



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28TH DAY OF JUNE, 2006** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Adams, Leonard and Saltzman, 4.

Commissioner Adams was excused to leave at 12:35 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

Item 877 was pulled for discussion and on a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
856	Request of Bruce Broussard to address Council regarding education funding and the City budget (Communication)	PLACED ON FILE
857	Request of Matt Rossell to address Council regarding In Defense of Animals demonstrations and mediation (Communication)	PLACED ON FILE
858	Request of Paul Phillips to address Council regarding Reverse Polish Logic (Communication)	PLACED ON FILE
859	Request of Patricia Schaeffer to address Council regarding cutbacks to medicine (Communication)	PLACED ON FILE
860	Request of Steve Holt to address Council regarding The Safe Place a faith-based non-profit that works with the community (Communication)	PLACED ON FILE
TIME CERTAINS		

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<div>861</div> <div>TIME CERTAIN: 9:30 AM – Mandate minimum blends of biodiesel and ethanol in petroleum-based fuels sold in Portland and require city-owned vehicles to maximize use of renewable fuels (Ordinance introduced by Commissioner Leonard; add Code Chapter 16.60)</div> <div>Motion to accept amendment to substitutes Exhibit A to remove the prohibition on palm oil as a feed stock from the code language: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)</div>	<div>PASSED TO SECOND READING AS AMENDED JULY 05, 2006 AT 9:30 AM</div>
<div>862</div> <div>TIME CERTAIN: 10:30 AM - Accept the report on Recreational Trails Strategy: A Twenty Year Vision for Portland's Regional Trail System (Report introduced by Commissioner Saltzman)</div> <div>Motion to accept the Report: Moved by Commissioner Adams and seconded by Commissioner Leonard.</div> <div>(Y-4)</div>	<div>ACCEPTED</div>
<div>CONSENT AGENDA – NO DISCUSSION</div> <div>Mayor Tom Potter</div>	
<div>*863</div> <div>Approve Intergovernmental Agreement with Portland State University Survey Research Lab and City of Portland visionPDX for Qualitative Research Services (Ordinance)</div> <div>(Y-4)</div>	<div>180258</div>
<div>Bureau of Planning</div> <div>*864</div> <div>Authorize an Intergovernmental Agreement with the Port of Portland to accept \$15,000 contribution in the Working Harbor Reinvestment Strategy and clarify project tasks and responsibilities (Ordinance)</div> <div>(Y-4)</div>	<div>180259</div>
<div>City Attorney</div> <div>865</div> <div>Amend an outdated State Law reference regarding forfeiture proceedings (Second Reading Agenda 823; amend Code Section 14B.50.020)</div> <div>(Y-4)</div>	<div>180260</div>
<div>Office of Management and Finance – Bureau of General Services</div> <div>*866</div> <div>Authorize acquisition of vehicles for use by City bureaus (Ordinance)</div> <div>(Y-4)</div>	<div>180261</div>
<div>Office of Management and Finance – Human Resources</div> <div>*867</div> <div>Extend Intergovernmental Agreement for \$104,400 with the State of Oregon, acting by and through the State Board of Higher Education, on behalf of Portland State University and its Executive Leadership Institute to develop and deliver the Council mandated Culturally Competent Management Certificate Training Program for all City Managers and Supervisors (Ordinance; amend Contract No. 36428)</div> <div>(Y-4)</div>	<div>180262</div>
<div>Office of Management and Finance – Revenue</div>	

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*868	Cancel City liens that are being extinguished due to Multnomah County foreclosure, transfer or otherwise deemed uncollectible (Ordinance) (Y-4)	180263
Police Bureau		
*869	Authorize an Intergovernmental Agreement with the State of Oregon, Department of State Police for the Portland Police Bureau to access the Automated Fingerprint Identification System (Ordinance) (Y-4)	180264
*870	Authorize an Intergovernmental Agreement with the City of Lake Oswego to allow Lake Oswego police officers to attend Police Bureau police vehicle operations training (Ordinance) (Y-4)	180265
*871	Apply for a \$40,000 Victims of Crime Act grant from Oregon Department of Justice Crime Victims' Assistance Section for program staff at the Crisis Response Team (Ordinance) (Y-4)	180266
*872	Apply for a \$35,000 Oregon Department of Transportation Multi-Agency Traffic Team enforcement grant for officer overtime (Ordinance) (Y-4)	180267
Commissioner Sam Adams		
Bureau of Environmental Services		
873	Accept City of Portland project submittals for the 2008-11 Metropolitan Transportation Improvement Program Transportation Priorities process (Resolution) (Y-4)	36422
874	Authorize a Memorandum of Understanding with State of Oregon Economic and Community Development Department for Brownfield Cleanup Revolving Loan Fund Assistance (Second Reading Agenda 827) (Y-4)	180268
Office of Transportation		
*875	Authorize an Intergovernmental Agreement with the City of Lake Oswego to reconstruct municipal sidewalks to comply with the federal Americans with Disabilities Act (Ordinance) (Y-4)	180269
*876	Grant revocable permit to Portland Saturday Market, Inc., to use W Burnside under the Burnside Bridge, parts of SW Ankeny and parts of SW 1st for market operations and to close parts of SW Ankeny, SW Naito Parkway and NW Naito Parkway during certain hours (Ordinance) (Y-4)	180270

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877 Authorize contract with Henderson, Young & Company for professional, technical and expert services required to update the Transportation System Development Charge program (Ordinance)	PASSED TO SECOND READING JULY 05, 2006 AT 9:30 AM
Commissioner Randy Leonard Bureau of Development Services *878 Authorize an Intergovernmental Agreement with Metro to collect and remit a Construction Excise Tax (Ordinance) (Y-4)	180271
Bureau of Emergency Communications *879 Authorize Intergovernmental Agreement with various agencies for the formation, function and resource management of the Portland Dispatch Center Consortium (Ordinance) (Y-4)	180272
Commissioner Dan Saltzman Parks and Recreation 880 Authorize an Interagency Agreement with the Portland Development Commission for Portland Parks and Recreation for professional and technical services for park improvements for FY 2006-2007 (Ordinance)	PASSED TO SECOND READING JULY 05, 2006 AT 9:30 AM
Commissioner Erik Sten Bureau of Housing and Community Development *881 Amend subrecipient contract with Central City Concern by an additional \$2,070 for a total of \$318,187 to provide emergency winter overflow shelter and provide for payment (Ordinance; amend Contract No. 36142) (Y-4)	180273
*882 Authorize Consortium Agreement between the City of Portland, the City of Gresham and Multnomah County to participate in the U.S. Department of Housing and Urban Development HOME Investment Partnership Program under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended (42 USC 12701 et seq.) (Ordinance) (Y-4)	180274
*883 Amend subrecipient contract with Oregon Tradeswomen to increase compensation by \$1,980 to fund a minority outreach initiative and provide for payment (Ordinance; amend Contract No. 36278) (Y-4)	180275
Fire and Rescue	

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*884 Correct and clarify Fire Regulations (Ordinance; replace Code Title 31 and adopt 2004 Oregon Fire Code with City of Portland, Oregon Amendments) (Y-4)	180276
*885 Adopt fees associated with Fire regulations (Ordinance) (Y-4)	180277
REGULAR AGENDA Mayor Tom Potter Office of Management and Finance – Risk	
*886 Pay claim of George and Marietta Spada (Ordinance) (Y-4)	180278
Commissioner Sam Adams Office of Transportation	
887 Grant a revocable permit to The Burnside Rocket LLC to install, use and maintain a covered arcade over the sidewalk on the north side of East Burnside at 1111 East Burnside Avenue (Second Reading Agenda 842) (Y-3, Adams absent)	180282
Commissioner Dan Saltzman Office of Sustainable Development	
888 Adopt new goals for a sustainable solid waste and recycling system and direct the Office of Sustainable Development to prepare a Solid Waste Management Plan (Resolution) (Y-3, Adams absent)	36423
Parks and Recreation	
*889 Request and accept tax-foreclosed properties from Multnomah County for park and recreation purposes (Ordinance) (Y-4)	180279
*890 Amend Joint Use Agreement with David Douglas School District to extend terms from June 30, 2006 to June 30, 2007 for joint use of facilities (Ordinance; amend Contract No. 50871) (Y-4)	180280

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***891** Accept a grant award from the Oregon Watershed Enhancement Board in the amount of \$35,075 for restoration work at Oaks Bottom Wildlife Refuge in the Willamette River Watershed (Ordinance)
(Y-4)

180281

At 12:54 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **28TH DAY OF JUNE, 2006** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Adams,
Leonard and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees,
Deputy City Attorney; and Gary Crane, Sergeant at Arms.

892 TIME CERTAIN: 2:00 PM – Adopt and implement the 122nd Avenue Station
Area Study Implementation Amendments (Previous Agenda 813;
Ordinance introduced by Mayor Potter; amend Title 33, Comprehensive
Plan)

**Motion to accept the Planning Commission's document entitled 122nd
Avenue Station Area Study dated June 28, 2006, the third slide on
page 2, the slide at the top of page four and the middle and bottom
slide on page 7 of that document:** Moved by Commissioner Leonard
and seconded by Commissioner Adams. (Y-4)

Disposition:

**CONTINUED TO
AUG 2, 2006
AT 2:00 PM
TIME CERTAIN
AS AMENDED**

At 2:51 p.m., Council recessed.

June 29, 2006

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **29TH DAY OF JUNE, 2006** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Adams,
Leonard and Saltzman, 4.

Commissioner Leonard arrived at 2:09 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Pete
Kasting, Chief Deputy City Attorney; and Gary Crane, Sergeant at Arms.

	Disposition:
<p>893 TIME CERTAIN: 2:00 PM – Appeal of Pleasant Valley Neighborhood Association against the Hearings Officer's decision to approve the application of George Bitrous, Mt. Olive Park Development Corporation, for a 55-lot subdivision with an environmental review, environmental modification and an adjustment at 7636 SE Barbara Welch Road (Hearing; LU 05-150984 LDS EN M AD)</p> <p>Motion to deny the appeal and uphold the Hearings Officer's decision on the condition that snags shall be created as temporary wildlife habitat as proposed in the applicant's submittal: Moved by Commissioner Adams and seconded by Commissioner Sten after passing the gavel to Commissioner Saltzman.</p> <p>(Y-3; N-1, Leonard)</p>	<p>DENY APPEAL AND UPHOLD HEARINGS OFFICER'S DECISION WITH A CONDITION</p>

At 3:00 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

June 28, 2006
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

JUNE 28, 2006 9:30 AM

[roll call]

Sten: The mayor is absent, so i'll have the honor of running the meeting. I think we do not have city kids communication s. That right?

Moore: That's correct.

Sten: Please read item 856.

Item 856.

Bruce Broussard: I'm bruce broussard. My comments this morning, it was in regards to the whole issue of prevailing wage. It does relate to the schools to a certain degree because custodians, were sort of in that same situation and the school district opted to go for another group. As you know, we're in sort of a mess. We went through the supreme court and now the supreme court has advised them in fact they're going to have no look at the situation and get those people back on the job. When I think about the whole issue of prevailing wage at p.d.c., i'm reminded of the same situation. Because as was the discussion with some of the representatives from the union the last time around that I was here, I commented about this piece, I always made the point about, it is a professional labor force, and when you start thinking about p.d.c., the developer builders are also in a prevailing wage aspect of it too, because many in -- in many ways they're subsidized. I think about the whole issue of the tram, when they were short of money they didn't go to the developer or the owners, they came back to the public, because the public felt it was something they wanted to do. So my comparison piece is that I think it's very, very important, I think the idea of having someone hopefully the mayor will get this message and hopefully he will really consider having someone from labor representative on his next selection for the p.d.c. board. I think that would be somewhat of a benefit to the board. It would be an educational piece, an informative piece, meaning that the board who in most cases don't have the necessary background in terms of what are the benefits of the training and this, that, and the other, that goes if, if you will, this professional labor force, I think that would be somewhat of a benefit, if you will, to the -- to the Portland -- to the p.d.c. board, if you will. So again, making that point. And the other thing, I got a couple more minutes here, a couple more seconds on this other issue, the issue with the custodians. The school district came out with the budget, but they're ignoring this issue about the custodians. They're going to have to face the issue. I would hope for the commissioners, i'm sure you are in some way, shape, or form, speaking to those people, the board, you need to really tell them they need to resolve this issue. We need those custodians back on the job, we need to make them whole again according to the supreme court. Thank you very much. Appreciate it. Have a good day.

Sten: Please read item 857.

Item 857.

Sten: You have three minutes.

Matt Rossell: Thanks. Good morning, my name is matt rossell with in defense of animals. I'm here to talk about the ongoing fur demonstrations at schumachers. A couple weeks back janet denison testified very dramatically about her feelings of a situation that happened when she was a customer at schumachers, and in no way do I want to diminish her feelings. Her feelings are her own and she has every right to them. But I do disagree with some of the details of the events that

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happened that day as she expressed them. For the most part these protests continue to be peaceful events. The majority of participants are holding signs, they're chanting, they're handing out literature, sometimes dancing to bagpipe music, but very much peaceful. If there is a group of activists surrounding a customer gathered near a customer, it's usually the group trying to deescalate a situation happening between two individuals, one protestor and one customer. And very much so it has been the actions of one or two individuals that's been causing problems at the demos. And so I want to make it clear to city council that we have a invested interest in having peaceful demonstrations, civil, nonviolent demonstrations. We don't want to lose the message by having the conversation turn to behavior rather than the treatment of animals and the way the animals live and die on fur farms. To keep that happening, to actively work on that issue, we have been having nonviolence trainings, educating activists on how to deescalate situations, and in fact a few weeks ago when this one individual got really excited at the demo, we actually had immediately following the demo had a two-hour meeting with that individual and a group of others expressing how this really was losing the message and for the weeks after that, this individual has been -- their behavior has totally improved. So I just want to share that. I also just want to say where the passion comes from that drives these activists. If you haven't had a chance to look at any of the videos i've provided you, please take a look. Even just a few minutes of looking at the way animals live and die on fur farms will help you understand how incredibly intense the situation is, and the suffering is very intense. That is why people are going to keep coming back week after week, because the bottom line is that greg and linda schumacher are not being honest with their customers about the way the animals are treated. I also want to quickly thank commander benson and the other officers who have been there every week defending our first amendment rights, and a couple weeks ago when an unprovoked schumacher supporter physically attacked one of the protestors, they immediately responded and arrested that individual. So I want to sum up by thanking your efforts to help the mediation process along. We're very willing to mediate. We think we should have a civil discussion and sit down at the table and everything you all can do to help that happen would be much appreciated.

Sten: Thank you. Item 858.

Item 858.

Paul Phillips: I'm paul phillips, and I spoke last week about the holy father, john paul, ii, about pedophilia I want to make myself as clear as he did to them. They had to go to the vatican to find that out. I'd like to thank officer russell that contacted me from the animal control services, a message on my brother's answering machine, but I called her answering machine and left a message. As you remember, my service animal was attacked and injured. It was attacked february 15 of this year. This is all by the same dog in or near my apartment building. March 15 the animal actually injured mine. I had to pay \$105.70 for the veterinarian bill. And may 10, the same animal, the woman again turned her dog loose up against mine, let it loose from the leash, and it tried to attack us again. All within a period of some 90 days. Through the efforts of either officer russell, the city council, or the city attorney's office, or the managers of the hamilton west apartments, or Portland housing authority, the issue hopefully has been resolved, and again, the case number was 35670. And that was march 16 that it was reported to the Multnomah animal control services. I'm wondering why a service animal should be attacked three times within the city limits. I live at 1212 southwest clay street, if that could be explained to me sometime, and if I could also get some kind of recourse where I had to spend somewhere around 11% of my income that particular month to have my service animal, veterinarian costs paid for. Again, i'll remind the council that I mentioned it. Your cost would only be \$21.14 apiece. I hope that I was as clear about my service animal. He doesn't like being intimidated or injured when he's working. And i'll be talking next week as well, if I haven't made myself plain and clear enough as the holy father did. Thank you.

Sten: Mr. Phillips, commissioner Adams had a question for you.

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Adams: I don't understand the title of your requested communication, "reverse polish logic." what do you mean by that?

Phillips: Making things plain and clear, if it hadn't been understood before. Like I said, he'd been attacked three times within 90 days.

Adams: What does the term "reverse polish logic" mean?

Phillips: The pope happened to be polish, as you know.

Adams: My personal request to you is to find a different title. I don't know what it means, but I think it's confusing and can be misconstrued as an ethnic put-down.

Phillips: I wouldn't intend that. And of course you know that the pope was catholic as well, and yet he had different views. He changed their opinion. In fact, they're stated now as --

Adams: I understand, i'm just making a personal request to you. Thank you.

Sten: Please read item 859.

Item 859.

Patricia Schaffer: I'm patricia schaffer. I want to speak about the cutbacks where i've noticed even the public have said this, that the critical medicines or anything like eye drops, even eye drops through pharmacies and medicine that vitally people need at the pharmacies, they're cutting more and more of them. And I noticed this by talking to other people out there in the public, and they're kind of outraged about this and they're trying to get people to sign different petitions or whatever to stop this. And I don't see some reasoning for this, because unless they're abusing the insurance, whatever insurance they have, someone else, you know, abusing the insurance or whatever they're doing through different insurance companies, where the pharmacies are not -- no longer giving them to them. It's an issue for myself and other people.

Item 860.

Sten: Mr. Holt, nice to see you.

*******:** Good morning.

Sten: You have three minutes, and there's a little clock there.

Steve Holt: Thank you very much. I slit here today as the chair of the safe place, and the acting executive director. Again, we are a faith-based, nonprofit holistic community development group that provides services to children, youth, and families. And several of you, except commissioner Leonard, have been exposed to what we do, and are aware of what we do, and I can provide more information about the specifics of our outreaches and our programs. At present we are focused on, or my presentation to you is to talk about what's coming up this summer. It is our sixth annual back-to-school summer jam. And this year we're actually going to host two of them. One at alberta park on august 5, and the other on 122nd on august 19. Now, those are free events to the public and to the community. It's a carnival atmosphere, there's free food given out. And we have for the past five years given school supplies away. In the last five years we've given 3,000 bags of school supplies to kids to help them get started. This year we're running into a unique challenge.

Corporate express, who had been one of our sponsors to provide school supplies, is not able to do that. So we're looking for different opportunities and avenues as well as suggestions with how to secure, if there are places or groups that provide school supplies, we'd like to connect with, partner with them in order to do that. Commissioner Saltzman's been very helpful in helping us secure alberta park at no cost, thank you very much for that, and that's essentially what I wanted to present to you. And also ask if there was an opportunity for us to have a follow-up dialogue with how we can collectively provide services to the youth and the children of the city. Because I know it's all things you're very concerned about, and then in light of sun school programs changing with their funding and so forth, and our after-school tew toral programs we operate, it would be great to have some selective strategies to provide services to youth and families.

Sten: Thank you.

Adams: Thanks for everything you do.

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Sten: Mr. Holt is also a distinguished grant graduate.

Holt: This is true.

Adams: I'll try not to hold that against you.

Holt: I appreciate that. I came out before him, actually.

Sten: But after commissioner Leonard.

Holt: That's true.

Leonard: I don't think we needed to point that out.

Adams: That was a long time ago.

Sten: I attended the event and been in partnership, and my office is also going to be making -- meeting with them to find some solutions.

Holt: Thank you very much. See you on friday.

Sten: That is the end of communications. We'll move to the consent agenda. There's been a request to pull item 877, and I think we'll attempt to read that in the vicinity of 11:00 as a courtesy to commissioner Adams. Are there any other items anyone would like to pull from the consent calendar? Hearing none, let's call roll on the consent calendar.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: Aye. Our first item is a time certain that's item 861.

Item 861.

Sten: Commissioner Leonard.

Leonard: Thank you, mr. President and colleagues on the council. Oil is at the core of nearly every major challenge facing the united states today. The high, unpredictable, and rising cost of fuel is negatively impacting our economy by causing an increase in the cost of transporting goods while eroding the power of the consumer who is directing increasing amounts of their hard-earned paychecks just to fill up their cars. An economy that diverts steadily increasing amounts of working americans' disposable income to pay for a gallon of gas just to get to work takes money that would otherwise buy a first house, send a child to college, or pay for a new car and sends it instead to the pockets of the oil industry. While americans are having a hard time paying more and more of their hard-earned money to fill up the tank, oil corporations are recording obscene record profits.

Including paying one recently retired executive from enron -- excuse me, exxon, nearly one half billion dollars in a retirement bonus. Enron may have done the same thing too, i'm not sure. One of the inevitable results of the unchecked power of the oil industry in the united states today is to increasingly squeeze the economy for every cent it can, and that will cause inflationary pressures that will end up forcing the federal reserve to react by restricting the money supply. Simply put, interest rates will be driven up. When that happens, construction starts will plummet, construction workers will be unemployed, and the businesses that depend on the workers buying their goods and services will suffer, often fatally. An extension of our economic woes is the high federal debt owed to other world powers to finance america's war in iraq. Which jeopardizes the value of the dollar and has the potential to further erode the buying power of americans as the dollar value deteriorates.

We have spent hundreds of billions of dollars on a war in iraq that many believe, including me, is primarily driven to secure this country's addiction to a dependable supply of oil. In the obscene financial cost of prosecuting that war does not account for the incalculable grief and loss caused by the deaths of tens of thousands of innocent in that war, including american soldier than are doing nothing more than faithfully serving our country. Iran and venezuela are -- our reliance on the oil they possess. As melting ice in arctic region and frequent violent storms around the world signal the human impact on the earth is reaching critical mass, we continue to spew greenhouse gases into the atmosphere from our petroleum-burning vehicles, further accelerating our attack on the earth. I would argue that oil represents america's achilles heel, dictating our spending habits, driving our foreign policy, and threatening in our security and quality of life. Every step we take that is not in a direction to free ourselves from this spiralling addiction is a step we cannot afford to take. Today I

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am presenting what I hope will be a small but meaningful step towards energy independence and signals in increasingly angry mother earth that we want a truce. This initiative would require that beginning July 1, 2007, all diesel sold in the city of Portland contain a minimum blend of 5% biodiesel, and all gasoline sold in the city of Portland contain a minimum blend of 10% ethanol. The ordinance further requires retailers to post signage which clearly communicates the biofuel content of gasoline and diesel blends to raise Portlanders' awareness of availability of renewable fuels at the pump. Beginning July 1, 2010, the ordinance will require an increased in bio-- in the biodiesel content to a minimum of 10%. Biodiesel is a viable, renewable, and able replacement for petroleum diesel. A 5% blend of biodiesel and petroleum diesel will operate all diesel vehicles without modification and at this percentage, biodiesel is regarded as a fuel additive in diesel, which is widely accepted by engine manufacturers. With the new requirement to reduce the sulfur content of diesel, biodiesel is a alternative to sulfur and will enhance the lubrication qualities also known as lubricity of the fuel sold in Portland. With this initiative, one thing we're not doing is reinventing the wheel. Many city bureaus have been operating all their equipment on a 20% blend of biodiesel and 80% petroleum diesel. The water bureau has recently converted their fleet to 99% biodiesel. And 80% biodiesel in higher elevations and 50% biodiesel blends in the winter. And I might add, with great success. Tri-met is operating all its buses on a 2% biodiesel blend. Tualatin valley fire and rescue is running their fire engines on a 20% biodiesel blend, and raz transportation is putting -- operating their buses on a 20% blend as well. All gasoline vehicles already operate on 10% ethanol in Portland during the winter months. What we are doing with this initiative is taking a leadership role in shifting the paradigm of the oil influence on our society. In my view, where the will to affect such a change does not exist in the market, it is the government's job to affect that change. Over the past several years, fuel costs have skyrocketed, and despite the oil company's claims they're merely passing along the high cost of oil to consumers, the record-setting profits of major oil companies tells a dramatically different story. As an example, over the past five years, exxon's earnings have grown at the remarkable average pace of nearly 26% each year. A feat for which exxon rewarded its outgoing c.e.o. with a \$400 million, nearly half a billion dollars, severance package when he retired in december. A cost that exxon passed directly on to consumers. As the price of oil and the corresponding price of gasoline and diesel have grown with companies like exxon's profits, the price of diesel exceeded the per gallon price of biodiesel in the months of may and june for the first time ever by a margin of between two and 15 cents in Portland. With the ever-decreasing supply of oil and corresponding unrest in the parts of the world that control it, we can only expect that gap to widen in the coming years. This initiative will create a depennable demands of at least four to 6 million gallons of biodiesel annually, which we have learned will justify the construction of biodiesel refineries in and around Portland who will readily meet that demand and will have excess biodiesel, which can become an Oregon export. Likewise, the ethanol demand for Portland will increase by approximately 12 billion gallons with this initiative, which should be readily handled by the addition of more than 30 ethanol plants around the united states, including pacific ethanol's 113 million-gallon ethanol plant which is under construction near boardman, Oregon. Additionally, most major oil companies have long-term contracts with ethanol producers as a result of the elimination of mtbe and add -- an additive formerly found in gasoline which is being replaced by ethanol. The introduction of biodiesels will provide legitimate opportunities for Oregon farmers to grow crops for the production of biodiesel, and if cellulose technology advances, for ethanol as well. Finally, you'll hear a lot today from people who have financial relationships with oil companies, and their message will be that they like alternative fuels, they just don't like mandate. Government shouldn't be intervening, you'll hear, in the marketplace. And that the -- and they will also argue the fuel industry should be allowed to continue to develop the alternate fuels industry over time. I find their message untenable in the light of the fact the fuel industry in america is controlled by a very limited number of giant corporations who have control of nearly

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every fuel pump in every city in the united states of america. If their recent record profits are any indication, they are benefitting greatly from the status quo. Their kind of free market is the kind that has billions of customers one product and a handful of companies who can work together to keep prices high. And as our great united states senator ron wyden learned, as our great friend senator wyden learned when he fought price fixing in Oregon by oil companies. I think it's time for a new kind of marketplace. One where there are options for consumers, and legitimate competition for petroleum as a fuel option. I also think that if we rely on the fuel industry to take us there, we have a long wait ahead of us. In this kind of scenario, it is only appropriate for government to intervene. It is government's responsibility to intervene. I am proud to introduce this initiative as yet another notch in Portland's proud heritage of sustainability and independence. Thank you.

Sten: Thank you, commissioner Leonard. Is there a presentation?

Leonard: I would like to go out of order of the presentation. I had -- we have the honor of having representative jackie dingfelder here, and she needs to leave soon. I wanted to give her the opportunity to come up. Is that ok? Can you come up? Thanks.

Susan Anderson: I can see jackie scribbling her notes, she needed a couple more minutes. I'm susan anderson --

Sten: I'm sure she appreciate of appreciates that announcement.

*******:** She's filling out her metro ballot.

Leonard: I can tell from you having served with jackie she does not need notes.

Anderson: I'm susan anderson. Yes, I do use biodiesel in my car and get nearly 50 miles per gallon doing it. This ad that I saw two days ago in the "new york times" says "you can't just turn a key and lower carbon emissions, or can you?" and it's from b.p. It says in 2005, b.p. fuels contained more than 575 million gallons of biofuels in the united states. Eliminating 1 million tons of carbon dioxide. So they want me to buy it and they want you to buy their fuel too. I've been working on promoting renewable energy and energy efficiency in Oregon for almost 20 years now, and the only thing I know for sure about this is that there's no single solution to this problem. The response needs to be creative, diverse, innovative, and it needs to permeate all sectors of our economy. It needs to be about biodiesel and ethanol, but it needs to be about solar, wind, and energy efficiency. That said, there are four things we know for sure about energy use in Portland. Oregon imports 100% of its gasoline, diesel, and natural gas. 50% of our electricity comes from coal and natural gas. We think we're a hydro-based electricity, but we use a lot of coal and natural gas. The money we spend on fossil fuels mostly leaves our local economy, and spending the same amount of money on virtually almost anything else will result in more money staying here in our local economy and more local jobs. It's essential that in the long run we maintain a reference for local or regionally based feed stocks for both ethanol and for biodiesel. We also know the gasoline and diesel use is the primary cause of local air pollution, gasoline and diesel use accounts for about 40% of Portland's local co2 emissions related to global warming, and switching from diesel to b99 biodiesel reduce carbon dioxide emissions by about 75%. So this is a key strategy in implementing our local action plan and goebel warming. We know this ordinance will help create demand for biofuels. It will create predictable demands. This is help for companies looking for financing, for developing processing facilities that they can go to the bank and say this demand is real and that it's stable and ongoing. Again, it's great to see council take a leadership role in renewables and energy efficiency. I urge to you adopt this ordinance. It's a step in the right direction and it's important not just for a healthy environment, but for a healthy and vibrant economy. Thanks.

Sten: Any questions for susan? Should we call representative dingfelder? If you could come forward. Welcome to city hall.

*******:** Thank you.

Leonard: By way of introduction, jackie was the primary sponsor last session of a similar piece of legislation that for a variety of reasons didn't make it through the legislature.

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Jackie Dingfelder: For the record, my name is jackie dingfelder, i'm a state representative, I represent house district 45 northeast Portland. Once again I do come before you to testify on an issue that the legislature failed to address last session. First it was payday loans, and I thank you for that, and now i'm here in front of you talking about renewable fuel standards. I really appreciate the leadership role you take on these issues, it certainly helps me when I try to go back down to salem and sell these issues statewide. As commissioner Leonard had mentioned, I was chief cosponsor of a package of bills last session. I cosponsored these bills with a republican colleague. We had strong bipartisan support, and the package of bills in my mind were really a win-win for the Oregon economy, and for rural Oregon as well. And the partnership was really about an urban-rural partnership. As I mentioned, we received broad bipartisan support, I think I had 18 republicans and democrats on this package of bills, but unfortunately as you heard, it got caught up in send-of-session politics. So I thought i'd quickly walk through the package I originally proposed and talk about how this renewable fuel standard fit into that proposal. The biofuels legislation I cosponsored aimed to accomplish five major goals. These goals were first to provide incentives to produce biofuels in Oregon. And what we did is propose some bills that would expand the property tax exception for ethanol production facilities to include biodiesel production facilities and allow biodiesel production plants to take advantage of an expedited energy facility siting process. That actually was the only bill out of the entire package that passed. So that is in law today and hopefully that will be helpful in siting these facilities. The other parts of the package got caught up as I mentioned in -- it really wasn't this issue that killed the bills, it was another issue that got stuffed into the bill, so I want to be clear, it was clear support for what i'm going to explain to you except for the renewable fuel standard, which we had some pretty robust discussions on. Also, we had incentives for utilizing Oregon crops, allowing farm equipment used for biofuels crop reduction to qualify for tax credit. We also set a renewable fuel standard. The fuel standard we're proposing required a minimum blend of renewable fuel and gasoline and diesel sold in the state, 10% ethanol by 2010. And 2% biodiesel by the middle of 2006, rising to 5% biodiesel by 2010. We also proposed a bill to expand markets for biodiesel by requiring that state government displace with biodiesel at least 5% of the amount of diesel it consumed in all state-owned diesel engines. And the governor is actually taking an -- taking it on through executive order, so that is happening, and you might have read that a couple days ago I think in the newspaper that odot is doing that with many of its fleet. And also we looked at reducing the fuel tax on biodiesel purchased for use in lightweight vehicles. Waiving the use fuel tax on farm vehicles burning 100% biodiesel was another incentive that we looked at. Finally, this is an issue that is very, very important, especially in the urban areas, is cleaning up diesel school buses, because diesel fumes from school buses, as they're idling, is a big health concern, and what we had proposed was increasing the fuel pump licensing fee to go into a fund to offset the cost of retrofitting diesel school buses. There is money in the federal transportation bill for this, however, it certainly won't cover the cost of retrofitting school buses, but we will be looking into accessing that pot of money for school districts in Oregon. So although we passed up the opportunity to be a national leader on biofuels, it's not too late. You probably know our neighbor to the north, Washington, did pass a renewable fuel standard, and some comprehensive bills to provide incentives for biofuels production. But here in Oregon, we've got the right ingredients to build a successful biofuels industry. Consumer demand is growing, biofuels companies are considering locating in Oregon, and we have one plant up and running already in salem, and you'll hear from tom endicott today. Investors are stepping up to the plate and academic institutions are developing new crops to produce biodiesel, and methods for turning materials into ethanol, which is huge potential for here in Oregon. Since last session i've been out in the community talking to businesses, to farmers, and to vendors, and investors about what they need to grow the biofuels economy. I also serve on the governor's renewable energy task force that includes many of these stakeholders and interests on the task force, and we've had meetings,

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multiple meetings in preparation of putting together some legislation for next session. So what I'm basically hearing will be two words, and that's "market certainty." by setting a standard for the amount of biofuels that will add to our Portland market for fuels, we can create a predictable growing market.

And that puts private capital to work for economy instead of asking government to do it on loan. So in closing, I support the biodiesel and ethanol fuel standards being proposed by commissioner Leonard for the city of Portland. Portland contains a large portion of the state's market share and can help grow the market for renewable fuels. An issue that will probably come up here today that will need to be addressed, and it's something that we tried to address last session, was the issue of importing feed stock into the state. In other words, currently we don't have enough feed stock within either grown or available within the state of Oregon to meet the renewable fuel standards, at least that was set out in the statewide standards. One idea that we came up with that -- at the end of last session was to do what Washington did, which was tie the renewable fuel standard to in-state production. In other words, saying, objection, we're not going to go up to 5% until we have a certain percentage of feed stock coming from in state. And I think that is a good sort of I guess measure to make sure that we're not importing a huge amount of, whether it's canola from Canada or corn from Iowa, but trying to create a homegrown solution here in Oregon. And I do know that -- I've worked extensively with the farm bureau, we're continuing to talk with them, and they were very interested in this alternative proposal. So -- however, I see we still need to pass a renewable fuel standard at the state level, so I hope by passing it here in Portland, I absolutely support this ordinance, that Portland can once again be a leader for the rest of the state, as you were on the payday loan ordinance, to make sure we have support across the state, and that when we go back to Salem in January 2007, we'll be able to pass a package that includes a renewable fuel standard that will require the standards throughout the entire state of Oregon. So I really appreciate once again your leadership, I thank you for asking me to come here today and I'd be happy to answer any questions.

Leonard: Thank you very much, representative Dingfelder. I appreciate the work that you've done on this. It's been very helpful for us.

Adams: I just want to laud you not only in your leadership on this area, but hopefully with commissioner Leonard's local leadership we can get something done in Portland. But I also want to take the opportunity to thank you for all the great work you do representing not only your citizens, but advocating on behalf of the city of Portland. We really appreciate it.

Dingfelder: Thank you. Good luck.

Sten: We'll now open this hearing up to public testimony. I assume we have a sign-up sheet.

Moore: We have 10 people signed up.

Terry Parker: Terry Parker, Portland, Oregon. It takes approximately one gallon of fuel, gasoline or diesel, to produce a gallon of corn derived ethanol and bring it to market. Ethanol or an ethanol-gasoline blend reduces the miles per gallon when used in many engines designed to run on gasoline. Because ethanol is corrosive it cannot be delivered through a pipeline and must be trucked. If Portland requires all gasoline sold within the city have a 10% ethanol content, it will only increase the overall fuel consumption in the region and add more trucks to the road. More trucks on the road will create more congestion, more congestion will have a negative impact on air quality. A gasoline-ethanol mix will also cost consumers more at the pump, possibly shorten the life span of motor vehicles and have an overall negative effect on the economy due to the higher price. The entire concept of requiring ethanol -- gasoline-ethanol blend smacks of social engineering a one-to-one ratio to produce and deliver ethanol from corn, more trucks on the road and motorists getting less miles per gallon, requiring ethanol be added to gasoline is anything but a move towards energy independence to sustainability. When calling a concept sustainable, it also must pass the test of being financially sustainable. Any tax break given to ethanol producers would -- producers would negate that sustainability. The proposal to mandate that it be added to

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gasoline only demonstrates how the policies of Portland can be anything but efficient. The choices made by Portland government that affect the performance of our inner city schools, places limits on the types of new housing that can be built, attempts to dictate transportation mode, plus the high cost of -- cost and subsidies residents are expected to pay for all these items and other government services simply drive families to the suburbs in droves. The continual loss of student enrollment while suburban districts can hardly keep up with demand proves the get out of Portland attitude of families. Raising taxes and/or adding to the cost of any energy source such the price of fuels will only expand and speed up this family exodus. I support the concept of biodiesel. However, I oppose any requirement that would necessitate adding ethanol to gasoline. The negatives outweigh the positives. Such a proposal should be voted down for any or all of the aforementioned reasons. I thank you for being able to testify.

Leonard: Thank you very much. I should have offered an amendment before the public testimony, and i'm sorry, I meant to do that. I'm going to pass it out. Here it is, Karla. I have copies here for the council. This amendment substitutes exhibit a that removes the prohibition on palm oil as a feed stock from the code language. I believe in the long run a prohibition of palm oil may be a good policy choice in the near term we need to make sure the biodiesel industry in Oregon has every opportunity to succeed, and I fear not allowing the feed stock, that not allowing this particular feed stock would be tantamount to tying one arm behind the back of the biodiesel industry. We have built into the ordinance that the requirement of office of sustain I can't believe development report to council regularly with proposed code amendments, and I think they should consider a prohibition on palm oil in the future, but for now we need to give every available opportunity for the fledgling industry to succeed. So based on that, I will move this amendment substitute exhibit a.

Saltzman: Second.

Sten: Why don't we -- we have an amendment on the floor. I think i'll take the vote on the amendment after the public testimony.

Jon Norling: Good morning. My name is john, I -- norling, the president of Portland biodiesel, a Portland company that is seeking to site Portland's first commercial biodiesel processor. Our processor will produce 1 million gallons a year of biodiesel produced from both recycled oil and virgin oil produced in eastern Oregon. And on that end we're working with farmers out in baker city area to grow canola, which we're -- they will crush and we will use in our facility. We're a Portland company, based with local investors who are committed to renewables and alternative fuels. And we will look forward to serving both wholesale and retail markets in Portland. And we support this ordinance. We find as susan anderson mentioned, that this will create a stable, local demand which will assist in our efforts to increase production from our facility and then help Portland's economy. We estimate that for every million gallons of production we produce five high-paying jobs in the city. And this will allow us to keep our finished product in Portland as opposed to looking for markets in Washington and elsewhere due to the Washington renewable fuel standard that was passed and discussed earlier. Also, we will help to produce a local market for the feed stock, particularly the recycled oil, which at present is being much of is being shipped off to asia, so we'll be able to use that in our facility and create the ability to keep that oil that's collected in Portland in Portland and use, again, to produce another product that will remain in Portland as well. Critics of this ordinance state that this will increase the cost of fuel and drive people out to the suburbs. I -- we don't think that is the case, as commissioner Leonard discussed earlier. For the first time ever, biodiesel in may and june was cheaper than petroleum diesel, and we estimate our product will be cost competitive if not cheaper than petroleum diesel. We agree that a 5% standard is ideal as an initial step because it will be viewed as an additive and can be used in any diesel engine. Another issue i'd like to address quickly is the certification. It's very important in the biodiesel industry to have certified standards. We're committed to having quality control and meeting a.s.t.m. standards, as is the rest of the industry. I think that's critical. If you talk to the

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resellers of fuels in town, they're very committed to making sure the product meets astm standards, and I think education would be a huge component of this in order to make it succeed, and we look forward to assisting in the effort. Thank you.

Sten: Thank you.

Brian Doherty: Good morning, president Sten and members -- commissioners. Brian doherty of the miller, nash law firm. I'm testifying on behalf of the western states petroleum association. I believe as commissioner Leonard referred to, "big oil." [laughter]

Sten: He was --

Leonard: Is it fair to say you are the man?

Doherty: In Oregon and in this chamber, I guess i'm representing that group. [laughter]

Sten: I'd like to extend him another 20 seconds.

Doherty: The western states petroleum association is a trade association of large oil refiners, producers, marketers. The six companies that market in Oregon you know of, the chevrons, the conocophillips, etc. I would point out there were six here today and there were six in the 1960's. They were called atlantic richfield, and mobil, and standard, and others, but there has been a lot of consolidation, but to give you an example, I got that from my predecessor in this job. I want to say one thing first of all -- we're the number one buyer, the number one buyer of ethanol and biodiesel in the world, surpassing even the country of brazil, our companies are that. We are committed to this biofuels program. We are buying and investing in it. I want to distinguish us as -- a group called the Oregon petroleum association. They like to refer to themselves as oil with a small "o." they operate 93% of the selves stations in Oregon. We do not. We have very few company owned and operated stations. They're the people that need to implement this program as much as we do. And you'll hear from them today. But understand there's -- it's a market that is moving dramatically. We are committed to biofuels, we're buying record amounts of biofuels and ethanol. I want to clear up some statements in the press that occurred that simply are not accurate. I believe representative dingfelder, she'll tell you my one word I keep saying is "no mandate." 2 words. [laughter] and she heard it repeatedly. But did I adopt 3481 which was largely taking all of the incentives and everything representative dingfelder had in six bills and put it in one bill without a match date. That bill passed the how, went to the senate, the senate added back mandate. At the end of the day two of the e.m.t. were add that were not added by our lobby. It was the extension of polution control tax credits and a ban on california tail pipe emission standards. Those two things stopped the bill. And they were unrelated to the biofuels package. But they were in that package and it could not be agreed. So I just to clarify that, we did not try and kill that bill. We were supporting a package. And we will do so in 2007 and i'm working with the governor's office, d.e.q., the trucking and petroleum industry to put together another bill. I'm sure we'll have a bill there with mandate and without. We think representative dingfelder did a nice job in putting together a package of incentives for this industry. I want to talk to you about where we are in this. I apologize, i'm short of time.

Sten: You can have a short extension.

Doherty: Thank you. We know how to use these fuels. We've done it a lot and we want to talk to you about the things that are doing now. We're a player in this game now, and we are the number one purchaser of his biodiesel, the gentleman next to me. We'll be that in the future. We supported the national energy mandate. I want to talk about that. That's \$4-- 4.5 billion gallons of renewable fuels, moving to 7.5 billion gallon as year that must be purchased in 2012. We support it because it gave us the flexibility of looking at where we invested and when we buy that fuel. It doesn't do that in a Portland mandate. This is a 24/7, 365 days a year in use in Portland. I'll get to some of the language issues, but that is a very different model than --

Sten: One more minute. Whatever you want to do.

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Doherty: The Portland mandate forces it to buy it at all times. I have suggestions. We have not had a chance to work with commissioner Leonard. I think there's a way to modify this to make it a good bill. We have a few things we should raise. Has the e.p.a. looked at this, has the preemption issue been looked at? I have legal research that suggests the e.p.a. preempts the city of Portland from doing this. Has d.e.q. included in the modeling for their carbon dioxide maintenance plan going on right now for a 10-year maintenance plan? Have they included this modeling a. Change in the fuel spec that will affect summertime ozone in their maintenance plan? The ordinance requires wholesale and retail sales and the sales of offroad vehicles because it's the sale of all fuels in the city of Portland. That means our terminals will be selling to a distributor that is distributing to Albany or Beaverton or Clackamas. That's a sale inside the city of Portland. Yet it would not be fuel retail sold in the city of Portland. Is that supposed to be included? That's a far bigger scope of effect than what we have in this bill. We should work together in a work group. I think we could get this together, look at these issues. We have not -- 12 days ago is the first time our company has heard about this bill. The city -- streamline permitting for biodiesel plants, city fleet biodiesel purchases. A city waiver of the property tax for a number of years. You could add renewable biodiesel to the definition of biodiesel. There's another one coming down the line, in addition to your palm oil. These are all things I think would make a better product and I thank you for your time today. I did provide a handout for the members.

Sten: We'll pass it out. Any questions for anyone on this -- task? Thank you, gentlemen.

Steve O'Toole: My name is Steve O'Toole, I'm the executive director of the Oregon petroleum association. Which is an association composed of 130 membered companies, and as Brian has stated, I guess we can call it the oil companies with the small "o." Many of our businesses are small independent businesses, again, not major oil companies, and market a wide variety of petroleum products to include gasoline, diesel, heating oil, and lubricants. We want to take this opportunity to provide comments on the proposed ordinance for biodiesel and ethanol mandate, and as has been mentioned, this organization believes that we need renewable fuels and supports the concept of biodiesel and ethanol, and includes incentives for their use. In fact, some of our members have been in the forefront in cutting edge as far as the sellers of biodiesel. Though we support the concepts of renewable fuels, what we do oppose are the mandate. The use of mandate is putting the cart before the horse, and we find mandate to be counterproductive to the cause. The purpose of this organization, as stated in our bylaws, is to encourage an effective and competitive marketplace for petroleum-related products. Mandate on the local level goes against this purpose, and creates an uneven marketplace between Portland and the remainder of the state. Biodiesel has begun to make excellent inroads, especially in Portland. As mentioned, our members are already marketing biodiesel, making the mandate as we feel unnecessary. O.p.a. heating oil dealers are very excited about biodiesel for heating oil use. Mandate with ethanol have led to supply shortages, and supply shortages often lead to higher prices. An example of this is with the energy bill that was passed during the last session of congress. The energy bill contained an inflexible ethanol mandate that fostered shortages in some markets, resulting in higher prices. Prior to the federal mandate, ethanol was less than \$2 per gallon in spot markets, according to articles that were quoting figures from the oil price information service. Today ethanol is running at \$4.60 a gallon or more in many spot markets. The drivers for both biodiesel and ethanol should be the marketplace. Actual supply and customer choice. My members tell me that if their customers want the product, supply is available, and customers are willing to pay the price, they want to provide the product. Mandate often backfires and creates unintended side effects as we have already seen with ethanol. Another difficulty with these mandates is that they create a boutique fuel which results in higher prices, and I can get into more detail if you want on that a little later on. Oregon has no refineries. Much of our gasoline product comes from Washington refineries. If states and localities impose their own specific recipes for gasoline and diesel, these refineries have to make a number of blends, resulting

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in higher costs. We need to significantly reduce the number of blends nationally and locally in an effort to reduce gasoline prices. Efforts toward this are taking place in congress.

Sten: You're about a minute over. You've got to wrap it up.

O'Toole: We would like to suggest a work group be established to involve all the stakeholders involved, and the stakeholders need to review all the legal concerns on the proposed ordinance.

Thank you.

Sten: Thank you very much.

Adams: If I could just to get a sense of your testimony, you talked about your opposition to mandate. But then you put together your -- you're suggesting we put together a work group.

O'Toole: The idea is -- because we're supportive of biodiesel and we support -- we're supportive of ethanol, and there's a lot this city can do to be in the forefront --

Adams: Short of a mandate.

O'Toole: I think a mandate is totally a separate issue. We're looking at --

Adams: From --

O'Toole: From really being involved as far as putting Portland in the forefront as far as biodiesel and ethanol.

Adams: Thank you.

Brian Harris: Good morning. My name is brian harris. I am president of harris transportation, a local fuel transportation company here in Portland, Oregon. I am also the chairman of the Oregon trucking association, and i'm representing their interests here today. The Oregon trucking association supports the development of renewable energy sources, including biofuels and biodiesel. The Oregon trucking association, however, does not support a diesel fuel mandate of any kind for the following reasons. First, the american society for testing measurements, a.s.t.m., has developed a standard for biodiesel but not for biodiesel blended with petroleum diesel. This standard is necessary before we use a biodiesel blend in our engine. Second, the truck engine manufacturers have consistently indicated that if a failure of an engine is due to out-of-spec fuel, the engine warranty is void. In this case, the integrity and the consistency of biodiesel product is still in question. Today's truck engines cost between \$20,000-\$30,000. The engine manufacturers have not performed extensive highway testing on biodiesel. Why? Because they have been focused on e.p.a. mandate for lowing knocks engines in 2004, ultralow sulfur diesel in 2006, and low particulate diesel in 2007. These operational tests are vitally necessary before we know how biodiesel will perform in real world situations. For instance, in minnesota, the only state to implement a biodiesel standard, has had to rescind it twice because of fuel system foul 81st -- failures. Trucks literally were parked all over the state, unable to deliver their loads due to engine failures. Please, let us test the fuel before we are required to use it. It is our opinion that regulations that impact the trucking industry are best implemented at the state or federal level. A Portland-only biodiesel mandate will increase the price of diesel in Portland area only. Truckers that travel outside the Portland area will buy their diesel there. Thus, the impact will be increased -- will be to increase the cost of those trucking companies and businesses that serve the captive area of Portland. The Oregon trucking association believes that biodiesel is a fuel of the future. However, we believe that the above issues need to be addressed before implementation, and then let the free market insure orderly integration of biofuels into the fuel distribution chain. The Oregon trucking association is currently working with the governor's office, Oregon department of energy, and the Oregon department of environmental quality to develop legislation to promote biofuels and the reduction and diesel engine emissions. We believe a statewide effort is the best way to implement these issues. Until light of these concerns, the Oregon trucking association respectfully requests that commissioner Leonard convey a work group so that the issues of the trucking industry and others can be thoroughly discussed and understood before the city of Portland charts its course with regards to biofuels. **Karla start here**

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Sten: Thank you.

Fred Jubitz: Good morning. My name is Fred Jubitz, I'm the owner of Jubitz Corporation. Our company operates the only interstate truck stop located in the city of Portland. We've been in Portland for over 50 years, and employ more than 200 people, serve an estimated 1500 truck drivers per day and have been recognized in many venues as one of the best truck stops in the nation. From your perspective, we pay property taxes on 32 acres, we have 100-room hotel, a 250-seat restaurant, and other ancillary services that combine paid over \$400,000 in taxes to Multnomah County and the city of Portland last year. I'm here to ask you not to pass the biodiesel mandate proposal because I believe it would be devastating to our business. Our customers are the interstate commercial truck drivers and fleets, transporting goods across the country. The range of most over the road vehicles is over 1,000 miles. With modern technologies, trucking companies know fuel prices well before -- well before they get to Portland. Trucking companies will move their business for less than a half a cent a gallon, and I've seen a quarter of a cent a gallon. Mandating me to pay extra for biodiesel when my competitors don't have to pay it means I, because I'm in the city of Portland, will lose business. Cities as far away as Boise, Idaho, and as close as Troutdale and Aurora will benefit. We conduct monthly focus groups, invite eight or more travelling commercial drivers for a breakfast discussion. We have asked what they think of biodiesel in terms of pricing and use. To a person they're concerned putting biodiesel into their trucks will potentially damage and/or invalidate their engine warranty and no one is willing to pay more for biodiesel. Hence the buyout of the area. Particularly when they may also have lower fuel mileage tomorrow this indicates there's an urgent need for more education of the consumer before mandating. It is -- it is our estimation a mandated biodiesel proposal will cause us to lose well over 50% of our current truck fueling business. I was talking to a friend on the telephone this morning, a totally unrelated topic, and I asked him the question, he knows the industry very well, and he said, Fred, you might as well lock the door. That was his comment. Not to mention that we might lose from our restaurant lounge convenient store hotel entire operations. Trucks will continue to roll through the Portland area on I-5 and I-84 without stopping to do business with Portland businesses. I just like to conclude my comments with the observation that Jubitz has shown itself to be a good citizen of Portland. We are a 24-hour, 365-day a-year facility for travellers. We're already taking action with respect to various environmental issues. These include the -- we're entering into an agreement with the provider of shore-based electrical power. I see my time is running short.

Sten: We'll extend it a little bit. Go ahead and finish.

Jubitz: We're complying with national diesel fuel specifications that by October of this year will result in only ultralow sulfur diesel being offered to our fueling customers which will substantially reduce emissions, we're working with Cascade Sierra Solutions nonprofit organization for the location of offices of our facility which will offer 1500 trucks per day to visit Jubitz, a wealth of information, products, financial incentives for retrofit and other equipment to reduce both emissions and fuel consumption. We are participating with the North Portland Diesel Emission Reduction group, we're currently working with the City of Portland Bureau of Environmental Services in connection with storm water quality, including our installation of over \$50,000 already in capital improvements with more to come. Not only is Jubitz Corporation taken a Portland approach to regulatory matters that affect our business, the Jubitz families themselves have demonstrated a strong commitment to Portland and local charitable needs. I assure you that I'm very interested in environmental responsibility and I'm eager to be part of a national effort to move into a better future. But I don't believe putting me out of business -- putting me out of business will further the cause of promoting the use of biodiesel. Gentlemen, this is a serious, serious issue to us.

Leonard: If I could, Mr. Jubitz, I agree, it is very serious. I anticipated some of those concerns as we were developing this proposal since last fall. I want to assure you we've contacted every engine manufacturer in the country, they want engines, including 5% biodiesel. But the reduction of sulfur

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dramatic reduction of sulfur, diesel that you referred to that took effect June 1, the addition of 5% biodiesel actually adds lubricity to the engine. So the perception some of the drivers have is real, I know that. I've talked to them. I've talked to people who just think of diesel as dirty, loud, engines. They aren't anymore. And biodiesel actually is better for the engine, it makes it run better with the reduction of sulfur than it otherwise would.

Jubitz: If the perception out there in the marketplace is the opposite, we still will suffer.

Leonard: I understand that. But I want you to have the information so you know better. Second, what the addition -- with the addition of 5%, even if it was higher, and it's not, biodiesel, the cost of biodiesel, the cost is 5% of whatever the mixture is that you're using. It isn't -- if it was a nickel a gallon higher, for an example, it's -- that nickel a gallon is 5% of the blend that you're using the petroleum product.

Jubitz: The large fleets much America don't give you a profit margin of five cents a gallon, gross margin.

Leonard: But what I'm saying is, it's 95% of five cents is the actual do you know where it's going to be for petroleum diesel? The guys in Houston tomorrow could decide --

Jubitz: We don't guarantee price.

Leonard: What I'm saying is, you can't control the price currently.

Jubitz: That doesn't negatively impact me, because the trucking companies will pay based on my cost. And a purchasing fee on top of it. Wherever the cost goes, they will pay me a fee to pump it.

Leonard: Simon just saying you don't have any predictability on any of your fuel. You can't predict what the price of a gallon of diesel is going to be next week.

Jubitz: No, and it doesn't matter to me. It will cost me accounts receivable --

Leonard: It will matter if a gallon of diesel is \$3.50 and a gallon of biodiesel is \$2.90. It's in your best interest --

Jubitz: If you can guarantee that for me, great.

Leonard: Let's play it out --

Jubitz: I don't think anybody knows where this thing is going to go. Anyway, I appreciate your time and don't want to dominate the conversation here. It's a huge issue to us.

Saltzman: I wanted to ask Mr. Harris, I think it was also mentioned in other testimony, Minnesota rescinding their ordinance, they had a state ordinance that required 5% biodiesel?

Harris: I believe that's correct. They've rescinded it twice. It's still a ruling, but they've had to tweak the law twice.

Saltzman: That was because trucks were literally having performance?

Harris: This happened during the winter time and I believe it was the trucks gelled up due to some of the biodiesel. So I think they've figured that one out. The point is, we're still very new into this process.

Leonard: Minnesota statute is on the books. And also be clear, the issues with pouring temperatures and those issues, we have addressed. When I spoke earlier of the water bureau's standards for biodiesel, those are a reflection of the core temperatures relevant at different elevations the water bureau works at. The technology and the -- in the development of biodiesel has gotten to the point where the raw product can actually pour a fluid and be usable at minus zero. So it depends on how they develop -- if it's animal fat source, you have those poor temperature issues. Fits a soybean source, typically you do not. And even if there are issues beyond that, there are ways to address that with heaters and whatnot, which diesel vehicles have used for tens, many, many years. It's used to keep engines warm, I'm sure you're familiar with this, plug them in in cold weather to make sure the fluids stayed warm enough to flow when we went to start it.

Harris: In a new product, we haven't tested it for all the possible situations that it might encounter.

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Leonard: We'll have to agree to disagree. I've looked at substantial information --

Jubitz: We need to slow up on this -- slow down just a little bit and let the industry work with you.

Leonard: I don't mean to argue, but at what point do we see the polar caps melting, rising seas, warming of the earth that by now every person agrees is due to increased greenhouse gases which are a direct result of burning diesel and gasoline. At what point do we say, that's enough. We have to do something different. How many --

Jubitz: I think you're basically going down the right path. I just don't agree with the length of time you're allowing for the process to work. This is way too fast. All of us knew about this a week ago. And you want to vote on it next week. That's not fair, guys.

Saltzman: Do you think the effective date of July 1 of 2007 for the 5% --

Jubitz: Depends what you find out. It depends what the group study -- what their analysis of all the issues are. I think we're all committed to biodiesel, that it's going to be a product. It's forcing me to sell it -- to have that as my only product to sell.

Leonard: I will offer to you to sit with you, given that you are a major retailer in the city, and address every one of the issues you have brought up with your legitimate concerns that have previously been studied and analyzed on a number of levels. I think you'll walk away understanding --

Jubitz: I can't get over the perception that my customers are going to have --

Leonard: The study committee isn't going to have that. You have to do something different.

Jubitz: I'm happy to sell diesel, but when that's my only product my customer can buy, they're going to go right buy us. I -- I also think that the perception still lingers in Portland about the attitude toward business being business friendly. Believe me, this is not business friendly. Whether it be the trucking industry --

Leonard: How it is business friendly for working class people to be put out of work because they can't afford to fill up their gas tank anymore? How is that business friendly?

Jubitz: I guess that's not.

Leonard: Do you see the connection?

Jubitz: There is a slight connection, but I don't think they're one in the same.

Leonard: Would I have to respectfully disagree.

*****: I know. We'll have --

Leonard: I look forward to talking to you. And I'll follow up on that and call you.

*****: I appreciate it.

Jeff Reese: Good morning. My name is Jeff Reese. Thank you for having me here. I'm a Chevron dealer. I have been a dealer since 1981. Our family has been in the business since 1955. I have two retail facilities in the northeast part of town. And in my time I have seen a lot of different factors that go into being competitive in the area, whether it's from big oil and their pricing through tank wagon, which is what I purchase through, or short supply situations, and while I support biodiesel and ethanol, the mandate is the one that really caught my eye. That's why I'm here today, to testify, is because I feel that as a small business person, when you can't compete, and I am in the northeast area close to the border of Gresham, when you can't compete with fellow service stations in my area, you're not going to stay in business. I've seen a lot of dealers like myself over the years go away because they can't compete for different reasons. I don't know what the price is going to be of the biodiesel. I think it's a great idea. I just think for the city of Portland to take this on and not include any other areas outside of the city of Portland, is something that we're just not going to be able to stay in business with. Because of pricing. And I would -- like Mr. Jubitz said, I think my main concern is, I want to be able to buy product out of the same hole. I want -- if everybody were to have the same buying price, you could compete the same. But we don't know what the price is going to be. And that's my main concern today. I would hope that you would consider

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small business, people like myself. We like to stay in business. I have -- I am second generation, and my son is third generation. He's working with me right now, and I would just like to see that continue on. I love Portland, I love what it stands for, and I will live here hopefully for the rest of my life. I just like to see a -- a business friendly atmosphere when you consider this ordinance that you're proposing right now. And I thank you for your time.

Sten: Thank you.

Tomms Endicott: Good morning. My name is tomms endicott, managing partner of sequential biofuels, a biodiesel and ethanol marketing distribution here, founded in eugene in 2002 and headquartered in Portland. We're also joint venture partners in the only biodiesel commercial biodiesel production facility in the state, producing 1 million gallons per year in salem, Oregon, predominantly from used cooking oil collected in Oregon and Washington. Obviously this is an important issue, and you've brought some very important people from the community in to testify, and I think that's very noteworthy. The point i'd like to make is that the biodiesel industry has grown over the last few years. On its own accord. We currently have more than 20 distributors statewide, more than 20 card lock and retail stations, six of those here in Portland, and we're distributing more than 1.9 gallons of biodiesel per year. I'd like to commend the city of Portland, their use of b-20 in their fleet and testing out higher blends, trying that with b-5 running in their lift buses. Oregon department of transportation who uses 7% of all their fuels are now b-20. Private companies like neil kelly that are running on biodiesel, and of course hundreds if not thousands of individual drivers that are driving volkswagen t.d.i.'s and other passenger vehicles on the fuel, they've done a great job at proving out this product and the promise it shows for the market. Clearly biodiesel and ethanol have environmental benefit, but also excellent economic opportunity, and I think you've heard discussion about other production facilities both biodiesel and ethanol for here in Portland or in the state in general. The point i'd like to make is that -- and on the technical side, i'd like to say 10% ethanol is very well proven four months out of the year, all gasoline is 10% ethanol, 5% biodiesel. I would contend is well proven. It is in fact diesel fuel meets all standards for diesel fuel and would be labeled as such on a pump. We also have our first retail facility under construction in eugene currently, and we're looking for sites in Portland and we will offer both e-10 ethanol listed as gasoline and b-5 biodiesel listed as diesel. The point i'd like to make, however, is that on the production side of this, we'd like to encourage production of feed stocks in Oregon and the benefit that that has to the Oregon economy and certainly the Portland market is important in that area. On that note, however, biodiesel from canola will be several years away. From the types of value that's could meet -- volumes that could meet in the city of Portland alone, there are currently 500 acres of canola in eastern Oregon, it is an annual crop and it will take several years to see the million gallons of production that will be required as a result of what you'll see, if I could have another minute or so, as a result, what you'll see with this particular fuel standard is we will be importing so i-based biodiesel from the midwest if not palm-based biodiesel from asia, and it is certainly an opportunity for facilities larger than our own to source production in Portland or in Oregon from feed stock that's will be imported on the same side with ethanol. The two large facilities slated for Oregon are both -- will be fed by corn. It would be possible to produce ethanol from wheat barley and rye, but that currently is not done. So that is a point i'd like to make. Ultimately the decision is up to the council as to the impact of this decision and whether you're looking at global warming, whether you're looking at economic development, whether you're looking at the impact of money being spent on fuel in Oregon. But from sequential's perspective, we'd love to see the city encourage over time Oregon production of feed stock, Oregon consumption of feed stock, similar to the bid recently released by the city and gave preference to local feed stock. So that's the point i'd like to make. Thank you.

Leonard: Thank you.

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Teresa Teater: Good morning, gentlemen. Teresa teater from Oregon city. By way of nebraska. 20 years in nebraska I pumped ethanol in my car and i've referred to you folks before about how I drove a dump truck for 15 years in nebraska. Two types of diesel trucks, a white freightliner and a diamond rio. And the consistency of the alcohol as the gentlemen have pointed out, having driven the vehicles, knowing that the diesel needs to be a clear blend and having to change my fuel filters and seeing the gross stuff in the fuel filters, oh, my gosh, three inches of stuff just to pour out before -- after the fuel has been drained off of it, I don't -- i'm just going to throw some things out. I'm only talking in layman's terms. These guys are the ones with the big technical grains. We had to use something called catalytic converters in our carburetors to use ethanol in vehicles back there, and if you pumped anything but ethanol in it, you ruined your whole car. So the other issue I want to mention is the pick program. The secretary of agriculture used to be my mayor and my governor, and he was a farmer when he started his life off, so he could be your best person to go talk to about the pick program. When they paid the farmers to not grow corn because we had too much of it and we were still creating ethanol. And then the droughts hit, we had corn piled up all around. I worked out of lincoln, nebraska, but the fields all the way to nebraska city to the missouri borders, corned stack -- corn stacked up because all the farm silos were filled so that's when the picks program kicked in. They couldn't feed it to the cattle fast enough, and when the droughts hit it rotted it out nor a good 25 feet up into the air. And you lost production that way. There's a thing that I keep getting the universal -- of the -- the updates every week, except the session is done for the year. They've had a heavy discussion on the fuel check-off tax related to ethanol in nebraska. And this is spreading out on how they sell their fuel. And there's been some failures with this tax. I suggest you look into this. And the other issue of opacity levels, having worked out of an asphalt plant, the e.p.a. Would come in and the d.e.q. And stuff like that to check the level of the congestion of the smoke coming out of the stacks to create asphalt, the same thing with creating the fuel itself. You've got to watch for your global warming situation with these things. Sap brothers out of omaha, his competition in the midwest. They'll probably jump on the bandwagon and agree that the fuel has to be the same consistency for trucks all across the country. If you've ever driven through wyoming in the winter time, fuel can turn to jello when it gets I believe it's 10 below zero in wyoming, and I don't know what it would do with biodiesel. Thank you.

Saltzman: Mr. Endicott, you mentioned b-5 meets the standards for biodiesel?

Endicott: That's correct. It is basically an additive. A blend of 5% -- it will meet number two standards.

Leonard: Which is why we picked that amount versus a higher amount. Is that it?

Moore: That's all who signed up. This will move to next week, but I just wanted to say a couple things while the audience is here. As this discussion showed today, changes such as we're proposing are very, very hard. And if they were easy, Washington, d.c. would have done this kind of thing long ago, salem would have passed a bill last session. It's not easy. But if the argument of economic development here in Oregon and producing a biodiesel plant doesn't persuade you, I urge everyone to accept what I think has become commonly accepted in the scientific community now. We're destroying the planet. If we want to do something to change what we're observing, the increasing hurricanes, the increasing weather patterns that by now the scientific community has agreed is directly caused by carbon dioxide emissions which are directly related to the driving of vehicles that use hydrocarbon, you have to change the paradigm. And that's difficult, but this is how you do it. We are setting an example of how it has to be done. If we're going to save the planet. And I don't think that's a melodramatic statement at this point if people are just remotely paying attention to what's going on around us. I want to meet with mr. Jubitz and others and address their concerns. These are issues that have been discussed, analyzed, debated, and conclusions reached long ago. This is not Portland reinvent the wheel. We're adopting a simple accepted technology that does, yes, challenge the traditional way of delivering fuel. Which is, oil

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companies that have basically decided what the market is for fuel. This does change that. And that will cause angst, and that will cause bruised feelings, but it has to be done. Thank you.

Saltzman: I would just like to say when you have those meetings, i'm particularly -- I think the jubitz issue is rather unique. I accept everything that was said as fact. We are -- jubitz is the only interstate truck stop, and truckers by definition are highly mobile in where they select to land to fuel their trucks. So I guess I want to see -- make sure what we're doing here is not going to have an adverse impact on jubitz, and if that means allowing somehow the opportunity for jubitz to offer diesel and b-5, i'd want to see that worked out.

Sten: I'll look forward to hearing, i'm interested in the questions that were raised and i'll look forward to hearing an update next week. And we'll have a second reading of item 861 next week in the morning session. So thank you, everyone.

Saltzman: One more point.

Moore: Did you want to vote on that amendment?

Sten: You're right.

Leonard: Let's hear from commissioner Saltzman first.

Saltzman: Seeing our city attorney reminded me, has the city attorney reviewed this ordinance with respect to some of the points that were raised about exemptions -- preemshuns, e.p.a., clean air act stuff?

Leonard: We have raised them with the department of environmental quality. These concerns that have been raised. I don't know if ben's been involved in that. The message we got from the department of environmental quality was, as long as we're not -- i'm speaking directly to the ethanol issue. As long as we're not tying a mandate for ethanol to air quality standards, they do not believe d.e.q., that there is any preemption on the federal level.

Saltzman: Ok.

Ben Walters: The ordinance was reviewed prior to submission of the council, but we'd of course be interested in seeing any information that the industry would have for our consideration. The broad reference the industry provided in its materials isn't going to be helpful in terms of evaluating their statements. So any more specific information that they can provide is going to help us in our analysis.

Sten: I -- there's an amendment on the floor. We'll take a roll call on the amendment.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: Aye the amendment carries. We'll have a second reading on item 861 as amended next week. Commissioner Adams, you asked for item 877, how long is that?

Adams: It won't take very long. Less than 10 minutes.

Saltzman: We have people waiting for --

Sten: If it's more than a minute --

Adams: Less than four minutes.

Saltzman: How about later?

Sten: If there's a conflict i'm going to go with item 877.

Moore: 862?

Sten: I'm sorry, 862.

Item 862.

Saltzman: I'm pleased today to present the regional trail strategy the parks bureau has developed a 20-year vision. This is an important body of work that reflects the environmental ethic and characterizes our city. Two-thirds of Portland's regional trail system is already complete. This remarkable accomplishment would not have been possible without many partners, federal and state grants, bond measures, private property owners, and other city bureaus which have included these trails in their own plans. The transportation office, pdot has been a significant partner, designing trail street intersections and cost estimates for our grant proposals and constructing or repaving

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sections of trail. The bureau of environmental services and the water bureau have partnered with us on a number of specific trails, including peninsula crossing and the columbia slough trails. I'm pleased the strategy has had an early focus on acquisition. We cannot afford to fail because missed opportunities to acquire the property or easements that are required are exactly that, missed opportunities. This is sustainable park development because it provides a method for young and old, from all walks of life, to connect with each other and to nature using human power. It's important to remember that the strategy under consideration today represents only part of the entire trail network. Primarily, multimodal trails that are part of the 40-mile loop or otherwise regional in nature. I recognize there are other trail needs in our community from mountain biking and paddling, and equestrians, to the all-important improvement of trail access for those with disabilities as well. Today, however, we are talking about regional recreational trails, and i'm now going to turn it over to zari.

Zari Santner: Good morning members of the council. Zari santner. With me is the manager of finance and business strategy development, and gregg earhart, senior planner. We're very pleased to be here to present to you a report on our strategy. Completing our regional trail system. When I became director three years ago, I made a commitment to 40-mile loop land trust that within my tenure with their help and assistance of yourselves and other partners, we'll get the 40-mile loop done. 40-mile loop has become now 124-mile loops, and 102 miles has been completed of the loop.

And only 24 is left. And i'm hoping we can get that done in the next three or four years. In addition to that as commissioner Saltzman mentioned, this strategy includes other regional trails that we have developed with our various partners. Citizen -- the parks 2020 plan, which was documented by city council in 2001, lays out a long-term vision for our city parks system. Community considered the trails an integral part of our recreational spectrum. Providing access to trail is one of the four main objectives of the plan, specifically one of them calls for creating an interconnected regional and local system of trails, paths, and walks to make Portland the walking city of the west. The recreational trail strategies that you will hear about today is a trail map for getting us there. But it is only, as commissioner Saltzman mentioned, one of a number of planning efforts currently underway at parks to help us understand our community priorities and expectations and to build a framework for moving our park system forward. As mentioned before this report is focused on the regional trails and regional trails within city of Portland, city boundaries. It does not suggest any new trails, regional trails, all of these trails have been recognized and mapped in other city existing policies and planning documents. And as commissioner mentioned, it does not include site-specific trails. There are over 220 miles of regional recreational trails planned within the city limits. 146 of them are completed. Those have been completed usually based on piecemeal basis or opportunity driven with the help of this trail strategy, we will have a concerted and more hopefully expedited way of completing our trail systems. And we're confident that we can get the job done. But one of the most critical component of getting this plan done, and in fact creating this strategy, has been the significant work of one of my staff. Gregg everhart is a planner and landscape architect. In the past year or so he has spent numerous on-the-job and off-the-job hours volunteering in advocating for implementation of this strategy and I would like to present you gregg everhart, who will present to you the strategy. And robin and greg and I will be available after this presentation to answer any questions.

Gregg Everhart: Thank you. I'm going to run through this fairly rapidly because I know you have it in a report format. We start with vision and we end up with projects and the actual funding strategy. First of all the vision is to actually complete those 220 miles. A lot of other miles of trails in the city of Portland, but these are the regional trails, and they actually connect us to one another, or adjoining communities and the natural beauty of our city. As the commissioner alluded to, they really do serve a number of different users. They're free. And they offer peace and tranquility, or they host things like hood-to-coast, really large community celebrations. They're valuable for

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transportation. It's a really important side benefit that human power helps us improve our health, helps us improve the -- improve the environmental health. Stewardship along the trails, and basically a real link to our culture because a lot of these trails are along stream corridors, railroad corridors, and there's a whole diverse set of economic benefits. In fact, development company that's named itself for springwater. The state studies out recreation, and in their plan they found that walking for pleasure, walking, running for exercise was the biggest use of the outdoors for recreation. You can see that nature wildlife observation, bird watching, which often uses trails, is next in line. When they updated the state trails plan about two years ago, they did another survey, this is state parks, and they delineated sort of all the different types of trail users. And again, you see that high amount of sort of foot powered and some wheel power, but a lot of diverse use. And in fact, I've skied on some of our trails. Can't do it every year, but it's fun. And Portland use is higher than state level. We have half our people using trails every month. I think it's because basically people are really flexible about what they consider a trail. Sidewalks, bike lanes, are sort of normal off-street trails. We also credit tri-met for helping a lot of people make these trails, or using max and the buses to get out to something and then walking or biking -- biking back in. Fortunately we have a lot of providers. I want to highlight particularly our fellow bureaus at transportation, environmental services and water bureaus. These bureaus have all actually helped us design and build trails. A lot of other agency partners, the group I really can't show you is private landowners. A lot of the willamette greenway columbia slough is on private land. Those property owners develop the trail, take care of it. We've got many of the partners, individuals, and friends groups here today to comment on this. But they are really diverse and also very, very important to us. We truly couldn't do this with the parks budget alone. Our legal basis is in the comp plan and the zoning maps. We have got stars on each zoning map for the willamette greenway columbia slough and so forth. And when someone sees these stars, development services sends these to parks and we try and work the trail around what it is they're really intending to do. They in time usually have learned it brings some benefit to their development. And then the office of transportation, who also maps our trails, integrates them with the bikeways and sidewalks where they manage what's in the street right of way. Our historic basic goes back to almost -- this green line is what they thought of as a loop that would connect park sites, make them more accessible, and really we got terwilliger boulevard out of it, and many wonderful parks, but we fell short on connecting them with parkways and boulevards. But the idea remained and it inspired the 40-mile loop. And one of the big problems of -- what bits of work here was to actually get all our trails that were existing or shall -- into a single system. Within that we can measure these red trails, the hiking trails, wildwood and marquam on the west hills, the blue bike turn five and the purple multimodal trails. You can see how many gaps we have left and how much is done. So we actually have 70% of 102 miles of 40-mile loop, and frankly we're doing much better than east county. They're going to need some help. These trails are just the regional trails. We have an equal mileage and growing of other types of trails, but there are over 20 different named trails that show up on the regional trail map that all the jurisdictions partnered with metro to develop. Mapping these and really looking at each of them and identifying the problems reveal that they all kind of stem from lack of money. There's gaps, there's dead end, you can't connect to them. Maybe there's not a trail head for the people that don't live nearby or drinking fountain or even signage. There are some trails you cannot find. Getting them on the map we realize we needed to divide them into categories. We're focusing today on those regional trails, but we are also working, and the work will continue on community connectors which often arise from neighborhood suggestions. And then the local access trails, which are the trails you might walk to circulate through laurelhurst park or enjoy powell butte or so on. So this is the map, the geographic information system where it's green you can actually go on a trail where it's red you cannot yet. And as zari pointed out, we're two-thirds of the way through, and that's wonderful, but it's time to look at what else needs to be

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done. You may or may not use some of these, but I wanted to point out ones that are actually done. Again, that shows that odot has provided one very long trail that benefits us. There's few that came to mind or rose in importance because they're nearly done. And we're sort of flying through these. But I know you've seen people out on them. A special group that's not got a lot of awareness are little teeny connectors. These are how people get between the major trails. I got interested in them because they're shorter and most of them are much less expensive. So if we've got a trail done and we can get more people to it, that's a worthy investment. After the cost estimates and the mapping, one really difficult challenge was setting priorities, trying to say how long will it take to do, and which should we tackle first. The bulleted items are the criteria we eventually settled upon, but there's some overriding points, and that is that the regional trails have to sort of be where we can squeeze them in. We're too developed to get them everywhere now. So they are really a citywide resource, some people will have to travel there. It's kind of like a community center or pool. We can't get them in all 90-some neighborhoods. And we also used, except for the criteria about a higher number of potential users, we are straightforward and judge these on their recreational value. It's not to dismiss the transportation of value, we actually do that just sort of by way of trying to fund them. The ones that serve a higher transportation function tend to be our best candidates for those projects. So once we had them all scored and ranked, we divided them into groups. And I'm not going to go into each individual project, but you can see the willamette greenway and south waterfront is first. It's on the willamette as many of the first group are, as a high number of users will be there, it connects a great length, scenic value, scored well in every one of those criterion. Willamette shoreline, number two, is just not ready. So we'll wait for the metro-tri-met study and then see when we can move forward on that. Each of these packages has two of the little connectors, and then the blue text is funding that with the help of commissioner Adams and state odot, we secured while this work was underway. The second group, and you notice it says by 2015. That's like, let's get started out, let's get it done. Everything can move forward on the list, but these are really, let's sort of focus on them flexibly. This whole group tended to be north, it's up on the willamette greenway, again, all the things about the willamette river. And then on marine drive with the columbia river, columbia slough. A couple of connectors. The third group was scattered. The points on many of these were very similar, so we don't really take the number that's literally. The first new project was -- we'll be bringing the study to you in some months. A couple of connectors, and then the last of the groups, the second of the entirely newly proposed trails, it's been on maps for a while, but this is starting to attract community interest. And it's basically very technically challenging and likely to be expensive. These other trails aren't quite as high because they don't serve as many users, are not quite as attractive, don't have the parks. There were some peripheral things. I hope these don't take this long, but we would depend in large part on communities adjacent to us to bring the resources forward, because we have really a wonderful system. These other communities want to connect to us, so hopefully it's not all Portland's responsibility. The willamette greenway is the longest dream. The dream to get people to the river farther north is going to take a lot of years, and land use changes. So here's the money. It's expensive, but there was actually good news here. I got really tired of cost estimates, but acquisition, we recommend be our first priority as the commissioner noted. This is a manageable number. We've got some tools to use it. And the other good news is the operations and maintenance cost is not that high. Many other parties will take care of a lot of this trail mileage. So over 20 years I would hope we could grow the resources to care for this. And in fact, some of this money has been allocated already. And in the past, my first grant application was for the bridge funding. Sometimes the grants are quite substantial. So robin actually has really contributed to the idea of funding team. I've worked a lot with these traditional funding sources this, is what we know and are -- and are good at using, but we need to branch out. This is a large target, particularly if we try and do it in 20 years, so we really need to develop our ability to reach out for sponsors, partners,

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donors, and so forth. To illustrate how yes use this -- we use this list, which is basically 1-20, i've got projects that currently have funding applications underway. And they actually are an -- in all four categories. I was a little surprised and hoped I wouldn't get in trouble for that, but it base -- we based this on what's ready and where there are opportunities. The projects labeled number one is up on the slew. It's in the third group of projects, but it represents an important opportunity, because i-5 is being widened by odot, they propose spending \$1 million of community enhancement money, and we in the 40-mile loop applied to do this particular part of the trail. They accepted it, so that's wonderful. It then positions the project labeled number two to be more likely to get funding through transportation enhancements. That's a statewide competition and being done in conjunction with the odot project gives it some more points. So we basically elevated that to the list. Other projects, I can answer questions on them, but they're pretty much all over the map. And with luck, we'll be successful in most of them. So to conclude, we have a lot of miles to do, but we now have this tool, we know where we need to buy land and secure easements. We have an idea of what construction could cost if we do it right away, and the cost will certainly rise. And we have this prioritization tool. So we're now open for questions.

Adams: I wanted to get your perceptions on the sullivan gulch proposed trail. I think it represent as great opportunity for something that my office has been working on in terms of bike oriented development designation. Whether it's development near the spring water trail, or some other trail that would be developed in a way that bike transportation would be the assumed main mode of transportation and the kind of incentives we might be able to provide such development. And what's your -- what is your thinking these days on the sullivan's gulch trail opportunity?

Everhart: We're proposing that it get m-tip funding, metropolitan --

Adams: So I have to get you the money.

Everhart: Once again. We're asking for a quarter million dollars so we can do a planning study.

Adams: Ok.

Everhart: We'd like to get it on the comprehensive plan and zoning maps so that as these developments happen, we don't block the ideal travel route.

Adams: What are your thoughts on the -- what are your professional views on it as a potential trail? Do you think it has a lot of opportunity there, or compared to other trail options in the city, or do you think it's limited, or what's your sort of outlook on it as a trail -- how good of a trail do you think it would make?

Everhart: It's kind of like asking someone which is their favorite child.

Adams: That's next. [laughter]

Everhart: I only have niece and nephews, so we're safe there. In weighing them all, I think it could be a truly spectacular trail. I think it's really difficult because of the geology, the fill, the railroad, the landowners. I'm encouraged because there's strong community support, and yet i'm hesitant because frankly there's some other areas in the city that have less transportation infrastructure. So if you were going to compare it, say, to southwest, there's very few bikeways, there's relatively little sidewalks. Northeast Portland, southeast Portland have a much better interconnected set of streets and sidewalks, and they the have max. So what I want to do is just make it possible some day if we found a willing donor with maybe \$20 million, we'd probably rename it. But it's going to be expensive, and there are other ways currently to bike and walk in that neighborhood. So we also at parks are working with the neighbors.

Leonard: What I have become aware of, there is no east-west bike path from downtown to the easternmost reaches of the city without going up a very busy street with no bike lanes.

Everhart: It's really wonderful to have an off-street trail and have fewer road crossings. Much safer particularly for the young, for the old.

Leonard: Have we looked at that issue of an actual transit corridor? I don't know that it would be a trail or some other egress-ingress that goes from downtown, out to east Portland without having to

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go up a major street that doesn't have -- i'm talking using existing streets. There's no way to do that right now.

Adams: We have in the next m-tip funding request about \$3.8 million to designate bike boulevards. And we know we've got a lot of connectivity issues, in some cases the money is used to procure an easement between streets that don't have a through street that they have one of these muddy or not, sometimes it's just lawns, and to provide you and others a quiet street option to go all the way from east to west in the city --

Leonard: If you live anywhere in the city of Portland west of 82nd, you never have to go on a main street. I can tell you this because i've experimented all the way. If you live east of 82nd, there is absolutely no way you can avoid going up a main street.

Santner: Except for the springwater, which goes behind --

Leonard: Understand, springwater is way south. And you have to go way south into literally milwaukie in some areas to go -- which actually works for me, and I do that because I live at mt. Scott. So that is very convenient for me. My concern is more for the citizens who don't live as far south as I do have no way to traverse across 205, mainly, without running up some street without a bicycle lane.

Santner: As commissioner Adams mentioned, one of the opportunities that we want to jointly develop with bureau of environmental services is with the green street opportunities as we developed those things to explore, particularly in east where there are a lot of unimproved streets, how we could create bikes and paths that are protected by these green avenues so that separates them. So opportunities exist, and we could work with transportation bureau, and they are very excited about that as well.

Sten: Thank you. Stop-n-save you each have three minutes. We're coming up on the lunch hour, so if you can do it in under three we'd appreciate it, but I want to hold you to under three.

Barbara Walker: My name is barbara walker. Good morning, commissioners. It's exciting to see this council as forward in its leadership and interest in this as the previous councils have been. It's a main reason why we've come so far. I would like to commend gregg and the city and you, commissioner Saltzman, and the park bureau, for presenting this trails plan. It's the first comprehensive plan the city has ever had. Gregg has zone you many of the reasons for it, and others will show you a lot more. I won't go into the many or I could keep you here until tomorrow.

Approximately 50 years ago when the city club urged the city to acquire forest park, then they laced it with trails. We now consider in Portland part of our birth right. 25 years ago, half as much time, the 40-mile loop land trust was incorporated to implement the ideas and the concept of the olmstead plan into a hiking and trail system, biking system, as opposed to a boulevard system. An awful lot has been accomplished in that quarter of a century. In the city as you've seen, 70% of the loop is complete within the city. Mainly for three reasons, which of which I spoke, which is the leaders from this council and others. Another is the community support. And finally, it's the wild popularity and support out there for everything from financing, to clean-up, to maintenance, to whatever. We've got all. It's not just usership, it's ownership. The loop is the hub of this system.

Connecting people, as we've said, to the outstanding natural and scenic resources, providing us the olmstead thought, mental health, and a civilizing aspect as well as physical health. I still believe that. The hub is crucial because it gives everyone the opportunity to connect everywhere. It allows a child from lents to go to omsi. A -- it allows a child from -- or will -- allow a child in north or northeast Portland to -- or north Portland to get across from the willamette to the columbia. The possibilities are endless. In st. Johns, you can go to forest park. It's a pretty phenomenal beginning. With you must complete that so everyone everywhere can go anywhere. Including to the gorge, the coast, mexico, and canada. I mean, there is no question eventually what can be done.

With metro, it will go on. So far we've become very good at working cooperatively together. This plan will allow us to truly implement and taking -- take advantage of the opportunities as they

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arrive, rather than just pursuing them. Thank you so much, and I know the bureau of planning and transportation can put these also in their plans, such as the comp plan and the transportation strategic plan, and then we will really be rolling. Thank you.

Sten: Thank you.

Mike Houck: My name is mike houck, i'm here representing the urban green spaces institute and i'll mention that bob sallinger of audubon society of Portland asked me to -- to say that he echoes the support that we're showing for this plan. I got involved 26 years ago when I met barbara walker, who pointed out the importance of having trails that interconnect, the natural areas and parks, and also put me on to the olmstead plan, which barbara already referred to, you'll probably hear more about it today, as I think you should. He said in the city of Portland and interconnected park system is far more valuable to the city than isolated parks. My opinion, the power of the plan before you is that it builds on olmstead's vision for a comprehensive interconnected park system at large. The single most important aspect of the plan in my opinion and the primary reason why I would suspect you will support it is that it is multiobjective and multimodal. It provides a strategy whereby the city of Portland will knit together an interconnected recreational, and commuter aspect of this. Trail system that meets the needs of multiple user groups, not any particular single group. Thereby it will serve the largest number of Portlanders and citizens from throughout the Portland-vancouver metropolitan region. I -- beginning with my first bike to workday we called it ride on the wild side. 26 years later thanks to the collaborative nature of Portland and recreation and metro's trail planning efforts, and I really want to emphasize the importance of gregg everhart's work as a planner in Portland parks, as integral, as essential to that regional vision that we're talking about today. 26 years ago when I was asked to lead nature tours for wheelchair bound citizens, there were a few places I could take they'll. Shared outdoor adventure recreation asked me to lead birding tours, I said sure and found throughout weren't any placing I could take these folks. Today thanks to this work, thanks to plans like this, I have the ability to go out with folks who are physically challenged and and wheelchair bound. So i'm urging to you give your strong support to this plan. I will finish on one final note. That is I know there's been a lot of emails going back and forth and a lot of comments on various blogs about the importance of mountain biking. I think those folks who have raised the issue of single track mountain biking in the city have a legitimate issue, but I believe that producing a regional system of mountain biking specific trails which I think is a very special trail use, requires work above and beyond the work that's in this plan and I think we need to think carefully about how we look at the larger metropolitan region to see how we can -- if and how we can address those concerns. I just want to throw that out. I've got additional comments in here that I hope you will consider as well. Thank you very much.

Chris Carlson: I'm chris carlson with metro parks. This is the first time i've had to speak to the city council, so I appreciate it. I have just a couple of important points that i'd like to make on metro's behalf. The first one is that as you know, metro has been over the long term very committed to a regionwide system of trails and greenways, and our green spaces policy advisory committee, which has members from a variety of jurisdictions within the region, including Portland's, as well as members who are citizens and advocates of a variety of issues and business leaders also have identified in a vision that they have recently developed over the last two years the fundamental importance of trails and greenways in terms of sustaining the region's ecology, promoting its economy, promoting sense of community, and helping to build great neighborhoods. That's a key document the metro council has adopted, and actively embraces, and we're working even as we speak to making many components of that vision implementable, if I can uses that word. The second thing I wanted to say is that the map in front of you is an example of metro's work as one of the keepers of this vision of trails. And you can see how the map really graphically portrays a pervasive desire for trails throughout the region. In addition to our role in actually keeping this map and documenting it, our role in identifying corridors throughout the region that

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would be amenable to trails and our role in acquisition as we have done through 1995 bond monies and actually acquiring corridors, we also like to think of ourselves as facilitators for those partnerships that really actually put these trails in the ground. And I think the city of Portland is a particularly strong keg of that. They've worked hand in hand with the city of Gresham on the spring water corridor, they've worked very intimately with Gresham on Marine Drive and the Columbia Slough, and they've worked equally as -- those are three of many examples of their work in helping to build this system from the city out. I think trail strategies are really good examples of integrated planning and design work among partners. They're really fun to work on in spite of the fact they take a very long time to do, generations of people have worked on some of these trail corridors, but they really are a very powerful example of what can be done with really strong partnerships. I think Metro really applauds the strategy and the process that the staff have undertaken to put this strategy together. We're close working partners, we value that relationship a great deal, and we'll continue to do what we can to not only reinforce the work the department has done, but to help make it a reality on the ground. Thank you.

Sten: Thank you very much. Thanks for all your help.

Pam Arden: Pam Arden, a member of the 40-mile loop land trust, and a member of a new group called the North Portland Greenway Group, and that's the North Portland Willamette Greenway Trail. When I mentioned that new possibility of extending the east bank esplanade to North Portland to at least the Cathedral Park area and hopefully to Kelly Point Park, the response from people is automatic. They are enthused about it, they think it's terrific and they want to know when it's going to be done. Here we have an idea that a year and a half ago was kind of a small group coming together saying, what could happen here, could we possibly get this trail, and now you have a lot more people together saying this is really a possibility and let's go for it. We have such an enthusiastic group we have some people who have already created a website, so you can go to mpgreenway.org. We have people hosting this website for free because they believe in this trail. What we have here as a trail is not just let's say extend the east bank esplanade, but people are looking at it not only recreationwise, but transportationwise. People in North Portland are saying, I could get from downtown to Swan Island, I can get from downtown to -- up to North Portland, so I could go from my house to Swan Island, down all the way to downtown and even farther south for my job. I don't have to be on a city street. I could be on this marvelous trail. We have the possibility right now because of Gregg Everhart's work to have the bluff trail, which would connect Willamette Boulevard down to the Willamette Greenway Trail. That will actually take you to the end of Swan Island so you can now go from North Portland and once this little segment is finished, all the way downtown. This would be really a terrific idea. We have some comments that are coming together for this trail which are kind of like what happened to the Peninsula Crossing Trail 20 years ago. You had a small group starting with an idea, and then everything kind of came together. Right now you have the opportunity with the C.S.O. project with B.E.S., the opportunity with the River Renaissance and the North Reach project, you have the Wad Bluff Trail, all these different things, all coming together to say what could possibly happen with a trail along the Willamette Greenway. So these are opportunities. So this is what this trail study that is being put forward today says there are opportunities here and this one is one that's ripe for happening right now. And I really appreciate the opportunity to have this as part of this study project. While this little segment, not little segment, the rest of this esplanade idea is not specifically part of the 40-mile loop, trail system, do you end up with having it be an essential link, and 40-mile loop talks about loops and linkages, and this is what we're talking about with this one. Thank you very much. Let's hope we can get this trail done sooner than later.

Clarke Balcom: Clarke Balcome, board member of the 40-mile loop. I would like to point out something that obviously this council is aware of, Portland is different. It's different because of its vision, and also its willingness to implement parts of that vision, whether it's biodiesel or 40-mile

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loop, people on this council aren't afraid of taking some bold ideas and putting them into effect. And many other cities have parks, golf course, tennis courts, but none of them have 40-mile loop. We have at least, most of it now, there are some gaps that reduce the usefulness, the potential use of it, just as if I -- if I-405 didn't connect with any other interstate it wouldn't get used much. Now it gets used a lot for various reasons. 40-mile loop would connect all the other trails, the various neighborhoods all around the city, the point is that -- barbara has explained this many times, i've heard her do so eloquently, it's a hub which would connect all the other trails and parts of the city, and it's that connectivity to echo barbara walker and mike hauck, and 100 years ago john charles olmstead, that connectivity is what makes us different from every city. It's got parks and golf courses. It's also for everybody. I think golf courses are great, but i'll never use one. I don't golf. There's a large segment of the population that doesn't golf or play tennis or doesn't have the money to do that. And ordinary people can pull on some shoes and go use the trails, wherever they are. They can -- when i'm out there I see bicyclists, I see mothers with strollers, skaters, further out on springwater horseback riders. This is something that is different, it connects, it benefits everybody, not just a narrow segment. And I think it's really important to move ahead on this now. Fortunately the cheapest part of the whole thing is the acquisition, which is also the most important. It's the opportunity that won't be there if we wait another 10 or 20 years to at least acquire these. Even if initially it's not, we get whatever acquisition is available, easement purchase, linear park, and then let people use the dirt trail if it's mountain bikers that can go ahead and use the dirt trail and we -- people who like to run on the dirt. But if it's delayed, it's possibly an opportunity lost. I think the council for moving ahead -- I thank the council for moving ahead on this at this time. Thank you.

Susan Hathaway-Marxer: Good morning. My name is susan hathaway, I live in the irvington neighborhood, and I have for many years. In the interest of full disclosure, I should tell you that i'm a retired city employee. I worked for the parks bureau for many, many years, and was hired on when springwater corridor was added to the city's inventory. For a long time that had been an idea.

When the city gained ownership of the land, it became a project. But it took years and years and years of negotiating, and cajoling, and strategizing, and creative design before that idea and then that project became an actual trail. It is now a huge success. Also in the interest of full disclosure, let me tell you that i'm working a little bit on the sullivan's gulch trail proposal. Because the people who live in northeast Portland not only irvington, but rose city park, grant park, I mean, it's stretches both sides of the i-84 corridor, we'd like to have our version of springwater corridor too. We recognize its primary use is probably for alternative transportation. To commute on a bike trail is, as you know commissioner Leonard, i've seen you in your bike shorts on t.v., it's a nice way to get to work.

Leonard: I apologize for that. [laughter]

Adams: We hope you'll keep your residents in the city. [laughter]

Hathaway-Marxer: It's a very nice way to get to work. But having a corridor in your neighborhood is also a really nice way for families to recreate. I've also seen commissioner Sten wheel his darling baby around my neighborhood. And i'm sure he would appreciate having his version of springwater corridor to wheel that little boy on. So i'm here to urge that you -- I know there's a formal action required for you to accept this. I am here actually because I know the rules, to urge you to accept this so that this will become an important and strategic document that agency staff and citizens can use to develop future amenities for our community. It's pretty simple. We need more trails and they are virtually no negativities. Once they're up and built, they're virtually no negatives. Thank you.

Gail Snyder: Gail snyder, the executive director of friends of forest park. Thank you for this opportunity to speak. I'm here to lend support to the Portland parks and recreation regional trail plan. Trails create communities that are good for our economic health as well as our physical and mental health. They provide a place for recreation, for refuge, and occasionally romance. We do

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know that even trails become controversial, but ultimately we all agree we value and support our trails. You're aware of some of the issues that arise among different user groups, from naked runners, to mountain bikes, to dogs. But perhaps you aren't aware of another very serious problem and that is the problem of trail doggerel. In our Portland city fair, parks and trails we gladly share. What better way from here to there, while benefiting from fresh air. So randy, sam, erik, and dan, we ask you to accept the plan. Doing so will hit the mark, and did I mention forest park? [laughter]

Saltzman: Very good.

Adams: Yeah: [applause]

Don Baack: I hate to follow that. First of all I don't think i've seen either randy or -- i'm don baack, by the way, representing southwest trails, speaking for them. I don't think i've seen randy or erik biking around southwest. You need to come out and experience that. We really are deficient of an east-west trail in southwest that you can safely bike. Our trails group generally supports the strategy presented in the document we were sent, which we are reviewing today. But we do have a couple things we'd like to talk about. We do not agree with the placement of the hillsdale lake oswego trail, and it's a pedestrian trail only, as something that should be completed in 2020. The reason being, it's cheap. It's not something that needs to take a lot of time to do. I don't know why it's in there as a big expense, because my view, it can be -- all we need to do is get the plan done and it's on the regional trail list because it was requested and demand by the citizens of southwest. The Portland segment are easily walkable at the present time, but the trail does need improvements. What we see, this is not very expensive, let's get on with it. We've been waiting six years for the master plan for marshall park. It was promised this year, it may be done next year. It's important to get done immediately, because they are going to -- the state parks department is also going through a process on the land south of it, and it's very important we have connectivity across that. If we had this plan completed, the southwest trails could -- for not more than \$10,000 a city, parks funds could construct the trail and have it completed. So we really need to get the plan done with the assistance of southwest trails and we'll get it done. So we would ask that you move that to the first phase of projects. Now, I have appended in my testimony email correspondence between janet and myself relating to the way she interprets the strategy being implemented with regard to -- the reason for that is, we understand that that is a piecemeal thing and the target date of phase three is 2015 or something like that, basically means completed. Whereas we've got the plan in hand now, it will be presented soon, I presume, we want to see that basically implemented as soon as we can in the segments that can be done. It will open up a great deal parts of our southwest neighborhoods to being able to bike and sam, you mentioned at some meeting I was at where bicycle shelters were something 10 years ago we put that in the hillsdale town center plan to have a bike shelter in conjunction with the red electric. We see that as a key transportation node that would permit people to come to hillsdale and then move forward from there on the bus and not have to ride the bus all the way downtown. Thank you very much.

Adams: I just wanted don to take the opportunity to publicly thank you for the -- I think you worked probably 40 to 80 hours a week most weeks on the trails in southwest, and it is an amazing accomplishment having -- you've hiked me around there a couple of times, and what you've done is amazing. Thank you very much.

Baack: Thank you.

Zephyr Thoreau Moore: Zephyr, concerning the transportation, vehicles deliver drivers. And the lighter vehicles complete the delivery while consuming less oxygen and fuel. A bicycle that weighs 30 pounds is far easier to deliver, the driver, than a 3,000-pound vehicle. And any extra weight on or in the vehicle consumes more oxygen and fuel and creates more noxious carbon dioxide gas. If a biker had a football on the bike, it would be functionless weight. That the biker would have to be punting around with his bike. Well, if a car has car dealer advertising defacing the artwork on the

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license plate, that also is extra weight. It's a gob of extra weight. The metal advertising rack tangle is 404 grams. A football is 4 and -- 406 grams. It's a considerable large amount of oxygen we use to punt the car dealer advertising. How to consume less oxygen? If you're a biker, take the football off your bike. If you're a biker, and you see a car that has a pound of useless car dealer advertising on it, beg the person that owns the car to unscrew the car dealer advertising and put it in the recycle bin so it won't be propelled around with fuel, air, tires, to make noxious gas. Consider a car going 1,000 miles a month is 33 miles a day and/or 970 60-yard punts a day. Have you ever punted a football, commissioners? Surely. Well, imagine punting a football --

Leonard: We're politicians. We punt all the time. [laughter] second nature.

Z. Moore: Well, imagine punting a football 970 times and probably less than an hour's time. You wouldn't even have feet anymore. It's totally physically impossible. But yet a person behind the wheel with their foot on the gas pedal and brake, they don't even think about this thing on their car defacing their license plate. So those of you in the audience, please, I beg you, please look at your license plate and if it has a big sucker tattoo on it for a car dealer, take the advertising off of your car. These came out -- this is out of Utah. These other ones are out of New York. Both of them came off Oregon license plates. Concerning funding, you'll see the business card that you have before you --

Sten: Thank you, Zephyr. You're out of time.

Roger Louton: Good to see you, Sam. I had a great time talking with you at the bike summit. At that bike summit I showed you that big piece of paper, 6, 29, and 35. The number 6 is the actual legal miles of single track a mountain biker can ride in this town for a metropolitan population of 1.5 million people. Six miles. And we currently enjoy the 29 miles of fire lanes in forest park which equals 35 miles for mountain bikers to ride off road away from vehicles amongst the trees which is what we prefer to do. Last week I attended the world mountain bike conference in Whistler, British Columbia, attended by over 410 people. Also in the same interest as me, ride your mountain bikes in the woods, promoting conservation in the environment. Did you guys know in the city of, Park City, Utah. Population of 3200, their metro area, 1992 they had 10 miles of trails. Now they have 335 year 2002, all on private lands. Matter of fact, developers planned trails before planning the neighborhoods through their neighbors that they are building and Realtors have tag lines in their ads that say "this land is connected to the local trail systems." I think this is something Portland should strive for doubling what a population of 32,000 has. Come on. We need more trails for everyone. Also has the rep in the Portland board member we also support the Portland recreational trails plan. Also remember that single track trails are the cheapest type of trails to build. Also they disturb the least amount of the earth. If you only build a two-mile or two-foot mild as opposed to an eight-foot trail paved with asphalt made from the bottom of the barrel of a barrel of oil, also requires a gasoline powered machine to actually lay down that paved trail. Think about what we are doing to the environment with the asphalt. So to conclude the Portland mountain bike community looks forward to working with the city, the parks department, our friends at the friends of forest park, and the transportation department and the PDX Platinum Status group to make sure our city achieves the platinum status as based on new criteria noted by the executive director of the national association of mountain bikes. I planned on presenting the league of American bicyclist has a new standard they are initiating for platinum status. Two new questions are added. What is the status of access for mountain bikers and what is the access of mountain bike skills park for access to mountain bikers. We look forward to working with you guys and hope any decisions in the future are fact-based decisions and not decisions based on biased perceptions. Thank you very much for your time.

Noelle Dobson: My name is Noelle Dobson and I manage a problem in the Portland metro region called Active Living Design looking at how design in the environment increase levels of physical activity and improved health. Thanks for the opportunity to speak today about my support for

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Portland's recreational trail strategy and I am speak go on behalf of a large diverse group of interests who are looking at how trails and trail networks are important in promoting health. In many ways it's pretty intuitive. People walk and bike and roll on trails so therefore they are getting more exercise and it's good for your health. But it's more than that. And what's important here and why I am involved in this work is that it's not just intuitive. Every day there's more support from health researchers that trails do play a role in promoting and improving health. Support that shows strong enough evidence for the public health and the medical community to realize that we have to be involved in promoting trails as part of our work to increase people's levels of physical activity and increase health. Increasingly the research and best practices are showing us the environments that surround us, whether it's a workplace, our community, or school, really do make it easier or more difficult for us to be healthy to incorporate activity into our day or access some really healthy food and trails are a key part half creates that active community environment, one that supports and doesn't discourage people getting out for a walk or a bike. So for those many communities that are nearby trails in the regional network trails really do provide a feasible, convenient way for people to spend a little less time in their car and incorporate some physical activity into their day. There are plenty of reasons why people need to get physical activity. Currently about 40% of Oregonians are not getting what's considered to be the recommended amount of physical activity. And activities is important for many reasons, not the least of which is maintaining and reducing weight. The most recent statistics show a startling 60% of Oregonians are overweight or obese and that includes 27% of eighth graders. Experts say this generation of young people is likely to be the first one to have shorter life expectancies than their parents. Mostly due to chronic diseases related to overweight. I want to emphasize it's in the just obesity. Physical activity is important for many, many other reasons, more energy, mental health, getting out in your community. Four years ago a diverse group of partners in Oregon that was led by the department of human services health services developed a statewide plan to promote physical activity and it states increasing trails is the best practice to promote activity and health. So I want to close with just a specific example of how I have been involved in using trails to promote health. My most direct experience is with the springwater corridor trail running through outer southeast Portland. I know some of the council members here have been involved with lents in outer southeast Portland. We have been working with the Portland parks and recreation department urban renewal partners to improved trail to repaving and habitat restoration, promotion, this is part of a real comprehensive approach we have looking at parks. Other bike lanes and sidewalks and other opportunities. But the trail really is a key part of this. I will highlighting how important the trail is as a community asset and what a gateway it is to the entire regional trail network. So today we are talking specifically about the regional trail strategy. I encourage you to also look at big picture of how trails contribute to collective efforts happening through throughout the stay and region, efforts working to develop communities where people can be healthy and thrive. I appreciate the opportunity to speak today.

Susan Barthel: Good morning. I'm susan and I am a walking commuter and an avid day hiker. I have conducted hundreds of visits along the columbia slough and the columbia river with trails that exist there but unfortunately we offer run into gaps and come to an end or to a highway that can't be passed. So i'm delighted to see that two-thirds of our trails are done. That's the two-thirds of the cup that's full. That's great news. We have a vision now. We only need 4.6 million dollars to buy the easements. I have done some easement acquisition. That's the tough part. I was sitting in a discussion of this plan with a representative from one of Portland's big recreational equipment retailers and we looked at each other and we said, you know, that's not very much money. I don't really think it is. I have an uncle who raises lots of money for lots of different causes and he said, all you have to do is flatter people by asking them for more money than they think they can afford. It's true. It works. So I guess what I would like to do today is to offer my \$20. It's not nearly

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enough but you haven't yet adopted the strategy. So when you have, and when you set up the give and the ask, come back to me and I will add on to this.

Leonard: Couldn't you give us \$10,000? [laughter] i'm practicing.

Barthel: I'm very flattered. And I will tell you this, mr. Commissioner, when you make the serious ask, it go into the serious consideration pile.

*****: Thank you.

Adams: Susan is also part of the team of the world's best environment services organization at the local level. Outside, I mean outside the city, to do in the restoration area. Some of them involve little pieces of trail but not this, not part of this project. And so it seems like it's a nice marriage between what this council does to do restoration enhancement in the watershed and education with completing the sections of trails. So we're really grateful that you are considering this project. Thank you.

Scott Bicker: Members of the council, my name is scott bicker. Policy director for the bicycle transportation alliance. Thank you for having us today. Bicycle transportation alliance is a nonprofit organization with over 4,000 members, business and individual members. And our job is to figure out what are the good places to bike, how do we get more of them, in order to increase bicycling in Portland and the region and the state. The b.t.a. put out a blueprint for better bicycling which I think folks here have seen, and in 2005, it's part of that we surveyed over 1,000 -- we surveyed almost 1,000 people and talked to many, many more about where are the best places to bike and overwhelmingly we heard the best places to bike are on low traffic streets or places where there are no automobiles. In fact, people had concerns about riding around automobiles as a major factor to increasing their bicycling or to getting on a bicycle. The trail's plan is obviously one way to get there. How to get more? I sit on multiple committees and argue for trails projects up and down. Argue for more transportation enhancement funding or programs at the federal, local, state level and hope to continue to work with you folks. I appreciate that the work between transportation and parks on this process. I think that's important thing to continue and I think the b.e.s. Connections have future connections as well. People like trails, and what we heard specifically from our folks in the survey is that they want to see more trails. Why is it important? Well, we know for Portland's economy, not only do we have a \$63 million bicycle economy, we have a sneaker economy and we attract nike and adidas and others to our region and we also attract new business developments like the one proposed a couple blocks from here with the new bike station. Companies that are interested, we have most walkable, the most bikable and greatest city in the nation and that really contributes to attracting folks to companies and other folks to our community and I think that that's continued importance here and the trail will master plan helps us get there. Whether it's green house gases, health issue, or just attracting people here for tourism reasons, the trail's plan helps us get there. In my bicycle ride I was trying to get to a baseball game on sunday and I was trying to speed there and I wasn't carrying a basketball or football but I went down to the esplanade and I found that I was in congestion. We actually have congestion on our bicycle and multiuse trails and we hope to work with you folks to build more of them and to work on other creative ideas. Just really quickly, we think there's some things like access to parks and creation of green streets and use of our existing streets to create more park-like or trail-like environments on existing asset and resources and hope we can continue to work in the future on those things. Thank you very much.

Dan Walters: My name is dan walters. I represent the sullivan's gulch neighborhood association. But also a group that the neighborhood association has asked me to work with to promote the sullivan's gulch bicycle trail down i-84. We see so many positive benefits from this. Including reducing congestion, providing a way for people to bike commute. We see this trail being multimodal. We see it as a way to connect different parts of the community, gateway, hollywood, the lloyd district and downtown. We see it as an opportunity to promote the natural resources of

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that particular corridor which is a natural transportation corridor. It's underutilized now. We see opportunities for transit oriented development or bicycle oriented development. All along the corridor. We see it as an enhancement to property owners and businesses to provide different kinds of transportation opportunities to and from their places of work or from housing opportunities. We appreciate the support you've given us already. We support also the b.t.a. And their goals. We think this is a really good long-term project. We support the overall master plan. We would like to see the sullivan gulch's trail moved up in the priorities and we are working on those issues. Most importantly probably will be funding. My favorite t-shirt right now is, it says bike to work, work to eat. Eat to live, live to bike." I think Portland really is a good place to do that. Thank you.

Sten: Thank you very much.

Moore: Our last two are walter and bob.

Walter Valenta: Hi. Walter valenta. I am a member of the 40-mile loop trust. We really appreciated the parks director's statements at the beginning that her top priority or one of her top priorities is to complete the 40-mile loop. When you look at the springwater corridor, that's a trail we feel really proud of and that's part of the 40-mile loop but there's a few missing gaps. We think about the forest park trail and that's a trail we are proud of. And that's on the 40-mile loop and there's a few missing gaps. East bank esplanade, that's the 40-mile loop and there's a few missing gaps. Marine drives that's first segment and there's a few missing gaps. So what we want to do and I have a map for everybody on the commission, but also anybody in the audience that would like it, it shows the 40-mile loop. Everybody knows the 40-mile loop name but they don't know where it is always. But all the trails we are the most proud of are the 40-mile loop. So our message to you is really clear. Complete the loop. And complete the loop soon. This is the 25th anniversary of the beginning of the 40-mile loop. The first trail was completed 23 years ago. So there are some new upstart trails like the sullivan's gulch trail. Honestly they don't even have a trail designation yet. And so they have a long way to go. They haven't paid their do you say. We have had someone like barbara walters here -- walker here helping us for many, many years. And that is the backbone of this whole trail. So instead of keep pretending you can push these other trails aside, we want to dedication to completing the 16 gaps and finishing the 40-mile loop because it is the trail that we already are the most proud of and let's finish it. Thank you.

Bob Akers: Council, I am bob akers, president of the 40-mile loop land trust. I hope that you received one of our brochures on the 25th anniversary. Also a map, walter just mentioned. I would like to thank zari for pointing it out right at first the importance of finishing the 40-mile loop, getting the loops completed so that it's a complete hub around our metropolitan area. That's very strong in our forethought to enhance the livability and the metro area. Thank you for the support that the council has given over the years for the 40-mile loop and the understanding and work that you have -- the parks commission and things like zari and the work that greg, the work she did on this plan, is very excellent to make our community more of a livable place to be. 40-mile loop is an original trails supported. Some of the questions that was asked here today about what people feel about certain trails, I think that as soon as we get the hub of the 40-mile loop completed, 40-mile loop will be able to support all the trails in a stronger way. I think i'm one person that understands the missing links and not having loops completed. Because over the years that i've worked with the 40-mile loop, my home telephone is on the Portland parks bureau web page. My phone number is on metro's web page of questions about trails. And I get the questions like, "i was out biking and I can't get here from there. When are you going to finish that?" and not only by like to be able to not get phone calls, but i'm sure my wife would like that, too. And so again I would just like to take this opportunity to thank you for all the help did you and support for the trail plan. Thank you.

Sten: Thank you very much. Would anybody else like to testify today? I would look for a motion to accept the report.

Adams: So moved.

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Leonard: Second.

Sten: We have moved and second. Take a roll call to accept the report.

Adams: Aye.

Leonard: I appreciate all the work that has gone into this. I am an active user of our trails and other venues and so I really very much appreciate this. Aye.

Saltzman: I am very pleased that we are finally putting on to one document a comprehensive strategy for really our one of our greatest legacy, not only the 40-mile loop but all the other trails and all the other opportunities for people to get from here that, here to there. And I think this is a, important for walkers, bikers, runners, children on bicycle, seniors people with disabilities, too. I think we need to work on that. I want to thank gregg ever heart. This plan embracing all these things. And gives us a time frame and action plan and attaches some dollars to getting it done. And I look forward to the day when we can call susan bartel up and get her contribution up with a very generous public-private contribution. But it's going to take that type of work to make this a reality. But I think getting started starts with a comprehensive framework plan and we now have that in place just as we have our parks vision 2020 plan. This takes its place right next to that as a living, breathing document that will guide us as we serve the residents of this region in our future. Good work to all the people on the parks and recreation bureau. All the citizens out here. Thank you. Aye.

Sten: I feel grateful to live thin community when I see the amount of energy you are putting into this. It make us a better place. Tell me who to ask for money. Aye. We will take item 877.

Item 877.

Adams: I want to pull this off the consent agenda. This contract relates to Portland's needed necessary update. It's a 10-year update to the transportation system development charge program. Projects intended to redo you say congestion, freight mobility, through this update we will develop a 10-year list. We have formed a citizen advisory committee and we have some members from the citizen advisory committee group here and we are going to have a very quick overview, answer questions, and then hopefully take the vote very quickly because I have got to be out of here by 12:50.

Kathryn Levine: Good morning. I am kathrny levine with Portland transportation. I have a brief slide show but in the interest of time I could make a few remarks so we could move right to testimony.

Sten: That would be my preference.

Levine: The ordinance before you today is to authorize a contract with the rate study consultant to assist us in a 10-year update to the transportation system involvement program. First some context.

Much of what you have already heard about today, the city's transportation system provides access, mobility and connections, essential to the city's economic health and neighborhood vitality.

Throughout transportation system development program or sdc we are working to accommodate growth, encourage mixed use development and support alternative modes of travel to reduce unnecessary vehicle trips and maintain Portland's liveability. The Portland tsdc, transportation system development charge program began in 1997. It was a 10-year project list and rate study. It will need to be updated for the 2007-2017 time period. We have been able to move forward with a group of volunteers on a citizen advisory committee to help us develop that new project list. This 10-year update also provides us with an opportunity to look at equity issues, that is, the geographic distribution of projects, the rates charged to certain types of businesses such as small restaurants, and the extent of transit-oriented development discounts. I am here today to ask you to authorize the contract so that our work can move forward. And I am here to answer questions should you have them. Also there is a letter being distributed. It was written by rick williams. Lloyd district tma in support of the update effort moving forward and specifically of the contract authorization. Thank you.

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*******:** Good morning. Scratch that. Good afternoon.

Adams: Yeah.

Judy Craine: I am judy craine and I operate holman's bar and grill here in Portland. I am they're speak in support of the contract. As an operator of a restaurant, I welcome a review of the system development charges assessed on small businesses particularly those in my industry. The 10-year update of the transportation system development charge project list is the appropriate time to do this review. However, having served on several citizen advisory committees myself, I know that even the most well intentioned group of people can find themselves simply exchanging opinions colored by their own agendas. That's why I support this contract for the engagement of professional consultants. I am confident that the input and analysis from these professional observers will help the advisory group come to a more reasoned conclusion. With the consultant's planned comparison of costs within the metro area, and other west coast cities, the committee will be given very useful information. System development fees can be particularly burdensome for restaurants and we are particularly upset when we receive the application of fees by the city to be unfair. I am hopeful fairness in fees will be one of the major outcomes of this exercise. I want to thank commissioner Adams for seeing to it that the restaurant association was represented on the committee and I thank all of you for your attention this morning.

Adams: Thank you, judy. What's the soup today?

Craine: I think that it's roasted garlic.

Adams: That's good.

Leonard: Roasted garlic? Mmmm.

Adams: Thank you.

Sten: Did we have a signup sheet?

Moore: She was the only one who signed up.

Sten: Would anyone else like to testify on this matter? Mr. Bach.

Don Baack: My name is don baack, hillsdale. I have been sitting on these committee meetings. I think that doing this is the right thing. It get it done very quickly. Sumner sharp I have been involved with several times. He is good with keeping the discussion on point and I think it's the way to go. And hopefully we will move through it quickly. I personally like to see some things like the intersection improvements, signals, roundabouts, key pedestrian and bike connections go on that list.

Adams: I am interested in future discussions with the commission and the county so we can invest in some of those things that everybody can agree to.

Baack: Let us know how we can help you, sam. We will be happy to go to salem to make that happy if that is effective.

Adams: Thank you.

Susy Losan: Susy losan, representing the port of Portland. I am here also to lend support for acquiring technical services to refine and update the city's transportation systems development charge. The sdc has been a really valuable financial tool helping to pay for key targeted transportation improvement projects, which address both congestion issues and solve some of the delay problems. A couple of examples of those include north lombard street, railroad crossing, north marine drive and improvements in river gate, lower albina crossing and then there's construction underway right now on the east columbia to lombard connector project between columbia and killingsworth west of i-205. This is a \$30 million project that will eliminate bottle necks, some of which was paid for by sdc's but those s.d.c.'s help to leverage other sources including the port's. We are participating in this process. We also pay s.d.c.'s and I would just urge your support.

Adams: Thank you.

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Steve Pfeiffer: Good morning. Good afternoon, council. Steve Pfeiffer here. I was involved in 1997 with the initiation. Current ordinance and the policies behind it at the time and it's apparent to me in the last 10 years we have ample reason to revisit some of those policies. Each and every one of us have ideas we are going to bring to the table. Having said that, if you are going to visit policy as opposed to simply go through what some would otherwise suck more of a bean counter approach trying to reprioritize the improvement in the list and leave it at that maybe you don't need as much of a record with as much analysis as this contract will provide you but I do believe it's time to revisit the policy in many respects and I think you will inevitably agree and having said that I think you are as with any policy consideration, advised to have as much information as you can possibly have at your disposal and this is the way you will get it on a very complicated mix of fact, policy, economic consideration, if we are going to get our maximum bang for the buck for the \$35 to \$40 million you collected over the next years in this fund this is the way to do it. And finally, any time you change policy there's somebody who is going to suggest you shouldn't have. And there will be debate. And the best way to provide your protection you need is to again have a record that demonstrates you have been through that process and thoughtfully so and can justify the calls you make.

Ty Wyman: Thank you, council. Ty Wyman, local land use attorney and in that capacity I represent Providence Health System and on behalf of Providence I sit on the Institutional Facilities Coalition. And the coalition asked me to join the CAC which I was glad to do. The institution as you may know have particular issues that I think fall within the gambit of equity. Our particularly our S.O.V. rates simply have been very low because we are able to do things that other traditional or other land use categories are not. I would also say, as a member of the selection committee, that I was particularly impressed with the Henderson and Young's willingness to think if not outside of the statutory box, at least as close to the edges of the statutory box as possible, with picking up on Commissioner Adams's comment I think is absolutely essential at this point in time. So sure appreciate your endurance here.

Adams: Thank you.

Sten: Thank you. Anybody else like to testify on this matter? I believe it moves to second reading. Thank you. That gets us to the regular agenda. Could you please read item 886.

Item 886.

Sten: Are you going to make a presentation?

Harry Auerbach: Commissioner Adams asked we file it on the regular agenda. This is an ordinance to settle a 10-year-old piece of litigation. I have met with each of you and you have explained it. If you have any questions I would be happy to answer them.

Leonard: Maybe we should vote now and he pulls off to --

Auerbach: Please don't do it about this one.

Adams: What a good idea. Just vote no. I'm kidding.

Auerbach: If you have questions I would be happy to answer.

Adams: This was an amount that I thought would be better on regular agenda. Thank you for indulging.

Sten: Any questions from the council? Would anybody in the audience like to testify on item 886? Roll call.

Adams: All about transparency. Aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Moore: We have some other emergency ordinances.

Sten: Commissioner Adams, would you be willing to stay long enough? Since you pulled your off consent?

Leonard: And delayed ours.

Sten: I will take the emergency ordinances out of order. Item 889.

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Item 889.

Sten: Any presentation or citizen testimony on this issue? Roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: Aye. Item 889 passes. Item 890.

Item 890.

Sten: Anybody like to testify on this item? Seeing none roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: Aye. It passes. Item 891.

Item 891.

Sten: Anybody like to testify on this item? Roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: Aye. I guess we will go back to item 887.

Item 887.

Sten: This is a second reading. Roll call.

Leonard: Aye. **Saltzman:** Aye.

Sten: Aye. 887 passes. We appreciate everyone's patience. Our last item of the day is item 888.

Item 888.

Sten: Commissioner Saltzman.

Saltzman: Thank you, mr. President. We are proud of the wonderful job Portland's residents and business owners are doing to reduce their waist through recycling and reuse. For many years our city has been a model achieving some. Highest recycling rates in the nation. Unfortunately, we are losing ground to higher waste generation. With more material ending up in the land fill than ever before. So we need to refocus our efforts and take a broader view in preventing waste and reducing the impacts of waste collection. It's not just about keeping things out of garbage, though, that will help. So this is an opportunity to improve the sustainability of our waste and recycling system as a whole, to address the human health and environmental impacts of all aspects of waste production and management. I have asked the office of sustainable development to begin a new planning process that will be driven by higher level goals, goals that will reflected the things we really care about. Toxicity, global warming, using less energy, and resources. We need a solid waste managed plan in line with our sustainable city principles, a plan that will take us forward and implementing a more sustainable approach to waste. Now I would like to turn it over to susan anderson, the direct are right sustainable development office.

Susan Anderson: Thank you, dan. In the interest of time I will be brief but in the interest of honoring the staff that put together the presentation I will try to do nit three or four minutes instead of 10. So you can see the slide there. We have a lot of trash awful us. And we make a lot of it and there's a lot of stuff. We also recycle a lot. We work, we have curbside recycling. We work apartments, we work with businesses to help them reduce the amount of trash they have. What most people don't know 75% of all of Portland. Waste is actually in the commercial seconder. So we need to work closely with businesses. We have a program called the blue works program of recognition program that reduces waste and helps companies save money, too. Last year we started --

Sten: If we could interrupt we didn't want to recognize some special guests in the audience. Natalie and mad din. Who are visiting. We want to say hello.

Leonard: Hi.

Anderson: We are very glad they are here.

Sten: They are hope for future recycling efforts. That's why I wanted to make a link to this. Excuse the interruption.

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Anderson: No problem. They are two of my best little friends. Last year we started food waste composting. A quarter of the commercial waste is actually food and we need to begin to look at how we are going to get that out of the waste stream. The problem right now is that the --

Sten: They could handle it.

Anderson: So the, yeah, they got that. The program is currently voluntary for haulers of food generators. We have grocery stores and restaurants and institutions taking part but it's not enough. Currently less than 20% of the commercial food waste is being composted so we need to do something more and that's a part half this plan is really all about. It's trying to look at if there's new regulations, if there's new incentives we can do to basically get this valuable commodity out of the waste stream. It's kind of funny to think about food and rotting food as a commodity but it definitely is. So other areas that we are doing recycling. We have events. We have huge plastic recycling. And there's just lots of other opportunities the problem really is that if we are doing so well right now with recycling, what is it that we need to do next? And the truth is that we have done a pretty good job. We are kind of the lead of the pack. We recycle about 50 to 56% of our waste. But we have kind of reached a plateau. We have been there for a really, really long time and I think that reflects a lot of different things. One of the things it reflects is that with the same amount of time since 1993, the total waste per person has increased by 40%. Everybody is still recycling more but we are buying more and more and more stuff and it's not just at 40% includes not just the stuff that we are buying but all the packaging that goes with it. So the issue isn't that we're not taking the stuff to the curb or the businesses aren't beginning to do a better job. It's just that we continue to buy more stuff. So the answer really is two-fold. We need to promote waste reduction and reuse and buy more durable goods but we also need to recycle more. We currently recycle around 55%. We could get up to great% with some changes in the system. We need to look more at reuse of construction materials. We need to look at electronic waste. So to crap wrap up, we have the system currently where we have 60 private commercial haulers in Portland. We have 29 residential franchised haulers. Within what system we think we can do a lot more. But we want to take a close look at how the system is organized. In order to move forward with the plan we thought it was really important just at to set high standards and goals for the overall planning process so the four goals that we are proposing and these will be the ones that will be part of all the discussions with the community groups, with the set of about 20 people who are going to help us work through this planning process. The goals are by 2015 reduce per capita waste generation by below 2005 levels so that means buying less stuff with less packaging and trying to keep those things longer. By 2015 recycle or recover 75% of all of our waste. Third, don't just look at recycling, think about what's not the numbers but are these things toxic? So trying to target the most toxic materials for reduction and materials with the highest energy content. And finally, promote more sustainable practices within the system. For that last goal a very obvious move we will make before this plan is even done is require residential franchise garbage fleets to use biodiesel by this coming fall and we can talk about that more as that happens in the next couple of months. Generally the haulers are pretty receptive and some of them are already using b-20 in their fleets. So that's the strategy. We will be back in about six months with the plan. And there will be a lot of community discussion in the meantime. I do have three people here who are very interested in providing some brief comments from stump town coffee, from recycling advocates and from the tri-county haulers association. Thanks.

Sten: Why don't you come on up.

Dave White: Shall I go first? Good afternoon. My name is dave white. I am regional representative of the Oregon refuse recycling association. This is a voluntary statewide trade association founded in 1965 to advance efficiencies of collecting and processing recycled materials and solid waste. The majority of haulers in the city of Portland are members of our association. I am also chair of the tri-county council that she mentioned which is a local association of haulers

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from the region. We work with local governments including the city of Portland to develop and excellent efficient and effective collection programs. I don't think i'm overstating it to say this is a pretty momentous occasion. This is in front of you to take an important step for the future of the city. Businesses and your residents. First you are being asked to knowledge that the city's excellent residential program can be improved and that is probably the easy part. We should always look for ways to make a great program even better. More important you are being asked to acknowledge that and I am quoting from staff report all the gains expected in the current system have been achieved. That's really significant statement. The resolution contains ambitious goals. These goals will not be met under the current commercial system. In fact, the report asserts any reform of the garbage and recycling collection system must address the structural barriers that are preventing higher performance long term sustainability. The city's residential and commercial haulers are provided excellent service for many years. In partnership with the city it's businesses and its residents we have worked together and join to make this one of the best programs in the nation. We can do better. We can develop a commercial collection program that creates a framework in which we can address issues such as sustainability, organics, noise, containers in the right of way and equitable rates and services for all businesses. That is not to say there aren't risks. I can actually tell you that as a report indicates that even the four groups that we are discussed in the focus groups there was a unanimous position amongst them. Amongst our own hauling community, there's not a unanimous position on what would be the best option. But while none of us can predict the outcome of this process we certainly can all benefit from participating in it. We look forward to your approval of this resolution and developing of a solid waste manage plan that benefits generations to come. I thank you.

Matt Lowsberry: I am matt. I am and a representative the wholesale manager for stump down coffee roasters here in Portland. I am kind of stump town's green guy and I have been in this capacity for a little over two years. In that time I have set out to make us as green as possible through our own footprint and some of our future goals, that kind of thing. Getting our fleet on biodiesel, b-20, and getting involved with the Portland compost program. Were just a couple of examples of some strides we have made so far and I would like to say thank you to the city. It's been really exceptionally helpful in helping us meet our interim goals and thanks again to the city also for presenting us with the best award this year as well as a grant to the gif fund which we look forward to using to use heat off of our roaster when we move it up the street. From a Portland compost program, I would like to say that the assistance from the city was exceptional. They made it really, really easy for us just to transition over. Even though it took us approaching them. They had a representative literally within an hour call us back and by the next day, there was a commitment on our part and their part just to make it happen and they brought, they brought bins over but in the meantime we ran into a number of roadblocks with our haulers, our current, we have a couple different haulers at the time. And it really just wasn't easy at all. We ended up having to change our hauler, our current hauler's entire stance on the Portland compost program. Currently they weren't participating and there wasn't something they did. And we were ultimately looking at them in the eye saying we will change to somebody who does if you this don't. They went back, regrouped and it took a lot of back and forth and negotiation, frankly it was a bit of a pain. And I think that's definitely a road block for us. We were just sitting there with coffee grounds saying it's silly we throw these in the trash can and there's not anything else to do with them without getting creative, getting gardener, it's inefficient but things like what to do with coffee cups that are not, they are not recyclable, to my knowledge anywhere in the united states of america, without a whole lot of effort. And same thing with information related to other types of materials in our industry that are otherwise unrecyclable. So I think that's just one thing that we would like to pitch is that, you know, eliminate the roadblocks that might be out there for businesses like ours and on our behalf, we have probably about 300 or so restaurants, coffee shops, and other businesses that are

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asking the same questions. We this morning, and all throughout this week we have been distributing pamphlets with the Portland compost information in it and telling them to get involved. But I am curious how much trouble they will have to go through on their end once they decide they want to know more. And I know the city will meet them halfway but i'm curious when they are on their own with their hauler what they will have to do just to take care of grounds, take care of food waste, that kind of thing.

Betty Patton: Council president and council members, good afternoon and thank you very much for this opportunity to address you. My name is betty patton. And I am president of recycling advocates. We're a local nonprofit organization that does exactly what our name implies. We advocate recycling. Our organization as well as the city of Portland has advanced with the industry from recycling to waste prevention to product stewardship and now to sustainability as the city has. And we really appreciate the foresight that the city has done to lead us in all of us in that direction. We have recently learned of a very alarming trend that ms. Anderson mentioned earlier. Oregonians are generating more waste. We are continuing a 13-year trend of increased waste generation that is not sustainable. Every single Oregonian generated an extra half pound of waste per person per day in 2004 over their 2003 level. That's a half a pound per day per person. That is not sustainable. The news on that is recycling alone is not going to get us where we want to go. That's not going to decrease that trend. What Portlanders, sorry, are refer to us as Portlandians -- what we need is a thorough, solid waste management plan with aggressive goals. And well thought out methods for us to attain those goals. Using less stuff and creating less waste is a hard sell. We are going up against a multibillion dollar advertising industry. But Oregon and Portland specifically have led in the past, have done things differently in the past. This coming sunday, we are going to celebrate the 35th birthday of Oregon's bottle bill. That was different at the time. We can do it again. And we can through good, strong leadership. Vision, leadership, knowledge, and motivation, if you put those four things into a good solid waste management plan we will reverse this trend and get to a sustainable level of consumption. And that concept does exist. Council, thank you all very much for your attention and recycling advocates, thank you for the opportunity to speak.

Sten: Anybody else like to speak today? Thank you. Let's take a roll call.

Leonard: I continue to be impressed by the office of the sustainable development. And I don't hand out compliments falsely. And I think they represent work that I appreciate other city bureaus attempting to emulate. Maybe not in specific knees kind of tasks but certainly in problem solving. To me in my mind this is an area that will lead the country and figuring out solutions so that we can with live in concert with nature in our planet. That's what I believe is at stake and I think more and more persons are recognizing that. So appreciate this initiative, commissioner Saltzman, it's fabulous work. Aye.

Saltzman: Well, this is really exciting. It's very exciting. It's also very challenging and I guess that's probably what makes this so exciting. I think Portland has always enjoyed a reputation of being in the vanguard and it's time to recapture that and be in the vanguard. I happen to know I just came back from hawaii and it's amazing, to read newspapers over there and to know that so many issues they are dealing with related to growth management, but one particular issue they are also facing, too, is, you know, they have little land fill space. And like us, they're waste generation is going upper person. And so they are faced with some severe situations. But I think we can, as I said, I think I would feel confident we have good people in our staff and good citizens and the haulers who want to work with us to really a chief that will really be unparalleled but will be implementable and will really achieve all the multiobjectives we want to achieve in the solid waste plan. Look forward to it. Aye.

Sten: I want to thank commissioner Saltzman and susan and bruce and particularly the private businesses. These are the right goals. We have to set out and do it. We have been in the front. I

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wanted to thank the haulers. It's a pleasure to work with an industry that's willing to try new things and take it on. Kind of following on my two colleagues I think we reach the place in time where we have to do what it takes at the cost that is necessary and it's really the true cost rather than passing these things off to the future to turn around or I think we will all go down in history as not having done what needed to be done so I think it really is time for Portland to step up to this next level and obviously you can see you have a lawsuit of thinking and strategizing to do but you have a unanimous council they'd like to see some things put back in front of us that we can act on and get you to the resources to make it happen. Aye. And with that the council is adjourned for one hour and five minutes and we will see you at 2:00.

At 12:54 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

JUNE 28, 2006 2:00 PM

[roll taken]

Item 892.

Sten: I'm going to turn this over to joe Zehnder and barry from planning. This is a follow up on a hearing we've taken comprehensive testimony on. So were going to focus on the last few amendments that are before us and I think we'll probably take testimony on the amendments. Is that right?

Joe Zehnder: Yes.

Leonard: We took testimony last time on the amendments.

Zehnder: I believe that's why you voted on them last time, was to set them up for testimony and adoption this time. There was a preliminary vote. Procedurally it was a bit odd commissioner, I apologize for that.

Sten: I'll work through that with the council once we have the presentation and make the decision. Go for it.

Zehnder: Today as commissioner Sten said, we're going to review three of the six amendments that the city council voted on last time. We're just presenting the specific text so you have that in front of you, so it can be adopted. And also we're offering a couple of suggestions for your consideration for additions to those amendments. And so with that I'll turn it over to barry.

Barry Manning: What we're doing today is looking at several amendment that's were proposed at the hearing on the 15th. There were essentially six of them. I'm going to show you them right now.

Today june 28 we'll be proposing to consider three of those -- increasing the building setback allowance from 20 to 24 feet, one addressing the amount of frontage devoted to vehicle areas, that's amendment number two, and number three, the size of the nodes, which are first on map 521-4. So those three we expect to be able to take testimony on and come to closure today. Three other amendments were proposed at the last hearing. One was a rezoning of ch c.m.d. properties to c.x.d., clarifying the f.a.r. regulations for existing -- for expansions of existing uses, and then one was a request for a fuel station in association with the existing grocery store, that's number six here.

These three amendments require a bit more analysis, some of them require notifications of property owners, for instance, the zoning change requires a measure 56 notice. And the clarification of the f.a.r. may require a little bit more time. So we're proposing to come back on august 2 with the final recommendations and feedback on those. So today we'd like to take the first three of those, and we'd like to do a brief introduction of the amendments and then we've done some testing on those, we'd like to show you what those mean for the public and for the council's benefit, take testimony as was previously discussed, and then have you vote on those and come back and continue the hearing on the latter three amendments. So with that, we'll go to the first amendment, which records the setback. It really changes for section flee.531.300.b.4.a. The structures need to be within 24 feet of the street lot line, and once again, the 20-foot setback recommended was to allow steerus display.

The assumption was that would be modified through design reviews. It says approximate setback, 20 feet. The large err setback, we took a picture of one out in the field that's been recently developed. This is bigger than 24 feet this, is about 30 feet, 35 feet, and the larger setback would allow more maneuvering --

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Sten: This picture is 35 feet?

Manning: About 35 feet, yes.

Leonard: Why are you showing us this?

Manning: From the edge to the building. The 24 feet seems like a reasonable allowance that you could maneuver buildings and park them in there. In a nutshell, we think the effect on the pedestrian environment is minimal in support of that amendment. The second amendment -- does that answer your question sufficiently? Thank you. The second amendment regarded site frontage proposal to allow 70% of the site frontage on a transit street to be used for vehicle area display storage. And display or storage rather. And that's an increase from the 50% that was recommended by the planning commission. And changed the applicable figure 521 to match that corresponding. Once again just to review, the goal of the 50% was to balance open lots in buildings near the max station. There was a precedent in the code for limitations like vehicle areas and pedestrian districts. There was an assumption the 50% allowance could be modified through design review. The main issue here would be to consider the implications on the entire streetscape, allowing 70% allows the majority of the streetscape to be in vehicle area or display. We just wanted to walk you through a diagram. We're going to be look at this lot here primarily, but looking at the side of the street where a lot of auto dealer development currently exists. Adding -- look at the 70% amendment, buildings could developed in this way. This lot here is existing and completely nonconforming. We're assuming that would be in addition, bringing it closer in conformance with development standards. This lot here would be new development and this shows about a 70% site frontage allowance. We assumed a building here on the Multnomah county site, not necessarily an auto dealer, but a building oriented towards the corner. That's the 70%. It allows a fairly generous amount of display and vehicle area. The 50% changes it to close those gaps a little bit, not tremendously, but another option for the 50% that was envisioned during the study was to allow some pad building development to increase the number of uses near the sidewalk. So that's the trade-off with the 70%, is that you have less building near the sidewalk essentially. And just very briefly, the frontage that could be devoted to open car lots and display area, we wanted to point out it changes it by 20% obviously, but in the area between glisan and burnside, it amounts to about 200-plus feet, and between stark and burnside, about 200-plus feet. In the long run we think that the max station is intended for more dense development. We might want to consider additional landscaping to help the pedestrian environment. We're talking about a fair amount of vehicles on display are parked in that area, so we're asking you to consider whether you might want to increase the depth of the landscaping. This one shows 15. We would recommend something around 10 feet as a more appropriate number. In amendment three, addresses the map where exterior display and storage would be allowed. And i'll just zoom to the map that was proposed by commissioner Leonard. This is essentially it shows a prohibition at the corners of glisan and stark and burnside, 200 feet square glisan and stark, 300 feet at burnside. This map matches the original study recommendation. It should be noted the original recommendations were thought to work in conjunction with the 50% allowance for vehicle display and storage areas to create that balance on the streetscape. The planning commission had enlarged that to provide opportunity for neighborhood shops and pedestrian oriented development on the cross streets primarily glisan, burnside, and stark, and to all line it with future property lines and streets. That was the planning commission's recommendation. There was a draft connectivity plan that assumed streets in that location. Those could change upon adoption and further review as part of the t.s.p. So if council adopts the proposed amendment for the smaller nodes, but hears testimony or wants to consider the effects on the other cross streets, there are a couple of options to do that. One might be to change the allowance ratio on those cross streets or to look towards a different node map, one that was introduced at the planning commission which called for elongated nodes. I want to briefly address amendments four, five, and six because we'll be returning to those, and there's a couple of issues I mentioned. This highlights the area of

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the c.m.d. Zoning where there's a proposal to rezone to c.x. We'd like to return on august 2. We have notification issues. This will also require a comprehensive plan map amendment so there's a slight twist to that. We may need to do a traffic analysis. We're checking with pdot on the need for that. We want to look at the transitions between what commercial zoning here, straight commercial zoning here would be to the adjacent residential zones. And there's an r.h.d. Zoned area here, it's about 35,000 square feet. It effectively works like the c.m., the way the commercial allowance would be there, and if we're considering changing all of that c.m. Area, which is a mixed use zone, to straight commercial, we might want to look at that r.h. Area as well for straight commercial. So we'd like to notice those property owners and consider that when we come back on august 2. Is that fairly clear to folks? Ok. And then finally, we're going to work with the community and the stakeholders on the other two amendments, which is the ray reece dealerships amendment, clarifying the expansion of floor area. And then finally, the safeway mark whitlow amendment, the request for the fuel station. We do -- safeway has contacted us and expressed interest in meeting with us. We're in the process of setting up a date with the neighborhood association and other stakeholders to review that and work through those issues. So with that, we can do on to council questions or testimony.

Zehnder: Just in conclusion I want to apologize if there's any perception of the -- the commission did vote, the city council did vote on these amendments the last time in sort of a tentative vote. To procedurally we weren't exactly sure how to interpret that, but today we're offering up information about the implications of those amendments to inform really the testimony today and offer you a couple of other suggestions since really this 122nd proposal is all about balancing the interests here that could we think help with that balance.

Sten: Let me check in on the procedure with lynnly. Can we vote on the entire package as amended with that tentative vote, or do we have to vote the amendments?

Linly Rees: Pete handled the first chairing. It's my understanding he interpreted your tentative votes last time as a way to set up for planning a way to come back with new findings and then give people a chance to testify on those. He had anticipated that council would move and vote on the amendments officially, so you could do that today after you take testimony because you're not going to have a final vote on this entire package until far later. It won't be a final vote, it will be a vote on those amendments, and those will move forward. You can close out this chapter if you agree on it.

Sten: We're not going to vote on the whole plan until after the second set of amendments? For some reason -- I thought we'd -- ok.

Zehnder: But the vote today would close down these issues.

Leonard: Where are the findings that we directed you to come back with relative to the vote we took last time?

Manning: We've provided you with the information in this power point. We believe the findings - - the legal findings can be changed to accommodate these changes with respect to the amount of exterior display. We haven't finalized those, but we have provided --

Leonard: That was the request made of you, not to come back with alternatives, but with findings that reflected the tentative vote of the council last time.

Zehnder: The analysis that we show we think will be the basis of those findings, and we would be able to write findings in support of the amendments as proposed. That's why what we're offering up in terms of those additional suggestions would be --

Leonard: Are you offering them up, or are you having -- are you disputing what the council did?

Manning: No, we're not disputing what the council did.

Leonard: Is there something unclear about our vote last time?

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Zehnder: No, there's nothing unclear about the vote. We're offering suggestions we think could, like I say -- any of these decisions have impacts we weren't able really to adequately brief you on last time, so we wanted to take this opportunity --

Leonard: You're talking about the two -- the one-page amendment that I prepared last time, you didn't have the information necessary to develop findings based on that?

Zehnder: Commissioner, we believe that we can support those amendments, and we're offering up --

Leonard: I'm not asking you about that. I'm assuming because the council sets a policy, you'll support what the council votes to do. That's inherent. What I'm asking is, was there something unclear in this that needed to be clarified in asking you to come back with findings that we could adopt today?

Zehnder: And I'm sorry, I was unclear. I think our findings today could substantially support those amendments.

Leonard: And where is that at? I'm asking, where is that that I can look at so I know what I'm voting on?

Zehnder: We have not rewritten the full text of the findings. We can bring back that full text of the findings at the next hearing.

Sten: At this point, whatever the -- you can keep going if you want, but we didn't take a full vote on the amendments, whether we should have or didn't, is what the lawyer is saying.

Leonard: I understand. What she said was, today was the day we were supposed to actually vote on informally the findings based on last --

Rees: I may have said that, but I was incorrect if I said it like that. Staff was directed to bring back the amendments -- I assume you had language that was then -- staff needed to come back, make sure they could support these in their decision, but typically in a legislative proceeding you go through all of the amendments you're going to do, you adopt them either all at once or today we're going to do part of them, August 2 you're going to do part of them. And then staff will bring back the package of findings to address all of the changes you've made.

Leonard: I understand that, but as I understand what you're saying, last time we directed them to come back with the findings to adopt today relative to what we proposed. And I'm asking where those are.

Rees: And unfortunately I wasn't here so perhaps my characterization wasn't correct.

Leonard: But your characterization is as I recall it. We asked you to come back today with languages that we could Mayo Clinic look at to make sure it reflected the informal vote we took. What I'm hearing you say is you spent your energy developing alternate proposals rather than doing that.

Zehnder: No, commissioner. The text that we brought back, we brought back the specific text of the code that would reflect those changes, and so each --

Leonard: Where is that at?

Manning: A copy of them are in the copy of the power point. Each of those first slides for each of the amendments is the specific language of the code change that would implement what we were instructed to do last time.

Leonard: So the first page at the bottom?

Manning: I'll flip back through them.

Zehnder: We provided the full text of the amendment so it's something you can vote on.

*****: For number one, what's up on the screen now.

Leonard: Can you direct me to where that is in our handout?

*****: Yes.

Leonard: Just reference the page number --

Zehnder: Page six. Slide six.

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*******:** Slide six is amendment number one, full text.

Leonard: I'm not looking at the same time. -- the same thing.

Sten: Slide six, not page six.

Leonard: Page 2, ok. That's amendment number one.

Zehnder: Correct. Amendment number two is on page four, first slide.

Leonard: That's number two?

Zehnder: Yes, full text. It's on the screen currently. Amendment number three is on page 7, the second slide. And that also includes the map below it, which was the map that you submitted.

Leonard: Thank you very much.

Sten: Are there any further questions of staff from council members? I think what we'll do is take public testimony on these three amendments, and I'd ask the public to keep your testimony to these three amendments and we will take testimony on the other three amendments on August 2.

Sten: You'll have three minutes each. There's a clock in front of you that can keep track of your time.

Barbara M. Harrison: Good afternoon. I am Barbara Stickly-Harrison. My address is 11331 Southeast Alder in Portland, and I'm here representing Hazelwood Neighborhood Association. If I may I'd like to refresh your memory a moment. When I testified on June 15 hearing, I shared with you that our organization had three major concerns when we began -- were asked and began to work with the planning group on the 122nd Avenue study. We wanted to avoid 122nd Avenue becoming an auto row, but by the same token we recognize the automobile dealers did have a need for changes in the code so that they could indeed make the changes in their property and their buildings, etc. Secondly, we wanted the best interest of the smaller business owners because in developers who were coming into the area and who are existing there, we wanted them to have the best opportunities whenever any kind of code changes were made and any kind of changes in the design reviews, etc. That was very important. Our last major concern was the welfare of the folks living and working in the Hazelwood neighborhood. These folks have a right to expect that any time that we make any kind of code changes or any changes in the design review guidelines, that those impacts are a positive for their neighborhoods, not a negative. That being said, I have to say our group was very disappointed that Mr. Leonard's amendment appeared to have been prepared and ready for distribution prior to any of the testimony. The following Monday evening was June 19, and it was our regular board meeting. And at that time the question was raised, why did we spend almost a year and a half going to meetings, attending public showings and whatnot of our work, what did we accomplish? Did we accomplish anything for the good of the entire organization? The car dealers and the folks in the neighborhoods? What did we accomplish? We still are not real sure. Just a little -- very shaky. Was anyone really listening when we were testifying on the 15th? We sure do hope, so because this was a very important project for us. And our neighborhood. The 122nd Avenue area study is a good working plan. That would accommodate all that were considered. The amendments proposed by Mr. Leonard ignored the stated city establishment of pedestrian district, lessening the dependence on automobiles per the region's TWIT 40 goals. Our group recommends that we do not accept the amendments proposed by Mr. Leonard. Today we're considering items 1a, 1d, and 2. 1a, there should be no change in the 20-foot display area. That can be changed in a design review. The amendment 1d, the building frontage requirement of 50% should remain as a minimum requirement. The auto dealers will still have ample room to show and to store and display their vehicles, particularly if they go to the design review. Amendment 2, the proposed node should be measured in linear feet rather than in square footage as indicated in the proposed amendment. Again, our group still recommends 300 linear feet for the nodes at Stark Burnside, and Glisan, to make more space for existing small businesses. You will hear additional testimony encouraging you -- and I am encouraging you to listen carefully to the pleas of the folks in the Hazelwood neighborhood. There are times that we need to stop and

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think about what is good for everyone. Not just what will serve one or two individuals, or organizations. But everyone that's involved. I will ask you again to keep in mind the 2040 goals, the long-term goals for the growth of 122nd avenue, consider the folks who live and work in 122nd avenue. What will be involved in the lodge-term effort to establish what we want to see to make 122nd avenue a place of interest within the gateway area? You heard several folks at the last hearing who work for ron tonkin talking about the fact they can walk to work, and they really enjoy that possibility.

Sten: You're very passionate, so i've given you an extra two minutes. It's been five minutes.

Harrison: I'm sorry. This will end right away. Think about what it would mean to these people if they can go and shop on their lunch hour, not lose any work time because they can go to the dentist or doctor within walking distance. These things are important to the folks who live in our area. 122nd avenue study area is a good working project and it should be considered.

Leonard: If you don't mind, I would like to make a couple of clarifications to what you said. As I understand it, and I asked this question last time, a couple of times, and nobody disputed the answer I got. And as I understand it, the amendment I propose actually exactly reflected the working group that participated in this analysis for a year or a year and a half, and that what happened was after the recommendations got to the bureau of planning and to the planning commission, the findings of the planning commission changed what the working group said. So my understanding is I actually -- is that I actually am toltly in agreement with you. I proposed amendments that brought back to the set of recommendations the working group made. And that there was some end run done somehow by someone between when you all made your recommendation and when the planning commission came out with what they did. So I take exception that this somehow short circuited the public process. My amendments validated the public process.

Harrison: I think probably we took what the planning commission -- their agreements and we agreed with those and we accepted those.

Leonard: But ma'am, with all due respect, you criticized me for circumventing the involvement of this task force for 18 months, which is a legitimate criticism, if I did that. And i'm very sensitive to those kinds of criticisms. What I wrote here reflected what that task force recommended. You're supporting the planning commission's recommended -- recommendations, which are not what that group that you worked on recommended. And I appreciate that. I respect the difference, but I just wanted to make it clear that what i'm proposing here brings us back to what that task force recommended.

Arlene Kimura: My name is arlene, I live on northeast 133rd avenue. I ask the council to consider the following things. In the adherence to the regional 2040 goal, we are supposed to reduce our dependence on automobile usage and encourage multimodal transportation forms which include cycling, walking, and mass transit. I'm not sure these amendments actually move us toward that goal. I also am considered that you should reduce the silo mentality which we have now, where neighborhood interests, business interests, seem to be in conflict. I don't think they are really in conflict as we have not found total common ground. And I ask you to consider that rather that all groups must make some sacrifices. We've asked the homeowners to make sacrifices by having more housing. We've asked the other small businesses to put in more landscaping. I don't think it's asking too much for the auto dealers to consider doing business in a slightly different manner, because you're asking it of everybody else. The other concern I have is our continued dependence on a single mode of business is not particularly I believe wise in terms of the current economy. We were dependent on forest products. When that went south, the economy did too. We were dependent on high-tech. Look at all the empty buildings we have in gresham and hillsboro. They are building up now, but we really feel -- I feel strongly diversity is the way to gain it, and continued promulgation of a single style of business is not helpful long-term. Thank you very much.

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Danny Drake: My name is danny drake. I just wanted to talk about the 10-foot landscape setback that was given to you guys under the 70% compromise for the frontage. I appreciate the council support of commissioner Leonard's amendments. And I just wanted to say our goal is to have an interactive landscape and hardscape plaza so the pedestrians can view and have a variety of opportunities to interact with inventory, similar to how the city code chapter 33 section 130.230, ground floor windows, tries to accomplish. It tries to provide a pleasant, rich, and diverse pedestrian experience by connecting activities to adjacent sidewalk areas. One, to encourage continuing with the retail and service uses, and also we want the pedestrian experience with the commerce to occur together and be careful when we look at the separation of the landscape swap without the interaction with the pedestrian experience on the sidewalk. That's all I wanted to say.

Peter Finly Fry: I'm sorry, I am not wearing a coat, I didn't expect to speak today. I wanted to state I participated in the work group from the very beginning, and I thought it was a very, very healthy process. I think there's a tremendous amount of compromise that's have been made as part of that, including design review, landscaping requirements, a lot of things that are being applied to this property that make them work better. I wanted to speak directly to the amendments. The amendments were in fact either a part of the working group or dealing with things that frankly blind sided me, at least, after the working group was done. The working group recommended nodes for a practical reason. The 200 by 200-foot reflects a Portland city block. This wasn't just something pulled out of thin air, it had a practical reason for its existence. The 300 by 300 at burnside and 122nd reflected this is a key intersection, this is where the light rail is, this is where the station was, so we thought we would make a Portland city block a little bigger and not just 200 by 200. The 50% thing never came up in the Oregon group process. All the other issues, landscaping, building orientation, all these things are completely acceptable to us and the group in discussing it. The -- I spoke to staff afterwards and have -- the planning commission gives us three minutes so we never have a chance to have any kind of technical conversation with them. The problem with 50% is we're talking about large lots. This isn't a fine grain urban fabric of 5,000 square foot lots. We're talking about 300, so this 122nd is reflective of what the lot patterns are on airport way, for example. So if you force a 50% building coverage, you're forcing concrete filled-up buildings on to a street we don't want. So there's practical issues, technical issues that resulted in where we were going with the working group, and to have it thwarted in a political way that's been difficult. The 20 feet, that was something that probably we should have researched more o if you look at the zoning code, the -- a -- laying out a parking lot, you're required to put in at least 36 feet cross-section for a 90-degree angle, and we're -- so that's just to get the cars safely in and out. I know this is a different circumstance. I just wanted to repeat the amendments clearly in my mind go to the working group.

Robinson: I wanted to say in answer to your question about -- it's my understanding all three amendments do not reflect what the working groups came up with. The working group did not make a recommendation, at least I don't recall ever seeing it about the setback, whether it was 20 or 24 feet from the sidewalk. In front of the buildings. There was some discussion about it, I don't recall a specific recommendation of 24 feet, which -- what your amendment is saying. It also did not say 70%, 30% building coverage. It's my understanding it said 50%. 50% was the finding of the study group. The nodes, that's true. That was what the study group recommended, and the neighborhood had input into that, we felt very strongly all along that was not sufficient, particularly if you add these other things, that the 200-foot node becomes way too small if you do all these other amendments. A couple of other things, on june 15 there were several comments about how 122nd avenue is not a pedestrian oriented street. It was not a pedestrian-oriented street when they placed the light rail there, when they placed the light rail station there. The whole idea was that once the light rail station was put there, we needed to make a transition to that. So the fact it isn't pedestrian oriented yesterday is I don't think a reason to make decisions that say pedestrian orientation doesn't

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matter. It does matter now that we have the light rail station there, now that we have increased densities right around just behind the commercial areas. This area is going to have lots more people, we need some neighborhood oriented services, we need something mixed in. This was supposed to be a balance between the auto dealerships and the needs of the neighborhood. This has gone way, way over to a balance to the auto dealerships. We were trying to fix a problem for them, they took advantage of it and they have demanded and it appears getting everything that they want. And about the landscaping. I have concerns about the landscaping. There was all kinds of people talking about how wonderful the new honda building was. The new honda building itself is nice, but the landscaping is dreadfully dull. It's a few strips of lawn and a few little trees, none of which are in front of the building, all of which are spaced to the side where most property developed have to have them spaced evenly along the thing. There's none in front of the building. It's just lawn and a few trees. I guess that was just my 30 second warning. I feel very strongly that this process was not fair, this process is totally out of balance, that you're undoing the whole point of what the study was. And it is creating problems that we will have to live with as a neighborhood for a long time to come.

Brad Tonkin: Brad tonkin. First, commissioners, i'd like to say thank you for your time. You're certainly well versed on the issues by now. I want to thank the planning commission as well. They spent a lot of time and energy on this issue and I appreciate that as have we. We all have a voice in this issue. The neighborhood association, the planning commission, and ourselves. We like to consider ourselves a good neighbor as well. We're a business that has been on 122nd avenue now for more than 40 years. I believe we're a good member of the community. We care about our state, we care about our city, and we care about the community. It's difficult to sit here today and hear some of these things, because you can't help but take them personally to some degree, because we try and do our very best. I just want to say on our last meeting, that was held here a couple of weeks ago, we believe that what the issues that were tentatively voted on then were very fair and equitable, it was a voice for the neighborhood association, it was a voice for us and a voice for the planning commission, and I hope you'll continue to support that. Thank you.

Moore: That's all who signed up.

Sten: Staff is going to come back up. Any further questions from the council?

Zehnder: I can offer maybe a couple of points of clarification based on the testimony.

Commissioner Leonard is correct that the proposal that he put forward was the proposal for the node that's came out of the community study process. So that was changed, so the proposal he put forward was what the study originally recommended. The study itself didn't make a specific recommendation on 50 versus 70% frontage. It looked at it a little differently, but it was smaller than 70, but it didn't make a specific request.

Leonard: Was it as small as 50?

Zehnder: What they did, commissioner, is just look at the area that was the display area and didn't count driveways.

Leonard: Why didn't you work that through?

Zehnder: I'll let barry explain that.

Manning: We actually looked at that in some detail. We looked at the original study recommendation talking about 50% of the site frontage being limited for exterior display, exterior storage and parking areas. And did more analysis as we were drafting the code. This was after the study group disbanded. It became apparent that the allowances the city has for driveways would include many, many driveway allowances, which would really reduce the amount of -- expand the amount of area that would be allowed for exterior display, storage, marking and driveways immensely. So we chose to put in the code rather than parking areas. So that was the issue.

Leonard: Did you check with the study group --

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Manning: We did not check with them. We let the planning commission process handle that sorting out of that matter.

Sten: Any further questions? So let's -- that's the end of the public hearing. I would open it up for a motion.

Leonard: I would move that we accept on the planning commission's document entitled 122nd avenue station area study dated June 28, 2006, slide -- the third slide on page 2 from the top, or the bottom slide, the slide on page four at the top of page four that document, and the middle slide on page 7 of that document. Which essentially, as I understood Joe, explained was the language the staff drafted to reflect the action of the last council.

Zehnder: Correct commissioner. If you just want to add also, the third slide on page 7, which is the map.

Leonard: Thank you. Correct. The middle slide and the bottom slide on page 7.

Sten: Do we have a -- we have a motion. Is there a second?

Adams: Second.

Sten: Roll call.

Adams: Aye.

Leonard: These are hard processes. They're the hardest things that I do here at council, and they've been the most contentious since I've been here nearly four years now, land use decision. I try very hard to be fair. I more often than not think I have industry folks walking out of here complaining that I'm antibusiness because of the positions I take here. I -- but I try not to be antiananything or pro anything, but be fair and listen to all sides. And in my view, this is a fair approach to allow what I do consider to be one of Portland's best businesses to exist and prosper where they have existed for a number of years. I didn't take the Tonkins word that they were good members of the community. I went, for instance, the David Douglas School District and spoke with Barbara Romel, who has said to me and said I was free to communicate this, that they are amongst her most important partners in the private sector in the David Douglas School District. I think that all by itself doesn't warrant any special treatment. It doesn't, and I wouldn't treat somebody special because they are a good member. But I do think they need to be acknowledged by us as responsible members of our community and responsible business folks that do provide good jobs. Having said that, we have to balance the interest of the neighborhoods out there, and I think this does that. And I'm very concerned with all Portland neighborhoods, but I think I've been very vocal about particularly those places east of I-205, that they be treated with the respect and the focus and attention by this council as every other neighborhood. And I think this helps accomplish that. And as a result of that, I'm going to vote aye.

Saltzman: I think this has been a good process too, and I guess I'm always torn by those who think we're somehow not part of the process. We are part of the public process. We're the five elected by everybody in the city. So unless we're here in some sort of procession to simply ordain what the planning commission has, rather than to listen and exercise our independent judgments, that's a fundamental tension I've sensed over the many years I've been here. Obviously I share the points of view that we are part of the public process and we're entitled to exercise our judgment and make independent decision that's may be different from citizen committees and planning commission. But that's it. That's how this public process works. So to -- I feel very comfortable in these amendments. I also feel the process has been a good one, and I want to thank everybody for participating in it, and I think it strikes a good balance, and I'm pleased to support it. Aye.

Sten: Well, I think this has to be one of the most intensive looks at a couple of blocks we've done. And I think I just need to -- from being a step back to both sides, I think you've done good work. I'm going to support these amendments on the basic analysis which is my own, that I think we've made a decision to work this plan to make sure the Tonkins can stay in business in this site for a variety of I think good reasons. So I'm erring a little bit on the footage, the four feet and other

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things to say I think they won't change the fundamental shape of this plan. And I think the neighbors, i'm sure you may not feel this way right at this moment, because it is what happens on these things, the littlest details get argued pretty vociferously, and I think that's why Portland is so strong, people really pay attention to all the details. I think when this moves forward and we actually start to see the results of this plan, we're going to see it's a really good plan, and both sides have created a much, much better reality for 122nd that does not meet everybody's 100% goals or as inspirations I should say, but really does a good job. And I think the planning staff did a good job of taking a pretty difficult situation, which is how do you take a use that is typically not very friendly to neighborhoods and transit, but very necessary, and made it into one that's much, much more fitting and I think the tonkins are ready to invest in that. And you can make all the plans you want, but if nobody will invest in building the scheme, it's just that. And I can point you to some places in Portland where we have the world's best scheme and nothing built. And so what is there right now stay there's forever, unless somebody decides to reinvest in the plan. So it's very important that we come up with a piece that the tonkins, who I have not found to be full of hyperbole, say, yeah, we'll invest in that and get it built. So I think what we have is a strategy that's likely to get built and is likely to be much, much better than what both sides have had so far. So for me it's a win and I hope people see that, feel that as we move on to the next phase. I vote aye. The amendments carry. And we'll carry over this hearing on this plan until august 2 at 2:00 p.m. Thanks, everybody. We'll see you august 2 at 2:00 p.m.

At 2:51 p.m., Council recessed.

June 29, 2006
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

JUNE 29, 2006 2:00 PM

Item 893.

Pete Kasting, Sr. Deputy City Attorney: This is an on-the-record hearing. This means you must limit your testimony to material and issues in the record. During this hearing you may talk about the issues, testimony, exhibits, and other evidence that were presented at the earlier hearing before the hearings officer. You can't bring up anything new. This is designed only to decide if the hearings officer made the correct decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded that you must limit your testimony to the record. We will begin with the staff report by the bureau of development service for 10 minutes. Following that the city council will hear from interested persons in the following order. The appellant will go first and have 10 minutes.

Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the council. This three-minute time limit applies whether you are speaking for yourself or on behalf of an organization such as a business association or neighborhood association.

The principle opponent will have 15 minutes to address the city council and rebut the appellant's presentation. After the principle opponent, the council will hear from persons who oppose the appeal. If there is no principle opponent, the council will move directly to testimony from persons who oppose the appeal after supporters of the appeal conclude their testimony. Again, each person will have three minutes each whether you are speaking for yourself or on behalf of an organization.

Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then close the hearing, deliberate, and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of findings and a final vote on the appeal. If the council takes a final vote today, that will conclude the matter before the council. This is an on-the-record hearing, this means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence previously submitted by the hearings officer. You may not submit new evidence today. If your argument includes new evidence or issues, the council will not consider it and it will be rejected in the city council's final decision. If you believe the person who addresses city council today improperly presented new evidence or presented a legal argument that relies on evidence that is not in the record, you may object to that argument. Finally, under state law, only issues that were raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to the council's consideration of that issue. That's all.

Sten: We'll start with the staff presentation.

Fabio De Freitas, Bureau of Planning: Good afternoon. For the record, fabio defreitas, I was coplanner on this project. Along with me is kimberly par sons. Along with me is jamie jeffrey with the office of transportation. We handed out to you a revised memo with conditions of approval that we're going to be referring to today that we're going to be recommending that be amended. And I also passed out a copy of our presentation to you.

Kasting: Before you continue, I was just reminded that council needs to have an opportunity to declare any ex parte contacts, conflicts of interest, or personal information.

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Sten: Thanks, pete, I forgot. Does the council have any ex parte contacts or conflicts of interest to declare? No? Thank you.

de Freitas: Thank you. As read into the record we're here to discuss the appeal of the hawthorne meadow subdivision, 05150984, LDS ENM AD. With modifications and an adjustment. Purpose of today as hearing is to consider the appeal of the hearings officer's decision to approve with conditions a 55-lot subdivision which included public and private streets, environmental resource tract, recreation area tract, and storm water management tract. The appellant today is the pleasant valley neighborhood association. The applicant is mr. George bitrous. Before we get into the appeal issues, we'd like to summarize the proposal for you. The land division application was submitted for the review of the proposed 55-lot subdivision. The public and private streets involved, the environmental resource recreation area, and storm water management tracts. Environmental review application was submitted to consider the disturbance in the conservation zone for the land division and associated improvements. There is a modification requested association with the e.n. Review to reduce side set bax from five to 10 feet and to waive the private street turnaround. And finally, an adjustment was submitted to address the applicant's desire to increase the impervious surface area from 50 to 60% across the subdivision. The approval criteria that staff utilized and the hearings officer utilized in making his decision are found in front of you now, chapters 33.660, 33.430, and 33.430. A summary of the hearings officer's decision, the approval included improvements to southeast barbara welch road, along with new public streets and a private street. Suer storm water and water main extensions into the subdivision site. Because of the number of lots proposed, a recreation tract was approved. There was conditions related to planting in the environmental resource tract, a number of trees and shrubs before you. Performance guarantees for all the improvements will be required, maintenance agreements will be required. There will be a requirement to replace any mitigation plantings from any previous land use review. Associated five-year monitoring and maintenance period related to the environmental review. There is a condition imposed by pdot, timing condition relative to the construction of any homes, and we can get into that if you'd like in detail. The approval included the increase in impervious surface area to 60% not across the entire subdivision, but for a specific number of lots. The approval included the reduction of the side set bax from 10 feet to five feet. And the turnaround requirement was waived. Before you now is a zoning map of the site. You'll see the base zone of the site is r-10 with portions of the site, what we have referred to as fingers throughout our report, and the hearings officer's decision of environmental conservation zoning. On the south side of the site, there's environmental protection overlay. Along this portion of the site is a steep ravine and a water body that traverses the site. Again, frontage along barbara welch, there would be a connection to hawthorne ridge to the north along 155th avenue, and to the east along bauer street. The map before you right now shows the outline of the proposed subdivision, again, 55 lots. The fingers that we referred to will be placed in environmental resource tracts. One major public street traversing the site east-west, north-south public street. This is the location in the northeast corner of the private street serving five lots up here. The connection to hawthorne ridge to the north along 155th avenue, and a future connection to potential development to the west on this vacant site. The utility plan, real briefly. Storm water -- storm sewer, water lines will be extended from barbara welch road from 155th avenue and from bauer street. Storm water for the site will include a series of pipes, and outfalls into the environmental zones for the private street. There will be a swell that will overflow into the public system. The individual lots will be managed -- storm water management will be by trenches and other approved methods. I should note, there's an existing house on the site that's going to be retained on lot four. It's identified here on the plan. Grading and erosion control plan. Mitigation plan. I think kim wants to insert a little bit of information here.

Kim Parsons, Bureau of Planning: I'll briefly describe the mitigation plan. It includes 1.98 acres of mitigation planting area that will include 621 trees and 783 shrubs. Also all the easement the for

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the culverts and outfalls, those areas will be planted with native shrubs and ground covers as well. And then I want to point out that the mitigation planting area is approximately 2½ times the area that's being impacted on the site within the e zone.

de Freitas: Area photograph of the subject site in red and surrounding area. Important to note the hawthorne ridge subdivision to the north, and to the east, there may be some discussion today about some relative other subdivisions that the city has recently reviewed and approved, including by this body, if you remember, this is the location at foster and 167th of the --

Parsons: Waterleaf subdivision.

de Freitas: Thank you, kim. And a blow-up of the aerial again. And this is a map showing those other projects in the area. Here's waterleaf to the north, along foster and 167th avenue. Two smaller subdivisions along 162nd avenue. The applicant of this subdivision has a second subdivision proposal in to the city, a second phase that is currently incomplete, and the hawthorne meadows proposed subdivision. The reason why i'm -- why I was showing you this slide is for context wall basis. There may be some discussion today about the transportation system, and we just want to identify this sort of connection between all these subdivisions. A few photographs to acquaint you with the site. We're looking southeasterly along southeast barbara welch road in front of the site. Looking northwesterly in the opposite direction. This is the existing driveway serving that existing house on the site. Looking towards that house on lot four that's going to be remaining, and towards the site in this area, hawthorne ridge above. Again, looking east towards the subject site. Looking northwest within the western c zone finger from south of the proposed public street that's going to cross the site. Again, hawthorne ridge above. Looking north towards the homes in hawthorne ridge. Looking east across the eastern c-zone finger at approximately the location of where the main public street is going to cross the site. This is where the site will join, southeast bauer at the southeast corner. Looking from the opposite direction from southeast bauer towards the subject site. Looking down on to the site from hawthorne ridge. And looking down on to the site from the stub at 155th avenue. The pleasant valley neighborhood association listed a number of points of objection to the approval of the subdivision by the hearings officer, which included several items related to transportation impacts. Mostly in regards to barbara welch road. And there were identified areas and conditions -- errors and conditions of approval. With response to the transportation impact concerns that were raised by the appellant, b.d.s. And pdot staff as well as the hearings officer considered the transportation impact approval criteria, chapter 33.641, and found that on balance the proposed subdivision satisfies the evaluation factors of which there are several. That must be addressed in determining that the transportation system is capable of safely supporting the development and existing uses. Given recent history of appeals of those other subdivisions that I referred to earlier in the presentation, city staff is very well aware, and sensitive to the issues that have been raised relative to transportation impacts. With this previous experience in the last two years or so staff feels that the appeal issues raised relative to the current proposal have more than adequately been addressed by various elements of the project, more so than probably any of the other four subdivisions in the area. Pdot has determined that the design of the proposed subdivision street system meets all prescribed engineering standards, and importantly to note as one of the approval criteria for the land division the public streets internal to the subdivision as well as the street improvements along the frontages along barbara welch road, southeast 155th avenue, and southeast bauer, that will be constructed, will enhance the connectivity of the broader area surrounding the site, as well as provide additions to and improvements of various modes of transit. So again, relating to that map that we referred to earlier, this is one of the last pieces of the big puzzle on this hill. Staff as well as the hearings officer felt that this project is bringing the connection to a number of these other subdivisions. In response to the alleged areas of conditions of approval, there were some typos and an omission that -- omission that staff recognized after being alerted to them by the appellant. Conditions listed on the screen now are those conditions

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that we've referred to in our memo that we're going to recommend that you amend. Summary of our response as it relates to the appeal issues, transportation related impacts suggested by the appellant do not have any factual basis. All transportation-related approval criteria have been found to be -- can be met with conditions of approval. Some of the appellant's points regarding conditions of approval and related findings have been amended, and again, staff recommends that the council adopt the submitted revised language. Your alternatives as we see them today is to deny the appeal and uphold the hearings officer's decision as is. Deny the appeal but modify the hearings officer's decision based on review of the record. Including the amended conditions of approval that are before you today. Uphold the appeal in part or in whole based on review of the record, thereby overturning the hearings officer's decision and denying the project. And for your information, the 120-day review period will expire on this project currently on July 19, unless we receive any additional extensions by the applicant. That concludes our presentation. We'll be happy to answer any questions if you'd like.

Saltzman: Where was the recreation tract?

de Freitas: Where was it? Is that your question?

Saltzman: Yeah. Can you show us that?

de Freitas: Sure.

Parsons: The recreation tract in general is in this area here.

Saltzman: The recreation tract, is that intended to be like a park? Is that what we mean by recreation tract?

de Freitas: For the most part, yes. There will be amenities, including -- kim, help me here, it's been a while -- playground area, horseshoe throwing pit, gravel path for -- acting as a trail across the site, yes. And it will be open and available to the public.

Saltzman: Thanks.

Sten: Any further questions from the council? No? We'll hear from the appellants. 10 minutes, right, pete?

Sten: Ok. Ms. Bauer, I believe you're well familiar with this process.

*******:** No, really?

Sten: You have 10 minutes. There's a clock in front of you.

Linda Bauer, Pleasant Valley Neighborhood Association: Linda bauer, pleasant valley neighborhood association. I really need your help. There are a couple of more changes that I think that need to be made that I asked for earlier. The first one is on the yellow sheets, it's the last bullet on the second page, and it says the applicant provided a large-scale plan that more clearly depicts the recreation tract and is attached to the decision as exhibit c3. The hearings officer references the proposed recreational tract as depicted as tract a on the attached plan, see exhibit c2. Why should we use c2 when staff acknowledges that there is a clearer depiction of the tract a on exhibit c3? And then also, the second bullet on the last page of the staff memo talks about mitigation plans. The applicant submitted a mitigation plan that included creating snags. I attached a copy of page 18 from the applicant's application named "mitigation elements." and it's number b, and it says creating snags. On page 17 the applicant writes -- and this is from the applicant's narrative -- create several snags from the existing trees. We do not feel it is appropriate to eliminate all the trees in this area because while these trees are invasive, they are currently providing the only source of cover and food in the outlying areas of the open space where the mitigation is proposed. Because these trees are growing primarily in the lower portions of the concavity, native forested vegetation can be established on both sides of the drainage. This will eventually shade out these trees and help further control the blackberries. Once the vegetation is established on the slopes and begins to dominate the canopy, the encroachment of the native vegetation down into the lower portions of the concavity will follow, allowing the low portions to transform gradually will maintain what existing low quality wildlife habitat that currently exists while the native forested slopes develop. And will

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allow us to more aggressively control the trees without risking damage to the new plantings. On page 16 of the applicant's submittal, there's a chart that is named "functions and values." there's a column headed "special biological features." the applicant is giving themselves .35 points, both in units one and in unit two for the proposed mitigation. But the staff and the hearings officer did not include the mitigation in the conditions of approval, and I cannot find any reason in the findings that what the applicant proposes is a bad idea. If the mitigation is not included in the conditions of approval, then the balance that the applicant has struck with how much mitigation versus how much damage, the balance won't be maintained and the mitigation plan will not demonstrate that all significant detrimental impacts on resource and functional values will be compensated for. Please direct staff to add a condition of approval that incorporates the creation of snags as proposed by the applicant and change the reference on page 10 of the findings of the hearings officer's decision from see exhibit c2, to, see exhibit c3, please. Thank you.

Paul Grosjean, Pleasant Valley Neighborhood Association: My name is paul, i'm represent -- I represent pleasant valley neighborhood association also. I have just a few comments dealing with transportation. This development has caused a great deal of discussion about transportation mainly focusing on barbara welch road. Barbara welch, by a combination of this development and the recently approved l.i.d. opening 152nd is going to greatly increase the traffic on barbara welch road between this development and foster road. It's estimated that between the two impacts it will be over 3,000 new trips a day on a road that is severely limited, it's only nine feet wide, obviously has no bike paths or any other transportation amenities. Pdot, via kirk kruger, has responded to a neighborhood association request for a forward-thinking plan on what to do on a slightly longer-term basis about barbara welch. And I applaud him for that commitment. The future of barbara welch was dealt with on a one-development basis now, but we need to have something where the decisions about barbara welch are not made piecemeal just when developments are up for approval. So I would just ask for all the support that the council can give to pdot in doing a longer-range plan on barbara welch road. Thank you.

Bauer: Questions?

Sten: Questions from the council? No. Thank you. We will now take testimony from supporters of the appeal. Three minutes at a time.

Moore: We have no one signed up.

Sten: Ok, then we will hear from the applicant. Good afternoon.

Margaret Schroeder, Black Helterline: Good afternoon. My name is margy schroeder, i'm an attorney with black helterline and we represent the applicant, george bitrous and mt. Olive. As a preliminary matter, I would ask -- I didn't see any evidence in the record that the testimony that ms.

Bauer just gave with regard to tree issues and mitigation, I didn't see that was raised in the original hearing, so I would ask the council not consider that testimony.

Sten: Why don't you go ahead and give your testimony and i'll work with the attorney when we get to that.

Schroeder: Ok, thank you. My understanding of the neighborhood association's appeal is that it's limited to two main issues, the transportation issues related to barbara welch road, including impacts on adjoining neighborhoods, and safety, and then also the second issue was with regard to some errors in the conditions of approval. We have reviewed the neighborhood association's appeal, the written appeal that was submitted, and while we appreciate their concerns with regard to safety on barbara welch road, the record is replete with expert testimony and evidence that supports the hearings officer's decision. To address transportation issues, the applicant hired lancaster engineering to preparing a traffic impact study. Professional engineers registered with the state of Oregon prepared a traffic impact study and two supplemental addendums, there is no evidence in the record that the neighborhood association hired their own experts to address traffic issues in order to refute the findings of the applicant's reports. Moreover, the record shows the Portland

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office of transportation reviewed the applicant's traffic reports and agreed with their findings that there is an adequate capacity to accommodate the additional traffic that will be generated by the subdivision without exceeding the level of service limits set by the city. There is one exception, and I noted there was a potential problem at the intersection of southeast barbara welch road and southeast foster road. The record also shows however, that a new traffic signal and other improvements will be made by the city at this intersection next year, which will resolve any capacity constraints at this intersection. At the march 29 hearing the neighborhood association raised some concerns as to when the improvements will actually be completed. However, kirk kruger with the Portland office of transportation testified at the hearing and confirmed in his supplemental response that was put into the record that the office of transportation is committed to having the construction of both the signal and bridge improvements occur next year in 2007. Mr. Kruger's supplemental response is identified on page 17 of the hearings officer's decision as exhibit h-11. Another issue that was raised by the neighborhood association is safety of all modes of transportation. I would note that mr. Kruger's supplemental response additionally notes that the applicant will be required to widen and improve the 230 feet of frontage along the hawthorne meadows subdivision. This includes a new six-inch curb located 18 feet from the center line of the street, paving between the curb and the center line, a minimum four-foot-wide planter strip, six-foot-wide sidewalk, street treats, and there's enough room in the paving of the 18-foot-wide street to accommodate a future striped bike lane, both the sidewalk and the bike lane are consistent with the city bikeway and walkway designations. And no additional pedestrian connections are required in this r-10 zone. There is no indication in the record that the neighborhood association submitted evidence to refute the sufficiency of these improvements with regard to safety issues. Another issue that was raised in the neighborhood association's appeal is the issue of safety for horses or other alternative modes of transportation. I didn't see an indication in the decision that the neighborhood association actually raised those issues at the hearing, but we trust that the office of transportation would have raised this if there had been an issue with regard to horses, and perhaps the office of transportation can speak to that after our testimony is complete. Lastly, it was my understanding there was -- that the neighborhood association objected to the increase of allowed impermeable surface. I'm not sure if that's just an objection with regard to typographical errors, or if they're objecting to the increase of 50% to 60%. If it's the latter, there is substantial evidence in the record that the increase in impervious surface area will not significantly or otherwise detract from the livability or appearance of the residential area, and that's largely due in part to the significant open space, environmental zones, and recreation tracts that are going to be maintained throughout the neighborhood. The hearings officer's report also noted this increase is negligible compared to other subdivisions in the surrounding neighborhood. With regard to the typographical errors or other errors in the hearings officer's report that the staff pointed out, we echo the staff's note, I guess there was a memo prepared with proposals to fix those and we're fine with that. And we also echo staff's noting that the development of this subdivision, the hawthorne meadows subdivision, will enhance the interconnectivity of all the subdivisions in the area. In conclusion, we respectfully request that the city council affirm the decision of the hearings officer on the ground that the findings are supported by substantial evidence in the record. Thank you.

Adams: Do you have any concerns regarding the request to change the reference on page 10 of the hearings officer's decision from see c 2 to see exhibit c-3?

Schroede: What page was that again?

Adams: Change the reference on page 10 of the hearings officer's decision from, quote -- see exhibit c.2, and change that to, see exhibit c.3.

Schroede: May I -- did I not receive a copy of the packet that ms. Bauer submitted. May I refer to that briefly?

Adams: Yeah.

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Schroede: May I also ask before answering that question what staff's position is on -- is on this?

Adams: I can ask them. Staff, could you --

Sten: Could you come up to the mike, please?

De Freitas: You'd like to ask me a question?

Adams: Yes. What is your -- do have you any problems with the request that the reference on page 10 of the hearings officer's decision referencing see exhibit, as in look at exhibit c.2 be changed to exhibit c.3?

De Freitas: Thank you, commissioner Adams. For the record, fabio defreitas. Both exhibits identify the recreation tract. So it's really irrelevant. That's why we didn't recommend to you that that be changed in the decision, because the recreation tract is identified on both exhibits c.2 and c.3. So it's your call. It can go either way.

Adams: So you don't have any problems because they -- you don't have any problems because the substance in your mind is the same if we change it to c.3?

De Freitas: I won't make a difference.

Adams: And then do you have a reaction to the request that on page 10 as well the findings in the hearings officer's decision also include the condition of approval that incorporates the creation of snags as proposed by the applicant and change the reference on page 10?

De Freitas: I'm going to allow him to address that.

Parsons: Kimberly parsons, b.d.s. First I want to point out the findings for that section, the mitigation plan, was the same in the staff report that was submitted to the hearings officer. So had we known about this particular issue, we could have provided comments at that time. In the hearings officer -- the hearings officer could have provided findings related to that. In terms of the applicant's proposal to create snags, it included just the creation of six snags from common hawthorne. Typically environmental review staff don't consider removal or killing off of plants if they aren't invasive. Common hawthorne still do provide for food and shelter for birds and mammals. They can grow in the shade, that's already provided there, or that will be provided by the new mitigation plantings that are going there. At this point we believe leaving the hawthorne there actually provides some habitat value. There are thorny species, so they provide protection from climbing predators for certain species. So I would recommend not including that, and that was the intention, to not include snags as part of the mitigation plan.

Adams: Ok. Your explanation ended to me in a confusing way.

Parsons: Ok.

Adams: What would be the problem with including the snags again?

Parsons: There's no evidence in the record that demonstrates that there's a need to create snags on the site. Nothing has been identified to show that there's a lack of snag wildlife habitat.

*****: [inaudible]

Kasting: There would need to be some explanation of why that was an appropriate condition.

Adams: We lack that in the record, is that what you're saying?

Kasting: Apparently we do.

Adams: Thank you.

Saltzman: Since you're all up here, just to go back to the recreation tract, you did mention there will be a playground. Is that -- play equipment, I guess I should say.

De Freitas: At least play equipment. I know a horseshoe throwing area, there's the trail, picnic area. These are --

Saltzman: These are all things the applicant is squarely on board with, playground equipment in particular?

Parsons: The findings on page nine refer to exhibit c.2 as well as exhibit c.3. So neither one of the exhibits is lacking from being referred to in those findings.

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De Freitas: For your information, commissioner Saltzman, for clarification, the code has a requirement for passive and active uses when recreation tracts are required. But doesn't identify or define what those uses are. Staff in our recommendation to the hearings officer and the hearings officer agreed that the proposed uses, the playground area, the horseshoe throwing area, the picnic area, the trail, definitely addressed the type of activity.

Saltzman: Those were the proposed uses by the applicant?

De Freitas: That's correct.

Saltzman: Thanks.

Adams: And then you're pdot, right?

Parsons: No.

Adams: Who is pdot today? Sorry. My friend from pdot address the overall issue of the long-range -- the discussion and the concern, it's a concern all over the city about pdot resources being able to address traffic issues, but can you comment on the concern mentioned about our ability to do longer range and sustained transportation infrastructure planning and implementation in this area?

Jamie Jeffrey, Office of Transportation: My name is jamie jeffrey, i'm with the office of transportation. Good afternoon, city commissioners. Regarding I guess first I would like to note a couple of items about barbara welch and the lane width of nine feet that have been raised. Mr. Kruger, in his comments, provided to the hearings officer had noted that barbara welch ranges from 18 feet wide to 20 feet wide. And that the 18-foot-wide sections are primarily on straighter stretched areas where visibility is good for drivers traversing the roadway. Nine-foot lanes is not uncommon throughout the city, and as such, we have not typically had long-range plans to address streets solely based on street width or lane width. We typically have looked at long-range plans that will address deficiencies at intersections or deficiencies in modal improvements such as sidewalks or bike facilities. Having said that, barbara welch is designated as a city bikeway, and I believe a city walkway, and with those designations, it's not inconceivable that a multimodal project could be identified in our transportation system plan, as we have, for example, on stevenson near boones ferry to 35th. And we have other projects on our current t.s.p. That include multimodal improvements for facilities that are strictly two-lane roadways. So it's not out of the realm of possibility to identify a long-range plan. Typically those wouldnd up being identified and competing with other types of proposals that are being brought forward that pdot considers, and as such, my understanding is that would be the typical direction that a plan like this would go. And we -- in an area that's developing like this, it's very appropriate to be bringing that issue to the table in pdot and discussing the possibilities for getting it into our t.s.p. Program as we continue on through the program.

Adams: Ok.

Sten: Any further questions for the applicant or staff? Do we have any supporters of the applicant who would like to testify?

Moore: We have george bitrous.

*******:** No.

Moore: That was all who signed up.

Sten: The appellant's turn to rebut. Fabio, why don't you come back up and show us the preliminary plan. I think you have five minutes, linda. I suspect you may get some questions.

Bauer: Oh, really? Ok. As you can see from the preliminary plan, and when commissioner Saltzman asked about the recreational tract, fabio kind of filled it in with his pen. This is c.2, the preliminary plan. The c.3 has the lines on there that show exactly where the recreational tract is, exactly what is in the recreational tract, and all that. And he didn't have a picture of the c.3 exhibit. I don't know if he has it somewhere in the back. That's why I would like for somebody to be able to look at the hearings officer and go straight to the c.3, which showed you exactly what you need, rather than going to that one and going, oh, there's a c.3. See how it's outlined? You can see exactly

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what things are, what it is composed of. So that's why I would like the exhibit changed, so you can go directly to where you need to go rather than fumbling around in there. As far as the trees, this is a hearing on the record. The application is part of the record. So it is open for discussion. I couldn't tell you that there wasn't a condition of approval that the trees weren't -- the snags weren't included, because there weren't any conditions of approval, there were only proposed conditions of approval.

Adams: So, mr. President, if I could get clarification on the difference of opinion about whether or not there's a reference in the record to the snags and therefore it's allowable further discussion for us --

Kasting: I think the question is whether -- as I understand the argument, the argument is that a condition regarding preservation of snags is necessary to achieve compliance with the approval criteria, and my impression from the testimony are the discussion was that argument was not raised in front of the hearings officer.

Adams: So the -- so ms. Bauer's point that it was part of the application and part of the box of papers that was at the hearing code officers does not -- does the fact it wasn't verbally mentioned during the -- i'm still new at the hearing code step of this, the fact it wasn't surrender wally -- verbally mentioned at the hearing code review --

Kasting: Whatever is in the record that talks about snags is in the record, and people can talk about that. I think the question is whether the argument that this additional condition is necessary to achieve compliance with approval criteria had been raised previously. And i'm hearing from staff that this is a new argument.

Adams: Do you dispute that, linda, that that nuance, the nuance difference that they're making, do you dispute that?

Bauer: I could not have said there wasn't a condition of approval that included the snags because there weren't any conditions of approval.

Parsons: The staff report called out all the recommended conditions of approval. Had the hearings officer been aware of this particular issue, he could have added it at that time.

Adams: So, pete, it's your call that because it wasn't -- because there weren't any conditions of approval, therefore it's not allowed for us to discuss?

Kasting: I would say if the council wants to discuss it, you can go ahead and discuss it. The procedural issue is whether an appellant should be bringing up arguments for the first time on the appeal to city council. But if the council wants to discuss it and explore it, you can.

Adams: We just can't rule using it as a basis for our decision making.

Parsons: It could be a procedural error.

Adams: That's our decision?

Sten: Ultimately that's our decision. Pete has to advise you -- I would say it's clearly close enough based in my sense that if you're interested in a discussion, we should discuss it and see if there's support for it, and then --

Adams: I'm interested in it as a condition. Is there anyone else in it as a condition? Snags or not snags.

Sten: I'm interested.

Adams: Do you believe that -- do you believe that as part of our condition of approval we should include explicit -- an explicit requirement that snags be included as part of this redevelopment to enhance wildlife habitat? Or not?

Sten: Ok. Are you done with your rebuttal, linda?

Bauer: Yes. Thank you. Unless there's questions.

Sten: Are there any questions for the appellant?

Saltzman: No. I just wanted to ask kimberly, you said something earlier about the snags, that there was -- found it was not contributing to wildlife resources of this area, or -- what was it --

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Parsons: There wasn't any evidence in the record showing that there's a lack of snags present, and so there is this need for snags. It was just a comment in the mitigation plan. But we didn't see any evidence as to why it was needed.

Saltzman: Ok.

Adams: So there were two --

Sten: We have to make a motion.

Adams: I move we include snags.

Sten: Before I -- we'll move to council discussion. No more questions of staff, I take it? Is that right? And then do you want to -- before I consider seconding -- make a more broad motion that speaks to this case and maybe include the snags?

Saltzman: Do we have to approve the changes in the one-page memo also?

Kasting: Everyone recommends that, yes.

Sten: I think it would look like -- it's your motion.

Adams: I propose that we approve this with changes called for in the one-page memo -- I don't have to read that whole thing, do i?

Kasting: You should be aware of what's in it. You don't have to read it out loud. [laughter]

Adams: I'm aware of what's in it.

Kasting: And it is available to the public.

Adams: Along with the suggested changes that on page 10 of the hearings officer's decision that we reference c.3, and that as an additional condition of approval, that we include the creation of snags as proposed by the applicant.

Sten: Essentially your motion would be we would uphold the hearings officer's decision and add several conditions as outlined in the memo from staff, and in the appellant's -- both of the appellant's conditions? Ok.

Kasting: If you want to take final action today, it would be good to have the actual words you're voting on. The words on the memo are there. I think the alteration having to do with the exhibit number is sufficiently clear, but we need to know what words to insert on paper in connection with the snags condition.

Adams: Do you have a copy of the applicant's reference to snags?

Sten: The appellant's?

Adams: Right here, sorry.

Leonard: Just so i'm clear, we're agreeing that snags are an invasive species? Or not?

Sten: I think the definition of snag is outside of the motion.

Adams: Where would I see the -- i'm looking at --

Sten: You truly have to address that question to the author.

Kasting: I think you want to say something like snags shall be preserved as temporary wildlife habitat as discussed in the applicant's -- the applicant's proposal.

Parsons: Page 18.

Adams: Yes.

Leonard: Before the staff leaves, do these snags limit the number of structures that are allowed to be built? If we were to accept the amendment as proposed --

Parsons: No. Snags are just dead trees that are in the mitigation tract, the environmental resource area. So it's a nondevelopable area. It will not impact structures on the site.

Kasting: I think it is acceptable to the applicant if you phrase it as we just discussed, that snags will be preserved as temporary wildlife habitat as proposed in the applicant's submittal.

Leonard: Ok. I'm sorry. I'm just trying to get my arm around what commissioner Adams is proposing. Are you proposing a condition that would require dead trees to remain on the site?

Adams: Yes, for the purpose of habitat --

Leonard: Ok. Thank you.

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Adams: And it's ok with the -- both sides.

Sten: I'm going to ask if either side would like to make a comment on the motion.

Leonard: Both sides are agreeable to that?

*******:** [inaudible]

Adams: It's a big environmental area and these are only on the map.

Kasting: This is preservation of snags temporarily as proposed on the applicant's submittal.

Parsons: I need to make a correction to that. It's to create snags, so it means killing six trees to create snags.

Bauer: Which are hawthorne non native.

Kasting: So the wording would be snags shall be created as temporary wildlife habitat as proposed in the applicant's submittal. Is that what you're proposing?

Sten: I think we have a motion that's been fleshed out on the floor. I'm looking for a second. Do I have a second? I'm going to pass the gavel to whoever is next in succession, at least symbolically. I think that's commissioner Saltzman. Can you preside for a motion? I'm going to second the motion. Then i'll -- if you could -- i'll take the -- preside again, so it's been motion and seconded. I'm going to take a vote on the motion to uphold the hearings officer's decisions with the additional conditions as outlined. Roll call.

Adams: Aye. **Leonard:** No. **Saltzman:** Aye.

Sten: Aye. The motion passes. [gavel pounded] we are adjourned, and good luck to everyone on this project.

At 3:00 p.m., Council adjourned.