



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7<sup>TH</sup> DAY OF FEBRUARY, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners , Fish, Fritz and Saltzman, 4. Commissioner Eudaly arrived at 9:53 a.m., 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Denis Vannier, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

Item No. 122 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 9:41 a.m. and reconvened at 9:48 am due to closed caption technical problem.

<b>PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue WEDNESDAY, 9:30 AM, FEBRUARY 7, 2018</b>		<b>Disposition:</b>
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.		
<b>COMMUNICATIONS</b>		
<b>111</b>	Request of Teri Pierson to address Council regarding Resolutions Northwest services (Communication)	<b>PLACED ON FILE</b>
<b>112</b>	Request of Star Stauffer to address Council regarding conduct unbecoming of an elected public official and police accountability (Communication)	<b>PLACED ON FILE</b>
<b>113</b>	Request of Lightning Super Watchdog X to address Council regarding elected officials show me your tax returns (Communication)	<b>PLACED ON FILE</b>
<b>114</b>	Request of Nancy Newell to address Council regarding scamming Columbia Generating Station Nuclear Plant (Communication)	<b>PLACED ON FILE</b>
<b>115</b>	Request of David A. Nelson to address Council regarding why the Portland Police have not exhausted all resources to bring a person to justice (Communication)	<b>PLACED ON FILE</b>

<b>TIMES CERTAIN</b>		
<b>116</b>	<p><b>TIME CERTAIN: 9:45 AM</b> – Refer renewal of Portland Children’s Levy to City voters as a local option levy for five years commencing in FY 2019-20 (Resolution introduced by Commissioner Saltzman) 30 minutes requested</p> <p>(Y-5)</p>	<b>37343</b>
<b>117</b>	<p><b>TIME CERTAIN: 10:15 AM</b> – Portland Streetcar Annual Report for 2017 (Report introduced by Commissioner Saltzman) 30 minutes requested</p> <p><b>Motion to accept report:</b> Moved by Saltzman and seconded by Fritz.</p> <p>(Y-5)</p>	<b>ACCEPTED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<p><b>Mayor Ted Wheeler</b></p> <p><b>Office of Management and Finance</b></p>		
<b>*118</b>	<p>Authorize a grant agreement with The Black United Fund of Oregon in an amount not to exceed \$15,000 for their Mentor4Success program (Ordinance)</p> <p>(Y-5)</p>	<b>188803</b>
<b>*119</b>	<p>Authorize a grant agreement with the Lutheran Community Services Northwest in an amount not to exceed \$35,000 to support the Culturally and Community Specific Hate Crime Victim Advocacy Services (Ordinance)</p> <p>(Y-5)</p>	<b>188804</b>
<b>*120</b>	<p>Authorize a grant agreement with Latino Network in an amount not to exceed \$30,435 to support the Portland United Against Hate project (Ordinance)</p> <p>(Y-5)</p>	<b>188805</b>
<b>*121</b>	<p>Authorize a grant agreement with Bradley Angle in an amount not to exceed \$20,000 for the program centered around Housing for HIV Positive Survivors of Domestic Violence (Ordinance)</p> <p>(Y-5)</p>	<b>188806</b>
<b>*122</b>	<p>Authorize a grant agreement with Lewis and Clark College in an amount not to exceed \$35,000 to support the Community Response and Supportive Engagement with those Targeted by Hate and Bias project. (Ordinance)</p> <p>(Y-5)</p>	<b>188811</b>
<p><b>Commissioner Dan Saltzman</b></p> <p><b>Bureau of Transportation</b></p>		
<b>*123</b>	<p>Pay settlement of the grievance of Jon Bates in the sum of \$50,000 involving the Bureau of Transportation (Ordinance)</p> <p>(Y-5)</p>	<b>188807</b>

<b>REGULAR AGENDA</b>		
<b>Bureau of Development Services Office of Management and Finance</b>		
<b>*124</b>	Amend contract with CSDC, Inc. in the amount of \$2,331,589 for implementation, hosting and maintenance of the upgraded AMANDA computerized permit tracking system for Bureau of Development Services (Ordinance introduced by Mayor Wheeler and Commissioner Eudaly; amend Contract No. 30005953) 10 minutes requested (Y-4; Saltzman absent)	<b>188810</b>
<b>Mayor Ted Wheeler</b>		
<b>Office of Management and Finance</b>		
<b>125</b>	Accept recommendations of The Special Appropriations Committee for grant awards from the \$350,000 allocated to competitive special appropriations program during the Fall Bump process (Report) 30 minutes requested	<b>RESCHEDULED TO FEBRUARY 21, 2018 AT 9:30 AM</b>
<b>*126</b>	Declare property located at 1988 SE 3rd Ave surplus real property and authorize the Bureau of Internal Business Services to dispose of the property (Ordinance) 30 minutes requested <b>Motion to amend findings 11 and directive c regarding reimbursement of internal staff costs for project management:</b> Moved by Fritz and seconded by Wheeler. (Y-5) (Y-5)	<b>188812</b> AS AMENDED
<b>127</b>	Grant a franchise to Sprint Communications Company L.P. for telecommunications services, for a period of up to 10 years (Ordinance) 20 minutes requested	<b>RESCHEDULED TO FEBRUARY 14, 2018 AT 9:30 AM</b>
<b>*128</b>	Authorize a grant agreement with APANO Communities United Fund not to exceed \$33,000 to support the Asian Pacific American Communities United Against Hate project (Second Reading Agenda 102) <b>Motion to amend to add emergency clause because of life-safety impacts:</b> Moved by Fritz and seconded by Wheeler. (Y-5) (Y-5)	<b>188809</b> AS AMENDED
<b>Commissioner Amanda Fritz</b>		
<b>Bureau of Development Services</b>		
<b>129</b>	Amend regulations for trees not impacted by development and establish appeal procedures for trees in development situations (Ordinance; amend Code Title 11) 20 minutes requested	<b>PASSED TO SECOND READING FEBRUARY 14, 2018 AT 9:30 AM</b>

<p style="text-align: center;"><b>Commissioner Nick Fish</b></p> <p style="text-align: center;"><b>Bureau of Environmental Services</b></p> <p><b>130</b> Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of Portsmouth-University Park Sewer Rehabilitation Project No. E10335 for an estimated cost of \$4,110,000 (Ordinance) 10 minutes requested</p>	<p style="text-align: center;"><b>RESCHEDULED TO FEBRUARY 14, 2018 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b></p> <p style="text-align: center;"><b>Bureau of Transportation</b></p> <p><b>*131</b> Authorize the City Engineer to waive City Code upon receiving evidence to support an application to rename SW Stark Street to SW Harvey Milk Street and allow the Portland Bureau of Transportation to process the application in good faith (Ordinance) 20 minutes requested</p> <p><b>Motion to add emergency clause to accelerate the process to determine if there is sufficient community support to go forward:</b> Moved by Fish and seconded by Saltzman. (Y-5) (Y-5)</p>	<p style="text-align: center;"><b>188808</b> AS AMENDED</p>

At 1:01 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2018 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; Lauren King, Deputy City Attorney; and Nicholas Livingston, Jim Wood and Mike Miller, Sergeants at Arms.

		<b>Disposition:</b>
<b>132</b>	<p><b>TIME CERTAIN: 2:00 PM</b> – Appeal of the South Burlingame Neighborhood Association against the Hearings Officer’s decision to approve with conditions, Macadam Ridge, a 21-lot subdivision, Environmental Review with Modifications and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Rd (Hearing introduced by Commissioner Eudaly; LU 16-213734 LDS ENM EV) 3 hours requested</p> <p><b>Motion to tentatively grant the appeal in part and overturn the Hearings Officer’s decision: deny the application with exception of approval of the Environmental Violation Review with conditions:</b> Moved by Fritz and seconded by Eudaly. (Y-5)</p>	<p><b>TENTATIVELY GRANT THE APPEAL IN PART AND OVERTURN THE HEARINGS OFFICER’S DECISION WITH AN EXCEPTION; PREPARE FINDINGS FOR FEBRUARY 14, 2018 AT 11:00 AM TIME CERTAIN</b></p>

At 5:34 p.m., Council adjourned.

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

<b><u>THURSDAY, 2:00 PM, FEBRUARY 8, 2018</u></b>		
<b>MEETING CANCELED</b>		
<b>133</b>	<p><b>TIME CERTAIN: 2:00 PM</b> – Appeal of the Garage Group represented by Patricia Gardner against the Design Commission’s decision of approval for design review of Major Remodel of the full block SmartPark garage at 730 SW 10<sup>th</sup> Ave (Hearing introduced by Commissioner Eudaly; LU 17-222650 DZM) 1.5 hours requested</p>	<p><b>APPEAL WITHDRAWN</b></p>

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**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: \*\*\*\*\* means unidentified speaker.

**February 7, 2018 9:30am**

**Wheeler:** Good morning everybody this is the Wednesday February 7 morning session of the Portland city council Karla please call the roll.

**Fritz:** Here. **Fish:** Here. **Saltzman:** Here. **Eudaly:** **Wheeler:** Here.

**Wheeler:** The purpose of council meetings is to do the city's business including hearing from the community on issues of concern. In order for us to hear from everyone and give due consideration to matters before the council we must all endeavor to preserve the order and decorum of these meetings. To make sure the process is clear for everyone I want to review some of the basic guidelines which I hope will help everyone feel comfortable, welcome, respected and safe at the meeting and also ensure that decorum is maintained for all. There are two opportunities for public participation, first we have an opportunity for people to sign up for communications to briefly speak about any subject they wish to address, these items must be scheduled in advance with the clerks office. Second people may sign up for public testimony on the readings of resolutions and ordinances, if you sign up your testimony must address the matter being considered at the time. Please state your name for the record we don't need your address, if you're a lobbyist please disclose that, if you're here representing an organization please identify the organization. Individuals have three minutes to testify unless otherwise stated, when you have 30 seconds left the yellow light will light up, when your time is done the red light will come on. Conduct that disrupts the meeting for example shouting or interrupting others testimony or interrupting during council deliberations is not allowed, people who disrupt the meeting face ejection from the meeting. If there is a disruption I'll issue a warning that if any further disruption occurs anyone who is disrupting the meeting will be subject to ejection for the remainder of the meeting. Anyone who fails to leave the meeting after being ejected will be subject to arrest for trespass. If folks would like to show your support for something a simple thumbs up is good, if you don't like something a simple thumbs down is equally good. The important thing here to understand is people who will be testifying will not necessarily share your opinion that's ok, please treat everybody with respect, let them speak when it is their turn to speak and you get to speak when it is your turn to speak. Thank you, with that please move to communications, first item please.

**Item 111.**

**Wheeler:** Good morning.

**Teri Pierson:** Good morning thanks mayor Wheeler, thanks commissioner Fish and Fritz and commissioner Saltzman I appreciate your time this morning. I am going to be as brief as I can because I think there are some important voices that you need to hear from today. My name is Teri Pierson, I'm the training coordinator with resolutions northwest, I've been with resolutions northwest for the past 10 years, I was the facilitation coordinator previously. As you know we have a contract with the city of Portland through the office of neighborhood involvement, we do mediation and facilitation services for Portland residents, for oni partners and I just wanted to take a couple of minutes to share some of our work that we have been doing in the past year. So one of the key elements of our work is that we both in the mediation and facilitation programs we offer volunteer facilitation –

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volunteer cohorts they get in depth training and support to develop those facilitation and mediation skills which they then bring to bear both with the clients and then also bring back to their workplaces, their families, their communities. This year we collaborated with the east Portland neighborhood office and Parkrose school district we offered a six week community dialog reclaiming my time, we had over 100 participants who showed up for that, nearly 70% of those were people of color, they represented collectively over 60 different organizations, local nonprofits and public agencies from around the area.

**Mimi German:** Mayor can we wait on the subtitles.

**Wheeler:** Excuse me this is an interruption.

**German:** The subtitles are not working.

**Wheeler:** Very good then we will work on it, but please do not interrupt. You can let the clerk know and she will address it.

**Moore-Love:** They're working on it, trying to reboot.

**Pierson:** I can leave a copy of remarks if that's – should I pause?

**Wheeler:** Thank you Mimi.

**Moore-Love:** I'm not sure how long it will be there's a connection problem with the closed captioner.

**Wheeler:** I'm sorry Mimi I jumped on you a little too quickly thank you for letting me know. For those watching we're just waiting for our closed captioning system to come back. Alright we'll take a 10 minute recess.

**At 9:41 a.m. council recessed.**

**At 9:48 a.m. council reconvened.**

**Wheeler:** We are back in session, sorry about that the closed captioning system was cooperating.

**Pierson:** It's really important and I think its important especially for the upcoming conversation, it's really important that everybody gets to be part of the conversation.

**Wheeler:** Absolutely.

**Pierson:** So thank you. I was talking but the reclaiming my time dialogues that we put together, one of the projection that we did this past year, and that was designed and facilitated by a team of about five of our volunteer facilitators, all black and lifelong or long-term Portlanders. We also had that supported by seven staff members and 14 additional volunteer facilitators who helped out with the small group and breakout facilitation. Throughout that session and at the close, participants committed to individual action that is they could then take in their communities to disrupt the systems of structural racism, in the organizations, their schools, their community spaces. As one participant shared with us, I started out on this journey to heal from the death by a thousand paper cuts called micro-aggression that is tried to silence my voice by suppressing it. This training allowed me to speak my truth in a space that made me feel productive. It made me center my experience as a black woman unapologetically by reclaiming my time to speak, to challenge the status quo and practice self care. This year we are trying to bring our equity work into the mediation cohort, we have added two days of training to really focus in on equity and interrupting racism with the training that's really in-depth, 36 hours of basic mediation training, really wanting to deepen our mediators' understanding of privilege and oppression and how that may or may not impact the mediation situations that they are working with and ultimately just really trying to shift our practice so that we are more accessible to Portlanders that have been underserved by our services over time, seems really important in this point of time in our community, communities of color are under attack, communities are more divided than ever, and really needing to see racial equity analysis and dialogue being integrated into those training services. So thank you for your support, your continued support.

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**Wheeler:** Thank you, and I apologize for the --

**Pierson:** No, it's important, thank you.

**Wheeler:** In your for being here. Next individual please, Karla.

**Item 112.**

**Wheeler:** Good morning.

**Star Stauffer:** Good morning Star Stauffer. That would have been my testimony, but something more pressing came up. So unfortunately I have to thank you for this opportunity. So I am here to talk about the village of hope, and as you can see the village of hope is standing right behind me. They have faces, they have names, they are human beings and they don't understand why they have been swept from a place that was so far from where it could bother anyone else with no solution of where they are supposed to go, but I didn't want to speak on behalf of them but rather I wanted to speak using the words that they have asked me to say. I am going to go ahead and do that. This is the council of the village of hope. They have formed their own government and system of accountability within their community. They would like and say that they need a small space of their own. It is only right that they have a place to take care of and to sleep. They want it mentioned that homeless folks take up space. So they will be occupying public land. The question is whether or not they will do so to the city's benefit or the city's detriment. The village of hope provides an opportunity for houseless folks to give back to the community that they live in. They have no way to do that when they are sleeping on a sidewalk, when they are scrambling to find a pallet or a tent or blankets that are dry. They have no way to do that when they are standing in line for shelters that may never open. They have no way to do that while they sit around waiting for you to figure out what affordable housing actually means and enforce that when developers come in and try take over communities. They have no way to do that while you still have no plan to really tackle the problem of increasing rents. They have no way to do that when they are busy trying to field off all the illnesses that come with being houseless and all of the things that make them vulnerable running from cops, running from other people who would abuse them because of how vulnerable that they are. You expect them to pick up their garbage, but you give them no way to live like a human being, and then you call them animals and treat them like animals because they have garbage around or are sleeping on the sidewalk, but you don't have any other place for them to go and they don't have the time to wait until 2035 wheeler. They don't have that. So while you invest over \$300,000 in senseless speed signs, you sweep out the village and pay cops to terrorize these communities, you give them no solution, but they have proposed to you a non-violent and very peaceful solution to the problem of houselessness, at least for the people standing behind me and you won't allow them to have that. You need to save the village of Hope and stand behind these people that live in your community. They matter.

**Wheeler:** Thank you. Next. Excuse me. Excuse me. Next individual, please.

**Item 113.**

\*\*\*\*: We'll be back: We will be back: There he is.

\*\*\*\*: We will be back:

**Wheeler:** Is Lightning here today? Good morning Lightning.

\*\*\*\*: We will be back: We will be back: We will be back: We will be back: We will be back: We will be back: We will be back:

**Wheeler:** All right, sorry for that. Go ahead lightning.

**Lightning:** Yes, my name is lightning I represent super justice watchdog. Again on my issue here is to review your tax returns and one of the reasons why I want to do that is I want to see if there is any conflict of interest, any consultation fees, any nonprofits, anything that I can begin to look at your business interests, and I want to make sure just



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plain and simple that from a state treasurer, I will be honest with you mayor wheeler I don't have any concerns with you at all.

**Wheeler:** I released my tax returns.

**Lightning:** As I stated I don't have one concern at all. So that's not an issue, but my concern is that I want to have a clear understanding that, such as this water bureau issue that we saw, \$3 million going to John delorenzo and money going to other locations, anyone involved in something like that should have their tax returns reviewed. It's an issue. It's an issue that you have to look at. Whether there is guilt admitted or not, anyone involved in that situation should have their tax returns looks at and another issue that I have is that anyone stepping up in here to become a commissioner, the mayor at the very least or the auditor should review their tax returns for the last three years, number one, just make sure that they are paying federal and state taxes. Number two, do a quick glance from an auditor to say okay everything appears to be fine because if down the line if something goes wrong, and this comes out that they might not even pay taxes because let me say this, who actually reviews the tax returns of anyone sitting up here? The auditor? No. The city attorney? No. No one. So I would expect at least the mayor's position and the auditor's position to do a glance, everything appears to be fine and everything appears to be fine. I think that that is prudent business. I think that it's the amount of money that we're dealing with here, it should be expected. Moving onto the next issue. Metro is doing an affordable housing bond of \$500 million. That's being proposed at this time. Now I am going to be speaking to president Hughes on Thursday on this issue, and I am hoping that other people within the city will also have the discussions on trying to move this forward. Again this is, basically, in my opinion kind of following the trail of commissioner Saltzman what you are doing on this bond at this time, which again would set an example to follow and to look at, refine, and maybe even do something on the Oregon constitution itself on the amending on what you can do as far as on what you can use the money for going in with private developers, so this is a very interesting time. President Hughes will be retiring at the end of this year, it's his, the end of said term, and I think that this is really something to push forward and look at the positive things that can happen if we get that \$500 million and up possibly higher upon additional analysis and data, so thank you for your time.

**Wheeler:** Thank you sir. Next individual, please.

**Item 114.**

**Wheeler:** Good morning.

**Nancy Newell:** My name is Nancy Newell I've been an anti-nuclear activist since the three mile accident in Pennsylvania which I was a victim of have closed three nuclear plants throughout the here and in the united states, I also stopped the money for smrs in the state legislature. I helped with that and the reason that I do that is we are continuing to be saturated with radiation by all of the scrams, 25 scrams of this old nuclear plant, Westinghouse completely poor design proven by three of them, melting down not because of a tidal wave but the structure of the building itself. We have so many problems in that plant it should not be operating. It is criminal negligence, which I intend to start a case that they are operating in because they are releasing radiation and they had a scram in December of 2016 and did not report it for five months. So this entire northwest was exposed to radiation levels that are totally unacceptable and the amount of cancer, we have record breast cancers here. We have all of the results of a history that should be closed. This -- there is no excuse. The Bonneville power administrator is out of Enron. I don't know who appointed him. He's one of the crooks that engineered Enron's mess, and why isn't he gotten rid of because he's promoting this plant, he's required to close it, Robert McCullough did the report on the economics. It is the legal responsibility and our senators, our congress, they are not speaking up about it. So I went to their hearings. I

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don't understand the silence. I don't understand the suffering. I don't understand why women have to live their lives with breast cancer. I don't understand the lack of attention to this very serious health crisis that has been proven time and again. What is the problem? This thing is worthless. California has excess capacity. They are now in san Diego, independent of all of the dirty sources of energy. They have excess capacity to come right back up the Bonneville line, and the administrator, Elliott mains from Enron is one of the ones blocking some of this, and I don't have the exact record of that, but I believe that it's a fact. So this council could call him in and ask very important questions, you could be, and I know you support it, all the alternatives, and you have proven it and helped to prove it, ask him why he's not doing his job. It's pretty simple and we can get it done and we can get it done overnight. Just like Germany. The German chancellor has closed three right after fukushima. What do we need to stop this insanity? This is material that goes to nuclear bombs and endangers any efforts at detante so come on and let's do this.

**Wheeler:** Thank you for your testimony. Appreciate it. Next individual, please.

**Item 115.**

**Wheeler:** Mr. Nelson, are you here? All right. First time -- consent agenda, one item has been pulled, 122, have others been pulled, too, Karla?

**Moore-Love:** That's the only request that I had.

**Wheeler:** Call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. Consent agenda is adopted. Item 116 please.

**Item 116.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you mayor wheeler. I want to start off by extending a special welcome to those who have come out this morning to support renewal of the Portland children's levy on the May 15 ballot. 16 years ago Portland became a model for other cities when voters decided to make children a priority and create the Portland children's levy. In partnership with schools, nonprofits, sun programs, and an amazing group of dedicated organizations working tirelessly to support children and families we have accomplished many worthwhile goals. We are providing children with the emotional and academic tools they need to reach kindergarten ready to learn, we are reaching students with after-school and mentoring programs that motivate them to stay in class, attain better grades, and improve their self-esteem. These programs help to keep children safe long after the school bell rings. We are also helping parents deal with stress and trauma by offering respite care and other vital assistance so that they can become better parents and create safe homes for their children. We are supporting children in foster care with education assistance so that they can experience success now and in the future by increasing their chance to graduate high school and go onto college. We are helping to alleviate, we are helping to alleviate childhood hunger so families don't have to worry about where or when the next meal is coming from. We know that hunger stunts healthy growth and makes children susceptible to illness and puts them at a higher risk for behavioral problems. We have also responded to the call for programs in the eastern portion of the city and now 60% of the children that we serve live east of 82nd this. In 2002, 2008, and 2013 Portlanders said yes to the Portland children's levy because they solved the connection between strong, healthy children becoming future leaders and a strong healthy city. We are hopeful that the city residents will continue to feel the same level of commitment to our children in the May election. So we're pleased to have a number of speakers who will say a few words on behalf of the Portland children's levy, but first we have a short video that will provide an overview of the levy.

**[video played]**

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**Saltzman:** Created by voters in 2002 the Portland children's levy, invest anything programs designed to prepare children for school, support their success in and out of the classroom, and reduce racial and ethnic disparities in children's wellbeing and school success.

\*\*\*\*\*: we know that there is a connection between food and health and learning, and the Portland children's levy allowed that to come together.

\*\*\*\*\*: It means a lot that it's here, the families really, really need it. Before I knew but the pantry our food was running low and we would be waiting until the next month or payday came but with this little bit of help they don't worry about it anymore.

\*\*\*\*\*: We have children and families that come from high stress situations with risk factors in their lives, and so we really try and work through the classrooms to have it be a calm, safe environment. We want them to really become ready for kindergarten or head start.

\*\*\*\*\*: We've been a grantee of the children's levy ever since the beginning of the levy that's been 16 years, and you add up 150 children per a year. Literally probably a thousand of families and children that we have touched who have really needed the support.

\*\*\*\*\*: I believe early childhood education is important to see two-year-olds able to start writing letters and recognizing numbers and colors and shapes is amazing. A lot of times I get families that come back and visit me and the kids are older and they remember when they were here and their experience and the parents were like they are doing so great in elementary school because they had this exposure to education.

\*\*\*\*\*: So the Portland children's levy has been funding our foster care services for going into our Fifth year now. Kids in foster care endure in additional transitions and instability compared to many, so having that one person who is consistent show up and knows you, home after home after home, that can really make a difference in a child's life.

\*\*\*\*\*: Hi. One of the reasons I go to girls inc is because everyone in girls inc makes me feel safe.

\*\*\*\*\*: I have had girls in foster care and some who are you know, without these programs it's hard to say what all of them would be doing.

\*\*\*\*\*: College will help me to support myself and my family and I am also looking to go into social justice work. That's really important to me but like through college I will be able to help people.

\*\*\*\*\*: My parents, like they are supportive of me going to college but don't know how to support me in getting stuff done so having someone there, like, my college application is coming up and the due date has helped me to get farther than I thought that I would have been able to.

**Saltzman:** A 5% cap on expenses, it is an oversight, an annual audit, allow us to funnel .95 of every dollar to proven programs that help our next generation build a safer and stronger city for all of us.

**[end of video]**

**Saltzman:** Thank you, john. Now we would like to -- part of the citizen oversight of the children levy involves a five-personal allocation committee, and we have several members of that committee who are here today. I see Julie young and serene Stoudamire-Wessley and I would like to invite them up to the table to say a few words. Mitch Hornecker, too, great.

**Julie Young:** Hi, I am Julie young I am on the Portland children's levy allocation committee. Mayor wheeler and city commissioners I am here today to ask you to please refer to the voters, the renewal of the Portland children's levy for another five years. Six years ago this council appointed me as the citizen, the city's citizen representative on the allocation committee, I've been reappointed twice, thank you for this privilege. The levy

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has, as you hear, for 16 years played a critical role in leveling the playing field for children and families for whom historical and institutional barriers challenge their success in school and in our community. It's the generosity of the citizens of Portland that makes possible investments in quality, proven programs. Grants are referred to as investments because that is exactly what they are, investments in our children and in our city. When I make site visits to any number of levy grantees I am struck by several common elements, including these. First the racial diversity of children served which reminds me that services must be culturally informed, and I believe that we have improved on this in recent years. I see direct attention to the children and families whether they are toddlers experiencing a safe and nurturing environment at a relief nursery or fourth graders enthusiastically learning stop animation, stop motion animation while they are practicing cooperation and patience at a Saturday academy after-school program or a Latino network, Spanish speaking parenting group I sat in on where mothers and fathers role played parenting strategies and critiqued each other. I see professionalism of supervisors, teachers, social workers, and specialists whose jobs are challenging but too often under-acknowledged and I always see gratitude. Of course they are grateful for the grant but I see more. I see gratitude for both the funding and for a community that cares about the children. Perhaps heard this before. The traditional greeting of the Messi warriors in Africa was this and how are the children? Even warriors who had no children greeted each other with that, in that manner. This tradition continues for the Messi people and how are the children the answer, of course, is the children are well. This means the children are valued, their wellbeing is a priority, and if the children are well, life is good. This should be true for Portland. If the children are well, the city is good. Thank you for hearing me. Thank you for your service to Portland.

**Saltzman:** Thank you, Julie.

**Mitch Hornecker:** Mitch Hornecker representing the Portland business alliance. Well said Julie. The Portland business alliance remains a strong supporter of the children's levy, and hopefully will be arm in arm trying to get reauthorized for another five years. We are gratified on the levy's focus on children and their families east of 82nd. In poverty, communities of color who have been historically underrepresented, and as the video said we're now driving most of our money from the levy to those communities. I think for well deserved reasons, we would like to see it happen for an additional five years.

**Serena Stoudamire-Wessley:** Good morning, serene stoudamire-wessley and I am the representative from Multnomah county, and I am going to echo what these folks have said but I will say that my hope is that it will continue so that we can start investing as Julie said, investing in our children and starting at an early age like early learning, we made the investments in early learning education, preschool, and its really important because we invested our children early, then it sets the foundation for them to go on and to complete college as they transition to school and high school as we talked but the absenteeism and other things of that sort, if we start early it helps to prevent a lot of those things and also it helps the organizations holistically helping our children, provides those wrap around services, and a lot of them is the one-stop shop, and has to be move forward, hopefully it becomes a no wrong door place for children and their families to go to get the services they need to help them to succeed and thrive in this economy and in this -- in Oregon.

**Wheeler:** Thank you all for being here and for your service on the allocation committee.

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

**Saltzman:** Next I would like to bring up the organizations that the children's levy invests in. They have come with staff, students and family to talk about how the levy has made a difference in their lives. First up we have a group from Albina early head start. Good morning.

**Wheeler:** Good morning.

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**Helen Field:** Good morning. Good morning my name is Helen field, I have worked for Albina early head start for the last five years and have had the privilege over the last 2 ½ years to supervise our Portland children's levy funded home visitors, and because of the levy we are able to visit 24 children. Most of our families we serve are families who are new to the country and our home visitors help to support them to be successful in our area. We provide once a week visits for 90 minutes, and classroom experiences and field trips to the zoo, omsi et cetera and with the help of pcl and Portland children's levy we are able to serve these families with dedicated staff and parents who rarely miss a home visit. The home visit like I said, are 90 minutes, and we provide child development information, social supports, we have lots of book programs and things that we make available to the parent and many of our families return to their home visitors when they are -- when they have more children or if they become pregnant we can serve them as well and Albina believes parents are the first and best teachers for their children, and the Portland children's levy helps us to continue that message, or that mission, and helps us to empower the families and support their children.

**Saltzman:** Thank you.

**Fatiha:** Hi, I am Fatiha I started working for Albina head start, I was a parent for two years. Before my son was enrolled in the program I was -- well, I moved to Portland new, didn't really know anyone and didn't have a family. I was struggling with childcare and trying to balance going to work and being able to take care of my child, and I was not able to afford paying for childcare, and where I worked if you called out three times in three months, you would get written up, and I was really struggling, stressing being a young mother, and when my child was enrolled into Albina, I was able to just show less stress and be able to have a place where it is cost-free to me and I bring my child and they gave me a chance to go into the classroom and volunteer in my child's classroom, come in if I choose to have lunch with him, and I just seen like it's mothers like I working with my child, and I was able to like -- he's my first child. So I am like oh, no, I can't leave him, you know, with anybody. So I was able to find comfort with the staff that was there taking care of my child, and eventually I actually fell in love with the work that they do with my child, my child is like two now, and he can have a full on conversation with you. Like he's very talkative, very smart and the things that they do with them every day and every hour, and I decided to actually apply for it -- I volunteered in the classroom and decided to apply for the program as assistant teacher, and in less than a month I was able to like move up and become a head teacher and now I am a head teacher at franklin, and I just want to be -- I want to say that I am very thankful for all of that you guys do to allow us to have that program that cares not only for my child but for every parent that needs that and cannot afford to have like money to pay out for childcare and also balance to pay for bills that we have to pay for, and I am grateful, and I will be even more grateful if you guys continue to support us so we can do the work that we do and our families can be served.

**Saltzman:** Thank you.

**Carmen English:** My name is carmen English, and like her I am a parent my kids have been in the program for three years. I had a rocky start, when I first found out but the program through another person who finished, I was actually homeless living out of the car with my kids, so this program in three years has completely transformed my life. I am now in a stable home for all my children, myself and my husband, we both were able to work because of the stabilization, and the resources provided throughout Albina head start. We have just -- I am sorry, I am getting totally emotional. My kids are -- they have been greatly impacted from this program just to say the least. My kids are performing above benchmarks, and they are now in David Douglas school district. They have transitioned out, the older two, the younger two are in the program. My kids in the preschool program

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still are participating with Albina head start and doing the same work as my kids in elementary school. The work is challenging. They are providing them with what they need and now these kids are ahead and getting more advantages than the kids who did not experience the program, and the stabilization, that the resources from the family advocates and the other programs they are able to recommend you through their social services has propelled my family and I am moving forward. Now I am also transitioning to actually work for the program because I understand that this is something that is necessary for the community, this is something that the kids absolutely need to succeed.

**Saltzman:** Thank you very much. Thank you very much for being here and sharing your stories.

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

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

**Saltzman:** And next I would like to introduce El Programa Hispano Catolico Primeria the after-school program. Welcome.

**Jasmine Dominguez:** Hi, my name is jasmine Dominguez, I am nine years old and I go to Wilkes elementary. This is helping me because we always have to focus on doing our homework first. It gives me the space to do it like this and asks for help if I need it. Another thing that it helped me with is learning more about our Latino culture. For example we have done -- we have made ojos de dios, we have learned about dia de los muertos and got to make sugar skulls, and we also do Baile Folkorico and have learned about dance and got to perform it. I would love for puentes to be at every school because I want others to get to help they need with their homework that they don't understand so they can also learn about their culture. Thank you.

**Wheeler:** Thank you. The.

**Garza Hernandez:** Hi, I am Garza Hernandez, I am ten years old and I go to Wilkes elementary school. I like being a part of Puentes because we get to do a lot of fun activities. The first thing we always concentrate on is doing our homework. I love getting that space because I can do it during the time and not have to worry about it at home where I sometimes forget. We have learned many things like when we practice our multiplication, we play games like math bingo. We have done a scavenger hunt to learn about coordinates and many other things. We also learn about our culture. For example something that we have made ojos de dios which is made from a tribe in Mexico called los Huicholes. We also do baile Folkorico which I love because we get to dance different kind of dances. I really enjoy being in puentes with a lot of my friends and hope that I can continue being a part of it. Thank you.

**Saltzman:** Thank you.

**Jackie Dominguez:** Hi my name is Jackie Dominguez I am 11 years old and I also attend Wilkes elementary. Some of the things I do in puentes that are helping me is we get one hour to do our homework which is helping me a lot because I can have the help to do it here in puentes instead of at home where I sometimes don't have someone to help me. Puentes makes learning about things fun, we also get to learn about our Latino culture by doing many crafts and dances. One of the things that I have learned was how to make is papela maite which is made in puebla Mexico, from a tree called the matta tree, we got to make our own colored paper and decorate it. I really like being in puentes with my friends and enjoy everything we get to do with ms. Isabel. Thank you.

**Saltzman:** Thank you all. Do we have more? [applause]

**Stacy Dominguez:** I am Stacy Dominguez, and I am 11 and I go to Wilkes elementary I'm in puentes. Some of the things I have learned about is the Latino culture. One of my favorite parts of puentes is baile folkorico one of the dances we have learned is from Jalisco where we have been learning the dance from folkoricos and we will be showcasing

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what we have learned. Every day in puentes we focus on doing our homework for an hour so if we need help we can do it during the puentes time. I enjoy doing my homework during puentes time for a couple of reasons. I like to get to do it with my friends and I have someone who can help me with it almost all the time when I get stuck on something and it makes it more fun. Puentes makes learning fun in general, especially because we have the best teacher ever, miss Isabel. Thank you.

\*\*\*\*\*: [speaking in Spanish] I love coming to puentes because it is so much fun and helps me to understand a lot of the stuff.

**Wheeler:** Thank you, could we suspend the rules so we can acknowledge these young kids today? Thank you. [applause]

**Isabel:** I want to say thank you real quick before we leave. I am Isabel I am the puentes mentor at Wilkes elementary, these are my students well some of my students. I am very grateful for this program at the school I have about 46 kids enrolled. I wish that I could have more kids but there is no room for them because it's just me by myself, sometimes with them, so I am very grateful, and I see teachers coming up to me and telling me that they have other kids that they would love to recommend for the program because they can see that they are improving on their homework, kids are turning in their work on-time, instead of a week, two weeks late, I have parents calling me and telling me I want my kids to come more days because sometimes coming home is not the best option for them. So they want them to stay in a positive place, which is a school with me. So I am very thankful for this program, and I hope that it continues for a very long time, and at wilkes and at other schools, and because we are grateful, I can see a huge improvement in my students, some that barely can speak English, and her English is improving every day, so well I have kids that are very shy and can't even talk that are screaming at the top of their lungs in front of people, so I can see a huge improvement thanks to the programs like this, and I am very thankful for them. Thank you.

**Saltzman:** Thank you all for being here.

**Wheeler:** Thank you very much, well done kids. Thank you.

**Saltzman:** I would like to introduce the next group which is irco's refugee and immigrant mentoring program. Good morning.

\*\*\*\*\*: Good morning.

**Interpreter:** Like these children I am representing the puentes program. This is a very important multi-cultural program they are talking about their roots. I have a son in the program and I notice how they are helping him with his homework and the other things that he might need. There is a small problem at the present, my son is only receiving one day, and I was wondering if we could give him more time, more days. I don't know if it's because of the funding but I would hope that we would get more funding so that we could give more support to the children. The program has helped my child a lot. I hope to -- there to continue. It helped my son with homework and when I couldn't help with his homework, they have helped me in that respect. I hope my request is that these programs continue so that these levels that they could achieve could be better. Higher, yes, thank you. Thank you very much.

**Saltzman:** Now we have irco's refugee and mentoring program. Good morning.

**Wheeler:** Good morning.

\*\*\*\*\*: Good morning.

**Rebecca Lomboto:** Good morning commissioner and mayor my name is Rebecca Lomboto and I am one of the coordinators for the refugees, immigrant mentoring. We are located at the Africa house, my team and I are so excited to be receiving funds for the past five years for the mentorship program and you know as you all need, there's a lot of great immigrant and refugees communities, and irco rim programs fill this need by providing 101

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community-based mentorship within Multnomah county school district that focuses on building positive relationships between youth and volunteers, and through this mentorship project we are able to serve 67 youth per year 7 to 12 coordinators across the Multnomah county school districts. Currently our volunteers, mentors have been providing our youth with 10 hours or more of monthly 101 mentorship. While our staff team, are here and parents are doing a great job in this project, we are still in a lot of work ahead of us that our mentorship programs are still needing for our students. Mentoring programs right now is crucial and it's the success for the family that we serve. It's really important, this support is essential for eliminating disparities, closing opportunity gaps and ensuring better education experience for immigrant and refugee students within the Multnomah school districts. So right now we have one of our staff Omar who is going to talk a bit about what our mentorships people are doing.

**Omar:** Thank you everyone and for inviting me here today. Our work is to help our culture and clients navigate through the new culture in the rose city plus living in the new country, facing the different barriers that come with it. As new Portlanders we want our clients to give back to the community by when they leave our program. Rim helps with mentoring matching enrichment activities, academic community-based activities, the culturally approach programs has helped clients integrate easier into society with culturally specific programming including diverse staffs that come from around the world that speak different languages and our in-depth understanding of the cultures and how we can solve the barriers they face every day. Our program is focused on academic community base activities like every Saturday we have a homework help tutoring club, we do outdoor activities like hiking and snowshoeing, Friday basketball help, traditional karate workshops and mentors and mentee social hour, and these programs will be to use a self-based approach to establish a supportive relationship between the youth and the mentor in order to provide a, to promote, to provide guidance and promote social responsibility to increase participation and the academic learning to build self-esteem and create a positive connection through a culturally specific programming. That's our main focus so thank you for the support, it has been very helpful, and made an impact and without the levy it is, it would make is a hardship for us but with the support it, it has expanded our program all the way up to Washington county so we really appreciate the work you guys have been giving and we hopefully can extend the program.

**Saltzman:** Thank you.

**Vashika Varti:** Good morning commissioners, and mayor. My name is Vashika Varti and I am from butan. I've been working in the immigrant mentoring program for the past four years. I have here one of our youth to share the experience and support we've been providing the immigrant mentoring program.

**Saltzman:** Thank you.

**Interpreter:** My name is [inaudible] and I came here as a student from Butan. I came into the u.s. In 2009 and when I came to this country I struggled a lot with my youth. When my daughter came to this country they struggled with the American school system and also the culture to fit into the new country, and Africa house has been providing a lot of support to my daughters by giving the mentors and providing the sources that they need academically to improve their school academics. Not only to my daughters but also Africa house has been helping all the youth from different communities as well. We want to see this program expanded and engage more support to the immigrant youth in the community. Not only that Africa house has other influences like [inaudible] because I don't work and been a support for us to support my family. I can see the effect in their school work by giving them mentors and learning but the new American culture so we would like



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to give thanks by getting him to come here and share his experience in the program.

Thank you.

**Saltzman:** Thank you.

\*\*\*\*\*: Hello, I am [inaudible] from butan. Currently a tenth grader in David Douglas high school, and I've been in the refugee immigrant and mentoring program for the past two years. Before I was enrolled in this Program I struggled with many things like homework and school stuff. After I was enrolled in the mentoring program, it has helped me a lot. They gave me a mentor who matched my interests who sacrificed his time to meet at my house once a week to help me with homework and other school things. He also helps me with like other things with volunteering and like he takes me places like for example like I went to meet a pharmacist like to -- he shared with me like what he does and how hard he worked to get there and he just a great mentor and furthermore I look up to him, and he's like a great role model, he like tells me like to do great in school and he pushes me to work harder. And also the staff, they push me to work harder and I want to say thank you for supporting this program. It has been an impact on my life greatly, not just schoolwork but helping me to speak this language and thank you again.

**Saltzman:** Thank you. Thank you.

\*\*\*\*\*: [inaudible] and I am from Somalia and I am a senior at David Douglas high school. I've been in the refugee immigrant program since my sophomore year of high school so three years ago. Before I was enrolled in this program I struggled with English, writing, especially, and the rim program has helped me to find a mentor who knows what kind of student that I am and the things that I needed help with like writing an essay and they helped me with the college essay, and I want to say thank you for supporting this program.

**Saltzman:** Thank you.

**Hiat Hussan:** Good morning my name is hiat Hussan, I am a senior at Reynolds high school. I have been a part of the rim program since the seventh grade year, tim program has taught me a lot of things. Like how to build leadership, how to speak up for what you think is important, but most importantly, how to be, how to succeed. How to persevere through the obstacles and achieve your goals in life. Throughout my time being is a part of rim I learned that no matter the language barrier, the background you came from, you can achieve what you want to achieve if you work hard towards it. Because I was the first generation student becoming a freshmen at high school, it was scary, and I did not know the system of being a high school, that you have to pass credit, you have to pass your classes, in order to graduate, but rim staff members provided enough support so it would not be as scary. I am glad that I have been a part of this program because now I know what I want to do later in life. They have helped me that I can pass my classes, get good grades and hopefully go to the university next year. Thank you for supporting this program.

**Saltzman:** Thank you very much.

**Mohamed/ Interpreter:** His name is Mohamed [inaudible]. [speaking through an interpreter] He's from Somali and grew up in a refugee camp in Kenya. He has a family of eight people and the Africa house has been supporting him with the rim program. Everything I need they provide me, going to the hospital or just for his kids. He's a little bit emotional right now. Things we have done for him, and he's really thankful and he's glad to have this program.

**Saltzman:** Thank you very much. Thank you, please continue to fund this program.

**Saltzman:** Thank you. Next we have -- all right. [applause] we have a group to talk but the child abuse prevention and the el programo program, child abuse intervention and prevention. Good morning.

**Wheeler:** Good morning.

\*\*\*\*\*: Good morning mayor.

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**Wheeler:** Good morning.

**Gabriella Gomez:** Commissioners. Thank you for hearing our testimony. My name is Gabriella Gomez, and I am the program manager of youth and family services. We have a domestic and sexual violence branch. It was developed in direct response to the needs identified by the Latino community. We provide support, advocacy and opportunity for self empowerment, which enables the survivors to exercise the free and informed life choices. Founded in 1992, in response to a high community demand for culturally and linguistic-specific domestic and sexual violence services, we serve 1,500 survivors every year. Domestic and sexual violence is a significant public health issue nationally and in Oregon. It is important to note that according to the woman's foundation of Oregon and report, nearly half Oregonians have experienced a traumatic childhood event such as abuse or neglect and 1 million women and girls have been sexually assaulted. That is more than half of the female population in Oregon. Today we come to testify about the impacts of the program that is funded by the Portland children's levy. This program provides therapy, parent child advocacy service of course and a culturally specific trauma recovery group where members of the group learn and utilize the tools to heal from the impact of the domestic and sexual violence. The coping tools include self care, self-esteem, having more option when is a person feels triggered or upset and ways to establish boundaries with people in their lives. During this grant cycle 211 families, 512 children receive advocacy services and we provided 3,085 sessions of home business and supportive services. Our therapeutic components served 96 families in this grant cycle. The program has four outcomes of which more than 90% of individuals and families self report having met these outcomes. Advocacy outcomes demonstrate the parents improve their parent and child interactions as well as increase their knowledge of the impact of the domestic violence on children. Amongst the family that received the mental health support the outcomes indicate the children that receive therapeutic services increase their cognitive coping skills. Many survivors have lived in isolation and accessing resources or transportation is difficult, which is why home visiting programs such as this are so important. In the program we understand the complexities of domestic violence and highly vow the meeting survivors were they're at. Survivors who are connected to our program are coming from different points in the healing process. With the program we met them where they are at, experts of their needs, situation, families goals, barriers and strengths. Next are parent child advocates will share information with you and quotes directly from our families but the impact of the program.

\*\*\*\*\*: Mayor and commissioners thank you very much for hearing our testimony. I am a parent child advocate and my name is [inaudible]. I home visit parenting survivors and their children in Multnomah county and I am here to share the impact and testimony provided by survivors who because of safety were unable to attend today. It is important that their voices be heard and experiences be shared. First I will begin by discussing the evaluation findings from our focus groups with bcl participants. Parent survivors have stated that unconditional support was essential to overcoming domestic violence. Individuals specifically spoke to the importance of feeling understood having the support network and how surrounding themselves with good people is essential to healing. I will read their original quotes in Spanish, with an English translation. [speaking in Spanish] regarding my relationships the ones that I have now bring me emotional support when I feel sad my motivation is to get ahead one of my children. I would like to add the families I work with discussed the importance of receiving services in Spanish that are culturally specific this allows survivors to feel understood and develop trust and feel like someone from their culture was there to provide support without judgment. [speaking in Spanish] I know domestic violence is a big problem in all cultures but what I feared being a Latina, was that

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there were not any resources for me in my community. It is important to note that overcoming fear was essential to the healing process identified by survivors, in this process they identified feelings of increased confidence in their decisions. Feeling more positive increased energy integrating new habits including self care and exercising and feelings of overcoming the violence and having learned to seek help and stay away from bad influences and speaking up for themselves. I would like to mention feeling this validation is important for survivors, something that is stated in the following quotes. I felt like being in a support group where others had experienced the same violence I felt validated. [speaking in Spanish] I was afraid to see my month old baby in danger. I found the strength to leave when my maternal instincts came out. I had to protect my daughter. I would like to state the funding for new services is essential because it saves lives. Increases the safety and provides healing and educational opportunities to families and their children, who have been impacted by the experience of violence in abusive situations, it is important to understand that while we speak of the statistics these survivors and neighbors, friends and co-workers they are our community. I thank you very much and appreciate the continued funding for this program.

**Saltzman:** Our next group is the naya, the foster care program.

\*\*\*\*\*: Good morning.

**Elisha Big Back:** Good morning commissioner Saltzman and members of the committee. For the record my name is Elisha Big Back I have been part of the foster care support program at naya family center for 2.5 years. First as a staff member and then in the summer of 2017 I moved into my current role as the program manager. In my current position I have had the honor and privilege to serve what I consider to be our most vulnerable and underrepresented population in the city of Portland which is our foster youth. The foster care support program at naya family center has grown from the original number of clients served which was originally written to be 50 youth to the current number of 72. The program continues to gain recognition as a positive resource to the culturally specific population that it serves within the city of Portland. To be more specific the outcomes being a positive improved sense of cultural identity and a positive or improved sense of cultural knowledge and lastly a positive or improved sense of hope. Each of the youth has found a connection to the program that is unique and specific to the youth in terms of the support and the positive relationships within the community. There are a number of things that I could highlight about the uniqueness of the program and the population that it serves but I have brought a few of the youth and the staff members that can attest to the services that they are receiving at the naya foster care support program. With that being said I would request that you please put the Portland children's levy on the May ballot.

**Alisha McConnel:** Commissioner Saltzman and members of the committee thank you very much for your time Today. For the record I am Alisha Lynn McConnel and I've been in the foster care support program for the past 12 years. This program has helped me to become the first one in my family to not only graduate high school, but graduate on-time and third in my class. I am the first one to drive and to have my license and pretty much do anything legitimately in my family. Growing up and coming from homelessness as a child, this has all just been success, with the support I received from the program, it helped me to get all the way here because of my involvement with the program, and now I feel like I have a place inside of my community, my dad was adopted, you know, from out of state and it took a lot of time to get into his records and just to find out that I was native and then to find out my tribe and then get in all the people that I found that I have in my corner as an adult were somehow I met through the system here at naya, like all the people that, who I call on whenever my car makes a funny noise or have a problem I can call them and

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someone will pick up the phone and I don't know where I would be without the program or the funding. I just really appreciate it, and yeah, please, please put the Portland children's levy on the May ballot and thank you for taking the time to hear how the foster care program at naya has helped the Portland children and families.

**Sage Dupree:** Good morning commissioner Saltzman and other members of the committee. For the record my name is sage Dupree. I've been a part of naya's foster care support program for two years. The program, I can't begin to explain how important the program like this is when we are talking about foster youth a lot of times you hear negative things about how the foster care youth are not supported, foster youth don't have the ability to be able to go to school and have that support. Through naya, personally, I was able to graduate high school early and get the support of, you know, I moved around home to home and been in six homes and so I just wanted an adult supporter to help me. I have always been used to being my own adult so when you go into the system and you get these people are supposed to be your parents and you are like I don't want to be connected with them and going to naya and to school and also being in the foster care support program which is easy and it felt comfortable and you go and you see the same people all the time, specifically for me what I enjoy about the program is that because there are a lot of things that I do on my own whenever I go to naya and Elisha is my case manager, I am like oh, I want to, you know, to update my resume can you help me or I just got my name legally changed, do you know if I have to pay for any social security card? Basic questions about daily life. I don't know where I would be without foster care support programs just because there is not a lot of other programs that is best as naya, but dhs is sometimes hard to have a connection with especially when it comes down to the culture or generational differences so thank you for listening to my testimony.

**Saltzman:** Thank you.

**Eldon Scott:** For the record my name is Eldon Scott and I've been working with the foster care for about a year or two and if it wasn't for them, in general, I would not be here today talking to you guys, and like with their support for me, like in and out of school, and like they have been pushing me to graduate on-time, and I've been going to school every day since working with these people, and they are good people, and I recommend this program to upcoming students that are going to my school. They help me with anything, I am trying to get my license and stuff and all of this great stuff, and I am going to graduate and they help me to do anything and I hope that you guys help me help you, you know, and yeah. Thank you. Please put Portland children's levy on the May ballot, thank you for taking the time to hear how the foster care program at naya has helped Portland children and family. Good testimony.

**Casey Womack:** Good morning. My name is Casey Womack, a foster care support specialist at naya funded by pcl and I work with a lot of youth that have worked with also a lot of professionals and in that it's really important to be consistent and safe and follow through and what the foster care support program at naya does is provide that environment for them, and that's through the building itself, and also through the people who work out of that building. We are a home-based program so we go out to the youth. That means that we are able to meet them wherever they are at. So that's at school, after their jobs, picking them up from their jobs, providing transportation and all the while really focusing on building community and overall supports, and our focus in this program is culturally specific, so that's building up their native American cultural knowledge, their cultural identity and hope. This is huge because it provides a sense of connection and meaning in their life. So I see that every day. I was with a youth recently that recently lost their job, and I was able to provide support kind of along the way of unemployment, going to a job fair, she received an interview, and you know, another interview along the way,

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and that was very recent, so that alone is a success and that's additional to really how we live as a people. So it's just a huge asset in the community to have this native American resource. I love that because any type of connection is building community. It's building a safe and supportive environment, and we each need that, and here it's definitely given and given in a way that's one-on-one. It's given in a way that's in groups also, and, and kind of walking someone along to make them feel comfortable with who they are and who they are with and providing company and support to like go out into the world and to be confident and to be a part of our society in a very positive and influential way and that's what I see is happening constantly. I appreciate the program, and more than that, pcl, and just knowing how much pcl does for our community and the Portland area is fantastic, and that trickles along throughout Oregon because we serve so many tribes throughout Oregon and also throughout the nation. Its huge and its not just here its and its not just with one person its with many, thank you.

**Saltzman:** Thank you all for your.

**Fritz:** Can we suspend the rules.

**Wheeler:** Yes.

**Saltzman:** Last group is the meals on wheels meals for kids program.

**Susanne Washington:** Good morning, I think its just me this morning, we have family that was going to come and she ended up having to take her children to the doctors. My name is Susanne Washington I'm the ceo for meals on wheels and I'm here to talk about the meals for kids program which is part of the hunger relief focus area of the children's levy. As you know that childhood hunger is a huge factor in results in poor school performance, it hurts physical, social, behavioral if kids are hungry then it hurts behavioral, social and difficulties throughout their school life. So what we do is provide a healthy meal for kids, we do it through our model of our senior program where we deliver home bound meals to seniors we use the same model, we use volunteers to deliver healthy food to families directly in their homes. The meals for kids program does an assessment and figures out how many meals the family needs to get through the end of the month to meet their budget needs, their meals are healthy providing whole grains, fresh fruit, vegetables, made from scratch in our central kitchen in Multnomah village and delivered by volunteers to the homes. What's great for the program is for working parents, for care-givers, that work at night, that work two jobs, the meal is already prepared its there in the home, ready. Kids can heat it up and feed themselves. It's healthy, balanced nutrition which many families struggle to provide. Whether they get food from other places they have to figure out how to make it work. Our meals are already healthy and nutritious and meet that need. The most important part is that it is tailored to family's needs. We have a huge population of Russian families that they get a raw food component, they will cook the food for their families, they get it raw so they may get chicken, vegetables, fruit then they prepare it themselves. Many meals are ethnic about 34% of the menu is ethnic and meets religious and vegetarian options as well. In the 3.5 years we have been providing meals we have served over 235,000 meals to children, another 157,000 meals to their care-givers and the cost of the meal is extremely effective, only about \$3.44, all in delivered to the family. This is possible because we have about 7500 hours of volunteer support providing the meal which is the value is over \$180,000 if you put it into a dollar figure. It also meets the children's levy goals in that 68% of the families are from east Portland another 63% of the families the caregivers are people of color and 76% of the children are people of color over the 3 ½ years that we served. I think one of the big things and the value that we hear from the program is one is I travel through the region, many people ask me about the program other jurisdictions and they always ask to hear about the program, how can we get that program for us. Question for example and I met with the mayor out there he was wanting to know

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how can we get this program in Gresham, Washington county the same thing, even clark county, Washington, they want to know how they can get the program cause it meets families where they are. Again it's simple, easy, we provide a loaf of bread, a bag of apples, gallons of milk and a prepared entree that meets balanced nutritional requirements. One thing as I was sitting in a school not long ago we provide community dinners at the low income schools. I asked a mother if she was interested in the program and she said no, she wasn't interested and I asked her why not. She said it was too hard to jump through the hoops that these programs you always had to jump through hoops. When I asked her to explain she said I don't want to prove that I'm poor, I can't prove it, I don't want to come up with the list of signatures and all the documentation it takes. Even if I get through all that, as soon as I get something that will help my family I'm going to lose on the other end and I know you're aware there's many times poor families get 25 cents more raise for their job then lose part of their Tanf resources or their child care support. This program really doesn't do those kinds of things, it's low barrier. We get people in, we can get them served within the next several days then we get out and serve them in a way that meets their needs. Kids waiting at the door, if it's prior to school, families are waiting and every time they are so grateful to get the meal. As that mother said, the proof was when she found out it was low barrier and she could get in and wasn't hurt on the other side she started to cry. It was one of those things it so helps the families and meets their needs. We are very much in support we have capacity through our senior model is what makes it work and we appreciate the children's levy providing and hope it will continue. Thank you.

**Saltzman:** Thank you Susanne, that concludes the invited testimony mayor.

**Wheeler:** Public testimony? How many are signed up?

**Moore-Love:** Four people.

**Wheeler:** Please read the first three. Reminder three minutes when the red light goes off your time is up.

**Saltzman:** Julie young already spoke.

**Mimi German:** Good morning. My name is Mimi village of hope German. I would like to just start out by saying, wow, that was an incredible presentation this morning and I was really glad to be here for it. It was overwhelmingly wonderful. I'm glad that all these kids and so many facets of our city are getting taken care of. Chloe your absence during communications was rude.

**Wheeler:** Stick to the resolution.

**German:** I'm coming back to it right now, but that had to be said. I don't understand one thing. I understand the program, which is incredible. What I don't understand is maybe you can answer this for me, because I actual would love an answer, how do we create such a callous divide between who we choose to take care of and who we don't? I don't understand why we figure out these incredible ways with money, with voters, with petitioning the people of our city, that we need to take care of our kids, but then it stops there. We don't need to take care of our houseless community. What my question is where does that divide come from? How do we pretend or continue to pretend we're a third world country where we say we only have the ways and means or the money to do this but we don't have the ways and means because of something x factor to take care of our houseless community directly? Am I allowed to ask for an answer? I know you don't have to give it to me but I'm asking because I don't understand that.

**Wheeler:** I will give you an answer and we'll move on to star. We actually if you look at the dollars that we are spending on youth and compare those dollars to the dollars we are spending on the homeless situation for prevention, shelter, housing, mental health services, behavioral health services, addiction services, job training, the resources going to

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children is a tiny fraction. Just for a home for everyone last year was about \$28 million. I believe that we are doing a compassionate job with all. Star.

**Star Stauffer:** She's next.

**Crystal Elinski:** I am?

**Wheeler:** Whoever -- we don't have all day. One of you go, please.

**Elinski:** I was being sarcastic. My name is crystal elinski I represent 10,000. Speaking to the idea of the third world country, this is what I see. I have worked for a lot of these agencies over the years that we just heard speak. I think they are amazing. I'm glad they still exist and that we manage to figure it out and fund them. Sometimes we have to ask voters to help again and again and again and it makes me wonder why we have not expanded it to streamline it to incorporate many other things that we could be doing. I am going to mention too that I think are so important but first on the other end, seeing things from the streets, seeing how hard it is to jump through hoops and most people in the city don't know about the children's levy. They don't know about these programs. So we are seeing what we want to see when you're looking at something that's successful and that's all you see you think the whole city is running that way and it's not. The two things I would like to see we incorporate into the children's levy and these programs is sanctuary, if we're a sanctuary city we could actually on the grounds work on it. Make sure that with these people are protected and this is incorporating our law enforcement unfortunately, which is a disaster. Look at Baltimore, we need to have that kind of investigation here. Second, is child sex trafficking. We don't talk about it enough, and there's been a few resolutions, what not, but I remember the first person to ever talk about it was jimmy carter when he came to town and he did that twice and since then nothing has happened. These are agencies, organizations, volunteers, people with ideas and we have access to the people that are suffering. So we need to make sure that we keep our law enforcement in check so that they are not part of the problem, producing the problem, instead they are helping us. That will -- that will reach out to the people that are being left behind. There are so many people left behind that don't know about the great things that we can do. Thank you for your time commissioners and mayor.

**Wheeler:** Thank you.

**Stauffer:** Good morning again star Stauffer. I would like to see this program eventually not be on a ballot, instead just be normal part of our society every single day something that we are readily investing in without having to bring this up for the potential risk of being turned down every five years or shorter than that because there are thousands of children at risk that benefit from this program. My son was one of them. My son is a sexual abuse survivor and thanks to many of these programs he has been able to grow up healthy and not traumatized and moving forward in his life as a lovely, wonderful, bright, educated young man. I hate to say it but \$15 million is not enough when you're taking into account the thousands of children's lives that these programs and these volunteers and these staffers provide for these children. Like she said sanctuary is a big part of this and right now in our country as you well know we're experiencing an attack on sanctuary. That's another reason \$15 million is not enough. \$15 million does not take into account the violation occurring daily in sanctuary cities for our at-risk community members both black and brown. We need to be increasing these funds to offer even more protection so that children can safely participate in these programs alongside their parents whether they are undocumented or documented. Thank you.

**Wheeler:** Thank you. Is there other public testimony?

**Moore-Love:** That's all who signed up.

**Wheeler:** Please call the roll.

**Fritz:** Thank you, commissioner Saltzman for your ongoing work on this. The testimony did

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raised some questions in my mind. I'm happy to discuss those later. Aye.

**Fish:** It's been said before here that this will probably be the enduring legacy of commissioner Saltzman's service on this council that he was our champion for children who didn't have a voice. Dan has announced he's going to step down at the end of this year which means it's incumbent on this council to continue the good work. Thank you for your leadership and I'm honored to support this resolution. Aye.

**Saltzman:** I want to thank everyone who was here today to testify, particularly the younger people, and I also want to thank the staff of the Portland children's levy who continue to do a great job making sure that these dollars are accounted for and that we're getting outcomes from the organizations that we choose to invest in and next step is on to the ballot. On to the May election. Aye.

**Eudaly:** Well, thank you, commissioner Saltzman and thank you to all the community members that came out to support the children's levy today. I'm happy to vote aye.

**Wheeler:** This levy supports 12,000 children per year, 71% of whom are children of color. This is not something that the council does independent of the community. Ultimately the community gets to decide whether or not they would collectively like to support this and overwhelmingly they have supported it since 2002. I am proud to join my colleagues in referring this to the may ballot. Commissioner Saltzman, as always, thank you for your vision and your leadership. I vote aye. The resolution is adopted. Next item is 131.

**Item 131.**

**Wheeler:** Commissioner Fish. Commissioner Saltzman. I'm sorry. Commissioner Saltzman.

**Saltzman:** I'll turn it over to Stacy Brewster of my staff and Kurt Krueger of the Portland bureau of transportation, and I'm sorry I don't know who you are, you too.

**Stacy Brewster, Commissioner Saltzman's Office:** This is Amy Herzfeld-Copple, a member of the Harvey milk street project committee that brought this to our attention a few months ago. I'm Stacy Brewster, commissioner Dan Saltzman's staff. I want to thank you for considering this out of order. We have some distinguished guests who want to testify on this and we really appreciate it. Before we get to questions I want to reiterate that is not the actual street renaming. This is a waiver of a portion of city code that's required for the application to even proceed to the next step, which would be signature gathering. While Harvey milk the person meets all city code criteria for who we can rename city streets after in Portland after the next section of city code on street renaming actually bars renaming streets that don't start and end within city boundaries and bars the renaming portions of streets. So southwest stark is 13 blocks on the west side and continues east into Gresham. It is only broken up by the river and waterfront park and the applicants for reasons they will discuss are only seeking to rename southwest stark street, the 13-block portion that runs diagonally, we're getting a map here, between west Burnside and naito parkway. Again, I helped the applicants process this application a few months ago. We had a couple ahead in the queue, one that was in process, an application for street renaming that has been withdrawn and another inquiry into pbot for a street renaming that decided to go a different route. City code specifies we can only consider one street renaming at a time and only do one meter street renaming of collectors streets or arterials per year. As of just last month, the opportunity for this application to come forward is here but we have to come before city council to waive the city code in these two specific areas for them to go through the process.

**Kurt Krueger, Portland Bureau of Transportation:** Kurt Krueger with transportation I'll be very brief and I'm more here for procedural questions if they arise. As Stacy mentioned we can't begin the street renaming process without waiver of the code for this particular application. The code does say you have to have streets that start and stop within the city



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and must terminate -- be renamed in full continuity and we have done this before, about a year ago with southwest 9<sup>th</sup> which was proposed to be renamed southwest park avenue. That was withdrawn about a month ago and put on hold for a period of time. So we run an ordinance pretty similar to this last spring. I'm available if you have questions regarding the code.

**Amy Herzfeld-Copple:** Thank you, mayor Wheeler and city commissioners. My name is Amy Herzfeld-Copple, I'm co executive director of basic rights Oregon, the state's largest advocacy and policy organization serving lgbtq Oregonians and our allies. Basic rights Oregon is also a proud member of the Harvey milk street project committee. I'm here to express support of renaming of the 13 blocks of southwest stark in honor of this lgbtq hero. Harvey milk was the visionary human rights leader who became one of the first openly lgbtq elected officials in the united states when he won a seat on the San Francisco board of supervisors in 1977. Harvey Milk was out and proud in an era when few of us could be. He was out eight years after the stonewall riots where Marsha P. Johnson, Sylvia Rivera and others launched the modern era lgbtq movement protesting police brutality in New York city. He was out four years before the first cases of aids were reported and he was out a full two decades before Ellen DeGeneres came out on national television. Harvey milk was a bold and inspiring leader who believed firmly for lgbtq folks to be treated with dignity and respect we have to be willing to share our stories openly and honestly. His life was tragically cut short when he was assassinated in 1978 at san Francisco city hall just over a year after he was elected. Leaders like Harvey milk, Marsha p. Johnson and Sylvia Rivera are tragically absent from our history books. Lgbtq youth have few role models to look up to at a time when the federal administration is working to dismantle our progress on lgbt equality by undermine transgender equality, inclusion in the armed services and freedom to marry. Naming a street after an lgbtq hero sends a powerful message to our youth who still face alarming rates of bullying, family rejection and homelessness. It sends a message that you're okay, you were born perfect and there's nothing wrong with you. As parents of a seven month old my wife and I remain incredibly grateful to live in a state that has been on the leading edge of lgbtq justice. Portland and the city commission have always been ahead of the curve and your leadership remains so important as we face a vacuum of leadership on the federal level. Let's send a message to our lgbtq youth and the rest of the nation once again that Oregonians believe in dignity and respect for all its people no matter who we are or who we love. We appreciate your time and consideration and we're hopeful for unanimous vote from the commission so we can start this process as soon as possible. Thank you.

**Wheeler:** Thank you.

**Saltzman:** I believe we have some invited guests.

**Fritz:** Just before you go I want to clarify that we're not actually voting on the name change today, we're voting on starting the process and it will come back to council at a later date.

**Kreuger:** Commissioner Fritz, really important point. There are multiple steps in the street renaming process. This allows the application to start. There will be an historical committee designated by the commissioner of transportation, there will be a presentation and hearing in front of the planning and sustainability commission. If all those forward a recommendation it will come back to city council for formal hearing.

**Fritz:** Thank you.

**Saltzman:** Governor Barbara Roberts, Kathleen saadat, Darcelle. Very distinguished panel.

**Wheeler:** Thank you for being here.

\*\*\*\*\*: Big guns are here. [laughter]

**Barbara Roberts:** Thank you very much for putting this in an order that allowed me to join

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you today. Mr. Mayor, members of the Portland city council, I am Barbara Roberts, former Oregon governor and a resident of the Sellwood neighborhood in Portland. I am before you today to enthusiastically support the renaming of these 13 blocks of southwest Stark to become Harvey Milk Street. Before I make the rest of my brief remarks I would like to add that I am here and been allowed to bring to you the greetings of Governor Ted Kulongoski, who could not be here today but wanted you to know as a council and the mayor that he is also enthusiastically supportive of this effort. I am very proud to be a resident of Portland. I celebrate our parks, our rivers, music and food scenes and history, but beyond that I'm proud of Portland's celebrations of our people. Cinco de Mayo, our Rose Parade, our ever expanding Pride Parade, the annual Italian Festival, the Portland Marathon, Susan Komen Walk, AIDS Walk and all the many, many celebrations that go on in neighborhoods across the city, but above all I'm grateful and proud of our city's recognition of some of our nation's most courageous civil rights heroes. When Union Avenue became Martin Luther King Boulevard, we opened our minds and our hearts with the public recognition that honored Dr. King. When 39th was redesignated Cesar Chavez Boulevard, we recognized that our city, our state, and our nation have more strength, we are stronger, by the millions of immigrants who live as our neighbors and Rosa Parks by her courage and strength earned the honor of a street named for her right here in Portland. It makes me proud. Today I urge you to expand both the honor and inclusion that Dr. King, Cesar Chavez and Rosa Parks have brought to our city. The effort to recognize and honor Harvey Milk is the opportunity to say to the LGBT community of Portland, we now recognize one of the most courageous and open civil rights heroes of this nation's gay community. I believe it is time for that honor. Now, before I close, I want to admit that in my home living room, I have a handsome bust of Harvey Milk. It was presented to me by the Harvey Milk Foundation almost three years ago for my history as a longtime advocate for the rights of gay citizens of our nation. I'm very, very proud of this special award. Now I am asking you to bring that same pride to the gay youth of our city. Let them feel that pride and let them feel that acceptance. Please take positive action to give Portland a Harvey Milk Street. Make our city proud. Thank you very much.

**Wheeler:** Thank you, Governor.

**Kathleen Saadat:** I knew I didn't want to follow you. [laughter] Good morning Commissioners and Mayor, thank you for hearing us this morning. I'm Kathleen Saadat, longtime activist around this issue. I worked with Keeston Lowery when I worked with Gretchen Kafoury to help write and advocate for the passage of our civil rights bill for Portland, our gay rights bill for Portland. I don't want Keeston's name lost, he was an important part of that whole effort, he was the driving force for much of the change that happened in this city. I think it's important right now for our leaders to make a statement about things that are right in our country. This is an opportunity for the leadership of Portland to support the people who live here, who are members of the gay, lesbian, transgender, questioning, bisexual community. It's an opportunity for you to say yes, you belong. I don't like the rise in hostility that I see happening in our country, and one of the ways to counter that rise is to speak out and this is a way to speak out. I'm going to read you what I posted on the website for the name change. Given a history of bias and bigotry against people who make up the LGBTQ community we need to create cultural symbols that we reinforce roles as positive members of the broader society. Given the sadness, despair and rate of suicide experienced by young people struggling with issues of sexuality, we need to help them reject negative labels and inspire them with hope for lives built on foundations of love and support. Naming a street after Harvey Milk will help accomplish both things by acknowledging our struggle and our humanity. I urge you to take the next steps necessary to change the name of Stark Street for those blocks to Harvey Milk. Thank

you.

**Wheeler:** Thank you.

**Walter Cole Darcelle XV:** Thank you. Walter Cole Darcelle XV 51 years ago I opened a bar in old town, no skid row on 3rd avenue. We started ourselves and we didn't go outside of our doors. We got ready in the club and stayed dressed in the club. Not because of the city or the police or any city officials, only because of the nature of the people walking down the street or the people didn't understand what we were doing. Mr. Naito used to say, Walter, are you still doing that masquerade? Yes, I'm still doing masquerade 51 years later. The thing that has to happen is the hate door has been opened by the president of -- I don't want to say his name and that door will close a little if the people that we know and the people that don't even know who Harvey milk is, they know that that street is named after a gay man that did active work and we have to keep that going. We have to tell our young people, we have to tell our young people just like we had to tell them about aids and keep them aware that it's not over. The name Harvey milk will make sure that people know who he was and we stand behind what it means, that we can be proud and Portland has always been proud of our community, whatever -- whoever you sleep with. Thank you. I hope so. Nice to see all your faces close up like this. It's nice. [laughter]

**Saltzman:** I think that completes our invited panel. Invited testimony.

\*\*\*\*: I think we have one more, one or two more. Thank you very much.

**Wheeler:** Thank you. Good morning.

**Jeane Pierre Nogloze:** Good morning. My name is Jean Pierre I'm from Togo, west Africa. I was a gay activist in Togo before I moved here. In my country, they changed the law. If you are gay in Togo you will be in prison for five years. Now I live in Portland and I got asylum. For me going to be nice to change the name to Harvey milk because Harvey milk represent something special for gay community I just want to give my support. It will be happy for me to have my store on Harvey milk street. Thank you for doing this.

**Wheeler:** Thank you. Appreciate it. Public testimony? How many signed up?

**Moore-Love:** I think we have just two left on the list.

**Mary Sipe:** Hi. My name is Mary sipe and I won't take up a whole lot of time. I just want to say I completely echo the words of the people who have spoken before me, and completely support this idea and I think it's just really great that we're recognizing a true hero and someone that I think unfortunately a lot of young people have no idea who Harvey milk was and what he represented. The main thing I wanted to say is how much I appreciate the fact that we have a vehicle here whereby we can break down a barrier within our city code preventing a change like this from taking place. I really appreciate the support from the bureau in helping the people that want to move forward with this street name change by helping them come to city council and getting this barrier removed. I think that's really great and I appreciate that we have that. Thank you.

**Wheeler:** Thank you, Mary. Good morning.

**Bill Dickey:** Bill dickey business owner Portland, Oregon. I can't add much to the wonderful words spoken earlier, especially by governor Roberts, but it is ironic that just night before last I was at home cruising the tv, and on the turner classic movie channel the 1984 documentary the life and times of Harvey milk played and I was like, wow, you know, ironic that this is playing tonight and I got stuck on it and watched it and I was reminded of how powerful this gentleman was. The cutting edge nature of his career in winning the Briggs initiative in California, which would have made it legal to fire school teachers that were homosexual. You know, the same night as I was watching this movie a young friend of mine who had a baseball scholarship at osu, he's from Roseburg, Oregon, he's 25 now, came out publicly on Facebook, and I thought to myself, I commented on his coming out story which he got 350 comments, which is quite a bit for a Facebook post; that it's ironic

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that you did this on the same day that this Harvey milk documentary played where one of his main tenets was the importance of coming out and it takes a lot of courage from Roseburg, Oregon, to come out because life in Portland is sort of like Shangri-La for most gay people. It's a pretty accepting place to live, but in small town America and where a lot of our young people come from, it's still a fearful experience to be -- to identify yourself as being different. I just think that it would really be a powerful statement for the city to have his name memorialized so that we can teach our young people the importance of these types of actions. That's all.

**Wheeler:** Thanks, bill.

**Crystal Elinski:** I'm crystal elinski I represent 10,000. I forgot to tell you about the children for the pamphlet. This is beautiful. We're talking about memorials, and it is really hard to say anything against the former governor Roberts, Kathleen saadat, who told me people need to get involved even if their lives are really tough and they can hardly, you know, eat and sleep. They need to get involved and then of course Darcelle 16, which is the first thing I did when I first came to Portland was go see her. However, this is a street renaming and I think we're misguided in this we're going the wrong direction. Talking about money we don't have to help the homeless and how we don't have enough to spread around with children's levy, so I want to remind you that changing a street is a huge expense for one, and you'll have a backlash from the business community like you did with Cesar Chavez. It's a nightmare for logistics. Another point about street renaming, I have lived in countries where streets get renamed every time there's a new regime, which is often, but it's chaos. Its a real mess and I used to live way out on stark, out in the four corners, Gresham, Troutdale, Fairview, wood village, and it would be great to have Harvey milk out there for sure, but you're only limiting it to here. When I take my kids through town and they don't even know what the names of the streets are now and what we're commemorating, I could see replacing something that had a racist past like union to mlk, Cesar Chavez was a number. It took a long time for people to get adjusted to it, but we could be doing something where we're teaching people about what this name means because the average person really doesn't know. We could do it with memorials, with plaques, with connecting points of interest in our city like a walking tour. You could go, for example, well, anywhere. We have a beautiful history and we could have a beautiful bust of Harvey milk right down there and in place of some of the ridiculous art we have. It's so embarrassing to explain to people what the green man of Portland is because what is that and those glass vase things with the lights. I think the money would be better put into something where the community engages and learns and shares their own history instead of just a simple -- not simple, a very expensive street change. Thank you.

**Wheeler:** Thank you all three of you for your testimony. Appreciate it. Is there any further testimony?

**Moore-Love:** That's all.

**Fish:** I have a motion. I have checked with pbot and determined that if we were to put an emergency clause on this item, it would have the effect of accelerating the process of going out and seeking whether there's sufficient community support to move forward and it has been blessed by pbot. I spoke to Kurt directly. I would move we add an emergency clause to this ordinance.

**Saltzman:** Second.

**Wheeler:** We have a motion from commissioner Fish and second from commissioner Saltzman. Please call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The amendment is adopted. Please call the roll on the main motion.

**Fritz:** This really sets the process in motion there will be plenty of opportunity for people to

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testify both in favor and against this proposal. I look forward to having the next discussion back at council. Aye.

**Fish:** I understand that there's a lot of support along this stretch of stark from business owners and other folks to do street renaming, but we have a process that engages the community fully before it comes back to us and that's what we're launching today. It's a rare day indeed that we welcome Oregon's first woman governor, America's most famous drag queen, and a teacher and a leader and an activist of the substance and character of Kathleen saadat and that's as good a lineup as we will ever have and throw in our friends from basic rights Oregon, it's the dream team. Thank you for coming forward and making such a passionate case. I'm hopeful that you'll be returning to council in due course so that we can vote to move this forward. Aye. By the way, commissioner Saltzman, thank you for putting this on the agenda and giving us a chance to vote on this. Aye.

**Saltzman:** Council does not take up street renaming every day. In fact the city code requires that the bureau of transportation consider only one application at a time and only one renaming per year. The Harvey milk street project committee has been doing their homework and outreach for several months, and they have also been waiting patiently for the decks to be cleared at the bureau of transportation for this consideration. I believe they have made a compelling case for renaming or for requesting this application move forward for only southwest stark and to move to the signature gathering stage, which can now commence immediately. So I want to thank my staff, Stacy Brewster and also the staff at the bureau of transportation for walking the applicants through the process and we look forward to joining you in the final steps as well. Aye.

**Eudaly:** Well, I would like to thank governor Roberts, of course, I believe she had a little something to do with this whole thing. If we didn't have Harvey milk to name a street after I certainly think Kathleen saadat and Walter Cole would be worthy recipients of that honor, although I am not suggesting that -- never mind. [laughter] I think I just realized some of the rules -- okay. Anyhow. Please don't die. If there's one thing I have learned in the past year about Portlanders is they hate change and I understand that. We are experiencing some shell shock from the rate of change in our city; however I think I believe my office has heard from one single individual who doesn't like this change. So I'm very pleased to vote aye and see this project move forward.

**Wheeler:** Well, thank you, commissioner Saltzman, for bringing this forward. The transportation bureau, thanks to everybody who testified and I know governor Kulongoski would have loved to be here as well so, thank you, governor Roberts, for mentioning him as well. This is a very important oh symbol and Kathleen mentioned the importance of symbolism and the importance of us as a community not just assuming that things have changed for the better and therefore they will always stay better. We have entered a period in history where I think we understand we have to continually reflect on the battles fought, the victories won and the importance of why those battles were fought in the first place. I think this is an entirely appropriate and timely gesture on the part of the city of Portland, and I agree with the individual who testified who said there's some leg work that has to be done here in terms of reaching out to people in the community, people on the streets, other businesses that maybe have not been engaged yet. All of those things must happen and as commissioner Saltzman admonished us this is really just the beginning of that process. So thanks to everybody who has been engaged and everyone who will be engaged. I vote aye. The ordinance is adopted as amended. [applause]

**Item 117.**

**Wheeler:** Commissioner Saltzman.

**Fritz:** Before we get started on this I know we have people here for other items on the agenda. Do we have a plan for how we're going to manage things?

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**Wheeler:** We are hugely behind so I have two members of my staff doing shuttle diplomacy with members of your staff as we speak. I'm told I'll get a new run of show very shortly. The likelihood is my items will be passed today, moved to a different day. I will inform you as soon as I know what our collective staffs have come up with. Thank you for asking the question.

**Fritz:** Thank you.

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor, thank you to our panelists for your patience today. This is the fourth annual report to the city council on the Portland street car's performance. As we continue to see denser urban redevelopment in the central city and the influence these fixed rails have in shaping our city and how people choose to get around and how people do choose to get there does matter. Portland street car provides transit service using 100% renewable energy to help meet our climate goals. As we look forward to the continued growth in the multi-family urban housing and streetcar ridership we need to be thinking about capacity and having enough vehicles available to support reliable, frequent transit service. We'll hear a bit more now from Dan Bower, Jim mark and Kathleen Levine.

**Kathleen Levine, Portland Bureau of Transportation:** Thank you mayor and commissioners. I'm Kathleen Levine from Portland transportation with me is Jim mark, chair of Portland street car, inc and Dan Bower, executive director of Portland street car, inc. Before I turn the presentation over to Jim and Dan I would like to take an opportunity to thank folks who invest their time and effort to make streetcar a reliable transit service, specifically the volunteer members of the streetcar citizens advisory committee and volunteers members of the Portland street car, inc., board. I would like to mention three partner agencies each of whom had major public works projects occurring in the downtown in 2017 and affected Portland street car. Each of those agencies worked very closely with us to coordinate schedule their work and problem solve in order to keep transit service moving. First trimet with its light-rail track replacement at 11th and Morrison was a substantial project but we were back up and running the train within two weeks. Secondly the bureau of environmental services with its Yamhill/Morrison sewer project understood the importance of coordinating their work with the trimet work to minimize the congestion in downtown and also keep transit moving and lastly, the Multnomah county bridge team. They have rather quietly from my point of view been working on the Broadway bridge replacement project. As you know, Portland street car runs across that bridge. Their team over this past year has replaced four 100-year-old plus 56,000 pound raw wheels that allow that bridge to open and close and they did that with as minimal impact to service in the downtown as possible. So we really appreciate the commitment of the other agencies to keep transit moving while they do their work in the downtown. So thank you. I will return it to Jim.

**Jim Mark:** I'm Jim mark, chair of Portland street car, inc., and it's my pleasure to come before council to talk about streetcar. 2017 has been a great year for streetcar, specifically for the streetcar board. Which we have had the opportunity to engage with the city and others on a lot of important and timely tasks. First in terms of board membership, we worked better reflect our community to address pressing needs related to the housing crisis by adding several board members with backgrounds in affordable housing including an affordable housing provider in reach cdc. We continually are looking to broaden our board membership to better reflect our community. Secondly, we continue to push the mantra of how important streetcar is to our community and to the country. Portland street car still is very much the national model for streetcar and systems are opening and right now in Cincinnati and Detroit in 2017, in Milwaukee, Oklahoma city, and others in 2018, and major expansions in both Seattle and Tacoma. It's clear we need to continue our

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investment in streetcar in Portland and I want to thank the board for doing a great job and stepping up in terms of adding cars and prioritizing the extension of the system. One of the highlights from 2017 was working with our national streetcar community coalition to bring in community engagement, experts from Kansas city and Cincinnati to help the board and the citizen advisory committee. I usually can talk on and on and on. [laughter]

**Wheeler:** That's good cause Nick usually doesn't share his vodka with anyone.

**Mark:** Thank you, commissioner. I've had to fight for the streetcar and apply those lessons to Portland. One item I would like to thank council for is your willingness to work with streetcar and the rose festival to ensure over 15,000 riders had access to the system. During both the starlight and the grand floral parade. In 2017 we provided services during the parades for the first time in the history of the system and it was a really positive step. Finally, in our report you'll see the amount of people underserved in the community that streetcar allows access to and from work, to and from services. 32% of riders are under \$30,000 income per year and I think that's really important as we go forward. Again, look at others in our community that are struggling that streetcar is something to everybody in Portland. And again, thank you for the opportunity and it's my absolute pleasure to serve as chair for the last five years.

**Wheeler:** Thank you. We appreciate your leadership.

**Dan Bower:** My name is Dan Bower, I'm director of Portland street car, inc I'm going to move pretty quick here because you all have the report in front of you and for those of you watching at home on tv it's available online at Portlandstreetcar.org. Very happy to talk about what's been going on with streetcar and where we're moving in the near future. First of all real briefly just to remind everybody we do run three separate streetcar lines, the north/south line from 23<sup>rd</sup> to south water front and the a and b loops across the Tilikum and Broadway bridges. Collectively the three lines carry about 15,300 people per day. That is more than all but one bus line, that is more than two light-rail lines, so very heavily ridden system. One of the most important things you'll hear today is our need to continue with investing in the system as the city is growing. A lot of investment occurring around our system and traffic congestion and housing and everything else is coming to bear. Quick in terms of the budget what we're showing is the increase in fare box recovery. About 14% of our operation covered by fare box today. As has been the issue in the past when we accept trimet fares on the streetcar system we don't always necessarily receive those fares to the city covers. As we transition to the hop program with trimet we expect to see a significant increase of revenue coming back to the city with for riders who are boarding our system with the trimet fare. We're going to be full participants in the regional low income fare program launching in July. In Portland -- importantly --

**Fritz:** Meaning low income folks will be able to get half price?

**Bower:** Correct. Is this working okay? Connection between streetcar and housing and specifically affordable housing and I showed this chart last year but it's worth showing it again that our success is directly tied to the success of the city and the success of housing investments in the city. Every time we add housing units around the streetcar line our ridership goes up on a one-to one basis. Last year 50% of the new housing was built in Portland was built on the streetcar line and since we opened in 2001 49% of all the housing in Portland has been opened on the streetcar line. That includes the city's largest investment in 50 years of block 45 where we're adding 240 units of affordable housing with the city's assistance that is directly on the streetcar line on the east side so, we're very receptive to those types of projects. Like I mentioned we need to keep pace with growth, we need to manage traffic congestion on the east side. We continue to have issues at the intersection of grand and Davis where we have a planned project to improve the travel time for the streetcar and number 6 bus and the hope is we can serve those units in a

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much more efficient manner. I want to highlight on page 5 of the report that one of our key metrics is the collision rate. We measure the number of collisions per revenue hour. We having significant drop in the last year and that's largely due to addition of a safety officer for the streetcar team. We're down to .41 collisions every 1,000 hours of service and that may seem like a lot to certain people but if you drive around for 77,000 hours a year with no steering wheel, that is actually a fairly good number, the collision rate has dropped significantly since we started paying attention to that. Moving on, I want to flag something Jim was saying we know from a survey we did of our riders our ridership very much matches the demographics of the people who live along the streetcar line. We talked about this last year in terms of income levels, race, gender, any other demographic you want to look at, vehicle ownership is important one. Those match the census of the people living along the system so very much supporting the lives of people choosing to live downtown and get to work and do shopping. We talked about affordable housing its important to not that more than one-third of all affordable housing units in the city are directly on the streetcar alignment today. One quick antidote from the survey we did an interesting trend we're seeing is reduction in car ownership and specifically the correlated with age, the younger populations on our system have very, very low car ownership rates. 25 to 34-year-olds, 61% of riders don't own a car they are living downtown without a vehicle, but that rate declines a little bit with age but even at the highest rate people 65 and over 50% of our users don't own a car so fairly significant trend in that regard. A few highlights from 2017, we had our highest ever average weekday ridership in the month of February 16,300 riders per day. Very excited about that. We were able to add service to the north-south line in the morning restoring frequency service beginning at 5:30 in the morning that's helped out a lot with the commuters moving from northwest into south waterfront and our highest demand areas. Finally we had a great sponsorship from our friends at next adventure. They stepped in when they found out that students at our schools were having to pay for streetcar tickets when they go on field trips. Next adventure has stepped in and funded all field trips on Portland streetcar for students and they have been a great partner and we have done several media pieces with them, there's a movie on their website they're very excited to sponsor the streetcar in a way that's adding value, so I want to make sure we thank them. Moving forward we have a couple key investments in the streetcar system coming up. One is we're working hard to install cameras on all streetcars, probably a more complex project than maybe you might think, but that is taking some time but I believe we'll do it this year, it's going to happen. We talk about enhanced transit project on grand where we plan to install business access transit lane on grand between Burnside and Davis that will allow the streetcar and number 6 bus to proceed through while making cars do a right turn at both Burnside and Davis. So, limiting the amount of traffic using the right lane and moving the streetcar and number 6 bus out of the freeway traffic lane on grand avenue. We hope to get that in place by April or May this year. We're looking to add double sided loading at the psu urban plaza, which is one of our highest locations for boarding and deboarding. We are in an exciting phase for preliminary engineering work for an extension in northwest. We're working with neighbors and the businesses to have a great discussion about an opportunity in that area. I look forward to bringing more details around that in the coming weeks and months. Then importantly for us probably the most timely procurement of more cars and we talked about it last year and we'll be talking about it again in a few weeks. We're in position to be buying five additional cars. We're looking to buy two new cars and we're looking to continue to buy three slightly used cars from the city of Seattle when the time is right. All of those cars we hope to have online by 2020. Specifically the cars we're pursuing from a new perspective, we're looking at this company called Brookville in Pennsylvania. They used to make coal mining cars and what you see is a car



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they just delivered to Oklahoma city in the snow. Brookville is a very good company all American made and what we'll be trying to do is buy the streetcars off sound transit and Tacoma's contract where they are already buying these streetcars for their system. We're going to tack on an order of two more so we get a lot of efficiencies in terms of engineering costs and full delivery and testing. We're sharing those costs with the city of Tacoma. So, both those end up being a very efficient way to go about procuring more cars both pursuing used cars from Seattle outdoor fleet as well as tacking on to someone else's order. I think I'll stop there and open it up for questions and see if we have any testimony at that point.

**Wheeler:** Any questions, colleagues? Very good. Thank you. Excellent report.

**Saltzman:** Move to accept the record.

**Fritz:** Second.

**Wheeler:** We have a motion from commissioner Saltzman and a second from commissioner Fritz. Please call the roll.

**Fritz:** Once again thank you for an excellent report I'll be putting the paper document out in the front of in office so people can review it. Good points about the hop passes meaning in the future we'll be able to get a better recovery rate and also its very convenient and inexpensive to ride it right now while paying the proper fare. Thank you for doing all that you do and for this report. Aye.

**Fish:** Thanks for an excellent report. Thanks for your patience today and to the chair of the streetcar thank you for five years of service, its been exemplary. Aye.

**Saltzman:** Well, thank you all for your leadership in making our streetcar system more and more successful every day. It's an impressive array of statistics and an impressive report and it points out the need for more rolling stock or more vehicles. So I'm glad we're pursuing purchasing of new and slightly used streetcars to serve our residents. Aye.

**Eudaly:** Thank you for the report and thank you for your service. Aye.

**Wheeler:** I vote aye. The report is accepted. Thank you. Good report. Colleagues, you've just received a revised run of show. Our staffs have looked at these and I have received a couple of comments. If you have other comments just write them on the piece of paper and send it my way. For now we'll do 130 next.

**Fish:** May I just say, mayor, that if it's your desire and I know there's tree code people here, we would be happy to set 130 over to next week.

**Wheeler:** Let's hold on off on 130 and set that over to next week and move to 129. Thank you, commissioner Fish. Appreciate that.

**Item 129.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. This ordinance makes minor changes to the tree code title 11 and first off I'll be the first to say there are many, many other changes I would like to see made and I know the community and other members of the council would like to see made. This is not been a council priority other than street tree effort that is currently under way but this one is an urgent change, three urgent changes which are not controversy controversial and better align the code with practice and expectations. Emily Sandy from the bureau of development services will provide details with Casey Jogerst from the urban forestry department of Portland parks and recreation available to answer questions.

**Wheeler:** Thanks. Good morning.

**Emily Sandy, Bureau of Development Services:** Good morning, commissioners, mayor Wheeler. My name is Emily sandy, I'm code and policy analyst with the bureau of development services.

**Casey Jogerst, Portland Parks and Recreation:** And I'm Casey Jogerst I'm permitting supervisor with urban forestry.

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**Sandy:** We're here to present amendments to title 11 that affect when trees must be preserved and then conversely when they can be removed when they are associated with a development permit for things such as new construction or additions or other ground-disturbing activities. So first I'm going to remind you a little background about how title 11 is organized then what the current standards are. I want to point out there's lots of little nuances to the code. I'm going to try to simplify things and focus in on what's proposed to be changed. Generally they are divided into regulations for development situations so that's any time a development permit is required a building permit or other permit, and then situations where a development permit is not required. Most commonly that would just be a resident that wants to remove a tree in their backyard absent of anything else going on their property. Right now the trigger for using regulations for development situations is ground disturbance that's associated with a building or other development permit and it does not matter where the ground disturbance is located and I want to emphasize that especially in relation to trees it doesn't matter where the ground disturbance is located. Once you've triggered those regulations you can move to the exemptions and there are exemptions for small sites, high intensity zones, dead, dying and dangerous trees and a few others. If you triggered regulations, so there's a ground disturbance, you're not exempt, the standard is that you must preserve at least one-third of nonexempt trees and there's no replacement required. The flip side of that if you want to think in terms of tree removal, is that as many as two-thirds of nonexempt trees can be removed with a development permit regardless of where the location of ground disturbance is especially want to point out in relation to the tree. Regulations for nondevelopment situations which are primarily implemented by parks urban forestry is a request for removal of a tree not associated with development again. Removal may be permitted depending on factors such as how health, species, size or location of tree. In some cases you get into more discretionary factors such as availability of practical alternatives, economic community and ecological concerns, then with the nondevelopment permit replacement is required. The proposed amendment amends the trigger for utilizing the development related regulations and it says that the ground disturbance that triggers those regulations have to impact at least one tree. So again, right now there's no nexus between the ground disturbance and a tree, it's just any ground disturbance and when we say impact that is a measurable standard and it's the root protection zone which generally is one foot radius for every one inch of tree diameter. Then the amendment clarifies that if the development related regulations are not triggered, that if you want to remove one of the trees, you need to go get a permit from urban forestry using the nondevelopment permit process if you will. Right now that's a little unclear in the code. So the primary results of the amendment would be if we're talking about tree removal the removal of trees cannot occur with development. If there is no impact to a tree's root protection zone. We anticipate that less trees will be removed through the development process and for those trees that people want to remove, and they have to get a permit through parks urban forestry, replacement will be required. Here's a simple graphic illustrating the change. This is an existing building with an addition. It could be anything, it could be a new building and there's three trees. Under current regulations, there would be ground disturbance with the new addition and they would have to preserve one-third of the trees and then they could remove two-thirds of the trees. Under the proposed amendment since the addition is not anywhere near the root protection zones of any of the trees, there's no removal that's allowed through the development permit. Other amendments are that it codifies that tree removal allowed through the development permit cannot occur until that permit is issued. That's implicit but there have been situations where that hasn't happened so we're making that explicit. One result of the amendment was that tree plans will be required for every development permit

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just to verify which trees are and are not approved for removal this will help us with our data collection. And finally we're codifying administrative review and appeal procedures for decisions by staff that happen through the plan review process and so those would first go to an administrative review by the bds director, city forester and they can be further appealed to the codes hearings officer. Any questions?

**Fritz:** Thank you that's very clear. Thank you.

**Fish:** The only question I have is under the impact statement it says no community involvement was conducted in development of this ordinance. Is that because we determined that there's nothing which drac or some other body would have an interest in commenting on or this is so straightforward what's the reason why there's no community involvement on this?

**Sandy:** There's a provision in title 11 that allows city council to make a decision if they determine that the amendment is necessary to bypass that process. Did you want to speak to that? Right now I think it's clear that the purpose of the tree code and the development regulations are to balance the development allowed with the; allowed as expressed through the comprehensive plan while preserving as many trees as possible, but right now there's no nexus between that development and the impact to the tree. So this closes a gap, if you will, of situations where additional tree removal is happening that perhaps wasn't intended to happen but it's still sticking with the purpose of the overall development regulations which is that balance of allowing development to happen as it's envisioned to happen while preserving trees.

**Fish:** Did we get any written testimony pro or con on this item?

**Sandy:** We did take it to drac.

**Fritz:** The development review advisory committee.

**Sandy:** They did not have any comments or concerns.

**Fish:** Thank you. Is that the end of the presentation? Anyone signed up to testify?

**Moore-Love:** I believe they all left. Mimi, crystal, star and Eli.

**Fish:** Is there anyone present who would like to testify on this matter? Seeing none this goes to a second reading.

**Fritz:** Thank you very much. Mayor gave me this without the -- you're just in time to bail me out. We're going to 128 now.

**Wheeler:** 128, please, Karla.

**Item 128.**

**Fish:** Commissioner Fritz.

**Fritz:** Okay.

**Wheeler:** This is second reading.

**Fritz:** I would like to offer an amendment that this process has taken much longer than was envisioned and the urgent need is to get the money out to the community. I hope I will be joined by others on the council in affirming that I have every confidence that apano and the Asian pacific islander community will deal with the report that has been commissioned and will take appropriate steps no matter what that report says that I have every trust in the community's ability to address problems identified by the community. This grant is for urgent life safety needs in the community and it's really important to get the money to that purpose as quickly as possible. Therefore with the amendment passed last week that requires the mayor to make an assessment after receiving the report, I would move to add an emergency clause because of the life safety impacts so once that report is received the mayor can get it out rather than waiting 30 days from this action today.

**Wheeler:** Commissioner Fritz I would like to second that. A motion from commissioner Fritz, a second from the mayor. Any further discussion? Call the roll on the amendment.

**Fritz:** I do have every confidence that the community will do the right thing here. Aye.

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**Fish:** Aye.

**Saltzman:** Well, I just want to review the amendment says the mayor will review the report and I would like to see the report as well. Since I'm holding my signature from a grant agreement with apano until I see that report, but if the mayor is not satisfied with the report he will not sign the contract that's what the amendment said that we passed last week and I look forward to seeing the outcome of the investigation. As I do think the allegations were extremely serious ones. Aye.

**Eudaly:** Thank you, commissioner Fritz, I think it is in everyone's best interests to expedite this if at all possible. Aye.

**Wheeler:** I think this is very important that we do this. I thank you, commissioner Fritz, for bringing this forward. I appreciate the conversations I have had with you and others about this particular issue over the last week. I want to thank the people at apano for taking what I think is very decisive action on this. I think the emergency ordinance is exactly the right thing to do. I vote aye. The amendment is adopted. To the main motion call the roll.

**Fritz:** Thank you, commissioner Eudaly, for your leadership with Portland united against hate, for your excellent staff work, for joining me in having confidence in the process here and speaking up last week. I appreciated that very much and your partnership as we all continue to grapple with crucial issues that have to be resolved both at the council and the community. Aye.

**Fish:** I'm pleased to support my colleague and friends motion today. I want to just say for the benefit of my friends at apano, this is a question of nuance, not of any fundamental disagreement on council. Reasonable people can agree or disagree about the approach forward but this council has consistently supported good work of apano, which is making a difference in their neighborhood. Aye.

**Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** I always strive to improve my skill set as an individual and as a listener. I felt that I could have done a better job of listening last week to commissioner Eudaly, who sponsored this ordinance. I felt like I did not give her adequate time to speak last week and so I want to publicly apologize to you and to commissioner Fritz likewise I want to thank you both. This is a good place we're in and I look forward to receiving the report. Commissioner Saltzman, you have my word that I will not sign the report unless it is adequate and will be happy to share it with my colleagues as well. I see no reason on this particular issue to be restrictive in this regard. So thank you all. I vote aye. The ordinance is adopted as amended. Let's move please to item 124.

**Item 124.**

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you, mayor. Thank you for being here today, director Esau and tom and director Baer. As directors of bds and bts, I can't thank you enough for your important work on the project that once completed will make a huge difference in how we enable people to permit everything from a small bathroom or kitchen remodel to constructing a multi-story building. The Portland online permitting system, also known as pops, my favorite acronym in the city I think --

**Wheeler:** It's pretty good.

**Eudaly:** I really lobbied for that one not only will help customers but will improve relationships between all of our city agencies involved in the development review process. Those are bureau of development services, the fire bureau, the transportation bureau, the water bureau, parks and recreation and environmental services. This will allow us to more efficiently and effectively serve customers and the public. In 2017, bds collected \$195.9 million in revenue. That equals roughly \$790 a day. The total evaluation of all projects bds and its partner bureaus permitted in 2017 was just over \$3.1 billion. So in all regards a

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record breaking year and I want to commend all of the permitting staff at all of the bureaus for handling an extraordinary amount of work and pushing really a unprecedented number of permits through. I don't think they get thanked or appreciated enough. So thank you. All of that was accomplished despite the fact the software our staff uses is out of date and much of the review process is paper based. We upgraded to a supported version of the software earlier this year and have agreed on a pathway to move to the latest version and implement online permitting. Salem, Oregon, Vancouver b.c., St. Paul Minnesota, Burlington Vermont, London England and other cities throughout the world use the same software Portland will be using to process building permits. The goal is to enable people to do the development business with the city on laptops, cellphones, tablets and increasingly via voice activated smart speakers. I don't know how I feel about that frankly but I guess that is a goal you may be hearing from my son in which case he doesn't have my permission. Online permit has the potential to make the permitting process much more efficient while making customers' experiences interacting with the system better. Finally I would like to explain to the public why these funds are coming from because we hear from members of the public on a regular basis about their frustrations with our priorities and how we are spending our money. So in this case I think it's important to note that we are not asking for general funds from the city. We're simply asking for the ability to increase funding for this contract and those funds come from permit fee revenue, and much to my chagrin, this revenue cannot be spent on anything that is not programmatically related to the permitting stream it came from. Trust me, I asked for a detail list of how this money could be spent, and there's really not a lot of fun to be had, it has to stay within the bureaus and the stream that it came from. So this means that we cannot give this money to other bureaus to be spent on other needs regardless of how vital or important they are unfortunately we are just prevented from doing that by state law. The good news is we have the money to fund this request. So mayor, unless you wanted to add any remarks I'm going to hand it over to chief administrative officer tom Rinehart to fill in the council and the public about our next steps.

**Wheeler:** I have a couple of things I would like to say but I'm going to hold off until after I have heard what our panel has to say and after we have heard public testimony on this item. I just want to say thank you commissioner Eudaly for your leadership and I'm proud to co-sponsor this with you.

**Eudaly:** Thank you.

**Wheeler:** Tom?

**Tom Rinehart, Office of Management and Finance:** Mayor, council, we have reorganized our presentation. Rebecca is going to lead, then director Baer, then myself, director Esau over to you.

**Rebecca Esau, Director, Bureau of Development Services:** Thank you. Thank you mayor Wheeler and commissioner Eudaly and council members. The request is to amend existing contracts with csdc, which is the vendor for our permitting software specifically this amendment will increase the value of this contract by \$2.3 million. Csdc is the lead vendor developing and supporting our online permitting platform. They have a high level of knowledge since they have been with us since the beginning. This amendment will carry us through the end of the current contract, the end of august. Between now and then we'll be working on a new contract with csdc for the continued development of the new system and that includes the hosting and maintenance costs that will move pops forward. We'll bring that new contract to you this summer. It's important to consider this request to add \$2.3 million to the existing contract in the context of the volume of permitting work the city is experiencing. As commissioner Eudaly mentioned bds handled in 2017, \$195.9 million in revenue through its development services center. That translates into about \$790,000 a

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day in revenue. The project evaluation, so all the buildings you see out there with the 30 cranes across the skyline, the project valuation for that totaled \$3.1 billion, with a b, an incredible amount of development going on in this city. Unprecedented. More than 48,430 customers came through the doors of the 1900 building and received services from our staff. We're doing record breaking business and we need to update our existing software and improve our processes to better serve our customers. Like any computer system or smart phone you use, there's a need to regularly upgrade to provide the new features and functionality available. The city's permitting software similarly needs to be upgraded. It's part of the cost of doing business for any city of this size. Internal and external users of the system will benefit from the new features and functionality available with the software upgrade.

**Jeff Baer, Director, Office of Technology Services:** Thank you. Good afternoon, mayor, council, Jeff Baer with the bureau of technology services. As you heard Rebecca describe we're seeking permission to amend the existing contract that will provide the basis for launching an upgrade to the current Amanda 7 version this summer. This phased approach we're taking is supported by the technology oversight committee and lays the foundation for this robust online permitting system. The importance of making this upgrade is it will increase the accessibility and efficiency of how we do the city's permitting system and also build out a platform for adding new functionality as described earlier such as web-based service, mobile applications, analytics, improved reporting and of course increased customer accessibility to development services. Working in conjunction with the bureau of development services we have been leading this charge with city bureaus and working on this project for a number of months lately and really working closely with our partner permitting bureaus with transportation, environmental services, water bureau, fire and parks. We are also working on improving and strengthening the transparency in this collaboration between our bureaus involved in development review and permitting process. As commissioner Eudaly said, this is not a new system, we're not in any sort of beta or testing environment. This is a well thought out system in just to localize some of the city of Bellevue, Washington, is one of the customers, Snohomish county is also another one. City of Austin and city of san Jose so in systems similar to environment which we work in. I'll pause there and turn it over to tom.

**Rinehart:** Good afternoon. Mayor, council members, I just have a couple things to add. I want the council to know that we have worked very hard collectively on governance clarity on this project. With a project of this complexity and magnitude we have learned through some successes and some failures at the city that getting clarity on rules is pivotal. I want to give a lot of credit to the two leaders to my right director Baer and director Esau have worked very hard over the last several weeks to ensure we have the right model. I also want to tell you in no uncertain terms that we worked diligently and won a hard-earned victory with our bureau colleagues to make this the top technology priority for 2018. I think that's a very healthy step in the right direction for the city that we worked through a process about what we prioritize and we were grateful that our colleagues are giving bts the room to put a lot of resources into this project because we will need them. Also want to underscore director baer's point about sequencing. We have taken the best private and public sector examples about sequencing a project like this appropriately so we can bring you decision points. The first decision points will go through the two leaders on my right and then you will get them so we don't say we're just baked in for five years then regret not checking in about where we're at getting what we need out of this project. Lastly, I want to ensure you that I'm taking the learning from my first year at cao in terms of my role and we have had some success moving the data center, moving people out of the Portland building, doing things on a large scale in terms of using the cao's office appropriately as a

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check-in point and a way to clear bottlenecks or help people make decisions when we're having a hard time making decisions. We'll be meeting every two weeks and by we I mean Jeff, Rebecca, myself, other project leaders just to check in even if we just need 15 minutes so I can assure you as council that I am providing oversight and helping with any problems that may occur as we execute this contract. So with that I will close and I think the three of us have time to take questions of course.

**Wheeler:** Commissioner Fish.

**Fish:** A comment and a question. Let me start with the question because we have director Esau here. Director Esau, if I were to generalize about the emails I get from residents of Portland they generally deal with the growing pains of a city that's rapidly expanding where people are experiencing on almost every street corner some sign of development, a crane, a lane that's blocked, something going on. A renovation, a tear-down you name it. So that's the feedback I get from the residents of the city. When I meet with members of the development community I often hear we're entering into the great depression because of all the misguided policies of the city council. What I want to ask you is which is it and what's the best indicator of the sort of health of our development in the city? At some point we're likely to hit a speed bump because interest rates are going up, there's macroeconomic forces beyond our control, but I'm really struck by the contrast between the concerns raised by residents who are dealing on the ground with growth and the cautionary tales we get from the development community about how some of our policies have made it almost impossible for them to proceed with development. You've had record revenue at bureau of development services. So can you help me resolve that apparent contradiction?

**Esau:** I'll do my best. At bds every year when we do our budget we do a five-year financial forecast and we meet with economists throughout the metro area and attempt to look in the crystal ball as to what is out ahead because we're almost entirely funded by fee revenue. We need to project what is out ahead as accurately as we possibly can. What they are telling us is about a year and a half to two years out they expect a small dip, a recession, but not of the depth and duration we experienced back in 2009 when we had to do the massive layoffs and that's the importance of setting aside reserves so that we can weather those downturns without making huge cuts in staff, which is incredibly inefficient.

**Fish:** We commissioner Fritz and I have been on this council long enough to remember when we had to go through that exercise and I think the fund was depleted. So.

**Fritz:** If I may just let me clear on that, not by me I'd just like to be very clear.

**Fish:** Not by commissioner Fritz.

**Eudaly:** And its not included anymore.

**Fish:** Her chief of staff is here as well.

**Wheeler:** Nobody here.

**Fish:** No one in this body here.

**Esau:** What we hear in the development community also is that the inclusionary housing regulations weren't necessarily calibrated right at least that's the opinion they take and what they're observing and that we are seeing an decline in the number of permits for mixed use and apartment projects.

**Fish:** With 15 to 20,000 already entitled in the pipeline we may not see much for three years.

**Esau:** Right we expected to see that dip because there was such a rush at the gates right before that.

**Fish:** Beat the deadline.

**Esau:** Those regulations went into effect, but the question is at what point do we expect it to pick back up again and we thought it would've started picking back up again and we're

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not seeing that on the horizon for apartment projects. We have a lot of other projects going on and its all of that combined that's impacting the neighbors and changing the face of their neighborhood.

**Fish:** The other thing that I've heard from noted developers that rents in my building is that he has opined to me that there's been both an overgrowth of certain kinds of apartments, that the inventory of so-called luxury apartments has sort of gone through the roof and that he anticipates there will be some correction because we just don't have the kind of income to match the kinds of aggressive rents. Is that a fair comment?

**Esau:** I would agree with that.

**Fish:** Thank you, so that's the question I wanted to ask and the comment that I wanted to make to the cao is -- and the benefit of my colleagues is we've got a lot of really complicated projects in the pipeline and what I really appreciate with the way that we're addressing the big computer projects and upgrades to technology, the way we're dealing with the Portland building, the way we're dealing with the community benefits agreement and on and on and it's my strong sense is that we're treating these as issues of concern to the council as a whole and there was a time when it might have been seen as the province of the bureau that had the lead role. The fact that we get reports from the technology oversight committee, the fact that we get a report like this on a specific project, the fact that baked into our community benefits agreement is a directive to the cao to convene some folks and to give us updates, I think is a really positive development it rebuts the notion that we operate in silence, it acknowledges that these are citywide concerns even if there is a lead bureau. The utilities will be doing a lot of cpa projects, but they're not exclusive -- they're not charged with getting the cba process right. The council has said it's a citywide concern. I just acknowledge I think this has been a really positive development and that by -- in some instances even over consulting with the council and creating even more transparency, you help us understand how things are working, we build public trust and I appreciate the approach Tom that you've taken in making sure that these are citywide concerns and not the province of just one bureau.

**Rinehart:** Thank you.

**Eudaly:** I would like to thank you for your comments, commissioner Fish. I think it's clear that the complaints and the perception don't necessarily add up with the numbers that we're seeing. When I stepped into this role a year ago I was hearing about how hard the permitting process is, that it takes too long, that we're going to see a downturn and that downturn was due to IZ a downturn in 18 months and now a year later and we've permitted \$3.1 billion in valued property. We have a glut of market and luxury-rate apartments, which I believe has a lot more to do with why we're not seeing a lot more to do with a decrease than IZ does, but I'm certainly not opposed to revisiting IZ because we need to make sure it makes sense and works for everyone and it's not having a chilling effect, but we have a serious product mismatch in the housing market between what the developers are providing and what our city needs and they need to acknowledge and address that.

**Wheeler:** Any other questions? Excellent presentation. Is there public testimony on this item, Karla?

**Moore-Love:** They both left.

**Wheeler:** Is there anybody in the room? Very good, call the roll.

**Fritz:** Thank you, director Esau and I want to also thank you for your work on the tree code amendments that we just heard. Commissioner Eudaly for allowing the staff to work on that. Great work on that, great work on this. Aye.

**Fish:** Yes, excellent presentation and thank you commissioner Eudaly for shepherding this forward. Aye.

**Eudaly:** Thank you for the presentation. I will admit this was one of the most daunting



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projects stepping into the role and I'm pleased with the progress and I'm looking forward to more and would like to also reiterate something that commissioner Fish said, which is how vital the relationships between all the permitting bureaus are and so thank you. Thanks to everyone who's improving that situation, as well. Aye.

**Wheeler:** So first of all thank you for the presentation. Thank you, commissioner Eudaly the pops system the Portland online permitting system is of critical importance to both of the bureaus represented here and interagency partners, pbot, bureau of environmental, sustainability, water, fire and parks and frankly, everybody in the community who seeks to get a permit through the city of Portland. We're seeing as commissioner Eudaly mentioned a lot of activity in this city and \$1 billion this year in value over what we've seen the prior years so obviously, continues to be robust. Given the statistics that commissioner Eudaly cited right up front, combined with an old paper-based system, obviously, it's important that we have to give the city's best efforts, and I think what you're hear presenting represents the city's best efforts so we're going to be upgrading our software, we're going to be moving from pace per vase system to electronic plan review. This is basically bringing us up to technological snuff and so thank you everybody who was involved. I vote aye. The ordinance is adopted. Colleagues will you bear with me on two more short items before we adjourn? Very good. Item number 122, that was a pulled item from consent.

**Item 122.**

**Wheeler:** So this ordinance authorizes a grant agreement with Lewis and Clark college not to exceed \$35,000 to support the community response and supportive engagement with those targeted by hate and bias project. The community counseling center of Lewis and Clark will expand no cost to low cost culturally appropriate mental health and support services to those impacted directly by hate and bias. It will be a point of contact to report and respond to hate related incidents. It will expand outreach to the communities about these particular services. The center for engagement at Lewis and Clark will enhance the effectiveness of education and mental health professionals as agents of change by providing equity-driven professional development. Lewis and Clark is advancing the work of the Portland united against hate coalition through two areas of work. Accessible, culturally appropriate services for people experiencing hate incidents, and capacity building of mental healthcare providers to be effective resources for those experiencing hate incidents. Is there any public testimony on this item?

**Moore-Love:** This is a consent item.

**Wheeler:** Call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** the ordinance is adopted. 126, please.

**Item 126.**

**Wheeler:** Colleagues this ordinance is to declare city owned property at southwest 3<sup>rd</sup> and Harrison as surplus real property. The property, which is almost half an acre in size was acquired by the city's bureau of internal business services bibs in 2015 from the Oregon department of transportation. Its intended use was as the proposed right to dream too relocation site from their previous location at Burnside street northwest 4th avenue. However, in august of 2016, the state land use board of appeals determined the use was nonconforming. In the summer of 2017 the city declared the property as excess to the bureaus needs after a 60 day public comment phase, bibs wishes to declare the property as surplus and obtain authorization to dispose of the property. Funds acquired from the sale of this property will be used to help pay for the costs associated with the attempt to relocate r2d2 at this site in 2016 and help restore the fund established for r2d2 by ordinance 186463 in 2014. Here to present is Bryant Enge and Pauline Goble.

**Bryant Enge, Office of Management and Finance:** Good afternoon, Mr. Mayor and

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commissioners. Mr. Mayor, I think you summarized in terms of what we intended to put before you in terms of our consideration. I think there are some pictures we want to show you in terms of where the property is located. So just to give you a frame of reference of where the property is located, that's where it's located. The next one will show you how the property was assembled and you can see half the property was odot, and then the other one was the pbot right-of-way and then the next picture we'll show you the improvements that were actually made to the site and the final piece is the modular unit. So one of the things that you do not have in your proposal is I just want to as by the way let you know that there is a modular unit that was purchased with the proceeds of the r2d2 fund. It is currently sitting in Salem it is not in the package. We intend to sell that as part of an auction here, hopefully, in the next couple of months. In summary in terms of the r2d2 fund, we received \$858,000 as proceeds for the initial reserve. City added \$150,000 to it for a total of \$1,008,000. That was project proceeds. We spent about \$73,000 more than what was available and so we have a deficit in \$73,000. So the idea here is to move forward with the sale of the property and then use the money to first pay for the property sale, and then to reimburse ourselves, then fund the r2d2. My understanding now at this time is there's a proposed amendment where we would actually take the proceeds and first replenish the r2d2 fund before repaying ourselves.

**Fish:** Commissioner Fritz?

**Fritz:** Just a clarification, why isn't -- do we not have to declare the modular as surplus as well?

**Enge:** It's personal property.

**Fritz:** Okay. It's very nice whoever's watching at home or elsewhere, a bargain at whatever it goes for. So regarding the proceeds, I've handed out an amendment that was given to the council clerk, the city attorney and there are copies available for anybody in the audience who's interested and that is to change the order of reimbursement so that it would first go to reimburse the cost of the disposition, but secondly to reimburse the funding sources of those new accounts used for the money. Excluding the internal staff costs for the business internal -- the bureau of internal business services project management and then to replenish the account. So basically, paying for the costs of all the improvements, that we don't like the paving and the utilities. Again a very nice property, ready to go, replace the trees and all that stuff and then replenish the account that was originally set up, and then use the funding sources to cover internal costs. If there's any left over to allocate to campsite services.

**Fish:** Can I ask a clarifying question.

**Fritz:** Just to finish up the remainder of the amendment, it's also carried over into the now therefore the council directs.

**Wheeler:** Commissioner Fish.

**Fish:** What was the purchase price of the property?

**Enge:** The odot property was roughly \$257,000.

**Fish:** We paid \$257,000?

**Enge:** Yes.

**Fish:** And then what were the improvements we made?

**Fritz:** We vacated the right of way so that was added more property. We paved it, we built a sidewalk.

**Enge:** So we spent through Tapani for the construction was roughly about \$275,00 and another \$230,000 was for the modular unit giving the large sums. We had about \$132,000 in project management costs, and then we had to coordinate the site assessment that was roughly about another 60 or \$70,000.

**Fish:** What do we currently believe the fair market value for the property is?

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**Pauline Goble, Office of Management and Finance:** Between 500 and 1 million and a half.

**Wheeler:** Can you speak into the mic please.

**Goble:** Pauline Goble property manager with bibs. We have a brokers value of opinion over \$1 million for the property sold for its highest and best use.

**Fish:** So if we adopt this amendment and it sells for over \$1 million, what percentage of omf's costs would be reimbursed?

**Enge:** My understanding of the amendment commissioner Fish is that the personnel costs will not be reimbursed.

**Fritz:** And that's because the general fund is paying this.

**Fish:** In terms of the buckets that are being proposed, if it sells for over \$1 million, this has been to be one of the best land transactions in the history of Portland. We bought it for 250 and we're going to sell it for over a million?

**Goble:** We doubled the size of it, as well.

**Fritz:** Doubled the size of it for almost a million dollars with the improvements.

**Fish:** So I'm curious. I am likely to support this, but why wouldn't we first cover the costs and then distribute whatever is net? If we incurred cost and that cost led to the enhancement of the property why wouldn't we first reimburse those costs?

**Enge:** That was the original proposal. We have an amendment to change the order.

**Fritz:** The staff costs, there were no additional staff hired to do this work. There were staff hired with the general fund and overhead funding who mayor hales and then mayor wheeler directed to do this work so I'm not billing for any of the staff time in my office, either. I'm just not quite clear about what you're concerned about not reimbursing.

**Fish:** We're reversing the order of reimbursement here. So why was the original ordinance drafted to reimburse omf first?

**Enge:** What we were going to do is to make sure that we recovered all of our costs.

**Fish:** So what are the costs?

**Enge:** Project management costs, I think that's really -- it's only \$73,000 that's running a deficit at this time. So the only dollars we have not received over and beyond the project costs, the deficit of \$73,000.

**Fritz:** I would like to ask my chief of staff Tim Crail to come up. He's been following the money part of this.

**Saltzman:** So what is the r2d2 fund?

**Enge:** The r2d2 fund was a agreement back in 2015 associated with the parking area that was over there by the post office where the city received roughly \$900,000 to be used to site the r2d2 somewhere different than the parking area that was in that area and so after we paid about \$50,000 we had about \$858,000 left to pay for a site and make the improvement to accommodate r2d2.

**Saltzman:** So why would we be replenishing that fund? The money's been spent r2d2 is situated across the river so why would we replenish that fund?

**Enge:** The current r2d2 site is a temporary site so the expectation is that we would eventually move them from their temporary site to a permanent location and so what we would do is use the proceeds from the sale of this property to permanently relocate r2d2.

**Saltzman:** So that money can only be used for relocation? It can't be used for paying operational expenses of r2d2 or salaries to r2d2 board members or anything like that?

**Enge:** There are no legal requirements that we couldn't use that money for something else that's associated with r2d2.

**Fish:** Time let me call on you because I think I'm prepared to support this. I think I'm confused. Would you set me straight?

**Tim Crail, Commissioner Fritz's Office:** Tim Crail office of commissioner Fritz the

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purpose of the amendment is to split out those costs that are costs that were used to make the improvements, the actual physical costs from the staff time in omf so we would fund those direct costs for improvement to the site before any money went back into the pool.

**Fish:** And the omf staff costs?

**Crail:** Only if it was sold for so much that the fund was replenished.

**Fish:** And to Dan's point, the balance would go into a fund which would be used, at some point, to help r2d2 move to a permanent site and is that money subject to council direction in terms of how it's disbursed?

**Fritz:** Yes.

**Crail:** I'm hearing yes.

**Fish:** Then I understand where we're going.

**Saltzman:** How does that council direction manifest itself?

**Enge:** Let me see. I have the ordinance in front of me commissioner Saltzman, in terms of the original 2015, I cannot cite it for you at this time other than just give you the original intent in terms of the purposes of that, but I could come back and give you more particulars in terms of whether the city's legal requirements in terms of how to spend that money.

**Saltzman:** If it's subject to council direction I said this in 2015, I don't want to see any of this money being used to pay salaries or operational expenses of r2d2. So I think it's fine to be using it to relocate to a different site, but my fear has always been that this money is going to find its way into paying salaries and things like that, which I think is inappropriate.

**Fish:** There's no salaried people with right to dream, too.

**Wheeler:** So commissioner Saltzman's concern is a good one, that's actually why I support the amendment. The salaries within the bureaus have already been budgeted and so while I acknowledge this creates an additional workload for omf, it's already -- I mean, it's now part of your job and it's already been budgeted, correct?

**Enge:** The technicalities there, even though it is budgeted, those positions that typically work on these type of projects are what they call quote/unquote billable projects so the expectation is that the project itself would repay for or pay for the salary of that position so these positions are not funded.

**Wheeler:** It's not required.

**Enge:** Otherwise, what we would have to do is use operating reserves to pay for these positions.

**Wheeler:** Exactly, good thank you. I second, so commissioner Fritz moves, I second it. Please call the -- is there any further questions, commissioner Eudaly?

**Fritz:** Should we take public testimony?

**Saltzman:** I'm not sure how the oversight manifests itself. Who controls the citizens to expend money from the r2d2 fund?

**Enge:** We've worked closely with commissioner Fritz' office in terms of providing project information.

**Fritz:** And with the mayors office cause ultimately since it's going through the office of management and financing the mayor has the ultimate call on whether money goes out the door. I have not issued any checks.

**Fish:** Tim thank you.

**Wheeler:** Good presentation. Lest we forget, public testimony on this item? I know we have at least one person.

**Moore-Love:** I think Shedrick is left.

**Shedrick Wilkins:** my Shedrick is just smiling about how I remember this process about moving right to dream too and it ends up with \$800,000,000 fund or something like that I'm laughing with the mayor because it's kind of funny and then is it going to salaries, is going to go to salaries you know in a 20-minute conversation here, I forgot how I was going to

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link this to that, but I won't forget about that one, except its vacant land and using vacant land and selling it. I am kind of weird, though, about -- I'll stay on the topic about homeless people not monitored in a camp. I just heard on Monday somebody got stabbed near the bus station and sometimes and I think if the city council wouldn't votes 3-2 on terminal one the stabbing is these people were in a monitored place getting food and stuff, the stabbing at the bus station, which I go to -- I was actually there that Monday, I could have been stabbed. What's going on here in a more monitored situation, with homeless people or homeless encampments, these things might not happen, where you have homeless people just kind of loosely around, doing things in the corner, stabbing each other, whatever of course maybe these were two businessmen stabbing each other I doubt it. They were probably people who were desperate for something and they got into a quarrel over something.

**Wheeler:** Very good thank you. Please call the roll on the amendment.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye, the amendment is adopted. Main motion, call the roll, please.

**Fritz:** So I started working on this project in July of 2013 when mayor Hales assigned me to lead the bureau of development services, an assignment I was not particularly thrilled with at the time because I hadn't asked for it and it was coming out of a period of great turmoil and lots and lots of cuts. Of course, I came to love the bureau and everything that it does and I'm happy that commissioner Eudaly is continuing to support it, but it's taken this long because one of the things I thought of that made me interested in being in charge of development services was we can find a solution for right to dream too. Even at that point in July of 2013, there had been a long process of the occupation of the fourth and Burnside site and finding right to dream for living and for finding a private property owner that was willing to let them be on their property so we worked on that and we found a site finally in 2015, lot seven by station place apartments. The majority of the council I believe with commissioner Saltzman's support agreed to accept the donation from Homer Williams and Dike Dames for the money that funded all of these improvements. With the understanding that it would be used for finding right to dream an alternative site. It then took us a very long time to find alternative site. Which we tried multiple other different places and settled on this one as a place that would be ideal, but for the fact it turned out after the central eastside industrial council appealed the move to the land use board of appeals it's industrially zoned and although our city attorney's had previously thought this use would be allowed the land use board of appeals said no it's not and that's why we are where we are today. I'm happy that we have made the improvements. I believe this is a very attractive site. It's already had some interest in it and in the central east side industrial area I will have to note that given the presentation we had last week from people concerned about people living outside in the central east side industrial district I'm very glad that it's not because right to dream was moved, which is why people said what would happen would be lots and lots people would be living outside in the central east side industrial district should we move right to dream to this site. It turns out that has happened anyway and I believe having right to dream here would have been a good solution providing bathrooms, laundry, storage facilities and other amenities, but the community chose not to do that. So we are now disposing of this property and we'll start again to look for another one. Although mayor Wheeler and his team are going to be in charge of that along with commissioner Eudaly in her work with the joint office. So thank you in particular to mayor Wheeler and your staff in finding its current temporary location, including especially Brook Nelson and Seraphie Allen and thank mayor Hales and Rachel Wiggins, both of whom stuck to it and kept their promise that they would work with my office in finding a spot for right to dream. Thank everybody in my office team, particularly Cristina Nieves, Clair

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Adamsick, Dora Perry previous chief of staff Tom Bizeau and current chief of staff Tim Crail. The staff in the office of the management and finance, including David O'Longaigh, Pauline Goble, Laura Pedersen, Lucas Hillier former staff Ben Marrow and Bob Kita. The architects including Mark Lakeman, Tim Marrill and engineer Tom Sisul who contributed their expertise in kind to planning how this site was going to be used, Matt Wickstrom and Rebecca Esau and actually a host of others in the bureau of development services. Linda law in the city attorney's office. Members of the hosford Abernathy neighborhood association, particularly Sue Pierce and Linda Nettekoven who were skeptical of right to dream too's placement but were willing participants in a good neighbor agreement process. Thanks to resolutions northwest who was mentioned earlier for facilitating the community meeting that we held on this and finally, thank you to the members and volunteers of right to dream too, who continue to do amazing work fulfilling the organization's mission of providing safe sleep for people living outside at very low-cost and it's really evidence of the difficult of citing this move of an established, respected community organization that illustrates why last week's controversy and this morning's demonstration about the community of hope, what was expressed was only half of the equation, that people who are living outside need water, they need electricity, they need services, they need nearby support, they need good transit. All of these things were considered when we were citing right to dream too and it's not just as simple as this is a nice natural area, let's support a large group of people living there. It just doesn't work that way and I have -- I will continue to be as diligent as I can in finding solutions. I appreciate right to dream too for what they're doing and all the work including Brian Tengen, Pauline Goble on this particular issue. Aye.

**Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted as amended. Thank you. A couple of errata, thank you to commissioner Fish for allowing us to move item 130 to the week of February 14th. I am moving two of my remaining items, items 127 will be moved to February 14th on the regular agenda of the a.m. session. Item 125 will move to February 21st, again to the regular agenda of the a.m. session. There being no further business.

**Fish:** Mayor can I ask a question?

**Wheeler:** Commissioner Fish.

**Fish:** The afternoon matter is budgeted for three hours, which would make it sort of a longish proceeding. Do we anticipate the full three hours? Is that because of the nature of the case?

**Wheeler:** I believe it is due to the nature of the case and just looking at the basic facts there's a lot of contention and lots of lawyers. So stay tuned. We are adjourned until 2:00 p.m.

**At 1:01 p.m. council recessed.**

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**Closed Caption File of Portland City Council Meeting**

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Key: \*\*\*\*\* means unidentified speaker.

**February 7, 2018 2:00 PM**

**Wheeler:** We're in session this is the afternoon session of the Portland city council on Wednesday afternoon, February 7, 2018. Karla please call the roll.

**Fritz:** Here **Fish:** Here **Saltzman:** Here **Eudaly:** Here **Wheeler:** Here

**Wheeler:** The purpose of council meetings is to do the city's business including hearing from the community on issues of concern. In order for us to hear from everyone and to give due consideration to matters before the council we must all endeavor to preserve the order and decorum of these meetings. To make sure the process is clear for everyone I want to review basic guidelines which I hope will help everyone to feel comfortable, welcome, respected and safe at the meeting to make sure the decorum is maintained. You should assume that people will come to the microphone to testify and they will have a difference of opinion from you. It's not a good thing if a room this full everybody agrees on everything. So the name of the game here is hear everything out. Listen with respect. Don't interrupt. If you're a lobbyist please disclose it. If you're representing an organization that's helpful too. If there are people here who are part of a group and you have similar concerns it's okay. If you want to appoint a couple of people to make your case you're free to stand behind the individual representing your group. Sometimes people prefer that. People have three minutes to testify unless otherwise stated. When you have 30 seconds left you'll see a yellow you light. When your time is up you will see a red light. Please end your testimony at the red light. If there's any disruption I will issue a warning that if there's any further disruption anyone disrupting the meeting will be subject to ejection for the remainder of the meeting. If you're asked to leave and you don't you're subject to arrest for trespass. That rarely happens and we don't want it to happen, but those are the council rules. Before we get into today's item I want to acknowledge some honored guests who are with us today in the upstairs. We have Mr. Stephen yeng and he is shepherding a group of 8th grade students from Beijing. So welcome. [applause] with that Karla, please read this afternoon's hearing item.

**Item 132.**

**Wheeler:** Ver good, thank you Karla, first the city attorney will make some comments about the proceedings today.

**Linly Rees, Chief Deputy City Attorney:** Good afternoon. This is an on the record hearing. It means you must limit testimony to materials and issues in the record. The order of testimony is as follows. We'll begin with a staff report by bureau of development services for approximately ten minutes. Following the staff report council will hear from interested persons in the following order. The appellant will go first and will have ten minutes to present his or her case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes although as the mayor noted council may amend the timing. The principal opponent in this case the applicant will have 15 minutes to address council and rebut the appellant's presentation. If there is no principle opponent council moves on, but in this case we do. After the principal opponent council will hear from persons who oppose appeal again each person will have three minutes. Finally the appellant will have five minutes to rebut presentation of the opponent's

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appeal. Council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote council will set a future date for adoption of findings and final vote on the appeal. If council takes a final vote today that will conclude the matter. There are several guidelines for those of you addressing council. First, as I mentioned the evidentiary record is closed. It's an on the record hearing it's to decide only if the hearings officer made a correct decision based on evidence that was presented to him. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues you may be interrupted and reminded that you must limit your testimony to the record. Council will not consider new information and it will be rejected in the city councils final decision. Second, if you believe a person who addresses council today improperly presents new evidence or presents a legal argument relying on evidence not in the record you may object to that argument and may either do so by coming and talking to me and we'll create a list or during your testimony you may raise it. New issues. Under state law only issues raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today not raised before the hearings officer you may object to council's consideration of that issue. Finally the applicant must identify constitutional challenges to conditions of approval. If they fail to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing an action for damages in circuit court and that concludes my remarks.

**Wheeler:** Very good, thank you, do any members of the council wish to declare a conflict of interest? There are no conflicts of interest declared. Do any members of the council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

**Fritz:** Yes.

**Wheeler:** Commissioner Fritz.

**Fritz:** I visited the site at the request of one of the neighbors before the application was submitted. I gave general advice such as review the approval criteria, don't be rude to people and stay focused on the issues within the report and I have not heard from or visited the site since.

**Wheeler:** Does anyone present in the council chambers wish to ask commissioner Fritz about her ex parte contacts or information she may have received? I see no one in the council chambers. Is there anyone else who would like to declare ex parte contact? There are no other commissioners declaring ex parte contact. Have any members other than commissioner Fritz made visits to the site involved in this matter? No other commissioners have made visits to the site under consideration. Do council members have any other matter that need to be discussed before we commence the hearing? There are no matters to discuss. With that we'll call for testimony. We'll start with staff report approximately ten minutes. Come on up. Please introduce yourself for the record.

**Sean Williams, Bureau of Development Services:** Good afternoon, mayor, council members. My name is Sean Williams and I'm here today with.

**Moore-Love:** I'm sorry Sean your mike is turned off. If you hit that green button. There you go. Stay about six inches away from it.

**Williams:** Good afternoon my name is Sean Williams I'm here with my colleague Kate green representative of bureau development services. We're here today to present an on the record appeal hearing for land use case file 16-213734 this review is for a subdivision environmental review with modifications and environmental violation review project also known as macadam ridge. This first slide that you'll see here is zoning for the property.



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The property is in the red hash marks. The base zone for the property is R10, it's residential 10,000, allows maximum density one lot per 10,000 square feet. The property is approximately 14 acres in size almost the entirety of the site is located within the environmental conservation and protection overlays with the higher level protection overlays being located over the waterways that are on the site. There is a scenic corridor overlay area that is present over southwest Taylor's ferry road and the site is entirely within the landslide hazard overlay. First in context here we have an aerial photograph. The site is outlined in red and has primary frontage on southwest Taylor's ferry road additionally has frontage on southwest Ruby Terrace and southwest Hume Street. The sites located within the South Burlingame neighborhood, the South Portland neighborhood also borders to the north. One thing you'll notice here the sites heavily wooded and traversed by both Stevens and Ruby creeks. The site is adjacent to Riverview Abbey Mausoleum and across the street from the Riverview cemetery. Other landmarks, I-5 to the north and the Willamette river to the east. The map that you see here is of the preliminary subdivision plat, so the proposal is for 21 lots ranging in size from 5,000 to 7,924 square feet. Three tracts are also proposed to be created as well as listed here. The proposal also will create new public streets and a pedestrian connection. In addition new utilities will be extended on the site to serve the development in the form of water, sanitary sewer and storm water. In addition to the land division review there's an environmental violation review this review is to resolve unauthorized work that occurred within the environmental zone that included cutting and topping of trees and shrubs in addition to ground disturbance. This review was found to be met or the approval criteria found to be met subject to replanting of the disturbed areas. Should be noted there's no objections to approval of the environmental violation review noted in the appeal. To the hearings officer approved the decision for a land division to create 21 lots, three tracts, new public streets. Environmental review was approved for the proposed disturbance area, two environmental modifications were approved in addition to the environmental violation review and these approvals were based on the approval criteria for land division in open space and residential zones, environmental review, environmental modifications and corrections to violations. This decision was appealed by the South Burlingame neighborhood association for the following reasons and I will go into these in more detail in the subsequent slides. The first being in regards to the issue of due process, you'll see here a timeline of the review process. Here you'll see when the application was being complete, when a recommendation was made to the hearings officer, when the hearings occurred for this review as well. There were two opportunities provided to submit and address new information throughout this process which were established at the discretion of the hearings officer. These timelines were in accordance with accepted practices. Unfortunately there wasn't additional time to be provided for more opportunity to provide comments because we were at the end of the state mandated timeline for land use reviews which brings up my next point that we need to make a decision on this appeal hearing today in order to abide by those timelines.

**Wheeler:** Could you tell me please what are the consequences of not abiding by those timelines?

**Williams:** I would like to defer to the city attorneys if I could on that.

**Fritz:** Could you stop the clock Karla please.

**Rees:** An applicant has the opportunity if the city doesn't abide by the 120-day timeline plus any extensions they have granted to seek writ mandamus in circuit court. Through that they could obtain approval of the application and attorney fees.

**Wheeler:** Thank you.

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**Fish:** Can I just say councils hesitant, I mean hasn't it been out practice in the past if council needs more time if it determines it needs more time to deliberate that we ask the applicant if they would consent to an extension?

**Rees:** We have. In this case we're at a year plus but yes, that has been council's practice in the past.

**Williams:** Okay, so moving on to the next appeal point is regarding the environmental review. So environmental reviews are to -- we look at establishing limited disturbance for a proposal that presents the least amount of detrimental impacts to the resources on site. Mitigation is then required to compensate for those impacts. What you'll see here in this slide is a picture of ruby creek, which is a location where storm water will be discharged via an outfall, it's also the location of where new sanitary sewer main will be connected. Then additionally the plan here is of the construction management plan which identifies limits of disturbance for the proposal. The decision found that this criteria could be met subject to conditions that would allow for final determination of disturbance areas through permits associated with street and utility construction and the appeal indicated that the proposal does not present the least amount of detrimental impacts to identified resources. The next appeal point is regarding environmental modifications. Some modifications to lot dimension standards or site related to development standards can be requested as part of environmental reviews if it's found they can provide greater protection of resources and be consistent with the purpose of those regulations. What you'll see here in this picture is the proposed conceptual development plan for the lots. So two modifications were requested. The first is to reduce minimum lot area for lots 9 through 23 from 6,000 to 5,000 square feet in area and the second is to reduce minimum side buildings setback for each lot from ten to five feet. The decision found this could be met based on substantial conformance with the criteria and the appeal indicates the proposal does not provide greater protection of resources at least in respect to the modification to setbacks for lots 3 through 8 based on those lots meeting the lot dimension standards for the zone. The next appeal point is for tree preservation. Tree preservation requirements apply to land division proposals when there's a concurrent environmental review as part of the proposal. For the most part looking at maximizing tree preservation to the extent practicable. What you'll see here in this picture is of the upland forest area on the site. You'll see a lot of mature trees in this area. Decision found that this criteria could be met and the appeal is contending that tree preservation is not maximized to the extent practicable because the environmental review disturbance area is unresolved. The next --

**Wheeler:** Questions don't count against anyone's time. What do you mean it's unresolved?

**Williams:** So the disturbance area has not exactly been worked out because there's still technical issues as far as how streets and utilities could actually be constructed. So because we don't know whether or not it's feasible to construct what's proposed we don't know how much disturbance area would be associated with that.

**Wheeler:** Thank you. I'll hold my further questions until later.

**Williams:** Okay. The next appeal point is regarding landslide hazard overlay. The entire site is located within this overlay and what this criteria requires is you locate development on the most suitable portions of the site so as to limit risk of landslide. In order to address this criteria the applicant provided geotechnical reports and landslide hazard studies that found that there would be no hazards generated from the proposal. The section of bds reviewed and concurred with these findings and they are available to answer questions you may have. The appeal contends the site is not suitable for development based on the presence of an historic landslide on the site. The final appeal point is regarding transportation impacts. So this criteria looks at evaluating the transportation system and

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ensuring that it's going to safely support the proposed development in addition to existing uses in the area considering a number of evaluation factors. Some of the pictures you'll see in the slides are of southwest Taylor's ferry road. The top one being more close proximity to the frontage of the site and the bottom being at the intersection of Taylor's ferry and southwest 2nd avenue. You'll notice there's a trimet bus stop in that location and then across the street there's the entrance to Riverview cemetery. Some of the issues that were identified throughout the review process in regards to the evaluation factors are for safety for all modes and availability of transit. The decision found this criteria to be met subject to either adding or improving a transit stop and removal of vegetation to improve site distance. This criteria is being appealed on the basis of lack of access to transit service on the south side of Taylor's ferry road. We additionally have bureau of transportation staff here today to answer any questions you might have on that. So the alternatives presented before you today are to the deny appeal and uphold the hearing officer's decision to approve the application with conditions, deny the appeal and uphold the hearings officer's decision to approve the application with modifications including revised conditions, grant the appeal and overturn the hearing officer's decision thereby denying the application. Finally to grant in part and overturn the hearings officer's decision thereby denying the application with exception of approval of the environmental violation review with conditions. Thank you for your time.

**Wheeler:** Very good, thank you. Commissioner Fritz

**Fritz:** On slide 2, if you could go back to that, please. Why isn't the light pink part of that entire property, why isn't that part of the site?

**Williams:** So that is indicating the property that's also owned.

**Fritz:** I thought that the definition of site means everything that's in the same ownership is contiguous.

**Williams:** Not for purposes of the land division.

**Fritz:** Okay. How was the determination of practicable made, you know that this number of lots is the minimum number that makes the whole thing pencil?

**Williams:** I think you would have to have the applicant respond to that.

**Fritz:** Ok, thank you. There was a condition about what the urban forester and city engineer having to approve tree removal. What if they say no?

**Williams:** I suppose if they say no then the proposal couldn't be approved.

**Fritz:** Ok, thank you. Then I do have a question for transportation either now or later. That question is why are half street improvements on the Taylor's ferry frontage, why isn't the half street improvement being required?

**Kurt Krueger, Portland Bureau of Transportation:** We are, commissioner Fritz Kurt Krueger bureau of transportation, we are requiring half street improvements sidewalk improvement along the limited frontage. It still would leave a significant gap down to macadam or top of the hill to Boone's ferry.

**Fritz:** Thank you.

**Saltzman:** I just wanted to ask could you once again explain what is the condition for developing in a landslide hazard area?

**Williams:** Basically the criteria asks that you demonstrate that the site is suitable for development and in order to do that what we require is a landslide hazard study that is provided by an engineer and geotechnical engineer and basically they are evaluating whether or not site is suitable for what is being proposed. We do have our site development staff here that could go into further detail on that to if you'd like.

**Saltzman:** So, if the applicant has a study by a geotechnical engineer that says you can do development in the site, even though it's a landslide hazard area, that satisfies the criteria?

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**Williams:** It does, yes. So the overlay is pretty much over all of west Portland. It's just an area that has a lot of these issues so we ask for this kind of extra layer of review for these reviews.

**Saltzman:** Thank you.

**Fish:** I'm just curious, what if any impact is there on the Riverview natural area that may be relevant to our consideration?

**Kate Green, Bureau of Development Services:** Want me to speak to that? Hi I'm Kate green, for the record. We would anticipate that there wouldn't be any impact. The idea of disturbance is there are there are no impacts beyond those limited disturbance.

**Fish:** So no storm water runoff, no other detrimental impact to the sensitive streams and other habitat within the natural area?

**Green:** In order to satisfy the approval criteria they're supposed to delineate a limit of disturbance and demonstrate that they're not going to have any offsite impacts.

**Fish:** Thank you.

**Wheeler:** Very good. Thank you. We might call you back up later. The appellant, ten minutes. Legal counsel, you will of course let us know if any of our questioning is not consistent with the standards you laid out at the beginning of the hearing. Thank you.

**Carrie Richter:** Good afternoon. My name is Carrie Richter, I'm an attorney at the law firm Bateman Seidel I'm here today representing the appellant. South Burlingame neighborhood association. I don't know if you need my office address, but its 888 southwest 5<sup>th</sup> avenue, suite 1200 97204.

**Wheeler:** I typically we don't need your address. Just name for the record is sufficient.

**Richter:** Just my address. [laughter] this appeal raises two categories of issues. Questions of whether the hearings officer properly applied the applicable standards and two whether the applicant provided substantial evidence to show that these standards are met. The applicant continually focused on the substantial evidence issue claiming that plans were revised by qualified experts as the process went on to reflect shortcomings as they were identified by staff and they were submitted into the record. The staff didn't object, voila, approval. I think that what we have submitted to you in writing and the people here testifying are going to show you that the criteria were not met in the first instance putting aside the evidentiary challenges. Four of the seven city bureaus noted defects in the proposal throughout the process. The applicant will say that they didn't comment during the final period so they must have been satisfied. I urge you to ask them whether or not they were satisfied by the materials that were submitted. Rushing to revise the proposal left staff and public short changed in its opportunity to review resulting in design not fully considered or refined. Compromising the environmental review. Examples of these shortfalls and evidence include failure to include riprap and rockery retaining walls and storm water containment solutions within the area subject to disturbance. I believe Mr. Williams mentioned determining where the roads will be will affect the area of disturbance. Until we know what the area of disturbance is we cannot know whether mitigation plan is sufficient. A couple of background facts that are essential to understanding this case and Ms. Green mentioned them so I won't delay the point but you talked about this entire property is encumbered by various environmental protective zones. You've got the environmental protection area that protects the creeks themselves and no development is allowed there, will never be allowed there. The rest of the property is encumbered by a conservation area. The reason why these other areas was encumbered by a conservation overlay zone is because of its upland forest. The southwest hills resource protection plan identified and maps the 4.57 acres subject to development as an upland forest area that is significant for its second growth stage forest cover that is home to over 60 birds and 30 mammal species therefore the protected resources in this case are not just the streams

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but the upland forest area as well and that's why it's encumbered by ec. In contrast the applicant identified three significant resources that are worthy of protection Stephens creek, ruby creek and the forested area in the north section of the property. The reason for concluding that the northern one-third of the site away from riparian areas was more significant than the forest areas on the rest of the site was not because of the forest characteristics and it was not because of the wildlife that lives there. It was because the forest provides shade to Stephens creek, which lowers the Stephens creek temperature. The functional value identified and acknowledged in the southwest hills resource protection plan, the upland forest resources and the wildlife that call it home were never given any value by this applicant or the hearings officer. The upland forest on the north side of the property was valuable for what it gave to the creek and not for its own intrinsic value. As a result, this 4.57 acre upland forest is slated to be clear cut to accommodate a 21-lot development. The zoning code 33.430.017 requires the design that will prevent harm to identified resources and functional values. Protection of the functional values of the valuable upland resource area required customizing and innovating the development to have the least impact on extensive timber resources. It required nestling the houses amid the forest rather than eliminating a large swath, four plus acres, to accommodate a development. The hearings officer erred by interpreting the obligation to have the "least impact on protected resources based solely on the total percentage of overall disturbed land area" which they say is 29.5%. One of the environmental review criteria requires finding that the proposed development have the least significant detrimental impact based on consideration of significantly different alternatives. All of the alternatives considered focused solely on the percentage of disturbance impact. For example, in order to compare whether the disturbance area of 29.5 was an appropriate amount of disturbance the applicant directed the hearings officer to other cases where the city has granted environmental review where disturbance limits were much higher and in one of those cases, the impact area was greater than 29.5% in an upland forest area but in that case only five trees were removed. However in this case the proposal is to remove 478 native mature trees between six and 54 inches diameter and another 3326 trees, 13 inches or greater to be clear cut. This illustrates the obligation to have the least amount of detrimental impact should not rise or fall on the total disturbance area.

**Fish:** Ms. Richter I'm sorry would you say that again? The number of trees. Just go back two sentences and say that again.

**Richter:** Sure. In review this approval result in elimination of a total of 4778 native mature trees and 3326 trees of 13 inches or less.

**Fish:** Thank you.

**Richter:** Further it's our position that using the term 29.9% as basis for evaluating the limits in the disturbance area is subject to manipulation. The applicants claim suggests the site was otherwise developable. The ep zoning along the repairing query takes this area of land out of the total that could be considered and so again, if you took the ep zoned land out of the total, the amount of land impacted would be higher. So again, we have concerns that 29.9% is just subject to manipulation in the way you look at it. One of the points that commissioner Saltzman asked about was the question of landslides and erosion and what criteria and I want to point out another criteria that I think is really relevant and distinguishes this case. The obligation for environmental review is preventing harm to resources and the southwest hills resource protection plan points out that side soils are prone to slide and slump when saturated. At particular risk are steep sloped ravines, erosion caused by the failure of these slopes would negatively impact habitat and water quality. The applicant will respond to this claim explaining that their area was extensively tested and the development will reasonably limit risk of landslide under code 33632 that

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Mr. Williams talked about but these studies failed to address and consider the significantly different alternatives whether there were significantly different alternatives that would protect the functional values of the natural environment better, to protect the wildlife and upland forest from risk of landslide which is specifically identified for protection in the southwest hills plan. The alternative, the applicant says it considered different access configuration, different lot configuration, different housing types but did not consider whether it was possible to preserve a significant growth of particular wildlife habitat or 200 plus year old 54-inch tree by customizing a development that would work with the tree, work with the forest and with the wildlife. Finally, zc 430.250 a1c requires provision of a mitigation plan which demonstrates all significant detrimental impacts on resources and functional values will be compensated for. Again, the hearings officer and the applicant gave no value to the upland forest values that make up the southwest hills plan and led to the ec zoning in the first instance. The mitigation plan was submitted by the applicant in January of 2017 before the hearings process commenced and before there were substantial changes in the proposal. The hearings officer's decision does not reflect changes to the mitigation plan resulting -- the hearings officer does reflect changes to the mitigation plan resulting from the additional detail but it doesn't talk about overall project mitigation, overall project -- protection of the forest generally. Coming back again to sort of the opening concern the mitigation plan is deficient because the disturbance area was not known. The applicant recoils at the idea of setting disturbance areas citing the need for flexibility and generally unknown construction activities happen and you have to make adjustments but the code clearly requires that applicant with an environmental review set clear limitation on disturbance within resource areas. Clear limitations are not boundaries that are adjustable when it is convenient for the crew. With this I ask that you uphold this appeal and overturn the hearings officer's decision I'd be happy to answer any questions that you may have.

**Wheeler:** Perfect timing. Commissioner Fritz.

**Fritz:** Do your clients have any opinion on whether the environmental review should be approved?

**Richter:** I think we would be fine with the mitigation that the city has identified.

**Fritz:** Thank you.

**Fish:** I have a question. If we're not clear about defining the disturbance area and we're building in a certain level of flexibility and we get it wrong, what's the remedy?

**Richter:** A loss of habitat I think is the remedy of getting it wrong. You mean as far as an enforcement action? We've blessed it at that point. We have signed off on it. That's why this is so dangerous.

**Fish:** Thank you.

**Wheeler:** Next up, supporters of appeal. You can sign up I believe the signup is still -- it's in Karla's hands. Again, you don't have to use your full three minutes if you want you can just say I agree with what the last person said or say I agree with the first two points and want to add one more or if you prefer you can stand behind whoever is representing your interests. You are of course entitled to your three minutes I just want to suggest alternatives if people would prefer. Karla how many signed up?

**Moore-Love:** We have 35.

**Wheeler:** So.

**Moore-Love:** 36.

**Wheeler:** 36, so.

**Eudaly:** 37.

**Wheeler:** The question now is how long do you want to sit here so, if you start hearing testimony that sounds a lot like yours, just come up and say my three points have already

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been made but me too. Or whatever you would like to say is sufficient. That's good. First three, please. Again name for the record. When your three minutes is up the light goes off and that is when I would like you to end your testimony. Thank you. Would you like to start for us, please, today?

**Carol Hazzard:** Yes. I'm carol hazard. I live at 3232 --

**Fritz:** Don't give your address.

**Wheeler:** We don't need addresses just name for the record is sufficient.

**Hazzard:** All right. I have been a Portland resident for 52 years living all that time on the east side. My husband and I lived in alameda for 38 years. We lived in the reed neighborhood for the past 14 years and our children and grandchildren live in Portland. As a concerned citizen I recognize the need for new development in our city but my greatest concern is that development should be safe and in the best interests of all citizens. It is my opinion this development will put hundreds of people and their homes at risk. Hearings officer Oden Orr failed to apply code 33.632.100 that states the development site must be suitable for development in a manner that reasonably limits the risk of landslide affecting the site and adjacent sites. He did not give nearly enough credence to the known factors that reactivate landslides. This decision clearly puts families at risk. The state of Oregon's guide to landslides states the presence of previous landslides is one of the biggest most obvious risk factors for recurrent landslides. This site is a translational site commonly triggered by heavy rain, rapid snow melt, earthquakes, grading, removal material from bottom of the slope, adding loads to the top of the slope, concentrating water on to a slope as with landscape irrigation, roof downspouts or broken water sewer lines. Essentially five of the seven points to avoid will occur with the macadam ridge development. They are upland forests that stabilizes the ground overlaying the landslide will be clear cut and will be replaced with impervious surface that will concentrate water on the slope. Land will be graded and cut from the bottom 20,000 cubic yards of infill will be added as a load to the slope. Tons of building material will add to the load and create impervious surfaces which will concentrate water on the slope. Since there's no mitigation for uphill ground water, water will be concentrated even more on the slope. The applicant has chosen to place this nearly five acre development on the most unstable ground they own, an ancient landslide. To add insult to injury it completely removes all existing stabilization from the nearly 500 big trees and thousands of small trees that will be clear cut. There are nearly 15 acres on this site and the applicant never considered an alternative that would have completely avoided this large high risk hazard. The hearings officer should have weighed considerable risks early before approving this development because the environmental code for type 3 land divisions require the significant detrimental impacts are to be used for development. Therefore I believe the subdivision application should be denied.

**Wheeler:** Thank you. Good afternoon.

**Merilee Karr:** Good afternoon. Mayor Wheeler, city council members, my name is Merilee Karr, I am the team leader of the neighborhood emergency team or net in south Burlingame, the neighborhood of the proposed development. My concerns are my own. I do not speak for the Portland bureau of emergency management, which runs the net program.

**Wheeler:** However thank you for your participation. We appreciate that very much.

**Karr:** Sure. Net members are volunteers trained by Portland fire and rescue as amateur first responders. We can and will be on the scene of disaster before professionals with heavy equipment arrive. As I assess hazards around my neighborhood I look at houses set on slide-prone ground as coffins. These houses on unstable land that has slid before will sooner or later give way in a big rainstorm or earthquake. Building the proposed development will further increase the precariousness of this slope by removing the trees

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whose roots are now holding the soil in place. Nets are trained to extract people from rubble but not from mud. If you allow these coffins to be built my team will be there when they slide trying to save our neighbors' lives and living ever afterward with memories of partial success if any. My neighborhood holds other coffins too. Structures that pose extreme seismic danger. They are homes built of unreinforced masonry or urms. They will collapse in a strong earthquake, threatening lives inside and outside the house with a rain of bricks. No one can build urms anymore because Portland's seismic vulnerability has literally made itself felt. Our vulnerability to landslides is also well established but more recent. In February 1996, heavy rain and snowmelt caused 700 landslides in metro Portland with major damage to more than 100 homes. Building on landslides should be as unthinkable as building unreinforced masonry. I hope you agree and vote to stop this ill considered and dangerous development. Thank you for the opportunity to explain our concerns.

**Wheeler:** Thank you for your testimony. Good afternoon.

**Matthew Boyes:** Hello. Mayor wheeler and city council members, my name is Matthew boyes and I'm a resident of south Burlingame. Thank you for taking the time to hear our neighborhood association's appeal. The sbna has been working as an engaged group to positively influence this land division for many years without success. We have serious concerns we will share with you today but the most grave is in regards to the landslide and traffic safety. Devastation to the habitat and wildlife in the proposed land subdivision and value of its unique resources will be articulated today. Out of respect to you and your time we have prepared and organized our testimonies to be as succinct as possible. We have asked people to allow a few of us to express all our concerns as a collective and with many more showing their solidarity behind us today. While we are not opposed to developing this property, we feel the current application has too many risks. Our goal is to share with you evidence and testimony that should compel you to deny the macadam ridge application as Riverview abbey did not meet the burden of proof required by Mr. Oden Orr to approve the application. These are going to the clerk.

**Wheeler:** Thank you. Appreciate it.

**Shannon Hiller-Webb:** I'm Shannon. I'm helping navigate the pathway for our group. Is it possible I have expanded it but it doesn't appear to be showing on the video.

**Wheeler:** There, I fixed it for you. I hope you're happy. [laughter] very good.

**Fritz:** He is the mayor, after all.

**Fish:** You're good.

**Wheeler:** If it breaks again I have delegated it to Karla. She's really the genius here. Thank you for your testimony.

**Wheeler:** So I understand the logistics of what you're proposing legal counsel understands you're still going to stay within your three minutes but while you're testifying there will be a power point? Is that correct?

\*\*\*\*\*: Correct. We will -- we --

**Fritz:** Can you speak into the microphone.

**Wheeler:** And if you could just identify yourself again.

**Hiller-Webb:** My name is Shannon Hiller-Webb part of the south Burlingame neighborhood. We have 23 people representing our neighborhood in our narrative so the power point will follow the entire 23 pieces of testimony.

**Wheeler:** And you have no problems with that legal counsel I assume?

**Fish:** I mean my sense is this is unusual so I would be interested what legal counsel says.

**Rees:** I'm assuming that it's probably more efficient rather than having each individual person click on the button for their slides, so I'm assuming that what she's doing is providing technical assistance as we might when we have presentations by staff members.



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I don't consider the slides to be -- Shannon's testimony. I'm assuming it relates to the testimony and I also assume that both staff and the applicant will let me know if there's any new evidence that shows up in the power point.

**Wheeler:** Very good, so then council we will rely on the city attorney if there's something that isn't in accordance with the hearing structure you'll let us know, very good. Thank you. Sorry for the delay.

**Jan Friedman:** Good afternoon, mayor and commissioners my name is Jan Friedman and I'm a member of the south Burlingame neighborhood association. I have lived on --

**Wheeler:** One second. Let's make sure --

**Fish:** Is it your intent -- I see. I'm sorry.

**Wheeler:** We screwed you up go ahead and start over.

**Friedman:** I'm still Jan Friedman. I have lived in the southwest Burlingame neighborhood for the last 19 years. I live on southwest ruby terrace, I live in the landslide zone and I'm part of south Burlingame neighborhood association. I have been a citizen of Portland for 30 years and a practicing attorney in the civil rights arena mostly for the last 28 years. I'm here to ask you to deny this application and over turn Mr. Oden Orr's decision. The many bases for this the one I'm going to address is due process which as you recognize is a fundamental constitutional right that all of us share in this country. It involves notice and opportunity to be heard. It also interfaces in this case with the administrative procedures act. Which says that the officer presiding at the hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the presiding officer in the case, and the correct application of law to those facts. That's ORS 183.417 sub 8. So there have been numerous instances where our due process rights were violated. One of them was on October 30th we showed up for the hearing and hundreds of pages of information were given to us. We were pro se and a lot of key information was given at that 11th hour. The applicant will say this is a four-year process but we have neighbors who are not represented getting hundreds of pages of documents with one week to respond. Mr. Oden Orr at that time said I wish I could give you more time but he didn't but later through interim order did provide some additional time but that was over the thanksgiving holiday and it was on the 20th starting the 20th, so we were really not able to mobilize and to get information in a way that would be meaningful. He also violated our due process right, if you look at the decision, 100 pages, we are listed on the last page in the exhibit we're listed for oral testimony although I'm not listed on October 16 even if I did provide oral testimony on that day. We're listed on page 10, which is a site to the bureau of development services quoting a synopsis of some of what we had to say and that was from October 16th. The matter didn't end on October 16th. So basically we were ignored in this decision. Mr. Oden Orr looked at the applicant, looked at the bureaus, looked at the applicant and said, okay, I go with the applicant and I'm going to add some conditions. What that did was it excluded us from being heard. Where are we in there? Where is the substance? That's really no substance provided in terms of what the 86 written testimony were and all the oral testimonies were. Thank you for your consideration in this important and complex matter.

**Wheeler:** Thank you. Good afternoon.

**Dave Paulson:** Good afternoon. My name is David Paulson, I'm the senior principal engineer for pace engineers in lake Oswego, we're a company of about 80 total consultants focusing mainly on land use planning, civil engineering and environmental engineering. We were retained by the south Burlingame neighborhood association to provide an oversight of this development application. I want to read from an email that I wrote after and I'll explain later why I wrote this email. Per our scope of services pace

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engineers was retained to review publicly available documentation submitted from macadam ridge and offer opinions regarding whether it was consistent with the development code. Moreover, we understood that through the courts and the Macadam Ridge entitlement process sbna was seeking professional services that could review and respond to engineers and consultants that the developer has retained. It's common and reasonable for sbna to retain these professional services to provide knowledgeable and qualified responses as would be appropriate for any type 2 or type 3 land use process. When pace agreed to provide these services it was with the understanding that we could develop an open and productive dialogue with the city of Portland and with the developer in the interests of gaining an understanding of all perspectives and representing the interests of sbna. Public comments provided by sbna members and others including peer to peer exchanges among professionals should not only be freely encouraged but strongly desired by all parties as an important aspect of facilitating a comprehensive entitlement process. That's the introduction. Then we just began our services, we did a couple thousand dollar review of the project then attended one of south Burlington neighborhood association's meetings to discuss the project. I had a couple consultants, an engineer and environmental planner attend that meeting and offer their initial comments from their initial review. After that meeting we got a letter I received an email from Mr. Griffiths, the developer, that says this. Says my family owns the property in southwest Portland and that is being developed for macadam ridge housing. I'll skip the introduction. I attended the sbn meeting last night at capitol hill school. During that meeting you both heavily criticized the development on I'm very troubled by your payments. My development partners and I have invested over \$500,000 over a period of four years to obtain entitlements on the property, we've been damaged by your actions. You illegally obtained information by trespassing on our property. Our property posted with no trespassing signs. You slandered the engineers and consultants that we hired for Macadam Ridge, you made multiple inaccurate statements. Sorry, my time has expired. I'm saying that I think you would have heard a lot more today had I been retained and didn't have this intimidating email sent to us.

**Wheeler:** Thank you. Good afternoon.

**Krista Peterson:** Good afternoon. My name is Krista Peterson, I'm an 18-year resident on ruby terrace and I am a member of the south Burlingame neighborhood association I am here today to express concern about the transportation impact approval criteria 33.641.020 and 030 on the surrounding neighborhood and thoroughfares for our citizens. To begin a few facts that are widely acknowledged and accepted regarding Taylor's ferry where the Macadam Ridge development is fronted and observations to evidence presented. Taylor's Ferry road is unsafe for pedestrians, bicyclists and mass transit riders due to limited sight distance, blind spot and a lack of methods to safely cross the street. Taylor's ferry has no roadway shoulders only drainage ditches on both sides of the street. There are no sidewalks or curbs present on Taylor's Ferry except small portions intermittently placed at business fronts, there are no sidewalks from bus stop to stop. The intersections at southwest second and Taylor's ferry and southwest Terwilliger and Taylor's Ferry do not meet city of Portland operation standards. The 2015 traffic count submitted by the applicant do not reflect true traffic flow was sellwood bridge traffic was not existent due to the closure and long term sewer work was being completed on the Terwilliger boulevard. Taylor's ferry is massively overburdened during morning and evening rush hours at the intersections of Terwilliger boulevard to the west and macadam avenue to the east making access in and out of the neighborhood difficult. The adjacent neighborhood populations do support transit consistently ridership is due to lack of access and unsafe nature of these locations. Pbot has denied this application for reasons that remain unaddressed by the applicant. It should be noted a devastating crash occurred February 17, 2016, where a

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pedestrian was struck not one but twice by passing vehicles after exiting a trimet bus while attempting to cross Taylor's ferry from the south side and this case the teen narrowly escaped death and is still rehabilitating to this day. I shudder to think that a death is required before any action is taken. These facts are undeniable. Hearings officer Oden Orr did not correctly apply the following code criteria availability of transit service and facilities in connections to transit and impacts on the immediate and adjacent neighborhoods. At this time all eastbound bus stops along Taylor's ferry should be considered unusable for those on the north side of Taylor's Ferry until there's a safe way for pedestrians to cross the street. The south side of Taylor's Ferry has no residences, only a cemetery and green space, all pedestrians would come from the north side of the road. Trimet's published bus stop guidelines reference a Michelle Wyffels October 25, 2017 communication with Mr. Kovac state it's essential bus riders have safe access to the bus stop walking on narrow roadway shoulders through mud or puddles or through ditches is unacceptable to most riders and is often unsafe. Mr. Kovac's assertion that the evidence of Trimet's response to this issue is critical based on Wyffels assessment that a full sidewalk along Taylor's Ferry is not necessary is contradictory. If trimet does not hold responsibility for construction or maintenance of sidewalks or curb ramps why would this opinion be critical? Has anyone even visited the site in this past year? The intersection to southwest second Taylor's Ferry is completely unacceptable. Thank you.

**Wheeler:** Sorry. Thank you. Next three, please.

**Wheeler:** Good afternoon.

**\*\*\*\*\*:** Good afternoon.

**Carol Lidberg:** Mayor wheeler and commissioners, I'm carol Lidberg and my family has lived on southwest ruby terrace for more than 15 years. I'm also part of the south Burlingame neighborhood association and strongly oppose this decision by the hearings officer. I would like to speak briefly about safety for all modes. That means pedestrians, bicycles, cars and transit users should have equally safe passage on our city streets. While other areas and streets of Portland are maybe more significant for their accident rates and challenges than southwest Taylor's Ferry that does not diminish the factors that currently exist on this section of the road and will only get worse with this construction unless the applicant is forced to follow code and reflect necessary changes in their design proposal. The Griffith family business is adjacent to Taylor's ferry and I'm sure one or more of them spend time in the building. However they still do not live in the neighborhood like most of us speaking today and when the development is built they still won't, but we will. The applicant needs to be held to the letter of the code and make necessary changes in concert with trimet and pbot to the access points of this development with both Taylor's ferry and ruby terrace neighborhood. They have been given ample time to do so more than four years and still have not made the appropriate effort. There are no consistent sidewalks, bicycle riders are forced to ride in the travel lanes and cut through the Riverview cemetery, and the lack of development along this area makes speeds increase and elevation changes and curves equal hazard all around. The best we can hope for at this time are some improvements to the transit access. The final decision does require the applicant to trim bushes and prepare a pad for the stop on the new sidewalk but we don't feel that is enough to make the road safe for pedestrians. At the very minimum we ask that a crosswalk be included in the requirements for safe crossing at the eastbound bus stop to the proposed development on the west side of the street. Taylor's ferry is dangerous for all modes of transportation today and will remain dangerous if macadam ridge is allowed to happen. My hope is Riverview abbey mausoleum and Griffiths consider people's lives above profit in pursuit of this development. The irony of this statement is chilling. Living

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right next door to the mausoleum could be a constant reminder of a life cut short. In concert with pbot I ask you deny this application and reverse the hearing officer's decision.

**Wheeler:** Thank you. Good afternoon.

**Lorraine Zumwalt:** Hi my name's Lorraine Zumwalt. Mayor wheeler and council members, thank you for your time. I grew newspaper southeast Portland and have lived in south Burlingame 29 years. I'm a registered nurse and spent my career as a pediatric nurse so the concern and welfare for safety for people has always been sort of my priority. So I'm here on behalf of our neighbors and the teen you heard about when Krista talked I want to read a letter from his father he couldn't be here today. "I have lived for 21 years at Taylor's ferry road next to the proposed development. On this stretch the speed limit is 40. Residents have complained for years about endless traffic accidents. Cars and motorcycles continually drive 45 to 50. There is no sidewalk, bike lane, walking lane. It's hazardous despite the claims to the contrary the applicant's counsel says there is considerable bicycle and foot traffic every day on this stretch of road. I have seen mangled bicycles, badly injured people on the ground, dead deer, coyotes on the side of the road, four snapped telephone poles, many cars off the road and smashed fences. Two years ago on February 17, my son got off the trimet bus coming home from school using his Wilson high school bus pass after exiting the stop in the dark and the rain he tried to cross three lanes of traffic and was hit by the cars. There was no provision for safely crossing Taylor's ferry road. He spent the next three months in the hospital and his life will never be the same. The pain and heartache that our family has endured cannot be put into words. I appeared at the public hearing on October 16 and explained this to the hearings officer. As an expert in data analysis with a masters degree in mathematics I also submitted documents identifying the fundamental methodology flaws and factual errors that the impact study had that was submitted by the applicant. The hearing officer brushed aside the clear recommendation of pbot against the macadam ridge development. So I'm asking the city council to consider the health and safety of our children and deny this application. Sincerely, Michael fairnell". As a mother and a nurse and a concerned citizen I'm asking you to deny this application for safety reasons. Thank you.

**Wheeler:** Thanks for your testimony. Good afternoon.

**Scott Richman:** Good afternoon mayor and council, my name is Scott Richman, I'm a resident of south Burlingame I have been for about 15 years and I'm our neighborhood association's representative to the southwest neighborhood transportation committee. I'm also on our neighborhood net team as Merilee Karr spoke earlier. I'll keep this brief as others have voiced concerns that I planned to raise regarding transportation in particular about my concerns about the deficiencies, the current deficiencies of Taylor's ferry road, the closest arterial that will directly serve the proposed development. The developer applicant in their favor has case law precedent that they cited about disproportionate exemptions. The city is somewhat hamstrung in terms of how much they could burden, so to speak, the developer with what the developers say are potential offsite improvements. I would encourage you to not approve this application in large part in addition to the concerns raised earlier about environmental hazards, landslides and so forth. Just about the inadequacy of the transportation infrastructure, the developer is proposing at least considering as a condition to improve a trimet bus stop a pad. That would serve one direction of the route 43. It wouldn't do anything to address the direction of travel from the development to downtown through macadam and john's landing into downtown using the 43 route. That would be considered an offsite improvement. I urge you to strongly consider the current deficient system including Taylor's ferry and as Merilee noted about the future residents of such a development and us needing to respond in event of a landslide I'm also very concerned about a lot more flashing lights from ambulances, paramedics and so forth

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because of the risk that we're taking on by approving additional travelers along Taylor's ferry road at that location. Thank you.

**Wheeler:** Thank you.

**Hiller-Webb:** May I stay here? Cause I have to control my own media, which is a video?

**Rees:** So mayor this is the city attorney speaking. So one of the things that's difficult about the PowerPoint is that in terms of looking at the hearings officers decision to determine whether these materials have been previously submitted. If somebody is having slides associated with their testimony I would appreciate if they would identify whether those materials were submitted before. For example the emails that were submitted in the kgw article I don't have any way of looking at the hearings officers decision and the list of exhibits to determine that those were previously submitted.

**Hiller-Webb:** May I follow up with that?

**Wheeler:** You may.

**Hiller-Webb:** We've cited all of this referenced in our PowerPoint and various documents where they've been introduced into evidence or we're relying on city council recognized and approved ordinances. So you would like us to identify when it was introduced into evidence if possible each time?

**Rees:** It would be useful but if you don't know -- we'll end up having to figure it out later.

**Hiller-Webb:** Okay. We're happy to be helpful.

**Fritz:** But for instance with that newspaper article just saying this was submitted to the hearings officer, that would be what we would need.

**Hiller-Webb:** In that case that was with Michael Barinous testimony on October 30th.

**Fritz:** That sound perfect thank you. Good job.

**Hiller-Webb:** Thank you.

**Wheeler:** What time of day was it?

**Fritz:** What was the weather?

**Hiller-Webb:** I'm happy to find that out for you. If you give me one second just to get my media set up -- okay. My name is Shannon Hiller-Webb and I have lived in south Burlingame for 33 years and I'm a native Portland resident. I want to state my position as that I support development in our city but just not at all costs and this development harms valuable identified resources and risks the safety of my current and future neighbors. I come to you having carefully considered this project. I ask you respect that five of seven of your bureaus denied the Macadam Ridge application and I believe the hearings officer erred in his decision applying multiple codes. I would like to share a video of the area we're discussing that I introduced to the hearings officer with oral testimony October 30th as the video plays I would like to share how the land has been characterized demonstrating its value by BES and the southwest hills protection plan. Sorry, technical difficulties to transfer -- we loaded this video -- there we go. The forested southwest hills form a backdrop to the city and their destruction would result in loss of identity uniqueness, character and value. There are 130 plant species that including Doug firs, western red cedars, pacific dogwoods as well as protected Stephens and all these creeks, but a critical tool endangered chinook salmon and steelhead trout migration. In addition there are 31 mammals and 74 nesting bird varieties including northern flying squirrel, the only flying squirrels in north America. Bird species observed include great blue heron, cedar wax wing, golden eagle, red-tail hawks, owls and ducks, pileated and downy woodpecker's which are native to Portland and the largest woodpecker native to north America are found here. Mammals in the area include mule deer and foxes in addition the forest meets the noise of highways I-5 and 43, absorbs air pollutants caused by auto and industrial emissions and moderate climate extremes. The forest cover is at sit's second growth stage with 70% Desiderius and 30% coniferous composition. Red alder and bitter cherry are common associates of the maple

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several unusually large specimens of pacific dogwood and cascara are present and the understory shrub provides wildlife food and cover. There are six perennial creeks including Stephens creek. This site has important visual resources, the tree covered condition contributes to the neighborhood character because of the relatively high ridge elevation broadness and tree cover this ridge is an important feature of the west hills and surrounding region. This entire 4.6 acres will be clear cut to make way for homes and 478 native of trees ranging between six and 54 inches in diameter will be sacrificed. Simply put once destroyed and built upon we will never recover the functional value of the environmental eco-system and habitat loss.

**Wheeler:** Thank you. Good afternoon.

**Dave Hennington:** Good afternoon. Council and mayor, my name is David Hennington and I'm here today to present my perspective as both a human and an individual educated and trained in environmental sciences and land use planning. My hope is that this will help convince you to reject the approval issued by Mr. Oden Orr. As a human I have lived immediately adjacent to this impressive intact temper rain forest for nearly eight years. I have seen and heard dozens of animals such as those listed by Shannon previously. I have also seen and heard the terrestrial mammals that face daily struggle of navigating the increasingly ridged and dangerous confines of our man made landscape such as deer and coyotes. Hiking nearby at night aided by a headlamp I have seen the watchful glowing eyes of multiple coyotes wary of my presence. There's no doubt that this is truly a wild place and as a human I am compelled to speak up in defense of it. As an individual whose education focused in large part on urban forestry and who's professional experience includes reviewing residential and commercial tree plans I see a large intact urban forest composed of hundreds of significant native specimens some of which can be clearly classified as old growth and many others as second growth. Looking at the plans I see an outdated approach that assumes a clean slate is best practice and disregards functional values of the trees it so callously disposes of. You've heard the 478 number on mature trees I would like to point out in addition 59 nature of trees 21 to 25 inches at breast height, 19 of 26 to 30 and 53 above 31 including one that is 54 inches. These are all trees that are likely to be at least 100 years old and the biggest one is estimated to be around 270. As shown in supporting documentation, the site is a critical link as part of an established wildlife corridor and this whole part really stuns me, bds staff determined the most recent application does not adequately address a lengthy list of environmental review approval criteria and there's a quote I added that shows that that's the case. So with these facts and with the obvious criticality of this mature temperate rain forest habitat in mind I'm shocked this could have so casually been approved. I call on you as passionate leaders of our community to defend the laws, policies and plans of our community. I call on you to defend the processes and labor of the professionals within your bureaus and I call on you to right this wrong and overturn Mr. Oden Orr's approval. Thanks so much.

**Wheeler:** Thank you. Appreciate it. Good afternoon.

**Robert Lennox:** Good afternoon, mayor and council members. I'm Robert Lennox I'm the president of south Burlingame neighborhood association. I'm also a professional land surveyor, been practicing about 20 years in the state of Oregon. I'm going to get into code. So approval code criteria 334302550.A4c talks about design including building sites, access and utilities within resource areas of conservation must have at least detrimental impact on identified resources and functional values as is practicable. Significant alternatives including alternative housing types and reduction in number of proposed and or required lots may be required if the alternative is less impactful on the environment. The north half of this site is encumbered by two creeks. It also has a portion that's a landlocked upland forest that they have called out. It's also somewhat of a remnant parcel where

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encroachments or development has happened on multiple areas making it very hard to develop. Basically the proposed areas focus on the south 4.5 acres of the property. The southwest hills protection plan lists resources and include many things but two to note are ancient land map site and the trees on the southern side of the parcel near Taylor's Ferry which includes 54 inch diameter tree. So what we have here is a look at the evidence put into record, this has been put in by their attorney. The first four are the alternatives that were submitted with the application 4a is the preferred and the rest of them were submitted at the time of the hearing. The next slide is basically to zoom in on them and make them all the same size. This slide basically highlights the lots and highlights the roads. This is the proposed area of impact. This is what we're talking about. The first two that we have access through the applicant said that they weren't practical. One of them was designed in 1890 1840 that ignored all topology, ignored all the streams, everything. The other one has a bridge going over the protection zone and wasn't practical to build. The remaining ones we're going to show as they overlay on the screen basically follow the same design. They basically discount everything on the south side of this creek. All the trees, the 505 trees, the everything else that's down there. You'll notice that there's no proposal of innovation and planning, there's no multi-family condos done. No cluster homes. Very intensive and very hard on the upland forest. So basically the analysis was basically reduced as our attorney said to percentages of plots and area. So we felt that Oden Orr failed in his application of the code to require multiple alternative houses.

**Wheeler:** Thank you. Appreciate it. Next three, please. Good afternoon.

**John Holderness:** Good afternoon. Mayor, city council, my name is John Holderness. My wife and I live on Ruby Terrace in South Burlingame. We particularly value Portland's green spaces and we hike on the city's trails regularly. I'm a retired technical writer I'm also a net volunteer. To save time I'm leaving out details that I included in the written version I sent you earlier today. I'm here to state my view that the hearings officer, Mr. Oden Orr did not correctly apply code 33.430.250 and 33.630. As most of his findings directly counter the expertise and code requirements outlined by BES. I'll be focusing on two valuable resources, Stephens Creek and the 54 inches Douglas fir on the site. The city has invested over \$1 million to improve stream conditions on Stephens Creek by repairing a sewer line along the course of the creek, reconstructing the stream bed and restoring native vegetation. Ground water mitigation is absent in the plan for this development and therefore Stephens Creek and the city's investment are at risk. There's also as you've heard a 54 inch diameter Douglas fir tree on the site. It is estimated to be over 200 years old, maybe 300. It was here before Lewis and Clark. Due to an oversight on the applicant's part the city didn't notice this high functional value tree at first. The applicants claimed the tree could not be saved because the city's comments came late in the review process. Essentially blaming the city for the applicant's error. The applicant said it had to be cut down because to save the tree they would have to redesign the subdivision and the cost of redesign was too high, but there's no way to put a price on this tree. The largest and therefore the highest functional value for habitat of all the trees on the site. The code requires that this site with its protective environmental overlays be developed first and foremost with sensitivity to the high functional value of all the assets within the conservation zone. Code 33.430.a1a says trees that are healthy, native, non-nuisance species 20s inches or more in diameter in tree growth are the highest priority for preservation. The hearings officer failed to apply this code directly in his decision to approve the application. This was an error. We ask the council to protect the Stephens Creek watershed and preserve this tree. I request that you overturn the hearings officer's approval on behalf of this watershed, this tree, and we, the local citizens. Thank you.

**Wheeler:** Thank you, sir. Perfect timing. Extra credit. [laughter] good afternoon.

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**Michelle Lennox:** Good afternoon. Thank you, mayor wheeler and city council members. My name is Michelle Lennox. I am a property owner that is adjacent to the ravine that supports ruby creek. I have been a resident there for 23 years, and I support the south Burlingame neighborhood association's assertion. The hearing officer erred in approving this application because it does not meet the southwest hills resource protection plan policy. In particular environmental code 33.430.250.a1 and code 33.632.100 requires this project be suitable for development in a manner that reasonably limits the risk of landslides affecting the site and adjacent sites. The hearing officer erred by not requiring the applicant to identify the upland forest located on the southerly region which happens to be the area of primary disturbance as a functional resource and value from the beginning. He failed to consider forest ecology as one of the key functional resources that must be preserved. To quote from southwest hills regional resource protection plan, the balanced relationship between the area's geologic formations, soil and ground water features is protected by the extensive canopy cover and root system of the forest which shelters and stabilizes the hills and slopes. Activities which disturb this fragile relationship can substantially degrade resource values by causing landslide, flooding, erosion and sedimentation. By stabilizing the soil and reducing runoff and erosion, the forest protects the community from landslides. Resources should be understood as interconnected. Stands of complex ecological webs. The interconnectedness of the trees and the roles they play in this forest for absorbing water cannot be overstated particularly because we live in a rainy climate. To clear cut the trees does not protect them as a resource. It destroys them as a resource. The landslide cannot be engineered to never slide again. The development is proposed over an existing landslide. It's not if, it's when it will slide again. 17 families live uphill from the proposed area. The disturbance and within the no landslide zone. The city should not allow 21 more families to be located in this zone it's too much of a risk. The hearings officer approved this application is in error for the reasons I have stated. I ask you to overturn the hearing officer's decision. Thank you.

**Wheeler:** Very good. Thank you.

**Hiller-Webb:** Carol spoke earlier, so we can probably go to the next three.

**Wheeler:** Thank you. Good afternoon.

**Roger Zumwalt:** Good afternoon Roger Zumwalt, south Burlingame resident and I'm going to try to pick up a couple pieces that got cut short. First off speaking to the pace engineer the last two points was that he made multiple inaccurate statements which I don't believe is true. Second I request you cease and desist in your efforts to misrepresent our development. Basically he was threatened with a lawsuit so he said I'm not doing this cause I can't make enough to bother covering this. That's that part. Next up, we got a little bit out of sync in our slides but speaking for carol hazard these were the issues that have to do with what creates landslides, what triggers them in virtually all cases of the type ancient landslide stuff, so we're talking about not holding water which you've heard, adding a load, putting more soil or fill on, especially on steeper slopes assuming that's just physics we all get that. I'll skip the next one and said avoid excavating on or at the base of steep slopes and that's a concern that will come up again in our conversation. There's a nice graphic that illustrates what's caused many slides in our city. So to my testimony, what you'll see here is three slides that follow there from river tech's geological report of 2017, figures 1 and 3. It identifies ancient landslide and it shows the existing nearby homes in purple. Slide 1 -- I just hit that. Slide 2 overlays the two with the developments shown in red. Slide 3 shows that sourced from their report enlarges the landslide and it highlights the landslides in brown, a light yellow, gold, which is the beginning of the slope which is call the head scarp. The red are slide activations that have happened in the last 150 years so to call it an ancient and never active is not accurate description.



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**Fritz:** Is this in the record?

**Zumwalt:** I'm sorry?

**Hiller-Webb:** This is submitted by the applicant.

**Zumwalt:** Yes. I would point out that in their geological report they call 81 and 82 don't matter because they are being developed. That's a close call. 82 if you see it here is right on the edge of -- well, it's actually right on the edge of where one of the lots is placed. Then I would go to the bigger one in the center about 85. You can see just barely pokes in there, but the head scarp, the darker brown at the top, that's where it started to break away if it continues to break away it touches several lots across the back. I would say that this is landslide activity with no man made disturbing influences. In fact in this area ancient landslides have reactivated here. It looks safe or is kind of okay is not very reassuring. We have 17 families that currently live on this landslide and the development position is 21 people really at the risk of catastrophic harm which has already been reported and I would add that there are multiple examples current and in recent history of ancient landslides activating again.

**Wheeler:** Thank you sir. Appreciate it.

**Linda Meier:** Good afternoon. Mayor, commissioners, I'm Linda Meier. My family lives on this landslide and I'm concerned for the safety of all families who also will live on this landslide into the future. My piece is to talk further about the landslide hazard code. The code's purpose statement says that the approval must ensure there is limited risk of landslide recurrence. This is not -- has not been proven in the landslide hazard study specifically as it relates to the problem of excess ground water which can trigger a landslide. The conclusion of that study states, the development will not adversely impact Stephens creek watershed or produce hazards to life safety, but after this there is a very long limitation statement. It says, construction of the recommended drainage improvements for the ground water problem associated with the project will serve to improve the overall slope stability of the site. It's our opinion that the risk of future slope instability in the development areas that have been modified by ancient landslide activity is low assuming our design and construction recommendations are followed. The problem of groundwater is so significant that this report encumbers the conclusion statement with limitations that require mitigation for groundwater. What was the mitigation design? Trenches. To collect groundwater with the utilities and between the development and the upland neighborhood homes but what happened next? This mitigation, the trenches, they were removed in July and no other mitigation for groundwater was created and the natural mitigation, the trees that use up the groundwater that's there now will be gone. No statement is made as to why no new mitigation is needed or created to replace the trenches that were the design requirement for the assurance of low risk. We conclude that the removal of the mitigation for groundwater invalidates the statement of low risk. This finding invalidates their conclusion that the building of this development will not harm the environment or the people on the land. The hearings officer failed to notice or discuss any piece of this critical plan change, that endangers the lives of all citizens who will live on this land into the future. He then erred by determining that the code for landslide hazard could be met. The decision should be overturned for this reason. Thank you.

**Wheeler:** Thank you, good afternoon.

**Seth Dryden:** Good afternoon, mayor and city council members my name is Seth Dryden I own the property that directly abuts lots three through eight along with my wife and two children. As a third generation Portlander I am proud to call the city of Portland my home. As a homeowner whose home directly abuts the proposed Macadam Ridge sub division I feel compelled to speak about the landslide risk that puts my family in danger. I am here to specifically speak to the Portland city codes that were not applied to city public and private

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interest, I feel the hearings officer did provide an adequate review of materials before providing a narrative that served only one interested party. Other evidence points to the hearing officer not considering all the evidence in record one example is he did not reference evidence the city requested 2013 masters geology thesis over seen by landside expert phd Scott Burns did a study of the Stephens creek watershed. Oden Orr never reference the serious issues raised that the watershed and this to quote "the watershed is prone to slope failures if the soil becomes saturated, they are all likely to fail". As part of this thesis an avoidance area map was generated for groundwater infiltration that advised neighbors to avoid soil saturation which leads to soil failure. This avoidance area entirely encompasses macadam ridge. Additionally the hearings officers findings did not entertain evidence that the Portland west hills are composed of Portland silt and the southwest hills resource protection plan states on page 41, Portland hills is important implications for land use and development. This soil becomes unstable when wet and the potential for slope failures are particularly high after the winter rains have saturated the soil. Many sites in the Portland area haven't known geology this susceptible to landslides as well, steep slopes adding an abundant uncontrolled groundwater site further adds that risk. One of the slides has been presented numerous times here is directly from a publication that is published by the Oregon-Washington state governments, called homeowners guide for landslides for Washington and Oregon. In that you will see the water is heavy and pushes the soil particles apart which reduces the soil strength increasing landslide risk. The same guide also states wide tree roots strengthen slopes I'll remind you that over 500 trees are expected to be cleared from the plan, plus I heard it was over 3,000 earlier. I believe the risk in this known landslide is significant and the hearing Officer failed to provide the evidence in his findings and there is insufficient water mitigation and did not address the applicant's changing approach throughout their application. We see the water clearly concentrated on slopes and we know there is a trigger for recurrent landslides water does not obey property lines. I believe macadam ridge application should be denied due to safety concerns not adequately addressed, appraised or acknowledged by the hearing officer's response and I believe my family's safety is at risk if this development is built as currently planned. Thanks.

**Wheeler:** Thank you, appreciate it.

**Rees:** So mayor may I ask Mr. Dryden and Ms. Hiller-Webb to address a couple of items? I provided copies of the materials to the applicant and they've identified some things they're not sure in the record. Some of those really relate to your testimony, so I want to deal with those as they come because there's so many pieces of evidence. The first -- the slide that you showed with the saturated soil, wet soil, dry soil, you said that comes from a homeowner's guide.

**Meier:** That was put into evidence by me, it's exhibit 29. Page 29.

**Rees:** So each of those is from the same.

**Meire:** Or it might be 40.

**Rees:** Second, there are a number of pieces of factual information, Mr. Dryden, in your letter, so I can look at them related to damage of homes during the 1996 floods, a statistic about 76 percent of the landslides, is that information, that data already in the record somewhere?

**Dryden:** that was -- I believe an outdated document you were provided there.

**Hiller-Webb:** We can strike that, we might have had clarity issues on that one when we included it. I apologize for that.

**Rees:** I'm going to suggest that in Seth Dryden's February 7, 2018 letter, the paragraph beginning in February, 1996, continuing for the next three paragraphs, with the sentencing, reduce soil strength and increase landslide risk, I would request that not be considered by

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council. We will consider that new evidence and reject that.

**Wheeler:** Without objection. Thank you for your testimony, appreciate it.

**Rees:** So mayor I apologize, we are heading into a portion where I'm gonna have a few comments. Before Mr. Burns testifies, I'd like to have a bit of a discussion with the testifiers about what information is appropriate and what is not.

**Wheeler:** That's fine, would you like us to take a two-minute recess.

**Rees:** No, no. Well, before he testifies, I want to talk -- I don't know which of you is Scott burns, maybe I could grab him for a moment and just.

**Wheeler:** That's fine, we'll start at the other end of the table and work our way down. If you could step over and chat at the table for a minute. Good afternoon

**James Hussey:** James Hussey I've been a resident of the south Burlingame neighborhood for 15 years. I had planned to speak about the landslide risk and the water drainage problems and how I felt that the house Officer had not thoroughly addressed this and hydrology report at least was needed, all the points I was going to make have been covered now. In an effort to not be redundant, I'll end it there.

**Wheeler:** You're on the record in support of these positions, thank you for stating so. Good afternoon, thank you.

**Lee Cannon:** Good afternoon. Thank you for hearing us today, my name lee canyon and I'm a licensed insurance agent for over 20 years in the state of Oregon, I'm here to provide information regarding to coverage for a landslide loss for families within and adjacent to this development. Bottom line it's going to be very difficult if not impossible for these families to secure landslide coverage for their homes.

**Fritz:** Excuse me has this previously been submitted to the record.

**Hiller-Webb:** This was submitted in Linda Meier's testimony.

**Wheeler:** So people know why we are being sticklers is because this is a formal evidentiary hearing and so it's very important that we get all these details knocked down. So sorry about that.

**Cannon:** So it important to understand that landslide is a risk that's not covered under homeowner's policy. So when you have insurance and a loss with landslide, it's not covered under the home policy you get, it's not available for coverage under the federally backed fema policies for flood. Typically the only coverage that's going to be available is what we refer to is a difference in conditions policy. The other options, forgive me here, the other option is looking at our state and local governments, which we are doing today, through building an ordinance codes and approval to decide beforehand to protected citizens, if this is a safe place to develop is really the only recourse and that's why we are here today. So some of the difficulties that these folks are going to have in getting coverage for this particular area is that first the homeowner's going to need to supply self paid for geotech report for each of their properties, these can be very expensive this is required before they can get a quote for coverage and there's no guarantee they'll get a policy in such a case. Additionally, this area has been identified as a high risk landslide area and most of the carriers will not cover this, the carriers we're talking about essentially are surplus lines, not admitted carriers, backed by Lloyds of London. Next the structures are often required to be built on firm and natural ground. This particular development, they're looking at potentially 20-tons of fill material, which will bar those coverages those new developments from getting landslide coverage. Should they somehow be offered a policy, we're looking at tremendously high premiums, very high deductibles and very limited coverage. So bottom line the homes newly constructed and adjacent to this property will have a very difficult time in getting coverage. Ultimately when there is a loss, the homeowner will be left to face a lop-sided battle against developers, engineers and contractors assuming they're still in business and ultimately it's you the city of Portland and

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we the taxpayers are going to be looking at defending these costs and claims. That's why in looking at today we have a time through supporting this appeal to go ahead and protect those citizens. I want to take the rest of my time and introduce Scott burns, who is a ph.d. chair in geology and professor emeritus at Portland state university he's worked in the field of geology for 47 years, 35 of which specializing in landslide and training geologists in this area, he's examined most of the significant slides in the northwest and he is broadly considered the foremost expert nationally and often appearing as an expert witness in landslide cases, professor Burns has voluntarily offered his testimony as a demonstrating expert after reviewing the evidence in this case, his motivation is appearing for this egregious to defend those for this area so that we don't develop homes in this area to hurt families.

**Wheeler:** Thank you, appreciate your testimony.

**Scott Burns:** Good afternoon mayor Ted and the rest of the council Scott burns, engineering geologist at Portland state, what does a engineering geologist do? Site evaluations the heart of everything that we do. Before you build something, you want to know if there will be any geological problems, especially hazards, I led the team that mapped those 705 landslides that was mentioned earlier here and last winter I visited 66 landslides here in the Portland area. I'm not paid for this, I do this as reaching out, I'm a free consultant for the city of Portland, anything to do with slope stability, I'm going to be focusing primarily on the landslide reactivation of the ancient landslides which has been mentioned a lot before. This landslide is a big one, the scarp is 50 feet high, it's one of the biggest ancient landslides that we have in the city of Portland and there are nine houses that are actually on the landslide built right now. Where the project that is coming up, 21 additional ones, if that particular landslide reactivates, what will happen is those houses will be moving. It's not going to be like an osso and the catastrophic one that loss a life, but the infrastructure will be hurt. One of the bottom lines that I talk about over and over and over again, landslides are not covered by insurance and so those houses will lose if it starts moving and then the nine houses that are already on the landslide will also be a major concern. What's going to happen it it will build lawsuits, who's gonna get sued the city of Portland and the developer and in my 35 years of research, pacific northwest, one of my major important things that I've come up to conclusion is building on old landslides, because of the potential for reactivation, later on. Who are the two things that's gonna make a landslide reactivate? They've been mentioned before high water input and then earthquakes. We have the big one, last one was 318 years ago. When we had the one 1964 up in Alaska, 70 houses moved down as a result of that, as a result of that earthquake. And then in the pacific northwest, we have many examples, and so if you want to know some of those examples, I will mention them because they are very important. Each one of those, the geotechnical report that came in before said this is stable, but it's the extreme events that we are not prepared for, number one, huge rainfall events and if the climate is changing, we are getting more of those, secondly the earthquakes, are we prepared for that and so as a result, those are some of the things I wanted to mention there. I have read the report of the -- of the particular site, I know two engineering geologists, geotechnical engineers they are very, very qualified so that was a very good report for what they had to do. I have concerns about putting 20,000 cubic yards of fill on there, and then removal of all those trees a tree is a natural pump it is pulling water out of the ground and therefore increasing slope stabilization. Thank you.

**Wheeler:** Thank you, sir, appreciate all three of you.

**Rees:** Before that group leaves the table, Mr. Cannon in particular, could you address and I'm sorry, I'm pretty sure everyone is really annoyed with me, but this is a really challenging record. Mr. Cannon, in terms of the insurance information, the applicant is not

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aware that the information about homeowner's insurance, so in your letter from the second paragraph basically through the end, that information is not in the record about insurance, can you identify if that information has been placed in the record before.

**Fritz:** Can you come to the microphone please, so the captioners can get it. Thank you.

**Meier:** That's included in my letter of November 5, which I believe is 95.

**Rees:** Did you include evidence regarding the specific difference in condition policy?

**Meier:** Yes, I did.

**Rees:** Let's see. In terms of Mr. Burns' testimony. I think council – I would be very surprised if there was information in there evidence that Mr. Burns had made a statement about the quality of the engineers for the applicant. I would assume we should strike that. Unless any bodies telling me that information is in the record. Okay. You did not go into any of the sites, the other pieces, the applicant did you note anything else in there that would have been new information for Mr. Burns information, or did you want to address that during your --

**Fritz:** Can you come to the microphone, please.

**Wheeler:** If you wouldn't mind identifying yourself, sir. Sorry thank you.

**Chris Koback:** Commissioner Fritz and mayor Wheeler, Chris Koback, I represent the applicant. Mr. Burns testimony, he's made a couple of statements like the city has no liability and our experts are qualified. I think those are the same, so I think they should be treated the same and if it's all coming in, I don't really object to it, but I don't think you should cut out some and keep the other stuff.

**Rees:** Ok when we prepare findings, we'll just make sure we are consistent in treatment of that piece of information, thank you.

**Wheeler:** Good thank you for clarifying that. Next three, please. Would you like to start, sir.

**Mike Andrews:** Yes.

**Wheeler:** Thank you.

**Andrews:** Good afternoon, mayor and commissioners, it's a pleasure to speak before you today and I appreciate your time. My name is mike Andrews, I'm a resident of south Burlingame since 2001. The macadam ridge development should not be considered for approval at this time, the development proposes an increase in housing density on lots smaller than the r10 standard. Minimal 10 foot front yards and razor thin side yards setbacks. With nearly identical 40 by 40 foot building pads with a probable building height of 30 feet and I want to reference one of the documents from the consultant that states, building size is anticipated to be similar to the closest neighborhood lots on ruby terrace of about 2800 to 3,000 square feet. How's my mic coming through.

**Wheeler:** It's fine.

**Andrews:** With limited time, I will focus primarily on two environmental modification concerns, minimum lot area and side yard setback. Zoning for the proposed macadam ridge development is r10c. See the zoning exhibit and preliminary site plan for 4a. The subdivision is closest to the houses on southwest ruby terrace to the west and within the south Burlingame neighborhood zoned r10.

**Wheeler:** Can I make a request. Just shove the mic about 6 inches away. It's really sensitive. That's perfect right there.

**Andrews:** the subdivision is closest to the houses along southwest ruby terrace to the west within the south Burlingame neighborhood zoned r10, illustrated in light yellow highlight. To the north is the south Portland neighborhood, which is also zoned r10c. Where existing housing abute the proposed development. This proposed development is closest to the houses along southwest ruby terrace within the south Burlingame neighborhood and include 10-foot side yard setbacks and 10,000 square foot lots. The r10 zoning is located to the south of the development. Both neighborhoods have r5 zoning,

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however, this zoning is much further away from the proposed development than the abutting houses in r10 zone. The greater the housing density, the greater the subsequent impact to the environment. Including trees and existing landslide area. As a refresher, r10 zones have a minimum lot mention of 6,000 square feet. The proposed development is pursuing 14 lots below the r10 standard. The staff reports that adjacent properties nearby to this development are r5, and that is not correct, it's r10. The nearby and closest properties are along southwest ruby terrace. Smaller lots are not the only way to reduce the possible impacts to the permanent project resources – protect resources. This can be accomplished by simply reducing the number of proposed lots for the entire development and increase space between buildings, additional testimony has been provided and I won't be able to get to it.

**Wheeler:** Thank you.

**Eliana Andrews:** Mayor and commissioners, thank you for letting me speak today. My name is Eliana Andrews and I live in the Burlingame Neighborhood, I'm a student at Lincoln high school, and I am 15 years old. I was born and raised in Portland, Oregon and I love trees and the environment. I will be speaking today about the lack of required street trees on this project. I'm requesting that the macadam ridge development not be considered for approval due to the failure to comply with city code title 11. I'm concerned with the proposed development and the lack of required street trees in the right-of-way near lots 3-11 and 15-20. The way it is currently designed, there is engineered storm planter boxes instead of planting areas for street trees. You can see the exhibit. Site plan 4a does not provide adequate quantities of street trees on public streeting. The street tree standards require street trees in the right-of-way for each full increment of 25 linear feet per side of street. Based off this requirement, there's an additional 36 street trees and adequate planting area to accommodate their growth. Design 4a has not addressed the requirement for street tree planting and the engineer had the opportunity to do so. This design should have been coordinated with the urban forester, but it was not. Nothing in the record demonstrates that the applicant or the project arborist consulted with the urban forestry staff regarding the options for the right-of-way design. Street trees not only make the street more livable, but will reduce the storm water discharge and soften the vertical buildings, with the reduced front yard to 10 feet and public utility easement contained within them, adequate planting space is not available to allow the homeowners to plant significant trees in their property. The lack of adequate planting area in the private front yards, strengthens the argument requiring street trees in the right-of-way. On a separate but familiar note, I am very sad and very discouraged to hear that about 500 trees are intended to be removed from the site. This property is located almost entirely within a protected conservation zone, the removal of so many trees indicates the engineer was not sensitive to the site and did not find a creative approach to take the existing trees into consideration. This proposed subdivision should not be approved as designed, thank you for listening to my concerns.

**Wheeler:** Thank you very much for your testimony.

**Fritz:** Ms. Andrews I just have to say I don't often get schooled on land use cases, and I had not noted that point, well done.

**Eliana Andrews:** Thank you.

**Robin Harmon:** Good afternoon my name is robin Harmon, mayor, commissions, my husband and I have lived in Portland for 16 years, I know a little bit about land use because I got involved with the residential landfill committee Project, I went to the first meeting and then I went to the mall. I was called the 27th member of the committee so I'm aware that there are often conflicting needs between owners, residents and preservation, but I'm here today because this property has unique and irreplaceable value. Allowing the

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subdivision would endanger current and future residents and destroy the precious critical natural resources that is vital to all of our well-being. Our neighborhood recognizes the need to keep pace with the growth of our city and we welcome new neighbors. However, we want to ensure that safety is a major consideration, as well as protection of our dwindling natural resources. As you know, city codes were established to protect the qualities that make our neighborhoods desirable and our city great. We ask that you adhere to those codes. These ordinances are for the collective good of our city. We are united in our defense of protecting valuable resources in safety. We have spent our time, our expertise and resources in this cause because we believe that we have a responsibility to stand up for what is right. The hearing officer's decision is flawed, he made a decision with conditions, which implies the burden of proof has not been met by the applicant. After four years a consensus has not been reached and the officer has deferred to the bureaus again who have maintain they lack the necessary information from the applicant to make a determination. Oden Orr's decision lacked analysis and provides no clear definition of why he gave approval. Page 9 of the decision references neighborhood review, in which nine written responses have been received in support of the approval. The next sentence reads letters were also received from sbna and Collins view associations, after spending four years of dedicated effort, it was offensive to us that he made no mention of our opposition and no reference to the 56 letters received, nor the experts hired to offer their opinions. To that end, we are in support of accepted principals that define smart and balanced growth, mixed land uses, advantage of compact building designs, walkable neighborhoods. Preserve open space, farmland, natural beauty and critical environmental areas and encourage community and stakeholder collaboration and development of decisions. That means not a dog and pony show, but listening critically to the concerns of neighbors and not having a deaf ear to it. We strongly recommend the city council deny the application. Thank you very much.

**Wheeler:** Thank you, increases three, please.

**Hiller-Webb:** This is the conclusion of sbna's presentation.

**Wheeler:** Good afternoon.

**Robin Vesey:** Good afternoon, mayor wheeler, city council. I'm robin vesey I live actually live north of this proposed development on Canby street. Most of my yard is a conservation zone some of it a protected zone. Although I agree with all the points that have been made thus far, I would like to give you a little history about the city of Portland identifying Stephens creek that transverse this area as a significantly threatened and degraded waterway, due to untreated runoff from impervious surfaces upstream. 40 percent of the Stephens creek sub watershed is covered by impervious hard surfaces, where runoff can lead to increased erosion, damage to the stream bed and its function, destruction of native species habitat and additional pollution load on the Wilmette river. Reducing the impact of the urban runoff is key to developing a healthy watershed. In 2004, the city of Portland identified protection of the watershed areas with the highest remaining function value as a cornerstone for effective watershed management and identified the Stephens creek as an area worth protecting. In March, 2006, the city council adopted the watershed management plan to address these issues by identifying watershed health goals. It's because of this large development that there would be more associated hard surfaces and that would not be compatible with Portland's goals. I ask you to overturn the hearing officer's decision.

**Wheeler:** Good afternoon.

**Fred Hazzard:** Good afternoon mayor and council I'm a 50-year resident of Portland and I ask that you do not allow for the building of this critical piece of natural land in our city. I ask that you deny the application. Thank you very much.

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**Wheeler:** The beauty of brevity. To the point. No mistaking your position.

**Fish:** Put your name in the record.

**Hazzard:** I'm sorry my name is Fred Hazzard.

**Wheeler:** Good afternoon.

**Mary Holderness:** I'm Mary Holderness, I live in south Burlingame. I'm also worried about the landslide risk and harm to the environment from this potential development. Please reverse the hearing officer's ruling and deny the application. Thank you.

**Wheeler:** Thank you. Next three, please.

**Wheeler:** Good afternoon.

**Pat Dennis:** Good afternoon, mayor wheeler and commissioners, my name is Patricia Dennis, I live in south Burlingame area. I agree with the speakers today who are asking you to reverse the ruling of the hearing officers. I also ask that you deny the application. Thank you for hearing us.

**Wheeler:** Thank you for being here. Good afternoon.

**J Jones:** My name is J Jones. I also live in south Burlingame on ruby terrace. I support everything that my friends and neighbors have attested to, and I would hope that you would approve our appeal and deny the applicant.

**Wheeler:** Thank you. Good afternoon.

**Carol Porto:** good afternoon, my name is carol Porto, me too. I volunteer and live in Portland, I serve as the southwest neighborhood secretary I'm the chairperson of the public safety committee for southwest neighborhoods and I'm on the south Burlingame board and one of marilee's assistant team leaders on our net team. So we have an active group of citizens who really care about southwest Portland and south Burlingame and about our safety and livability. So please support the appeal and deny the application. Thank you.

**Wheeler:** Thank you, all three of you. Good afternoon.

**Sidney Villanueva:** Good afternoon, mayor. Commissioners, thank you for the opportunity, my name is Sidney Villanueva. I'm a resident of south Burlingame as well it seems I may be the newest resident from today's testimony and as I'm sitting here, it occurred to me I might be more reflective of the neighbors that are going to move into this area than the neighbors that I'm hearing and sharing concerns with today. So as you guys consider this application today, I just really would urge that you consider young families like mine moving into this area. I live up on 4th avenue, which is a bit higher, we do have sidewalks starting on 4th, but the neighborhood within south Burlingame is not walkable, sidewalks sort of stop, one thing I haven't heard addressed today and I apologize if it's new evidence, I'm asking that you consider it, as the traffic coming from both Terwilliger and Taylor's Ferry into south Burlingame is very aggressive, people are trying to beat that traffic during commuter times and it makes for a very unsafe area for small toddlers like my son to be out and about and that's something this new neighbors would inflict with as well, it was only a few weeks ago as I was driving down south Taylor's ferry, I had to turn to stop in the river area and turn around and come back and pick up a grandma carrying her toddler, grandchild up the street, because there's no sidewalk and it's not safe for that kind of transportation. As you review this record, I just urge that you consider, it's not just the boxes checked, but will it be safe for people like me and my young family.

**Wheeler:** Thank you for your testimony.

**Bob Sallinger:** I'm sorry, out of breath, trying to pay my meter.

**Wheeler:** Thank you we appreciate it.

**Sallinger:** My name is Bob Sallinger I'm a conservation director for the Audubon society of Portland and we are here today to support the people and urge you to overturn the ruling of the hearing officer. As you are all aware this is an important natural resource site. It's



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part of the west side wildlife corridor, amazing number of trees on it, steep slopes, earthquake risk, extreme corridors. It's a site we need to take the environmental codes very seriously, from our perspective, the hearing officer failed on that and basically ignored the environmental concerns that were raised. The appeal failed to meet the requirement the development minimize the impacts on natural resources and environmental zone, we feel there were other alternatives they could have developed that would have had less impact and met their needs. The hearings officer also ignored bes concerns the plan did not meet the level of engineering specificity that's required for an environmental review, specifically regarding storm water facilities, outfall modifications, sewer pipes, storm pipes and a new outfall on river view creek, basically he substituted his own opinion for the expertise of your own expert bureaus and we think that's a really bad pressing, we think it's important that when you have technical experts that you're bureaus weigh in raise concerns and say they don't have the information they need in order to make a real assessment that the hearing officer should have required them to go back and get it right. So we urge you to support the appeal and reverse the hearings officer. Thank you.

**Wheeler:** Thank you, sir. Thanks, both of you.

**Maria Baker:** Good afternoon, my name's Maria baker, I live on the east side and I'm here today to support my south Burlingame neighbors. I'm very concerned about this project and I think it would be a mistake to approve it. I don't think that the hearings officer approved a project that reasonably limited the risk of landslides, and I don't know if this new information, but I did a couple of months ago call my personal insurance company of 20 years to ask if I were to buy a piece of property up on this hill in a high risk landslide area, could you offer me some insurance. The insurance company said, sure, if it's under earthquake insurance, I said no, not and earthquake, just lots of water and maybe if my house is built on infill or whatever. They said they didn't, but they could try and refer me to some special unique, independent group that give me like an individualized plan. So I think that's unreasonable to expect families to take the burden of this risks. I would like to protect them now, prevent it. Thank you for being here.

**Wheeler:** Thank you. Good afternoon, sir.

**John LaVeille:** Good afternoon, my name is john LaVeille and I'm a own property and resident of the south Burlingame neighborhood and I'm not going to talk about the landslides and those types of issues. The other neighbors have talked so eloquently about, all I can say, when land's been denuded, the trees are gone, we only need to look to our neighbors in southern California to see what happens when the heavy rains come. We talk a lot about access to the property and increased traffic and we have talked mainly about Taylor's ferry road and the dangers there and the dangers of sight lines, not being able to see up and down the street. I would like to talk a minute about internally within the neighborhood, we call south Burlingame, I have a pretty good perspective because I live on a corner where five streets intersect, one of those streets is ruby terrace, Ruby Terrace is the main street that will provide access to this development outside of Taylor's ferry. Ruby terrace, the street is narrow, it would probably be substandard today, it's in bad shape, if two cars are parked opposite each other, it's difficult to get another car to be able to pass through them, let alone a larger vehicle like a fire truck, in fact, ruby terrace was in such bad shape that a group of the neighbors banded together and repaved it at its own expense because the city couldn't get around to repaving it because the street was falling apart. So I'd like the council to consider the impact on the neighborhood itself of these additional vehicles, the wear and tear they're going to cause own our street the streets are already burdened, overburdened and stressed, and the effect that's gonna have on the people that live there with the additional traffic that's going to come with this development.

**Wheeler:** Thank you sir, both. That is it for public testimony on the supporters of the

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appeals. So next step is the principal opponent. You have 15 minutes, sir. Again, if we interrupt with questions, that does not count towards your time.

**Chris Koback:** Honorable mayor, commissioner, my name is Chris Koback, I represent the applicant Riverview abbey mausoleum company. I only get to speak once, My the appellants get to address you again, and so the only thing I request is if you have questions or comments on my presentation, I would appreciate them if I could answer while I'm here because once I sit down, I don't get another opportunity. Mayor wheeler, you said something about how if everybody in one of these proceedings agreed, it wouldn't be a good thing, as you might expect, my client's view this proposal from a different perspective than what you've heard. The environmental regulations. The purpose is to protect the environmental features on a site to the extent reasonably practicable, but allow environmentally sensitive urban development. My client started out by a proposal that they felt was consistent with all of the regulations and in the staff report from October 6, staff commented that the basic approach was consistent. Staff didn't need details and there were questions in the staff report and comments where staff wanted details to show how the proposal could be brought fully into compliance and over the course of a couple of months, my client worked very, very hard to provide all of that detail. They arrived at a final proposal that was approved, that I believe and my clients believe is a good example of a very responsible, sensitive development. I wanted to list a few elements of it. So the site is 14.2-acres and it has what our consultants identified as three most significant resources, and that Stephen's creek and others have talked about that. There's ruby creek and a mature forest. Our consultants found that the 1/3 northern portion of the site had the best habitat for the reasons you heard, that it provides an added enhancement to the other resources, the proposal, after considering 12 alternatives, that's in the record as exhibit h-100-b or no, 107-n, 12 alternatives, some of which had different access points, different housing types. Alternative five was a multi-family development. Our proposal restricted development to a 4-acre portion of the site. That is the most flat portion of the site it's the area that any development of this property would have to go to given the significant resources. The proposal preserves the rest of the site 10-acres in a permanent protection tract and it's been offered to the city for free, my clients have offered to donate that. They've reduced their proposal to 21 lots, now the maximum density is 52 on this site, so they're at roughly 40% of that already. The total disturbance area you've heard it's a little over 29% 70% is undisturbed. We have about 72% of the lots are below the minimum lot size and my client had to process an application to get that and that was encouraged by staff and supported by staff because by moving to reduce the lot size, we could put the lots on less and less property and that was one of the goals of the proposal. There is no permanent disturbance in any of the resource areas, the significant resource areas outside of this four acres, there's a limited temporary disturbance and some of that's real important because there's a failing storm water outfall at ruby creek, it's my clients outfall, but our proposal has that being rebuilt. There's a failing sanitary sewer line that's right in ruby creek and bes has acknowledged it's failing and it's not a good thing. Our proposal removes 2/3 of that at our expense. Routes it through the development with a new system and back connecting. So 2/3 of it will be new and never have to be worried about at all. Our proposal is to remove over the site -- entire site, significant invasive nonnative species of plants, enhancing what is already there as a valuable resource. The mitigation is extensive, there's over 12,300 trees and other plants that are being planted. That's in addition to preserving 1,400 trees. So it is true, 470 trees, approximately, will be removed in the development area, the disturbance area, but 1400 trees across the site are being preserved. That's 70%. Now, the code has a requirement to preserve 35%. So this proposal preserves 70% and that's in the staff report as well.

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**Fritz:** Excuse me I just need to get clarification, what do you mean the code requires 35%?

**Koback:** What staff says is the basic requirement for tree preservation on a site is 35% under the code and this proposal preserves 70%. Now this proposal has to be viewed in a little bit different light because it's in an environmental zone, so we have that added layer that we have to do a little bit more, which I believe we have done.

**Fritz:** Yes so the 35% is not applicable right?

**Koback:** No, it's applicable, but I think it's overridden by our need to do the alternatives and come up with the best proposal to preserve the resources that's practicable.

**Fritz:** Thank you.

**Koback:** As was mentioned, the -- the Hume street right of way is already there, that's where the 54-inch tree is, it's directly in that right of way it's an existing right-of-way, our proposal has that being improved as connectivity to ruby terrace, that provides a secondary emergency access for fire and ambulances to get to the neighborhood to the west. We are building a Trimet bus stop at the request of tri-met, we asked them what improvements do you feel are necessary, Trimets emails are in the record and Trimet concluded that based on the very limited ridership off sidewalks, all the way to the bus stop, are not necessary and they didn't recommend them. They recommended a new bus stop and it's either going to be where the existing one is or part of our frontage improvements, and we have agreed to do it whenever tri-met wants it done and lastly this provides 21 homes for families in Portland and homes are needed. I want to talk a little bit about how we get here. through this process all of this information that was coming in and responding to staff, neighbor testimony was coming in, it all went to a hearings officer, a hearings officer that the commission retained to make important land use decisions like this. Now he's no longer a hearings officer, he was appointed to the bench recently, but the honorable Mr. Oden Orr. He evaluated the evidence in a process that is sanctioned by state law in your code. He followed the procedures and o.r.s.1977-63, which is an evidentiary process where the parties are, that's the purpose to present new evidence and we pointed out in our written material that the number of documents, the pages we submitted is grossly overstated. At one point, somebody said 500 documents at the hearing. It was closer to 200 documents, but 96 of those were just two land use decisions that the -- that were given to the neighborhood association two years before that. So there was some new information at the hearing, but it was not nearly as extensive. Mr. Oden Orr gave everybody a fair and equal opportunity to present evidence, and the appellants, the appellants requested an open record period, he granted that and they were allowed to submit evidence, he even gave them an extra period to submit new testimony. If you read his decision and I'm sure you likely have read it, the hearings officer carefully considered the evidence. He recited in his decision on six pages, 13-17, he talked about all the alternatives the applicant had submitted alternative development plans in some detail. He addressed the issue over lot 3-8 and why it was appropriate to preserve 34 mature trees there because they were valuable resources, and why it was acceptable to put those under a deed restriction and that area also provided transition between the neighbors, and many of the neighbors testified at the hearing that they supported that. He detailed on pages 23-29 the final disturbance area. I want to talk about that because it is not as if the final disturbance area is not known. The reasonable particularity. As of November 6, the layout was done, the streets were done, nobody, even at the bureaus were suggesting that the internal streets were going to be reconfigured at all. There was an issue from the bes on the red line of a concept drawing, the conceptual development for the storm water facilities goes through reviews, bes red lined the first one, we responded. Right during the hearing process towards the end, bes gave a second red line version and it tweaked the size of the swales on the streets going through the development, street a, such that bes said you may

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need to build another storm water facility, a general one at the end of the cul-de-sac. Our experts jumped on that, and they designed that swale, if it's needed, and it would add 1,300 square feet of disturbance area and then significantly all of our other experts, environmental consultant, who determined the resources that would have to be mitigated before and the arborist who defined the disturbance area they submitted updated drawings, that was all known. Before that, they had updated their drawings to increase the disturbance area for the reconstruction of the outfalls, as staff had suggested, so we added 30 feet of disturbance area, but all of the other documents that go along with that to show how that was mitigated for, they were all updated as well. So at that time until bes made that statement, the disturbance area was done, what's left is the final approval of those bes drawings and those swales. It may moderately, even modestly increase the disturbance area, but there's going to be a technical review of plans, and there are conditions to cover that. It's not as if this proposal is gonna change and the disturbance area will go from 29% to 50%. Given everything in the record and if you examine that evidence I think you'd conclude that it may increase slightly more than 29%, but still standard 30%.

**Wheeler:** Could I ask you a clarifying question, so that's the disturbance of the total site?

**Koback:** Yes, that's the final disturbance area for the development.

**Wheeler:** Ok and can you tell me how much of the disturbance area is in this landslide area that's been discussed and that is in the record?

**Koback:** I believe most or all of it. The sites -- most of the site is in a landslide area and that's what I was going to talk about, urns. There was a question, even staff mentioned this, commissioner Fish asked the questioned, how do the landslide and regulations work, well they work like this, when you're in a landslide and there's a lot of areas in Portland are, you have to submit informed studies for the city to evaluate before you develop, you have to establish through expert reports that it's reasonably safe to do that and in the decision, hearings officer notes four different reports that the applicant put in. The last one was a supplemental slope stability analysis, all of those reports went in and the city's experts and site development reviewed them and their conclusion I cited in my written material, they concluded that was an acceptable response under them code. Those are experts. Now, concerns about landslide, I'm not diminishing the concerns that neighbors have, but the code has a process for how that is handled, and concerns without expert analysis are just concerns. We followed the code and submitted what was required and the city experts viewed it and felt it was sufficient. The other thing I want to talk about because I'm running out of time is the transportation. One of the testifiers earlier said it wasn't proportioned the offsite impacts of doing all of these improvements along Taylor's ferry was not proportionate and that's right, even transportation staff didn't find it proportionate, but everything that you've heard about the transportation issue are existing conditions. Nobody is denying that Taylor's ferry cars goes fast and there's a lot of cars, nobody's denying there are safety issues on Taylor's ferry, but the requirements that the hearings officer looked at, to what level can I go to expect a private owner to improve an existing problem I have to find that their impacts create the problem. I think he absolutely applied the constitutional law correctly and found that the improvements, the frontage improvements that city required were appropriate, they're on our frontage, the tri-met safety transit or access to transit, was acceptable, but he agreed that he could not require massive offsite improvements along an existing stretch of highway to account for existing issues that have been there for many, many years. I do want to talk about -- briefly about the condition because I think they're important. The conditions, there's numerous conditions to assure compliance, a lot of them go to the final disturbance area, there are technical reviews required in those conditions and it's important, I think, to note that those conditions, other than a couple that the hearings officer imposed on his own, came from

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staff. Bes said if this is approved, these are the conditions we want, and they're technical in nature and they're in the notice of the hearing here, those are in the decision, we proposed them. Transportation recommended conditions, we included them, site development proposed conditions, we recommended them in our final submission. Those conditions are if you read them, and I think you will, they are very technical, they are consistent with all other approvals that go through this process and they will ensure compliance with the criteria. I did want to mention one thing, is the tree issue I know the tree issue was addressed in the staff report on page 37, staff lists those technical requirements that come later, and when you get a building permit, you need to have the trees addressed. They're called on page 7, they're referred to by the city as other technical requirements.

**Wheeler:** Commissioner Fish would like to ask you a couple of questions.

**Fish:** Mr. Koback you're about to run out of time, and my colleagues may also have questions, I appreciate your presentation. There was something in the appellant's presentation that troubled me a little bit and I wanted in fairness to give you a chance to address it. That was the communication between Steve Griffith who is the applicant's/owner, and someone who was being considered as a consultant. There were two things about that communication that struck me as odd. One was it was a communication from the owner and not you as his representative and the second is, I think any reasonable reading of that communication was there was an implied threat. That's now been placed before us, it may or may not be material to whatever decision we make, but in fairness I wanted to give you a chance to respond to it.

**Koback:** Well, I didn't author it. It wasn't done at my direction, I can assure you. Mr. Griffith is here, he's one of the people that will testify and I think he can give you a better firsthand version of why he wrote that. I can tell you, he was concerned that false statements were being made about the proposal and his expert's work and he didn't think it was appropriate for somebody to make those statements.

**Fish:** You understand why playing referee in this process that would be of concern to us?

**Koback:** I do. It is a concern Mr. Griffith can explain it. I don't believe it was intended as a threat, I think it was intended to more or less Mr. Griffith's standpoint, level the playing field.

**Fish:** I think it's open to interpretation, I think that's one of the problems, because it's an unusual document, and it's not something we typically see in these kinds of land use hearings, and it apparently caused someone not to provide professional services, and that again, serving just as the referee here and not the decider that troubles me a little bit. My second question to you is, if the council determines that the appellant's issues, have merit, obviously a couple of things might happen, number one you could appeal this decision forward or number two, I suppose you could go back to square one. In the conversations that you've had with the abutting neighbors and the neighborhood association and interested parties, have you determined whether there's an alternative that might be more acceptable to the community?

**Koback:** My perception is there will be no proposal that it will be deemed acceptable, other than no development. The 12 proposals in the exhibit that I referenced, there's a narrative explaining how those were presented to the neighborhood association, so the neighborhood association didn't want the different access point, they didn't want multi-family, but then in opposing our approval they now argue that we should have considered multi-family, which we did. At one point, we had very small pud, alternative 5, very small lots. The neighborhood association didn't support that and then later, in the approval process, they claimed we should have done small lots. They're saying we want large lots.

**Fish:** You're skeptical of that, but then my final question is, you heard from Mr. Sallinger,

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that this is not only part of a west side-view corridor, which is of great significance, dating back 100 years actually to the almsteads, but it is a heavily protected piece of property, as evidenced by the environmental zoning. Is it your view that if the ultimate resolution of this was the land could not be properly developed under the applicable law, that would be such an extreme measure it would constitute a taking?

**Koback:** I believe under Oregon law, that would. The test is if you're deprived of all viable economic use of the property and if it can't be developed, there is no viable economic use.

**Fish:** Ok thank you, sir.

**Wheeler:** Commissioner Fritz.

**Fritz:** I just have to say to that point that just one house is allowed under Oregon law and that would be allowed to use -- so that brings me to my question, which I ask the staff, how did your client determine what was practicable?

**Koback:** There were a number of things and Mr. Griffith I think will expand on this, but it's a -- it's a large tract of land, it's expensive to prepare for development, they can tell you what it took so far. They held it since 1945, paying taxes on it. I think their proposal proves that this is not just about maximizing lots and money because they removed two lots in the process and created a scenic tract out of them, but there certainly some point at which it doesn't make economic sense to develop. **Fritz:** And the evidence we saw about the disturbance area that four alternatives that were considered seriously looked like very much similar disturbance area, would the other eight that I don't have in front of me, were they significantly different?

**Koback:** Very different.

**Fritz:** And when at what point were those entered into the record and considered by the hearing officer?

**Koback:** They were provided to staff before the hearing in late October. So they were -- they were provided to staff before the hearing.

**Fritz:** The neighborhood and the hearings officer both got to look at all 12 of them?

**Koback:** Yes, the hearing's officer on pages 13-17 discussed them in some detail.

**Fritz:** Thank you.

**Wheeler:** Could I ask a question with regard to the safety question you raised in your testimony and I just want to have clarity on your view of what the process is. So you had said that you did not feel that it was appropriate under this process to hold your client accountable for existing safety issues and you stipulated that the road has a number of safety issues. So from your perspective, if this council came to the conclusion that adding this development would increase those safety issues, you do not believe that is something that we can take into account as part of these proceedings, is that a correct interpretation?

**Koback:** I think if there's evidence in the record, that the impacts of the development create safety issues, new safety issues on top of what's already there, that could be the basis for a decision to require mitigation, for those specific impacts that you believe the evidence supports. The evidence is that there's a .07% increase in traffic on Terwilliger from this development. That was a big part of the evidence we relied upon to argue that the massive improvements that pbot was asking for was highly disproportionate. .07% increase and against millions of dollars of offsite improvements to address largely problems and maybe all problems that are already there.

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you for pointing me to pages 14 and 317 about the alternatives analysis. The hearings officer said number 5 to 11 alternatives below also considered but ultimately considered not practical for a number of reasons, but then hearings officer says however very little information is provided regarding options 5-11 aside from the number of lots. So I'm just questioning how much was the -- how much discussion was there of the

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alternatives, because as I said before, the four that were really looked into in depth had had almost exactly the same disturbance area.

**Koback:** After he said that, if you continue to read the decision, he the discussed a lot of details about the alternatives and where he obtained that information, is there is a specific exhibit as part of exhibit 107n, where each of the particulars of the alternatives that were considered were described, and the decision they were -- the decision process for not pursuing them was set forth. So there was a lot of evidence in the record on what process the applicant went through to evaluate those, including meeting with staff and getting staff input and meeting with the neighbors.

**Fritz:** Did any of them have the Hume streets moved so to avoid the 54-inch tree?

**Koback:** Some of them had a different access point off front street, which is another right-of-way, that intersects more perpendicular with Taylor's ferry and there were significant issues staff identified as well as the applicant, grading and other issues, that prevented that from being used. So Hume street was ultimately settled upon as the appropriate Right-of-way to improve to connect to the other neighborhood and to provide access to the development, but, yes, other access points were considered, and the alternatives are all there, you can see some of them would not have impacted the tree, there were efforts made to avoid the tree, and because that right-of-way is the only practicable way to get access and the tree is in the existing right-of-way, the arborist looked at it and said there isn't really a way to save the tree and put a road in.

**Fritz:** Thank you.

**Fish:** Mayor I just have one additional question. Mr. Koback, what if the consultants that you retained are wrong, and there simply is no way to adequately mitigate against the risk of landslides.

**Koback:** Well, if they're wrong, the conclusion -- there's a lot of things they said, but if they're wrong on their ultimate conclusion that this can be developed safely, as long as their recommendations are followed, then the conclusion you would have to draw is it likely can't be developed safely, but there's no evidence in the record to contradict their reports. The only evidence of anybody reviewing them was the staff, site development staff who concurred, and Mr. Burns who thought they were excellent consultants and if that were true, I don't think you could approve any development on a landslide because there's always a possibility that a qualified -- even an excellent consultant was wrong once. So if that's the standard, I just question when could a landslide site ever be developed in the city of Portland?

**Fish:** Case by case determination.

**Koback:** But it would be based upon whether the consultant are right or wrong.

**Fish:** I think in this case we would have to take into consideration a number of factors, including the environmental zoning designations, this is a heavily protected piece of dirt that also happens to have a landslide potential and other factors. Adjacent to a sensitive natural area, I think we can all agree, this is a unique piece of dirt, whether it meets the test or not is a separate matter, this is not a garden variety piece of dirt coming to council on a land use proceeding.

**Koback:** It's not a flat, unprotected site, I would agree with that, there might be other sites similar to it somewhere in Portland, because we have a lot of hills, but it's not a garden variety site.

**Fish:** Thank you sir.

**Wheeler:** Could I ask one more and I'm sorry to sound like I'm nitpicking on this I just want to make sure I understand. So you said the traffic on Taylor's ferry would be increased by .07%, was that through testimony?

**Koback:** That was our consultant's report.

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**Wheeler:** The consultants report.

**Koback:** It was the traffic engineer.

**Wheeler:** I think we all agree it's a de minimus impact on major thorough fare, my question really for me that I'm trying to get at is safety. So you have some number of houses, you have an outflow going on to Taylor's ferry. The number of cars may be minimal, but more people using the bus stop, for example, and it might be a significant increase in the percentage of people using that bus stop, what can you tell me about the relative safety of Taylor's ferry, as it relates to the circumstances, the people who would be in this development?

**Koback:** I know it has very, very limited ridership on those two stops. Our proposal has a pathway for people to go up to that ruby terrace. Pedestrian pathway to get to safer route to the bus stops up by Taylor's ferry or to Terwilliger, that was one way we identified a way to provide a safe means to get there. Now the -- the ultimate way to get people to the south side of Taylor's ferry safely would be to put a stoplight on Taylor's Ferry, and pbot would have to approve that and they didn't recommend it even or to build an underground tunnel or a sky bridge which we would get into the proportionality. How many people do we have that would use that would justify that type of engineering and expense and not to mention we don't know if we could get the right-of-way on the other side necessary to build a tunnel. I did hear a comment about a cross walk, there's conflicting views on this, if you put a cross walk on that street, are you inviting pedestrians into a dangerous situation, what we suggested is by putting improvements at our frontage, the new Hume street, it is a little bit safer place to cross, because the lines of sight are better, our traffic consultant had to do site analysis. So by putting improvements on our side, we feel that it is safer to cross to the south side of Taylor's Ferry street. If the council imposed a condition we strike it with a cross walk and pbot supports that, I can speak for my client, they would not have a problem with that condition.

**Wheeler:** Very good and could you tell me, again, I know you gave a number during your testimony, I'm sorry I can't find it in the notes I took, you mentioned how many trees you are intending to cut, can you give me that statistic again?

**Koback:** I was reciting from the -- the appellant's testimony that said 474. I believe that's consistent, it sounds a little high, but I think Mr. Griffith has the exact number. It's in that area, though, and they're all in this disturbance area where we are concentrating the 21 lots.

**Wheeler:** Good, great. Any further questions? Excellent, thank you for your testimony.

**Koback:** Thank you.

**Wheeler:** And we, of course, reserve the right to ask you back up if we have further questions.

**Koback:** My pleasure.

**Wheeler:** Thank you very much for your testimony. Next up, we have the opponent's of the appeal, three minutes each. How many do we have.

**Moore-Love:** Six people signed up, first three please come un-on.

**Wheeler:** Again, same deal, when the red light comes on, your three minutes is up, please just state your name for the record, we don't need your address. Good afternoon, sir.

**Steve Griffith:** Good afternoon mayor Wheeler and honorable council, I'm Steven Griffith, I am the applicant, as well as a member of the south Burlingame neighborhood association and my family has owned land in the sbna area since 1932, we own and operate Riverview Abbey mausoleum company on Taylor's Ferry to this day. My grandfather built a home in south Burlingame in the late 1940s and in fact developed ruby terrace as a builder. He -- excuse me, my wife and my brother and myself are sbna members and the sbna has really changed over the last couple of years, they went from a democratic organization where



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everyone could vote to a board-centered group where basically the board only gets to vote, other to elect board members so it's really not representative democracy like it used to be and currently the highest ranking board members live on ruby terrace, there's really a situation where it's not in my backyard. It literally is in their backyard, and there's four board members that live on ruby terrace, some of whom testified today, including president Robert Lennox. I was actively involved in the hearings process and have heard the hearings officer's decision, Melvin Oden Orr is a distinguished member of the Oregon state bar. He was recently appointed by governor brown to be on the circuit court of Multnomah county, he's a distinguished legal scholar and I don't think he was given a lot of respect today for his opinion. He was put in that position for a reason and I think his opinion was correct. Macadam ridge is actually a showcase for environmentally sound development, despite all the critique we heard today. 10 of the 14-acres we have offered to donate to the city as a permanent nature park or whatever kind of development you want to put on it, but it would be offered to you, the city. 1400 trees were preserved, the tree cover along ruby creek and Stephen's creek is preserved, keeping the water temperatures cool. The sanitary sewer in ruby canyon would be replaced at no cost to the city, it's failing and needs to be replaced. A failed storm water outfall in ruby canyon will be replaced at no expense to the city. Acres of invasive species will be removed. Thousands of native shrubs and trees will be planted. As well as extensive ground cover. Neighborhood connectivity will be improved. Emergency access will be improved for all, existing residents as well as new residents, access to tri-met buses will be improved as well, macadam ridge is good in the city and the people of Portland. Last fall over 62% of the voters voted on a bond to increase housing for low income people. Our housing development is for middle income people, but we think a lot of people would benefit from it, we ask you to affirm the hearings officer's decision.

**Wheeler:** Good afternoon.

**Barbara Griffith:** Hello. Good afternoon, mayor wheeler and the city council members. My name is Barbara Griffith. Thank you for your time and consideration for our application and your patience today. We are not developers, we are a family. We are small business owners who have considered it a privilege and honor to serve the citizens of Portland, we offer employment, we pay taxes and contribute to various charities. We are here today due an appeal of our favorable land use decision. I have learned in life that there are two ways to make decisions. I call them the two f's. Fear or factual. When we make decisions based on fear, our imagination begins to think of all kinds of scenarios to justify not doing something. It becomes an emotional decision. If you read what has been posted to livablepdx.com or what has been written from the neighborhood association, there is a lot of imagination going on right now. Yes, there will be land disturbance and trees cut to create our lots. Just as there was to create their lots and the homes they are living in today. The sbna has been, shall I say, unkind, things have been said about my family that are not true and things are being said about this development that are not true. They are playing a game with fear and emotion. We have gone from approximately 60-lot multi-family configuration, ending up by 21-lot single family configuration based on feedback from the neighbors and the city. We need to consider facts. My family has spent years and a lot of money to make sure that we have a safe building site that is environmentally sound. We have worked with the neighborhood association as well as the city, trying to accommodate both. It has been a long, hard road. However, with giving the extra time and money with experts, we have reports based on facts. When hearings officer Oden Orr looked at all the reports from two expert engineering companies, geotech experts, environmental experts, tree experts and land use experts, he saw the facts and gave a favorable land use decision. In fact, governor Kate brown recently promoted him to serve

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as a judge in the circuit court. Judge Oden Orr knows the facts as well as the law. I ask that you too would deny this appeal and affirm support for the hearings officer, favorable land use decision based on facts, not fear. Thank you.

**Wheeler:** Thank you. Good afternoon.

**Jennifer Edeline:** Good afternoon, honorable mayor and commissioners, I'm Jennifer Edeline, thank you for this opportunity to provide a statement in relation to the Macadam Ridge development. Today I'm here on behalf of my family, our business as well as our community in support of affirmation of the macadam ridge development and in favor of denying the appeal. I also object to the manner in which the south Burlingame neighborhood association has handled this appeal, they have not accurately portrayed this development and driven out many of the people that are in favor of this development. As you know, Portland is now in a top 25 largest cities in the country, as well as once again the number one city to relocate to and rightfully so, it's beautiful and has a lot to offer. As a human resources professional I hear on the a regular basis the challenges individuals face with their families in mind in finding quality and affordable housing in or close to the city of Portland. This development is a low hanging fruit for the city to increase availability of homes for our community, as the population continues to increase, this development will assist increasing the supply of housing and reduce pressure on housing costs. Furthermore, benefits of this development, aside from the jobs it will create, are the opportunities to enable to increase the cultural and ethnic diversity amongst the neighboring community and the population as a whole. As well as the million dollars in tax revenues it will generate for the city to continue to fund many of the programs that positively impact the poor, vulnerable and underrepresented men, women and children of our community. I have no concerns about this development as it was carefully designed to provide the least impact to the environment and the adjacent residents. In fact this development was crafted to preserve over 70 percent of land, which is delivered in the form of a donation of 10-acres of untouched land to the city. This preservation plan includes 1400 trees, as well as protecting ruby and Stephens creek. In addition, this development will not only preserve trees, it will also plant additional native trees while removing invasive plants. What I do have concerns about, if the decision of the hearings officer is not affirmed and the appeal is not denied, the impact and disappointment of the citizens directly and indirectly affected by the rejecting of this housing solution, today I ask you to take the content of the statement in deep consideration as you look to move forward in affirming the macadam ridge development and denying the appeal.

**Saltzman:** Mr. Griffith I have two questions and maybe your attorney might want to answer the second question, you mentioned that the houses would be priced in the middle income range. Did I -- is that the word you used. What is the middle income range mean?

**Steve Griffith:** The current houses in the ruby terrace are in the 600 to \$700,000 range, I think it would be probably higher than that, 750 over thereabouts, we are not builders, but we have been told that.

**Saltzman:** So the two or three bedroom, four bedroom-type homes?

**Steve Griffith:** They would be probably a Three-bedroom, I would think, I think we are talking in the neighborhood of 3500 square feet. Two story.

**Saltzman:** Another thing, our attorney, I guess, it came up at the beginning of this hearing we have to make a decision today in order to stay within our state mandated decision window. Is that what you want to see happen, a decision rendered today, or are you willing to give us more time to ponder a decision?

**Steve Griffith:** I mean, Mr. Oden Orr spent two months evaluating a plethora of evidence, and these documents I brought in with me here represent some of the submittals over four years, this site has been heavily scrutinized, we spent hundreds of thousands of dollars,

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we don't want a bad decision because you want it made in a few minutes, but I don't know what the laws are about what the rules are. We certainly want this thing to end, I mean it's torturous, and it's not beneficial to anyone to have to have us keeping spending money to develop property and then have people just throw every rock they can find at it. We have tried to make the neighbors happy, we have tried to make the city happy, we have talked to bds, we talked to bes, we talked to the pbot, we talked to everyone and spent many, many hours and to come down to making a decision in an hour or two is pretty tough.

**Saltzman:** Yeah, I agree, it's tough. Thank you.

**Wheeler:** Next three.

**Rees:** Excuse me mayor, Mr. Griffith, before you leave. You had been reading your testimony from a letter dated January 31, I think there are a few things in there that were not previously in the record, I want to identify them as things council is rejecting. So pretty clearly none of us knew that the judge was going to be appointed, anything related to his appointment was not in the record before. Correct?

**Steve Griffith:** Okay.

**Rees:** And the other is it's been brought to my attention by the appellant's attorney that information about the sbna's the language relating to exercise of democracy to board vote only body, with extreme agenda, and the location of where sbna board members lived, that was also not in the record.

**Steve Griffith:** I disagree, they submitted letters and included their address and those are in the record and I've thoroughly examined the record.

**Rees:** In terms of the sbna becoming a board vote only body, was that in the record before the hearings officer?

**Steve Griffith:** Yes, it's in the record because the minutes are in the record and the record records the number of votes.

**Rees:** Before the hearings officer?

**Steve Griffiths:** I'm sorry.

**Rees:** The record before the hearings officer, that's what's relevant? Is what's evidence was placed.

**Steve Griffiths:** It was part of the appeal process, when they applied for their fee waiver, they included a vote.

**Rees:** So that would have come after the hearings officer's decision, therefore it would be evidence of an appeal, we'll just identify in the decision portions of this to strike that our information that came about after, we don't need to word smith it line by line right now. You.

**Wheeler:** Welcome, three minutes, name for the record, please.

**Anna Griffith:** Hi I'm Anna Griffith and honorable council members and Mr. Mayor, this development has been going for over 4 years now, city rules indicate the maximum number of lots available for the site are 52 lots. In September of 2015 the applicant voluntarily reduced the proposed development from 46 to 23 lots in the hope of gaining approval of the neighbors and to reduce environmental impacts. You listen to the neighbors and downsize the development in half. Later, neighbors wanted more space between the new development and their homes, we heard them, and we add the buffer, green zone. The thing that you never heard from our neighbors was a thank you for your consideration. 12 different alternatives were explored for this development and the best one was selected with the least environmental impact. Unfortunately the neighbors opposed every one of them, including multi-family designs. The development footprints is in the flatter part on the side, away from the canyon and a good distance from the Stephens creek. In the final alternative, lots were reduced from 23 to 21 lots. To be sensitive to the comments of the staff and to reduce environmental impact, we hired highly

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trained professionals to make sure development is safe and environmentally friendly several Geotech expert reports are in the record and the city staff agree that these conclusions are the side for safe building. The neighbors are playing on people's feelings and fears, ignoring the fact that have been in the record, and the site is safe for building, neighbors state in their own opinion, but do not have any expert reports or testimony in the record for Geotech issues, the application met all the criteria in all areas, and that is why the hearing officer approved this application. In conclusion, I'd like to say there is nothing new was said today. It was more of the same thing, the neighbors have to -- have not made any arguments to overturn the decision of the hearing officer. He confirmed that we have met all the approval criteria based on evidence in the record, honorable council members and Mr. Mayor, I respectfully request that you deny the appeal and uphold the decision of the approval of the hearing officer, thank you.

**Wheeler:** Thank you for your testimony. Good afternoon.

**Robert Griffith:** Good afternoon my name is Robert Griffith, and honorable council members, thank you for taking your time, it's been a long day. I'm here to express my family's enthusiastic support of this decision, the approval by the hearings officer. This is an environmentally sensitive development, by any objective standard. It marks an appropriate conclusion of a very lengthy process that's been very draining upon our family and our team. The design team has much expertise, environmental, Geotech, trees, traffic, engineering and they've met all the approval criteria. This comes as a great joy to us when our family, having held this property for 70 years, because we want it done right. The hearing was fair, and everyone had the opportunity to be heard. The hearings officer was very attentive to everything that the neighbors said, he listened to them carefully, he was engaged, he asked follow-up questions. Their input was heard, and considered. After 2 1/2 months time, to go through all this information, he was able to come to his decision and was based on substantial evidence in the record. On page 35, he indicated significantly different alternatives were required, and it was based on information in the record and there likely could be no practical alternatives that would be less detrimental to the identified resources and functional values than the preferred alternative. Also, he indicated that there's substantial evidence in the record that environmental review could be met with conditions. There are many merits to this plan, I'd like to highlight a couple. One this fundamentally this plan honors the base zoning for the site, which is residential opportunity, but does it in an environmentally sensitive manner. We are talking about developing just four lots. 29 1/2% of the site and giving the rest of the site for permanent protection to the city of Portland. I don't think you see that very often, where 70% of the site is being given to the city of Portland. That includes many valuable assets, Stephens creek, ruby creek, then the forest, 1400 trees, significant upland trees are being preserved on the north portion of the property. Many large and significant trees are there. Also, there's extensive mitigation that's been there in the conditions, it doesn't appear the sbna and their counsel saw them because there's 799 trees, 2,097 shrubs, Douglas fir, Oregon grape and many things that will improve the forest understory, this is going to be a beautiful place when it's all done. A vibrant new neighborhood, we respectfully request that you deny the appeal and allow the hearings officer approval to stand. Thank you for your time.

**Wheeler:** Thank you, good afternoon.

**Jaclyn Griffith:** Good afternoon, mayor and council. I'm here on behalf of my family, our business and community in support of the macadam ridge development and denial of the appeal. I believe the development will have a positive impact in improving the housing shortage in Portland and has limited impact to the environment. As a fourth generation affiliated with ownership of the land and family operation of the Riverview abbey, I'm here

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to defend my great-grandfather's dreams in building this development before he became ill. Please take this statement in consideration when making a decision and affirming the hearing officer's decision of approving this development and denying the appeal, thank you so much.

**Wheeler:** Thank you. Appreciate it. Was there three more?

**Moore-Love:** That's all who signed up.

**Wheeler:** That's all, very good, ok. If they so choose there's an opportunity for a rebuttal by the appellant. Five minutes.

**Richter:** Thank you, for the record my name is Carrie Richter and I represent South Burlingame the appellants. I just want to clear up a couple of facts there's been some questions about the number of tree's that are going to be removed H100b is the November 3, 2017 shot study that the applicant prepared it said that there 505 trees removed, 478 are native. The applicant has proposed to plant 350 trees. There wasn't enough room on the site to plant enough trees to make the city's mitigation requirement work so they proposed to plant under story. I think our position on all of that is what does that do to the wildlife? What does that do to the corridor that exists in the west hills here for the movement of animals? We don't know and we've got this corridor I think the evidence showed we have the corridor and the applicant, instead of pushing the development as far towards the existing development as possible, in other words, making these lots three through eight as shallow as possible, pushing the lots back into what we call the transition area which is the area on the edge of the conservation zone, moving those lots back could have made the actual open space remainder bigger. Instead, we've cut a hole right through the middle of this corridor and this is the kind of clustering, this is the kind of alternative that we're talking about here. We're talking about moving roads, reducing the width of Front street or otherwise changing, Front street is where the 54-inch tree is, we're talking about reducing the width of that road. Figuring out a way to relocate some of these houses to allow the environmental resources to remain and those are the kinds of things that alternatives that were not considered. The applicant talks about the 11 alternatives and there was a multi-family proposal included, that multi-family proposal was for 42 lots, 2500 square feet of lot, with eight single family lots and a bigger disturbance area. So, of course, that multi-family alternative is going to have greater impact on the natural resources than the 21 lots that are now proposed. I want to talk a little bit about whether or not there's anything that the neighbors would be satisfied with. I think we've heard testimony after testimony today from members of the neighborhood associations. They understand that this land will be developed and that there is a development that is appropriate. Is it a development that is compatible with and fits within? Is visually subordinate and allows the wildlife corridor to continue to remain and that is what the finding that the hearing's officer didn't make. The applicant talked about how they were able to produce expert testimony, and that the expert testimony was what was relied on by the hearing's officer making the decision. I would remise if I didn't point out that the neighborhood association tried to get expert testimony to counter that testimony and was intimidated out of producing it. So it's not as though the hearing's officer was able to weigh expert testimony on both sides because the neighborhood's testimony was silenced. I talked a little bit about the ability to reconfigure this slightly and I think that's the point that staff was making and I think it's the point that a lot of people have made is that this development just isn't fully baked yet. We haven't evaluated the disturbance area. The hearing's officer couldn't find the disturbance area was certain at this point. He had to impose conditions and our concerns are the imposition of conditions could alter the disturbance area and impact the mitigation. There are a number of LUBA cases that say you cannot defer a discretionary determination to a further hearing without providing notice

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and opportunity to participate. So if these decisions are going to be made in the future, the public should have an opportunity to participate.

**Wheeler:** Thank you.

**Richter:** I'd be happy to answer any questions and I appreciate your time.

**Wheeler:** Commissioner Saltzman.

**Saltzman:** So your clients would support the cluster's proposal that you just articulated a few seconds ago?

**Richter:** No because the disturbance area was bigger. I think we would support a clustered development that had a similar disturbance area. Again, that compliments.

**Saltzman:** The option you just described of narrowing lots 3 through 8 cluster in this development is not an option that your clients support.

**Richter:** They would support it, I believe.

**Saltzman:** They would?

**Richter:** Uh-huh because I think that would allow for a greater protection of the resource. Again, that wasn't one of the alternatives that was proposed.

**Saltzman:** That was not one of the 10 or 11 that was proposed?

**Richter:** No, no.

**Wheeler:** Commissioner Fritz, do you have a question?

**Fritz:** No thanks.

**Wheeler:** Very good, thank you.

**Richter:** Thank you.

**Wheeler:** Did you have a question? Okay. Good. Colleagues, we are at the end of what I would describe as the public participation part. The conversation can go in any number of directions. We know what the various alternatives are. We can close the record if that is our thinking. What I'd recommend is maybe to help focus the conversation or shape the conversation, if I could get a sense of what people are thinking at this particular stage, having heard all of the testimony and the evidence both sides.

**Fritz:** It is extremely unusual for us to get a case like this where five city bureaus are saying no recommending that they don't have the information that they need to support the application and I can't remember seeing this is not in the record, but the current hearing's office decision copy and paste from the applicant's assertions to a remarkable degree. I can't find where the hearing's officer says that this can be addressed with condition of approval, there are places where I can't find that condition of approval. In particular, with the landslide hazards and the grading that would be necessary for that. I'm also very concerned about the trees, both the street trees that are not present, thank you Ms. Andrews, but particularly, the biggest tree on the lot which was pointed out is under the southwest hills protection plan and the environmental review criteria we're supposed to consider the subdivision the whole plot is supposed to look at preserving the most significant resources and it seems that has not happened. Instead, this hearing's officer has given a condition of approval the city forester has to approve tree removal, well the city forester has said no we shouldn't be removing that tree. So I recognize it has been a long process for everyone. I am not convinced the alternatives analysis has been fully vetted. I would be willing to approve the environmental violation review which would mean the restoration could start taking place and then I believe there are applicants in the neighborhood that should go to mediation for a new application that fully involves the staff right from the beginning rather than the hearing's officer having to make multiple determinations based on evidence that's submitted very, very late in the process.

**Wheeler:** Thank you, commissioner. Anybody else? Commissioner Saltzman.

**Saltzman:** I guess if I'm forced to make a decision today, I would try to get to a win-win position. I think there was a lot of merit in what the neighbors had to say about their

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concerns, but I also found a lot of merit in what the Griffith family had to say about their efforts to make something work here and I think that if I was -- if it's legal for us to do that, I would specify we would save the 54-inch tree as a condition of approval. That we require the clustered development that narrows lots three through eight as being the chosen option and I would support that. I think there is a need for housing in the city and I do agree with that. We want people to live and work in the city and I think there's a lot of merit in the proposal in terms of replacing sanitary sewers and Ruby Creek and protecting Stephens Creek further. So, yeah, I think there's merits to those sides. That's what I would propose as conditions of approval.

**Wheeler:** Commissioner Fish.

**Fish:** So Mayor someone mentioned this has been a long day. Council started at 9:30, but I don't remember a more thoughtful set of presentations and I also appreciated all the testimony. Even when we have a long day like this, I find these land use proceedings fascinating because we're getting fundamental questions about the kind of city we want to live in and the future of our city. When we are called upon to make a decision because we're up against a clock or because we have to, this body has demonstrated time and time again they are willing to make a decision. I am frequently surprised by where we end up. Which is another way of saying it's an honest process where everyone comes, listens to testimony and gives their best judgment. I defy anyone to handicap the outcome of these kinds of things because we come with an open mind and the discussion we have as colleagues shapes the final outcome. If I am required today to vote on this, I will vote to uphold the appeal and I will do so largely on the basis of what Commissioner Fritz justified and I thought it was the most compelling part of Ms. Richters closing it was the last thing she said. There are simply too many bureau conditions that have been deferred that require discretionary actions which will have to be decided perhaps, or not decided because the bureaus may not under a feasibility analysis reach any kind of agreement and those decisions will not be subject to any further hearing or public testimony and Commissioner Fritz is right. There's a difference between putting conditions of approval that are sort of plain vanilla and simply punting on a whole host of things where the bureaus have significant disagreements about the project and expecting at some point it will be deferred. Like, for example, be on the feasibility of the storm-water facility and the disturbance area. It's a very big deal and if I learned anything that has potentially significant impact on the stability of the site and some of the consequences to neighbors. So if I have to vote today, Mayor, I would vote to uphold the appeal and do it on a narrow basis that Commissioner Fritz proposed and she's historically been the expert on this panel on these matters so I would follow her lead on what we would be upholding. I think what Commissioner Saltzman has proposed as potentially a win-win always has merit. I'm reluctant to decide here in my seat what should be the elements of a deal acceptable to the neighborhood and the developer. While I respect Dan has listened carefully and is in good faith offering a path forward, I think we've had more success in getting in those situations where there's a genuine willingness to get an agreement. We've had more success in the past simply calling a timeout getting an agreement to stop the clock which is at the applicant's digression and then either setting up a mediation or a process where it comes back to us knowing we are going to decide the case. So the incentive is either you work it out or there's going to be a binary choice and you may or may not like it and so we've done that. So Mayor if I am required to vote I will vote to uphold the appeal largely on the grounds that Commissioner Fritz has articulated and I think Ms. Richter made very clear in her closing statement. My preference always is to have the parties reach their own mediated agreement because it's more sustainable and I think there was a lot of nodding in the room when someone said if not this development there will be some future

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development. We're not going to stop -- one cannot stop development on this property, the question is what's the character of development and how is it done? So I would welcome an opportunity to have the parties have some further dialogue, but that solely rests with the applicant because only the applicant can waive the clock that we're under and if we don't have additional time, then the council will as we do in any case where we're required to we'll render a decision.

**Wheeler:** Commissioner Eudaly?

**Eudaly:** I'm agree with commissioner Fritz and Fish. I have significant concerns about the wildlife corridor, about the landslide issues, the trees and it seems like almost everyone today has been saying things that were previously in the record so I'm hesitant to say this, but I do want to say I'm disappointed to hear multi family was rejected. If we are going to have a sincere conversation about affordable housing and increasing our housing stock and density, then multi family shouldn't be off the table, but frankly, \$750,000 3500 square foot homes are not going to help either. So, yeah that's where I'm at.

**Wheeler:** Thank you commissioner Fritz you want to speak?

**Fritz:** I appreciate all the comments of my colleagues and I know the mayor hasn't had a turn yet I just wanted to weigh in and say that we get one application fee and the staff has put an enormous amount of work on this. Basically pro bono at this point that the tax payers have been funding all of our staffs work and it's not possible to condition an approval based on saving that tree because the entire subdivision is based on having the tree in that location. I would also concur with commissioner Eudaly and in fact I'd go further and I asked the question at the beginning about the definition of the site and my trustee staff gave me the information from the zoning code saying that the applicant can choose to define the site as the portion of ownership that is proposed for development. There is actually more property that's in the same ownership that is further towards the northeast that might be appropriate for multi-family units that would be much closer to Macadam that would have better sight lines on Taylor's Ferry. So I believe the best option is to start over with the understanding that something should go on this property that needs to be a very good faith working together recognizing that we certainly I don't think anybody wants to get to this point again whether it's quickly or slowly. We want to get a better design that has full engagement by everybody from the beginning.

**Wheeler:** I agree with the thrust of my colleagues and so as the applicant, you can count the votes. My suspicion is you don't want us to take the vote today, but it's your call. So if you are willing to take another swing at this, this is your call. I happen to agree with a lot of the public value that you've put on the table. There is a significant amount of public value being put on the table. I am very concerned about the city's own process and I'll have a different conversation with different people about that at a different time, but it is very notable that we had a hearing's officer come to a conclusion with so many critical city bureaus still not confident in the answers that had been provided and in my opinion, that is an unacceptable place to land and I'm not willing to leave the unanswered or the open or the ambiguous questions to chance. They are too significant, in my mind. So we can take the vote and we can go home. Or if you'd like -- commissioner Fritz.

**Fritz:** I just would like to get staff's assessment on the feasibility of just continuing this process versus starting over. I'm very concerned about the precedent we set.

**Wheeler:** I don't think it needs to start over.

**Fish:** If we vote to uphold the appeal, it starts over or gets appealed.

**Wheeler:** That's correct. Again, just listening and weighing the evidence came up with one possible reasonable solution. I'm not saying that is the solution, but I don't think you have to start from ground zero. I think there's an opportunity here as Dan said for a win-win, but again, it's not our call. It's the applicant's call.



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**Fritz:** City Attorney wants to say something.

**Rees:** Generally speaking, we don't like to give you legal advice that boxes you I want to make sure you have reasonable options. I'm a little concerned on this particular case. We often, as you mentioned, we often give the parties the opportunity to go back, talk, figure out another option. In this particular case, state law has limitations on how many extensions we may grant and we're there and if the applicant wishes to talk about that, that's fine. I want to make sure that's on the record.

**Wheeler:** Fair enough. We have a request for city staff to come back, please.  
Commissioner Fritz.

**Fritz:** I just would like your experienced assessment of the question of staff time and whether it would be better to start over or try to amend this proposal.

**Kate Green, Bureau of Development Services:** I can try to speak to that again, I'm Kate Green.

**Wheeler:** Is your microphone on? There you go.

**Green:** There we go. As a reminder, this is an on-the-record hearing, so there really isn't the opportunity to accept new evidence such as alternative new plan that hasn't been presented or discussed or evaluated and the plan that was mentioned as far as clustering and modifying to preserve a tree or other trees, that plan isn't in the record and there's been no evaluation of such a plan and I believe that a new application would be necessary to undertake that evaluation.

**Fish:** I think that's right. I think it's cleaner too. I think, mayor, it was useful to hear from a number of people that development is inevitable. So this is not a question of holding back progress forever, but if given the state of the record and the fact that so many bureaus have hedged their bed and deferred doing analysis, landing on some of the questions that they were asked, I think in some ways it's more productive on go back to square one. Have a different set of alternatives presented with a friendly admonition that should it ever come back to us, it's not helpful to our determination to have both sides say disparaging things about each other and I would say to those who are opponents of whatever is being proposed, I think we all ought to adhere to high standards of how we engage in these processes and likewise, when we have the other side commenting on a hearing officer or level of behavior, that doesn't help us make a decision when we have records in the evidence about emails open to interpretation that does not help us reach a decision. What helps us reach a decision is have the parties, has the applicant put a reasonable proposal on the table? Does it conform with state law? Has there been an honest engagement with the neighborhood? And then and only then, does it come to us if there's something to be involved. That this body would much prefer to have those decisions decided by the applicant and the community that's impacted and usually, we get better outcomes when that happens. My two cents.

**Fritz:** So I move that we approve the appeal of the south Burlingame neighborhood association against the hearing's officer's decision to approve with conditions Macadam Ridge a 21 lot subdivision, environmental review with modifications, but approve the environmental review section of this application.

**Fish:** Second.

**Wheeler:** We have a motion from commissioner Fritz and a second from commissioner Fish.

**Fritz:** Did I state that correctly city attorney?

**Rees:** Yes.

**Sean Williams, Bureau of Development Services:** I think you said you want to approve the environmental violation review. I think you said the environmental review.

**Fritz:** Sorry. Thank you. Let me try again it's very late and I'm reading from a paper and I

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did not do it correctly. Appeal -- uphold the appeal of the south buirlingame neighborhood association against the hearing's officer's decision to approve with conditions Macadam Ridge a 21 lot subdivision environmental review with modifications.

**Fish:** Second.

**Wheeler:** We have a motion from commissioner Fritz and a second.

**Fritz:** And approve the environmental review.

**Williams:** violation review.

**Fritz:** Violation review it's funny I did it again. So approve the environmental violation review. Thank you,

**Rees:** So Sean would it be possible to put that language up on the screen? From your staff report. Is that too challenging?

**Fritz:** That would be very, very helpful. I was trying to find that.

**Fritz:** Was there a second to mine?

**Wheeler:** Commissioner Fish.

**Fritz:** While you are finding that, I would note that the applicant gets to choose at the beginning of the process whether this appeal was on the record or not and that's why we're in a situation.

**Rees:** To be clear, it's a tentative vote and will be coming back with findings next Wednesday morning.

**Fritz:** Thank you.

**Rees:** So commissioner Fritz, are you identifying the fourth motion as your motion?

**Fritz:** Yes. With the exception of approval. Yes, that's the one.

**Rees:** Perhaps we can get a new second. The language has changed.

**Eudaly:** Second. [ laughing ]

**Fish:** We needed to update the second.

**Wheeler:** So we have a motion from commissioner Fritz. We have a second from commissioner Eudaly.

**Fish:** Take a tentative vote.

**Wheeler:** This is a tentative vote. The final vote would be next Wednesday February 14th during the council's a.m. Session. Call the roll.

**Moore-Love:** We need to state the time.

**Rees:** We need a time certain.

**Moore-Love:** It would be 11:30.

**Wheeler:** 11:30 February 14th will be the final vote.

**Moore-Love:** Sorry, 11.

**Wheeler:** Okay. 11.

**Fish:** Given our recent history mayor we should let people know it's probably closer to 12.

**Wheeler:** So the final vote will be on February 14th, Wednesday, 11 a.m. Portland city hall. Be there. On the tentative vote, call the roll.

**Fritz:** This has been a really great hearing, lots of very good testimony, very well organized. I'm very impressed with everybody who spoke. Thank you to the staff I know you have worked hard to try to get to yes. I do believe that this property will be developed and I think everybody's aware of that so I think there's a lot of scope it's a big property, there's lots of different parts of it. I hope that it doesn't come back on appeal because I hope you can get on something that can be approved by the hearing's officer. If it does, then I will be looking for significantly different alternatives that greatly reduce the disturbance area, do look after the values of the upland forest. That was part of the testimony that was very compelling to me is that the resource values identified in the southwest hills protection plan include values of the upland forest by itself rather than just as protectors of the creeks and I also am very concerned about the landslide hazards,

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usually given that the whole of west Portland is in a landslide hazard area I don't give much credence to that. I think the testimony that was presented today and that's in the record is compelling that this site needs particularly careful evaluation for both the streets and the lots to make sure the landslide hazards is diminished both during construction and afterwards and, to me, that would entail retaining some of the trees both during and after construction. Aye.

**Fish:** I want to echo what my colleague just said I think this has been exemplary hearing. I think it's important we acknowledge the Griffith family legacy of how they have managed this property and the business. It is my hope that as a result of our action that there can be some resolution of the differences and a proposal that gets approval. I would hope this does not come back to us assuming this is not appealed. If it does, I too will be looking closely at impact on trees. Impact on the wildlife corridor that the Olmstead brothers years ago identified as one of the most significant natural features of the west side. Erosion control and impact and mitigation measures and how the storm water is managed on site. Aye.

**Saltzman:** I see heads nodding about this property will ultimately develop. I'm not sure I'm totally convinced the sentiment of everybody who may be most affected by development of the attractive property and that's the way we are in Portland. You know intellectually we all accept growth and density an all that, but when it comes right down to something in our backyard it's an entirely different issue. So I'm not going to impugn anybody's motives here, but I will say this that I think we're better off having the property developed by the Griffith family than some out of town developer from California that's going to swoop this up if the Griffith family tosses there hand's up and says we can't do anything with it, you try and they are going to have a lot more resources to bare and I think this council has spoken just about everybody here saying we see this being developed too. So I think it's just a question it's you know my admonition to everybody here is you should come up with a solution that works with the Griffith family. I think that's the best bet to environmentally sensitive development that will provide homeownership opportunities. I would like to see multi-family option considered as much as everybody else because it does speak more to the affordable housing prices, but as I said earlier homeownership is a good thing period for people to live where they work. So that's where I'm coming down, I'm going to support the appeal at this point, but this isn't going to go away. I think the neighbors are best dealing with the current owners of the property to come up with something and I think the current owners of the property have gone a long ways towards offering some options here that do provide public open space as well as environmentally sensitive development. It's not totally there I'd like to save that tree, but it's probably closer that we're going to get with some out of town ownership coming in to develop this piece of property. Aye.

**Eudaly:** As is often the case with these land-use hearings, it's really preferable if opposing sides can come to an amenable agreement because as commissioner Saltzman mentioned sometimes there's a much less desirable alternative than what either side is hoping for. So I vote aye and I hope this can move forward.

**Wheeler:** I want to thank Dan for setting the right tone which is we want to get to a yes win-win on this and I want to acknowledge the Griffith family. You are an old Portland family. You have contributed mightily and positively to this community and you've put some wonderful ideas on the table. To the community I would say this: You've raised very reasonable objections today. Compelling objections in terms of where we are today. It is my view that this is a complex site for obvious reasons. It has all the overlay issues, but ultimately, it is a developable site and it is my belief that it will be developed. So now, the question is simply how do we shape that development and where do we take it from here? So I hope all of us can take this as a serious challenge, rise to the occasion and get to the

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point where we are saying yes. So I conquer with my colleagues on this. Thank you to everybody who is here today. I know that ultimately there are many people disappointed by this decision today, but it is the right decision for today. I vote aye. The motion's approved 5-0. We are adjourned.

**At 5:34 p.m. council adjourned.**