



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF SEPTEMBER, 2001 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms

On a Y-5 roll call, the Consent Agenda was adopted.

	Disposition:
<p>1104 TIME CERTAIN: 9:30 AM – Approve contracts for towing and storage of vehicles (Ordinance introduced by Commissioner Francesconi)</p> <p>Motion to the accept the amendment that he Tow Board and the Bureau define "applicant" one of three ways. One is the owner, the other is managers of the company, the third could be every employee and uphold the decision of the Towing Board and the Bureau: Moved by Commissioner Francesconi and seconded by Commissioner Sten and on a Y-3;</p> <p>Motion to remove the emergency clause: Moved by Commissioner Saltzman and gavelled down by Mayor Katz after no objections.</p>	<p>PASSED TO SECOND READING AS AMENDED SEPTEMBER 26, 2001 AT 9:30 AM</p>
<p>1105 TIME CERTAIN: 10:00 AM – Seventh Annual Pollution Prevention Recognition Awards (Presentation introduced by Commissioner Saltzman)</p>	<p>PLACED ON FILE</p>
<p>1106 TIME CERTAIN: 10:30 AM – Support the Joint Portland/Vancouver Round III Empowerment Zone application with specific commitments to the Zone (Resolution introduced by Mayor Katz) (Y-5)</p>	<p>36027</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>Mayor Vera Katz</p>	
<p>1107 Adopt City Investment Policy (Resolution) (Y-5)</p>	<p>36026</p>
<p>*1108 Authorize grievance settlement of Randy Smaaland (Ordinance) (Y-5)</p>	<p>175930</p>

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<p>*1109 Apply for a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, Value Based Initiative program (Ordinance) (Y-5)</p>	<p align="center">175931</p>
<p>*1110 Amend agreement with Hennebery Eddy Architects for architectural and engineering services for the remodel of fire stations 3, 25, and 26 and provide for payment (Ordinance; amend Contract No. 33264) (Y-5)</p>	<p align="center">175932</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*1111 Amend contract between Portland Parks and Recreation and Professional Roof Consultants to provide construction administration services for the Pittock Mansion Roof Upgrading Project and to increase the contract amount by \$8,000 (Ordinance; amend Contract No. 32889) (Y-5)</p>	<p align="center">175933</p>
<p>*1112 Authorize \$140,168 payment to Children's Museum Campaign Executive Committee of the Rotary District 5100 Trust to be used to replace the boiler at the Children's Museum (Ordinance) (Y-5)</p>	<p align="center">175934</p>
<p>*1113 Authorize three contracts with professional, technical, and expert firms for architectural services as required in support of Portland Parks and Recreation projects (Ordinance) (Y-5)</p>	<p align="center">175935</p>
<p align="center">Commissioner Charlie Hales</p>	
<p>*1114 Authorize acceptance of a conservation easement granted to the City (Ordinance) (Y-5)</p>	<p align="center">175936</p>
<p>*1115 Modify conditions under which the City Traffic Engineer may issue revocable permits for use of dedicated street areas for an intersection repair project (Ordinance) (Y-5)</p>	<p align="center">175937</p>
<p align="center">Commissioner Erik Sten</p>	
<p>*1116 Authorize Intergovernmental Agreement with U.S. Forest Service to accept federal cost share funding for Bull Run Consensus Building project (Ordinance) (Y-5)</p>	<p align="center">175938</p>

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<p>*1117 Amend agreement between the City and Transition Projects, Inc. to provide additional funds in the amount of \$76,089 and provide for payment (Ordinance; amend Agreement No. 33784) (Y-5)</p>	<p align="center">175939</p>	
<p>*1118 Agreement with worksystems inc. for \$721,754 for the Workforce Development Board and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175940</p>	
<p>*1119 Amend agreement between the City and Northwest Pilot Project to provide McKinney Supportive Housing Program Grant funds in the amount of \$102,500 and provide for payment (Ordinance; amend Agreement No. 33677) (Y-5)</p>	<p align="center">175941</p>	
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Vera Katz</p> <p>*1120 Accept a \$47,700 grant from the Oregon Department of Justice, Crime Victims' Assistance Section, Victims of Crime Act Project (Ordinance) (Y-5)</p>		<p align="center">175942</p>
<p align="center">Commissioner Jim Francesconi</p> <p>1121 Identify a process to adopt an Urban Wildfire Hazard Zone policy (Resolution) (Y-5)</p>		<p align="center">36028</p>
<p>1122 Accept the Dickinson Park and Dickinson Woods Master Plan as proposed by Portland Parks and Recreation as a guide to the future improvement of the sites (Resolution; Previous Agenda 1080) (Y-5)</p>		<p align="center">36029</p>
<p align="center">Commissioner Dan Saltzman</p> <p>*1123 Authorize an Intergovernmental Agreement with the Metropolitan Service District so the City can receive \$30,000 to further the commercial food waste project (Ordinance) (Y-5)</p>		<p align="center">175943</p>

At 11:49 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF SEPTEMBER, 2001 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

		Disposition:
1124	TIME CERTAIN: 6:00 PM – Repeal Title 34, Subdivision and Partitioning Regulations and amend Title 33, Planning and Zoning to add new Land Division regulations and clarify additional Zoning Code Regulations related to land divisions (Previous Agenda 810; Ordinance introduced by Mayor Katz; repeal Title 34 and amend Title 33) Motion to accept staff amendments: Moved by Commissioner Hales seconded by Commissioner Saltzman and on a Y-5 roll call the amendments were passed.	PASSED TO SECOND READING AS AMENDED SEPTEMBER 26, 2001 AT 2:00 PM

At 8:34 p.m., Council recessed.

SEPTEMBER 20, 2001

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF SEPTEMBER, 2001 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

<p>1125 TIME CERTAIN: 2:00 PM – Amend Title 33, Planning and Zoning, to clarify multiple regulations (Ordinance introduced by Commissioner Hales; amend Title 33)</p>	<p>Disposition: PASSED TO SECOND READING SEPTEMBER 26, 2001 AT 2:00 PM</p>
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At 2:25 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 19, 2001 9:30 AM

Katz: Good morning, everybody. The council will come to order. Karla, please call the roll. [roll call]

Katz: All right. Consent agenda items. Any items to be removed off the consent agenda? Anybody on the council want to remove an item? If not, roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounded] all right. We're at time certain, 1104.

Item No. 1104.

Francesconi: We have a person, marion here to testify, and jim wadsworth is here as well as nancy ayers. It's a process we go through, and we have very competent staff. Unfortunately there's one person who didn't get a contract who's here to contest it. I've looked into it, i'm personally confident that we're on the right path here and that there will be another opportunity for the applicant down the road. But let's hear from licensing and then we'll have a chance for the applicant to make his case.

Marion Gaylord, Towing Coordinator, Bureau of Licenses (BOL): Good morning. I'm marion gaylord, the towing coordinator in the license bureau. As we do every two years, i'm here to present the contract that has been approved by the towing board of review and the list of towers that they have approved also to be awarded the contract. As usual, we conducted our inspections and reviewed the applications. Of those we have 34 applications we received, one was withdrawn, and one was rejected due to a lack of experience. The only material changes in the contract that we had as far as requirements this year for the next two years will be that we will be requiring that the drivers report which truck and which driver did the tow and that they report times of arrival and departure from scene for purposes of auditing in their billings. We also plan to do something, take a page out of the taxi programs book and we are developing a program for identification plates that will be attached to the tow trucks. We have had numbers, district numbers and truck numbers and unfortunately the officers have a hard time finding them because everybody puts them in a different place. So we're hoping we can come up with something that will be readily identifiable by the officers when they have an issue with a tow truck. To move to the company that was not approved, let me state first of all that I believe that mr. Hayden, bill hayden, the owner of this company, has worked hard to set this company up. He has a fairly good business background himself. However, this company has only been in operation for considerably less than a year, and we have a requirement that was published in the rfq for this contract that states they must have been in business for one full year or have significant management experience for three of the past five years. When mr. Hayden submitted his application, he indicated that they did not have this experience, the questions were, has the applicant been in business for one full year prior to october 1st, the answer was no. Had they substantially participated in the management and operation, the answer there again was no. At the august 15th meeting of the tow board where they approved the list of towers for recommendation to council, mr. Hayden was given an opportunity to address the board. At that time he provided some additional information about experience that he believed was possess the by members of his staff that it was his feeling would meet that requirement. However,

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one -- at least one of the companies that was being cited as a location where they'd had experience was present at the meeting and disputed that. Following the meeting I made attempts to contact the companies that had been listed as references, and I either got no response at all from them or the response that I got directly disputed the claims of management experience. So I feel like this may be a case where perhaps mr. Hayden's employees have sort of overstated their management experience.

Katz: This is the employees?

Gaylord: Yes.

Katz: Okay.

Gaylord: Mr. Hayden makes no claim that he personally has the experience. Because this contract as it grows, we've had an exponential growth in the number of tows done every year, it's a burdensome thing in some ways to the contractors, and we really need companies that can come right in and be working at full capacity immediately. The police and as was so obviously demonstrated last week, for municipalities, they must have the resources that they need in an emergency situation. And there is no time for a company to learn how to do it once they're on the contract. We need them to be up and fully operational immediately. And I have concerns about that with this company, that they may not really know what they're getting into. I would say as commissioner Francesconi mentioned, I would be very happy to receive another application from this company in two years when we review them again. I suspect that in that time they will have developed a good strong basis, they'll know where they are, what they can handle, but i'm very concerned that they don't have that experience at this time.

Katz: Questions?

Francesconi: Just one. Can you tell us who's on the review board and kind of who looked at it? Was there total agreement?

Gaylord: Yes. We're actually very fortunate this time, we have a fairly experienced board. The board is made up of representatives from the city agencies that are served by the contract so we have a representative from the police bureau, one from parking enforcement, another representative from the port of Portland, we have a sheriff's deputy from Multnomah county sheriff's, and then we also have two citizen representatives who are not connected with the towing industry at all, and two industry representatives who do not vote but are there in an advisory capacity. I believe that the vote was -- I believe there was one abstention and the rest voted to reject this application and approve the others.

Katz: Questions by the council?

Saltzman: There were 34 companies that applied, how many were selected?

Gaylord: 32. One application was withdrawn, by a company already under contract with us and they were applying in an additional district, but they decided they couldn't get it together fast enough. And this application was rejected.

Saltzman: And you mentioned this new i.d. requirement. Does that mean they will -- is it indicating they're designated by the city to do a tow, or is it just an i.d. Placard?

Gaylord: It will be a plate similar to the one the taxi board has approved for the taxicabs that will indicate what their district assignment is and what the number of the truck is. This will allow us a much better ability to monitor --

Saltzman: Displaying that placard means you are a city designated towing agency?

Gaylord: That's correct. And only trucks that display that plate will be allowed to do city tows.

Katz: Further questions? Thank you. All right. Karla, who do we have signed up?

Moore-Love: Mr. William hayden.

William Hayden: Council, mayor. My name is william hayden.

Katz: Why don't you sit down.

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Hayden: Okay.

Katz: Why don't you bring the mike closer to you. Who's going to testify?

Hayden: I am.

Katz: All right.

Hayden: I passed out some information to -- did everyone receive the information?

Katz: Could you bring the mike closer to you?

Hayden: I just wanted to explain my situation. We were rejected by the tow board as not a qualified applicant, though I believe we are a qualified applicant based upon the necessary information that is required by the city for the contract for vehicle towing and storage. The one question we were rejected on was question 21, page 2 of the packet, and I believe we were rejected on that because it was a somewhat confusing question to both myself and the tow board on August 15th. I misunderstood and the -- there was question that the applicant meant myself personally as owner of the company, and not actually the corporation or the company. Based upon myself personally, I do not have the management experience, but as explained on August 15th, the tow board said the applicant is actually the company or the corporation. We do have the three within the past five years management experience, and that's where I think I answered that incorrectly when I originally filled out the application, and said I was not qualified, thinking applicant meant myself personally. Addressing Marion's concern about us not being able to work or handle the tow -- city of tow contract, I myself was a driver at sergeant's towing for roughly two years, about a year and three-quarters and I was the top-producing driver from the second month of retirement until I retired from full-time duty. Another thing I wanted to address was that total agreement was not obtained and the -- there was one person that did not believe that we were not ready for the tow contract. And also I wanted to let you know that the industry reps on the tow board are my direct competitors, so they would have financial reasons for not allowing me to be on the tow contract, as are the two -- as the same person that stood up and protested in the meeting is also a direct competitor, and the people that responded negatively are direct competitors in my tow district. So what I'm asking the council is to reconsider this recommendation of declining me for the tow contract. I feel as though we are fully prepared company, we meet all of the requirements, the material requirements necessary for you, and I think we will be an asset in assisting the city of Portland in its towing needs.

Katz: Thank you. Could you respond to the issue that was raised with regard to checking on the qualifications of your corporate structure and there seems to be some difference of opinion on that.

Hayden: Difference of -- I'm not sure what you mean.

Katz: That they didn't have management experience, that they were -- might have been a little bit more in an exaggerated mode.

Saltzman: The two employees you referred to as having management experience.

Hayden: This is Doug, my manager's manager at Safeguard Towing. On page 3 is his experience, and I believe this is his resume or experience here. Once we contact these individuals or references, they will verify that he does have the necessary experience. I just got off the phone with one of the people on the phone saying that he substantiates that claim.

Katz: I know you did, but the supervisor got different messages. So we'll come back and take a look at that. Okay. Further questions?

*******:** Excuse me, may I -- is there any more time?

Katz: You can testify too.

*******:** All right. I don't really have --

Katz: Identify yourself.

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Dr. Carol Berger: Dr. Carol berger, bill hayden's mother. I understand that over a period of many months he worked directly with marion following each step by step requirement. Many inspections she personally came out and inspected all of his various phases into establishing this business himself. He's spent well into \$150,000 which the bank has loaned based on their review of all of his credentials, and they themselves were willing to finance that. We also are backing him, you know, for any needs he has. He has the equipment, he -- the one comment marion made was whether or not the city of Portland could have been assured he could be up and running in light of the incident of the bombing, I think that's what she was referring to. I just wanted to let you know in light of the incident, our family and certainly my son having the experience that -- is very well aware since my cousin is the director of port authority and directly in charge of the twin towers, and we're aware of bill's competence in doing this job. He did it as he said for that length of period of time and I know this doesn't seem like a very big issue in light of what's going on, but to us, in the money he's spent and the business and the family situation, it certainly is, if he had the support all along, that he was doing the right thing and getting prepared for this, and then at the very last minute when competitors protested that he get this contract, that they had quite a lot of weight in that decision. So we would like that to be reconsidered.

Katz: Thank you.

Berger: Thank you.

Katz: Do you want to testify?

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

Katz: Bring the mike closer to you.

Douglas Trawick, Manager, Safeguard Towing: My name is doug, the manager of safeguard towing. The -- when marion gaylord checked my references she checked two that I am aware of. When I managed for amb, jack benson brought me on and took me away from road one as a manager in lake oswego to open up a west side lot. When things were not being met and the promises that were made to me, I terminated my position at amb. The other reference she got was from super tow. From a dave ryker and all lady by the name of mary. Dave was terminated two weeks into my employment. And the third week into my employment I was given the position of lake oswego as the manager of lake oswego lot, of the lake oswego lot of road one. The other -- the one with eric -- amb towing, I wasn't able to attend the tow board meeting to defend myself with my experience 38 have. Again, with mr. Hayden, the same thing. These are two major competitors of safeguard. And they're not going to say -- we were out in the hallway and I talked to a manager that was a manager at road one when I was and was my -- I was assistant manager in Portland auto care, way back when dan clouser owned it. What i'm trying to say is, I could not defend myself at this meeting, and the response they got back from super tow is that I was a pic. Well, the lady that gave the reference was a dispatcher manager. The gentleman that gave the reference who's the new owner of soup super tow was not even affiliated with what was going on with road one when I was managing in lake oswego. As far as jim collins, if you look on the paper with my experience, I managed jim collins towing before he sold it to his son. So I feel we do have the management experience here. Just because two major competitors are denying it because they don't want us on the tow contract, I think is wrong.

Katz: Thank you.

Francesconi: Just one question. Well, a couple questions. When was this tow board hearing?

Hayden: It was august 15th.

Francesconi: Okay. And when did you first -- I guess I have to ask you, sir. When did you first become aware there was an issue about your management qualifications, whether you had people on staff who could handle your management, and there was a question about these references? Did that suddenly appear at the towing board hearing or did you know of this beforehand?

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Hayden: It suddenly appeared at the tow board meeting.

Francesconi: Instead of kind of -- wouldn't it be easier for you to go talk to your references and then get statements saying you did have the managerial experience instead of they said this? Because the reference we've got verifies the city's position and says contrary to what you just said from amb towing. So if what you say is true, why don't you go get references from these people and give them to us saying that you had the management experience?

Hayden: Sir, we were not made aware these references had questions until this morning.

Hales: So you could do that?

Hayden: I'm saying that we weren't aware there was any negative responses.

Hales: But given the opportunity --

Hayden: Absolutely.

Hales: You could get those kind of references?

Hayden: Yes, sir.

Saltzman: Including collins, towing?

Trawick: Jim collins sold it to his son, so i'd have to contact jim collins back in utah, so -- which I will do so and pay for myself.

Katz: Okay. Thank you. Come on up for a second. Thank you. What did we -- marion and jim and -- what did we miss here?

Gaylord: I think we need -- i'm marion gaylord, the towing coordinator. A small bit of clarification. The rfg with all of the statements of what requirements existed and what the experience that is required, was distributed in june of this year. And there was never any obfuscation of this. It's a standard that has been in existence for at least five years. As regards the references, I attempted to contact all of the references that were listed, and got no response at all from any except the two that did send the letters. I'm -- it is true --

Saltzman: At what point did you do that reference check?

Gaylord: I did not get those references until august 15th. I began the process of trying to contact those folks immediately, and I just received those two memos that you have yesterday. They were faxed to me. So I provided them to mr. Hayden as soon as I had them. But that was the first response that I had gotten on any of them.

Katz: Jim?

Jim Wadsworth, Director, BOL: I'm jim wadsworth, the director of the bureau of licensing, licenses and also the chair of the tow board. The tow board in fact did discuss the experience qualifications of whether it was the company or whether it was the employees to be sure that each of us on the tow board was clear on what we were looking at, since we did have a problem with this application, which we knew in advance. I might point out as well, i've got one of the industry reps here, steve preston is here from sergeant's towing, and he -- he'll speak in just a minute. The industry reps do not have a vote on the tow board. The other industry rep is from triple "a," and was formally with -- formerly with road one, and was very much aware of who the employee was and what the experience requirements were. And was there at the board meeting. So as far as references and as far as process, the one thing that the board looked at was, was there a way to enable this company. Our job is not to keep companies from applying. Our job is to get companies on that contract so that we can have sufficient supply to meet the demand that transportation and police and the city have. And the port. So that's the way we look at it.

Francesconi: So if they presented letters -- because I think the burden may be from my view, may be on them at this point, but if they provided letters of recommendation -- of reference saying they did have the -- this -- doug traywick has adequate management experience that his references check out, would you be okay with this application or not? Our are there some other reasons you're concerned?

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Wadsworth: Let me let marion address that.

Gaylor: Certainly a person could go out and get more reference statements about this. However, our job is not only to deal with the folks who are before us, but also the ones who took the time and the trouble, met all of the requirements, waited in some cases I have one company that it will be new this time, who has waited two years to apply. They started contacting me two years ago, but knew they did not have the required experience standard. I feel that it would be very unfair at this time, these folks have already had two bites at the apple, and i'm concerned that if we extend this further to allow them to scramble around and provide more documentation, that it's very unfair to the other applicants.

Hales: Make sure I understand, because I have to confess I haven't paid close a tension to the procedures of the tow board and I have questions about that as well, but the purpose of this exercise is not to allocate goods, right, in other words, unlike, say, taxi licenses, where they're limit and we're in effect allocating goods by granting those licenses. The purpose of this exercise is to ensure the city is contracting with people who can do a job for us. We don't have an interest whether there are two, 20, or a hundred such businesses.

Gaylor: That's not quite accurate. It is an all-comers contract, which means we will accept anyone who meets our standards. As a result we need to have high standards in order to be sure that we're getting good service, and the second thing is that I do feel that we do have an obligation to the companies who have also put extensive money into this and preparation to establish themselves to be able to handle this, because if we simply have -- if we take on more companies than there is business for them, we have a situation where we are going to get declining service, we are going to have more companies going out of business. I'm not saying this one company is going to cause that, but I think that is a reason that we really have to stick by our guns as far as our standards.

Hales: That's the subtext i'm concerned about. I guess I want to make sure I understand the denial that you just issued about how the board works. If there's a public policy basis here that we're trying to regulate a marketplace, which I wasn't clear on, but you in effect just inferred -- it's okay, it's all right, public at significance do that sometimes. I'm not sure if we should be doing that in any case.

*****: She didn't infer --

Katz: We don't speak from the audience. Thank you.

Hales: The part of the purpose is to regulate the marketplace so we don't have so many firms they go out of business, and -- okay. That's a reasonable theory, i'm not sure if I buy it, but it a reasonable theory. That's something I think jim -- I don't think we've ever talked about that, the towing board has not been that visible here. So maybe we can talk about that later. But does -- do members -- there was an allegation made here that towing companies sit on the board and get to call yay or nay on that entry question, you're saying that's categorically not true.

Francesconi: They don't vote.

Hales: So who does vote? What do they do in real life, the people on the towing board that vote? Are they in the industry, what --

Wadsworth: We have two citizen reps, one is an attorney, the other is an insurance. We have a representative from transportation, and parking enforcement. We have a representative from the port, we have a representative from the Multnomah county sheriff's, we have a police representative, we have myself as the board chair. I think I got them all.

Hales: Those are the folks that vote.

*****: Absolutely.

Saltzman: How many towing companies are on the board ex officio?

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Wadsworth: We do not have a towing company on the board as such. We have two industry representatives, and the -- they represent the entire industry and they are elected by the towing industry.

Francesconi: Folks, if we're -- if we think -- if the company -- if the towing board is there to designed to stifle competition and they allow 34 of 36 contracts, they're not doing a very effective job. If people are interested in a debate about the towing board, i'd be happy to talk to them. I think it is not broken. I think it is working just fine. The question the council now has to decide is, in my mind, do we allow the applicant to go check out two weeks to get better references to see if they met the criteria, or do we just decide now? And I think -- and then we can have this debate about the function of the towing board some other time.

Katz: Before you --

Hales: He satisfied me. That is as it should be. I just didn't know that. I don't need to debate that any further. I think they have it said up properly now.

Katz: Let me ask another question. Were there any other -- because you mentioned the equity and fairness issue. Were there any other applications that were rejected -- okay. All right. Sir?

Steve Preston, Owner, Sergeant's Towing: My name is steve preston, the owner of sergeant's towing, and one of the two elected representatives on the board. I've had that information for -- position for at least 11 or 12 of the 16 years i've been involved in the city of Portland tow contract. First of all, I do not have a vote and I didn't vote yes or no on the decision whether this safeguard towing should get a contract or not. Dale johnson is not -- he's the other industry representative, he is a triple "a" employee member, and he has no beneficial financially whether they get a contract or not. He did not get a vote also. My job as industry representative is to represent the towers' point of view, collectively all the city of Portland towers as it relates to issues that come before the board. The specific problem that I have with this company getting a contract is that the contract is very specific, it has simple yes-or-no answers, and the statement of qualifications specifically one of the questions on there has the company been a registered operational towing business for the last one year prior to october 1st, 2001. Their answer was no. They have not been. The second question, if the answer to question 20 is no, has the application substantially participated in the management of operation, including hiring, firing, financial operations for at least three years of the five years preceding october 1st, 2001. The answer is no.

Katz: And the applicant in your traditional definition of the applicant is --

Preston: The business owner. Not the sum of their employees. I'm concerned about a dangerous precedent that's going to be set here. If council allows a company to come on because they've managed to hire two or three tow managers that have combined experience of three years' management experience between them, and all of a sudden they can get a contract, i'm afraid two years from now all it's going to take to get a tow contract, if you have money to buy tow trucks and you can hire a couple managers from some other companies that add up to three years' experience, hey, we're going to give you a contract. And that's what this person is asking. He worked for me as a driver for two years and three months. He didn't have any --

Katz: Who is "he"?

Preston: Bill hayden. He was an employee of sergeant's, a little bit over two years. He didn't have any of the responsibilities of hiring, firing, making financial decisions. His job was to get in the tow truck and tow cars. Which he can do very well. But I don't have any reason to believe he has the financial experience to run a business and operate, do what it takes to do to operate for the city of Portland.

Francesconi: But now we've gotten to the root of it. You have one interpretation and mary, your questions -- mayor, your question were helpful. You have one interpretation of applicant, but I think the bureau, I think you may have testified to a different definition of applicant. So now that

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raises a whole host of problems. Which one did the -- the two questions are, which is it, historically, and what did the tow board think on that question?

Gaylord: Marion gaylord, towing coordinator. The board was willing to treat it, because this is a corporation, to say that does the corporation possess this experience rather than just simply mr. Hayden. So that's why the issue of the other employees came into consideration at all. And my feeling is I have no problem with them satisfying this with employees, assuming it is real experience. There are two levels of experience here. I believe as I understand it mr. Hayden has a certain amount of schooling in business practices, and has some understanding that way. However, from my experience in this job, I have found that towing businesses are peculiar, and there are peculiar needs and priorities that they only learn if they are actually in business. And doing the work of surviving in this industry.

Francesconi: The problem is now we have a factual dispute. They're saying they do have that experience, and you're saying they don't. Is there any harm, I don't know if we -- maybe we should decide right now, but is there any harm in them trying to flush out their experience and presenting it to you and us deferring it for two weeks? If there's harm, just say there's harm.

Gaylord: I'm not sure how much harm there is. I would remind the council that this contract starts october 1st. It is complicating, but, you know, if -- the board has made its best recommendation. We've done what we can to gather information. I don't know how much more time -- how open-ended we want to make the application process for this. In considering other contracts that the city has, if a contractor comes in, they make their proposal, they submit it, how much additional time are they allowed to provide information?

Katz: What I hear is that the board defined "applicant" a little bit differently, which was the reason for my question, the question I have is how does the code define "applicant" if it defines it at all?

Gaylord: The code does not address --

Wadsworth: The code does not address that. And --

Katz: Historically precedentwise --

Wadsworth: Again, mayor, the board attempted to give the applicant all of the leeway we possibly could and listen to the -- their reasons for first not meeting the process, and second, then trying to broaden that and -- in whatever way we could to see if there indeed was the experience there that would justify us being able to bring that company on board. And the board members decided that there was not. And we heard many of the same things. We heard some testimony that was one way when a question was asked, we heard testimony the other way when some question were asked. It went back and forth. But the board decided after discussion that it was not -- there was not enough experience there from the company standpoint as a new company, and I think steve pointed out that, or from a standpoint of the employee that's were there and their managerial experience in running a tow company. Which is significantly different than that of being a driver. And that was the -- those were the major considerations that -- from my perspective as the board chair the board considered at length.

Saltzman: Could you tell me -- one second.

Katz: Go ahead.

Harry Auerbach, Office of the City Attorney: Let me give you a recommendation if I can. The question actually has two parts to it. One is what do you do with the other 32 contracts that have been recommended, and the second question is what do you do with this particular applicant. As to the latter, it seems to me you have sort of three choices, basically. One is the tow board made a factual finding in essence that the applicant did not qualify. You can defer to the tow board's judgment on that fact question. Or you could do what occurs to be one of two other things. You can make a contrary finding yourselves or do what's been suggested, to provide for some additional time to resolve that question in some fashion that would be satisfactory to you. That's -- I think

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that's a policy choice for you to make. But given that the contract is due to start in october, I think if you're inclined to take additional steps regarding this applicant, you could approve --

Katz: You could approve --

Auerbach: If you want to bring back for an amendment --

Katz: That's where I was headed depending on where the council was --

Saltzman: I guess the answer to this question may help me figure out where I am on that too. For a company the size of safeguard, there must be, I don't know how many of the 32 are approximately the same size, what percentage of their revenue does the city represent? 10%, 20%, 50%?

Preston: I'd have to say it varies widely. There are some companies that the city of Portland contract is a very small portion of their overall business, and then there are other companies that almost survive exclusively for the city of Portland tow contract and have no other business.

Saltzman: I asked for a company of similar size to safeguard.

Preston: Similar sides, they have as far as I know, four tow trucks, and I don't know the number of employees, I think on their application they listed three or four drivers.

Saltzman: Let's go by trucks.

Preston: By the number of trucks? For those companies that have four trucks, that's the minimum requirement for the city of Portland police contract. They determine that that is the minimum amount of trucks necessary to perform this contract, so I would say those companies survive almost solely on the police contract, not based on other business.

Saltzman: Okay. Thank you.

Katz: Did you want to add anything?

Preston: I'd like to point out two other things. One of these I did point out to the tow board. On the application the statement of qualifications, item number 10 asks the applicant to list, attach a number of the first, middle, last name, social security number of all applicants, owners, part owners, partners, et cetera in the business. That's item number 10. Mr. Hayden I believe only listed himself and his partner in that category of item them 10. Then the contract goes on, on item number 28, to attach a list of all employees of the company, full or part-time, or any personnel providing services for the company. That is the location that mr. Hayden listed his management staff. Not his applicants -- not as applicants, but employees of the company. The second thing i'd like to point out, mr. Hayden testified this was a shock to him and he only became aware of it the morning of the tow board meeting. That's absolutely not true, because I had personal conversation was mr. Hayden prior to the decision made by the tow board weeks, even possibly a month earlier stating that I thought he had a legitimate problem with getting a contract because he didn't meet the criteria of the management experience. What he told me was he said, you know, i'm just going to apply and see what happens. That's all I can do.

Francesconi: I want to make a motion. What you just said helped me. Let me preface this motion by saying i'd like the tow board and the bureau to define "applicant." you can define it one of three ways. One is the owner, the other is managers of the company, the third could be every employee, the problem I have with this application was pointed out by your response. You could have an employee who has hired and fired a whole bunch of pens, but there's no guarantee they're going to be doing that in this company. They're not part of the management structure. So I define -- by defining applicant that covers every employee doesn't make a lot of since to me. But the board should consider that. I move that we approve the -- uphold the decision of the towing board and the bureau.

Katz: I do hear a second?

*******:** Do we get to respond?

Katz: Excuse me, ma'am. [no audio] just a minute, please. Is there a second?

Katz: Second. --

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Sten: Second.

Katz: Does the council want to give a response to the --

Francesconi: It's okay with me.

Katz: Mr. Hayden?

Saltzman: Would I like to suggest an alternative, and that is --

Katz: I've got a motion on the table. All right. Who wants to respond? I'm going to give you a second to respond to this. Dr. Berger, we don't scream from the audience. [no audio] you're still screaming from the audience.

Hayden: Bill hayden, safeguard towing. I have several points, but on the most critical point is the applicant. The applicant is safeguard towing. It's a corporation. It's owned by shareholders. Let's say, for example, baseball team owner, they don't need to have management experience of a baseball team, how they -- who had to -- how to teach pitchers how to pitch and batters how to baltimore. They just own the company. The management is what -- the coach is what makes those sorts of things run. I wanted to bring up another point that was maybe misguided the council and the mayor, the city of Portland has a tow contract that's called the statement of qualifications. There's a sentence in there that says the city of Portland -- something like, the -- fosters competition and will -- would like as many tow companies as possible because it will only behoove the city to have the most tow companies as possible, like the president of the council had suggested. The competition is regulated of course by the tow board, who would recommend companies being competent or incompetent to work and fulfill the contract.

Katz: Thank you. All right. There was a motion and a second. Further discussion. Roll call.

Francesconi: Aye.

Hales: I'm going to vote against the motion. I think we ought to in this case give the benefit of the doubt and give the commissioner in charge and the board a chance to ask for further information and review it further. No.

Saltzman: I think also given the confusion over the definition of applicant, I think that needs to be worked out. I think we should give safeguard the benefit of the doubt in terms of providing that information about management qualifications, and i'm particularly -- in answer to my last question, for companies of four tow trucks or so, this is their major source of business, so to say -- come back in two years, they may not be here in two years to come back, and I think that's counter to our encouragement of small businesses in this city, so i'll vote no as well.

Sten: I understand your point, it's my feeling that unless the towing board and the commissioner have made a material error, that this council ought to let these things stand, or this is what we'll do for 40 hours a week. Aye.

Katz: I would agree. You've got a good towing board and I think unless there is really a terrible injustice being done, I think their recommendation ought to stand. Aye. [gavel pounded]

Auerbach: Mayor Katz, this is an emergency ordinance.

Katz: Right.

Auerbach: So in order to award the contracts we're going to need a unanimous vote of some kind.

Katz: We'll take the emergency clause off and it will stand for -- until next week.

Auerbach: Somebody's going to have to move to remove the emergency clause.

Saltzman: So moved.

Katz: Hearing no objections, okay. [gavel pounded] 1106.

Item No. 1105.

Moore: 1105?

Hales: 1105.

Francesconi: Is there a chance --

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Katz: Your calendar has the wrong numbers on it.

Francesconi: We have this urban wildfire, but -- and there's people here, but it's going to be brief. It's up to you, mayor. It's your call.

Katz: Let's not have an argument here. I will make a decision on this. This is 1015 -- 10:15. We'll take 1105 if it runs quickly then we'll sneak 1121 in. All right. 1105.

Francesconi: Thank you.

Saltzman: To switch gears totally, let's move into a celebratory mode. We're here today to honor and remark the seventh annual prevention pollution awards the city presents to various people. And we're doing this abuse the week of september 17th through the 22nd is pollution prevention week, a national occasion of which Portland celebrates. Pollution prevention, we talk a lot about sustainability, pollution prevention is a key to sustainability. That means not producing pollution in the first place. So we honor people here who are active today in reducing and eliminating the source of pollution. As I said, this is the seventh year we've provided these awards. The criteria we look at are public, private Portland public schools, city employee or teams of city employees who demonstrate their equipment to pollution prevention, those who demonstrate an environmental benefit, an economic benefit, technological or management information, and sharing this information with others. The awards will actually present are in fact made of reusable materials, they were designed by a person named rob roy of re psychedelic, an artist who donated his time and talent to the design. The categories environmentally friendly mobility, sustainable business, Portland's green couple, recycling a natural resource, green power, clean rivers, indicating the future and sustainable development. With that i'll turn it over to linda.

Linda Dobson, Bureau of Environmental Services: My name is linda dobson, i'm sitting in today for dean marriott, who has just arrived late last night, he finally got out of london. So he is now back at home. He will be into the office shortly. I'm going to go ahead and read a little statement about each award recipient and then if they'll come up and receive their award, and commissioner Saltzman or the mayor if you want to present that to them, that would be great.

Katz: We'll leave it up to the award recipients if the council -- the entire council would love to shake your hand. So if you want that to happen, come across and we'll all do that.

Dobson: Okay. Good.

Katz: Otherwise if you don't, we'll understand. [laughter]

*****: And we also --

Francesconi: Darlene, you're fired [laughter]

Dobson: The first award recipient for the environmentally friendly mobility is linda ginental from the transportation options department of pdot. Although it's linda's job to promote the use of alternative transportation, she fully believes in it and lives in it. She -- her to for it attitude makes working with her ease and I her projects successful. The city of Portland's green team has collaborated with linda and the transportation options division for two years to promote alternative transportation to city employees with great success. Linda's efforts save the city moan and protect the environment. Considering that the largest single contributor to greenhouse gas emissions is transportation activities, you have to appreciate her efforts in educating Portlanders on ways to travel carelessly around the city. Linda is a great example for our Portland community on how to prevent pollution prevention. Thank you linda. [applause]

Katz: When you finish shaking hands, show everybody how this works.

Dobson: Our second category is for sustainable business. David ludkin from hot lips pizza. Environment, equity and economics are found throughout the organization at hot lips pizza. From the environmental standpoint, hot lips has cut down the number of single use disposable items available at their two restaurants and they have provided reusable containers for beverages and silverware instead of plastic. They purchase much of the components of their pizzas from local

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organic farmers, ensuring the freshest pizza and use local suppliers, reducing the need for transportation and fuel. They buy seasonably available products and utilize fuel efficient delivery vehicles. Hot lips calculates and tracks greenhouse gas emission contributions making changes in how they do business to ensure they help to reduce the impact on global warming. On the economic side, hot lips has prospered as a small local business in the community for over 20 years. There are many social issues associated with a business as well. They donate food to the food bank and also actively promote good working conditions for the seasonal workers in agriculture. They work with growing gardeners, growing gardens, which install gardens in low-income neighborhoods and the chefs collaborative, which promotes sustainable cuisine by teaching children, supporting local farmers and inspiring customers. Thank you very much. [applause]

Katz: And they deliver to city hall. Late, but it gets here.

Saltzman: They're also located in the new ecotrust building. That's their newest branch.

Dobson: Our next category is for Portland's green couple, darlene and don carlson. Their daughter quote that's she used to get dragged to duniway school carrying glass and other items for the recycling. Well known in southeast Portland, don and darlene have worked tirelessly to give back to their community. This is demonstrated through such efforts as forming a tree committee and organizing planting events for hundreds of trees and administering and creating the elm inoculation program to ensure the health of their trees for future generations. Darlene helped to found the women's environmental group that addressed concerns of water quality in the 1970s, and don has been long involved in land use and preservation issues. Their citizen service extends beyond neighborhood boundaries to serve on the forestry commission, the board of the friends of trees and the citizen advisory council for parks on golf courses. Both don and darlene travel frequently by bus and ride share in their daily commute. Thank you, don and darlene. [applause]

Dobson: Our fourth category, recycling a natural resource. The leaf recycling -- leaf recycling bureau of maintenance program at pdot is an award recipient and michael parker is receiving that award. The leaf recycling program at the bureau of maintenance begins its annual leaf recycling effort each fall. Prior to this effort, the leaves used to be taken to the landfill. The bureau collects leaves from city streets and heavily treed areas, and operates a leaf collection program and designates depots where the public can bring their leaves. The leaves are taken to the sunderland recycling facility where they are processed during the winter months and turn in addition compost. During the fiscal year 2000-2001, 21,000 cubic yards of leaves generated over 4,500 cubic yards of compost. For use on bureau projects or resale to the public. The bureau estimates that 70,000 dollars in sales will be generated while \$100,000 will be saved in dump and disposal fees. This 13-year program is successful due in no small part to the contributions of mike park, terry godsill, roger mathis, jim davis, ernie winter, bob derrickson, randy johnson and dick godfrey. Thank you to that great program. [applause]

Katz: Why don't you all stand up. [applause]

Dobson: The fifth category is for green power. The solar energy association of Oregon receives this award and accepting that award is doug bowlen. They are the recipient of the p2 award for educational outreach. This organization has provided to Portland and to Oregon for education of clean renewable energy. They have a long list of successful efforts, a few examples include educational events hosted and provided at omsi, kindergarten through 12th grades at schools, solar home tours, public events and fairs, and an upcoming teachers conference at metro headquarters. These events provide information to enhance the quality of Oregon's environment with solar energy. Other services include a lending library, staffed office for telephone inquiries, a web page, and an information quarterly newsletter. Thank you very much to the solar energy association of Oregon. [applause] our sixth category for clean rivers is lauren norris from the office of neighborhood involvement. Lauren works long hours within the downspout disconnection

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program, which is a joint project of oni and b.e.s. Downspout disconnection is the program that helps to educate Portlanders about the valuable resource that literally goes down the drain every time it rains. Lauren is the program coordinator and has been working at it for over six years. She tirelessly coordinates the volunteers for the disconnection season often repeatedly interviewing, hiring, and training canvassers and crew leaders throughout the summer. She also does canvassing herself as well as coordinating the volunteer schedules and working on disconnections personally. Lauren is also highly approachable and very capable of working toward innovative solutions, conflict resolutions, and other issues. When lauren's vision and -- with lauren's vision and dedication, Portland rivers are becoming cleaner every day. Thank you very much, lauren. [applause]

Dobson: Next award recipient is jean shiffers from lewellen school, an elementary school teacher. Last year her fourth grade adopted oaks bottom and got involved in reforestation planting, studied the environment there as well as related watershed issues. She utilized resources from b.e.s.'s clean rivers education program, epa, and parks to form a very successful upbeat partnership with resulted in her students developing a keen interest in the health and well being of their neighborhood park and water body. She managed to tie these activities successfully into her classroom curriculum to integrate science and language arts. With a successful environmental education program. Thank you jean. [applause] last but not least, our final award for sustainable development, lee and becky allred, who are developers. Lee and becky allred have upgraded their apartment complex in southeast Portland to make it more attractive, to increase its value and make it more environmentally sustainable. They are big advocates of doing the right thing. And are making a number of alterations that will reduce pollution, save energy, and provide an example to others. Already they have replaced all of the windows in the complex, installing energy saving vinyl units. Ultimately they will have installed a geothermal heat exchanger. The expectation is the heating bill will be dramatically reduced and the savings should pay for the new installation within ten years. The renovation also includes a new storm water system that manages all storm water on site? Landscaped areas and trenches. With almost two acres of roofs and parking lots, the project will provide substantial reductions in storm water flows that contribute to sewer system problems. And I understand it's also becky's birthday today. So thank you very much to lee and becky. [applause]

Katz: Thank you, everybody. Thank you for doing a good job for this community, for the city, for the state of Oregon. Do you have one more?

Dobson: We have one final statement.

Margaret Dobright: I'm margaret, I manage the pollution prevention for environmental services. I want to mention that in addition to the award that the recipients received today, environmental services revegetation program is going to be planting a tree in each of their honors, a symbol to remind others in the future of their good work today.

Katz: Thank you. That's nice. [applause] okay. Thank you, everybody. 1106.

Item No. 1106.

Katz: Let me just open it up for a second and -- shhh. This resolution is a joint application between vancouver, Washington, city of Portland, and Multnomah county for a federal empowerment zone designation which is granted by hud, which provides for federal tax incentives as well as up to \$130 million in bonding authority. Shhhh. In 1994, we applied for an empowerment zone designation. We didn't get it. We were designated an enterprise zone, community instead, i'm sorry. An enterprise community because we have an enterprise zone. In 1998, we prepared a joint application with vancouver and Multnomah county, and we won't discuss that any further. And this year, under the bush administration, we are applying again. In year there are no funds, at least as of today. Who knows what might happen in the months to come. But there

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are some benefits, and i'm going to allow -- i'm not going to allow, i'm going to let our folks to talk to you about it. I just want to let you know that i've had the privilege with mayor royce pollard from vancouver and the folks sitting before you and some in the audience, collin, working with them on several -- together at several meetings to try to resolve some of the little thorny issues in terms of which census tracts are we going to take, and which development sites are we going to use. Not only was it thorny for us in Portland, but remember we were also working with partners. But for the last couple of years, we have had such wonderful relationships with vancouver, Washington, not only on this issue, but also on the i-5 transportation issues, that this went very smoothly. And what have you in front of you are people who have taken the lead on this designation. Now let me just flag something that I know is going to be a sticking point with everybody. And there's nothing that we can do, and chair linn, who is also active in the meetings with royce and myself and bob and everybody else involved, the sticking point is that hud's requirement was the use of the 1990 census data, because we don't have the 2000 census data yet. And there's nothing that we can do about that. And we'll have a little bit of that discussion in a few minutes. So let me start. Who wants to start? Okay, mr. Alexander.

Bob Alexander: Thank you, mayor, council. With me today is gerald baugh from the city of vancouver and sam brooks, and because we don't have enough chairs, soon after that will be mr. Parker and mr. Cusack from hud. I'd like to do a quick overview and let the others give you a brief look at some of the issues that we were working with, and then we'll be happy to take comments. To start i'd like to say that the mayor and -- both mayors and chair linn have been very helpful in terms of the process and their time in order for us to make the very best application. We have some late-breaking news, hud called this morning and the application deadline has been put back until october 22nd. So that's news I think to everyone except perhaps hud folks here. That is good and bad. The good news is that it will give us more time to make an even better application. The bad news is it gives other communities the same opportunity. So we have to raise the bar a little bit in terms of programs and support is that we have already garnered and we've already kind of worked out a schedule internally that we'll be sharing with the group. As the mayor had said, the major benefit of an empowerment zone, it's a federal program that allows tax credits, 130 million dollars worth of -- \$130 million worth of bonding authority for jurisdictions outside of the state cap, as well as tax credits, which individual businesses can utilize. That offers up to \$3,000 tax credit for every person hired from the zone by -- as a business. That is good for eight years, so the equivalent impact is \$24,000 per employee hired and it's a substantial benefit. We are working with some companies that have already come up with some innovative ways to take some of those tax credits and but them back into individual development accounts or perhaps into potential housing accounts, or other things to share the benefit. And we will work now we have a little more time to work on that even further, which I think would be a tremendous benefit to zone residents and employment within the zone. As the mayor indicated, we are required to use the 1990 census, and there's specific requirements. Colin sears, who has taken the lead from pdc, relates this to a word problem that the federal government has come up with that you must have three noncontiguous -- you have up to three noncontiguous areas of benefit, no more than 20 square miles and up to 2,000 acres of development sites. So the map and -- that you have before you today indicates where those census tracts are, they basically include downtown, up the mlk boulevard and across the river into vancouver. The development sites include north macadam, central eastside, parts of the nina district in the northwest and areas surrounding those two census tracts in vancouver. The total again comes very close to the 2,000 acres. The total poverty level that this application would be coming up with is approximately 38% affecting approximately 42,000 people in the -- approximately 42,000 people in the bistate area. I think with that I will ask gerald baugh to talk a little bit about the bistate application, sam brooks will be talking a little bit about community and

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business outreach efforts, tanya will be talking a little bit about the bureau support, and tom cusack will be wrapping it up from hud. Gerald?

Gerald Baugh: Good morning, mayor and council. It's a privilege for us to be able to share with you and to set before you in this unique opportunity. We have been very pleased with the cooperativeness that's happened between our staff and with the pdc staff in developing the application, and mayor, you've been with the meetings, so you know we've worked through a number of issues that I think have gone very, very smoothly and we've arrived at a place where everybody I think feels comfortable with what we're trying to put together. I think the overall goal for us to be able to do is to come up with something that benefits the region as a whole. And I think with that we've tried to come up with situations that not only take care of the things on the Portland side, but also address the needs and things we had on the vancouver side. We feel the application and the area we have to work with is extremely beneficial to not only ourselves but also to Portland, and I think the thing we've been looking at is trying to develop if we get this designation, an outreach plan that let's people know the whole zone has unique opportunity for it. Our city council has been apprised of what's going on and on monday passed the resolution stating its support and the kinds of things the city of vancouver will do should zone designation come to us. In addition to that, wove also got support out of our governor's office as well as our local legislators who are very supportive of what we're trying to do as well. So we think we have a unique opportunity, a unique partnership, and we just think that working relationship, knowing as we share this same zone, can move forward with another unique step. So we look forward to this going forward.

Katz: Thank you. Sam?

Sam Brooks: Good morning, mayor Katz, commissioner Hales, commissioner Francesconi, commissioner Saltzman, and commissioner Sten. I'm here representing our current chair of the board, who had to take her daughter to college. Former cochair ron herndon, and former chair of the ec commission, and myself as the former cochair of the alliance. Question will give you copies of this, i'll go through it very briefly. Last december in the alliance's search for funds to support its work, hud's tom cusack forwarded information that included notice of a third round of competition for seven new urban empowerment zone designations. The alliance approached the mayor and the pdc to consider applying for the federal designation. Though there are no direct grant dollars at this time, the alliance review found that easy wage tax credit and federal bonding capacity provided in the designation were worthy tools for northeast. As you know, we've worked for 14 years and in coordination and cooperation with the Portland city council trying to revitalize north and northeast Portland. We think we've made a good step toward this, and we think this may just be the final step. Though there are no -- even though there are no direct dollars at this time worthy tools to innocent businesses to hire and retain low and moderate income employers who live and work within the zone, provide 130 million dollars in low-cost bonds for industrial commercial and housing redevelopment, capitalize on our current round one empowerment zone enterprise community, are worthy goals. After working with the pdc on the local Portland enterprise zone, the interstate urban renewal project the alliance felt assured if we use the never submitted 1998 round ii application as a base document, pdc could produce a winning application. Portland mayor vera Katz, vancouver mayor pollard and Multnomah county chair linn agree. The federal government requires the use of as the mayor indicated, the 1990 census, which matches with our existing 1994 enterprise community designation boundaries and the 1998 alliance vancouver williams Multnomah bistate partnership. Though it does allow inclusion of known new -- though it does not allow inclusion of no new or increasing pockets of poverty, that is a concern for us, even by 1998 standards, the proposed boundary still represent our best opportunity to show competitive economic need, jobs and business opportunities. Because every business within the zone gets the tax credit, we have identified ways businesses hiring the skilled professionals within the zone can share our

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percentage of their credit with a zone investment fund. The fund would be used to support zone efforts and connect the low-income residents to quality jobs and training. The alliance would like to thank mayor Katz, the -- the tireless and effective work of bob alexander and colin sears from the pdc, city of vancouver managers mark brown and gerald baugh and Multnomah county chair linn and manager steve pearson. The alliance has testified before the Portland development commission and Multnomah county commissioners in support of the application. We have cosponsored community forums in the northeast and downtown Portland as well as vancouver. We have attended business focus groups for small and large businesses in each area. All the major initiatives currently impacting the zone have been asked to contribute to the strategy to show what is currently underway. These strategies have been used to highlight how the es zone benefits will be used and marketed to help create wealth, economic balance and revitalization in the columbia empowerment zone. Finally, we have a bistate 28-member advisory committee representing everyone from our congressional delegation to regional state, local business and government. We have nearly 60 businesses, industrial, industry collaboratives, government, and community-based organizations committed to making this zone work for its neediest residents. We will use the zone to connect those residents to the job and business opportunities that will move them up the economic ladder, but not out of their neighborhoods. So we would certainly urge your support.

Katz: Questions?

Alexander: We have tanya parker and tom cusack to say a few words.

Katz: And then we'll bring colin up, because he's the one of course all of you can answer, but he's the one that's been answering most of the tough questions. Okay. Tanya and tom. Come on up. I just wanted to add, not only has the vancouver city council passed it, but the Multnomah county commission has and we're the last jurisdiction to do that. Who wants to go first?

Tonya Parker, Director, Bureau of Housing and Community Development: I will. Good morning, the bureau of housing and community development wholeheartedly supports this application, because for us we see it as a great new tool. We see it as a great tool for two reasons. It will link residents to jobs that are closer to their homes, as i'm sure you know, there are people from -- in northeast, southeast, for example, no are traveling to jobs in hillsboro and other parts of Washington county. So for us, we see this as an important job link tool. And also for those who don't have reliable transportation, getting access to jobs that are closer to their homes where they can still interact with their families, pick up their kids, we see it as an important new tool. We also see this as an important tool because it will benefit new and existing businesses as far as the tax credits that this designation inly in hiring. Just briefly, to again -- we enthusiastically support this and we've done certain things to show our support as far as writing commitment letters, our staff has been actively involved in helping to develop this particular -- and we personally at bac have been aggressively pursuing initiatives on our own that are showing promising sign that's will be beneficial if we get this designation, such as with our child care network and our lead hazard work. So again, we see this as a positive step for Portland-vancouver.

Katz: Thank you. Tom?

Tom Cusak, U.S. Department of Housing and Urban Development: Mayor and members of the council, i'm pleased to be here to represent hud today. I'll just talk a little bit about the empowerment zone process and the application that's bean submitted. I think one of the most important things reflected on what's going on here, I think it provides a concrete opportunity for the council and the city to demonstrate very specific commitments for small businesses in the empowerment zone areas which I think has some real tangible benefits. There's a tendency when we talk about tax credits to just offhandedly say tax credits and not really understand the value of those, but just as a frame of reference, I think a thousand jobs would qualify would produce \$24 million worth of tax credit benefits. Which would flow to the bottom line. And that's for every

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thousand jobs that would qualify in the environment zone. So it's a really significant sum of money when you add those numbers up times the number of jobs that are likely to be create and maintained. And perhaps the maintenance issue is more important today than it would have been six months ago for the empowerment zone, as well as our entire city. The other thing i'd like to say is obviously what we're trying to do with this application is to leverage what's already going on. There's a tremendous amount of activity that council and mayor's been involved in for years in the empowerment zone, so it's not like we're really starting from ground zero here. All lot of thing that's going on with the max line, the urban renewal stuff are all activities that fit in very nicely with the empowerment zone. The final thing I want to say is this. I think the lunch that sheila and I had last december at doris's cafe that probably would deserve a plaque, should we be successful in an application at some point in the future, because I think the dollars that we're talking about here would be a lot of dollars over a period of time, but it would be unfair for me to say that i've done the lion's share of the work on hud's side of this application. I want to specifically recognize doug carlson, the head of our community planning development division, sitting in the back of me, who's really taken the lead for hud to work with pdc and with other folks at the city put the application together. Doug came back last saturday night in dc via a 1,000 mile drive to kansas city and a flight from kansas city on, and has done a terrific job of trying to cult through some of the bureaucratic explanations we have to make sense for colin and pdc and the other folks and my staff has also been an integral part. But my role as frequently as the case was having the lunch and having the initial discussion.

Katz: Thank you, tom. All right. Let me -- grab the mike, colin. Why don't you just introduce yourself.

Colin Sears, Portland Development Commission (PDC): I'm colin sears, with pdc, and i've essentially been the day-to-day person on this.

Katz: Let me identify for all of you some of the issues that came up. I would be remiss if I didn't. Because we struggled both vancouver I think and Multnomah county struggled with these issues as well. One is the census. There was the desire on the part of Multnomah county to require rockwood and other census tracks. I don't know if you did the exercise to see if we in fact were able to use the community survey later on, whether that would have increased our poverty level or not. But after discussion, chair linn realized that that was not doable this go-around. The other one was st. Johns, to take a look at including st. Johns. Remember, one of the application needs to show as high a poverty level as possible. If we drop the poverty level by taking other census tracks, we're likely not to receive the award. So that was another issue that was -- that the group struggled with. The final issue was that in some of the census tracks, if you look at 1990, they are -- they may be communities where the employers or certainly the employees don't need that kind of additional help. And what we figured out with the group recently was to go to those employers and see if they can figure out another -- if they would be willing to provide some additional -- i'm sorry. Their benefits to somebody else. And the likelihood of that happening is much greater than we even anticipated. That we'll give us -- that will give us additional time, colin, and you can address that when I stop yammering here, to go back to some of these companies and say, thank you for your part of this group, but will you transfer whatever you get over to somebody who really needs it. Okay. Colin.

Francesconi: Just to add to your list, I asked the pdc if they could look at the cully neighborhood. So I appreciate the fact that you made the attempt.

Katz: They have basically taken every request very seriously, because it may have, and I underline may have looked differently if we had the 2000 census tracks. Colin.

Sears: Okay. I will just add sort of as a -- what we'll be doing the next two weeks as we -- we're going to primarily concentrate our outreach efforts with private sector businesses and businesses

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that employ the professional services type firms that are downtown to get them to agree to commit to a zone investment fund. What sam brooks had mentioned to kick back 50% or 65% of that tax credit into zone investment fund. Because those employees obviously don't need it, if we're talking about downtown residents who are making, you know, lots of money, good incomes. So that's going to be the bulk of our efforts over the next two weeks, just we're going to do another sort of blitzkrieg through those employees and industry associations, and get some -- look more for quality versus quantity, you know, maybe a dozen or two good -- a dozen solid commitments from industry associations and large employers would be -- have the most impact.

Katz: Colin, let me ask the question we asked at the last meeting. But the board will have the ability to identify the bonding -- who's to get the bonding.

Sears: Yes. That will be companies that would be able to get the bonding would have to get up to a 35% level of zone employees. 35% of their employees would have to live in the zone as well as work in the zone after two years. So to get to that 35% level, they're going to have to tap into the low-income residents as well as some of the professionals. We need that breads, we need those 42,000 employees to be able to get those to that level.

Katz: Okay. I think I laid out -- colin, did I miss an issue?

Sears: No. Everybody has covered the broad --

Katz: Further questions?

Francesconi: I have a couple. Remind me why cully could not be included. I accepted your reason, I just don't remember it.

Sears: Back to the word problem. We are only allowed to have one census tract that has a poverty level based on 1990 data, from 20 to 25% poverty level. And the cully neighborhood fit into that category. And so the cully neighborhood would sort of be floating out there as an isolated tract with a lower poverty level than the rest of ours. And it wouldn't have made sense as a solid contiguous application. So we were -- there were -- the rockwood tract, tract were in the same state there, there was also st. Johns, and the st. Johns tract was very large, about three square miles.

Francesconi: What's the connection to work force? Sam mentioned that with this benefit they're not going to get displaced from the neighborhoods. So what's the connection with work force?

Sears: The ultimate tie is to -- we are going to, through the governance board, come up with an ez wage voucher that employs -- employees can take to employers where they say, it will basically be a simple brochure-type thing that says, i'm worth \$3,000 a year if you hire me during the life of the zone.

Francesconi: What if they need training in order to get into a decent job?

Sears: We have commitments from work systems inc to train zone residents and as -- and then related to what I had just talked about with the zone investment fund, our idea would be that some of those funds would be available for work force training above and beyond what work systems inc. Already has.

Francesconi: You mentioned, sir, small business and getting this opportunity to -- giving this opportunity to small business. Our history has been mixed, let me say, in terms of getting these kind of benefits to minority businesses, for example. So I guess my question, colin for you or for bob alexander, we went through a long painful process to get a hiring agreement with teeth on the city's tax abatement policy that has some very good things in it. I assume that's the kind of things we'll see in this agreement. Eventually. Is that right?

Sears: This is a federal program, so essentially it's up to them to report this or take advantage of this on their irs. But we have a lot of power in our governance board to go out and determine how to market those credits, how to work with employees, employers. So the small businesses, if we are designated, will outright have access to these tax credits and be able to take advantage of them. We will not -- it's much different from our enterprise zone program, where people have to jump through

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hoops. They get it or they don't. Here if we get designation, any employer located within our empowerment zone will be eligible for those benefits.

Francesconi: Okay. Bob, could you --

Katz: Come to use a mike.

Alexander: I might just mention that the tax -- two things. First of all, this is a tax credit, so small businesses need to be profitable in order to take advantage of the federal credit. But from the training perspective, I think the other issue here is that this is a credit that businesses would receive and as opposed to colin mentioned, we hope to use a portion of those dollars to go back into this fund to be distributed. We do not have the same sort of authority, though, to develop individual agreements with people who might be taken advantage of this program as we do with our state program. So it's important to understand the distinction between a property tax abatement and a federal income tax credit. And this is certainly the latter. The other issue, though, is to the point of being small business versus large business, that there is an expensing allocation as part of the federal program that's up to I believe 35,000? \$35,000 worth of expensing, which it can be very important for small business, and it's a rounding -- so I think credits like that are specifically targeted at small business, and we expect to use that as an effective tool if granted this zone.

Katz: My thought is, if we do get the granting of this zone, we probably ought to have a council informal to clearly spell out what all the issues are, because there are other issues that need to be -- the council needs to know. They're good issues, but they need to know what other -- all the possibilities are.

Alexander: Excellent point, mayor. We also mentioned we would be coming back to council if granted this zone to look specifically about what could be done to assist zone businesses to be successful.

Katz: Bob, urban renewal areas, uras? What is it? Oh, bureaus.

*****: Sorry.

Katz: Further questions?

Saltzman: The qualified zone academy bonds that can be used by school districts, that's different than the enterprise zone facility bonds?

Alexander: It is. Those are for public-private Portland public schools that are focusing on -- partnerships that are focusing on -- our school district can use those if they partner with, and it does haven't to be a 50/50 partnership, it can be on the private side, in kind donations. So we have worked with the school district and --

Saltzman: Those partnerships don't have to include businesses within the zone? They can be anywhere?

Alexander: They can be any sort of thing. It can also be for private qualified --

Katz: Charter schools.

Alexander: That sort of thing, they can take advantage of this as well.

Saltzman: Is there an aggregate amount, like you said there's \$130 million --

*****: I don't know of a limit.

*****: There is a cap given to each state, and i've looked at some stuff recently in Oregon, i'm surprised to say there are places around Oregon that are looking very carefully at it, including places like voila with a.

Saltzman: Vancouver, Portland, all the school districts included are considered low-income districts?

Alexander: If the school district resides within the zone or covers the zone they would be qualified.

Saltzman: Last question was, on the map itself, where you show the areas with poverty rates above 25%, are the numbers within those shades the actual rate or are those just census tract numbers?

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Alexander: Census tract.

Saltzman: I was surprised to see, I guess that's because it's the 1990 census, the pearl district in some of these other areas would have that high of a poverty rate.

Alexander: We also were surprised. We also then took the 1996 american community survey data, which was done more recently, and frankly the map doesn't change very much. Even with 96 data. And of course we don't have 2000 data to use.

Saltzman: Okay.

Alexander: Although we know some very specific examples where things have changed, it doesn't look like it's been dramatic in terms of that period of time.

Saltzman: Okay.

Katz: That was sort of the good news, because a lot of us were -- had the same concern. All right. Anybody else want to testify?

Francesconi: Does the federal government have any way of reevaluating the basis for this on the 2000 census at some point? There's a disconnect here that they've created, not us.

Alexander: I think they would need to use the '90 census because the 2000 census suspect ready nationally. I suspect for round I v they'll switch to the most recent.

Katz: Okay. Fine. Anybody else? Roll call.

Francesconi: We need our citizens in many parts of the city, including this empowerment zone, need some help from the federal government. They have a responsibility and a role, and so it doesn't make a lot of sense, it's unfortunate we can't use the 2000 census, because this produces an uneven not completely logical result for cully or for st. Johns. But given the fact we have tremendous needs in these parts of the city covered, we really need to proceed with this. The issue that commissioner Saltzman pointed out, the qualified zone academy bonds are particularly needed by the school district who has some aging facilities that they have no idea or resources as to how to repair. And so that alone would be sufficient in my mind to justify pursuing this application. Having said all that, though, in addition to the question of how do you get some people voluntarily in the pearl to give up some of their benefits and apply it somewhere else, we really are going to have to see if their voluntary efforts to connect the benefits of the empowerment zone to the citizens who need it most, which means that training has to be part of this, and a targeted effort on minority businesses has to be part of this effort on a volunteer basis since it can't be mandated the way pdc has done very -- I think very effectively with the help of the alliance on the. Or else we're going to benefit people and still leave out a whole group of people and it's going to make the problems worse, not better. But I -- but I do believe people understand that there is a problem there and some voluntary efforts can help if there's some additional resources brought in. I know the mayor is working to kind of get the work force system more a part of this, but that's going to have to be essential for this to move forward. And finally, i'd like to thank everybody here to testified for the team effort, especially the mayor's work with vancouver. It's great to see these combined efforts. I'd especially like to single out bob alexander, because he's got a full plate given his responsibilities at economic development. And then to put something like this together as well deserves some special recognition. Aye.

Hales: Good work. Thank you. Aye.

Saltzman: This is an exciting grant application. I guess it's too bad it's an application of this point. I look forward to the day when we celebrate our award, and it does mystify me with the various noncontiguous and criteria that the federal government never ceases the come up with on how you qualify, therefore we have to fit our application into those criteria. The most exciting part to me, not only the job creation aspect and the business opportunity, but particularly these opportunities for school districts to access low-cost financing for not only capital structures, I was just reading it also includes equipment and up-to-date technology. So that's a very necessary and very needed

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element probably I know certainly in the Portland school district, no doubt it's -- adult it's the same in Vancouver as well. This is a particularly hidden gem that I really look forward to us seizing upon and coming up with those partnerships with the school district so they can access this money. Great work, and keep our fingers crossed. Aye.

Sten: I think it's a very intriguing application. I'm hopeful we'll get it and I that it's good piece of work. There are some federal strings that don't make sense, although actually I like a lot of pieces how the government has set this up in contrast to some of the programs that I think are very well mining but I haven't supported, what I like the most is it applies to all businesses big and small and we're not in a position of trying to pick which of a very few number of businesses are going to be the answer. It's really engaging everybody. And I think the federal government was right to do that. I think the decision locally, although it is kind of difficult at times to really link downtown to the other poor areas, I agree with for the simple reason that as great as it is to get jobs into northeast, most people who are not struggling who live in northeast don't work in northeast, so you have to tap the job base. I live in northeast and work downtown, obviously, so I think trying to get downtown businesses to hire people out of the lower income areas of northeast is very smart. I think that was a local decision to draw it this way and it was a good one. Howard Cutler has worked very hard on this and I think everyone knows Howard would not sign off on something that did not have direct impact on people who would need it the most. I appreciate the staff work and I'm glad to support it. Aye.

Katz: I too want to thank everybody. There are a lot of wonderful people that have been working directly. Colin specifically has been point person on our side, and so I want to thank him. But I also want to thank Washington and Vancouver, Washington, because that will add another benefit, I think for us in terms of getting the award that it's a bistate award. Having said all this, I always ask the question, what if we don't get it? We've gone through all of this, what happens if we don't get it? And then I answered the question. I actual -- actually the benefit is that a lot of companies have been contacted with the issue of hiring from poor neighborhoods. On both sides of the river. And companies who probably don't need those credits have always -- also been contacted and asked to help. So if nothing happens, we at least have a wonderful list of employers that we will follow up with and see if we can sort of extend their generosity without a program to see if they would be willing to do I advise something voluntarily with us. So that's the good news if we don't get the award. Aye. [gavel pounded] thank you, everybody. All right. Item 1120.

Item No. 1120.

Katz: Officer Wade, you've been here all morning. Did you want to say anything or did you just want to make sure it passes? Come on up.

Victoria Burton, Portland Police Bureau: Thank you, mayor and council. My name is Victoria Burton. This year we did -- we only received about half of what we had asked for. The only thing it's going to do this year is to secure the position of my assistant, valley deon and also pay for some other expenditures within our program. But I guess one thing that is good about receiving that money is that there were a lot of people who did not receive any dollars from the state of Oregon grant who had received money in the past, and I think the city, the entire city is that the state looked at our program and thought it was one of the best in the state in terms of dealing with direct services for people, crime victims from our diverse communities.

Katz: Thank you. Questions of Victoria? Thank you, Victoria. Anybody else want to testify? Roll call.

Francesconi: The best because of you. Aye.

Hales: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Good work, Victoria. Aye. [gavel pounded] all right. 1121.

Item No. 1121.

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Francesconi: Thanks, everybody. Thank you for your patience, those that are coming forward. We have a team effort. We've got this down that I think everybody's on board. It's led by the fire bureau, but there's different parts of it. This is chief wilson, this is jim crawford, the fire marshal, and deb lev from the natural resources side of parks. But we also have in the wings and I appreciate you're staying, linda, b.e.s., linda dobson, and opdr. I don't see margaret, she couldn't be here. And i've forgotten your name. Scott. So what -- the fire side of fire and rescue is in the business of fighting fires, which they did again last night at -- in the burlingame neighborhood that -- boy, every time I go there and watch the professionalism of the bureau, it's amazing. But we're also in the business of risk prevention -- of trying to lower the risk of fires. So the wildfire in the city, our goal is to be able to handle future wildfires which will occur, given the amount of fuel that's in forest park and other places, and reduce the risk such that we have the very positive result that happened on the bluff and not the devastating result that happened in oakland in 1991. We can't say that that's never going to lap, but our job is just trying to reduce the risk. And to do that takes a real team effort. So -- and it takes a collaborative approach. So I want to acknowledge again jim crawford for his work on putting this team together that was even more difficult than the fee issues with the businesses, for fee inspections. And I didn't think i'd ever say that. I guess I want to emphasize to the council, this lays out the process and there's four parts, and that many bureaus have key, if not lead roles on the four parts. And we added a fourth part, which is kind of the forest practices that actually parks is going to take the lead on. And I think the council will be very pleased with that and many of our citizens are. So chief wilson.

Ed Wilson, Fire Chief, Bureau of Fire, Rescue and Emergency Services: Thank you, commissioner. Mayor Katz, members of council, ed wilson, fire chief. We're extremely excited to be before you to help -- to present to you a plan and a collaborative process that will help us develop and implement our urban wildland hazard zone. The fire that occurred on august 8th of this year on the bluff over near willamette boulevard I think just helped remind us of the risks we have here in the city in our wild land areas. There's been a tremendous amount of work on this plan and at this time i'd like to turn it over to the fire marshal, who has spent a tremendous amount of time developing this plan.

Jim Crawford, Fire Marshall, Fire Bureau: Thanks, chief, mayor Katz, members of council, jim crawford, fire marshal for the city. I think most of it's already been said. An important element of this is having a resolution from council keeps this issue in the forefront. Fire is one of those odd advertise that tends to lose public attention when you haven't had one for a while, which means our prevention efforts are paying off. But as a commissioner pointed out, we understand in talking with some of the experts in the field, much like the 500-year floodplain, we're not talking about a matter of if, this happens, but when it happens. And the steps that we're proposing in this resolution and that we have proposed in our draft report we feel will -- it's actually a state of the art of the thinking in our field today about what kinds of mitigating steps should be in place to minimize the damage when an event like that occurs. Concurrently through our discussions with other bureaus, there's actually a converging of interests here between public safety on the one hand and the desire for an environmentally healthy city on the other. I'd like to applaud the other bureaus who've come forward and worked with us on this issue and I think the process we have outlined here do two steps. Working with opdr primarily on the construction features of homes to make them more hearty, easier to withstand an urban wildfire situation, and then finally and I guess most importantly, working with parks, working with b.e.s., working with planning, endangered species act program, to process through the issues of how we can combine our desire for public safety and improve the environment at the same time through what we call vegetation management, which is beyond state of the art, in fact I don't know of anywhere else in the country that's really tackling the

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issue quite this proactively. I'm really hopeful for what we're going to be able to come up with here and having a resolution from the council keeps that impetus.

Katz: Thank you.

*****: I just wanted to add --

Katz: Identify yourself.

Deborah Lev: I'm Deborah Lev with parks and recreation. I was asked here to just clarify the fourth item on the agenda that in addition to in the resolution, in addition to working with the other bureaus and looking at a vegetation management policeman program and reconciling some of the issues about fire risk prevention and environmental protection that are in the code, we in parks are looking forward to joining with our colleagues in b.e.s. And esa program and looking at very specifically what we can do inside of those natural areas, getting on to the ground in the forests and saying, how can we best manage these areas to maintain their environmental integrity and maintain wildlife habitat and water quality benefits, and open space benefits and at the same time reduce some of the fire risk. And that might look like some amount of thinning or prescribed fire or in particular looking at the understory and maybe changing over some of the invasive vegetation which tends to be more fire prone that appeared in the bluff fire to trying to revert to some of the native understory. So we're looking forward to that effort and joining with these other bureaus.

Katz: Thank you. Questions? Thank you. Anybody else want to testify? Roll call.

Francesconi: I just want to lay it out a little. It will be very brief. So the zones, first step will be to identify these wildfire zones. And fires taking lead on this, there's standards that have been set by the state, and it allows the second step, which is building materials on construction, and we're going to draw these tightly even more tightly than we could have. So that's number 1. Then the issue of construction materials, and this is where Margaret and OPDR will be right there with fire if not taking the lead. We'll -- we're working to the with they'll. She's already identified seven things that she thinks we can do in a rapid period of time that will reduce the fire hazard. I have already talked personally to the home builders, others have talked to the realtors. I'm confident we can get that taken care of. But we want to make sure we have a public process. So that's second. Then the third step is the vegetation, which we really do need a collaborative approach. There is proposals where you limb trees or remove vegetation within 30 feet that are just suggestions that others have given the fire bureau. But then in a very healthy discussion with b.e.s., there's -- and Jim was referring to this, there's plant material that is native plants that are fire resistant that could potentially accomplish the same thing. That's a group that we'll have some work on work through, but I'm confident we can get there. The last piece is the forest management practices. Council, I want you to look at Deb and realize that it was your investment in managing the natural areas and finally putting \$300,000 that allowed us to hire Deb and Mark and some other people. So now when we go into these meeting and we're trying to actually do science research based on what's going to really happen with the biology and the science, and manage our forests, we can do it with some assurance that we know what we're going. And that's why it made much more sense to have parks and fire on the lead role on the fourth side. So thank you. We can pull this together. We can reduce the risk next summer in a way that's -- that protects our most precious asset, our environment. Aye.

Hales: Aye.

Saltzman: This is a good proper process, and it's a process that apparently from what I've learned from institutional history has been tried in the past and has never quite reached fruition. And I think I certainly commit as the bureau of environmental services commissioner to work with commissioner Francesconi and all the council to really if there are issues that seem to fester at the staff level, bring them up to us and we'll settle them. But I particularly want to say that it's really a good collaborative effort here and particularly I'm pleased to see the natural resources division of

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parks taking the lead on this. I think they really are the appropriate ones to deal with the natural resource area issues, and in conjunction with b.e.s. I think there's a much better understanding between those two offices of the roll of -- role of native vegetation and preventing fires and resisting fires, and I think that's really the area we have to look at a lot, because some of the conflicts of the past over these types of policies have been how do these affect our environmental zones, how do they affect storm water runoff, and all legitimate issues that all have to be -- they're am part of the mix and they've got to be worked out, but if there are thorny things that can't be resolved at your level, just kick them up to us and i'm sure we'll work them out for you. Good work. Aye.

Sten: Aye.

Katz: Just want to remind everybody we do have environmental zones, we have e zones, we're going to be upgrading those e zones, the whole reason for e zones is to keep vegetation and trees and all those wonderful things. So before you make any drastic decisions on -- keep that in mind. Aye. [gavel pounded]

Wilson: Before we step away, i'd like to thank you all for the support and wording of encouragement you've given the fire bureau and the police bureau during this last week. With your support it's helped a lot. Thank you again.

Katz: Thank you. Item 1122.

Item No. 1122.

Katz: All right. Come on back for the second time. If I recall correctly, there was a lot of discussion here, some disagreement, nothing terribly serious, but worthwhile for you to go back and take a look at a variety of issues.

*******:** Right.

Francesconi: One major one.

Katz: The major one was the use of the open space, and it's -- well, you go ahead and do the introduction. Go ahead.

Dave Yamashita, Planner, Parks: Thank you, mayor. I'm dave, a planner for Portland parks and was the project manager for the master plan project. And we have several people here who are on the committee, i've also asked nancy, who was the project manager for the soccer task force back in 1997 when they looked at dickinson park as well to offer -- to answer questions about that as well.

Katz: Okay.

Francesconi: I'll ask the question and you can answer any way you want. I was the one that took the lead, because commissioner Hales was raising a legitimate concern to make sure that we have soccer available for all our kids and their families as -- especially in southwest. Because it's popular there, it's good for kids and it would be nice to have it nearby so they don't have to drive for a local of environmental reasons. So why not a soccer field on dickinson park?

*******:** Okay. One of the -- there were several things we looked at in the whole planning process, and these are outlined in a memo. One of the things that was a constraint was the slope of the site. The slopes are about average between 15 to 20%, and that was a real issue. And this is also a neighborhood park, where we are under our planning stashed provide a playground -- standards provide a playground, paved walkways, some of the traditional things you find in most parks. And it was difficult when we looked back at the grading plan that had been done back in 1997 to actually site all of those things and have a field at the same time. The other one of the other drawbacks of trying to locate a field was that it was not going to be possible to provide a paved path from 55th to 57th because of the slopes. As it is when you look at the master plan and the site plan, you'll see that the path takes several broad and sweeping switchbacks, and that's to try and make the grade accessible. If we -- when we superimposed a field on the site, it took up most of the meadow area and it was just not going to be possible to make up the grade in that way. The environmental

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impacting I talked about as well before. The soccer field task force actually did their work before we identified wetlands on the site, and when we -- again when we superimposed the plan on the site it was clear that the field was going to -- there was going to be grading and wetlands areas and that was not something we felt was a good thing. So for a lot of these reasons, again, going back and looking at the work that we'd done and then looking at the work that the soccer task force had done, we again concluded that this was probably not going to work at the site.

Saltzman: What about a ball field?

Katz: Let him finish. Do you want to testify on that? Did you want to add anything on this issue?

*******:** Again, that the --

Katz: Identify yourself for the record.

Darian Reese: Darian reese. Again, just to concur that the citizens advisory committee, when shown the information from the task force and when as other information came out with some of the inventories and studies that were done during the master planning process, it became clear that the -- there were cost and environmental constraints on doing a soccer field there. And the logical -- the logical and most asked-for use in our requests and our dealings with the community was for a playground structure.

Saltzman: I asked last time about the notion of a ball field. And not a ball field with lights, but just a diamond where people could play softball.

Yamashita: And we ran into the same issue with the soccer field. Because of the slope, again, it always comes back to the slope and the soils. There would be so much grading to even carve out an area for a small softball field, that it was difficult to, number 1, get the path up to the -- between the two streets, to minimize impacting on the wetlands, and to think about the number of people using the site and it is a neighborhood park and the impacts on the neighbors, but I think the slope was the important consideration, commissioner. In the plan there is a recommendation to try and carve out small flat areas of I think we said 20 feet wide where you can do -- have some picnic tables or some other informal activities, but this is -- it's one of those sites essentially where it just became difficult to try and include many things without creating unacceptable impacts on ash creek, the wetlands, and all these other areas. I would like to add too just one thing. In response to I think commissioner Hales's concerns, when we started the project, I emphasized to the committee that we needed to be looking 20 to 30 years down the road, that we needed to think about not the people who are there now, not just the people who are there now, but also the people who are going to be moving in. And the dilemma that we have, sort of the challenge I guess is how do we accommodate use that's we don't even anticipate, or -- and accommodate more people in the future? So I tried to emphasize that on the committee, and all the -- at all the meetings, and there were several people on the committee who brought this up on their own and I think stressed this to other committee members, that again, this is not about serving just people who live there now, but people who are going to be living there in the future.

Saltzman: That was exactly the question I asked that you look at last time, was what are the demographic trends portray, and I guess my guess is the demographic trends portray that there will be more children and more families in that area 20 or 30 years than there are now. I think right now there's a lot of older residents, single residents occupying large homes in that area. Isn't that in fact what --

Yamashita: Yes. We found out in looking at some of the census information it just sort of looking at the people who came to the meetings to the open houses, to the workshops, darian is an example of someone who moved into the area, didn't have a child when she moved in, now she does, and there are other people as well. So I think we will see a turnover and more people, more children moving in.

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Reese: I would like to speak to that. We have especially in the last year have seen a big turnover where the houses that were owned by older homeowners have turned over to young couples, and to families. And we did a little touring this weekend and just what we could do in the immediate streets around the neighborhood were able to round up 95 kids just in the immediate streets in that area. And we're starting to raise funds for playground, we'll find the rest. A huge insurgence of young families in the neighborhood in our opinion.

Katz: Identify yourself for the record.

Jer Retzer, Acting Chair, Crestwood Neighborhood Association: Acting chair, crestwood neighborhood association. Also identified a number of couples expecting and planning to have kids.

Katz: Let me ask, I -- as you all know, I love demographics and looking at the trends. And I noticed in an article in "the Oregonian" a while back that showed the reduction of number of people living in some of these big homes, and they were in the more wealthy neighborhoods. And I know that the council has fretted about what happened to all the kids, and concerned about their future. And it dawned on me that singles or couples, married or unmarried, are living in these large homes right now that's the reason the number of folks in those census tracts have dropped, but they are eventually I hope going to have children. And so in the next couple of years you anticipate exactly what you just described.

Retzer: Actually, mayor, crestwood might go a little bit counter to a lot of the neighborhoods because our homes are on average kind of smaller, and older so we have quite a few what I would call almost affordable homes, so it tends to I think it's actually going to tend to attract more younger families and -- than a lot of the neighborhoods.

Katz: You may be right. All right. Further questions? All right. Anybody else want to testify? Roll call. Oh, you want to testify -- roll call.

Francesconi: Just two points. One is I support --

Katz: Excuse me. Did you want to testify?

*******:** I will.

Katz: Okay. I went too quickly. I'll withdraw the roll call request.

Robin, 5103 SW Alfred St.: My name is robin, and I live at 5103 southwest alfred street, about two blocks away from the park. I have four children and so -- and i'm a soccer mom. I have two of my kids play socker and one is a referee. And so I went to my kids to ask them what they would want in a park. And -- because they would probably use it the most in the family. And even with them being soccer players they said we want a playground. We want a place in our neighborhood where we can gather with our friends, because they don't have that now. There's no place where kids, let's go meet somewhere. It's either at someone's house -- there's no central gathering point. So they're really looking for someplace like a playground where my teenager can take my 5-year-old to play there, or my middle schoolers still love to play on playgrounds. That's what they're looking for is a meeting place. And I would love a soccer field in our neighborhood, but I really have concerns about the slope and the grading, the environmental effects. It would be great to say kids, go to practice and they can walk, but I don't know if it's usable with the costs and the grading there, if it's something that -- if that money could be spent in the parks program somewhere else in a better way.

Katz: Thank you. Did you want to testify? Come on up.

Din Troung, 10421 SW 55th: I live on southwest 55th. My wife and I are young, we just moved into the neighborhood. We're kind of that demographic you're talking b we moved in from -- we grew up here, then moved away, and eventually found myself in california. We came up here basically because we wanted a community to raise families. So we loved the house we live at now,

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we live next to the park, and having a playground would be perfect. Because we want to have a family within the next couple years. The idea of a park is perfect for us.

Katz: All right. Anybody else? Okay. Anybody else want to testify? Come on up now.

Margaret Ballard, 10453 SW 53rd Ave.: I live at 10453 southwest 53rd avenue, a block from the park. I have two children, a fourth grader and a seventh grader. I did an informal survey, we were trying to get demographic numbers for you, and I spoke with marquam and they suggested talking to student transportation at Portland public. We got some rough numbers based on the count last spring, they didn't have their -- they're working on this year's counts right now. But in our area that the park would draw from, they figured approximately 185 kids from marquam, and about 118 from jackson lived in that area this. Doesn't include any of the preschoolers or babies or yet-to-be-born children we don't have. But we're figuring at a minimum of just the children that go to public schools in that area, there are 250 to 300 kids in the elementary and middle school age. Robin was talking about her high schooler wanting a playground to meet with her friends too. So there's lots of kids in the neighborhood, and lots of people use the park, lots of adults use the park just to look at the sunset and have a nice open space to sit there, we go down there to watch the stars, we can -- that's one of the few place that's isn't treed so we can see the stars there, and it's just a pleasant place to have as a neighborhood.

Katz: Thank you. Roll call.

Francesconi: This is one that I think we need to listen to our citizens and our staff on and approve this program. We've had two citizens groups look at this, so we've had this committee look at it, and I do believe it is our responsibility to make sure the committee is balance and takes into account the issues of our children, including things like soccer, and I think you have done that. For us to not support this would be to go against the process that we the council just set up not very long ago, that this is the way we were going to do business. So that's issue number one. Number 2 on the citizen side, we've had a citizen task force look at this site, a soccer task force that reported -- who concluded this was not appropriate for soccer. The third thing is, I talked with staff, david and others, and they had very strong feelings that the citizens are right. Especially because the amount of slope damages the environment. So just like it would be nice to -- from a fire safety to clear out 30 feet away from zones, the times have changed since prior soccer field were built at gabriel park and others, and we have environmental restrictions, not restrictions, concerns that we have to balance. So to do the amount of grading, even the soccer -- though soccer is very important, tips the balance in this particular case. Having said all that, you folks that are out there, maybe i'm doing this too much, although I was accused of doing it inappropriately recently, but here we need more soccer for our kids. And -- as we protect our environment. And we can do that. But to do that we need more resources in the park system so we can light fields and have artificial turf on fields. It -- and we need that. And we need it now, yesterday. So to do that we have to pass a capital bond measure. And we need your help in doing that. Thank you. I'm going to be -- aye.

Hales: Well, i'm going to vote for this, but I want to try once again to return to the larger question. And I probably didn't go to the larger question in the right way, because we were asking a bunch of people looking at a particular site to think about a corporate problem that the parks bureau has. And granted, nan sis's -- nancy's committee did a good job trying to figure out how to spend too little money on the last bond measure on soccer fields in southwest Portland and concluded this site would be expensive to develop. This committee looked at this site and concluded understandably that we want an -- a quiet low-impact stuff in our neighborhood park, we don't want a soccer field, and I can't blame anybody for reaching that conclusion. The problem, I feel like the kid in the story the emperor's new clothes, the problem is a corporate problem for this city council. And for the parks bureau. Which is jim, regardless of how much money we have, I believe that this is probably the last place in southwest Portland where one could site a new soccer field. Somebody needs to

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flame another five acres that's this flat and this open. I don't think it exists. And Nancy's committee concluded that it didn't exist either. I didn't put David on the spot, but he knows the answer to my question, which is that the sites where we now have soccer fields, Jackson School, Gabriel Park, have a steeper underlying slope than this one does. When they started grading those sites, they were steeper than this site. And they had more trees on them. So here's the hard truth, which is, we're not going to be able to site anymore soccer fields in southwest Portland. Now when these kids are a little older, I'll predict, like my kids did, they're going to be in soccer. When gasoline costs more than it does today, a thousand cars every morning will start their engines on Saturdays and drive ten miles to the east side to take those kids to soccer games. That's not good public policy. So I think that's a common sense problem that we have to face in this community. Unfortunately in this case common sense has gotten pushed aside by an otherwise valid public process. I think that's a missed opportunity. Someday somewhere, and nobody can answer that question, everybody says not here, not here, it's a wetland, not here. Where? If not -- if we're not going to force these parents to drive to the east side in gasoline-burning automobiles to take their kids to soccer games ten years from now, where are they going to do it? Aye.

Francesconi: Reike.

Saltzman: I appreciate the information you brought back to us, and I certainly tend to agree that even though I am one of those parents who fires up my engine on Saturday morning this site wouldn't work for a soccer field. However, I do want to say that I guess I'm still not convinced add small softball field or even a basketball court which we didn't even get to, is something that kids when these kids grow up, like I said, you don't play in playgrounds once you're sort of out of fifth grade. You may go hang out there, sure, and sometimes you don't really want to think of the things your kids are doing when they're hanging out there. But in terms of active recreation for those kids who get into middle school, a pickup softball field or a basketball court are still things I hope will actually be looked at in the future, though I do have concerns once we adopt this master plan that things tend to be frozen in time for time in memorial. So I hope we'll -- there will be flexibility and certainly the demographics tend to suggest there may be an overwhelming demand for these things, so maybe once again when the citizens reconvene at some point they may decide this is an appropriate adjustment that can be made. Aye.

Sten: Well, I think clearly the least expert on what is a soccer field and what isn't of all the minds that have been working on this, but I think you made a good judgment and I'm glad to support it. Aye.

Katz: Let me thank the citizens and the staff. You got grilled by some of the council members, and you came back and I think your decision was a wise one. And I hope as Commissioner Francesconi says, that at some point we'll realize that this community needs to make those kinds of investments for additional park spaces for soccer or baseball, or a couple of hoops to play basketball. And a playground. So I'm happy to support your recommendation. Aye. [gavel pounded] thank you, everybody. There is one more. 1124. -- 1123.

Katz: You gotta go and play in the playground. Go. All right. Go ahead.

Item No. 1123.

Saltzman: Just a brief statement. As you may recall, Portland is a leader in recycling in the state, although we may have slipped one point and Eugene may be a point ahead of us. I'm sure our people would dispute that. Anyway, our goal is to get up to 60% recycling rate so we can really establish a margin of comfort there and as you recall from previous discussions, the biggest untapped way we can do that is getting food waste out of our waste stream, primarily from restaurants and grocery stores. This grant really is for Metro and it's to help us conduct focus groups and more interviews with food waste generators in preparation of eventually soon filing an ordinance requiring that food waste be recycled. We have been doing pilot projects, they have

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shown so far to be very successful in a lot of interest in -- among grocery stores and restaurants in making this work and so we want to put the program on the ground that's going to work well not only for the producers of the food waste, but also for residents and ratepayers. And we think we're on the way to doing that. This grant will help us get there.

Katz: Anybody want to testify? Roll call.

Francesconi: Two good reasons to do it. Number 1 is it's the right thing, and number 2, beat eugene and get back to number one where we belong. Aye.

Hales: Aye. **Saltzman:** Aye.

Sten: I appreciate the challenge from eugene. We've got to rise to it. Aye.

Katz: Listen. Some of us who grew up in the stone age recycled these foods a long, long time ago. So I hope that Portland can get with it and require that of everybody in this city. Aye. [gavel pounded] we stand adjourned until 6 o'clock.

At 11:49 a.m., Council recessed.

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Katz: Karla, please call the roll. [roll call] karla, why don't you read this item again.

Item No. 1124.

Katz: Steve, -- stevie, are you all alone?

*****: I believe Carrie is also on her way.

Katz: Okay. It is my intention to fine lies this and take it to second reading next week and put closure to it. And let me -- before Carrie starts, after reviewing some of the issues some of you have raised, it is not that we don't agree with you, it is they -- there will be other opportunities in other work if we ever get finished with this, to start and deal with some of the issues that you've identified. Design issues and other issues that have been mentioned. Okay. Let's sort of start and recap where we are. Why don't you bring the mike closer to you.

Cary Pinard, Bureau of Planning: Cary pinard, bureau of planning. When we've been here in the past you've let us know this is not your favorite project. And I just wanted you to know that we understand and we don't take it personally. Here we are back again. We spent a lot of time on this. It's not going to be a perfect code, it's ten times better than what we have now. The point you made about there are procedure projects we can address ongoing concerns is what I wanted -- one I wanted to make. Stevie has a good quick power point to get us up to speed, and that's all I want to say.

Katz: Okay.

Stevie Greathouse, Bureau of Planning: Stevie, bureau of planning. When we were before the council last time on this topic, here on May 16th and a work session on June 27th, we gave you -- gave the council an overview of the project and where the project was at. I'm not going to revisit the overall topics addressed by the entire project. I'm going to try to keep it to what the staff heard as council direction at the end of the June 27th work session, the work we have done since then, and a summary of the amendments that are being presented to the council today in the materials that you've received.

Katz: All right.

*****: You're not up there yet.

Katz: And for -- what's the matter? You're not getting anything? Karla, do you have to press another button? You're going to have to do it without the power point.

*****: Okay.

Katz: This is the hard copy we've got in front of us?

*****: Yes.

Katz: Do you want to walk us through?

Saltzman: We have it?

Katz: I just want to -- for those on are here to testify, we are not starting from scratch. We have made as a council some decisions on last meeting that we had, but there were some issues that the council asked planning to come back to us with, Stevie will review those. Those are the issues we'll have public testimony on.

Greathouse: And bearing in mind previous problems I've had with the power point presentation, the council does have hard copies of this presentation before them. I'll try to run through it as quickly as possible. When we left council at the hearing on June 27th, we received direction to prepare an amendments report with detailed code for specified topics, and we also received additional direction to check into some legal issues that had been raised by Arnold Rocklin and others in testimony to prepare amendments related to those legal issues if those turned out to be

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necessary. And -- in terms of the amendments we were specifically directed to prepare code and commentary language for, those were related to protection of seeps and springs, we were directed to work with staff and the bureau of environmental services and bring code language back that more specifically protected seeps and springs. We were directed to work to create code language that more specifically protected trees on the land division site, and the council on June 27th directed us to continue to work with both bureau of environmental services and the city forester to see what we could come up with in terms of language for specifically protected trees on the land division site. We received direction to delete the requirements for off-street parking that were in the recommendation that was before the council, to clarify and rename regulations related to green streets, people felt the term "green street" was confusing, among other things, and we were directed to prepare amendments to green streets. We were directed to prepare amendments that would take traffic impact criteria and apply those criteria to all land divisions under the recommendation. They were not allowed to all land divisions. Directed to prepare code amendments that would allow a tiered approach to the regulation of land divisions in the flood hazard area. And in addition, we were directed to prepare -- amendment language for 22 additional minor amendments in addition to amending the recommendation to resolve outstanding implementation issues at the office of planning and development review had raised. And we were also directed at that time as I said to resolve any outstanding legal issues and to bring back amendments that would clarify some of the code language and some additional housekeeping amendments. At that June 27th work session, the council discussed but did not specifically ask us to bring back amendments related to revisiting the overall framework of the new code. The council also discussed some suggestions that had been made to incorporate the regulation that's currently applied to planned unit developments into the new code and did not direct staff to modify the recommendation to reflect that testimony. The council also discussed and did not specifically direct staff to make amendments to the recommendation related to the assignment of street and storm water design to a particular decision-making process in the recommendation. The specifics of street design and storm water system design are technical decisions, while street width and storm water capacity are land use decisions, and there was a majority voice on council at the June 27th hearing to not ask us to bring back amendments to how the recommendation deals with those decisions. We were also not directed to prepare amendments increasing minimum lot sizes and we were not directed to amend the recommendation to eliminate the minimum densities in the R-2 and R-3 zones. And we also did not receive endorsement on the notion of changing the calculation of density, including the percentages of streets on the land division site. I just wanted to sort of go over these because they're topics we've heard discussion related to it at various points throughout the process. I know there's been additional testimony submitted related to these topics, and I just wanted to clarify for the council from staff's perspective, which amendments we were requested on the 27th to take forward and craft specific code and commentary language. In terms of the documents that are before the council today for review, additional copies of these are also available out front if there's anyone in the audience that hasn't had a chance to look at any of the documents. There's an amendments report that was published on August 22nd, 2001, replacement pages to that report for several outstanding housekeeping amendments as well as some refinements to the regulations for trees, seeps and springs and flood hazard area, which are contained in a memo that was dated September 12, and there's one additional one-page memo related to some additional amendments to the flood hazard area that is before the council that -- with a date of September 18th. So those are sort of the three documents that outline all of the amendments that are before the council today.

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Francesconi: I have one additional one. So you need to tell me -- you keep looking at me, so I think now is my queue. There's one additional one. It's true, we didn't direct you to do any additional amendments, but I was thinking about the issue of the width of our streets in e zones, and how do we address some of the issues that the applicants -- that some of the citizens have raised, but do it at least from my standpoint to have a system, an easier transportation system to design, which commissioner Hales has talked about. So what i've given to the council is -- and you helped me with, and I appreciate you drafting, i'm not saying you've taken a substantive position, but if we reduce the width of streets by right -- the -- reduce the mandatory right of way width and roadway width in environmental zones, as a way of trying to help the environment and then putting the burden on the other side, if they want them bigger, which would have the effect essentially of eliminating a lane of parking, so the way to do that is if we replaced what's in front of you, table 443-4, which lays out maximum right of way widths and road width, with another table that i'm going to introduce, that has less widths, and I could go through each way, one, then I think that accomplishes the objectives that we want. And it puts the burden on the developer or the transportation bureau if they need wider streets. So that's what i'm going to propose.

Katz: Do you have language for that?

Francesconi: I do.

Katz: Stevie, have you seen it?

Francesconi: Do you want to explain it better than I did?

Katz: Start from the top, commissioner Francesconi, and keep that at the very end. Okay. Keep going, stevie.

Greathouse: Sort of major amendment number 1 relates to seeps and springs, which would amend chapters 33640, 66 five and .910 in the recommendation as shown in the amendments report and replacement pages. The existing recommendation as you will -- as the council will recall requires preservation of seeps and springs where practicable and has an approval criteria. The amendments would require that streams, springs and seeps that recharge -- and seeps that recharge streams be placed in a tract width 15-foot buffers as part of the land division so it is a clear standard that requires they be placed in tracts. And would also allow minimum density to be waived to better meet the regulation. Both the recommended criteria and the amendment that would turn night an objective standard apply only to streams, seeps and springs outside of environmental zones and are intended to protect unidentified resources that provide critical clean water functions.

Katz: Does anybody have questions about that?

Saltzman: I was just curious, how 15 feet was arrived at as the buffer width. Any magic to that, or is it just --.

Greathouse: The bureau of environmental services recommendation. I'm trusting they may have had some magic to it. [laughter]

Katz: Further questions on that issue? All right.

Greathouse: The second amendment relates to the preservation of trees that would amend chapters 3.630, .365, and .853. The recommendation requires preservation of as many significant trees as practicable. That was a discretionary approval criteria. The amendments would amend that recommendation to apply the tree preservation regulations to all land divisions and would put in place an objective standard that requires that at least 35% of the total tree diameter on the site be preserved, or they could preserve less than 35% of the total tree diameter on the site if at least 50% of the trees does ignited as significant trees are to be preserved. The amendment was also allow mitigation on sites where other development standards conflict with tree preservation and would allow adjustments to the minimum density for sites involving tree preservation. In order to

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preserve additional trees. And it also includes additional -- the recommended amendments relating to trees also include additional minor amendments that were recommended by the city forester at the last council hearing.

Katz: Questions on the trees?

Saltzman: Can we have a definition of significant trees?

Greathouse: Significant trees are shown on a table in the recommended code language by species and by size of tree.

Katz: So there is a clear and objective standard as well. All right? Anything else on trees? All right. Item 3.

Greathouse: The third amendment would deal with the off-street parking requirements. It would delete chapter 33.637. The recommendation requires that additional off-street parking be required as part of the land division in some cases. This is parking that is over and above what is required on the individual lots at the development stage. The amendment would delete these off-street parking requirements in keeping with city policies that support the reduction of surface parking, and I believe that was a request by this council.

Katz: Questions? Okay. I think I saw --

Francesconi: We need to lighten this place up.

Katz: I think I saw thumbs up by that side of the table. Item 4?

Greathouse: Item 4 relates to green streets. It would amend chapters 33.654 and 910 as shown in the amendments report. The recommendation currently allows the use of green streets which are basically common green areas that lots could front onto. There's been concern in testimony that the term "green street" may be misleading, and that some of the regulations may not be entirely clear. We've amended the regulations to rename these two common greens rather than green streets, and to make the language clearer in terms of how these streets are designed to be implemented.

Katz: Yes, and thank you for the report on green -- what I thought was green streets, which probably was only common streets. All right. Further discussion? All right. Keep going. Questions? I assume by your sigh sense that everybody is okay, at least for now. Go ahead.

Greathouse: Item number 5 relates to transportation impacts and what -- would amend 33.641 and .655. The recommendation only requires that sites above a certain traffic impact level or transportation impact level meet transportation impact criteria and that all such sites provide traffic impact studies. And there's been concern that the regulations effectively require a traffic impact study in order to get the information that the reviewer needs to know whether or not a site needs to prepare a traffic impact study. The amendments would require that all sites meet transportation impact criteria and would require that traffic impact studies be prepared for larger developments as requested by the city traffic engineer in order to show that they're meeting the broader transportation impact criteria that would now apply to all land division sites.

Katz: Questions? Okay. Go ahead.

Greathouse: And then there's a series of smaller transportation-related amendments. Item number 6 would amend chapters 33.654 and .910 to create a definition of public access easement and clarify regulations as suggested by the city attorney. These public access easements are typically used on private streets on smaller lot subdivisions when we allow a private street for access, and is basically the granting of legal rights to the public to access that street and to walk along it, and the city attorney had concerns that the code was not clear enough in terms of what rights are granted by these public access easements and what extent of the street does -- these easements should cover.

Katz: Questions? All right.

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Greathouse: Item number 7 would amend chapter 33.654 to add a regulation requiring partial streets to be dedicated to the public. This amendment would ensure that a developer proposing a partial street that will be accessed by the adjacent site dedicates it to the public so that the city doesn't get into an issue later on of not being able to claim the second half of that -- require the second half of the street as a private street.

Katz: Questions? Keep going.

Greathouse: Item number 8 would amend regulations for pedestrian connections, and chapter 33.654 to ensure greater safety for users. It's the requirement that the pedestrian be able to see from one end of the pedestrian connection to the other, and that was in response to testimony that council received the last hearing.

Katz: Questions? Go ahead. Item 9.

Greathouse: Item number 9 would delete chapters street plan review as recommended by the office of transportation. The council heard testimony on this last time that these chapters don't reflect the current practice related to street plans and that transportation is in the midst of creating a citywide master street plan and updating the transportation system plan and would revisit amending the code after that work is complete to reflect the new citywide street plan.

Katz: Questions? Okay. Flood hazard area.

Greathouse: Number 10, flood hazard area, would amend chapters 33.631 and 33.910 as shown in the amendments report, replacement pages, and additionally in the memo that is before the council dated september 18th, 2001. The recommendation requires that the floodway be placed in a tract in the flood hazard area be placed in a tract where possible in all zones. The amendments would break this out to create a tiered approach so that larger commercial and industrial sites meet a slightly different set of regulations than the small single dwelling land division sites. The amendments would also clarify requirements for lots to be developed with river dependent uses such as asthma rebound terminals, would remove inconsistencies with title 24 development requirements, and as I said, would provide additional flexibility to sites in the multidwelling, commercial, and employment industrial zones. And would clarify where the regulations apply as well as incorporating a map of potential flood areas into the code. The map that is proposed to be included in the code would be map 631-1, correspond respond with the regional adopted title 3 flood map from metro's urban growth management functional plan and reflects exemptions that have been made as part of that process. And the flood hazard regulations of chapter 33.631 would not apply to sites not included in this map.

Katz: Questions on that? Keep going. Several smaller procedural items, number 11 would amend chapter 33.669 to provide a process for requests to amend existing industrial park land -- industrial park subdivisions.

Katz: Questions? Go ahead.

Greathouse: Item number 12 would amend chapter 33.730 to set a time limit for submitting all stages of a staged final plat.

Katz: Questions? Go ahead.

Greathouse: Item number 13 would clarify section 33.720.020.g.2 to ensure the regulation refers to different kinds of review. It's a housekeeping amendment.

Katz: Go ahead.

Greathouse: Item number -- these are several smaller items related to site development. Number 14 would amend the maximum lot coverage table and chapter -- in chapter 33.110 to ensure a more rational transition between different lot coverages. This was an amendment that was requested by mr. Rocklin in testimony on the 16th.

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Katz: Okay.

Greathouse: Item number 15 would amend the standard for main entrances in chapter 33.110 to clarify that the main entrance that has to be within four feet of grade is the front door and that we aren't talking about the back door.

Katz: Questions? Go ahead.

Greathouse: Item number 16 would amend table 110-3 to clarify intention of footnote number 4 this. Is a housekeeping amendment.

Katz: Okay.

Greathouse: Item number 17 would amend chapter 33.638 to allow modifications to the parking requirements of chapter 33.266 as part of a plan development review.

Katz: Questions on that?

Greathouse: Item number 18 would amend chapters 33.610 and .611 to allow options for vehicle access other than alleys for land divisions involving narrow lots on corner sites.

Katz: Questions?

Greathouse: Several miscellaneous amendments, item number 19 would amend chapter 33.633 to reduce the minimum threshold for phased land divisions from 100 lots to 40 lots.

Katz: Okay. Questions? Go ahead.

Greathouse: Item 20 would clarify section 33.700.075 balancing requirements for land divisions. This is a housekeeping amendment.

Katz: Go ahead.

Greathouse: Item number 21 would amend chapter 33.575 to rename the willamette subdistrict forest park subdistrict.

Katz: Go ahead.

Greathouse: Item number 22 would amend part 5 of the report, which is not code language, but is extra direction and statement of intent for the implementation of the report, would amend part 5 to encourage posting of final plat implications on the internet. Item number 23 would amend part 5 of the report to require that monitoring reports be provided to the neighborhood coalition offices as well as planning commission. And then there are several additional amendments that fall under the category of clarifying an implementation-related amendment, specifically those amendments we worked with the office of planning and development review to develop specific language for -- since the last hearing. The first of those would amend chapters 33.660 and .662 to add clearing and grading standards to the final plat review as shown in the amendments report and replacement pages to allow a certain amount of changes to clearing and grading to take place at final plat.

Katz: Questions? Okay.

Greathouse: The second of those items would amend chapter 33.668 to distinguish between major and minor changes and set approval or set decision-making procedures related to approving those changes to an approved planned unit development as shown in the amendments report and replacement pages.

Katz: Go ahead.

Greathouse: And then the final amendment of implementation and clarity is will the amendment that's sort of everything else. There are miscellaneous language clarifications shown throughout the amendments report that haven't specifically been outlined in the items i've listed. And finally, council, when we closed at the hearing on June 27th, asked to us go away and take a look at some of the legal issues that had been raised, and we did. We do have several amendments that are being recommended as a result of potential legal issues and potential inconsistencies with Oregon revised statutes that we would like to reconcile at this point. There are three amendments. The first of

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those would amend the approval criteria for changes to existing planned unit developments in chapter 33.668 to clarify the requirements and to ensure consistency with ors 227.178. The second of those amendments would amend the type 2 x procedure as described in chapter 33.730 to require 21 days between notice and appeal hearing or between notice and the appeal hearing as required under ors 197.763, and the third of those and probably the sort of most major of those would amend chapters 33.660, 33.662, and 33.665 to require type 1 procedure for final plats to ensure consistency with the requirements of ors 197.

Katz: And now commissioner Francesconi's amendment.

Francesconi: --

Greathouse: This additional amendment would amend table 430-4 in the recommendation to reduce the maximum street widths allowed without an environmental review in the environmental zones. The recommendation as stated had essentially -- essentially the existing language basically says the maximum street width in an environmental zone is the minimum street width shown on a figure that's currently part of the land division code, figure 1. The new code will no longer have a figure 1, so there was the need to take that information and put it into a table within the environmental zone chapter. And as part of that conversion, because each zone has in figure 1 essentially two minimums for street width, one for streets with parking on one side and one for streets with parking on two sides, the conversion had been made to bring over the wider of those two widths as the maximum, and this amendment would take the narrower of those two width as the maximum in environmental zones.

Katz: Questions?

Francesconi: Practically speaking, depends on the zones, but the right of way width is reduced approximately ten feet, and the roadway width is reduced approximately four to six feet. Those are rough. I'm just trying to give people in the audience an idea.

Katz: Okay.

Greathouse: And that's it for the amendments. I guess sort of -- to summarize the recommendation that is now before the council, including the amendments, it would be to repeal title 34, move all of the regulations that apply to the division of land, and to -- into title 33 planning and zoning, and amend the land division and zoning regulations as shown in the april 2nd, 2001 recommended draft, and as amended by the august 22nd, 2001, amendments report, september 12th, 2001, replacement pages and the september 19th, 2001, memo regarding flood hazard area, as well as the additional amendment that's been brought forward to reduce street widths in the environmental zones. And also to direct service bureaus to document their technical guidelines and create an administrative review process in advance of the implementation date for this code, which will be six months after adoption.

Katz: Further questions?

Saltzman: Just on that last point, are we creating a new administrative review process? We don't have a process right now? I'm thinking of our storm water -- b.e.s. Storm water --

Greathouse: The storm water manual has one, and we were envisioning some modifications to the existing process.

Saltzman: And expanding that to other design guidelines as well?

Greathouse: Street design.

Katz: Okay. I'm going to open it up now for public testimony, and I would ask you to reflect the numbers that we went through in terms of the amendments.

Greathouse: We don't have any.

Katz: Then you heard the topics. That's why we went through them. All right. Okay.

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Amanda Fritz: I'm amanda fritz, and i'm actually as usual speaking only for myself, but also i'm speaking for some of the folks on a panel, two additional people who have given me permission to speak for them. Had is my neighbor nancy and kurt, they're from the west Portland park neighborhood association. I'm very grateful they trust me to speak about some of these issues which are too complicate and too long-winded for many citizens to be able to follow all of them. At the last public hearing in may we heard the council direct the staff to return in june with options to increase citizen involvement in land use reviews. Especially regarding street and storm water decisions. Instead the staff returned in june with only arguments about why citizens should be excluded. They persuaded you to reverse the direction four of you were headed in after the public testimony in may. We made a tactical error in june by proposing a positive new approach. That was my mistake. This is our first and only opportunity to respond to the bureau's arguments in june which was a work session, not a public hearing. But I will at your request go through our amendment requests in response to the bureau of planning's. So i'm going to be working from our critical amendments which we sent you last week. And also across -- cross-referencing the amendments report, which is what you asked us to do. The fist one is regarding storm water choices. On page 53 of the amendments report, page 2 of our request. We are asking that storm water connections would be land use decisions as they are in puds right now. An example would love to give you is palestine heights. I think it was only commissioner Hales and mayor Katz on the council at the time when we had the appeal about five years ago. But it was my favorite appeal. Because what happened was the hearings officer agreed with the bureaus that additional disturbance inside the environmental zones was allowed because b.e.s. And the bureau of planning at the time had said that was okay. And the neighborhood association and I appealed, and came to council, and five-nothing the council agreed with us, that indeed the applicant did need to go through some additional review before changing the storm water connections. And commissioner Hales, I will vividly always remember you leaning over from your seat and saying to the applicant, did b.e.s. Told you it was okay but does the code say it's okay? And what would happen under this new code would be that it doesn't matter if it's okay. All that matters is that b.e.s. Or pdot or whoever the bureau assigned to the technical decision says it's okay. And you as the council, we as citizen was not be able to influence that decision. I think that's a big step back. So particularly for the storm water connections we would like those to be lapped use decisions as they are now in the current pud code. Turning the page to the next amendment, which is sanitary sewer, the bureau has requested amendment regarding sewage disposal and we would like to add an approval criteria that requires the disposal system complies with the standards of the Oregon department of environmental quality. Again, just like -- allowing citizen as tiny bit of input into this decision. The third amendment request is on the street choices, and this was the one that really -- it's hard to not use words that I wouldn't -- that -- the words I would have used before last tuesday, but this one was pretty significant to me. To see the bureau amendments on page 57 where all of the street decisions are deleted, and they're all given to pdot. And we think that the street is the essence of a subdivision. I'm speaking for everybody, including the next two people. Is that all right?

Katz: Well, we'll -- go ahead and finish.

*****: Thank you.

Katz: It's not all right, but go ahead and finish.

*****: I thought that was the rules.

Katz: No, no. Your rules, but go ahead and finish.

*****: Sorry. I apologize.

Katz: Go ahead.

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Fritz: The street choices deciding where the street goes, how wide it is, what's in it, whether there are sidewalks on both sides, those are things we care about. Those affects where the lots are going to be. There's a the -- all this new flexibility in the new code, and none of the accountability to citizens, none of the citizen input. What makes puds work is the citizen input. Partly the staff doing their job, but partly us saying, we'd really like sidewalks and here's how we think that could be managed. We've had subdivision decisions, only mostly technical decisions, we had one on southwest 35th in my neighborhood, a designated city walkway, leads to Jackson Middle School, and the kids can't walk to school because there's nowhere to walk. We had a subdivision, minor petition we were hoping for 200 feet of a temporary asphalt path, and the city engineer said no. And I appealed it and I lost because it's a technical decision and if the city engineer says no, we don't get it. So it's really not good to see all of these decisions going to be made by staff. The next one is the final plat decision. This doesn't even comply with what you said was going to be land use decisions. You said that grading and some storm decision and the place of the street were going to be land use decisions. And so they are at the temporary plat stage, but at final plat according to my -- the final plat rules, the bureaus can change them with no approval criteria whatsoever. That's not what you said. That doesn't implement your direction. So we would like those particular --

Katz: Stevie, are you keeping notes? We're going to bring you back up again.

Fritz: And we have -- we have not only called out the problem, we've tried to suggest solutions. The third one is about balancing requirements. This is a problem because there's still no process to balance conflicting standards. I'm informed by staff whose opinion I respect that this might not be the right solution and be open to another solution, but it's still a problem. And we don't have any way except the tentative approval where all the bureaus and the citizens are in the same place at the same time to make sure that all the elements fit together. These proposed appeals in all the different bureaus are all very well, but supposing an appeal results in a transportation changes the storm water management, how is that going to be managed? On page -- amendment 5, asking to you keep the current table one, I don't understand, and this is on page 59 of the amendments report, we currently have standards for road width. You're proposing to delete them with nothing to replace them. This whole code rewrite was supposed to make things more clear. Why would we delete table one? And amendment 4 of ours is something I actually liked in the new proposal, it's on page 95 of the amendments report. That was proposing new approval criteria for changes to puds. If we were to add these approval criteria as overall approval criteria for all subdivisions since we've made them all into puds, that would go a long way into helping us feel more comfortable with this new code. The next issue is equity for outer southeast neighborhoods, and unfortunately I can't find anything on that in the amendments report so I'll have to leave it. The next issue is environmental protection. Again, we would request that you would delete allowing an increase in grading at final plat. Camelot Estates, a 5% increase would be almost two acres. In a recent subdivision, a 5% increase in the grading would be all -- would allow the entire street to be paved. This is not a good standard and it's not okay to change that at final plat. And in addition, we would like to ask that no site disturbance should be allowed before final plat. What happens now is that all of the tree and grading is done, and then, oops, it's too bad if the final plat wasn't approved, we have to go ahead and do it. Second environmental protection amendment is on streams, seeps and springs. There is an amendment here, there have been multiple amendments, there's another one in the new amendments. This is not close to being correct, and I don't understand why we don't just keep the current language. We have language in the pud code which works just fine that says leave water features in their natural state. Period. That's all that we need

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to have rather than tying ourselves into knots trying to define what a stream is, what a spring is, what a seep is. Giving springs and seeps more protection outside of e zones than inside of them makes no sense. Not protecting them in the public right of way where we should be able to care about them the most makes no sense.

Katz: How much more do you have?

Fritz: I have three pages. But i'm going to skim. Thank you. The flood hazard area protection that's page 37, we're concerned about the language which implies it's okay to obstruct floodwaters. The pedestrian connection standard, this highlights something that has been in the code but there is a minor amendment on page 55 of the amendments report. Which says that pedestrian connections have to be direct and you have to be able to see the end of them from the beginning. This is in direct conflict with the e zone standards and with the ada, because it wouldn't allow switchbacks. If you had a switch back you'd have to clear all vegetation in order to see all the trail from the beginning. There's a new definition of utilities which requires public utilities to -- allows public utilities to be on private lots but requires all the private utilities to be under the street. But there isn't an amendment on that. And the neighborhood compatibility section, you were told in june that the code will not increase density. However, deducting only 15% for streets is a citywide upzoning and it will increase upzoning, especially in the areas of the city hardest hit like the new pleasant valley area. So --

Katz: Finish, i'm going to cut you off after this one.

Fritz: The neighborhood compatibility requests are not in the planning amendments, but the one that is is the deletion of the purpose of the zoning and zone assisting not going to mean the same thing in our city anymore. It's only going to set the overall density, it's not going to do much else.

Katz: Thank you.

*****: Thank you.

Katz: Stevie, you've got all these issues down? Okay. Council, would you prefer to hold them all to the very end? All right. Thank you. Thank you.

Mary Gibson, Port of Portland: We signed up as pros. My name is mary gibson, i'm with the port of Portland.

Beverly Booken, Columbia Corridor Association, 1020 SW Taylor: And i'm beverly booken, i'm representing columbia corridor association and the commercial -- and i'm at 1020 southwest taylor, Portland.

Gibson: We wanted to thank you for letting us come, this opportunity to comment on the land division code rewrite and we wanted to acknowledge the work of stevie and carrie in resolving numerous port concerns regarding these amendments in the last couple days. We support the planning bureau amendments to the commentary and section 33.360.200 b-1, including the september 19th, memo with additional revisions. However, we have even with all our work we have two remaining concerns. The flood hazard area approval criteria and 33.631.200 b-2, there's a lap -- lack of an explicit reference in the code or commentary that ancillary uses or nonhabitable structures may be located in the flood hazard area. And these types of uses do not interfere with the flood storage capacity, they can withstand floods or their low value and can be replace first degree flooded. These types of uses that we have in mind are -- include landscaping, on site mitigation, loading docks, equipment storage, and parking lots and structures. Staff has indicated titles 24 and 33 allow such uses except for the parking structures, but they have not been able to provide us with any code reference to assure this -- to assure us of this at this 11th hour. Also, the suggestion that code -- that code handbook may resolve this is not enough comfort at this stage of the process. Our experience is that without explicit resources, such handbooks cannot be

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developed. With respect to parking lots, staff have noted these structures are not prohibited. However, we are concerned the criteria as proposed may preclude such structures even if they support other city goals through river renaissance and redevelopment of the waterfront. Our experience has been that there can be a wide range of interpretations in the development review process. New to us I think today and that's why we didn't get this one resolved, was -- were the storm water management standards in section 33.653.030, the requirement that storm water systems serving more than one lot be set aside in a tract and that no adjustments be allowed. Whenever we see no adjustments we know there are going to be situations that will need an adjustment, so that's one concern. But also, this seems to preclude developers from meeting other city requirements efficiently and -- an example would be storm water management through swales and landscaping where the landscaping can meet the requirement, but fits required to be set aside in a separate tract, it's not count the as part of that site. In closing we want to reinforce the port support the land division code rewrite, but recommends council defer actions on 33.631.200 b-2 and 33.653.030, and just one final remark, and I think you're going hear a lot of testimony tonight on residential issues, that's typically the case. And as you consider changes I hope you'll keep industrial in mind because usually the solution for residential doesn't necessarily work for industrial.

Katz: Thank you.

Booken: I just wanted to amplify the comments in support of the port. We want to praise the staff and just the land division code that it recognizes that nonresidential, particularly industrial subdivisions work on different -- on a different basis and there are many good provisions here to help us on the nonresidential side to facilitate good land division. I also want to thank the staff, because we did work out a bulk of the issues on the flood way issues of locking floodplain areas up into tracts, and we were able to demonstrate why that is somewhat problematic. Especially for industrial land, because if you lock up all of our flood ways, our floodplains into tracts and you can't use them for landscaping and parking lots, all of those things have to go on the portion of the lot that's developable at the expense of development capacity. And given we have a 1600 acre shortfall now estimated and the -- in the regional industrial land study, we are hopeful we want to maximize development capacity. That's why this newest glitch, which is to lock up storm waterfall silts into tracts has the same problem. In the best practices proposed by b.e.s., they want all -- to the greatest extent possible all storm water treatment to be natural, certainly the new regs for packing lots require that storm water be treated in the landscaping and the swales of landscaping and certainly we want to be able to do that. It's ideal then on the property if you can count that towards your landscaping so that then you have the remainder of your property available for development, whereas if it has to be locked up in a nondevelopable tract, then you're double counting your landscaping. So we really do feel it's unnecessarily restrictive. The storm water manual does govern how storm water is treated on site, you cannot use a storm water facility for any other kind of development, and therefore it really is not a conflict to maintain it on the site and we really are very concerned then about this specific proposal in 33.653.030 and ask it be withdrawn from the overall adoption so that additional tinkering can be done and brought back to you at a later time.

Katz: Thank you.

Arlene Kimura, Hazelwood Neighborhood Association, 112 NE 133rd: My name is arlene, and I am at 112 northeast 1 hundred 33rd. I'm with -- madam mayor, commissioners, amanda touched briefly on the equity for the east side neighborhoods. In our neighborhood, where everything is basically flat, we have a lot of two and three-lot divisions which have a severe impact on our

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capacity for the infrastructure. We have virtually terrible traffic, terrible streets, and we ask that the section 33.662.110-a, type 3 be add when a street is created, as is presently in the code. Otherwise almost all of our land divisions will be administrative decisions with no local appeal. We have developers who purposely cut up their property so that they don't mask them and do big projects so they can avoid that. I think this is a method of circumventing that. And since we have - in my neighborhood at least no environmental concerns, no floodplains, no hazards, what you're going to do is carve up my neighborhood and offer it up for the cost of development. Thank you.

Katz: Hold on.

Saltzman: I have some questions. Mary?

*******:** Yes.

Saltzman: I guess on your testimony about the an sillery use and nonhabitable structures being located in the florida hazard area, how would -- it seems to me loading docks, equipment storage and parking lots actually do detract from flood storage capacity.

*******:** How is that?

Saltzman: What am I miss something.

Gibson: I'm thinking about volume of the structure, a parking lot wouldn't have much volume and therefore it's not going to really interfere with your flood storage capacity.

Saltzman: Whatever's paved over is not going to be able to --

Gibson: It won't percolate, true.

Saltzman: Absorb -- when I think of flood storage I think -- percolation.

Gibson: I think we were thinking about volume. So you are not putting large volume that would take up that flood storage capacity and not let the floodwaters pass through. That's what we were thinking about. And that's the way it is in the code today.

Booken: Also that's the federal requirements, fema that you can build nonhabitable activities in the floodplain because they do not detract from capacity and if they were washed out by a flood, they're relatively low value, recreational facilities packing lots, certainly landscaping that's counting toward the lot's landscaping requirement.

Saltzman: On your other concern about the management standards and having attract -- a tract set aside with no adjustments, you asked this to defer this to further discussion. Aren't you really asking there be some sort of adjustment mechanism allowed for it?

Gibson: That would be one solution. You know, I think it's -- I think it's a necessary regulation because the storm water management so tightly manages storm water and since it's not -- the storm water facility can't be used for anything else, except that if it's on your site you can count it towards your landscaping requirement. So I don't even think it's necessary. But if the solution so that question can go -- but having said that, if you have an adjustment it's better than nothing, but you still have to go through the adjustment process, as long as it's part of the subdivision I guess it's okay. It's just additional regulations and existing permitting.

Saltzman: Okay. Thanks.

Katz: Thank you.

Ellen Wong, Parkrose Association of Neighbors, 2123 NE 102nd, Portland, 97220: My name is ellen wong, i'm a member of the parkrose association of neighbors. My address is 2123 northeast 102nd, zip 97220. I just have a brief comment to make. I speak here as a homeowner. The citywide land use committee devoted a great many hours to this rewrite project. They too approached it with gravity and purpose. I support their amendments based on the clarity and common sense evident in their documents. Since these amendments are the minimum, I would urge you to adopt them in their entirety. That's all I have to say.

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Louise Cody, Chair, Centennial Community Association, 1515 SE 151st Ave., Portland: My name is Louise Cody, the chair of Centennial Community Association, and I live at 1515 Southeast 11th Avenue, Portland. My first comment is I urge you to not only consider but to adopt the neighborhood's amendment that Amanda read part of but didn't get all of it. I'm on page 11 of that -- those amendments that you got last week. The issue is equity for outer southeast neighborhoods, and it deals with minimum densities for multidwelling zones, r-1, r-2, and r-3. Right now r-2 and r-3 have no minimums. And r-1's minimum is 50% of 43, which is the maximum. Option a, make no changes to minimum density standards in multidwelling zones in this process assign to a future work plan. Option b. Delete the new density requirement of one unit per 1450 square feet for r-1 in table 120-s page 247 of brown cover draft. Keep minimum density at one unit per 2,000 in r-1 and exempt the outer southeast community plan area from minimum density requirements in the r-2 and r-3 zones. Last week I -- maybe it was last week, there was a letter that was mailed to the mayor and commissioners from seven outer southeast community plan neighborhoods asking you to uphold the outer southeast community plan zoning that was adopted in 1996. And not to set new minimum housing densities for the multidwelling zones or to increase the minimum in the r-1 for the seven neighborhoods based on the fact that we have already been rezoned, we have an agreement that the neighborhoods agreed to and the city of Portland agreed to in 1996. By changing these minimums and setting minimums for r-2 and r-3, the seven neighborhoods believe you are violating that agreement. And the question came up, well, can we have this for some areas of the city and exempt others? Well, the whole theory behind plan districts and community plan areas is that certain areas are specific and have certain kinds of zoning and parameters whereas other issues in other neighborhoods don't. So it is appropriate because you have a 20-year outer southeast community plan zoning, and we accepted the minimum density or lack of minimum density as it was at that time. And I called Metro about six months ago and they said that in areas -- certain areas of the city, the city can request a noncompliance with the 80% that they've -- they're setting 80% of the maximum for multidwelling zones. The other --

Katz: Your time is up. Somebody else will pick it up.

Francesconi: Louise, what was the other thing in 20 seconds?

Cody: Well, in 20 seconds, in the new tree amendments, there's something about mitigation. My feeling is that the mitigation leaves a loophole for people to evade the tree preservation, which I believe was much stronger in the first draft. And Ed is going to go into that.

Katz: Ed, why don't you grab a mike.

Ed Jordan, 3911 SE 97th Ave., Portland: Good evening, mayor, council members. My name is Ed Jordan, I live at 3911 Southeast 97th Avenue. It's amazing we've gotten this far with this whole process. I did get the report because of events that happened recently, it's been rather difficult for me to get all of it. I also have the recommendations that were made by the neighborhood in Amanda's report that you have copies of. And it's the position of the Lents Neighborhood Association Land Use Committee to urge you to support the amendments in this that we have. Considering that this is our last time that we're going to be able to address this. We believe that no matter what is adopted in the final considerations, that the people of Portland should have -- should in no way be limited to any process where the avenues are -- of participation are left to discussion of the Bureau of Planning. I'd like to address at least three items here. One, the final plat section, 33.660.220, allowance for bureaus to change or delete roads, easements and tracts for surfaces without public process. Without any public process. I need to ask a simple question -- why do we have process is where -- processes where we go through and submit and approve plans that later can be change the at a date where we are subsequently hoodwinked over those changes? That's the way I perceive it.

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I'm not happy with that presentation or the way that I take on viewing the way the verbiage is read. People month live in the areas out here where the proposals are affected the most would like to have more realistic approach and keep those -- the door open for the public concerned. The second item relates more or less to the outer southeast and our microneighborhoods in the close-knit areas, where i'm finding a lot of people are fed up with the avenues available to them as far as type 1 process, where we have no local appeal. Our greatest problem is -- with the development proposals in these areas in the five to nine unit range where conflicts that are applicable to the standards of community design guidelines. We'd like to see an improved process where citizen participation is left for the benefit of all. The third one, we do believe that tree preservation part of this rewrite should be adopted. We do like the first part of it in the first part of the code, but we do have reservations with the mitigation options where we're having a loophole that can circumvent the whole deal. We would like to see that as well as the suggested percentage of the tree canopy which has been suggested at 35% be increased to 45%. We would like to see this tweaked just a little bit in favor of what god put on earth for our benefit. There are a lot of more issues within this rewrite that my time does not allow me to address, but I will say if anything we do is for a great city of all, the people's voice should be heard and not limited. I think there are some limitations that are being placed on us with this -- these amendments and I would like to be -- urge the council to take a close look at those limitations where public involvement is concerned. I do believe that we do need to have a very important voice in the way we perceive and perceive what the -- with the development of our city and our neighborhoods.

Katz: Thank you.

*****: Thank you very much.

Moore: You have seven seconds.

Katz: You and I will talk about that.

*****: Take my word for it. I will kick it when I can. Thank you.

Saltzman: Kathryn, on this proposal to exempt the outer southeast community plan from the minimum density requirements, I understand metro said we could do that, but I guess i'm trying to figure out from a sort of citywide respective, is there any kind of a legal issue about that if we were to take one area and exempt them from something we're doing on a citywide code rewrite basis?

Kathryn Beaumont, Office of the City Attorney: I guess i'm not prepared to respond to that right now. I'd be happy to think about it and talk to stevie and respond a little later in the hearing.

Saltzman: Okay.

*****: It's not an issue that's been raised to me before.

Saltzman: If you can get back to us later, okay.

Bonny McKnight, 1617 NE 140th, Co-Chair, Russell Neighborhood Association: Mayor Katz, members of the commission, my name is bonnie mcknight, I live at 1617 northeast 140th and i'm cochair of the russell neighborhood association. It's hard to know how to address the issues in this code, and i've been part of a small group of neighborhood association land use representatives, and including the citywide land use committee, who spent many hours attempting to provide informed comment on the various drafts of the proposed code. We've provided those comments to you many times in public and private, and the fundamental issue with this code remains, and the current amendments still fail to address the problem. We all want to get a document that works for Portland. We understand your feed to move on to other issues and other areas of policy development, and we all want to get this over and gone -- and go on to other things as well. But it's important that this document be right. It attempts to move this city from 1978 to the year 2040. It attempts to anticipate what we will look like and how we will live 40 years from today. It needs to

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do that well or not at all. The draft before you, including the amendments, does not do it well. On page 6 of the april 2000 draft you state, how land is divided defines the pattern of community which in turn may shape its character. And I agree. What is forgotten in all of the drafts of this code to this point, however, is that most of the land is already divided. And the character that has been shaped is the fabric which makes up the city of Portland. It is why we continue to live here, and why people want to come here. And it is largely unrecognized in this code. The current draft code and proposed amendments do not buffer new hire density -- higher density infill from the surrounding neighborhood by phasing the development over the next four decades to reach the 2040 goal. Instead, it begins to dismantle already developed single family neighborhoods by moving from the neighborhood character defined in 1978 to that of 2040 in one step, one property at a time. The current draft does not protect the established character of our community by recognizing how land has been divided up until now. The current draft does not provide a mechanism which supports a reasonable transition to the density we anticipate 40 years in the future, and the current draft does not avoid piecemeal introduction of 2040 densities into established neighborhoods which lack supporting infrastructure. The unanswered question remains -- how do we transition new density in into -- into our community without dismantling it? Until this code provides those protections it should not be moved forward to the public. It is sure to fail.

Katz: Thank you.

Tim Sepich: Hello, my name is tim sepich. Good evening, mayor, council members. I'm here briefly just to state the motion that was brought up last week. Russell neighborhood has voted unanimously to pass that we are against the revision of the code destroying the nature of the existing established neighborhoods, particularly in the single family neighborhoods, and that we support the wilkes appeal and that motion passed unanimously as well.

Katz: Thank you.

Donna Hellums, 1609 NE 137th Ave., 97230: Good evening. My name is donna, and I live at 1609 northeast 137th avenue, 97230. This is the first time i've ever spoken to the city council, so pardon my nervousness. I'm speaking on behalf of myself, my husband, and several other neighbors who could not be here tonight. We are homeowners in the russell neighborhood which has -- is characterized by many single family residents on large lots. And I wish to say that the current draft of the revision code does not contain provisions that protect and allow the existing established neighborhoods to maintain their original character. I understand the council's support of increased density, and i'm not opposed to density, but in our drive to increase density, let's not destroy the beautiful character of our existing established neighborhoods. I work in tigar and I live in east Multnomah county, and I suffer a long commute to work, but still, we bought our house in russell precisely because it has the character of neighborhood that we want to live and raise our family in. We live on a beautiful street with many trees in a single family houses are set 30 feet back from the street. We have large front yards where our children play. Please don't take that away from us. Please don't destroy our beautiful neighborhood. I urge you not to go forward with this final draft of the land code. Tonight I found out that's your intention to do that anyway. Therefore, I urge you that -- if this issue is visited again, please include strong provisions that protect the existing established single residence neighborhoods. Thank you.

Katz: Thank you.

Linda Bauer, 6232 SE 158th: Linda bauer, 6232 southeast 158th. I'm going to talk to you about this floodplain memo that you got dated september 18th. I really object to in writing, authorizing obstruction of floodwater. I live 0 the floodplain, and obstructing floodwater is like throwing a stone on the pond. It ripples. And I would propose that you change obstruction of floodwaters to

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flood impacts so it minimizes flood impacts. That's a very reasonable way to address the problem.

But it doesn't allow somebody by right to obstruct floodwaters. That's in 33.631.200-b, it's in small b and c. Also, in c, it says, floodwaters must be entirely within a flood hazard tract unless river related land uses and development are proposed on the site. So if I have a 50-acre site and I'm going to put one river-related thing on it, I don't have to have any flood hazard tract on my property? I don't think that's what the intent of this sentence was, but in effect, that's what it does, is grant anybody the right not to have any flood hazard tract on their property if they have any river-related land use proposed on the site, which is the end of the sentence.

Katz: Thank you.

*****: Thank you very much.

Francesconi: This concern that's been raised about out of southeast, you didn't testify about that, you're not concerned about it, or it's --

*****: I'm very --

Francesconi: Or it's already been said, so you didn't --

Bauer: Right. We picked topics and I picked floodplain.

Francesconi: That's good. I appreciate it, actually.

Gordon Trapp: My name is Gordon Trapp, from the Maplewood neighborhood. I speak for myself and some of our neighbors. We wish to address the section 33.36 d.110, which is a review procedure. This also relates to flood conditions. We are asking that -- for all infill lots that we have a type 3 review made mandatory, and that's because we have conditions in some of our neighborhood where water washes off the street onto private property from that private property to another, back onto the street down into the crick with contamination. This is because infrastructure is not in place, and so that's why we're asking for this type 3 review. Next section relates to pud and lot sizes. Section 33.610.200, we disagree with lowering the minimum lot size as expressed in table 610-1. We think it's a terrible mistake. Those smaller lots, even with our dense clay soils, the regular size lots can barely take care of storm water and there's not on our sloping hillsides no -- in the west side, there's not room to set up a detention basin to take all this storm water, so we ask that these lots stay to the regular zoned size that's indicated and not lower than by this table 610. Also, by lowering it, it makes these lots nonconforming with the neighborhoods, and this creates a problem of livability and so forth. We also request that then that these minimum size lots be held to the basin area and when it comes to maximum lot size, we would like to see that it be extended to at least within 200 square feet of the area of the next larger zone. The reasons for that are that oversized lots are to be cherished. We want to give room for -- on some of these lots for more children's play area, and thus -- this helps save some of our school situations, councilman Francesconi, I believe called this to the council's attention sometime back that it seemed like some of the zone changes and the way our city is developing, that we are losing lots that have enough size to them where families can occupy them and where there's room for children to play, and so we would urge that you not follow this 610-1 table. Also by keeping these lots to the larger size, it can help prevent flooding and we think in our Maplewood area we have a family friendly area there and -- where there's even room for some of us seniors that would like to -- a one-level house and maybe we could have a garden and a few fruit trees. Thank you.

Katz: Thank you.

Jack Klinker, 8700 SW 54th: Good evening Mayor Katz and city commissioners. My name is Jack Klinger, I'm the Sweeney Land Use Chair. I live at 8700 Southwest 54th. I urge the council to adopt the amendments presented by Amanda Fritz and others. I have three points to amplify. I do not believe the Bureau of Planning has increased citizen involvement as directed by Council in May.

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In fact the current proposal restricts citizen participation in many important matters from the current level. The second point is a budget of 15% for streets is too little and it's a back door for higher density development. And the last point is the composition of street escapes must have neighborhood input and not just be a technical decision left to a city bureau. Thank you very much.

Katz: Thank you. How many more, karla?

*******:** Any questions?

Katz: Thank you.

Moore: Seven more.

Katz: Why don't you go ahead first.

Scott Farestrand, 137th Ave.: My name is scott, I live at 137th avenue. I'll try to direct my comments right to the amendments as you told me I should. I want to look at 33.630-10, the tree preservation standards. First of all, option number 4 suspect clear enough because if somebody has no significant trees, they only have to preserve 20% of the trees, the total tree diameter. Second, i'd like to see all of the numbers increased anyhow. I think we need to keep more trees than you have there. Also i'd like to not do it by diameter, but by circumference. I'd hate to find a tree that is 21 inches this way and 18 inches that way and have somebody manage to take a really old tree out. They're not all round, I don't think. On the trees themselves -- [laughter]

Katz: You're going to have to explain that.

Farestrand: Well, circumference is how much the tree -- if the tree is not actually round, are they all round? If you -- if somebody wants to cheat and get real precise, they can find a tree -- part of the diameter that's not at that minimum. So it's no longer significant. I want more significant trees. I want to make them -- as many as significant as I can. Circumference is a little more accurate. And i'd like to see the diameters reduced a little bit, especially on maples, firs, and pines. And i'd like to also go along with the other comments that people have made about old neighborhoods, large lots. People that go out there and buy them for a reason. There are people that buy lots and -- in high density areas because that's what they like and there's people that buy them in low density areas because that's what they like. And I don't think we like to have our neighborhoods destroyed where we've started our family, where we decided this is where we want to raise our children and then have the ability to have six neighbors instead of two. That's all I have to say.

Katz: Okay.

Dave Johnston, 0550 SW Palentine Hill Rd.: Good evening, i'm dave johnston of 0550 southwest paletine hill road. I want to start by seconding what amanda has said and urging the council to look carefully at the proposed amendments and her reasons for them. Also what gordon trapp has said about the smaller lot sizes in table 610-1, I believe it's important for our city that we keep lots and homes that will be attractive to families. I think the families are important for us, they're important for our school, and these also will be the workers in our society that have more experience that are a little older and an important part of our city. I want to go beyond that a little bit and look at table 610 on page 37. And in particular, minimum lot widths on page 39, 33.610.d-2. Just briefly, all of the dimensions in tables 610-1 can be adjusted only through the pud process. That's true of the lot area, the lot depth, the lot front line. Except, and this is a strange exception, except lot width. Under 633 --33.610.d-2, there is no minimum lot width if you have 15 feet of curb, if there's an alley, no alley, that doesn't apply. If there's no corner, the second criteria doesn't apply. Basically what that lets you do by a matter of right is in any of the zones -- if any of the zones create an extremely long skinny lot as a matter of right without public process, where all the other lot dimensions can be modified only by the pud process, now in my area, for an example, we

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have a lot of r-10 areas. We also have a lot of little stream valleys that come almost up to the road. What you could do along there is create a series of lots, 15 feet wide in the r-10 zone and a thousand feet deep. That sounds weird, doesn't it? But you could. And you could build row house along the street in that r-10 area and line those little valleys with these lot and row houses. I would suggest to you that's a strange way to write the code. Better the minimum lot width should be subject to adjustment only through the pud process as are all the other lot dimensions. I also agree with gordon trap, would I rather have larger lots that meet the code standards, but just for the scheme on this code, that's an anomaly. That's strange. That shouldn't be there. That lot width should be subject to the pud process just like all the other lot dimensions are. And so i'll end with that and if I have time left donate to my man here.

Katz: No, we're not donating it.

*******:** We can't do that?

Katz: And certainly not to amanda. Go ahead.

Dixie Johnston, 0550 SW Palentine Hill Rd.: I'm dixie johnston, dave's wife, same neighborhood, same address. I was also going to mention the duh. I wholeheartedly endorse this letter that amanda and other neighborhood activists have drafted. We have put an awful lot of time in this, and you will notice we represent testimony diverse neighborhoods in the city. We're not just from one part of the city. We're from everywhere. And we've been at this for an awful long time, so you know that when we say things to you, we're not just being flippant, we're taking this very seriously. This is our city. We love living here. We have picked the neighborhoods where we feel the most comfortable. And we feel like these amendments have more specificity and more clarity than what the bureau of planning is proposing to you. And I think it would be very easy for you to adopt them into this change code. I want to mention one thing too that i've been concerned about. We were talking about some of the legal issues. My favorite document, comp plan goals and policies, this is city ordinance. I want to read two sentences on page 8. Lcdc goals and guidelines require ordinances controlling the use and construction on the land such as building codes, sign ordinances, subdivision and zoning ranges to be adopted to carry out the plan. The zoning code land division code are the implementation tools for this comp plan. The proposals for modifying the zoning code are necessary to accomplish the basic aims of comp plans, goals, policies and plan map. I am really concerned for this new proposal that neighborhood stability, character and livability, which are big issues in this comp plan, are being severely weakened, and I feel like the proposals that have come from the neighborhoods helped strengthen the neighborhoods, it makes good sense, and there is a lot more specificity and clarity in these. So please take them -- take some serious consideration for them. Thank you.

Katz: Thank you.

Katz: Okay, let's go.

Arnold Rochlin: Commissioner Francesconi, I want to thank you for something. You have given me something positive to say tonight. Your proposed amendment is not only common sense, but it's common sense in a form that has been in this project noted more for -- it is uncommon sense in this forum concerning this project. Thank you. I support your amendment.

Francesconi: Can you send that to me so I have it in write something.

Rochlin: I'm not going to put that in writing. [laughter] that's just for the evening.

Katz: That's not fair: I'm just looking at the requested amendments dated june 21st, 2001, and we agreed with you on several of them.

Rochlin: Yeah. Some of them were just flat illegal, and -- [laughter]

Katz: Okay. We --

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Francesconi: You asked, mayor.

Rochlin: Let me give you an example.

Katz: No, no no,. You're going to lose your time.

*******:** I have it in my testimony anyway.

Katz: Go ahead.

Rochlin: Part of this issue here is who should you believe. Staff has told you this proposal is ten times as good as what we have now. If anybody believes that, i'd like to sell them the ramp to the broadway bridge. [laughter] the complete lack of candor of staff in talking about some of these amendments really just gets to me. This is what they said about the one where they admitted they have to have public participation in a final plat. They said, based on the outcome of recent luba appeals, the city attorney recommends that review of final plats be conducted through a limited land use process. That rendition was 1994, forest park neighborhood association versus city of Portland. Affirmed by the court of appeals in the same year. Even for somebody like me from -- born in the '30s, that's not recent. Now --

Beaumont: Arnie, as a matter of correction it was a case that was decided in 2000.

Rochlin: I submitted for a copy of it to you earlier so you have it for yourself. The april 2nd proposal deleted common open space requirement which is 40% open space of which half must be common for puds. I requested an amendment to restore that requirement of a common open space. And staff's report of september 12th to you says that they have adopted that proposal as an amendment. But in substitute for the 40% and of which half must be common requirement, they have simply put in adequate open space will be provided. That's just disingenuous to say they adopted my amendment. It's an insult to the people who have worked so hard on this project. For the neighborhood associations. Staff would have you believe that authority to change final plats from what was approved in the public process involves little bitty inconsequential matters. One example allows a 5% increase in the grading. As amanda pointed out to you for development like camelot estates, most of the developments in my neighborhood are large, that's an extra acre or two of graded land and the storm water calculations have already been evaluated based on what was to be graded in the preliminary -- according to the preliminary plan. These things can't fit together unless you reconsider them as a whole. With public participation. Another example allows an arbitrary decrease of 5% in the common open area. On camelot estates that would be a loss of about three acres of common open area. Even the decisions reached by the hearings officer based on the law and the fact that's were presented in the public hearing process could be overturned by a faceless bureaucrat who says, I do it think you need that much common open area. Such changes could even be made -- again, using camelot estates, in its present incarnation, it's going through final platting based on an agreement with the neighborhood association. Thanks to your decision, we were able to get serious negotiations and come to something satisfactory to both sides. But under these regulations, the staff, who nobody knows who they are, behind the scenes, can make the change in that that would completely overturn our agreement. Even the developer couldn't stop it. They have no more authority to stop it than the neighborhood association. Could. Just one other thing. I don't have to talk to stevie, commissioner Saltzman, to answer your question about what you've put to council about what you can do in the way of different regulations for some areas. If we can't do that, then everyone -- every one of the dozens of special district we have now are illegal. And nobody is challenged them on any basis. All you have to do is declare an area that you want to have different regulations for, a special district, maybe stevie will disagree, I don't know.

Katz: Thank you.

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Liz Callison, 6039 SW Knightsbridge Dr.: Liz, 6039 southwest knightsbridge drive, and I certainly hope you'll take arnie's comments very seriously. And hold off on passing this tonight. Today the newspaper headlines screamed that boeing industry will eliminate 30,000 jobs and in the past several years, we've seen thousands laid off, the local semiconductor industries and freight line tore name a few. Closer to home the city has eliminated many clerical positions in the departments of public safety among others. So why does the city council continue to insist we need to subsidize and force tens of thousands of new housing units into our neighborhoods? Portland's officials have for the past ten years promoted a high density agenda that consistently -- consistently has excused building and environmental areas, you've also excused our heavily polluted river and streams and substandard air quality by praising high density increases as the way to reduce so-called suburban sprawl, which we've seen happening anyway. However, the new four-story apartment compounds just look like tenement blocks to many of us. People left europe and new york to get away from crowded unhealthy tenements. Why do you want to build them here? I'm here to oppose the code rewrite project because it is designed to promote more crowding. The real issue is whether the city council should vote to increase density as unpopular as it is or start to admit that Portland is already too crowded in -- and congested. Traffic congestion is an increasing problem that acute but overpriced \$40 million downtown streetcar in no way will alleviate. Like many of the people in this room, I felt that the process has been somewhat undemocratic and definitely too costly. The seven-year process for this code rewrite, I mean. I noticed only one person signed up tonight in favor of council's agenda tonight. All the others signed up to oppose it. People watching this hearing need to hear from you why you want this pro density development plan so badly. I think it's also only fair to be honest about what it has cost the taxpayers for this seven-year experiment in unwanted and un -- a very radical urban densification. Nothing that takes seven years, and which is still opposed by most neighborhood representatives would seem to me to be very beneficial. I'm most opposed to the section on minimum lot sizes, although I certainly acknowledge there are some improvements in this code rewrite project, I do feel those are frankly a cover for the -- this densification program. The item 610.1, first there's no evidence that clustering actually reduces environmental impacts or increases public safety from building and hazard douse areas. About the only reason our streams aren't in any worse shape is that the density in the west hills, for example, and some parts of johnson creek has been relatively low until the last few years. Secondly, it institutionalizes dishonesty by mislabeling and going against what a reasonable person would understand from the terminology, an -- r-10 always meant residential 10,000 square feet and r-5 meant 5,000 square feet. Some neighborhood chairs were misled in the past that your argument that people were getting variances anyway so you might as well accept our -- that r-5 can mean 35,000 or 36,000 square feet. In other words -- sorry, 3600 square feet. In other words, give up your public right of review, because your community is going to get lack to -- whacked regardless. Would I ask you to consider very carefully the question of minimum density and do we actually need to be so heavy handed about it in the city. Thank you for your time.

Dave Nadal, SW Florida Ct.: My name is dave nadal, southwest florida court. I support liz, first of all on what she just said about minimum density. That's the most important thing I think and we should pretty much scrap that. I also support the neighborhood coalition's pros yap -- proposal in the september 12th letter to city council and as set forth in the earlier correspondence by a letter including some beautiful 20 to 30-page and more of the neighborhood positions which seem many areas haven't even been addressed as far as I can see. As far as you can visualize or see. There's been no real explanation as to why these things are left off. I was disappointed not to find answers in that file to the many unified citizens' points. The most remarkable thing is the concurrence of

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citizen opinion. For the most part there was no discernable response except with the bop would state few amendments were acceptable. What a waste of reliable sources of information and experience. I don't feel confident city council staff and bop have made city council members aware of what is actually in there. Tonight city council I believe needs to set up a tangible mechanism to incorporate the citizen perspectives and insights. At the first city council hearing three members seemed quite ready to merge citizen proposals and perhaps eliminate most of the existing draft. The citizens then submitted their ideas, spelled out in crystal clarity both before and after the work session, but then nothing happened. The neighborhood alternative proposal was almost ignored at the work significance. Can we start here and set up a mechanism to get the bop, city council and citizens together before this session add journals? If not, reversion and institutional inertia will probably happen again. And it's not as if there is a lack of neighborhood consensus. As I mentioned, the degree of experience in consensus is remarkable and you trust the neighborhoods' viewpoints based on a review of that file on a radio show, Gil Kelley said this summer we already have the required 204020-year building potentials in Portland. Partly for that reason I can see no conceivable reason to enact any changes at this time that continue to increase density when we have already outstripped our infrastructure capacity. Tonight please fasten and enact a mechanism to ensure our local neighborhood wisdom is utilized and implement only those measures advocated by the citywide land use committee representative and eliminate every other part of the rewrite. There are some remarkable paragraphs in the file that you probably haven't seen. I know these were copied to city council members. One paragraph mentions this project was entirely different than earlier comparable projects. Consultants were hired, given a set of objectives that largely dictated the outcome that meaningful public participation shall be reduced by more opportunity for talk, but less opportunity to influence outcomes. A huge advisory committee was created of which a third were city staff. Instead of discussing recommendations or developing them, the committee was allowed inconclusive discussions. Members played no decisive role except for city staff who would work behind the scenes. The consultants polled the committee, many of which allow -- with the response option were phrased to induce answers predominantly consistent with predetermined conclusions. The result was a recommendation of the planning commission from consultants, not the committee. So little reflected the judgments of the public members of the cac, I'm just about done, that I and others have unsuccessfully asked our names not be included in publication. The proposal survived the planning commission largely intact despite nearly unanimous public testimony in opposition to the core provisions.

Katz: Thank you. Your time is up.

Katz: How many more people are going to testify? All right. Otherwise I'd go into two minutes.

Rosemarie Opp, SE Yamhill: Rosemarie, 11 -- southeast Yamhill. In February of 2000 there was a hearing on this land division code rewrite. As I recall, the room was filled with neighborhood leaders and citizens and over 90% of the people said no to this rewrite. You didn't like that response, apparently, so kept it going with a task force, committee meetings, and in November of 2000 the staff brought out a slide show to I think about three different meetings and neighborhoods, but essentially no real dialogue to all of the issues that had been brought forth that night of February. Last summer, you essentially ignored the efforts of some neighborhood people who still tried to work in good faith with you. As for me, I have no faith in you or your mode of operation. I'm opposed to this rewrite. You have already devastated out of east Portland with rezoning and density, and projects which do not fit in with our neighborhood. People in my neighborhood have come up to me and asked if there's something wrong in Portland. All I can say is there's nothing wrong with Portland, it's the city council and their agenda. It seems the codes and goals are

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standing in the way. And that's why these last few years we've had to deal with the code language and improvement project one, code language improvement project 2, which are known as the clip one and clip two, blueprint 2000, code maintenance, amendments to goals and on and on. And now this rewrite of title 34, the land division code rewrite of this city of Portland. This is not just a little tweak here and there. It's over 400 pages. One of the purposes of title 34 is to prevent overcrowding of the land. I believe that your dismantling the purpose of this code. And I believe that you want this rewrite because it stand in the way of your agenda. More crowding and density, and we are losing our quality of life in this city. The land division code rewrite is the frosting on the cake for you. It is the nail in the coffin for us.

Doug Klotz, Willamette Pedestrian Coalition: Doug klotz, speaking for the willamette pedestrian coalition. I will just be speaking on the amendments. We already gave our testimony on the majority of the code. Actually i'm speaking in favor of the amendments that were done on pedestrian connections, that would be on page 63, 33, section 33.654120. We like the new language that's been added clarifying the criteria used to make sure the pedestrian connection rights of way are wide enough and have an environment where you can see so you can see if it a safe place to be, and -- that are not overly long and narrow. And I -- with -- I respectfully disagree with amanda, I do think that you can design a pedestrian connection so you can see through to the other side without taking out a significant number of trees. I think it can be done, you can fit things in and slide it over a little so you can see straight through. I just want to say if -- if we're talking about a pedestrian connection that's going to substitute for a through street, it needs to be something that people will be willing to use even at night. The same way you would whack down a neighborhood street at night to get back from the store. Or from your work. So it needs to be -- you need to be able to see down it, a wandering trail down in the ravine and back up the other side would be nice on a warm afternoon, but will it's not the sort of thing you would want to use later in the evening. So these pedestrian connections are meant to be a transportation facility, and they need to go straight through. I did propose that -- there is a -- some -- a figure in the comments that I thought would be perhaps useful to put into the actual code language. But beyond that, I think the rest of the language that's in there is good. That was just a suggestion that perhaps a figure in there would make it a little more easier for that to be codified. The other section I want to comment on, which I also think is a good thing, is the public access easements that are required on private streets. That's page 69 and the changes to page 69 in section 33.654.150. Having a public access easement down the sidewalks is certainly a good idea. I did note that if there are -- happens to be any side streets and a crosswalk created, access needs to go in the crosswalk too. And the public access easement language, which is way back in the definitions, I believe, but anyway, the public access -- page 129 -- public access language I just suggested switching around a little so you are sure that it's -- you can do everything on this type -- this sidewalk you can do on other sidewalks. You don't have to just keep walking, you can say stop and look around, maybe take a picture of a bird and a -- in a tree or something, which -- it's only for purposes of travel, you theoretically could be stopped from doing things like that. I also am in favor of commissioner Francesconi's amendment. It sounds like a good thing to me, as it's been explained to me. So that's our testimony.

Katz: Thank you. Anybody else? All right. Let's go back and let's try briefly, start from the very beginning. I just want to remind the council that they have heard a lot of these issues, you've made some decisions, but until light of the testimony, I think we need to maybe start from the very beginning.

Pinard: Do you want us to go over people's testimony?

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Katz: Yes. We're going to go through each one of the issues. But set the stage for us. This has been in operation for seven years?

*******:** Yes.

Katz: And you came to the council, and what happened? Council told you to go back.

Pinard: We've had quite a few rounds of public involvement and public testimony. It was at the planning commission for over a year, maybe two years, we've been to council four times now. Maybe a good place to sort of refresh your memory is --

Francesconi: Excuse me. I don't mean to be rude, but I don't need my memory refreshed.

Katz: You don't?

Francesconi: I would like to go through the issues.

Katz: All right. He doesn't want his memory refreshed.

Pinard: Most of the testimony that you heard and we were trying to take notes on all of it has to do with issues that you heard before and you did not direct us to make amendments. So we can talk more about that if you would like, or we can --

Katz: Let me do it this other way. I'm getting a sense the council is a little antsy. The council wants to raise the issues that they want to hear about. Let's do it the other way.

Pinard: We would be happy to respond to anything that --

Katz: Yes. And you will.

Sten: I guess my question is actually more directed at the council members than it is at the staff. Do you want to do council discussion now?

Katz: Before we get to council discussion, I think we need to hear from the council on the reasons elaborations on the points that have been raised, the accuracy of the points and then we can have council discussion.

Sten: Are you just -- are you referring to amanda's memo on behalf of --

Katz: Amanda's memo --

Sten: On behalf of the larger group? Okay. I guess I understand her memo and the points and the responses. If other people don't, we can walk through them.

Francesconi: I just have a couple questions.

Katz: Okay. Go ahead.

Francesconi: The issue of the final plat. Both arnie raised it, but amanda raised it first. I don't totally -- help me with this. Is there going to be citizen involvement on the final plat? Or let's go through the final plat question. And amanda's concerns.

Pinard: It's set up with a system, preliminary plan and final plat. The system is set up to deal with the fact that there are a lot of unknowns at the beginning, and so there is a -- needs to be flexibility between tentative and final. When we started this project seven years ago, our consultant told us that state law at the time said final plat could be an administrative decision. And that has been part of the recommendation for quite a few of the years. After arnie's testimony in may, we've checked again and because of more recent luba opinions that have happened since we started this project, the city attorney has recommended that we have all time plats be type 1. So our proposed amendment proposes more citizen involvement and notification than it originally did. Because they would all go through a type 1 review.

Francesconi: But not --

Pinard: If they're not approvable as a type 1, they don't meet the criteria, then they basically can continue to ask for those changes by going through the project again starting over. And going through another land division process.

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Francesconi: Okay. On the issue of the common open space, and it being less clear according to mr. Rocklin, the 40% eliminated, can you address that?

Greathouse: Yeah. The last time I reported to the council, I believe it was June, I had a table that I'd prepared for the council at that point that compared the existing planting development -- planned unit development requirements for open space versus what is required under this code. The intent is that this code ends up requiring open space on the site with a number of different regulations, including regulations for preservation of seeps for preservation of trees that encourage trees to be placed in tracts that protect these trees, seeps would be placed in tracts that would protect the seeps. Through requirements related to building coverage that that only allows a certain percentage of the site to be covered by buildings and also now with the addition of the amendment that is before the council we would also require that sites show they're providing adequate open space under the existing planned unit development, regulations that have been referred to, you would only -- you would need to provide a certain percentage of open space but there's no indication of what that open space has to be used nor in terms of improvements which percentage of that is -- there's a requirement for percentage private or public, but a portion of that percentage can be on the private yards. So I guess we feel in balance the recommendation end up getting to as much if not more open space with specific requirements for that open space.

Francesconi: Okay. So you think it will end up resulting in the same 40% figure?

Greathouse: It's going to vary a site by site basis depending on how many trees that are there, depending on what kind of seeps are there, and for sites putting more than 40 units in, there would be a required recreation area that has a certain percentage of the site with improvement value. So it -- it could be less on some sites. It will be more on others. The other thing to emphasize is that existing requirement is only for proposals going through the pud process. Under these regulations these would be requirement that's are applying to all land divisions.

Francesconi: Okay. This is more general question. On the issue of how much -- how many pieces of property do we have left that's going to go through this process, I heard somebody from southeast, I think it was Bonnie, say there aren't many land divisions left. But then I heard later in her testimony this is going to dramatically increase density. I'm not sure both are true, I'm not sure how both could be true. So are there a lot left?

Greathouse: Yes. What we have most of left in the city of Portland is the smaller two and three and four-lot land divisions. The intention of this code is not to increase density as we aren't changing the allowed densities in the zones other than inserting minimum densities in zone that's don't currently have minimum densities. We're actually reducing minimum density in the single dwelling zones under the code. The intent is when somebody who owns property comes in to divide it, that they have regulation that's allow them the additional flexibility and protect the resources on those sites.

Pinard: Can I clarify? Part of the issue that I think Bonnie raised, and we've talked to her about that and some of the other testifiers, there are parts of mid-county that the existing development is lower density than the zoning allows. So you heard them talk about large lots, that some places we talked about with Bonnie have had R-7 zoning since before they were annexed into the city, but they're developed at a lower density now. With the sewer project, neighbors are seeing more and more of those large junior acre sites being redeveloped to the allowed density and that is seen as changing the character, which it does, it is not increasing the density that has been allowed in many of those areas since before we annexed it. So it's -- again, the perception that things are getting more dense out there is true. It's not because of the land division proposal sort of allowing more

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density than was allowed before. There are other circumstances that are going on that are encouraging more people to divide their land than they did in the '80s or '70s.

Francesconi: Just a couple more questions. And this one is in general. What if any of the concerns you heard tonight could be addressed by the infill design standards if we ever get to them?

Pinard: I think quite a few of them, because a lot of the concerns about density as you will remember when we showed you the power point last november that was the result of the task force that gil had brought together from -- for most of the spring and summer when we dealt with design issues, that we really looked at -- the issue is not density as much as design. It now you design it and how you build it more than the density numbers. That's one thing we recognized we wanted focus on more. After we get this project done. So a lot of the character questions can be taken on with a design to infill. Can you think of others?

*****: The overlay.

*****: Yeah. That's part of -- we want to revisit and make extensive changes to the a overlay zone.

Francesconi: I guess my last question involves -- and I am worried about this, the general issue of the lack of industrial land, and the port's allegation that some of -- unless some of the changes are made, that could result in a 20% reduction of available industrial land, which is a big deal if it's accurate. Are they accurate?

Greathouse: I don't know that -- I don't have the numbers here to present against hard numbers, but the main thing to keep in mind is a lot of the industrial land that exists out there today is -- are not a lot of it, but some of the industrial land along river banks that exist out there today has areas that are environmentally zoned that would continue to be environmentally zoned. I'm not sure about the numbers that have been presented are accurate in terms of what is allowed today. Without these changes going into place. And under the existing land division code sites are required to make sure they're building locations are up out of the 100-year flood level. That's what we tried to do with the recommended regulations. So i'm not -- I guess i'm not certain that our changes for the flood hazard area are going to result in that much of a change in whatever their existing development potential is in industrial zones today.

Francesconi: Will marine facilities be able to be locate the in the flood hazard area?

Greathouse: Yes, that's one of the amendments that's before the council is making sure we aren't requiring them -- the marine facilities be out of the flood.

Francesconi: I guess it's a storm water --

Pinard: The storm water issue, we want to look at the question is how to count something for more than one function. Storm water function is great, does it also meet the landscaping requirements and shouldn't it also be able to count for the 15% minimum landscaping requirement on a site. The answer is yes. What we want to make sure of is lots of -- the idea behind a lot of these storm water tracts is there will be one tract for quite a few lots, and they all can't count that same chunk of land as their 15% landscaping. But that's a technical issue that we want to make sure we've worked out, but we have no problem -- I think the port and we agree on the approach that it's okay to use land for more than one purpose to meet more than one requirement such as storm water and landscaping, even though we've done that with the recent changes to the parking lot landscaping regulations.

Francesconi: Okay. I don't have any more questions.

Saltzman: I want to pick up on that last point. I was concerned about that as well. It seems to me that if I understand the -- what the port's point was, that when you're master planning an area, like

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port-owned property on airport way or something like that, you have to set aside -- you have to designate a tract ever tract for storm water management, and ultimately later on various developments come along and we -- we hope those developments will do innovative things to not have to use a tract of land for storm water management, but keep it on site. And I understand what they're saying is they want the ability to come back if that circumstance happens and to adjust down the tract they had to set aside, thus freeing up additional land for industrial development, which sounds to me like an intuitively good idea for industrial land. So guess i'd like to suggest that might be something we pursue as an amendment f. It needs to be an amendment, that we do allow adjustments for industrial lands where they've set aside a tract and where good innovative stuff happens, swells in parking lots, ecoroofs, so the storm water doesn't end up having to go to that piece of property, that we allow them the size of that tract down so it could be used for further industrial development.

Greathouse: We do have procedures in the code for any changes after either tentative plan or final plat to lots. There are specific procedure types that are assigned that the developer can always come back through and apply for -- depending on the complexity of it they may have to apply for a land division that's at the same level as the original land division.

Saltzman: To their contention that no adjustments to such tracts are permitted is over stating it is what you're telling me?

Greathouse: They would be able to change the tract. I believe the primary issue that I was hearing from the port was just the issue of having their storm water system in a tract and being able to count that space within that tract towards meeting additional requirements, which I think is an issue with -- at the development stage in terms of how we calculate landscaping on a site, unless an issue at the land division stage --

Saltzman: I got the impression they were more concerned about the no adjustment opportunity.

Pinard: But I think that was no adjustment in the ability to -- well, actually mary said that. About wanting everything to be adjustable. I think our approach is that with don't disagree. We want storm water in tracts if that's the way the storm water is going to be managed when they come back in. Later down the road if people decide we can have other ways to deal with storm water we don't need that tract anymore, the land division code has no prohibitions on going back and vague circumstances have changed now, what's the best use of this land. So I don't think there's a conflict.

Saltzman: Okay. Some other question i'd asked katherine earlier about this idea of exempting a particular geographic region from minimum density requirements, and arnie suggested one approach, which is to create a special district. Is that basically the answer? If we were to do something like that and I guess I would ask what's the equity of that and then also the other question I -- throughout this process hi to go back and remind myself, why are we doing all this? So i've been looking over here what sort of the purpose and goals of this whole effort is, and part of it is to implement the 2040 growth concept, and in particular the urban functional management plan. And I believe the minimum density is one of those requirements in that plan, and I guess the other question, how would it look if Portland is not meeting it, how do we argue that west linn and lake oswego should be meeting it and the mayor and I run into those issues all the time on impact. Not all the time, but --

Katz: A lot of the time.

Saltzman: It -- maybe you want to respond to that.

Greathouse: Yeah. Since we don't have any staff here that are charged with our sort of metro compliance procedures, I think I can say for the staff that have been dealing with documenting the

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city's compliance with the growth management functional plan as we're required to do, that metro does have an exception process that you can ask for and an -- an exception for the plan, but we would have to be able to provide pretty good criteria for why we were asking for that exception, and I think it is true that the more exceptions we as a city ask for, that's sort of the example that we end up setting for our regional partners.

Saltzman: But there are mechanisms in our code that we do do -- we could do that if --

Greathouse: It's a mechanism in the urban and growth management functional plan. Metro requires that we amend our code to come into compliance with that. We could choose to not amend the code to come into a compliance, but we would have to request an exception from metro and that we may not be granted -- likely won't be granted that exception.

Francesconi: If there were any part of the city we should do this in it would be southeast, given the lack of infrastructure and the density that's coming out. But if we do it for one part of the city, how do you not do it for another part of the city and it's a mess?

Katz: I think -- all right. Go ahead.

Saltzman: I have one more question, and that is, I thought it was a great suggestion to switch on the trees from measuring 35% diameter to circumference. I think there's a lot of miles an hour to it that idea. And i'd like to suggest that we make that amendment unless there's something that's dramatically wrong with that.

Pinard: We are not the landscape architect experts. We've been talking to people at b.e.s. And other people in opdr and the bureau of planning who know how these things work. And I know the industry standard is what we've proposed. I also know that it's been discovered before now that trees aren't exactly round, and so there's a reason they do caliper other than diameter. I don't know exactly what it is now, i'd be reluctant to decide just tonight to make that switch without asking the folks who have told us quite a few times, because we've asked that I think earlier in the code probably in the '80s we had some tree language that had diameter.

Saltzman: Circumference you mean?

Pinard: Sorry. And they said that didn't work because of the way the -- just the way the industry works. So --

Saltzman: Who said that, urban forestry, or b.e.s.?

Pinard: More than -- sla, the association of landscape architects, forestry, b.e.s., you know, it's been considered is what I want to say, and this is the proposal. So I don't mind considering it again, but I would be reluctant to recommend approval of the amendment without more input from people who are more familiar with how that works.

Saltzman: So you don't know for instance if an oblong shaped tree how you measure diameter? You could measure diameter two ways, on the shortened or the long end.

Pinard: Right. But what I would want to say is that that issue has more than likely come up before, and we'd ask the professionals what do they do and they either go by the widest narrows average it, or there's some industry standard i'm sure. And we could check into that.

Saltzman: Get back to us before the second read something.

*******:** That's a good idea. Let's do that.

Katz: Any other questions on any other issues that have come up?

Sten: One question. I want to just ask you to address the -- I want to try to make this not too long of a question. Amanda basically points out, which I agree with, and it's unfortunate for he because I think you put a lot of good work into this and i'm probably going to vote against it over the citizen participation issue. The one it says in there is that storm water and transportation are not a land use decision, and in that I think has jumped around a lot. I understand we've been at this for seven

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years, but in the '99 proposal transportation was a land use decision, I guess you heard clearer direction than I did, that's why I wanted to ask the council the question as well. I heard people jumping around a lot since may, i've been pretty consistent on that, but if i'm just one of five, let's keep moving on it because one of five doesn't win. But i've heard it jumping around a lot and the in -- it's not an inconsistency, the dilemma that amanda points out in this set of amendments is that on one hand it's not a land use decision, and I think the basic reason it's not a land use decision is that there's a sense that we're writing technical standards that are strong and predictable and if those are enforced right we should be okay. The problem, when I talk more about this if the council wants to discuss it, i'll -- via whole other issue i'll share, otherwise i'll share it when I vote, is that later then in the other amendment that's she's requesting, staff can make very major changes at a final plat that's unappealable and the staff under the balancing requirement are allowed to waive requirement ifs in their discretion it's deemed necessary to balance the plat. So we've got nonappealable decisions based on technical standards that can be waived by the staff at their discretion. And I just -- I agree completely with the premise in these land use chairs argument that we have to give on one of those things. I'd probably give on both of them, but you can't say technical decisions are waiveable and the rigidity and clarity of the technical code is strong enough to warrant having land use decisions denied that -- land use appeals denied that in my short experience have been very helpful for clarifying problems in the code. And I think we've taken both avenues away, and I just -- so how do you respond to that?

Pinard: First of all I want to be clear in the amount of flexibility we're trying to build in the -- between preliminary and time, because you need that. In listing out the things that you can change, we're also -- we also have that juxtapose to the list of things you can't change without going through the process again. So one of the things we've really focused on is saying there's theoretical changes that could be made to a lot of these tracts that we're giving to a technical bureau to decide, but it changes -- changes to the size of a lot of those tracts have to by definition impact the size of the lots that were proposed because there's only so much land to start with, it's either a lot or a tract or going to be a street after -- at the preliminary stage. And so our thresholds for when you have to go back and have more public review if you want to change the lot size and to -- dimension assist going to be caught if you're doing too much change to the tracts. It -- we're focusing on the lot size and those things of having a smaller threshold of flexibility between preliminary and final, with the idea that if it changes more than a slight bit we want to look at it again. And that allows us to say, these other changes if they don't affect things like the size of the lot, we're going to leave to a technical decision. Let me make sure I haven't misstated anything. Okay.

Saltzman: There are still parts of the storm water decision that the location of the tract and the demonstration of capacity, that's still land use.

Greathouse: That's still land use. And I wanted to add a clarifying point, that is under today's regulations the standard for assessing whether the final plat is adequately close to the preliminary plan is a criteria that looks at substantial compliance, which is pretty broad. And we've tighten the that up, provided a clear and objective standard for what we mean.

Sten: Isn't it appealable now? You can't appeal at all now?

Pinard: I think final plats are usually --

*****: They are appealable to luba, and with the change to make these a type 1 procedure they would still be appealable to luba.

Sten: They're not appealable to the council now?

*****: Correct.

*****: Correct.

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Sten: How about --

Katz: They are to luba?

*****: I think just about anything's appealable to luba.

Sten: How about the --

*****: Staff is collect. Approval of a final plat is a limited land use decision and is appealable to luba.

Sten: What about the balancing requirement?

*****: Do you remember?

*****: The balancing requirements are put in there because currently it's not clear when a technical decision is land use and when it is not. It was -- we were advised by the previous hearings officer that we needed to set up a procedure to allow the hearings officer to decide when to -- when two requirements conflict which one should be met. Just simply requiring an adjustment to something is not the appropriate process, so we built in this balancing system that allows the decision-maker, the hearings officer, or you all, if it is appealed to you, to take both standards, both requirements into consideration and decide when they conflict one says keep a tree, one says cut down a tree, which is the most important priority. And that's the only mechanism that we have currently what we have proposed is the only thing that's available for that now. There is no mechanism to do that today.

Pinard: It's like most of our discretionary decisions that you see on appeal for type 3s, their approval criteria that's -- you look at the criteria and you balance how they apply to this particular site. If you have two that conflict, you're making a site specific call on -- in this case how do we meet the intent behind both of those requirements, but maybe not meet the letter of the requirement.

Sten: Why is it so important on a large land division when the staff is making an adjustment call that the neighborhoods be unable to appeal it?

*****: I don't understand --

Saltzman: On the plat?

Pinard: In a large land division that would be going through a type 3 process where this balancing criteria may be --

Sten: You're having a dispute over appealing quite a few things. You understand what they would like to appeal? Or not?

Pinard: They'd like to appeal more situations than you have decided --

Sten: So why does -- what is gained by blocking those appeals?

Pinard: Part of the goals of this whole process was to make approvable land divisions easier. If I remember commissioner Hales saying, we need to make it easy to do the right thing and hard to do the wrong thing. And so to the extent that we can, we've tried to be clear about the types of requests that have the least discretionary, least potential impact and make sure they go through the most efficient land use review process, which would be the type 2 or the type 1 rather than the 3.

Sten: Do we have any information on how many appeals we've had? On these issues? How inefficient it is?

Pinard: We have looked it up, you had asked that last time, we sent that information to you and we don't have it at our fingertips. There aren't a lot.

Sten: So -- I guess it seems to me there's a lot of -- i'll stop at this point, there's a lot of verbiage around making something more efficiently. I'm testimony people flat out that on the camelot case for example, the standard we had set, we met according to a technical decision. But it was a new area of storm water, and I think I may even sponsored some of the regulation that's were being

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interpreted. And the result of the way -- of the way the technical system was correctly interpreted was not what we were after. If we don't have people who are paying all this attention with the ability to appeal it up the ladder to the council, we don't find out and it just keeps happening over and over. And my time on the five years in the council i've dealt with -- I don't think i've dealt with six of these, but the ones i've dealt with i've found to be extraordinarily significant. That's why i'm hung up on this.

Katz: Could you --

Greathouse: I wanted to add in one thing which is that under today's system with the notion of you propose a tentative plan and you then you come back for your final plat and you have to demonstrate compliance, a lot of the specific design-related decisions to street design and to the design of the specific storm water system that's going to happen on that site happen in that sort of window of time and are looked at with substantial compliance as the criteria. Under these recommendations because we aren't going to be using substantial compliance and need to have clear and objective standards, but also need to still have the flexibility for the final design of the street and storm water system to be undertaken when final engineering plans are in and with engineers looking at the site, we have assigned those as technical decisions rather than as decisions that are taken into account during the tentative plan stage of the process.

Saltzman: The other difference here is we now have a storm water manual that is subject to biannual revision and it's been developed with ample public process, which is designed to set out the best state of the art practices to try to push the envelope here in getting more innovative ways of dealing with storm water. And I think the feeling of the bureau of environmental services is if these are all subject to type 3-type decisions, there also is oftentimes a lag between the land division and the ultimate development of that property, but you're going to basically encourage the developer to go -- to do business as usual, which is find the office -- off the shovel solutions which typically include pipes and concrete, because that's the safe way, that nobody's going to challenge you on. We're trying through our storm water manual, to set a higher bar here, and I think that's part of the issue that didn't exist before with the camelot estates. We do have the storm water manual, which is, as I said, subject to revision and was developed during --

Katz: Let her answer. Why don't you respond.

Pinard: I agree with you and it's going to make that point. What we're taking is what we've learned from the storm water manual and saying we want similar things to happen with transportation. And have a built-in system so that the things that respect working as you've pointed out have a chance of rising up and getting the attention they deserve to be fixed. The other point I wanted to make, commissioner Sten, was you need to remember that even if only a few of these type 3s get appealed, if we make a whole bunch of the applicants go through the type 3 process, that's more work, effort, cost, we have less cost recovery. So there is all of these other cases going on that you're not seeing on appeal, and we're trying to use this -- the city's resources as wisely as we can and put our staff time and efforts where it's most desired and have a simpler faster process for the ones that have less likely to raise these issues.

Sten: Well, you haven't got into that I haven't asked more question. What you're saying is that you do dramatic -- you're going to do less review on these things and they can't be appealed.

Pinard: That's not what we're saying.

Sten: You just said you're going to save time and money by not reviewing these as. I don't understand if they're not getting appealed how it's costing us so much unless what we're going to do if they're not getting appealed the appeal didn't cost anything, so how are we going to save money if we're not going to review it less.

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Pinard: There's a difference between a type one procedure and a type two and a type three. And the cost to the city of doing those and to --

Sten: Where's the cost saving? Is it that it's reviewed less?

Pinard: It has a faster time frame, there are more clear and objective approval criteria that it -- there's less -- you can correct me if i'm wrong, rebecca, I believe we ask the general fund to subsidize type 1 and type 2 reviews less. So our fees cover more of the cost.

Sten: So we charge more for them? You can't save money magically. You either collect more money or do you less work.

Pinard: But we're collecting money partly from the applicant and as you will remember, we don't have 100% cost recovery for land use reviews. Which means that --

Sten: So we charge more.

Pinard: No, it means the general fund is subsidizing to a certain extent the land use reviews. It's my understanding --

Sten: Is it subsidizing it because you're doing more work or because you're collecting less money? If you dot exact same amount of work it costs the exact amount.

*****: I'm not getting --

Sten: So we're charging less money toll the land use reviews and more money to the nonland use reviews.

*****: Could I say something?

Rebecca Esau, OPDR: I'm with the office of planning and development review. I just wanted to point out on page 143 of the draft it breaks down which types of review -- something like camelot. -- it's not changing. It's more dwelling units, it's -- fits got a concurrent environmental review, it's a [no audio] all these things would still be appealable. So those are more complicated reviews and they take more time and the less complex ones are going through at a faster time line because they don't involve as much complexity.

Sten: So our -- we do more review now of the less complex ones than we're going to do under this new code.

Esau: This is allowing more time on a local appeal for the complicated ones such as those that involve an environmental review. As opposed to the other ones that are more straight forward with --

Sten: So in that case the dispute between -- the dispute between the bureau and the activists is essentially over what's complicate and what's not? You're basically saying they -- you're basically saying they shouldn't be worried about anything below that threshold. And they're saying they should be.

Esau: From my experience in doing land use reviews and supervising staff that do reviews, these things they've listed out as requiring a type 3 review are primarily the most often controversial case that's we look at involving the most public involvement.

Sten: Okay.

Katz: Commissioner Hales, we're going to get --

Francesconi: Just one question. I hate to do it, but I want to get back to commissioner Sten. That was good information. Would it have been -- this is going to sound too critical. Would it have been nice to get it sooner in the process. But anyway, you're doing a good job here. I shouldn't have said that, i'm sorry.

Katz: We talked a lot about this.

Francesconi: I didn't remember.

Katz: Well, I tried.

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Francesconi: Commissioner Sten asked me a question and I was hesitating. But the reason -- the storm water manual, we have it, it's working. It gives some certainty. There's ways to appeal it. And there's ways for citizen involvement. But we don't have it on the transportation side. So --

Hales: Don't have what?

Francesconi: I don't think we do, because we're going to get to those designs. This I -- I raised this issue, then I backed away from it. And I was hesitating whether to bring it up. But commissioner Sten asked a direct question, so I guess I know this is not in front, but help me out a little bit.

Greathouse: We have some of it on the transportation end. Pedestrian design guidelines have been adopted. What we are asking for and it's actually on the directives to the ordinance that's before the council today is for transportation and opdr to work through the other guideline that's need to be adopted and in advance of this code. On transportation end, transportation's end, that is primarily going to be guidelines on -- related to other types of facilities in the street other than just the pedestrian design guidelines, and it's mainly related to if you've got a situation where you've got a constricted amount of area to put street in, which is the priority, is it the sidewalks or the parked cars, or the lane of traffic. And it's things at the bureau -- that the bureau already implements and the ordinance has asked to have those guidelines published so that they can be out for -- so people can know what the guidelines are they're going to be asked to meet for designing streets.

Pinard: You will remember that don gardner, who spoke to you at your may perhaps june hearing said the p dot already has a lot of these things written up. The point is they need to put them together and publish them and we're looking at that sort of format of the storm water manual being one to follow. But it's not something that's -- that they have to start -- to start there scratch but silt something you have -- that is directed before you today that they do before this -- these changes go into effect.

Francesconi: Okay. That helps. But will citizens be involved in reviewing --

Pinard: Yes. Your directives includes the fact that you want citizen involvement in doing that.

Francesconi: Okay.

Saltzman: This is totally switching gears. I wanted to go back to doug's suggestion that pedestrian connections longer than 200 feet should have a right of way more than 15 feet wide. It seems to make a lot of sense to me. I've looked down pedestrian connections that are not wide enough, you're not going to use them.

Greathouse: We've talked about this before. It an issue that's been raised, and considered. And I am confident that there was a reason that we left the regulations the way they are. I don't think we preclude them from being wider where it's necessary and now that we have this criteria that you'll be able to see one end to the other, you may need to be wider if you're longer than 200 feet.

Saltzman: So we do have the --

*****: The ability to get --

Saltzman: You have to see one end from the other regardless of this right of way width?

Greathouse: That's in the amendment that's are before the council.

Saltzman: Okay. I guess I didn't understand that.

Greathouse: I do any the amendment he raised to the definition of public access is definitely one that could be considered.

Katz: Okay. We need to adopt the amendments tonight. And then we'll -- this goes to second. Okay?

Hales: I move the staff amendments.

Saltzman: I'd like to add the public easement -- access easement from mr. klotz.

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Katz: Which one?

Hales: The one he just described.

Francesconi: I wasn't paying attention. Are you okay with that?

Katz: Would you accept that as a friendly amendment? Do I hear a second?

Saltzman: Second.

Katz: Okay. Let take a roll call, because I -- this may not be unanimous.

Francesconi: I'm not going to go through all my reasons. I'm going to save it for next week. I think these amendments are good. Aye.

Hales: Aye. **Saltzman:** Aye.

Sten: I don't have -- it's a funny position. I think the amendments are supporting -- I think the amendments are generally good, they're supporting a package i'm going to vote no on, but i'll vote yes on the amendments.

Katz: Aye. [gavel pounded] the amendments are passed. We'll move this to second. And again f. There are any other issues that the council wants to raise, I hope that we have worked through all of them, that's why I wanted to take that kind of time, and that will be before the council next week.

Fine, everybody. We stand adjourned until tomorrow at 2 o'clock. [gavel pounded]

At 8:34 p.m., Council recessed.

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Item No. 1125.

Katz: Let's read item 1125. Okay. This is leftover -- left over code language that we didn't deal with last time. Go ahead.

Douglas Hardy, Office of Planning and Development Review: As a reminder, in case you don't remember -- [laughter]

Hales: He must have watched last night's hearing.

Francesconi: We didn't care last night, we don't care tonight. So get right to the point.

Hardy: That's all I have to say, if there's any questions. [laughter]

Katz: I tried last night. Didn't work.

Hardy: The code maintenance 2001 contains approximately 70 amendments to the zoning code. These amendments seek to clarify -- seek to clarify and simplify, basically, implementing the code, both for city staff and -- what code maintenance 2001 is not meant to do is create new land use policies, but rather to again clarify or improve upon existing land use policies. The source of the amendments in code maintenance 2001 is basically a database maintained by bureau planning. And these are amendment requests that have been received from a variety of sources. The staff that uses the zoning code, neighborhood activists. And basically what we did through an advisory committee made up of bureau planning and o.p.d.r. Is pull up those that we felt most impacted our daily use of the code. In terms of sort of what has happened prior to this, roughly three months ago the planning commission held its first hearing on code maintenance, and at that hearing the commission voted unanimously to forward 60 of the proposed 70 amendments to city council. Council. And city council subsequently approved those about a month and a half ago. The commission did request a second hearing to further consider the ten remaining proposed amendments. And on August 14th -- I'm a little behind here -- on August 14th the commission voted again unanimously to forward the remaining ten to city council. And just briefly, to go over the ten amendments, the first is basically clarifying how to calculate maximum building setbacks along transit streets and within pedestrian districts. Currently it's not always clear from the existing code how to apply the maximum building setback standard when you're adding on to an existing building, and the add-on is entirely to the rear of the building. The code is also not clear on how to apply this particular standard when there are multiple buildings on a site. And what we have proposed is through basically some new text and some new graphics, this is one of the new graphics, is basically to clarify -- this one clarifies when you add on to the rear of an existing building. When it does and does not have to meet that maximum transit street setback. So for addition a, 1, for example, while it is built considerably back from the maximum setback, it's not required to meet that particular maximum setback, as the addition is built entirely to the rear of the building. Because it's built entirely to the rear of the building it has no street-facing facade, so in that case you could add a-1 by right. For addition a-2, this --s the existing building as you can see in the graphic does not currently meet the maximum setback. It's considerably back from that maximum setback. Addition to -- the addition comes closer to that setback, but does not come fully to that maximum setback. This would be allowed by right because it does bring the existing development closer into conformance with that required setback. The second figure is also included, proposed, and this would deal with -- again, when you have multiple buildings on the site, this would occur, for example, on a campus, hospital campus, a college or university campus. And basically, again, what this figure clarifies is that you take the cumulative length of all the street-facing facades and only 50% of those, cumulative, facades to be within the maximum

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setback. And so basically what this figure clarifies is that not every single building on that campus has to have at least 50% of its facade within that maximum setback. The second amendment is to clarify the height of fences in zones where the terms front and side street back are not used. Fence heights are presently limited in the front building setbacks and side building setbacks. However, the terms front building setback and side building setback are not used in all the base zone development standards, and instead the term street setback is used. And because of that it's not always clear what the allowed height of the fences are within a -- what's called a street setback. So basically, simply what the amendment proposes, is that the term street setback be used in the fence height standard and it then relates it to front and side lot lines so that it's clear that fence heights are also limited in height and required street setbacks. The third amendment relates to drive-thru facilities. The proposal would exempt drive-thru facilities like video and book dropoff boxes from having to meet the drive-thru facility development standard. The development standards for drive-thru facilities basically are intended to produce the negative impacts that drive-thru facilities have on surrounding development, and some of these impacts include things like noise, idling cars, stereo speakers, lighting, that type of thing. And by definition, currently in the zoning code, believe it or not, video and book dropoff boxes are considered drive-thru facilities. So they would have to meet the drive-thru developmental standards that would require, for example, 150-foot queuing length, landscaping along the -- the queue line. And obviously this doesn't make sense applied to video or dropoff boxes. And so basically these types of facilities don't create the impacts as would be the case in a fast-food restaurant drive-thru or bank drive-thru. And so again we're proposing to exempt those types of drive-thrus from those development standards. The next amendment is to clarify the amount of vehicle area that is allowed in front and side setbacks for houses, duplexes and row houses. Existing regulations, the amount of area that's passed per vehicle within the setbacks, and the purpose for the standard really is to reduce the amount of dominance by vehicles in the front or the side street setbacks. However, because the current standard only limits maximum paved areas, it is possible to use a greater portion of your front yard, or side street setback, for vehicle areas than was ever intended. So the amendment simply -- as well as using the term paved also includes the term used so that the amount of area paved or used for vehicle areas is now limited within those street setbacks. The next amendment would modify the way height bonuses are monitored. Height bonuses are currently awarded between 15 feet and 45 feet for sites that earn a bonus, floor ratio between 1 to 1 and 3 to 1. This bonus floor area is earned by the applicant either providing certain types of amenities or transferring development rights from other sites. This reissue of the bonus floor area earned to bonus height awarded was originally based on a typical city block of 40,000 square feet, however when you apply that same ratio on sites that are greater than 40,000 square feet the amount of bonus that the applicant would be provided -- would be required to provide is basically so large that it makes it impractical for -- for the applicant ever to basically gain that bonus height. So under the proposed amendment, the -- we are proposing that for sites that are larger than 40,000 square feet, that the bonus height would be awarded on a specific square footage of bonus floor area earned and not on a f.a.r. Figure. So for example if the applicant were to earn a bonus of 120,000 square feet, any site larger than 40,000 square feet, that they would be awarded a bonus. The next amendment is to -- proposes to modify the landscape requirements along the marine drive levy in the columbia south shore plan district. The core of engineer standards presently prohibit root zones of trees and shrubs from being within 15 feet of the tow of the levy slope. And the reason for this basically is to protect the stability and integrity of the levy. However, existing standards in the code allow landscaping to be within that 15-foot so-called buffer area. And in fact, even to be on the levy itself. So the amendment, basically this

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brings the zoning code into conformance with the army corps standards, basically to ensure that the root zone of any landscaping would not be within 15 feet of the toe of that slope. Next amendment is to clarify basically when land use review approvals expire for multi-phased developments. Land use approvals presently expire the building permit for approved developments is not issued within three years of the land use approval. Basically the amendment clarifies that poor development that contains buildings, the land use approval remains valid only for those buildings that did receive a building permit within three years of the land use approval. And basically the reason for this is if a building permit is received for development significantly past that particular approval date for the land use review, for example an applicant could come in ten years after the land use approval, the circumstances that basically were considered when approving that development may be markedly different than they are ten years after the fact. So basically we would want them to come back in for those subsequent buildings to make certain that they do continue to meet the applicable approval criteria. This particular requirement would not, obviously, apply to master plans or mitigate mitigation plans that had been approved for land use review, because for those particular types of review we do approve those typically for a period of ten years and do assess, again, out to that ten-year period. The next amendment is clarifying the requirements for appeal fee waivers that are requested by recognized organizations. Those would basically be the neighborhood associations. And the -- basically clarifications do four things. One is to clarify the term standing to appeal that's presently in the code. We've done that basically just by referencing an existing citation that's found elsewhere in the zoning code. The second clarification would delete a reference to the term open meeting. This term basically is neither defined in any of the city codes, nor in o.r.s. -- any of the o.r.s. Statutes. Originally referencing the 07 meeting requirement to ensure that any vote to appeal was taken in the presence of a quorum of the recognized organization. And that proper notice was given to those who may be interested in attending that vote.

Hales: Including the applicant?

Hardy: Including the applicant.

Hales: Right.

Hardy: So basically in place of the open meeting requirement, what we have proposed is that the recognized neighborhood association -- or organization or association would be required to sign the appeal form confirming that the vote to appeal was in fact taken in accordance with their -- recognized by the office of neighborhood involvement or o.n.i. The neighborhood association is required to file their bylaws with o.n.i. That there is a quorum and that proper notice is given to interested persons, including the applicant. And then the last clarification for the fee waiver would be to allow the fee waiver request to be submitted concurrently with the appeal form itself. And this is basically done in recognition of the short and limited time frame that the neighborhood groups have within the appeal period. It's the appeal period today is limited to 14 days. And then there's only two more amendments to go. The next proposed amendment, recommended amendment, is to modify the requirements for an impact mitigation plan in the i.r. Zone. Today in the i.r. Zone, an institution's master plan is required to be replaced by a i.m.p. And this is true even if the applicant is proposing a minor modification to their master plan, and even if there's a significant amount of time left, or number of years left, in that master plan. Again, master plans are typically valid for ten years. Also, getting an i.m.p. Drafted and approved is -- what we found out is basically complex, expensive, and lengthy process, and we find that it's somewhat onerous on the applicant to require them to basically sunset their master plan and replace it with an i.m.p. If the master plan still serves their purposes adequately. So basically what we are proposing is under the

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amendment, when an applicant proposes development that is not consistent with their master plan, the applicant would have the option either to amend that master plan, or if they want to replace the master plan with a new one, or opt to do an i.m.p., replace basically the master plan with an i.m.p. Basically allowing this option is consistent with the intent. I.r. Zone, in that one of the fundamental purposes of the i.r. Zone was to provide the greatest degree of flexibility for the applicant in planning for their long-term growth on the campus. And last, but not least, the last amendment is -- relates to modifying the term exterior storage to include the sale or lease of vehicles that are not accessible or available to the public to inspect or compare. Presently in the code, except for recreational vehicles and vehicles on display, all other vehicles are considered parking and must meet the development standards that are specific to a parking lot. However, there are a number of I guess what I would term unique facilities around the city that store vehicles on a site that have none of the -- these particular sites have none of the characteristics of a traditional parking lot. Examples of this would include, for example, the port of Portland, some of their terminal facilities where they offload vehicles from their ship, store them temporarily on the site and transfer them to another site. Another example would be some of the core rental establishments have a facility where they store cars, and then those cars are delivered to effectively satellite rental offices where the customer picks them up. And in both of those circumstances clearly they don't have the same characteristics as a parking lot in the sense of the public is not going there on a regular basis. There's not a frequent movement in and out of that facility with vehicles. But again, based on current code, all those types of facilities would be considered parking lots, and they would have to meet all the interior or perimeter landscape requirements. As well as the maximum parking caps. So the proposed amendment would allow vehicles that are for sale, lease or rent, that are not accessible to the public, to inspect or compare, that those would be considered exterior storage as opposed to parking. And that concludes staff presentation. If there are any questions.

Katz: Questions? Anybody want to testify? Anybody want any clarification? Thank you, everybody. Thank you. Good work. The planning commission, good work. And this moves to second.

Francesconi: Thank you for your work.
At 2:25 p.m., Council adjourned.