

MINUTES

Eugene Sustainability Commission
McNutt Room—Eugene City Hall—777 Pearl Street
Eugene, Oregon

April 4, 2012
5:30 p.m.

PRESENT: Josh Skov, Jessica Bloomfield, Shawn Boles, Howard Bonnett, Art Farley, Steve Newcomb, Rusty Rexius, Sue Wolling, Stacy Vynne, Alan Zelenka, commissioners; Babe O’Sullivan, Matt McRae, City Manager’s Office; Steve Baker, Planning Commission; Mike Sullivan, Community Development Division; Elise Hamner, Port of Coos Bay; Tracy Ellis, Teresa Brand, Lane Transit District, Trevor Yates, WE Car.

ABSENT: Jessica Bloomfield (temporarily), David Funk, Kathi Jaworski, members.

Mr. Skov called the April 4, 2012, meeting of the Sustainability Commission to order, noting it was rescheduled from March 21.

1. Opening – Agenda Review, Approval of Minutes

Mr. Skov reviewed the agenda. There were no changes.

Mr. Skov called for corrections or clarifications to the February 15, 2012 minutes. There were none.

Mr. Bonnett, seconded by Mr. Boles, moved to approve the February 15, 2012, minutes as submitted. The motion passed unanimously, 9:0.

2. Public Comment

Lisa Arkin of Beyond Toxics expressed concern about the money the Port of Coos Bay required to respond to a public records request submitted by her organization for information about plans for rail transport of coal through Eugene to Coos Bay. She advocated for the community’s right to know about those plans. She said residents living along rail lines were already disproportionately burdened by exposure to toxins and asthma rates were higher than documented in west Eugene. Ms. Arkin spoke of the many dangers she believed such trains posed to the community and environment.

Ms. Arkin invited the commission to her organization’s upcoming environmental justice event and distributed fliers regarding the event.

Mr. Farley arrived during Ms. Arkin’s remarks.

Mark Robinowitz advocated for energy literacy. He believed the transport of coal through Eugene was unlikely because coal BTUs in the United States peaked in 1999 in terms of energy density. He anticipated that the shale gas “bubble” would burst soon and industries would return to coal, making further export unlikely. He believed downsized projections for coal production suggested there was not enough coal to supply to China and any exports could not last for long. He also questioned how trains carrying coal could efficiently use the current rail tracks to Coos Bay. Mr. Robinowitz further noted that some of the same organizations in support of the Coal Free Northwest campaign accepted funding from

the natural gas industry and campaigned against non-existent oil drilling on the Oregon coast. He called for honesty regarding peak energy and the fact the “pie” would be smaller in the future as a means to avoid polarization and violence.

Zach McMillan, Climate Justice League and No-Coal Eugene, called for adoption of a community ordinance that would stop trains carrying coal from passing through Eugene. He supported the letter the commission would discuss later. He invited the commission to a workshop the following day featuring a speaker from the Community Legal Defense Fund who would discuss the use of community ordinances.

Joshua Frankel, Partners for Sustainable Schools, called the commission’s attention to the Oregon Green Schools Summit scheduled on April 9 and the Sustainability Career Fair scheduled in May. He shared information about his organization’s Sustainability Policy Task Force and its focus on education, behavior, and infrastructure in integrating sustainability into K-12. He indicated he was seeking experts to serve on the task force and provided his contact information: greenschools@live.com (541) 636-0096.

Ms. Bloomfield left the meeting.

Matthew Nelson, Hestia Home Biogas, requested the commission’s endorsement of his company’s application for an Environmental Protection Agency Small Business Innovation Research Grant to examine the feasibility of a commercial biogas facility to process food waste into natural, clean-burning biogas, fertilizer, and soil amendments. The facility would be located in Lane County and would divert food waste from the waste stream being trucked to the Short Mountain Landfill. He anticipated the gas produced could be used as an alternative to natural gas. Mr. Nelson briefly described the parameters of the feasibility study.

Mr. Skov indicated that the commission did not typically endorse private sector efforts. He expressed appreciation for the information and said he would poll the commission regarding its interest via e-mail.

Dr. Paul Dart shared his concerns about the smart meters being tested by the Eugene Water & Electric Board (EWEB). He supported the goal of the test and did not oppose smart meters generally. Dr. Dart described how the meter being tested, the Elster REX2, worked through the creation of a mesh network. Each mesh network smart meter sent usage data four times daily but sent beacon signals to other meters on the mesh up to 9,000 times daily. He and EWEB staff measured ambient Radio Frequency (RF) and found the general level of signal was four microwatts per meter squared in most directions. Smart meters were putting out 350 to 500 microwatts per meter squared at a distance 20 feet away. Installing smart meters on every house in Eugene would raise the ambient level of RF signal in most neighborhoods by a factor of 100 times what it currently was. That was stronger than the signal 200 meters from a cell phone tower, and studies indicated people living near cell phone towers experienced more headaches, insomnia, concentration problems, vertigo, ringing in the ears, and cancer. Dr. Dart suggested there were alternative technologies and called on EWEB to explore them and look seriously at research regarding the biological effects of RF.

Brianna Orr, University of Oregon Bike Program, shared information about the University’s new campus bike share program. She described how the program worked and emphasized the additional access the bicycles provided to community residents. She suggested there was an opportunity to build bicycle sharing into the proposed Capstone development.

Mr. Bonnett asked if Ms. Orr had data regarding the number of students living off campus who did not own a car. Ms. Orr indicated she would provide that information via e-mail.

Teresa Brand, Lane Transit District (LTD), shared information about LTD's application for a Federal Transit Authority grant to fund a bicycle sharing program in the downtown core to complement the campus effort. She anticipated that LTD would know if the application was successful in July. Ms. Brand said that LTD was interested in bicycle sharing as a first-mile, last-mile transit solution as well as another transportation option. If the application was not successful, LTD would seek other funding opportunities. She hoped to eventually expand the concept into Springfield.

3. Items from commission and staff

Ms. Vynne reported that the next commission meeting would be her last as she had resigned her job to take another job in Washington.

Mr. Skov reported that he attended a climate leadership academy on bus rapid transit and would report back in the context of the Coordinated Land Use and Transportation Advisory Committee. He also participated in a City Club discussion regarding West Eugene EmX and encouraged commissioners who were unable to attend the event to listen to the discussion.

Mr. Boles volunteered to assist Mr. Skov in reviewing the results of the polling commissioned by LTD regarding West Eugene EmX.

Ms. Wolling reported that she continued to work with the Downtown Neighbors Association on the Capstone development project and had shared a copy of Ms. Orr's bicycle sharing proposal with the development team. She and Mr. Bonnett continued to work on the parameters of the next street bond measure.

Mr. Boles said he had met with Lane County Commissioner Sid Leiken, who suggested that sustainability was more of a City than County issue and that the County issue most closely related to sustainability was food. Mr. Boles did not believe sustainability was high on the County's priority list. Mr. Boles reported that he had also met with the County's Food Policy Commission.

4. Coal trains

Elise Hamner of the Port of Coos Bay joined the commission and shared highlights of an April 2 letter to the commission regarding bulk commodity unit trains and import/export bulk commodity terminal development opportunities through the Coos Bay harbor. She highlighted the Port's efforts to promote beneficial uses of the Coos Bay harbor's deep draft navigation system for regional economic benefit. She recalled the robust maritime and manufacturing activities once supported by the Port and the decline of those industries, which she attributed to inadequate investment in needed infrastructure, slowing private-sector shipping terminal investments. Ms. Hamner spoke of the region's isolation, which led the Port to develop local and regional partnerships to fund the infrastructure necessary for private reinvestment.

Ms. Hamner said the Port does not regulate the nature of the commerce that moved through private shipping terminals. Instead, the Port focused on building a diversified and stable regional economy through prudent asset management, advocacy for infrastructure improvements, and collaboration with private and public entities.

Ms. Hamner discussed the Port's purchase of the Coos Bay rail line and its rehabilitation of the rail line in partnership with other public and private entities. She also discussed the need for further reinvestment in the rail line and the importance of unit train traffic to that effort. She said the Port had received inquiries

from many companies about the potential of exporting and importing bulk commodities through the Port using the rail line.

Ms. Hamner discussed the Port's agreement with Project Mainstay to export coal through the Port of Coos Bay. She said the projects were evaluated on eleven criteria, copies of which were provided to the commission. The first strongest-weighted criterion was financial stability and company diversity and second strongest-weighted criterion was environmental record and environmental best management practices. Ms. Hamner emphasized the Port's commitment to addressing any environmental concerns related to any facility built on Port property. It must be fully contained and off-loading must be enclosed. The company must also use the best available technology on rail cars.

Ms. Hamner stressed the high unemployment rate in Coos County and shared statistics about free lunches in the schools as an indicator of local poverty. She also contrasted the much lower wages paid for tourism-related jobs to the higher wages paid for manufacturing jobs.

Mr. Skov said the commission supported the Port's rail efforts and its interest in more trade and economic development. He recalled that the commission had requested information about the related employment issues from the Climate Justice League when the league approached the commission on the topic. He said it was not clear from the commission's research that the proposal represented a high return for the investment "in terms of high employment per unit of impact on all of humanity." He said it was quite the opposite. To an individual a job was a job, but at the policy level the commission needed to ask if it was appropriate to pursue jobs of a certain impact. He acknowledged that might look "cold and heartless from the standpoint of Coos Bay," but asked Ms. Hamner to consider the commission's mission.

Mr. Skov asked if the Port's governing body had discussed the issues of concern to the commission. Ms. Hamner said the board discussed many issues, including its concerns for the environment and climate change. She said the entities the Port was working with hoped to change to a higher grade coal with less environmental impact and planned to incorporate wind, wave, and biomass into the facility. The Port continued to research the issue of covered cars and found that most of the pollution occurred closest to the source. Polymers used on the rail cars reduced dust levels. She acknowledged the higher costs that coal companies would incur through the purchase of high priced new cars.

Mr. Skov said the Port's position did not get at the commission's core concerns about coal. The commission maintained that coal combustion must be phased out sooner rather than later. He was pleased to see that the Port was attempting to address the environmental issues that had been raised.

Mr. Boles thanked Ms. Hamner for her letter, which he found heart-rending as it reflected the local needs of the local community. Unfortunately, he believed those local needs must be balanced against the needs of the global community. The coal that was shipped overseas would be burned someplace and "would come back to us." Mr. Boles said the commission could not support the creation of local wealth at the expense of global health.

Ms. Hamner suggested if the commodity involved was not coal it would be another commodity, and she invited the commission to work with the Port on any issues of concern.

Mr. Bonnett expressed concern about how much money the Port was asking to respond to Beyond Toxics' public information request. Ms. Hamner explained the request submitted by Beyond Toxics and the Sierra Club was very broad and sought every document related to the Port's coal discussions going back 18 months. There were many, many documents involved and the staff time and copying costs totaled about \$3,000; under Oregon Public Records Law, the Port must have any documents covered by a confidentiality agreement reviewed by legal counsel, which added \$16,000 to the cost. She pointed out

the organizations in question were not news organizations but organizations that wished to stop the project. The Port did not think the taxpayers of the Port of Coos Bay should have to pay the costs of a public records request from a non-news organization wishing to kill a project that could benefit the community at large. Ms. Hamner believed the Port had revealed pretty much all of the information about the project but the names of the entities who participated in the project submission process.

Mr. Skov acknowledged the cost involved to the Port but believed that it was “very dicey” for the Port to decide who got the information. He did not believe it was the Port’s call to make. He thought the public records issue had become a flashpoint because the project was controversial. He suggested that was part of the business risk associated with such ventures and recommended that Ms. Hamner take that message back to the board.

Mr. Rexius asked Mr. Skov if he believed the Port should bear the costs of the public records request made by Beyond Toxics and the Sierra Club. Mr. Skov said that without getting into the details of the laws governing the issue, he believed the expectation of transparency for such projects was high. Mr. Rexius questioned what financial responsibility the requesting party had. Mr. Skov likened Ms. Arkin’s organization to a news organization as he believed it provided public accountability. Mr. Rexius pointed out the public records law was specific about who the laws applied to. Mr. Boles suggested that the entities behind Project Mainstay be asked to pay the costs.

Ms. Hamner noted that the Port’s attorney had asked the Sierra Club and Beyond Toxics to partner to pay the cost of the records request.

Mr. Farley said that the commission supported Ms. Hamner’s “wonderful statement” about Coos Bay’s goals, which the commission supported for its own community as well. However, the commission also considered the future in terms of sustainability and certain things were “off the table” in Eugene. He said Eugene was working to reduce its greenhouse gas emissions and coal trains passing through the community would add to its emissions. He wanted to work with the Port to find other commodities that could be moved on the rail lines.

The commission then considered a letter to the council stating its objections to the rail transport of coal through Eugene.

Ms. Vynne suggested the commission amend the second paragraph of the letter to reflect the steps the Port was taking in regard to the environment. There was no objection.

Mr. Newcomb suggested the reference to mile-long trains blocking commercial activity and emergency vehicles be deleted since he did not think the commission would object to long trains bearing vegetables, for example. He thought the letter should focus on the commission’s concerns about coal and carbon emissions.

Mr. Rexius did not support the letter. He believed the commission’s focus should be on the dust generated by trains carrying coal, but that was not the primary message of the letter. The letter advocated for a halt to the mining and transport of coal, which he believed was outside the scope of the commission and was not the business of the City of Eugene. He noted that Representative Peter DeFazio had focused his remarks on the enclosure of rail cars to stop the dust, which he thought made sense in light of the interests of Eugene residents living along the rail line. Mr. Rexius said Representative DeFazio’s letter did not object to the export of coal. He said that phasing out coal may be the right thing to do, but he did not think that sending a letter to the council was the way to accomplish that.

Speaking to suggestions that the commission's mission was the reduction of carbon emissions, Mr. Rexius said that might be true, but it would occur at someone else's expense. He did not think the 45 jobs involved were insignificant and said the commission needed to consider the human element as well.

Ms. Wolling expressed sympathy for Mr. Rexius' position but suggested the issue became a concern for Eugene because of the potential of coal dust. She also did not think it made sense to invest in an economic future based on the transport of coal to be burned in China.

Mr. Bonnett did not think that Eugene should enable the transport of coal and suggested the commission should highlight all the relevant issues related to that activity.

Mr. Skov suggested that the commission's concern about the addition of another 12 to 20 million metric tons of CO₂ also represented a concern for human well-being.

Ms. Vynne reviewed the changes that had been proposed to the letter.

Mr. Boles, seconded by Ms. Wolling, moved approval of the letter as written, subject to those changes being acceptable to the commission via e-mail, with silence indicating acquiescence. The motion passed, 6:2; Mr. Newcomb and Mr. Rexius voting no. Mr. Zelenka had not yet arrived at the meeting and Ms. Bloomfield had not returned at the time of the vote.

5. BREAK

Mr. Zelenka arrived during the break.

6. Envision Eugene

Mr. Boles reported that the Technical Resources Group was reviewing a spreadsheet predicting the demand for acres of land depended on the housing mix ratio. He noted that City Manager Jon Ruiz was recommending a ratio of 55 percent single-family and 45 percent multi-family. That ratio created a need to expand the urban growth boundary (UGB) while a ratio of 45:55 would result in a land surplus inside the existing UGB. Mr. Boles suggested that the commission might want to make a recommendation regarding the preferred ratio. He noted that in addition, the manager had recommended an expansion of the UGB to accommodate industrial land that Mr. Boles anticipated would affect farm land. He noted that Pillar 7 of Envision Eugene provided for a reexamination of those issues in five to seven years.

7. Collaboration with Human Rights Commission

Mr. Newcomb reported that the Human Rights Commission (HRC) had discussed the Sustainability Commission's proposal to issue a joint statement of support for West Eugene EmX. The HRC indicated it was interested in working with the commission on some issues, although it was not unanimous in its support for West Eugene EmX. Human Rights Commissioners were unclear as to the relationship of EmX to human rights and had expressed concern that EmX was eroding regular bus service. The HRC appointed two volunteers to meet with representatives of the Sustainability Commission to review the draft statement. Mr. Newcomb expected that review would occur within the month.

Mr. Skov asked for volunteers to work with the Human Rights commissioners on the joint statement. No commissioners responded to his request.

Ms. O'Sullivan anticipated the leadership of the two commissions would continue to explore opportunities for collaboration.

8. Car sharing update

Teresa Brand and Tracy Ellis of LTD and Trevor Yates of WE Car joined the commission. Ms. Ellis led the commission through a PowerPoint presentation regarding LTD's Car Sharing Program. Commissioners asked questions clarifying the details of the program's operation and thanked the presenters for the information provided.

9. Capstone project

The commission was joined by Community Development Director Mike Sullivan and real estate broker Milton Oilar, who were present to discuss the proposed Capstone development at 12th Avenue and Willamette Street and answer commission questions. Mr. Skov reminded the commission that the Capstone proposal involved a Multi-Unit Property Tax Exemption (MUPTE) application that the council would consider later in the year and suggested the commission had an opportunity to make a positive contribution to the conversation, particularly in regard to the transportation-related elements of the proposal. He believed the development touched on many issues of interest to the commission, including Envision Eugene, growth management, and the City's Climate & Energy Action Plan.

Responding to a question from Mr. Rexius, Mr. Sullivan said density, green building features, mixed income, home ownership, accessibility, historic sensitivity, parking and location were all criteria related to the MUPTE application. He acknowledged there were conflicting interests regarding the parking provided as part of the development as the neighbors wanted the parking to be "extraordinarily adequate."

The commission briefly discussed what represented a transportation-related element of the project and agreed that parking was a concern. Mr. Zelenka noted that an alley vacation was involved in the proposal.

Mr. Boles asked if the development could serve a broader demographic than was currently proposed. He wished to see the design revised to serve both the student population, seniors, and people who desired to downsize and live in a smaller place. Mr. Oilar said the developer could not decline to rent to anyone but the development would be designed with student needs in mind. He suggested that students could not be considered a monoculture given that they came from all over the world and from different backgrounds.

He believed that the development would result in more people of all ages coming downtown because it would be more energetic and fun.

Mr. Sullivan noted the evolution of residential development in and around downtown and the range of demographics housed and observed that there was no other student housing downtown. Mr. Zelenka suggested that the development could relieve some of the development pressure that was occurring in his ward.

Mr. Boles asked Mr. Oilar what he believed Capstone could offer the City in return for the MUPTE. Mr. Oilar reminded the commission that the property had been on the market for four years and it was very expensive to demolish the existing structures and do the required remediation. The MUPTE was necessary to make the project work. He suggested the MUPTE guaranteed a huge tax return in the future because the property would be intensely developed. He pointed out that the development would be intensely professionally managed and he believed the development would be a good neighbor. Mr. Oilar also suggested the development would create a stronger link between the University and downtown because the developer planned to improve the bicycle connection through the property. He anticipated there would be a bus stop directly in front of the development, which would encourage more bus use. There would be at least one WE Car space and that would be marketed to the tenants. Mr. Oilar said that Capstone had found that students did bring their cars when they went to school but had reduced the parking proposed from 105 percent to 80 percent. Capstone planned to target sophomores and older students to avoid competing with the University, which wished to house freshman on campus. He said the developer planned to build to Earth Advantage standards.

Responding to a question from Ms. Wolling, Mr. Oilar confirmed that Capstone was interested in participating in a bicycle sharing program. He noted there would be a bike lock for every bed.

Mr. Farley recommended the commission focus on energy efficiency and transportation rather than the potential of a student monoculture, which did not seem to be related to the commission's mission. Mr. Rexius suggested the commission list all the reasons the development made sense given that it satisfied so many interests. Mr. Skov suggested the commission take an approach between endorsement and constructive criticism.

Mr. Zelenka suggested the commission provide the council with an assessment of the triple bottom line aspects of the project and suggestions for things that could be done that might further the City's sustainability goals. Mr. Skov said he would work with Ms. O'Sullivan to draft a letter to the council.

Mr. Oilar invited commissioners to call him with questions.

10. Work plan review

Due to a lack of time, this item was postponed.

11. Closing: next meeting, other follow-up

The next commission meeting was scheduled for April 18, 2012.

Mr. Skov adjourned the meeting at 8:35 p.m.

(Recorded by Kimberly Young)