



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10<sup>th</sup> DAY OF JANUARY, 2001 AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted.

- 15 **TIME CERTAIN: 9:30 AM** – Adopt City of Portland Green Building Policy and Portland LEED Green Building Rating System for implementation by all City Bureaus and Portland Development Commission (Resolution introduced by Commissioner Saltzman)

**Motion to accept amendment:** Moved by Commissioner Francesconi and seconded by Commissioner Hales.

**Disposition:** Resolution No. 35956 As Amended. (Y-4)

**CONSENT AGENDA - NO DISCUSSION**

- 16 Cash investment balances November 23 through December 20, 2000 (Report; Treasurer)

**Disposition:** Placed on File.

**Mayor Vera Katz**

- 17 Confirm appointment of Carole A. Rockney, Bartholomew McGuire Martin and William A. Montgomery to the Portland Utilities Board of Review (Report)

**Disposition:** Confirmed. (Y-4)

- 18 Confirm re-appointment of Rick Michaelson to the Portland Planning Commission (Report)

**Disposition:** Confirmed. (Y-4)

- 19 Contract with Gerding/Edlen Development Company for the construction of the 1900 Building project as complete, authorize final payment and release retainage (Report; Contract No. 31787)

**Disposition:** Accepted. (Y-4)

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- \*20** Authorize the Police Bureau to appoint Marlow Orvin Fischer to the classification of Police Officer at the four year salary rate (Ordinance)
- Disposition:** Ordinance No. 175223. (Y-4)
- \*21** Authorize the Police Bureau to appoint David Dobler to the classification of Police Officer at the four year salary rate (Ordinance)
- Disposition:** Ordinance No. 175224. (Y-4)
- \*22** Contract with Tri-County Metropolitan Transportation District of Oregon and the City of Beaverton to provide transit police services to Tri-Met Transit Police Division (Ordinance)
- Disposition:** Ordinance No. 175225. (Y-4)
- \*23** Contract with Tri-County Metropolitan Transportation District of Oregon and the City of Gresham to provide transit police services to Tri-Met Transit Police Division (Ordinance)
- Disposition:** Ordinance No. 175226. (Y-4)
- \*24** Contract with Tri-County Metropolitan Transportation District of Oregon and the City of Milwaukie to provide transit police services to Tri-Met Transit Police Division (Ordinance)
- Disposition:** Ordinance No. 175227. (Y-4)
- \*25** Contract with Tri-County Metropolitan Transportation District of Oregon and Washington County to provide transit police services to Tri-Met Transit Police Division (Ordinance)
- Disposition:** Ordinance No. 175228. (Y-4)
- \*26** Contract with the Tri-County Metropolitan Transportation District of Oregon for the Bureau of Police to provide transit police services to Tri-Met (Ordinance)
- Disposition:** Ordinance No. 175229. (Y-4)
- \*27** Contract with the Lake Oswego Police Department to participate in Police Bureau Department of Public Safety Standards Training (Ordinance)
- Disposition:** Ordinance No. 175230. (Y-4)
- \*28** Contract with the Gresham Police Department to participate in Police Bureau Department of Public Safety Standards Training (Ordinance)

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**Disposition:** Ordinance No. 175231. (Y-4)

- \*29 Contract with the Hillsboro Police Department to participate in Police Bureau Department of Public Safety Standards Training (Ordinance)

**Disposition:** Ordinance No. 175232. (Y-4)

- \*30 Pay claim of Larry Benson (Ordinance)

**Disposition:** Ordinance No. 175233. (Y-4)

- \*31 Pay claim of Jack and Del Inc. (Ordinance)

**Disposition:** Ordinance No. 175234. (Y-4)

- \*32 Pay claim of Tim Washington (Ordinance)

**Disposition:** Ordinance No. 175235. (Y-4)

**Commissioner Jim Francesconi**

- \*33 Authorize an Intergovernmental Agreement for Community Emergency Response Team training between the City and the Kenai Peninsula Borough, Alaska (Ordinance)

**Disposition:** Ordinance No. 175236. (Y-4)

**Commissioner Charlie Hales**

- 34 Outline duties and responsibilities of the Office of Planning Development Review (Second Reading Agenda 3; amend City Code Chapter 3.30)

**Disposition:** Ordinance No. 175237. (Y-4)

**Commissioner Erik Sten**

- 35 Authorize an Intergovernmental Agreement between the City and Clackamas River Water to develop an emergency operations plan and provide other technical services (Ordinance)

**Disposition:** Passed to Second Reading January 17, 2001 at 9:30 a.m.

- 36 Authorize an Intergovernmental Agreement between the City and the City of Milwaukie for services to supply water for emergency or backup purposes and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading January 17, 2001 at 9:30 a.m.

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- \*37 Agreement with Golder Associates, Inc. to provide aquifer storage and recovery pilot testing technical services for the Columbia South Shore Well Field for Bureau of Water Works at a cost not to exceed \$555,000 (Ordinance)

**Disposition:** Ordinance No. 175238. (Y-4)

- \*38 Amend contract with CADRE, Inc. for an additional \$70,500 to provide additional professional services and extend contract for two years (Ordinance; amend PO No. 1023945)

**Disposition:** Ordinance No. 175239. (Y-4)

**REGULAR AGENDA**

**Commissioner Charlie Hales**

- 39 Endorse the revised Portland Streetcar Operations Plan (Resolution)

**Disposition:** Resolution No. 35957. (Y-4)

- \*40 Agreement with Tri-County Metropolitan Transportation District of Oregon for funding assistance for the operation and maintenance of the Portland Streetcar system (Ordinance)

**Disposition:** Ordinance No. 175240. (Y-4)

- \*41 Agreement with Tri-County Metropolitan Transportation District of Oregon for Tri-Met employees to work under the City for Portland Streetcar system (Ordinance)

**Disposition:** Ordinance No. 175241. (Y-4)

- \*42 Agreement with Portland Streetcar, Inc. for services related to the operations and maintenance of the Portland Streetcar system (Ordinance)

**Disposition:** Ordinance No. 175242. (Y-4)

- \*43 Amend agreement with Portland Streetcar, Inc. to provide additional services to the implementation of the Portland Streetcar Project (Ordinance; amend Agreement No. 31428)

**Disposition:** Ordinance No. 175243. (Y-4)

At 11:13 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10<sup>th</sup> DAY OF JANUARY, 2001 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

- 44 **TIME CERTAIN: 2:00 PM** – Appeal of St. Johns Neighborhood Association against Hearings Officer's decision to approve the application of the Port of Portland for a conditional use review to allow the construction of a Multnomah County corrections facility at N Leadbetter Road and N Pacific Gateway (Hearing; LUR 00-00554 CU)

**Disposition:** Tentatively Deny Appeal: Applicant Prepare Findings for January 24, 2001 at 2:00 p.m. (Y-4)

**Motion to tentatively deny appeal:** Moved by Commissioner Francesconi and seconded by Commissioner Hales.

At 4:10 p.m., Council adjourned.

**GARY BLACKMER**  
Auditor of the City of Portland

A handwritten signature in blue ink that reads "Britta Olson" followed by a stylized flourish.

By Britta Olson  
Clerk of the Council

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

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**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.

**JANUARY 10, 2001            9:30 AM**

**Katz:** Council will come to order. Britta, please call the roll. **Francesconi:** Here. **Hales:** Here. **Saltzman:** Here.

**Katz:** Mayor is present, commissioner Sten is on vacation. We will take the content agenda items. Any items to be removed off the agenda for discussion? Anybody in the audience want to remove a consent agenda item for discussion? If not, roll call on consent agenda. **Francesconi:** Aye.

**Hales:** Aye. **Saltzman:** Aye. **Katz:** Mayor votes aye. All right, item 15.

**Item 15.**

**Katz:** Okay. Let me turn this over first to commissioner Saltzman, and then staff will make a presentation. And I think that there will be an amendment that will be presented, so we may want to do it earlier, rather than later. Okay.

**Saltzman:** Thank you, madam mayor, and I am pleased today to bring before the city council our green building policy and our green building standard. And this is something that's, as you recall several months ago, we created a new office, sustainable development. We funded a green building initiative, and this is really the first measure deliverable under that plan for the new office of sustainable development and the green building initiative is to bring forward a green building standard. Well, we hear so much about livability, and its environmental focus, and we have about Portland's livability and what a great city we are, and we are truly are. We also have to face many realities that air and water quality are worsening, salmon species are going extinct and natural resources are more scarce and expensive. While these are daunting problems, Portland has always been a city willing to confront the unconfrontable. We have seen it in the city's response to urban sprawl, to global warming and other major challenges. This green building policy will place the city among the leading jurisdictions and organizations of the world that are committed to meeting one of the central challenges of the 21st century by insuring that the built environment not come at the expense of the natural environment. Buildings and building practices count for one quarter of all the world's wood harvest, consume 2/56 all material flows and account for more than one-third of the united states carbon dioxide idaho emissions. Today, I believe the city makes an emphatic statement it will not contribute to this environmental degradation by following traditional building practices and constructing inefficient depleting facilities. Currently, this city has no standard governing development of new facilities. It has only been the creativity of individual bureaus or project managers that has produced legitimate green buildings and facilities within current city operations. This policy will assure that the public facilities developed by the city and developed with city dollars will meet a standard of quality, safety, and durability that is the best long-term -- that has the best long-term value while reducing the negative impacts these facilities have on the natural environment. I think that certainly with energy prices rising steeply in the next few months, as forecast, the payback on just the energy efficiency elements of this green building policy are going to be dramatic. This policy will save the city and its taxpayers money on operations and maintenance in the long-term. I want to talk a little bit about how the policy will work. This policy

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directs that all new and major retrofitted facilities built and funded by the city to meet the certified level of the Portland leed green building rating system, leed is leed, and it stands for leadership and energy and environmental design. So, the policy is targeted to meet the certified level, in other words, all these facilities, new and major retrofitted facilities must meet the certified level of this standard, we encourage all projects to go beyond the space level standard and shoot, also, for the higher levels of certification, which are the silver, gold, or platinum level. The Portland leed standard has been developed by the city and is based upon the u.s. Green building council's national leadership and energy and environmental design standard system. Use of this leed based standard will insure the city's facilities can be third party certified as green, and compared to similar facilities around the nation. We will be able to demonstrate to citizens and taxpayers that these facilities really are what they say, what we say that they are, and we are probably the first city in the country to really subject ourselves to the rigor of independent third party verification, and that's a very important thing to be doing because one of the things that we know that feeds citizen cynicism about much of what happens in the environmental movement or in any movement is sort of using terms loosely. And sustainability is probably an example where people, everybody has their own definition of sustainability. What we are moving to by making the Portland leed standard consistent with the national leed standard is starting to move to a consistent nation-wide standard of what a green building is. So, we don't subject ourselves to the criticisms and that develop around issues like that. So that's why we are doing the additional degree of rigor and making what we are doing here in the city of Portland different is saying that we are not just going to say that we are building green buildings and we think that they meet this national green building standard, we are going to actually say that we are building green buildings and we are subjecting this, ourselves, to the review of the u.s. Green building council for their actual certification, that, in fact, this meets the green building standard that they developed, which has been subject to extensive peer review and consensus. It has taken some five years to develop this standard. So, the policy and the standard apply in four major areas. First, as I have said, it applies to city-built facilities. Secondly, it applies to city-funded projects. And here we are primarily talking about Portland development commission projects and other contracted work. Did doesn't apply to the private sector development, per se, unless there are public dollars involved with it through pdc or through the city, itself. But, the city will promote voluntary application of the green building guidelines in private sector building design, construction, and operations. Private sector developments that meet the Portland leed standard and are certified by the u.s. Green building council will be able to market their projects as green by both the Portland and national standards, and again, we encourage our private partners to attempt to reach the higher levels of the leed standard, gold, silver -- or silver, gold, and platinum. We will also apply to infrastructure, although not yet. The Portland department of transportation will lead an effort to determine the best next steps in this area by the end of 2001, and I can tell you from my own involvement that sustainable infrastructure is an area that is very fertile for making major accomplishments, we just haven't figured it out yet, but my work with people in the private sector and in city government has convinced me that there is a lot more that we can mine from this in terms of sustainability. A major component of this policy is the direction to the Portland development commission to incorporate the Portland leed standard and the green building policy into all of its program areas, and to do this, no later than september of this year, 2001. This agency will implement Portland leed and the green building policy into its development loans, you are began renewal projects, affordable housing and other development projects. I will be attending this afternoon's Portland development commission meeting, to present this policy, hopefully with the unanimous support of my colleagues, and I have had numerous

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conversations with Portland development commissioners, fell alicia, their executive director, and other staff, and they assured me that the figures is really to take on green building in a serious way. And I will be closely following their efforts in this regard. In the two years I have been here, I have come to know that the mayor has had strong concerns about the quality of materials and the design of Portland development commission projects. And she has joined me today in urging the Portland development commission to adopt and implement this policy and standard, and I will be presenting to them a letter from her at this afternoon's meeting to that effect. Green buildings are more durable, and more pleasant to live and work in. So I am glad that we found common ground on this issue and I thank her for her support. I want to introduce susan andersen, the director of the office of sustainability, to go over the policy and to make the green building presentation. Susan? **Katz:** While you are turning it on, I want to thank pdc. We usually don't tell them what to do, the orders usually come the other way around and -- we work collaboratively, but in this particular case, the idea was so strong and so important and I want to thank commissioner Saltzman for giving them a little bit of time to move this through their organizational structure and I want to thank felicia and the commission for accepting this recommendation and making sure that it is going to happen. So thank you. Thank you both. Susan?

**Susan Anderson, Director, Office of Sustainable Development (OSD):** Susan andersen, director at the office of sustainable development, and with me today are michael brian, our technical analyst and greg acre, who is the seniority architect. A year ago, you adopted the green building initiative and over the summer, we started kicking off services, offering services to city bureaus, and to home builders and to developers throughout the community, and as part of that initiative, you told us to come back to you with a policy and standard to move Portland in a solid direction. To move us towards making green building the standard building practice in the city. So that's what you have before you today. The results of this policy are very direct and they are very measurable over the next two years, with technical assistance from the green building team, this effort will result in dozens of houses and hundreds of apartments, in offices, fire stations, city and county facilities, all completed to a higher green building standard. These buildings will be models, they will be places for builders to come and learn. They will be, what I really call, sort of an urban laboratory of places that include homes, that include apartments, that include office buildings, where builders can come and learn about ways to use less energy, to use less water, to use recycled materials, to create places that are lighter and brighter and places that are more productive, places that we actually want to work and live in. The next few minutes, I will review the specifics of the policy and then mike will go over some of the fundamentals about the economics of the policy and how it actually works on the ground. Before I dive in, though, I wanted to say, though, that from my point of view, and I think from yours, green building isn't just about the bricks and the mortar and the certified wood and the windows, that's how we do it. Green building to me is about why we do it, and I think that why we do it is to make a difference in the things that we really care about, and the things that we say we really care about, which are meeting our clean air and water standards, dealing with fish and dealing with, and protecting our forests, and also, creating places that are healthier for us and for our kids, since we spent about 80 to 95% of our time indoors, and probably some of you more of that time, but the standards that we are talking about today are not just some architectural craze. I think that they are very real and concrete steps to improve the quality of life in Portland. So, I just wanted to quickly go over the four components of the policy. The first one is that the city will import green building practices in all facilities constructed, owned, managed or financed by the city, that includes new construction, it includes retrofits. It includes interior tenant improvements, and over time, will include operation and maintenance practices. The new construction and retrofit



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projects must be certified through the Portland leed guidelines. The guidelines will be approved by the u.s. Green building council by the end of february. There will be an exemptions process, if we have buildings that are storage buildings or pump stations, we are not talking about those kinds of facilities. We will be working with general services, with parks, fire, bes, water planning and opdr to work on what the exemption process looks like, to develop criteria that will address such things as cost, sighting issues, looking at the size of facilities and come up with some criteria to develop a, an exemptions process that makes sense. We will also be looking at smaller tenant improvement. A lot of what the city does, as in the Portland building, is go through and make a lot of change changes, and a lot of those changes have the opportunity to do those things in a more environmentally protective manner. General services has agreed to lead the development of these guidelines, again, with help from bes parks, fire, water, and opdr and the office of sustainable development. General services has also offered to develop green building operation and maintenance guidelines, and we will have those done by the end of september. So, that's it for city facilities. The second part of the policy was what the mayor and commissioner Saltzman were just talking about, were how are these going to be adopted and looked at by the Portland development commission. The policy actually says that the commission will adopt the, the Portland leed guidelines and building practices into ongoing and future program areas, including urban renewal areas, development loan and grant fund programs, and that this will be done by the end of september. In the area of affordable housing, we have been working closely with pdc and have drafted guidelines that are being current am used and we will be working on those together to develop standards for all pdc funding for affordable housing. The third section of the policy deals with roads and streets and pipe and is all the infrastructure of the city. Between now and the end of december, 20 2001, the office of transportation will take the lead in examining the need for sustainable rating system or design guidelines for all infrastructure. And we will work closely with them, along with water and with des, and we will come back with a report to the council at the end of the year on what we should be doing with infrastructure development. Again, that's where most of our city government dollars goes, but it is the area that most areas of the country know the least about, so we didn't want to dive right in and say that we should have guidelines now, what we need to do is figure out where we want to go. And then the final section of the policy, I think over time, will actually be the area that has the most impact on our environment and our local economy, and that will be, how do we work with the private sector. The policy strategy means that our office will be working closely, providing hands-on technical assistance to all building sectors, to home builders, to those building apartments, to those building affordable housing, market rate, and to building commercial development. We will be working closely with planning development review to resolve code and regulatory conflicts. We will be doing training, we will be doing resource guides, and all of this will, we will be working jointly with our electrical utilities and the water bureau and others to develop good materials. And finally, that's kind of one side of the picture. That's kind of the supply side. Getting the architects and the developers and the builders to understand what it is that they could supply and what it is that they could change in their building and construction practices. The other side is kind of the demand, and that will be working to build market demand, to educate homeowners and renters, to educate businesses about what it is that they should be looking for in the places that they are buying, and the places that they are renting in the spaces that they are in so that they can know what it is that, that they can be looking for. So, to wrap up, our goal over the next two years is to impact 600 housing units, 3 million square feet of commercial government and mixed use space, if we are successful, they will have some very real impacts. You don't need to know all the numbers, but it will impact 8 million gallons of water a

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year, 10 million kilowatt hours of electricity, 770,000 therms of natural gas and run-off by 30 gallons a year. All that adds up -- adds up to a million dollars in savings a year in those businesses that are now meeting the green building standard. So, a part that we wanted to develop from the beginning was make it measurable so that we can come back in a year or two years and tell you where we have really been and where we are succeeding. I want to turn it over to mike now, and he will tell you a little bit about the actual workings of the policy and how it will work on the ground and greg and mike and I are available for questions.

**William Ryan, Bureau of Environmental Services (BES):** We, I think, are taking a very big step to adopt leed as a standard, nothing like this has ever existed in the cities. As commissioner Saltzman pointed out. We haven't had this kind of collective standard apply to buildings before. In september when greg and I came here, we took leed and we had a really lucky opportunity to work on three city buildings in which we are now applying leed to the process of designing and constructing the building, and I say lucky because I think that we have had people like bob and rich and randy who are the project managers of those buildings, who were willing to let us come into the design process when it was well under way, and stop and take a look at these standards and figure out how to apply them to the building. So, that's been a very key thing to make this work. And I think what it does, touching back on what you said about the champions, commissioner Saltzman, is that these guys have been promoting quality of buildings in different ways, but they have had to spend a lot of energy justifying why you would do that, and what happens when you adopt leed I think is that you kind of move the goal posts forward so that now they can spend their time actually concentrating on putting these things into effect and getting them into the buildings and less time on just convincing everybody that we ought to do it in the first place. Partly, that's because leed, although it has its faults, really sets out a very clear group of goals and strategies for the buildings, and talks about how to get there. So, if you go through their program, each one of the credits that you can get for a building is based on some sort of a national standard. Some are old and have long pedigrees to them, and some are quite new. But, in any case, we have a standard to start from, and we have gone through and we have adapted those at Portland leed to the city's policy so that we would have a good fit between what we think that we should do for erosion or for surface water management compared to what the leed national standard is. In fact, when we looked at the, at the energy study and looked at the 1900 building, what we found was that building would have gotten 20 of the 26 minimum points for the leed building just by building built to the Portland standards that were in effect at that time. So, what we think is that we are kind of in the direction of leed anyway. The second thing that you also touched on is that leed provides a system of accountability where you can actually be sure that these things really did happen in the building and that the investment you made in time and resources to get there, you actually got something tangible and completed in the project. Leed shifts the grounds in a very important way from only looking at first cost to looking at life cycle costs so now leed opens the door for us to say, well, putting more money into a material or a mechanical system or some kind of a better efficiency, will actually pay us back and we can take that into account as we go ahead through the design process. What we have done in our own kind of, on-the-job training, through working on these buildings is we have had the project teams sit down with leed and I have to say at first, I think that there was a mixture of interests and anxiety. When you hand somebody 25 pages that they are going to apply to a building, the first thing that people ask is, well, what is this all about.

**Saltzman:** Which three buildings are we talking about?

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**Ryan:** I am sorry, we are talking about the 9-1-1 emergency communication's center. We are talking about fire station 12, and the bes water lab building out on columbia boulevard. I don't remember exactly the right name for that building.

\*\*\*\*\*: Operation building.

**Saltzman:** Okay, thanks.

**Ryan:** So, we sat everybody down with the project teams and worked our way through leed in terms of those buildings. How do these fit the buildings. How do the credits make sense in terms of the kinds of goals those buildings have, how do they make sense in terms of the city policies that apply to those buildings, and we have been able to, in each case, I think, to come up with a different set of things that are going to happen in each building, but which make sense in terms of the goals and the budgets for those buildings. So, I think that going through that kind of systemic working through leed has above all, given people a much better comfort level these things make sense, as you get familiar with them, you see that people start taking them to heart, I think, and the anxiety level goes down. So, to look at what we were doing on the communications center, I pulled out a couple of examples, to get to those basic leed energy standards, we want to make the building 20% more energy efficient. I want to come back to that in a second and put some numbers on that. This is one of my favorites, indoor air quality. There are a big chunk of points in the leed standards for doing various things for improving the air quality in buildings, and this is a huge step forward because this doesn't exist, and we have had standards for ventilation but there really have been no standards at all for what kind of toxic materials you would introduce into a building, and there haven't been any standards for how you manage air quality in a building that's occupied, so in our case, we will have employees in the building while the building is being modified and leed gives us a standard of how we are going to separate the work space from the occupied space so we don't cause air quality problems for those people. That whole set of air quality standards in there really moves the practice forward in a very strong way, and in a way which we have had no standards of guidance on in the past. So, air filtration, pollution sources are the big elements of that. Common sense, in a way, but we never had permission to do it before, and we didn't know what it was going to cost. On the waste reduction, there is some innovating things we are doing with recycled content on the building materials. An example I would use is, is that we are taking fly ash, which is a waste product from coal plants that generate electricity, and there are mountains of it sitting around -- coal plants. And putting it into concrete, it is a waste product that improves the concrete and the strength and structure of the concrete. And it is a very nice way to make use of something that ordinarily is a waste problem in our society. We are doing, thanks to the park's bureau, high efficiency landscape irrigation. We have people, it turns out, in our landscape staff who really know about this, so they are already up with leed. They really like the idea that this is something that they are going to just do now, and they don't have to justify it all the time. And the stormwater standards, on that site, we won't have any stormwater actually leave the site by the time that we are all done. It will go into landscape areas or it will go into stormwater filters. And it will be cleaned and then it will go into the soil. We had a study done by the ofa and we drew on the study that the energy in the 1900 building and a couple of other city buildings, we looked at the cost, and rich did the estimates for station 12. Came up with an estimate at this point that would add about 3.3 percent to the total project costs, but as he pointed out earlier, we will get a lot of that back in the energy savings over time. The city of seattle adopted these standards and they are saying that the extra cost on the building is anywhere from 0 to 4.5%. My own personal observation is the biggest variable in that cost increase is the point, where you start in the process. It cost more to get leed into a building when you come into it when people were ready to start their

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construction drawings than if you start early. We estimated there was about 350,800 in the life cycle savings in the building. That was assumed that we didn't really see any changes in the energy costs in the future, and what we know since then is that we were about to see roughly a 20% energy cost, that would change that number by roughly \$50,000, and as energy costs keep jumping, which it looks like they will, the savings we are getting out of the buildings are going to look better and better, and we will cover a pretty big chunk of the additional cost of doing leed in the first place. So, we are going to go out in the community and talk about green building with people who are using the marketing name, "g-rated building" that is suitable for all.

**Katz:** G-rated.

**Ryan:** Yes. Suitable for all, you get to finish that phrase. All ages, all species. [ laughter ] So, what we will be offering, susan has talked about a little bit, is resources and incentives, case studies, innovations to help push the market forward and we will be drawing on our experience with the city buildings in order to go out and do this with the private sector. I think that they are pretty interested. We have been getting a lot of contacts with people this coming friday, we are going to have an a half staff with columbia villa, it will be totally redeveloped, about 950 new units out there, and we are starting the process of working with them. They are very interested and excited about that being a green project. And the experience that we have with the city buildings is tremendously useful to us to be able to work with them on that kind of process.

**Francesconi:** I want to make a brief comment here before we turn it over because it is about your city buildings. I want to give credit to david and karen on the 1900 building because they saw this by instinct, and they knew this was the right thing to do in terms of energy savings is they did a lot of work. I had bgs at the time and they really led the way so that you could use that as an example. What commissioner Saltzman is doing, takes it even further and he deserves the credit for pushing it even further with good work from you. But I wanted to acknowledge david and karen for the work that they did on that building. The second thing is, you are referring to station 12, which is a fire station, and I want to clear something up here right now. On the new constructions, which station 12 is, I think that we can get to the leed standard on all the new construction. The bond measure is primarily retrofits, to the existing stations. The problem is where there is budgets that have been preset, and the voters have actually approved those in a bond measure. That's where the difficulty lay, but commissioner Saltzman is very clear with me from the beginning that we should take advantage of the fire construction projects and start moving on the green buildings, so he met and I met with a group of architects and others that we have assembled to push this. Now using station 12 as an example, we had to add \$35,000 to the cost of this, and then maybe another 20 to get it certified. But, it was worth it for the energy savings that you talked about. But, when it comes to the retrofit, as the existing stations, because, as I understand it, under leed standard, you get 14 points for location, and we are talking about retrofitting existing stations, and I already have preapproved budgets. It makes it more difficult on the retrofits that we are going to hear testimony about, not only for fire, but parks and parks, we are going to hear testimony, is an enthusiastic component of this. Now, we do have an issue with the parks, that we talked to you about, and we will hear testimony, we really appreciate your flexibility, on retrofits on existing projects in our cip budget. We need a little flexibility on this. But, on the new construction and the retrofits that we hope the voters will approve in our next bond measure, we are with you and we will do this, and park's projects sometimes have more property and makes it easier to do than existing fire stations. But, I just wanted to get this all out because I think that we are going to hear testimony on it, that we are pushing this in the fire station, including trying to do eco-roofs, which are not even required under the leed standard. So, we are moving on this, and I wanted to make that clear to everybody.

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**Katz:** Okay. Did you want to say anything? Identify yourself for the record.

**Greg Acker, OSD:** Greg acre, office of sustainable development. Lest week I was looking at the display downstairs, which shows the evolution of Portland, and the historic photos, anybody is welcome to go down and look at. It really reminds us that the buildings we are creating today will be here long after we are all gone. And I think that that's the important thing to keep that broad perspective that the leed program makes for longer lasting, more durable buildings and more energy efficient buildings, which makes them not become sort of a, the white elephants of the future, and that's what we are doing -- doing today, is sort of a historical event, when the private sector, which I have been in most of my career, supports and really is happy to see happen on the city to take this sort of initiative, so I appreciate the commissioners support of this.

**Katz:** Okay. Let's have our bureau managers, ron bergman, felicia, is parks here to testify? Come on, parks. Is bes here? All right. Well, whoever we have from our bureaus who want to say a few words. Let's start with you, felicia.

**Felicia Trader, Executive Director, Portland Development Commission (PDC):** Thank you, mayor Katz. Members of the council, I am felicia trader, Portland development commission, and I will be brief. I just want to say, for staff, having participated, that we are very appreciative of the commissioners process. I personally participated in the green investment fund committee. Charles sellers, who is here with me today, has participated in the leed advisory committee. We are enthusiastic supporters. We will have issues that we will need to have discussed at the commission, just as commissioner Francesconi mentioned, and commissioner Saltzman was very agreeable to give us the time on top of all of our other workload to work through those issues. So, we are very appreciative of his efforts to include us, and to -- and we are very enthusiastic about the concept. Now, we are going to break a rule here. I have probably, to all of your knowledge, never asked to have us, be put on a committee because we get that opportunity about once a week for new efforts, and I notice in the policy that you have, I missed this in an earlier discussion, that you have a committee for life cycle costing, that is for city projects. I would like to ask that the Portland development commission be added to that group because obviously, one of the considerations we will be working with, as well, is life cycle costing and making sure it is financially feasible to move forward on the projects that you want us to, to move forward on. So I would ask that we be added to that committee. First time in my life, I have to say.

**Saltzman:** We will be happy to honor that precedent.

**Hales:** You don't mean you personally, though. [ laughter ]

**Trader:** That's right. And speaking of that, since we are obviously, in a little bit of a transition in the agency, abe will have the management responsibility for making sure that we work through the program areas, and get the, the programs adopted that meet the goals of this policy. Thank you.

**Katz:** A couple of questions. We have some projects that are going to be ready to go probably before september. Is it possible to take some of those projects and see if we can meet those standards, or is staff ready and prepared or do you think that we will have to wait until september on all of them?

**Trader:** No. We won't have to wait until september. And part of, actually part of the report that charles prepared for our commission this afternoon, that when commissioner Saltzman is there, is that we want to take advantage of the standards in a rolling kind of way, not wait until the date to bring in a whole package for the board to consider, but as we look at programs, to bring them forward. Specific to individual projects, we will start working and we have been actually working with the staff to see how we can implement those in some of our major, our major efforts, is in place, is one, that is a huge significant project that, three blocks of development that, that you are

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all familiar with, that we want to try to make sure that this is understood up front. Now, obviously, financing is always an issue, and there are a number of public policy goals that we are trying to meet with those projects, and mixed use is tough to finance, so we will be looking, but this will be on the plate. We have already adopted this approach in our housing rfp's, so we are implementing this as we go, and we will be looking at projects for new development that are in construction, and just, to commissioner Francesconi's point, my personal view is that new development, although it will be the issue will be financing, obviously, will be tough to -- this will be one more issue to finance, and it is really the rehabs that are going to be the issue, and of course, it is the rehabs, it is the, the building stock that's in place right now, that will continue with us for a long time, that really needs the most help, and particularly, when you, when you attach additional expectations on top of seismic and other issues that building, that the current stock has to deal with, this will be a consideration for them. So, it is really, I think, I think where you will see the most challenges will be in our work with the current building stock and the rehabs. I think that new construction will be largely a financing issue, and we will just have to make that work.

**Katz:** Let me just say, felicia, I don't like surprises and I don't like to throw surprises at other people. But this may be your last opportunity to be before the council.

**Trader:** Darn:

**Katz:** No, no, you are not getting away with that. Would I would like to do is set up a time certain for you to come back to the council for us to formally thank you, and for you, as a public employee for almost all your life, both at the county and the city, to educate us about what you have learned and what we need -- what we need to look at and then tell us about your wonderful plans for the next couple of months.

**Trader:** Well, this will be a highly rated tv show, I am sure. [ laughter ]

**Katz:** And speaking of that, I neglected to mention this at the beginning, city council meetings are broadcasted on city net, cable channel 30. They are also broadcast live on the internet and can be accessed from the city's home page if you follow the link to the council agenda, and the weekly council agenda is also available on the internet at the same site, so you will have a lot of viewers, when we set the time and date.

**Trader:** I will tape for my mom.

**Katz:** Okay. Thank you.

**Hales:** Just one, maybe, footnote here, I think it makes a lot of sense for you, or for someone from pdc to be involved in the life cycle issue, because that question of materials, I think, is pretty important. I know you are clear on this, but we ought to probably have it on the record that, for the rest of your staff and the projects that they manage, that green buildings does not mean using more of the cheap artificial stucco material that starts sprouting moss in its second winter, so hopefully we will be selecting materials that are not only green, but are durable and a city funded project, something that the mayor and I both founded on the table about, are not bad with both design and also be good energy conservations, so we realize that causes more short-term costs, but i, for one, and I think the rest of the council feels the same way, are happy to build less units with better quality materials and make them green buildings, as well. So, I hope that we haven't caused any confusion for your staff, that we don't mean do this instead of building good buildings, we mean do both, and we understand that that raises the price.

**Katz:** In fact I think that commissioner Sten gave me the green light, and I left that with you, commissioner Hales, to stop the design if they don't meet exactly what you just identified. All right, parks.

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**Barbara Baker, Parks Bureau:** I will just move over, I guess. Good morning, I am barbara baker, the building designer for the park's bureau, and I am here to just say that parks is enthusiastic and committed to raising the Portland leed policy as it has been presented to you by the office of sustainable development. Our bureau serves, strives to serve families, individuals, and businesses in the community of Portland, holistically, at various levels, and we see this policy as a tool to fine-tune, grow, and document our green design, build projects and practices. Commissioner Saltzman alluded to the fact that right now, in parks, it is basically up to the project managers to implement these practices and indeed, that is happening. Besides the echo roof, we have other projects where we are using eco-stone for stormwater run-off and right now, I am presently redesigning our reservation center and have used bamboo and iso-board and various other materials in that facility. So, definitely we, not only support this, but have been practicing this all along. Parks' role as co-creator of this policy and the development of a cooperative partnership with osd is a joy, and we believe that the benefits will be wide-spread and many. Just briefly, though, I share some of the -- I am happy to hear everyone speaking this morning because I think that we are all on the same page with the up-front, short-term immediate costs, and that does have an impact on parks, so I wanted to, to just briefly touch on how we are seeing ourselves implement this plan, what the impacts will be, and what our expectations are from council and from osd to support our efforts. We do intend, well, today's policy is specific to new construction and major retrofits. The remaining sections will be developed as they have been described today, will be the exemption clause, tenant improvements and o and m. Mary and myself will be working on the o and m policies, which I am very thankful for her presence. She's an incredible asset to parks and will assist us in creating a very thorough document for the o and m practices. Our immediate impact for new and retrofit will be the children's museum. Phase ii, and this will give charles, jordan, and myself an opportunity to work directly with a private group that is funding this project, but the building that is owned by the park's bureaus, so I have confidence in myself and in charles, and I think that this will be a very exciting classroom, I guess, to put this policy in effect. So, that will be our -- the immediate impact of this policy on a new building retrofit, will be the children's museum, omsi building, up at the Washington park. For other new and retrofit, we are going to be hoping to put together a bond initiative and we will then be implementing this green building practices and policies with those structures. The other impact that we have is, is, and I know commissioner Francesconi spoke about this, but our cip budget is presently, it is completed and will be presented to city council at the next time that you meet. There is -- there are presently 105 buildings on our list, and they are basically repair work. Our budget does not include an additional 3 to 5% to cover these costs, and right now, it kind of has the feeling of like a spoon full of jam and needing to spread it throughout a whole loaf of bread. So, we don't have additional funds to meet the green building policy requirements for all of the, the projects that we have. We have targeted two. One is the Portland tennis courts and the other one is the pittock mansion. And we also will -- we will embrace the rating sheets and endeavor to achieve the rating on all the other projects. Our expectation from osd is that they will support us with technical training to make sure that we can make this happen, and they will also support us when exemptions are needed. Because I think that we will need to use the exemption clause on these projects.

**Francesconi:** Or the council could give us 3 to 5% more money.

**Baker:** Oh, thank you.

**Katz:** I was waiting for that.

**Baker:** That was on my list here, but what a lead-in. [ laughter ] And we didn't even talk about this before, really, did we.

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**Francesconi:** No, we haven't, but in the future, we should, but that's okay.

**Baker:** We should get together on this. Right. So, I am in hopes of continued support from osd. They have been absolutely wonderful, and I hope that council will support them with either additional staff or funds or whatever they need so that they can continue to assist us, and that they will support the exemptions and also additional funding that council may want to earmark to support this policy.

**Ron Bergman, Interim Director, Bureau of General Services (BGS):** Mayor and commissioner, I am ron bergman from general services. I want to let you know that general services and facilities, in particular, have been pleased to participate in preparation of this policy, as a full partner. And we really view that as a partnership with osd and general services, and it is our pleasure to help further the sustainability goals of the council, and we support the adoption of the, the policy. I want to give you just very quickly a little bit of, of background in terms of that we believe that the policy will put the city in the forefront of green construction. There is a learning curve here in terms of green construction and green design. It is new to designers, consultants, contractors, and to city staff. We are just getting into this. We believe in, I think we can document it, in the short-term, this kind of advance effort that we are going to, we will have special additional costs but in the long run, we think that as these become more commonplace, that over time, these additional costs will narrow and go away and to what degree that they will continue there, they can be off-set by reduced operating costs in the long run. And in a sense, we are just furthering Oregon's tradition of pioneering in this effort here. Construction budgets, as I said, will increase in the short-run. New construction projects we have estimated 3% to 5%. Some retrofits could be as much as just under 7% as we are findings with the 9-1-1 building. As I said, the demand to green products is increasing every day. We are already seeing evidence of products on the market that are available at the same price as traditional kinds of products that don't have the, the environmental benefits, such as low e-glass, paints, et cetera. In terms of some of the projects that we are currently working on, the fire stations, in particular, commissioner Francesconi already addressed, but the fire, I want to reiterate, the fire bureau and bgs have been very actively pursuing the application of the leed standards as guidelines and the design and construction, both in the retrofits and in the new facilities. We are trying to implement the principles of green building practices into these to the degree that the fixed budget that we have and the general obligation bond will allow us to do. We had one other concern as we went into this process, and that was how we would deal with retrofits that felicia trader has already really addressed in terms of the issues there, and I think that, that we reached a, a good solution in terms of how that can be dealt with through the exemption process, and some definitions on that process and how it works that we resolve with the office of sustainable development. We look forward at this point to moving onto the next phases of the policy, which is the development of the model t-i standards and the development of the operation and maintenance standards for facilities, and of course, the most important part, the implementation of the policy and projects.

**Katz:** Thank you, ron. Felicia, this is not an area of my expertise in terms of building materials, but is there a potential there for new manufacturing opportunities for us in terms of the production of some of these buildings or is that already happening and if this is a new opportunity, then it ought to start here on the west coast.

**Trader:** I think it is, you know, intuitively I want to say yes. I think it is a little early, though, to, to talk about what's available on the national team and what kind of research and stretch and material development is being done nationally and whether it will pay to, to try to develop that on a local level or not. I will have, I will tell you that the area where we have, oh, just over the last year,



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have succeeded in increasing the profile, is in technical assistance and in professional services, and advisors in, in the engineering expertise and architectural development that's going on in our community about how to get, how to get there. I mean, I really appreciated that as a part of the, of the green, the green investment fund and seeing that occurring. We are seeing -- we are really seeing this on the ground developing in the blitz-weinhard project as their commitment and architectural services are making every effort to deliver there, so I think from the professional services side, there is no question that we are seeing an expertise develop here that is both increasing and transportable to other areas on the manufacturing side, I haven't seen it yet, but, and I think that that's a bigger question.

**Katz:** Okay. This is not the time to talk about it, but susan, you ought to -- your team and commissioner Saltzman begin thinking about it because we are always looking at where's the next opportunity that we might have for manufacturing and for manufacturing jobs. And entrepreneurs, whether it is professional services or actually production of materials, thanks.

**Saltzman:** And we know that robyn roberts has done a lot of thinking about this topic, economic development director for pdc.

**Francesconi:** Now might be a time to introduce the amendment because I think that there is going to be testimony.

**Katz:** Let's here from bes quickly.

**Linda Dobson (BES):** I am linda dobson, representing the bureau of environmental services. I want to let council know the bureau is very supportive of this plan and policy. We have been actively involved in the development and look forward to future phases. One demonstration of that commitment is that in our new building that you heard reference to out at the plant, we are going for a gold rating. So, we are committed to seeing this work for ours, internally, as well as working with other bureaus in the city. Thank you.

**Francesconi:** Modeling the behavior we want is the best thing that we can do, and again, I can't say enough about what commissioner Saltzman is doing. This would not have happened. None of this, without commissioner Saltzman. What my amendment attempts to do is to give an incentive to the private sector, to also participate a little more aggressively in this by speeding up the permitting process. And so, I prepared an amendment that the council has, and we met with margaret mahoney to make sure that it is something that's doable. Basically, the amendment does three things. First, it directs all the bureaus, not just opdr, who is already working on this, to remove their obstacles to retain permits for environmentally sensitive buildings, so the first part is a directive to all the bureaus to try to remove the obstacles, and we worked through this with the help of the office of sustainable development. The second thing that the amendment does is to ask opd and r to report back to the council in a year on those obstacles and what we can do to remove them, and this was margaret's suggestion because sometimes she gets caught in the middle where it is not her fault, it is other bureaus, and so we will have that a formal evaluation of the obstacles, report back to us so that we can remove them. And then the third part, it says that as long as a developer builds to the same environmental standards as the city, which is the bronze side, their project will get the assistance of one of the city's four process managers to help expedite the permitting process. The key is a claim's manager, because of the good work of commissioner Hales, on blueprint 2000, and if we can bring that assistance to those that are trying to do the right thing and speed up the process, that saves the developer money that can help off-set some of the immediate cost and is we can get the private sector engaged. Without the private sector engaged, we are not going to save the salmon, have the air cleaner, and be the kind of city that we want to be. So, that's what my amendment does.

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**Katz:** Okay. Do I hear a second?

**Hales:** Second.

**Harry Auerbach, Senior Deputy City Attorney:** Mayor Katz, one technical thing on the amendment, commissioner, the end of the second -- after the enactment of the ordinance, you are enacting a resolution and you might want to --

**Katz:** I am sorry.

**Auerbach:** Your second be it resolved in the amendment refers to doing something with removing obstacles 12 months after enactment of the ordinance, and so you might want to conform that.

**Katz:** We will make that correction. All right. Any objections to the amendment?

**\*\*\*\*\*:** Thank you, commissioner Hales, for a second.

**Saltzman:** I want to say, I regard this as an extremely friendly amendment, and wanted to point out, remind the council when we did form the office of sustainable development recently, and brought some new funding to that effort, one of the things that we committed to do was to fund a position in the office of planning and development review to, to specifically work to expedite, well, to develop both a farm with what the prebuilding -- green building practices are, and making sure that being a green building is not a handicap when you come to the permitting process but, in fact, it is regarded as an asset and it is not, it doesn't pose issues that require more time as you pointed out, time is money in the development arena. So this amendment, I think, a very consistent with that position that we have now funded and there has been somebody assigned in opdr, now a senior plans examiner who was there to basically shepherd green building projects through the process.

**Katz:** So, the message clearly to the private sector is that if you are interested in being partners with us, we are interested in making your building happen sooner and getting through the paperwork, as well. Any objections? Hearing none, so ordered. All right, let's open it up to public testimony. How many people want to testify on this item? All right.

**Dennis Wilde:** Dennis wild, 4310 southwest hamilton terrace, Portland, Oregon. I am here on behalf of a, a real estate developer in the city of Portland. I want to extend bob's apologies, he wanted to be here to testify, but unfortunately, he's out of town, so I am here in his stead. First of all, I want to say that, that we extend whole-hearted support to the city's efforts and the green buildings' initiatives and the policies that are before you today. We have been here several times previously testifying on behalf of this effort of the cities. And I think that this is a wonderful staff, so you certainly have our whole-hearted support in anything that we can do as a private developer in the city to help promote and extend these to the private sector. We are here to lend our support. Specifically, with the application of the leed criteria, I think that I mentioned last time I was here, that in our own evaluation, we think that the cost premium for going with leed is on the order of less than 1%, and that most of that, if you start early in the process, most of that is associated with some additional design cost, simply because a lot of us don't really know what we are doing in this field, so we are all on a massive learning curve. So, the additional design time is where a lot of it is going, and as we learn more and get more proficient in what we are doing, I think those costs will go down. And the second cost-premium is in the commissioning costs, and on significant building projects, I think that you are prudent to do a commissioning process in any event, but if you wanted to see the cost premium, you know, that would also be factored in that, less than 1%, probably about 8/10's of a percent would be the cost premium on the project, as an example. Where we are, as felicia trader mentioned, we are working with pdc in pursuing a lead on all the projects and we are pursuing the leed silver. So, those I think --

**Saltzman:** Those incremental costs you referred to, are meeting the silver standard, the 1% and .8%?

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**Wilde:** Yes. In terms of actual increase in hard costs and hard construction costs, right now, I don't see any to get to silver rating. I think if you go beyond that to a gold or a platinum, you probably will incur some additional costs but I think that it is easily achievable to achieve the lead silver without additional capital costs for the project. We are specifically want to support commissioner Francesconi's amendment that was just introduced. When we first came before the council, roughly two years ago, we talked about top of the pile processing for green building projects, and this doesn't go that far, but it certainly is great for, a great first step. Stream-lining the obstacles to green activities is a wonderful place to begin with all of the bureaus of the city. I mentioned last time a couple that we had experienced, particularly with bes and the water bureau, you know, use of rainwater for toilet and urinal flushing, swallowed so-called gray water systems, and the water bureau wasn't quite ready to embrace that as an idea. Some standards for water retention in a downtown urban environment didn't quite get off the ground, so to the extent that this amendment can help to move those bureaus to be more responsive and more aggressively address opportunities to introduce sustainable concepts, then so much, the better for all of us.

**Kent Snyder, Co-Chair, Sustainable Portland Commission:** I am kent snyder, I am here on behalf of -- I am one of the co-chairs of your sustainable commission. We have come a long way in developing actions to implement the sustainable city principles, when the city council adopted in november of 1994. And one of the those is the result of the green building initiative, which was adopted in december of '99. Among other things, initiative called for adoption of these green building guidelines, for city buildings and the operations of the buildings. In the process of putting together the green building initiative, we head many, many public meetings, and we had many meetings with local leaders in the development and the design and the construction industry, people like dennis wild and others, there was a -- a recurring theme in all those meetings, and that was that Portland, or the city government of Portland, needed to step up to the plate and provide leadership in the area of green building and sustainable operations. Today, with an energy crisis, again, rearing its head, it calls for conservation for energy efficiency, and the issues confronting the city of stormwater management, combines overflows, endangered species listing, in the rivers, Portland harbor, super-fund sites and all the other incumbents, things of management and growth, as well as the health problems, the liability problems that are associated with indoor air quality, it is very important, we think, that the commission believes it is very important for the city government now transform its words into action and that it adopt these design standards. These guidelines recognize, we believe, that the construction and operation of buildings in manners which respects the environment and which are sustainable is both good for business. It is good for the city, as a business, and it is good for the employees of the city, and citizens. It benefits, as they have been mentioned, reduce capital costs, we are looking at the overcost of the project, reduce operating cost and liability rates, worker health and productivity gains, and the commission, firmly believes this will help in the creation of new business opportunities and economic development. The sustainable commission, Portland commission urges you to adopt these standards and policies. We also want to take a moment to amend those who -- to commend those who worked long and hard and put in this together, commissioner Saltzman has been championing the product, and concurs the development and his leadership has meant a great deal to make this come about. Susan andersen, the office of sustainable development, really was one of the initial instigators, if not the initial one, a number of years ago, on the -- an effort to bring Portland forward in realizing green building and sustainable building practices. There is also rob bennett in the office, as well as greg acre and michael, who you heard, have done a tremendous amount of work, and the commission, john

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eckland, they have also put a tremendous amount of work in and we want to thank them for their creativity. We, urge you, the commission, to adopt this.

**Thor hinckly, Sustainable Development Commission:** 6315 SE Belmont, 97215. Good morning. Thor, I also sit on the sustainable commission and I will backup everything you have heard here this morning. I think that the value in this policy is that we, in Portland, can get the very best, in our built-in environment of environmental interaction. This is a very important part of our legacy into the future and I think that this is exactly what we need to keep Portland the greenest and most beautiful city. Thanks.

**Katz:** Thank you. All right. Thank you, gentlemen. Thank you for all your work on the commission. And for the company for making it work on a project that started long before this measure will be voted on, thank you. And susan, you, too. All right. Further testimony?

**Bob Naito:** Mark, I am bob nato, 123 northwest 2nd avenue in Portland. In responding to your question, mayor, are there companies that are providing building materials and services in Portland, here's a quick list of the ones that we could think of off the top of our head. Collins pine does, produces certified wood, stormwater management makes a stormwater cartridge that cleans the stormwater before it flows into the, the stormwater system, the rebuilding center, recycles building materials, lwo corporation does certified arbors and green furniture, environmental building supplies, retails green building supplies, and my favorite is fatearth.com which combines a dotcom sustainable, they provide information on locating suppliers of sustainable materials. I also wanted to start off by doing my own leed certification with the chinese garden, I thought you would appreciate this one, this is off the top of my head, but the -- they used high efficiency landscape irrigation throughout and it was all donated, if you will recall, because of that old-world chinese culture, there is no heat or air-conditioning in most of the buildings. [ laughter ]

**Katz:** We argued over at least one office space about that.

**Naito:** I think 100% of the stormwater on the block is treated on the block, including the lake, which collects the rain and evaporates from the lake. Also, I think a little bit of good news, the leak has stopped. So, we are not consuming as much city water as we were. So, I give us a leed rating of at least a gold. [ laughter ]

**Katz:** And could we get a rating from you folks on this? Thank you, robert.

**Naito:** I wanted to talk about, make one kind of preannouncement of an announcement that is actually getting -- will be made coincidentally with the, the leed proposal that's going to the Portland development commission, but jim and I are working on a project, commercial office building in the river district called one waterfront place, that's a 240,000 square foot office building with retail. And we have made the decision last week working with four architects that we would go for a leed certification on that project. So, pdc coming out of the box, hopefully, assuming they approve our plan and your proposal will have a leed project on the drawing boards. I wanted to talk today in support of commissioner Francesconi's amendment with regard to the eco-trust project that we currently have under construction and that went through the permitting process without the amendment. But, we did have a process manager on that project, so I want to make that point. But, I do this by analogy, saying in all the times I waited in those lines at united airlines to get my ticket with everybody else, I have always been envious of the 1-k people who had their own line and went directly in front of all of us and got on their airplane. And I think that that's a benefit that, that is a real incentive for us in the private sector to want to participate in the green building program. Two things about going beyond that, I think --

**Katz:** Is it all right for him to continue? Go ahead.

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**Naito:** It would also be beneficial both for the private sector and also for the city buildings that we will go through the building bureau. I think that there needs to be some kind of multidiscipline appeal board to take ideas like using rainwater to provide the toilet water flushing, is one example. I noted the other day in our work on the new building, that bes does not accept bioswales as a, as a mitigation measure for stormwater on-site, which came as a shock to me since ecotrust uses them and eco-roof to treat 100% of the stormwater on-site. And the other one, which really, I think, takes both felicia trader and commissioner Francesconi's point about retrofitting existing buildings, and that is it would be great to be able to take a, a structural proposal to an appeal board on this issue that said, as long as we meet the performance structurally that's required under the code, can we take an existing building and use other kind of nonacceptable by the existing records to get there, and if we can get a structural engineer to stamp the drawings and we can get a review board to say, okay, then it is going to save money on a lot of these, on recycling existing buildings, and then if you go, go and close that loop, the leed program gives people points for doing things on brown field sites, doing things in the center city where all the infrastructure already exists, and doing things with existing buildings. To, to, you know, extend their service life. But it is very difficult to do that and meet all the current codes without some kind of flexibility. Eco-trust wanted to do the rainwater system and abandon it when it found out it couldn't get a permit to do that. And I think that a lot of the, the, the, a lot of, of the hoops that we jump through would have been simplified if we had some kind of a board to go to that said that we could say, as long as we meet or exceed all your performance standards that are in the existing codes but we want to do it a different way, can't we do that. So that may be something that we could work on with margaret in the future and with commissioner Hales' office.

**Saltzman:** On the issue of using rainwater to flush toilets and use for irrigation, I think that we are going one better than actually having an appeal board. Again, working with the office of planning and development review, we are developing, and we have developed in draft form now what's called a code guidance document, which is basically a local building code, and right now we have it for residential developments that will allow basically sets forth, here's how you do rainwater harvesting to flush this, so it doesn't mean, so you don't have to do it on a case-by-case basis, we are setting forward the guidelines if you do it according to the guideline, you will get our approval. We are working on that next for the commercial sector, and what inhibited a lot in the past was some sort of law existed that somehow we were preempted from doing this, due to the clean water act, state building codes. Well, sort of as we sat down with opdr, and started attacking the law, we found out it is exactly more myth than reality, so now we know that we have the ability locally to develop code guidance to documents under which the local building community can do, rainwater harvesting and we are working on getting those that exist in draft form, the residential, and the commercial sector is the next deliverable one.

**Katz:** It will be easier than carrying it from your deck. To your bathrooms. [ laughter ] All right. Let's go ahead.

\*\*\*\*\*: I can see you are all catching on real quickly.

**Katz:** I raised this issue about a couple of years ago and everybody sat and laughed. So, this is now elevated to what commissioner Saltzman just said.

**Francesconi:** She did. I was there. She was the first.

**Logan Cravens, Zimmer Gunsol Frasca:** Good morning. I am logan cravens. 320, southwest oak, in Portland, Oregon. I am here on behalf of the amendment, principally but also the entire green building policy. We are herein support of it, principally because it is best practices and reduces energy consumption, creates healthy environments and safe-guards natural resources. The

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city and the private sector embracing this will benefit over the lifetime of the building. Specifically, though, I won't read the letter that we have included in the documents, but specifically wanted to underscore in the letter that we present is that while opdr can be given a mandate, they need to be given some resources and tools and everyone has already presented many ideas for initiatives to facilitate that, but if we do extend this to the private sector, those initiatives and incentives should be specifically geared towards exact measures, so it is not just a general advising and you know, help, help at the front end, anything that they need, like the water treatment, you know, the specifics of that, how do you get that done and what incentives are, are identified for that. So, we support both the green building initiative and the green building policy. We urge you to include the amendment. Thank you very much.

**Katz:** Anybody else want to testify? All right. Thank you. Roll call.

**Francesconi:** I just want to add my thank yous and congratulations. I actually do want to start with commissioner Saltzman. I learned things from my colleagues all the time during the past four years but dan, you have taught me a lot on this issue. You have been consistent from the beginning, and in the beginning, I didn't quite understand what you were saying and where you were going, but over the past couple of years, with your help and actually with others, you have done a terrific job in, in not only educating me but more importantly, changing our building practices in a way that really reflect the kind of environment that we want, and so I guess that I want to thank you on behalf of my bureaus and me personally. I also want to thank parks and fire because they want to do the right thing, and they are trying really hard to do the right thing, and they were trying really hard before I became the commissioner and they are trying even harder with me now as the commissioner, and I appreciate that, so thanks for what you are doing. Susan andersen, you deserve some special thanks not only for what you are doing but kind of how you are doing it. I mean, the collaboration that you are doing, because it is not only about mandates, it is bringing -- it is educates people, frankly. That's even more important than mandates, and you are doing that. And rob has been terrific in working with parks and fire. We are going to need that collaboration in the future because especially on a retrofits, there is some very difficult issues here, and there is going to be some tough choices that we have to face, and we need that continuing collaboration there. I guess that I do want to thank the council for accepting the friendly amendment, and I want to thank margaret maloney for working with us on this. We didn't want to just go right to the top of the pile because commissioner Hales put so much effort on this, and is more complicated because it also involves other bureaus and their regulations, but now we are going to report back in 12 months, and we are going to eliminate some of those other barriers in other bureaus with the leadership of commissioner Saltzman and the help of susan andersen and margaret, so I think that that will help. I do think having a claims manager on other projects that are not the big projects that wouldn't have a claims' manager will also help expedite it. And then, perhaps, we can get to the point of having performance measures, which the last witness talked about, and we can also then measure and document the increased time. We still need to get to performance measures on blueprint 2000, and in fact all our bureaus works, so we are, but we need to move in that direction with technical assistance and resources. But I do believe, as you all know, that if we don't engage the private sector, this won't make a difference. Okay. The last thing that I want to say is when I first brought this up, the practice, to gary, who couldn't be here, said this is the right thing to do. This saves money to the taxpayers and parks has been trying to do these practices because as was indicated by the testimony, energy costs go up, and are going up right now, this will save money and parks is always, has always tried to save money, so these are good for the taxpayers, too.. I am not sure that we have gotten that message out clearly enough, that this

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will do that, will protect the environment but it will also create facilities with overhead and operating cost and is maintenance costs, which in the long run, are less. So we need to emphasize that. But, most importantly, is just plain, as barbara said, in an e-mail to me, but she didn't read it, it is just the right thing to do. It is good stewardship of the earth. A limited edition, so aye.

**Hales:** I want to salute you, dan, and your staff for a good piece of work. It is a work in progress, and I want to continue to emphasize, and I know you, dan, and that susan shares this opinion, if this is going to be more than just a good label, it has to go further in its next editions in acknowledging the three principles of environmentalism being the same as the three principles of real estate, location, location, and location. And although I like this draft and I certainly want to support it, we haven't yet gone far enough to acknowledge the fact that the location of a building, washes out all other steps that might be taken in terms of its impact on the environment. Don't take my word for this. Get in a car, you won't hear me say this very often, but it is the only way to get there, and drive south on the i-5, to the i-5, 217 interchange, at which we are spending \$27 million of public money, 14 times the annual capital budget for all street-work in the city of Portland. We are spending 14 times as much on a single freeway interchange. Why? Because there are office buildings in the wrong place. Look at all the plywood, go look at all the concrete, look at all the erosion, and ask yourself, what could we possibly do to those buildings on kruseway to make them environmentally responsible, and the answer is, of course, nothing, so we need to go further in later iterations of this policy nationally, not just here and that's why I want to support this because you are on the right track and will exercise leadership in the national discussion in the refinement of this policy. But, until we get the location right, we risk having a good policy be like a green piece bumper sticker on the back of an suv, and I don't want it to be that. I want it to be real in its impact and until we really emphasize the location issue, we haven't gone as far with this policy as we should, and again, I know that I am preaching to the choir because I know you, dan, and you, susan, believe that. So, I want to support the policy now for as far as it goes, and encourage continued progress in getting the location criteria even more important in terms of the location of buildings because the parking ratio, everything else is driven by that location. And if the location is wrong, no matter what materials we use and what systems are built into the building, we will have missed enormous opportunities to be better stewards of the environment. Good work, aye.

**Saltzman:** Well, I thank my colleagues and council for their support, and I also know that, commissioner Sten, were he here today, would be an enthusiastic supporter, as well, so I want to say thanks to you. And I also want to recognize this really is the enactment of the policy and the standards today are certainly not the end of the process but really the very beginning of the next stage, which is the actual implementation and making the rhetoric reality, and that really is the challenge that lies ahead of us and many of the points that you all raised this morning will be part of those challenges, but I believe with the leadership of susan andersen and the good faith efforts of the bureau heads that make up the city here, we will work through the kinks and make this policy work and we will make the standard a success, and probably go beyond just meeting the certification level. I hope that we will be bumping up to meeting the silver standards in all our major buildings and retrofits. I do want to also thank the office of sustainable development staff. This is, as I said at the outset, the first major deliverable of this new office. And they have done an incredible job in coordinating this effort, and I particularly want to acknowledge susan andersen and rob bennett for their leadership. Secondly, the city staff that, and all the bureaus that really helped to craft this policy and standard, I put them all on a very tight time line for delivering this policy and standard, and I knew it wasn't easy for city staff, but they rose to the challenge and they met the time line and provided invaluable input into this policy, and I appreciate all of their good

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efforts. And that includes ron bergman of general services, felicia trader of pdc, and margaret mahoney of opdr, charles jordan of the parks bureau, and jean of the environmental service bureau, and the sustainable Portland bureau for their continued guidance on this issue, john eckland, who is not here today, served on the policy committee, kent snyder and bob weiss, both co-chairs of the Portland sustainable commission, have been long-time supporters, alan lee and thor, they also deserve thanks for their support of this, and many of new the local community here today and many of those who couldn't be here are enthusiastic about what we are doing. And finally, last but not least, I also want to thank edward campbell, by new chief of staff, who was originally brought on board as a staff assistant to make this happen and has made it happen and continues to make it happen and we will continuing to be working closely with susan and others in city council and the bureaus to make, again, the rhetoric, reality. Aye.

**Katz:** Congratulations, commissioner Saltzman. This is a wonderful notion and it is pushing the envelope a little bit further and it is setting up a policy for us and I hope for, and eventually for the private sector, as well. You know I always talk about measurements and making sure that we can attain the benchmarks and we will have to set benchmarks, if we haven't set them, for the length of time it takes on the permit system, the length of time it takes for each individual process that, that the architects and the engineers and the builders go through the money. I am impressed with the fact that the blitz-weinhard buildings are less than 2% or certainly less than the 3% figure that's been thrown out. The impact on the environment is probably the most difficult to measure, but that's really one of the main reasons for doing this. And susan had some numbers. I want to make sure that they are real, and to see if we, in fact, can get to those high level benchmarks by the projects, it would also be nice to know of the buildings that we are working on, how far we are able to get in terms of the positive impact on the environment. And then again, I sound like a broken record, but we need to make those code changes, or at least the possibility of some waivers for things that somebody else has thought of and we are not quite with them because we are behind the times. I won't talk about the toilet flushing, but you know, we want to capture the rainwater from the roofs, a serious issue that we have talked about, and use it for irrigation. But, in this climate and in the wintertime, you would have to have a huge storage tank to continually capture the rainwater and to now begin thinking about the reuse of the rainwater for these purposes makes absolute perfectly good sense. So, I am happy to support it, and I want to thank my bureaus, especially, the Portland development commission, as well as the bureau of general services, they will make it happen. We will make it happen. And the city will be ahead of the curve. Aye. All right. Thank you, everybody. We need to move on. Let's read 39, 40, 41, 42, 43.

**Items 39, 40, 41, 42 and 43.**

**Hales:** Thanks, mayor. Maybe just a quick, quick note of thanks and bravo to you, mayor, and to the council for dealing with one question that's sort of over and above these operating questions, and that is where are we going to go next with the streetcar, how are we going to get there. As you recall, we instructed vic rhodes, tim and felicia to work on the question of how do we pay for an extension of the streetcar to river place, that's still an open question, but we had a timely question about whether or not we are going to order the 7th vehicle that will allow us to serve riverplace and allow us to continue the expansion of the streetcar from an initial line to a system. And we are literally on the deadline now, and so thanks to this letter, which you drafted, mayor, we can make this commitment now for the vehicle with the understanding here on the council that we still have work to do about figuring out how we build the tracks to river place, but if we don't buy the vehicle now or don't order the vehicle now, we are not going to get it for a very long time, as long as, perhaps, three years. So, it makes all the sense in the world, and I want to thank you, mayor, for



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taking this step and obviously, it obligates all of us to cover that expenditure and still the obligation still rests on us on how to build the tracks down there, but without a vehicle the track discussion would be, at best, academic. So, thank you on that front. Vickie and Rick are here to walk us through all of the documents in front of us that basically put us on a business basis for operating the streetcar once we are ready to go this summer.

**Vicky Diede, Portland Office of Transportation (PDOT):** Thank you. Vickie with the office of transportation, and I am the city's project manager for the Portland industry car. I thought what I would do is just briefly describe the actions that are in front of you today, and both myself and another person will be available for questions. Rick needed to arrange a conference call.

\*\*\*\*\*: He's here.

**Diede:** He's already done that, all right. First of all, the resolution that would amend, or endorse the amended and revised Portland streetcar operating plan, this is, this has been kind of the result and natural progression of a number of different actions, the most recent of which was a presentation to council last July of the draft operations plan. And at the time that council endorsed that plan, also they directed pdot to finalize the agreements with tri-met to put the thing into effect. So, a couple of basic premises were carried forward in that. One of them was that tri-met employees represented by the amalgamated transit union had the skills and experience to help the city operate and maintain the system and that the city has the primary responsibility to do so. About the only changes between the July document, or -- yes, the July document and now is that there are more precise and specific budget attached to it, and that in the earlier version, there were employees of the Portland streetcar inc. That are now employees of the city. All of the operating parameters remain the same. The second item in front of you is the ordinance, the actual funding agreement with tri-met. In the term of this agreement is to June of 2006. It started at the 1998 memorandum of understanding between the city and Portland as to how it would participate in the funding of the operations in the maintenance of the system. As you recall, tri-met is committed to do providing up to two-thirds of the operating and maintenance costs with a maximum of 1.6 million, and a total maximum of 8 million over the five years, actually it is a five 1/2 year agreement. All the negotiations have been done. Tri-met also agreed to provide some funding in this current fiscal year to assist with the start-up. The third ordinance is the agreement with tri-met for the personnel to come from tri-met to Portland streetcar. Tri-met will supply 13 operators, three maintenance -- two maintenance technicians, and three superintendents to Portland streetcar. For the operations and maintenance of Portland streetcar. They are, and they will continue to be tri-met employees represented by the atu. The atu is also expressed an interest in further supplying some additional work related to the overhead system, track and substation, rail signals and powered tracks. All those fun things. But, they have agreed that there would be no objection to the city using its own employees in the places it may be appropriate. And we are putting together the procedures on how we would go to them to do that and if it works out for everybody, we would use the employees for that, and if not, we will contract it out.

**Hales:** You are right, in 1929, somebody asked Samuel, what does labor want, and he said more. [laughter]

**Diede:** It has been an interesting process but everyone has been extremely helpful for trying to make it all work.

**Katz:** Oh, I am sure. [laughter]

**Diede:** The fourth ordinance then is, is, an agreement between the city and Portland streetcar inc. For assistance during the operation and maintenance of the project. Basically, psi, went through the contracts and consultants or other contractors will provide personnel to work under the

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direction of the city. The city's project manager as the general manager to assist us with all the variety of services that we would have to undertake to actually go out there and run this thing now that we have almost got it built. Let's see, and then the last thing in front of you is the ordinance that would authorize amendment number 6 to the city Portland streetcar agreement that is currently in effect and -- in the project management and construction management services. Based on the current schedules for all the elements and the vehicles, there is a need for ongoing services. And then also to provide for the orderly closeout of the project. That particular amendment, there is something interesting in it, I think, is that we are increasing the compensation to psi by an amount of about \$59,000. And it is two things. One of them is there is 221,000 of services that we are requesting, but the city is also receiving a credit for almost 16 -- \$162,000. It turns -- sound transit up in Washington is going to buy three Portland streetcar vehicles, exact same design, in fact our 6th and 7th cars will come out of that run. So Portland streetcar inc. And their consultants, they sat down and figured out the money we spent on the design issues of the car, and then they sent them a sound, sound transit a bill for 3/8's of that cost, and they paid that, so that money will be coming back into the system. And that, basically, is what we have today. We are still moving forward and will start some testing on the lines here in a couple of weeks, and we are going to operate this.

**Katz:** Thank you. Questions of vickie? Anybody else want to testify?

**Saltzman:** We actually have a vehicle that will we will be testing?

**Diede:** We will start testing with the trolleys, and in fact over the weekend, we had a, a maximum closure to work on the crossing of the lines, and we transferred one of the trolleys to our system, so it is in its house right now, and we will start some static testing in about a week to ten days.

**Katz:** Good. Do we have anybody? Anybody want to testify? Any questions? All right. Let's take them one at a time. **Item 39.**

**Francesconi:** Brief comments, once, and then I am nothing else. Commissioner Hales, really, you are to be commended for hanging in there and doing this and persevering in making this happen, and you picked the right person, vickie, to make sure it happens. In the arrangement with psi, it is very important right now to make sure this is done right, and by these agreements, you know, making sure that this line operates right and is successful is very important. And so this makes sense. As we start talking about expanding the streetcar, I need some help understanding the long range operating plan and who is doing what and how we are going to pay for it. Okay. The current arrangement where we contract -- tri-met contracts with us to run a transit service, and then we have special services from a private board makes perfect sense right now. It is very creative because it will help make sure this thing is done right in the beginning. But as we start now talking about expanding, I am not convinced that that's the ideal long range arrangement so I will need a little help understanding the long range strategy as we are spending more money on it. Okay. I just wanted to let people realize that. Right now, it makes sense because success will breed success. Aye.

**Hales:** I also want to thank you, vickie, and all our staff at pdot who worked so hard on this and rick and the rest of the folks and our contractors who have continued to meet or exceed expectations and solve difficult problems. Rick spent a good part of yesterday negotiating with the atu successfully. Thank you. Those of us who have to deal with labor negotiations know that ain't easy, and again, we keep solving these problems and moving this subjective closer to reality, so thank you for great work. I look forward to riding some streetcars this year, aye.

**Saltzman:** Good work. Aye.

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**Katz:** Commissioner Hales, you ought to be congratulated on this. I remember you and I were sitting together and you said, you know, we both would like to see something and start it and not worry about where we go next, just get it done and you have. We are at a point now, we have committed as a council to get the 7th car. Tim and I will try to work out the best funding arrangement for that, that still gives the council some flexibility for the budget, during the budget period. But, the long range plan, if all of us want the streetcar, eventually, to go to north mcadam and across the hawthorne bridge to our neighborhoods, we will have to have a business plan to make this happen. And it will have to compete with everything else that the council wants to do. And I hope that, as we get into the budget discussions, that will be on the table, because it is a very important project for the entire city, and we have now almost are out of the core of the city, ready to go across to the neighborhoods, but right now, the funding is, is questionable. So, this is a wonderful solution. You will get your 7th car in time, and then we will have a discussion with the council on where do we go next. Aye. **40. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Katz:** Mayor votes aye. **41. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Katz:** Mayor votes aye. **42. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Katz:** Mayor votes aye. **43. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Katz:** Mayor votes aye. Thank you, everybody, and we stand adjourned until 2:00. At 11:10 a.m., Council recessed.

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2:00 PM

**Item 44**

**Ruth Spetter, Senior Deputy City Attorney:** Good afternoon, members of the council. This matter is on the record, and what that means is that it is not an evidentiary hearing. Those who speak must limit their remarks to the evidence that is already compiled in the record. So that you may refer to that evidence but it is not appropriate to refer to new evidence. If you are speaking, someone may challenge what you are talking about to determine whether or not, in fact, it came in before or is new matter. Madam mayor, are there any other matters that you need to ask the council about?

**Katz:** Decoration of conflicts of interest by council members. Decoration of ex parte contacts by council members.

**Francesconi:** Well, I don't think this really applies to this, but let me say it anyway, early on, actually, the first time when the sheriff was trying to cite this, I think I happened to be present at that community meeting many years ago, and then there was some efforts at the twin towers site, and I became aware of that. I have had no conversation with anybody regarding this site, that I can recall.

**Katz:** Does anybody in the audience want to challenge us on whether we, in fact, have conflict of interest or ex parte contacts? If not, then did you want --

**Spetter:** I just wanted to ask the commissioner, from the comments you have made, do I understand correctly that nothing that you heard before, either you don't recall it or in no way is going to influence your decision today, is that right?

**Francesconi:** That's right.

**Katz:** Okay. Then we will have a staff report for about ten minutes, and then we will have the appellants for ten minutes, and their supporters for three minutes. We have eliminated the five minutes for neighborhood associations. We have three minutes, and then people can come up and speak for three minutes. Then we will have the principal opponents for 15 minutes, other opponents for three, and then the appellants get to rebut for five minutes, so we will start with the staff report.

**Doug Hardy, Office of Planning and Development Review (OPDR):** Thank you, mayor Katz, and council members. My name is Douglas Hardy with the office of planning and development review. Multnomah county proposes to construct a 525-bed medium security correction facility on the 18 acre site. These types of facilities are permitted in the city of Portland, only through an approved conditional use review. The site is located in north Portland in the river-gate industrial district in what is known as the leadbetter area, a tract of land that is surrounded by the smith bybee lake. The entire site is above the 100-year flood plain. The site will be accessed from north leadbetter road to the north, and north leadbetter road then connects with north marine drive located north of the site. As seen in this photo, the rivergate district is still developing, existing development in the immediate vicinity --

**Hales:** Wait a second, are you doing power point stuff because I don't think that we have got it any yet.

**Katz:** That's a problem with you. Oh, maybe not.

**Hardy:** So, as you can see on the aerial photograph here, the rivergate industrial area is still developing, and existing development in the immediate vicinity exists predominantly of light industrial and warehouse uses. Zoning for the site, it is zoned for heavy industrial with what's

called an aircraft landing zone overlay. The heavy industrial zone provides areas where all types of industries may locate, including those that may not be appropriate in other areas due to their undesirable impacts or appearances. The aircraft landing zone is intended to enhance safety for air traffic in the vicinity of the Portland airport, but this particular proposal is not impacted in any way by that overlay. The surrounding properties to the north and west are also located in a heavy industrial zone, with abutting property to the east, and to the south located in what's called an os or open space zone. There are some environmental overlay zones mapped on three sides of the proposed development, including over the smith bybee lake area and the columbia slough. However no portion of the county's development site, including the stormwater outfall is, located within any of the environmental overlays. This is the proposed site plan for the facility. The facility includes a 155,400 square foot building, basically, consistently of 1 to 3-story components. The vehicular access to the facility will be via a driveway, again, to the north, connecting to north leadbetter road. And access road encircles the proposed facility with a security fence around that perimeter. Parking for 204 vehicles is located in the north part of that site. Of the 525 beds proposed for the facility, 225 will be for prison inmates with up to 300 for offenders who have alcohol, drug, or mental health problems. The facility will have persons in custody, waiting trial, offenders, waiting sentencing, and sentence offenders. The typical stay for inmates will be approximately 18 days with a stay for participants in the treatment program, typically, about 5 to 6 months. All inmate behavior and activities will be monitored by sworn officers, including the transfer of inmates to the site. The stormwater disposal will be required for the facility to meet the requirements, bureau of environment, to services, stormwater management manual, for both stormwater quality, as well as stormwater quantity. And the, the county has retained 62% of the site impermeable area to help further reduce the stormwater run-off. Part of the proposal does include a perimeter landscape buffer, 40 feet, and width, that encircles the entire facility. This 40-foot buffer would be in addition to a 200-foot wide buffer proposed by the port of Portland that is basically outside the boundaries of the county development site. This is basically a section of that proposed buffer, you can see the county buffer here, 40 feet in width, is a fairly dense buffer, consists of native species of shrubs and trees. The building massing, the, the proposal will be consistent with a scale height and massing of existing industrial development found in the surrounding area, that the maximum height would be 45-feet above grade. That, again, would be similar in height to existing development. In coordination with the 15-member citizens working committee, the county has agreed to clad the exterior of the building in a synthetic plaster of earth tones, and again, this is consistent with what is found in the surrounding area. And briefly, I would like to take a brief tour of the site and the surrounding area. This, that you see in the foreground here, is the existing north leadbetter road. The proposed site would be off, over to the left, off here.

\*\*\*\*\*: That's the cul-de-sac?

**Hardy:** This is the existing cul-de-sac at leadbetter road.

**Katz:** What's the facility on the right?

**Hardy:** The facility on the right, it is a -- I don't remember the exact, it is a light industrial type of use. And this is -- in fact, this is a closeup of some of those uses in the immediate vicinity, and in fact, it looks like a distribution center. These buildings you see here are fairly characteristic of the type of development that you see out in rivergate. There are some active rail crossings that exist in the immediate vicinity, including this one on north leadbetter road, approximately 550 feet south of marine drive. This is a view looking southwesterly across the development site as you can see, it is a flat site, consisting predominantly of sandy fill that was placed on the property by the port in 1993. As you can see, the site is presently vacant with limited landscaping, other than sort of a

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grassy ground cover. The site, as I indicated, is surrounded on three sides by water, including the bybee lake, along the east and southern perimeter, as seen here. The Columbia slough is found along the western perimeter of that site. And the northern perimeter of the site is bordered by a mixture of light industrial uses and cargo operations. The approval criteria for detention facilities, as indicated in the zoning code, basically to summarize the appearance of the, of the facility, must be consistent with the intent of the zone and the character of the surrounding uses and development. Number two, that the facility in its operation will not pose unreasonable safety threats to nearby uses and residents, and number four, that the transportation system is capable of safely supporting the proposed use and this would be considering street capacity access to arterials, transit availability, on-street parking and pedestrian safety. And lastly, that public services for water, fire, and sanitary and stormwater waste disposal are acceptable for the proposed facility. The hearing officer had, did recommend approval of the requested conditional use for the facility with several conditions. Number one, that the requirements of odot rail division must be met regarding upgrading existing upgrade rail crossings, and number two, conformance with the transportation demand management plan, as identified in the applicant submittal, that the final plat creating the lot must be approved, parking spaces must be provided. The facility must conform with the appearance of the facility as identified in the applicant's submittal under exhibit a-3, and the design and operation of the facility must conform with exhibit a-4 that deals with safety use, and lastly, that the approved uses on the site would be limited to those in the applicant's submittal. The st. John's neighborhood has appealed the hearing officer's decision. Basically, there are four appeal issues. The first is that to insure the area's safety, condition of approval must be included, that requires the corrections facility, if the police station or the local station are removed. Staff's comments in response to that appeal would be that representatives of both the police and fire bureau have previously testified and confirmed that police and fire services are adequate and will remain adequate to service this facility. Appeal number -- or issue number two is that adequate public transit is not available to serve the proposed facility. Staff comments that while there is limited public transit in the area consisting of a single bus line operating on north marine drive, the approval criterion requires that the applicant demonstrate only, and I quote, the approval criteria that the transportation system is capable of safely supporting the proposed use. If you remember, in determining the ability of the transportation system to safely support the facility, the availability of public transit is only one of eight transportation considerations that are evaluated. Portland transportation has reviewed the proposal and finds that the facility, in fact, will produce less traffic than surrounding uses that would be allowed by right on the site. That the carrying capacity of the streets would not be adversely impacted by the proposal, and that streets connecting to the site will have sidewalks and that the county has a plan in place that would reduce the number of vehicle trips coming to and from the site on a daily basis.

**Katz:** How many people are going to be working there?

**Hardy:** I believe that there is 150 employees, is that correct? 180 employees working at the site.

**\*\*\*\*\*:** Actually, it is --

**Katz:** I know I looked at it but I couldn't remember. All right. Keep going.

**Hardy:** More than 150, less than 200, I guess. So therefore, on the balance, pdot finds the transportation system is capable of supporting the use and finds that this approval criterion is met. Appeal issue number three, the public benefits of the facility do not outweigh the adverse impacts of the proposal will have on the surrounding community, and that the county must mitigate for these impacts. Staff comments that the appellant has not specifically, number one, identified what needs to be mitigated, related to the proposal, and in any case, as proposed and with the conditions

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of approval, recommended by the, the hearings officer, there are no adverse impacts that have not been mitigated. It should also be noted that the land use approval criteria do not specifically require that the applicant demonstrate that the public benefits outweigh any adverse impacts that have not been mitigated. And finally, appeal issue number four, that the site is in violation of state laws that forbid filling in the smith and bybee lake area, and that the conditional use requests cannot be approved without requiring compliance with state law. Staff responds that the, the hearings officer is obligated to make a decision on the land use case, based on the applicable approval criteria contained in the zoning code, and there are no applicable approval criteria directed at conformance with state requirements in the zoning code, or for that matter, with federal, county, or other city code requirements. The purpose of the, this land use review is to determine conformance with applicable land use approval criteria, of title 33. At the Portland code, and not to determine conformance with state law. And if you remember, there is a letter that has been submitted into the record by the division of state lands and in that letter, they have indicated that the fill, in fact, was authorized by the state and that they would pursue no enforcement action related to any fill. So therefore, at this time, there is nothing in the record that would indicate that there is any fill in the site that violates the state law requirements. And that concludes staff's presentation, if you have any questions of staff.

**Katz:** Okay. Let's put up the lights. Questions? By council to staff? If not, let's hear from the appellants. You have ten minutes.

**Jane Bogus, Vice-Chair, St. Johns NA:** I will. I am jane bogus, I live at 9128 N Buchanan in st. Johns, 97203. I am the advice chair of the st. John's neighborhood association, so the concerns I am bringing to you are not my own but the whole neighborhood. The hearings officer's decision, page 19, paragraph 6, the county or other operators will establish a policy to prohibit county or any other contract engaged or transport inmates or persons treated at the facility. And from using residential streets and further construction vehicles will be required to contract to use designated routes appropriate for truck travel. Does that include ivanhoe, lombard and these streets are part of the neighborhood. Children cross these streets every day to go to school, k through five and one middle school. One of the schools stopped crossing guards several years ago because it was too dangerous for them to be on lombard. While the trucks were going by. There are two truck routes, columbia boulevard and marine drive. Are these the streets, the hearing officer, was talking about? We would like to make sure which streets they plan to use. I would like to invite you all to come out and watch the crossing of a morning of the children. If you give me a call, I would be glad to meet you there. Reno and lombard, that's where the children, most of the children cross to go to 2nd grade school. And see, there is a push-button light, and the kids push the button and the trucks don't stop. So, we would like to have the trucks not use that street. St. John's needs a guarantee that there will always be a fire station and a police department in st. John's as long as there is a jail. As you know, we have had to fight at least twice that I know of, to keep our police department there. And I believe, and so does the neighborhood, that, unless this is in our, our conditional use permit, five or ten years from now, you people are going to be gone and there isn't -- nobody there to say hey, they need that police department or that fire department. So, we want it in the conditional use permit. You know, we have a great neighborhood. Please help us keep it that way. And I have donna babbitt and mikey jones to -- want to speak on this?

**Katz:** You have about seven minutes, go ahead.

**Donna Babbitt:** Donna babbitt sorry, live at 9941 north willamette boulevard. 97203 in the st. John's neighborhood. Anyway, regarding the conditional land use permit, decision of gregory frank, hearings officer. We are in opposition to the hearings officer's decision. We do not feel that

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Mr. Frank responded to our comments and concerns put forth to him on October 30th, 2000, concerning the criteria of section 33.a-15.205, detention facilities. Further, the reason for this appeal is the failure of the hearings officer to consider or discuss the validly raised issues by the members of the St. John's neighborhood decision in his St. John's neighborhood association, in his decision. The neighborhood and others testified to the public safety criteria, transportation and some environmental issues that would impact our neighborhood greatly. Another concern is the neighborhood's contention that the issue that, to the issue of the conditional land use permit, without requiring compliance with state law, which is the implementation of the state development goal, is in itself, an illegal act, specifically the state law that I am referring to is 196.820, titled prohibition against issuance of permits to fill Smith and Bybee Lake. A copy of that law that I just stated is in the appeal that we have put before you. The law was passed in the state legislature in 1977 at the behest of the neighborhood. In addition, there exists an obvious state land use policy found at 196.627, and 196.805. The author of that law will be speaking to you, Mr. Jim Crest, shortly, so I am not going to read it totally to you. But, in a nutshell, the law is clear that the only fill that can occur at Smith and Bybee Lake, quote, "such fill is to enhance or maintain fish and wildlife habitat at or near Smith Lake or Bybee Lake." The Port of Portland illegally filled it Bybee Lake without a fill permit from the Division of State Lands. Both myself and another citizen brought up this law, 196.820. And it was not addressed by the hearings officer. It goes against, quote, "state land use goals." And this fill is a nullity. You members of the state council cannot consider the fill on the Leadbetter Peninsula because it is a violation of state law. You cannot give, as a city council, sanctity to a CU type three permit with this clear violation. The testimony brought up by Mr. Jones to the hearings officer, Mr. Frank -- Mr. Frank, asked questions that were never answered, and I am quoting from the record of testimony, and that was a written testimony that we submitted to you. From that date. And he states, now, here's my question to you, and it has to do with the burden of proof. If I say that there is no fill commit, do I have to prove it, or do they, and will they provide the fill permit before you make your decision? Or do you care? Mr. Frank's response, "Mr. Jones, don't push your luck at all. All right, I am going to take a look at the basic requirements of the applicant." Then disregarding the question we put forth. The hearings officer never answered Mr. Jones concerning burden of proof. You see, it is the Port's responsibility to shoulder burden of proof, and they never have. When this issue of citing the jail was put into our laps in October of '98, we immediately became aware of the violation of state law. We eventually took our concerns to Multnomah County Commissioners. We at St. John's were ignored. I was so concerned about the violation that I spent numerous hours up at the Department of Fish and Wildlife researching the permits that were issued to the Port of Portland. During the time frame of 1978 through 1990. And I am telling you that there is no fill permit that exists. I further filed a complaint with DLS on May 29th of 1999, and other letters that I submitted to all of you individually with my testimony. So we ask you to dismiss the CU type three permit based on the illegal fill, or at the least, remand it back to Mr. Frank. My purpose in telling you all of this is to educate you so that you do not continue any illegal action that has already taken place by the Port of Portland. Also, I think it would be move you, and I have a copy of it and I am asking that the record stay open for seven days, if you don't have it, I will be happy to supply it, is the total rules for issuance and enforcement of fill removal and permits, and also our written testimony. I just want to touch on two more things, and then I will end. I told the hearings officer, there is in bus service adequate on Marine Drive. Other people are going to speak to that, but with what is there, just at peak hours, will not suffice for the overload impact into our neighborhood. As far as the 100-year-old flood plain, you will hear it is no longer in a 100-year-old flood plain. If the fill is a nullity, you cannot



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consider the fill, and without the fill, there is not the height that's demanded to take the site out of the 100-year-old flood plain. So, there it lies. I also brought up the community issue of children and outdoor classrooms around the lakes. This is a key issue that we would like addressed, also, at remanding it, and I had asked for the western report from the report that ironically came out in october of 2000. That was never responded to more given to our neighborhood. All of these things need to be specifically addressed and they were not. I asked that the record remain open for seven days. Please refuse the cu type 3, or at least remand it back to the hearings officer. Thank you.

**Katz:** Thank you.

**Jones:** Two minutes? Does that mean --

**Katz:** Either that or you go back --

**Jones:** Can I have the three later on?

**Katz:** You can have three now.

**Mike Jones:** Three now, okay. Well, I will take my three now. It is -- what I mostly want to speak about is -- Oh. I am sorry. My name is mike jones. And I live at 2716 northeast mason. And first, just pretend for a minute, have the day-dream that we have, and that st. John's isn't in Portland, and that you are st. John's commissioners. Now look at the criteria you have for sighting a jail, tremendously, they are just not sufficient. At least we, in st. John's, don't feel, and we wanted some things considered. I think that the reason that your criteria are what they are is because there was supposed to be a siting process that preceded it. It turned out that process was a trojan horse. They sited it somewhere else and then all of a sudden they applied for a cu in north -- in rivergate area. This wasn't the site that they considered in rivergate. Was not the site. One of the things that the staff missed, and I just have to bring up, is the bus stop is 1.1 miles away. Now, which employees are going to walk 1.1 to get there after they get off the bus and so on. But anyway, I have got to hurry because I only got three minutes. But if you were counselor, one of the things you would like to say is all right, so we have to have this jail, okay, let's live with it but do we have to have corrections facilities all over the neighborhood? And the neighborhood hearings officer didn't seem to realize that this area is well within st. John's neighborhood association. It is in the neighborhood. But one of the things that we like to see is that they just consolidate all of the corrections facilities in st. John's. There is a parole office, why can't that go out there, too. Maybe the extra employees would make it so that the county could spring for bus passes, like other people do, and maybe the bus would stop there. All right. That's one issue, but I have to tell you that we just came back from lupa, on a remand, we were given a waiver for the fees, because, because we hadn't tried -- you thought we hadn't tried or somebody thought that we hadn't tried to deal with the county. Then we tell you, I am not in the neighborhood. I have watched the neighborhood. I have been involved in a lot of the things. We have tried everything, everything to get them to come to the table and talk to us about four little specific things. And we said that we could live with it. One is the precinct and the jail. Even mr. Worth admits every year the jail is up on the, the, the precinct is up on the block for moving. Nowhere in the record will you see where somebody considered how far, or how long it takes for a police car to get from the east precinct to st. John's. I think that sometimes you people don't even have an idea how far st. John's is from interstate. You don't even get that idea. How long it would take a police car to come from interstate, let alone union. Or excuse me, martin luther king. But, all of these things needed to be considered. Let me say again, we have scheduled and had on the agenda, several times, the sheriff, bobby, so on, vacations of all - - have always interceded. One time we had two people go to their meeting at their time to talk to things, and essentially, they were told, write your congressman, and jane will tell you how rude that they were.

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**Katz:** Mikey, your time is up, but I will give you another minute to make your point. I know you - you love to, to talk with us, and we appreciate it. And you won a spirit of Portland award, and because of that, I am going to give you another minute.

**Jones:** Okay. Nobody knows that was my second spirit of Portland award. That was --

**Katz:** You don't get two minutes.

**Jones:** I don't get two minutes for that? Okay. Okay. You must remand it because the things that we are bringing up are not addressed by the hearings officer anywhere. They -- and you can't handle them because he's the first, he's the court of first impression. From that, once he makes a decision, we can get an appeal. But, if you handle the things that, that the hearings officer should have handled, then there is no appeal. So, I am just saying that you must remand it. That was -- he said that. I just hope that you would think about just, just making a reasoned decision, why can't we sit down with the county. Why don't they feel like they have to. Why don't they feel like they have to meet us halfway? It is because we are really not represented in st. John's. Thank you very much.

**Katz:** Thank you. [ applause ] No, no, no, no, no: Okay. Further testimony?

**Olson:** We have pro and con, should we call the pro?

**Katz:** This is the appellants now.

**James Chrest:** Mayor Katz and honorable council members, my name is James Crest, and I presently reside, and don't hold this against me, 1630 A Street, Columbia City, Oregon. However, I was a resident of the city of Portland for 44 years up until 1991, when I moved to Columbia County. Portland, today, is still my favorite city in the world and I have seen many cities in my lifetime. I appear before you today at the request of long time friends and neighbors from North Portland to discuss certain elements of the placing of the Multnomah County Corrections Facility in the Rivergate area of North Portland. I want to say here, interject. I didn't realize how naive I was until I learned some things today, and I will get into that in a minute. I am not here to debate the merits of the correction facilities being located in the st. John's or any place else in North Portland. I am here to urge you to follow the laws of the state of Oregon, as I understand them, or at least one of them. Please bear with me for a little history. I served on the House of Representatives from December of '74 until January of 8:'82, four plus terms, I had the honor to serve with the Mayor of this great city. One of the major issues I brought to the legislature was an idea to somehow say what was left of Smith and Bybee Lakes area in the North Peninsula. It was not an easy issue for me personally because much of the fill work that had been accomplished and was still going on, related directly to one of the most important efforts imaginable. That was the construction of a major marine terminal that would handle containerized cargo, as well as auto imports and exports, and I worked on the water-front in the maritime shaping business as a marine clerk. I made a very good living at this facility and others on the Willamette and the Columbia Rivers. But, I also wanted to see those lakes saved, or at least what was left of them. I had fished and played as a kid all through the area. Hunted ducks and geese and when I grew older, and on the same lakes. But, I knew that those days were over, industry was moving in fast, and would continue to do so. The grain elevator was built along with Terminal 6 and the auto docks. Another issue in st. John's was the st. John's land-fill, in 1975, it was expanding into the lakes. And in fact, one lake had already disappeared into the fill with garbage. The people of North Portland, myself included, wanted the land-fill closed. I was certain there were throws in government, as well as in the general public, that would see the merit in saving what was left of the lakes. At the start of the '77 regular session, the legislature, I introduced House Bill 3192. I had many discussions with elected local government officials, both the city and the county, as well as with the then executive director of the port of Portland and their

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staff. I tried to find a way to reach a compromise in drifting this piece of legislation, the intent of which was to stop the filling in of smith and bybee lakes. But how do you draw the lines? With information provided by the port of Portland, it was agreed that those lines would be drawn to the line above sea level and would allow fill work to continue and accomplish the industrial expansion most people wanted to see far into the future and still provide for the preservation of the vast majority of smith and bybee lakes for wildlife and recreation use. As for the landfill, itself, my discussions with the then mayor, council members and staff and others involved with solid waste management led us to an agreement that the landfill would stay open with one small additional expansion. Then the landfill would close. The day finally came when the st. John's dump was closed forever. With very little complaining from the citizens of north Portland, I can tell you. With a dream reached with all parties to the best of my knowledge, I asked the then director of the division of state lands, who had the final approval for such fill work in the state, how best to write the language that would assure that no part of smith/bybee lakes area in question would be fill for any reason again. He simply stated that it should prohibit the director from issuing permits to such work.

**Katz:** One second, do I have the council approval -- yes, go ahead.

**Chrest:** Okay. Thus, house bill 3192 was drafted. And amended and made a part of Oregon law. Section 2 of the bill reads as follows, and I quote, "notwithstanding any provisions or as 541605 to 54655, to the contrary. After the effective date of this 1977 act, the director of the division of state lands shall not issue any permit to fill smith or bybee lake located in Multnomah county below the contour lies which lies 11 feet above mean sea level as determined by the 1947 adjusted united states survey datum, unquote." Passed the house overwhelmingly with the aye vote, and was in the senate and signed into law by governor bob straub. The city of Portland did exactly as you would expect any citizen of this city to do, obey the law. For in you do allow this fill to proceed, you will be in violation of state law. It was my intent when I introduced the bill to prevent further filling of the lakes as defined in the bill. It was the legislature's intent when it passed the bill into law. No one can fill the lakes and no one can issue a permit to do so. No more filling. I have the enrolled house bill, house bill --

**Katz:** That's all right, jim, why don't you close.

**Chrest:** Okay. It is here if you would like a copy of it. I kept this as a souvenir for 20 some years. Now, I said that I was naive. I found out today that the port filled this in 1993. How they got a permit, I don't know. I heard your council say that a permit was issued by the division of state lands. The division of state lands can't issue such a permit. So that's the total question.

**Katz:** Thank you. I just want to re -- one second, I want to reassure the other side, you will get a little bit of extra time, as well. I noticed people getting a little nervous. Questions?

**Francesconi:** Just, I mean, you understand from your prior experience and you've benefited a lot of citizens but -- which we appreciate. It was before I was on the council. But you understand that there is certain rules that we have to follow and the rules in the record here say that the fill is -- was permitted. You agree with that or disagree. So, you understand that there is a state laws and there is a forum for contesting the state level, but we have certain rules here that we have to follow, I mean, you understand that from your prior, so you are asking us to kind of not follow our rules, and yet there is another forum at the state level to be arguing this. I am having trouble with why you would make that argument.

**Chrest:** Well, I make the argument that the fill, as I find out now, should never have taken place because there was no one that had authority to issue the permit. The state division, the division of state lands did not have the authority to do that. If, if, in fact, they did receive it. Now, I know that

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city, county, issues and laws and et cetera, sometimes come in conflict with state law and state law, when it says so, overrides most of those kinds of ordinances. I know those kinds of things have come into play. But it is my position, and I would certainly think it would be the laws' position that this overrides that.

**Katz:** Okay. We will poke at that a little later on. Thank you, jim.

\*\*\*\*\*: Okay. Thank you.

**Katz:** Thank you. Any more for the appeal? Do you have your hand up? Why don't you come on down and we will listen to this gentleman. Go ahead.

**Lee Reynolds:** Thank you. My name is lee reynolds. I live at 9816 north leonard street in st. John's. I look out my back bedroom window at the intersection of lombard and reno where the children cross. I have heard trucks come to screeching halts with the nose of the truck clear out across the intersection. After dark, that section of lombard becomes a racetrack. You can listen to the boys with their loud mufflers and the loud motorcycles with their loud mufflers going down there. But anyway, this jail is going to have 500 beds to start with. And then 2,000 beds in the future. You have got 140 parking spaces and 180 employees starting. All of these people are not going to be coming i-5, marine drive, or columbia boulevard to get there. I would venture to say that 90% of them are going to be coming right through st. John's right up lombard to get there. Increasing all the traffic, and in the end, they say, there is no bus service. There is going to be an awful increase of traffic, not only of the people working, but all the visitors going to this jail, plus all the bus loads of people going to and from that jail to get down here to this courthouse and back. Since the parole office has been in north Portland, we have had a lot of very strange people walking our neighborhoods. And a good 50% of them are looking in everybody's yard to see what they can pick up. My wife vacuumed up a few little ants that was out on the patio. She brought the vacuum cleaner around and left it sit out on the front porch because she was afraid that these critters would come back out of the vacuum. We went to the store and came back and the vacuum cleaner is gone. And it was less than a month old. So, to get back to the other two, the children on their field-trips going out there, I have seen them out there. I have watched them. And they are going to be cut off. So that's all that I have to say. Consider the impact that it is going to have on everybody in st. John's. Thank you.

**Jada Mae Langloss:** I live in tent town across the city, and they elected me without my permission and didn't give me anybody to run with. So, maybe we will discuss that later but the solution for the st. John's correction, of course, is to build in an ecology where judges and prisoners and counselors and all the things that go along with the prison industrial city can all live together in a three-dimensional community that doesn't make traffic problems for everybody all over. I will be very happy to renew my book called "city in the image of man." Now, the new crew over there, the new generation of tent people, they really like that book, too. And there is some mighty nice people over there. I really am proud of them. I hope you can meet them some day.

**Katz:** Thank you. Don't take the book out and keep it for another three years and have me pay the overdue bill.

**Langloss:** When I get elected I will pay you back and then I will shave, I started my new beard.

**Katz:** Okay. Anybody else want to speak for the appellants? All right. Then let's have the principal opponent, 15 minutes. Principal opponent to the appeal..

**Dan Noelle, Multnomah County Sheriff:** Good morning, mayor, and commissioners. I am dan with the -- Multnomah county sheriff. In may of 1996, the Multnomah county voters approved measure 2645 authorizing a general obligation bond to construct a new corrections facility. The need for the facility at that time and in 1997 was critical that we have this facility. At that point,

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we were releasing back into the community 6300 inmates that were, during that year, that should have been held and were being released due to overcrowding. In 1998, with some additions that we made to the facility of about 400 beds, and by double bunking the justice center, we actually brought that down to 1998, to zero, and we were releasing no inmates. Unfortunately, however, I have to tell you that starting in march of the year 2000, we are back into capacity. We are full, and since march of 2000, we have released, in at least six months of the year of 2000. The problem that that creates is that those people out there are looking, at least last month when we released 44 people, they are out there looking for somebody's christmas presents and in somebody's house. We need a new jail, it is critical. It has been 4 1/2 years. We have tried to do everything that we can to make sure that we do it the right way. This is the second time, as you know, that we have been in front of you with this site. The confronting this urgent community need is important. I implore you to do this today and deny the appeal. I know you all know this story, but the other piece of this is, we have done our homework with the community. We have gone out and worked with the community. We have worked with them over and over again, and we have a requirement from our own board of county commissioners that we come together with this facility in a good neighbor client. We intend to continue that community outreach and you will hear a lot about that in the testimony today. Lastly, I want to talk just a minute about one of the exciting elements that we are building into this facility. As you all know, 70% of the people that we book, and we book over, about 45,000 people a year through our jail, 70% of those people have serious drug and alcohol treatment needs. 300 beds of the 525 beds we are going to build at that facility are designed specifically to deal with in custody drug and alcohol treatment. This is an important issue that our community needs to deal with, and we are ready to move forward in, I think, an exciting and innovative way to try to finally stem this problem at the root, and that's with that's with this. And I have with me judy, who is the director of alcohol and services, I would I would like to have her take a minute and explain that part of the facility.

**Ginger Martin, Asst. Director, Multnomah County Community Justice:** Mayor, members of the council, I am ginger martin and assistant director for the Multnomah county community justice responsible for treatment services. My address is 501 southeast hawthorne boulevard, suite 250, 97214. As you know, the facility will include 300 beds of secure alcohol and drug treatment. This is significant because our crime problem isn't -- is in part, a drug problem. As the sheriff said about 70% of those arrested and brought to jail test positive for jails. We know that violent and property crimes are very much related to drug and alcohol use. While it is very important that we are able to arrest people who commit crimes and to hold them accountable for their behavior, it would be far better if we could prevent the crime from happening in the first place. 6 but in order to do this, we need to get to the cause of the criminal behavior, which for a majority of offenders, is drug addiction. There is a large body of research that tells us that when we treat addiction, we will reduce crime. Further, designing programs specifically for offenders reduces recidivism even more. The facility will provide intensive and long-term treatment for both addiction and criminality, using state of the art approaches supported by research. We search on which addictions treatments reduce crime most effectively tells us that programs should be six months, at least, in duration. Use a high intensity treatment approach, address thinking and teach new behavioral skills and require community-based continuing care. The secure residential treatment program provides an important treatment option in Multnomah county's criminal justice system, especially for offenders who are facing jail again and again, because their addiction is not treated. We know that addictions treatment reduces crime, which, in turn, improves the safety of the community.

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**Clark Worth, Barney and Worth attorneys:** Representing the applicant I am clark worth with barney and worth, 1211 southwest 5th, Portland, 97204. I would like to briefly address two issues raised in the appeal. And point to exhibits in the record that we think clarify these. The first allegation is that public services are inadequate to serve the site. Now, or at some future date, specifically, police service and fire protection, according to the appeal, the outside chance that north precinct or the fire stations might eventually close, threatens the safety of our neighbors. Opdr and both of the city bureaus have submitted ample testimony in the record that this use and this site can be adequately served now and in the future. The police bureau's representative is here today to support the earlier statement. The fire bureau couldn't send anybody today but there is a letter attached to the back of your packet which basically reconfirms the availability of service. The second issue in the appeal is the adequacy of transportation service to the site. The initial facility will have about 180 employees spread over three shifts and seven days, and that information is the first -- it is in the first page of your packet, following the drawings there. There is a little spreadsheet that shows that in the middle column, which is the initial facility. The facility is projected to generate about 635 vehicle trips per 24-hour weekday. Pdot has determined that the existing transportation system is adequate to meet the facility's needs. The transit service in the rivergate area is limited. Today bus service on marine drive is weekday and peak-hour only. To address the second issue, the applicant has worked with pdot and odot to develop an extensive transportation demand management plan that is in the application as appendix e. Elements of the tdmp include teleconference facilities, which allow attorneys to visit clients without having to come to this site. You can have video arraignments using the facilities. Free bus passes will also be provided to employees. And then there is the county's innovative ride share program. All inmates will be required to participate. Traveling together on secure county buses. The long-term outlook in the area in the rivergate area is for better transit service. With the opening of imax and as rivergate employment grows, tri-met expects to be able to reprogram more bus service for rivergate. Also, Multnomah county has already contacted tri-met, columbia quarter association, port of Portland about long-term prospects for tma in the rivergate area. I want to also respond briefly to jane's question about the -- our understanding of the new condition added by the hearings officer, and we would understand it, that it would apply to those neighborhood streets that we mentioned. Our intention is to meet that criterion, a condition of approval. County and official vehicles, construction vehicles would be required to access the site only using the truck routes, on marine drive, columbia boulevard, north Portland road. So. With that, tim ramus, the county's attorney will handle the final appeal issues.

**Katz:** Okay. So the issue of what streets you are going to be using has been addressed?

**Worth:** We believe it has been, although my recollection of the condition, what it says is we can't use neighborhood streets. Our reading of it would be the same --

**Katz:** We may want to qualify that as we get into discussion. Tim? I will give you a few more minutes, sheriff. Why don't you stay there just in case you want to add something.

**Tim Ramis, attorney for applicant:** Mayor, members of the council, I am tim ramus, I am a lawyer at 1727 northeast hoyt here in Portland here today on behalf of the applicant. I am here to address the single legal claim that was made in the case, which relates to the fill on the site. We have learned over many months of conversations with the neighborhood that this issue is certainly presented in a very sincere way by the community, but our view is that the law, as well as the record in the case, does not support the claim. The impediment of the argument, is the state agency which has exclusive jurisdiction to decide this question, has reviewed the merits of the claim and ruled that against the appellants in this case. Following your decision on the land vision division,

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where this issue was debated at some length, mr. Pelt submitted a letter to the state land board through one of its members. That letter was referred to the division of state lands, which has jurisdiction. They did a review of the issues and issued the october 20 letter opinion, which you have in the record. That decision rules against the claims. So, you have in the record a specific decision by the jurisdiction, which has exclusive control over this issue. Also, I note in that opinion that it deals directly with the issue raised by mr. Crest. His question about, how could a fill have been permitted in the face of the statute. And the answer from the agency is that no fill was permitted within 25 feet of the 11-foot contour, which is protected. So, there's been a specific ruling on the point that he raises.

**Spetter:** That's not in the record.

**Ramis:** That, in fact, is in the record. It was submitted by the st. John's community themselves by mr. Piltz, and I can give you the, the site to the record. It is in exhibit a-8.

**Katz:** It is in the record, okay.

**Ramis:** The second problem with the claim is that in the face of this factual determination by the state, no substantial evidence, nothing tangible has been offered in response. So, there is no photograph, there is no survey. There is no measurement, no drawing, no picture, no -- nothing tangible offered in terms of evidence to rebut the factual finding that's made by the state. So, you are, in effect, being asked to overrule the state's decision without any record that would give you any basis to do so. And finally, our view is the one shared with the staff, and that is that the hearings officer was correct innocent ruling on this issue, because it doesn't relate to any of the approval criteria. We had no burden of proof. There was the question raised in the testimony about burden, and there was no burden of proof on this issue because the issue is not before this body for determination. So, there was no evidence that we needed to submit on that issue. Mr. Jones, I think, well summarized the position of the neighborhood when he said, the problem in the case is that the criteria aren't right. That is their position. They don't like the criteria. The problem that they have is that, in this quazi-judicial process, we cannot change the criteria. The criteria are as they, they have been adopted and the state statute says the decision must be rendered under the criteria as they exist now, not as someone might advocate them to be in the future. A final procedural point, the record has been closed, and therefore, I would object to two items. First, is the, the letter from mr. Pelt that was received by the city on january 8. That should not be included in the record. And second, the bulk of mr. Crest's testimony about his efforts relating to the bill, is also beyond the -- beyond the record. Thank you.

**Katz:** Ruth, is that accurate? Why don't you look at that to see whether that was included in --

**Spetter:** I do not have a copy of the letter that was submitted this week. I have a copy of the letter on october 20th. Is there another letter?

**Ramis:** Well, I received a copy of the letter submitted to the clerk, marked the 8th.

**Spetter:** From the neighborhood association?

**Katz:** And the testimony of mr. Crest, was that presented in front of the hearings officer?

**Spetter:** I was not at that hearing. I will have to ask mr. Hardy -- hardy. Whether the testimony that mr. Crest provided regarding his work in the legislature to get this legislation passed and so forth, whether that was presented at the hearings officer.

**Hardy:** It wasn't, no.

\*\*\*\*\*: The law was clearly addressed.

**Katz:** Was the issue of the law addressed?

\*\*\*\*\*: The statute was cited, yes.

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**Francesconi:** Tim, one question. What's the appellant rights, the appeal rights, if any, when the state land division issues a ruling that's in the record?

**Ramis:** It appears to me that this is -- falls under the category of an order, other than a contested case, and therefore, under the administrative procedure act, there is a 60-day window in which the decision can be appealed to the circuit court. It falls into the order, other than, of contested case because it is directed to an individual. It takes a specific position and takes a specific action. And is not a rule and is not an order of a contested case so I think it falls into that third category, 06 day statute of limitations.

**Francesconi:** You mean, writ of review?

**Ramis:** No, there is a state equivalent of the review, called an administrative procedure act.

**Spetter:** I would agree with mr. Ramus, the letter of january 2nd, 2001, is beyond the record.

**Katz:** Okay. And we will keep in the record the history of the legislation since that was mentioned. All right. Did you want to add anything?

**Ramis:** No, ma'am, I am just actually just waiting for any questions.

**Katz:** All right. Are there any questions? Go ahead.

**Saltzman:** Well, I guess the question on my mind is, I think you have answered the question about the access of the county vehicles and transport vehicles and all of that with respect to the local streets, so you are basically saying that you are going to, that the hearings officer's condition is, is okay. You are going to keep the county vehicles, transport vehicles, confined to columbia boulevard and marine drive in terms of the access to the facility?

**Worth:** Yes, we will. I believe that that is the toughest such provision that I have seen in the river gate areas but the county intends to comply with it.

**Saltzman:** Okay. I guess the other issue was the whole transit availability issue. And you have provided a response to a proposed condition that we had, that my office had been involved in discussion, I guess, with city council staff and your staff about the notion of, if a transportation management association is formed for that portion of the river gate peninsula, that the county would be a participant in that. The memo here, you replied back to my staff, so you are strongly opposed to that kind of a condition. But very sympathetic to the idea, so I guess I kind of want to sort that out. I mean, right now, even with imax completed, there is still about a mile distance, isn't that correct? Between --

**Worth:** Yes. And mr. Jones said the site is approximately a mile south of the closest bus stop. So, we are -- the county is very interested in finding ways to improve transit service to the site and has been in discussions already with all of those parties. In fact, several of them are here today to testify on that subject, and one thing might suggest is getting back to the topic, after you have heard some of the other testimony.

**Noelle:** It is our position, commissioner, the county's position that while we support the concept, we don't think that we ought to be held to the condition at this point in time with imax going in, part of what tri-met has told us, that they intend to improve service using the same resources, and that's when I think that we need to look at the issue. Obviously, as a governmental entity, we have been supportive, including negotiated contracts giving tri-met passes to employees. So, we do support that. But what we are saying, we shouldn't be held though that condition, which seems unwarranted under these circumstances.

**Saltzman:** So you are not adverse to participation in a transportation management association, you just don't want to have it as a condition, is that correct?

**Worth:** Well, one of the things that you are referring to, a letter that we provided to respond to staff questions, and one of the things that the letter says is that the long-term prospects for a tma



maybe much better than the current prospects. Tma, in order for a tma to be successful, they have to have a certain employment density in the area, and that means not just the county's facility, which would never have more than about 90 or so employees on-site in its initial phase. But, it also means the significant employment densities from surrounding industries are transportation experts -- our transportation experts have said right now, that it doesn't appear that rivergate has reached those employment densities that would justify a viable tma. Longer-term, with imax service, with bus service improvements, with the completion of the leadbetter loop, because leadbetter eventually will become a loop serving industries in that whole peninsula and the bus could actually come down there then with those improvements long-term, there is a much better chance for a tma type of approach or for enhanced bus service that will solve the problem. But tri-met won't even make decisions on the future bus service related to imax for around three years. So, I think that we are a little bit wary about a condition with so many unknowns and with -- on the surface, the analysis showing that a tma now wouldn't work. It would have to be at some future time.

**Saltzman:** Which I believe, I don't have the language of the proposed condition but I believe it not having to be a requirement now but at some point in the future. And I guess, you know, maybe this is a little -- my concern is less about employees getting there, but, you know, you are going to have 300 beds, or almost 300 beds for a and d treatment. And I would assume a valid component of a successful a and d treatment program is visitation, family contacts, and yeah, as a result, there is no practical way for anybody, other than family members, to visit, other than by car. Under scenario, so that's kind of where my concern is going, and probably the t and a doesn't address that problem, you really need bus service if you are going to have successful family contacts in a secure a and d environment. That's kind of what I just toss that out there as sort of a philosophical issue that's sort of -- and I am sure that you have something to say there, sheriff. [ laughter ]

**Noelle:** I do want to interrupt. In a philosophical way, you are absolutely right. I don't think that the tma are making a condition at this time answers that question. In terms of family visitation, we have worked with tri-met to improve tri-met service at all our facilities for that same reason because it is not only drug and alcohol treatment, it is the fact that when people are incarcerated, they need the support of the family. I mean, we are not debating that philosophical point at all and I think that you are absolutely right.

**Katz:** Let me pursue that further. You have key times and hours for visitations and for visitations?

**Noelle:** Yes, ma'am.

**Katz:** Is it possible for you to do a shuttle from, if it is a mile off, from the bus stop to the facility?

**Noelle:** I am looking at my captain back here, and bobby, would you come up now?

**Saltzman:** I guess it shows that the weekend days are the more, higher anticipated visitor loads.

**Noelle:** Basically I think what the question is --

**Katz:** Make it easier, I am picking up from where commissioner Saltzman left off, make it easier for people to take the bus because there is a mile, and if you have got designated visitors' time, and whether it is weekends, and -- he's probably right, it is -- probably more on weekends than in any other time, to have a shuttle system from the bus station and the bus stop right to the facility. Identify yourself for the record.

**Captain Bobbi Luna, Multnomah County Sheriff's Office:** I am captain bobby with the Multnomah county sheriff's office, my address is 11540 northeast Portland, 97220. I guess the quick answer, mayor, is that yes, anything is possible. The reality, though, in relation to our other facilities that the sheriff just referred to, most particularly, are, our inverness facility, has the bus service over the last decade, or nearly a decade, a little over a decade of service. It is recently

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improved some. After our diligent efforts, but the reality is that, that the same type of bus service served the invernness facility over that time frame with about the same distance of walking from the last bus stop to the facility. Families still make it out there to visit. I think that it is accurate to say that it has presented a hardship to a number of families over time. So, I think that those issues need to be separated. Yes, it is possible. But, it is bus service, transit service, is part of our reality in running other corrections facilities in our system.

**Saltzman:** I guess the question to me is, and I understand exactly what you are saying, but this is the first time where you are going to have almost 300 beds of a and d treatment. I mean, and that's a significant thing that we all want to see happen. And doesn't the fact that it is treatment make the importance of ease of family visitations, all that more -- bring it to a higher level of significance, than just visiting or access for people serving regular sentences?

**Noelle:** Well, I guess, commissioner, we are not debating with you whether or not it is a good idea. But whether or not there is a value added, but as you know, there is also a cost. What we are debating is whether or not there ought to be a condition put on by there council and --

**Saltzman:** I am backing off from my condition. I am just really talking about, is there some way that we could figure out a way to get people, visitors, prospective visitors to people in -- forget the -

**Noelle:** We have absolutely the same goal you do we are going to work hard with ginger and bobby to try to meet that goal. It is an important component, and truthfully, it is an important component for every family of every person that has ever been incarcerated so it is not just the a and d treatment but certainly every person.

**Katz:** I don't think that it is that hard to get that done. All right. Further testimony?

**Ramis:** Mayor, one last request from the applicant. In the event your vote is favorable to the applicant, we would ask that you continue to take a tentative vote and continue the matter for at least two weeks to give us an opportunity to submit some supplemental findings.

**Katz:** You will have plenty of time to give us some instructions. All right.

**Captain Luna:** Thank you, mayor Katz and commissioners, I would like to cover two points in my testimony this afternoon. That is our public outreach and involvement and our facility security. First, public outreach and involvement. The sheriff's office has conducted an extensive public outreach in the site selection and facility design process associated with this facility. This has been a continuous effort of ours since august of 1996. Currently, I have a citizen's working group, advising me on the design, permitting and construction of the facility. This working group is combined or comprised of volunteer representatives from neighborhood business and environmental groups. We have also reached beyond the citizen's working group to gain input from the broader community. We have held open houses, public workshops, provided a public newsletter to 1800 residences and conducted two mail-in surveys. In addition, when I was last before this council in a land use issue, I heard mayor Katz ask the port of Portland to meet directly with the st. John's neighborhood association. Subsequent to that, that request, I met with the neighborhood association during a general membership meeting. In addition, in response to neighborhood concerns, I scheduled yet another public workshop to gain broader public good input on how percent for art funds can best be spent to enhance public art on the peninsula. Finally, our public involvement efforts will not end when construction ends. In the resolution passed bid our board of county commissioners giving the sheriff authority to site and construct this facility, they also gave us direction and required us to develop and maintain a good neighbor agreement. This good neighbor agreement will be developed with citizen involvement prior to opening this facility, and it is put in place to insure our operations maintain and enhance community livability. Our public involvement efforts and results are detailed in section 116 our cup application. My second

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point involves an aspect of facility planning that citizens have told me is a paramount importance and that is facility security. In response, we included in our cup application, a multifaceted security plan, provisions of that plan include booking and releases taking place downtown here at the justice center, not at the facility in river gate. No fewer than two locked barriers between inmates and the outside world. And all facilities, security being provided by uniform deputies. The hearings officer in his decision incorporated these key security features as conditions of approval, as a means of insuring we live up to our promises. And inevitably, citing corrections facilities attraction some opposition. We know that. However, we believe that we have achieved a broad-based community participation and support for the facility. As I believe you will hear in the following public testimony, thank you.

**Katz:** Go ahead.

**Vince Salvi, attorney for Port of Portland:** Good afternoon, I am vincent and I am a lawyer with the port of Portland. I would just like to briefly update the council on the status of the consent decree which has been execute -- executed by all parties and is pending the notice, or the expiration of the notice period, which will expire on monday. We anticipate the consent -- two consent decrees in this matter between the united states and the port, and mr. Jones, we anticipate the court to sign and enter the consent decrees next week. I have submitted to the council a copy of the notice that was published in the federal register that summarizes the consent decrees and just wanted to briefly reiterate for the council's consideration, that the intent of these decrees, both on behalf of mr. Jones, the -- and port and the army corps of engineers was to resolve any mitigation and obligations of the port of Portland that related to the property in question. So, although it appears to be a silvery or a secondary question, I believe, the appellants have continued to raise a question of illegal fill. The consent decrees are intended to settle any and all of those issues, at least with respect to any federal claims, and I have provided copies of the, the executed consent decrees for you, if you so choose to review them, they are public records. They are publicly available. And I would like to note for the record that mr. Jones in the consent decree and the order of dismissal with prejudice and release, on page 16, specifically, releases any and all claims, whether equitable or legal, under any statute of regulation of the united states or the state of Oregon against the port, specifically without limitation any claims with respect to the entire river gate area. From the port's perspective, the hard-for the litigation is almost over. Substantial mitigation in enhancement is going to be performed by the port on the leadbetter peninsula. Mr. Myer is here to summarize that, if you would like the port commission this morning had approved going forward with that enhancement, and we believe that those issues are resolved.

**Katz:** Well, since we did beat up on the port a little bit the last time you were here, we will give you an opportunity to, to kind of quickly summarize the consent decree.

**Jerry Meier, attorney for Port of Portland:** Thank you, jerry meyer representing the port of Portland. As vince mentioned this morning, the port commission approved a certainly services contract for the design work for wetland, riparian, and enhancement efforts as they relate to the consent decree. We did submit a letter or port council submitted a letter, dated june 1, 2000, in the original application, none of those items have changed.

**Francesconi:** Folks, aren't we getting far afield from our approval criteria? Where are we going here? I am not sure what this is all about or why we are getting into something between mike jones and the port.

**Katz:** The issue did come up, and I wanted to give the port an opportunity to respond. Do you want to quickly finish up?

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**Meier:** I won't go into the details of the consent decree, but just so you know, it is out there and it will be finalized on the 18th.

**Salvi:** Commissioner Francesconi, the only reason we did not want to raise this issue, but the appellants were continuing to raise a factual question with respect to the legality of the fill. That's the reason we wanted to address the consent decree.

\*\*\*\*\*: Okay.

**Meier:** Moving on, the port has participated in a series of working group discussions, and is satisfied with the corrections facility, and that it is compatible with the surrounding uses and the design and safety issues have been adequately addressed. The visual appearance of both the facility and the overall site will be consistent with the port's property and development objectives and exceed the intent of the development standards for properties near Smith and Bybee lakes. As far as the rail crossing issue goes, currently, Leadbetter road crosses the up rail, with an ODOT approved grade crossing. The approval was based on a review of traffic volumes, that assumed the development of the jail site. The traffic anticipated from the jail facility should not exceed that use for approving the crossing. And finally, the county heard the community's concerns about safety regarding the rail crossing and is submit -- committed to improving safety by adding signals and safety gates as part of the site development.

**Katz:** Thank you. Lieutenant Reese.

**Lt. Mike Reese, North Precinct, Police Bureau:** I work out at north precinct. I am representing the Portland police bureau. I've been a member of the citizen's working group for almost two years, working with the sheriff's office on the siting process. I want to talk a little bit about public safety because that's one of the issues that was brought up by the St. John's neighborhood association, and I think as you have heard from Captain Luna, there are extensive security procedures that are going to be in place with this facility, and it will be a very secure facility. The Portland police bureau has had very few calls over the years at correctional facilities, asking for our assistance. My own experience working out at Inverness, is that we never received calls. It was very secure. The sheriff's office takes care of any problems on-site. And it is important with this particular facility to remember that all inmates are going to be booked and released somewhere else, and none will be actually released or admitted on-site. That will all take place at the booking facility either downtown or wherever they place it at. As a police officer, I am particularly excited that they are doing something with the alcohol and drug treatment program, and the correctional facility. This is certainly what the community wants and what people in law enforcement want. And I would encourage that we should have this type of facility. And finally, I would advocate for keeping the north precinct in St. John's, but certainly I don't think that that should be a criteria for the approval of this facility. That's something that's better left to, to you. And I appreciate your allowing me to come here and make these comments.

**Dr. Gary Perstein, Portland State University:** I am Gary Pearlstein, I am professor of administration of justice and chairman of the department at Portland State University. I have a Ph.D. in criminology from the Florida State University. And I have lived in the Portland area for approximately the last 30 years now, where I have lectured on different criminal justice issues, as well as done research on the subject. I am also the author of two books. In 1996, I was asked by the county along with, at that time, one of our doctoral students, to conduct a study on the present facility and safety concerns that the neighborhood might have. This was completed in 1996, if I remember correctly. It basically will summarize what we found, and the weird thing we did find is very important, that medium security facilities, which this is proposed to be one, are very safe, not only in the Portland metro area, but in the nation, is jails which have traditionally been what we

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call the hidden secret from the public, and the -- even in corrections, we try not to talk about it, is thanks to beginning in the 1980's with changes and organizations and styles of running jails is we have had a great improvement in jails -- improvement in jails and what they are producing, and I am happy to say that this is one that is proposed to be one of the new -- one of the modern jails, as we call them in the feed, the fourth generation of jails. Is whether we like it or not, we have a jail located in almost every county in the nation, and thanks to the present legislation around the nation, we have more and more people that we are incarcerating and in many cases, for good reason. Safety records for these jails, especially the new modern jails, -- that this one will be one, are excellent, escapes are very rare, and in fact, so rare that let me add, that nation-wide, when most of the media talks about escapes, we are not talking about the escapes, like we are seeing in Texas. We are talking about a person who is usually released from a community-based facility to go to work, and decides not to come back. And that person is listed as an escape. And so that is one of the reasons that the public has a great deal of fear. Most of the security things that I have looked at, show that the county is following every modern procedure that we know of, is transporting inmates to and from the facility in secure of vehicles, the booking and discharging of offenders will not be at the facility. The monitoring of all visitors is, and I am especially happy to see that there will be drug treatment inside this facility. It is one of the great lacks that we have had in the corrections field, is that there hasn't been very good drug or alcohol treatment within the facilities, and this facility will give us something we desperately need.

**Tom Gross, KMD Architects, project architect:** I am Tom Bruce, a project architect. I -- our offices are KMD Architects at 421 Southwest 9th Avenue, Suite 1300, Portland, 97204. I wanted to address the compatibility of this facility with the surroundings briefly, and note the special care has been taken with the building design to insure that the facility's appearance is compatible with its surroundings, not only the industrial part, which occurs on one side, but the open and natural space on the other. We design features that insure the compatibility with the neighbors. And the character of an industrial zone are reflected in the scale of the building. The use of materials, the texture, and the type of construction. In association with working with the citizens working group, it has been agreed that earth tone colors will be used for the building's exterior and shadow lines will help reduce the visual mask. The building and site design will be consistent with also with the port of Portland's rivergate development standards. Landscaping and screening, will exceed all applicable city standards, and a wide planted buffer to separate the development from the environmental resource areas. The aspects of the design have been incorporated in the hearings officer's condition of approval condition f. The citizens working group has been a key feature of this, all of the design parameters have been developed in collaboration with these citizens. The architects and landscape architects have worked closely with the design, on the design with the members of this working group. The collaboration will continue, and is required as a condition of approval. For the final design of the building and the landscape. And finally, the, the percent for art commissions, are now being reviewed and will be installed in public areas, is another amenity of the facility.

**Chuck Harrison, Columbia Corridor Assoc.:** Good afternoon. My name is Chuck Harrison, business address is 4421 Northeast Columbia Boulevard, Portland, 92 -- 97218. I am here today as the representative of the Columbia Corridor Association, and I've been sitting on the citizen's advisory committees or the citizen's working groups and the original sighting committee for over four and a half years now, so I have seen this progress from the original days of when we first had TV cameras lined up outside. Over the past 4 1/2 years, we have had countless meetings and every one of these meetings have had time for public opinion and open periods for public comment, all of

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hundreds of people have testified during these times. The committees have all taken these comments into consideration, and I think that they have been dealt with in the design and the sighting of the jail facility. And this has been a very open process. Everybody has had an opportunity to say what's on their mind over the past 4 1/2 years. And as you know, the columbia corridor is home to three correctional facilities, so the members within the columbia corridor association can speak with some authority regarding the suitability of locating a jail alongside a business operation. It has been the experience of our members that being located in the vicinity of a correctional facility does not pose any undue security risk, nor does it detract from the value of the properties. In fact, next to the inverness jail, we are seeing new development taking place along the 122nd. We know no negative instances that can be tied to the correctional facilities within the columbia corridor. We see no reason why locating the correctional facility on leadbetter peninsula will pose any safety concerns for the businesses located in the rivergate area. We believe in the ability of the sheriff's office to safely run the proposed facility. One of the most closest neighbors that will be located to the proposed site is columbia sports wherein they have submitted a letter to you for your consideration, stating their acceptance of the jail in the area and stating that they have no problems with it being sited there, also. Second point that I would like to talk about is the design of the facility. The citizens working group spent a lot of time dealing with the issues of exterior building design and the perimeter buffering. The proposed exterior design of the building is very appropriate for the area and meets all of the rivergate development building requirements. I believe that it actually will set a standard for new facilities that are built there. I think it exceeds some of the other facilities that are currently out there. Under the proposed plan, the perimeter of the facility will be buffered from smith and bybee lake by a plan of area that far exceeds any minimum requirements of the smith lake, smith and bybee lake's management plan, the city's environmental zones and metro title 3 requirements. The proposed landscaping plan provides a visual barrier, as well as an environmental buffer far in excess of any facility in the area. Based upon our historical knowledge of the sighting and design process, as well as historical record of the sheriff's office, the columbia corridor association is in full support of the conditional use permit and I urge you to deny the appeal.

**Les Keaton:** Good afternoon. I live at 3540 north mississippi avenue, Portland, 97227. And I represent the american indian association of Portland representative on the columbia slough watershed council. Oh, and thank you for the opportunity to speak. And I am here today to oppose the appeal. I've been involved in the jail projects since 1996, in the voter approved bond measure, I sat on the citizen's advisory panel and -- that the county formed to help select potential sites for the jail. And personally, the site, the one in st. John's was my first choice, although we picked the radio tower -- the site as a group. I participated on the citizen -- the citizen's panel, the guiding and design and planning of the facility. Having observed the process over the years, I can state that every citizen has been given ample opportunity to get involved and participate in every aspect and every decision made on this project. Through many public meetings and workshops, newsletters, and mail-in surveys, hundreds of people have been involved. The county has been responsive and open to the information. And has taken our advice seriously. The design of the building and the right environmental buffer, which the, which the, the columbia slough watershed council was very interested in, and meets all of the demands of the columbia slough watershed council. Those buffers surrounding the facility is also a direct result of the input of the citizens. And I found if you have a particular interest or topic, like my interest in archeological and cultural resources, on the site, they will be well protected. The representatives have -- that we worked with are supportive of the procedures that we have developed to protect and document arc facts that might be found. --

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artifacts that might be found. Citizen participation does not mean that every citizen gets to have his or her way. But, I believe that the good-faith efforts of the citizens and county officials made this a better project and I urge you to approve the additional use permit so that we can get this facility built.

**Elaine Steward, Manager, Smith and Bybee Lakes Wildlife Area:** Mayor, members of the council, my name is Elaine Stewart and I manage Smith and Bybee Lakes Wildlife Area. I am with Metro, located at 600 Northeast Grand Avenue, Portland, Oregon, 97232. I appreciate the opportunity to comment on this conditional use review. Metro manages Smith and Bybee Lakes Wildlife Area located adjacent to the proposed jail site. The Wildlife Area is managed for environmental and recreational areas. At 2000 acres, it is a large span of wildlife habitat located within the city limits of Portland, and it is enjoyed by birders, paddlers, anglers and is also school field trips. Metro has been involved in the citizen's working group since its inception. A member of the Smith and Bybee Lakes Management Committee has been a member of the citizen's working group, as well as the Wildlife Area manager. Both county officials and the county's consultants that have been working on the corrections facility have been responsive to the needs of the Wildlife Area. The process has been open and inclusive, and issues raised by the Wildlife Area manager have been carefully considered in -- and incorporated in the facility's design. The proposed appearance of the facility reflects the care that has been taken by the county in its -- and its consultants to achieve an environmentally sensitive design. A 40-foot deep evergreen buffer will largely shield the facility from view from most locations in the Wildlife Area. A berm will elevate the buffer to assist in blocking views of the facility and the plantings will include large trees to accelerate the buffer's effectiveness. The building will be painted in earth tones and will have shadow lines to reduce its visual impact and the exterior lighting design will minimize light pollution in the Wildlife Area, which is also an important consideration there. Careful selection of fixtures and directing them away from the Wildlife Area will reduce the amount of light that extends into there, into the natural area. I've been very pleased with the county's efforts in working to insure the facility's appearance is compatible with Wildlife Area. And Metro looks forward to continuing to work with the county and the rest of the citizens working group.

**Jean Hoops:** My name is Jean, 6933 North Richmond. Thank you for the opportunity to testify. I am appearing today in opposition to the appeal. Until recently, I was chair of Cathedral Park Neighborhood Association for three years, in 1999, I was selected by fellow chairs of all the neighborhood associations to serve on the county citizen working group. The citizen advisory panel advised the design and planning of a correction facility. Regarding meetings, Bobby Luna, Captain Luna has attended so many meetings to every neighborhood, and business associations in all of the surrounding areas. For the key issue, the county has held public again, posted, gotten the surveys, and to protect -- for the nature of the environmental buffer. There is a percent for art, which we now are including the interested participation of people in St. John's to come and help select possible sites for locations for the art in a part of St. John's and also on the correctional facility. Through the county's partnership with the community, we are able to insure that additional use permit met the key approval criteria for public safety and appearance compatible with the neighboring industrial uses and the surrounding natural resources. I urge you to deny the appeal and approve the conditional use permit. Thank you.

**Nancy Hendrickson, BES:** I am Nancy Hendrickson. I work on the Columbia Slough Watershed for the Bureau of Environmental Services my address is 1120 Southwest 5th, room 1,000 right next door. This development lies in the Columbia Slough Watershed and also, I've been involved with the Multnomah County Jail working group since the jail was sited on the Leadbetter Peninsula, so about

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two years, I recommend approval of the conditional use permit and the following comments address selective approval criteria. The first appearance, two neighboring uses, would be industrial development and the wildlife area. This building would not be out of place, and it would be out of place in the wildlife area, expect that the county is planting a 45-foot buffer of evergreen trees to screen the site from the lakes, because the trees will be native, they will also provide habitat for birds in the area. The other criteria I will be addressing is public services. Specifically, stormwater. Disposal of stormwater will have to be in conformance with the bes stormwater manual and the final design is subject to review by bes. With that said, the concept that they have proposed is one that we are in favor of at bes. They will be charging to two places, one will be the columbia slough and one will be the ground. The stormwater from the public street will go through treatment and be discharged to the columbia slough and the remaining stormwater run-off, off the site will be discharged to the ground through surface infill ration. Because of the high infiltration capacity of the soil, a unique characteristic to the site, the proposed infiltration through swales, shallow basins and trenches is an excellent way to treat stormwater of the while recharging groundwater at the same time. Overall, I think that the county should be commended on their efforts to design the project in a manner that minimizes impact on the wildlife area and columbia slough.

**Doug Macy, Chair, Regional Arts Culture Council:** I am doug, 111 southwest oak, Portland, 97204. Thank you very much for the opportunity to make a few brief comments here. I appear today in opposition to the appeal and I have had two roles in this project. First I worked with the citizen's working group to design the environmental buffer that's been discussed. That will surround the facility. Second, I am serving as the chair of the selection panel for the regional arts and cultural council. This -- the panel will select the public art funded by the corrections facility for the art funds. This is a public process on things like this, in my 30 years of working on public projects as a consultant, I have never been involved in a more effective and a more sincere public process in terms of what the sheriff's office has, has set up in terms of how we interact as consultants with the public. They made it very clear that we are to take the citizen input very serious and will respond to suggestions and ideas. As a result, it has become a very good collaboration, and it has been very refreshing. For the environmental buffer design, members of the citizen's working group brought additional citizens and outside experts to the table, and designed an environmental buffer that I believe we will all be proud of. The over 200 feet of diverse habitat will not just protect smith lake from the columbia slough but will enhance and improve conditions for the while live in the upland zone. It will set an example for how the river gate industrial district interfaces with these natural assets. The art program, the county quickly made two, I think, key decisions that set it apart from most of these projects, first, agreeing that a good portion of the arts funds could go to projects, art projects outside the boundaries of the facility, itself. That's very, very unusual in terms of public art in this city. Second, that it really needed to go beyond its normal process, which is a good process. The process that we have at the regional arts council set up for regional art, does include neighborhood individuals. But in this case, we wanted to go beyond to engage the public in terms of the kinds of art projects and locations throughout the community. Again, very unusual step. So, to that end, we are having the selection panel is going to go, we are holding a meeting on the 31st, which we should be a really fun and creative process to, in the neighborhood, to meet with the north Portland people to find out what makes sense to them so that they can have a broader information brought to the process so the selection panel can then confine that down in its more typical sense. In the spirit of reaching out to citizens, that has been the hallmark of the aspects of this project that we have been involved with.



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Also, it is reflected in the conditional use permit application process that the county filed for the project. And I hope that you deny the appeal and approve the conditional use permit.

**Bryan Cole, Walker Macy:** I am brian with walker macey, 111 southwest, 97204. I am here to appear today in opposition of the appeal, also. I've been involved with the citizen's working group throughout the process for the last couple of years, and working with doug to come up with a landscape design for the site, and we are -- we are outside of the box, going out into the lakes and taking views from the lakes, where people will be recreating and looking back out where the facility is to be placed and assessing what the impacts, visual impacts are. From that, and working with the citizen's working group, we basically came up with a buffer design, which I think fits, within the natural environment out there. With the use of native plant material and plant material, we are basically blending in with the surrounding environment. Along with what nancy was talking about, the stormwater drainage, we have been very conscious to make sure that we are doing all the environmentally correct things, with stormwater drainage and other types of pollution control.

**Katz:** Thank you, everybody. Now, we will have five minutes of closing by the appellants.

**Babbitt:** In all honesty, we have to ask for a little bit more time for rebuttal. We have a myriad of people -- Excuse me, that have come up here and we have worked our hearts out since october of '98, and to address all of these issues with a mere five minutes is absolutely ludicrous.

**Katz:** No, you didn't understand me. You have rebuttal. You had plenty of time to make your case and you made your case. You now have time to rebut what you just heard.

**Babbitt:** I will -- I will rebut a few of these. Donna babbitt. My address is on the record. First, I want to speak to this issue of, and I gave you a copy of my complaint. In that complaint packet that I put forth to the dsl, august 9th, specifically refers to the conversation that I had with lori warner at division of state's lands, where she told me that there was never a fill permit issued. Within this past month and a half, we also have an e-mail and I have requested the record stay open, where she did submit an e-mail again, stating in that e-mail that a permit was never issued. The burden of proof, shouldering that burden of proof is with the port. I want to see it on the record. They cannot -- mr. Ramus cannot just say well, I have heard this and that, it is hearsay. We need the record confirmed. Show me the permit, and I think that that's what you should ask for. Secondly, I am just going to touch on -- five minutes isn't much, but this issue with outreach to the community. There hasn't been that much outreach to the community. When I hear these people talk about going back four years, this was dumped in our lap in october of '98. That was the first mention of it. I am going to leave this packet, it is called the 12 fatal flaws, that the -- called the 12 fatal flaws. These are the two original sites. Leadbetter was never an original site. They did get a quick after the impact of putting it on the leadbetter to get everybody to sign on. So, we did not have due process, and if you have capability to go into the county records, there is a myriad of paperwork there. I know you don't like to read it, but it is there to show you that outreach hasn't happened. George schools pta, the children that work out on the lakes, have no outreach to those pta's parents's children, and that's key because we don't have just one school, open meadows, or george middle school doing the work out there any more. We have 18 more added on. So, it is wrong for you to assume that what is being said to you is true. It is not true. So, if that's the total of five minutes, I just want to tell you, I am just appalled at what I am hearing. Because we have worked our hearts out. We put into our own pockets money to bring people together in the community. We insisted that they send us mailers, and it took a fight to get them to send two mailers to our 97217 and 97203. It is imperative that you know that people can come up here and is a lot of things but we

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were in the trenches from the get-go. Radio towers may have been four years ago but not the leadbetter peninsula, and I want to make that clear.

**Chrest:** Jim crest, mayor Katz and commissioners, just very quickly, we spent the last couple of years in this country trying to define the meaning of what the word "is" is, and I am beginning to believe that the people don't know what the meaning of "no" is. I have heard people come up here and testify and say that they got the permits to issue from the state of state lands to, to do that fill work, and the law is very clear and it says that they can't do it. Now they pulled a fast one, and I am -- unfortunately, you are dealing with it now. Unfortunately, I wasn't there or called upon early on in this process, but I think that the port of Portland, metro is in on this, and the Multnomah county, they pulled a fast one on the people of the state and this area. And I think that it is really flies in the face of fairness when they can come out here and say that contrary to that law, that they can somehow get a permit to fill that area. It is very simple. People -- have some way got to take no for an answer, and that's what it said. That was the intent. So, the argument here, as far as I am concerned, is not with you. But, it is with those people that went ahead and supposedly issued those permits to, to do that fill work contrary to the law, and I would respectfully request that documentation, that permits themselves and any other criteria that went along with it, issuing those permits, be made because the, they are a matter of public law, be given to this group as soon as possible. Whether you have them or not, maybe we have to go to the state and the others, but wait, if this can happen under these circumstances, these environmentalists that came here and testified earlier, think that something like that -- they are lucky that the lakes are even there, if they can allow that kind of fill to go on behind their back, which is basically what happened. So, I think that it is a stinking mess, frankly, and I am sorry that you have to deal with it.

**Francesconi:** Are you aware if an appeal has been filed to the state division land that's in the record? Had it been appealed?

**Chrest:** No, I don't know that, commissioner. I don't know if it has or not. As I say, I think it is too late in the process, frankly. I think it is a foregone conclusion what's going to happen here.

**Katz:** I will give you a minute.

**Jones:** One minute, one, I want to talk about constructive fraud here. The original, the thing that we talk about, was for 2000 beds, not 514, is 514 a limit now? Is it a condition? Or is it the 2000 that they were talking about? The other thing is nobody has mentioned ins or ins prisoners. It is happening. It is there. It is mentioned, one line in the deal, the ins prisoners will be there a lot longer. The other thing is need, let me talk about need, you don't need a jail until you have money to operate it. What they are trying to do now is build this jail so that they can black-mail the voter. Stop that. This was a hangover from measure 11. If they need space, let them give care to the skits forensics that are in the jails, 11% of them. There needs to be reasoned consideration in this, and there is not, not been, and that's my minute, huh?

**Katz:** Thank you.

**Katz:** Okay. Council.

**Francesconi:** I would move that we deny the appeal, uphold the hearings officer --

**Hales:** Because of the request to keep the record open --

**Spetter:** I don't think that they can. This is on the record. The record is closed. You can ask that when you have a quazi-judicial matter but this record is closed.

\*\*\*\*\*: These are the instructions that were sent to me.

**Spetter:** But that's for a matter that's an evidentiary hearing and this is not an evidentiary hearing. You have got your evidence in the record.

\*\*\*\*\*: It is to this hearing.

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**Hales:** I will second the motion.

**Jones:** Can you make it clear how you are making your decision not to abide by state law?

**Katz:** Let me raise some of the issues that were raised. The streets to be used, does anybody want to identify the streets that they can use?

**Hales:** You mean in that condition --

**Katz:** Yeah, well --

**Hales:** They are prohibited --

**Katz:** From using.

**Hales:** Using residential streets.

**Saltzman:** They can use marine drive and columbia boulevard for official county vehicles and prisoner transport.

**Hales:** Right.

**Saltzman:** That's the condition.

**Hales:** In other words, any other route through st. John's requires using a residential street, is that right?

**Hardy:** Yes.

**Hales:** So, so I think this covers it by the definition.

**Katz:** Just --

**Hales:** Just wanted to clarify for the record.

**Katz:** I don't think that there is anybody that worked harder to keep the precinct in north open. The police precinct in north open. I can't -- can I nor the council commit that it will be open in perpetuity. We just can't do it. But, it is my intend, at least while I will here -- while I am here, and hopefully the intent of those members of the council that the precinct remain open. But, for some reason, if 10 or 15 queers down the road it is not -- years down the road, it is not, the coverage will be there, it will not close without coverage, but none of us can guarantee that. We will not put it in the conditional -- in the conditions, it is not proper to do that. I guess the other question that I have is the issue on the permit and their opportunity to appeal. Reduced, can you clarify that again for the citizens here?

**Spetter:** Well, I have not been involved with this process from the beginning and perhaps, from a technical standpoint, someone like mr. Ramus ought to address it, but what I understand is that the -- there was an appeal about the fills in the wetlands and the lake to the -- that went into the federal system. Federal court system. That appeal, at least as it mr. Jones, has been resolved through a consent decree. The consent decree was discussed throughout today and was discussed below, and it prohibits, at least mr. Jones, from discussing the river gate area any more in terms of raising these issues. There was also a letter that is in the record from the division of state lands, which has the, the, I think, absolute jurisdiction to determine the issues about this -- about this property, which states that there was no fill of the lake, itself. And while there may have been some wetland fills, that does not appear to be against the statute. At least that's how I understand the letter. I also understand, I think, that the port has to do mitigation, or the wetlands fills they did do, there is a change in the buffer because of it, so I think that the issues probably have already been addressed, to the extent that they can be.

**Katz:** All right. Further testimony from the council of questions or -- no? Okay. Roll call.

**Francesconi:** First let me tell you what I think. Okay. I think that st. John's is a terrific community. I think that st. John's has had more than its history of negative things put there. I think that the city and the county are working hard to change that and I think that more than anything, I think that the residents are working hard to change that. I like st. John's so much that

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when my son comes home from college, I hope he moves to st. John's. It is a terrific community that hasn't been fully discovered yet. I think the city can do a lot more and I am hoping the next tax increment district is in st. John's. I think all of that. I think the jail and the fire station never move, as long as I am the fire commissioner. I think the jail should have been built sooner. I think we need this jail. I think we cannot have prisoners released. I think that this is going to be a state of the art facility with drug and alcohol treatment. And I think that it is about time that the voters get what they paid -- what they voted for. I think all of that, and I think all of that is irrelevant to my decision that I am about to make. This jail needs to be approved because when I took an oath, I swore to follow the law and the statutes and the procedures. And the county has met every applicable land use criteria here. That we have in front of our record. The record is overwhelming that it is compatible with the surrounding area, that there are services, public services, including transportation, water, sanitary stormwater, police, and fire services are adequate. That's what I have to base my decision on. I can't -- that's the law, and I have to follow the law, and I think that that's why I am approving this. I think it would be nice to have more bus transportation. I think the county knows what it is doing, and will try and get more bus transportation because it will benefit the prisoners and their families and the rehabilitation mission and I trust the county to do this. I think that the question posed by commissioner Saltzman were appropriate, but I don't think that we put an additional condition on this. Regarding the issue of the law and the land use, there is a decision that's been rendered by the land use board that has jurisdiction on this. The -- they could be wrong, but that's the record in here. You appeal that through other places, as jim crest said, your beef is not with us, you are right. And this isn't the right forum for it. The forum is somewhere else. The evidence in the record here is that the fill was authorized and that's the evidence that we have and we have to go on that. This consent decree is not relevant, in my opinion. We have got the record, the record is there. So I am not finding it on the consent decree. We have got the evidence. If you want to appeal that somewhere else, so be it, but they have more than met the approval criteria that's in front of us, and for all those reasons, I am voting aye, and it is time to build the jail.

**Hales:** Well, I think it is time to end this. I think it is time to end two things. One is this long range over the search for the jail. It turns out that it is harder to site jails than community centers, though. Maybe not bit much. [ laughter ] But it is hard to build anything new, certainly a jail. But, it is time to end this because the county has met the requirements. I agree with you, jim. Actually, they have exceeded it. One of the things that was interesting to me in this hearing is we are having this hearing because a jail is a conditional use. As the staff pointed out at the outset, there are plenty of permitted uses that could go onto this site that would generate more traffic and more problems and we wouldn't have the discretion that we have in a conditional use but we have tried to exercise that discretion responsibly, and in fact, we have got a requirement here in terms of this transportation routing requirement that frankly, we couldn't legally impose on any private party or, if they sued us, we would get enrolled in court, so we have a party in the county that's willing to agree to conditions that I don't think otherwise that we could ask the office and planning development to enforce. Secondly, whether it comes to downstream issues, like can we get better things out there for families to visit inmates, we will be able to have that kind of conversation with the county more successfully than with the bureau distributor or auto parts warehouse, so things that could go in there without this kind of discretion.

\*\*\*\*\*: They don't run four hours a day --

**Katz:** You are out of order:

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**Hales:** The second thing we need to end, and frankly, I was disappointed to hear it come up, is the song about how the city council isn't paying any attention to st. John's. That may have been true in the past and I am sorry if it was true, but while this city council has been here, we have made a major investment in the renovation of the north precinct building. We have made a massive investment in the renovation of the st. John's community center, and I believe under the bond measure, we are about to do a renovation of the st. John's fire station.

**Francesconi:** It is underway.

**Hales:** All right, already underway, so three out of three of the major public facilities in st. John's have seen significant investment by this city council and we need to end the mythology or the history, anyway, if it was history, that the council is not paying any attention to st. John's. The numbers, facts, dollars, new carpet and the shiny new wood of the basketball court, belie that statement so, that's not really relevant to the proceeding here but it gets brought up and frankly, for those of us who have tried hard to get those investments made, it is frustrating to hear that still in the year 2001. But again, back to the criteria, the county has not only met them, it has exceeded them. We have no grounds to do otherwise. Aye.

**Saltzman:** Well, I believe this is -- I also agree it is time to get this facility going. It has been a long road. And I've been a part of that road from the start. As a county commissioner working on the bond measure, and I want to say that, you know, I think the st. John's neighborhood has raised issues, and will continue to raise issues, however I think the issues you are raising, we are not the appropriate forum to settle those, and many of the issues you have raised look like they are about to be settled in this form of this consent decree. To your substantial favor. I want to say that I think that the county really has gone above and beyond the call of duty here in terms of both public outreach, but more particularly, I think outstanding facility design. We spent this morning talking about green buildings and setting new standards for how we are going to build buildings in the city, and city funded buildings, and a lot of it talked about how you take stormwater and how you manage it on-site. How do you minimize, particularly in an environmentally sensitive area, such as Smith and Bybee lakes, how do you visualize it. This facility, when it is done with the berms, will have no, no impact on that, it really is an outstanding landscape design and architectural design. It is an outstanding environmental design so I really want to give kudos to all of you. Particularly the project team, you have all worked very hard on this. It is always hard to site something like this. It is never easy. I think that this is a good facility. I think as commissioner Hales said, any other type of use here, we would probably not have the degree of cooperation, as I said, I still have concerns about, and I believe those concerns are shared by the sheriff, but we need to make sure that people who are in alcohol and drug treatment, the family members can get to them and visit them and there is a transit issue that has to be dealt with at some point but I believe that I have a good, in good faith that they will deal with that issue because they recognize how important it is to recovery, as we all do, too. And we may not get that same cooperation from any other type of applicant. So, this is great. And it is time to move on, and it is a great design, great facility, and I look forward to its operation soon. Aye.

**Katz:** Three areas were identified by the appellants, appearance, safety, and transportation as a public service. I won't comment on the design, but I chuckled when I read that the design, or the building has, has to meet the character of the neighborhood. I am not sure that you always want to meet the character of the neighborhood, especially if you are in an industrial area. But so be it. I won't comment on that. I will comment on the public safety as long as I am here and I think as long as most of the council members are here, the north precinct will remain open and the fire station will remain open, and you will receive service because you deserve it. End of story. On the

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transportation, I think that the issues that were raised are legitimate and I hope that the county tries to figure out a way of how to better serve not only the clients, the inmates, but the customers, their families and friends to get from the bus station to the facility and whether it is here or in Inverness, you have got a problem and you ought to be part of that solution. And I want to second what commissioner Hales has said about St. John's. We have been very sensitive, not only in St. John's, but in outer southeast where citizens have felt, and rightfully so, that the city hasn't paid a lot of attention. You have an opportunity now, as we look at a target study in St. John's, and ask you whether you want the city involved working with the community in providing additional enhancements to St. John's, and you will have the opportunity to say yes or no. The council has talked about St. John's and wants the involvement of the Portland development commission and of the -- and of transportation and parks in St. John's. But we are not going to be there, if you don't want us. So, that's something that -- a decision that you are going to have to make yourself. Down the road and you will have plenty of time to make that decision. So, I want to thank everybody, yes, four years is a long time. It was a long road to hoe, you have had a lot of setbacks but I am not happy with you releasing prisoners when the jail is too crowded. I think that it impacts the public safety of this entire community. Aye. Thank you, everybody. And we -- oh, this is a -- no, it is done. It was a tentative, okay. We stand adjourned.

**Spetter:** Wait a minute, we need a tentative decision because you are going to get supplemental findings.

**Saltzman:** Come back in two weeks?

**Katz:** Two weeks. Test.

At 4:10 p.m., Council adjourned.