolves in our backyard. There are plenty of improvements that can be made to the current bike paths around the city. I would suggest that the city turn their attention towards finishing what they started, instead of once again biting off more than they can chew.

I ask that the Council respect the views of the current residents of Hayden Island, and focus your efforts and resources in more critical areas in and around the city of Portland.

Joe Marx
604 N Hayden Bay Dr
joe@cms-corp.com

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|---|---|
| **From:** | melissa pace |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Comprehensive plan implementation. |
| **Date:** | Thursday, November 17, 2016 1:22:49 PM |

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Ive lived here on hayden island just over a year and we are buying aur house. I did not think that i would be buying a house just to loose it because i could not affort 20,000 dollars to move it and were would i move it to i could not afford to purchase land too. Portland already has a housing crisis this would be a horrific plan! Most of my neighbors are elderly,retired,on a fixed income ect. Were would we all go? We dont need more homless just for a bike path. And i dont believe the bike path is the only intentions. People are just greedy and dont care. This is the worst idea. Why would a bike path be more important than someones home that they worked so hard for for years and years. And probably wanted to pass it on to their children or future children. I would have come in person but im disabled and have limited transportation and funds. This is such a horrible idea. Please have some sence of compasion about the people living here and do NOT PASS THIS.
Sincerly Melissa pace
Current resident of hayden island dr
On Fir street.

Get Outlook for Android

| | |
|---|---|
| **From:** | Roger Vrilakas |
| **To:** | BPS Comprehensive Plan Testimony |
| **Cc:** | Fritz, Amanda; Commissioner Fish; Commissioner Saltzman; Hales, Mayor; Commissioner Novick |
| **Subject:** | Support of the proposed 2:1 FAR RH zone in the Alphabet Historic District |
| **Date:** | Thursday, November 17, 2016 1:14:33 PM |

Please vote for the proposed 2:1 FAR comp plan change for the Alphabet District. It applies only to a part of NW and is necessary to remove the existing contradiction between the zoning code and the historic overlay, and provide an unambiguous framework for developers.

The blather connected to this about this neighborhood being elitist, a bunch of NIMBYS and resistant to affordable housing is simply not true. NW Portland is by far the densest part of the city and has been for decades. The NW Neighborhood Association has consistently supported increased density since its founding in the early 1970s. It is the only neighborhood in Portland, to my knowledge, that provides an affordable housing bonus in its neighborhood plan.

The Alphabet Historic District is on the National Register of Historic Places. Just hearing or reading "Historic Places" almost makes me cry. In a world hell bent on "progress" and "new", trying to value and preserve old buildings and districts is, to me, a fundamental role of government. Keeping 4:1 FAR in the Alphabet District would do the opposite.

Thank you for your consideration.

Roger Vrilakas
2438 NW Johnson

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|---|---|
| **From:** | Ron Schmidt |
| **To:** | BPS Comprehensive Plan Testimony |
| **Cc:** | Hales, Mayor; Nick Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman |
| **Subject:** | "Comprehensive Plan Implementation" Please remove ALL BIKE PATHS On Private Property of Hayden Island/Use existing roadbeds |
| **Date:** | Thursday, November 17, 2016 12:57:50 PM |

Dear Council Members:

Please remove all bike path plans on Hayden Island which are on private property as these areas are environmentally sensitive, many are cutting through secured areas deemed necessary for life and safety historically and more so today and use future funds for developing multi modal transportation in a part of the city critically short on city maintained roadways.

I am a 28 year resident of Hayden Island and Portland and have fought hard to keep our community safe and Hayden Island seems to have been targeted, abused or ignored more than other areas of the city. In my past position as President of HINooN Hayden Island Neighborhood Network and board member of the homeowners group Jantzen Beach Moorage, Inc. I worked hard with city planners, North Precinct Police, ONI and others to minimize the impact of lottery, transportation issues, development issues and more. I still serve on the HINooN Board, the Waterfront Organizations of Oregon Board and serve on your behalf on the Citizen's Noise Advisory Committee at the Port of Portland.

The decision to annex the island in the late 1980s, early 1990s did not include the majority of the streets on the island. Moneys would be much better spent on developing these roadways for multiple use and most project paths are within hundreds of feet of existing roadways. The island is, by it's very nature, extremely limited for land and typical planning can be devastating to the livability and use of our limited resources.

Please take into consideration:

- The original bike path plan was tied to the Columbia Crossings new I-5 bridge construction that included a pedestrian and bike crossing into Vancouver. That plan is null and void, and so should be this Hayden Island Bike Path Plan (Path).

- The Path would result in the loss of 120 manufactured homes and likely lead to the unsustainability of the entire 450-home community, leaving hundreds of low income, senior, and disabled citizens homeless.

- The Path will eliminate over 500 parking spaces in secure gated areas owned by residents of floating homes, manufactured homes, condos, private homes and the leased vehicle storage areas! Car break-ins are high city-wide and many island residents park long distances from their vehicles. The Path will expose these vehicles to non-Islanders and increase criminal behavior.

- The Path will make it easier for transients to set up illegal encampments near the adjoining, fragile natural wildlife habitats of West Hayden Island, an issue the island residents already struggle to control.

- The Path could take up to 29 acres of space as a meandering, narrow land parcel (30’ x 42,240’) that will impact multiple residential and commercial property owners. The City Council will need negotiate with each property owner, which could be both costly and contentious.

Thank you for your consideration, we are grateful you can and will remove this specter haunting our community’s future and our residents’ safety and welfare.

Best wishes,

Ron Schmidt
1983 N Jantzen Avenue
Portland OR  97217
ronspdxus@gmail.com
503-539-6817

| | |
|---|---|
| **From:** | Brendon Haggerty |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Comprehensive Plan Implementation Amendment 11 |
| **Date:** | Thursday, November 17, 2016 12:56:23 PM |

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Mayor Hales and Commissioners,

Please support amendment 11, changing the zoning along the west side of SE Cesar Chavez Blvd to CM2. This is an area that is served by walkable retail and frequent transit, an ideal application for the CM2 zone.

Regards,
Brendon Haggerty
1720 SE 36th Ave
Portland, OR 97214

**From:** Page Stockwell
**To:** BPS Comprehensive Plan Testimony
**Subject:** Fw: Zoning Map Changes; Hearing 11.17.2016
**Date:** Thursday, November 17, 2016 12:54:19 PM

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Dear Mayor Hales and City Commissioners;

There was an  error in my previous message, which should read as follows (change underlined) *:*

*Dear Mayor Hales and City Commissioners:*

*I am unable to attend today's hearing, but would like to submit the following testimony:*

*My name is Page Stockwell, and I live at 2039 Northwest Irving Street in a 1916 house listed on the National Historic Register.  I was born in Portland, and my attachment to the City and its history has grown ever stronger over the past seventy years.  The Historic Alphabet District is an important part of the city and its history, which more than ever is worth preserving.*

*The adoption of a 2:1 FAR throughout the District would be an important step forward in this preservation effort.  While I recognize the need for buildable land to help ease the growing housing shortage, very little is lost by implementing these changes, since Portland's historic districts in the aggregate represent only two to three percent of total buildable land.*

*Lastly, spot zoning in the Alphabet District would render the historic designation meaningless, and its use for speculative projects is short-sighted.*

*A lot of time and effort has gone into the creation and preservation of the Historic Alphabet District, and it would be a shame and a waste to throw these efforts away.*

*Yours sincerely,*

*Page Stockwell*

*Member, Northwest District Association Board.*

Please discard earlier message.  Many thanks and I apologize for the error.

Page Stockwell

| | |
|---|---|
| **From:** | Jean Boesl |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | [User Approved] Zoning Map Testimony |
| **Date:** | Thursday, November 17, 2016 12:43 PM |

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To the Council:

I have testified before regarding  a possible change from R2 zoning to an R5 zoning for our particular piece of property. We have lived here since 1979 and for the most part we chose well. However, an R2 designation, while it may help a developer who manages to acquire a good sized lot, or a city trying to accommodate a growing city along a major corridor, it does not necessarily help those who live a block off the main drag, so to speak. We were blessed with enough room to garden extensively, grow fruit trees, expand our home over time and provide natural habitat. Our immediate neighbors with the same size lot have had the same opportunities. While we have absolutely no desire to develop our property, we recognize others may not feel that way. An R5 designation would still allow that but I think at a much better ratio of infill to existing structures. The majority of homes in this area are single family, one story, some two story; the current R2 would allow more people than I think our streets could comfortably handle.

Also, I am pleased to see that you are considering the removal of the "d" overlay. It is currently causing us to have to totally revise our plans to add solar panels to our garage roof because of an arbitrary idea of "design" for our area that has become quite restrictive. We already have panels on the roof of our home and they provide about 52% of our electricity use. We have added air conditioning to our home and plan on getting an electric vehicle for our next car. Our detached garage which sits about 75 feet back from the street is blessed with the same sunshine as our house. The plan was to add enough panels to at least double that. The current design overlay has created way too many hurdles for us and now we're not sure what we will do. Removing the overlay probably won't help our situation but if Portland is serious about being considered a forward thinking city, then perhaps our neighbors will have an easier time of adding solar.

By the way, I tried to comment on the MapApp and basically it says there are no proposals for zoning changes to my address, but I have your document that you mailed to me sitting in front of me. That's why I emailed instead.

Jean Boesl
137 NE 109th Avenue
Portland, OR 97220

**From:** mousie6858@aol.com
**To:** BPS Comprehensive Plan Testimony
**Subject:** Comprehensive Plan Implementation
**Date:** Thursday, November 17, 2016 12:28:11 PM

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Dear Sir/Madam,

I am writing concerning the the "proposed" Bike Path the city of Portland wishes to install! As a city you do not even take care of the homeless situation on the beach at the end of the mobile home community! It is filled with those who intimidate & cause various problems to people in the surrounding housing, including ours! They come into the mobile home community fighting with one another, taking drugs (especially needles being left) stealing, and leave trash & other things behind! Believe me, I am sympathetic to the homeless who have been left behind in Portland. No more is there affordable housing for them, drug rehabilitation, mental health facilities they can go to if they are in a crisis, or just general help to recover & become productive again. Back to the bike path. Our walking path is used by a large majority of the mobile home community. It is a very small cement path that only fits an individual. There is no room for bikes! Plus what makes me assured that children the elderly & disabled would not be "run down" by bikes! Places I have encountered bikes a few of those on bikes are ok, but many yell at you & force you off the path you are on! We don't have the room to get off the path, unless you want us to end up in the water! I believe giving public access to our community through the use of a bike path will just asseverate an already growing problem. Nor do I believe that those in our Mobile home community would feel safe in their own home anymore. I ask that you DO NOT go forward in the installation of a bike path in our community. I believe you could find a place for a bike path at the end of the island. Although there also are a lot of homeless camped & living there as well! I believe this city needs to address the situation of homelessness, drugs,& restoration, rather then worrying about building another exclusive bike path! MY ANSWER IS NO!!!!!! DO NOT BUILD A BIKE PATH IN OUR COMMUNITY OR AREA!

Sincerely,
Mr. & Mrs. Timothy Stearns

November 17, 2016

1735 NW Irving Street
Portland, OR 97209

Portland City Council
1221 SW 4th Avenue, Room 130
Portland, OR 97204
Attn: Comprehensive Plan Implementation

RE: Comprehensive Plan Zoning Amendments for the Alphabet Historic District

**I recommend the adoption of Option A, which calls for 2:1 FAR Zoning in the Alphabet Historic District.**

I address you not as a planner, architect, developer, or lawyer but as an individual resident-owner of one of the four Captain Couch houses built between 1880 and 1884 on Irving Street between NW 17th and 18th Avenue. The remaining houses on the block are the Campbell Townhouses, built in 1893. Like ours, they are also listed on the National Register of Historic Homes.

My support for Option A underscores an earlier city agency finding that states: "When a property is subject to an overlay zone...these overlays...modify the base zone regulations." Ours is a case in point. The area base zoning provides for a 4:1 FAR. Within this area resides a small historic district with overlay-zoning provisions for a 2:1 FAR. In our support for Option A, we agree with the city's finding.

The need for special zoning provisions for historic districts in the United States was first articulated in a 1966 US Conference of Mayors report. Concern about the accelerating loss of structures and places of historical interest and importance in major cities was the impetus that led to the creation of the National Register of Historic Places in that year. The mayors also argued that a city's sense of rootedness, of its history, requires more than the preservation of individual historic places. It requires that these resources are situated in areas that contain enough structures of historical importance to comprise a historical district, such as the Alphabet Historical District in Portland. Historic overlay zoning is the mechanism by which historical districts are preserved.

Developers propose to build a 4:1 FAR 160-unit structure, six stories high and possibly more, directly across the street from houses built between 1880 and 1893. This does not enhance the historical nature of the Alphabet District. On the contrary, it diminishes it.

Implicit in our support for Option A is our opposition to spot-zoning. Spot-zoning, as requested by the owners of the property between Hoyt and Irving Streets on NW 18th Avenue, erodes the very historic preservation principles a historic district designation was designed to protect.

Why be concerned about one exemption?

The Historic Alphabet District contains many parcels of land whose owners would materially profit from spot-zoning. Some, I think it is safe to assume, would point to the case under consideration here, involving Ramis and O'Donnell, and ask City Council to make the same kind of exception to zoning regulations that these developers are asking for. Each case will further erode historic preservation principles and send a message to prospective buyers that historic district zoning can be overcome with a couple of trips to city hall.

If we believe that a historic district designation is something of value only when it is convenient, we should probably get rid of it and let owners do with their property whatever they see fit.

But if we believe that a historic district designation is something of real and acknowledged value, a designation that enhances and preserves our history, both individual owners and the city must stand firm to preserve its integrity.

I urge you to support Option A for the Alphabet Historic District.

Thank you.

Richard U'Ren

1735 NW Irving Street
Portland, OR 97209
drwatches@gmail.com
503.225.9992

13 October 2016
Portland City Council
1221 SW Fourth Avenue
Portland, OR 97204

Re: Comprehensive Plan Implementation

I appreciate the opportunity to testify in favor of the proposed FAR reduction in the historic Alphabet district.

The subject line of a mass email message from a local law firm to potentially affected property owners in the Northwest on September 21 was "Portland proposes to downzone the Northwest District." The lawyer who sent the email is a partner in the law firm of one of the owners of the property in the Alphabet district involved in the matter under discussion today.

The email was a response to the City Council's plan to bring the base zoning provisions of the Alphabet district into compliance with the Historic Resource Review guidelines. The subject line of the mass mailing was misleading. The entire Northwest District is not involved. Only the Alphabet district, a small section of inner northwest that represents only 16% of the District, is involved. Eighty-four percent is not.

All of us who own property in this area are aware of the privileges and restrictions of living in a historic district. In the case involved here, two lawyer-owners of property in the Alphabet district are unhappy with the obligations that come with owning property in such a district. Their objection centers on the floor area ratio for new buildings, which means that they could not build the oversized, 160 unit apartment complex they have in mind. For several years they have been trying to build something on the property they own between Hoyt and Irving on 18th street. Their proposals have been opposed by the neighborhood because the building they want to construct, in order to maximize their investment, is blatantly out of scale with the surrounding historic neighborhood. They are asking to have their property exempted from the proposed zoning provisions. They have also threatened to sue the city if City Council refuses to grant this exemption.

Nor have they stopped with the threat of a lawsuit. They have cleverly attached their personal agenda to several real and difficult housing issues the city currently faces. They have woven the desire for personal gain into a narrative of affordable housing, gentrification, and not-in-my-backyardism. Because these are high-level housing agenda issues, their efforts have fallen on receptive ears. They have been able to enlist media outlets and two respectable non-profits to spread misleading information under the umbrella of their chosen narrative. Examples of this misinformation include 1) the claim that if the FAR reduction takes place, the city – that is, taxpayers - will possibly expose itself to as much as 30 million dollars in lawsuits under the takings provision of measure 49 while not revealing the fact that taxpayers will be funding this project anyway by a combination of city, state, and federal taxes. And, in addition, the owners will receive at least 60 years of lease revenue, again subsidized by taxpayers! 2) the assertion that northwest Portland is resistant to affordable housing when in fact it has encouraged it; 3) the idea that it is elite, wealthy homeowners who oppose the FAR changes when in fact the median

income of individuals in the Alphabet district (as opposed to the much larger Northwest district) is modest; 4) creating a false dichotomy that asserts that historic preservation is incompatible with low-income housing; within seven blocks of our residence there are 370 units of low-income housing; 5) suggesting that thousands of apartments will not be built if the zoning alignment takes place when in fact this might only be true if the entire Northwest District is included; 6) giving the impression that the entire Northwest district in involved when only a small subsection of it is and exaggerating the number of blocks affected by the FAR reduction.

Threats and misinformation are not unique in public discourse, but it is our hope that your decision about this issue will be consistent with the provisions you adopted in June and not with the individuals who are asking for what amounts to a spot exemption for their property.

Sincerely,

Richard U'Ren
1735 NW Irving Street
Portland, OR 97209

| | |
|---|---|
| **From:** | Diane Washburn |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | Comprehensive plan implementation |
| **Date:** | Thursday, November 17, 2016 12:16:53 PM |

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This email is to voice my opinion against the proposed bike path on Hayden Island. I am a resident of Jantzen Beach Moorage. We are a gated community; it is ludicrous to even consider a bike path coming into our gated community!!! A bike path open to the public absolutely does NOT belong in a gated community! Please take this ridiculous idea and flush it down the toilet immediately.
How about getting the Port of Portland to open the beautiful west end of the island where it's all natural for a bike path? That's where folks want to ride a bike!!
Signed,
Diane Washburn

Sent from my iPhone

| | |
|---|---|
| **From:** | Sandy Ramirez |
| **To:** | BPS Comprehensive Plan Testimony |
| **Subject:** | South Waterfront/John"s Landing transportation Issues |
| **Date:** | Thursday, November 17, 2016 12:09:16 PM |

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To the Transportation Board:

I have been a resident of John's Landing since 2008 and i own my condo here. We have been living with the construction noise and traffic resulting from the building of four large apartment buildings on our block for the past two years, not a pleasant experience. Most recently we have been made aware of a plan to change the transportation patterns in our neighborhood in order to modify public transportation to this part of Portland. We have received some notices of meetings and hearings as well as materials describing some of the options being considered. We are very concerned that these plans are being considered without sufficient research into the short-term and long term impact on our neighborhood and the quality of life for our residents, many of whom are senior citizens and hoping to remain in our homes and enjoy our retirement here in John's Landing.

We are asking you to implement rigorous studies that will examine the impact of transportation changes in our neighborhood and any type of construction or modification of existing structures and habitat. We hope that you will reconsider what appears to be a very impulsive and hasty proposal and implement a fair and reasonable process for moving forward. Please come and visit our neighborhood in person and observe why we value our lifestyle here. My family and neighbors are strong proponents of public transportation and environmental protection. We would like to see improvements throughout our region in these areas and believe that thoughtful and careful efforts can achieve results that will benefit everyone over time.

Thank you for your consideration of my request.

Sincerely,

Sandra Ramirez

**Sandy Ramirez, Psy.D.**

sandylou29@yahoo.com
(503) 730-3702

| | |
|---|---|
| **From:** | Carol L. Chesarek |
| **To:** | BPS Comprehensive Plan Testimony; Hales, Mayor; Commissioner Saltzman; Commissioner Fish; Commissioner Fritz; Commissioner Novick |
| **Subject:** | Comprehensive Plan Implementation -- re Proposed Amendments 48 and 52 |
| **Date:** | Thursday, November 17, 2016 11:58:21 AM |
| **Attachments:** | Westside Trail map Page59 with HOA properties marked 111716.pdf<br>FPNA letter on Portland TSP 111716.pdf<br>FPNA letter on Portland TSP 101316.pdf<br>Adopted Mult Co Resolution 2014-045 042414 without Trail Master Plan with highlights.pdf<br>NW Saltzman property owner letters re TSP 2016.pdf<br>NW Saltzman property owner letters re Westside Trail 2014.pdf |

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Dear Mayor Hales and City Council,

Attached you will find a new letter (dated 11-17-2016) from Forest Park Neighborhood about the Proposed Amendments to the Comprehensive Plan Implementation and draft Transportation System Plan, specifically amendments 48 and 52.

Also attached are the following documents:

- Westside Trail map page showing NW Saltzman Road connections and comments identifying affected properties on NW Saltzman Road
- October 13, 2016 letter from FPNA to City Council about the Comprehensive Plan and TSP
- Multnomah County Resolution 14-045 about the Westside Trail (just the Resolution language, does not include the Westside Trail Master Plan)
- Letters from NW Saltzman property owners to Portland about the TSP and Major Public Trails map
- Letters from NW Saltzman property owners from the Westside Trail process in 2014

Please let me know if you have any questions.

We appreciate your time and consideration, and congratulate the city on the excellent work that has gone into these plans.

Carol Chesarek
President, Forest Park Neighborhood Association

> Dear Mayor Hales and City Council,
>
> Attached you will find a letter from Forest Park Neighborhood about the Comprehensive Plan Implementation and draft Transportation System Plan.
>
> Also attached are the following documents:
>
> - West Hills Congestion Petition
> - Multnomah County Resolution 14-045 about the Westside Trail (just the Resolution language, does not include the Westside Trail Master Plan)
> - Westside Trail map page showing NW Saltzman Road connections and comments identifying two affected properties on NW Saltzman Road
> - Letters from NW Saltzman property owners to Portland about the TSP and Major Public Trails map
> - Letters from NW Saltzman property owners from the Westside Trail process in 2014
>
> Please let me know if you have any questions.

We appreciate your time and consideration, and congratulate the city on the excellent work that has gone into these plans.

Carol Chesarek
President, Forest Park Neighborhood Association

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**
**FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. 2014-045**

Supporting and Acknowledging the Westside Trail Master Plan.

**The Multnomah County Board of Commissioners Finds:**

a. In 1992, the Metro Council adopted the Metropolitan Greenspaces Master Plan, including the Regional Trails and Greenways Map (amended December 1992, again in July 2002 and most recently in October 2008).

b. The 1992 Metropolitan Greenspaces Master Plan and Regional Trails and Greenways Map identified the Powerline Trail as a regionally significant trail connecting the Willamette and Tualatin Rivers and the cites of Portland, Beaverton, Tigard, King City, and parts of Multnomah and Washington Counties.

c. The Board of Commissioners of the Tualatin Hills Park & Recreation District ("the District") changed the name of the Powerline Trail to the Westside Trail.

d. In December 2011, Metro, in coordination with Multnomah County, Washington County, (collectively referred to as "the Counties") the cities of Portland, Tigard, and King City (collectively referred to as "the Cities"); and retained the firm of Parametrix to lead Westside Trail master planning work.

e. The Westside Trail Project Advisory Committee (the "Committee") was created in 2012 and included staff and citizens from the Counties, the Cities, the District, the Bonneville Power Administration and Portland General Electric; to advise Metro and Parametrix throughout the master planning work.

f. Metro and Parametrix with the assistance of the Committee conducted extensive analysis on the impacts to natural resources as well as public involvement during the master planning work in order to identify a trail alignment and trail design that would be beneficial for public users of the new trail and supported by the all the governments and other entities identified herein.

g. The Westside Trail Master Plan (the Plan) was completed and received approval from the Committee.

h. During the public outreach process, Metro and Multnomah County heard significant concerns regarding impacts to wildlife habitat and water quality with respect to one of the alternative proposed Westside Trail Segment 5 routes through unincorporated West Multnomah County.

i. Multnomah County Land Use Planning recommends that the County seek from Metro additional refinement to the study, analysis and resolution of these potential impacts at Westside Trail Segment 5 alignment prior to implementation of the Plan

j. Multnomah County will not build, install, maintain, operate or have any responsibility for the ownership or management of any non-public road sections of the Westside Trail installed, constructed or developed within the County.

k. The proposed alternative public road Westside Trail alignment within Multnomah County identified in the Plan affects only one county road, NW Springville Road, and consistent with identified improvements to NW Springville Road in the County's Capital Improvement Plan.

l. The proposed alternative non-public road Westside Trail alignment within Multnomah County is consistent with policies set forth in the Westside Rural Multnomah County Transportation System Plan to coordinate multi-use trail transportation needs with Metro (Goal 2, Objective A) and to the development of a transportation system that supports the rural character of West Multnomah County (Goal 3).

m. The proposed alternative non-public road Westside Trail alignment within Multnomah County is also consistent with policies set forth in the West Hills Rural Area Plan to maintain and enhance recreational values of Forest Park and adjacent areas (Policy 15), and support and promote the placement of links within a regional trail system for use by pedestrians and bicyclists (Policy 16).

n. Metro's 2006 Natural Areas bond measure provided funds to purchase trail easements for the Westside Trail from willing sellers, and the Metro Council's adoption of the Plan will allow that work to begin in earnest.

o. The Plan will be considered for approval or acknowledged by the city councils of Tigard and King City, the Tualatin Hills Park & Recreation District Board of Commissioners, and the Washington County Board of Commissioners in April 2014.

**The Multnomah County Board of Commissioners Resolves:**

1. The Multnomah County Board of Commissioners hereby supports and acknowledges the Westside Trail Master Plan, appended hereto as Exhibit A.

2. Multnomah County Board of Commissioners directs staff to consider the Westside Trail Master Plan in its future land use and transportation plans.

ADOPTED this 24th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Marissa Madrigal, Acting Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director of Department of Community Services.

Forest Park Neighborhood Association
C/O Neighbors West Northwest
2257 NW Raleigh St.
Portland, Oregon 97210

October 13, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Comprehensive Plan Implementation, Portland's Stage 2 Transportation System Plan

Dear Mayor Hales and Commissioners,

Forest Park Neighborhood is unique. Our boundaries touch W. Burnside on the south and cross NW Cornelius Pass Road on the north. The neighborhood includes Forest Park, a long swath of City of Portland, as well as a broad swath of unincorporated Multnomah County down to the edge of Washington County in the Bethany area.

We have several comments on the draft Transportation System Plan (TSP) that we ask you to consider. Briefly:

1. Please remove trail segments from the Major Public Trails map that would create a dead-end trail leading into a privately maintained cul-de-sac with no outlet.
2. Join Multnomah County in working to reduce congestion in the West Hills by adding a Transportation Demand Management Study project for the West Hills.
3. We support new Objectives 8.1 R and 8.1 S, and Policy 8.47, which allow flexibility and innovation in design treatments to allow context sensitive designs. This flexibility is very important for the unique conditions in our neighborhood. We also ask that the city undertake a Neighborhood Street Plan for our area, like the Tryon-Stephens Headwaters Neighborhood Streets Plan, which would define alternative treatments and where they can be used to promote active transportation while improving the watershed and adapting for environmental conditions.
4. While we are pleased that there is a Western Neighborhoods Pattern Area, we are very disappointed that these draft policies don't include any language about protecting the regionally significant natural resources in Forest Park and the West Hills. We ask the city to add a policy similar to the Eastern Neighborhoods Policy 3.95 for the Western Neighborhoods, and to add a new policy about wildlife crossings similar to newly adopted Multnomah County TSP policies.
5. We were very interested to learn that the city plans to study Cordon Pricing, and would like to suggest that the West Hills offer an ideal location for a preliminary smaller scale study of Cordon Pricing, which might work effectively with a TDM program here.
6. Please reconsider changing the designation of NW Cornell Road from Community Collector to Neighborhood Collector, and from City Bikeway to Major City Bikeway, since the definitions associated with these designations clearly do not fit and do not seem appropriate or achievable.

Our neighborhood was closely involved in the development of the newly adopted Multnomah County Transportation System Plan, and would like the city to consider incorporating some similar policies in your TSP.

We provide more background on each of these topics below.

1. **Please remove trail segments on NW Saltzman Road and NW Skyline Blvd from the revised Major Public Trails map (Figure 8.2) that would create a dead-end trail leading into a privately maintained cul-de-sac with no outlet.**

   Trail segments on NW Saltzman Road and NW Skyline were added to the Major Public Trails map (Figure 8.2), probably to implement part of Metro's Westside Trail. Unfortunately, they are unlikely to ever connect to the Westside Trail segments in Washington County.

   The section of NW Saltzman Road that extends west from NW Skyline Blvd runs into a dead-end in unincorporated Multnomah County. The segment of road in Multnomah County is privately maintained and surrounded by private properties in the Skyline Meadows HOA. The Skyline Meadows HOA has CC&Rs which forbid public trails, and these property owners actively and unanimously oppose allowing Metro's proposed Westside Trail to run through any of the properties in the HOA.

   There is no way for this proposed trail to connect to the Washington County portion of the Westside Trail from NW Saltzman Road without crossing one or more of the Skyline Meadows HOA properties.

   It would be irresponsible for the City of Portland to designate and develop a trail down this steep section of NW Saltzman Road. This proposed on-street trail would lead to frustrated trail users, who will be left searching for a non-existent outlet or trail connection, and who will have to turn around and travel back up this steep street to reach another trail or street. It would also greatly increase the odds of trespassing for these private property owners as confused trail users search for a non-existent trail connection.

   Multnomah County had many concerns about this segment of Metro's proposed Westside Trail, and their acknowledgement of Metro's Westside Trail Master Plan on April 24, 2014 (Multnomah County Resolution 2014-045) says that the county should seek additional refinement of the plan to study and resolve potential impacts of the trail alignment on wildlife habitat and water quality prior to implementation. In response to these concerns, Metro modified their trail map to show that the alignment of the trail segment through Multnomah County and connecting to NW Saltzman Road is not final. Metro's Master Plan[1] makes it clear that these are "conceptual," not final, trail alignments.

   We ask the city not to include any new trail segments associated with the proposed Westside Trail on the Major Public Trails Map until an achievable and appropriate trail route has been identified through Multnomah County.

   **Please remove the trail segments shown on NW Saltzman Road and NW Skyline Blvd from your Major Public Trails map (Figure 8.2 in the TSP).** Simply stated, the trail segment shown is a dead-end that should not be designated or developed without further study and identification of an achievable public trail connection in Multnomah County.

[1] Metro's Westside Trail Master Plan can be found at:
http://www.oregonmetro.gov/sites/default/files/06092014_westside_trail_master_plan.pdf

2. **Join Multnomah County in working to reduce congestion in the West Hills by adding a Transportation Demand Management (TDM) Study project for the West Hills to Portland's TSP.**

   We would like Portland to join Multnomah County's TDM study for the West Hills. Because city and county lands and roads are closely integrated in this area, any meaningful study needs to include both jurisdictions. Because our roads are not served by transit (and are not suitable for traditional transit), and distances are too long and the hills to steep to allow most people to walk or bicycle to meet their daily needs, the usual approaches to reducing automobile traffic will not work here.

   Multnomah County's new TSP (page 112) includes this high-priority project:

   > **S20: West Hills Transportation Demand Management Study. Conduct a study to determine the best TDM practices to implement in the West Hills.**

   The newly adopted Multnomah County TSP (pages 3-4) discusses Key Transportation Issues, and explains why this study is important:

   > County rural roads are increasingly used as an alternative route to State highways, creating heavy traffic flows and congestion during commute hours and increasing safety concerns. Examples include the use of West Hills Roads to connect US-30 and US-26. Solutions for these roads are needed that increase safety and traffic flow without encouraging more traffic, building more roadways, or widening roadways and impacting wildlife and their habitat.

   This request is reinforced by the West Hills Congestion Petition, which was sent to City Council on June 2 of this year with over 1100 signatures that were collected in a few weeks. The petition asks the city and county to work with the local community (including Forest Park Neighborhood) to find long term solutions to the congestion on these environmentally sensitive roads, including new options for commuters, by implementing a TDM program for the West Hills. A TDM program can also help reduce VMT.

3. **We appreciate and support new Objectives 8.1 R and 8.1 S, and Policy 8.47, which allow flexibility and innovation in design treatments to allow context sensitive designs. This flexibility is very important for the unique conditions in our neighborhood. We also ask that the city undertake a Neighborhood Street Plan for our area, like the Tryon-Stephens Headwaters Neighborhood Streets Plan, which could define alternative treatments and where they can be used to promote active transportation while improving the watershed and adapting for environmental conditions.**

   We worked with the Multnomah County citizen advisory committee and planners to develop alternatives to standard sidewalks and paved shoulders or bike lanes. Multnomah County's TSP Policy 7: Active Transportation (p. 71) includes these strategies such as bike passing lanes and pull outs to allow for resting and passing, and in areas with steep slopes, landslide hazards, or wildlife habitat, to first consider alternatives such as signage and TDM strategies that do not require additional impervious surfaces. These strategies are both more achievable and more environmentally friendly than requiring standard sidewalks and bike lanes. We'd like alternative treatments to be available on roads in the city too.

4. **While we are pleased that there is a Western Neighborhoods Pattern Area, we are very disappointed that these draft policies don't include any language about protecting the regionally significant natural resources in Forest Park and the West Hills. We ask the city to add a policy similar to Eastern Neighborhoods Policy 3.95 for the Western Neighborhoods, and to add new policy about wildlife crossings similar to adopted Multnomah County TSP policies.**

   Please add an additional Western Neighborhoods trees and natural features policy similar to policy 3.95, to fulfill the promise of the description of the Western Neighborhoods Pattern Area and to protect the extensive wildlife habitat and natural resources in this neighborhood. The Western Neighborhoods Pattern Area (p. 96) introduction says *"These policies encourage design that responds to the area's prominent characteristics, such as its hilly topography, streams, ravines, and forested slopes…"* but there are no policies listed which protect these resources, unlike the Eastern Neighborhoods policies.

   We propose this language:

   > **Policy 3.104 Western Neighborhoods trees and natural features.** Encourage development and right-of-way design that preserves and incorporates native trees and plants, and that protects the area's streams, forests, wetlands, and steep slopes and avoids identified landslide hazard areas to the extent possible.

   We would also like the city to protect wildlife corridors in Western Neighborhoods. The Multnomah County TSP includes several policies and strategies about wildlife corridors (see Policies 20 and 21 on pages 77-78). This would also support the City and County's Climate Action Plan (June 2015), Action 14L Habitat Connectivity (p. 114).

   We propose this language:

   > **Policy 3.105 Western Neighborhoods wildlife habitat and wildlife crossings.** Avoid and minimize impacts to fish and wildlife habitat when applying roadway design standards. Work with ODFW and other partners to identify wildlife corridors and wildlife crossings on City roads, and ensure that project design is wildlife friendly.

5. **We were very interested to learn that the city plans to study Cordon Pricing, and would like to suggest that the West Hills offer an ideal location for a preliminary smaller scale study of Cordon Pricing, which might work effectively with a TDM program here.**

   There are a very limited number of through roads in the West Hills, so there aren't many entry and exit points to manage. There are very few businesses and schools in the area, and residential density is low. Much of the traffic on our roads is "through" commuter traffic that does not stop or start in the West Hills, but which generates significant congestion on our roads, making them less safe for cyclists and wildlife. Any pricing program would need to be coordinated with Multnomah County to cover all roads in the West Hills to ensure that drivers didn't simply use county roads instead, but this appears to be practicable. Implementation would need to protect local businesses and residents. Pricing, particularly in conjunction with a TDM program, might significantly reduce SOV traffic on these roads. That would free up capacity for freight not only on our roads but probably also on Highway 30 and the St John's Bridge.

6. **Please reconsider changing the designation of NW Cornell Road from Community Corridor to Neighborhood Corridor, and from City Bikeway to Major City Bikeway, since the definitions associated with these designations clearly do not fit and do not seem appropriate or achievable.**

   According to the definition in the TSP, a Neighborhood Corridor is supposed to be located along a transit corridor, with a mix of uses that are oriented towards the street. Street connections are supposed to be frequent. None of these conditions are true on Cornell Road, which passes through Forest Park and low density residential areas with few connecting roads. There are almost no businesses along the road. Tri-Met consistently tells us that the area is not suitable for transit service due to these characteristics, and there is no bus service along Cornell Road within the City. Denser development would not be appropriate and is not under consideration. Maintaining the current Community Corridor designation would be more appropriate.

   A Major City Bikeway is supposed to serve "high volumes of bicycle traffic," and be designed to "emphasize the movement of bicycles." But Cornell Road is long and steep, with few destinations. There are not many cyclists strong enough to tackle its steep hills. Most prefer to use NW Thompson Road or decommissioned roads (e.g. Saltzman and Springville) through Forest Park instead. For example, a trip from NW Cornell at NW 25th to NW Cornell at NW Miller Road, about the shortest trip available unless you live along Cornell) is 3.6 miles long with approximately 745 feet of elevation gain and 150 feet of elevation loss.

   We support bicyclists on our roads, and we worked closely with Multnomah County to develop policies to improve safety for them in creative ways. Maintaining the current City Bikeway designation for Cornell Road seems more appropriate than the proposed change. Encouraging bicyclists to use Saltzman and Springville Roads with Leif Erikson Drive through Forest Park, and other alternative routes, might be a smarter approach to supporting active transportation in this area.

   We would like to work with city staff (as we have with county staff) to identify the most useful bicycling routes, and appropriate and achievable design treatments, in our neighborhood. Letters during a planning process like this aren't the best way to achieve a good outcome.

We have attached a copy of the West Hills Congestion Petition and several documents and letters relating to our request to remove the Major Public Trail designation on NW Saltzman Rd. and NW Skyline Blvd, including some dating back to 2014.

Please let me know if you have any questions.

Thank you for your consideration.

Sincerely,

Carol Chesarek

Carol Chesarek
President, Forest Park Neighborhood Association

Forest Park Neighborhood Association
C/O Neighbors West Northwest
2257 NW Raleigh St.
Portland, Oregon 97210

November 17, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Comprehensive Plan Implementation, Portland's Stage 2 Transportation System Plan,
**Proposed Amendments 48 and 52**

Dear Mayor Hales and Commissioners,

Thank you for considering **Proposed Amendment 48**, one of the changes requested by Forest Park Neighborhood. Our neighborhood is unique. Our boundaries touch W. Burnside on the south and cross NW Cornelius Pass Road on the north. The neighborhood includes Forest Park, a long swath of City of Portland, as well as a broad swath of unincorporated Multnomah County down to the edge of Washington County in the Bethany area.

We asked you to remove trail segments from the Major Public Trails map that would create a dead-end trail on NW Saltzman Road leading into a privately maintained cul-de-sac with no outlet. As we explained in our October 13, 2016 letter (attached), this cul-de-sac is surrounded by private properties whose owners actively and unanimously oppose the trail, and their HOA CC&Rs prohibit public trails. Multnomah County recognized the many problems with this trail alignment and has asked for further study of the trail alignment.

The trail segment would implement part of a conceptual trail alignment identified by Metro which is unlikely to be implemented as originally shown.

Portland Comprehensive Plan Policy 8.57, however, requires improvement of Major Public Trails as shown in Figure 8-2, making this trail alignment permanent if it remains on this map, ignoring the problems with the Multnomah County portion of the trail alignment.

The NW Saltzman Road trail segment which Portland proposes adding to the Major Public Trails map would lead cyclists and hikers down a steep on-street trail into a cul-de-sac with no outlet. People are already following these proposed maps down this street and searching on private property for a trail connection which does not exist and is unlikely to ever be created.

What happens? People walk down the street, then start looking for the trail they expect to find. Some of them trespass on private property in their search for the trail, disturbing valuable livestock. They're disappointed and confused. Then they have to walk back up the middle of the steep street to get back to where they started.

This benefits no one.

The neighborhood association believes that the trail alignment will have to move off NW Saltzman Road if it is ever going to connect to the Washington County portion of the trail.

This trail segment is a "trail to nowhere." Portland should wait to designate a Major Public Trail segment until a trail easement or right of way has been secured through Multnomah County before designating a trail alignment in this area.

There is also no meaningful loss if this trail segment is removed from the map. It runs down an existing street and public right of way, and can easily be designated and developed as a Major Public Trail later if a connecting right of way is identified later.

**Please remove the trail segments shown on NW Saltzman Road and NW Skyline Blvd from your Major Public Trails map (Figure 8.2 in the TSP), identified in Proposed Amendment 48.** Simply stated, the trail segment shown is a dead-end that should not be designated or developed without further study and identification of an achievable public trail connection in Multnomah County.

I have attached several documents and letters relating to our request to remove the Major Public Trail designation on NW Saltzman Rd. and NW Skyline Blvd, including a map that I marked to show the Skyline Meadows HOA properties (outlined and labeled in red).

**Proposed Amendment 52**. Forest Park Neighborhood opposes this amendment, and opposes removing the "f" (Future Urban) overlay along Skyline Blvd. The recommendation from staff to study removing this overlay appears to be based on a misconception about urban reserves. The area in question is currently outside the UGB and was not designated as an urban reserve or rural reserve. This does not mean that the "f" overlay is no longer appropriate, however.

While urban reserves are the highest priority for future UGB expansion, in some circumstances areas that were not designated as urban or rural reserves can still be added to the UGB.

Urban reserves are also not an infinite land supply intended to last forever -- after a certain percentage of the current urban reserves have been brought into the UGB the region can then consider designating more urban reserves. At that point these "future urban" lands could be designated as urban reserves.

We suggest that staff review SB 1011 and the associated Administrative Rules to understand the ways this land could be urbanized in the future.

We oppose Proposed Amendment 52, and we oppose removing the "f" overlay from properties along Skyline Blvd. This seems like a poor use of staff time when budgets are shrinking.

Thank you for your consideration.

Sincerely,

Carol Chesarek

Carol Chesarek
President, Forest Park Neighborhood Association

Skyline Meadows Homeowners Association
Richard Jaffe, President
11100 NW Saltzman Rd.
Portland, OR 97229

October 12, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

Skyline Meadows Homeowners Association consists of three properties located at the end of NW Saltzman Road in Multnomah County. We all live there and access our properties off NW Saltzman Road. We are the only properties adjacent to this end of Saltzman Road.

We recently had a group of people drive in and turn around at a home's front door looking for "the trail head shown on a map." Lately at least one car turns around in our driveways each week, mostly on weekends, something that did not happen in the past, and which we attribute to people following these maps and looking for a trail head and connecting trails. There is no trail through our properties.

**I am writing to ask the city to remove the new trail segments shown on NW Saltzman Road (and NW Skyline Blvd) from your revised Major Trails Map (Figure 8.2 in the draft Transportation System Plan).** Taken with Comprehensive Plan Policy 8.57 (Public Access Requirements, requires public access and improvement of Major Public Trails), this map and policy would require development of these trail sections as shown without any further study.

This trail segment, if developed as shown on the Major Trails Map, would lead people down a steep on-street trail into a dead-end road surrounded by privately owned property. There is no public trail connection or public access outlet available from this privately maintained cul-de-sac in Multnomah County.

This dead-end road is maintained and surrounded by properties in the Skyline Meadows HOA. The Skyline Meadows CC&Rs explicitly forbid development of public trails on properties in the HOA. Our property owners unanimously oppose the Metro trail. The proposed Metro trail cannot connect from Washington County to NW Saltzman Road without passing through at least one of our properties in unincorporated Multnomah County.

We don't understand why the City of Portland would want to lead trail users into this dead-end situation, which can only lead to frustration for trail users and will encourage trespass onto our private property as those trail users search for a non-existent outlet or trail connection.

Metro's preliminary plan for the Westside Trail that shows a "preferred" trail alignment that includes this portion of NW Saltzman Road, but there are several serious problems with this trail alignment and Metro's trail plan[1] makes it clear that these are "conceptual," not final, trail alignments.

Other segments of Metro's proposed trail are (correctly) not included on the city's Major Trails Map, so we don't understand why this dead-end trail segment was added.

Multnomah County had so many concerns about this segment of Metro's proposed Westside Trail that their acknowledgement of Metro's Westside Trail Master Plan on April 24, 2014 (Multnomah County Resolution 2014-045) recommends that the county seek additional refinement to study and resolve potential impacts of the trail alignment prior to implementation. In response to these concerns, Metro modified their trail map to show that the alignment of the trail segment connecting to NW Saltzman Road is not final.

**Please remove the trail segments shown on NW Saltzman Road and NW Skyline Blvd from your Major Public Trails map (Figure 8.2 in the TSP).** Simply stated, the trail segment shown is a problematic dead-end that should not be developed without further study and identification of an achievable public trail connection.

All members of Skyline Meadows Homeowners Association have talked about and agree with this letter.

Thank you for your consideration.

Sincerely,

Richard Jaffe

Richard Jaffe, President
Skyline Meadows Homeowners Association

[1] Metro's Westside Trail Master Plan can be found at:
http://www.oregonmetro.gov/sites/default/files/06092014_westside_trail_master_plan.pdf

Holger and Maura Zeipelt
11175 NW Saltzman Rd
Portland OR, 97229

October 12, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

I own property and live on NW Saltzman Road in Multnomah County.

**I am writing to ask the city to remove the new trail segments shown on NW Saltzman Road (and NW Skyline Blvd) from your revised Major Trails Map (Figure 8.2 in the draft Transportation System Plan).** Taken with Comprehensive Plan Policy 8.57 (Public Access Requirements, requires public access and improvement of Major Public Trails), this map and policy would require development of these trail sections as shown without any further study.

This trail segment, if developed as shown on the Major Trails Map, would lead people down a steep on-street trail into a dead-end road surrounded by privately owned property. There is no public trail connection or public access outlet available from this privately maintained cul-de-sac in Multnomah County.

This dead-end road is maintained and surrounded by properties in the Skyline Meadows HOA. The Skyline Meadows CC&Rs explicitly forbid development of public trails on properties in the HOA. Our property owners unanimously oppose the Metro trail. The proposed Metro trail cannot connect from Washington County to NW Saltzman Road without passing through at least one of our properties in unincorporated Multnomah County.

We don't understand why the City of Portland would want to lead trail users into this dead-end situation, which can only lead to frustration for trail users and will encourage trespass onto our private property as those trail users search for a non-existent outlet or trail connection. We already have encountered trespassers on our property and are no longer willing to accept this, as it easily could be avoided by proposed action in this letter.

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Thank you for your consideration.

Sincerely,

Holger and Maura Zeipelt

Ms. Louise Erricson
Mr. David Himmelberger
P.O. Box 60644
Palo Alto, CA 94306

October 12, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

We own property on NW Saltzman Road (APN-R523505) in Multnomah County.

**We are writing to ask the city to remove the new trail segments shown on NW Saltzman Road (and NW Skyline Blvd) from your revised Major Trails Map (Figure 8.2 in the draft Transportation System Plan).** Taken with Comprehensive Plan Policy 8.57 (Public Access Requirements, requires public access and improvement of Major Public Trails), this map and policy would require development of these trail sections as shown without any further study.

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Thank you for your consideration.

Sincerely,

Louise Erricson
David Himmelberger

Richard & Mary Jaffe
11100 NW Saltzman Rd.
Portland, OR 97229

October 12, 2016

Mayor Hales and Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

We are members of Skyline Meadows Homeowners Association. We live at the end of NW Saltzman Road in Multnomah County.

We recently had a group of people drive in and turn around at our front door looking for "the trail head shown on a map." Lately at least one car has been driving into our driveway each week, mostly on weekends, which we attribute to people following these maps and looking for a trail head and connecting trails. There is no trail through our property or our neighbor's properties.

Just last week we began closing our gate at the NW Saltzman cul-de-sac during the daytime on weekends because we are uncomfortable with strangers coming onto our property unannounced. We feel the trails shown on the maps lead people to our doorsteps only to be confused and frustrated when there is no logical place to go. Looking at the maps, we understand how they might have thought this would lead to a place to hike, but it does not. It is misleading. It does not lead to any public trails.

For this reason and others spelled out in the Skyline Meadows Association testimony letter, we think these trails should be removed from the maps.

Thank you for your consideration.

Sincerely,

Richard & Mary Jaffe

Richard and Mary Jaffe
Skyline Meadows Homeowners Association

***Original Submitted via email***

October 12, 2016

Mayor Hales and Portland City Council Members
1221 SW 4th Ave.
Portland, OR 97204

Dear Mayor Hales and City Council Members

Subject: Portland's Comprehensive Plan and Transportation System Plan

My wife and I and our daughter's family own property and live at 11175 NW Saltzman Road. This is a dead end road which terminates at the edge of our property.

When we bought the property about two and a half years ago we received a letter from METRO asking us to provide an easement across our property for the proposed West Side Trail. We discussed the desirability of providing this easement, and for several reasons decided to not provide it.

Our reasoning was that the trail would come so close to our house and barns that our security would be severely compromised. Another determining factor was Saltzman Road. The section of Saltzman which leads to our house is paved, but is not of a standard width. For most of its length there is no parking space. Our belief is that the proposed trail would create a trail head, and that people, perhaps many people, would park wherever they could. Also, our property has a network of horse trails. Keeping hikers using the proposed Westside Trail off our trails, we assume, would be impossible.

For these reasons we decided to not provide an easement over our property. We can't imagine that our decision will change so long as we own the property, which is expected to be for many years.

It is of great concern to us that we continue to see West Side Trail maps which show a trail through our property. Sometime the trail is designated as "proposed" or "conceptual" but to many hikers this simply means that the trail exists but isn't quite completed. Anyway, people read these maps, and they show up on our property. We have posted many signs stating that this is private property, but this doesn't seem to deter the avid hikers.

We respectfully ask that Westside Trail maps be updated so that they do not show a route through our property. We understand that there are several other routes which can be used to complete the trail connection to Forest Park. These routes may not be as desirable as one through our backyard, but they can be used to make the connection to Forest Park. As it now stands, we will never provide an easement through our property and the proposed West Side Trail will never be completed as it is proposed in the Metro planning documents.

Sincerely,

Wilbur and Isabel Widicus

Wednesday, 9 April, 2014

Metro Council
600 NE Grand Avenue
Portland, OR 97232

Multnomah County Commissioners
501 SE Hawthorne Boulevard
Portland, OR 97214

Portland City Council
1221 SW Fourth Ave
Portland, OR 97204

Re: Opposition to West Side Trail Segments 5 and 6

Dear Metro Council, Multnomah County Board of Commissioners, and Portland City Council:

The Skyline Meadows Homeowner's Association (SMHA) consists of three properties located in unincorporated Multnomah County. We recently learned that Metro is planning to push the West Side trail through 2 of the 3 properties in SMHA.

We do not want the West Side Trail to pass through our properties and along NW Saltzman Road. Our Homeowners Association's Covenants, Conditions and Restrictions (C.C. & Rs.) won't allow public trails. We will not grant any easements for this trail.

The trail would invite trespassing, result in off-leash dogs that will frighten and potentially harm our livestock, create a de facto trailhead without any new public parking, inviting trail users to park along our road. At other trailheads around Forest Park, a shortage of legal parking at trailheads has resulting in illegal parking that blocks mailboxes, pick-up of refuse and recycling, and access for emergency vehicles.

The proposed trail route would be downslope and largely invisible from our homes, violating the important trail safety principle of "eyes on the trail," thereby inviting mischief and off-trail trespass. Multnomah County's Sheriff, with only one deputy on patrol for all of western Multnomah County, cannot provide adequate security to protect trail users, or to protect our homes, property, and livestock from mischief and criminal behavior which occur on other regional trails, especially at night. Our properties hold important wildlife habitat, we don't want that disturbed by this trail.

The trail would also make the intersection of NW Saltzman Road with NW Skyline Boulevard even more unsafe than it is today. Vehicles on Skyline frequently speed above the allowed 40 mph, and the sight lines at this intersection are limited. Adding more bicyclists and

pedestrians crossing the road will make a dangerous situation worse, even if a flashing light is added.

We hope that Metro and Multnomah County do not plan to condemn acres of private property for this trail. We will not provide voluntary easements or permission to build the trail from this Homeowner's Association under the C.C. & Rs.: the trail's harm to property values, privacy, and security are too substantial.

There is an existing inconspicuous private trail on the property at 11175 NW Saltzman Road. We do not have a problem with trespass on this trail today because few people drive this far down the road, and the trail is not immediately visible from the street. This trail meets NW Saltzman Road at the location shown for the West Side trail. If you approve and publish the proposed trail route, over our objections, people will come looking for the West Side trail, find this private trail, and trespass onto this property believing the trail to be open to the public. This will degrade the trail and create new problems, putting residents and property at risk, and harming the value of this property.

Please do NOT designate Segments 5 and 6 of the proposed trail. It makes no sense to plan a trail that can't be built without the involuntary taking of extensive amounts of private land. And it makes no sense to designate an extension of this trail through Forest Park until you find a location for the trail on our side of the hill -- it just limits your ability to find a workable trail location on the west side of the hills.

Sincerely,

Skyline Meadows Homeowner's Association

Richard and Mary Jaffe
11100 NW Saltzman Road
Portland, OR 97229

Wilbur and Isabel Widicus,
Holger and Maura Zeipelt
11175 NW Saltzman Road
Portland, OR 97229

Walter C. Bowen
11223 NW Saltzman Road
Portland, OR 97229

**From:** Tessa M. Boucherot
**Sent:** Tuesday, April 08, 2014 3:32 PM
**To:** 'mult.chair@multco.us'; 'district1@multco.us'; 'district2@multco.us'; 'district3@multco.us'; 'district4@multco.us'; 'tom.hughes@oregonmetro.gov'; 'Sam.Chase@oregonmetro.gov'; 'bob.stacey@oregonmetro.gov'; 'shirley.craddick@oregonmetro.gov'; 'carlotta.collette@oregonmetro.gov'; 'kathryn.harrington@oregonmetro.gov'; 'craig.dirksen@oregonmetro.gov'
**Subject:** Westside Trail
**Importance:** High

To Metro Council and the Multnomah County Board of County Commissioners,

I own and reside at the property at 11223 NW Saltzman Road, in the area of the proposed Westside Trail, Segments 5 & 6.

I am extremely upset that as a land owner directly impacted by this proposed plan I was not directly contacted, and that there have not been public hearings. I am categorically opposed to this plan, to the impact it will have on my private property, my personal life and the potential damage to habitat and wildlife in this area . I would under no circumstance grant an easement for this trail.

Please find another location for this trail. I fail to understand why Metro and Multnomah County would designate that a public trail should run through private property. Should Metro and Multnomah County proceed with the implementation of this trail plan on or near Saltzman Road, and in that it will impact me, I will vigorously oppose it.

Sincerely,

Walter C. Bowen

11223 NW Saltzman Road

Portland, OR 97229

Tessa Boucherot on behalf of Walter C. Bowen

BPM Real Estate Group

1331 NW Lovejoy Street, Suite 775

Portland, OR 97209

503.595.3083 (direct)

**"J'ai décidé d'être heureux parce que c'est bon pour la santé." - Voltaire**

Tuesday, 8 April, 2014

Metro Council
600 NE Grand Avenue
Portland, OR 97232

Multnomah County
501 SE Hawthorne Boulevard
Portland, OR 97214

Dear Metro Council and the Multnomah County Board of County Commissioners:

We own an alpaca and blueberry farm at 11100 NW Saltzman Road in unincorporated Multnomah County. We recently found out that Metro is planning a public trail that would pass through 2 of the 3 properties in our homeowner's association, Skyline Meadows Homeowner's Association.

We are extremely upset that Metro made no effort to notify us about this trail, since it would have a direct effect on our personal lives, our farm and livestock, and our property value.

We do not want the West Side Trail to pass through Skyline Meadows and along NW Saltzman Road. Our Homeowner's Association's C.C. & Rs. prohibits activities on these properties that are not related to residential and agricultural purposes, such as a public trail. We will work to block this trail and any effort to change those rules.

Does Metro and Multnomah County plan to condemn acres of private property for this trail? We can't imagine that you'll be able to get voluntary easements, or get permission to build the trail from the Homeowner's Association under the C.C. & Rs.: the trail's harm to property values, privacy, and security are too substantial. The trail would also create a de facto "trail head" on NW Saltzman Road, creating parking and access issues for our homes.

Please find some other place to put this trail. It makes no sense to plan a trail that can't be built without involuntary taking of private land. It also makes no sense to designate an extension of this trail through Forest Park until you find a location for the trail on our side of the hill -- it just limits your ability to find a workable trail location on the west side of the hills.

Sincerely,

Richard and Mary Jaffe
11100 NW Saltzman Road
Portland, OR 97229

11175 NW Saltzman Road
Portland, OR 97229
March 31, 2014

Tom Heinicke
Natural Area Acquisition
Sustainability Center
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Mr. Heinicke,

I am in receipt of your letter of March 27 to Holger and Maura Zeipelt. These persons are my daughter and son-in-law. Our property at 11175 NW Saltzman Road is owned jointly by them, my wife Isabel Widicus, and I.

We met as a group yesterday and discussed your recent letter. From the information we have it appears that the proposed Westside Trail might cross our property.

Please be advised that we will not provide an easement which would allow a trail alignment through any portion of our Saltzman Road property.

Sincerely,

Wilbur W. Widicus

# Westside Trail Master Plan

**Map 15** **Segment 5**

Washington Co. line to Skyline Blvd

Rystadt Rd
Cheero Dr
Springville Rd
132nd Ave
128th Ave
Springville Ln
Springville Rd
Multnomah County
Washington County
Westside Trail
THPRD Boundary
124th Ave
Redfox Dr
Barrister Dr
126th Ter
Primino Ave
Greenwood Dr
Ethan Dr
THPRD Boundary
Roanoke Ln
135th Ave
134th Ave
133rd Ave
131st Ave
130th Ave
Tigon Ln
THPRD
City of Portland
Skyline Blvd
Wildwood Trail
Forest Park
Firelane 5
Westside Trail
Westside Trail
Salzman
Skyline Blvd

5A
5B
5B
5C
5D

Conceptual alignment subject to final design, assuming public agency acquistion of trail route.

On-street for road bikes

Soft surface for pedestrian/ mountain bikes

Skyline Meadows HOA properties outlined in red

Walter Bowen

Widicus/Zeipelt

Conceptual alignment and crossings subject to final design, assuming public agency acquistion of trail route.

Richard & Mary Jaffe

*Trail Segment to be dropped from Major Public Trails*

Westside Trail Recommended Alignment

- Multi-user
- Soft surface
- On-street
- Bridge
- Recommended Access Connector Paths
- Existing Westside Trail
- Other Trails
- Midblock Crossings
- Wetland Crossings
- Minor Stream Crossings
- Schools
- Potential Viewpoints
- Potential Trailheads
- Potential Prairie Restorations
- 3C Subsegment number
- Wetlands
- Taxlots

Parks and natural areas

- Privately owned
- Publicly owned
- Powerlines & Towers
- Streams
- 10 foot contours
- City Boundaries
- County Boundaries

Metro Region

5

Westside Trail

1:1,200,000

N

0 200 400 600 800

Feet

All illustrated alignments subject to change based on final design, permitting, and engineering.

I:\woodbury\proj\09167_WestsideTrail\SegmentMaps\2013 Spring\Draft12\WestsideTrail_SegmentS.mxd

Segment Analysis Map - Segment 5