



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF MAY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Saltzman and Sten, 3.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Due to the absence of Commissioners Francesconi and Hales, Council was unable to vote on a Consent Agenda or emergency ordinances. All items on the Consent Agenda, with the exception of emergency ordinances, were considered individually. The emergency ordinances were continued to Wednesday, May 24th.

Prior to considering the Council Agenda, Council met as the Budget Committee.

674 **TIME CERTAIN: 9:30 AM** – Council meeting as the Budget Committee to receive the Mayor's proposed budget

Disposition: Placed on File.

At 10:00 a.m., Council adjourned as the Budget Committee.

***675** **TIME CERTAIN: 9:45 AM** – Authorize commercial food waste collection pilot program and contract with USA Waste of Oregon, Inc. for an amount not to exceed \$100,000 (Previous Agenda 626 introduced by Commissioner Saltzman)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

CONSENT AGENDA - NO DISCUSSION

676 Cash investment balances March 30 through April 26, 2000 (Report; Treasurer)

Disposition: Placed on File.

Mayor Vera Katz

***677** Extend legal services agreement with Reeve Kearns PC (Ordinance; amend Agreement No. 32278)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

MAY 17, 2000

***678** Extend legal services agreement with Amburgey & Rubin PC (Ordinance; amend Agreement No. 32285)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

***679** Extend legal services agreement with Miller Nash (Ordinance; amend Agreement No. 32498)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

680 Contract with Kinetic Computer Solutions, Inc. for desktop computer training services (Ordinance)

Disposition: Passed to Second Reading May 24, 2000 at 9:30 a.m.

S-*681 Create interim Board of Purchasing Appeals (Ordinance)

Motion to accept the substitute ordinance, adding an emergency clause: Moved by Commissioner Saltzman and seconded by Commissioner Sten.

Disposition: Continued to May 24, 2000 at 9:30 a.m.

Commissioner Jim Francesconi

682 Accept contract with AC/DC Electrical Services, Inc. as substantially complete, authorize final payment and release retainage (Report; Contract No. 32655)

Disposition: Accepted. (Y-3)

***683** Authorize Purchase Order with Russell Construction for \$56,924 to make repairs to Mt. Scott Community Center (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

***684** Add Portsmouth community and school garden to the Portland Parks and Recreation Community Gardens Program (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

***685** Grant a revocable permit to Quality Food Center to construct, operate and maintain a stormwater sewer line within a portion of Springwater Corridor, under certain terms and conditions (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

MAY 17, 2000

Commissioner Charlie Hales

***686** Authorize the Purchasing Agent to sign a Purchase Order using State Contract No. 9100 with Oracle Corporation for software license and maintenance (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

Commissioner Dan Saltzman

***687** Authorize agreements for the conveyance of one property from Kenneth Snyder and one property from Walter Ray, Oma Cavett and Wanda Barber to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

Commissioner Erik Sten

***688** Extend term of ordinance granting AT&T a long-distance telecommunications franchise (Ordinance; amend Ordinance No. 162822)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

***689** Authorize a contract and provide payment for impervious liner, spillway approach canal, Bull Run Dam Number 2 (Ordinance)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

690 Authorize an agreement with the University of Portland for an amount not to exceed \$10,000 to provide engineering services for miscellaneous professional services in the area of design engineering and provide for payment (Ordinance)

Disposition: Passed to Second Reading May 24, 2000 at 9:30 a.m.

REGULAR AGENDA

Communications

691 Request of Dave Mazza to address Council regarding community involvement in the May Day investigation and police deployment for political events (Communication)

Disposition: Continued to May 24, 2000 at 9:30 a.m.

692 Request of Norman Garrison to address Council on an issue of dangerous streets in Southwest Portland (Previous Agenda 303)

Disposition: Placed on File.

At 10:38 a.m., Council recessed.

MAY 17, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 17TH DAY OF MAY, 2000 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi and Sten,
3.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont,
Senior Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

693 **TIME CERTAIN: 6:00 PM** – Adopt and implement the Southwest Community Plan
Vision, Policies and Objectives (Ordinance introduced by Mayor Katz)

Disposition: Continued to June 1, 2000 at 2:00 p.m.

At 9:18 p.m., Council recessed.

MAY 18, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 18TH DAY OF MAY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney and Ben Walters, Deputy City Attorney; and Officers Chuck Bolliger and Larry Siewert, Sergeants at Arms.

Item Nos. 695 through 698 were read and discussed together.

***694** **TIME CERTAIN: 2:00 PM** – Authorize submission of the Consolidated Plan 2000-2005 and application to the U.S. Department of Housing and Urban Development for grants under the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS programs for Fiscal Year 2000-2005 (Ordinance introduced by Commissioner Sten)

Disposition: Ordinance No. 174441. (Y-4)

695 **TIME CERTAIN: 3:00 PM** - Report and City Council Findings – Civic Stadium Good Neighbor Agreement and Comprehensive Transportation Management Plan (Report introduced by Mayor Katz)

Disposition: Accepted. (Y-4)

***696** Authorize funding of the mitigation measures for the Civic Stadium Comprehensive Transportation Management Plan through provisions in the Civic Stadium Operating Agreement (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 174442. (Y-4)

***697** Authorize Mayor to sign the Civic Stadium Good Neighbor Agreement on behalf of City Council (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 174443. (Y-4)

***698** Amend City Code to authorize Code Hearings Officer to hear violations of the Civic Stadium Good Neighbor Agreement (Ordinance introduced by Mayor Katz; amend Code Title 22)

Disposition: Ordinance No. 174444. (Y-4)

MAY 18, 2000

699 Appeal of Portland Family Entertainment against the Noise Review Board decision to grant a noise variance at noise levels significantly below those requested (Hearing introduced by Mayor Katz)

Motion to approve the appeal, modifying variance conditions: Moved by Commissioner Sten and seconded by Commissioner Hales.

Disposition: Appeal granted, modifying variance conditions. (Y-4)

700 Accept the report and recommendations of the Goose Hollow/Civic Stadium Planning Committee (Resolution introduced by Mayor Katz)

Disposition: Continued to May 25, 2000 at 2:00 p.m.

At 10:00 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

For Discussion of agenda items, please consult the following Closed Caption Transcript.

MAY 17, 2000

Closed Caption Transcript of Portland City Council Meeting

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

Key: == means unidentified speaker.

May 17, 2000 9:30 AM

Katz: Commissioner Francesconi is at Portland school district core meeting, and commissioner Hales is out for personal absence. Okay. Let me sort of identify what we're—what we plan to do, because there's only three of us. We're going to hear 675, and then we're going to set it over for next week. We will set over 677 -- we'll have to read them, but we'll set them over, 678, 679, 680 will move to second, 681 we need to introduce a substitution, and then we'll set that over, we'll set over 683, 84, 85, 686, 687, 688, 689, 690 will go to second. All right? Consent agenda item, any items to be removed off the consent agenda for discussion? 681 needs to be taken off to have the substitute introduced. Any other item that anybody wants to talk about? All right. Let's—anybody in the audience want to remove an item off the consent agenda? No. All right. Britta, let's take each one of these items individually. 676.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. 677.

Olson: Authorize commercial food—

Sten: 677.

Olson: Excuse me.

Katz: We need to read it so we can set it over.

Olson: Extend legal services agreement with reeve kearns pc.

Katz: Any objections? Hearing none, so ordered. 678.

Olson: Extend legal services with amurgey & rubin.

Katz: 680.

Olson: Contract with kinetic computer solutions.

Katz: Anybody want to testify? It's moved to second. 681.

Olson: We have a substitute to the title is create interim board of purchasing and p— appeals.

Katz: I need a motion.

Saltzman: I'll move to substitute. Item No. 681.

Sten: Second.

Katz: No objections, we'll set that over for next week.

that's the second reading, isn't it?

Katz: Right.

Olson: It puts in an emergency clause.

Katz: 682.

Olson: Accept contract with ac/dc electrical services, inc.

Katz: Does anybody want to testify on that item? All right. Roll call.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. 683.

Olson: Authorize purchase order with russell construction.

Katz: Any objections to setting this over? Hearing none, so ordered. 684. Any objections to setting it over? Hearing none, so ordered. 685. Any objections to setting it over? Hearing none, so ordered. 686.

Olson: Authorize purchasing agent to sign a purchase order using state contract number 900 with oracle corporation for software license and maintenance.

Katz: Any objections to setting this over? Hearing none, so ordered. 687.

Olson: Authorize agreements for the conveyance of one property from kenneth snyder and one from walter ray, oma cavett and wanda barber to the bureau of environmental services.

MAY 17, 2000

Katz: Any objections to setting it over? Hearing none, so ordered. 688.

Olson: Extend term of ordinance granting at&t a long distance telecommunications franchise.

Katz: 689.

Katz: Authorize a contract and provide payment for impervious liner.

Katz: Hearing no objections, it's set over.

Olson: Authorize an agreement with the university of Portland for an amount not to exceed \$10,000 to provide engineering services.

Katz: Does anybody want to testify on this particular item? If not, it passes to second. Okay. We're ready for time certain, and the council will now convene as the budget committee as I present to you and hopefully it will be somewhat brief, but enough details to get folks interested in coming to our budget open houses and our budget meetings. So let me start you—you all have copies of the very brief budget message, and we also have the budget documents available. Then i'll share with you—what i'll do is after I do this, i'll ask mark murray to come forward and to share with you the dates and the times for the budget hearings out in the community. Let me start by saying that when I started putting this budget together with the help of olfa and all the analysts, we started with \$433,000 in the hole for ongoing, and \$1.1 million additional resources one time. We made the assumption that we would end up negotiating with a fire contract to the same extent that we did paralleling the—paralleling the Portland police contract. We also made the—had to make some other assumptions, which if we have time we can go into some greater detail on that. Then we started with taking 21/2% overall reductions in all the budgets, a 5% reduction in administrative and support service, a 20% reduction in professional services, and we asked administrative and support service bureaus to reduce their overall budgets by 5% inclusive of professional services. When we did all of that, we were able to make a total reduction, that's all budgets, all resources, including other funds, of about \$16 million, and a reduction of general funds about \$7.7 million in cuts. That then gave me the ability to review the priorities that we heard in the community to review the priorities that we discussed during our council retreat to take into consideration the surveys that we did with the citizens of this community, and try to put a budget together that reflected those priorities. Let me just quickly review some of them, not necessarily in the priority order. We have made a commitment here as a council to education and to schools. I'm going to talk about that in a few minutes, but one of the things that we made a priority for ourselves was the new sun program, schools uniting neighborhoods. We were working together with the county as well as the casey foundation to provide recreational programs tied to academics for after-school and certain—in certain key neighborhoods. We funded that for three years on a one-time basis. I made the decision to fund out an ongoing basis. The program will be evaluated this fall, but in the budget we've made a commitment to maintain those funds and hopefully have them grow to include far more schools in the future. It has been very clear that both the community and the council itself for many years has made affordable housing as a top priority. I propose in this budget to spend \$5 million in the housing investment fund with 1 million of this amount for ongoing resources, able to manage the budget with the help of commissioner Sten, who identified half a million in the bureau of community housing and community development and another half million that will now be ongoing for affordable housing. In addition to that, you know that the general fund contribution is in addition to the \$51 million in the budget of the Portland development commission for the first year, and \$46 million in the second year. Commissioner Sten and I will come back to the council with another package of ideas, some that we started already, and some new ideas in the next couple of days or maybe in a week. We need some time. Soon. We need some time to put it together. But it is separate from the budget, but a very important part of this budget. We also heard from the community that in addition to all the work that we do with Portland development commission on jobs and economic development, there was a strong desire not only by the community, but by the council to add money for storefront improvements, especially in neighborhoods that are not in urban renewal areas. It's a very popular program, you saw how popular it was in hollywood and sandy, and i've put in other—another \$200,000 to continue that program. In addition to that, commissioner Francesconi was also very interested in funding small

MAY 17, 2000

business assistance program operated out of the bureau of licenses in cooperation with the state of Oregon, the bureau of purchases and the development commission. I think there will be funds from the state of Oregon, and we'll get a little bit more detail on what that's going to look like and who it's going to assist. Those criteria haven't been identified yet. As you know, when the council made a decision to separate the bureau of planning from opdr, there was also a commitment that we use this opportunity to develop an integrated team of bureau managers headed by the planning director to deal with many of our issues now that are scattered throughout all the bureaus in this city, primarily our responses to the endangered species act, the greenway, the green initiative, the harbor, the clean-up of the harbor, and a much larger holistic approach to looking at the river restoration of the fish runs, wild habitat, restoration of the banks, as well as further development in areas that are appropriate to develop. And so that team will be in existence and will be funded, there will be a staff person to help. That was funded by an overhead model. In addition, there was still resources for Portland future focus, southwest community plan, st. Johns, which is new, continuation of the greenway study, the northwest district association, and nina study, that's new. Refocus on our comp plan, which is the foundation for our land use planning. It's time to go back to the community and ask the community if this is what they would like to see in our comprehensive plan, and of course a focus on the endangered species act, with probably a total close of \$3 million, very similar funding that we had the previous year. In parks, i'm not going to share with you the problems in parks, it's obvious we have a growing inventory of park land and relatively little money to maintain the parks and the infrastructure. And so again this year I added \$750,000 to parks for maintenance purposes. You know that we did vote to bring the city's administrative service bureaus under ofa with tim grew as the chief administrative officer. It is I think a major governmental reform that you have accepted. It's bringing the office of finance administration, bureau of general services and bureau of purchasing under one home, so that we can work more efficiently so that we can begin looking at how we can further integrate some of the support services across the city. And then we asked tim to come back with another 5% cut in the second year if at all possible for administrative services, so we have a 5% cut this year and a 5% cut next year. Finally, after eight years, there was another support on the council to add an ombudsman for the city. I have one in my office, but there are lots more opportunities for us to do this citywide. And through the overhead model, i'm proposing that the auditor have an only buds person for this budget period. Utility rates. Before we get to that, two years ago we made a commitment of a hand million dollars for homeless youth. About \$150,000 of that commitment was one-time. We didn't have enough resources to make that ongoing. Because of the reductions that I made in the budget, we can now say that the half a million dollars for homeless youth is ongoing. And there is no more one-time money. Utility rates, because of the good work of the bureau of environmental services, this fiscal year and the work of commissioner Sten and commissioner Saltzman on rate reforms, this fiscal year the increase in the average single family sewer stormwater bill will be 3.3%. Far lower than the estimated 7.5% that was forecasted for this coming year. So congratulations, and thank you, and we pushed hard on this, and they were able to deliver a much lower rate increase. The average single family residential water bill will also be decreased this year by 10%. So I want to thank our utilities for their hard work and for accepting these budget reductions that made that possible. Let me quickly go over some other items that I know you're interested. We made cuts in fire, police, especially in overtime. And they took their cuts in administrative services as well. In parks, in addition to the s.u.n. School funding and the senior services center, we recommended one implementation, that the audit report made to us, and that's implemented. In the office of planning and development review, as you know, in the past we were able to use fee dollars for some general fund support. We can't do that anymore because of state law changes, and so we had to provide \$362,000 of general fund to do the work that they used to do partly by fees. And then it was—it's very evident that blueprint 2000 needs to have additional resources for one year only to get rid of the backlog that they have. It's taken longer than it did before blueprint 2000 was implemented. I made that—I'm going to make that recommendation to you. We also funded an enhancement to the noise program. I don't know how many of you get calls into your

MAY 17, 2000

office about noise in the community, especially in the summertime. They'll have additional help to respond to citizen complaints. Office of neighborhood involvement, I did fund our share of the city portion of the siting mediation program. We maintain the neighborhood outreach specialist, we increased a little bit of money for graffiti abatement, especially for the second and third floors, and in transportation, you also felt that we needed a backfill, some of those potential cuts with general funds, and we're close to a million dollars of backfill for the department of transportation the second year will be far more difficult. Special appropriations, we continued funding for the opera, maintain that commitment, and if you recall, I placed money several years into what we call the 20/40 implementation fund. It was our ability to fund projects after the community had gone through a visioning plan and after the city council adopted the plan, especially for projects in communities that are not urban renewal areas. In gateway we gave them some funding for their top priority, and in hollywood and sandy we gave them money for kelly plaza as well as for storefront improvements. So this fund will be available for nonurban renewal districts to meet the—to begin implementing the work that the citizens are completing in their vision plan. Green building initiative. We came up with what I think a fairly innovative idea to give dan the possible—the ability to staff appropriate staff for the green building initiatives in one bureau, as opposed to again spreading it throughout the city, and enough of resources to begin some assistance for incentives for green building work in the community. And we'll hear a little bit more about that in greater detail as we get on with budget hearings. Let me just say that in addition to all of that, there were several nongeneral fund items, the municipal court, we will be looking at the feasibility of going to the legislature and asking for permission from the legislature to implement a municipal court. This is something both commissioner Saltzman and I have been wanting to do, and we're going to do a business approach on that to see whether this is feasible or not. I believe it is, and we'll be starting that work very shortly. I told you about the housing package commissioner Sten and I will be bringing forward, and let me—i want to talk a little bit about education. Oh. Fpdr, I will be coming in in the next couple of weeks to talk about what we'll be doing with the financing of beginning to think about fully funding the pension system as well as changes to the charter related to the pension system before august so that we can put those charter changes on the ballot in november. Education. As you know, citizens in this community overwhelmingly supported additional expenditures for Portland school districts. Unfortunately, we didn't have more than 50% turnout. And the council, as you all know, have made a commitment in the past to the funding of schools almost \$40 million over the last couple of years, and in the last couple of years we wanted to make sure that the resources that we expended for assisting schools was also a positive aspect for us. We purchased park land, we purchased the ability then to add to our park inventory, especially in park deficient communities. We have been in conversation with the school district over Washington school, and the ability for us to purchase the property, redevelop it, and then the revenue flow from that redevelopment to flow back to the school district. I talked to superintendent canada this morning and told him that if—when the city—if and when the city is ready to step up during the short period of—between now and november, that that would be what we would be interested in doing, would be we'd be interested in purchasing property for them, whether it's green spaces or buildings for us to redevelop. I will be meeting with the school's fiscal people this friday, and we'll also be touching base with the other school districts as well. So we have no dollar figure at this point. It's a little early to—for them to identify the amount that they think they need to bridge through november and possibly a little bit beyond november. But this—i'll come back and talk with you individually and then we'll figure out how and what we can do, if that's all right with the council. Tim and mark, do you want to come up for a second? Did I forget anything? Mark, do you want to talk about citizens having an opportunity to have input on the budget hearings?

Mark Murray, office of management and finance. We have upcoming in the next week an opportunity for citizen input to the budget. The first is scheduled for this saturday, may 20th, from 9:00 to 11:00 p.m. At self-enhancement incorporated on north kirby. Second opportunity is monday may 22nd, from 6:00 to 8:00 p.m. At reed college, at the voln lecture hall. And the following day, tuesday,

MAY 17, 2000

from 6:00 to 8:00 p.m. At floyd middle school in southwest Washington. The hearing for tuesday at the middle school was rescheduled from tomorrow and the original session scheduled for may 23rd, which would have been here in chambers has been cancelled at this point. We regret having to do that due to other business concerns of the city. Following those more official hearings, council will meet again to incorporate possible changes into the budget at a work session on wednesday, may 24th here in the city hall building, and then council sitting as the budget committee will vote to approve a budget on thursday, may 25th.

Katz: Thank you. I also need to say that I put the budget together, redirecting the .25 franchise fee, not accepting the reduction initially. It was obvious after we spoke to you that the council wanted to maintain that commitment to reduce the franchise fee. Consequently, there will be delays of a variety of programs for six months. Equal to half a million dollars. And I think you've all seen that list. I was kind of fairly divided among the programs that got the benefit, primarily that got the benefit from the franchise fee. So we will be reducing the franchise fee by a quarter percent. There will be delays in the programs, unless the forecast improves, and then we can start them all at the same time. I think that's it. Are there any questions?

Sten: I don't have a question, i'd like to make a comment. I'd just like to, as long—we've got four hearings, I think to get the public's input, and I hope people will weigh in on these. They are not finished—usually we hear what people think and then make changes. I really wanted to commend mayor Katz and the budget office, it's an extraordinarily good budget. It really is. I think it's the toughest budget in my time that's been around. There's always arguments about the budget, but this is one in which going into it we clearly had a lot more constraints than we're use—than we used to have with the property tax cap kicking in, and both the office of machines administration have and mayor Katz have done a great job of trimming things that are hard to trim, but are clearly less important than the things that are now funded in this budget, the affordable housing, green buildings, and it's a tremendous list of service that's are being put forward without raising fees or taxes. And I just wanted to thank you for that work. It's made the next two weeks look a lot easier than I thought they would be.

Katz: Thank you, commissioner Sten. I forgot, we did put money for the senior centers, 250,000 ongoing.

Saltzman: I would also like to say it's been my first involvement in the full-blown two-year budget process, so it's all new to me. I can't say this is the hardest i've been through, but it has been hard, and I hope sit the hardest one. I do appreciate all the effort that your office has put into this to produce what I think is truly a budget that incorporates many of the priorities of the five of us sitting up here as well as making sure that we run the city as a big corporation that it is, and that we are the city that works. So I look forward to—as commissioner Sten said, I look forward to the public hearings and our hopefully quick deliberations and approval.

Katz: Thank you, commissioner Saltzman. Let me also thank the bureaus. We asked them to do some very difficult tasks, 2.5% reduction, 5% reduction in administrative services, and in anticipation of another 5% available if that's at all doable in the second year. And they delivered. Well, we got some Washington monuments here and there, and we told them no, those were not acceptable, come back with something realistic. But there was truly an attempt and an understanding that we had to begin to make some of these reductions so we can fund the critical programs that the community has been asking for. And I want to thank the bureau managers and the bureau staff. And then of course I want to thank ofa, mark and ken and tim, and all the analysts. This was a little new to them too. We had some new analysts with us, and going through those reductions really took a lot of time. We didn't want to double count them f. They took the reductions in one place we didn't want to count it twice. So we had a net—to net all of that out, and then we had to begin looking at the budgets and getting their best thinking about how we can be creative so we can manage some of those cuts a little bit better. So I want to thank everybody. All right? If there's no further deliberations by the budget committee, we'll adjourn and we'll come back to order at a council. 675. Thank you, Mark.

MAY 17, 2000

Adjourned as Budget Committee at 10:00 a.m., then went to Item 675.

Katz: If I understand correctly, we're going to hear it and then set it over for the vote next week when we have everybody here. Is that all right? Because it is—it's an emergency ordinance.

Saltzman: Okay. That's fine.

Katz: But they want the to— wanted to share this.

Saltzman: I've asked them to give us an update on the progress we're making towards the city's recycling goals. Is mike here? Great. Before we do that, I want to recognize someone who has been a tremendous asset to the city's recycling efforts. This time if mike hutchins is here, i'd like to call him forward. There he is. Mike is the director of purchasing for Portland public schools, and has brought a solid business viewpoint to the recycling issues we deal with as a city. He's served as chair of the solid waste advisory committee for the past six years, and he's played an active role in the formulation of the requirement that all businesses recycle, in the modification of our administrative rules governing collection standards, and also on the move to commingle recycling collection, which I think we'll hear about our success in moving to that approach. So as a result of his efforts and the committee, the city has adopted programs that reflect its diverse constituency and recognize as some of the best programs in the country. I just want to say, please accept this certificate for the small—as a small token of our appreciation.

Katz: Why don't you come over to the mike and say something. And congratulations. Thank you.

Michael Hutchinson, Portland Public Schools: thank you, mayor Katz, commissioner Saltzman.

Commissioner Sten. I've known sue for a long time, and when she asked me to get involved with the solid waste advisory committee, I said that I would do that. It's been very rewarding. I agree that with commissioner Saltzman that we have a sue push operation here in the city of Portland that through the efforts of the solid waste division, that the recycling goals are being pushed and that the city of Portland has an exemplary program. I'm very proud to have been involved with it. I wish I had the time to continue with it. And I wish everyone in the bureau and particularly sue and her staff, her marvelous staff, the best of luck. And—i hope that they have a continuing, ongoing successful program. Thank you.

Saltzman: Earlier we did prove an innovative use of automobile tires for the lents soccer field.

Today—next week we'll be passing a contract for another difficult to recycle challenge, and that's the food waste. So we'll be bringing that ordinance forward next week. I've asked sue and bruce and lee to give us results from the first six months of the commingled recycling program. I think there's some good news there. And I think, sue, you're going to talk about the food waste initiative as well.

Sue Keil, Industrial and Solid Waste, Bureau of Environmental Services (BES): yes. We thought it would be good to put in context a variety of thing that you've been seeing and our—and are seeing, and we promised you a report back on six months of the commingling. We have that for you as well. So we—we have the first one up here. Just as a refresher, the goal for Portland that council approved was 54% diversion in 2000. We're awfully close to that right now. We have the results coming out of '99. This is the combined residential and commercial, 53.6. So we believe we are well on the way to meeting that 54% by the end of 2000. Our next target is 60% in 2005, and I should tell you that the state currently as—is at a 37% diversion. So it shows you we're doing quite a bit better, and that's as it should be, frankly, because we want to have that leadership position, but we have more of the material that's generated in the Portland metropolitan region. We're accountable for about half within the city of what's generated in the region. So if we don't make it, the state doesn't make it. So it's significant on that. This next one is just a brief reminder. 75% of what's in the waste stream comes from the commercial sector. So that's where we need to target. We have a fresh generators survey of the commercial sector. Back in 1993, when we did this previously, 71% of the businesses reported recycling. 18% of them reported that they had recycled four or more materials. The 1991 --1999 one shows that 98% of the businesses are now recycling, and 82% of them recycle four or more materials.

MAY 17, 2000

So that—the progress in the commercial sector has been phenomenal, and I think that's a result of us working with them and them saying, hold us accountable. Set the standards, hold us accountable. They've proven as good as their word. Last year, 44,000 -- excuse me, 447,800 tons were recycled by the commercial sector. So that's a lot of commercial recycling. So I think we'll move to the commingling update now.

Saltzman: I just—

Bruce Walker, (BES): I just wanted to give a quick update on that. When we last discussed this in front of council, there was a lot of citizen comment, and we pledged to you to come back with a six-month update. As you'll recall, we had several primary reasons to move ahead with it. Contain our costs, make a simpler recycling system so citizens could—would recycle more, and to take some advantages that the—improvements in the sorting technology.

Olson: Identify yourself, please.

Walker: I'm sorry. I'm Bruce Walker with the solid waste and recycling program in environmental services. What we've seen in the commingling program in the first six months is we've seen an increase in recycling levels, and I'll get to that in a little more detail in a moment. We've seen a decrease, an actual decrease in the recycling collection costs, so compared to three years ago, the actual costs that are included in the rate are lower for recycling pickup. There's less sorting, the haulers have to do at the trucks, so that's—that is a real plus. Furthermore, if you look at the trend where it was going with more sorting, we anticipated the cost to be out, oh, another 15% higher for that one portion of our rate for recycling collection. So not only is it an actual reduction, but where it was headed over time was going to be even higher than that. So we've seen some actual cost reductions and other benefits such as having bureau recycling trucks having to make the pickup. So that's good news for the neighborhoods as well. In terms of our results, the bar on the far right shows the national average, which is an average home across the country recycles about 472 pounds per household per year. Well, Portland started our program a year ago, it was about 663. So we were starting at a real high level. The good news is, we've jumped up nearly 15% to about 761 pounds per household. So we've gone from an already high level, moving ahead to a very high level, and citizens have really responded well, certainly we got some questions and comments about the program from citizens when we first announced some changes, but they have responded in a big way. 14% --14.8% increase. That's something we're very proud of. Now, the questions that you heard raised at the testimony revolved primarily around, how was glass to be handled? We've done—our staff has done unannounced on-route inspections of the collection trucks. Every single one of the companies was visited, and again, in an unannounced fashion, and every single one was handling the glass properly. That glass then goes to a processing center, I refer to as it as a merle recovery facility. Those are having very low what we call residual, or that—in other words, that material is not getting mixed so it can't be used, it's going to a high use. And what is that high use? Over 95% of the glass is used for new bottles and fiberglass. The high end uses that people had testified about, that was their concern. They wanted to see go to a high end use, that's exactly what's happening. So in a nutshell, recycling is up and it's going to a good news.

Katz: How many trucks did you spot where they actually throw everything in the truck and then separated it later on?

Walker: well, the trucks throw all the paper items together, but they're required to keep the glass separate. In the residential program, they have to keep the glass separate.

Katz: From the cans and plastic?

Walker: that's correct. And so we went out on the visits in neighborhoods on both west and east sides and visited every company. It's fairly easy to tell when recycling day is, when the yellow bins are out. We checked the trucks, and none of the glass was being mixed. So the haulers certainly followed through on that agreement that council set at the hearing last summer.

Saltzman: Will you continue to periodically do those types of inspections?

Walker: yes, we do.

MAY 17, 2000

Keil: the results look wonderful.

Katz: The results look fantastic.

Keil: bruce and I in our early estimates of how much of a condition an upward boost we were going to get on the residential recycling, we were way low. I thought we'd maybe get a percent increase or something like that. We don't know where this stuff is coming from, because it's in all categories. It's one of those, if you jiggle the program at all, you get just increased participation and increased wait by the customer being set out. If you remember, back in 1998 you adopted a resolution directing us to bring back an ordinance specifying what types of businesses should be separating their food waste and for recycling purposes. The new program is targeted for july of 2001, and this is very much cutting edge kind of activity across the country. This is another one where we couldn't just copy somebody else. So what we're bringing back to you today is a pilot collection project, and shortly you're going to hear about some composting facilities being sited in the area as well. But this is the first step. We're going to figure out how to do this thing economically, efficiently, and with a service orientation. So you have that ordinance up there in front of you, but lee is going to talk to you about where we're going with this one.

Lee Barrett, bureau of environmental service: I'm the commercial recycling coordinator. Food waste is the largest material in the commercial waste stream for which there is no recycling system in place. As you saw in the earlier slide, since the commercial sector is 75% of our waste stream, clearly that's an item for us to get to the 60% we're going to have to go after. With food soiled paper, like pizza boxes, waxy cardboard, napkins, paper plates, things like that, food and food contaminated paper makes up about 23% of the commercial waste stream, and that's about 68 tons a day. The u.s. Department of agriculture estimates that 27% of the food produced in this country is wasted. We're working with metro currently and other local government toss try to find ways to help food generating businesses prevent waste. We're kind of creating our own hierarchy of diversion. We're trying to prevent the creation of food waste from the very beginning, see if we can divert it for human consumption if that's a possibility, and the next step would be for animal consumption. And then finally, it would be composting it or doing some sort of beneficial use of that material. The metro organics group, which is made up of the local jurisdictions and metro staff, recently awarded \$94,000 in grant money to three local nonprofits to increase their capacity to accept donated food, and we're researching the feasibility of diverting a portion of the organic waste stream to animal feed. So we're trying to follow that hierarchy to see what we can do to get it out of the waste stream, feed human beings, feed animals, and then finally compost it or develop it into some other usable product. Even these measures, there will still be food going into the trash. We're trying to set up a system to see how we can recover that. One—we're one of the handfuls of cities in the country that are looking at a program this comprehensive. These are the main generators of food in the commercial sector and the ones that we'll be going after in our pilot program. The next slide will show what the food waste stream looks like. For grocery stores, food waste is almost 45% of what they throw away. For restaurants, the proportions are equally high, in some cases higher, when mixed with soiled paper it will make up a majority of their trash. So we're before you today to discuss a little bit about what we're trying to do with this food waste collection pilot program. We're ready to begin a one-year pilot program working with the local haulers and businesses to design a system that is simple, cost effective and as efficient as possible. These are some of the questions that we hope to answer during this pilot program. The first six months will involve 40 to 50 businesses that are served by waste management of Oregon, one of our largest haulers. The second six months of the program will be conducted by east side recycling and a consortium of our smaller haulers, also with about 40 or 50 of their customers. We'll be testing different methods of collecting the organics and looking for ways to reduce or eliminate the cost of a separate collection system. We'll also be working with businesses to find the best ways to train their staffs on what can be included with food waste and what can't and to make the process convenient for them. We've prepared materials and posters and sue can stroll those to you. In the three languages that are most common in this sector, english, spanish and chinese, we'll get help

MAY 17, 2000

with outreach to the businesses. And education in some of the few communities that have tried food waste collection contamination of the material is a huge problem for them. And so the education at the source is going to be a real key ingredient, and we're going to try a couple different methods of collecting and educating the staff at the restaurants and hotels and institutions, see if we can come up with a program that's going to make it easy for them to separate out the material in the appropriate manner. In addition to needing—need ago sis testimony to collect the organics, we need a facility or a couple of facilities to process that collected material into compost or animal feed. Food waste is more difficult to manage than yard waste, and no composter in this area is currently permitted to take food waste with meat and fats, which is what we want to collect in our program. We're actively seeking to identify and attract a processor with a track record of being able to manage this material and to sell the end product. We're working with metro currently on a request for proposals for food waste processing in the region. Obviously we're going to try to see if we can get a processor up and running by the middle of 2001 so we can meet the deadline the council has set for us to have such an operation in place. We're not interested in being an experiment for an untested process, and of course we want them to be a good neighbor and you'll see this is some of the criteria that any processor coming into this region is going to have to meet. Our work in this area has already attract add fair amount of national attention. We appreciate the willingness of our partners in this effort, and that's the list before you. We're—who are working with us to step up and make our diversion goal a reality. We'll than back in the future to report as this project progresses. We have two people we'd also like to have address you, mr. Adam winston and mr. Greg higgins. First if you have any questions, i'll be happy to answer them.

Katz: I have one question. When are you going to include us?
include—

Katz: Residents.

Keil: I think—boy, i'd love to say—bruce? Why don't you handle—i think once we find a processor and get that in place, and once we get the commercial collection going and feel pretty good about how that is progressing, that's— that would be the time that we'd take a look at the residential sector. I would want to say a year after the commercial program is up and running.

Barrett: as you know, when you go to the residential sector, you have you're picking it up in very small units. And that multiplies the cost of a great deal. If we go after this in the commercial secretary for, find out what kind of economics make this thing work, then we can do something in the residential sector. But it is so expensive, that we've got to test it out and make sure we're giving the best value to the customer on it. I know you want to get to wet-dry this. Is as close as we've come so far.

Saltzman: I notice in the posters that in fact it is acceptable to put in the food waste yard debris?

Barrett: small quantities of yard debris would be appropriate. And it really is going to depend --

Katz: Say that again?

Barrett: small quantities of yard debris—

Katz: Of food waste can go into the yard debris can?

Barrett: in the commercial program in the food waste collection pilot, small quantities of yard debris can go in with the food. If you—

Saltzman: we shouldn't leap to the conclusion that maybe some day on the residential side we could be putting out a yard debris, slash, food waste—

Barrett: it depends on what type of process you use to handle that material. There are some—

Saltzman: It depends on who we get at a—as a processor.

Keil: yes. If you go to a modification of wind row composting, you need a bulking agent to add into the food, because it's very wet and it's quite dense. And you need to get the air circulation in there. And so wood chips and compost-like material are going to be added if you were picking up purely food, they would need to add some elements of yard debris if they were composting it to be able to aerate the pile. If that's the type of processor that's available in this region, then it would make some sort of sense to collect food waste and yard debris together. If you go to an anaerobic process, where

MAY 17, 2000

they use fermentation, it isn't necessary to do that, you can deal strictly with 100% food waste. You don't need to add a bulking agent. It depends on what kind of processor we'll get x. Hopefully we'll get more than one, which will give us flexibility. Obviously, like any other products we're talking about to collect for recycling, it depends on the market. If the glass market says the glass has to be prepared in such a manner before we take it, we have to design our program to get the glass to them in that particular fashion. It's no different for the organics. If the processor says I can't take yard debris with food waste, we're going to have to keep it separate.

Katz: Taking yard debris with food waste gets to the issue that sue just described.

Keil: yeah. And—exactly. That's where we think it has to go probably on the residential side. Because to run another truck down the street would be prohibitive. And it's not the right environmental thing to do, besides. But some of the interesting aspects of what they've seen in their preproposal on this composting or processing of the waste is request to find out about whether leaves would be available, paper mill, sludge, sewage sludge, combinations. So there's an interest in a blended waste treatment. Some of the places that lee and I visited were using different combinations with this vestle type of process. You can be cooking one thing and in one in another, so that you might have different blends available to you.

Keil: we've identified about eight companies through our request for qualifications that we think might have a process that's suitable to locate in Portland, and for them would do some sort of wind row process, where again yard debris could be included. The other four are more of an anaerobic fermentation where yard debris wouldn't add anything to their mix. There's a lot of interest out there. Again, we're one of the few cities in the country that is really aggressively going after this. San francisco does have a collection program, we're going to have about half as many people in our pilot program as the whole city of san francisco program. So it's—there's is really pretty small compared to what we're going to look like when we finally get going. There's a good chance we can attract more than one processor here, hopefully one of each type, which will give us more options as far as collection is concerned.

Katz: Thank you. Okay. You want to bring the next two gentlemen up? Who wants to go first?

Greg Higgins: my name is greg higgins, I think I feed some of you folks on occasion. We're here—in addition to the restaurant, I think i've even played basketball with commissioner Sten. In addition to running a restaurant, i'm the chair of a local group called the chefs collaborative, that's a national group, and I run the local chair. Our focus is sustainability in all food related issues, and this is—this program is very attractive to us. We're kind of way ahead of most of the rest of our—the condition with our considerations to it. We purchase food at our restaurant through what we call a food shed, a local network of farmers and producers, and it's kind of a waste for us to see all the refuge we generate all end up in a landfill. So we're excited about a program such as this. We've done tests, separations at our restaurant, preconsumer, post consumer, and analyzed what our mix is. So we're kind of standing by clamoring for a program such as this so we can see the food that we're unable to utilize and—end up with either financial goal of composting going back to our farmers and the possibility of any of the whole priority system that lee described of usable food going to food banks or whatnot, the additional stuff perhaps ending up as animal feed and the remainder going into compost that would be available as an amendment to the growers. It's—many of these growers are in the Portland vicinity, some of them right within the city boundaries, so it's a whole thing we want to see completes the picture of where we're at as far as handling food material. So we're big supporters.

Katz: How much of your food goes to the food bank or to the needy?

Higgins: it's problematic because of the nature of the way we generate the food. Currently a very small amount. A couple times a week maybe we have something that can end up going to a food bank, but the considerations for health and food safety are one method of collection who does it, how it gets there, what we generally do is physically when we have surplus food we feel is usable, take it there ourselves to our neighborhood center or one of the different aspects that are out there for us.

Saltzman: Will you be participating in our pilot?

MAY 17, 2000

Higgins: I hope so. We've already kind of laid the ground work for that.

Sten: It is a little bit of an aside, but I think this is terrific. It's a great step forward. The other piece seems to try to grow local networks and markets to buy organic food and the other types of things, which is not a waste issue, but I heard today that the—we were talking about schools, the Berkeley school district has now instituted a program where they're serving completely organic food, and actually growing it on site.

Katz: Growing it on site?

Sten: Yeah. They're beginning to try and even link performance to the better quality food that people are eating. So I think there's that whole field that you're out ahead on. I think Portland is ready for it.

Higgins: There's a lot of aspects to it that the school program is really interesting. We do an educational program, our organization with the Portland public schools. We're teaching 800 kids a year about where their food comes from, how to make it, grow it, recycle it. There's lots of integration to be done.

Adam Winston: I'd like to read a brief statement, and if you have any questions regarding the program, I'd be happy to try to answer them. As you know, the region will experience challenges and difficulties to meet its recycling goals. The waste management we feel honor and fortunate to be able to partner with BES and—in worthwhile projects to help achieve these ends. Nationwide the city of Portland has always been in the forefront in the areas of quality of life recycling and environmental responsibility. This program will once again reinforce the city's commitment to these areas as this will be one of the few programs of its kind operated anywhere within the United States. There will be challenges to make. Many people will be skeptical and not willing to participate. The same skepticism was prevalent during the inception of the many successful programs that are currently in place. Once the pilot program is concluded, the next step will be to make organics collection and processing a permanent viable and economic service available to all the businesses that wish to participate. However, I cannot think after better team whose commitment to waste reduction is unparalleled within the industry to overcome the long-term challenges and assure organic collection is a permanent fixture within the city of Portland's solid waste program. Thank you for allowing me to speak. If you have any questions, I'd be happy to answer them.

Katz: Questions? Thank you, gentlemen. Thank you for participating. Anybody else want to address us? Anybody sign up? Jada?

Jada Mae Langloss: I'd like to—I'm Jada Langloss, a candidate for almost every office. I've been very successful for not getting caught for responsibility so far. I want to explain my personal experience with recycling that started back in the middle '70s. When I moved to Oregon, I was dealing in real estate, tax sheltered annuities for teachers, and stock and bonds, and things happened. My cars got wrecked, I got blamed for a lot of things that I didn't do, my children was a little bit involved with this sort of thing. I lost everything. But I learned about recycling. I was told by several people that at certain dates the milk products come out at certain places when the dates go off. They just turn around and it's ready to use. But they had to throw it out. So I got around. I made rounds to three counties. And I supplied food for a whole bunch of people that was suffering from lack of food. Because I knew where to get it, and I knew what time. I was doing that. When I was having trouble with my business problems, and the kids wrecking the cars, I had to change to a different way of living, and of course we did it very well. Right now my daughter, two days a week she picks up food that is just ready to use, maybe a little spot on it, she fixes it very well and delivers it to where I live at the Royal Palm, which makes the food there much better, because before that it was all canned and not good food enough food to feed your mind and your body. So I want to thank my daughter and Bails, who arranges this, my daughter to pick up on Tuesdays and Saturdays. And so it works. I've been doing it for years. Without that, I don't think I would have been able to get through and have been able to share this bounty with a lot of other people. And finally the people in this area, like Michael was listening, is progressive in that area, and that's what keeps my mind going good. And my body functioning and—and I think it could be done to the schools, they could start planning food in those

MAY 17, 2000

green areas that use all the pesticides and herbicides in order to keep it green. Whenever I see a green area, I think of corn and strawberries. That's the 1st thing I think of, on top of roofs too. That's my story.

Katz: Thank you, jada. Anybody else? If there's no objections, we'll set it over and have a vote next week when we have a full complement of commissioners. All right. We have had—we're on our regular agenda now. 691. He called in this morning and said he can't make it.

Katz: 692. Mr. Garrison?

Katz: Mr. Garrison, move—and identify yourself for the record.

Norman Garrison: I'm Norman Garrison, I live here in town, 10th and Jefferson. I've worked the last few months out at Barbur Boulevard near 30th. If you know about Barbur Boulevard, it's about the most unfriendly area besides West Burnside, for pedestrian and bicycles. Two of my coworkers were recently hit by cars in the 8900 block. I've heard about upcoming property development near Capitol Highway, Taylor's Ferry and Barbur, across from the—close to the transit center there. And on 30th at the former church on the rise Eagles Building next to the fire station. So I came down here in February to the transportation department and fortunately I was able to find your Barbur Boulevard plan, which I was glad to see. And my immediate recommendation is I believe there should be a pedestrian signal at 30th and Barbur Boulevard instead of just a flashing light that now exists, because in our market research company, we have—I'm not the boss, I'm just an employee, but we have over a hundred employees, and we have to cross the street to get to the bus. That's a five-lane highway. It's very dangerous. We're busy, from 6 o'clock in the morning until after 9 o'clock at night. So I think that we need—that's my immediate thing that I just thought about that needs to be done, because it's very dangerous. With all that traffic, you know, coming in and out. There's lots of businesses out there, and we have—I'd call it mixed use, just about everything. And there's residential areas right behind it. So with all the motels and with all the shopping areas and the video places and restaurants and businesses, and so forth, I think we need to look at making it friendly for pedestrian and bicycles. I think Barbur Boulevard is, like I said, one of the most unfriendly areas, and I'm glad to know that you at least have a plan to do something about it. So that's all I need to—

Katz: Thank you. Britta, will you make sure Commissioner Hales get a—gets a memo on this particular item -- testimony, since he's sort of the keeper of the plan? Thank you very much.

Saltzman: We did approve a plan that would do exactly many of the things you refer to, make it more pedestrian friendly. I'm not sure about the traffic light, but I believe the funding was contingent upon the state gas tax passing, which we all know it didn't.

Katz: Okay. We're going to—we're going to adjourn until 6:00 p.m. Tonight. I think I'm going to have a—Commissioner Francesconi with us tonight, so that we'll be able to make some decisions on—especially the consent agenda items, and move those forward. And then get a sense from the council on those items that we may want to discuss with both the task force and the staff and see if we can get some consensus. If not, we'll have to go back and wait until Commissioner Hales is back. I hope that we can do this in two, maybe three meetings and no more than that. So—okay? We adjourn until 6:00 p.m.

At 10:38 a.m., Council recessed.

MAY 17, 2000

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Key: == means unidentified speaker.

MAY 17, 2000 6:00 PM

[roll call]

Item No. 693

Katz: Commissioner Hales and commissioner Saltzman are on personal business. Good evening, everybody. We're going to try to get this done by 9 o'clock. I don't know if I can last longer than 9:00. So just want to flag everybody that to everybody. I'm very pleased to see everybody here. A lot of people have put a long, long time and a long, long effort on this task. We're going to complete it. We're not going to complete it probably tonight, we're not making any decisions other than some of the consent item decisions if the council feels like it. And I think they will, because they're relatively easy. Before I start, I want to also thank the southwest neighborhoods for flagging issues that have come up to the council at other times and at other places. The base zone design standards, your concerns about design, the watershed report that—though we're not going to be acting on it today, we will be looking at that once it comes from the planning commission. The tree preservation ordinance I understand came through the concerns of the citizens in the southwest community. The storm water management manual was a result also of issues that were flagged by the citizens of the southwest community, and probably there are a lot of others, and I know that Deborah has a whole other list of issues that have come up through all your work and your hard work on this southwest community plan. So I want to thank you in advance for all the important issues for this city that you identified and that the planning bureau and the commission have acted on as well as the council. I also want to thank the hundreds of volunteers who worked on this plan. First chaired by Celeste and later by Mark Sieber, Patty Lee played an important role, and all of you here that are here tonight. We are going to do as much as we can tonight. We're going to try to give some direction as we hear from you on some of the what we call nonconsent issues. We will be back July—June 1, and then again June 22nd hopefully—i'm sorry, June 21st, hopefully for final action. So I want to flag that to everybody now so that you put that on your calendar, because i'm sure that if the council makes final determination on June 21st, you're all going to want to be here, because it's going to be a time to celebrate. A couple of things that I want to flag to the commissioners. We have consent items and we have nonconsent items. If you feel that any of the consent items need to be removed, flag that and as we go through each one of the decision guides, we'll act on the—we'll act at least on the consent agenda items tonight. And then we'll have some discussion and certainly testimony on the nonconsent agenda, and there may be different points of view on the nonconsent agenda, and we want to listen to that before we give some direction to planning staff as to what to do. We may not be able to get the three of us to give some consensus on some of the nonconsent items, and that's probably what we'll need to come back on June 1 again, because we don't have a full complement of commissioners. Okay. Let's start.

Deborah Stein, Planning Bureau, i'm Deborah Stein, and i'm delighted to be here tonight. We've reached a rather significant milestone. Since 1994, when the southwest community plan began, this community has dedicated an unbelievable amount of time and energy and sweat towards developing a plan that reflects the concerns, the priorities and the values of the southwest citizens. What's thrilling about tonight is that six years of effort are now coming to you for decisions. I look around the room tonight and I see many people who have been very active over the last year or more in helping to develop the policies that are going to be before you tonight. But there are also hundreds of others that aren't here tonight but who have each offered a very rich contribution to this effort, hundreds of neighborhood volunteers, members of the southwest community plan citizens advisory committee,

MAY 17, 2000

former members of the southwest community plan team, and other involved city staff, and of course the planning commissioners all have made a tremendous contribution to what you'll be reviewing tonight. All deserve thanks for their labor, thinking, for their challenging, creativity and overall everybody's commitment. The southwest community plan is a plan that covers an area of about 20 square miles, and includes 18 neighborhood associations and four business associations. Issues that have been addressed throughout this process have enormous significance to the southwest community, but the plan very importantly has also focused on attention on a number of interrelated issues of citywide significance, and regional significance as well. A few of the really significant issues that have come up that have provoked a lot of thought and debate include the implementation of 20/40 design types. How are these transplanted or interpreted to accommodate growth in our communities, to enhance our senses of place, and to reflect the desires of our community? A second really significant issue has been provision of infrastructure and public facilities in our communities. How does the city provide transportation and storm water facilities and parks, and do our current approaches to financing and design work to address the challenges that we're now facing? A third issue is the connection between land use and environmental issues. Do our current approaches still work for the challenges that we're facing today? A fourth issue that's come up throughout the process has been the role of citizens in planning processes. This has been an issue that's tested all our thinking and approaches. We've learned and we've designed some new approaches, new ways to come to agreement and where we have disagreed, we've learned new ways to increase understanding between the participants, and work past the disagreements to be able to move forward. And understand everybody's positions a lot better. I think that's been one of the real progresses we've made in the recent stages of this plan. So the planning commission policies and the task force's alternatives reflect a lot of good work and keen thinking, but more importantly they reflect the particular characteristics of southwest and the concerns of the community. We appreciate your support for this process, and we look forward to adoption of a set of policies for a southwest community.

Katz: Thank you.

Marie Johnson: I'm Marie Johnson of the planning bureau. Before we start I want to state that we do have the legal record in the room, and the legal record is quite large. It goes back to the time when the project—

Katz: Six years.

Johnson: began in 1994. I'm going to start with an overview of the planning commission policy document, and then Mark Sieber, the task force chair, will give an overview of the task force policy proposal. The planning commission developed—

Katz: Let me interrupt you. When are you going to interject the guides that we're going to work with? At what point, when you're finished?

Johnson: we can do it then or we can take testimony and then do it when the testimony is complete.

Katz: Okay. Go ahead.

Johnson: the planning commission developed their policies in 1998, based on input they heard in a really in-depth collaborative process that involved citizen activists and representatives of a variety of city bureaus. The policies have a couple of different themes. One of the themes is looking at ways to accommodate growth. When southwest community plan began, one of the key charges of the project was to look at how to implement some of the metro design types, and this was the first project to—for the city to look at that. They wanted to accomplish that goal, but they wanted to do it in a way that recognized that we need a ball—to balance issues that affect livability in order to make that work. They also—the planning commission recognized the critical role that citizens play in deciding what changes should take place in a community, and then helping make those changes happen. And finally, they integrated their concern for the environment throughout the policy document. There's a section that deals only—with watershed issues, particularly, but you'll also find policies and objectives in land use and urban form, parks and transportation that address environmental concerns. The vision statement of the planning commission policy document provides brief descriptions of how the planning

MAY 17, 2000

commission saw the area developing, and especially the mixed—the individual mixed use areas. They also include references to housing choice, parks and natural areas, paths and streets, and environmental storm water facilities. The land use and urban forum policy is the first section of the document. This was really seen as the core, backbone of the document. That's why it's the first policy area. I excerpted a piece of the policy here. It says, accommodate growth while preserving neighborhood stability and protecting the environment. Again, we're looking at how to balance a number of issues in growth management. The objectives that land use guidelines—set land use guidelines that would apply to the entire area. There are other objectives that would apply specifically to town centers, and these are larger mixed use areas that serve several neighborhoods, objectives that would apply only to main streets. These are smaller mixed use areas, and also objectives that would apply to corridors, which are transportation routes connecting mixed use areas. The land use and urban form objectives also provide guidelines for developing master plans for town centers and main streets, and they encourage a number of items. The first is they want to enhance the unit characteristics of the mixed use areas, encourage innovative designs in harmony with the natural character of the area, ensure compatibility of new development with southwest positive qualities, and prior ties infrastructure improvements so improvements happen in the mixed use areas. The next policy area—the policy areas after this are in alphabetical order. Citizen involvement policy says, involve citizens in the implementation, monitoring, evaluation and revisions of the community plan. The objectives seek to support partnerships between neighborhood and businesses organizations and city bureaus in implementing the southwest community plan, and clarifying roles and responsibilities of the implementers, among many other objectives. The economic development policy area seeks to foster economic development that's compatible with the desired scale and character of the area. It sets job targets on—to be achieved for southwest area, seeks to encourage locally owned businesses, and properties, and establish a trusting and productive relationship with neighborhoods and—neighbors and neighborhood associations. The housing policy area sets housing targets for the next 20 years, encourage the development of housing that varies in affordability, type and size, and housing that is appropriate for small households. Planning commission also included an objective that promotes the development of a new tool in planning and zoning that would allow for smaller lot sizes, so that small lot detached homes could be used as an alternative for row housing in portions of southwest. The housing policy seeks to support increased homeownership, increase the supply of affordable housing and encourage the areas educational institution to take responsibility for providing housing on or near campus. The parks policy area supports the creation of new parks and open spaces, also recognizes the importance of preservation of natural areas and the acquisition of environmentally sensitive areas, and encouraging community stewardship programs. It recognizes tryon creek is a regionally significant resource, and supports the use of public lands for compatible multiple purposes such as storm water management where appropriate. Public safety policy seeks to ensure prompt and adequate police and fire protection, and involve residents and business people in crime prevention efforts, encourage participation in emergency preparedness and prevention programs, and encourage street patterns that provide adequate emergency vehicle access and quick response times. The transportation policy focuses on providing a variety of transportation modes, increasing connectivity for pedestrians and increasing transit accessibility and such. Ensure the safety and mobility of pedestrians bicyclists and transit riders, develop alternative standards that honor neighborhood character, respect the environment and are cost effective to build and maintain. Decrease congestion by improving transit services and facilities redesigning and improving intersections and roads and increasing connectivity between neighborhoods, schools, businesses and recreation facilities as new developments reinvestment and infill occur. The final policy area of the planning commission recommended policy is watershed. The watershed policy seeks to promote management of storm water runoff on a watershed wide basis. And integrate storm water management solutions into a watershed management plan. It supports watershed management that respects streams, slope and habitat conditions through a combination of tools to manage storm water, and supports the restoration

MAY 17, 2000

of an urban forest and native vegetation and the recovery of threatened and endangered species and supports the combined sewer overflow solution. Excuse me just one moment. Mark is going to talk about the task force proposal. It's going to take me just a second to get the slide up.

Mark Sieber, Southwest Neighborhoods, Inc. (SWNI), good evening. I'm mark sieber, the chair of the southwest community plan task force. First i'd like to thank you all for getting us to this place in this process and for your support. I'd also like to thank the planning commission, the council staff, the bureau staff members who participated in the dialogue group process, particularly deborah stein and marie johnson, without whose assistance this phase would never have come to this stage. This will be a slightly different style of presentation than marie's. We are going to have five of us presenting each a different section, one of us over the parts of plan would be reasonably short.

Katz: I've got you all timed here.

Sieber: during the last few months we've identified 90 separate items for your consideration. We have agreement with city staff and the task force on all but fewer than 20, and of those we will consider the most challenging half a dozen in our presentation tonight. The first of these is the policy on public facilities. The planning commission's document did not include such a policy, but it's the heart of the task force's work. Southwest Portland is particularly deficient in public facilities for the management of storm water and transportation. There's no design for a surface water management plan, nor enough consideration—excuse me. Nor enough consideration of the difficult topography and environment without which the weight of new development will literally cause parts of our neighborhoods to slip away. We also boast the greatest percentage of substandard streets in the city. We are asking these deficiencies made—be made good at least during the introduction of new development. However we do this, it will require a major shift in policy and financing. The urban growth boundary has triggered infill development in these areas due to topographical considerations. With a result a small number of homeowners will bear the financial burden of this. The committee for the redesign of the local improvement district process is only just beginning to investigate the question of who gets benefit and who pays for them. We urge you to direct that group will look into the—into possible regional funding models. Our policies, while dealing with problems which are acute, are also applicable in other areas of the city. We request that you seek solutions to the real world physical difficulties that they address. The second piece we want to talk about is—

Francesconi: Excuse me. Do you want us to ask questions --

Katz: When they finish. We'll come back and deal with specific issues that they are raising as they go through the testimony. Some will be easy, and some will have discussion, and then the questions then will be forwarded to mark or any designee of the task force, as well as I saw rick michaelson here, as well as our staff.

Johnson: thank you. I'd like to introduce mark helfand, who will be talking about land use and urban form.

Katz: You've got three minutes, mark.

I need the lights up.

Katz: Identify yourself for the record, please.

Mark Helfand, Planning Bureau, from Multnomah neighborhood. The main issue on land use and urban form is that the task force's policies were basically a blank. We did not put in a policy in place of the planning commission one. And I thought the rationale for that, the best way to describe that would be to give the background of where we started on that policy. The summit, which was the predecessor to the southwest community plan task force, the sweeney task force, worked throughout 1997, and in 1998, early 1998, we had a policy on land use and urban form, and particularly it described in some detail what we thought should be done to define transit corridors, main streets, and town centers, and there's—the zoning within or around them. That policy was submitted to the planning bureau for their comment. And the planning bureau, in working up to the planning commission hearings in 1998, prepared a document that summarized their response to our policies. Our policy said that we wanted to facilitate realization of the regional 20/40 growth concept, the

MAY 17, 2000

regional framework plan, and meet the benchmarks for density the 20/15 goal by applying these design types. We said that we should implement the town centers and main streets to create come fact well defined centers of dense pedestrian use activity, but from there on most of what we said the planning bureau disagreed with. And I thought i'd read you what our policy was in part, but there's not enough time to read all of it. We said the metro design concept should be employed in the manner consiStent with their original purpose and with the vision statement and policies of individual neighborhoods in southwest. They should be used specifically to spare sprawling redevelopment, we should identify selected opportunity sites. The main streets boundaries and town center boundaries should be drawn in a way that ensures commercial viability, meets 20/15 allocations, meets or exceeds metro's guideline of a total population density of 39 persons per acre, and we said how we thought the boundaries should be set, and the main thing we said was that both the consensus of the involved neighborhoods and a formal consensus process consisting of residents of affected neighborhoods, Portland planners, metro planners should be convened to define the boundaries of the town centers and main streets in the community plan. Now, the bureau's response to that in april '98, which is a response they won't make now, I don't think—

Katz: They won't make?

Helfand: they wouldn't make that now. But I think the important thing is why don't we have a policy there? And the reason is that in april of '98, their response came back. It's this document here, and it said that they disagreed with what we were saying because one thing they said was that—one thing they disagreed with, they said—single family homes, areas of single family homes should be included in the boundaries of town centers and main streets, and we felt there's no room for discussion on that until we have a meaningful infill zone, because the only zones they were proposing to have that happen were row house and r2 zones that could be clearance zones. They said we should delete any reference to boundaries in the southwest community plan because the boundaries should be defined after doing all the zoning, and then you say, look. Here's how we zoned it, so this is the logical area for the main street or town center. We completely disagreed with that. We think it will make things go much better if we set out in the beginning to figure out how to set boundaries, for example, the main streets are in linear designation and go along a long street. That will make it much easier to zone afterwards. They pose add consensus policy saying that they thought establishing a formal consensus really wouldn't go anywhere, that they doubt the true formal consensus could be achieved by a consensus of the neighborhoods, meeting the neighborhoods of the city and metro. I don't think that's true anymore. Finally, they took no action on our plea to create as part of the going in to work hard on the design aspects so that we didn't have to worry that anybody can build anything, say, in the village, and that if we knew as metro had specified in the main street handbook as suggestions, not as rules, but as suggestions to set up sort of guidelines on design, that that also would make the zoning much easier. Now, I think that our position isn't much different than it was then. We think our policy from the summit is a good starting point. We still think we need to get together and have a consensus process to figure out the boundaries of the main streets and town centers and how we're going to define what's in them, and we think that's going to make it much easier to finish not only planning here, but citywide. So that's why we left it blank, because we still believe it needs to be worked out in a consensus, and we didn't want to throw our summit policy in there and just say, okay, this is the policy.

Katz: Okay. We'll be asking questions with regard to that. Thank you for a nice summary.

Corrine Weber: Speaking about Citizen Involvement, good evening, corrinne weber, 6245 southwest 39th avenue, Portland. First I would like to thank the council for enabling this process to go forward. In particular, marie johnson, who worked with me on the citizen involvement policies, about which I am speaking. First of allied like to tell you that we're taking a different tact than past practices. In the past, bureaus and the city agencies would come up with a program or project and pursue it to the draft volume, and then present it at the tail end of their process to the neighborhood associations and we had limited opportunity for input or observation or understanding of it, and it was

MAY 17, 2000

a very unsatisfactory process. It made for hard feelings, misunderstanding, and it was very problematic. We want to change that process so that we can be involved in all phases of projects from the outset through development, through completion, evaluation, implementation, and so on. This is in accord with the state Oregon state citizen involvement goals. So we feel that this would result in much better relationships with all agencies and a much better product in the end. We want to accomplish this by rewriting in part, if you look at our policies on page 25 and in our task force book, you'll see that all of the policy statement itself and all the objectives are geared toward this full participation and partnership type of relationship. If you'll notice in object number 9, we've rewritten that to help make this possible. Objective 9 refers to citizen advisory committees. We are suggesting that council people solicit recommendations from neighborhood associations and community organizations of individuals that—known to them to participate on these citizen advisory committees. And this recommendation we would forward to the councilmen, and hopefully we would be able to pick people who have expertise in the area under consideration as well as having knowledge of the views and concerns of the neighborhood, and that they would be able to provide—convey those to the citizen advisory committee and act as—also as a conduit back to the neighborhood. We feel the resulting outcome of citizen advisory committee products, the outcome, would be more satisfactory, more acceptable, less contentious, and make for better relationships all around. A better product. And not require charter change for that to occur.

Francesconi: So if we accept this recommendation, can you guarantee that this citizen will agree with me in the next process? [laughter]

Weber: mr. Francesconi, you know I can't give you that guarantee:

Katz: Did you change the language since we had our work --

Weber: yes, we did. And it should be in your packet --

Katz: It will probably be all consent items.

Weber: hopefully so. Thank you so much.

Francesconi: Let the record reflect that was a joke. [laughter]

Johnson: mark helfand is coming back to talk about housing.

Katz: Today, mark.

Helfand: yeah. Now, you already did this slide, or—

Helfand: okay. Well, I think the first—the objective about the new housing stock within the existing zone, I don't have much to add on that. I think it's well explained in the briefing. Also the same with the zoning tool for small lots. And code tools to promote infill without broad scale—these are points that I think we've made as a task force for, like you said, six years now, and I think it's just a matter of pointing the resources of the planning bureau in that direction, to be working on development of new tools. I don't think there's any question anymore the tools we have for infill need to be changed. So what I do want to focus on is this policy here about the new housing should not be preferentially clustered adjacent to parks or environmental areas. Clustering housing around existing parks should depend on the adequacy of the parks to support additional residents. I don't think you need the rest i'm not going to go into the rest of the slide, but I want to say this. When I last discussed this, commissioner Francesconi said he thinks about the people in north Portland and i've—i always try to figure out what he meant by that. So since I last—

Francesconi: The people that live on those busy streets that have parks nearby—

Helfand: exactly. So—i understand that. But i—so what I did was I tried to talk to a bunch of people in north Portland, and I also of course keep getting information from our area. And I think the idea—the things that came through from those discussions are that, you know, the basic idea that people who don't have yards, single family homes with yards, okay, can live on a park instead so that that's kind of their yard. It's a good idea. But I also think that—i also heard that we shouldn't have a single-minded policy on that, that the idea that oh, there's a park and there's space around it, that is open space, it's got to be upzoned, I don't find a lot of sympathy for that. I thought what I heard was people want adequate parks to go with their density, but nobody was that hot on, you know, let's put

MAY 17, 2000

more density around existing parks in southwest. And I want to go through some of the other points besides—that I heard. Another one I heard was that we should think about whether the parks they were doing this to were crowded in the first place, and what the impact of really rebuilding around the parks and having a lot of basically density around them does to traffic, to access to the park, to parking and all of that. Again, we don't—we need to balance these against these other considerations. I heard pretty universal feeling that of course if there's environmental constraints in these areas that we should be particularly respectful of those around parks that have natural characteristics. I heard that the type of housing that we put around parks ought to be friendly to children. And I heard some negative things too. One was, if the neighborhoods— from southwest I hear a lot that the places around the parks are open space. They're not built on because they're difficult to build on. They're hilly, treed, and so on. There's aesthetic considerations. The neighborhoods like those areas to be adjacent to the park as they are, and I heard a counter response to that which was, the aesthetics of it don't matter. It's private property and the neighborhood has no business. They don't—if they don't like it, they shouldn't buy the property. If they want to protect parks— I heard that—i heard some worries that intense development around parks in a sense the park does become too much of someone's back yard, and there can be more loitering, more dumping, more trouble in the park. I don't think that—i'm not saying that I think that, i'm saying these are things I heard by talking to people. So in summary, I want to decompose that policy, and the task force hasn't had time to come together. But I want to decompose that policy into at least two parts. The first part is that zoning shouldn't be allowed to limit access to parks and natural areas, and the concept there, which is described in our summary there, is that when you have a natural area that's confined on all sides by, say, single family homes and no one also can get in, nobody else can get access to that natural area or park. I think we have to think, should we have different tools than just downzoning around that in order to protect it? Because right now the only way to say protect its environmental qualities is to have a fee—a sanctuary for people that can afford a big home around it. I think we agreed on that in the task force. Second, zoning around parks should be respectful of environmental constraints. I think we all—within the task force and everyone else I talked to is very aware of that. And the third piece, the piece that maybe—may be more difficult because it has to do with whether we should preferentially zone around parks, I think for now I would say that we should change the city's policy from one that is applied single-mindedly and dogmatically to one that says— to one that's balanced against the considerations that the people I talked to and myself feel should be balanced against it.

Colleen Culbertson: Portland Department of Transportation (PDOT) I know the council is aware, but for the audience I want to ensure everyone all the policies concerning transportation are included within the task force policies, although they are in a different format. The wording was done to bring the community plan policies in line with what will be the southwest district policy of the transportation element. The policies look different only because they've matured over the last few years through the work of the sweeney transportation committee with pdot for suggestions and openness. The citizen bureau cooperation has led to the high percentage of items on your list. Since printing we've moved some of the nonconsent items over to the consent side. While there are major benefits of these policies, it must be noted the southwest citizen have allowed several items to—off the table to get these passed. Some are being addressed in other processes, such as the capitol highway, and the start-up planning for barbur. However, there are still fares and most of these are around the lack of livability. They've surfaced throughout the planning process from back when we were the summit throughout the six years. The phrase which is part of the removed item was simply the latest attempt to put a word to a guarantee of nondeterioration of our neighborhoods. It turns out thought to be the best word because of a lack of definition. Unfortunately it also brought up concepts like car rights versus transit ped bike—and local versus nonlocal traffic issues. It was also aimed at congestion and separating residential areas from high-volume traffic. We are willing to admit further discussion is needed on this topic to implement effective wording that meets the needs. It is still mentioned to council the point is livability. It's an important issue. It's been partially motivated by the history of insufficient

MAY 17, 2000

infrastructure throughout southwest for the existing requirements and what will be increasing demands for the development. That—not only from within the city but to cross-county traffic. We're trusting you will include this issue when you address concurrency and public infrastructure and hope city cooperation to—by the time the project is implemented.

Jere Retzer: southwest community plan task force. The trees and streams define our region for many southwest residents. They're a source of pride. Like most Oregonians, southwest residents feel a profound responsibility for the environment. We want to live in a way that minimizes the impact—as the neighborhoods finalized our maps in 1997, we thought about the condition of a watershed and realized we had big problems. Our streams are listed as polluted and—our creeks bed resist badly eroded, our forest slopes sag, and—which destabilizes the existing slides and creates new ones. One slide you have shown on this particular illustration is actually in woods park. It seemed to us our use of the land and the condition of our watershed were related, and the policies and the plan should preserve our valuable resources. This ties directly to state land use planning goals 5, 6, 7, and 11, and in particular state planning use goal 6 says that all waste processed discharges from future development when combined with such discharges from existing developments shall not threaten to violate or violate applicable state or environmental quality— environmental qualities, and they shall not exceed the capacity or degrade or threaten the resources. Clearly when measured against the current degradation of the watershed, we had our work cut out for us in order to meet those standards. The planning commission agreed with us, that this was a significant issue, and as a result the commission and the neighborhoods conducted a series of dialogue groups in 1998 to develop the policy and objectives that the planning commission itself subsequently adopted with some minor changes, and—in august of that year. When the task force considered the watershed policies this last year, we continued to strongly support the planning commission policy and objectives with mostly small improvements. The major exceptions we made were that we added two new objectives to restore, protect vegetary riparian quarters and support measures to implement the watershed policies and objectives. On this latter item, it was obvious to us that we would not achieve our objectives if we continued to use the current practices. We went through a lot of discussion on this, and what we concluded was that zoning patterns, development rules, surface water management have critical impacts on the watershed that really need to be considered within the context of the community plan. If we're able to—if we're to achieve the other goals we set for ourselves in our policy and objectives. I'm happy to say that based upon our recent conversations with the staff, that we now have agreement with the city staff and the task force on the watershed items and objectives, and there really are no nonconsent items for the watershed. On a separate but very closely related issue, the planning commission work group had a work group that included staff and watershed representatives, including myself, that proposed a number of protections along the lines we just mentioned. These are implementation measures, criteria that could be used in the mapping process and other items. The planning commission has not yet decided what to do with these recommendations. While I don't agree with everything that's in the report, I strongly support 80 to 90%, and I think it's an excellent first step on which we can build our plan. My hope is council will ask the staff to further discuss this report among themselves and with the public, and we'll then convene a watershed breakout group to determine what will be needed to develop watershed plans, zoning criteria and protective measures both on an interim basis to support the community plan as well as over the long term to restore our watersheds. If we do this, and I think we have a great opportunity to create a plan that will enable us to further develop southwest Portland in a manner that is environmentally sound and achieves our objectives. I appreciate the excellent support and constructive participation by the planning commission, your staff and the and especially marie johnson.

Katz: We received a letter from steve able on the fact that they will continue working on the report. I don't know if you've seen this letter. We just received it.

Retzer: no, I haven't. It's a great beginning.

MAY 17, 2000

Katz: Good. All right. Thank you. We'll open it up to public testimony. I ask you please to be brief. Not to repeat what we just heard. We will be coming back to these issues, and asking questions on the nonconsent items, and then giving you in the audience that have different perspective on those nonconsent agenda items also ability to chime in. Okay? Three at a time. How many are planning to testify? Let's do it in—we're going to do it in two minutes.

Johnson: we do have copies of the decision guide and some last-minute changes that have been made over here on the table if any of the people in the audience would like to review them.

Dave Nadal SW can have type of planing use only consider quality of life. Language Beverly Vogt, address more completely

Katz: Okay. Good. So two minutes instead of three, and then on the main points we'll be coming back. Come on up. We're going to hear from all of you.

Dave Nadal, 3024 SW Florida Crt., #D, 97219, my name is dave nadal, I live on southwest florida court in southwest Portland. I've come to testify in support of the southwest neighborhood task force policy document, pretty much as-is, because it is closer to what I believe the residents want than the version of policies by the planning commission. My—I personally don't believe a separate planning commission policy document should be in front of the city council today at all. Especially in the form of a discrete alternate set of policies and especially if they're viewed as having equal standing with southwest neighborhoods policy document in a sort of, quote, let's pick and choose this paragraph and this one, and this section from the other one, and so on. The reasons—I don't consider the document to have nearly the same standing or even rudimentary political legitimacy as the document crafted by the southwest task force. I believe the planning commission's technical expertise would have been more appropriately focused helping southwest neighborhoods perfect the task force policies. By the simple act of creating a new policy document it seems to me southwest neighborhoods has stated they do not want the older set of policies, ones that were formed in a different era. Believe it or not, it's getting a the old to repeat what the mayor and city council members have declared for some time. Namely that southwest residents can have the type of land use planning they choose, that southwest has enough potential that it no longer needs consider housing mandate and southwest need only consider quality of life factors in its community plan. So I think it's clear that southwest neighborhoods and the city council should welcome the input of planning commission members regarding its policy document, and based on their expertise perhaps make changes. The planning commission set a policies should only be considered as an adjunct to the real policy, and the language and phrases in the planning commission policy is irrelevant only to the extent they can help make complete intent and purpose of the southwest neighborhoods document. Let's not forget the planning commission was responsible for voting to table the southwest community plan process a couple of years ago, which vote also tabled the policy document passed at that time. It was not through planning commission efforts, but through the efforts of southwest residents and direct contact with city council and staff that the southwest community plan was revived and along with it the process of formulating an entirely new set of policies. One more sentence. Since the planning commission's original tabling of the southwest community plan, much has happened, and citizens are more informed, council members declare publicly the numbers don't matter anymore, but southwest can have the plan it wants and is free to focus on quality of life concerns.

Beverly Vogt, 4841 SW 60th Pl, 97221, i'm beverly vogt, I live on 60th place in Portland. The Portland of directors of my neighborhood association would like to express our support of the plan. Prepared by the sweeney task force. While the policies proposed by the city of Portland planning bureau provided a starting point, the sweeney task force policies address more completely the many unique problems of southwest Portland. All parts of the city are not the same. We believe southwest Portland presents unique challenges to development. For example, because of its underline geology and steep topography, our part of the city is extremely vulnerable to landsliding and flooding. Loss of vegetative cover and increased—will do nothing but exacerbate existing problems. The bridal mile neighborhood association believes the sweeney proposed policies address these problems more

MAY 17, 2000

thoroughly and appropriately than do those of the Portland planning bureau. We urge you to accept the sweeney proposed policy as a framework for the southwest community plan instead of those of the Portland planning bureau. Thank you for your consideration.

Mark Helfand: 8137 SW 35th, 97219, this is my personal testimony. I'll not representing anybody. helfand in southwest Portland. I want—if you could draw the lights down, I want to draw your attention to your monitors. This is—can you see that? This shows southwest Portland and the parks. The—deborah stein earlier said the southwest community plan reflects the concerns of the neighborhoods, or the policies do. They also respect the vision that if we don't take steps to protect what's inside the urban growth boundary, we'll lose the wonderful consensus we have to protect what's outside it. The planning bureau in their response to our housing policy about parks makes a distinction between parks that have environmental qualities and those that are more recreational. These are the environmental zones for southwest Portland, and it's hard to see that distinction holding up. There's parts of parks that have both. The streams in southwest Portland, this is where the streams go. It's really beautiful to do that if you have the whole map of Oregon and you punch that streams button and see how much watershed and how much water area there is in the state. It's really beautiful. This thing coming down here is the expected density from the analysis now outdated, but it's all we have from several years ago that the city of Portland paid metro to do. And the reddish stuff are row houses, the stuff that's a little purplish down here is apartments, and you can see them in the village as well, and the darker brown stuff is more dense high rises or apartments. And if you look at the—if you look at what they do, i'm going to draw a smaller scale here. The yellow ones are more single family development, by the way. This is the kind of thing that the southwest community plan, the neighborhoods plan was trying to address, that they were concerned about. These, by the way, are multifamily units in the ones I just clicked that are coming down, they're multifamily units, apartments and so on, and—in Multnomah. And these are single-family homes. The neighborhoods try to address this, and i'm going to sunset highway you next the density that is in both—what i'm waiting out are the density that's in both the southwest community plans—the—our plan and in the current comprehensive map. The one I showed you before is the current comprehensive map. You see it—almost all of it is going to get whited out after it comes down. So that's—what you're seeing now is what I showed you, the existing comp map. Okay. And what's getting whited out now is what is in common in both our plan and in the comp plan. Okay? So what's left is what we're arguing about, to a good extent.

Francesconi: Can we go home now? [laughter]

Helfand: without zooming too much, these are—let me go back to the other view. These are the amendments that the neighborhoods are—

Katz: Does council want to extended time? Okay. Go ahead.

Helfand: i'm going to show you in a second some of the amendment that's we're arguing about. Before I show you that, i'm going to—i want to put back in these multifamily units. These are actual units in the village, all of these things are apartment buildings in the village, and in other areas which, you know, aren't all showing up, but there's a lot of them. And some of them are getting whited out, which doesn't mean they'll go away, it just means there's overlap with new development. These are amendments we're talking about for the most part. Those are the ones that we're arguing about, and I can conclude my testimony by saying that the impulses that the neighborhoods had a reaction, the impulses they had about these amendments, about the zoning around these environmental areas and around the parks, are the same impulses that is made—has made Portland a national model for protection of open space and for protection of forests, and we should support them. Thanks.

Katz: Thank you. Britta? We've received your report just today, john, and—
it's short.

Katz: Go ahead.

Kirky Doble, 0106 SW Ridge Dr., 97219, hi. I'm kirky, resident of southwest Portland. I'm a proud member of the southwest community plan task force. And i've also been active as you probably know

MAY 17, 2000

in southwest neighborhoods coalition as a member of our parks and community centers committee for five years, and for the last three years i've been chair of that committee. Advocacy for parks and acquiring additional land for parks has been part of our action plan. And i—thanks to you, the members of the city council, we now have more park land in southwest Portland, and we appreciate the fact that you had that vision to decrease our deficiency and secure those surplus school sites. As you know, metro's made some purchases in southwest Portland as well, and so as a purely practical matter, what I want to emphasize with you is that plans and policies must guide us in the use for these lands. And the planning commission has put a lot of thought into their policies regarding parks. And I really compliment them on their work. And what we have done is thoughtfully elaborate them in the southwest community plan. We've added more details, specificity, and we've used strong, clear words. But the one thing I want to emphasize is that we intend to work in constant cooperation and collaboration with the city, with the park bureau, in sharing our ideas, their ideas, and expertise. And good examples of this are already in the works. The southwest parks functional planning document, the wood memorial park functional plan, and the dickenson park master plan. Mutual respect from everybody involved and results that we can all live with, and this work was done with plenty of citizens involved really good processes, and it's been methodical and thorough. What more could we want, really? The 20/20 citizens vision team on parks is now very deeply involved in thinking about what parks mean to our whole city. And we're also involved in that. But while we wait for their work and while we are waiting for other planning efforts to be complete, we need the southwest community plan. Policies to guide us and protecting and preserving this land.

John Alland, 10463 SW 53rd Ave., 97219, my name is john allen, the chair of the southwest community plan citizens advisory committee. We were actually in front of you in 1994. We thank you all for continuing this. Our report you received today, you need time to go through it, is from the cac we put together ourselves back in '97 that was submitted to the planning commission. And we're in support of the planning commission documents, and as—and the consent items as this process has grown. We're looking at some of the things that have to do with the tools. That's what we're really looking at, is the tools of how to bring forward the community plan, the policies, the policies of the first step, where do we move forward? That's one of the comments I want to focus on tonight. There are concerns about the development on transit corridors or—whether you call it a town center. The key tool is the thing called the plan district. It's our tool for us to use to describe and how to use metro's designations of town center, or corridor or main street, and help those developments work out specifically close to themselves as opposed to the broader issues of what the policies are themselves. I hope you have time to go through this, and i'll talk to you more about this at the next council meeting.

Katz: Good. I think everybody received this today. We'll have a chance to look at it by—and on june 1 we'll talk more about it.

Katz: Identify yourself.

Kay Durtschi, 2230 SW Caldew, 97219. Just to add a few comments to what john has made, I want to remember back when and why. And I think what you opened the meeting with tonight was a summarizing what I was going to say to you. So you've already said it and you asked us not to repeat, so I won't. But many, many things have been accomplished because we did get you to consent to do a community plan in southwest Portland. My biggest concern still is consensus and working together. And I hope that in the future from here on that the divisiveness that has taken place can be put aside and that we can move together to accomplish what needs to be done. It's a big job, but I hope we're up to it. And I really feel we are. I just wanted to say that I come from the—probably the one neighborhood that has been the least cooperative, and i'm—i apologize for that. I really do. I wasn't a part of that divisiveness, and I hope that you all put that aside and help us work together in the future. And we do have in what john has referred to some considerations that we hope you will take a look at before june 1.

MAY 17, 2000

Katz: Thank you. I think the atmosphere now with Deborah and Marie has changed dramatically, and it will continue that way. Okay. We're not going to be working on this forever and ever. I saw this panicked look on her face. But there's still a lot left to be done. Go ahead.

John Webber, 11349 SW 60th, 97219, good evening. My name is John Webber, I'm an individual property owner of a residence located on southwest 60th avenue. I provided my written comments for your review, and so I'll be brief. I reviewed both of the documents in detail, and I come down strongly in favor of the task force's recommendations. I'm not as a disclaimer a part of the grass-roots process that brought them to this point, but I think they are strongly the ones you should be considering. I have two concerns that are critical of both documents. They're minor issues, but I think they reflect some of the concerns I have as an individual property owner. The public policy agenda is really driven by the association and business coalitions and the city government officials, and to a much lesser degree by individual property owners. I find there's a deficiency in the wording of both documents where individual citizens are grouped as one basket group at the end where there is no distinction between citizen and property owners and I think that deserves your attention. Because the city bureaucracy grows, the cost of incurred rises, and in many cases the individual property owner is left out of the process because of a lack of personal resources. My second concern has to do with the process by which we're working this out. My property is at the western terminus of the Barbur corridor. It's a little blue two-story house with a present-day construction of a large motel and self-storage unit. That particular site is appended to the corridor. We found to our concern that although we have what is viewed by city officials in the neighborhood association as a noncontroversial application for rezoning change, that our process will be linked to such contentious issues as the western—the eastern residents of our corridor, specifically those in Hillsdale and the Terwilliger area. Much less the town center issues. So I'm asking that you consider wording which would empower the planning division to planning department officials to embark upon a modular approach to solving this very lengthy and controversial problem by breaking, for example, the Barbur Boulevard corridor up into separate parts for review. Thank you very much.

Katz: Thank you.

you're the guy that owns that property.

Yeah.

Katz: Don't beat him up now:

Nancy Drais, 4205 SW Vista, 97219, I'm Nancy, I live on southwest Vista. I want to say on page 2 of the consent list, the proposed policy states in the last paragraph, southwest Portland has several thriving commercial nodes along southwest Capitol Highway at Hillsdale, Multnomah, and West Portland Park. West Portland Park is an entire neighborhood. It's not a node. The correct wording should be, along southwest Capitol Highway at Hillsdale, Multnomah and Barbur. So please make that change before you vote on the consent items.

Katz: Flag that again.

Drais: It's on page 2 of the consent list.

Sten: When we get to that one --

Katz: Yeah. Okay.

Sten: There's like 40 of these. Remind us.

Katz: We'll flag it. Thanks.

Drais: anyway, that should read "Barbur" rather than—

Katz: Okay.

Drais: second item I have, I don't think I need to say too much about. In the task force version of the public safety objectives, item 9 requiring telephone dial tone be available 99.99% of the time, that's not enforceable, it's not reasonable, it's not—it's based on the false assumption that the residential calls of—acceptability of people to reach 9-1-1, and they don't, and we currently don't have a level of dial tone at 99.99%. As I'm speaking we don't have that. And I know because I'm a 30-year retiree of that unnamed company. That's about to pay us all back 280 million. Thirdly, I want to say in the task

MAY 17, 2000

force housing objectives, number 11, which was or derived from planning commission's housing objective 10, the wording has been changed so much in the task force version, i'm talking about item 11 under housing objectives, that it no longer pertains to housing. It doesn't even belong in the housing section. It's been two watered down, it's meaningless here. The intent of item 10 of the planning commission's proposed housing issue was to get educational facilities to stop building without providing on-campus housing to accommodate their students rather than just expecting the community to absorb the housing and somehow build dormitories. And the net effect is they've put more and more traffic on our streets, they have made promises to the neighborhood association that they have not kept about reducing the number of single occupant vehicle trips to and from their campus. And they are still asking for more money for more building. They've—what is being proposed here is that the educational institutions work within their current locations work cooperatively with the neighborhood associations hasn't worked.

Katz: Thank you.

Drais: we've been trying it for years and it hasn't worked. What I want to say is I encourage you to adopt item 10 from the planning commission's proposed plan.

Katz: Somebody keep a running tab of these. Okay. Go ahead. Somebody needs to do it and we'll come back to it. Usually I do it.

Jim Gardner, 2930 SW 2nd, 97201, my name is jim gardener. I'm here to present the position and the opinions of the corbett terwilliger lair hill neighborhood associations. Before I start, I want to say like the last speaker, I don't have the luxury of being able to say that any one document is some sort of holy grail that should be adopted entirely. We impose the council to make one approach to this decision and decide what's the best public policy guidance for the future of Portland, regardless of which group or which persons have brought forth those proposals? On may 3rd, the ctih board endorsed the following positions. You'll notice we're not stating a position on many of the policies that are in front of you tonight. We're going to focus on a few we think are the most important, particularly for our neighborhood. First of all, we strongly opposed task force's public facilities policy. That policy in essence requires a concept known as concurrency. Which really would mean new growth in southwest Portland would by that policy be steered into neighborhoods that already have more or less complete infrastructure, and not be allowed under that policy in areas that don't. Forcing the city to bring all infrastructure up to some sort of standard would mean one of two things. Either it will shield neighborhoods from new growth, or it's going to require massive expenditures in those neighborhoods well in advance of the need that actual growth would create, and it would require the expenditures even before the zoning could be changed that might allow growth in the future. Financially this policy would leave nothing for ongoing maintenance over improvements in the established neighborhoods, because all funds would have to go to build up this infrastructure. Actually put in practice, this policy could be called ninby in disguise. Ctlh supports the task force recreation and open space policy. That policy endorses completion of the willamette greenway, which is near and dear to our hearts, but also makes a strong statement for improved and expanded parks and open space throughout southwest Portland. As we grow, that's going to become even more essential to keep that connection with nature. We support the planning commission land use and urban form policy. That policy does a lot of things we think are important. It makes a strong statement for protecting historic resources, such as the lair hill sewage district, it supports mixed use zoning, which we would like to see along macadam, and helps define desired character of areas that may be described as main streets or town centers.

Katz: Thank you. I think the transportation policy—did you want to add anything on that?

Gardner: one more comment. That's the transportation policy. There's language in there now that—there's language that has recently been removed from the task force policy that we strongly objected to, and I want to explain one reason why. There's language that says there should be no reduction in through-put on neighborhood collectors. Nato—naito, a long time goal of our neighborhood is reconfiguring naito park way into more like a street and less like a freeway wall. If

MAY 17, 2000

that policy were adopted it would have prevented that. I'm pleased and we're pleased the task force removed that from their proposal.

Katz: Thank you.

Francesconi: Can I ask a question now? This was the question I was going to ask mark earlier. It's on the infrastructure question, because I can see both sides of this, especially in southwest, where transportation is—storm water, how do we afford to pay it, et cetera. I understand the argument you just made, what effect that could have on existing neighborhoods. The thought—just what's your reaction to the idea of allowing the comp plan designation to be higher, but then not build, not allow the actual building until the infrastructure is present?

Gardner: I have a comment that I didn't make that was on that point. It clearly is good policy just in general to deal with the impacts of new development, the transportation needs, and the transportation impacts on the surrounding areas. That really should be I think the part of the entire city's planning process. We're experiencing a threat like that, and we're seeing as a threat from the largely—redevelopment in the north macadam district. We know we'll have impacts—that will have impacts on our neighborhood, and the city should be looking at those impacts and synchronizing the improvements along with the development that creates the need.

Francesconi: Was your answer that's a good idea? [laughter] it's getting a little slow.

Gardner: the answer is it's a good idea and it should be common practice. It shouldn't take a policy change to make that happen.

Katz: Thank you. We'll get to that issue, i'm sure. All right. Let's keep going.

Don Baack: Hillsdale, i'm don, I live on burlingame place in southwest. I'm here to talk about three things. First—four things. First, v-6 page 3, towards the bottom. It makes no sense as written. I think the words should be capitol highway instead of barbur. Passing—moving forward to citizen involvement, i've been involved in seven projects in the last five years. The transportation system planning, southwest community plan phase i, ii, barbur streetscape, southwest trails plan, southwest community center development and the southwest— four of these problems have gone well. Tsp, barbur, the trails plan and the faith ii of the southwest community plan. The other three have been disastrous. I would like to suggest the reason. The—the four that have gone well have had staff acting as facilitators. They didn't carry an agenda. The three that did not go well, some of which we are still have the residue of, have been disasters because staff was carrying an agenda.

Katz: Which three didn't go well?

Baack: in order of when they occurred, southwest community center, the southwest community plan faith i, and the south Portland circulation study has not reported to you yet, but it's in my opinion a disaster because of the number of things that have happened. I'll be glad to articulate—

Katz: No, no, no. I just want—

Baack: the key thing here is, i'm suggesting we make a lot—it would make sense for any time there's a citizen involvement activity, we involve professional people that are independent, don't have an ax to grind. Let the bureaus bring their agendas, but don't have them run the meeting and bring the agenda. If we separate those, we'll save ourselves tremendous time, tremendous fighting, that's unnecessary. Because a good deal of what's going on in southwest has been fighting the city because we can't get through the agenda making of the bureaus involved. At least that's my analysis of the situation. I suggest you consider that very carefully. Then find independent people in to run the meetings. If you take the barbur streetscape plan, we did that in six months. That was an amazing record in this city.

Katz: Was there a facilitator there?

Baack: it was a bureau and citizen facilitators. I'm not suggesting all place and all times that would be appropriate. But it went very well. But there was no agenda by the bureau. That's the key difference. It's very important. It will save us tremendous time as we move forward if we adopt something like this, in my opinion. Second, on transportation funding, you've seen the chart I brought last time, we talked about the infrastructure, insufficient sis we have in southwest. My feeling is we're talking concurrency, that's the wrong word. It's catch-up. Southwest has been lagging behind for

MAY 17, 2000

years. We've had a lot of infill over the last 30 years. We've not spent transportation dollars, particularly in—and others as well, but particularly transportation dollars in keeping up with the infill, and we didn't have a good system when we started. I suggest that—it's time to stop spending money on what I call urban renewal using transportation dollars. They're too scarce and they're needed elsewhere. That's increasing—i can tell you from my conversation was people in southwest, there's been a lot of people saying that and they're going to say it very loudly coming up. That's it. Thank you.

Katz: Thank you.

Rick Seifert: Hillsdale, i'm rick seifert. I'm the president of the hillsdale business and professional association, but my comments should not be understood to reflect the views of the association or its members. I've closely watched the southwest community planning process as the editor of the— i've done stories about it and editorialized about it after leaving my responsibilities at the paper last year I was invited to be a participant in the dialogue discussions earlier this year. I'm focusing my remarks on the citizen involvement section of the documents before you because the—that section is critical to the success of the next stage in this process. The failures of the past can largely be attributed to failures in the structure of involvement by citizens and city personnel alike, and don made reference to that. And we didn't talk beforehand about it. You have two differing documents before you tonight because you have a de facto adversarial process in place. The process pits the city against its citizens because it treats citizens as advisors regardless of the important question of how they're chosen to advisory committees. Note that even the sweeney document before you retains the term "citizen advisory committee" in objective 9. That terminology is at odds with the whole notion of partnership, consensus seeking and deliberation of both documents say they agree on. By definition, advisors are not partners. Regarding the selection of participants not advisors, the current council center selection process ought to apply only when a lack of interest in involvement requires appointment. That was clearly not the situation regarding the southwest community plan, particularly when it became clear the planners and citizens were so clearly at odds. When any issue attracts the interest and involvement of so many council—of so many, council appointed groups should be disbanded and participation should be opened to anyone interested in participating. This model was successfully used in the hillsdale town center plan, it was also used in the streetscape plan, which was very successful, and is now being used for deciding the new hillsdale branch library. When citizen involvement hits that mess, the only thing needed would be to represent broader perspective and goals. Those should be city planners and even planning commissioners and city council members perhaps in an ex-officio capacity. They should be active and equal participants, no more, no less. Because true consensus is sought, everyone would have to be willing to give enough to achieve it. When consensus is achieved out of such open participation, a consensus document would be prepared to present to the council. The city council would not be called upon as you have been called upon here tonight, to resolve differences. The hard work—the hard work would have been done for you. And that virtual result is what you should see a year from now when a more complex part of the plan comes before you. If you approve this kinds of collaborative, consensus forging citizen-citizen participation process.

Francesconi: That's the ideal process, and the one we should work towards. But what happens in those rare circumstances where consensus breaks down and in the rare circumstances where there's a conflict between the citizens and—in one part of town versus a conflict with overall city goals? Then what happens? I'm not saying you just assume that, but what happens at that point?

Seifert: then that group has to decide what it's going to do. It decides what it will do and what it will live with. It is important that the citywide perspective be represented, and if it's not there, then I think it is the responsibility of the city to appoint those who will represent that point of view.

Katz: How many individuals did you have in those successful models you described where membership was open to anybody interested?

Seifert: I would say we had about 20 to 25 at most. Sometimes more, sometimes less. And the—if you're interested in this, the danger I see, and it can be addressed, and has been at neighborhood

MAY 17, 2000

associations, is stacking a committee. Packing a meeting. So what you need to do is take attendance, and at some point commissioner Francesconi, you need to say—to vote on this, you have to have attended the last three meetings, or four, so just on one night you don't flood the meeting with supporters.

Katz: Thank you.

Colleen Culbertson: i'm colleen culbertson. I want to say the association has supported the policies. We got in it for the policies and we would very much like to see these move forward. We are a strong supporter of catch-up of infrastructure. We realize funding is an issue and alternative standards are an issue. But two wrongs don't make a right and we think it's important that it's in there as a policy. I want to say I appreciate the increasing openness of the bureaus to dialogue and move to consensus, and you serious community involvement, the dialogue groups and the chance to meet with council and staff and bureau staff I think was very valuable. There have been good processes and bad, but I think overall we have a very strong forward motion that's good. I also would be willing to speak to the educational institution issue if you have questions on that later.

Katz: Thank you. How many more do we have?

Olson: I have another sheet outside.

Katz: All right.

John Liljegren: 5832 SW 52nd, i'm john wiljegrin. I have two comments. I live in southwest Portland. The first item i'd like to address is the transportation policy, and i'll refer quickly to a couple pages. It's on the city council decision guide page 33, item t-18. It's on a new items council decision guide, page 3. Again, item t-18, it's page 42 of the southwest community plan book. It has to do with the overall transportation policy. I'm—there's been some debate in our southwest neighborhood transportation committee about some of the language there at the end of that policy having to do with the phrase “increasing through-put of arterials and the through-put and level of service.” That's come up before. I would just like to say that I think that the basic issue here is whether the council is going to basically support policies that lead to continuing increase in congestion and the worsening of architecture 0 traffic, which seems to be—auto traffic, which seals to be the direction implied by the comments of staff where it talks about the language I just quoted as being a change in direction from current policy. That implies to me the current policy now is to make things worse, or allow things to get worse without doing anything about it significantly. I think the language proposed by staff on page 42 is really more appropriate for specific measures to be taken to achieve a policy and probably shouldn't be in the policy statement. My second point is to note that i've been working in retail development for about 14 years, and if I were to come to you and propose that you buy a shopping center and were to tell you in vague great-sounding terms it would be a great investment for you, a great asset for you to own, the price is reasonable and it would be a great value, you would be a fool if at some point you didn't want the numbers and the facts. What's the income, the vacancy rate, expenses, and net operating income, the risks, before you make that decision. And I think the best service this council can provide to the people you serve is to insist that at some point there be a straightforward and realistic statement of the numbers that count relating to transportation. Take the traffic engineering jargon about levels of service and volume of capacity ratios, and make them translate it into numbers. And insist that you get those numbers. What is going to happen to the time it takes to make a trip from point a to point b? Pick a half dozen of those and find out with the increased population and—in the city, with the increased jobs downtown, what is going to happen? Because until you do that, I don't think you're really being straightforward with us about the trade-offs you're asking us to make. How much more density and congestion do you want us to live with in order to achieve whatever those great-sounding but immeasurable goals that you want?

Katz: Thank you.

Corinne Weber: 6245 SW 39th, 97221, corrinne weber, southwest Portland. I too would like to speak about transportation. I'd like to apologize first to the council and to my fellow activist and fellow citizens for the use of the word “through-put” in the original policy statement. I was one of the

MAY 17, 2000

members of that meeting that approved that word. I hereby retract my vote. [laughter] it turns out that through-put has led to confusion, all kinds of interpretations, everything from measures capacity, it measures efficiency, it measures whether or not you extend a dead-end street, et cetera. So I think we do without that, and I heartily endorse the task force position to remove that phrase from the end of our policy statement and let our policy statement stand up to that point where we include "increasing through-put." That's on page 43. Now, the democratic process is very cumbersome, and difficult at best. But it's the best we have. And we all make mistakes, and I think if we all work together in good faith we can resolve this, and we will continue to work on this issue, because congestion is the ten-pound gorilla in the living room in terms of livability and—in southwest. It is a critical issue. I'd like to call attention to the pdot proposal, which is on page 42 of the policies. Their comments in regard to ours. In my opinion, their policy is also flawed. It includes both a policy statement and objectives. It reads, discourages nonlocal traffic in residential areas, I can buy that. Focuses on improving and maintaining all streets. I can buy that too. Increasing accessibility to southwest designations. Great. They're all policy statements. But from there on, it says, by carpooling and demand. Demand management programs, signal system improvements, and transit services. They should be objectives. Because they are the means by which you implement the preceding goals. Now, I think if you review our task force policies, you will find that we have said practically everything that they have said there, and one—in one place or another. So I don't see that there's any advantage to using their policies over ours, and I would strongly urge you to examine ours for those very items. One last thing. I would like to submit in testimony the document that I distributed to your offices on Monday morning. Not because of the through-put definition, which I headed it with, you can disregard that. But because of the measures of the network efficiency that is included in the document, because it outlines the issues that are of concern and have been expressed in numerous meetings in southwest over the years regarding congestion and the implications of it in southwest. And also—it also gives ways to increase efficiency at minimal cost, such simple things as providing bus turn-outs on two-lane streets where we have the right of way to do it, that doesn't cost an arm and a leg.

Katz: I don't have the document. Did you—you said you distributed it Monday?

Weber: yes. Monday morning I came by every office, including yours, I talked to Betsy, and gave her this—this piece of paper. You probably have it buried somewhere in your pile. Just take a look at it. I think you'll find it useful. Okay?

Katz: I saw this. Do you know where it went?

Weber: that's why I put it—I knew it would catch your eye. Thank you so much.

Laura Burgel: Tryon Creek Watershed Council, my name is Laura, I'm with the Tryon Creek Watershed Council. I'm representing the Tryon Creek Watershed Council as a citizen member and would like to address water issues in the southwest area. The Tryon Creek Watershed Council has been involved with the southwest community plan for quite a long time. We did submit comments in January of 1997. We've also been involved with the planning commission work group. We would like to encourage basin wide planning especially as concerning water quality and water quantity concerns. And not site by site development, et cetera. We're concerned about two things. One, past activities as related to land use, transportation and storm water as that affects Tryon Creek and also future activities in the increasing development, for example, of impervious surfaces. We'd like to at the integrated watershed management occur as the community development plans go on. In Tryon Creek specifically, there aren't any standards to protect the fisheries and the watershed council would support such regulations. Few basic questions we would like to raise for council's consideration. One, we'd be interested as a council in knowing what the council's views on buffers for streams would be, and for example, how wide those would be. Second question would be whether or not the council would continue to protect the entire length of all streams or just the main stem components of streams. And the last question would be, what the time line is and how this would work cooperatively, for example, with the city's efforts in endangered species act, et cetera.

MAY 17, 2000

Katz: Good questions. I wish could I tell you what the time line of that is. Probably metro's actions will be a little clearer by the fall of this year. Okay.

David Gens: West Portland Park NA, david gens, southwest 42nd. Mayor, commissioners, west Portland park neighborhood association participated in the preparation of the so-called planning commission policies. Voted to support them after many of our requests were incorporated into the recommended version. It is important for council to recognize there was extensive community involvement and the neighborhood association participation in the planning commission policies. The west Portland park neighborhood association supports most of the land use and urban form policy in the planning commission recommendation. We believe it is particularly important to include references to the west Portland town center in the policy and objectives. With the proposed asterisks as a footnote specifying the designation is not to be implemented until further planning process. Failure to include this reference leaves the area vulnerable to upzoning and quasi judicial zone change requests and for—before the integrated plan has been adopted. The—we support council's direction to separate the town center discussions into its own planning process. We believe this planning process should not be part of the work program in the next fiscal year. Delaying further discussions of such a highly contentious and complicated problem will allow completion of other aspects of the southwest community plan in a more timely manner. If the council decides to move forward with the southwest community plan map, we believe the southwest—the west Portland park neighborhood association zoning proposal must be revised, given the uncertainty of the continued designation of the west Portland town center. We support the corridor objectives in the planning commission policies regarding intermittent nodal development along corridors, a set of broad specification on all sections of streets like capitol and barbur. Please refer to the text provided you tonight for more details. And I request the record be kept open for today's new consent items.

Gina Maloney: 7031 SW Virginia Ave., 97219, my name is gina, and I live in the corbett-terwilliger lair hill area on southwest virginia. First i'd like to acknowledge all of the participants in this process over the past five or so years. There have been a lot—i think the participants have had passions very deep passions about this process, and as a southwest volunteer who has spent many years participating in this process myself, I now ask that you take a brave step by approving the planning commission's recommended vision policies and objectives document. This process must move forward. It is in the best interest of all of the city's neighborhoods and certainly the southwest neighborhoods to move this forward. We're ready for the next step. It's gone on long—much too long. This document is not perfect. The planning commission document, that is, but it does reflect the fill open— philosophy that enable all of us to move to the next step in the process. The proposed alternative that was submitted by the sweeney task force does not necessarily reflect the opinion of the—of everyone, but neither does the planning commission policy. I don't think that any document is going to be perfect, but I think what we need to look at is using it as a vehicle to enable us to move forward. We need to let the policy document be the policy and not the procedure. The process that has led up to this hearing has taken many prisoners. City staff, volunteers, public and elected officials have all fought the good fight. We've all sought to do the right thing. Yesterday we voted for you, and now it's time for you to vote on the issue here, and I think that again, that we've had enough public participation and everyone has had something to say, I think both of these documents are great, but we need to get to the next step.

Francesconi: We timed this vote after the election. [laughter]

Katz: Go ahead, sir.

Michael Sestric: 2237 SE 32nd Pl., 97214, michael, I reside on 32nd place. I'm here to testify on behalf of lewis & clark college. I'd like to draw your attention to the letter that the clerk will hand out in a moment. We are asking that the council consider modifying the economics development policy that's written in the april 7th planning commission document. What we're interested in is broadening that policy to more explicitly include some of the concerns or possibilities for how institutions such as lewis and clark college, Oregon health sciences university and Portland community college might more effectively be able to realize the objectives of the southwest community plan. As you know, lewis and

Clark is located within the boundaries of the southwest community plan and has long been an integral component of the fabric of this established neighborhood. We support the concept of community planning and urge the council to move forward with the adoption of the proactive vision and related policies for the benefit of southwest citizen and institutions such as Lewis and Clark College. We are concerned that the vital role played by established institutions both historically and in the future should be the subject of more specific policy direction. While we recognize the draft community plan now before the city council includes the recognition need today evening courage retention and growth of medical and educational institutions as an objective, we also understand from the discussion on page 3 of the draft document that such objectives as opposed to policies are meant merely to carry out a plan in the short term and otherwise represent an immeasurable benchmark. To the contrary, we believe the need to ensure the retention and continued growth of these institutions as a source of employment, culture, vocational opportunities and vital infrastructure warrants higher recognition as an expressed policy upon which future land use and implementation is based and should not be designated to a short-term benchmark. Without such policy recognition, both the institutions and the diverse communities which they serve, certain regulatory provisions will support the continuing intensification growth of these facilities. For the above reason we ask the request the city council and interested community residents consider the following modification to the economic development policy as set forwards on page 19 of the April 7th, 2000, planning economics ever commission recommendation. Quote—maintain and build upon southwest Portland's position to attract and support economically viable neighborhood and regional employment centers, foster businesses and commercial developments that are compatible with the desired scale of character of each center. The most desirable business include those which would not only provide family wage jobs, our recommendation is to add the boldfaced material which says develop, implement measures which ensure the growth and intensification of major institutions and the development of related services and support businesses or facilities which serve institutional users as well as surrounding neighborhood areas.

Francesconi: Did you present this to the task force?

Sestric: no. We have not. We were only to get this prepared for tonight's testimony. I'm sorry.

Francesconi: A question for later. It looks like it must have been considered, because it looks like some language may have been stricken. I can't tell. When we get there, we should talk about it.

Katz: Okay.

Markie Sucec: 7005 SW 34th Ave., 97219, chair of the Multnomah neighborhood association.

When I came to Portland—to Oregon 20 years ago, I had the good fortune to make friends with somebody who owned the 16-foot wooden sailboat. Eventually I learned to sail myself, and I sailed up into the islands of Canada in a creaky boat, and I noticed on the charts there was in very many places in those waters there was a phrase, a local knowledge required. I asked my friend what happens if you don't have local knowledge, what does this mean? And my friend said, you're in deep doo-doo—only my friend used the technical term—if you don't get local knowledge about the conditions of that place. About the rocks, the cliffs, the tides. The planning commission I think did a lot of—I think those policies tend to be abstract and without local knowledge in very critical areas. The task force amendments or policies refine many of those policies. I think you don't get dozens and scores of people coming out night after night, week after week, donating close to a million dollars if not more in time, resources, self-taught things like Mark Helfand's GIS, you don't get that if people don't love the place they live. David Orr said, I don't know if it's possible to love a planet. I do know it's possible to love a place. The citizens of southwest love this place. This is why necessity came—they came and did this. While some people refer to the contentious process, I would like to thank you for your active courage in moving ahead despite the contentious shun of more than a year or two ago. That was a brave thing to do, perhaps the bravest thing to do under the circumstances, and I'm not sure I wouldn't have said to heck with them, that's enough, let's move ahead. You did that. We have come to be a very productive work group. We have invited everybody's cooperation and participation. The policies that are matters of nonconsent, some of those are difficult for us too. And I think what I'd like

MAY 17, 2000

to see is to have you let us go back with the bureaus and figure out what we can all live with in those policies. Just don't do an up and down on some of them. They're much too important. Thank you very much.

Katz: Thank you.

Myra Glasser: 9140 SW 5th, 97219, my name is myra, I live on southwest 5th. For the past three years i've been the secretary of our colinsview neighborhood association, and my comments will be brief and will represent the sentiments of our neighborhood association. I'm asking that the council support the work and recommendations of the southwest task force in that it represents the hard work and dedication and efforts of those residents who are intimately involved in the livability and sustainability of their community. Portland prides itself on its network of neighborhood association and grass-roots community involvement. Now is the time to not only support but nurture those efforts. I urge you to please support the directions proposed by the task force for land use planning, zoning and transportation. These three functions cannot be planned independently. They are critically linked in the big picture. You cannot plan infill in areas whose existing infrastructure is already vulnerable and you cannot plan for density on a two-lane street that is already maxed out by calling it a corridor. Boones ferry road and terwilliger boulevard are different from barbur boulevard and beaverton hillsdale highway. One size does not fit all. The colinsview neighborhood is strongly impacted by the designation of terwilliger boulevard south of barbur as a transit corridor. The current traffic flow moving through our neighborhood creates serious congestion during both peak hours and weekends, accidents and extreme difficulty for pedestrian traffic within our neighborhood. Adding concentrated housing will not reduce this situation. There are no traffic lights or designated cross-walks for long sections of terwilliger and boones ferry. There are no safe means of foot traffic crossing from one side of terwilliger to the other going from east to west for approximately a half a mile to three-quarters of a mile. Automobile traffic commonly exceeds the 30 to 35 miles per hour rate along terwilliger. And frequently violates the right of way for bicycle traffic along this section. I firmly believe these problems will be magnified by increasing the density within this area and therefore destroy the livability as is the intent of the task force proposal and the terwilliger park concept. Please support the task force's effort and let us work together to make it a reality. Thank you. Anybody else? Okay. Then we'll be able to start discussion. Go ahead.

Cynthia Eardley: 1825 SW Evans, good evening. My name is cynthia, i'm a hillsdale resident. I want to express broad general concerns about planning in Portland. I'm concerned no matter how good a plan is reached, that we've got an attitude among certain public employees, certain lawyers, that what they want to do is make an end run around the plan, which as you probably know in Oregon has the effect of law. And not mitigate land use impacts of development. And what happens when you don't do this, as you probably know by now, is that the land use impacts that weren't considered in the first instance come back and bite you in the back. I would say that we're missing in our mediation and consensus building in Portland, we're missing a crucial first step of public policy mediation. And that is defining the solutions base on which the decision is to be made. There's some things that aren't negotiable, and I would say among these are environmental and transit carrying capacities. When you don't recognize this, you start seeing problems. I think that's what's happening now, is our initial plan in the early '80s, you know, was more of a development agenda than a plan. And I think we're suffering the repercussions now. I just—I think everyone here came to Portland because of the character of the place. That's something we could lose without even realizing it. I know the first time i—many people with whom i've been talking in southwest wanted a community center. They don't want that particular project because there have been engineering projects with problems with it from the beginning. And one of the things that struck me the first time I drove by there, I thought, where is gabriel park? Not this, from very—vermont and 45th isn't there anymore. Like some of our old big trees, do we want to lose that? Some of the people that are moving here, like I know an artist who lives in northeast, she left her dense identifying neighborhood because she couldn't—she needs quiet. She needs that. I think instead of thinking us versus them, the antidensity people and the pro density

MAY 17, 2000

people, we ought to start thinking about how planning can be a tool that can help us preserve the character.

Louise Weidlich: Neighborhoods Protective Assn., PO box 19224, 97219, hello, i'm—mayor Katz, you know our prayers are with you. I have something for you, but i'll have to give you—it to you at another time. Commissioner Francesconi, commissioner Sten, I am mrs. Louise widelick, director of the neighborhoods protective association. I reside in the Multnomah neighborhood. I find it difficult to make— see how these things are going to work out. I have one of the things that has concerned me most is the density. And it looks to me like at least one of the plans is less dense. So I was noticing the housing on page 20, provide for diversity of size and affordability of housing that the owner or renter occupied. The thing here is they're considering putting housing that is subsidized by someone living next door to you could be paying 300 to 400 a month, whereas your taxes could be up to 12 to 1500 a year, and we'd like to see an incentive for those to be prepared to be able to self-sufficient. I'd like to read just a little bit of philosophy here about abraham lincoln. You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage-earner by pulling down the page-payer. You cannot further brotherhood by encouraging class hatred. You cannot help the poor by discouraging the rich. You cannot establish sound security by spending more than you earn. I'd like to repeat that. You cannot establish sound security by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. And last, you cannot help man permanently by doing for them what they could and should do for themselves.

Katz: Thank you, louise.

Weidlich: I think that's a philosophy that people that are feeling discouraged and some of the people that are—have been on the streets lately, that are having problems with finding a place to rented e. We're going to have to lower property taxes so that people can own their own homes instead of going into subsidized housing, which will expand and then there will be no private ownership of property because government will own everything.

Katz: Thank you.

Weidlich: thank you for allowing me to say it. We live in the southwest, and we love it, and we want it to stay as an individual piece of real estate and people to have their own home. If you put in row housing, why, as you know, i've told you many times, we will just end up with property values skyrocketing and then nobody can live in the city except those in subsidized housing.

Katz: Thank you. Thank you.

Jim Peterson: 2502 SW Multnomah, 97219, my name is jim peterson. I'd like to support the task force policies, and i'd also like to support some kind of forum to discuss these urban form policies so they're not adopted in the planning commission policy document. I think some of the citywide policies of having quarter mile high density zoning along all corridors when 78% of the regions is within a quarter mile of transit, there's no reason to have 78% of the regent high density zoning. I want to thank you for your time, and I think the—you really need to look at how this process really developed. The last time I was here was during the discussion on title 34, how this process can end at the planning commission and the staple problem with the process through title 34 says the city policies have some major revisions. The planning commission is out of touch with the reality. The citizens of the city of Portland. We want this—this is a great place. Some direction needs to be made to the planning commission. I think that's the next step in this process.

Katz: Thank you. Okay. Anybody else? All right. Marie? Deborah? Mark, as we take each of the pieces, do you—would you prefer to respond to the questions that the council might have, or would you like to turn those issues over to the representatives that—

Marie Johnson: I think some of them—

Katz: Some of both. All right. Everybody, you've got all different colors here, and we will take our lead from marie. There have been in some of them, I know in parks—we'll work through it. All right.

MAY 17, 2000

Johnson: we have to do a little musical chairs.

Katz: All right.

she needs the mike more than I do.

Katz: Walk us through— we'll start with vision, right?

Johnson: would you like me to explain the document or should we jump right in?

Katz: We understand.

Katz: Does everybody understand in the audience? Okay.

Johnson: great. In the vision, we have identified 11 consent items. There was testimony on two of those consent items that indicate that some citizens don't agree those should be consent. We had someone talk about the item v-3. I think they requested that the reference to west Portland park be removed. Item v-6, there's one place in there where there's a reference to barbur boulevard, it should be corrected that this one particular reference to barbur boulevard should be capitol highway. Since we have—this is a new decision guide, slightly modified from what you saw earlier in the week. We've moved one item—excuse me. I'm sorry. We've added one consent item that was characterized before as a nonconsent item. It's item v-14, and it has— it's been modified so that it says that in the second sentence, the city is committed to infrastructure improvement and planning that allows much of the structured character of each neighborhood to be preserved while allowing it to integrate the necessary growth in the new millenium.

Katz: Okay. Are there—

Johnson: are there any of these consent items that the council would like to change to nonconsent?

Katz: I'd like a comment from mark on those recommendations that—so the since made with regard to B-3.

Johnson: instruct me no those were both relatively technical and they were accurate. That they— one reflected west Portland park is that is not an accurate restriction. We're not talking about the whole area. And the other one was referring to capitol highway.

Katz: Okay.

Johnson: we could make those changes and still consider them consent items.

Katz: Okay.

Sten: I think consent item, it's safe to assume the task force and planning staff agree with it.

Johnson: right. We haven't—planning commission hasn't reviewed them as a body. I imagine the planning commission—some of the commissioners may have as individuals. These items have been reviewed by city staff—representatives of a variety of bureaus, and what we did is identify items that were—we considered to be adoptable and we look particularly make sure that we would avoid any potential policy or regulatory conflicts.

Sten: And the task force has reviewed them as a group?

Johnson: these are task force proposals.

Sten: All right. Got it.

Katz: These are task force proposals. There's discussion referencing be the planning commission, that I think staff made recommendations for us, and I think when we get to some of the nonconsent, if rick wants to talk to us, if we want to hear from them, that would probably be a good place. Let me just ask the council members, would those minor changes—is everybody comfortable with adopting the consent items on the vision document? Okay. The answer is yes. Let's now move on to the nonconsent items.

Johnson: are we going to finish the vision before we move on to the other consent items?

Katz: Don't you want us to do that?

Johnson: we can do that or go through all the consent items and then go back.

Sten: Would I stay on the topic. It's easier to focus.

Katz: I agree.

Johnson: item B-12 is the task force has asked that the planning commission's reference to west Portland town center be removed. Planning commission recognized in their deliberations that the issue

MAY 17, 2000

of the town center designation is controversial, and that there will be a future planning process to deal with planning for that area. However, they wanted to recognize that the designation does exist. They added a notation in their document that made it clear that there's going to be a planning process in the future for that particular area. The task force would like to have it removed.

Seifert: this was a matter of philosophy of how we said this. We wrote a letter to you early this year, it amounted to being similar to the asterisk. There were other folks that also felt that since we were removing it, it shouldn't be in there at all. It's a matter of whether we refer to it as being separate or whether we take it out because we're waiting on it.

Johnson: I believe that west Portland park neighborhood association gave testimony in support of retaining the reference to west Portland town center.

Katz: But if we support the planning commission's language, the asterisk stays with the notion that this will be—this will be dealt with separately some time in the future, and I recall a letter in the council I think the council discussed that somewhere during this time frame that that was—they were agreed to doing that.

Johnson: I think there's agreement between the task force, the planning bureau and the planning commission that there should be a future process to deal with it. The question is whether there should be the reference—the reference should be retained in the policy document.

Seifert: there's another subsection here which is that the letter we sent from the task force bundled the west Portland town center along with barbur as being all connected. Not that they would necessarily undergo the same process, but they were connected as far as being removed from the southwest community plan at this time. And the part about barbur has been lost somehow in the shuffle, and so we might want to take a look at that again.

Katz: Council?

Francesconi: I was thinking, and i'm not sure—you'll have to help me with barbur, but i'm with the planning commission on the asterisk, if anybody is interested. It's not a big—

Sten: I lean the other way, but i'm not sure why. [laughter] it's up to the mayor.

Katz: I lost you on the barbur.

Johnson: originally the task force suggested that a process similar to that—that recognized in the planning commission document be applied, but not only to the west Portland town center, but to the whole of the barbur corridor, because it is—if you take west Portland town center out, it's as though you're making a big whole in the middle of barbur. To plan those separately would not make much sense. They'd have to relate to one another—

Francesconi: I don't—you don't have strong feelings on this one, do you? You could choose not to answer this. I'm putting you in a hard position.

Johnson: personally I thought the asterisk was good, but I thought did it need to include the entire corridor. That was my take on it.

Francesconi: Are you okay with that?

Johnson: I think we could make that modification. I do know there was testimony from an individual about whether that should be for the entire barbur corridor or a certain portion of it. But I think it's possible to modify the language and come back on June 1st with it—an alternative proposal.

Katz: Okay. Let's see it. B-13.

Johnson: I would suggest deferring that discussion of B-13 until we get to the parks discussion, because this particular item deals with parks.

Katz: Just remind me to do that.

Francesconi: Just for my curiosity—go ahead, commissioner Sten.

Sten: Are we going to do—i think it applies to housing.

Helfand: yes, it does. You're correct.

Sten: If you could remind me on housing—

Francesconi: Is this the task force language?

MAY 17, 2000

Seifert: this is a vision, looking back from the future of what we would like to see. So since the vision is in those terms—

Francesconi: I was about to move on:

Johnson: actually, we figure as we look at this, we would not do a lot of commented on what staff said about the vision because we figured the actual guts would be worked on the nut—in the particular policy. And the vision can reflect that when we're finished.

Katz: We'll come back with this on the parks session z.. You—the new consent item?

Johnson: this is a new nonconsent item. It's a little confusing. This was part of the consent package. We received a last-minute change from the task force that included a reference to—this is a vision—looking back from the future, that Multnomah village has retained its charm partially through an historic designation, and it goes on further. The planning bureau just wants to point out that we understand that Multnomah is interested in historic designation for the village and would like to pursue that, but we can't determine at this time if they will actually receive such designation.

Katz: This is a vision document. Nor can we determine whether we will be park deficient anymore by 2020. Council, adopt the revised amendment request? Yes? V-5. I'm fine with that. Speak up, commissioner Sten, if you disagree with that.

Sten: I'm just trying to find it. I'm looking at the old—

Katz: Get rid of the old one --

Sten: I've got the new package, I just happened to make notes on the old one.

Katz: See, betsy, i'm not the only one. [laughter] we've agreed that that will be then adopted, the task force language will be adopted. That's it on the vision.

Johnson: yes. We have two testimonies to come back to, but for tonight that's the end of that discussion.

Katz: Oh, good.

Johnson: the next section is urban form. The task force removed the— requested that section be removed. We have discussed with the task force the idea of including the planning commission— retaining the planning commission land use and urban form policy in the document, and then in the next phase of the southwest community plan beginning with a collaborative discussion with community members about how— about the individual characteristics of each of those mixed use areas, so the community and the planning bureau and other city staff could draft character statement that's could define more clearly define how those areas should develop.

Katz: Mark?

Seifert: two pieces here. As mark helfand said, we do have concepts we think would be important to include in the land use and urban form section, and the reasons why we didn't. I think we would prefer if you wait order adopting that, and we had some discussion in the next few weeks about some—what kind of pieces, or criteria we might add on for your consideration.

Katz: Do you think that you'll—you can have something for us by june 1?

Seifert: I think we will have probably two more meetings by then and we can at least have basic criteria, something for you to look at. And if you want to mix and match you can.

Katz: Marie?

Johnson: well, I agree in concept. I'm concerned about the amount of time we have and the length of the policy area.

Katz: Council?

Sten: Well, i'm not willing to just remove the entire policy area as suggested. That's pretty clear to me. I'm struggling a little bit to keep track of all the testimony that happened, because mark on this was—mark's was pretty early. I kind of view it—i would almost say to the task force— i'm not—if you guys want to do some work to try and get it close tore what you want i'd be interested in seeing it. As it stand now if i'm going to remove it or keep it, I want to keep it. I'm open to a better approach. If there is one.

Katz: So you want to—the what we would want to give direction—you would want to give direction on character statements and summary a—some reassurances in terms of what all this means in terms of zone can. You want to clarify that for the southwest.

Seifert: and the fear has been that those—the metro designations are potentially expandable beyond what the neighbors would like at any given time. We've had reassurances that's not the case, but I think people would still like reassurance and specific guidelines in place.

Sten: I might be wrong. It seems to necessity sort of begs the question that I don't think we're going to get to by 9 o'clock tonight, which is, what's the scope of the work after this to re—what are we actually going to rewrite on the map? How much of that? It seems to me this is pretty hard to decide without having that discussion brought to a conclusion. Is that right?

Francesconi: Is this the part where there may be different definitions of main streets and town centers, depending upon the area? I think that might be the issue.

Katz: Yes. Rick?

Rick Michaelson: rick michaelson, planning commission member. I think we'll have interesting concern about making sure these definitions and criteria that are developed for southwest don't have implications elsewhere in the city, or what is going on with the city. If more work is being done on this area, I think we need some more active participation from the planning commission. I don't know how that would be structured. I know we have envisioned in phase ii doing the work and having those discussions. I don't know if we can do it with adequate input from the community at large and planning commission in the next two weeks. I don't know quite how to do this. I think we all want to get to the same place.

Francesconi: Rick, do you recommend—do you agree staff and with commissioner Sten it would be better to leave 90 than remove it.

Michaelson: absolutely. Perhaps the best is to leave it in with clear directions about how it's going to be refined so everybody understands this additional work will be done, but we don't have to do it between now and june 1st, which is not adequate time.

Katz: That's not realistic. So this is one that is on a list for some continued work.

Sten: I would almost—i don't want to make the advice that—i think the goal by june 1 is to clear as much out as possible and really focus in on the critical tasks that would allow us to adopt a full plan, whatever that means. I almost think you're going to go down the wrong path trying to get this fixed in the next two weeks, so maybe it makes more sense to do what was just said.

Helfand: even though the task force is a majority supports doing character studies, there's very strong minority voice that says we could end up with the same confusion you're referring to that we would in trying to do it in the next two weeks.

Francesconi: When you see a it would be helpful to know when there's a minority report. Thanks for doing that.

Katz: Let me—i have to try to manage this staff, the planning bureau right now, at least council. How long do you think this will take? It is very important work. It's really the foundation for everything else we're going to do following this. What do you think it's going to take?

Michaelson: well, we've had some discussions with staff and on planning commission about the fact there are a variety of different kinds of town centers and a variety of different kind of main streets, and that we need to put them into categories. But we've thought about that as part of the citywide work of defining these urban main streets, 23rd at—clearly they're urban main streets that are different from garden home, for example. We think they can be broken into groups that would fit citywide that can use some choices that you could apply more uniformly throughout the city.

Johnson: I had envisioned a process for discussing the character statements that would be a very short intensive discussion for each individual mixed use area that would involve some city representatives—bureau representatives and affected neighborhood representatives and folks who have southwest wide perspective. Anyway, doing those in very short intense sessions. As far as looking at the policies, it—rat a broader sense, I think to me it makes more sense to draft the character statements

MAY 17, 2000

that help define how those areas should develop and then look at the planning commission policy proposal—recommendation, see if there are any places it doesn't fit with those character statements, and make minor amendments—minor changes based on that.

Katz: What do you think, mark?

Helfand: I think it's possible if we develop—i think it's possible if we developed criteria in those character statements, that would help guide and give us some assurances as to what the areas could look like and what they wouldn't look like, things we consider dangerous. We wouldn't have to necessarily make those citywide metro designation rules. We would want them not to be incompatible with those once they were developed, but I think that's possible.

Katz: I think the planning commission is moving in the direction of taking a look at redefining those somewhat differently in categories depending on what part of the city we're talking about.

Seifert: absolutely. And during the development of the urban form policy, we took steps in that direction. I think you'll see language about the main streets that have to relate to their neighborhoods and fit the particular neighborhoods. So we took a partial step there based on the level of information and the level of work and thought the rest needed to be done as follow-up.

Katz: I think we're getting to some consensus. So take the language and get back to work.

Johnson: bring back an alternative proposal june 1st?

Katz: Right.

Johnson: okay. The next section is probably the most critical to the task force and probably the most difficult for you as a commissioner to consider. It's the public facilities policy area.

Francesconi: Where's our partners up here?

Katz: Can we do the easiest one first? [laughter]

Johnson: we could go to citizen involvement. That's 100% consent.

Sten: 100% consent?

Johnson: just today we came to consent on the final objectives that proposed by the task force. Corrinne referred to it today, and it is her language. It says, obtain active participation from southwest neighborhood associations, business associations and other community-based organizations by soliciting recommendations for leadership for participation on any citizen advisory committee to engage in any phase or facet of the southwest community plan or plan area, seek balance and variety on all citizen advisory committees.

Sten: Outstanding.

Katz: Excellent.

Francesconi: I just want to make sure I know what it means. [laughter] if for some reason the—can somebody appoint others, then, to make sure there's balance? And who does that appointing?

Johnson: this recognizes that it's the it's the city council that appoints the citizen advisory committee, but it asks that you ask the neighborhood associations who they would recommend.

Francesconi: Can we exclude the people when we make that initially?

Johnson: they are making recommendations. It's still your choice.

Katz: And in many times we just don't know. And at that point you—in terms of broadening the diversity of the groups, that would be the commissioner in charge's responsibility. I particularly like the use of the partnerships and the language, the collaborative way, consensus-seeking, communicated-based approach. If we can achieve that, we've done a lot. Okay. Any objections to adopting the citizens involvement? Thank you. Oak. Okay.

Johnson: economic development is the next section. There are two consent items, and one nonconsent item. The nonconsent item you heard testimony on tonight from a representative of lewis & clark college. The task force has requested that two sections of this objective be removed. The one we wanted to call your attention to is the removal of the section that deals with institutional uses. This also—there are also a couple of other task force items, and—task force items that deal with institutional uses, two in housing and one in transportation. The item in transportation is a consent item.

Katz: Good work. Go ahead.

Helfand: all three of these pieces dealing with institutions came from a series of discussions we had on the task force. We felt the statement made in the planning commission document was just a little too broad, too one-size-fits-all, so neighborhoods that came from the different institutional areas had different takes on how both those institutions could or should behave and how the neighborhoods should respond to that. So we tried to tailor more specific—more specific objectives that could somehow take into account the diverse nature of the different institutions. What we finally came to the conclusion on was that we could not really craft a one-size-fits-all and we would prefer that the planning defer to the master planning process that goes on with all those institutions. So the reason we pulled these was because—not because we didn't necessarily agree with some of the pieces on them, but they couldn't be applied your honor formerly to all the institutions in southwest.

Katz: So your rationale is through the master planning process—

Helfand: specifically the institution and the neighborhoods get to talk about—

Katz: How much they would enlarge and to what extent it would increase the capacity of the institution.

Helfand: -- a policy, would it not serve any of them or some of them well.

Johnson: I just want to make a point of clarification. The—i believe the task force policy proposals dealing with institutions talk more about the impacts of institutions, and this is an economic development policy that talks about how institutions might provide economic development benefits for southwest.

Katz: Well, well, well. Looking at it with economic development, I don't see any of that coming out of this language at all.

Francesconi: I'm sorry?

Katz: That's just me.

Sten: Lewis and Clark, which i'm not saying is the right one, proposed an amendment that delineated the three—i think the three major institutions and named them, is what they handed to us. Maybe—i guess i—my feedback would be that i'm—it may not be possible, but if you could write a paragraph that says what you said, i'd probably be there, but if it's cut it or keep it, I want to keep it.

Seifert: this is probably the section of policy the planning commission spent the least time, and may need some word smithing and work, and I think—

Katz: It's not an economic development policy. If you want it to be an economic development policy, you have to write it as one.

Sten: Which is what Lewis and Clark did.

Katz: Except they identified institutions that may or may not be appropriate.

Seifert: and there may be some institutions that are not in location that's are suitable for additional growth beyond where they are today, and that's an issue we need to face.

Francesconi: Here's what I think. How does that translate into what we're talking about? It's a different story. But we face this with different institutions. If we're going to—i see in the consent agenda item we talked about support opportunities for start-up and in-home businesses. If we're going to do that, which is good, and I agree with that, but supporting institutions especially higher ed institutions, when that's the one thing that's missing from us being a world class city, in my opinion, ought to be there as well. Now, how you deal with the issues of impact in the neighborhoods and—is—needs to be there, and then also how you deal with some of this could be citywide as opposed to just southwest, and so therefore I need some help, especially from the planning commission, on how we would do that. Or I don't know. I'm not being clear on this point.

Seifert: I think the institutional issue is citywide. It's southwest that are not very many opportunities for economic development, there are not great areas that are zoned for high rise office use, and really the institutions in this area play a larger role in the economic life of the community than they do, for instance, in northeast or even in northwest, where we have a huge institution, but not a lot of other businesses. The acknowledgment of them as an economic development force is probably appropriate

MAY 17, 2000

in a community policy in a different manner than in a citywide policy. What this language is appropriate and has—I think reading it now it doesn't either really encourage economic development nor does it really protect the neighborhoods and maybe some better words could be developed—

Katz: And you may not want to have some of these institutions grow with their—at their current location. The Oregon health sciences university we're looking at other areas of this city for it to grow. I think—I do agree that institutions are critical part of our growth and economic prosperity, but I'm not sure that I see this language as getting there.

Seifert: maybe this is one of those—

Francesconi: Do some work on this one.

Katz: This one you can get back to by June 1st. Marie? You agree?

Johnson: m-hmm.

Katz: Mark?

Helfand: yes.

Katz: Okay. If you can't, we'll come back and discuss it further.
thank you.

Johnson: housing is the next policy area. Or do we need to go back and make sure you support the two consent items in economic development?

Katz: I made that assumption.

Sten: I'm fine.

Katz: Everybody fine? Did you identify anything we forgot on this? Okay.

Johnson: the next section is the housing policy area. After public facilities, this is probably the second—they're probably tied for difficulty.

Katz: Let's get to public safety then. [laughter] we can take care of that immediately.

Johnson: would you like to go to parks first?

Katz: No. Let's do public safety.

Johnson: public safety. Okay. Public safety, there are three consent items and one nonconsent item.

Katz: I'm sorry, I can't guarantee nobody this in this world can guarantee dial tone available 99.99% of the time. Do you agree?

Helfand: I agree in reality, but what we're asking for is that you use your influence to move it as close to that as possible. Since you get along so well with the different—

Katz: I can't support that. I don't know if—where anybody else is.

Francesconi: I'll go with you.

Sten: I have to defer to the the mayor is in charge of police. [laughter]

Katz: Okay. This one is gone. Next?

Johnson: transportation. There are 19 consent items and four nonconsent items. 0 one of the 19 consent items—

Francesconi: Wait, wait. Just as a matter of process, if we're not going to finish tonight, it would be nice to have the transportation—

Katz: That's a good point. Okay. If we get—if we get to 9 o'clock and we still have transportation on the table, we'll take another—we'll take it. Otherwise we'll hold off.

Johnson: watershed policy area there. Are nine consent items, no nonconsent items.

Katz: Anybody want to take any consent items off for discussion?

Sten: No, but I'd like clarification. I guess I got a little lost in where getting the watershed protections and all of this issue is in the process. I got—the planning commission stopped the work group, but now we started it—

Francesconi: They solved all the issues in southwest.

Seifert: there's 100% consensus on the policy itself. There is a strong agreement about the direction to go. The work group that was a group of planning commission members, citizens and bureau folks worked out proposals that had implementation measures in them. The planning commission did not

MAY 17, 2000

feel it was appropriate to forward those to you without getting public comment and going through the public review process.

Sten: But that's going to happen.

Katz: Yes.

Sten: Terrific.

Katz: That's the letter that Steve put together—

Sten: Jerry, are you nodding? Okay.

Katz: Okay.

Johnson: that takes us back to public facilities.

Katz: You're a tough task master, aren't you?

Francesconi: Let's do housing.

Katz: We've adopted the watershed. Okay. Which one do you want to do? Public facilities? Housing. All right.

Johnson: I appreciate everyone's patience with shuffling with these papers.

Sten: This is very well organized.

Katz: You've done a great job.

Sten: This is the best I've seen for something this complicated.

Katz: I told her—her, you're going to have to help us out on how to make these decisions. And she did a very nice job.

Sten: Terrific.

Katz: Marie?

Francesconi: I did something with the housing. I lost it. I had it.

Johnson: we're on page 20, 21, and 22. On page 21, we have three nonconsent items. I think what I'll do is review the three items and then take suggestions from you about which you'd like to discuss first. The first one has to do with ensuring new housing stock reflects the scale and character of housing currently in place. The second item, h-4, says that new housing should not be preferentially clustered adjacent to parks or environmental areas. And the third item, h-5, talks about encouraging medical and educational institutions to work within their current locations and to work cooperatively with affected neighborhood associations to minimize negative traffic and livability impacts on resident—adjacent residents. This also relates to the economic development policy and an object 95 transportation.

Francesconi: Why is that not consent? What's wrong with that one?

Johnson: the concern that was raised by the city is that it's—it addresses some of the same issues that are in transportation, and it reads much like a transportation objective as opposed to a housing objective.

Seifert: and the planning commission was seeking a commitment or involvement from the institution and—in helping to solve the housing problem that our language addresses the torsion language does not speak to that.

Francesconi: Does—is that language in the transportation policy that we're going to get to?

Johnson: H-5, I neglected to say that this item that the task force has proposed is a substitute for a planning commission objective 10, which says encourage southwest's major educational institutions to take responsibility for providing housing on or near campus so that students can live nearby ensure that off-campus housing is compatible with the surrounding neighborhood.

Katz: I don't see anything wrong with the-H-5 at all.

Francesconi: The new one or old one.

Katz: The new one.

Sten: I'm okay with that.

Francesconi: My only—is it a good idea or bad idea? It will—it eliminates the idea of having housing near the campus. So is that a bad idea, having housing near the campus?

Sten: You—within the current locations?

MAY 17, 2000

Francesconi: Yeah. It eliminates that language.

Katz: But it doesn't eliminate the possibility of—

Johnson: the other option is you could consider these a separate amendment request and take them one piece at a time.

Sten: Is the con—the intent to discourage housing that's near campuses?

Francesconi: That's what it sounds like.

Katz: Yes.

Helfand: actually, we couldn't decide either way, because as I said before, one size didn't fit all. Some neighborhoods had one set of opinions because of the particular institution they were living with, and others have different --.

Colleen Culbertson: if I might add a comment, there were contacts made with the three institutions.

Katz: Identify yourself for the record.

Culbertson: colleen colbert son. Our local institution is pcc. I also know homestead contacted ohsu, and there was contact with lewis and clark. Two of the institutions were not interested in having the responsibility of necessarily providing housing off the campus at this time. And they wanted to—we wanted to make it a place hold sore it could be an option, but they did not want it to be an imposition, so to speak. It would depend on the rest of their master plan.

Katz: Right, the community college is not in that business.

Sten: Maybe could I suggest a pretty simple concept I think would—if you change 11 to say something like, to encourage to work with—to work with neighborhood associations to appropriately house and provide whatever, just so you didn't pin it down to on or off, but implied it has to be appropriate to that institution, I don't know this one is worth quibbling about, I just don't want to inadvertently have somebody pull this out and say, hey, see, we're against this institution put ago nice housing development to house their work nurse an appropriate place that's not on their current location, or their students, or whatever.

Seifert: we did hear testimony that because the institutions were not being responsible for housing there were problems with student housing elsewhere in the neighborhoods and deterioration of rental stock and the universities particularly need to take responsibility for how their students are housed.

Francesconi: Actually, my concern—i can even go with h-f for a different reason. Now that I think about it, the institutions are providing among themselves. They're trying to provide housing as a way of competing. The market is already there. So if there's no concern— market forces can drive what I want. If there's no concern in the neighborhoods, i'm okay with 5. But i'm okay with your compromise too.

Katz: I bring back some tinkering on the language using h-5 objective 11 as your foundation and see whether we can agree to that.
we'll draft—

Katz: I'm okay with it the way it is. Use that, objective 10. Okay? Understand?

Johnson: so use objective 11 with some proposed modifications—

Katz: Correct. All right. Let's get up to h-3.

Johnson: this objective says new housing stock—

Sten: Are we going backwards? I want to talk about the consent ones too.

Katz: Do you have any you want to pull off the consent?

Sten: Yes. Maybe I could frame this on the front end. I'm not ready to support the consent items, and let me lay out why. I've got a couple questions I think—i'm not particularly worked up about having a number of hoisting units in there. I'm comfortable with the idea that that puts everybody in a box they don't want to be in. But i'm not comfortable with no suggestion that I can see that will ever—we'll ever need more housing units as a policy. It says provide for diversity of size and affordability, but it doesn't give me any sense whether or not there's going to be a need terror more. In you're going to argue as hard as you are about what I think is a relatively on its face the idea of having more family housing next to schools in a day of single parents is hard for me to swallow, that that's a bad policy.

It's also hard for me to swallow that it's a bad policy to have more housing near recreational parks, and so what I need to get at—this is the question i'm leading towards—I saw the other—I caught a lot of—there's a lot of density moving quickly in the presentation, but I got the gist of it, and what i'm not clear on is, it seems to me the only way out of this box for me is to adopt a specific map amendment that people can live with. What I mean by that is, it seems to me the answer to that is probably not, is it a good or bad policy to in general cluster, but it is a set of map amendments that actually say, now that the southwest plan is passed, here is where we're going to allow more new housing of whatever type it is we can agree with. Whether that's smaller lots or whatever. Outside of that abstract, i'm not going to support any of these policies until I understand what the effect of them is. And so I don't quite know i—I need to figure out where we are in the whole zoning rewrite discussion, because I fear some of these policies can be taken as a mandate to do things that i'm not going to support, although I kind of think could I get pretty close to where the neighborhood wants to get if we had a plan to get the type of housing I think the neighborhood needs. Did that make sense? I think there's a need for more housing. The other thing i'm nervous about, and it's why I wanted to get site specific, we tend to use the term “density” interchangeably with people, and most of our older neighborhoods were dramatically denser when the housing stock was built if you count people. The homes surrounding the park used to have four or five people in them on average, and now they have under three on average. It seems to me we need a more site specific, where can we put housing, what type of housing, can we agree that's moving us in the right direction, and if that's there, i'm comfortable with saying, let's not just splatter seeing next to environmentally sensitive areas. And that's where I get nervous on trying to adopt the policies without in this case seeing the effect, because I think some of these policies and their abstract are very bad policy for the city of Portland. I think the notion that people should not be clustered around parks is a terrible policy, and no offense to anybody. The idea that in this case you may be able to make the case that those aren't the best places in your neighborhood to put a little more housing, I think has to be made specifically and then i'd like to back off from the policy statement and push forward in actual proposal for this area that works.

Francesconi: On that, we're we could do two at ones, parks and housing. You could tell from where I was at the informal—that the idea of not putting more housing units around parks just makes no sense. I heard the argument, it was a nice try about—but actually more eyes 0 the park makes the park better from a safety standpoint too. So i'm not there. The idea of protecting natural areas, that's different. So that language about park access I think maybe we could live with that. Maybe. I'm looking for a queue here. And the issue—maybe not. The issue of environmental areas we can live with. But you've got to remove that. It was a nice try, mark. You made a nice try, but I can't go there. On the issue of the housing policy, I agree with what commissioner Sten said, but it doesn't lead me to the conclusion that I have to disagree with the consent item. So I could agree with h-1. Could I agree with h-2, the first one, I have a question on your removal. Why was that removed? Provide appropriate units for small households? That seems reasonable to me. That's the third consent item that apparently was removed.

Johnson: actually, I believe what the task force tried to do is substitute the planning commission objective 2 with their objective 1 more simply stating, not being as detailed about the kind of housing and saying vary the type.

Katz: Provide for the diversity of size --.

Francesconi: Oh, I see.

Seifert: I think the planning commission was trying to spotlight that there was going to be a growing need for smaller units throughout the city and the southwest in particular given the units that were being built today and the kind of diversity—the complaints we've heard about the megamansions being built. We were trying to emphasize the need for smaller units.

Francesconi: Do you have a problem—
we agreed with that.

Francesconi: I thought you were. One of your other amendments—

MAY 17, 2000

Seifert: our language provided for more opportunity to do that than what the—

Francesconi: If you could work on combine these two ideas I like the idea of being more specific. Not just in southwest, but throughout the city. It's actually I think more of a problem on the central east side part of town. But I like that specific language.

Katz: I could live with just objection—objective 1, but I hear at least from the members here to try to work to combine that so it's not objectionable to mark.

Sten: I'm one vote, but you're going to have trouble, because i'm your housing commissioner. I've got to understand what— where we're going if we're going to knock out the numbers, because I don't have any sense of what—i'm willing—i'm not willing, i'd be delighted to sit down and look at the map and understand it. I don't have any sense whatsoever of—if you just want to keep the population you have, which I don't think is going to be quite enough, given growth in the city, you've got to have more units than you have today. Because the family size is going to continue to get smaller. I don't know what the result— I think you may object the cutting edge of trying to put smaller units, lots more places, instead of clustering them on the parks. But what's the net result before I think we can go from an aggressive but not enormous numerical target to absolutely none that can be interpreted— you can just as easily say provide for diversity of size and affordability, you've already done that.

Helfand: for the—one was historical in terms of the process, which was in the—when the letter— for on the ground realistic improvements in the area, we really wanted to do that. So removal of the numbers was to make sure there wasn't some stealth agenda to cram the numbers in. Second piece is, because of that and doing our own zoning map, which was not originally something we had been allowed or considered doing, I at the time when those numbers were put in we actually did what you're describing already, so the policy—we didn't see by removing the policy it meant no numbers, and we already started to deal with it in our zoning maps, and we had given you those as our tool for that. On the other hand, we may need to reflect that with no policy thing I can see your concern. On the other hand if you had a plan kinetic policy with no numbers, that would not be very good.

Sten: I think if part 2 reflected what you just said, provided for diversity through using—it would have to be modified once we fall on the map, using the tools outlined in whatever map we end up agreeing on, then i'm fine. Because then there's a specific thing that can be referenced.

Seifert: you addressed the fact that units doesn't mean a whole lot. I've had some of those same thoughts, the way with measure density doesn't give the neighborhoods what they want or us any true sense of measurement. Maybe it's time to start talking about—i don't know if it's a population goal or housing for a certain number of people instead of units and begin to shift the discussion in that direction.

Katz: I think what mark said is they haven't ignored this issue. They in fact identified, if I recall, the early discussions, they've identified areas for additional housing units. You just didn't want to be specific in numbers. Deborah?

Deborah Stein: we can come back on june 1st with—

Katz: Okay. H- -- any other— commissioner Sten, did you have any others you wanted to pull off? All right. H-3. I need your help. I believe in what you just said, but I need your help in trying to get there.

==correct.

Katz: Okay? Scale and character of housing currently in place in the area. How are we going to make that determination if in fact zone— it's zoned correctly and somebody can actually build because the zoning is—it reflects that, that whatever is being built reflects the character of the neighborhood? Unless we have some sort of review process somewhere. Talk to me about that. I believe in it, I want to make it happen. It's on paper, and I need your help.

Helfand: I think there are three pieces to this. The first is that—

Francesconi: This is going to be tough.

Katz: Yes.

Helfand: one of the purposes for these policies is to direct what— how we do our zoning. And so in order to get zoning that's appropriate to areas' character is one of the things we would like to policy to guide. As you've said, zoning itself isn't enough to guarantee particular standards. There are also some parts of the southwest where there's a diversity of homes. Generally they have commonality in terms of height, at least the older ones, and in terms of how they sit in their lots, things like that. We've obviously gone through a lot of discussion in the city about design standards and how we do that, and there's—the infill based on the standards have gone some way into helping this. In putting this in here, we were in fact hoping that you guys could also suggest specific tools. It's more of a guidance than a policy that says, you have to do this today, but we don't have any tools. So there are a couple of other policies like this which are really big heads-up. I think we can work together over time either in this process or others to come up with that. Some of the talk about different zoning tools height than an appropriate place to deal with some of this.

Francesconi: This is one— go ahead.

Seifert: the way this language is written I think there will two big problems with it. One is, you could never upzone an area and expect to see anything built that hadn't been built before the upzone. Because it has to be the same size and character. The other is a strict reading of this means an area that's been build in ranch houses, homeowners could never add a second story, even though the existing zoning allows three-story buildings.

Francesconi: And this has to be addressed citywide. For example, now in hollywood, so we just went through this hollywood town center. If this—and I was concerned, as the whole council was concerned about the height of this library because it was on the edge. But we all wanted it to be bigger to make it work economically. So we did scale it back. But if it had been along sandy boulevard, I think we would have let it be even taller. I think you're suggesting in your rezoning that you do go taller along transit corridors. How do you make that switch with this kind of language in there? You see? I think the idea is to preserve the diversity of our neighborhoods in our city with sing families existing currently, but to do that there's other places where you may want to change it and actually be taller. And I know it's—but this language goes too far, I think.

Helfand: this language reflected our desire to find some tools to do exactly the kind of thing you're skiing.

Katz: Right. And I think that's my frustration. I do too. We don't have them yet. It's my hope that in the next year with the proposal and the budgets that we will be focusing in with planning bureau and the commission to get some different tools, but we don't have them now. So I need some help.

Johnson: i'm—i also want to let you know that when you—the housing policy that was adopted in january of 1999 also includes at least one objective that talks about the character of housing that goes in. So I think there may be already in place some citywide objectives that deal at least to a certain extent with some of these issues. And I can get those referenced.

Katz: Why don't you take a look at that. If that reflects what—where they want to go with it, then we already have some language, that may be the basis for us—

Johnson: I can't say it necessarily gets all the way where they're going, but it gets closer to it than what is reflected in the housing policy you have before you. As far as the planning commission policy.

Katz: Talk a little bit about this. The planning commission has been looking at that, is as concerned about it as some of us are concerned. I know that you are personally. How do we get there?

Seifert: I think we have a policy base toys get there already in the housing policy and other places. We may need to be more specific in terms of defining character of certain areas so we can get the—get the fit. In terms of the policy work, I think the policy is okay, it's really the implementation measures we have to get to. We have to develop the tools to allow the single-family houses instead of the attached where appropriate. The tools to make sure the attached residential and condominiums and other types of housing, provide the housing units in a variety—it's really an implementation measure, and I think there are many policies—many areas of the—where the task force has tried to strengthen the policies in order to earn sure the implementation.

MAY 17, 2000

Katz: Can we incorporate what Rick just said in terms of that being a goal?

Johnson: and actually the planning commission policy already has one that talks about the development of—promoting small lot development for single for detached single family homes as an alternative to R 2.5. We can see a fair—if there are other ways to address this issue.

Katz: He just said what this policy was trying to get at.

Johnson: which is promoting new tools for—increasing the variety of housing types so that we can increase housing potential without negatively affecting the character of the neighborhoods.

Katz: And then we have to look at the design standards absolutely to help us get through that. Okay. So where are we on that? We—

Johnson: I can look at drafting something.

Katz: When I look at Rick and Mark and tell them to do it. I'm really telling you to— [laughter]

Francesconi: She figured that out. They don't work for you.

Sten: Just so we're on the record. I'm comfortable—I'm not comfortable with the language.

Katz: If we can work this language out and we can identify what the tools might—if we can identify today what the tools might be or what we need to look at, then we'll make—we'll make a real big contribution.

Helfand: I'd also like to suggest in the second phase of the southwest plan as we do our zoning piece, if we bear this in mind we may be seeing just the places where a tool is needed and that may help us to find the shape of that tool.

Seifert: and I was going to say in the other direction, there may be areas of southwest that are not ready to be remapped until we have some of these tools in place. We need to identify those areas.

Francesconi: What took all you to work this out? We're working this out, it's going just fine: [laughter]

Katz: There is—I'd like that captured too. What they just said. That there may be areas that may not be rezoned until those tools are in place for those specific areas.

Sten: Okay. Then I'm not in concurrence with that statement. I may be, but I think that's a big step. I need to see what the tools are, and I think they're easier said than done. I want to ask everybody in the audience, when you propose a tool to look at your house, and if it doesn't fit, tell me why it's a good tool for the new house and not for you.

Katz: Very a—have a difference of opinion on this.

Francesconi: You spoke too soon:

Katz: I could have guessed that, and I want to bring the council my goal is to bring the council even with the divergence of opinion on this issue, together. As closely as we possibly can.

Sten: I think we're in agreement on the goal, which is to make it fit the character. What I want to be as clear as possible in saying is, I'm not saying for sure that I'm going to be willing to not zone things until the tools are in place until I understand what the proposed tools are and whether they can ever get in place.

Katz: And that puts all—purse all of us to get to that point soon rather than later.

Johnson: it may be in the next phase of the process. We carefully outline the connections between the southwest community plan and other projects. And provide at least some general direction about what we'd like to see come out of those other processes. And we can define and as we begin that process what the scope of work is and which pieces are going to be dealt with here. So I think some of the issues of implementation can be dealt with at the beginning of the next phase of a process.

Katz: Put the concepts that we all talked about in some kind of form that I think that all of us could agree. And if not, we'll just take a vote. I'd like to do this without taking a vote, but if we have to we will. Okay. H-4.

Francesconi: I'd vote to limit it to environmental areas. Are we on the park issue now?

Katz: I have a note here that Maria, you suggested the task force might consider separating out environmental and recreational areas.

MAY 17, 2000

Johnson: yes. I felt like my recollection of the planning commission discussions when they were looking at the zoning map for southwest was that they felt like what should happen around the active use parks was different than what should happen around the natural area parks.

Francesconi: That's what i'm suggesting.

Katz: I'm just supporting commissioner Francesconi on that. How do you feel on that, mark?

Helfand: I would agree with it with one caveat—then we're left with the problem to be solved, which is, when there are few recreational parks and they're already over burdened, do we want to still put more housing by that particular park or do we want to first find new recreational facilities and then look at the broad base of where the housing should go?

Sten: Can I say -- 60 ask— can I ask a question? Let me see if a slightly different concept might get at what—would it make sense to look at language that said something like, necessary new housing, whatever that is, i'm not trying to guess what that is should be developed throughout the region instead of clustered around any one place? I'd be comfortable with that. My fear is that we say it shouldn't be clustered here because that was at first glance, but where do we put it? But that will also put burden on you guys to help us find tools that allows that to happen.

Seifert: i'd also like to point out the planning commission did not develop language that called for upzoning next to parks. There are two language—two policies that could lead one to this conclusion. One is the housing—the city's housing policy, which says encourage the development of housing of transit supported densities. The—near transit streets, especially where parks and schools are present so—to ensure the public's investment of—that's close as the housing policy gets. The planning commission's recommended parks policy said increase access by southwest residents to parks through land use planning and investment in public improvements. So there's an influence here this would lead to higher density housing and there was discussion at the planning commission strong discussion about the fact that if you were going to invest in public facilities like parks you ought to get the benefit by housing— putting housing around it. The planning commission clearly did not intend to have high density housing near natural environmental areas.

Francesconi: I guess—i think that we should stick with the language about parks, but on the—but parks are infrastructure, so the discussion we're about to have about infrastructure I would apply to it parks too. As opposed to what you were just about to do, mark. Do you understand?

Seifert: I can understand that.

Francesconi: That would be the approach I would take. I still think it's good policy to have housing near parks. I'm having trouble with that.

planning commission did too. But not in every park, not in every case.

Francesconi: No. Natural areas is a different—I agree with that immediately. And then if it's overburdened, which I don't think we're there yet, but if it is overburdened, I understand that issue too.

Helfand: there was also this policy was also in reaction to the actual de facto mapping that occurred—

Francesconi: I know. That's what's really going on.

== it was the only infrastructure, park infrastructure around. And we wanted to make sure that it wasn't simple catch basin to put it next to the stuff we already had and not work hard on the expansion.

Francesconi: So we're reacting to the map, and I understand that. But we've got to be very careful that we don't create other citywide policies, because of that. And that's why i've been reacting so strongly.

== I think what we're discuss assisting how can we tailor this so it works well with—in each individual situation. The one size fits all has caused us problems in several topics—

Katz: This is also one-size-fits-all.

== I agree.

Sten: If we could solve the problem on the zoning map, lay out clear policy on environmental areas, and back off from the blanket statement on parks and schools, I would be really happy. And I think

MAY 17, 2000

we'd be in the same position. But we have to solve the problem of the map. If not, I think we'll have to debate this.

Katz: Where are we?

Johnson: we have two sections you haven't discussed.

Katz: Where are with we on this one?

Johnson: i'm sorry. I'm jumping ahead.

Francesconi: New housing should not be preferentially clustered adjacent to environmental areas. Period. Then this section part will be taken care of in our next debate. So that's where i'm at.

Johnson: take out the second part of that sentence?

Francesconi: It's going to be part of the infrastructure.

Seifert: I don't know if it's an issue or not, but office of planning and development review did have they did raise an issue about the first section of this, saying that when you're doing clustering of development to get it out of an environmental shown, it looks like it's next to an environmental zone. I wanted to call your attention to that issue.

Helfand: there's two use us of the word clustering. We've in our neighborhood in ash creek gone a long way to work with some developers so they could move and say—say six units over a long area into a smaller area to save environmental areas. That's not the kind of clustering we're talking about. If you put that bumper-to-bumper around a park would it have a different effect. But I want to make that distinction clear.

D. Stein: we can solve that by changing the word cluster to located.

Sten: That's a better word.

Katz: Okay.

Sten: I'm not sure it matters in the long run, but this is a serious issue, because it—we have a lot of environmental areas where you can build, and it is going to—if you tried to put all ten units way away from the stream, in order to—this would—i mean, we may be picking at this too much. New housing should be designed to protect as much as possible environmental areas? I'm trying to get at what we want to do as opposed to what we don't want to do. That's where i'm frustrated with the language. I want to talk about what we want to do as opposed to taking a stab at what we're not trying to do. I think we're trying to protect the streams, and we don't want housing upzoning to ignore the streams.

Helfand: we were concerned about some of the provisions in the title 34, 33 rewrite.

Francesconi: We're saving those areas for off-leash dog areas. [laughter] that was a joke: A joke: [laughter]

Katz: Marie? Come back with—there was some language here, and we'll have to I think we'll have to come back to that. I think commissioner Sten is absolutely right. In terms of stepping back and seeing how it relates to the map and where it relates to the map, and I think that's going to be an important task for all of us to start working on. But I think there's objections to the language the way it's written. All right. I think we did—

Johnson: I want to get back—you did everything but parks and public facilities.

Katz: I know that. And transportation.

Francesconi: Which I think we just did.

Katz: I'll tell you what. I think I can last a little bit longer and we can take parks, and then hold off on public facilities and transportation. How does that sound?

Johnson: that sounds like a good idea.

Katz: Okay.

Johnson: we're on page 23, 24, and 25. Parks has 11 consent items, three nonconsent items. The—one of the nonconsent items we're—staff on the task force and parks bureau are working together to draft an alternative for item p-10. We can come back to you on june 1st with that. I think we're very close.

Katz: Okay.

MAY 17, 2000

Johnson: there are two other items. P-13 and p-14 on page 27. The task force asks that these two objectives that planning commission recommended be removed. Planning commission objective 8 says increase access by southwest residents to parks through land use planning and investment in public improvements.

Francesconi: Why did they want to remove that?

Seifert: this is the one that's read to mean, the discussion was increase the number of housing units abutting the park as a way to increase access.

Johnson: and the next item says, support efficient utilization of public lands for compatible multiple uses such as storm water management where appropriate. I believe, and mark can say this is correct or not, I believe the concern was that southwest from their perspective doesn't have enough parks now and to use some of those parks for other than parks uses would lead to further decrease and—in the amount of park land available.

Helfand: and there's another issue, which is that the natural area parks are generally streams. And they're adjacent e zones, which are generally steep. And there's been a history of placing pipes in those. And part of what we're saying here is that we don't want the streams—those park place that's are streams to become convenient storm sewers. Obviously that's not going to happen due to environmental regulations, but if we start putting other facilities parallel to them in those areas, you end up with not much park left.

Francesconi: On this issue, i'm going to be a hypocrite. If I supported this for this reason—we're asking to along johnson creek for b.e.s. To at least consider using some storm water property for a park. So for me to support this—do you see what I mean? When we have diminishing land, at least considering whether it's compatible and often it's not. So if you have the language “compatible” in there, it would protect it. Because sometimes those use resist not compatible. Do you see what i'm trying to go at?

Helfand: I understand.

Francesconi: I couldn't in good conscience support p-14.

Helfand: I think you'll find the stream organizations are going to have a—are not going to agree with that. They're going to be very concerned about what that means when you start mixing the things in the same basket.

Francesconi: Is the word “compatible” doesn't give enough protection?

Seifert: I think people are concerned because policies don't always get protections without implementation, and the implementation of—in the past has not been particularly friendly to those parks. So I think we need maybe a stronger reassurance either in the form of an implementation—

Helfand: I agree with that point, and we're trying to get tougher. Sometimes it's private entities that think they have a trite use parks. And we've been this that battle quite a bit. Could you maybe just do some work on this one? With parks and see if we can get there? I'm—i think we can—i understand your concern. I can't quite yet support it, but that would be my request on this one, mayor.

Katz: Okay. Marie?

Johnson: okay. Did you want to consider p-13, which is the request to remove planning commission objective 8, about increasing access to parks?

Francesconi: If it's what rick said, we covered it in the other discussion. And therefore it should stay in if the issue was—i think, if I understood it right.

Katz: I'd like to see the other language that you—that you put together before I make a decision on whether this is the wording that ought to stay in.

==okay.

Katz: Let's hold that until we see—okay?

Johnson: and were there any consent items that you would like to reconsider as nonconsent? We have one piece of the vision document that deals with parks that we deferred to this discussion, and then we're done with parks.

Katz: Okay. So we're going to hold p-13 until we see the language that's embed the in the housing, and p-14 needs a little bit more work, and then we go back to the vision document, which is your yellow—

Johnson: page 6, v-13. Should you read the two proposals?

Katz: Right.

Johnson: by 2020 the south—this is the task force proposal. By 2020 the southwest is no longer park deficient and considerably more park land has been purchased with much of it developed for play grounds and outdoor recreation. Development has been limited around parks that existed in the late 1900s and preserved in part for their natural environmental features. The parks bureau has proposed an alternative proposal. By 2020 the southwest is no longer park deficient and considerably more park land has been purchased to provide outdoor recreation. All parks are developed to provide appropriate passive and active recreation to the local community based on the value of their natural resources the need for recreation and the context of the park.

Sten: I like the park bureau version better. I think we've got the message people don't want things clustered around the parks. But I would also make a very strong argument, particularly to because a lot of this is environmental issues, that—to the environmental advocates in the bunch, which is most of you, that the number 1 degrading thing degrading the streams is the existing development. And at some point the long-term 50-year process, 100-year process getting the streams back is going to involve redeveloping in—the sites which—in a way that is environmentally friendly. Of the reason I don't like the language, it sounds a note that would imply to me that what we have now is good environmentally, and I don't mean any offense to anybody's bidding, but it's not. The entire sum result of our infrastructure and development choice is what's killing the streams. The new development is marginal to it compared to what we're doing to it now. I want to move towards redeveloping and being more environmental and it sounds like we've got it right just now there, so I think you get the same spirit without that negative tone on the parks language.

Helfand: our concern was the use of the word "developed." In the early ones we have described it as much—as it has been developed for playground and recreation. It looks as though the parks language is much more all-encompassing and that goes to another issue, the one we're working on in parks, number 10, the issue there has been that we would like to see good planning for parks for citizen participation. On the other hand, parks does have a concern that they—if we ask for that as a blanket, they won't be able to do minor enhancements. So they want to—we're at extremes there. What we're trying to go on 10 is get to the middle so there's some level of threshold under which parks could do regular maintenance and improvement. We're not trying to limit that, but at the same time the language is clear enough that they still have to take into account what citizens in the area want in the nature of the park before they do larger development in the park. And this vision stuff reflects that dynamic, and that's why we're having trouble with the new language.

Francesconi: Explain that to me again, why does it reflect that?

Katz: I'm not sure what you said is reflective of what's in front of us.

Helfand: all parks are developed to provide appropriate passive and active recreation implies a very strong management role for the parks bureau, at least that's how we read it.

Francesconi: We could change that.

D. Stein: I have a suggestion for that. We could change to it say parks provide appropriate passive and active recreation, and it takes out the concept of developing all of the parks but showing the function they many provide.

Retzer: a couple of things. There is the objection of saying all parks are going to be developed. So that was one issue.

Francesconi: But then it says, as appropriate passive recreation—

Retzer: right. The thing is, there's some folks who would say in some cases the environmental areas parks, the purely environmental parks should have largely no development, but in any case, I think what we need to get at, this is one of these park items we can take off on and work some more on, is it

MAY 17, 2000

needs to be part after compatible planning process that's really a partnership between the bureau and the citizens to create some certainty as to what's going to happen—

Francesconi: I know this issue well. And i've talked to john about it as recently as today. That's why that item—it's a very important issue. We're devoting kirky and cathy from my office, the whole issue of master planning parks and getting citizens involved is very important. I think we're making a lot of progress in that regard and I want that to happen. That's why I want parks and you to sit down. Now you're complicating this vision statement. You can craft it if you're not comfortable with this, but this is one we dock in the next two weeks.

Katz: I think deborah can help on that and get that done.

Seifert: I think we clearly have to recognize there are some pieces of property that will go into city ownership that should not be developed, that should be left natural, who is the appropriate steward of them, and how do we—

Francesconi: Right.

Katz: We don't disagree with that. I'm not sure—

Francesconi: We've got a couple of processes. The master planning process of southwest, the citizens strategic planning process for all the parks—

Johnson: we'll try to craft the language to reflect that.

Katz: Is everybody ready to go home with me? Thank you.

Francesconi: No, I don't want to go home with you. [laughter]

Katz: Deborah?

D. Stein: I was going to ask, do you want me to run through all the things—

Francesconi: No. You've got it.

Katz: No. Why don't you put an e-mail together and identify it so we have it in front of us so we— at least I know where to come back and marie knows where to come back. I know we put a little more burden on you. You knew that was going to happen. But I think on the—we did it on the critical ones that I know are very important to the southwest, are important to us, and my hope is we can all agree on them. All right. We'll return to the council on thursday june 1st at 2:00 p.m. We'll continue this work. If any of the work that you've done is ready to come back, we'll take that up at that time as well. And on wednesday, june 21st, we'll come back at 6:00 p.m. And hopefully close the discussion on this segment of the southwest community plan and begin the conversation on the next segment of the southwest community plan. All right? Okay. We stand adjourned.

At 9:18 p.m., Council recessed.

MAY 18, 2000

This transcript was produced through the closed captioning process for the televised City Council broadcast. For further information, please consult the City Council Meeting Summary.

Key: == means unidentified speaker.

MAY 18, 2000 1st part of 2:00 PM meeting

Katz: We will—we'll hold off voting on this until 3:00. When jim comes in. Good afternoon, everybody. The council will come to order. Please call the roll. [roll call]

Katz: Commissioner Saltzman is on vacation, and commissioner Francesconi will be—hold on. He's on city business but he'll be back at 3 o'clock. What we're going to do is hear the testimony on the consolidated plan, and then at 3 o'clock when commissioner Francesconi comes in we'll vote on it. That way we'll dispose of it today. I don't mean to say we'll dispose of it, but we'll take care of it. Okay.

Item No. 694

Katz: Commissioner Sten, this is going to be an opportunity since we have a little time to go through the report and probably—in probably a little greater detail.

Sten: Thanks, mayor, and I think the council is familiar with the comprehensive plan. This is what we're required to do by the federal government in order to access all of the different housing grants that are available to us. I think as we often do in Portland, we take it a little further than we have to in our ideas to really use what federally mandated requirement that I think can be pro forma in some cities and use it as an opportunity to look at how our housing strategies are, what's happening in the neighborhoods, and put together as best we can a plan for how to take on these issues. I think it's not news to anybody that despite ten years of hard work by the city council and all the members of the community on housing issues, we've got a lot of problems still, and in some ways the market continues to change, and what's important about the comprehensive plan is it is critical that—it's one thing, and the mayor has done an amazing job to work with the budget to get more money into the issue, that's step one, and -- [applause]

Katz: You're out of order. Thank you, though.

Sten: The other part of it is you can have all the money in the world if you're not spending it on the right priorities with the right members of the community, it just doesn't really make a huge difference. So that's what this is all about. We'll have I think Diane will come up, who is the cochair, will walk us through it. This—displacement is a big issue, and the sense of now that the neighborhoods are turning around, and it—probably due to the market as much as our dollars, but certainly our dollars have played a real role, what are we doing to help people who are there? So we had the naacp who was very active in the process, among others, asking those questions. I thought it was terrific, because it was a healthy dialogue. For example, there's a whole chapter in this plan on ideas and strategies to combat displacement that would not have been there otherwise. So i'm glad to say I think the process has worked well in terms of raising issues, and I hope it works as well in solving them, which is the next step. Diane, do you want to come up?

Katz: Do you need any help? We were going to wait until 3 o'clock so you can --.

Francesconi: I came because this is an important presentation. **Katz:** Thank you.

Diane Meisenhelter: 1909 NE Going, 97211, my name is Diane, and i'm one of the cochairs of the community development commission. We're here today to present to you your—for your approval the comprehensive plan for the years 2002, June 30, 2005. If you approve this plan, it will be filed with the u.s. Department of housing and urban development, and assuming HUD accepts it as well, our city will receive approximately \$26 million in federal funds each year for the next five years. The plan is a culmination of nine months public planning process, and it represents the hard work of the 15 volunteers on HEDC, a diverse and dedicated group of individuals as well as their professional staff. Most important, it expresses the concerns and ideas of the public. The public participated in the development of the plan in many ways. We did outreach to the public, posting the plan on the city's

MAY 18, 2000

website, distributing it through libraries, faith communities, advocacy groups, social service agencies and our mailing list. The public responded by providing information about their needs, and offering suggestions for strategies to address these needs. We heard testimony at the three public hearings we held on the plan, by telephone, e-mail, through letters and comments made during the public comment period of the meetings. Almost 70 people participated in this way, and in the back of the manual see a grid summarizing these comments in the appendices. We had input from teen parents, senior citizens, homeless women needing a secure year-round shelter, and many advocates for people with mental illness requiring services to live independently. We heard about the plight of young people, aging out of foster care with no path to help them into secure housing education or employment. We heard from people with HIV wanting housing that was integrated with their communities, not set apart from it. We heard from many groups and individuals concerned about involuntary displacement of long-time residents and small businesses in Portland's close-in neighborhoods and we heard from representatives from the growing Hispanic community. Hundreds of others participated. Both of these extensive public processes fed into the comprehensive plan. While there was substantial public involvement in this process, we can always do more. We'll be meeting shortly to strategize about how we can improve our outreach to low-income residents, communities of color and people who do not traditionally participate in government process. There's a lot of substance in the plan. When I think back about where we were five years ago, I feel really good about the level of analysis and the attention this plan gives to the particular needs of the diverse groups who call this city home. The heart of the plan is the principles and priorities found at the beginning of section 6, and there's a copy of that attached to the written testimony so you can—for ease of reference. This plan's principles and priorities build on those established in previous plans and have been updated to reflect current community means and market conditions. The plan moves us ahead by focusing on extremely low-income households, zero to 30% of median family income, affordable housing acquisition, and rehabilitation for rental housing. Preservation and asset management. Housing for people with special needs, and for large families, and a new emphasis on services, including the services required to support people with disabilities in living independently and an internet-based virtual housing clearing house to link people with housing they can afford as well as city and county resources, everything from credit counseling to drug and alcohol-free housing. There's also a new focus on economic development opportunity for low-income people, including a push for living wages, microenterprise programs, work force development programs, and various models of gaining equity through homeownership. We ask that you adopt this comprehensive plan for the years 2000 to 2005 to provide the framework for the allocation of our limited housing resources. We believe it calls for a balanced and comprehensive array of programs to meet our communities' needs and it speaks to many of the difficult and challenging issues, and certainly the need is much greater than the resources, is the sentiment that can be echoed over and over again. We look forward to working with you, and with the city bureaus to implement the plan.

Katz: Thank you. We weren't laughing at you. It's an inside joke about one of the elements you discussed.

== okay. That's good. You'll have to fill us in.

Katz: I will. All right. Questions by the council? Do you want to go over the— does somebody want to go over the focus on the displacement?

Meisenhelter: yeah. I think Beth is intending to speak to that a little bit, so maybe if we can both do our overviews, and then we can—

Katz: I'm sorry. I'm ahead of myself. All right.

Mershenhatten: we didn't tell you our game plan.

Katz: Go ahead.

Beth Kaye: my name is Beth Kay, and I've just finished my first year as HEDC program manager. The comprehensive plan is something I started working on my first day, and I'm very delighted to hand it over to you today. It plays two important functions. It's a planning document, and because it's a

MAY 18, 2000

planning document, the process has encouraged many constructive dialogues in the community on community values and community priorities. It's also a grant application required by hud as a condition of receiving community development block grant h.o.m.e., Hopwa, and osg funds. It also is linked up with the mckinney funding application. The themes of the plan are familiar to you. They're making affordable housing for all available, decent affordable housing, providing a suitable living environment by ensuring our neighborhoods are safe and livable, and expanding economic opportunities for low and very low-income people. This is the third five-year plan to come before council. The first was the comprehensive housing affordability strategy in '91, then in '95 hud changed its regs, so you adopted a plan, and that plan is still in effect today. You've amended it to provide for certain projects that came up that you wanted to do. And this comprehensive plan covers 2000 and 2005. Because it—the federal funding formula is based on 1990 census data, we'll probably be required to redo this plan before five years are up. Probably in 2003, when the 2000 census data is available. The plan is a little more up to date than 1990, since we have the benefit of the american community survey data from 1996 to 1998, and those references are scattered through the plan. I want to give a brief overview of what's in the plan, and then we'll follow your suggestion and talk in some detail about the focus on a volume—involuntary displacement. It has a market analysis, and what distinguishes this year's market analysis is for the first time there's a regional piece showing where our city fits in a regional context, and this ties in directly with work that has been happening at metro, and I know i've been—you've been involved with. The market analysis also shows continuing need for housing affordable by low-income people. The economy has increased the income and expectations of many residents and drawn many new people to our city this. Has pushed housing prices out of the reach of many would-be home buyers and elevated rents beyond what many can afford to pay. There are programs offering housing subsidies, grant assistance, housing rehab services, and emergency shelter, and these programs have helped to offset the impact of the economic changes and market changes, lowering—for low-income people, but they can't reverse the inequities in the rising housing market. I just wanted to give a couple of numbers from the plan using the 1997 community survey data, we find there's a shortage in Portland of more than 9,500 rental units affordable to households earning from zero to 30% of the median income. So those are the people that are most in need. When we adjust our calculations to take into account the number of units that are affordable but that are also available, that aren't occupied by people earning more income, the dimensions of this housing shortage almost double to more than 18,000 units. As though—although lots of work has been done to meet the needs of low-income people and people with special needs, the extremely high cost of housing means the need is still dire. I—another new thing about this plan is there's a section, I think it's 63, devoted to mapping trends and mobility and poverty for the county. And there's some very state of the art maps there that show you how much in migration there's been, where people are moving to, how poverty is moving east to gresham, gresham now has a poverty rate equal to that of the city of Portland, where it was only half that rate ten years ago. So a big—big changes. The plan also contains a needs assessment, and Diane has already described to you many of the needs that were articulated during the consultations and public hearings that went into developing the needs assessment. The needs assessment and market analysis together lay the foundation for the plan, and then the plan goes on to propose principles and priorities and strategies, and many of the strategies will also be familiar to you. They're housing preservation, long-term affordability, asset management, work force development, services to link people and programs and to support people with special needs to who want to live independently. But some issues are so complex, a multi-faceted approach is needed. For example, throughout the plan process, hcdc heard concerns about how the residents and small businesses in close-in neighborhoods that had been the focus of revitalization efforts for years were now suddenly, because of the market, facing a new set of problems. When you group those under the title are you brick involuntary displacement. The plan includes analyzing the dynamic and describing current programs that are used or can be used to alleviate the pressure on long-term residents and suggesting other approaches to explore to see if they would be effective tools. As you

know, a copy of that is attached to Diane's testimony. The plan also contains a one-year action plan as required by HUD. This is Portland's action plan to substantially the same as the budget, which I know you've been working on. To close, I want to remind you that the comp plan is a winning document. As soon as HCD ships this one out to HUD, as the Portland consortium's grant application for funds beginning July 1st, 2000, we'll debrief our process and start working on the next one-year plan, and we'll be working hard to improve our process and focus our strategies and if needed, we can always amend the five-year plan, we can bring it to you for amendment. Diane and I will be happy to answer any questions, and I know that Steve also wants to speak to you about the HCD's constitutions to the plan, and others have signed up to testify about it.

Katz: Thank you. Questions?

Francesconi: I have a question but it can wait.

Katz: Why—all right. I have some questions too. Why don't we hold them off and then—I have questions of Mike on I think long—a long time ago I sent you an e-mail on the changes from a survey, and I need to have a response again from that, and I have a question on gentrification.

Sten: It's worth looking at the maps. I think in chapter three on how much change has happened in the last three years, it's really odd.

Kaye: Of course we don't have the 2000 census, the community survey, when this information comes in, it will either validate or shed more information—

Katz: Why don't you identify yourself for the record.

Steve Rudman: Director, bureau of housing and community development. Good afternoon. I just wanted to add a few insights from HCD's perspective and the comp plan process. HCD deserves a lot of credit for this, and this is the third process I've been involved in in the last few years, and the level of participation is at its highest in many ways from different quarters in the communities. In particular, though, both with the budget process and a comprehensive plan process happening, this was a good time for us to look at analyzing the regional market conditions and the needs in that community and seeing whether the tools and resources we have can deal with today's dilemmas. We call it the changing context of housing community development, and we see about four major influences of—have happened since the last time we did this. Market forces have transformed the face of the city. In the last five years is when we went from one of the most affordable cities in the country to one of the least affordable on the income to house price ratio, and that was over a two-year period in the mid-1990s. We now have one of the lowest welfare rates and unemployment rates in the city's history, yet our poverty rate is essentially the same. The physical condition of many of our neighborhoods have dramatically improved. More people believe the inner city of Portland is a good place to live, work and to raise families, yet the lives of many poor people have not been improved. Probably the most humbling fact is the more hunting—more understanding of the role or the the public sector has in this larger marketplace. I think it was actually easier for us ten years ago to come up with tools to help revitalize communities where there is not private investment than it is today, where we're trying to help stabilize communities which are witnessing considerable private investment. So we are going to make a small impact on the margins in terms of public sector resources compared to private capital. I think it's very important that we become more strategic about where to make those investments at the margins in the marketplace so we can make sure that employer low-income people benefit from this larger community. The other issue that we've heard is how do we ensure that existing residents and businesses that are in the community can change the benefit? We have not changed the approach we've been using encouraging community development, working with other city agencies and community groups best known through our target area program, and our mechanism for program delivery, which used to rely on public agent significance, now we have over 120 organizations delivering services in our programs throughout the city. We have overlaid the program's programs that we offer and the budget under four strategic directions, which we have shared with you during the budget process. Very briefly, it's the safety net to make sure people who are homeless, very poor, have special needs, that their needs are prioritized, since they have the least, and clearly the HCD principles reinforce that

MAY 18, 2000

fact. Two is affordable housing reper preservation, the need for long-term affordability, and the amount of housing we have built to make sure it is preserved for the long term, well maintained, and are good resources for people as neighborhoods go through changes. Third, access to opportunity, finding better ways to connect low-income people to gain more independence as well as security in their lives, by linking housing resources with some important social services and also opportunities for better employment and income. A couple of pilot projects underway that we're supporting, the welfare to work section viii as well as Washington county and working with work systems to help people getting off welfare find employment and housing. We're also proposing launching this new regional housing clearing house to make sure resource resist adequately used in the community. Fourth is this notion of changing neighborhoods. The challenge of trying to find ways to stabilize communities and look at what tools exist to try to stem the tied of antidisplacement. Particularly involuntary displacement. A lot of the tools we have in place, in our initial search we haven't found any community in the country that really has solved this problem. It's not a problem for everybody in the community, it's a problem for people who do not choose to move or—do not choose to stop doing business and are forced to. What we need to do is find better ways to market our programs and reach out to constituencies, lower income people, businesses, communities of color, who have not accessed our programs as well as we would like. And that focus on get—gaining existing—getting them involved is one that we've all been talking about. I think there's some bright spots in the city as a whole where there's a lot of community groups, neighborhood groups, that are involved in discussions that go well beyond the use of federal funds. Probably the important connection I believe is as a city embarks on neighborhood-based urban renewal districts, the use of tax increment financing to support community development agendas is upon us. We've seen success in lents and mlk, and we have a great deal of prom otherwise the interstate corridor to make sure communities work together to benefits. So i'll stop there. Thank you.

Katz: Who else wants to testify? Okay. Welcome to northwest Portland. Who wants to start?

Steve Weiss: 2727 SE 16th, 97202, good afternoon. Eye name is steve weiss, I am among other things board president of the community alliance of tenants, president of Oregon advocacy center, and a member of both Multnomah disabilities services advisory council and the elders in action commission. I am here today to testify in support of city council approval of the new five-year comprehensive plan. As one of the community stakeholders who had modest input to sections of the plan, I have been impressed by the dedication of staff at the bureau of housing and community development in making this new comp plan as thorough as possible in its portrait of the housing situation in Multnomah county. As someone who is particularly concerned about the problems of the lowest income renters, I am especially gratified that the new comp plan presents detailed information concerning the polite of our poorest tenants, many of whom are elderly and disabled. I am one of these tenants, so this issue is rather important to me. As the council engages in budget negotiations in the coming weeks, I hope it will carefully read those portions of the new comp plan that deal with very low-income renters and the housing crisis that they face in Portland. To echo the words of play write author—arthur miller, attention must be paid. Many of us hope that in the final version of the city budget, the allocation of money for low-income housing will reflect the critical nature of the problem as outlined in the new comp plan. Thank you.

Janice Frater 6036 NE 24th, 97211, i'm janice, northeast 24th avenue. I'm a member of the housing and community development commission and have been for about seven years now. Actually, I hate to say that i've been involved in three plans also over the last three years starting with the original chaz. I do encourage you to adopt the plan. It is a good plan and it was well done. There are two flags that I wanted to raise for you and caution, and things that I think we need to pay attention to moving forward. One is outreach. I think we can do better in our outreach. We had some stumbles along the way this year, and I don't think we did as good a job doing outreach in the communities as of color as we can. So that's one flag. The other is the issue of data collection. There were inquiries this year as to how previous dollars had been spent, and we had a real difficult time responding. In the future i'd

like us to do a better job not necessarily being able to go back and look at history, as much as ensuring we're collecting what we need to collect so we know that we're hitting the targets we need to hit.

Thank you.

Dee Walsh: 1135 SE Salmon, 97214, my name is difficulty walsh with reach community development, and I can top both steve and janice because I wrote the five-year plan in 1992 for 1982 for community development. I'd like to congratulate hcdc for all their hard work. I'm impressed with the plan in the way it acknowledges the need for stable affordable housing as a tenant of community development and neighborhood stabilization. The plan prioritizes housing for extremely low income, and it also looks at the importance of long-term affordability. I think those are both really important. When you look at the amount of housing that reach has in southeast Portland, if we hadn't been able to buy over 400 units whether we did, that housing would no longer be affordable. But because we were able to buy it and renovate it and keep it as long-term affordable housing, we've been able to maintain diversity in the community. And this plan just reinforces that strategy. I'm also pleased it recognizes the importance of lead paint abatement. We have 160 single family homes that have lead paint, and of those, approximately 40 have children under six living in them. We're working closely with the bureau to abate this issue, and I think it's really important that the city recognizes that. I also am pleased to see it recognizes the importance of housing preservation. These days it's oftentimes just as important to preserve the affordable housing that's already out there as it is to build new. Hopefully we can use more than the federal funds for affordable housing. The great building that we're putting up right now on southeast 12th and belmont couldn't have been done without support from the city's general fund. And if any of you haven't driven by there lately, I encourage you to do so. I think it's going to be a real outstanding contribution to the buckman neighborhood. Finally, I think i'd like to support in addition to the housing goals in the plan, the support for work with—through the target program and in low-income business districts, because that is also a vital part of any community.

Thank you.

Francesconi: I was—I'm going to ask some questions about employment. You kind of are the first one—well, you've referred to it specifically. I want to ask—I'm not suggesting necessarily the source of funds for this come from block grant, et cetera, because of the importance, but we—to me i'm not sure there's enough emphasis in the strategies, at least, on the employment equation. The community—getting people into wealth creation, whether it be jobs, the business districts, whether it be microenterprise. How we connect them to work. In the gentry if I indication strategies that we hear a lot about this, in this plan it's not one of the major principles, unless I missed it. At least it's not part of the strategies. Do you have any advice about how we could have pdc concentrating on economic development, but hcdc playing a bigger role on the community development side of it with more of a focus on wealth creation for folks? It's a broad, general question.

Walsh: I probably don't have the perfect answer for that. I can tell you what i'm doing. The strategy i've been take assisting to try to work closely with the businesses in the central east side. They just did a study that identified some of their growth sectors, and what the training needs were of the employers there. We're now working with—going to be meeting with pcc and others to see if we can establish training programs that match the needs in the district, and my goal is to have some of my tenants get into those training programs so they can walk down the street to good jobs. So I think there are linkages that we can support with what community development groups are trying to do and others to link their residents to those kind of opportunities.

Francesconi: We need somebody to do this. In my opinion. We need an overall strategy to address this. We need a five-year plan to do this. We've got the work force board over here, we have pdc over here, and those two aren't as linked. But then you talk about the problem most effectively, you give the best statistics of everybody. I should be looking at the bureau. And you've done such a terrific job of advocating for poor folks, the only real organization that has that included in their mission in the city, so wouldn't it seem logical that a five-year strategy should—you should do it?

Meisenhelter: we agree, I think. What we've—you'll see that this is the first year we actually have an economic strategy piece as a principle and a priority. And we're beginning to talk about that, and in our retreats we've been trying to broaden our emphasis from just housing to other aspects of community economic development. One of the things we try to flag in this plan is that there is no comprehensive antipoverty strategy which is a big problem in the region, and within the county, particularly. There's pieces in place, but nothing that's really comprehensive. And one thing that I think hcdc has really committed to doing in the next year is to try and get together the folks that need to be addressing this and come up with a comprehensive antipoverty strategy, of which of course economic opportunity is a big piece.

Francesconi: What I'm concerned about, we have the best economy we've ever had, so we have self-interest on the basis of employers, but we have a piecemeal system that's not being addressed. In the five-year strategies, there's one line about an employment strategy in your document here. Out of about 20. So anyway, if you're working on this for next time—the other question I've got is, how does this integrate with some other things that are out there? Starting with the city, for example. We're trying to do outreach to include more minority participation in parks. To do that, you also have to have something to offer folks, not just getting their input. So is there any connection between what you're trying to do, what parks is doing, what oni is doing, what purchasing is doing, trying to get more contracts out to minority communities? Is this kind of all together?

Meisenhelter: well, one of the pieces that we are doing is we're sort of—after—we come up with a plan, and now the question is the implementation. And we flagged a number of agencies about testimony that we heard during the plan process that we would like to talk more with them about, certainly through the s.u.n. Schools, there's an effort to—on the neighborhood level integrate many of those pieces. But I think we need as a commission to do more with this. We have an issues research committee that's focusing on two pieces right now, one is the sort of resource development strategies as to how to expand resources, because that's a huge issue right now, is that there's just not enough funding for what is needed. And we have—they're also focusing on looking nationwide at strategies to address this displacement issue. And I hear what you're saying, and I think that is the next logical piece in this implementation process, is for us to try and figure out who are the other partners we need to be talking to. We know antipoverty strategy piece, but there are a number of other pieces here that we need to be paying close attention to.

Rudman: two quick comments. One, this is—it's both—it truly is a plan for receiving funds from hud. And it's pretty long, as you can see now. But I think it is important about how we can think better about integrating federal funds with other resources the city has. I think discussions are underway. What we did do, principle 4, economic development, recognizes housing is one piece of community development. So there are a lot of discussions going on with various bureaus in the city about what are we going to do with changing neighborhoods and how can we try to work? I don't think there's any simple answers, but it's important that we try not to just plan isolation. We have to do this plan for hud, but we can make it more consolidated if we have more participation citywide.

Francesconi: I think my—housing, employment, education. Which brings me to—i just have a couple more questions. I just left the strategic planning group for the Portland public schools. The issue of the—the educational disparity in test scores between poor folks and people of color and the rest of the community is actually a scandal across the country. So if we're talking about—and the city. So if we're talking about getting folks out of poverty, the connections with the schools at least the middle school, if not earlier, and then the high school, and then the community college level has got to be part of the deal. So what are we doing in that regard? What are you doing in that regard?

Meisenhelter: one thing just this week when I talked to marlin miller, who you're probably really familiar with, who is with Portland impact, she's the director, that is her main antipoverty program, is education and what—all of the pieces of education that need to be in place. And she's going to be one of the people that is—she's a link because she serves on the children and family services commission on—anyway, their antipoverty group, and we don't have good answers yet. I think you're raising

really important questions, but we are starting to do the linkages we need to do to start to address those questions. And any ideas, input, feedback you could give to us as to what you think needs to happen would help us.

Katz: Would it have helped if they responded to the black united front on friday.

Francesconi: We spent a long time talking about that. The reason i'm asking these questions, is I think you're the group that could help pull this together. With an expanded group. You've got to be more diverse, but you recognize that. Last question, and it's back to housing. Part of it is asset accumulation for poor folks. I don't think I heard you mention the words homeownership. It's mentioned in here. I'm not sure home repair is mentioned in here. I missed it. And i'm not saying you take the funds, because zero to 30% rental is a moral crisis as well as a real practical—i'm not saying take the funds from that, but you talk about partnership with the private sector in here, which is really good, so what's the strategy to get low-income folks, especially people of color, who are lagging behind in homeownership? Into assets, this asset?

Rudman: there's two things. The first, is homeownership. It is in the plan. The important piece, this is a countiwide plan. There is a section at the back of 6, which is the city of Portland. It's basically reflects our budget. So it's very synonymous with the budget process. There's countiwide issues and strategies, and the city of Portland. We go on to much more detail in both economic development and the range of housing in that section, as you know, through our budget process. I don't think there's any easy answers. There is an issue of income. We do have to increase people's income, so—with the housing price. That's the number 1 factor these days, is income. It wasn't ten years ago, when we had the issue before of other kinds of barriers to homeownership, much more so than today. We are looking at different ways to make sure people who could afford to buy a home, there are various products out there, and that are—the private lending community as well as the public sector programs, we do a better job of making sure people know what programs exist. I don't think there's any quick and easy answers. But I think it's an issue a lot of people are concerned about. A lot of community members have suggested different ways of reaching out to people who have had a history of distressed with public or private lenders that may be—maybe now with their support in the community and neighbor could do a better job in helping someone access capital, that we have not been able to do by ourselves as we—in the past. So I think there's new approaches, is what we have to try, where people trust their neighborhoods and their—their neighbors and community groups and churches and get them involved.

Francesconi: Thank you.

Katz: Okay. I need mike and steve. You stay here. This is data stuff. Or whoever. Refresh my memory. I do a lot of reading and I can't remember my e-mail to you.

Mike Saba: Planning Bureau, I think you were surprised— this is mike, city of Portland planning bureau. My role is simply to, along with gina and marriage, provide the first volley of discussion for community input as the snapshots, statistical snapshot of where we are as a community. And you were surprised I think by the data I provided showing that the rate of job growth in the city of Portland from the years 1991 through 1996 was actually pretty good in comparison to the rate of job growth in the suburban communities. In fact, taken as a whole, we actually produced 23.7% increase in jobs, compared to the suburban job growth rate of 19.2%.

Katz: Do you recall what document you gave me to read where i—

Saba: that was the needs assessment and market analysis. First document we published as part of this process.

Katz: The other thing I was --

Saba: it's contained in the—in the final plan.

Katz: The other thing I was surprised at, if you look historically, there were more african-americans living in the particular geography today than there were before. Remember I flagged that to you?

Saba: I don't remember that one. Actually the african-american percentage of population has been fairly steady, at least for the last 20 years.

Katz: Did it not—

Saba: from 6.7% to 8% of population. Regarding the geography of african-american unemployment.

Saba: I don't think that was a discussion we had.

Katz: I thought it was. You were—you couldn't respond to it because you just didn't know, and I didn't know either.

Saba: that was an issue that came up more recently with the naacp's request, and a discussion we had at hcdc regarding geographic indicators of unemployment. Which is not data i've been able to find.

Sten: Will it's dangerous russ to quote without having 90 front of me, but in northeast, particularly african-americans, the percentage is not dropping in the way it's perceived to be. It's not dropping as people perceive it to be, but what is, if you look very closely, is lower income people of all colors. And so I think what a lot of that shows is that higher income people are moving in, significant chunk of the higher income people moving in are african-american, but you're also seeing a large percentage of people of all races move out who are renters. So it looks more like a class issue than a racial issue, although it's both.

Katz: And when i—we don't know that—we won't know any of that until probably the 2000 census. Correct? Whether that's—

Saba: more detailed picture of ethic—on ethic—ethnic demographic features in relation to how hold types and geography is something we will have to wait for the 2000 --

Katz: Commissioner Sten articulated the way I read it, and we weren't sure whether it was low incomes, same income, higher income. So let me ask the question. On the involuntary displacement, i—the document I read was very anecdotal. Do we have hard data about who it is and where it's happening and where they're going? Both residential and commercial.

Saba: what we have actually is the benefit of the american community survey, which is a sample of the census done for Multnomah county for about four years now on duplicated sample annually. There was an excellent report, the findings of which were included in the needs analysis done by psu student who is now an employee, lee a, who used the survey to try to address those very questions. And what she found generally speaking is that the median income disparities is lessening, and that can be due to a number of factors. There are higher income people moving into areas that had been lower income, and some of those lower income people are moving out of those areas, and—

Katz: We don't know who—

Saba: factoring the median incomes in other neighborhoods—

Katz: We don't know who is it.

Saba: we don't. We could track ethnic movements to some extent, and to some extent african minorities— minority communities becoming more dispersed than it has been, and that's historically been the most concentrated ethnic group. There's some examples of the asian community becoming more concentrated in a corridor along 82nd avenue, and there's also increasing growth of the hispanic community throughout the metropolitan area. In 1990, for example, the hispanic group as an ethnic minority was the only one concentrated more highly outside the city of Portland.

Rudman: the other problem is we know people are moving. Mobility is shifting. We see evidence also in the outer east part of Portland. But the issue also in—when people leave there's a question of whether it's voluntary or involuntary. That's also difficult. The study you were alluding to, it's important to hear people's perceptions to complement data too as it comes in, because perceptions are realities to people, and I think it's important, and—that we do everything we can to in good faith explore new ways to help existing residents and businesses.

Katz: I did a little bit of my own anecdotal collection and I spent some time at one of the cafes in the heart of northeast, and asked the owners, what do you see? Who's coming in? Are there new people coming in? Are they african-americans moving into the northeast Portland? So i've got kind of my own little world totally anecdotal about what may be happening, and unless we have some hard data and evidence, it is mostly anecdotal. We know things are happening, but we don't know who it is, and what the conditions are.

Kaye: one of the suggestions that was raised, and that's in the focus on involuntary displacement, as an idea to explore, is setting up some kind of a hotline where people who are feeling—facing involuntary displacement can call and record what is happening to them. That would give us again not a scientific data sampling, but some more information about who is—who are these people who are being—

Katz: Displaced. We'll know sooner. Very soon.

Saba: what did you find out in your research?

Katz: Actually, I was told african-americans are moving in, and that may then reflect what my previous discussion with you, coming in from other parts of the country into Portland, into northeast, which is a very good sign.

Saba: we're attract ago very young educated population. We've been doing very well through the '90s. For example, the adult population, 33% in the city of Portland have a four-year college degree or higher. We're attracting an educated population. We're concerned about the people being left behind in this economy.

Katz: I think all of us are as well.

Sten: We're running out of time. Probably over the summer I tend to try to gauge—engage the council, the mayor and I have been talking about this, not statistically look at this question, but proactively look at it around the light rail line. It's an opportunity to figure out who lives there now, and then how do you look at the development that happens and see and change the trends. The second quick observation, as you look at page—chapter 3, page 10, what you see is that—I don't think people track this when they think about things— over the five years between 1991 and 1996, there is not a single neighborhood in the city in which 30% of the households didn't change. In every single neighborhood in the city, at least 30% of the households changed. And so what—the average home the average neighborhood sees almost 50% turnover on a five-year basis, so the notion that the neighborhoods are static is absolutely false. And so we look at these things kind of outside of the realm that about half the people in the neighborhood change every five years. Or at least who lives in that household. Maybe you're switching homes in the neighborhood. It's a much more volatile city in terms of who's living in it in any given place.

Katz: And that's one of the issues that have been raised, the mobility with regard to educational achievement that there are communities where families move far more often in the education—and the education suffers. Somebody had a hand up. I'm sorry, I thought we were finished with testimony. Tasha, come on up. Anybody else? Nobody else? Okay.

Tasha Harmon 2627 NE MLK, No. 202, 97212, tasha, southeast 27th. I'm speaking on behalf of the community development network. I want to second a lot of what you've already heard. It's a really excellent plan, and staff and the commission have done a really I think extra ordinary job of looking at the current realities and beginning to focus in on some of the key issues that are different in some ways than they have been in the past. I wanted to speak particularly to three issues that get raised by the plan. One is that—the new emphasis on asset management issues. Second is the need for housing for very low-income people, below 30, which you have already had some discussion on, and the third is the need to address displacement issues, again, which you've been talking about. And I don't know how much I can add, but just to put my two cents in, I think that over the last ten years what the community development corporations have seen as part of the sort of housing delivery system for the city, if you will, has been a huge emphasis on getting the units on the ground and preserving stuff and rehabbing it and reclaiming those abandoned buildings and getting production to happen. That was good and appropriate in many ways to that situation, but part of what we're seeing now is that we didn't always think in terms of the long haul, in terms of how those projects were financed, and what we were supporting in terms of staffing. So I think it's really good and important that the city is now looking at the assets that have been created by public dollars, at least in part by public dollars, and saying, how do we make sure these remain strong assets to the community, to the people who live in them, to the neighbors, to the city as a whole? So I think that's a good and important focus, which will

of course need to be balanced with the continuing need to increase the stock for very low-income people. In terms of the focus on people below 30%, i'm not going to run through the statistics. I think you all understand the crisis that people are in. There are a lot of reasons for it. Some of which we've had very little control over in terms of hud' own decisions about how it's going to emphasize funding. But we are definitely seeing an enormous increase in the pressures on very low-income families, as the traditional places where they have lived disappear as property values increase, and they are no longer the best use for those properties. And as we see welfare reform and the—and an increase in low wage part-time temporary wages pushing more and more people into that situation, the preservation ordinance which you adopted last year was a crucial and just bold and wonderful step in terms of addressing the needs of that population, but it's only one of the steps we need to take. And I think that in addition to beginning to talk about how to focus monetary resources on those issues, the other thing we need rite now is to focus other resources. We need to focus the brain power, the creativity of government and the private sector in the—and the nonprofit sector to try to think through, what are the strategies for meeting the needs of this group of people? And I hope this plan will lay the ground work for that conversation over the next year. We need some new strategies in addition to some more money. In terms of the displacement issue, you know, you've been wrestling with it for the last 15 or 20 minutes, and I don't know how much I can add, except to say that again, part of the issue that we need to wrestle with is that the tools that we have on the table now aren't sufficient. They don't work. The city has created some very powerful tools for revitalization, some very powerful tools for creative solutions for affordable housing, but we've not focused much of our energy and our creativity on the issue of involuntary displacement, on ways to stabilize neighborhoods so we can create neighborhoods that will be mixed income over the long haul and not what we see in most of this country, which is that a mixed income neighborhood is a neighborhood on the way up or down. I think we have some real opportunities, both in the urban districts and outside them to put tools in place to help stabilize neighborhoods and make it possible for a huge range of incomes to live side by side in their communities. And I hope that we can get a strong commitment over the next year to put some of those strategies in place. Thank you for the opportunity to testify, and the network is looking forward to being part of implementation and continuing to do the problem solving that needs to be done, and we will be here and part of the partnership.

Katz: Thank you. Nobody else wants to testify, then what we'll take is roll call.

Francesconi: Thanks for all your work. Aye.

Hales: I think this particular report and plan shows that our leadership here and the effort that people on the council, commissioner Sten particularly, people in the community, people in the bureau, have been making is still very motivated. People are still focused on the importance of this issue, and I think the Portland approach of really leveraging public resources with nonprofit organizations has been so successful, it's really captured here and honored and reinvigorated. I'm really impressed by that. I think it's something that we've led not just here locally, but been a good example to the rest of the country. Obviously it's going to be necessary that we leverage and are very effective in our use of limited public dollars, and I think you're right in maintaining that focus. I look forward to being part of that partnership in the future. Thanks for good work. Aye.

Sten: I want to thank the volunteers and the staff and steve and everyone. It's a big document, you really did a nice job of laying things out. I also want to thank the council. I think people recognize this, but the council is making a lot of sacrifices to be able to keep money falling into this issue, because it's not an easy time. We're running out of time, but I would like to point out, I think there's a thing that was mentioned but is in the long run I any probably one of the more significant things about this plan. For the first time ever we coordinated with this with the other jurisdictions in the region that get federal entitlements, and my hope is sometime in my life tile we'll see one strategy that spans the region, because clearly special especially as you look at something as significant as a doubling of the poverty rate in gresham while it's leveling out in Portland, clearly this issue needs to have a lot more to do with land use and transportation and the job housing mix throughout the region, and not just be an

issue of sort of where poor people isolated are not isolated. Clearly money is a big part of this. There will be I think a very strong regional drive that includes the mayors of beaverton and gresham and others as well as our council to start regional housing fund, and we'll be approaching the legislature on the concept of a real estate transfer tax dedicated to housing, a modest one, but that would I think go a long way. This is beginning, the foundation of that kind of regional work, and I wanted to point that out. Of course I vote aye.

Katz: I too want to thank everybody. I think because of your work and because of the discussion that's council has had over the priorities of providing resources for affordable housing, we today know more and are concerned more than probably ever before. I—a lot of it is the good work of the commission and of the advocates that keep pushing them and keep pushing us, and thank goodness now pushing the region. That is just now beginning to address these issues. The data is very important, and I keep asking those questions, but I also remind myself that we are in the year 2000, and we probably should be getting the data back very soon. From that we'll know a lot more about where—where we need to concentrate and where our focus needs to be. But commissioner Sten is right, poverty is moving out to east county, and it is becoming a regional issue, because I think it's also going to be starting to move out into Washington county and clackamas county as well. Thank you, everybody, and i'm pleased to vote aye. We'll take a three-minute recess. I need to talk to my city attorney here for a minute, and then we'll reconvene. [recess]

Item Nos. 695 thru 698 were read and discussed together.

Katz: Good afternoon, everybody. The council is back and we're going to start. After we go through these items we'll take the appeal by—we'll hear an appeal by the Portland family entertainment against the noise review board decision. And then if time permits, we'll have a presentation and accept the report and recommendations of the goose hollow civic stadium planning committee that's been working for a long, long time. If time doesn't permit, we'll make sure it goes on the agenda at some other time very close in the next couple of weeks. Let me open this by saying that today we have an opportunity to celebrate a new standard in neighborhood involvement, and a new standard in neighborhood agreements. I think it's fair to say that never before have we developed this kind—these kinds of agreements with neighborhood associations to protect the livability of their neighborhoods. And for the past 12 months, representatives of the northwest district association, the goose hollow foothills league, the Portland family entertainment, the Portland development commission, and our staff, and you'll hear from them in a few minutes, have been publicly, and I want to underline publicly, negotiating two critical documents which will set rules for future operations of the civic stadium. They are a good neighbor agreement and a comprehensive transportation management plan, and we'll hear also discussion about the funding of that plan as well. There are a couple of people that I want to thank personally. Pat—patricia gardener, where is she? Right over there. She's still with us. And john bradley, who is still with us, and jerry powell, is he here? For their dedication and their involvement in the project. It has not been easy for patricia and john. They do have jobs. They do make a living, they are part of their neighborhood association, but they're also just outstanding public figures and citizens in this community that got involved to make all of this happen and to bring their neighborhood associations to come to an agreement on these two proposals that we're going to hear in a few minutes. Because of their work and because of the work of a lot of people here, both of these plans have received approval from their neighborhood association boards, both—their neighborhood association boards. We'll hear from both john and patricia in a few minutes. Before I start, i—our city attorney has requested that we begin by making some ex parte contact statements just for the record, and let me start. I'm going to read mine so it's as accurate as possible. I have had many contacts over the past year with the city's negotiating team and staff from involved city bureaus, including ofa and pdc and planning. In general, these contacts have consisted of briefings on the status of the negotiations with pfe with the neighborhoods, with harsh investment and the Multnomah athletic club. We've discussed issues that will be discussed today. The good neighborhood agreement, transportation management plan, the code changes, the noise issues, and the vision plan for goose hollow. We've also discussed

MAY 18, 2000

issues that will be the subject of future hearings, the memo dumb of understanding, the operating agreement and the development agreement, and i've done that as my role as mayor, and as my role as commissioner that has both the Portland development commission and planning, and the office of finance and administration. Regarding the issues before us today, I personally met with representative of harsh investments on february 3rd to discusses both changes to the open space zoning designation and the good neighbor agreement, particularly concerns about noise and parking. In addition, my staff members, sam adams and lilly reece, have met with the Portland family entertainment, goose hollow foothills league, and the northwest district association, and others, on a number of occasions to discuss the terms of the good neighbor agreement, the mitigation measures recommended by the ctmp, and noise issues, and have reported back to me the substance of those communications. I intend to liSten to the testimony today and base my decision on the testimony and the evidence before us. And i'm going to hand this over to our city attorney. Does anybody else have ex parte contact statements they would like to make?

Francesconi: Yes, but first I have a question. I have them since—i have them since the last time we dealt with this. Are you asking all the way back, before the last time we took action on something? Or since the last time we took action? That's what i've got. I'll disclose what i've got. If you want something from before, i'll accumulate it. Did you want staff contacts too? I'm going to have to add—go back and add up the staff contacts. I have met with larry, tim grew, steve janik on three or four different occasions to discuss each of these things in an ongoing role as staff. Keith, I met with him once. I'll go back and disclose the— the staff ones. People other than staff, april 7th, a meeting with mark gardener and mark kelly. On april 25th, a meeting with paul phillips, and candace brewerman. On may 1st, I believe I had a phone call with larry harvey, on may 15th a meeting with patricia gardner and john bradley and keith, on may 16th a. Meeting with steve and tim, and one other person I forgot your name, i'm sorry, I saw you here. On may 16th, a phone call with marsha glickman, on may 18th, my staff had a phone call with paul phillips on may 18th, my staff met with marsha glickman and mark gardener, and i've not talked to my staff about that. On may 18th I had a phone call with harold schnitzer.

Sten: Do you want me to go— I have a list of all the meetings i've had since '99. Do you want all of them out loud? Or should I just submit that in writing?

== perhaps you can generally sum rise them—

Sten: There will be a copy for anyone. They'll fall into a pretty clear pattern. I have met regularly with the city staff which includes tim grew, brian, keith, and also larry and steve janik representing the city on several occasions in the last year and a half. I have met with the neighborhood associations and most notably the chairs on may 11th of this year, patricia gardener and john bradley, met on may 12th with the mac club's representatives, i've met with harold schnitzer of harsh investment on may 8th, met with the negotiating team on april 20th, on april 3rd met with larry harvey, candace brewerman, paul phillips, paul ramus representing harsh investment company, and on I think january 21st met with scott ball low, paul phillips and john delorenzo, primarily with pack west, but also representing folks. We have had—did I not catalog all of the phone calls. I could go back and do that, but i've had numerous constituent phone calls. My staff has taken all of the phone calls. I don't recall having any phone calls on this issue. I did not catalog meetings at which the issue has come up. My list is meetings that were scheduled to talk about civic stadium. I specifically recall being at the northwest district association board recently and the issue came up and so there's probably been several meetings like that where somebody has started a conversation on the issue, but this is everything that was scheduled to talk about it. So I would just read the statement to wrap it up that i've had many contacts over the last year and a half with the city's negotiating team and staff from involved city bureaus, including ofa, pdc, p dot and others. As well as meeting with neighborhood groups, pfe, harsh investment and other interested parties. We've discussed issues pertaining to the—all of the topics that we'll be voting on today, these contacts have given me a lot of background but will not influence specifically my review

of the facts today I intend to listen to the testimony today and make my decision based on the evidence before us.

Hales: The clerk and the city attorney have my statement, which I won't read verbatim, and we can provide information for anybody that wants it. Same kind of contacts with the city's negotiation team, I've also had contact with representatives of harsh investments, Multnomah athletic club, Steve Canter of Lewis and Clark, and in particular I and my staff have had a number of meetings with Tri-Met attempting to help negotiate the portion of the transportation plan that deals with transit service to the stadium. And in that particular area I've had a lot of meetings and so has my staff. Again, Catherine and Britta have copies.

Katz: So you see Pat and John, usual not the only two that have been involved in this.

Sten: When Commissioner Hales recited his, did I have one phone call with the general manager of Tri-Met that I had forgotten about.

Francesconi: So did I, now that you've got that out there. And actually, I also had a conversation with PSU and the athletic director about some of the needs about PSU. And these conversations and I haven't added this part, I'm going to base my decision on the testimony today.

Katz: All right. At this point I'd like to run—

Katz: Does anybody want to challenge any of us? Nobody has any questions? Okay. Let's proceed, then. I'd like to run through the schedule—well, anybody has a conflict of interest? I'd like to run through the schedule for this hearing. We're going to have presentations by internal and external staff, that have been working on this project. Then we'll hear from representatives of the Northwest District Association and the Goose Hollow Foothills League. There will be a possibility for amendments that I think some folks have been working on. I have not seen those amendments, and so we'll try to figure out how to fit those in. And then we'll have public testimony followed by council discussion and then our vote. And I—my hope is that we give not only the supporters of these of the good neighbor agreement and the transportation management plan, but those who oppose it some equal time as well. At least the principle opponents. And I'll try to keep track of the time and equal eyes it to the best of my ability. So—but let's start now with Tim Grew. Tim, Susan and Keith. You have a total of 18 minutes.

Tim Grew: Chief Administrative Officer, Office of Management and Finance, we'll try to beat that. For the record, I'm Tim Grew, the chief administrative officer for the city, and your head of the office of management of finance. The mayor's done a good job of covering the agenda for today. We're going to turn our attention to the good neighbor agreement and the transportation management plan that are before you today. As I want to give some background and context for your deliberations today. In 1998, the city issued an RFP requesting proposals from the private sector for public and private partnership for both the renovation and operation of Civic Stadium. That process ended in the selection or recommendation from the committee to proceed with negotiations with Portland Family Entertainment. In 1999, following deliberations, we entered into a memorandum of agreement with PFE. That agreement called for the completion of an operating agreement and redevelopment agreement prior to closing and moving forward with construction at Civic Stadium. It also called for the completion of a good neighbor agreement and a comprehensive transportation plan prior to adoption of the redevelopment or operating agreement. Those are documents that you are considering today. In June next month, it is our hope to bring forward to you the redevelopment agreement and the operating agreement. Both those documents will contain provision that PFE must comply with the conditions of the good neighbor agreement and the transportation plan. I'll stop there and turn it over to Susan Hartnett, who will take you through the background of the land use issues.

Susan Hartnett: Planning Bureau, thank you, Tim. I'm going to briefly go over the report and city council findings on the Civic Stadium good neighbor agreement and comprehensive transportation management plan. You'll recall that in February of this year, the city council adopted the planning commission's recommendations to make changes to the central city plan district. Those changes allowed expanded uses at four sites that were zoned open space. The selected sites and uses were

based primarily on existing activities and use that's were made nonconforming at those locations when the open space zone was developed and applied in 1991. Civic stadium is one of the locations shown on the map in the zoning code, so it is eligible for those additional allowed uses. The use is called major event entertainment, and both major entertainment—event entertainment and commercial outdoor recreation are only allowed on sites that are at least five acres in area, and within 500 feet of a light rail station. The use must also comply with the regulations of 332262, which are the offsite impacts, and before a building permit can be issued, the use must have a council approved good neighbor agreement and comprehensive transportation management plan. Before you is the report and city council findings on the civic stadium gna and ctmp. It contains an overview of the proposal and site information. It gives you the code requirements for both the good neighbor agreement and ctmp, and it also analyzes the proposal against those zoning code requirements. And the document also includes findings for council's determination. The report concludes that the required procedures have been followed, and that each of the two documents contains the required elements, and that each of those elements have been adequately addressed. And for members of the audience, there are copies of the report over on the desk behind the city attorney's office if people have not had a chance to see it. I'd like to answer any questions the council might have about the report and findings so that I can vacate my seat and turn it over to patty or john bradley.

Katz: Questions? Keith?

Keith Witcosky: Portland Development Commission, I might have—patricia and john bradley join me.

Katz: Tim, are you leaving? Question es. Tim, come on back. We have questions.

Francesconi: I just have one question. An issue we're going to get into is the number of concerts, the whole issue of concerts. Now the time for me to ask you, or are you coming back?

Witcosky: respond to your questions. If that would be satisfactory.

Francesconi: Okay. But I guess I want to hear—i know one of the issues is the number of concerts. The—we're going to hear testimony as to why eight concerts are significant from a financial standpoint. And what I need to know is, have you analyzed this and can you explain to us what the role of concerts—it seems on the surface when you look at eight concerts and you have all these baseball games, that it may not be that significant. But then there's others that say it's the underpinning of the deal. So I need to know what your opinion is and what is it based on. What have you done?

Grewe: since the beginning of our negotiations with pfe, commissioner, very have taken a hard look at the financial assumptions underlying the pfe proposal, and also the revenues that the city can expect as part of our partnership. A fundamental component of those financials has been all along concerts. And you may recall that we initially began with approximately an assumption of 24 to 25 concerts per year, we are now down to eight concerts within that proposal, so the dollars have changed over time. But nevertheless, they have remained a fundamental component of the financial proposal that pfe has put forward to the city on the basis for making our estimates. When you look at the concerts along as a line item entry within the financial proposal, by comparison to the triple a baseball team, the number can appear to be quite small. If you're not careful, that can be deceiving, because also associated with concerts are advertising, concession sales, sweet sales— suite sales, and a whole dynamic that's part of the marketing package for civic stadium. So we're either removed concert from the financial per form a, you would not just see the revenues associated with the concert itself deleted, but you'd also see part of the advertising revenues, the suite revenues and a whole array of other revenues. It becomes a very significant part of the overall financial projections for the stadium. We're—were that to be removed, in terms of the securing debt, i'm speak in terms of pfe, that would be a— the removal of a fairly significant dependable revenue source that they are putting forth as part of their debt proposal for securing finance to purchase teams and other venues for civic stadium. Does that answer your question?

Francesconi: Yeah. And i'm not going to look behind the agreement in every area, but in this one it's a crucial issue, given the neighbors that live nearby. That's why i'm going to have some questions in this regard. One question for you will be the same question i'll have for pfe is there any magic in the number eight in terms of the financial deal to make this thing happen?

Grewe: it may be better for—we're getting into an area of what this means in terms of pfe's ability to acquire debt. What I can tell you is that dropping below the eight concert level, I believe would have an impact upon pfe's ability to secure debt. But I think they would be better able to present that information to the council. I do want to point out one thing, though, commissioner. Clear back to when we completed the—what I refer to as the merck study, which was the first study about what to do about civic stadium, two things were very apparent. We had to deal with the structural issues at civic stadium. Code requirements, safety issues. And that was going to require substantial public investment, most likely from the city of Portland. But we also understood that in order to get civic stadium on a sound operating footing, we needed to increase the venues, the events that civic stadium was performing, that needed to be mixed events, not one single orientation. We needed more choices and we also assumed there would be venues, not just community venues, but also music and concert series in the stadium as there has been in the past. So right from the beginning we've always assumed a component of the offerings of civic stadium would be concerts.

Francesconi: Why couldn't we hold some of those concerts at the rose quarter instead of there? They would help us financially there too. Or do you need a certain number?

Grewe: that's true. If the concerts that we're planning on at civic stadium were held in the rose garden, that would be advantageous to the city as well. We believe from our market analysis that there's sufficient concert business to allow for the continuation of a good concert series at the rose garden and also concerts at civic stadium. The only thing I would add, you're talking about an indoor facility at the rose garden. Civic stadium currently operates the only venue for larger outdoor concert series within the region. And that's why we believe—believe there's a market for outdoor concerts at the stadium.

Katz: Let's proceed. We'll have time for questions a little later on. Patricia and john, and keith.

Witcosky: Portland development commission. I want to talk to you about briefly, i'm going to go as quickly as I can, because we're very familiar with this, is pdc's involvement. We are involved in three different pieces that are all oriented toward community outreach and neighborhood work. It was a goose hollow civic stadium planning committee that we've been working with since last martha looked at what are the opportunities and impacts associated with the renovated civic stadium in regards to redevelopment, parking, transportation, et cetera. We also led the work on the good neighbor agreement, bringing in northwest district association and rewriting and revamping and improving an existing agreement between merck and the goose hollow foothills league and we're also involved along with ofa with the comprehensive transportation management plan. So very briefly, the goose hollow civic stadium planning committee efforts, I want to talk about it quickly because it informed a lot of the work that went on in the good neighbor agreement and the ctmp. Like I told you, they began work in april 1999. We've met about 15 times. We've got a report that if we have time we'll be reported to council later today or another date. What it would try to do is set a vision for the area for the next five to ten years. And we did look at what are the impacts on parking, transportation, land use, and what are the existing problems with parking and transportation and land use, what are the stadium related impacts, and how does that affect future development. And a lot of the work and a lot of the strategies to come out of that report fed directly into the comprehensive transportation management plan. We did a series of studies and surveys at event that's took place at the stadium last year. Everything from world cup soccer matches to a variety of different rockies games to concerts, so we could get an idea of what happens to this neighborhood when anywhere between 3,000 and 18,000 people come into it and what are their manners and behaviors. Also as I said, part of that work was taking a look at a good neighbor agreement and bringing in northwest district association, goose hollow foothills league and Portland family entertainment to rewrite an existing agreement and put

MAY 18, 2000

something in place that basically provides the rules of conduct for the new stadium operator Portland family entertainment and also create an ongoing role for the neighborhoods to work with that operator in the future. I want to pause very quickly and also thank John and Patty and Jerry Powell and Marshall Glickman for dedicating hundreds of hours over the last 12, nine to 12 months on this agreement. There was a lot of work and everyone did a great job. We went through a significant public process for developing this good neighbor agreement. A lot of that was conditioned upon the city code, we also went beyond the code in terms of the number of public meetings that were required, the amount of outreach, because we tried to include as many people as possible. This meant not only regular public meetings, but we did upon request meetings and went to places that were impacted by the stadium and went to them and heard their thoughts and got their input as well. We also had a large number of neighborhood association meetings with the Goose Hollow Foothills League and Northwest District Association as this agreement was processed. Which ultimately led to the approval by the Northwest District Association on April 17th and the approval by the Goose Hollow Foothills League on April 20th, and that was for both the good neighbor agreement and the comprehensive transportation management plan. Now I'm going to quickly run through this agreement. I think most of the people in the room are very familiar with it, so I won't go into 92 detail, but I can answer questions and flush out more detail if you want. I'll share this task with John and Patty, but I'll take it from the top. The first section of the game deals with definitions. We wanted to define a whole variety of different events and place a lot of different controls on those events for the stadium. So we looked at music concerts, festivals, what are special events, how many should occur, multiday special events, et cetera. We then went into looking at what are the important things relation to design and construction of this facility that can also keep the neighborhoods involved in the construction, and there's a construction mitigation plan that needs to be developed, there's a committee outreach plan, both of these are in progress, what are the objectives in terms of the renovation, that matches up with some of the design goals and the character of the Goose Hollow neighborhood. We also went into looking at events and coordinating of event schedules with other facilities, both in the area as well as on the other side of the river, such as the Rose Garden and other places. We looked at a series of limitations on everything from single day special events to multiday special events, music concerts, all-day music concerts, music festivals. There's also the development of comprehensive transportation management plan that you'll get a much more detailed presentation on that by John from David Evans Associates, but essentially it has 14 strategies in the draft that's before you today. There will be an additional strategy added that talks about bike parking. The philosophy is how you get people, not cars, into the neighborhood. We have a technical glitch on the screen. I'm going to keep moving through this. The strategies of the CTMP were driven by the Goose Hollow Civic Stadium Planning Committee in terms of they set out the work plan that they wanted the consultant to do to look at what kind of events on what days to gather this information. I've quickly listed the 15 mitigation strategies that's everything from parking prohibition programs in Goose Hollow, to parking programs into Northwest, to the event ticket as a transit pass, extra max service, shuttle bus service, informational brochures to teach people about where you're supposed to park, and the goal is to get people to park in places as downtown and take transit into the neighborhood. We also looked at signage on regional highways, city streets, pedestrian oriented guide signing, discounts at the downtown parking garages, discounts or free parking if you carpool, promotions for charter buses, restaurant buses and temporary street closures to allow some of the larger events for pedestrians to be able to whack around the facility in a way that's not going to be creating conflicts with traffic, and there's also going to be language on bicycle facilities and promotions. Noise is a very big issue, and that will be discussed right now, and also later today. Right now the agreement calls up for up to eight concerts per year. This is less than what was originally proposed in draft four, which called for 25 concerts per year. And it was ten between April and September, and 15 between October and March with 15 in October and March tended to be smaller concerts of the 3500 range with tents similar to what's going on at Cirque du Soleil. But it was narrowed down to eight in negotiations with the neighborhoods based on public input from the public

meetings, as well as working with pfe. They agreed the neighborhood association approved the pfe could request a five-year variance for sound levels less than 80, which is what is in the current agreement.

John Bradley: Northwest District Association, a lot of people were really concerned—john bradley, I reside on northwest johnson. A lot of people were concerned about litter. We started out with several very small litter patrolled boundaries. Those boundaries have gradually grown to encompass a very large area of the goose hollow and they've also grown to encompass not just a few oversized events, but all of the events. So depending on how big the event is, pfe will be required to pick up around an ever increasing circle of the neighborhoods. Lighting, pfe has agreed to baffle all existing and new lighting to cut down on light pollution. Signs, there are going to be no electronic signs installed in the right of way, and that's a matter of beauty and design review. Pfe will not deliberately go out and solicit aircraft advertisement or helicopter advertisement which was a great concern to a lot of people. Also we would request the city try and get faa to restrict helicopter flights over the stadium. It's been an ongoing problem that has existed in our neighborhoods for a while. It's not specifically tied to the stadium, but we want to make sure there aren't any more.

Patricia Gardner: Goose Hollow Foothills League, 1445 SW Harrison, 97201, patricia gardener, president of goose hollow foothills league. I live on southwest harrison street. As we continue through the good neighbor agreement, we created a communications line. This is so that people have a way to continue to have comment into what goes on at the stadium. Obviously if there are problems there is a comment line, and that line, a log is created and given to an oversight committee, which we're going to get into in two seconds. But in essence, we can track what people think about the stadium. An alcohol management plan was created as well. This is to protect the neighborhood from folks coming out drunk, basically, at the end of a game, and crashing into people. So it puts time lines as to when that ends. Security plan, this is in the same vein. Security plan is going to be submitted by pfe in order to again protect the neighborhoods and pee—pfe is going to be working closely with the Portland police bureau in connection with stadium events. Hours of operation, this is similar to if not identical to what it's a little been at the stadium. Monday through thursday events will end by 10 o'clock, friday through sunday events will end at 11:00 p.m. Removal of staging must end by 2 o'clock a.m. This is after concerts and things like that. The lights must be turned off by 10:30 p.m. Sunday through thursday, and the lights must be off 11:30 p.m. Friday and saturday. Major league franchises, only one regular season game will be allowed annually from any major league franchise, so, for example, if the mariners came down, they could only have—

Katz: Only one?

Gardner: I know. We're a tough crowd. And then if, again, PFE wanted to add something, like major league baseball, to the stadium, they would have to do impact study, have to talk to the oversight committee and talk to you, and you'd have to approve it. So community use, this is a community asset and so we wanted to continue to have it be available for community use, so guaranteed three times a year at least it will be available for nonprofits. The oversight committee, which we're going to get to, will determine which of the community using are appropriate. Psu football and high school football, or high school uses in general, will be accommodated in the stadium. That's again because it's a community asset. We want to make very clear that it's still part of what the stadium is. Motor iced events. Events which feature operating motor vehicles are prohibitive. If you were hoping to see a tractor pull, it's not going to happen.

Witcosky: the—then we have the idea of establishing an oversight committee that will committee—apoint—we'll appoint the committee and have it selected by january 1st, 2001. The purpose of the committee is to oversee the implementation and provisions of this agreement, provide the open forum and communication for the neighborhood associations, the city and pfe, also be making reports and recommendations on the operations to council on at least an annual bases, and the other very important thing is they will also monitor the implementation and efficacy of the ctmp—

Francesconi: I can't read quite that fast.

== i'm trying to get you out of here.

Witcosky: so basically they can make annual reviews and recommendations on the ctmp. For example, a couple years from now if we find out something like shuttle isn't working as well as people thought, we want to shift the money to something else. This committee has a chance to make those citizens and recommendations to city council. The enforcement of the agreement is pretty much as written, enforced by the parties. The city and neighborhood association or neighborhood association may initiate a claim through the code hearings officer, which is important because it's provides them direct access to a code hearings officer, which the neighborhood associations do not have right now. They have to go through a bureau. In terms of the fines, this is also a big topic. You can see before you we've identified the fines. The first fine, if you have a violation, is being \$500, which is as patty has said, a slap on the wrist. Everybody can make one mistake. What they quickly escalate to 2,000, 4,000, 6,000, and fine number 5 you also lose an all day-day martin luther king concert for three years. You have 6 -- more fines and another all-day music concert. The other important thing I think pretty innovative thing, should violations occur, and there's then fines that are having to be paid, the oversight committee and the neighborhoods can come to council and say we have x amount of money and here is how we'd like to see it spent on mitigation issues on the neighborhoods. In terms of updating the agreement, it will occur at the end of year one and every third year after that. It can also be updated if additional construction merits the update and also if new franchises are added at the stadium. Limitations are an enforcement. The agreement cannot directly or indirectly restrict allegations of counsel chris's authority to in terms of city council action, whenever the agreement provides for any action or approval by city council, the following is required. Neighborhood notices to all addresses within a thousand feet, 30-day comment period and a public hearing at city council. I want to point out, city code says you're supposed to notify property owners within a thousand feet and we are going to voluntarily made the change and we did it throughout this process. We are identifying about 5,200 people instead of just a few hundred people, which is acquired by city code. Everyone can get involved and everyone knows what's going on. The term of the agreement will be concurrent with the term of the operating agreement, which my understanding is a 20-year agreement with two five-year extensions. Again, just to repeat, the good neighbor agreement was approved by nwda 6-5 on april 17th, the ctmp approved 11-0, and goose hollow was approved 13-1 and the ctmp was approved 14-0. With that, I will have john come up and talk more about the ctmp in detail, unless you have questions.

Katz: Are there any questions of our neighborhood folks or keith?

Francesconi: I do, but do you want to wait? I don't want to take time if we can do it later.

Katz: Okay. That's fine. John?

John Replinger: David Evans & Assoc., mayor, members of the council, i'm john reppinger. I have a contract with Portland family entertainment. The comprehensive transportation management plan is designed to accommodate more and larger events at civic stadium while potentially minimizing the negative impacts, particularly in the neighborhood. This work, the ctmp, is a continuation and extension of the work performed for the civic stadium—goose hollow/civic stadium planning committee that was begun in june. Keith, june of last year, keith gave you a better background on that. This is a project that involved a survey of existing conditions. Last summer, we conducted surveys in nonevent conditions on weekdays and weekends, and we also conducted an analysis of six events on both weekends and evenings. Our data collection effort included patron surveys of the patrons within the stadium at the six events, we accounted for the travel characteristics and other information about approximately one quarter of the total attendees of those six events. We also conducted in connection with Portland office of transportation, extensive traffic data surveys, and we conducted parking intrusion surveys in and around the neighborhoods. Taking that data with regard to the existing events, we projected that into the future events. The expansion of operations of the stadium, we used the same pro forma that pfe had provided to the city in terms of the number of events, we analyzed a schedule of 125 events in six different categories, and— including the concerts and the baseball games, soccer

games, other sporting events, as well as some of the high school events. We analyzed this according to the different sizes of events. We used the projections of attendance at each different event to in essence customize the evaluation of the impact of those events and the development to develop mitigation measures that responded to the type and size of the event. With regard to the transportation characteristics, we looked very closely at the mode split, taking into consideration the past activities of people attending events at the stadium, we pushed more toward increased substantially increased use of public transit, we also looked at the impact on the neighborhoods and shifted the people and—in terms of their parking into the downtown area, and accounted therefore for the parking demand. In terms of the goals of the ctmp, the overall goal as stated earlier is to get people and not cars to the stadium. The shift—the really focus of the program, ctmp, was to shift parking from the predominantly residential areas that are adjacent to and nearby the stadium, into the underutilized parking facilities and—in the downtown corridor. Most of the events are evening or weekend events when there is a substantial amount of parking available in downtown. We also focused on substantially increasing the transit mode share. We had good data, good information about the propensity of stadium patrons to use transit. We expanded upon that, particularly with regard to max. We also looked at programs to educate and inform stadium patrons about parking available parking availability, the use of transit and other alternative modes of transportation. We looked at a whole series of mitigation measures. These came in many cases from members of the goose hollow civic stadium planning committee, as well as those from pfe and staff. We looked at four different basic categories of mitigation measures. First of those being we looked at parking, transit measures, informational and other. I'll go through those—the 14 measures. In the parking category, we assumed from the beginning that there would be a parking program in the goose hollow neighborhood that effectively made—the parking resource, the on-street parking in that neighborhood off limits to stadium patrons. We assumed a similar program would exist within the northwest neighborhood, essentially a prohibition of the on-street parking. On the other side of it, in terms of encouraging it, we looked at and are continuing to look at discounts for parking in the downtown area, and discounts or free parking for car pools to increase the auto occupancy and again to shift them to the downtown core. In the transit element, we had another five measures. The first of those was the concept of an event ticket serving as a transit pass. A means of substantially increasing the ability and the frequency of the patrons to use public transit. We quickly determined that extra max service would be needed to handle the additional patrons in the larger events. Tri-met has typically operated additional max service at the rose garden. They provided some additional max service at some of the large events like the world cup soccer events we monitored last year. That will become an increasingly important component. Shuttle bus service was also something we evaluated. We determined that for about a dozen of the largest events, the shuttle bus service from the downtown core to the stadium would be necessary because of otherwise the max would be overwhelmed. It was mentioned charter buses are very important when it comes to large events, such as the soccer games, where there are large numbers of group sales. This helps get people rather than cars to the stadium. Pfe also has the concept of using restaurant shuttle buses as professional efforts. Again, to get patrons to the stadium without their cars. Will in the informational category, we had several measures, including development of an information brochure. It could be done on an annual basis and distributed along with tickets as well as at the stadium. We also had a three-pronged proposal for a signing program, part of it on the regional highway system that helps get the out of town guests off the freeway to the most appropriate locations, then directing them on the city streets to the downtown area where they can find parking. Not to the stadium. Our third element was a pedestrian oriented guide signing program in part to encourage people and get them thinking about the relatively short distance from the— distance from the parking garage to the stadium. The final category, the other category we looked at temporary street closures, such as was done with the world cup soccer, to minimize the conflicts in the immediate vicinity of the stadium. At this point we'll have an introduction of a 15th measure.

MAY 18, 2000

Lisa Strader: 1717 SW Madison, good afternoon. My name is lisa, i'm the senior project manager for Portland family entertainment. My address is 1717 southwest madison. I believe you were just handed some proposed amendments to the ctmp. As john mentioned, pdot worked with us in the development of this document, and I want to be sure that we recognize their efforts. We really appreciate those.

Katz: Before you start, does everybody have copies of those amendments? Are they available?
== I did provide extra copies to the clerk.

Katz: Okay. If anybody wants to see them, they're here. Go ahead.

Strader: thank you. The ctmp was released several weeks ago, and people did review it and pdot recognized that there were some amendments that were required. The amendments generally do two things—last year dea noticed that they surveyed several events, and at those events they noted that bicycle ridership was fairly low. The first part of the amendment identifies our commitment to work with pdot and the city to increase bicycle ridership as a mode split for stadium events. The second part of the amendment identifies that we will also work with tri-met to increase bus ridership, and I actually said those two backwards. The first part identifies bus ridership. As it relates to bike, pfe, as a future stadium operator, is definitely pro bike. We're pro just about anything that gets cars out of the neighborhoods and not have them park on the neighborhood streets. And as you are all aware, the stadium site is very tight. There's not a lot of extra real estate there. We are committed to maximizing the number of bike parking spaces on the site. And the amendments indicate that we will do that, pfe will provide permanent bike parking spaces on site for public access, and within the confines of the stadium building for staff. It also identifies that the city of Portland will, if the parking demand for bikes is identified or if there's an event that is specifically targeting bike ridership to the event, occurs, that the city will work to find off-site parking and that over the life of the operating agreement the city and pfe will continue to promote bike ridership to stadium events and work to address bike locations, parking locations for those bikes. I also understand that commissioner Hales may have some additional changes in this regard. Thank you.

Replinger: let me flip back to the basic consent of the ctmp for a couple more minutes. The next page graph identifies the efforts that we have taken in terms of the 14, now 15 mitigation measures and how they match very specifically with the objectives and action items from the civic stadium. The goose hollow civic stadium planning committee. Illustrates very clearly the efforts that pfe has made to help allocate the parking resources and reduce the demand in the neighborhood increase multimodal transportation. The final part content of the ctmp is to mention four potential mitigation measures that we evaluated but did not include, and the—in the ctmp. One of those is the expansion of fareless square. Ace valuable idea, but we think the proposal we have for an event ticket to be a tri-met pass is more beneficial. We also looked at the sharing of parking resources. Sharing of the residential parking for events. We encountered several problems with that. Mostly the fact that the area residents are seeking to park at exactly the same times that events would be occurring at the stadium. We evaluated the construction of a parking garage for event parking, and did not find that was effective from a financial standpoint, in addition to which we were concerned that that went against the goal of keeping cars out of the neighborhood. And finally, the fourth item was an additional track on the max line would be beneficial for tri-met's object rations, but it would be an expensive measure and probably not something that is required to allow us to take full advantage of max for moving stadium patrons to and from events. That concludes my presentation, and i'm able to answer questions.

Francesconi: Maybe via couple questions here. Bus—the goal, if I understood this right s. Bus ridership is just going to be 2% for these events, and your goal for bicycle riders is 8%?

Replinger: no. The—let me address the easy one first. The bicycle ridership, that was a combination of bicycling and walking.

Francesconi: I think you said further on there aren't many people you expect to walk there because of—

Replinger: few—we would expect a few to bicycle. We thought lots of people walking. Lots of people walking. We surveyed just under 4,000 stadium patrons at six events last year, and only encountered seven bicyclists.

Francesconi: There's two issues. So let's talk about—

Replinger: okay. So we do expect substantial number of walkers. In fact, we'll increase as people are expected to park in the downtown core, and walk the remaining six or eight or ten blocks to the stadium. So that would—

Francesconi: Let's deal with the bicycle issue. I think the issue of bicycle parking, is there a way we could do a temporary bicycle parking after we encourage more bicyclists and then monitor it and figure out if more than 26 are coming at major events? Is there a way we could do that?

Replinger: as we explained, there is very limited space on the stadium site. I think there are potential spots nearby, including the tri-met stadium station would be one possible site, lincoln high school would be another possible site. I think there is some potential for operation of temporary bicycle corrals, such has been run at the Portland bike show or the bite of Portland in the downtown core.

Hales: We did a little more work on the language for this item, so why don't I pass these out now, and obviously take public testimony on that too.

Katz: Make sure that everybody has it.

Hales: Ron, are you still here? We may need more copies of this. Basically what we added was additional specifics— specificity to that language at the end where we said that pfe will accommodate all demand for bicycle parking spaces at stadium events, measures including but not limited to— the goal is to accommodate demand as it rises, to borrow a phrase f. We build the bicycle spaces they will come. The more spaces there are, the more people will use them. But we're going to stay we're going to start with pfe will provide a minimum of 40 spaces on the stadium property, or in the public right of way add joining the stadium, location and number permanent bicycle spaces will be approved as part of the building review process. Secondly, pfe will provide for a limited number of spaces for employee use, third, pfe and the city will work together to identify and install additional off-site bicycle parking spaces as john mentioned, in places like the stadium max stop where there's room for that, and then finally, pfe will provide for temporary off-site bicycle parking spaces as needed to meet demand. In other words, the obligation is to meet demand, start with 40 spaces on site and some employee spaces, and then pfe and pdot will monitor that and grow the resource, the bike parking resource as the demand grows. I suspect one reason why there's not much bicycle use there, despite the proximity of a lot of housing to—on an easy ride to the stadium is there's no good place to leave your bike. Once our experience has been all over the city, once you start adding bike parking where it's an easy and safe ride, people will use it more, and so we ought to start with a reasonable number with an obligation for them to grow the number of the spaces as people use it more. But with an understanding that there's a limited amount of real estate on site for accommodating that demand. That was a suggestion for how to flesh that provision out and— into something more directive and specific from the beginning.

Replinger: excuse me. Did mr. Francesconi, did you want me to address the bus issue?

Francesconi: I had just a couple more. You can do that briefly. Very briefly. Can you increase it beyond 2%? That's the question.

Replinger: there may be a possibility the bus ridership coming, for example, from the east side will be higher than 2%. The limitation is on the ability of the people to get, say, from the downtown transit to the stadium and the max system represents the limitation.

Francesconi: Another area of questioning is, i—i—where are we on the ticket with tri-met, and—

Replinger: I have no idea.

Francesconi: There's some financial—so that's a question. And can you include talking to tri-met about getting more bus service as part of it, or is that adding too much to the conversation?

Katz: We'll get to that in a few minutes. Tim is prepared to respond to that.

Francesconi: Then the last question is parking structures. We want to get to 60% mode split with tri-met, not 50%. So we need all these alternative transportation. But the idea of a shared parking arrangement with a business, the mac club is going to raise that issue, tell me more about where we are on a mixed development opportunity with parking, where are we in that regard?

Grew: that may be better addressed as part of the discussion about the goose hollow/civic stadium planning committee.

Katz: We'll—if that's what you want, we'll get—we'll have further—tim and others will respond to that.

Sten: Can I ask one more question? I think you said at the end of the presentation that you ruled out a parking structure as mitigation because it's uneconomic. Did you look at the shared uses as part of that economic analysis?

Grew: the analysis was done by hobson johnson as part of the team conducting the study of the goose hollow/civic stadium planning committee. We were also part of that team. And in terms of the details of the economic analysis, I can't tell you what they were, but the conclusion—it did include a shared option. The cost of adding parking helped, but was not sufficient to make it a financially—financially attainable. We did include hobson johnson's memorandum as one of the appendices with the ctmp.

Katz: We'll have the next testimony will respond to the issues of the tri-met fareless square discussion, and then the the possibility of garage and Multnomah athletic club discussion. Does council feel comfortable moving these amendments so we can have—if anybody wants to testify there before us at this point?

== has pfe—do they have these?

Hales: I think they do.

Katz: We can move them now. All right. I'll take a motion in a second.

Hales: I'll move both sets of amendments.

Sten: Second.

Katz: Any objections? Hearing none, so ordered. All right. Tim, with marshall glickman, two issues you might—actually, three issues, tim. The funding of the plan, the tri-met and the mac club.

Grew: i'd like to give you a real quick update on where we are with the mitigation efforts and how we're intending to finance those. Earlier this week I issued you a memorandum outlining the mitigation measures made. Those have been discussed already. Those mitigations are—efforts are required by the good neighbor agreement, they're required by the traffic management plan. And they're also in your packet. I'm not going to go through those in detail, because I think I heard about most of them. The city and pfe fully committed to complying with these measures. However, we're still in the process of negotiating how they're going to be paid for by but I want to be clear, they will be paid for in some way, shape or form out of the civic stadium revenues. One of probably four ways. So it—some will be borne by costs by pfe, some will be borne as costs by the city. There maybe mixed responsibility between pfe and the city, and we may in fact end up passing some of those costs on in the form of a city surcharge to the people that are being—that are attending events at civic stadium. We currently estimate that the total cost for mitigation efforts will range from \$443,000 to 665,000, approximately, of that amount up to about \$556,000 annual will be—will be annual costs. As I said, these costs will be covered through some form of civic stadium generated revenues, be they pfe's or city of Portland's revenues. Prior to your consideration of the operating greet, which as I said earlier we hope to be mid-to late june, we will have before you the specific plan for how these revenues will be— how these mitigation efforts will be paid for within the civic stadium agreement with pfe. One of the more significant factors embedded in these mitigation efforts is what commissioner Francesconi was just mentioning, and that is the agreement we're seeking with tri-met for use of the admission ticket as a pass for use of light rail or buses to and from civic stadium on the day of the event. We're very excited about this proposition. We think it's going to be something that could be extended to other events in the city, and we think in fact it will significantly serve as a

MAY 18, 2000

catalyst for people to use alternative forms of transportation, simply because of the convenience of being able to use that ticket. I'm happy to report to you today we have a tentative agreement with tri-met to—the city and tri-met. We're still working out the details on that, but I can give you assurances today that we will have an agreement with tri-met on the use of the admission tickets at civic stadium for purposes of transportation. I appreciate commissioner Hales' assistance on that, and I hope to be back to you next week with the details of that agreement.

Hales: I don't know if a cattle prod constitutes— [laughter]
== the marks are still there.

Katz: He'll be coming to us. I'm—some time in the future on some other thing.

Grewe: tri-met is here if you want any reports from them, but we have met as recently as today with staff from tri-met working out the details and the tri-met director has been involved in those deliberations, so we're very confident that we will be returning to you with an agreement. I do want to note, however, we have not yet finalized our discussions on who pays for what relative to mitigation. I'm saying that on— mr. Glickman is sitting next to me. We also hope to resolve that issue early next week. I should be able to bring you back a good package within the next week or so. I want to leave you with the message, the folks in the neighborhoods and elsewhere, we are going to honor these mitigation efforts. We are going to build them into the budget for crest— civic stadium, with we're going to cover them out of civic stadium revenues, not just for next year, but in the years following as well. I'll stop there and respond to any questions you might have at this point.

Hales: I just want to sigh thanks for your good work on the transit piece. That has been a difficult but important negotiation, and I appreciate everybody's good effort to make that work. I think it's pivotal to making the whole transportation plan work. Thank you.

Katz: Further questions? Okay. Did you want to testify on this?

Marshall Glickman: CEO of Portland Family Entertainment. One, I wanted to let you know that commissioner Hales proposed amendment here supported by Portland family entertainment as it relates to bicycle parking, and we expect we'll come to resolution with tim in city's negotiating team on the funding for the entire mitigation program for the comprehensive transportation management plan next week. We're I think we're very close to finalizing that arrangement, and as to the cost of the bicycling, i'm sure that can be dealt with in the context of that. I did want to let you know that Portland family entertainment views the good neighbor agreement and the ctmp as a comprehensive approach to having a vibrant and viable civic stadium, while very carefully managing neighborhood impacts. We do not view these as either owner—onerous or burdensome documents. In fact, this is a partnership between pfe, the city, and our neighbors. It's a very balanced and fair agreement. As the future operator of civic stadium, we know the ground rules and our neighbors have assurance that their livability will be protected, and we think in some—in several ways improved. We want to express our appreciation to the neighborhood representatives, john bradley and patricia gardener in particular and their boards who passed the good neighbor agreement and the ctmp. More important than that, however, is the trust that has been built and will continue for the next 20 years. We also appreciate the vocal input, questions and challenges that have been raced by others. Their input has been—made this a much better document. Both of these documents much better for all of this. What I want you to know is the bottom line for pfe is we will live up to the letter and spirit of the good neighbor agreement, and the comprehensive transportation management plan, and look forward to continuing the partnership that we have forged with our neighbors.

Grewe: I don't think I can give you the specific information you would like, but we are in discussions with the mac club pertaining to the need for parking in the area. In fact there's a meeting as soon as tomorrow to continue those discussion was the mac club. There are also—we're also continuing our discussion was the mac club on the matter of the easement. I'm operate mistake we'll get to some form of resolution in the near future.

Katz: I just want to make sure—make it clear we can't commit anything to anybody right now.

Grewe: that's correct.

Witcosky: keith, Portland development commission. When we get into the discussion whether it's today or next week on the goose hollow/civic stadium planning committee report, at that time we can give you more detailed discussion of what we've been doing, land use opportunities around it and how garages fit into the area or not. And what are the patterns of use right now in terms of surface lots and those sorts of things. So we can build context around it.

Francesconi: I've lost track of the process. I have noise questions for marshall. But I can wait in the process if you want to deal with those later. I have a question about—

Katz: In a minute i'm—i want to finish with the hearing officer code amendment language, and then we'll be able to open it up to public testimony. So you have—you—

Francesconi: I won't ask you now about noise, marshall. I have question about that later. I do want to ask, and it's out of order, but since you're here, the issue of the community use of the facility for Portland state as well as high school sports. One of the main reasons to do this is to keep this as a community asset. Part of that involves the kind of turf, and I know you may be negotiating, but what can you tell us—what assurances can you give us that Portland state is going to get taken care of and that high school sports are going to get taken care of?

Glickman: are you asking specifically as to turf?

Francesconi: If you can, yeah.

Glickman: we are continuing to evaluate approximately four different turf systems, two of which are artificial, and two of which are natural grass, but in fact not typical natural grass turf systems. They're systems, one based in australia that have hybrids of synthetic fibers and natural grass fibers, because it's very important that the turf holds up so that when psu comes out and plays football on saturday after high school double headers have occurred on friday, the field is in pristine condition. Whatever way we go, the field will be in pristine condition. I don't want to show my hand too much, because I don't want to lose leverage in negotiations with the turf companies, because we're trying to keep our project costs in check.

Francesconi: So the turf will take—will be sufficient for Portland state.

Glickman: absolutely.

Francesconi: How about the bleachers and the location, seating?

Glickman: I think that's been worked out with Portland state too. Everybody—to everybody's satisfaction. we had a meeting late last week, I thought it was a very successful meeting with psu. I think we have for the most part 90% or 90% completed on the conditions for how we're going to handle that. The only thing remain assisting to work out the financial details. I'll be doing that this week or next week. We should be able to come back to you with a specific proposal at that time.

Francesconi: That includes the year—the hillsboro situation?

Glickman: that's correct.

Francesconi: And marshall, is there going to be any displacement of high school athletics and other community events there? And you're still open to doing a displacement fund that you and i—

Glickman: yes. We're very much looking forward to doing that, and we've dr. We need to work out the details. We think—upgrading high school facilities as part of this is very appropriate.

Francesconi: Thanks.

Katz: Linda? Then I think what i'm going to do—how many people want to testify? Okay. We'll have public testimony and then we'll bring back john and patty and anybody else commissioner Francesconi, and then we'll just go ahead and just ask people questions. Linda?

Linda Meng: Chief Deputy City Attorney, i'm with the city attorney's office. There's an ordinance before you that's one small piece of the good neighbor agreement, which amends the city code, title 22, to authorize the code hearings officer to resolve disputes that arise under the good neighbor agreement. Right now there's no way I think as keith mentioned, for the neighborhoods to go directly to the code hearings officer. If they have—they have a complaint about noises or something else, they go to the city bureaus, and the bureau decides to take the complaint to the hearings officer, it goes. But

MAY 18, 2000

this will allow the neighborhood associations who are parties to the good neighbor agreement to have direct access to the code hearings officer to resolve disputes.

Katz: And you're addressing 698?

Meng: yes.

Francesconi: Have we ever done that in our history before?

Katz: No.

Meng: no.

Katz: This is unprecedented in terms of good neighbor agreements. Okay. Let's have public testimony.

Rev. Stephen Krueger: Zion Lutheran Church, 1015 SW 18th, i'm reverend steven kriegler, a pastor of a church at southwest 18th and salmon. I appreciate being able to address the council. Our congregation, which is probably within the thousand-foot boundary to civic stadium, has struggled with this issue of the upgrade of the stadium as you might imagine. We feel that it is inevitable and we want to be good partners with the city, and with the goose hollow community in which we reside. However, I would like to speak to two issues with—keeping in mind there is a church which functions on a daily basis, but particularly on sunday mornings at the corner of southwest 18th and salmon streets, and if you've ever been a minister trying to conduct public worship on a day in which world cup soccer is happening, it is a challenge to be sure.

Katz: You could time your discussion with the congregation so you get the roar at the same time. [laughter]

Krueger: I have been working at that without much success. The particular issue that i'd like to ask you to think about besides scheduling is the issue of on-street parking within the goose hollow community. I know those discussions are still underway with a commitment to be had finally by january 2001. But there are church events, particularly in that neighborhood, that you need to pay attention to. The most prominent one for us would be a funeral. A funeral is something you can't plan for, and that usually people expect to drive to, and I can see that we would have quite a mess without properly addressing the availability of on-street parking, or parking in a parking structure nearby I would ask the council to pay attention to special events that are conducted at a church in this proximity to civic stadium, and factor that into the discussions about parking on street in the goose hollow community. It is an issue for my congregation, and I would appreciate your thinking about that. Thank you.

Katz: Thank you. Go ahead.

Doug Hardesty: Harsch Investments, 1121 SW Salmon, 97205, i'm doug hardesty, with harsh investment properties, 1121 southwest salmon street. I'm going to try to keep my comments brief today. I've had the opportunity to be involved in this process with the redevelopment of civic stadium for about the last 15 months. I've been involved originally since the inception. We appreciate very much the time and the courtesy you've given us this far in the process, and—in listening to our concerns, chief among them being noise, lack of caps on the number of events at the civic stadium, and traffic and parking. We still have issues with some of the provisions of the good neighbor agreement and the feasibility of the comprehensive transportation management plan. And one of the things we were really looking forward to hearing today was how that plan is going to be funded. I was surprised that you're being asked to vote on this and approve it without a funding mechanism today. We are supportive of the documents that are in front of you today. Assuming that previously stated assurances by city officials that they will resolve the remaining problems in the general—and the general fund will not be placed at risk, and if the noise—if the city upholds the noise review board's conditional approval of the multiyear variance. As we look at the gna and the comprehensive transportation management plan that is in front of you today, we have tried to look at them as a complete package. When we first started talking about the redevelopment of civic stadium, all of the conversation was about baseball. It's very interesting that today most of that conversation is going to be about concerts. In our public meetings that we've attended with the noise review board, we found very quickly that the

MAY 18, 2000

only people that really know anything about noise or—are the people on the noise review board. And we will provide additional testimony when you discuss noise a little bit later on, but thank you for the opportunity to speak to you today.

Francesconi: Just maybe just one. There was an issue about the enforceability of the good neighbor agreement that was raised earlier. You're comfortable now it has teeth in it?

Hardesty: yes have a lot of concern that the neighbors basically refer concerns that they have to the city council. And the city council is actually a party to the agreement that they're going to enforce. There is an oversight committee that the neighborhood associations and representatives participate in, but as far as enforcement, i'm not too sure that the teeth is there for the neighborhood that they'd like to have. The way it's been explained to neighborhood representatives is that the city legally has done the best they can do to provide assurances to the neighborhoods that they're going to respond to concerns throughout the life of these agreements.

Francesconi: They can go to a hearings officer.

Katz: Not to us.

Hardesty: the oversight committee, which is going to hear concerns other concerns that the neighborhoods have, will eventually make recommendations to the city council.

Katz: Anybody else? You'll get your chance. We'll hear everybody. You don't have any comments? Okay. Do you have questions of tri-met? Thank you, though.

Mary Dolich: Vista St. Clair Apartments, 1000 SW Vista Ave., 97205, good afternoon. Thank you for letting me speak to you today. My name is mary, i'm with vista st. Claire apartments, at 1000 southwest vista avenue. We've been involved with this good neighbor agreement process and have witnessed all the hard work and long hours, both fpe and the neighborhoods have put into it. It's been quite impressive. The final draft does reflect neighborhood input and compromise from all parties involved. I'm confident everyone worked very hard to make this a good and comprehensive document. However, I still have a few concerns about some specific issues and it seems at this point only city council is in a position to help the neighborhood. Throughout the negotiations, pfe has refused to place a limit on the number of events that will take place at the stadium in any given year. I submit that the residents of this neighborhood have the right to some level of certainty regarding what each year will bring. Every event impacts livability in our neighborhood. How residents drive home after work, whether they can go out in the evening, whether they can have visitors, whether they can park within two or ten blocks of their homes. I maintain it is very reasonable to request a limit on all events so the neighborhood can prepare for and adjust to this new activity. I would hope that council could help the neighborhood in this manner, because even though the neighborhoods worked very hard to get a cap on events, we were not able to achieve it. With the increased number of events and projected patrons at those events, the neighborhood will suffer under the burden of so many additional cars. Goose hollow is a densely populated area and has trouble accommodating the existing residents. When hundreds or thousands of event goers flow into the area, it will shut the neighborhood down. In my opinion, the comprehensive transportation management plan does not adequately address this issue. First of all, there's got to be designated funding, and I hope you all will resolve that. Secondly, the partnerships the plan refers to with downtown garages and local restaurants have not been established. In my opinion, this is a critical flaw in the plan. There's no way of knowing if the garages are willing to enter into such partnerships and no detailed plan as to how such partnerships would work. It also requires great stretch of the imagination to think patrons will happily park in a garage located at naito park way and northwest day advice and take a shuttle 18 blocks to and from the stadium. The plan does not allow for additional parking to be added in the neighborhood close to civic stadium, and I believe this should be required. I realize it's being talked to in another venue, but it needs to be addressed. The comprehensive transportation management plan paints a pretty picture as to how it might work, but it does not seem to consider the element of human nature that is looking for the greatest level of convenience and economy of time and money. Finally, the noise from the stadium is a huge issue. We hosted a good neighbor agreement presentation in our lobby in april with about 80

MAY 18, 2000

residents attending. Many voiced serious concerns regarding noise. In my opinion, the noise review board hearing the board— excuse me n. My opinion at the noise review board hearing, the board listened carefully to all sides presenting concerns and testimony regarding acceptable noise levels. I believe the board gave the request for variance thoughtful consideration and because they are experts on noise and its effects, I think their decision should be upheld. Again, I thank you.

Katz: Thank you. Let me clarify. There are exempt events with into limit, and then there are limitations on nonexempt events. You were referencing the psu, baseball, the soccer, the high school events, and—

Dolich: all events. Because I really feel all events do impact the neighborhood.

Katz: I need to know, keith, some—at some point do we have a limit on those exempt events where there's no limit on it today? Okay.

Steve Tidrick: i'm steve, general manager of the Multnomah athletic club. I don't know if you have copies of my testimony with you. I have some I can hand out. In the interest of time i'll try paraphrase the document in front of you. On behalf of the mac club, I express qualified support for the good neighbor agreement. And the comprehensive transportation management plan. The club is supportive of the city's effort to renovate civic stadium and hopes that the effort will be successful. We are mindful that success will mean additional impacts in the neighborhood, particularly with respect to parking. In supporting the gna and the ctmp, mac is placing great reliance on assurances that stadium activities will be closely monitored and should problems arise, they can be dealt with promptly. While other issues may arise in the future, issues related to parking impact are likely to need immediate attention. Structured parking. The pdc report for the area identifies off-street parking as a critical need. And highlights parking structures and—in goose hollow as a specific long-term strategy. The butler block at the corner of 18th and salmon has been identified as one of three critical projects. This future development could incorporate structured parking in the context of a transit oriented development. The parking structure is intended to serve the needs of the neighborhood, including residents, businesses and institutions. Mac is interested in being part of the process that may result in making this project happen. The club has indicated it will commit resources to solutions that achieve neighborhood and club goals. It is critical that the process explore this proper project takes place immediately. We believe the pdc report is correct in identifying as a serious issue the impact of increased stadium use on business and institutional uses in the neighborhood. The ctmp is silent on this issue. Therefore, we see that as a short coming of the transportation stud that I has been done of the area. We encourage the council to expand the pcc goose hollow civic stadium planning committee's role, consiStent with the goose hollow foothills league, board of directors resolution pass order april 20th. That resolution encourage pdc to convenient stakeholders to establish a process for achieving redevelopment of the butler block. Parking permit program. In order to protect residential neighbors, the ctmp calls for revised parking permit program. The details are left for future development. One proposal from pdot calls for ten-minute parking. This would have disastrous results for institutions like the mac and the church. The pdc planning report correctly predicts that changes to the parking permit program may have adverse effects on nonresidential uses in the neighborhood. Until the details of the parking permit program are known, it is not possible not to give unqualified support for the ctmp. We look forward to the opportunity to work with the city and others in the community to develop a workable permit program. Contrary to recent negative statements made in the press and elsewhere, the club has successfully met its obligation to maintain a viable transportation management program. As required by the club's master plan. We have conducted four transportation studies between 1981 and -- 1991 and '96 at considerable expense. These studies have been made available through a number of public hearings. We have committed considerable sums of money to successfully mitigate our traffic related impacts and those of others. We have purchased off-street parking for employees, \$800,000. We've contributed toward the kings hill salmon street station light rail line station in 1994. \$150,000. And we maintain a state recognized incentive transit use program for our 350 employees. Spending \$20,000 annually. As recently as 1995, the club

MAY 18, 2000

received a zone change to commercial use. Through that process, our transportation management plan receives substantial scrutiny.

Katz: Your time is up. Do you want to just get to—

Tidrick: we'd like to say this. We support the renovated civic stadium. A renovated stadium suggests more positive than negative attributes for the club. However, in our opinion a successful stadium becomes a two-edged sword for the club and the neighborhood. If parking and reasonable on-street parking permit program are not properly addressed. We express our sport for the gna and ctmp because we believe reasonable solutions to problems we've identified can be found. Thank you.

Gary Katsion: Kittleson & Associates, 610 SW Alder St., No. 700, 97205, good afternoon, commissioners, my name is gary, the address is 610 southwest alder street. Suite 700, Portland, Oregon. Principal with the firm of kittleson and associates here in Portland. We have been hired by mac club to review the ctmp. It's very obvious from both the presentation earlier today by both city staff and the consultants of the city has used and pfe has used that tremendous amount of work has gone into this development of the plan. The plan has very laudable goals, goals that fit in line with the things the city and the community as a whole is trying to do. It's also very clear that there's been a very creative look at how do you minimize the impacts around the surrounding neighborhoods in goose hollow and the northwest area. The area that we're concerned with, though, is that of these now 15 mitigation measures, there's been no discussion whatsoever of how they interrelate to each other, whether they're really and truly enforceable and whether you've got them all in place and ready to go. And that's the big concern I believe the marc club has. In terms of even beyond the report, it says it's very optimistic you're going to reach 37% mode split. Again, very laudable goal, but reality of all the sporting and special event venues in the area, of which there are some great programs, are getting only about a half to a third of that kind of transit usages. And they also recognize when the crowds reach 20,000 or more, the mode split can physically only be 20%. You can't get 35%, because the physical limitations of the max system and also the bus system. All of that information is in the appendices. What we're concerned with is how do all these things interrelate to each other, and what is the ability for these things to come to fruition? One other short coming we're concerned with in terms of the institutions and businesses in the area is that all of the study of previous events were conducted during the summer, and it was clear from the documentation in the report that up to 45 events are over a third are going to occur during the school year. When lincoln high school is in session. So there's auto use and other use in that general area that has not been accounted for in the study. What we're coming down to, I think there's workable solutions. I think even your own report, the question was asked before of whether a shared parking garage could work. It's in your appendices p. Under prototype 1, a shared parking garage, is it financially feasible if you can get the rents for the other uses within that parking garage. Prototype 2 is the one that your conclusion was based on, which was full public financing of a parking garage. So I think what the mac club has been saying for quite a while has been that the businesses and institutions in the area have been ignored. A lot of the mitigation has been set up for the neighborhood. We're not against neighborhoods being protected. What we've got here is a vital part of downtown that has a three-pronged type of users on a daily basis. It has special events, civic stadium should be expanded. We were part of a team that looked at—for pro bono looked at some—for major league baseball expansion of that area. The institution and businesses seem to be—have been forgotten throughout the analysis, and so I think the mac club and the city and others are still in negotiations and still are looking for that positive solution for short-term parking needs. If you have any questions, i'd be happy to answer them. Thank you.

Sharon Paget: 1817 SW Market St., 97201, my name is sharon padgett, I live on southwest market. I'm a member of the civic stadium negotiating committee. I spent four years working on various committees for the stadium representing the goose hollow neighborhood. On this last negotiating committee, I was often the one kicking and streaming about pfe, their plan changes and deadline extensions. But I have to tell you i've also worked with marshall and pfe and my neighborhood on the good neighbor agreement and the transportation plan. And there were times that marshall was the one

kicking and screaming about what the neighborhood expected. But we all worked together. Months of hard work by many people and we do have a plan. A plan for the city stadium that we're lucky enough to have in our neighborhood. It's part of goose hollow. We know increased use of the stadium is going to create changes. But change is one reason we choose to live in an urban neighborhood. As a 28-year resident, my children have been entertained at the stadium and now my grandson. It has been only exciting to see the revitalization that has happened over the last few years. I urge the council to accept this report and findings. And by the way, in all these 28 years, in all the different events that have taken place, there has never been a time that the neighborhood has been so overwhelmed with numbers of events. Thank you.

Katz: Sharon, I want to thank you. You were part—and you were—let me just tell everybody, she was kicking and screaming, and always with a critical eye which was very, very helpful for the negotiating team. So thank you for your testimony.

Catherine Ciarlo: i'm katherine, the executive director of the bicycle transportation alliance. I'm thesed—pleased to have the opportunity to testify here about what we see as a real opportunity in the transportation management plan. We're looking at a chance especially given commissioner Hales' proposed amendment, to really create something that is kind of the jewel in the crown of the bicycle network in Portland. What I wanted to do is expand on that, if you build it they will come theory a little bit. I'd be happy to answer questions. I wanted to give a couple of examples. I think we heard a little bit of testimony from john earlier about the speculation that maybe people won't use this, because bicyclists haven't been. And I wanted to talk about that, give some examples. The first one I wanted to give was an event that happened at the civic stadium in '99. It was the lilith fair. A couple people said they saw 50 bicycles. That was with not much established bike parking. They were locked to fences, poles, tri-met facilities. I think what we see there is that a facility located in the middle of a bike network really can draw people. The next thing I wanted to mention was the zoo concerts, which happen in the summer, and which draw regularly 35 to 40 bicycles. Thinking again about where civic stadium is located, it's flat, accessible by bike lanes, I think we could get a good mode split out of that. I want to mention the bta's bicycle parking. We do event parking at the bite, the blues festival, we do it at various neighborhood fairs. Sometimes on weekends we'll get up to 700 bikes. I think we're really looking at a possibility here. A chance to leverage pdot's investment in the bike lanes and the city's investment and for pfe and the city to really work together to put together some promotional strategies. I think in addition to if you build it they will come, one of the most important things is if you promote it they will could. We're looking at a combination of providing adequate parking facilities, and then actively promoting it. I wanted to end with an example, I talked to someone in san francisco earlier, and they recently built a new stadium and the giants play there. I was talking to someone this morning who said, when they first opened the stadium, about a month and a half ago, they got a 70% mode split. And that did not happen by accident. It happened because the city aggressively sent out marketing and promotion messages for a good year before it opened, saying, if you drive here it's going to be difficult for you, for the neighborhoods, we encourage you to take alternatives. And they got 200 bikes for that first giants game. Since then they've averaged 50 to a hundred bikes for every game. I think it's important to keep in mind it is possible. I think we've got some of the good tools here in commissioner Hales' amendment. I think it's a very affordable piece of the plan, which is exciting, and it's a chance to really accomplish two goals, help alleviate some of that anguish that we've heard that people feel about cars and—in their neighborhood, and also help leverage the investment that the city's made in our bicycle network. And I encourage you to make sure that Portland family entertainment is an active participating partner. It sounds like you're doing that and they're doing that, and we're pleased to hear it. Thank you.

Francesconi: There's just one problem with that analogy to the san francisco stadium. Giant fans are more progressive than dodger fans. [laughter]

Katz: Never. Absolutely never. That is not true. Thank you. Britta?

Jerry Powell: 1441 SW Harrison, 97201, my name is jerry powell, i'm the planning chair of the goose hollow foothills league. Any time you have a plan that's recommended by a neighborhood, the question comes up, well, who is the neighborhood? In the case of goose hollow, it's one of the oldest city neighborhoods and it's probably one of the most developed in terms of the way the neighborhood works. Is a large—the neighborhood is represented pretty well by a large board that comes from just about every geographic piece and every sector, social sector of the neighborhood. The—it represents businesses, residents, and it does that by talking with people. It's classic neighborhood community organizing. That's why this neighborhood board can say fairly confidently when it goes out and says, yeah, this is what we want, we're talking for a very large chunk of the neighborhood. I don't know if you recall, there are about 4500 addresses in the goose hollow—within the goose hollow foothills league. That's about 6,000 residents. It's about 2,000 businesses. It's about 3500 of those addresses are residential addresses, so the number of people per building unit is typically fairly small. 0 an average. But it varies tremendously. There's everything from multigenerational families to 19-year-old kids just starting out. It's typical of goose hollow. Goose hollow developed its own policy plan in the '70s. It continued that through the 1980s. At this point, when we were asked to step forward and contribute to a plan toward light rail coming through goose hollow, we not only did that, we already had the plan done. We came forward with a policy plan that was already practically whole fabric. It was picked up, the planning bureau dusted it off, supplied graphics, and they had a plan for how light rail would be accommodated in goose hollow. The stadium has been part of the goose hollow fabric since the neighborhood started seeing itself as a community. It's been a blessing and a curse. It's been accommodated. It's loved and it's hated. When the possibility of the stadium either being redeveloped or going away came up, there was only one answer, that—that came to the top, and that was, it has to be redeveloped. It has to be made viable. It has to work. There have been only a few really unanswered questions that have come up since the public testimony. One of them has to do with the parking permit program, and in answer to the requirements of the institutions in the neighborhood, we're looking for a parking permit program, what you'll find in the ctmp as the neighborhood's recommendation, a parking permit program that works six days a week, 13 hours a day, that allows people to park for a limited period of time, carry on their business, to go to visit homes, and that has a species of guest permits that hasn't yet been tried in an area parking permit program but has been tried in other special parking areas until Portland. It would be like a tear-off ticket. Details of that are far from finalized, but it can work.

Katz: Jerry, your time is up. I'm going to give you a little more time because you were an active participation in the negotiations. But your time has run out.

Powell: thank you. The neighborhood rejected the idea of an overall limit, acknowledging overall limit on community—on events at the stadium. The reason we rejected it fairly early on was that it was perfectly obvious that if any operator, municipal or private, is going to lose events because of a cap on the total number of events, the first ones he'll lose is the community events. The ones we want to protect. That's not a workable idea. Location of off-veto parking comes up. Because clearly the neighborhood has a parking deficit. In the design manual see in the future, we considered several locations that could be possible locations for off-street parking in the future. The discussion has been pretty general. One thing that comes out very loudly is that there is no one location that will take care of the parking demand. The real issue is access to it. You can't get enough cars to any single location to take care of the demands much event parking in goose hollow. How we deal with that is still open to discussion. But the discussion is happening. We will find a solution to that.

Robert Butler: 824 SW 18, 97205, i'm robert butler, southwest 18th avenue. I'm sending you a picture of a big hole—i'm seeing a picture of the—of a big hole in the sky, part of the unattractive features of the stadium. It's the back of the pepsi advertising sign, and the scoreboard of which the pepsi sign is approximately one-third of that black eye for civic stadium. I wish we could at least consider removing the top eight feet of that sign, which is the pepsi cola portion. Eastern if we have to buy the rights to do so. We did sell those rights, which was regrettable. The second thing, section 333

here says that tickets shall not be for on sale events. I'll try and explain that. You can celtic it's for same-day events. There shouldn't be any limitation on selling tickets there. It's handy for the neighborhood to have access to that location to buy tickets. People in the neighborhood that are passing through that see the billboard as an event they want, they can go buy tickets there. It's a commercial neighborhood, surrounded by banks, taverns, video stores, and it's just— from a marketing standpoint, it's just very disconcerting to me that the neighborhood could ask that we couldn't celtic it's there except same-day events. So really, if you can monitor that and the city can monitor that, let's give pfe a chance to sell some tickets, okay? And make it easy for the neighborhoods to buy them. The parking issue, you saw recently that red robin said that they were not renewing their lease because of extreme parking difficulties in the neighborhood. I remember commissioner Francesconi saying after talking to the businesses in the city of Portland, the number 1 problem for our—that portion of our economy according to the business people are parking. There's a couple of opportunities in here that haven't been looked at. The opportunity for a win-win situation where the loss of parking because of the takings by the light rail project has just—just look at the neighborhood and see no private enterprise is going forth, and it's really decaying as a result of that loss of parking. The win-win would be also of course that parking could benefit the tenants to the stadium. I know that sounds unless ant, but making money at the stadium is kind of important because we have an investment there. So the model here that was provided said it's not feasible to a parking structure. It assumes no subsidy for that parking structure, or that mixed use project. It also had rather unusual numbers in it, like it's going to cost \$86,000 per year to—in expenses to monitor—to have 160-car parking structure. That's \$40 per stall per month, which is an absurd number. It throws in a day care center in the project, which is obviously a low-income money loser anyway for a new building. So the study is really flawed. There is—it should be subsidized, it could be subsidized for this win-win situation. We have funds to improve the neighborhood as a result of the \$45 million we're getting. And so I suggest to you that one, there is a structure right across the street from the stadium, "the Oregonian" warehouse. It's a shame to tear it down, but there's probably no other use for it. It should be considered for a parking structure. There will be another similar structure and so we should rethink a mixed use project or project using the buildings in the neighborhood that could provide the parking.

Katz: Thank you. Britta?

Angela Crawford: thank you for inviting me. I'm cassandra crawford, with the goose hollow business association, 2153 southwest main in Portland. I'm here to say that on behalf of the board of directors, we do support the civic stadium goose hollow project. All aspects of the project. We think the pfe agreement and the agreement between pfe and the city is a good fiscally sound agreement, it makes sense. We think it's good for the neighbors, the businesses and the city. We want to see this—the civic stadium used, renovated. We think this is the best way to do it. We realize there will be some noise, there always is noise. When we have events at the civic stadium. I have been in that neighborhood since 1983 with the business. It has never really caused any parking problems for me and the business. It—but we realize that some people will feel that there is a noise problem. We still think that eight concerts a year needs to be done so that it will become a fiscally sound agreement so that pfe can get what they need to have this done. And I guess that's what i'm here to say.

Francesconi: There was one pretty strong statement made about the—that this was an agreement between the city, pfe and the neighborhood associations, but the businesses were left out. I guess the—i'm not saying that's true, i'm saying it was said. And I think they may also have been referring to parking needs for businesses. But I think you're saying that that's not true. The businesses were included and there's adequate parking?

Crawford: oh, yes. I have been attending the meetings from april 1999 through april 2000. The civic stadium committee meetings. And we've had input, i've given that input to the business association, we had an annual meeting in september of 1999. We invited all the businesses, we had the city of Portland, keith, pdc, and some of the people talking about urban redevelopment in the area.

MAY 18, 2000

A number of the people there at the meeting thought that the city wasn't going far enough. They actually want major league baseball. So they have no problem with this agreement. We realize there's parking—there are parking problems in the area. There have always been parking problems. But we don't think that the events that are being forecasted for the civic stadium are the major parking problems. They come and go. There are major problems with parking that are there all the time, but we don't see the civic stadium as contributing to any long-term major parking problems. They kind of come and go. They're short-term problems.

Kassandra Griffin: 1718 SE 34th, 97214, madam mayor, and commissioners, thanks for the opportunity to be here. My name is cassandra griffin, I live on southeast 34th. I am the chair of the board of directors of the bicycle transportation alliance and I hope you'll be a little bit lenient with me on time because i'm going to try and fit in someone else's comments in addition to mine.

Katz: A little bit lenient. Not much. I have a 9 o'clock p -- 9 o'clock p.m. Deadline. We had a hearing last night, we left at 9:04.

Griffin: i'm going to start with comments from mia burke, who was your head of the Portland bike program back when you had a Portland bike program. She is currently a senior planning associated for all the transportation consulting. She says, the potential for increased bicycle use at civic stadium is great. The stadium offers family oriented summer events with good bicycle routes to get there and sparse or inexpensive area auto parking. What's missing is twofold. Bicycle parking and promotion of bicycling as an option. I believe that Portland family entertainment should be on the hook to provide as much leadership as possible now while we have the opportunity to make such demands. I have these suggestions. One, increase the on-site bicycle parking requirements to at least 80 spaces. We have learned it is very hard to require additional bicycle parking once a building is complete. The original zoning code mandate was for several hundred spaces which is perhaps a bit high, but certainly within the realm of imagination. So 80 spaces still represents a reasonable compromise. Two, as there appear to be concerns about space availability, require pfe to financially contribute to the additional off-site bike parking if they are not able to provide additional on-site spots. Three, require pfe to report back on their bicycle promotion efforts. Civic stadium offers the city a tremendous potential to realize the goals we have in place and to benefit from the bike lane network in which we have already invested. The city has provided the preliminary billing blocks while pfe should provide the rest. That was mia. Coming from me. I'm going to read you a poem, and then i'll interpret it for you. There once was a city named Portland, a good place it was to have fun in. The people rode bikes to see them throw strikes when going to games at the stadium. The parents and kids all enjoyed watching the run hitting boys and when they rode home as the setting sun shown, they knew that their bikes had become more than toys. By riding to work and to school they stayed fit and looked ever cool. They made friends with their neighbors, reduced pollution to water and kept the air clean as a jewel. As the years flew by with momentum, they rode dirt bikes commuters and tandems. It was with a surprise they realized it all started with a ride to the stadium. That's the best I could do this afternoon. [laughter] my point is this is a signature project in downtown, and it has the potential to introduce lots of newcomers to the joyce of bicycle travel. There is no situation that's more conducive to bicycling or walking or taking transit for that matter, but the—than a leisurely trip downtown to a ballgame. It's sunny when you go, when you come home, you don't need lights, a change of clothes. It's an easy bicycling event. I want to you think about not how you can meet the code requirements for this project, but instead think about it as a model bicycling project and really really do up the alternative transportation to get there. We've been focusing on getting people to ride their bikes to work, but that's a hard trip for commuters. This is an easy trip. And if we don't do everything we can to encourage it in terms of facilities, and promotion, then we've lost a huge opportunity. It would also increase the quality of a saturday family outing to go by bike. I don't feel the cmtip is written with a progressive vision for Portland transportation. Please don't let this opportunity pass. Don't approve a cmtip for this project that is only good enough. Thank you.

MAY 18, 2000

Hal Ballard: 14180 SW Allen, #32, 97005, my name is hal ballard, i'm a little hoarse. I live at southwest allen boulevard in beaverton. I also am a member of the board of directors of the bicycle transportation alliance. I also have the honor of being the parking guy. I have been with the bta for eight years and i've worked at almost every event that they park bikes for. Three years ago I overtook coordinating the coordinators for those events. I haven't read the opportunity to read the entire plan, but I thank commissioner Hales for the amendment to it. I was surprised when I did read it that it wasn't in there in the beginning. Those stickers I gave you, you've seen these ones often. We've come here before you saying bikes work. In 1996, Portland was recognized as the best bicycling city in the united states. It also got that honor in 1999. Part of it was because of the bicycle program that the pdot— city of Portland had. It's no longer there. We were assured by vic roads in a special meeting he came to the bta that the city would not step back from its commitment to promoting bicycles. As my associate cassandra has mentioned, this can be a very good opportunity. Also, to pick up on what you had said, commissioner Hales, about building it, they will come. I live in beaverton, and our counterpart to the bite of Portland is a taste of beaverton. In 1996, we didn't park bikes. I talked to the chamber of commerce, we were invited to park bikes in 19 they've. Over a three-day events of event I parked 50 bikes. In 1998, we parked 50 parks a day. And last year we parked over 200 bikes. That's a total of 450 people who chose other than to use their car. Some of whom are families, so they would have been passengers, but that's about 200 cars less at that event. And that will also—i believe would manifest itself, especially if there was an attended parking opportunity. Right now there are bike lids over at civic stadium. I park my bike there this afternoon when I came in on the train. And then I got on the train again. So I was multimodal. I biked, I walked and I rode the train. And right now there's one— there are three lockers there, one has a bike in that the lock has been missing for a number of days. And then the other one had a bike in, it's not locked, but the bike's been damaged. Not because there are vandals, but because it wasn't locked. Security is another issue. People will not park their bikes where they feel they're unsafe. An attended parking space will. There will be people, and even with the events we do park bikes, like the bite of Portland, the sea wall is lined with bicycles. We may park 250 bikes a day there, but there are still that many, because it hasn't been marketed. When people come up with their bikes and people at the gates don't know we're there. So that's what we're trying to do as an organization, to get with those event coordinators, but also we want to get with the event coordinators at pfe and sit down and do—have the same kind of conversation. Thank you.

Katz: Thank you very much. Anybody else want to testify that has not signed up? All right. Patty and john and—was there a hand up that I didn't see? All right. Come on up.

Galen Sites: (not sure on name spelling) I live on southeast 34th in the belmont dairy row houses. I'll try to be brief. I know you've heard from the bta enough today. But I also want to stand up for the pedestrians in town as well as the bicyclists. We have a stadium that's located to a very dense neighborhood in Portland, if not the most dense neighborhood, and yet we're— that neighborhood is separated from the stadium by one of the worst psychological barriers you could come up with called burnside. And I used to live in the pearl, and I can tell you that walking up to 23rd from, say, 12th street or 12th avenue, no problem. Well, other than crossing over 405, which is really not a very pleasant experience either. But I was at flanders, and the idea of crossing over burnside just to go to businesses over there, it's very uncomfortable. It doesn't matter whether you're at a light or not. Burnside is a big psychological barrier, and you've got a very dense neighborhood right next to civic stadium. You need to find ways to improve pedestrian access across burnside. I don't know what the solution is, but that's—i think that's a big—to me that's an issue. And i'm—i'm young and healthy, and I should be able to cross burnside without any problem, and yet it bothers me. I can't imagine what it does for someone who's not quite as nimble. Also, on the subject of bikes, just the sort of statement, if you build it they will come, I think the hawthorne bridge is a perfect example. We made the commitment, we spent the money, we widened the sidewalks, and i've been riding a lot lately over that bridge, and there are always bikes on the bridge. It's very rare to ride across the bridge and not see another bike on

the bridge. So if you put the parking there at civic stadium, most of the events will probably be during good weather, there's really lots of good reasons for people to ride bikes to civic stadium. So I think if you have the parking there, people will use it. Thanks.

Katz: Thank you. You're absolutely ride about burnside. Okay. Jerry, patty, john. I had a question for you. Questions? Jim?

Francesconi: I just wanted to get a better sense of what limitations are—have been in place historically at the stadium and how do these limitations compare? And include noise in that. Number of events, kinds of—so we get a sense of what was there and what will be there now.

Bradley: for noise, i'll speak to that, right now there is a handshake agreement between goose hollow only and merck allowing levels to 80 decibels. I don't believe there are any limitations on number of concerts, but jerry is better informed.

Powell: right now there's just the merck agreement that is handshake agreement, and there are no limitations on the number of events. There are no limitations on the number of concerts. There are limitations in regards to time. There are some limitations in regards to alcohol. And there are no limitations in regards to any sort of traffic plan or anything like that. So that is what is existing and has existed since 1981.

Bradley: but again, those limits are strictly in the form of handshake agreements with the exception of the alcohol one, which you would have to get the olcc involved in as far as my understanding goes. So the good neighbor agreement that you have before you is much, much more than a handshake agreement, and I feel it has incredibly strong teeth in it in terms of fines, and in terms of our ability to go right to a hearings officer. That is unprecedented in the—as far as I know within the city. And as a matter of fact, I think this whole good neighbor agreement is unprecedented. We've—as been said before, we put a lot of hard work into this, as has everyone. But i'm very proud of all of our accomplishments. I really fully believe that if there are any problems, we have done some miscalculations somewhere, that we will be able to handle it through the oversight committed.

Gardner: the other thing—two things. One, I know john and I both have testimony we haven't given yet. But specifically, another point, though, is if you—this stadium has history to it. It's been there for 74 years. So there's a history of use we can look at. For example, historically speaking there's always been about 180 events per year at that stadium. Obviously there's a great limitation that Portland has called weather, and so that is certainly a factor. But it has averaged around 180 events per year.

Francesconi: So why not cap the events? Number of events?

Bradley: I think jerry already spoke to that. We're afraid by capping the number of events we would lose the smaller community oriented events that are a real important mix in the stadium. For us as a neighborhood, as a group neighborhood association, they're obviously not as important from a financial point of view to pfe that. Was one—that was my main reasoning for not wanting to cap total number of events.

Garner: and specifically the fact that we've capped the larger events, the larger events have the most impact, and we have severely capped the number of events that can occur. And that never existed before. There was no cap on any event over 1200 --12,500. And so that was a big bonus. About you we have soccer practices there, we have high school practices there, we have so many events that occur on a the lights were on for three weeks in a row and I was told later that it was soccer practices. And so there's that sort of balance of who uses it and who doesn't, and that was why that there was not any interest on the part of my board, actually, and some—quite a few of them spoke on the issue.

Francesconi: Why did you agree to eight concerts?

Gardner: wants the stadium to be successful. We have seen the stadium not be successful, and obviously we're part of the team that went in and pointed—that looked at why the stadium was in disrepair. A big part of the reason the stadium was in disrepair is because it wasn't being used to its ability. We understood that they, number 1, it's—there have always been concerts there. Number 2, that the economic benefit of having concerts there is—was really huge, and that when we went through

the discussions, 25 obviously was too many, and so we negotiated down to eight. And eight has actually been allowed historically again by the noise review board that has ruled in the past. But that there was a great economic need for the stadium to be successful. And we were again faced with that same question that eight was the magic number.

Bradley: if I might add to that, all of this was part of an ongoing negotiation process. And so pfe laid out some things that were very important to them, and we thought what better way to mitigate than to lower the number of concerts. Specifically we put in the fact that we accept a five-year noise variance in trade for lower number of concerts per year. And that was just part of the negotiation.

Francesconi: Now, it's my understanding you may be supporting pfe's request on the noise levels to have higher decibel readings than the hearings officer. Now, if it's right, and we'll find out later on, but some of these decibel readings could be as loud as a vacuum cleaner or a bargain disposal even at two feet away. If that's true, that's pretty loud. It's very loud, actually. So I guess the question is, you also represent the residents there, why did you—why are you taking that position?

Gardner: for a couple different reasons. One, this is a—this—for two reasons. Historically, this has been the limit at the stadium if you go through all the records in the noise review board have been 75 with peaks up to 80. So that's—

Katz: Let me interrupt you. I need some council—counsel from the city attorney. We're discussing an appeal that's coming next.

Francesconi: I had one last question. The funding. It was raised. Are you convinced we have funding to implement this transportation management plan?

Gardner: I don't have to come every year and beg for your budget money. That is my understanding. That is huge. We obviously—

Francesconi: I do, every year.

you do every year, and—

— she's a volunteer. You get paid.

Gardner: exactly. Specifically having gone through the process just this last year in regards to the office of neighborhood involvement, the fact that we don't have to come and do that gives me a lot of comfort.

Francesconi: I'm going to need to hear more from our people about that.

Gardner: have to be continuous for—for example, enforcement. I mean, we have to—if there are going to be parking controls, there has to be parking enforcement to go with those. Otherwise the controls are meaningless. So we have to assure ourselves that somehow there's going to be ongoing monies for parking controls.

Katz: Okay. John, why don't you start your testimony.

Bradley: most of it i've said now because most of it has to do with the questions. The one thing I want to say is I hope you guys do support both the ctmp and the good neighbor agreement, because it's going to assure that we make use of a vital community asset, which is the civic stadium. And we want that asset to be used and fulfilled—fulfill its own nature that. Includes concerts. The other thing I should mention, you know, this is— we've talked specifically about the goose hollow and northwest Portland. This asset is an asset for the whole city. And that's something else that has been left out here. I guess the last thing that I would like to do is just thank keith, who has been an incredibly good coordinator, and I think it's been probably like herding monkeys sometimes, as we all go in different directions.

Katz: Thank you, john.

Bradley: actually, i'm going to start off with a proposed amendment to the amendment on the ctmp, just very briefly. At the third paragraph where it says, locations for bicycle parking must account for pedestrian access, emergency corridors and handicapped accessibility, I would love it if we could add, locations for bicycle parking must account for pedestrian access, emergency quarters, handicapped accessibility and the aesthetic considerations of the surrounding neighborhood.

Hales: Fair enough. Friendly amendment.

Katz: Any objections? Hearing none, so ordered. Go ahead.

Gardner: thank you. I also just very briefly want to speak on the ctmp. The whole idea—

Katz: Do you have that language? Do you have it written? Okay.

Gardner: if she can read my chicken scratch, she can have it. On the ctmp, very briefly, the whole concept behind the ctmp was to enable residents and other businesses to thrive while the neighborhood—to thrive when the stadium is operating. So when the stadium is operating, the neighborhood must function. And so that was a big driver behind what we were trying to do, and one—I wanted to give a plug to the parking issue that a lot of people have brought up. We are actively working on this with pdot to resolve this issue, and I would recommend that anybody who is concerned about parking in goose hollow should come June 13th at 6:30 to esquire motors, where we will be talking about it and continuing the discussions as to what the neighborhood wants to see. But that is definitely an ongoing discussion and anybody can add to it. A couple other things. Goose hollow foothills league is actually quite an extra board. I know we actually don't have the word neighborhood in our title. It is the goose hollow foothills league, and the board is made of both businesses and residents. If you look at what the board has—is comprised of, sit made of both. It's not just people who live there, it's also people who work there. And so when we did the negotiations, the negotiations were done by real people on behalf of real people. Keith gave you a list of meetings that he went to. He didn't even come close to the list of meetings that I went to. And that Jerry went to. Meetings in people's houses, in people's businesses, and that this was definitely an attempt to get in. If my ear cso have been as big as dumbo, would I have loved it, just to get as many comments as possible into the process. We were actively seeking out comments. The reason why is we created a laced web of documents. The documents together are—I don't even think anybody in this room has any idea how strong these documenting are going to prove over time. It's really quite extraordinary. The documents I'm speaking of are the ctmp, the good neighbor agreement, and the planning document that you're going to be approving in the future. And—which I'm quite sure you'll be approving, because it's a terrific document, and it's the one that looks at the pedestrian crossing of burnside, it's the one that looks at the parking issues, and how to fund those issues. And this laced web of documents was—took enormous amounts of time. It shows. It really does show. What's even more terrific about this laced web of documents is that they are living, they're not dead. Whatever you approve today can be changed in a year. Because we're going to look at it again. Three years we'll keep every three years. It grows as the neighborhood grows. And that's really important to keep in mind. Therefore, the goose hollow foothills league approved the good neighbor agreement 13-1, which is pretty terrific. And the comprehensive transportation management plan was approved 14-0 e. We had a pretty good unanimous vote there. And the reason why is because civic stadium has been with the neighborhood for decades. We want it to be functional for decades to come. People moved to goose hollow and purchased property here knowing that the 74-year-old stadium was one of the defining elements of the neighborhood. Goose hollow is urban living at its best. If you wanted a static stable lifestyle, you probably would have moved to the suburbs, not to the crowded small streets of goose hollow. You need to realize that every section and every item in the good neighbor agreement was well thought out, and I truly believe that. And balanced. And that was the goal, was balance. We are comfortable, but without this agreement—we're comfortable with the control it places on pfe. Probably more comfortable than they are. And as you can imagine, if the good neighbor agreement or the ctmp needs to be changed, we're definitely going to be back here. And I think that's pretty clear. That in evenings—that my board, goose hollow, trusts that the council will make decision today which allow to us live with our agreement as its written. Our prove the agreements and allow the stadium to be a place where concerts, sports and other events are allowed to occur this. Mix of events creates a vibrant environment for our urban neighborhood. It's right for the region, for the city, and most importantly, it's right for our neighborhood. So I just wanted to say those things.

Katz: Thank you. Further questions? You had a little bit more difficult time. With the board.

Bradley: yeah. The glib answer to that, it's the nwda. [laughter] the practical matter, if you want to countdown by countdown, dan can certainly speak for himself. He voted against it. Several people were concerned about what they characterized as weaselly or squishy language. Specifically concerning the shut-down time, the demobilization time after a late-night event. I think there was at least one person who had a noise-ery lated concern specifically concerning health and noise. But that will be dealt with later. There was one other—and I think it's safe to characterize the fact that there was a general lack of trust of the government for another person.

Katz: My neighborhood association?

sorry. [laughter]

Hales: Breaking news there. [laughter]

Katz: Okay. Further questions?

again from the goose hollow planning committee, this—

Katz: I'm sorry. Go ahead.

Powell: this has been an extraordinary process. I can't think of any time in my memory or in my study which does involve public policy that a— an elected public official, or board of them, has trusted a neighborhood association, or even two of them, maybe particularly two of them, to engage in negotiations with a public-private partnership that includes them to this extent. Speaking of trust, which was what reminded me of this particular feature, that's— that represents a trust relationship between these neighborhoods and yourselves that needs to be memorialized with these document that's you have before you. We're not specialists in noise, or in traffic. We're specialists in goose hollow. And that sums all of those other issues. We don't look at noise as being the overarching characteristic of—or property of goose hollow, and the measurement of it being its dimension. We don't look at any particular aspect of traffic as characterizing goose hollow. But it's an important one. We look at the whole thing together. And that's what you have to trust us to have done. Thank you.

Katz: We trust you. Roll call. Any further question? We're going to take a vote on—

Sten: One quick question. This is maybe a little more—i think what i'm hearing on the permit parking issue is we've got about six months to talk about it. I want to make sure you were comfortable with what's that we're doing now. My question is, I see that the resolution of the mac club's search for a parking garage is pretty heavily related to what might or might not make sense on the permit program. Is that—is that a conversation that you think will happen in a timely fashion so we can make a decision on the permit parking vis-a-vis the garage?

Gardner: sure. A couple things. Number 1, we had a marathon neighborhood association meeting, and as—asked—as steve mentioned, we, the board, again unanimously voted for resolution to put the stakeholders together on—and on that. The other thing s. I do happen to know that the mac was at our last parking meeting, and so we actively are in discussions with them to resolve the parking permits. So again, everyone can come and they are coming, and we're open to that as well.

Sten: Okay. Thanks.

Beaumont: Okay. We're going to vote on 695, 696, 697, 698. Does everybody in the audience know what we're voting on? We're voting on the report, the civic good neighbor agreement and the ctmp. We're voting on authorized funding of the mitigation measures for the civic stadium, comprehensive transportation management plan, through the provisions in the civic stadium operating agreement, you're authorizing me to sign the civic stadium good neighbor agreement on behalf of the city council ask we're amending the city code to authorize the hearings officer to hear—

Witcosky: Before you take roll call, there's one additional speaker, and I also have minor amendments to propose to page 17 of the report.

Katz: There's is another speaker?

Witcosky: there were issues raised with report to—regard to the ctmp shall we thought—in terms of the mode split when you get above 20,000 people.

Katz: Come on up.

Witcosky: there were questions raised. It seemed like they need a response.

MAY 18, 2000

Katz: Nobody's got any questions. [laughter] for the record, john, come on up for the record. Now you sound like a lawyer.

Replinger: i'm john from david evans and associates, principal author of the ctmp. I'm glad to respond to any questions you may have from the public testimony.

Francesconi: I think there was just a question left hanging in the air. Is that what you wanted to get something into the record about? About whether or not the—at larger events the moat split would still prevail. Or could still prevail. Is the capacity in the system to allow it?

Replinger: that's addressed in detail in appendix h, particularly on page 8. And it does indicate in that that due to max capacity limitations, the mode split does trail off as event sizes increase. We're confident that high level mode split can be achieved and in the smaller events in the 10,000 or below, which compromise the vast majority of the events.

Beaumont: I have three amendments on page 17 of the report and findings. These are designed to make the findings correspond to the amendments that you adopted. At the top of the page, the first line currently says, discuss 14 separate proposed mitigation measures. 14 should be changed to 15.

Katz: Any objections? Hearing none, so ordered.

Beaumont: farther down on the page under informational measures, item number 10 should be changed to read, informational brochure and marketing of alternative transportation modes and event parking.

Katz: Any objections? Hearing none, so ordered of the.

Beaumont: slightly further down on other measures, there—you should add an item 15, bicycle facilities and promotions.

Katz: Any objections? Hearing none, so ordered. Is everybody ready to vote? We still have an appeal on tonight. All right. Roll call—yes?

Joe Kohnt: 2391 SW Cedar St., I signed up by mistake on the wrong sheet. I want to talk about the good neighbor agreement. I still have an opportunity to speak, or is it too late?

Katz: Go ahead.

Kohnt: I live on southwest cedar street. I am on the board of the goose hollow league. A couple weeks ago I was in chicago visiting with a friend of mine who is a senior sports writing for the chicago tribune. We talked about good neighborhood policies. This policy is by far and away better than that at wrigley field. It might be one of the best in the country. It's in the nature of compromise that no one gets all he wants or she gets all she wants. Take the problem of the noise problem. It's my understanding that for noise level exceeding current standards, 25 days, that's been reduced to eight days. Quite frankly, I suspect that even if no days were allowed, some people would not be satisfied. It's my contention some people would rather the stadium wasn't there. So the trade-off is clear. Unfortunately, maybe necessary to accept some few limited periods of inconvenience on the basis of some in the goose hollow neighborhood for the sake of the greater community. To preserve this resource we've got. And to par up the problem can be eliminated locally. For example, double glass, noise insulating windows and so on. I have been a member of the board of directors at goose hollow for less than a year. I joined because I believe my neighbors and I were inadequately informed about the development plans for our street. So I came to the table with a chip on my shoulder. However, since then i've come to appreciate the process and to—the give and take of all the people involved. It has been my observation over the past several months that those board members involved in negotiating the good neighbor agreement are fair-minded and genuinely need to do good for the neighborhood, despite my previous apprehensions. This would—it is also my observation as—aside from guaranteeing a winning season, Portland family entertainment has done all it could to make the—this a—to accommodate the neighborhood. It is a very good agreement and I hope that the hundreds of hours that these people put into it will not be in vain.

Katz: Thank you. Roll call on 695.

Francesconi: I'm going to make my brief comments on all of them so then I don't have to repeat it. I'm going to vote aye on all of these agreements for the three principles that i've been trying to follow

MAY 18, 2000

along this tortured course of civic stadium. Number 1, the importance of the facility as a community facility. And it's been talked about here several times. This is a valuable resource, not just for the neighborhood, the city, but even the region. But we have to maintain it not for major league baseball, but for Portland state, and our high schools, and our own community right here. And we need to fully utilize the facility. I believe that these series of agreements does that. Number 2, it's part equally important, we have to make sure financially it works. It takes a combination to make that go, and a certain number of events to make that go. Or else the—the burden will fall on the property taxpayers. Now, if this thing works financially, that will not happen. But the third part, and that's the hard—heart of the these agreements, despite how important this is as a community asset and we've got to make sure this is a fair deal to taxpayers, it can't overwhelm the neighborhoods. The neighborhoods are changing. That's—and the city is changing. But we can't overwhelm them in the process. Either the residents or the businesses. And I did ask a lot of questions because of this issue, and I will continue to do so, because I consider that my responsibility. Having said that, I understand that negotiations happen where there's give and take. So part of what I have to do is judge whether that process has been a fair process, whether the advocates can take care of themselves. And I think they can in this particular case. And so I put a lot of weight on the fact that this was a negotiated process. But having said that, the most important agreement is either the—are the enforcement mechanisms. Are they sufficient in over time, people change. And is there a way to adjust the agreements over time? And in this case, where we—the big—without this having gone to the good neighbor agreement gone to an independent officer, I don't think could I have voted in favor of this. But when we made that adjustment, and then put some teeth in this, I think it fundamentally changes the nature and really makes this agreement something special. The ctmp, I still have concerns about shared parking, permit parking and we've got to make sure we fund this. So those three issues, I wish they were all tied up nicely and neatly. But because we're moving the right direction, I do think there's going to be problems on the large events on mode splits, so i'm worried about some of those things. But i'm confident that the group will continue to work on these issues. And I guess the last piece is, we have this oversight committee. I do believe the relationships are improved, and we can do a little bit better, but we're improving, so we're on the right track. So for all those reasons, i'm going to vote aye on all these agreements.

Hales: I agree with those comments. I also want to commend the mayor and pdc staff and ofa staff that have worked on this. I think the city has done a good job of shepherding this negotiation. I just want to commend the broad-minded citizenship that we heard here from these neighborhood activists. When neighborhood activism sometimes gets a bad reputation for just thinking locally and not seeing the big picture, to have neighborhood activists talk about how this facility is for the whole city and how they have worked so hard and with so much time in this negotiation, I think it's a real high water mark, and I appreciate the very good public service that fountain down the street that says, good citizens are the riches of a city are still true. So thanks. Like jim, I had some acid tests for this agreement all the way along. Is the facility going to be renovated and put into good condition for the future. Will it be available for a variety of community uses, and it be well served by transit and other modes of transportation so you don't have to drive to get there? And I think the answer to all three of those questions now is yes. And in fact, not only have I been obviously i've focused my work on this agreement to the extent i've been involved on this transportation issue, and I appreciate the fact we have now gotten to the point where we can say that the event ticket will be a transit pass, because that was my bottom line for this negotiation, not maybe, or will try to be, but it will be a transit pass, and thank you, tim, for getting to yes with pfe and tri-met on making that part of this program. Because I don't think— although I like the rest of the transportation plan well enough, frankly, it wouldn't matter very much if we didn't have outstanding transit ridership to this stadium. And one of the reasons i'm enthusiastic about this agreement is this is one of the few places in the Portland metropolitan area where we even could have outstanding transit ridership to a stadium. And once again, we'll be a national exception in not building a stadium out in the burbs on the freeway interchange, but renovate

ago stadium in the heart of the city and having a large portion of the people get there on foot, on a bicycle, or on a bus or a train. And we can do that here. I think the transit pass requirement makes sure that we will. And I appreciate the effort that was made in getting to that point. Aye.

Sten: It's mostly been said, but I would like to thank the negotiating team and the mayor's office and pfe, and particularly the neighborhood associations and the volunteers. That's a lot of hours. I get paid to do this stuff and I haven't been to nearly as many meetings as you have. And there's a lot of—i think it's the right approach, it's the best good neighbor agreement i've seen. It's not—not everything is perfect, but I think the things that need to be improved can be improved over time, and I think it will work very well. I'm delighted to vote aye and i'm glad to see it get to this point.

Katz: The agreement has met high standards of community outreach. It has a committee that will have the responsibility of oversight of this agreement, and will have the responsibility of coming either to us or directly to the hearings offer—officer if the agreement is broken. This agreement broke the mold of traditional good neighbor agreements, and it set some new rules. It is unprecedented, which protect the neighborhoods. And we promised you that this is what we would present to the council and to the community, and I want to thank again everybody that carried out that promise and brought this to us. It gives direct access to code hearings officer. It should keep everybody honest. The fines far exceed the current standard in the city code. The creation of oversight committee which among other things can use the money from the fines for additional mitigation. And combined with the transportation plan, this agreement sets out nearly 40 different types of controls and mitigation measures for events. It is a wonderful jewel for us. It is an opportunity for it to be used for many purposes. It needed to be renovated. It is in the heart of the densest community in the—in this city. And i—when it's all finished, we'll play baseball, we'll play soccer. Psu will have a home, the little leaguers will walk around the ring there and cheer for each other. And there will be bands playing, and there will be concerts, and we'll be very, very proud of what everybody here did to get this agreement to us and what everybody did to bring the final document to us in a couple of weeks. **Aye. 696.** [all ayes] **697.** [all ayes]

Katz: 698. [all ayes] how many of you need, like, ten-minute break? I do: Okay. We'll be back at 6 o'clock. [recess]

10 min. break (6 pm ish)

Item 699.

Denise Kleim: my name is denise, the administrative services manager for the Office of Planning and Development Review with responsibility for code enforcement and noise. You have before you today an appeal from Portland family entertainment on the noise variance for civic stadium. Council can affirm reverse modify or remand the decision of the noise review board and you may consider new evidence in reviewing the appeal. I would like to address the noise variance for civic stadium in terms of how we as your staff will be able to monitor the variance. If council chooses not to affirm the noise review board variance, we have a list of recommended minimum conditions which are included in the staff report. In the variance appeal that pfe submitted, they have agreed to over half of these items. However, I would also say I am not aware of what they'll be bringing forward to you today. In terms of the variance in general, it needs to cover several things. What is a sound level, how do you measure it, if there's any mitigation—mitigating pack task force—factor that you would desire and it needs to facilitate the noise control officer being able to measure sound levels during concerts, respond to complaints and analyze data after the event. There are a number of technical noise issues that are included in the staff report. I was not planning to go into them in a great level of detail, but if you have particular questions we would be happy to address those and paul is available to do that. I would like to discuss just a couple of them. One of them is the decibel level or dba. There are very different forms of how to measure the noise in the noise review board variance and in pfe's proposed agreement. The good neighbor agreement provides for sound levels of less than 80 decibels, which means that pfe could not have any peaks over the 80 decibel level. The measurement period for this would be an

MAY 18, 2000

instantaneous measurement as we understand it. There are technical sound level descriptors that we use that the noise review board in the past has included in—if you want to use those we should specify the duration of the measurement. Another issue I wanted to briefly cover is the issue of the slow versus the fast meter setting on the noise level meters. The fast setting is a standard that we use to measure concerts and music. The slow setting evens out the highs and the lows of the sound and the fast setting reads much more of these highs and lows. Using the fast setting is our standard practice. It's standard and routine for the noise control office to use this in measuring sound. We do not use the slow setting when we're measuring concerts. Although the noise review board has not specified the fast measurement being used in prior variances, it is in fact what is used by the city and what has been used to measure concert sound levels. In terms of locations for monitoring, the variance needs to cover being applicable to the surrounding properties in general. And not just identify specific sound levels at specific sites. The standard used in the good neighbor agreement does achieve this goal. And also the standards used in the noise variance proposed by the noise review board would also achieve that goal. Pfe has proposed two sites that they would collect noise data from and have continuous monitoring and measurement. The noise review board looked at those sites and affirmed those. We agree those are fine sites and if there's any problems with those sites we can work with Pfe to find alternate sites to do the measuring. But we think the ones they have will work. I wanted to point out in your packet the chair of the noise review board submitted a letter and she wanted to be sure that you were able to read that. It should be in your current packet. I'd also like to note that one of the other volunteer members of the noise review board, Carrie Stanley is here in the audience. He has to leave about 6:30 or before, but he's available to answer any questions you might have regarding the board's decision. He's the volunteer member of the noise review board that represents the acoustical profession. He's an acoustical engineer and can answer any technical questions you might have. So briefly in summary, whatever decision you make for the conditions of the variance we would just hope it would facilitate us being able to monitor them for you. Paul and I are available to any question—any questions you might have.

Katz: Everybody knows, does everybody understand the difference between what the board has recommended and what we're going to hear? Okay. Thank you. Hang loose. 15 minutes. Tony Bennett.

Sten: Is Tony Bennett going to play?

Mark Gardiner: Portland Family Entertainment good evening. Mayor Katz, members of the council, I'm Mark Gardner, advise chair and chief financial officer of Portland Family Entertainment. We've prepared a comprehensive but concise 15-minute presentation and would respectfully request that questions be held to the understanding of the presentation. We will be referring to the notebook you've just been handed for a few of the items we're talking about today. The Civic Stadium renovations as you know is a public/private partnership among the city of Portland, adding joining neighborhoods and Pfe. The genesis of this public/private partnership was the city's request for proposals which specifically included concerts. Behind tab A you'll find the section of the request for proposals that states your vision for the renovated stadium. A contemporary outdoor venue suitable for professional baseball, college and high school football, professional and amateur soccer, concerts, and other spectator uses. Pfe's proposal was responsive to the city's RFP and to the city's vision. We integrated concerts into the base program of events for the renovated stadium. Civic Stadium is the only venue in the region for large outdoor concerts. It plays a vital role in the entertainment and economic life of the city of Portland. Early drafts of the good neighbor agreement called for as many as 25 concerts. As you know, that was reduced in negotiations with the neighborhood to eight concerts. Concerts are a critical part of the economics that will make Civic Stadium viable. And behind tab C, you'll find a memo that I prepared which details that and we would be happy to answer questions about the relationship between concerts and the financial viability of the project. Pfe's plan and the city's plan for the stadium is a long-term partnership. And the good neighbor agreement reflects our commitment to maintaining community standards over 20 years and possibly as long as

MAY 18, 2000

30 years of the operating agreement between the city and pfe. The good neighbor agreement provides the snakes with the assurance that during that entire period, 20 to 30 years, concert noise impacts will be controlled and mitigated by limiting total concerts to eight per year. Limiting the duration of each concert proscribing the concert schedule to keep it out of most people's sleep times. Developing a very sophisticated and stringent monitoring and control system funded by pfe to directly control sound for every second of every concert. Requiring prompt and complete reporting toll the good neighbor agreement oversight committee and the noise control officer, and mandating escalating fines for repeat offenses. All of these protections are in the gna. A 20 to 30-year protection for the neighbors, and they would also apply if there were a successor to pfe in the operating agreement. In addition to this long-term commitment to noise control through the good neighbor agreement, of course, pfe will be operating under a title 18 variance. And joe will summarize the issues related to the variance.

Joe Voboril: Tonkon Torp, mayor Katz, members of the council, my name is joe voberil, an attorney representing Portland family entertainment. My office address is 888 southwest 5th avenue. It's—as mark has explained, pfe's presence is long-term. Unlike most concert promoters who come in for one show and leave. Also, the good neighbor agreement specifies stringent penalties for noncompliance with the noise standards, including loss of events after five or more violations. Given these factors, pfe knew that it had to have noise standards that meet three objectives. First, they must allow for quality concerts to be held. Second, they must be in compliance with the good neighbor agreement which means meets—means the standards must be objectively measurable and easily enforceable. In tab d of our booklet, we have included pages from the good neighbor agreement and marked with an asterisk those provisions which pertain to the issue of noise. And third, the standards have to be viable over at least a five-year period. Prior to submitting the application for its noise variance, pfe conducted comprehensive sound tests in civic stadium using simulated concerts. The purpose of these tests was to gather the most complete and accurate data possible regarding amplified music at civic stadium. The test were conducted in coordination with the city's noise control officer under a variety of conditions which included daytime, evening, weekday and weekend time periods using a variety of prerecorded music. The tests were conducted on february 13, march 12, and march 13. We were fortunate in that some of the days were rainy. One of the days was cloudy but dry, and one of the days was sunny. So our tests were conducted under different atmospheric conditions. In appendix a we have submitted the results of those tests of the simulated concerts prepared by pfe's—as we will explain later, in order to have quality concerts at civic stadium, the sound board needs to produce am identified music at approximately 100 to 150 dba slow scale, and during the simulated tests, music was played at that level. And in fact, our noise consultant played it somewhat louder during the test just to get some comparative readings. At several times during the test, the am identified music was actually played as loud as 108 to 112 dba. Prior to conducting the tests, notices were published in the northwest examiner and on the neighborhood associations web pages. Pfe also distributed pliers to nearby residential properties. The upcoming sound test were repeatedly announced at neighborhood board meetings and planning committee meetings. Specific invitations to the sound tests were delivered to representatives of the neighborhood associations and noise control officer, members of the noise review board, and representatives of harsh investment. Some of whom were present and participated in some or all of the tests. Prior to the noise review board hearing on april 12, 5,200 notices were sent by first class mail to neighborhood residents and an ad was published in the "Oregonian" announcing the meeting. In tab e, we have provided with you copies of those notices. In spite of this broad notification effort, relatively few people showed up. At the april 12 hearing. Of the 17 individuals who were not affiliated, either with pfe or harsh investment, 11 spoke against granting the variance, five spoke in favor, and one individual was neutral. The difference between the notification efforts and the attendance at the hearing speaks for itself. On may 3, the noise review board granted the five-year variance request but adopted dba levels, which has a practical matter would prevent most major concerts from playing at civic stadium. In tab f, I have provided you with the chronology of dba levels as requested by pfe, and it is recommended by the noise control officer and

MAY 18, 2000

finally as adopted by the noise review board. Frankly, the noise levels adopted by the noise review board are unrealistic. They are also inconsistent with the community standards for noise levels which have been developed during the past decade by the noise review board for civic stadium and for other venues in the city. In tab g, we have summarized the past nrb decisions relating to outdoor music concerts. To require concerts at civic stadium to be limited to 72 dba measured fast with exceedances to 77, is totally inconsistent with nrb's past decisions. The nrb also adopted operational requirements which are both onerous and unnecessary. The two-minute measurement period is unworkable because it will allow an unfair collection from the recorded data of the concert during any two-minute period. Which may not be represented—representative of the concert as a whole. Measurement and enforcement over such a short period of time will be extremely difficult if not impossible. The good neighbor agreement specifies compliance to be measured over the entire concert period. As denise's staff report indicates, if a two-minute measurement period is used, at any time that the dba level was exceeded for more than 12 seconds, during the entire concert, a violation would occur. The noise review board decision also demands a multiple number of automatic staffed monitoring stations—operating burden on civic stadium as the summary of past decisions indicates, never before has monitoring of this magnitude been required by the noise review board. In tab h, we have provided you with a list of what would be acceptable conditions to pfe. As you will see, we propose that sound levels for all eight concerts be established at 75 dba measured slow. You should understand that that represents a two dba reduction from pfe's march 31 application. These levels are also consistent with the good neighbor agreement and the current merck agreement. In tab i, we have provided with you a technical memorandum prepared by michael minor and associates which explains how we arrived at these noise levels. If you look at the past various decisions of the noise review board, you will see that the board has typically granted exceedances for occasional, quote, occasional peaks of five dbas. To our knowledge, however, the board has never defined what is meant by occasional. Because we need to know what the rules of the game are, pfe has proposed we define occasional as no more than 10% of the concert period. We believe this will establish a new community standard for specificity and enforcement. With these levels, we can have quality concerts at civic stadium. These levels are based upon the assumption that the noise levels produced at the sound board will be in the range of 100 to 105 dba measured slow. In tab j, we have included letters from concert promoters and sound engineers and who are here to testify and answer questions. All of them indicate that it is necessary to run the sound board at between 100 to 105 dba. By the way, you may be interested in knowing that in 1978, when the noise review board conducted detailed sound tests at civic stadium, they ran the sound board at levels from 95 dba to 109 dba. While i'm not a sound expert, and you'll hear more about this later, let me state briefly how sound is transmitted to neighboring properties at civic stadium. When you run the sound board between 100 to 105 dba slow, the sound is projected at the audience and the stadium. The sound bounces back from the stadium and is received at nearby properties. The challenge of civic stadium is that you have some residential units that are located in close proximity to the sound board. The stadium station apartments are located approximately 440 feet away and Portland tower apartments only 560 feet away. What we learned during our sound test was that if the sound board is at 100 to 105 dba slow, actual measured noise levels at the stadium station apartments will be between 75 to 80 dba slow, and between 73 to 78 dba at Portland towers apartments. There were some concern expressed at the noise review board rating the health impact. If you look at the summary of past decisions of the noise review board in tab g, you can count 16 decisions which have been rendered granting variances in the 75 to 80 dba range. And we can't find copies of many of the decisions. One must question how these prior decisions could have been rendered by the noise review board if these noise levels truly constituted a health risk. To be sure, however, we have asked some medical experts to be here to testify to sound exposure at these levels. Included in our booklet at tab k are letters from two medical experts who are here to testify today and they will tell 30 is no health risk associated with sound exposure at these levels for these durations. Several days ago, we were provided with a copy of denise's may 16 memorandum which contains a staff recommendation of proposed

conditions. Frankly, we were struck by how similar ms. Klein's recommendation resist to the proposed conditions we have set before you in tab h. So in tab l, we have provided you with a chart which compares the staff recommendation to pfe's requested conditions. And as you can see, we agree on almost all items. True, the only area where we disagree with—or we think is modification is necessary is with respect to how we measure sound levels. The staff proposes you allow up to 80 dba measured fast. Pfe proposes the level be established at 75 dba measured slow, and that exceedances up to 5 dba be allowed for not more than 10% of the concerted period. The staff recommendation, ms. Klein indicates the council may wish to add additional provisions as you see fit. In pfe's proposed conditions in tab h, you'll see we have added some conditions, such as a comment line and the emergency line, which were a—agreed to in the good neighbor agreement. But the chart in tab l demonstrates that there is very little difference between the conditions being proposed by your staff and those proposed by pfe at this time. So we're prepared to answer questions or we can take them now or later.

Katz: You have about one minute and 43 seconds you can use, or you can—okay. You did a complete job on that. Pretty good timing.

Katz: Questions?

Hales: Not yet.

Sten: I do. As far as I could tell, i'm not an expert, but it seems to me consistent with our staff and with our review board and at least what I can see so far, the industry standard is fast for how you measure this. So seems to me like why should we go with slow?

Voboril: commissioner Sten, we do not agree with that and you'll hear expert testimony. If you read the letters from the sound engineers and the promoters, concerts are measured slow, and we don't agree that the standard in the industry is fast. We think it's slow. We will demonstrate that with some expert testimony. I'm not an expert on sound, but the industry standard is actually the measure slow, not fast.

Sten: Do you know on the examples you list in your chart of other things that have happened in Portland, how were those measured?

Voboril: if you go to tab g, and the matrix—i guess i'll use up my minute and 43 seconds now.

Hales: It doesn't count, you're answering a question.

Sten: You get time when we ask—don't worry about it.

Voboril: okay. Let me explain what we're trying to do. We're trying to find out in past decisions if you read this decision, whether they answer some of the questions regarding were descriptors mentioned, were measurement periods mentioned, and what you'll see under the category of descriptors mentioned, you'll see that in most cases the answer is no. If you go read the decision, it simply says 75 dba, period. There's no description mention. The only ones—

Hales: As does the code, by the way.

Sten: You don't know how they measured.

Voboril: practice and doing it during the past few years.

Sten: Did you investigate the proper in Portland—the practice in Portland?

Voboril: yes. We have found from our folks who have been doing sound tests at the direction of a noise control officer that they'd been turning them in using slow measurements, and those have been accepted. I might add the sound tests conducted on the three days were all conducted under the noise control officer's coordination using slow measurements. If you continue on to the matrix on page 3, you'll see that we could find some cases for whenever reason and—in variances pertaining to the rose garden's. There were descriptors indicated as fast, but then they indicated l-50, and I think it's important that if you're going to measure fast and use an l-50 descriptor, you understand that one. Unfortunately I can bet you and ask you to ask an expert that question, i'm not the right person to ask that question. But I think when you say fast, l5 50, that's significant. So you can't end the discussion by saying, he used fast in that instance. The rest of the decisions you'll see simply don't indicate which descriptor to use. I'm sure you're going to hear more testimony on this.

Sten: Since you agree on the decibel number, I think this is the issue.

Voboril: we're getting very close.

Sten: You don't quite agree, but you're pretty close on the number.

Francesconi: I have some. Whether it's harmful—I find it—I read dr. Epley's report as an eminent physician in this regard, leaving out the harmful stuff, it's loud. If you're looking at—I guess do you agree that the sound levels at 70 decibels, and I think this was tested fast, is the equivalent after vacuum cleaner at ten feet?

== commissioner, that—I think we're looking at the same chart. That is a chart that our noise consultant put together for the variance request to begin with.

Francesconi: Okay. So it's loud. And a garbage disposal and food blender at two feet is loud. So how many—how many residents will this affect during these eight concerts?

Voboril: I think we should have the noise people testify to that, commissioner, because in fact they did pretty extensive testing and contouring of where noise is, but what they'll tell you is that the only the adjacent properties, the immediately adjacent properties are likely to have levels that approach the limit.

Hales: Before we get into technical, because I have question that's require technical answers, what else is coming in terms of your presentation? Do you have medical—

Voboril: we have medical, we have—and we have technical, both from sound years and—

Hales: They're going to testify or they're here as—

== they're here—we're done with our 15 minutes.

Hales: We can call them up for questions?

== right. And we'll be here to answer questions.

== are they planning to testify using their three minutes?

== yes.

Katz: Why don't we—if the technical questions, why don't we wait—

Francesconi: I want to save that one, but I want to ask a couple others. Mark, you were—tab d now. I appreciate getting this. It's hard just getting it to be able to ask you questions, but on the financial side on the number of concerts—concerts, you've given us something that's marked confidential that was given to tim grew several months ago. So I guess, can you just sum rise—you need these—you've got a certain market that you want to attract, you're marketing, you're getting advertising dollars to market to a certain number. And is there any magic in eight concerts?

Gardiner: no, there isn't any magic in eight concerts. I know you've done this commissioner, if you look at the memo in tab c, which relates to how the financing is done, what a project financing like this requires of course is that you have a certain level of contractually obligated income. You know, I think already, tim did a good job of describing that. We're not talking about just the revenue from the concerts, you're talking about revenue that relates to having the concert demographic in the building, which increasing the capacity and the pricing for advertising suites and some other elements of the inventory. So the issue is first we have to have an assurance that we have the long-term ability to do concerts in order for concerts to be included as part of what is our revenue base for the financing. The second is that the financing size is controlled by the revenues you produce. So to the extent that you reduced the revenues, you would not be able to meet the objectives that the city and pfe have for the project. As you know, we recently stepped up and added a million and a half to the amount that we agreed to put into the stadium. And any reduction from where we are now would put that into question. We have—we're doing—as we did with the rose garden, we're doing a path-breaking thing here for a, quote, minor league facility. So we're kind of pushing the edge of the envelope with the financing. And any reduction from where we are now, since based on what we thought were the assurances of how this was going to go, we have been in the markets with this financing with eight concerts and with the revenue level that's associated with that.

MAY 18, 2000

Francesconi: Then you get into it in one of these tabs, and I had it, but then the issue you can sum rise it if you can—why don't you just reduce the volume in some of these concerts? What's the magic in a certain volume level? What tab was that? I think you referred—

Gardiner: there are some letters from concert sound engineers, and I think commissioner, after their testimony if they haven't answered that, we'll be happy to come back and answer.

Katz: Okay? All right. Supporters of the appellant's position, three minutes. I would recommend that the sound engineers or your sound experts come up at this point, and then --

Hales: And your medical people.

Olson: Since we didn't—

Katz: One second. Britta, you don't have that divided, so we'll just shall patient and people will come up we'll be patient and we'll will find two chairs and come up. Why don't you come on up. Then after that you can have anybody else you want come up. We don't have the names in order. We'll be here until everybody testifies. As long as it's before 9 o'clock. Okay. Let's go. You have three minutes.

Peter Hoffman: Goose Hollow Foothills League, my name is peter hoffman. I've had my office or had my ownership of property in the goose hollow area for 28 years. I've also served on the goose hollow board for six years way back when we established all the committees. I was the initiator for establishing the light rail committee, which was an integral part of goose hollow. I have built townhouses in goose hollow, been through an extensive condemnation with tri-met for the property on 20th and jefferson, which I owned. I've redeveloped kptv's building, owned property next to the civic stadium and the parking lot. I have also add joined the pfe group, i've been on the board for the last year or two, to go through the demonstrations we've gone through to develop the ctmp and the gna, have spoken with all the people involved and feel very strongly about the redevelopment of the civic stadium. I honestly do not know why noise is an issue, but if sit an issue, it's come up just lately. I had the privilege in the last two years or maybe three years to enjoy the jimmy buffet concert, and I also got to see the kenny "g" concert with—that was put on for the hundredth anniversary of the Multnomah athletic club, and I didn't see any problems with those. And I don't see any problem with noise. I don't have any problem with noise at my office and/or my properties, and I support it greatly for the redevelopment of the stadium.

Roger Krage: good evening, mayor, council members. My name is roger craig. Senior vice-president at crown pacific. I am the treasurer of the Portland Oregon sports authority and I also am an investor in Portland family entertainment. I'm here tonight specifically to speak on behalf of the investors in Portland family entertainment who are 12 local civic-minded businessmen who have invested their time in this project and surprisingly much of their patience, but more importantly they've invested 6 million to date in architectural, engineering and legal fees in professional sports franchise deposits based upon the memorandum of understanding we have reached with the city that will allow us to renovate the stadium and operate it profitably. Embedded within the memorandum of understanding we established with the city was the ability to put on a few concerts consiStent with the past use of the stadium. Portland family entertainment and the city structured a unique agreement for the greater benefit of our citizens. The renovation of a multipurpose stadium providing affordable entertainment of all types that will be paid for by those sit sense who go and not those who don't, is unique as we know. The financing for the project requires that pfe is able to put on a few concerts a year. Without this pro forma income, the debt financing fails and so does the stadium renovation. When I last testified to the council about this stadium project, I told you it was not a matter of if, but when. I firmly believe today it is still not a matter of if and ground braking take place next month. Reason and fairness will prevail today because this meet assisting not about noise, but it about the interest of one landlord who purchased buildings, apartments, and a few tenants who rented there knowing there was limited parking and the stadium hosted concerts. The interest of a few who have already chosen to own, rent or go to a club near the stadium should not outweigh the common good a

newly renovated and safe stadium will bring to the community and—in which we live. I look forward to being with all of you on June 22nd with shovels in hand. Thank you.

Katz: Thank you. Will further testimony in support of the appellant?

==next we have medical testimony.

Gloria Schnell: my name is gloria, i— hearing northwest, 18829 willamette drive in west linn. Did you know that a dog barking is approximately a 20 --73 db sound and a piano playing is 80 db sound? There are sounds of different loudness that different people perceive as good and bad. These sounds do not make you sick. I'm a clinical audiologist and the owner of hearing northwest. I'm a private—in private practice and I have three offices. I am affiliated with ears nose and throat doctors, dr. Gladys bedle, maureen mulcahy and dr. Michelle bessly. Please let me explain what an audiologist is. It is the professional who specializes in evaluating and treating people with hearing loss. Audiologists hold master's degrees from accredited university with special training in the prevention and I want to emphasize that—in the prevention, identification, assessment and nonmedical treatments of hearing disorders. Audiologist resist required to complete a full-time internship and pass a demanding national competency exam. We also sign a code of ethics. We are certified by the american hearing and speech association. We hold state licenses in the state of Oregon in audiology and hearing aid dispensing. I also do industrial testing at various companies. Did you know that the occupational and safety act says that permissible noise exposure for eight hours per day is 90 decibels? This level is determined and regulated by the agency of our federal government. The occupational safety and health administration states that noise at 90 db and above can damage hearing. I don't know of a single study that says exposure to noise will cause other health problems. I do not have any vested interest in this situation. I was asked to read mr. Herman's testimony and respond to it with my professional opinion. Some of his statements are extreme. Susceptibility to environmental infections, blood pressure increases at 70 decibel. If noise caused blood pressure problems, then people with hypertension would be given ear plugs as a treatment. In my professional opinion, such statements are totally inaccurate and false. I have submitted a letter which is under tab b in the information that was submitted to you by mr. Voberil. In that I state, I cannot imagine any adverse physiological effects that could result from exposure to noise at these levels for such a limited period of time. It is contrary to all my training and experience to maintain that these levels present a danger to urban populations. For people who live in large cities, 77 decibels is something they are exposed to as part of their everyday living. Thank you for listening.

Katz: Thank you. Questions?

Francesconi: I just had one. I just had one. If you go from 70 decibels to 80, is that doubling the amount of the sound? Or how much—how much more increase is it?

Schnell: yes, as you increase sound, you do double it. But the 70 r—or 80, do not cause people health problems.

Francesconi: That wasn't my question.

Schnell: if you're talking about sound pressure level—

Francesconi: You can address it in your testimony. Thank you.

Dr. John Epley: i'm john epley, md, from the Portland audiologic clinic. I've been requested to give an opinion regarding the potential for hearing injury and other adverse medical effects the neighbors of the civic stadium and the proposed noise variance. I'm a board certified physician, specializing in otology and—with 35 years of experience in managing ear-related problems. I've made presentations to osha relative to setting standards for the noise and industries that are now in place. It is my understanding that the requested variance calls for a limit of 75 to 77 decibels depending on how it's measured with exceedances of five dba. For 10% of the time, and by the way, that's as measured as near at nearby housing. Concerts are limited to eight hours, not over eight concerts per year. Extensive studies indicate that exposure to these levels of sound would not be sufficient to cause permanent hearing loss or to damage the ear in any way. In fact, osha and state regulations for industry do not even apply until levels of 85 dba are reached or surpassed. Prior testimony by paul

herman has raced the specter of certain nonauditor adverse effects of noise. Even at levels below 85 dba. He mentioned elevated blood pressure, coronary disease, migraine headaches and so on. Several points in this regard need clarification. First, there are no direct effects on the body from noise. Rather than nonauditor adverse health fix that may result from noise exposure are actually the indirect result of hearing the noise and thus these effects are due to psychological stress. Second, the great preponderance of studies regarding adverse health effects of noise have been carried out at or above 85 dba. Third, those few studies carried out below 85 dba have involved long-term repetitive exposure eight hours a day, day after day, week after week. This certainly does not— cannot be compared to the limited duration of noise as stipulated in the requested variance. Fourth, psychological stress occurred below 85 dba depends upon the character of the sound. Thus a continuous noise of a waterfall at 82 decibels or 80 dba might be considered quite soothing, whereas an occasional truck coming by at only 77 dba could be most irritating and interfere with sleep and so on. Persons can counteract stress by adding masking sounds such as a fan, air conditioner, or their favorite type of hue sick. This adds to the total amount of sound, but because it's more continuous as—it is actually less stressful. In other words, the type of sound depends as much on the— on that aspect and the stress as the intensity of the sound. In summary, noise under 85 dba is not detrimental to hearing and not detrimental to health, and—unless it is both stressful and repetitive on a long-term basis. Thus, it is my opinion that the proposed sound limits and time limits are adequate to protect the neighbors of civic stadium.

Katz: Would you respond to commissioner Francesconi's question with regard to the difference between city and 80 decibels? 70 and 80?

Epley: well, will the decibel scale is an exponential scale. Just like with the earthquake scale that we deal with, an expo then that scale, if you go from six to seven on the earthquake scale, it can make a tremendous difference. And going from seven to eight you're have tremendous destruction. So each rise on the richter scale from six to seven is a— is ten times change in the destructive ability and in the actual physical effects of the earthquake. On the dana barros scale, -- db scale, ten decibels represents ten times the amount. So if you go from 60 to 70, it becomes ten times changed. In the actual sound pressure. Going from 70 to 73 decibels, for instance, three decibel change, is a doubling of the sound pressure. So it's an exponential scale, and a few decibels can make quite a difference.

Hales: I've got another set of questions which I could use your help with. I want to got at some more fundamental questions later that this will rely on. So bear with me, because it's going to sound a little strange. But I wanted to depart from the question of whether 70 or 80 decibels is harmful to the neighborhood and go back to an issue really that you haven't addressed, but that I think will be pivotal to the later questions I want to ask. That is, would you, dr. Epley, or ms. Schell, just forecast for us if you take a normal healthy adult with normal hearing and say, subject that adult to 100 to 105 decibels for, say, three hours a day all week long, what would you forecast after, say, five years of that exposure in terms of that person's hearing acuity?

Schnell: i'll respond to it, because that's what I do every day, is test people's hearing. There are people that have noise induced hearing loss. Again, that's what the federal government says, 90 decibels for eight hours per day or above, and do you that have that. If anybody is exposed to 95 decibels of sound, they can only be exposed to it 4 four hours.

Hales: What would happen to that hypothetical person?

Schnell: at which level, 100 --

Hales: A person exposed to three hours a day, five days a week, of 100 to 105 decibels?

Schnell: without ear protection? There's—that is a very individual thing. In the industry, we refer to it as tough ears and tender ears. Some people are susceptible to hearing loss, some people have a genetic tendency to get hearing loss. There are many people—when I do industrial testing, sometimes i'm testing 60 people. They all dot same job, they're all exposed to the same noise and there's a wide variety.

Hales: Could you make no forecast of hearing loss in— How about you doctor?

Epley: the person would lose hearing over that time. In fact, within six months to a year they would have significant loss in the higher frequencies and by five years that would be down to—into the mid-frequencies, it would probably be a considerable hearing loss.

Hales: That's what I would expect. And for that hypothetical person, would loud noise sound as loud as it does to you and me?

Schnell: that tomorrow is called recruitment, and what it means is that mild—loud sounds sound abnormally loud to those --

Hales: Loud sounds?

Schnell: they sound abnormally loud, yes, for people with some hearing loss who have been exposed to noise. When someone has normal hearing, you speak to them at a level like this, and there's a broad range when they say things are uncomfortable. If you have some hearing loss due to noise because of the damage to the hearing nerve, then you have to turn that volume up and where things is uncomfortable comes down.

Hales: In the frequencies where they suffer the loss, would they not require a louder noise level in order to experience the same effect that you or I would?

Schnell: yes. But at a certain point if you did that it would become uncomfortable for them.

Hales: That's what I thought. Thank you. I need to ask mr. Gardener a question that this is based on. So I don't know if we need to do that now or later.

Katz: We'll do it later. Further questions?

Sten: One question. You may not be the right panel, but i'm going to ask it much both sides. Pfe's backed off a little bit in term of what they're saying they're willing to compromise with. Setting aside for a second that four of the concerts that the noise review board allowed were at 72 and 77, and four were at 75 and 80, there's almost agreement on 75 and 80 as a number. And the dispute is over whether you measure it fast or slow. So a reasonable person has to come to the conclusion that if you measure it slow it's louder. It's a way to play it louder. Otherwise we wouldn't be in this fight. So can anybody give me a sense what the difference is going to be to me at—i'm looking for a layperson, what the difference is going to be for me—not for you, mark—from the doctor's point of view, how am I going to hear this differently between these two standards of these two sides that are now brought to the city council? How am I going qualitatively hear a difference if i'm at one of these apartments between 75 and 80 measured fast and 75 and 80 measured slow, because that, folks, is what we're fighting about.

Gardiner: commissioner, I know you said it wasn't for me, but I believe this—

Sten: I'm not asking the question to you, mark. We've got a person testifying—

Gardiner: it's a question that is more appropriately answered by the acoustical engineer—

Sten: With all respect, i'd like to ask questions of whomever i'd like to ask questions of. If he doesn't want to answer it, that's his choice.

Epley: the decibel was selected because it is a measure with an amount of sound, increase in sound where you would go to—notice a difference. But large—that was done in the laboratory on people who were trained and so on. The average person doesn't notice a change in loudness until it's approximately three decibels or so. Maybe some people didn't notice until it was more. If you were just to compare with one sound and then you were to go over and compare another sound, you'd have to have at least three decibels difference in order to really—

Sten: Before i'd know the difference.

Epley: and possibly if you weren't trained or—there were other conditions against it, it might take as much as 5.

Sten: Three to five for an average person i'd hear a difference?

Epley: yes.

Sten: Thank you.

Francesconi: Is that true another all levels? Is that true at high noise as well as low noise?

Epley: yes.

Francesconi: Okay.

Hales: I'd like to actually follow up with mark if I could, because of my previous seemingly off the wall question. Because i'm going to have difficulty with all this technical stuff unless we wrestle this basic common sense question that i—that I put dr. Epley on the spot about. Be patient with me if you will. I think this whole proceeding here and all the argument about this is like a pyramid built upside down on its point and the point is a basic common sense assumption that none of this testimony or apparently none of this material, none of much of the material on both sides have addressed and that is could these concerts need to be this loud. I have—i'm—none of us is an expert in sound, but I have the misfortune of having had some experience with this issue 25 years ago because I was responsible for rock concerts at the university that I attended. And I contracted with bands, some of which are on your list, like jimmy buffet, and linda ronstadt, and I had the luxury both the concern about noise, because i'm from a family that suffers from noise-induced hearing loss, and I didn't want to suffer that myself, so loud events have always bothered me. And I had the luxury being the person that wrote the checks for the concerts. And so what I would always do after the first couple of concerts is i'd allow the sound technician for the band to set all the levels, which they do in the warm-up and preparation process, and i'd go to the sound technician and tell him to reduce the volume by 20%. And I would get a huge argument and lots of wailing and nashing of teeth, but because I got to write the checks, they would do it. And then we would survey our customers at these concerts and they never once said they weren't loud enough. And that's because in my amateur opinion then, based on the hypothetical example that I just laid out for you, that all these sound technicians for rock bands are half deaf. [laughter] and what sounds right to them is painful to—these are college students. These are people who like loud music. And they didn't complain. I'm being a little flippant, but my experience was, these people were not a good controlling point of the level of sound for the event. And yet this whole proceeding is based on an industry assumption that it must be 100 to 105 decibels at the sound board where the half deaf sound technician is setting the levels. And so if—my question is, sort of take my amateur experience of 25 years ago as a college student with the awesome power of the checkbook for these bands who could actually set the level at a comfortable level and tell me why we can't do that again. As somebody who goes to these concerts, even now some years later and probably with a little child and activity induced hearing loss, it's still too loud for me a lot of the time. Why didn't pfe do what the student union at the university of virginia did, and say, drop it 20% if you're going to play here. I know it's industry practice. I know it's industry practice. I understand that. But maybe the industry practice is based on somebody with really lousy hearing.

Gardiner: I think you'll find we have sound engineers here who are not half deaf. They can respond more directly than I can. I don't think the concert industry now and the conditions in that industry as to where tours go in competitive markets is what it was 25 years ago. I know that you will hear testimony from people in that business that if we tried to do what you're talking about, they would not book here. And i'm not in that business, you're not anymore, the people who are in that business now tell us that that's the situation we face.

Katz: Thank you, ladies and gentlemen. We'll continue. Testimony for the appellant, come on up. In were two questions left unanswered. One, the—that commissioner Sten raised with regard to fast and slow—you can do your testimony, then the issue that commissioner Hales raised.

Stanley Miller: my name is stanley miller, and i'm with sound manufacturing in los angeles, california. I am here today representing pfe at this hearing. I preface my remarks by outlining my experience as a live sound engineer for the past 35 years. With major touring act, and also as a major sound contractor for universal amphitheater, the greek theater in los angeles, pacific amphitheater in orange county, fiddler's green in denver, poplar creek in chicago. All of these venues experience sound challenges involving neighbors. The following points I feel need to be addressed. The methods sound measurement is made. An optimal sound levels at the house mixing location. It is my experience that it is a standard practice of the music industry and all concert venues to measure sound levels dba slow scale. Further, the only way an accurate and credible picture of an event can be

MAY 18, 2000

assessed is with measurement over the entire concert period not smaller increments. The measured sound level at the house mixing location must be in my opinion 100 to 105 dba slow scale, so as not to preclude major artist attractions. My 33 years with neil diamond tell me that anything less than this will preclude even neil from playing this venue. I have not made these observations solely as a sound engineer. But as a policeman on behalf of several venue and neighborhoods. With my role as an enforcer of sound compliance regulations, measurements were always made dba slow scale and over the entire period of the event. Thank you.

Sten: I'm on the slow-fast thing. I'll trying to understand what it really means to measure it slow or fast. Because that seems to be the heart of this. Slow means you have a constant measurement and you average the whole thing? Or you take a few one-time measurements here and there and see what they average out to?

Miller: I think what pfe is propose assisting measuring slow scale and taking the measurement over the entire life of the event.

Sten: So i'd know what it was any minute of the concert.

Miller: in any time, any second, any one second of the entire event.

Sten: And what—i'm probably trying to ask this more what is the actual difference to me if i'm out wherever it's supposed to be 80? Am I really hearing 85 all the time, because there's song breaks that average in a zero? Which gets it way, way down, or am I hearing really 80 but it peaks every once in a while a little past where it's supposed to go? What am I hearing out there?

Miller: the—the accredited measured level from the sound tests that have been done here as reported by other experts gives you the maximum level at those points. And it is proposed that these measurements be made over the entire life of the event and my experience at other venues which had these kinds of problems was that you needed to take the measurements over the entire life of the event because if you take small snippets of it, you will not have a true picture.

Sten: Let me try it a different way. If you do this slow, does that mean there's going fob substantial amounts of time, all be it short ones, where it's way past 80, because there's also—

Miller: no, not when you take it over the life of the event.

Sten: It can't average out that way?

Miller: it is merely a—the standard practice of measurement. And that's what you've asked—you've been asking what is the standard. I'm telling you that the standard that I have worked with all of my life is dba slow. I have never measured an event fast.

Sten: If our number is 80, and i'm measuring it slow, and by averaging it it's 79.99 at the end of the flight, how much of that night was I liStening to something above 80?

Miller: it's not an average. It's taking the snippets or the one-second increments over the life of the event that nothing will be above that level.

Sten: Never during—

Miller: at the neighborhood at the neighbor locations, nothing would be above that level.

Sten: And then what—why would fast then—i misunderstood your testimony.

Miller: i'm only saying that fast is the standard—slow is the standard of the industry. That's all i'm saying. I'm not saying—i'm not saying it should be fast or slow, but slow is the way it is.

Sten: We're having an expensive long hearing over whether we're going to measure this fast or slow, because we agree on the decibel level between the two sites. What i'm completely baffled with your testimony is, why anybody would care. Why would somebody care—

Miller: we only care that it's the industry standard. It's a method that everybody agrees for the measurements.

Sten: You're saying there is no difference, it's just the industry standard.

Miller: over the life of the event there may be very little—

Sten: Your client shouldn't care.

Miller: yes. Certainly think care.
why?

Miller: because it's not the standard of the industry.

Katz: Hold o.

Miller: it's not the standard of the industry. And there's other expert testimony here from people who are more experts in this area than I am. My expertise tells me that a scale fast is not the standard of the industry and nowhere have I ever used that.

Sten: And your clients have testified over and over through the course of a year and a half that this deal is better and different than anything else that's ever been done in the industry. It's a completely different deal. So I want to flow why they care. Not because it's the industry standard. The reason they care did because it's has some effect, and i'm trying to figure out what that is.

Miller: because they want this to be a successful venue. I think your partnership wants it to be a successful venue. What i'm telling you is if you don't allow a certain way of measuring it at the mixer console within the venue itself, then—

Sten: Are you testifying the noise will be the same standing at the measurement point whether you measure it fast or slow, you'll have the same effect if you're in an apartment dweller at the key place? Is that what you're testifying?

Miller: I believe that over—if you measure it slow over the measure over the length of the event, that there will be very little difference.

Sten: Okay. Thank you.

Katz: Okay. Next?

Francesconi: I'm not sure—the way I interpreted—never mind. I won't get there. I do want to ask you this— where your testimony is helpful, if sit helpful, is on the question of 100 to 105 dba and why that's the industry standard and why that has to happen for these concerts to happen. Now, wait. You've given me a conclusionary statement saying that's the case. But I need to understand better as to what it is in the industry, for neil diamond or these major draws, why is it that for us to be competitive it has to be between 100 and 105?

Miller: I think that the reason that it needs to be there is that first of all you will find it next to impossible to control an act once they're here, number 1. Number 2, I think you will lose a lot of act if you put constraints on them below this.

Francesconi: Why—if i'm—

Miller: you may be able to hold the purse strings and say, we're not going to pay you if you do this. But I think acts will walk.

Francesconi: Why is that? I'm an act, I would like to come to Portland, but what is it—

Miller: there's a dozen other places to go. We don't need to go to Portland.

Francesconi: Why do I want to be louder?

Miller: it's not a matter of louder, it's what's acceptable. It's what's accepted in the industry. All of these venues that I talked about here that i've been involved with with noise and neighborhood problems have been the same thing. And I have been the policeman at the venue my colleague came to one of my venues when I was the policeman there and i'm telling you that acts today will walk away.

Hales: We normally reject that kind of circular argument here when it's made by our bureaucrats. We have a button that we— [laughter] That says no to the statement. But that's the way we've always done it. Let me pursue, that because shall you didn't answer my question.

Katz: He likes to argue. [laughter]

Hales: And I was trying as I was to ask the why question. So let me bore in on this a little more. Now, have you and the industry done surveys, exit surveys of customers and asked them, was the noise level at this concert too loud, too soft or about right? Because after all, it's the customer. Or, is it the sound technician? Maybe they're not all suffering know-induced hearing loss, but I bet some of them are. And maybe it's the sound technician who rather he or she has suffered hearing loss or not, but who is accustomed to that level of sound. Not the customer, who is setting that noise level. So tell me more about the industry. Does the industry survey its customers or is it simply making or is it simply making an assumption—

MAY 18, 2000

Miller: we survey the customers at neil diamond in my 33 years with him by how many people we have go to the box office and ask for their money back.

Hales: Explain my—

Miller: when we run the levels—and there was a time period when I felt levels with neil were getting out of hand. And we were having complaints. And people were going and asking for their money back.

Hales: Because it was too loud.

Miller: yes. And when we dropped back below 105, nothing ever over 105 at the mixing console, they went away.

Hales: My question is, what would happen if you went to 95?

Miller: we wouldn't have the excitement in the show. We wouldn't have the excitement from the audience that is required. The act wouldn't be comfortable on stage.

Hales: I'll eventually abandon this stubborn common sense line of questioning and go back into the fog of technicalities where we'll spend the rest of the evening. Why is it that I was arbitrary in my request—demand that the sound levels be lowered and got no complaints? And got full house at the next concert? Why did I have 10,000 college students who came back for more when I arbitrarily and capriciously reduced the sound levels? Was that just a glitch?

Miller: it was then and today.

Hales: Is people's hearing worse today?

Miller: people generally watch television at higher levels today than they did years ago. People go to events like this, a function like this, they—do you think the Portland city council had a sound system in it 20 years, 25 years—

Hales: When schwab was here we didn't need it. [laughter]

Miller: people expect that now. People are not trained anymore to liSten. And I think the levels are required to be higher than they used ton. I don't think there's any question about that.

Katz: Okay. Let's move on.

Mark Smith: good evening, at this point. My name is mark smith, I live—I live in bend, Oregon. I'm a retired half deaf sound guy. I represent pfe and I own an audio executing business called audio excellence services. My qualifications include nominations for emmys, grammies, and awards for engineering artists such as frank sinatra, stevie wonder and corporations at&t, abm and coca cola. I've worked in all types of venues. What stan miller said is true. In my 25 years experience, the same as his with regard to sound levels and the measurement of sound. Sound levels at mixed position for me have always been at 100 db with 105 peaks. The measurement of sound is always done with slow response time and over the entire period of an event. It's never been any other way for me. Quite frankly, when I heard there was fast response measurements I said, who does that? Nobody I know. Slow response time gives all concerned truly accurate data. Thank you for your time and i'll be happy to answer any questions. I'd also like to be allowed to read and enter into the record portions of a following letter from pelton—it's in your book from pelton marsh, who our—are what I consider the top three consulting firms in the country. In the world. And they're also the consultants for the project architects. It says, pfe, at your request we have read the reference document and made comments about the conditions under which measurements are done. It is standard practice in our industry to measure concert sound levels using the meter set for slow response. Also a sufficiently long period of time should be measured in order to ensure that maximum levels are likely to represent concert-related sounds rather than other city sounds such as automobile horns, and i'll throw in motorcycles here. It seems to us that the conditions being imposed to monitor concert sound levels will make it difficult to distinguish between peaks caused by normal city noise and those due to concert sound level violations. Specifically levels are to be measured using two-minute periods. That means 12 peaks of one-second each would constitute a violation. This doesn't seem reasonable for concert sound levels, and it would be difficult at best to try and document what caused those peaks.

MAY 18, 2000

Sten: I'm going to try this again. If you're using a slow meter, and you're standing there holding the meter at the place, both sides agree on the place, we've agreed on that, they agree on 75 to 80, we're pretty close. I'm holding the meter, it's on slow, i'm in that place. Is it ever going to go over 80? I thought I understood—

Smith: it will if you cough.

Sten: Okay. But it won't otherwise?

Smith: if you're standing there— say you're the guy doing the testing and you sneeze. And it's just at the point where you're doing fast testing, you've just—

Sten: I've got it on slow.

Smith: then it will just be what it is. It will represent the entire event. Correctly. More accurately inc. If it was on fast.

Sten: And if it's on fast, it just takes that second in time, is what you're saying?

Smith: that's right. It only will record instantaneous peaks.

== I wish I would—you would ask this question of the next expert. We have a better expert than us.

Katz: We'll let you testify, we won't ask questions.

Larry Hitchcock: i'm larry hitchcock, currently working with pfe as a consultant aiding them in the development of the stadium's design and requirements for entertainment and events. From 1994 through '96 I was also vice-president of marketing communications for the Portland trail blazers. For more than 25 years, i've been a designer, technical director and producer of touring shows such as the rolling stones, billy joel, pink floyd, brooks and dunn and many others. At events including live aid, 1984 olympic sir monies and I was vice-president of concert operations for bill gram presents in san francisco. In february march of this year, I coordinated the am identified music tests for pfe at civic stadium. Over the course of our test and studies, we also sought the opinion of other consultants and professionals. I'd like to take just a moment and read two of these letters into the record. The first is from bruce jackson an independent sound consultant and engineer. To whom it may concern. I've been asked to write a letter of support of practical measurement of sound levels for concerts and civic stadium in Portland, Oregon. I understand a limit has been proposed that would require amplification of less than 100 to 105 dba at the mixing board. I have had over 30 years experience as sound engineer for live concerts and festivals. I spent six years touring with elvis presley, ten with bruce springsteen, more recently seven with barbara streisand. I've always worked with dozens of the top act including fleet wood mac—too many to list. A number venues have overreacted to demands of neighbors and set unreasonably low limits. By setting impractical limits the option of having live concerts is eliminated. If sound limits are adopted very few major performers will come to civic stadium. The second letter is from robin mcgrude. Further to our discussions regarding the above—our opinions and observations. Typical industry standard spl restriction criteria are based on slow response measurements. The typical pop country or pop rock concert mix the sound pressure level is usually in the 90 to 105 dba peak range measured at the normal mix position. Although a few artists may produce infrequent peak readings of 105 to 1 pun 15. These spl ranges would not apply to most hard rock heavy metal rap punk. A noise restriction variance encompassing the above ranges and measurement criteria would accommodate most current touring pop country and pop rock performances and would be in keeping with restrictions in many other communities. It goes on to state their qualifications as one of the leading sound companies in the world.

[captions suspended during switching of captioners]

(following are the captions from the city council meeting of **May 18, 2000, 7:30 p.m.** To 10:00 p.m.)

Michael Minor: in most of the variances issued, it wasn't specified. Last summer, I was doing some monitoring out at Portland meadows and presented data to the noise control officer that was taken with the slow time waiting l-max values and they accepted it and used it for compliance. I don't know if

there was some confusion there, but I did submit data, slow time waiting, and it was totally accepted. Also, the, the issue, as far as monitoring and compliance for the concert, I firmly believe that monitoring over the entire concert period, one second maximum sound pressure level volumes measured on the slow scale will provide an accurate means for conforming compliance checks. In no way, circumstance couple vents the city of Portland's control officer from going out and doing spot checks. He's more than welcome to go up and inspect the meters while they are doing the monitoring. There are some concern that they want to do short-term two-minute spot checks and allow for, you know, a 10% thing of 12 seconds, and where that gets really bad is in tab I of the notebook, I did some of the comparisons of the sound test data and depending on what two-minute period you measure, you could miss very easily or you could go out and purposely try to set a two-minute time period such that you could do that. So it could benefit someone who wanted to find an exceedance or somebody that wanted to—

Katz: If you know the music, you could in fact—

Minor: right, if you go at the start of the song, when the crowd is quieter and you make a two-minute measurement, the bond gets louder, and by going to the end, make a two-minute measure, you know, it kind of skews it, and by moving the time datas, you can see in that table by just a matter of ten seconds, I was able to go from an exceedance not to an exceedance. So, in other words, if you got there ten seconds late and you two your two-minute measurement, you wouldn't have one.

Gardiner: can I interrupt you because I think that I can get my question answered. Try it a different way. [laughter]

Katz: I will give you another minute.

this will be my minute. What I don't understand is why, if I am taking a slow meter, which, as I understand it, is going to give me the sound every second, wouldn't I catch the bad two-minute that you caught when you did the two-minute thing, because you are saying if I got a bad two-minute I would catch it but on a slow one where I will have every second monitored, wouldn't you catch it, as well?

Gardiner: simply talking about taking that two-minute slap shot. Whether or not you do fast or slow, you are going to get second by second information. And the fast or slow has something totally different than that, that the two-minute period.

== the two-minute issue is different than the fast/slow issue?

Sten: why does your client care so much about how—what I hear from the testimony, I keep asking, is it ever going to go over 80 at the place it is not supposed to go every 80, and I keep hearing no, but we have a very expensive hearing, if I am guessing what people are getting paid on both sides to argue about this and why are we arguing about it.

Minor: when we perform the sound test, it was performed using the slow waiting scale that's how I got to the numbers we arrived at requested in the variance. The slow-fast issue, it depends on what you are measuring but in most cases, the fast one will give awe slightly higher sound level.

==and your other experts didn't know that, but that's right.

Katz: They weren't—

== I almost broke my glasses back there. So, I am not going to tell you that that's not the case. Now, how much higher—

== woe, woe, and why.

Minor: because the fast-slow thing has nothing to do with except for how fast the meter reacts to a change in the sound level so, if you got sound levels that are relatively high in varying slightly, then slow and fast will really give you pretty close to the same level. A couple decibels difference. On the other hand, if you have a jackhammer which has very high peaks that go from quiet to very loud in a short period of time, then the fast ones will give you a better accurate, much more accurate reading. Always used, fast waiting for activities where you have rocks dropping into the back of a truck or a hoe ram. If you have community noise, it is normally measured on the slow scale because you don't want to skew the measurement by, by short-term, obnoxious noises that aren't normally part of the

whole, the whole mix of what you are trying to measure. The industry standard, everything I have ever heard for measuring noise for concerts has been slow, and I talk to do a couple of guys up in Washington state and that's what they use, also. If you were to switch it to fast, I would say on the average, it will be a couple of decibels louder for concert.

Sten: that was very clear. I appreciate it.

Francesconi: and do you agree with the doctor's testimony that you really can't—that an average person can't tell the difference at 3 decibels, 4 decibels?

Minor: okay. It depends on the sound, again. I think in an audiology lab, if you had head phones on, you could tell a difference but in broad band noise like traffic and when you are outside and you are a little bit more de-synthesized, it is a rule of thumb that a 3-decibel difference is very perceptible by a human and a 5 is perceptible and a 10 decibel increase is perceived as twice as loud.

==that's the end of the technical testimony. We now have—that we know of, four neighborhood—

Katz: After that, Mark, let's just open it up to anybody that is here wanting to testify on behalf of the appeal.

Jerry Powell: madam mayor, commissioners, I am jerry powell, chair of the goose hollow planning committee and live at 1441 southwest harrison. I said earlier that we really aren't noise experts. We have got ears. We live next to a stadium, had it always been noisy? Yeah, it has always been noisy. It is always noisy when there is some sort of an event there. What else is new? Does it become a real problem? Occasionally. It has become a major problem for the neighborhood, about three times that I can recall in the last 15 years. And that is—when there's been a group that has been egregiously noisy, very, very loud. Now, as it happens, I don't know what, what the actual noise levels were. But, I know what the complaints were. And they were substantial. There were people that were complaining about not being able to do a whole lot of things that they ordinarily do. Even under concert conditions, there are a lot of people that live around the stadium. Most of them accommodate. Some don't. Some of those people that, that don't accommodate eventually either go some place else or find a way to get around the problem. We are looking at a situation where there is a, a needed public facility here. Is it sometimes noisy? Yeah. That's why we—what we just said. Does it matter whether it is measured slow scale or fast scale? Probably doesn't. Sometimes it is noisy. I don't know how you get past that. We are told that the stadium, to be successful and viable needs to be able to exceed basically the background noise in the neighborhood. Eight times a year. We have looked at this issue backwards and forward. I don't see any reason to contest that statement. We have the ability, if that's a problem, to go back and say, it is too loud. It gets turned down. That's where we are at.

== you mean after a year, you have that?

== that's correct.

Powell: actually, we have the ability, if there is a problem, to come down on the pfe, every time that there is a problem. We have a chance to revise the whole scheme of measurement once a year.

Kurt Garbe: good evening. Madam mayor, city commissioners. My name is kurt garvey. I live on 1853 southwest jefferson street. I was affected heavily during the light rail construction, which took about two years and eight months. There was a lot of noise going on, as you can imagine, from all the heavy duty trucks in front of our business. The building is about 10,000 square feet. They solved the problem by installing double pane windows. I am not a noise engineer. I am not a doctor. All I know is that the double pane windows cut the noise to half. A little bit of research, I have noticed, if you have a noise outside of the building for an 80 decibels, regular window cuts the noise between 12 and 15 decibels. If you have a 80 decibel for a double paned window, it cuts the noise between 22 and 35 decibels. In other words, if you have 80 decibel sound outside and you cut it down by 35, you would have 45 decibel inside the building. Now, I know why we are here. They are mainly concerned about the people who live in the buildings. I, as a small businessman, had to reach deep in my pocket to provide my building with double pane windows, and I am sure that the investment company can do the same thing for their attendance. Thank you.

Patricia Gardner: so undeniably noisy— patricia gardener. Undeniably noise is a big issue in an urban neighborhood with tight buildings and small streets and, it is a corollary that the more successful your neighborhood, probably the more noise that you will get. And goose hollow wants the stadium to be successful because then the neighborhood will also join in its success. What our understanding is, is that concerts are integral to that success, and what we do also know is that concerts are, are an integral part of the history of the stadium. There have always been concerts there to the best of our— as far back as jerry can remember, and that's really far. [laughter] and, in fact, when we created the merk document, that was all about noise. There had been a terrible concert that I think that people were, you know, dying from, and it prompted the neighborhood association to write that document that existed since 1981 that had an 80 decibel level, and with discussions with the noise review board through this process, what we found out is that what has actually been happening at the stadium has been generally 75, 80 has been the, what typically has been the levels. And that seems to have worked out. And, obviously, there have been some cases where that has been exceeded, and there was no punishment. We are in a new situation here. In that we have a good neighbor agreement, and this agreement has teeth to it. Teeth that didn't exist before. And, in essence, if you think about it, the neighbors are far better protected than they ever have been in the past through a couple of different mechanisms. Obviously, a fine system that didn't exist. Obviously, an oversight committee that didn't exist. A log of complaints that we didn't have, and through this, we are able to go to you and because we have worked very hard at this, to have a five-year variance with annual reviews, we are able to take empirical data to the noise review board and say, this is what it is. And so, in essence, what we would like to do, see the stadium succeed, and use the historic levels to do it. 75-80. And we are going to find out real quick if that's too loud. I will tell you personally I went to a concert up in the gorge that was too quiet. It was too quiet. I know that for a fact because I was like this is not loud enough. And I had seen that band before in an interior environment and I am quite sure that it was 105 decibels, and it seemed perfectly fine. So, and i—so I do think— who was it? Is that what—
== no, I was saying you are younger than—

== oh, that's true. [laughter]

== it is true, and I am sure that I am going to be one of those persons with no hearing, too. [laughter] because of it, but, in essence, it is possible to have concerts that are too soft, and it is also possible that there are industry standards that will chase concerts away, and what a shame it will be. What a shame it will be, and I am absolutely convinced that we have built in enough protections, primarily through all the reviews that we have got, including annual review for the noise issue, that we will be able to protect our residents.

Francesconi: that's one question that I wanted to ask you. It was about the annual review, so let's say that you get 30, 40 complaints, not necessarily violations, but complaints, can you, can the annual review work to change the situation?

P. Gardner: my understanding is that it can. My understanding is that it can. And so, that is.

Katz: Thank you. Further testimony? On behalf of the appellants? Come on up. How many more on behalf of the appellant? Okay. This is it.

John Bradley: my name is john bradley. Again, I am president of the northwest district association. I would just like to point out a couple of things. My testimony originally was going to be much different. I was going to speak to the staff report under section 3, which outlines what they had interpreted in the original variance to be. Those were not at all what we, what the neighborhood association had come back with. I am pleased to see that pfe came in and requested an even lower variance than had been previously talked about. The one clarification point that I would like to make is that under the good neighbor agreement, 3.323, it calls for the measurements of sound levels constantly during each music concert. And so that may take out or clarify, hopefully.

==is that slow or fast. [laughter]

MAY 18, 2000

Bradley: you know, quite frankly, the reason that i—i don't know. [laughter] okay. There is the answer. This stuff all came up, actually, fairly recently, and to be quite honest, we, at the neighborhood level, are not well versed in it.

== I hear you.

== neither are we. Can't you tell? [laughter]

Katz: That's your testimony? Okay. Go ahead.

Drew Mahalic: Portland Oregon Sports Authority, 1888 SW Madison, 97205, mayor Katz, our office is located in goose hollow. The Portland Oregon sports authority has been involved in this renovation process, really since the beginning. Because the renovation of the stadium is so central to our mission to bring sports to the community. We are very proud of the city council for creating this process. To get the renovation of the stadium started, and we have been very impressed with the professionalism and confidence of pfe and we are highly confident that they can make civic stadium a viable venue for sports events. While concerts at civic stadium and noise levels are normally outside our mission, it is clear to us that pfe needs a fair chance to be financial successful so that the stadium can be a vibrant venue for sports. Now pfe has a very challenging task, and I would underscore challenging. They really have a very arduous agenda ahead of them to get the sponsorships that they need and to bring in the sports events that they need to be financially viable. And what I would like to say is that we have all come a long way in this process to revitalize the civic stadium, I would ask the council to conclude its agreement with Portland family entertainment in a way that allows it a good chance to be successful. Our concern is that we need pfe to be successful if sports are to flourish at civic stadium so I urge you to select a level of sound that allows them to make it financially for all of us. Thank you. one more thing that I would like to emphasize, there are two levels here and controls for pfe for sound. We have the standard title 8 teen controls and then we have the controls put forth by the good neighbor agreement so that it is possible for pfe to be fined twice for sound violations, so I think that that's kind of unprecedented.

Katz: Thank you. Okay. Primary opponent. Of the appeal? That's you. You have 15 minutes.

Jeff Bachrach: Harsch Investment Properties, 1727 NW Hoyt, 97209, mayor Katz and members of the commission, thank you. I am jeff backrack here tonight, and I will be very brief. My role is largely to introduce paul herman, who will be the main spokesman for us here tonight, and as you probably know, he was the city's hearings officer for 20 years and hopefully he will have the expertise—

== hearing officer not hearings officer, right? [laughter]

Bachrach: I am sorry, I am so used to be in land use hearings, I forgot. Sorry, land use officer. Home I won't slip up again. Let me frame what I hope that paul will address. I think that everybody is in the discussion so far and hopefully we can hone in on the key issues and not address issues that no longer seem to be the focus of your concern. The measurement system, how you measure the noise and I think that what paul will explain is that there are three components to how you measure the noise, and this discussion about fast-slow is just one of the three components to the noise measurement system, and hopefully paul will bring you clarity, so that's why you were asking about fast-slow and you didn't always get the answer that you were trying to get because that's a component of the measurement system. I think that the key issue that paul will explain to you is that the measurement system, that the nrb came up with is consiStent with the city's historical precedent as to how you measure noise, and he will explain how the city historically measures noise and how the measurement system in the nrb decision is consiStent, and that what pfe is asking for is a tip—atypical. It is not what is traditionally done in this city. The inference—the question that you are raising is why all the debate about the noise measurement system? The answer is the system pfe is advocating for results in louder noise. Paul can also explain to you under the nrb system, you will get sound board noise of about 95 dba, and as you heard from a lot of the people here tonight, they would really like to push that up to 100 to 105 at the sound board. So we are talking about the measurement system having a 5 to 10

MAY 18, 2000

dba impact. And so, it is important in that regard that the measurement system you choose actually ends up affecting the noise level, and again, paul will be the guy to explain that and hopefully he will bring better clarity than I have and the other speakers have tonight. Before I turn it over to paul, I think that the key thing in keeping in mind what the nrb did, it was a compromise, as pfe's chart showed you, many of the things that they requested as part of their variance were granted by the nrb. So, it was, in a sense, a compromised decision. It didn't impose all the standards that harsh had been advocating for, but on balance, they are the experts. They labored hard to come up with a fair compromise and harsh is prepared to respect that compromise. Two other quick points before I turn it over to paul. Though this was not certainly the focus of noise standards, the question clearly has been raised, well, what about, can we get the quality acts that pfe needs to succeed? A lot of testimony that they have got to have quality acts and without 100 to 105 at the sound boards, you can't get it. We will be introducing a letter tonight on behalf of harsh from our expert on this issue, which says that, and I will very briefly paraphrase it, while 105 at the sound board is desirable and outdoor venues for some louder entertainers, 95 is workable. And they list a bunch of acts they are familiar with that have that perform at the 95, at the sound board, which is what we are—what the nrb produces and I will just rattle off some names just so that you can—you will be handed this letter. You can see the list. Bonnie rate, rem, pistols and others, so, these are well-known, at least if I know them, I assume that they are well-known. Quality, I assume that these are quality national acts and our expert is saying that they will perform and they do perform with 95 at the sound board. Final point concerns the good neighbor agreement. The good neighbor agreement is explicit that it is not intended to supersede title 18 in the nrb noise review process, and that was because, as john bradley stated, the neighborhood groups are not well versed in sound. It is a tricky technical issue, and the nrb and the title 18 process was created in recognition that this requires some particular expertise, so in summary, harsh is hoping that you will respect the compromise nrb presented to you and reject the appeal and firm what nrb did with that, I will turn it over to paul herman, unless there are any particular questions of me, but I think that you are—

Paul Herman: good evening, my name is paul herman and I live at 7025 southwest 84th avenue in Portland. I am here tonight—today— tonight on behalf of Harsch investment company. From 1976 to 1996 I was the noise control officer for the city. Before that, I was on the medical school faculty with the departments of otolaryngology and public medicine. I am familiar with the effects of noise and efforts maimed at its enforcement, control, and mitigation. It is correct to say that the system of measurement and the level of sound are the two critical issues here. It is also correct that the noise review board produced a decision which was a compromise, giving pfe much of what they wanted but refusing to water down the system of measurement historically used. And refusing to allow noise to exceed occasional peaks of 80 decibels, which is the limit typically allowed at the stadium in the past. Now, my task here is to try to focus on the three major components that jeff mentioned. Three major components of the board's decision, and to try to clarify the very critical differences between what the board granted and what pfe requested. They relate to the noise level and the measurement methodology. They are complex. It has—your experience earlier this evening is, is, we will indicate they are not typically understood. During the neighbor—the nrb hearing, the neighborhood association leader testified and mr. Bradley just said the same thing that in endorsing the standard of the good neighbor agreement, they did not really understand the impact of the measurement system on the outcome of the regulatory process. Now, on the face, pfe asked for levels which were granted in the past. For fewer events of shorter duration. In actuality, pfe had built in several cushions. Via the methodology which would have allowed much higher sound levels. Fortunately the board detected this and was wise enough to realize it and would not approve the request until the methodology was changed. These differences, it is critical that you understand them. First one, fast versus slow. Very simply it goes like this. All meters, half way decent ones have both capabilities. Slow meter will take readings at a rate, something of that sort. A fast meter will take the readings at a faster rate. In so doing, if you were talking about noise which is steady, for example, distant traffic noise, fairly steady,

MAY 18, 2000

not a lot of highs or lows, it doesn't really make any difference. If you are talking about noise that is very rapid in change and very extensive in change, it makes a lot of difference. It is quite important. The fast meter response takes more measurements. Is less prone to miss the instances of peak sound. A slow meter will tend to miss the peaks. As a result, the level that you derive from this is going to be incorrect and is going to be depressed relative to what it would have been had you used the fast meter. How much of a difference? Hard to answer. It does depend on the nature of what you are listening to. It can be as little as 3 and as much as 6. Probably 5 is not, for this kind of music, is not an unusual difference. By the way, title 18 specifically calls for the use of equipment. That can operate at the fast setting and has done since its inception in 1976. I don't agree with the claim the noise review board cannot require its use. Historically, the city has always used the fast response because people react to peaks. Now, whether sound people who are delivering reports to the city have done so by reporting slow, is another matter. I can't speak to that. When I was noise control officer, I assumed that the data that I received was fast, but it could possibly have been slow. If it were, indeed, for example, if it were a 74 decibels taken on a fast measurement, it were 74 taken on a slow measurement, it could well be 78-79-80 had it been reported on a fast measurement. Measurement duration. The board said the measurements will depend on two-minute periods, pfe wants the entire concert duration to be the measurement period, important? Very. Why? Using the entire event as the measurement period simply eliminates the ability to do on the spot enforcement. Such enforcement is necessary. It is customary. Allows problems to be identified and remedied immediately. If the entire concert is considered the measurement period, then higher than agreed upon levels that might arise, for example, in the first five minutes of the concert, which is not all that unlikely, can it be corrected until—cannot be corrected until after the concert ends. In the meantime, those who live in the area are in trouble. And the noise control officer is unable to proceed. If you are talking about a concert lasting 200 minutes? That's 3 hours and 20 minutes down the road before you can take action. Now, some earlier variances of the board did not specify a measurement period. And that meant that any amount beyond the level was considered to be a violation. In this case the board proposed a two-minute period as workable and a fair compromise, I think. It is not inconsistent. It is not unusual for this kind of noise. Having the entire concert duration be the measurement period would be at odds with the previous decisions of the board and accepted practice but would result in loss of the ability to take corrective action. Sound levels, the board granted a maximum level of 75 dba, with occasional peaks to 80 for four of the concerts and the remaining four were to be allowed a maximum level of 72 with occasional peaks to 77. Setting different levels for different events is not at all unusual for the board. They have done that in the past. Now, we have heard earlier that absolutely nothing happens as a result of exposure to noise and I take issue with that. At 70 decibels, your blood pressure does start to rise. It is not a controlled thing but a reflexive thing like a knee jerk, will everybody show it? No, you might show it at 75 now. You might show it at some other number but that's—looking at the population as a whole, that's what happens at about 70 decibels. Blood pressure goes up, and remains up typically until the sound comes down again. We are talking about the captive population in the area. Consistently of a lot of older folks. I can't tell you how many of them have hypertension right now. I can't even tell you whether elevation of blood pressure will be a significant factor, but I can tell you that it is not a desirable factor. At 75 dba, it is nearly impossible to carry on a conversation. You have about 5% ability to know. It shows how—what is the effect of noise on intelligibility, and indeed, at 70 -- 75, you have 3, 4% intelligibility. Under those, those conditions, you cannot carry on conversations. Being exposed to 80 decibels is equivalent, as you said, as to have been a loud vacuum cleaner operating next to your ear. The board chose to use the l-10 measure. Which is that value exceeded 10% of the time. They want to do use this as an estimate of the higher noise levels generated. Unusual? No. Both the noise review board and others have often used this approach. Fortunately, the board did not allow peaks to be this way. That could have amounted to 20 minutes worth of extremely high peak noise during a 200-minute concert. That was deemed too much. Pfe would like to use a different estimate, the equivalent noise level. Which is a sort of average of the

noise generated during the measurement period. And which, again, ignores peak noises, and therefore, can mean effective increases of 3, 4, 5, even 6 decibels, depending on the nature of the music. I have never seen an equivalent noise level used for amplified music. Now, granting pfe's appeal can lead to sound levels as much as 10 decibels higher than those set by the board for other similar events around the city. I come to that figure by taking 5 decibels each from the fast versus slow argument, and 5 from leq versus l-10. That's a substantial difference. And go along with what you had asked before. Since an increase of 10 decibels is experienced as a doubling of loudness, accepting pfe's conditions means people can be exposed to levels which are damaging and dangerous. I had thought of playing music here at those levels for a short period of time so that you would have a feel, a better feel for what we were talking about. I rejected the idea because I did not think it appropriate to subject you or this audience to such damaging noise levels. Pfe's acoustical consultant said they were equivalent to a garbage disposal. They said they could not peak to sounds more akin to a tri-met bus. Telephone, television, conversation, lost. I would not want that in my home for eight hours, eight times a season, and most likely during the warmer summer months when windows are open for cooling. Permitting those levels will make people captives inside their dwellings and is a disproportionately heavy and unjust load to place upon those who unfortunately live near the civic stadium. Exposure to sound levels requested by pfe with their methodology is physically dangerous and will definitely affect the thing that we call quality of life and neighborhood livability. They have implications for the future of downtown housing, especially with the, within earshot of all open space concert venues, where if you overturn the decision, you risk setting a decision that will be typical to avoid in other situations. Retaining the conditions means retention of enforcement and although people may be annoyed by the music, they can avoid damaging and dangerous levels. They will be better able to carry on conversations, listen to their own tvs, and hear their own phones and speak on the phones and most importantly, escape reflex and blood pressure increases. Ed board has done what it has always done. It has attempted to reach a balance between opposing sets of needs and has allowed an activity while protecting the public health, safety, and welfare. I urge you to retain the decision and conditions of the noise review board. Thanks.

Sten: do the other decisions that you are referencing for other places specify the fast meter because you are making a case that the other venues in town are held to 80. Are they also held to this specificity of measurement?

Herman: he is more correct often than not, that it is typical that the board's decisions do not specify it. It is understood. It is implicit and for those who have come back to the board time and time again, they know. Fast. Fast is what the board requires. Fast is what anybody on the enforcement side requires. Slow is what the people on the sound generation side would like. The answer is, yeah. It is—all the past decisions that I am familiar with, fast has been the choice.

==can I follow up on that?

Francesconi: well, yeah, I wrote down your testimony on that point, and either I misheard it. Because I think that you said that those could have been slow, and I put that in quotes. Did I misunderstand the results of the noise that, that they could have been slow?

Herman: what I was referring to was when noise review board says, okay, here is a variance decision, one of your—and you have to report back to us after the fact, tell us how the concert went. It may have been that what was reported back to the board was actually taken via slow, what was requested by the board and expected, certainly, by me as noise control officer was fast.

Francesconi: well, here's the problem that I am having. How long were you noise officer.

Herman: a long time, 20 years.

Francesconi: and how long has there been a debate between—how long has this issue of noise—

Herman: fast-slow.

Francesconi: the fast and slow been around.

Herman: to the best of my knowledge, about two weeks. [laughter]

MAY 18, 2000

Francesconi: how long have you been able to measure noise? How long have you been—have you been able to measure noise both slow and fast for the last 20 years?

Herman: yes. You mean was equipment capable? Yes.

Francesconi: just for my prior background and training, I find it hard to believe that something as important as this is not specified anywhere in the record. And you are telling us that there is an assumption that it is fast? Is that what you are saying?

Herman: no, what I am telling you is that most often it came out in the conversation that most—that—you know, I cannot really say to you that it was always written down because I know perfectly well it was not always written down. Was it specified in some decisions? Yes. Was it verbally understood? Yes. I agree with you. Should it have been written down? Yes. But, you know, I never expected it to be a problem when I was noise control officer. I never considered it to be a problem.

Francesconi: there is some variances here, not many, but there is some at 95, at oaks park. When were you last—

Herman: I retired about four years ago. And that oaks park was mine. There is no residential around the nearest residential is across the river and they are houseboats. Therefore, you can allow—the real question is not what it is at the source but what is it at the receiver. At the receiver, given the distances across the river at that point and the orientation of the speaker, the levels that were expected were, perhaps, 70, and I think that probably ran between 65 and the middle 70s.

Francesconi: the river queen, 96, 98? Burnside bridge, 95?

Herman: I don't recall. What was the nature of the event at the burnside bridge?

Francesconi: I don't know. Remember that one?

Herman: no. I am sorry, I don't.

Francesconi: do you have a medical background?

Herman: I am a psychologist by training.

Francesconi: you also—i am telling you I had a little problem with you saying dangerous several times. Because this is an area that I just happen to know, and I know that doctor apley, we have a medical doctor here with osha standards at 90 and you are calling it dangerous at 70.

Herman: I am calling it dangerous at 70, yes, just as the audiologist indicated that there are tender ears and tough ears, so are there people who, who will tolerate the exposure above 70 without any blood pressure increases. I have got, which I was up at the medical school, and prior to that when I was doing post doctoral work at princeton and other research, that's one of the things that we looked at and the effects of noise and the research literature, whether it is, well, I won't go into detail but the research literature says those things occur. That is something to be considered. Is it always going to occur? No. Is it something—is it a factor? Yes. Full well. Take art, take it away. Don't even, even worry about blood pressure increases. How would you like to be cooped up in an apartment and not be able to—

Francesconi: sir, that part I find believable and acceptable about your testimony. that you can't carry on conversations at 75 and it has an effect, but I want to be clear with you, this part about dangerous, I don't accept.

Herman: I use the term "dangerous" because it seems to me if you subject a population to factors which are going to raise their blood pressure, that is not desirable. I will use that term rather than dangerous.

Francesconi: okay. Do you have just a couple of questions for you. How many people are we talking about that are going to be subjected to the noise that's going to interfere with their quality of life to some degree during this?

Bachrach: there will be some more people testifying who will clarify because I am somewhat of a pinch-hitter here. I believe that 1,000 to 1500 is the number I have heard living in the immediate vicinity of the stadium.

== I hope someone from Harsh can correct me if I am wrong.

MAY 18, 2000

Sten: this is another issue—a problem that I have got. Not the medical side but I want to go ahead. We had noise tests at a certain level leaving aside the technicalities and et cetera. We had noise tests and we— there has been notices sent out by both sides on this, and yet we get complaints, at least that the number of people testifying at the hearing wasn't that great, really. Given the testimony that we just heard from dr. Herman. So, help me with this. What, what am I missing here?

Bachrach: well, I am not sure if you are saying that you would be more persuaded if there were more people here. I don't know how—

Sten: no, no, not here, but how— but complaints after the noise test? How many documented complaints did we get a lot? Maybe there are more that I don't—how many complaints were there after the noise test? How many people, you know, went it is not here. I don't mean here.

Bachrach: complaints after the noise test?

Sten: yes, that's what—that's where I am going.

Bachrach: I don't have that information. Paul, if you don't, I am sure that there is someone here who does.

Herman: there's a meeting held at the vista saint clare after the noise test attended by approximately 80 people. They are residents from the areas and those who had been affected by it. And almost without exception, they were—they complained a lot. Why did they not show up at the noise review board? I don't know. Citizen inertia, that's certainly not an uncommon thing, some are older and retired, you know. What can I say.

== thank you. I took it from the commissioner --

Katz: You will have an opportunity to testify.

Sten: do you have knowledge how the, the test was measured?

== the test was measured?

Sten: fast or slow?

Herman: I measured fast. They measured slow.

Sten: and what did you get?

Herman: I got readings that agreed more with the city's noise control officer, who also measured fast.

Sten: I am looking for a number.

== oh, a number?

== it depends on where you are. They ranged from—

== how about the two monitoring spots.

== at one of the two monitoring spots? Just close to the, one of the monitoring spots, on 18th, just as the max line curls down past the new apartments, we measured up to 83, 84 decibels.

== so, is it—i mean, it seems to me the likelihood—i understand your testimony clearly that we could be talking about 10 decibels.

yes.

== it is my own opinion, which is not expert, that we are talking about 3 or 4. Listening to both sides. How do you view the city's policy, and I really am not an expert even though I am going to vote on this policy, in terms of if you have got a community draw, like a stadium that I think, it is reasonable to believe that everybody would know has concerts that moved adjacent to it, versus that person's right to reasonableness, I mean, you know, there is no standard on that?

==I don't really necessity how to answer that. I think it depends on the number of concerts. How long the concert is and how loud they are. There is a certain amount to be expected when you move next door to a facility like that, of course you do. You certainly expect that. Noone is really objecting about that. Do you expect concerts? Probably if you look over the history of the thing, you talk to people what you are going to find is over the last ten years or so, you have had on the average, 2, maybe 2 concerts a season, something of that sort, not eight.

== let me, let me—you may not be able to answer this because obviously you are on one side. But, the noise board cut a compromise between what some folks wanted and what pfe wanted.

right.

MAY 18, 2000

== it looks to me like the difference now between what the noise board did and what pfe is now requesting, which is less than they requested at the noise board, in my opinion, and this is my opinion, is 3 or 4 decibels and it is my opinion that very few of the eight concerts will go eight hours, based on my experience as a concert goer, I think a couple will, so I think that we are talk—maybe. I think that we are talking about a couple of hours and a couple of decibels, is what the hearing is about. Is there any—my question is, is there any other way to craft a compromise that gets us out of this, this debate?

Herman: I don't know. I think that—you know. Again, I am biased. I watch the noise review board for 20 years. I trust them. They know their stuff. They have done it before. They will, I assume, continue to do it again. They use techniques. They use measurement techniques. They have an acoustical engineer on board. I would, you know, I go along with their methodology.

Katz: Further questions? Thank you. All right. Supporters? Come on up. How many want to testify? All right. We have two chairs. We don't know who is for or against, so we have two chairs when they are empty, come on up.

Linda McKim-Bell: my name is linda bell and I live at 1808 northwest aspen avenue and I own property on northwest thurman street. I am a founder of the goose hollow foothills league and I came down here to ask the city council to protect livability in a dense, urban neighborhood. As the city gets more dense, we need to raise the level of courtesy and consideration and thoughtful ways in this city, and I ask the city council to protect our livability and uphold the standards of the noise review board. If you set a precedent now and allow this variance, this is going to be the crack in the dike for livability in Portland. I once lived a mile away from a drop forge that was measured fast at 92, and it made my life hell, and I had to sell my house and move to another location. Since then, I have become a citizen noise activist. I urge you to come down on the side of livability. I think that we can live with the noise review board's decision. And that's it. Thank you so much.

Harold Schnitzer: madam mayor and members of the council I am harold schnisser. We are the owners of the park—the Portland to your and the king tower apartments, which represent over 400 residents in these two buildings. We estimate that the, the number of people who live between vista avenue and the stadium are approximately 1,200 additional people. To the north of the stadium is the Portland housing project, which is about 200 individuals. To the east is the new stadium apartments, built by mr. Gray, and that represents, I believe, 200. So, we are talking about a number of about 1500 people who are directly affected by noise. I am not going to get into the slow and fast measurement, et cetera. I am going to talk about the quality of life and livability in the neighborhood. Which I understand is carved in stone in front of city hall. And to which you people time and time again have committed yourselves. I heard just today here marshal glickman state that neighborhood livability will be protected. Very understanding. He said we will continue to forge the partnership with our neighbors. We want good neighbors, not bad neighbors. We want neighbors who will protect the livability of people who go to sleep at 8:00 or 9:00 at night while possibly a concert is going on at the stadium with decibel limits of up to 80 decibels. Now, a request was made to test the noise. That test was performed on sunday, march 12th and monday, march 13. The music that they played was steely dan. I am not familiar with it, but I can say whoever wrote the music must have been deaf. Attending the concert, and on top of Portland tower, and every one of the members of the city council were invited, as well as folks from pfe, nobody turned up. Those that did turn up were joslin cox, the chairman of the noise board, paul ordman, the city chairman. Paul herman, myself, my son, and staff members of harsh. I went down and bought a \$60 noise meter. We have several of them, very easy to use. I took the noise test, along with the professionals. The noise level at the top of Portland tower on that sunday, for both of the events, was 70 to 75 decibels. It was so loud that it was absolutely unacceptable. We are talking about something that is not something that we read by a number. It is something that we have to hear with our ears. We then went down into the building and went into an apartment, it was about midway between top and bottom, apartment number 818, and we had the windows closed, and the city noise officer took his measurements and we took ours. The noise level in the apartment, because it was in the middle of the building, was up to 79 decibels. When the windows

MAY 18, 2000

were open, obviously, the noise was even higher. If you had a resident in that apartment, there was no way that he could carry on a conversation or use a telephone, if he needed to or whatever. And if he had to go to bed at night at 9:00 because he's got to make a living, he's got this noise going on for two hours with the concert. We are talking about livability. That's what the whole thing is here about.

Katz: Harold, your time is up.

Schnitzer: well, I will come to a conclusion. I think that I am entitled to a few more minutes, madam chairman.

Katz: I just wanted to let you know.

Schnitzer: very good. I will conclude very quickly. I suggest that you are the jury that's going to decide on this noise level. You did not attend the noise test before. You have merely heard reports from, quote, authorities. I am willing to pay for another noise test for 25 minutes at the same kind of decibel limit, and I urge that every one of you attend, as well as the city noise officers and then make your decision. I say to you that you will ask for a lower noise level than what you are going to be presented today. We can live with the noise board recommendation. We are not happy with it. I would have preferred 4 concerts, at lower levels. But because you have a neighborhood agreement that does provide for review, we are willing to test it and live with it. So, I say to you the challenge is, as you have committed yourselves, think about the neighborhood and don't think about the, the financial needs of these folks, pfe, and you did ask, I will compliment you, what was the return you were given a sly answer, the return from the concert is less than 3% of their gross. And I defy mr. Glickman to come up here under oath and testify otherwise. We are talking about a small amount of return that is required. The return in total to these folks, as reported in the newspaper, is a 40% return per year on the investor's equity. It is outrageous. I uphold your noise review board and protect livability. Thank you.

Katz: Thank you. Questions? Okay. Further testimony?

Daniel Andersen: good evening. It has been a long one. My name is daniel andersen and I live at 2144 northwest flanders. Let me offer you a simple intuitive explanation as to why there may have been fewer people at the noise review board hearing. The tests were conducted in february and march and most people who don't wear a lot of polar fleece have their windows closed in february and march. The concerts, on the other hand, will occur primarily during a period of the year while where that will not be the dominant fact, and accordingly, you know, again, this has something to do with when you run the tests, if by any chance you take mr. Schnisser up on his offer, I would encourage you to pick a nice sunny day when the windows are open and sort of, let's attempt to sort of line up the simulation appropriately. You folks regularly, under the sort of effort to grow smart, to grow dense, to grow up and not to grow out, run into conflicts between adjacent land uses and they take a lot of different forms. Only one of which is noise. While the city and the region, I think, have done some pretty remarkable things in a national context, vis-a-vis land use, one of the areas that I think we see conflicts with increasing frequency and which really needs considerably more attention is sort of not things related to design guidelines and urban growth boundaries, so much it is more thoughtful management of these conflicts, and it is really an area where I think the city and the region is remarkably weak. You certainly saw it in the case of the paragon and you see it in other areas. I would submit this is one more instance that that is before you. Another point that I don't think that be very well developed here is that the stadium operator has no experience in this line of work. At this site or anywhere else. It is a de novo entity. On the other hand, the folks who crafted the compromise that's currently being appealed have considerable experience with concerts and stadium operations and noise generated thereby, and in regulating it. And at the end of the day, I think that my vote goes to practicable, on the ground experience, not to novices who want to learn on the neighborhood's time. And again, I would encourage you to support livability. Support, you know, frankly, functional, dense, urban areas that don't force what one of your staff members, I think, very thoughtfully called, euclytian zoning and land use management on us all. And vote to uphold the actions of the noise review board on appeal. Thank you.

MAY 18, 2000

Tom Miller: my name is tom miller and I liver at 731 southwest king avenue, pretty close to the Portland—to the civic stadium. One thing that was mentioned tonight and discussed was, was a lack of attendance at the noise review board hearings. And we almost didn't attend and the reason was that we got notification of the hearings the day before in the mail. Someone apologized, I don't remember who it was, at the beginning of that meeting, but it seems that the notification was very poor for that event. I lived in Portland—I submitted written testimony and since I don't appear before city council very often I am going to just read it. I lived in Portland for 15 years. During the past three years when I lived within earshot of civic stadium, the worst noise disturbances I have heard were the noise tests conducted last spring. I was on the street and they were awful. I was quite relieved when they ended. I don't think that my blood pressure went up but I was relieved, nonetheless, and I think that it is unfair to ask citizens of inner Portland to tolerate this level of noise, regardless of its duration. I think that there is an issue here, which has been much overlooked. And it is that, and again, I have no statistics on this. It is simply experiential. I think that maximum noise levels allowed under preexisting civic stadium sound standards up until now have seldom been reached. While the proposed new agreement seems to differ a little from the preexisting one, some might say insignificantly, it appears that if we go the way a Portland family entertainment, maximum allowable noise levels will be approached much more frequently. Pfes own sound consultant has indicated that these noise levels are equivalent to hearing a garbage disposal at a distance of 2 feet away. A pneumatic drill at a distance of 50 feet. Et cetera. These are noise levels at which ordinary conversation isn't possible. They are noise levels that reduce the quality of one's life. And I am not talking about health, I am just talking about quality of life in the city. Portland succeeds as a city primarily because it has a lot of people living downtown. We live downtown because our downtown is livable. This scheme to turn civic stadium over to Portland family entertainment and to allow them to operate at noise levels in excess of those allowed ordinary citizens, conflicts with notions of fairness and livability. I encourage Portland city council to deny Portland family entertainment's appeal of the noise review board's findings ask when possible, to take further action to preserve livability in the central city. Otherwise, this rather unique experiment known as Portland could soon find itself a victim of its own success. Thank you.

Katz: Thank you. Questions? All right. Further testimony.

Doug Hardesty: I am doug with Harsch Investment Properties, 1121 southwest salmon. I provided you with some written testimony which I was going to go through, but to, to kind of honor the late hour, I would like to read the attached letter that is with my testimony. This is a letter from the greenbrush group, seattle, Washington. Their acoustical design engineering services firm, and the letter is from the president of the company with 25 years experience in acoustical architecture. As discussed, it is our understanding of Portland family entertainment has been granted a variance to the Portland noise ordinance to host concerts in the civic stadium. The variance allows the events to exceed maximum permissible sound levels at the adjacent property lines as follows. Four event at 75 dba with peaks to 80. And four events at 72 dba with peaks to 77 dba. We also understand that paul herman, a local acoustical person, has determined that the levels, foh, would need to be restricted to 95 dba allowing for occasional peaks in order to meet these limits. Foh levels of 105 dbc are considered desirable. And outdoor venues for entertainers. We have investigated the feasibility of attracting national acts with these restrictions in place. Based on information from several of our local promoters and production managers, it appears that the restriction of 95 dba is not only workable, but has been demonstrated as an adequate level, to satisfy both patron and performer. Examples of venues and groups operating under these restrictions are included below. Rich clark, production manager and oh engineer for american music. States that 95 dba is a comfortable level at which to mix. A level of 95 dba is also adequate for program clarity and intelligibility in the audience. American music productions supplies equipment and crew for the bite of seattle and others. Owl of these are outdoor festivals within city limits. It is stated that no variances were sought or granted for these events and performers were required to comply with city noise, ordinance restrictions. Recent acts of the festivals included steve winwood, in excess, rem, beck, the sex pistols and the raw moneys. They

MAY 18, 2000

mixed the south for meredith brooks in front of 15,000 people at the byt and indicated that foh levels were 95 dba with occasional peaks to 100 dba. Jonathon myers is a principal in foh engineer for carlson audio. He states that while 95 dba is more restrictive than he prefers, it is not difficult to mix at this level. Carlson audio has provided equipment, personnel for at&t summer nights at the pier. Recent performers include bonnie rait, the indigo girls and los lobos. This man mixes outdoors in front of large audiences at least once a week and claims that 95 dba isn't a problem. He considers 95 dba 100 feet from the stage to be plenty loud enough and adds that he seldom goes over 105. In summary, it is clear that successful shows can be produced with levels of 95 dba at the mixing position. This is not an excessive restriction to place on an engineer or production company. Seattle has successfully hosted many outdoor annual festivals and concerts. Please do not hesitate to contact us, the greenbush group.

Hardesty: just one other comment that I would like to add. My understanding is that the request that's in front of city council tonight is for a decibel level of 75 dba with peaks to 80 or eight concerts at civic stadium. I would like to point out to the council that that would not be allowed under the good neighbor agreement. Which was just approved. Which has a peak of 79 dba. In the noise section. Thank you.

== sir, sir, I wish that he were here. It is kind of hard to ask you questions about somebody else's report.

== believe me, I cannot answer questions on noise. And I think that as we—

== no, not on noise.

== we talked about noise and that's why we have got to focus on the noise review board.

Sten: it is not about noise, but about the standard in the industry on the letter you just read. Because one of the sentences in there says that levels at 105 are considered desirable, in outdoor venues for louder entertainers. So, it is hard to tell what the standard is in the industry from this. He says that you can do them at 95, but doesn't address the standard in the industry for competitiveness purposes as to which you are locating. Do you understand what I am saying.

Hardesty: I understand what you are saying, exactly. I think that the purpose—i do not know, but I think that the purpose of the letter and what we are trying to demonstrate with the letter is that 95 decibels in front of the speakers is enough sound to adequately get the acts that you need for an entertainment venue.

Sten: the question is, the acts that you need, so who can you not get with that? Let's put it that way.

Hardesty: I don't know.

Sten: isn't the—isn't bumper shooting—the folks do like 15-minute sets.

Hardesty: and I don't know that, either.

Sten: I don't think it is a pay to go in because I think that they do short sets, I don't think it is the same as a big—

Hardesty: I don't know that.

== it doesn't matter.

Katz: Thank you. I never heard of any of them anyway so it really doesn't matter.

== we would encourage the city council to let the noise review board who understands noise better than any of us make the final decision.

Katz; thank you. Further testimony? Let's get to rebuttal. You have got five minutes for rebuttal. Appellate—appellant. Identify yourself. You have five minutes. These are the three. Okay.

Patricia Gardner: patricia gardener, goose hollow foothills. And goose hollow foothills league had to make the decision you have to make tonight when we decided to approve the good neighbor agreement up to 80 and one of the things that helped us was the number of meetings that we met with citizens, and the fact that we have the, the manager of Portland towers on or board, who has said numerous times, and unfortunately, she's in the hospital, that half the people in Portland towers, and this is a building right next to the stadium, are impacted by the, by concerts. The half that faces away, aren't, so all of a sudden, you know, that's less than—that's 150 people, and so we—the number of

MAY 18, 2000

people who, people did complain, but out of the 5,000 people in our neighborhood, it was a smaller percentage, and that's why goose hollow was able to say, well, we will protect you but we still want to have concerts and that's why we made our decision and are sticking with the historical levels.

Joe Voboril, Tonkin Torp LLP: PFE representative. I will be as brief as I can. I have got to respond to several comments made by the former noise control officer. And I will be as brief as I can. The comment that the noise meters that have to be used are fast, paul failed to read the rest of that title 18, and I can get it out for you and submit it to you, it states "you must use a meter which is capable of measuring fast and slow." So, your title 18 anticipates that you might use fast or slow. The medical expert testimony, the doctors are here. We could bring them back, if you wish. There clearly is no valid scientific evidence that would indicate sound levels at that level that we are talking about are harmful to someone's health. Blood pressure can rise for a of reasons. What the doctors have testified to is in an urban environment you can walk down the transit mall and be exposed to 75 to 80 dbas. If 75 to 80 dbas is that harmful to your health, you have to ask how could paul herman have participated and allowed all those decisions which you have in the record to have been granted if he was that concerned about health issues? Another comment, the issue that we are playing games with the sound. If you pull out our handout, I hope that you have this, when we put on the table and indicated this was part of our power-point presentation. You have this colored picture. You will see that we indicated that 75 dba measures slow if measured fast, levels of 2 dba or higher would be required. So, there are some interesting testimony on that. We acknowledge that because measuring fast is measuring by 125mill seconds, so one-eighth of a second fast versus one second slow, you will miss some of the peaks and as a result, you will lose a decibel or two, but because we are on such a tight time frame or measurement schedule here, we know that we are going to be scrutinized and have tapes of every concert after the tape, delivered to the oversight committee and control board and we have to have precise measurements and live with the standards. We have to know what our exceedances are, or we go going to have stringent penalties and lose events. They said that they are playing games. They have a five dba level here with this game. Fast versus slow game. We don't think that it is. We think that it is an honest 2-point differentiation. They said you are using leq, that's false, we have made it clear in our testimony, and michael myers stated, we are going to use l-max. Paul knows better than that. We stopped using leq long ago, we converted to l-max long ago. That's one second intervals, and now why slow? First of all, that is what the industry experts require. The concert promoters anticipate when they come into a market it is going to be measured slow. They have said that. Our contracts with promotes will be based on the slow measurement standard. We set up our sound tests with the noise control officer's participation using a slow methodology. Michael meyer told you, he submitted compliance reports in the last, as recently as 1999 for the almond brothers and other concerts using the slow methodology, and we want to be able to rely on our own data. We have got too much at stake here to convert to some other methodology. We did the sound levels based upon a slow testing system, and we have got to be able to rely on that. That's what the neighborhood experienced. That's why they are supporting our requests. They were there. Everyone was invited. It is reasonable that we, we would use our own data in framing this request. We are going to be subject, the most important thing, we are going to be subject to an annual review. Every november we have got to go back. If you have 8 concerts, you are going to have print-outs from the eight concerts. The concert is going to be there one second intervals, exceedances of 10% during the time when amplified music is played will be in writing in print in a report. We will be penalized if we screw up too much, we will lose our variance. So, don't you think that this client is going to follow and tow the mark? That's why we are fighting hard about fast and slow is because we understand slow. We know it can be measured. We are comfortable with it. We know that we can live with it. You say it is only a decibel or two? You heard the testimony, their meter, I don't know what kind that harold was using, was it fast or slow? I don't know. It was a 75 or 80 on the roof. I believe him. That's how close that we are. So, we are going to have to monitor the heck out of this and bring it

down if we are over. Otherwise, we are going to have exceedances and patty will be yelling at us. That's the reality.

Katz: time is up. The other side?

Gardner: commissioner Katz, or mayor Katz, we do have the last word in this proceeding because it is our appeal, I hope.

Katz: No, you didn't hear me. You weren't listening. Usually you have less time and then you have—you have the only rebuttal. I gave 15 minutes to both sides and each side is going to have five minutes rebuttal. This is not a land use hearing.

Gardner: we were provided rules from the city attorney.

Katz: Don't with me.

mayor Katz, i—

Katz: I set out the rules.

Gardner: I am not arguing with you. All I am telling you is that we were provided rules for this hearing by the city attorney, and those are the rules that we thought that we were informed this hearing was going to be operated under.

Katz: I clearly—

Gardner: that's what these are talking about.

Katz: I clearly spelled out the rules.

Beaumont: madam mayor, I did correspond with him, but you are the presiding officer and you, you do determine the conduct of the hearing.

Katz: Thank you. All right. Can we have—
== can i—i was.

Katz: You had a question.

== can you come back a second, patricia? Did she leave? Do you happen to know where the housing authority property is located?

Gardner: I do, indeed. It is right across the—right across, I am terrible with streets, but it is, morrison, thank you. And it is, the one between the stadium and burnside, the one that has blockbuster at the end.

Katz: okay. And I guess I am still trying to get a handle on how many— complaints that there were after the noise test, not how many—i think that that's more significant than—

Katz: how many complaints did the neighborhood office get, david?

David Lane, Office of Neighborhood Involvement: maybe half a dozen or so, phone calls.

Gardner: half a dozen phone calls to the neighborhood office. That's the only information that I can give you because I didn't get any at my house.

== was there a number? I have forgotten how it worked.

Lane: the number was on the, the notification for the noise when they were doing the tests, that was the number that was placed at the bottom of the notification.

== okay.

Katz: Okay. Rebuttal, five minutes.

Sten: just a couple of quick questions. The noise tests that were conducted were to sample noise. They weren't to simulate a concert over a long period of time. Two of the three tests were conducted in the middle of the day on a workday, and sound was in, I can't remember, I think the first test was a five-minute increment with 20-minute breaks in between, and the second test was a 15 or 20-minute music test with a five to ten-minute break in between. But, in no way did the sound test, except for the sound that was projected at the time the test was going on, simulate a concert. And once again, the more that I hear about noise and i've been listening to this now for about eight months, the less that I know. The sound review board, if you have copies of public testimony that was expressed in the two meetings with the sound review board, you are going to see numerous comments against a lot of sound in civic stadium from the neighborhood.

Herman: one quick thing in response to the question as to why I granted variances in excess of the level I am now arguing against. I didn't. I do not, as the control officer, I did not create any variances for the noise review board. They do it. And I did not always agree with what they did. Have I ever done it individually, yes, in one instance. I did so because it was a short concert, early evening, and because it seemed like the right thing to do at the time. Did I make a applies take in retrospect? I think I did. I would think that the—i echo what he just said. I am not the noise guy, either. I am an experimental psychologist. I did 20 years of experience in the enforcement end of it and I will say from an enforcement standpoint again, we used fast. From a—i pity the fellow who was both a sound engineer and a policeman because as a sound engineer, I think his name was mr. Miller, as a sound engineer he should have used fast. Or used slow, as a policeman, he should have used fast and that puts him in a schizophrenic situation. Over there is gary stanley, the only professional engineer in this room. He's the one that you really should ask fast-slow. He's the one that you should ask relative to the methodology. He's the one who's been on the board for a long, long time, and he can answer your questions relive to what has the board don and why had it done it. I really think that you should ask him those questions.

Katz: Thank you.

Sten: would it be appropriate at this point to, to call our noise officer?

Katz: Sure.

Sten: a couple of questions. Now, in a situation where we have got an agreement, anywhere in the city and who makes the decision ultimately whether or not that they were over the decibel limit?

Paul Van Orden, City Noise Control Officer: it would be myself it would be myself as the city's noise control officer.

Sten: so, and if that's disputed, is there a process that, that they come in and argue with you or is that your call?

Van Orden: well, it would depend if I wrote a citation, then we can go down to court and go through the normal court procedure. If I had followed some kind of process that they didn't agree with, I am not sure who they would go to next. That has happened at concerts when we have requested various promoters to turn levels down, and we have tried to adapt to the situation by requesting again and again to have— excuse me, to have the level dropped. And the only recourse that I knew that I had at that point was to potentially cite the individual. And that is something that we have explored doing in the past but we haven't done it at a concert at this point. In the last 3 ½ years that i've been the city's noise control board officer. It has weighed in on—if I come out to a concert and levels are too high, and someone doesn't liSten to the instructions from the city's noise control office, that's something that I report back to the city's noise review board if that individual or group goes back through a noise review board process.

Sten: is this the first degree where you've been stipulated how you have to take the measurement.

Van Orden: it depend on what issue you are talking about. On the fast issue it hasn't necessarily been the first one. One of the reasons why, as the city's noise control officer, I believe that this issue came down to more specificity with the standards was that there was some concern from the applicant and also from the board that the use of, quote-unquote, occasional peaks was problematic. It wasn't very specific, and I have voiced to the board in the past and I will continue to voice that using terms like "occasional" without any specificity as far as the measuring methodology is problematic.

Sten: but, does that mean that it is ultimate mall your call? If you are on the site—it seems there is two issues. One you are on the site and somebody has got to decide whether or not to tell somebody that you are too loud.

Van Orden: right. it seems to be you. If you were to ask me what I would do in that situation, prior to this hearing, what I would have done is gone out and said to the concert promoter, you should be measuring this fast. My measurements are showing that it is too loud. My measurements were done fast.

Sten: and if after the fact they disputed because they had their own measurements, your finding, is that something historically in Portland that you would work out with them? And talk through and work with the neighborhood on and adjust accordingly? This is a leading question.

Van Orden: yeah.

Sten: but we are talking about a 4-decibel dispute here.

Van Orden: I have my—I have not been in that position I have not been in that position where i've been asked to make that—to have that particular situation happen. So, I don't have a particular experience to relate to that.

==I don't know where exactly i'm going with this, but what's the role of the office or you in your office during this year period if we allow this to proceed, to monitor and find out if the eight concerts are too loud and then have some input on this, this variance committee to help monitor this thing, find out what's really going on because it is very confusing to me. After listening to this testimony. What role can you play in this in the office and what recommendations can you make to this committee after your review?

Denise Kleim, Planning and Development Review: denise with the office of planning and development review, what I see our role is as one of monitoring. Whatever the variance is, we will monitor that variance. That means that staff would be at the concert site. However, not necessarily for the whole concert period for every concert. We have a lot going on. You know, we have a small staff. It does not allow us to be everywhere for whole concerts in any concert venue. So, we would monitor it. We will receive data from pfe, and that will show us whether or not they are in violation or not violation. We keep track of noise complaints that we have. So, we will be tracking those. If there are violations, then we will deal with those violations, and be in communication, let's say if there is a concert with violations, we would be on-site, asking them to turn it down, if there were problems, we would talk with them about next concert, let's make sure that it is turned down and comply. So, we would, during the year, we would be out there doing enforcement, doing our job, that's what we do with all concerts that have variances. That's our role. At the end of the year, when the noise review board wanted to have a hearing, they specified november as the time to bring all the information back to the noise review board so that they could review it and just see where we were.

== well, the noise review board would review it after a year?

Van Orden: that's what they have asked to do, and that's—in terms of since you haven't made a decision of what you want to do yet, it is hypothetical but if you have a—if in the variance you include that to be—you include it to be a one-year review, then at the end of the first concert season, those things would go to the noise review board for them to take a look at.

==I want to do that.

Katz: Have they ever—let me ask the question, because you and I had long conversations, I don't think what we have today has any teeth in it at all. Because I have called the office. But, if there was a promoter and there was a band that was exceeding the level and there were complaints, you basically take that information and you wait until they may apply for another variance next year, has the board ever turned them down?

Van Orden: I don't historically know of a particular case, based on that situation you are describing, that the board turned someone down. There have been very few denials of variances. As far as enforcement is concerned, I do attempt to do the best job that I can on-site, that's as you are mentioning rather challenging, so the enforcement does, to a certain extent, rely on after the fact information in going to court.

Katz: Right.

Van Orden: the on the site job that I know that the noise control officer did does is insuring that the peak levels are maintained at a lower level, and I think that we are successful in that in the sense that even with the problematic promoter, they will generally lower the level, we will go out and take measurements in the community. The level starts going back up, so it is a little bit of a game, but even

with that game, the level does get down, it is just that at points when they think that they might get away with it, certain promoters turn the level back up.

Katz: Further questions? What's the desire of the council thank you. What's the desire of the council?

== we have a suggestion.

Katz: Let's not take a motion yet, let's just kind of discuss it. commissioner Sten, what do you think.

Sten: I don't know. It has been a long hearing. You know—

Katz: It is 8:52. [laughter]

Sten: I am very comfortable that, that the level that, that the 75 cap with the 80 is the right level. And the neighborhood has agreed to that, so I am real comfortable with that. One thing that I am playing around with is pulling the measurement requirement and letting the noise officer do his job. Because I can't decide between these two measurements what's fair, and I am really kind of pulled over by the noise level, it is 80 and there is issue the issue of 4 at 77, and that's something that we have to wrestle with, but the cap is 80. Both sides have agreed to it and they are arguing over something that, no offense to the experts, I still don't quite understand. So, this is what happens when you bring the technical question to the council. So, I don't know. I am not sure yet which way I am going to go, if it is an up or down exactly as—i am still thinking about if the vote is yes or no or the appeal which way I will go.

== you are saying—

Sten: I am trying to figure out if there is something other than a yes or no vote on the appeal that would meet the needs of the different sides. I am not sure that there is. We may be on a yes or no on the appeal.

== I am sorry, I didn't follow your point about you simply leave the issue of measurement methodology out of the decision.

Hales: had it has been at every other decision in the history of Portland, as far as I can tell.

Sten: we set a decibel level, the noise officer enforces.

== leave the methodology to their—to his discretion?

== I don't think that we can do that because one is higher than the other. First of all, our practice—i am having did.

==I don't know what the practice is.

Francesconi: the fact that we cannot tell what our practice is after 3 ½ years, I mean, a 3 3 ½ hour hearing is a problem. That's the first thing that I want to say. It is a big problem.

Katz: Let me just, that's the reason that some of us have been meeting with noise officer because you are absolutely right. It is a huge problem. And you will hear some recommendations coming back in the next couple of weeks or months.

Van Orden: right. But, see, and I think that this is a close case. But, the fact that it is a problem and that one of the main experts is a person that may have contributed to that problem, creates a problem for me. I have to tell you. [laughter]

Francesconi: now, here's what—here's kind of what I think. First of all, I think that there isn't a health problem caused by this. Which also causes another problem for me. But, I do believe that it does interfere with quality of life. I do accept that and I think that at 75 decibels under—it is going to interfere with people's quality of life. I mean that's unrebutted in the testimony. Which is what I am trying to apply. So, you have got some people, I want to come back to that, they are being subjected to garbage disposal noise, vacuum cleaner at 10 feet, somewhere in there, that's noisy so you have got to balance this and I have had to do this on some issue issues. The paragon, I made recommendations to the council, and on cleos I made recommendations to reduce it during operating hours because of the issue of quality of life. So, I accept that. That's the first finding. The second thing is that I believe that the predominant, the most reliable evidence in front of us is that you need 100 to 105 at the stage to be competitive in this market. I think that that have testimony was more persuasive to me. I think

that the issue is the competitive market. I have some experience on this because I was the guy that analyzed the amphitheater and this whole thing at pir. And I do accept that. I think that, that the testimony that I think that I also accept is at 3 to 4 decibels. It is very difficult for the ordinary person to tell a difference, and that's an important finding for me. I think that at five, you do— you can, I think, at 3 or 4, I think that it is more difficult. So, I accept those things. Where I am getting confused, then, is how many people are we really talking about? That this is—that this has affected and then what's the trade-off to the value of the of the stadium where I also believe, based on our own financial analyzing this that the marketing of this is an important component of the financial agreement? I find that, despite some contrary testimony, I have to accept my own financial people who analyzed this thing. And I do. So then that becomes the balancing act. That I have to do. And what then—but then I also have people that have negotiated on this for a long period of time. They have gone from 25 concerts to 8 and they have got some teeth in this good neighbor agreement, and then finally, now we have an annual review process with our noise people actively involved, so where I come down on, is granting the appeal, and, but monitoring it during this year period to see if the complaints are really so severe that it would tip the balance the other way. But, I want better documentation on this. So that's where I come down.

== well, what do you think about, you know, in the staff memorandum that they talked about proposed conditions, if we were to grant the appeal.

Hales: this has been—the memorandum from denise to the council at page 5 and 6. I might need denise and paul back up to fully explain these, but if jim's motion were to be adopted, or if the motion you just suggested was adopted, some of those conditions—sorry, there was some, some of those conditions where there was agreement and somewhere there wasn't, but there, nevertheless, was a staff recommendation in terms of a set of conditions. Duration of the variance, number of concerts, hours permitted, sound levels, method, location, data collection, notification. Denise and paul, could you maybe come back up and tell us how relevant those recommendations are appear to be given this point?

Katz: And as you do that, take a look at the comparison of staff recommendations and the pfe request from the book.

Kleim: denise opdr. Madam mayor, we do not have the comparison.

Katz: Okay. You will get it right away.
thank you.

Katz: As you answer commissioner Hales' question.

Kleim: I will start with the staff recommendations since I haven't quite read this other one. Duration of the variance was april 2001 through december 2005 with annual reviews.

Katz: And that's the same. This doesn't specify the pfe proposal doesn't specify annual reviews and number one, maybe it is elsewhere, I just don't see it. The number of concerts is in agreement, eight concerts, is what pfe had said, also noise review board. The hours permitted

Kleim: are the same, okay. Sound levels, in the staff recommendation, we say less than 80 decibels. That agrees with the good neighbor agreement. A difference would be is pfe is saying 75 decibels with exceedances to 80 decibels, and, although I don't see it in here, somewhere—

Katz: Exceedances are closer to the bottom.

Kleim: where it says occasional, up to 10% of the time when amplified music is being played. In terms of monitoring, and what our staff can do if what we have to measure is 10% of the whole concert, we certainly will get the data back from pfe after the concert is over. And we can look at that. But, during the concert, the only way that we are going to be able to monitor for this is to be there the whole time. And that's with the number of staff that we have, it is just not practical for us to do that. This is in the staff recommendation, I didn't go so far as to specify the noise descriptor in the recommendation from the noise review board, they specified l-10, you can use that, you know, a number of different things, but the period, in terms of monitoring would be better for us if it were not the whole concert period in terms of the maximum. Maximum exceedances. In other cases, with the

MAY 18, 2000

noise review board has done in the past is say occasional peaks of up to a certain amount. Now, it leaves occasional sort of up in the air. Which is not a good thing. So, we need to come up with some way to define what occasional meant. But, in terms of monitoring, having it for the whole period of the concert is very difficult would be very difficult for us to monitor.

Katz: What is it now when you monitor?

Kleim: it is an l-max so it is a peak. Under the, say the current agreement if you took the current merk agreement where it says 80 decibels, what it would be is any time, if you would just use that, for an example, it would be any time that you exceeded over 80, any time. yeah. Now, you could use a noise descriptor, and maybe paul can explain it better than I can, but the noise review board said l-10 for two seconds. You could change that time period and come up with something. So there is a difference there. Method of measurement, we are recommending fast. I have a concern, if we go to slow, it will be the first time that slow will have ever been specified. We have—we are measuring community noise and we are measuring what people hear, and people hear the peaks. And I think that it concerns me to put the noise monitoring and noise enforcement in question for all the other variances that we issue.

== let's do fast.

Katz: Go ahead.

Kleim: so that's a difference in the two and a concern that I have. I have under f, location of measure am, the first request from pfe was really specifying two sites and two decibel levels at that site. There are new—their new proposal is not that specific, so that's fine.

Francesconi: wait, on the issue of fast, we need to measure it fast, but what does that mean towards what decibel level that they need to have? Do you see what I mean? Because there is a difference in decibel levels, if you measure it fast, see, the reason is I think that we should be clear here, if you measure it slow, they can have less decibels. If you measure it fast, they need more decibels. So, if we are going to measure it fast, they need more decibels. And I think that we should just be clear about that. What is it that they—the difference—

Van Orden: the difference between the fast and the slow is going to equate to anywhere from 2 to 60, for a concert, I would probably say it would be 3, due to the dynamics of the concert and the nature of the sound. Could change depending on what performer you have, the type of music. There are a number of factors.

Francesconi: so what I am trying to do is to allow the concert, but be consiStent. We are not going to change our whole policy, but have the measurement be sufficient. Do you understand what I am saying.

Van Orden: I understand. You could set 83 dba measured fast and that would be somewhat equivalent to 80 dba measured slow.

== I think it is better to be up front with folks.

Katz: So 83 dba would be equivalent to 80 slow?

Van Orden: I am sorry, 83 dba for be equal to—potentially, there is.

Katz: Who is he.

== a member of the noise board. Let's finish answering the question and then we will go to that.

Van Orden: there is a possibly, I mean, generally speaking that should work out, there are occasions where there is a possibility it could be at the upper end of the framework of the 6, so 80 fast could be equivalent to the 86 slow. We can make very broad generalizations but I am trying to be careful about doing that. 86 fast equivalent to 80 slow, right. Okay. Just as a reminder, the old merk was 80 dba and we always measured it fast.

== we are not sure.

== actually, we are sure.

Katz: I didn't—yes. Who are you.

Kerry Sandler, Noise Review Board: I am kerry stanley. I am on the noise review board, one of the members and i've been on the board for 12 to 13 years. I have forgotten how many now. I am the

acoustical representative to the board, the acoustical field representative. And ever since i've been on the board, we have always understood that it was fast response on measurements. Now, I don't understand, and I wasn't here during the testimony by the other people who said that, that the industry uses a slow response. That might be true for performers and their crew, but for enforcement, fast has always been used. And that has been what we have implied or has been our understanding of what was implied in the decisions. This is the first time that it has come up in the years that i've been on the board and that's why we specified in this decision that it was to be fast because the question came up. It has never been specified before because the question never came up. I am hearing tonight, and in the recent past, that a lot of the measurements have been done slow, but that's telling me that we need to now, on the board, specify how we expect the measurements to be made. We didn't do that in the past, though, assuming that it was always being made fast. Because the deq law, they have a noise procedure manual, which they say, do it according to the manual. The years that i've worked with this, I have never really went to look to see if the city of Portland regulation had a procedure. I always used the procedure that I was trained to use with the deq, so that's why—

Katz: Thank you.

== never been specified.

Katz: Thank you.

Hales: last two issues, data collection notification.

Kleim: thank you. Data collection. Thank you. We would want pfe, which they have agreed to do and have volunteered to do, that they would, that they would have a sound level measuring the sound that they the graph and charts, that they would produce the data and analyze the data and then give the data to us, so I believe that that looks like, to me, at a quick read, is in agreement.

Van Orden: the only issue that could be problematic is in what I see in front of me from pfe, they are specifying once again to do measurements over the entire concert period. And that's, that's problematic from an enforcement perspective.

== I thought this was your recommendation?

Van Orden: they should measure during the whole concert period. So, I don't have—they should do the measurement for, from start to finish during the concert period. And I kind of think that that's what that was supposed to mean.

==so that's fine. The notification of residence under item h, this is the notification that the noise review board requested that pf do and they did in their submittal of their appeal on the variance. They indicated that they would be happy to do that. I am afraid that I don't see that here.

Katz: It is under h.

== thank you. I see number 4, so that's the same.

Van Orden: just a point of clarification for commissioner Hales, he had referred to the data collection, and yes, my recommendation working with denise was that it was throughout the concert period. But my concern that I was trying to voice is that this measurement that we come to at the end is not an leq measurement, which would measure the entire concert period but would miss some of the other shows, and without reading this over, I wasn't sure if they said leq.

== we will hear from our negotiating team here.

Katz: Is that what you want? Is that what you want? All right. Thank you. I don't know what they are going to be able to offer to you in terms of this issue. I am sure that they don't know very much about noise—

Grew: we are what's left of the negotiating team at this point. One point of clarification, if I could. While I was listening to the staff recommendation, is I want to be clear that my understanding of the agreement is that we will not only be monitoring, pfe will not only be monitoring noise throughout the duration of the concerts, but also have a noise technician at the concert taking active readings and responding to those active readings if there is a problem. So I want to make sure that there was—first of all, that I am correct on that. And secondly, that you understand that. Because some of the testimony that I have heard is that the noise officer can't possibly cover the whole concert, and that

MAY 18, 2000

was the intent of making sure that there was a technician there, grant you paid by pfe at the concert in case problems did develop during the concert.

Francesconi: so here's the problem that I am having. And I believe that pfe made modifications and brought it in here at what they considered to be the minimum that they have to have to get the concerts that they need to have this thing work financially. And they came in with slow readings instead of fast readings, okay. Then I believe that our policy for the most part, although I am although not specified, has been fast readings and the noise officers have got to enforce this, made a reasonable request that we be consistent, but I believe that the standards are different. Where I am having trouble is how do I translate this fast to this slow.

Grew: I will take a stab at that. I am not sure that I am the right person to be doing that, but my understanding is that everything that pfe did in terms of noise testing was slow testing, and when they came in with the 80 dba limit and the limit that they discussed with the neighborhood associations was based on a slow reading methodology. Had they known, I will let them speak for themselves, that was going to be the fast reading methodology. You may have seen, in fact, a higher—

Francesconi: no, I figured that part out. Now you just gave me some new information.

Grew: well, I want to make sure that it is correct information, though.

==well, no, this was the— john, since you are there, was the good neighbor agreement based on the slow reading? The reading in the tests?

John Bradley, Tonkin Torp: it was based on the sound tests that we had and the current agreement with merk. That was our starting basis. And in the merk agreement and for the sound—for the sampling of noise board reviews that I have seen, it was not specified either in those reviews, whether it was fast or slow.

== assume fast.

Bradley: I didn't assume anything because it was, at that point, it was unclear to me. I will bring up one other point that I hate to complicate your lives, but the current good neighbor agreement that has been signed off by both neighborhoods clearly has an upper limit of 80. So, 82 is starting—

Katz: And you didn't specify whether it is slow or fast.

Bradley: and we didn't specify slow or fast.

Sten: well, understanding that and I know you can't speak for the neighborhood on this question I am about to ask you, but I will make a couple of assumptions and ask you a question. My first assumption is the merk agreement was being measured in the way that the noise officer tells me that it has always been measured, so fast, an 80 with a fast. My second assumption is that the sound check that your colleagues used to sign off on the 80 was measured slow, so it was louder than the america standard. Based on what I know tonight. Where do you go with that? That seems to me to be what's happened here.

Bradley: right. Well, you know, I am not—

Sten: I am not sure if this is a huge difference to the average liSten.

Bradley: it may not be, and this is obviously a big mess. But, you know, I would suggest rather than take it out on pfe, seeing none of this was specified before, I think that the mayor, you know, and mr. Hales had a good idea that, you know, you have got to correct this in the code. You have got to—a situation here that cropped up, and that you are going to have to make the best of it, but it has got to be corrected in the code, fast versus slow because when I read the code, the only—the first time, I did see the set—the meter readings—a meter must be used that either says fast or slow. I had no idea what that meant.

Sten: and we are going to have to take a vote here pretty soon. I am trying to get at not—i am trying to get at what actually should the noise level be, because I think that you have got two different noise levels and so I think that the choice that we are faced with is sticking to the 80. I think that we have to go with the fast read because all the evidence is that's the way it gets read so I think that we have to go with the 80, which punishes pfe for reading it the wrong way, or we have to go with a couple higher

MAY 18, 2000

decibel points, tell them to read it fast, which is different than what the good neighborhood agreement is, those are the two most logical choices to me. I am open to—

Katz: He's right.

Sten: but I think the meter reading needs to be fast and I think that pfe made a little mistake by insisting on reading it differently. Because, it just confuses things so much but I understand why you did it because that's how you tested it.

Katz: Tim?

Grewe: I think what we were trying to structure in the good neighbor agreement was continuous monitoring throughout the concert. We built that into the agreement, and that data would be available after the concert. It showed clearly whether or not violations have been made. That would not only result in fines from the noise review officer, but also fines that are, in addition to that, as part of the good neighbor agreement. My understanding was that were they to detect violations during the concert on this continuous measurement, their intent was to take actions at that time to correct the situation, so it is not like they were waiting until the end of the concert to make a determination on whether or not they have their problem. This was supposed to be an act of monitoring situation. Maybe they need to address that issue. So, I think that the only confusion here that's been created is we have got pfe operating with what they thought was an industry standard, slow, and we have the noise review board from an enforcement viewpoint that uses the fast, I think, all I am saying is I think at the front end, had we been known that we were supposed to be speaking, I don't want to say fast talk, but supposed to be speaking fast measurements, they may very well have come in with a different agreement.

Francesconi: see, and that's the problem. And I think that we could be on the edge of losing this, and the mistake was made at the time the good neighbor was agreement, now can we—where is our noise people? Noise again. Can you measure it slow? Do you know? Can you do that? Do you have the capacity to do that?

Van Orden: yes. Any meter that meets it in the code can take slow or fast.

Sten: okay. So, the value of consistency, do you all give the same.

Katz: Come on over to the mike.

Van Orden: give the same readings anyway.

== could you say that again, I am sorry.

Francesconi: you have different variances and different circumstances, don't you? I mean, you have the same noise level? I am trying—

Van Orden: there are different levels, depending on the situation.
okay.

Van Orden: and we have in the past on certain events used other noise descriptors, such as some of the ones you have used tonight.

Francesconi: well, I am—i am reversing. I think that we should go slow, but we should, because this things is so messed up, if the testing—do we—if the testing was done during the noise test and we got the number of complaints that we got, see, I am still trying to focus on what's the effect on people? And I want to monitor this over a year period, so that I really know what's going on here.

Van Orden: I might be able to give you one piece of information that would help. My reading were obviously, from what you heard tonight, done with a fast measurement when I was there monitoring. The test situations, and one of the reasons why you hear that the noise review board—the review board is focusing on 80 is because measurements that I made for the same concert was measured slow by their consultant had levels in a residential unit in the Portland towers as high as 79 and 78. Those were the levels that someone would experience in their apartment if we operate at that same level at the mixed position. So, that's one of the reasons why you are hearing a noise review board analysis that came out with 80 as the maximum level, because they were concerned about levels that were that high in a residential unit.

Sten: and paul, were they—if I am understanding, was the sound check done at the industry standard noise in the venue?

Van Orden: again, it would have been more appropriate to have measurements constantly made at the 100-foot position.

Sten: but just roughly speaking, they were playing at the level that they want to play at.

Van Orden: right, and looking back, looking back at the record, one of the interesting situations that I found was that 1993, there was a small sound test done and they said if you are going to meet a 80 decibel level at the neighborhood, you are going to be operating at the mix position at 99 decibels. It did not—i do not believe it mentioned the distance, though, without the distance, it difficult to know exactly what that—

Sten: but roughly speaking, they were playing at what they want to play at and you were getting 79.

Van Orden: that's correct.

Sten: in the apartment, and so really, the issue is that it is going to be right around where people have agreed to, but it is probably going to peak above that if you measure it. It is probably going to peak above that from time to time. And then they are in violation and the fine system starts, is that?

Van Orden: that would be correct.

Sten: I believe that we are playing in the range of what is accepted practice for this kind of venue and what is acceptable to the noise review board and we are arguing about how much breathing room do you get before the fines kick in over the peaks. That's kind of what it feels like to me here. I don't think that pfe is a long way away from meeting the intent of what, what—i think that they are meeting the intent of what people want. It seems likely to me if you are at 79 it may pop above 80 from time to time. But the fast majority of the time it is going to be in the range that—actually the noise review board stipulated, it was 75 to 80, setting aside the issue of 80 or 4 or 77, but the board is looking for 80, that's what you heard when they were playing. I am thinking out loud, that's what you heard when they were playing at 105 but they are probably going to peak above it. So, one population might be to, to stick with the fast reading at 75 to 80 but give you allege bit more breathing room to peak. On the noise check, you were within the 75 to 80 measured fast. But you are clearly going to go over it from time to time. Is that fair, paul?

Van Orden: there is potential to do that. Part of what we have heard is that, is that during concerts, there is an expectation of constant monitoring will be on and that's one of the ways that you work to reduce the level and make sure there aren't too many peaks.

== I am giving a little bit more to the peak.

== what is the draft recommendation status on this that we can review?

Katz: One second. Let's follow this. I think that we are— commissioner Sten is going is go at 80 fast, but give him a little bit more room on the peak. Does that make any sense to you?

Van Orden: well, I would be careful about saying what the lower end is because part of what happens with the monitoring situations at concert venues is that when the board sets a maximum level, that's the level that they are generally supposed to keep the level at, then a peak level is understood to be just occasionally, you will get to—

== that's really a 75 and you said an 80 peak, so I am not analyzing accurately because you are reading them at 79 and that's probably not a peak. When they are doing the sound check—oak. So I just analyzed—

== the 79 is a peak.

== that was a peak.

Van Orden: an l-max, a maximum level.

Sten: that was a peak, so when they were playing at, let me ask this question, when they were playing at 100, 105, which is the accepted noise for this kind of concert, you were reading at the 75 with peaks around 79? Which would put them in compliance with—

Van Orden: I am looking at some of my statistical data.

== with the noise review.

Van Orden: right. They were, they were easily within the lower range and their peaks were up to the 79. They had an l-90 which means 90% of the time at that particular measurement point was 71. So, there can be a radical difference in the peaks. I don't know if that complicates matters? Yeah.

Sten: I am wondering what, how far we really are. I keep asking this question, I am trying to get a qualitative sense of how far the two sides really are apart. My sense continues to be it may not be as far as—

==should we call the parties back and ask them? Let's ask them? Let's ask pfe, and then let's ask the noise officer.

Katz: Okay. This is going to be long.

Francesconi: I am not sure how far apart.

== I am definitely not coming up if not asked to.

Katz: Thank you. I really want the expert in this. Not you. Let you ask the question.

== what was the question?

== I will ask it. I will ask it. How far apart are we in terms of making this thing go commercially.

Katz: How far we apart between the staff recommendation and the pfe request.

Michael Minor, PFE consultant: I am michael meyer, the consultant for pfe. I have to agree, we are probably somewhere between 2 and 4 decibels off with the fast and slow issue. I think that most of the answers, most of the concerns and most of the questions during the early negotiations were answered, and I still honestly believe that this probably could have been handled at the review board level, but I don't think that, that the dialogue broke down because we actually had changed our measurement techniques and I don't know—i got a surprise look from some people over there but kerry and I had done some talking during the review board meeting and agreed to do one-second l-maxs and we were talking slow and fast at that time and that was the last time that we ever really got to sit down and talk about it. So, you know, I guess right now, the situation is that you have got a good neighborhood agreement that does specify 80, and our test show us that in order to maintain that level at this stage, that we do need, you know, a slightly higher than 80 decibels if we are going to use the fast scale. One other point is the, during the testing, we were actually a little louder than 105. We were going between 102 and 112 during the testing when he measured 79 in the apartment.

== we don't have a, you know, those of us who have our money on the line at pfe, wish we never heard of slow and fast.

== I understand completely. [laughter]

== you may have company in that. [laughter]

Gardner: I think it is a little strong to state that there's a policy of slow-fast, and, you know, we did consult with the noise control officer, the noise control officer was involved in all the testing that we did. And knew those tests were being conducted using the slow response meter. But, I think that you have each, at one point or another here, hit on the issue, you know, we need to be able to have a noise level, whether it is measured slow or fast, that represents the, you know, what will allow us to have a successful concert program at the stadium. And you know, we proposed to deal with the potential impacts of concert noise. We, along with the neighbors, negotiated all the things that we ticked off were in there, et cetera. We proposed the 75 dba, second by second, slow response, l-max with the occasional, for you for the first time defined, as being for 10 percent of the concert period up to 80 dba, slow response, l-max. So, you know, that was what we were talking about with the neighbors when we went through the negotiation of the good neighbor agreement. And you are right, commissioner Sten, that that is, you know, 80 slow response is, you know, 83, 82, we said, in our presentation here, that if, for some reason, fast was required, that 82 was a level that we were willing to accept. So, it would be 77 and 82. So, that's the noise level when you are playing, we believe, to have a situation where we can go out and get concerts and not have a situation where concerts are going to the gorge instead of coming here because they aren't going to deal with something that's below the industry standard for noise control. So, you are right, that it is the noise level that's necessary that's appropriate to discuss, not, not whether it is fast or slow. The issue, of course, that we have is that based on what we thought

was the, the context of the tests that we did, all of our data were done all at the decisions about the levels that were done on slow. The only other issue that we have is that, you know, our experts tell us that what's standard out there beyond Portland, which is where all these concerts come from, is not fast, it is slow. And not just at the sound board, but monitoring and control. So, you know, we can deal with that if the noise level that's allowed, if the sound level that's allowed is adequate to have the concerts.

Katz: What if you didn't get any exceedance, there weren't any that the staff recommended, so you would be at 75 dba on slow. Period.

== the staff—well, they went to 80. So they basically took the full, the entire period.

Katz: They went to 80 at fast.

== it would have to be—well, if you had—may we consult for a moment?

== I believe I am right, they recommended also using l-10 as a descriptor and you might explain that. Will that help.

Gardner: the real reason the level have gone up from 80 to 82 or 83 decibels is because there is a new building that was never there during the earlier concerts, that's closer and actually has a couple of decibel higher noise levels. So, during the old agreements, it was always around 80 decibels. Because the closest receiver was such that you could have the high noise levels of 100, 105 and it translated out to 80. Now you have a new building that's 100 feet or so closer, also on the side of the stadium where 623509 or 8 foot wall is being removed, so consequently, slightly higher noise levels.

==by the way, we got no complaints from stadium station departments.

Katz: I am not sure that there was—go ahead.

== the other point is, the stadium station department is a newer constructed building.

Katz: I don't think that anyone was there yet.

Gardner: yeah, I was looking at people in their room, but they have double pane windows, so the other one is not going to be the case, if their windows were closed, they will probably get a 22% decibel reduction, I am being conservative on that because it is a good sense construction so it is—they are vinyl sliding double pane gas-filled windows. If you only have single opinion pane windows, but the double ones, and I inspected them, are high quality and you will get a 20 to 22 decibel reduction.

Sten: but you haven't answered my question. What if we want 75 dba slow with no exceedance?

==we wouldn't be able to do that because we wouldn't be able to deal with the peaks. We proposed 75 zba slow, about 10% to 80. And, you know, the equivalent of that, if you did fast, would be 77 or 78 to 82 or 83.

Katz: well, is anybody ready to make a motion?

==I am trying to figure out where we are going with that. Did you get somewhere where you thought that you could make a motion?

== I didn't get there. [laughter]

Katz: folks, we either have to give it a shot for a year or we have got to kill the deal, the concerts, ask hope that financially it didn't mean that much to them, that's what we have got to do.

Sten: I think that we have made the distinction, which could be changed, but the decision, and through a lot of negotiation, there is going to be eight concerts. I am convinced that the concerts are a little bit louder than the noise board allowed them to be. I mean, I think that these concerts that are planning to come, there are a little bit louder. I hope that you can work to mitigate it. I am not, unfortunately, I wish I keep trying to find a middle ground but I am not convinced that 2 or 3 decibel level difference is going to make or break. I think it will be uncomfortable, period, for the people who live right next to the stadium. I think that it is a lousy deal to live next to the stadium— it is a great deal if you like the music that night. It is a bad deal if you don't and it is going to be very, very uncomfortable. But, you know, I am okay giving them the 2 decibel more flexibility at this point.

Francesconi: and I am, too, because they also went down from 25 to 8, but immaterial to watch this thing and monitor it over that year period because it may be worse.

Gardner: commissioner Francesconi, if I might on that, if, in the perfect world from the other side of the business we would have a 20-year variance with no review, obviously, that's not acceptable and it wouldn't be in the spirit of what we negotiated in the good neighborhood agreement, so obviously, we need to have annual review. The reason that that works for us is because we don't intend to be in a situation where we will lose the variance after the annual review. Which is why we said that we would have continuous monitoring with the monitor in radio contact with the sound board so that if we get, start to have a problem at a concert, it isn't, you know, waiting until later and saying, oh, gosh, it was bad. It is immediately on the radio telling them to turn it down.

Francesconi: well, see, and I was going to suggest that, but, you know, let's get back to commissioner Hales' example. You are right on the edge here. There will be an annual review. You need to have this, some specifications which you get the contract to be competitive. On the other hand, having a conversation with these people when they get here, saying that you are right on the edge here and can you just turn it down a little bit, you see what I am saying.

Gardner: we intend to put and will have to put, put the standards and the variance into our contracts for the bookings. And we intend to enforce that. And, you know, again, we will be able to do it on a second-by-second basis, not hours or days later. And that has always been a part of our proposal. It is in the gna. We are committed to the effort 20 years already. Thank you.

Sten: the original pfe request, before this all got going was 77-82 slow, which is really the equivalent of 86 to 87 measured fast. In my opinion.

== 85, anyhow, yeah.

Sten: so, you know, we are still in the range of trying to find a middle ground. I am convinced that the middle ground needs to be just a tiny turn higher to make these concerts work, and so that's where I am at, so I am willing to go 75 to 80 slow and violate city policy on how to measure these or go 77 to 82 fast and violate the good neighborhood agreement. [laughter]

== that's what I just voted for.

== we better not do the latter.

==Ly were, the city—the code, the code says fast or slow. So, I am not sure to what extent that we truly have a city policy. We may have one.

== I don't think that the records that you have before you indicates that there is a policy.

Katz: thank you. Okay. Nobody is going to make a motion? I will hand the gavel and make my own motion, but I would like to—i would like for somebody to make a motion, go ahead.

Sten: I would **move** that we set the level at 75 with a variance allowed to 80 following the stipulations of, is it 10%. The stipulations proposed by pfe that that not be for more than 10%, and it would be measured using the slow button on the meter.

Hales: second.

Ben Walters, Senior Deputy City Attorney: clarification for staff, is that then the only aspect of the appeal that is being granted or are you otherwise—

Katz: You basically are granting the whole appeal.

Walters: are you granting the whole appeal with just that aspect of it? And this is important, both for the staff's later enforcement, pfe knowing what regulations they have to abide by and—

== what are the other issues?

Katz: I am assuming that the issues are list listed on this sheet, which is the duration of the variance, the number of concerts, the hours, has that been—

Walters: are you working from the pfe proposal or the staff's recommendation then.

Katz: This is the pfe request.

== at tab h.

== at tab h.

== well, wait, I don't understand the difference.

Katz: I am sorry, tab l. Or h—hold on. I need a staff to come back.

MAY 18, 2000

Kleim: it is at tab h. And what I was referencing was a comparison between the pfe request and the staff recommendations but the actual recommendations are in tab h. Five-year variance, eight concerts, the hours, the boundaries, the 75 dba with exceedance to 80 dba measured slow.
== well, where is the staff different and why?

Kleim: okay. The differences at this point would be the fast-slow issue you have already talked about.

Katz: And the sound levels.

Kleim: and the levels, which you talked about a lot, and the other would be item number 6, which talks about occasional exceedances, and—

Katz: You are not recommending them?

Kleim: right. We are just saying that if you want to have occasional exceedances that rather than say up to 10% of the whole concert period, that we have a different standard so that we can do intermittent measurement, and although I would agree that pfe will be there and I would trust that if it gets too loud, they are going to turn it down, you know, I don't have any quibble with that. I am certain that they will do that. But, in terms of our monitoring, we would not be able to go out to the site and monitor. It also allows for pfe could either put all of the peak noise levels at the end of the concert, the last 10% of the concert can be the loudest portion or could be more intermittent, and it is not as annoying or whatever to neighbors if it is more spread out.

==would you just strike that clause or—

Katz: Well, that's the point that I was trying to raise. You don't have the exceedances.

Kleim: right. The noise review board recommended two minutes for the measurements. We could do it per song. You could pick another time period. I don't have a recommendation off the top of my head, I am sorry.

Katz: are we going to need findings on this, I imagine?

Walters: not so much findings but we do need a clear determination so that—

Francesconi: well, I am not clear on what the staff is recommending.

Walters: looking at the determination, the variance conditions are what I am focusing on at this point at this point. Because you are looking to modify or revise those conditions, which are the enforcement conditions for the next—

==I am trying to figure out, where you going to need them to write this up by next week so that they can get the language right or do you want us to word it now.

Van Orden: that's your preference. That's what I am asking, if you are going to try examine make a motion, then, then to, to revise the conditions that I need specifics or you can direct staff, given a sense of, a vote of the sense of the council to come back next week with a particular revision to the variance.
== I would like it to be the latter, but I still don't understand what the staff is recommending on this one.

Van Orden: : maybe I can be more clear. I am sorry. If we go with what pfe shows here, and we have the 10% of the time frame listed, let me explain how we would monitor that. We would basically be able to monitor the peaks, if we sent paul out for an intermittent period of time, he would make sure it didn't go over whatever peak you choose. 82. But, in terms of the rest of the I am sorry.

Katz: I am trying to help you, but go ahead.

Van Orden: okay. So, it is just—it makes it difficult for us to monitor, you know. If this is what you want to do, then—

Kleim: what I want is paul to show up however much we can afford to show up, whether that's an hour or the whole show if he concert, and if they are over 80, I want him to tell them to turn it down. I am willing to negotiate in terms of if they have a couple of bump says at the end of the night that it doesn't stop their ability to have concerts. I am willing to do something reasonable that says if you have when the whole story comes in, and it turns out that there is a few minutes where you went above 80, I am not viewing that as a material violation of the law, but if it is over 80, any time he hears it, I want him to have the ability to tell them to turn it down.

MAY 18, 2000

Walters: commissioner Sten, one thing that I would recommend is you have made two potential recommendations, one either a maximum of 82 with fast or—

Katz: I think that the decision was that -- 80?

Katz: Go ahead.

Sten: I made a motion, and second, I don't know if it has been decided.

Katz: I am sorry, repeat your motion again.

Sten: the motion was 75 and 80 with slow.

Van Orden: okay. Well, if it is only a motion, am I able to make a statement?

Katz: Yes, go ahead.

Van Orden: as the city's noise control officer prefer the fast measurement at 82 if we had to take the two. There are a number of concert venues that this could set precedent for and I will not want to be in the position of slow at other venues. So, I do see the fast as a decisive issue for enforcement.

==but then we are in violation of the good neighborhood agreement.

Van Orden: you know, I don't know what to say on that.

==but that's why I asked you the question, is there variances anyway. See what I mean?

Van Orden: yeah. And there is, and it is all based on multiple factors, the location, other issues. So, to have one site that has a higher level or uses slow and have every other site fast, that's a possibility. I just want to make sure that when the next person comes down the road, that they are not professing to the noise review board that you use slow for other venues. You have to do that here.

==I don't think that there is a policy—

Katz: The code says fast or slow. If the code said only fast, we would really be in a bind. Then we will have to—we would then have to agree with you.

==change the code.

Van Orden: the last point that I would make is just on the 10% issue. I would not be opposed to changing that to something that we could actually measure, if you are going to say 10%, then just for purposes of standardization of noise terminology, at least say something like l-10, which is also 10%.

Sten: well, I would prefer you to write that up to achieve what I said. Which is, you can tell them that you clearly have authority to tell them to turn it down if it exceeds 80, that they have got a slight amount of leeway in terms of looking at whether it was a violation or not for the event.

Van Orden: I think that's what they are trying to do with the 10%, if I read it right.

Kleim: actually, what it says is that the exceedances are up to 80, and you can hit 80, 10% of the time. So under this, under their proposal, they could not go over 80.

Sten: but, well, so then you should be telling them to slow down at something below 80.

Kleim: we can cite them over 80, that's not a problem. Or an issue the issue is between 75 and 80.

== okay. So what this says is they can't be—they can never be above 80 but they can be between 75 and 80.

== 10% of the time.

Katz: 10% of the time.

Kleim: well, you know, I would—i mean, I don't know how you write this up, but, you know, I would defer to paul's judgment. It would seem to me, obvious for ten straight minutes you were running over 75, they should tell you to turn it down. If you are peaking above 75, change what I said to 75. You know, if you are generally running, if he's reading you generally well above 75, you should be turning it down. If he can make an informed judgment that you are probably going to exceed for 10%, in the spirit of what they are trying to get at, I don't have a problem with, but the result of he can't tell you to turn it down unless he proves after the event is not acceptable, but I think that you could solve that.

Walters: let me read what's—let me read what I think the motion is, in terms of this issue. I am going to read it and see if everybody agrees. The permitted sound levels for all eight concerts shall be 75 dba with exceedances to 80 dba measured slow. The sound levels will be measured over the entire concert period when amplified music is being played. Occasional exceedances of up to 80 dba would

be allowed for purposes of this variance, the term "occasional" shall mean up to 10% of the time when the amplified music is being played. Really, what they wrote is fine you just have to clarify in your judgment enforce that at any time it is being exceeded. In your judgment if they are exceeding that more than 10 is 10% of the time, you should tell them to turn it down.

Katz: 75.

Sten: if they are over 75 for any, in your judgment, any significant amount of time, that's too loud.

Walters: but that condition didn't say what commissioner Sten said so you will have to craft it to say that.

Katz: That, what I read, is what commissioner Sten said.

Walters: it is there but needs to be clarified because you read it to mean something different, and that's why you are objecting to it.

Katz: what about 7, 8, and 9? Aren't there more?

Katz: The rest is—the rest is the process. It is a telephone comment line, telephone number. They will maintain a log of the times. Really the issue is the one that we just—
== that's correct, that's correct.

Walters: but that would be part of the motion, then?

Katz: What, dear.

Walters: the 7, 8, and 9?

Katz: I would assume it would be to uphold the appeal, which is what I think I heard.

Walters: I am asking for clarification in the record.

== where they would be unless the staff objects. That's why I was asking the staff, did they have something different.

== with some clarification on number 6 to be prepared by the noise officer.

== to be brought back.

Katz: Okay.

Walters: so, to rephrase the motion, then, the motion is to approve the appeal with, as set forth in this tab H.

Katz: H.

Walters: with a modification to 6 to be prepared by the code hearings officer and presented back to the council.

Katz: As findings, part of the findings.

Walters: to be by the noise officer—

== at the next council session.

Katz: Whenever—

== we can get it.

Katz: Okay. I heard a second?

Hales: yes.

Katz: Roll call.

Francesconi: we are right on—well, so that you need louder concerts, competitively, in the market for the excitement, at the expense of some nearby residents, so turn it down. As much as you can. And then after a year, if there is a lot of complaints, this is going to be undone.

Hales: well, this has been one of the most frustrating, and I suspect the most inconsequential, ultimately, hearings this council has had, with all due respect to the partisans involved, there was a line about shakes peer about loud and furry signifying nothing, and I think that the fundamentals of this agreement, that is eight concerts, and the level of working relationship that's been established between these neighborhoods through, albeit, a small group of people who are willing to roll up their sleeves and be neighborhood activists, but what incredible effort that they have made, and the private entity that is taking responsibility for managing this facility, that's going to matter more than all the decibel meters in the world. But, yeah, I told my silly story at the beginning of the hearing, and like jim, I think that I have come back full circle. I suspect that the management authority to turn down the

MAY 18, 2000

knob, still to some extent exists. And that whether it is a call from a neighbor who you have built a relationship with or even a neighbor that you have disagreed with, or the findings of the technical people in the field, whether the cities or your own during the course of a concert, to say please, turn it down. I suspect that the management authority, it is different than it was for me as a volunteer 25 years ago, but I think that that management authority still exists, and I hope that you will use it. I am frustrated by the assumption in the music industry that this has to be. On the other hand, little old Portland and pfe are not in a position, I suspect, at this moment to challenge that, even though I think that it is conventional wisdom that deserves this treatment, as much as we have given others that treatment here. Let's give it a try, as you can tell from my comments at the outset, I am a skeptic about whether these levels of concert volume are necessary or not, but let's hope that eight times a year, managed responsibly that they won't be too intrusive. Aye.

Sten: I guess it is in the hands of the be holder, however you would say that, but I hope that the two sides continue to work together because ultimately, I don't believe that the two or three decibel difference in how the council is debating is going to decide whether or not we can work together as a community to make this thing work. It is going to have to be management decisions and communication and you have got to have these hearings to fix a number, but I think that it is ultimately going to be a matter of trying to make this thing work, and I think that it can. Aye.

Katz: As commissioner Sten said, this reminds him of the fence of the french school. [laughter]

Katz: I think that he's absolutely right.

== we weren't specifying the nails, at least. [laughter]

Katz: The reason that I am supporting this is because what we have today doesn't work. I have called. There has been violations and there is basically very little that anybody can do. They can say turn the level down five minutes later it comes up, and they are rarely punished. At least now if they screw around and they get louder than they are supposed to be, they will be fined and we will have a record. And that's really the only thing that i, I have comfort about is that at least a promoter, at the civic, will be fined if they break this agreement, and right now, we don't have very much of anything. And for that reason, and for the reason that they—this has been negotiated with the neighborhood associations and discussed, I will vote aye. The other thing that I want to say is that I have had an opportunity to talk with our noise officer and we all agree that what's in the code today is not workable, and that as much as he wants to enforce what needs to be enforced, he doesn't have the ability to do it. And for that reason, we told him, clean up the code, strength the code and come back to the council, and I hope that we will see that the result of that where commissioner Saltzman are involved in that. It will help the rest of the community and the rest of the city, other than the civic stadium. So, I vote aye. Thank you very much. We stand adjourned.

At 10:00 p.m., Council adjourned.