

From: justin callaway [<mailto:justincallaway@gmail.com>]

Sent: Friday, March 13, 2015 11:23 AM

To: BPS Mailbox

Subject: ATTN: Leslie Lum; Levee Rd. Comprehensive Plan R-20 Change Request Proposal comment submission

Justin Callaway
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Portland, OR 97211

ATTN: Leslie Lum,

My name is Justin Callaway, I own the property at 8850 NE Levee Rd and I am the steward for the conservation easement held on my step father's parcel at [R171714](#) by the Wetlands Conservancy.

I support the attached proposal for an R-20 zoning change request of my residential farming property by removing the Industrial Sanctuary designation. When this was proposed in the past I felt it made no sense for both my property and my dad's as the noise code has never been enforced with nearby trucking operations that have had an incredibly negative impact on my wellness and mental health, especially as a result of my experience with code enforcement staff that refuses to enforce in a timely, comprehensive or meaningful way when engaged in good faith only to experience something quite the contrary. When trucking operations are allowed to honk semi's or crash triple trailers in the middle of the night such that is impossible to expect an uninterrupted night's rest and code enforcement staff is derelict in duty, there is as reason why we did not develop the vacant lot. Of course, the irony is in the Nov. Comp Plan testimony, my kids and I waited four and half hours to testify and we got to hear Paul Van Orden defend his half acre on Fremont and the assault on his equity with a zone change from r2 to 2.5 and the millions lost for his kids inheritance and his retirement, yet he has never defended my protections afforded to me through the noise code, weakened as they are with the Noise Ghetto +5db Noise overlay. I wish I could have the long view Mr. Van Orden can have but unfortunately that's kind of hard when he won't enforce your right to an uninterrupted night's sleep with proven out of compliance trucking operations. But I digress.

I do believe that this R-20 Change Request offers the possibility for a group of landowners to do what the City of Portland refuses to do: find a real balance between residential livability, healthy natural habitat and code compliant industrial operations. Perhaps with this zone change there will be a real effort to find fairness and equity for East Columbia. First and foremost, you need to get it right when these industrial properties were permitted under the guise of being compatible with nearby residential housing stock and there has never been any attempt to address the original industrial developments and the negative impact, the unbearable negative impact, that these out of compliance operations have had and code enforcement staff has permitted. Please keep in mind when I first engaged the noise code enforcement staff reluctantly, I was told I had to complain and subsequently I received a retaliatory complaint on the donkey that came with our property as not being permitted. Immediately addressed. Asked about protections against those with more resources like multi-million dollar interstate trucking operations-- NONE. Please explain how a system that is supposed to be your check and balance for noise then becomes a form of further victimization? Of course, I've never complained about Oak Harbour's invasive weed army that invades my property line. Or the rampant light pollution with new developments more than a half a mile away such that not only can you not see stars and better yet this light pollution blasts the whole tree canopy along the Peninsula Canal that has conservation and environmental overlays. Dare I risk retaliatory action by complaining when your BDS staff permits such new developments or environmental staff doesn't try and ensure that when your property is to lose development equity in the name of natural habitat that is the best habitat possible. The City that imposed these could really care less about what kind of habitat is

created by nearby industrial noise, light and air pollution. Diesel for breakfast is not an uncommon experience in drainage district surrounded by levees where low pressure systems and air pollution stagnate in our shared residential, environmental and industrial low lying basin. But who really cares about the health of families near industrial properties when you live in East Columbia, where the bus is 1.5 miles away and an uncovered stop at that. When there is no safe route for schools, and when I mentioned to you Leslie Lum about the 40 Mile Loop, you thought this would be a good homework project for East Columbia residents. I am confused because this is a past planning promise that included the Safe Route that has never been fulfilled, why would this not be an immediate and primary concern handled by planning staff? I could be wrong, but I thought it was a past Comp Plan effort to complete East Columbia, yet there is nothing on that level in this Comp Plan like the gifts to West Hayden Island when not even annexed. Why is the Comp Plan not addressing the horrific realities of industrial trucking yards near residential properties which clearly have a negative impact, before doubling down on Industrial Sanctuary changes from IG2 on our properties?

When I hear Comprehensive Plan, I think that genuine planners are trying to assess the challenges to each neighborhood and ensure that thought planning brings the necessary solutions, but my experience couldn't be further from the case. Barry Manning at the first open house, pointing to a map of East Columbia as all industrial, and when prompted, "What about the neighborhood that is there?" He said, "They can stay if they want." Yes, the same Barry Manning when prompted about lack of industrial access just assumes all residential farming properties will give up and sell together to help make his map a reality. There are a lot of assumptions in that but he is right that many of have homes that are unlivable or barely livable. Ah, yes, the same Barry Manning who had the audacity to say that some retired white people who championed that they do not want bus service closer in the neighborhood was a valid point of view as a City of Portland planner, when my neighbor's kids walk a mile and a half on a road with no sidewalk and semi trailers and drainage ditch below because Tri-Met is there school bus. Is that a valid Planning Bureau position? I think not. But he's in good company, because Jay Saugnet, in that condescending Portland Planning way, responded to my concern about the lack of sidewalks when dealing with the trainwreck in participatory democracy that was Airport Futures, by saying he lives in SW Portland and looooooves his lack of sidewalks. At least Mindy Brooks was candid enough in saying that Portland is "just holding it's breath to see what it has to do here." Don't you think Airport Futures or the Comprehensive Plan would have been a more honest process if you just say it outright that you want to kill this neighborhood with no basic services and trash basic rights with relentless insistence on more industrial impacts in a way that comprehensively undermines residential livability and true biodiversity.

So, I have to ask, when I corresponded with Leslie Lum after finding out when I went to the Nov. Comp. Plan testimony that when I saw maps that showed no zone change, I was jubilant because for the first time in any of the many, many planning processes did my feedback actually get implemented. I sung the praise of the wonderful visionary people seeking to provide redress to years of intentionally engineered planning processes, like Airport Futures that stopped at 13th, to divide a neighborhood but also to conveniently make sure no pesky environmental overlays existed for the ensuing Comp Plan industrial property parade past 13th later. Commissioner Fritz had no desire to help heal the neighborhood in the aftermath. So, when Leslie told me that I was mistaken the Industrial Sanctuary was to stay in place, I was dumbfounded and confused. She stated that nothing has changed with the old IG2, everything is the same. Huh? What about all of the additional environmental overlays and wetland delineations on residential farming properties, especially those flooded by Oak Harbour's wetland per MCDD staff, yet Oak Harbour sued and had removed. Nothing has changed but a full scale assault on the development equity of those properties and to find any industrial property developer that would want to help fulfill Barry Manning's vision for East Columbia of all industrial. Or, when asking Leslie Lum about the limited development equity on my property with environmental overlays and industrial inventory potential, she said that most likely I would IG1. Wait but the last Comp Plan put in IG2 and if they wanted IG1, would not that be what would be reflected? Nothing has changed? I am confused. Industrial Sanctuary seems like sleazy

effort to make it not a change but creating these as subcategories to unleash more industrial with no concern about the impact or to address past impacts, so this is not a change?

Most importantly, it took two emails and finally Leslie Lum did share with me the answer to the following question:

i asked in the last email, please clarify will the industrial acreage you are claiming actually account for past planning impacts with environmental, conservation and most recently wetland overlays (resisted through public testimony but only the preferred industrial property class, like oak harbour that sue and do not engage in good faith in a non-litigious way with a public planning process, no do not have them) that have rendered these areas as essentially non-developable (as you agreed as much in our conversation) and thus one would think should be subtracted from any such actual total submitted in the end toward planning goals as to not mislead the public if you are being genuine having already diminished development equity of these properties in the name of degraded natural habitat thanks to adjacent industrial activities and having asking for public input and having already received it from many of these proposed IS property owners requesting to not make this change and imposing it anyway? in short: are you claiming total acreage vs developable acreage on these IS proposed properties? I believe we are counting all acreage that is zoned or has a comp plan designation of Industrial.

So, how is it that property that is known to not have full development equity claimed in entirety toward viable, industrial inventory acreage? A good question if I am a business seeking to locate here and looking to buy all of these residential farming properties and then realizing that City of Portland is misrepresenting the full industrial acreage potential of these properties. Or, is the taxpayers in Portland who are so ecstatic to see so much viable industrial inventory in East Columbia? Or is it Metro/State of Oregon planning goals being reported that when "ground-truthed" (A Paul Van Orden phrase, quite lovely since he seems to change facts depending on the audience and denies conversations that took place as reason to deny code enforcement protection) turns out to be not actually developable industrial property at all.

Has anyone ever stopped to think that there are actually people, families and property owners that are personally affected by these planning processes, and that when they engage and all input or concerns are ignored? Or when they seek to find solutions to past nightmares created by 24-hour trucking yards when noise code enforcement refuses to their job and go to BDS to review original documents, Michelle Seward makes no attempt to address the actual operations and the impact but is more interested in the cyclecross races at the landfill that the Fazio's got in trouble for claiming a farm credit, which I believe is the same landowner responsible for why we don't have a Safe Route or 40 mile loop (could be wrong) for East Columbia but I guess that's homework for me to find out, but she makes sure to tell me because of all of the environmental overlays I will have to go through three different agencies if I ever wanted to build a dock on my waterfront property. I am just glad that all East Columbia residents with any environmental, conservation or wetland delineations actually have to pay fees to a drainage district that no other Portlanders not in a drainage district don't have to pay when their properties are conserved for the public good. In essence, we doubly subsidize habitat for the public good and we are rewarded with light, noise and air pollution and a colossal destruction of equity for degraded habitat.

And this is why I support this proposal for R-20. Because I know how hopeless it is to decline into mental illness when engaging with public employees who have no sense of compassion or reality of the impact, like trucking yards, when you create participatory democracy processes or code enforcement for your property or individual rights or the complete lack of oversight of staff and bureaus that are not a good faith partner but instead treats public service as a political calculation ignoring the human impact on

people and the families. It's brutal and shameful that such an amazing neighborhood like East Columbia that should be a jewel in natural conservation and residential livability, is really nothing more than a degraded habitat with compromised residential rights with a whole lot more to come based on the Comprehensive Plan.

So, I support this initiative because when you claim something exists, whether natural habitat, residential housing stock or industrial inventory, you should really, really mean it. And if you haven't and the result is mess that a real Comprehensive Plan would seek to address, then maybe this proposal allows you a chance to see that there is a human component and a lot of work to do to show how to find a balance of residential, nature and industry. And the first place to start is removing the absurd Orwellian "new math" Industrial Sanctuary designation onslaught and then by seeking to find out how to give equal priority to true biodiversity for habitat and restore residential livability of homes like mine that predate the trucking yards by FOUR DECADES, so please don't go down the condescending multi-bureau "established industrial" excuse for not fixing problems that you own. The corollary is we degraded habitat so badly and so adversely impacted livability, we just need to become the Barry Manning industrial prophecy. No. Please own your role and become a good faith partner for once. So, while it is unclear if I would actually benefit until the City of Portland addresses the impact of 24-trucking operations, I do believe that collectively this R-20 plan allows for enough good meaning citizens to have the hope that for the first time, the City of Portland cares and is ready to begin a conversation that is circumspect and genuine, not just satisfying some contradictory planning objective at the expense of our property rights or livability.

Finally, I am immeasurably frustrated and disappointed in my experience throughout almost all planning processes. They have been foregone conclusions leaving no oxygen in the room for anyone contributing to have a voice. When protocols or conflicts of interests have occurred there has been no follow through. Furthermore, to have actually Planning staff advocate for positions completely contrary to the most basic concepts of distributive justice issues like public transportation for kids invalidates any desire to continue to engage. Or, to have to repeat questions and then to get answers that on face value mock the whole intent of the process with no sense of shame or interest in elucidating contradictions or addressing agonizing on the ground realities as such. Simply, my experience has eroded any faith in local governance to provide oversight or earnestness from its public employees, that should either be unbiased facilitators or compassionate enforcement staff but instead champion interests incredibly contrary to their capacity as a liaison to the public with no compunction in doing so.

I believe in true public service and I believe in an inclusive participatory democratic process. This is a fine opportunity to show it exists.

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