

From: sr.n.young@gmail.com on behalf of [Nate Young](#)
To: [BPS Comprehensive Plan Testimony](#); [Treat, Leah](#); [Commissioner Novick](#); [Hales, Mayor](#); [Commissioner Fritz](#)
Cc: [Lum, Leslie](#); [Kelley, Mary](#); [Burke, George](#); [ALNA Board](#)
Subject: Transportation Systems Plan
Date: Thursday, October 13, 2016 4:10:00 PM
Attachments: [TSP_Greeley Comments_2016.10.pdf](#)

Hello Director Treat, Staff, and Councilors,

I am writing on behalf of Arbor Lodge Neighborhood Association (ALNA) to add testimony to the Transportation System Plan (TSP.) We at ALNA would like to express our concern about the worsening traffic conditions along North Greeley Avenue, particularly the section between Killingsworth and Lombard.

We recently hosted a vigil for a neighbor killed in a hit-and-run at Bryant and Greeley. In the time spent at the intersection, we witnessed high volumes of pedestrian, bicycle and stroller traffic waiting to cross the intersection with many cars unwilling to stop – all at an intersection that already has bump-outs and painted crosswalks. While the visual character of the road changes between Rosa Parks and Lombard, the traffic pattern of heavy north and southbound traffic does not. At times, drivers speed up to race the light at Lombard or whip dangerously around TriMet buses stopped to drop off and pick up passengers.

This section of Greeley hosts a small minority-owned business, Poshette's Cafe, which we have partnered with to build a community gathering space for parents and neighbors. The intersection at Buffalo and Bryant is a crossroads for the neighborhood that brings people of all ages and abilities to Gammans Park, Arbor Lodge Park, Harper's Playground and Chief Joseph School. The crosswalks along Greeley and the intersections at both Rosa Parks and Lombard are high impact, confusing, chaotic, and consistently busy.

For years, North Greeley existed as a neighborhood street that didn't see nearly as much use as nearby streets such as North Willamette and North Interstate. The southern section from Killingsworth to Rosa Parks is designated as a "connector" and has seen improvements along with that status. From Rosa Parks to Lombard, the street has no special designation. Recently, due to a combination of events including the temporary closure of Willamette, bumps in the population in St. Johns, and more, traffic on North Greeley has become a concern in our neighborhood, with neighbors reporting their parked cars have been sideswiped by inattentive drivers.

We really appreciate the City's investments along North Lombard, the state highway bordering our neighborhood and as you consider your ongoing investments in our community, we urge you to extend the southern part of Greeley's community connector status all the way North to Lombard to connect with the streetscape improvements we've implemented.

Extending the connector status through the Rosa Parks to Lombard will not only assist people in travelling east and west but also encourage safe passage to the burgeoning commercial center near Greeley and Lombard with many new small businesses like Green Zebra, Fang and Feather, Bandinis Pizza, VCA Veterinary Hospital, King Burrito, Arts and Craftsman Supply and more. As this area of Lombard continues to develop, we want to see it well connected and safe for all users.

We understand that the current TSP project list is set. However, we hope at least that the street

designation change can highlight the importance of making this small stretch of our neighborhood safer.

Sincerely,
Nate Young
Arbor Lodge Neighborhood Association Board Member
Land Use and Transportation Committee Chair
arborlodgeneighborhood.com

Director Leah Treat
Portland Bureau of Transportation
1120 SW 5th St. #800
Portland OR 97209

10/12/2016



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We understand that the current TSP project list is set. However, we hope at least that the street designation change can highlight the importance of making this small stretch of our neighborhood safer.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Young", is written over a faint, larger signature.

Nate Young
Land Use and Transportation Committee Chair, Arbor Lodge Neighborhood Association

3601 Vincennes Road, Indianapolis, Indiana 46268
Phone: 317.875.5250 | Fax: 317.879.8408

www.namic.org

122 C Street N.W., Suite 540, Washington, D.C. 20001
Phone: 202.628.1558 | Fax: 202.628.1601

October 12, 2016

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

sent via email to:
cputestimony@portlandoregon.gov

RE: 2035 Comprehensive Plan: 33.224 Drive-Through Facilities - NAMIC's written testimony in opposition

Dear Portland City Council Members:

The National Association of Mutual Insurance Companies (NAMIC) appreciates the opportunity to submit written testimony in opposition to the above captioned proposed municipal ordinance scheduled for public hearing on October 13, 2016.

The National Association of Mutual Insurance Companies (NAMIC) is the largest property/casualty insurance trade association in the country, with more than 1,400 member companies. NAMIC supports regional and local mutual insurance companies on main streets across America and many of the country's largest national insurers. NAMIC members represent 40 percent of the total property/casualty insurance market, serve more than 170 million policyholders, and write nearly \$225 billion in annual premiums. NAMIC has 153 members who write property/casualty in the State of Oregon, which represents 46% of the insurance marketplace.

The municipal ordinance provision at issue states:

33.224.070

Chapter 33.224 regulates Drive-Through Facilities. This new section requires drive-through facilities to serve customers arriving as pedestrians or by bicycle, when other business entrances are locked or not available. The intent of this regulation is to prevent businesses with drive-throughs from excluding or discriminating against customers not arriving by motor vehicles, during times when the drive through is the only means of serving customers.

Please allow us to add our voice to those who have raised public safety concerns about the proposed amendments to chapter 33.224. Our members provide commercial liability insurance to restaurants and automobile liability insurance to drivers in the state.

Although NAMIC's members appreciate the importance of providing all customers with expansive and convenient accessibility to restaurant services late in the evening, we are

concerned that this regulatory proposal would create public safety concerns for pedestrians and bicyclists that far outweigh the benefits of providing drive-through accessibility to these consumers who are having a late night “Big Mac Attack.”

It is an irrefutable fact that pedestrians and bicyclists are at an extreme disadvantage when involved in an accident with a 3500+ pound metal object, which is why states and municipalities throughout the country have actively endeavored to maintain a reasonable safety distance between them, as evidenced by all the dedicated bicycle lanes and segregated bicycle/pedestrian use paths being developed nationally and in the State of Oregon.

Specifically, the Portland Bureau of Transportation (PBOT) has been a national leader in planning, implementing, and maintaining a “bikeway” network of safe bicycle paths and lanes in the city to promote bicycle use and interaction with motor vehicles in a safe and responsible way. NAMIC is concerned that this drive-through access proposal is counter to and inconsistent with the “safety-first” approach of the PBOT program.

The seriousness of the safety risk that results from interactions between motor vehicles and pedestrian or bicyclist is well illustrated by the fact that in 2014, there were 4,884 pedestrians and 726 bicyclists killed in crashes with motor vehicles (National Highway Traffic Safety Administration Data).

The State of Oregon and the City of Portland have enacted laws and municipal ordinance regulations that clearly reflect the fact that heightened safety measures must be adopted to protect pedestrians and bicyclists when they interact with motor vehicles. For example, the City of Portland Chapter, Code, and Policies: Title 16, places safety restrictions on pedestrian activities when interacting with motor vehicles (16.70.210, Pedestrians must use crosswalks, and 16.70.220, Pedestrians must cross street at right angles to traffic). In regard to bicyclists, 16.70.320 specifically states that bicycles may be ridden on sidewalks designated as bike lanes or paths, or to avoid a traffic hazard in the immediate area.

These regulations demonstrate that there is a sound and well-established public policy rationale for distinguishing and differentiating between pedestrian/bicyclist mobility and safety limitations (they have no airbags or safety reinforced metal for protection) from those of motor vehicles (which have airbags, safety restraints, reinforced metal and designed crush zones). The simple reality of the situation is that there is really no such thing as a “fender bender” accident when one of the parties is a pedestrian or bicyclist.

This public safety perspective needs to be kept in mind during the debate over increasing fast food restaurant access via late night use of drive-through lanes. The standard motor vehicle-only drive-through access lane was never intended nor designed to address safety concerns posed by mixing motor vehicle use with pedestrian/bicyclist use. Consequently, there may be unforeseen hazards associated with changing the intended use of these drive-through lanes.

Safety engineers, who designed and built the typical drive-through lane, were unlikely to have contemplated the safety needs of pedestrians/bicyclists when they considered the dimensions, lighting, location, visibility, speed limits, and roadway path design of many drive-throughs.

Therefore, many drive-throughs may not be conducive to safely interspersing motor vehicle use with pedestrian or bicyclist use, especially at night or during inclement weather.

NAMIC believes that the proposed municipal ordinance change is rife with potential public safety considerations that need to be fully evaluated and vetted before any such proposal may be appropriately considered.

In addition to these public safety concerns, NAMIC is also concerned that the proposed change to the municipal ordinance on drive-through use may have an unintended adverse impact on availability and affordability of automobile insurance and commercial liability insurance for businesses in the state.

Our liability insurance members are concerned that the proposed changes to the municipal ordinance will increase the likelihood of liability exposure and legal defense costs resulting from motor vehicle accidents involving bicyclists and pedestrians. Since the severity of injuries sustained by pedestrians and bicyclists, when involved in accidents with motor vehicles is significant, the proposed changes to the municipal ordinance could lead to increased insurance rates for auto insurance consumers.

Additionally, restaurants will also have increased liability exposure, because they will likely be named as a party in the pedestrian/bicyclist - motor vehicle lawsuit, on the legal theory that they may be contributorily or comparatively at-fault for the accident by allegedly failing to adopt certain safety measures designed to protect pedestrians/bicyclists for motor vehicles while they interact in close proximity to each other in the drive-through. In our litigious world, this proposed change to the use of drive-throughs is a fecund field for civil litigation.

While it is difficult to determine the precise effect that the proposed changes would have on premiums paid by local employers and motorists, we believe it is safe to say that the increased risk of auto accidents between motor vehicles and pedestrians/bicyclists would certainly be factored into an insurance company's underwriting decisions.

Accordingly, we urge the Council to allow individual restaurants to decide, by working with their insurance companies and risk managers, the best course of action to take regarding late night use of the drive-throughs.

Thank you for your time and consideration. Please feel free to contact me at 303.907.0587 or at crataj@namic.org, if you would like to discuss NAMIC's written testimony.

Respectfully,



Christian John Rataj, Esq.
NAMIC Senior Director – State Affairs, Western Region

cc. City of Portland Mayor Charles Hales at mayorcharliehales@portlandoregon.gov

From: [Carol L. Chesarek](#)
To: [BPS Comprehensive Plan Testimony](#); [Hales, Mayor](#); [Commissioner Saltzman](#); [Commissioner Fish](#); [Commissioner Fritz](#); [Commissioner Novick](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 3:53:49 PM
Attachments: [FPNA letter on Portland TSP 101316.pdf](#)
[West Hills Congestion Petition 1.0 \(2\).pdf](#)
[Adopted Mult Co Resolution 2014-045 042414 without Trail Master Plan with highlights.pdf](#)
[Westside Trail map Page59 with comments.pdf](#)
[NW Saltzman property owner letters re TSP 2016.pdf](#)
[NW Saltzman property owner letters re Westside Trail 2014.pdf](#)

Dear Mayor Hales and City Council,

Attached you will find a letter from Forest Park Neighborhood about the Comprehensive Plan Implementation and draft Transportation System Plan.

Also attached are the following documents:

- West Hills Congestion Petition
- Multnomah County Resolution 14-045 about the Westside Trail (just the Resolution language, does not include the Westside Trail Master Plan)
- Westside Trail map page showing NW Saltzman Road connections and comments identifying two affected properties on NW Saltzman Road
- Letters from NW Saltzman property owners to Portland about the TSP and Major Public Trails map
- Letters from NW Saltzman property owners from the Westside Trail process in 2014

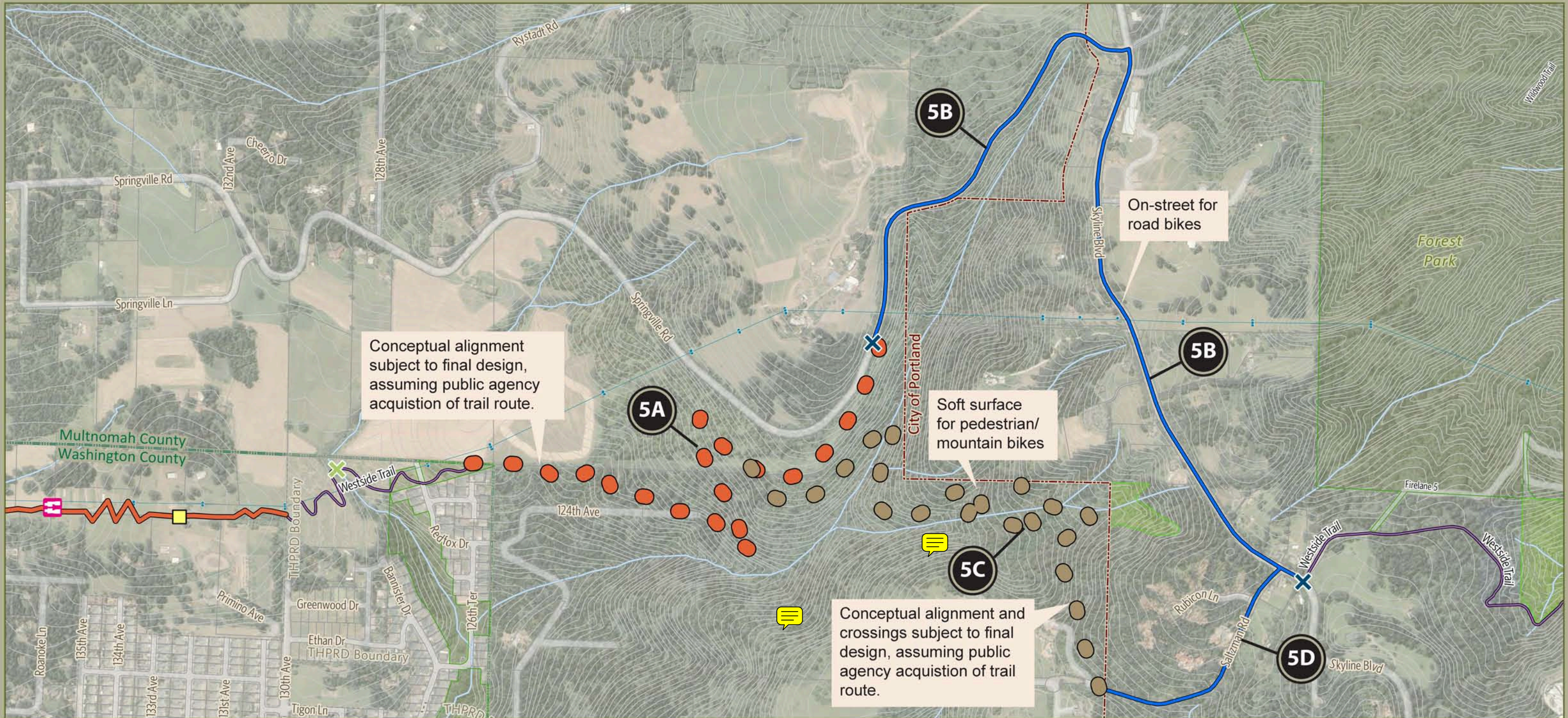
Please let me know if you have any questions.

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

Carol Chesarek
President, Forest Park Neighborhood Association

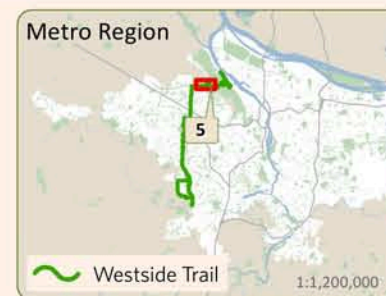
Westside Trail Master Plan

Map 15 Segment 5
Washington Co. line to Skyline Blvd



Westside Trail Recommended Alignment

- | | | | | |
|------------------------------------|-------------------------|--------------------------------|--------------------------------|---------------------|
| Multi-user | Existing Westside Trail | Schools | Wetlands | Powerlines & Towers |
| Soft surface | Other Trails | Potential Viewpoints | Taxlots | Streams |
| On-street | Midblock Crossings | Potential Trailheads | Parks and natural areas | 10 foot contours |
| Bridge | Wetland Crossings | Potential Prairie Restorations | Privately owned | City Boundaries |
| Recommended Access Connector Paths | Minor Stream Crossings | Subsegment number | Publicly owned | County Boundaries |



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

Petition
West Hills Congestion
www.change.org

To: Portland City Council, Multnomah County Board of Commissioners
cc: Metro Council, Washington County Board of Commissioners, PBOT Director Treat

Background:

With the ongoing population growth in the Portland metro area, traffic congestion has become a way of life in most neighborhoods.

NW Cornell Road is one of the few roads over the west hills into the core of Portland. Options for commuters are limited. There is no bus service on Cornell between Washington County and NW Portland. The park and ride for MAX at Sunset Station is full by 7:30am. Steep terrain in the hills makes bike commuting impractical for most people.

Cornell Road is a critical commuter access route. During peak hours, it carries vehicle traffic far beyond its intended capacity. Road expansion is effectively prohibited by tunnels and environmental concerns. Other roads over the west hills are similarly limited.

While Cornell's road designation is "neighborhood collector," Portland has acknowledged since 1992 that it *"functions more like a Major City Traffic Street by providing access from the surrounding area into the City's downtown commercial areas, or a Regional Trafficway by providing neighboring cities to the west of Portland a commuting route into town."*

When the City of Portland recently closed access from Cornell to NW Westover during peak hours, it substantially increased the daily commute time on Cornell, creating a significant hardship for thousands of people in communities northwest of Portland's core, including Portland residents. We believe this change should only have been undertaken as part of a broader program of traffic management in the area. We sympathize with residents of Lovejoy and Westover, who have long experienced increased daily congestion and cut-through traffic near their homes. We support the creation of breaks in traffic and other safety measures. However, many people who commute on Cornell have suddenly had their commute times nearly doubled, literally overnight.

We must work together as a community to improve the quality of life in our region, and access to an efficient transportation network is a critical component. There is significant congestion on all through roads in the west hills, and we want to work with PBOT, Multnomah County and other agencies to find and implement effective solutions.

The petition asks:

- 1) Because of the hardship from the unexpectedly large increase in commute times, PBOT should suspend the Westover closure experiment until the implementation of other congestion relief improvements in the area. Once relief measures are in place, we would support Westover traffic calming measures if still needed.
- 2) Portland needs to allocate funds to implement a few effective short-term solutions for Cornell between Skyline and NW 23rd (such as a light at NW 25th & Lovejoy).
- 3) We would like to work with Portland, Multnomah County and other agencies to explore potential longer term solutions to the larger problem, including a Transportation Demand Management program (TDM) to provide options for commuters on all routes over the west hills. TDM programs can include subsidized transit, offering van or car pool systems, shuttle buses, telecommuting or flexible work hours.

Wednesday, 9 April, 2014

Metro Council
600 NE Grand Avenue
Portland, OR 97232

Multnomah County Commissioners
501 SE Hawthorne Boulevard
Portland, OR 97214

Portland City Council
1221 SW Fourth Ave
Portland, OR 97204

Re: Opposition to West Side Trail Segments 5 and 6

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

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

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

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

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

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

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

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

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

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

Sincerely,

Skyline Meadows Homeowner's Association

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

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

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

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

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

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

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

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

Sincerely,

Walter C. Bowen

11223 NW Saltzman Road

Portland, OR 97229

Tessa Boucherot on behalf of Walter C. Bowen

BPM Real Estate Group

1331 NW Lovejoy Street, Suite 775

Portland, OR 97209

503.595.3083 (direct)

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

Tuesday, 8 April, 2014

Metro Council
600 NE Grand Avenue
Portland, OR 97232

Multnomah County
501 SE Hawthorne Boulevard
Portland, OR 97214

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

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

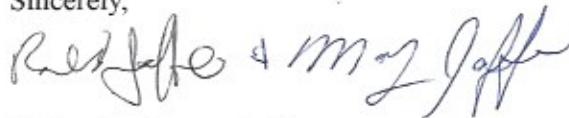
We are extremely upset that Metro made no effort to notify us about this trail, since it would have a direct effect on our personal lives, our farm and livestock, and our property value.

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

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

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

Sincerely,



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

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

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

Dear Mr. Heinicke,

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

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

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

Sincerely,

Wilbur W. Widicus

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

October 12, 2016

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

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

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

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

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

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

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

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

Metro's preliminary plan for the Westside Trail that shows a "preferred" trail alignment that includes this portion of NW Saltzman Road, but there are several serious problems with this trail alignment and Metro's trail plan¹ makes it clear that these are "conceptual," not final, trail alignments.

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

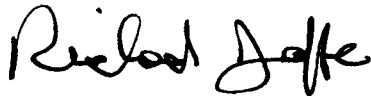
Multnomah County had so many concerns about this segment of Metro's proposed Westside Trail that their acknowledgement of Metro's Westside Trail Master Plan on April 24, 2014 (Multnomah County Resolution 2014-045) recommends that the county seek additional refinement to study and resolve potential impacts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

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

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

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Richard Jaffe". The signature is written in a cursive, flowing style.

Richard Jaffe, President
Skyline Meadows Homeowners Association

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

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

October 12, 2016

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

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

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

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

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

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

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

Metro's preliminary plan for the Westside Trail that shows a "preferred" trail alignment that includes this portion of NW Saltzman Road, but there are several serious problems with this trail alignment and Metro's trail plan¹ makes it clear that these are "conceptual," not final, trail alignments.

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

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

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

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

Thank you for your consideration.

Sincerely,

Holger and Maura Zeipelt

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

October 12, 2016

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

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

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

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

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

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

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

Metro's preliminary plan for the Westside Trail that shows a "preferred" trail alignment that includes this portion of NW Saltzman Road, but there are several serious problems with this trail alignment and Metro's trail plan¹ makes it clear that these are "conceptual," not final, trail alignments.

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

¹ Metro's Westside Trail Master Plan can be found at:
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Please remove the trail segments shown on NW Saltzman Road and NW Skyline Blvd from your Major Public Trails map (Figure 8.2 in the TSP). Simply stated, the trail segment shown is a problematic dead-end that should not be developed without further study and identification of an achievable public trail connection.

Thank you for your consideration.

Sincerely,

Louise Erricson
David Himmelberger

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

October 12, 2016

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

Re: Portland's Comprehensive Plan and Transportation System Plan

Dear Mayor Hales and Commissioners,

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

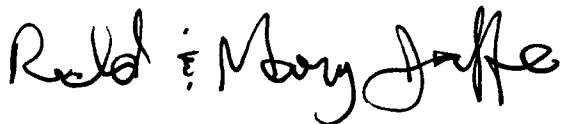
We recently had a group of people drive in and turn around at our front door looking for "the trail head shown on a map." Lately at least one car has been driving into our driveway each week, mostly on weekends, which we attribute to people following these maps and looking for a trail head and connecting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

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

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

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Richard & Mary Jaffe". The signature is written in a cursive, flowing style.

Richard and Mary Jaffe
Skyline Meadows Homeowners Association

Original Submitted via email

October 12, 2016

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

Dear Mayor Hales and City Council Members

Subject: Portland's Comprehensive Plan and Transportation System Plan

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

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

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

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

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

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

Sincerely,

Wilbur and Isabel Widicus



Forest Park Neighborhood Association

C/O Neighbors West Northwest
2257 NW Raleigh St.
Portland, Oregon 97210

October 13, 2016

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

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

Dear Mayor Hales and Commissioners,

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

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

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

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

We provide more background on each of these topics below.

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

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

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

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

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

Multnomah County had many concerns about this segment of Metro's proposed Westside Trail, and their acknowledgement of Metro's Westside Trail Master Plan on April 24, 2014 (Multnomah County Resolution 2014-045) says that the county should seek additional refinement of the plan to study and resolve potential impacts of the trail alignment on wildlife habitat and water quality prior to implementation. In response to these concerns, Metro modified their trail map to show that the alignment of the trail segment through Multnomah County and connecting to NW Saltzman Road is not final. Metro's Master Plan¹ makes it clear that these are "conceptual," not final, trail alignments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We propose this language:

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

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

We propose this language:

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

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

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

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

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

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

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

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

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

Please let me know if you have any questions.

Thank you for your consideration.

Sincerely,



Carol Chesarek
President, Forest Park Neighborhood Association

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

RESOLUTION NO. 2014-045

Supporting and Acknowledging the Westside Trail Master Plan.

The Multnomah County Board of Commissioners Finds:

- a. In 1992, the Metro Council adopted the Metropolitan Greenspaces Master Plan, including the Regional Trails and Greenways Map (amended December 1992, again in July 2002 and most recently in October 2008).
- b. The 1992 Metropolitan Greenspaces Master Plan and Regional Trails and Greenways Map identified the Powerline Trail as a regionally significant trail connecting the Willamette and Tualatin Rivers and the cities of Portland, Beaverton, Tigard, King City, and parts of Multnomah and Washington Counties.
- c. The Board of Commissioners of the Tualatin Hills Park & Recreation District ("the District") changed the name of the Powerline Trail to the Westside Trail.
- d. In December 2011, Metro, in coordination with Multnomah County, Washington County, (collectively referred to as "the Counties") the cities of Portland, Tigard, and King City (collectively referred to as "the Cities"); and retained the firm of Parametrix to lead Westside Trail master planning work.
- e. The Westside Trail Project Advisory Committee (the "Committee") was created in 2012 and included staff and citizens from the Counties, the Cities, the District, the Bonneville Power Administration and Portland General Electric; to advise Metro and Parametrix throughout the master planning work.
- f. Metro and Parametrix with the assistance of the Committee conducted extensive analysis on the impacts to natural resources as well as public involvement during the master planning work in order to identify a trail alignment and trail design that would be beneficial for public users of the new trail and supported by the all the governments and other entities identified herein.
- g. The Westside Trail Master Plan (the Plan) was completed and received approval from the Committee.
- h. During the public outreach process, Metro and Multnomah County heard significant concerns regarding impacts to wildlife habitat and water quality with respect to one of the alternative proposed Westside Trail Segment 5 routes through unincorporated West Multnomah County.
- i. Multnomah County Land Use Planning recommends that the County seek from Metro additional refinement to the study, analysis and resolution of these potential impacts at Westside Trail Segment 5 alignment prior to implementation of the Plan
- j. Multnomah County will not build, install, maintain, operate or have any responsibility for the ownership or management of any non-public road sections of the Westside Trail installed, constructed or developed within the County.

- k. The proposed alternative public road Westside Trail alignment within Multnomah County identified in the Plan affects only one county road, NW Springville Road, and consistent with identified improvements to NW Springville Road in the County's Capital Improvement Plan.
- l. The proposed alternative non-public road Westside Trail alignment within Multnomah County is consistent with policies set forth in the Westside Rural Multnomah County Transportation System Plan to coordinate multi-use trail transportation needs with Metro (Goal 2, Objective A) and to the development of a transportation system that supports the rural character of West Multnomah County (Goal 3).
- m. The proposed alternative non-public road Westside Trail alignment within Multnomah County is also consistent with policies set forth in the West Hills Rural Area Plan to maintain and enhance recreational values of Forest Park and adjacent areas (Policy 15), and support and promote the placement of links within a regional trail system for use by pedestrians and bicyclists (Policy 16).
- n. Metro's 2006 Natural Areas bond measure provided funds to purchase trail easements for the Westside Trail from willing sellers, and the Metro Council's adoption of the Plan will allow that work to begin in earnest.
- o. The Plan will be considered for approval or acknowledged by the city councils of Tigard and King City, the Tualatin Hills Park & Recreation District Board of Commissioners, and the Washington County Board of Commissioners in April 2014.

The Multnomah County Board of Commissioners Resolves:

- 1. The Multnomah County Board of Commissioners hereby supports and acknowledges the Westside Trail Master Plan, appended hereto as Exhibit A.
- 2. Multnomah County Board of Commissioners directs staff to **consider** the Westside Trail Master Plan in its future land use and transportation plans.

ADOPTED this 24th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Marissa Madrigal, Acting Chair

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

By
Matthew O. Ryan, Assistant County Attorney

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

From: [Matt Otis](#)
To: [BPS Comprehensive Plan Testimony](#)
Cc: [Hales, Mayor](#); [Commissioner Saltzman](#); [Commissioner Fritz](#); [Commissioner Fish](#); [Commissioner Novick](#); [Richmond NA Board](#)
Subject: Comprehensive Plan Update - Mixed-Use Zones Project - Richmond Neighborhood Association
Date: Thursday, October 13, 2016 3:42:15 PM
Attachments: [MUZ Project - Richmond NA Stance.pdf](#)

Richmond Neighborhood Association

c/o Southeast Uplift
3534 SE Main ST
Portland, OR 97214

(503) 232-0010

<http://richmondpx.org>

October 13, 2016

To: Comprehensive Plan Update cputestimony@portlandoregon.gov
Mayor Charlie Hales mayorhales@portlandoregon.gov
Commissioner Dan Saltzman dan@portlandoregon.gov
Commissioner Amanda Fritz amanda@portlandoregon.gov
Commissioner Nick Fish nick@portlandoregon.gov
Commissioner Steve Novick novick@portlandoregon.gov

RE: Comprehensive Plan Implementation

Dear Mayor Charlie Hales and City Commissioners,

I am writing on behalf of the Richmond Neighborhood Association (RNA) in support of the draft proposals for the Mixed-Use Zones (MUZ) Project.

While the RNA agrees with most of the draft recommendations, we would like to see a few adjustments to the plan. We believe these changes can help our neighborhood grow in a positive direction over the next 20 years.

Minimize or eliminate CE zoning in Richmond

Richmond is in the heart of the city and the RNA sees our growth creating a greater need toward people-oriented zones of business, housing, and commerce. CE designations do little to improve the livability and walkability of the neighborhoods surrounding them. Therefore, we ask that you eliminate the use of CE zoning in Richmond and areas bordering Richmond.

RNA prefers more pedestrian-oriented zones CM2 or CM3

Creating a vibrant, livable, and walkable community is one of our chief goals. CM2 and CM3 zones allow for such a community to grow and flourish. The MUZ project does a great job of designating CM2 zoning along Hawthorne and Division, which we approve of. We would also be amenable to CM3 zoning at major nodes within the neighborhood.

Upzone Powell to CM3

Powell is situated to become one of the prime corridors in Portland. As a major transit corridor, Powell could accommodate a large residential population. The areas surrounding Powell are historically underdeveloped, we see this as a great opportunity to provide much needed housing

and jobs in inner Southeast Portland. Given the wide right-of-way, the potential for transit, the underdeveloped nature of Powell, and its proximity to the city core; we recommend upzoning the corridor along Powell to CM3.

With assessment of impacts—such as solar shading—for adjacent residential properties

One area we would like to see addressed in the MUZ Project is more assessments of local impacts for larger structures. In particular we would like to see analysis for solar shading and its impact to nearby residential properties. This is a concern for full-height CM2 properties and particularly for CM3 areas. Expecting full sun during the winter solstice for a region so far north would be overreaching. We request those with greater expertise choose an appropriate definition for solar impact limits. The definition should aim to balance resident's solar concerns with the need for height in CM2 and CM3 properties to create abundant housing in Richmond.

Thank you for all your hard work on the MUZ Project.
And thank you for considering our requests.

Sincerely,
Matt Otis - Land Use and Transportation Committee Chair - Richmond Neighborhood Association

Richmond Neighborhood Association

c/o Southeast Uplift
3534 SE Main ST
Portland, OR 97214

(503) 232-0010

<http://richmondpx.org>



October 13, 2016

To: Comprehensive Plan Update cputestimony@portlandoregon.gov
Mayor Charlie Hales mayorhales@portlandoregon.gov
Commissioner Dan Saltzman dan@portlandoregon.gov
Commissioner Amanda Fritz amanda@portlandoregon.gov
Commissioner Nick Fish nick@portlandoregon.gov
Commissioner Steve Novick novick@portlandoregon.gov

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Upzone Powell to CM3

Powell is situated to become one of the prime corridors in Portland. As a major transit corridor, Powell could accommodate a large residential population. The areas surrounding Powell are historically underdeveloped, we see this as a great opportunity to provide much needed housing and jobs in inner Southeast Portland. Given the wide right-of-way, the potential for transit, the

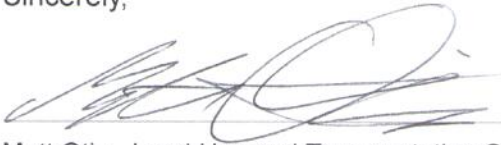
underdeveloped nature of Powell, and its proximity to the city core; we recommend upzoning the corridor along Powell to CM3.

With assessment of impacts—such as solar shading—for adjacent residential properties

One area we would like to see addressed in the MUZ Project is more assessments of local impacts for larger structures. In particular we would like to see analysis for solar shading and its impact to nearby residential properties. This is a concern for full-height CM2 properties and particularly for CM3 areas. Expecting full sun during the winter solstice for a region so far north would be overreaching. We request those with greater expertise choose an appropriate definition for solar impact limits. The definition should aim to balance resident's solar concerns with the need for height in CM2 and CM3 properties to create abundant housing in Richmond.

Thank you for all your hard work on the MUZ Project.
And thank you for considering our requests.

Sincerely,



2016-10-13

Matt Otis - Land Use and Transportation Committee Chair - Richmond Neighborhood Association

From: [Alan Kessler](#)
To: [BPS Comprehensive Plan Testimony](#)
Cc: [Commissioner Novick](#); [Hales, Mayor](#); [Commissioner Fish](#); [Commissioner Saltzman](#); [Commissioner Fritz](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 3:40:58 PM

Dear Mayor and City Commissioners:

I am writing to request that you use the opportunity of the Mixed-Use Zones project to **remove minimum parking requirements throughout the city.**

Portland has been progressive on parking for decades, but in 2013 we had a slight regression when we implemented minimum parking requirements for developments over 30 units. The result is not surprising, a disproportionate amount of new developments have been at exactly 30 units to avoid the requirement. This means fewer, larger, more expensive homes than may have otherwise been built. It is a shame to lose potential housing stock, and we should fix this policy as quickly as possible.

I laud the council for its discipline in declining to extend minimum parking requirements to the Northwest. Now please show the same leadership and repeal the requirements throughout the city.

Best Regards,
Alan Kessler
2725 SE 36th Ave.
Portland, OR 97202

From: [Richard H. Allan](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: [User Approved] Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 3:38:16 PM
Attachments: [Comprehensive Plan Implementation, Comments of American Waterways, Inc. 10.13.2016 \(00495735xA9955\).pdf](#)

I will be testifying on behalf of my client, American Waterways, Inc. at the City Council hearing today, and will bring hard copies of my written testimony. A pdf of that testimony is attached.

Richard H. Allan

Partner

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Portland, OR 97204



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MARTEN LAW

October 13, 2016

Via Hand Delivery

Portland City Council
1221 SW 4th Ave, Room 130
Portland, OR 97204

Re: Comprehensive Plan Implementation: Comments of American Waterways, Inc.

Dear Mayor Hales and City Commissioners:

This firm represents American Waterways, Inc., which for over twenty years has operated a successful cruise vessel business in Portland under the “Portland Spirit” banner. American Waterways supports and has actively participated as a stakeholder in the City’s effort to develop new zoning and standards for the Central Eastside through the Central City 2035 (CC2035) process.

We previously submitted written comments, dated March 31, 2016, on the CC2035 Discussion Draft. We also submitted written comments, dated August 9, 2016, to the Planning and Sustainability Commission on the CC2035 Proposed Draft. In addition, Dan Yates of American Waterways testified before the Planning and Sustainability Commission. As we have previously explained, American Waterways supports the rezoning of its property to EX (Central Employment) with the “d” Design Overlay.

The “Early Implementation” package designates a “Major Public Trail” across the riverfront of the American Waterways property. The “Major Public Trail” designation is new; the City’s desire for a public trail across the property is not. As discussed below, American Waterways opposes the City’s requirement for a public trail across the property because of the potential conflict it creates with requirements under a post-9/11 federal law, the Maritime Transportation Security Act of 2002.

Background

American Waterways owns two adjacent parcels, with street addresses of 110 S.E. Caruthers and 250 S.E. Caruthers (the “Property”). The current base zone is IH –

Heavy Industrial. The only overlay zone currently on the Property is the River General (“g”) overlay for the Willamette Greenway.

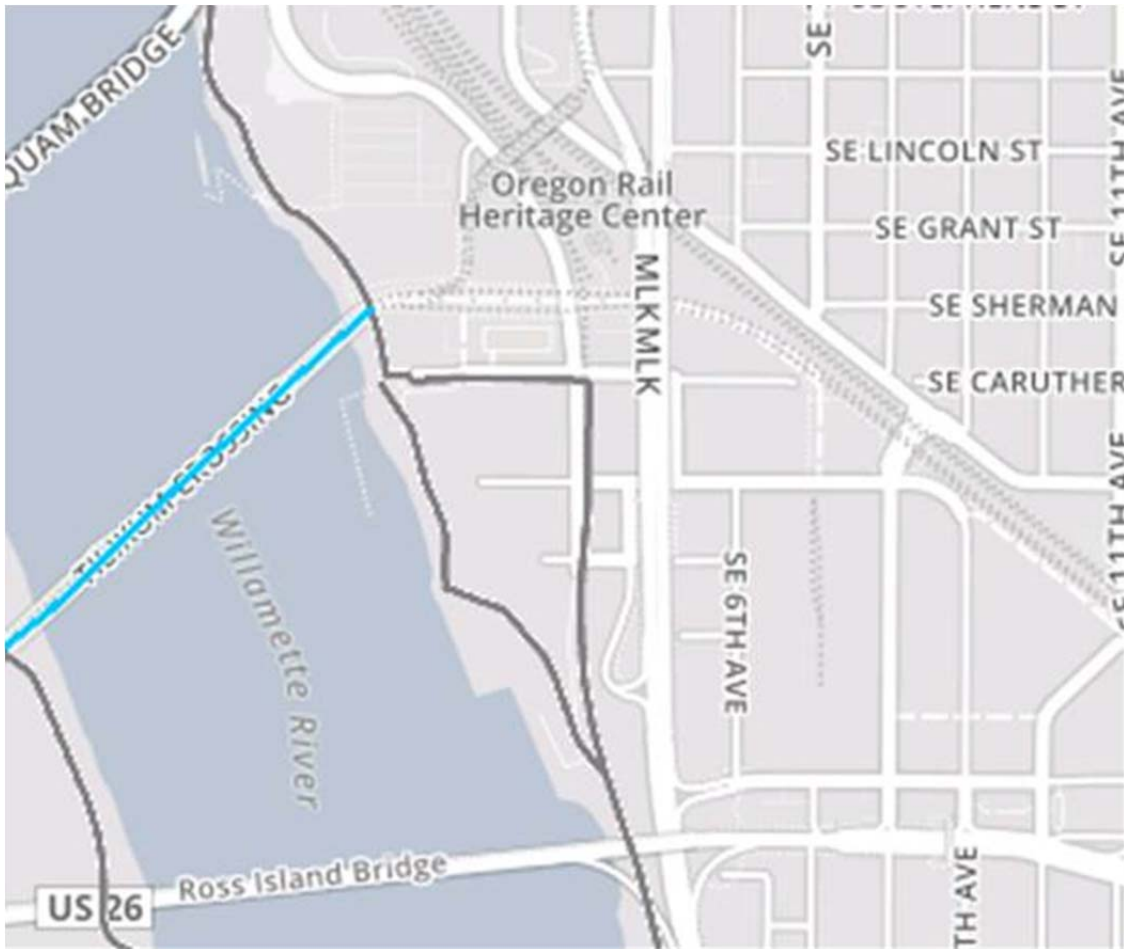
The Property includes the dock facility for American Waterways vessels. That dock, together with the existing building on the 110 S.E. Caruthers property, has been classified as an “Industrial Service” use, the purpose of which is to moor, maintain and service tour boats. That Industrial Service use is permitted outright in the IH zone, as has been determined in two Greenway Review proceedings (LUR 99-00073 GW; LU 11-141034 GW). The Property also includes a 4,800 square foot building on the 250 S.E. Caruthers parcel; the building is a shop/support facility associated with vessel operations, including machine shop, woodshop and storage.

The Property has a long history of marine uses. The waterfront of the Property is supported by a wall of pilings running the length of the Property. The pilings, installed decades ago, are integral to dual needs of supporting the upland and maintaining an adequate berth for vessels.

When Tri-Met was in the planning stages for the Tilikum Crossing Bridge and realized that the bridge might impact operations of the American Waterways docks and tour vessels, Tri-Met considered whether relocation was possible. The conclusion of Tri-Met’s consultant, taking into account operational needs, the federal Maritime Transportation Security Act (discussed below), existing greenway restrictions and the limited supply of private riverfront land in the Central City, was that the Property is the only feasible site in the City for the American Waterways operations. In other words, any requirement that threatens operations on the Property threatens the survival of the business.

Major Public Trail

The proposed Early Implementation package currently before the City Council would amend Ordinance No. 187832 to add “Major Public Trails” to the Comprehensive Plan Map, and to Comprehensive Plan Figure 8-2; “Major Public Trails” would also be added to the Zoning Map. On Figure 8-2 (“Major Public Trail designations”), the Property is depicted with a “future public trail” along the riverfront.



Although the Early Implementation Package does not include the Central City portion of the TSP, we know what is planned, based on a staff memorandum that provides the details to the Planning and Sustainability Commission. Memorandum from Sally Edmunds to Planning and Sustainability Commission re: Additional CC2035 Information and Amendments, Aug. 4, 2016. <https://www.portlandoregon.gov/bps/article/585857>

The mapped “Major Public Trail” across the American Waterways Property is to be designated as a “City Bikeway” in the TSP (Map 5 in the memo). The trail across the American Waterways property would also be a Pedestrian “Off-Street Path” (Map 6 in the memo).

Only one segment of the trail currently exists between SE Fourth Avenue and SE Caruthers, on property owned by SK Northwest. However, bike lanes exist along SE Fourth Avenue and SE Caruthers, and between SE Caruthers and the Willamette River along the route shown on the map.

A trail is currently mapped across the property as part of the City's 1987 Willamette Greenway Plan. The Plan "identifies a continuous recreational trail extending the full length on both sides of the Willamette River, but not necessarily adjacent to the river for the entire length." Willamette Greenway Plan, November 1987 at p. 1. Indeed, substantial portions of the trail are located on and adjacent to public streets or along railroad right-of-way (the Springwater Willamette trail), and do not necessarily follow the river bank.

Goal 15 (OAR 660-015-0005), moreover, does not require public access to or across every property within the Willamette Greenway, nor even across every property on the riverfront. Section C.3.c of Goal 15 requires with respect to plans and implementing measures: "Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas." Section C.3.b(3) requires with regard to recreational uses: "The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable." "Practicable" means "capable of being put into practice or of being done or accomplished." "To the greatest extent practicable," therefore, is a high bar.

Section F.3.b(2) of Goal 15 requires that local reviews of intensifications and changes of use within the Greenway must be provide findings that "necessary public access will be provided to and along the river by appropriate legal means." Again, that does not require universal access to and across every property within the Greenway or adjoining the river.

There can be no serious contention that the public is being denied adequate access to the Willamette River along the east bank in the Central Reach. The Greenway Trail already provides continuous public access along the river – and even over the river – from the Steel Bridge to S.E. Caruthers. In that area, the trail does not conflict with the use of the adjoining property (e.g., I-5, OMSI and the Portland Opera building). As noted above, however, Goal 15 does not allow the City to ignore conflicts between the recreational trail and use of adjacent property.

The Maritime Transportation Security Act

Although what has been referred to as "the greenway trail" has been mapped on the Property for many years, a change in federal law in 2002 made the City's requirement for public access across the Property untenable. As American Waterways has noted repeatedly throughout the CC2035 planning process, its operations on the Property are subject to requirements under the Maritime Transportation Security Act (MTSA). American Waterways has requested on

numerous occasions that the “Public Trail” symbol on the Zoning Map be removed from its Property as part of the CC2035 process because guaranteeing public access to the Property may conflict with obligations under the MTSA.

The MTSA, 46 U.S.C. § 701, regulates the nation’s vessels and port facilities in order to guard against security incidents that might result in significant loss of life, environmental damage, or transportation or economic disruption, see 46 U.S.C. § 70101(6), 46 U.S.C. § 70103. Among other things, MTSA requires covered vessels and facilities to submit security plans designed to “deter[] a transportation security incident to the maximum extent practicable.” 16 U.S.C. § 70103(c)(1). These vessels and facilities may not operate unless in compliance with a security plan that has been approved by the Secretary of Homeland Security. 16 U.S.C. § 70103(c)(5). Noncompliance may be severely punished: persons found to have violated the MTSA or a regulation promulgated thereunder are subject to a civil penalty of not more than \$25,000 per day, not to exceed \$50,000. 46 U.S.C. § 70119.

Coast Guard regulations require only certain facilities to submit facility security plans (“FSPs”). However, any “[f]acility that receives vessels certificated to carry more than 150 passengers, except those vessels not carrying and not embarking or disembarking passengers at the facility” must submit a FSP. 33 CFR 105.105(2). The American Waterways facility on SE Caruthers Street is such a facility: it receives, among other vessels, the Portland Spirit and the sternwheeler Columbia Gorge, both of which are certificated to carry 499 passengers. Consequently, American Waterways is required to – and does – operate under a FSP for the Caruthers Street facility.

FSPs are comprehensive plans describing the full suite of security measures a facility has in place to prevent and respond to transportation security incidents. In the wrong hands, this information might allow a party to compromise a facility’s security measures. To prevent the obviously harmful results that could follow from such a breach, federal law designates FSPs as “sensitive security information,” 33 CFR 105.400(c), thereby subjecting them to a host of restrictions, see 49 CFR 1520. Under these regulations, American Waterways is permitted to disclose the contents of its FSP only under very limited circumstances. 49 CFR 1520.9. In particular, American Waterways may disclose the contents only to “covered persons who have a need to know, unless otherwise authorized in writing by TSA, the Coast Guard, or the Secretary of DOT.” 49 CFR 1520.9(a)(2).

It goes without saying, then, that it is not possible to discuss publicly the contents of American Waterways' FSP, as a matter of both law and public safety.

American Waterways could be barred by federal law from submitting in a local land use proceeding the evidence it needs in order to prove that a public trail across the Property is inconsistent with use of the Property for passenger vessels.

Requirements under the MTSA, moreover, are not static. The Department of Homeland Security can, at any time, change the security requirements as threats change; in order to remain in business, American Waterways needs to be able to comply.

Resolving the Public Trail / MTSA Conflict

American Waterways would have the greatest assurance of its continued ability to operate its business on the Property if the City deletes the "proposed trail" across the Property from both the Comprehensive Plan Map and the Zoning Map.

The other possible resolution is to include in Chapter 33.272 ("Major Public Trails") a provision either (1) exempting properties subject to the MTSA from the requirement to dedicate a public trail easement, or (2) stating that on properties subject to the MTSA, the easement must allow the property owner to limit or close public access as necessary to comply with MTSA requirements.

Unfortunately, to date American Waterways has seen little willingness by the City to accommodate its concerns. The CC2035 Discussion Draft (February 2016) included some commentary in Chapter 33.272 addressing the Maritime Transportation Security Act:

Commentary

33.272.040 Construction of Trails

This zoning code section states the requirements for trail construction.

Note: staff acknowledges that other federal and state legislation might determine trail location on particular lands. An example is where a development is subject to the Maritime Transportation Security Act and must develop and adhere to a Maritime Security Plan that limits public access across the site to protect homeland security. In this case, there is/will be flexibility in where the trail is located, and it may be located somewhere else on the site. Each site has unique conditions and characteristics that will affect how this section is implemented.

That Commentary does not go far enough; it simply indicates that if there are MTSA concerns, the trail “may be located somewhere else on the site.” Even that watered down discussion of MTSA concerns was deleted from the Proposed Draft currently before the Planning and Sustainability Commission.

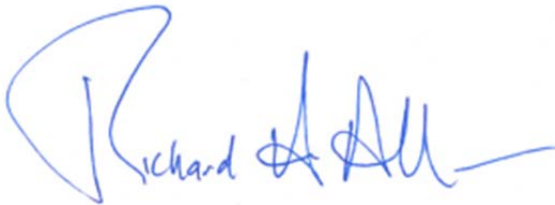
CC2035 Proposed Draft Section 33.272.070 (formerly PCC 33.272.050) still requires that the trail be “open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise specified by the terms of an easement between the applicant and the City.”

Conclusion

Public access across the American Waterways Property would not merely create the potential for “disturbance” of the owner’s use of the Property, as recognized by Goal 15, it would conflict with the owner’s obligations to be able ensure security under the MTSA. A public trail would not simply “take” a portion of the American Waterways Property; it could “take” the owner’s ability to conduct its primary business on the Property.

American Waterways is caught between the City’s desire for a trail on the one hand and the requirements of federal law on the other. American Waterways is ready and willing to discuss specific approaches to resolving the conflict, but a resolution is needed in order to ensure the future of this business.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard H. Allan". The signature is stylized and written in cursive.

Richard H. Allan

From: [Vailey Oehlke](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 3:37:43 PM

Mayor Hales and Commissioners:

Multnomah County Library District supports the City's efforts to modernize base zoning near Capitol Hill Library, at 10723 SW Capitol Highway.

The proposed change would enact a base zone of R2, in place of the current R7 base zone. Given the nature and characteristics of the site and the surrounding area, Multnomah County Library District respectfully requests that the City consider implementing Commercial Mixed Use 1 (CM1) as a base zone instead.

The library is currently engaged in a long-term facilities master planning effort. A base zone of CM1 would allow greater flexibility for growth and use of this public asset into the future. The Capitol Hill corridor includes CM1 and Commercial Mixed Use 2 (CM2) as a base zone on parcels to the south of the site. A CM1 designation for the Capitol Hill Library site is consistent with other community uses in that general area.

The library hereby submits this formal request for the property located at 10723 SW Capitol Highway to be rezoned from R7 to Commercial Mixed Use 1 (CM1).

Thank you for your consideration of this request.

Respectfully,
Vailey Oehlke

Vailey Oehlke
Director of Libraries
Multnomah County Library
[503.988.5403](tel:503.988.5403)
multcolib.org | [facebook.com/multcolib](https://www.facebook.com/multcolib) | [@MultCoLib_Dir](https://twitter.com/MultCoLib_Dir)



empowering our community to learn and create

From: [Linda Nettekoven](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comp Plan Testimony
Date: Thursday, October 13, 2016 3:30:50 PM
Attachments: [DDI Notification & Neighborhood Engagement Recommendation 2.26.15.pdf](#)
[ATT00001.htm](#)

Dear Mayor and City Council Members:

I am a resident and board member of the Hosford-Abernethy Neighborhood District (HAND) and wish to supply the following comments as an individual regarding the Mixed Use Zones proposal:

Neighborhood Contact Requirement

Please do not implement the new Mixed Use Zones without at the same time implementing an improved Neighborhood Contact requirement.

The Division Green Street/Main Street area has had a neighborhood contact requirement since 2006 and the City is long overdue in extending the Neighborhood Contact requirement to other areas governed by the Mixed Use Zones. However, the current requirement is woefully inadequate to accomplish the goals set for it in the Title 33. The Division Design Initiative (DDI), with later amendments from the Richmond Neighborhood Association, has crafted a more comprehensive notification procedure which calls for earlier contact (not merely two weeks before permitting) and written responses to suggestions made by neighborhood and business representatives present at meetings with developers among other things. This neighborhood contact approach has been adopted by the neighborhoods and business districts participating in the Division Design Initiative and had already led to improvements in design on several occasions. Please see copy below.

Parking Minimums

Consider linking parking minimums to affordable housing, i.e., do not eliminate them entirely, but waive or reduce them as part of potential bonus packages to incentivize affordable housing units.

Compatibility Criteria

Include specific criteria to be considered by BDS staff in reviewing plans for compatibility such as building materials, window patterns, entrance design, scale and massing, etc. It is useless to keep referring to compatibility in the Comp Plan goals and policies when there is nothing to measure compatibility against when plans are being reviewed.

Thank you.

Sincerely,

Linda Nettekoven
2018 SE Ladd Ave
Portland, OR 97214

PROPOSED NEIGHBORHOOD NOTIFICATION REQUIREMENTS

Draft based on neighborhood input, suggestions welcome! Send any input to ilovedivision@gmail.com

1 Notification Requirements for Proposed Projects ≥10,000 SF or ≥5 units should a) include a description of the proposed project, with project existing and proposed statistics (number of units, parking spaces, site size, etc), contacts, and proposed site plan, and b) provide notice as follows:

1. Business district association: Notification via letter and email
2. Neighborhood Coalitions: Notification via letter and email
3. Neighborhood Association: Notice to land use chair plus required visit as noted below.
4. Adjacent Area Notification: 2 blocks along mixed use corridor, minimum of 1 block surrounding the site (or a 500 s.f radius, whichever is greater). Notification letters to property owners and tenants may be paid through applicant permit fees.
5. On-site Notification: support the concept of site postings with a notice including project information, permit number, site plan/key project info as is a common practice in other NW cities.
6. If Historic Designation Applies: notification by letter and email shall be made to the local historical society.
7. Letters of Support Requests for Incentives & Bonuses: Applicant may request a letter of support from the NA and business association when requesting a bonus for square footage or additional height. An applicant is not required to obtain this letter but it will be considered noteworthy by the City as a possible red flag that it has not been received.

2 Neighborhood Association Presentation & Follow up Requirements:

- Notification to Neighborhood Association would include a presentation of an overview of the project to area residents, businesses, and property owners. Two (2) visits to the project’s neighborhood association (NA) are encouraged:
 1. Suggested Courtesy Visit to the NA at the “Conceptual Design” stage to gather general feedback and early notice - ideally within 90-180-days prior to submittal.
 2. Required Visit: Building applicants should make a presentation visit the NA not less than 60 days prior to building permit submittal.
- **Materials to bring to NA meeting(s) for Required Visit:**
 1. Site Plan & Proposed Building footprint/plan - Minimum of 12 - 8x11 copies denoted with scale, north arrow, existing trees, and showing adjacent surrounding development.
 2. Building Elevations showing proposed building in context with existing adjacent building and block development.
 3. Solar shading analysis – illustration of solar shading impacts to adjacent development

3 Required comment response form from applicant

An applicant shall submit list of comments received from the neighborhood and a statement for each with a response as to how this is being considered. Example:

Neighborhood Association Date of Visit	Applicant Owner
SAMPLE NEIGHBORHOOD COMMENTS	SAMPLE APPLICANT RESPONSE
<ol style="list-style-type: none"> 1. Preserve mature tree at NE corner 2. Prefer balconies at street 3. Vary window patterns – continuity with variation 4. More street entries desired 5. Step building height up and down 6. Vary rooflines 7. Commercial at the first floor, smaller affordable commercial spaces requested 8. More family-friendly unit sizes and amenities 	<ol style="list-style-type: none"> 1. Will relocate on-site to preserve 2. Now included on SE façade 3. Incorporated exist. neighborhood patterns for storefront window design 4. Added more frequent entries 5. Will consider this to maintain better solar access 6. Will discuss with architect 7. Cannot make this work with program without amenities bonus 8. Redesigning midblock of building to include shared courtyard with more green space and art; added several 2 & 3 bedroom units

From: tomhard2@gmail.com on behalf of [Tom Hard](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 3:11:37 PM

Portland City Council members:

I am writing to submit testimony on the Comprehensive Plan Update and the proposed Mixed Use Zoning. I would like to advocate the Council consider the following recommendations for increased density with fewer impacts and greater neighborhood compatibility:

1. Support for including Design Overlays on Civic Corridors

Major civic corridors like Powell and others need this design overlay too if they are to become the "Great Streets" they are intended.

2. Support for Stepbacks and Stepdowns above the Third Floor

It is of great concern that the Planning Commission has recommended removal of the stepdown/stepback requirement at the street for smaller zones (CM1 & CM2). We're going taller so we need the stepbacks and stepdowns (especially on narrow streets) to help make better transitions and better compatibility in existing neighborhoods. Hawthorne Boulevard Business Association (HBBA) has recommended these stepbacks above the third floor as has the Division Design Committee. HBBA has stated in past testimony that "it would be disruptive to the ambiance, mass and scale of the District to create a designation that allows more 4 story buildings without a stepback above the 3rd floor." This is an important livability and compatibility issue needed to help new development fit better. It also impacts solar access and shade impacts which can impact daylighting, heating and associated utility costs for the first floor of commercial buildings on the N. Side of narrow E-W streets. Please restore these stepdown requirements to help neighborhood better accept increased density with fewer impacts.

3. Support for Design Guidelines for Compatibility and Design Commissions per Quadrant.

We absolutely need to increase our housing capacity. However, as recent evidence has demonstrated, quantity does not always equal quality. It takes thoughtful design that is sensitive to context, neighborhood character and patterns of design that make Portland so special and desirable. To do this effectively we need better area-specific design guidelines, standards and area specific design review boards

4. Support for HBBA Testimony on Recommendations for Building Size and FAR

- "...continue a 45' height limit combined with a new 2.5 Floor Area Ratio (FAR) to address concerns about boxy, massive infill on corridors. While we would be more comfortable with the former C2 limit of three stories or a 45' limit, the introduction of the 2.5 FAR restores balance to the this zoning equation."

5. Support for Adding Impact Assessments of New Development (DDI Ten 10 Policy Recs #10)

Solar, privacy, noise, loss of historic resources, traffic, air quality are often significant yet we are lacking the tools we need to properly evaluate and measure the impacts of

new development. We need assessments both +/- if we are going to grow denser and maintain livability. This should be a part of permit review but should also be included as a goal in the Comp Plan and standards for higher density buildings. We can't manage effectively what we don't measure.

6. **Support for Incentives & Bonuses for Innovation & Resiliency** - (These should be integrated in both the Mixed Use & Other Comp Plan Programmatic Approaches)
 - a. Incentives for Reuse/Preservation of Existing Buildings are Needed (ideally tied in with projects that undergo seismic upgrades supported by SDC fee waivers, etc.) This would support resiliency in our existing building stock, incentives upgrades for small business owners, and support preservation of important community character and identity.
 - b. Incentives or bonuses for Energy efficiency & Building Innovation such as zero energy buildings (i.e. buildings that generate their own energy) - Buildings account for more than 40% of our national energy. Therefore, it is absolutely critical and can have a direct impact on affordability by significantly reducing monthly heating and lighting bills for low income occupants, as well as help meet our long term climate goals. California has committed to a zero energy building goal for all new residential becoming zero energy by 2020 and all new commercial by 2030. We should be at least as visionary here in Portland if we want to retain our title of a bastion of sustainability. Staff should come back with a recommendation for this to be included in the Mixed Use Zoning Bonuses or a proposal for a short term market incentive (e.g. first 20 zero energy buildings get fee reductions perhaps).
 - c. Incentives for development in underserved areas (e.g. 82nd, Powell, etc.) that could benefit from increased services new development would bring both through diverse businesses, increased walkability and density for greater transit (via SDC's and other fee waivers or reductions, or other bonuses)

Please support these important issues that impact both our short term and long term community goals for a more livable, resilient and sustainable Portland. Many thanks for the commitment and work you do for our City.

Thank you,

Thomas M. Hard

3258 SE Sherman St

Portland 97214

From: [Bob Greene](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Community Collector status for Greeley!
Date: Thursday, October 13, 2016 3:07:52 PM

North Greeley Avenue needs to be added to the Community Collector Status for the transportation plan. Recently neighbors coming out of their houses and Poshette's cafe watched the blood of Stanly Michael Gronchowski, a victim of a hit and run driver flow down the drains on Greeley to the Columbia Slough and out to sea. Mr. Gronchowski's death was the second death in recent years on that stretch of North Greeley.

Our Vigil for Mr Gronchowki was had 30 people at the vigil and two television stations, both of whom ran coverage of the vigil.

Please Community Collector Status for North Greeley

Very Truly yours

Robert Greene

From: [Ben Schonberger](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comp plan implementation
Date: Thursday, October 13, 2016 2:51:22 PM

I write to support the concept of eliminating mandatory minimum parking requirements in the mixed use zones. That parking requirements raise the cost of housing and depress production is now so well documented that it is an uncontrovertible fact. Parking requirements encourage vehicle use and ownership, and make the housing shortage worse. Portland is in the midst of a more effective, targeted, and nuanced approach to managing parking through permits and pricing. These programs have the opportunity to have a greater impact on parking problems without further exacerbating the housing shortage.

It may be, as opponents will argue, that new Portland residents will continue to drive and park. A city-code imposed mandate to provide storage for resident vehicles is a strong message that the city encourages that behavior. Free parking, it is said, is a fertility drug for driving. Reducing parking requirements, on the other hand, can promote walking, cut pollution and help build stronger neighborhoods. City rules should prioritize housing, not car storage.

Thank you.

Ben Schonberger

3973 NE 14th Ave.

From: [Susan Lindsay](#)
To: [BPS Comprehensive Plan Testimony](#); [Hales, Mayor](#); [Commissioner Fritz](#); [Commissioner Saltzman](#); [Commissioner Novick](#); [Commissioner Fish](#)
Subject: Comprehensive Plan Testimony Oct 13th, 2016
Date: Thursday, October 13, 2016 2:40:24 PM

Dear and Honorable Mayor Hales and Commissioners Fritz, Novick, Saltzman and Fish,

I came today to give oral testimony on the Comprehensive Plan, but was unable to stay due to my work.

I was an appointed member of the Mixed Use Zoning PAC...and participated in that long and intricate process, so I came today as a member of that group.

First, recently there has been an effort to try and remove parking requirements for new residential construction.

This should not happen. If anything, the minimums are too low, and residents struggle daily with the impacts that lack of reasonable parking has created in dense neighborhoods such as the inner SE.

This is also an equity issue.

Many wealthier neighborhoods in the SW and NE feel little effect from the dense overbuild being created in many SE neighborhoods....and have ample on street parking. Why should only the wealthy have such advantages? Are they not in "walkable" neighborhoods too?

Second, the Belmont corridor deserves and needs design overlay. It is the oldest Eastside neighborhood. Let's protect and preserve our heritage.

Please seriously consider this.

Thank you very much,

Susan Lindsay
625 SE 17th Avenue
Portland, Oregon 97214

From: [Andrew Parish](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 2:36:34 PM

Greetings,

I would like to express my support for the idea that the City should trade minimum parking requirements for more affordable housing by eliminating minimum parking requirements in Mixed-Use Zones. We live in one of the most walkable, bikeable, and transit-friendly cities in the country, and our mixed-use zones are exactly the locations to double-down on this character of the City. One of the explicit goals for the Mixed Use zones is to “provide more affordable housing through development requirements and incentives in these areas” (according to the Mixed Use Zones Project website), and costly parking minimums will contradict that laudable goal.

Some will say that parking requirements for new construction will keep newcomers from parking on the street in front of their homes. I would remind them that land within the right-of-way is public, and belongs to me and these newcomers as much as anyone else. I think it is ridiculous that my taxes subsidize on-street parking for those who would drive up the costs of housing in order to preserve a free spot to store their private possessions.

Please do not include minimum parking requirements in mixed use zones. Thank you.

-Andrew Parish

7212 N Portsmouth Ave

From: [Bill Stites](#)
To: [BPS Comprehensive Plan Testimony](#); [Hales, Mayor](#); [Commissioner Fish](#); [Commissioner Fritz](#); [Commissioner Novick](#); [Commissioner Saltzman](#)
Subject: Comp plan testimony please ELIMINATE PARKING MINIMUMS
Date: Thursday, October 13, 2016 2:36:32 PM

Regarding Comprehensive Plan Policy for parking:

Please continue the forward-thinking policy of eliminating parking requirements for all new developments, both residential and commercial, and especially Mixed-Use Zones. Truck and trike loading zones notwithstanding.

A recent federal study lends credence to the observation that Affordable Housing suffers at the hand of Minimum Parking Requirements. [It is a simple analysis of allocating limited resources](#) - please consider trading minimum parking requirements for more affordable housing by eliminating parking minimums in Mixed-Use Zones. We need to accommodate people rather than vehicles with our City's limited resources.

For many reasons, including technological advances, we are moving toward less car ownership in the future. Any new parking garages built today are a very bad investment.

Please consider **eliminating parking minimums in Mixed-Use Zones. This has a direct positive affect on access to Affordable Housing.**

Please.

Thank you,

Bill

Bill Stites D.C.
www.TruckTrike.com
738 SE Washington Street
Portland, OR. 97214
[503] 989-0059
Bill@StitesDesign.com
www.StitesDesign.com



From: [Julie Haberman](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 2:22:00 PM
Importance: High

Julie & Keith Haberman
13428 SE Gladstone
Portland, OR 97236
503-830-2021

Attached rental property
4131 SE 136th
Portland, OR 97236

We went on December 10, 2015 to Parkrose High School and testified in person. Madam Chair listed and asked us if we would be ok with the zone change to R2.5 for townhomes. We agreed and said that is what we wanted to do, build affordable homes, not apartments.

We believe that the R5 is not warranted in this area because generally they are larger homes with a higher price and our area does not support that type of home. We have observed in our neighborhood, the smaller lots are taken care of with pride and the larger lots are not. Just a few blocks away they built a development with these larger homes. I walk through it on the way home from the Holgate bus. It has, within a year turned into a overgrown weed zone with only 1 in 5 owners taking care of their yards.

After looking at the Residential Zoning chart we feel that R2.5 or R3 fits the site we want to develop between our two properties. R3 states that "This zone is applied primarily in East Portland, In areas previously platted by Multnomah County prior to annexation." We did own the property At 4131 SE 136th prior to annexation.

We did not ask to be changed to R2 many years ago. It just happened. We never intended to build Apartments or multifamily housing. We keep reading in the paper that the city is missing middle homes.

This is the perfect property to build them. Close to a great school and walking distance to two bus lines.

We respectfully request our properties not be rezoned to R5, but a better zoning for the area and to Help with the middle housing shortage.

Julie & Keith Haberman

From: [Bonnie Bray](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Division Design Initiative
Date: Thursday, October 13, 2016 2:17:44 PM

October 13, 2016

Portland City Council

1221 SW 4th Ave, Room 130

Portland, OR 97204

Attn: Comprehensive Plan Implementation

Portland City Council members:

I am writing to submit testimony on the Comprehensive Plan Update and the proposed Mixed Use Zoning. I would like to advocate the Council consider the following recommendations for increased density with fewer impacts and greater neighborhood compatibility:

1. Support for including Design Overlays on Civic Corridors

Major civic corridors like Powell and others need this design overlay too if they are to become the "Great Streets" they are intended.

2. Support for Stepbacks and Stepdowns above the Third Floor

It is of great concern that the Planning Commission has recommended removal of the stepdown/stepback requirement at the street for smaller zones (CM1 & CM2). We're going taller so we need the stepbacks and stepdowns (especially on narrow streets) to help make better transitions and better compatibility in existing neighborhoods. Hawthorne Boulevard Business Association (HBBA) has recommended these stepbacks above the third floor as has the Division Design Committee. HBBA has stated in past testimony that "it would be disruptive to the ambiance, mass and scale of the District to create a designation that allows more 4

story buildings without a setback above the 3rd floor." This is an important livability and compatibility issue needed to help new development fit better. It also impacts solar access and shade impacts which can impact daylighting, heating and associated utility costs for the first floor of commercial buildings on the N. Side of narrow E-W streets. Please restore these stepdown requirements to help neighborhood better accept increased density with fewer impacts.

3. Support for Design Guidelines for Compatibility and Design Commissions per Quadrant.

We absolutely need to increase our housing capacity. However, as recent evidence has demonstrated, quantity does not always equal quality. It takes thoughtful design that is sensitive to context, neighborhood character and patterns of design that make Portland so special and desirable. To do this effectively we need better area-specific design guidelines, standards and area specific design review boards

4. Support for HBBA Testimony on Recommendations for Building Size and FAR - "...continue a 45' height limit combined with a new 2.5 Floor Area Ratio (FAR) to address concerns about boxy, massive infill on corridors. While we would be more comfortable with the former C2 limit of three stories or a 45' limit, the introduction of the 2.5 FAR restores balance to the this zoning equation."

5. Support for Adding Impact Assessments of New Development (DDI Ten 10 Policy Recs #10)

Solar, privacy, noise, loss of historic resources, traffic, air quality are often significant yet we are lacking the tools we need to properly evaluate and measure the impacts of new development. We need assessments both +/- if we are going to grow denser and maintain livability. This should be a part of permit review but should also be included as a goal in the Comp Plan and standards for higher density buildings. We can't manage effectively what we don't measure.

6. Support for Incentives & Bonuses for Innovation & Resiliency - (These should be integrated in both the Mixed Use & Other Comp Plan Programmatic Approaches)

- a) Incentives for Reuse/Preservation of Existing Buildings are Needed (ideally tied in with projects that undergo seismic upgrades supported by SDC fee waivers, etc.) This would support resiliency in our existing building stock, incentives upgrades for small business owners, and support preservation of important community character and identity.
- b) Incentives or bonuses for Energy efficiency & Building Innovation such as zero energy buildings (i.e. buildings that generate their own energy) - Buildings account for more than 40% of our national energy. Therefore, it is absolutely critical and can have a direct impact on affordability by significantly reducing

monthly heating and lighting bills for low income occupants, as well as help meet our long term climate goals. California has committed to a zero energy building goal for all new residential becoming zero energy by 2020 and all new commercial by 2030. We should be at least as visionary here in Portland if we want to retain our title of a bastion of sustainability. Staff should come back with a recommendation for this to be included in the Mixed Use Zoning Bonuses or a proposal for a short term market incentive (e.g. first 20 zero energy buildings get fee reductions perhaps).

c) Incentives for development in underserved areas (e.g. 82nd, Powell, etc.) that could benefit from increased services new development would bring both through diverse businesses, increased walkability and density for greater transit (via SDC's and other fee waivers or reductions, or other bonuses)

Please support these important issues that impact both our short term and long term community goals for a more livable, resilient and sustainable Portland. Many thanks for the commitment and work you do for our City.

Thank you,

Bonnie Bray & Richard Boak

3634 SE Clinton St.

Portland, OR 97202

October 13, 2016

VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

Portland City Council
Attn: Ms. Karla Moore-Love, Council Clerk
City of Portland
1221 SW Fourth Avenue
Portland, OR 97204

**Re: Comprehensive Plan Implementation
Broadmoor Inc.'s Testimony and Request for Amendments to the Comprehensive
Plan Early Implementation Package**

Dear Mayor Hales and City Council Members:

This firm represents Broadmoor Inc. ("Broadmoor"), which is comprised of a family that has owned and operated the Broadmoor Golf Course located at 3509 NE Columbia Boulevard (the "Property"). Please include this testimony in the record of the Comprehensive Plan Early Implementation Package proceedings, and provide us with notice of the final decision.

Summary of Requested Amendments

Broadmoor requests the following amendments:

1. Amend the zoning of the Property's 22.08-acre frontage on NE Columbia Boulevard General Employment 2 (EG2) (see attached map), and make related zoning map and code refinements;
2. In the alternative, if the Property's 22.08-acre frontage on NE Columbia Boulevard is rezoned General Industrial 2 (IG2), then amend the Prime Industrial Overlay Zone (PCC 33.475) so that the existing golf course does not become a nonconforming use; and
3. Regardless of the base zone, eliminate or amend the new Middle Columbia Slough Subdistrict regulations in PCC 33.565.400 to .410; and
4. Relocate the proposed Major Public Trail that crosses the Property so that it is in the Right of Way.

Historic Use of the Property, Intended Use, and Proposed Designations and Zoning

The family that owns Broadmoor has owned the property for over 100 years, and has operated it as a public golf course since 1931. The family intends to continue to operate as a public golf course for the foreseeable future. However, as golf revenues have continued to decline over the past 10 years and the City's need for additional employment land increases, Broadmoor acknowledges that at some point developing a portion of the golf course with an industrial use, while preserving higher-quality natural resources in Open Space, is the highest and best use of the land.

In June 2016, the City Council changed the Property's 22.08-acre frontage on NE Columbia Boulevard (the "Frontage Property") from Open Space to Industrial Sanctuary. The proposed zoning map implements this Comprehensive Plan designation by zoning the Frontage Property General Industrial 2 (IG2), adding the proposed Prime Industrial Overlay (*I*), Golf Course/IG2 Transition Area and Middle Columbia Slough Subdistrict Regulations, in addition to the existing Portland International Airport Plan District. The Frontage Property's existing Environmental Conservation (c) and Aircraft Landing Zone (h) overlay zones are unchanged.

The remaining 111.73 acres of the Property's Open Space Comprehensive Plan designation and zoning designation remain unchanged. The existing Environmental Protection (p), Environmental Conservation (c), Aircraft Landing Zone (h) and PDX Noise Impact Zone (x) overlay zones are unchanged.

Requested Amendments

1. Rezone the Property's 22.08-Acre Frontage Property on NE Columbia Boulevard to General Employment 2 (EG2) and Remove Prime Industrial Overlay Zone

We believe that in the long term, the Frontage Property is appropriate for employment uses. The issue then becomes a question of which zoning designation, EG2 or IG1, is most appropriate for the 22.08-acre area.

As Broadmoor has evaluated the feasibility of redeveloping the Frontage Property, we have determined that the topography of that area is better suited for the slightly more flexible uses allowed in the EG2 zone than the limited uses in the IG2 zone. For example, the steep topography makes truck access from NE Columbia Boulevard challenging, and significant fill would be required to provide level building pads suitable for industrial uses. The EG2 zone is more appropriate because it allows all of the IG2 uses (except for Railroad Yards and Waste-Related) but also allows slightly more office and retail sales and service uses. See Code Table 140-1. Zoning the 22.08-acre Frontage Property EG2 would allow job-intense uses; particularly those that support nearby industrial uses. Also, EG2 uses would provide the

economic lift necessary to facilitate natural resource enhancement on the remaining 111 acres of Open Space on the Property.

Broadmoor acknowledges that the Comprehensive Plan designation approved by City Council for the 22.08-acre area is Industrial Sanctuary, which is not compatible with the EG2 zone. Broadmoor believes that the more appropriate Comprehensive Plan designation for this area is Mixed Employment, which corresponds to the EG2 zone, but also allows IG1 zoning. Broadmoor requests that, in consideration of the practical infeasibility of developing IG1 uses on the Property, that the City Council revise the Comprehensive Plan designation to Mixed employment and zoning the Frontage Property EG2.

Amending the Frontage Property's zoning and Comprehensive Plan designation requires related removal of the Prime Industrial Overlay Zone (PCC 33.475) and amendments to the Middle Columbia Slough Subdistrict regulations (PCC 33.565.400).

The Prime Industrial Overlay Zone applies only to Industrial Sanctuary designated property, so if the Frontage Property has a Mixed Employment designation, the overlay zone is no longer appropriate.

The Middle Columbia Slough Subdistrict regulations limit the Frontage Property so that it may only be zoned IG2, so the text of 33.565.400 and Map 565-4 must be amended to include EG2 as a potential zone, or the Frontage Property must be removed from Map 565-4.

2. If the Frontage Property is rezoned General Industrial 2 (IG2), then amend the Prime Industrial Overlay Zone (PCC 33.475) so that the existing golf course does not become a nonconforming use;

The existing golf course is characterized as a "Parks and Open Space" use. PCC 33.920.200.D.1 and PCC 33.920.460. The golf course is allowed outright under the current zoning and code. The Prime Industrial Overlay Zone converts the Frontage Property, which is where all of the improvements (e.g, pro shop) and 4 holes are located, into a nonconforming use because it prohibits Parks and Open Space, such as the existing golf course, that are over 2 acres. PCC 33.475.080.

It is more difficult, and expensive, for a use that is considered nonconforming to obtain financing, attract investors and sometimes to obtain insurance. The primary reason is that if the use is damaged or destroyed, in some circumstances the use cannot be reconstructed. Under Portland's current code, the right to continue a nonconforming use is lost if the cost to repair a damaged structure exceeds 75% of its value. The assessed value of the improvements on the Frontage Property is approximately \$555,000 so if the pro shop or restaurant needed more than about \$416,000 in repairs, the right to continue the golf course would be lost.

The City avoided having its own parks converted to nonconforming uses by drawing the Prime Industrial Overlay boundary to exclude all existing parks in the City parks inventory in 2015. The City has received and responded to testimony from property owners that request amendments to that their use does not become nonconforming. Examples include Portland Nursery and homes within the EG zone.

So that its golf course does not become nonconforming, Broadmoor requests that either the Prime Industrial Overlay be removed from the Frontage Property, or that the code be amended so that only “new” Parks and Open Spaces in excess of 2 acres are prohibited. Limiting the prohibition to only prospective uses is consistent with Metro’s Title 4, pursuant to the attached correspondence with a Metro Attorney.¹

3. Regardless of the base zone, eliminate or amend the new Middle Columbia Slough Subdistrict regulations in PCC 33.565.400 to .410; and

The Early Implementation Package proposes a new set of regulations in the Middle Columbia Slough Subdistrict of the Portland International Airport Plan District, which apply only to Broadmoor and Riverside. See PCC 33.565.400 through .410 and Map 565-4. The commentary explains that the new regulations are intended to provide a balanced approach that supports industrial growth and watershed health. As drafted and applied to the Frontage Property, the regulations do not achieve that balance.

Despite the Property’s abundance of Open Space zoned land and existing Environmental Overlay zones, the Middle Slough Columbia Slough Subdistrict requires that 20% of the site must be dedicated to landscaping with prescriptive planning requirements, and also requires an additional 25-foot setback from Open Space land (e.g., the remainder of the golf course). These additional regulations ignore the fact that Broadmoor’s Property is already encumbered with Environmental “p” and “c” Overlay zones, and while 22 acres may be developed (reduced to 20 acres by the proposal), the remaining 111 acres of the Property is retained as Open Space, with the

¹ While the topic of the email is directed at Major Event Entertainment and Commercial Outdoor Recreation uses in the Prime Industrial Overlay, the analysis and conclusion are applicable. Specifically, Metro concluded:

“Title 4 is forward-looking and does not include restrictions or prohibitions on existing uses. The RSIA protections in Title 4 require cities to prohibit “new buildings” for retail, commercial, and other non-industrial uses, but do not include restrictions on existing buildings or uses.”

expectation that natural resource enhancement will occur. The 53.6-acre property that Broadmoor sold to Metro as Open Space (the Catkin Marsh) will also be preserved, because it is publically held and its zoning and comprehensive plan designation is being changed from industrial to Open Space. In other words, although less than 17% of the Property is developable, it is subject to vegetated setback and landscaping standards that do not apply to other industrially zoned sites (except for Riverside if it ever converts to industrial land). The standards are also difficult to implement on the Frontage Property because it is steeply sloped.

Subjecting golf courses to standards that are in excess of what is required of other industrial sites (1) places these sites at a competitive disadvantage, (2) could discourage industrial development, and (3) diminishes the capacity of employment land, which is counter to the City's Goal 9 compliance efforts. For these reasons, Broadmoor requests that the ecologically beneficial design development standards in PCC 33.565.410 be deleted.

In the alternative, so that employment land capacity is not reduced, we request that the City amend PCC 33.565.410(C) so that:

- The minimum landscape standard is reduced to 5%;
- Land owners are provided the option of planting the required landscaping on Open Space zoned land (e.g., the balance of the former golf course); and
- The vegetated setback requirement be eliminated if the adjacent property has a "c" or "p" overlay zone, which already requires a vegetated setback.

While these amendments do not address the cost disparity between Broadmoor and other industrial sites, it would allow for a more efficient use of the industrial or employment zoned area.

4. Relocate the proposed Major Public Trail that crosses the Property so that it is in the Right of Way

Broadmoor appreciates that the Planning and Sustainability Commission recommended relocating the proposed Major Public Trail designation so that it is less detrimental to the operation of the golf course than was originally proposed.

However, even the improved route impacts Broadmoor's ability to operate the golf course. It is unreasonable to require Broadmoor to bear the risk of inviting the public to cross through an active golf course where they may be injured by golf balls that are propelled at great rates of speed. Members of the public using a public trail would not be engaged in the sport of golf (and

therefore unaware of the risks of the game) and would likely be distracted (e.g., jogging with headphones on), presenting even greater risk of injury.

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

For all of these reasons, Broadmoor requests that the zoning map be amended so that the Major Public Trail does not cross the Property. An alternative, more suitable location would be for the trail to be relocated so that it follows the right of way.

Thank you for your consideration of these requests.

Very truly yours,

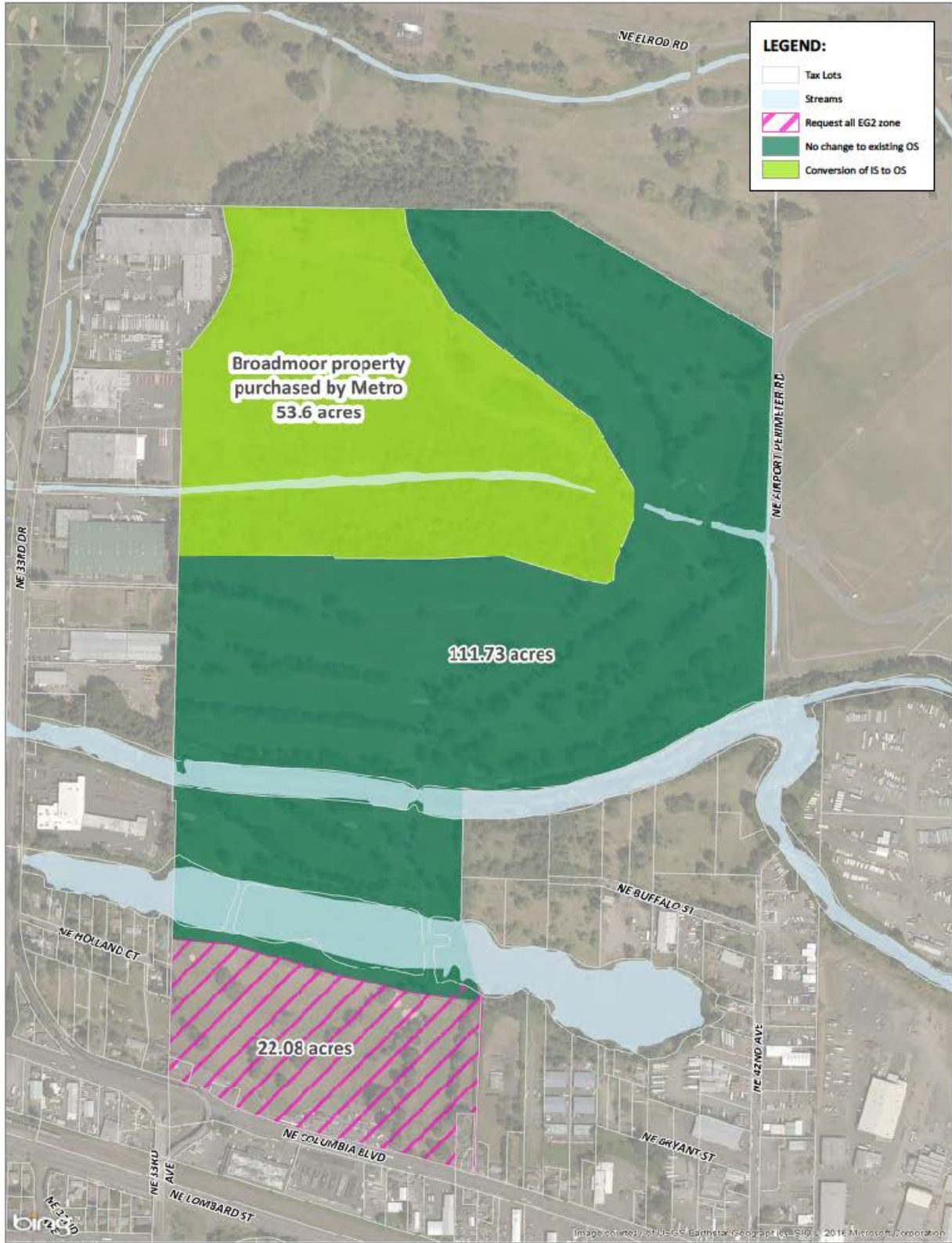


Dana L. Krawczuk

DLK:crl

Enclosure

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



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

Portland, Oregon

Ord. 188177, Vol. 1.4.C, page 4202



From: [Roger Alfred](#)
To: [Krawczuk, Dana \(POR\)](#)
Cc: [Armstrong, Tom](#); [Kountz, Steve](#); [Ted Reid](#)
Subject: RE: Follow up on vmail re NCUs in RSIA's
Date: Tuesday, March 01, 2016 1:48:03 PM

Hi Dana – as requested, I am responding to this inquiry to confirm our conversation regarding the extent to which Title 4 of Metro’s Urban Growth Management Functional Plan is relevant to existing uses at Portland Meadows under the city’s proposed new “prime industrial” overlay zone that is part of its Employment Zoning Project. I understand that Portland Meadows is seeking to be allowed to continue as a conditional use rather than being made a nonconforming use under the new overlay zone. I am writing only to address the question of whether there is anything in Title 4 that would prevent the city from leaving Portland Meadows as a conditional use; Metro is not weighing in on the city’s policy decision regarding your client’s request.

I agree with your conclusion that Title 4 does not *require* the city to amend its code to make the existing Portland Meadows site a nonconforming use. Title 4 is forward-looking and does not include restrictions or prohibitions on existing uses. The RSIA protections in Title 4 require cities to prohibit “new buildings” for retail, commercial, and other non-industrial uses, but do not include restrictions on existing buildings or uses. Under Section 3.07.420.E, the city may not amend its code to allow new commercial or retail uses that were not allowed prior to 2004.

I also note that the Portland Meadows clubhouse facility is located in the Title 4 Employment Area portion of the split-zoned site, which is subject to less stringent requirements than the RSIA. Thus, if the clubhouse falls within the meaning of a “place of assembly larger than 20,000 square feet” under 3.07.420.D, that restriction does not apply outside of the RSIA. Similar to the RSIA provisions, the Employment Area protections prohibit the city from approving new commercial retail uses larger than 60,000 square feet, but do not create restrictions on existing uses.

To summarize, I do not believe there would be a conflict with Title 4 if the city elected to adopt prime industrial overlay prohibitions on Commercial Outdoor Recreation uses and Major Event Entertainment uses that apply only to new facilities, while allowing existing facilities to continue to operate as a conditional use.

Let me know if I can provide any additional assistance. Thanks,

Roger

Roger Alfred
Office of Metro Attorney
600 NE Grand Ave. | Portland, Oregon 97232 | (503) 797-1532
roger.alfred@oregonmetro.gov



From: Krawczuk, Dana (Perkins Coie) [mailto:DKrawczuk@perkinscoie.com]
Sent: Friday, January 29, 2016 2:28 PM
To: Roger Alfred
Subject: Follow up on vmail re NCUs in RSIA's

Roger,

This email follows up on the voicemail I just left you. I'd like to set up a time to talk.

The background is Portland Meadows operates as a conditional use on their split zoned (EG2/IG2) site. The race track (and associated uses) is considered a Major Event Entertainment Use and the golf course is a Commercial Outdoor Recreation Use. The track pre-dates City annexation and zoning.

The City's new "Prime Industrial" overlay zone prohibits Commercial Outdoor Recreation uses over 20k sf and all Major Event Entertainment uses, so Portland Meadows would become a nonconforming use. We are exploring ways to avoid the NCU status for the use, which as you know, can be very difficult from a financing perspective. Our proposal to the City is to have the overlay zone's prohibition apply to new COR and MEE uses, but to allow existing uses to continue as a CU. Based upon our understanding, Portland Meadows is the only existing MEE and COR use in the new overlay zone.

One of BPS staffs' questions related to Title 4 compliance. The EG2 portion of the site is an "Employment Area" and the IG2 portion is a RSIA on the Title 4 map.

As for the RSIA, I read MC 3.07.420 to be focused primarily on new retail and service commercial uses. It is noteworthy that Title 4 doesn't directly address a use like Portland Meadows, so one could conclude that Title 4 includes no limitations on Portland Meadows' use. Alternatively, Portland Meadow's use may be analogous to the category of uses is MC 3.07.420(d), which limits the siting of new parks, schools etc. Unlike for new retail and service commercial uses (MC 3.07.420(b) uses), Title 4 does not prescribe any limitations on parks (or similar uses) that predate Title 4. Therefore, if the City allowed Portland Meadows to continue as a CU in the RSIA, I don't think that there would be a Title 4 issue.

The analysis for the Employment Area portion of the site is less nuanced. The limitations in MC 3.07.440 for Employment Area are less restrictive than those for RSIA's. The only use that is limited in an Employment Area is commercial retail. Because Portland Meadows' use is not commercial retail, any revisions the City makes to the proposed overlay zone related to Portland Meadows use on the Employment Area portion of the site will not have a Title 4 compliance issue.

From a policy perspective, Portland Meadows' requested carve out would continue to support employment uses and the region's economy. At stake is not only the ability of Portland Meadows to continue to attract capital, but the impact that it's health has on rural and urban businesses that support horse racing (horse breeders, veterinarians, jockeys etc.). A 2010 analysis of the economic impact found that Oregon's horse racing industry contributed more than \$202.6 million in output to Oregon's economy, of which Portland Meadows we responsible for \$6.4 million in labor income and 176 jobs. Simply stated, Portland Meadows in the economic engine that drives Oregon's horse racing industry, and it enjoys the support of a broad coalition of groups such as the Oregon Racing Commission and the Oregon Horsemen's Organization.

Are you around next week to discuss?

Dana

Dana Krawczuk | Perkins Coie LLP

SENIOR COUNSEL

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: [Emi](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 2:09:55 PM

Hi,

I wanted to add to the voices encouraging you to eliminate minimum parking requirements in Mixed-Use Zones. I live on a residential street where two apartment complexes are/will be going up soon in North Portland. As much as I, as a resident there, am dreading the influx of cars parking on the street in front of my house that will inevitably come with these projects, I still think minimum parking requirements should become a thing of the past. These requirements suppress the creation of more housing stock by disincentivizing the building of more units and we need to prioritize housing for people over shelter for cars. Besides which I think there are better ways to ensure neighbors have access to parking space - low-cost permitting being but one option that could also collect revenue for street repairs, affordable housing, you name it.

Thank you for the opportunity to give my input.

Sincerely,
Emi Tice
1605 N Webster
Portland, OR 97217

From: [David Wiese](#)
To: [BPS Comprehensive Plan Testimony](#)
Subject: comprehensive plan implementation
Date: Thursday, October 13, 2016 2:08:18 PM

The overlay zone (d) is a problem for me.

I do not think that the Community Designs standards should have the right to tell owners how things should look.

The Owner should have the final say not a review board that has no connection to the property.

Leave the Zoning Alone and please no overlay zones where even more of my ownership rights are given to a committee that does not understand my business or property needs.

From: [Susan Pearce](#)
To: "E L SKAGGS"; [BPS Comprehensive Plan Testimony](#)
Cc: [chair@handpdx.org](#); [adawson@juno.com](#); [handboard@googlegroups.com](#)
Subject: RE: Comprehensive Plan Implementation
Date: Thursday, October 13, 2016 2:06:21 PM

Thank you, Elizabeth, for taking the time to write a letter, and for sharing with us.

Best,

Susan Pearce, HAND chair

From: E L SKAGGS [mailto:skaggsel@msn.com]
Sent: Thursday, October 13, 2016 12:28 AM
To: cputestimony@portlandoregon.gov
Cc: chair@handpdx.org; adawson@juno.com; handboard@googlegroups.com
Subject: RE: Comprehensive Plan Implementation

Re: Hosford-Abernethy, near SE 21st and Powell

I am writing to request that the existing zoning of R2.5 not be changed to R1 on my block or the adjacent block. My property, 3109 SE 20th Ave, is zoned R2.5. I feel this is the appropriate designation. The proposed zoning identified in the Residential and Open Space Zoning Map is R1.

I have asked for, and received, the Hosford-Abernethy Neighborhood District Association's (HAND's) support of this request.

The justification for this is proximity to amenities and services. Yes, this area is within ¼ mile of the SE17th/Rhine Station on the Max Orange Line, but just barely and the effort required to cross Powell Boulevard makes it uncommon that the Rhine Station is the station used by those in this neighborhood. As HAND has noted, proximity doesn't equal accessibility. Further, there are a number of other properties within this ¼ mile proximity that would remain zoned R2.5.

The next justification given is infrastructure availability. Again, most of the other properties within the area have the same availability and retain their R2.5 zoning. Further, the properties on this block facing SE 20th Avenue actually do not have sufficient infrastructure to support R1 zoning. There is no standard sewer line along 20th between Tibbetts and Powell. What there is, is a grandfathered party line that runs north from 3115 SE 20th to Tibbetts west of 20th.

Again, stating that this area is adjacent to an employment area, is nothing different from the many properties around us zoned 2.5.

Under additional factors considered, is given the fact that to the north and the west there are apartments (R1). It should be noted, though, that this immediate area, as built up, is very stable. The **mix** of single dwelling units with multiple dwelling units is part of the reason for that. Changing the zoning to R1 is likely to have the unintended consequence of turning an area with interspersed types of housing and a neighborhood feel into a large, contiguous block

of apartments. Like HAND, I believe that when an area includes a mix of incomes, it can lead to better integration of affordable housing with more access to job leads and other benefits to tenants.

These are some of the most affordable houses in the neighborhood. Further, these smaller, single dwelling units are suitable for raising families within the city, unlike R1 zoning. There are few families whose ideal is to raise children without yards and have little, if any, place for a garden.

One of the goals of the Comprehensive Plan Update is to allow the continuation of the residential scale and characteristics of Portland's residential neighborhoods. R2.5 zoning our property allows such a continuation and is in keeping with the goal of affordable middle housing.

The Hosford-Abernethy Neighborhood Action Plan desires to encourage the improvement and maintenance of residential properties, especially those that are non-owner occupied (Objective 2.1) and protect the fragile residential area within which my property lies. I feel that the R2.5 zone does this better than an R1 zone would.

I have spoken with my neighbors and HAND and there is agreement that R2.5 zoning suits this stable block much better than R1 zoning would.

Again, I request that my properties zoning remains R2.5

Thank you for your consideration of this matter.

Sincerely,

Elizabeth L. Skaggs

From: [Ben Earle](#)
To: [BPS Comprehensive Plan Testimony](#)
Cc: [Hales, Mayor](#); [Commissioner Saltzman](#); [Commissioner Fish](#); [Commissioner Fritz](#); [Commissioner Novick](#)
Subject: Comprehensive Plan Comments
Date: Thursday, October 13, 2016 2:00:35 PM
Attachments: [MUZ_Comments_Ben_Earle_5-10-2016.pdf](#)
[MUZ_Comments_Ben_Earle_5-24-2016.pdf](#)

Attached are my comments on the Mixed Use Zones portion of the Comprehensive Plan from May 10 and May 24 that I am re-submitting.

I am doing this because I am particularly concerned that the CM1 zone designation BPS assigned to the corner of NE Killingsworth & 30th in the prior Draft in direct response to input from the Land Use Committee of Concordia Neighborhood Association has been changed back to CM2 in the current Zoning Map update.

While I do support the CM2 zoning for other portions of major lengths & intersections of NE Killingsworth, Alberta, 33rd, & 42nd in the Concordia area, the CM1 zone guidelines were created specifically for unique lower profile, smaller intersections such as NE K & 30th.

Thank you very much for your re-consideration of this critically important decision.

Ben

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City of Portland Bureau of Planning and Sustainability
Attn: Mixed Use Zones Project
1900 SW 4th Ave., Suite 7100
Portland, OR 97201
psc@portlandoregon.gov

Mixed Use Zones Project - Proposed Draft Comments

May 24th, 2016

Dear Planning & Sustainability Commission Members,

First, you should know that though I am submitting these comments as a private citizen, I have become active over the past year with a variety of both residential and mixed use land use related concerns at the neighborhood level and have been serving as Secretary of the Land Use & Transportation Committee (LUTC) for the Concordia Neighborhood Association (CNA) since February 2015. I was also asked by DRAC Chair Maryhelen Kincaid and ReStore Oregon's then Sr. Field Programs Manager Brandon Spencer-Hartle – he has recently become the City of Portland's Historic Resources Program Manager – to be CNA's LUTC representative on the "Demo Tool Kit" Advisory Committee that developed guidelines to assist citizens and neighborhood associations in filing residential demolition delay extension applications.

These comments are in response to comments posted April 22 on the MUZP MapApp by Michele Reeves on behalf of herself and an unidentified commercial property owner, who also posted remarks following Ms. Reeves'.

I writing today to reiterate the importance of retaining the current planned CM1 designation for the "mini" commercial node at the intersection of NE 30th and Killingsworth.

Brief History

This CM1 designation came to be is that BPS specifically determined changing from the initial CM2, which was automatically assigned to all existing CS zoned properties in the first MUZP Draft, to CM1 was both appropriate and desirable for this corner after considering and agreeing with the reasons provided by the CNA LUTC at a meeting on August 18, 2015.

Why CM1

The most important reason for not changing the designation for this quaint yet vibrant intersection to CM2 is that its unique character of mixed retail, business, and residential use adjacent to a long-established classic Portland residential neighborhood, has grown organically and successfully and is exactly the type of location that the specific CM1 definition was established to both protect and nurture. A few of the key points are highlight below:

Commercial Mixed-Use 1 (CM1): This **small-scale** commercial mixed use zone is intended for sites in smaller mixed use nodes within lower density residential areas, as well as on neighborhood corridors, and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate for key areas within neighborhood centers that have low-rise storefront character and **where this scale is intended to be maintained**. This zone allows a mix of commercial and residential uses. Buildings in this zone are generally expected to be up to three stories. Development is intended to be pedestrian-oriented and **generally compatible with the scale of surrounding residentially zoned areas**.

This "singling out" designation is critical precisely because Killingsworth is a busy East-West corridor that this "in between" intersection with very particular type of alternate oriented North-South access via 30th to the surrounding well established residential community. This is a very different intersection than the more heavily travelled major ones at 42nd Ave., 33rd St., 15th Ave., and of course MLK Blvd., Williams & Vancouver, and Interstate.

It is also essential to ensure the 35 ft / 3 story height limit and 85% coverage (not 50% as the online posted commenters erroneously base much of their argument on).

I strongly recommend that this CM1 designation is retained and let's see how the area develops of the next few years -- It can always be upzoned to CM2 in the future but downzoning would be almost impossible.

Thank you for your important work for the future of our city and for your serious consideration of these comments.

Sincerely,

Ben Earle

Ben Earle

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Portland, OR 97201
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PSC Mixed Use Zones Testimony – May 10th, 2016

Dear Planning & Sustainability Commission Members,

First, you should know that though I am submitting these comments as a private citizen, I have become active over the past year with a variety of both residential and mixed use land use related concerns at the neighborhood level and have been serving as Secretary of the Land Use & Transportation Committee (LUTC) for the Concordia Neighborhood Association (CNA) since February 2015. I was also asked by DRAC Chair Maryhelen Kincaid and ReStore Oregon's then Sr. Field Programs Manager Brandon Spencer-Hartle – he has recently become the City of Portland's Historic Resources Program Manager – to be CNA's LUTC representative on the "Demo Tool Kit" Advisory Committee that developed guidelines to assist citizens and neighborhood associations in filing residential demolition delay extension applications.

Also, while some of my comments are essentially my own, since I agree fully with them I have included a number sections without no or minimal change from those submitted separately by my colleague Garlynn Woodsong, who is Chair of the CNA LUTC and Co-Chair of the NECN LUC, with his permission.

I want to begin my comments by saying while this draft of the Mixed Use Zones Project proposal does provide much good direction to ensure higher-quality buildings and neighborhood mixed use developments than we are currently seeing built in these important multi-zone transitional areas, there are a number of aspects that I respectfully ask you give serious consideration to modifying as follows.

Penthouses (Drawing on Page 2)

The currently-proposed height standards appear to provide for stepping-back the top level of a building once. However, it seems that the code could provide for a second step, to allow for penthouse-level development atop buildings, as long as those roof-level structures are stepped back even further and thus do not contribute to the shadow cast by the building or the street presence of the building.

Awnings (Drawing on Page 2, requirement for ground floor windows on Page 36)

There is nothing in this proposal related to awnings or providing shade and shelter for pedestrians. Awnings are a time-tested solution to provide shade from the sun and shelter from the rain for pedestrians. Within centers and corridors, it thus makes sense to require awnings on all new buildings, to provide for the public policy goal of encouraging pedestrian activity. The co-benefits of awnings include reduced energy consumption for cooling in the summer, by reducing solar gain through plate-glass windows. Since awnings are more effective if every building has them, it is not sufficient to leave the choice to provide awnings up to the private sector, as the choice will invariably be to avoid the excess cost of the awning if it is not required.

Rooftop uses requirement (Drawing on Page 2)

It is essential to think holistically about how the next generation of mixed-use buildings will help the City achieve its greenhouse gas reduction goals for the performance of the structures of the built environment. To this end, Portland should follow the significant lead of San Francisco's recently implement requirement for installation of solar panels on new buildings (with appropriate "waivers" for situations where solar efficiency is not sufficient to justify installation).

Further, there should be an overarching active rooftop uses requirement which could be met using either intensive or extensive green roofs; through the installation of photovoltaic, thermal, or photovoltaic-thermal (PVT) solar panels; or through the installation of non-vegetated roof-top decks to provide additional useable outdoor space for building residents, tenants and visitors. (While rooftop decks might not directly relate to GHG emissions in the manner of the other options for rooftop uses, they would satisfy an alternate public policy goal, of providing sufficient outdoor space for residents).

Flexible Ground Floor Space (Ground Floor Residential Development on Page 36)

Since the set of Mixed Use Zones is invariably applied in locations where pedestrian activity is expected and encouraged, and throughout our system of Centers and Corridors, it makes sense to provide for the changes in use that will occur over the century-plus of life that we should expect from the next generation of buildings. This means that the ground floors of these buildings should all have, if not retail space, at least flexible space with direct entrances to the outdoors at grade, so that those spaces would have the ability to adapt to changing market conditions over time. The same space could thus be a live/work unit, retail or other non-residential space, or an entirely residential unit. The requirement should relate to ensuring that the built form allows for this adaptability, rather than to the proposed initial use of the space.

Outdoor Space (Outdoor Space, Page 36)

The requirement of 48 square feet per unit of private or shared outdoor space for residents is, in my view, too vague. Further, it is confusing. Why would a household of human beings within a single-family zone require a minimum of 144 square feet of outdoor space (the 12'x12' area proposed as a part of the Residential Infill Project), but a household of human beings in a mixed-use zone only require 48 square feet, which could be part of an area shared with other people? It seems to me that there should be some requirement for private outdoor space for each unit. I propose that 96 square feet of private outdoor space be required for each unit, in addition to 48 square feet of public / shared outdoor space. 96 square feet roughly corresponds to a single 8' x 12' balcony, large enough for two people to sit around a table and enjoy a meal together. It is somewhat smaller than the front porch on my single-family house, but would provide about the same level of functionality. Developers could choose to provide one balcony per unit, or a patio, or a porch, or a small yard, or a rooftop deck, or any number of other variations on this theme. It would be very intriguing to watch the design solutions that our city's talented architects would develop over time in response to this new requirement!

Flexible-Use Parking Spaces (Shared Parking, Page 37)

Off-street parking should look more like garages than parking stalls, and should include: walls, utility connections, and garage doors. Parking spaces should be decoupled (sold/leased) from the units in each building, and sold/leased separately, either to building residents, tenants, or others outside the building in need of such a space. Use should be flexible: park a car, play in a garage band, park bicycles & snowboards, repair bikes, engage in woodworking projects, have an art studio, etc.

Coalition-level Design Standards and Review (Design Overlay, Page 39)

In addition to the blanket requirement for Design Review within the D overlay, residents in single-family homes adjacent to mixed-use zones should have the right to request design review for developments proposed adjacent to their property; this should be enforced via notification as a part of the pre-approval process. Such design review should be conducted, within Coalition boundaries outside of the Central City, by Coalition-level Design Review committees. NECN, for instance, would be empowered to conduct Design Review within its borders, and would form a new Design Review Committee for this purpose, under the guidance of City or Coalition staff. Coalitions should then also have a process to develop and maintain their own variations on citywide design standards. This will help to address Comprehensive Plan goals for variations between different areas of the city.

Vintage Commercial Storefront Areas (Low-rise Commercial Storefront Areas, Page 40)

The proposal to down-zone certain areas to CM1 with Centers Main Street overlay regulations seems logical. However, it should really be branded "Vintage Commercial Storefront Areas," to recognize that this proposal is as much about protecting historic character as it is anything else. Call it what it is.

Break up long building walls (Building Length and Facade Articulation, Page 43)

200 feet is way too long for a wall outside of the Central City with no articulation. It is true that in downtown, the blocks are 200 feet on a side. These regulations are for the centers and corridors outside of downtown, however. In most of Portland's traditional commercial areas, the average lot size is 50 feet or so. Therefore, the traditional character of the city is for buildings to be broken up in increments of no more than 50 feet along our main streets — not 200 feet. Even 110 feet was too high of a number. The threshold should thus be 50 feet to help preserve the character of our neighborhood commercial areas. This number can be higher in the single-use industrial sanctuary zones, but not our mixed-use zones.

Minimum Floor Area (Minimum Floor Area in Centers, Page 44)

The minimum floor area changes seem to be headed in the wrong direction. We are talking about a city that will be growing and intensifying over the coming decades, as additional people and businesses find room to fit within the existing footprint of the city. We need to provide ample space for this to occur, especially in areas where there is a high potential to provide development with a lower per-capita VMT than the citywide average. Indeed, it is the fact of requiring a higher minimum FAR that will help to achieve the goal of lowering VMT per capita. Therefore, within all of our Centers and Corridors, we should require a minimum FAR of 1.0, with the ability to apply for an exception through the design review process to allow a minimum FAR of 0.75 in the Eastern and Western pattern areas. These zones are, after all, called the Mixed Use Zones, not the Single Use Automobile Oriented Zones. We need to encourage these places to change and to intensify over time. Change is the only constant. A city that does not allow for, and encourage, change over time, will shut down the evolutionary processes that will lead to its future success.

Required Setbacks (Required Setbacks from a side lot line, Page 102)

The requirement for a 10-foot setback for buildings adjacent to residentially-zoned lots should specifically be waived for existing buildings or adaptive re-use projects involving existing buildings. We only require a 5-foot setback between houses. Why should people in one type of building be forced further away from people in another type of building? If the people in one type of building have been living within a certain proximity of the people in the other type of building for the past century, why should that other type of building be forced to relocate once it is subject to incremental improvements? This should be a by-right allowance of the zoning code, not something requiring discretionary review.

Bay Windows (Extensions into required building setbacks, Page 105)

The proposal to not allow bays or bay windows to extend into a required setback abutting an RF-RH zoned lot, is overkill. The requirements for extensions into side setbacks should match those of the facing property. For instance, if the adjacent property is R2.5, then the mixed-use building should only need to follow the requirements for extensions into setbacks of the R2.5 zone. We have a lot of small sites in Portland; we need to encourage thoughtful design of the buildings that will be placed on these sites. Placing too many poorly-conceived restrictions on the form of these buildings will stifle the creativity of design decisions that could lead to increased livability for their future users.

Native Plants for Screening Requirements (Garbage and recycling collection areas, Page 135)

In my experience, the L3 standard for landscaping as screening is primarily met in Portland using non-native plant species. This standard itself should be changed to provide greater allowance for the use of native plant species to satisfy the screening requirement. This may include relaxing the requirement for evergreen shrubs, in favor of requiring perennial shrubs, whether deciduous, evergreen, or other. Nobody is going to die if they are able to see the cars in a parking lot during the winter, as opposed to having the view obstructed by an evergreen shrub. (On the contrary, they might be there to provide the eyes on the street that could help to prevent a crime, and thus potentially save a life!!)

Permeable Pavers (Paving, Page 145)

The use of permeable pavers should be encouraged or required here.

Demolitions (33.130.275 Demolition, Page 165)

Adjustment review should be required for any proposed demolition permit in the City of Portland. The purpose of the review should be to identify, and require, alternatives to demolition where possible. These alternatives could include moving the structure, adaptive re-use of the structure, or deconstruction of the structure if moving it or adaptive re-use of it are deemed impossible. It seems that the people of the city are very protective of the character provided by our older buildings; we should respect this by thoroughly evaluating a proposal to end a building's life prematurely, before approval.

I also strongly recommend IMMEDIATE adoption of an automatic 35 day delay upon filing for a demolition permit, with accompanying notification of neighboring business and residential property owners, identical to the current residential demo permit regulations.

Centers Main Street Overlay Zone (Map, Page 220)

The Centers Main Street overlay zone should be extended to include the areas of mixed-use zoning east of MLK Jr. Blvd on Killingsworth and Dekum streets west of 42nd Ave.

Design Review Overlay Zone (Map IV-2, Design Overlay Zone, Page 39)

The 'D' overlay zone should be extended to include the areas of mixed-use zoning east of MLK Jr. Blvd on Killingsworth and Dekum streets west of 42nd Ave.

Building Height Increase for Ground-Floor Retail (Building Height, Page 229)

The allowable increase in building height, and the thresholds, should have more variation. The proposal to allow a 3' increase in building height if at least 25% of the ground-floor area of the building is in the selected set of uses is fine, but overly reliant on a prescriptive set of uses. I would argue that if a ground-floor space is designed to allow for potential non-residential or live-work use by providing at-grade entrances facing the sidewalk, and meets the sidewalk-facing window coverage standard, then it should be eligible for this bonus regardless of the proposed use. Uses change with tenants. The built form of the building, especially its height, is a permanent feature of the landscape (at least as measured against a human life span). Further, if a building is proposed with a design including this sort of flexible space for at least 50% of the ground floor area, then it should be eligible for a 5' height bonus. Taller ceilings are good design; they are a timeless element that leads to more enjoyable, higher-quality spaces.

Thank you for your important work for the future of our city and for your serious consideration of these comments.

Sincerely,

Ben Earle

October 13, 2016

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VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

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

Re: WREH's Testimony Regarding Zoning Code Changes for Lloyd Plaza

Dear City Council Members:

This office represents WREH Lloyd Plaza LLC ("WREH"), the owner of Lloyd Plaza, located at 1425-1435 NE Irving Street (the "Property"). The Property is adjacent to, but outside of, the Central City Plan District. It is currently zoned Central Commercial (CX) and developed with four commercial buildings known as Lloyd Plaza. The Adopted 2035 Comprehensive Plan and the 2035 Comprehensive Plan Early Implementation Recommended Draft (August 2016) (the "Recommended Draft") will retain the Property's CX zoning. At our request, the Planning Commission included in the Recommended Draft a discretionary Planned Development height bonus option (up to 120 feet) to address the lack of bonus height options for CX zones outside of plan districts (see additional details in July 12, 2016 letter). Due to newly-pending inclusionary housing changes, WREH has determined that the potential for additional height above 120 feet is needed to make redevelopment of the Property economically feasible.

We request that the City Council retain CX zoning for the Property but increase the amount of height that can be granted through a Planned Development height bonus to either unlimited height or 160 feet. This additional height will make redevelopment of the Property possible, and allow mixed-use development that maximizes light and open space.

As an alternative option, we request that the Property be included in the Central City Plan District, with a base height and FAR similar to adjacent CX-zoned properties (150 to 250 feet in height and 4:1 to 9:1 FAR). This option also provides the development potential necessary for redevelopment of the Property.

Additional Height is Essential for the Property's Redevelopment

As shown on the attached Figure 1, the Property is approximately 5.2 acres and bordered by I-84 to the north and the on-ramp to the east. The Property consists of four one-story buildings, all built in 1963-64 for the Bonneville Power Administration.

The proposed Comprehensive Plan and zoning amendments have led WREH to consider what may be the best development potential for the Property. Although WREH has no immediate redevelopment plans for the Property, a mixed-use development would best utilize the Property's size, accessibility to transit and proximity to the Lloyd District, Central Eastside, Willamette River and Downtown.

The Site's large size, combined with the proposed 4:1 FAR limit and low 75-foot base height limit would encourage both under-utilization of the site and large floor plate developments which do not promote urban design objectives, such as open space, green space and light. The proposed base FAR and low height results in a 5 story building with a 180,000 sf floor plate.

Solution 1: Allow Greater Planned Development Height for CX-zoned Sites Outside Plan Districts

From an economic perspective, it would be very difficult to develop the Property (or sites in the same situation) without the option to utilize additional height. To encourage a mixed-use development which would include open green spaces and proper floor plate sizes for this size of site, a height limit of 160 feet or higher would be appropriate. This change would recognize the unique nature of the CX-zoned sites outside of the plan districts and allow additional height for sites two acres and larger only when warranted through the Planned Development process. For the Property, heights greater than 120 feet may be appropriate and compatible with surrounding development due to its location next to the Central City Plan District. Immediately north of the Property, across the Banfield, base heights of 150 to 250 feet and bonus heights of 225 to 325 feet are achievable.

Solution 2: Include the Property in the Central City Plan District

A second option to achieve the needed height for redevelopment of the Property is to include the Property in the Central City Plan District ("CCPD"). The same elements that make the more intense CX base zone appropriate for the Property (ideal location for infill development, proximity to transit and distance from sensitive uses) make it a logical choice for inclusion in the adjacent CCPD.

The Property forms a connection between the existing Central Eastside employment area and the Lloyd Center, which are both within the CCPD. It is located next to the freeway and Benson Polytechnic High School and adjacent to the current CCPD boundaries to the north and west.

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Page 3

The Adopted SE Quadrant Plan for the Central City included the “Banfield Portal” area, including the Property, in its transportation study area due to its importance for land use and transportation proposals in the SE Quadrant. The Property is well-served by transit, including bus lines along 12th Avenue and the yellow, blue and red MAX lines at the nearby Lloyd Center Station.

The Property’s large size (5.2 acres) provides considerable potential for mixed-use development consistent with the desired character of the CCPD. As the City continues to grow east, it is important to adjust the CCPD to promote higher levels of development on appropriate sites. We request that the City Council adjust the boundaries of the CCPD to include the Property.

Thank you for your consideration of these requests.

Very truly yours,



Dana L. Krawczuk

DLK:crl

Enclosure: Figure 1

cc: Brent Lower (via email) (with enc.)
Josh Keene (via email) (with enc.)

Figure 1



October 13, 2016

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VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

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

Re: Russell Street Sustainable Housing LLC's Testimony Supporting Early Implementation Recommended Draft

Dear City Council Members:

This firm represents Russell Street Sustainable Housing LLC ("RSSH"), which owns property located at 2605 NE 7th Avenue (the "Property"). RSSH began constructing a multi-family development on the Property in 2015 which conforms with the Property's current high-density residential (RH) zoning.

In earlier Code drafts, the Property was proposed to be down-zoned to medium-density multi-dwelling (R1), to match the then-vacant status of the Property. Since development has now occurred which does not conform to R1 zoning, the 2035 Comprehensive Plan Early Implementation Recommended Draft (the "Recommended Draft") removes this down-zone as we requested. RSSH supports the Recommended Draft's proposed RH zoning for the Property and urges the City Council to retain the RH zoning.

Very truly yours,



Dana L. Krawczuk

DLK:ajr

cc: Dan Neal (via email)
Christopher Looney (via email)

October 13, 2016

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VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

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

**Re: Killian Pacific Testimony Requesting Changes to the Early Implementation
Recommended Draft**

Dear City Council Members:

This office represents Killian Pacific (“Killian”). Killian owns many properties in the City that will be impacted by the proposed changes to the zoning Code and map. This letter requests changes to the 2035 Comprehensive Plan Early Implementation Recommended Draft (August 2016) (the “Recommended Draft”) to make redevelopment feasible on certain sites, remove split-zones from others, and to rezone others to bring existing uses into conformance with the Code.

As discussed in more detail below, Killian requests the following revisions to the Recommended Draft:

1. Pottery Barn Site (310 NW 23rd Avenue): The Recommended Draft proposes to split-zone this site (CM2 and RH), and existing commercial uses on the RH portion are non-conforming. We request that the full site be rezoned CM2 to eliminate the split zone and make the current commercial uses conforming.

2. Lovejoy Medical Site (2525 NW Lovejoy Street): This site is zoned RH under the current Code and not proposed for rezoning under the Recommended Draft. The site contains a medical office building that is a non-conforming development. We request CM3 or CM2 zoning and a later corresponding Comprehensive Plan change to bring this office use into conformance.

3. Tacoma Site (8112 SE 13th Avenue): This site is proposed to be rezoned CM2 under the Recommended Draft and is significantly underdeveloped. We request CM3 zoning and a later corresponding Comprehensive Plan change to make redevelopment of this site economically feasible.

4. Hawthorne Site (4511 SE Hawthorne Street): This site is currently split zoned (R5, R2, and CS) and is proposed to be rezoned CM2 under the Recommended Draft. We support removal of the split-zone, but request that this site be rezoned CM3 to make redevelopment of this site more economically feasible and maximize housing along a vibrant commercial corridor.

5. Additionally, Killian supports, and does not request changes to, the Recommended Draft proposal for its property located at 4534 SE McLoughlin Boulevard, which is proposed to be rezoned CE.

Detailed Information Supporting Killian's Requests:

Pottery Barn Site

The existing Site occupied by Pottery Barn along NW 23rd Avenue is currently split-zoned Storefront Commercial (CS) and High Density Residential (RH). The Site is developed with a retail store and accessory uses. These uses are non-conforming under the current Code. The Recommended Draft proposes to rezone this Site CM2 and RH, leaving the current split zone. Under the Recommended Draft, the RH zone will continue to prohibit retail uses in this location (as it is not near light-rail transit).

The City has a policy against split-zoned sites and has worked to bring existing non-conforming uses into conformance with the Code through the 2035 process. We request that the full Pottery Barn Site be rezoned CM2 to both eliminate the current split-zone and bring the commercial uses on the RH portion of the site into conformance with the new Code.

Lovejoy Medical Site

The Lovejoy Medical Site is currently zoned High Density Residential (RH), and proposed to retain this zoning under the Recommended Draft. The Site contains an approximately 90,000 square-foot medical office building which is a legal non-conforming use. The current use fits in well with the existing character of the area, which includes other large residential buildings and smaller office buildings.

As the City Council knows, non-conforming uses are subject to strict rebuilding requirements and a non-conforming use designation can make financing, sale and insurance difficult for projects. In order to remove these detrimental restrictions from the Site, we request that the Site be rezoned CM2 or CM3, which are the only mixed use zones that allow office uses without size restrictions. These zoning designations allow similar density to the current use (but would require bonuses to rebuild to the current FAR), and a wide range of uses.

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Page 3

We acknowledge that CM2 or CM3 zoning for this Site is not compatible with the recently-adopted 2035 Comprehensive Plan, and request that the Comprehensive Plan also be changed to allow the desired zoning. We understand from conversations with Staff that zoning changes requiring Comprehensive Plan revisions may be handled in a later “clean-up” amendment, and we will make this request again at that time if appropriate.

Tacoma Site

The Tacoma Site is significantly under-developed, with a large surface parking lot and a small, one-story building. The Site is within walking distance of the new MAX Orange Line station at SE Johnson Street and SE Tacoma Street and the Sellwood Bridge. It is also across the street from New Seasons Market. The Tacoma Site is an excellent location for higher-density housing and mixed use development. that will maximize the use of these resources. A large, mixed use development at this location will support the City’s sustainability goals by placing more housing near amenities like grocery and transit.

Due to changing regulations in the City (including proposed inclusionary housing) it is unlikely that redevelopment of the Tacoma Site will be feasible with the proposed CM2 zoning, which will preserve the underutilization of the Site. We therefore request CM3 zoning, which will allow greater density and height for a mixed-used redevelopment of this Site.

We acknowledge that CM3 zoning for this Site is not compatible with the recently-adopted 2035 Comprehensive Plan, and request that the Comprehensive Plan also be changed to allow the desired zoning. We understand that zoning changes requiring Comprehensive Plan revisions may be handled in a later “clean-up” amendment, and we will make this request again at that time if appropriate.

Hawthorne Site

The Hawthorne Site is located in the middle of the vibrant commercial corridor along SE Hawthorne, and is a large, significantly underdeveloped Site. It is within walking distance of two large City parks (Mt. Tabor and Laurelhurst), a Fred Meyer grocery store and a multitude of shops and restaurants. Killian hopes to redevelop this site into a large mixed-used development, which will provide a significant amount of housing near these plentiful amenities.

The Site is currently proposed for CM2 zoning under the Recommended Draft. However, CM3 zoning would allow redevelopment to provide greater housing density along this vibrant corridor which is appropriate for higher density housing and mixed-use. Like the rezoning requested for the Tacoma Site, CM3 zoning for this Site will support City’s sustainability goals by placing more and higher-density housing near amenities like parks and grocery stores.

October 13, 2016
Page 4

Thank you for your consideration of these requests.

Very truly yours,



Dana L. Krawczuk

DLK:rsr

cc: Mr. Lance Killian (via email)
Mr. Adam Tyler (via email)

Figure 1: Tacoma Site

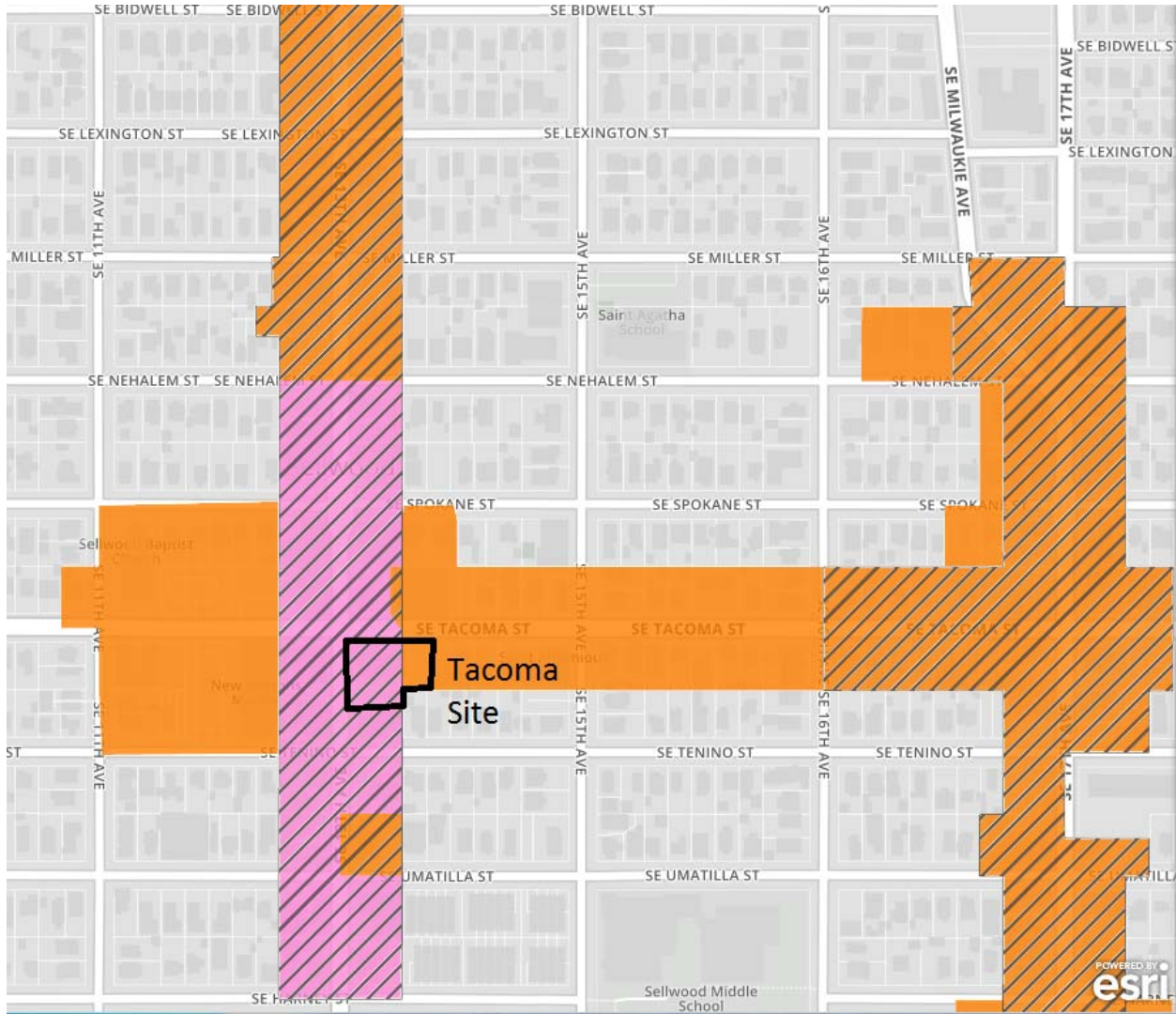


Figure 2: McLoughlin Site

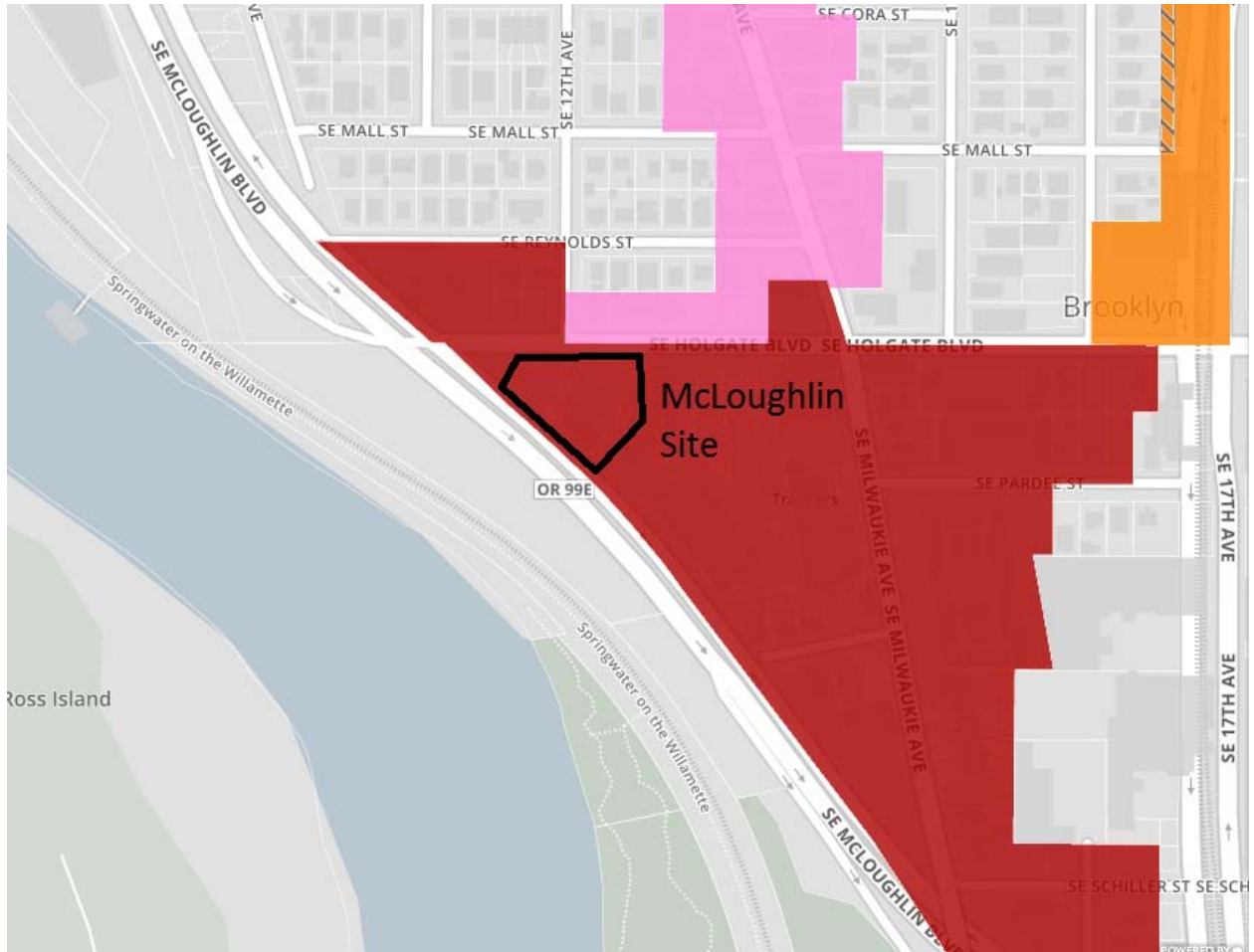


Figure 3: Tacoma Site Aerial



Figure 4 McLoughlin Site Aerial



Allison J. Reynolds
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October 13, 2016

VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

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

Re: SolTerra's Testimony Requesting Zoning Map and Code Changes to Prevent New Mixed-Use Developments from Becoming Non-Conforming

Dear City Council Members:

This office represents SolTerra Architecture, Inc. ("SolTerra") which owns property located at 25 North Fargo Street (the "Woods Site") and 3138 WI/North Vancouver Avenue (the "Strata Site"). Both properties are currently being developed with mixed-use projects, in line with their current zoning and the character of the vibrant Vancouver-Williams corridor. The zoning map changes proposed as part of the 2035 Comprehensive Plan Early Implementation Recommended Draft (August 2016) (the "Recommended Draft") will make SolTerra's new mixed-use developments non-conforming, both as to development and use.

SolTerra requests that the City Council retain the current RX zoning for these properties or, as an alternative, rezone both sites RH (at the 4:1 FAR and 75 foot height level) and provide for the ground floor retail to remain a conforming use in the RH zone.

Non-Conforming Use Issues:

As part of the Code revisions, the City is converting most RX-zoned sites outside of the Central City to RH or other zones. Both the Woods and Strata Sites are currently zoned RX and proposed to be zoned RH (Woods) and R1 (Strata). Both sites are being redeveloped and will be complete or near completion prior to the effective date of the new zoning changes (expected January 2018). Both sites will contain mixed-use developments with ground floor retail.

The RX zone allows ground floor retail use in all areas of the City and the Woods and Strata developments both conform to the current Code. However, the Recommended Draft proposes to rezone Woods to RH and Strata to R1, which do not allow any retail use in this location. The

RH zone does allow some retail and office use in areas served by light-rail transit, but these do not apply to the Vancouver-Williams corridor, which is well served by bus transportation and bicycle routes. Therefore under new Code, these brand new developments will contain non-conforming uses. As the City Council knows, non-conforming uses, unlike non-conforming developments, are subject to much stricter rebuilding requirements and a non-conforming use designation can make financing, sale and insurance difficult for projects. SolTerra therefore requests that the City Council address this issue when converting properties from RX to other zones.

Proposed Solutions:

1. Revise the Code to state that non-residential uses permitted in the RX zone under the previous Code will be allowed uses under the new Code.
2. Revise the RH zoning limitation on commercial uses to allow limited commercial uses in areas served by bus, rail or streetcar transit or other alternative modes (such as bicycle transportation systems).

These options would allow mixed-use developments that obtained permits under the previous Code to be treated as conforming uses under the Code changes.

Non-Conforming Development Issues:

Woods

The Woods Site is proposed to be down-zoned from RX to RH. Although its current zoning allows a larger building, the Woods development will conform with the proposed RH zoning with 4:1 FAR and 75 feet in height. The Woods Site is surrounded on three sides by commercial (CM2 and CM3) zoned properties which allow more intense commercial uses and high-density residential. High-density residential zoning is therefore appropriate for this Site and we support the Recommended Draft's proposed development standards for the Woods Site.

Strata

The Strata Site is proposed to be down-zoned from RXd to R1d. We understand that this down-zone was requested by the Elliot Neighborhood Association as part of a comprehensive land use proposal and adopted because existing development on the block conforms to R1 zoning. R1 zoning is not appropriate for this block, as it has frontage on three sides in higher density zoning, including institutional campus, CM2 and CM3.

SolTerra began the permitting process for the Strata Site in 2015 and is in the midst of design review to allow development on the Site. A down-zone to R1 will make the Strata project non-conforming as to almost every development standard. To avoid rendering a brand new mixed-

use development non-conforming, we request that the City Council either retain the current RX zoning for the Site, or rezone the Site RH at the 4:1 FAR and 75 foot level.

SolTerra acknowledges that RX or RH zoning for this Site is not compatible with the recently-adopted 2035 Comprehensive Plan, and requests that the Comprehensive Plan also be changed to allow appropriate zoning for this Site. We understand from conversations with Staff that zoning changes requiring Comprehensive Plan revisions may be handled in a later “clean-up” amendment, and we will make this request again at that time if appropriate.

Thank you for your consideration of these requests.

Very truly yours,



Allison J. Reynolds
AJR:rsr

Enclosure: Figure 1

cc: Melynda Retallack (via email)
Andrea Wallace (via email)
Nate Ember (via email)

Figure 1

Map colors show proposed zoning for the Sites and surrounding areas. Source: Portland Map App.



T. Straub
Dweik
10/15/16

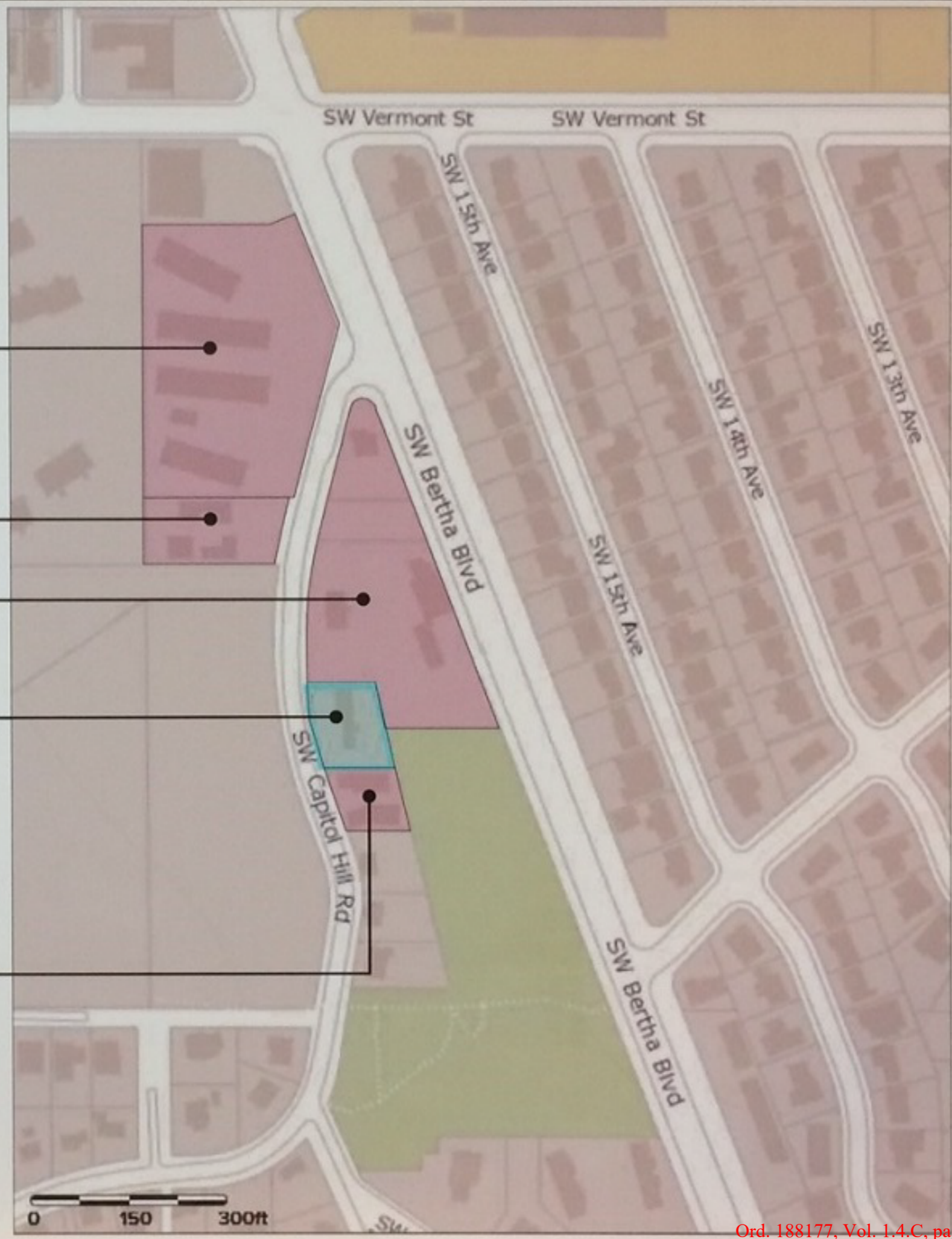


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R1
R2
R1 & R2
R7 EXISTING
R1 PROPOSED
7008 SW CAPITOL HILL ROAD

R2



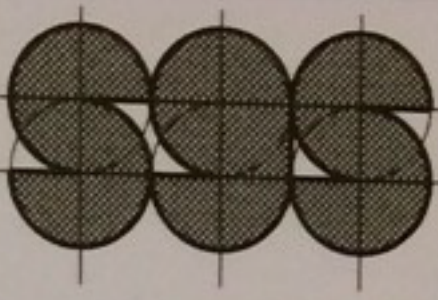
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PORTLAND, OREGON

PROJECT NUMBER: 1620

DRAWING DATE BY
DESIGN 11 OCT 2016 565

SHEET TITLE
ZONING PROPOSAL

SHEET #
Z1



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SW 13th Ave

DWEIK PROPERTY

7008 CAPITOL HILL ROAD
 PORTLAND, OREGON

PROJECT NUMBER: 1620

DRAWING	DATE	BY
DESIGN	11 OCT 2016	SGS

SHEET TITLE
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SHEET #
 Z1