

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

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Jo Ann Hardesty Commissioner Chris Warner Director

December 5, 2022

SUMMARY OF REMONSTRANCES AND FINDINGS TO COUNCIL

Create a local improvement district to construct street, sidewalk, and stormwater improvements in the SE 89th Ave and Taylor St Local Improvement District (Hearing; Ordinance; C-10072)

I. SUMMARY

Ten (10) substantially similar written remonstrances representing owners of the 17 nonexempt properties in the SE 89th Avenue & Taylor Street Local Improvement District were received by the filing deadline registering objections to formation of the local improvement district.

A remonstrance was submitted by Cheyne Aiken and Cara Peterson, owners of the property identified in Exhibits A and F with Pending Lien No. 174588 addressed as 1161 SE 89th Avenue. This remonstrance is attached as Attachment 1.

A remonstrance was submitted by Lisa Braaten, owner of the property identified in Exhibits A and F with Pending Lien No. 174587 addressed as 1157 SE 89th Avenue. This remonstrance is attached as Attachment 2.

A remonstrance was submitted by the owner of the property identified in Exhibits A and F with Pending Lien No. 174605 addressed as 1179 SE 89th Avenue. This remonstrance is attached as Attachment 3.

A remonstrance was submitted by Douglas Voigt, owner of the property identified in Exhibits A and F with Pending Lien No. 174582 addressed as 8832 SE Taylor Street. This remonstrance is attached as Attachment 4.

A remonstrance was submitted by Jill Godici, owner of the property identified in Exhibits A and F with Pending Lien No. 174603 addressed as 1165 SE 89th Avenue. This remonstrance is attached as Attachment 5.

Exhibit G

A remonstrance was submitted by Dennis Kemper, owner of the property identified in Exhibits A and F with Pending Lien No. 174585 addressed as 1133 SE 89th Avenue, which was also signed by Rebecca Kemper. This remonstrance is attached as Attachment 6.

A remonstrance was submitted by Troy & Jennifer Ready, owners of the property identified in Exhibits A and F with Pending Lien No. 174595 addressed as 1120 SE 89th Avenue. This remonstrance is attached as Attachment 7.

A remonstrance was submitted by Susan Ruiz, owner of the property identified in Exhibits A and F with Pending Lien No. 174602 addressed as 8908 SE Taylor Street. This remonstrance is attached as Attachment 8.

A remonstrance was submitted by Tracy Zapf, owner of the property identified in Exhibits A and F with Pending Lien No. 174604 addressed as 1173 SE 89th Avenue. This remonstrance is attached as Attachment 9.

A remonstrance was submitted by David Whitlow, owner of the property identified in Exhibits A and F with Pending Lien No. 174583 addressed as 1115 SE 89th Avenue. This remonstrance is attached as Attachment 10.

II. ISSUES RAISED BY THE SUBSTANTIALLY SIMILAR REMONSTRANCES.

Issue #1:

I am opposed because I cannot afford to pay the \$24,000. I could support the project if the cost were \$5K to \$12K per household.

Response:

- a. Oregon law guides that apportionment of LID assessments are to be based on special benefit to property, not based on property owner income.
- b. The LID as proposed provides significant special benefit to properties proposed for inclusion in the LID, with residential properties particularly benefiting from economies of scale and from one-time only City funding.
- c. Notwithstanding response 'b' above, the Local Improvement District Administrator recommends that Council either provide additional City funding to defray LID costs for all residential property owners, or to defer frontage improvements to a future public works permitting (PWP) process in the absence of additional funding being identified for this project, with amendments prepared for Council consideration as of December 4, 2022, to approve the latter option. The PWP process is triggered by certain land use and development actions and would occur separately and after formation of this LID. However, Council has the full prerogative and discretion to approve this LID as originally proposed.
- d. The LID as proposed was structured to result in costs like Lien No.163119, Lien No. 163114 and Lien No. 163124 resulting from final assessment of the SE 80th & Mill LID as approved by Council on February 9, 2022, with the passage of Ordinance No. 190697. None of these property owners filed a remonstrance against formation of the LID nor an objection to final assessment. Like the proposed SE 89th & Taylor LID, this LID was predominantly residential in nature, and was structured to provide economies of scale by leveraging another planned City infrastructure improvement.
- e. The LID as proposed was structured to result in costs like Lien No.161200, Lien No. 161205 and Lien No. 160782 resulting from final assessment of the N Burlington Avenue & Edison Street LID as approved by Council on June 29, 2022, with the passage of Ordinance No. 190906. None of these property owners filed a remonstrance against formation of the LID nor an objection to final assessment. Like the proposed SE 89th & Taylor LID, this LID was predominantly residential in nature, and was structured to provide economies of scale by leveraging another planned City infrastructure improvement.

Issue #2:

Property values will go up because of this LID if approved, but property taxes will go up.

Response:

a. LIDs are billed by the City, not by the County, and are an assessment, not a tax.

Issue #3:

The project does not go from corner to corner (SE Taylor St. to SE Hawthorne Blvd.) but will stop in the middle of the block.

Response:

- a. The LID as originally proposed was structured with project limits to allow the LID to be built as part of the same construction contract as Berrydale Park, to minimize design and construction delays associated with a larger project, and to avoid having to assign additional engineering staff who would need to coordinate with existing assigned engineering staff.
- b. Formation of this LID as originally proposed makes a separate and subsequent LID south to SE Hawthorne Blvd. easier to design and build, but additional financial resources would need to be identified for this additional LID.
- c. This LID as currently proposed includes directive 'k' for City staff to explore the feasibility of this separate and subsequent LID given the stormwater drainage problems at the SE 89thh & Main intersection per the picture below taken on November 4, 2022. If this LID is amended to remove frontage improvements for most residential properties, Council will be requested to remove directive 'k'.



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Issue #4:

We do not want sidewalks or street trees on the west side of SE 89th Avenue.

Response:

- a. The requirement to eventually build sidewalks and street trees can potentially be deferred, but not permanently eliminated.
- b. If additional funding were identified for this project, an amendment will be offered to build the curb on the west side of SE 89th Avenue and defer building of the sidewalk and planting of street trees to after completion of the LID, when this work instead would be done through the public works permitting (PWP) process.
- c. If no additional funding is identified for this project, then Council would be required to approve the amendments prepared on December 4, 2022, to defer not only the building of the sidewalk and the planting of street trees, but also the final width of the pavement and the west curb along SE 89th Avenue.

Issue #5:

There is no need to replace sidewalks on SE 92nd Avenue, and new sidewalk should not be built on the south side of SE Taylor Street to avoid tree removal.

Response:

- a. The Ordinance as written allows sidewalk on SE 92nd Avenue to be replaced only on an asneeded basis, with most existing sidewalk likely to be retained.
- b. The SE Taylor Street sidewalk is being designed to minimize or potentially even eliminate all tree removal, particularly of larger caliper and highest value trees.

Issue #6:

Instead of fully reconstructing SE 89th Avenue, would it be possible just to add stormwater management?

Response:

- a. No. The existing pavement condition is in very poor condition, and is not much better than an unpaved street, which similarly lack stormwater management.
- b. A key aspect of designing new, fully reconstructed streets with curbs is ensuring positive drainage flow, which is not possible with the current pavement section, which is very uneven and has a gravel shoulder.

Exhibit G

III. RECOMMENDATION

It is the recommendation of the Local Improvement District Administrator that the City Council overrule any and all objections and approve the Formation Ordinance for the SE 89th Avenue & Taylor Street Local Improvement District, but with amendments either to increase City funding for the project or to eliminate all residential assessments except for 9020 SE Taylor Street, owners of whom did not file a remonstrance against LID formation.

Retaining 9020 SE Taylor Street would eliminate what otherwise would be a sidewalk gap between the two noncontiguous park frontages on SE Taylor Street. This will be a complex engineering exercise to avoid tree removal as well as relocation of a major water main, but a solution has been identified which would be made possible by forming this LID and retaining 9020 SE Taylor Street as a property in the LID, which would significantly benefit from not having to design and construct these frontage improvements in the future under a public works permitting (PWP) process.

Respectfully submitted,

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Andrew H. Aebi Local Improvement District Administrator

I am writing to share my opposition to the SE 89th Ave and Taylor St LID in its current form. I am opposed because I cannot afford to pay the \$24,000.

If changes were made to the current proposal, it is a project I can support and would be happy to see in my neighborhood. I can support a project that includes a maximum budget of \$5-10k per household.

Thank you for your time and consideration. I look forward to working with you to come up with a project that both supports my neighborhood, and doesn't cause financial distress to myself and my family.

Thank you!

Cheyne Aiken & Cara Peterson

1161 SE 89th Ave

Portland, OR 97216

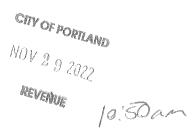
Attachment 2

November 28, 2022

Lisa Braaten

1157 SE 89th Ave.

Portland, OR 97216



Dear Portland City Council Members,

I am writing this letter because I oppose the Taylor Street and 89th Ave LID resolution #37589 Project #C10072.

I would like to give you some background on myself, so you know who and how this is affecting the people that live on the streets in question.

I am a native of Oregon born in Corvallis. In 1969 my family moved to 33rd and Hawthorne. Long before it was the trendy/spendy place to live. My parents bought their house for \$10,500. After my mother passed away in 1995 my father sold their home. The house was out of my price range even then. (The house sold again in 2020 for just under \$700,000.) I set out to purchase my own home in 1997. My realtor found a program called Project Down Payment that I qualified for. I had to live and buy in a certain zip code: 97216 was one of the zip codes. I looked at serval homes that I could afford and most of them needed EXTENSIVE work. There was not much inventory of homes in my price range. The year before I bought my house all the houses were put on the sewer system which cost thousands of dollars. When I found the home on 89th Ave. the price fit my budget; especially after my boss generously gave me a raise. I received \$15,000 interest free loan from the program. The program stated I did not have to pay the loan back until either the loan came to maturity, I sold my house, or I refinanced. In 2015, 18 years after I purchased my home, I received a letter from Portland Housing saying I owe over \$11,000 in INTEREST!!! I was forced to refinance at that point to pay off the debt.

I did not buy my house for the park. In fact, the park has become the biggest problem for our neighborhood. I know firsthand the illegal activities going on at the park day and night. For this reason, I oppose the skatepark that is included in the park improvement proposal. I do want safe streets and safe places for the kids to recreate but having a skatepark within proximity to our street only invites more illegal activity and noise disturbance. In addition, the city is asking that we as a neighborhood (which includes JUST MY STREET) be financially responsible for the addition of the sidewalks. Ironically, we have only one child on our street that would benefit from either the skatepark or sidewalks. Would it not be more equitable if there were more of the 97216-neighborhood asked to share the cost because ALL the neighborhood would benefit?

One might argue that having the sidewalks etc. would increase our property values. Please remember that with that comes more property taxes which Portland and the surrounding cities have the highest in the state if not the country. Yes, property values will go up with sidewalks; but property taxes also go up.

The proposed LID of \$24,000 with interest will be a HEAVY financial burden. If a person must do the 20 years at 6% interest the total cost would be just under \$40,000. I am concerned that the initial cost will

increase as well. That is a lot to ask when only four homes will be receiving the sidewalks. It is like buying my neighbor a car that I never get to drive. The project does not go from corner to corner (Taylor to Hawthorne) it will stop in the middle of the block.

I am a one income household. My income has been reduced since Covid-19 hit. My hours at work have not increased. Now we might go into a recession. Several of my neighbors are retirees on fixed incomes. The price of everything is going up; from health care, car insurance, groceries, etc... when our incomes are not. I have worked for 37 years so I could afford my own home. Now I might have no choice but to sell, which I will not be able to afford a new home. I would have to move in with a relative and lose my independence. If I can keep my home; I might need public assistance with utility bills or food. I have NEVER needed help paying my own bills. If I am required to pay this \$40,000 and an emergency comes up, I do not know how I would pay for it without going into more debt.

I hope we can produce a better solution.

Later & waits

Thank you,

Lisa Braaten

Bureau of Revenue & Financial Services Attn: Sherree Matias 111 SW Columbia Street, Suite #600, Portland, OR 97201 RECEIVED
NOV 2.8 2022

November 22, 2022

Regarding: SE 89th and Taylor St LID

Dear Portland City Council Members & LID Administrator,

Please consider this my remonstrance letter for the SE 89th and Taylor LID. As the LID is currently proposed, I am in opposition. This is because the \$24k cost per household would be a personal financial hardship for me. I am also aware of several of my neighbors on fixed incomes, and do not support a project that may force several of my elderly neighbors to be displaced because they can't afford it. I also do not support planting additional trees adjacent to my property, as this will only cause further financial hardship for me over the years as I have to pay to maintain the tree, keep it away from power lines, and potentially fix sidewalks that it uproots.

If changes were made to the current proposal, I would be happy to see it through. I would support a project that includes:

- A cap at \$5-10k per household
- No additional street trees
- No sidewalks on the west side of SE 89th Ave

I hope that we will be able to come to an agreement for the project that is agreed upon by the city and all neighbors, and is something that all neighbors find financially feasible. I appreciate that PPR is funding a large majority of the cost of this LID to help offset the cost for homeowners, and I hope that the city is able to find additional funding so that the cost for homeowners becomes affordable.

Thank you!

Property Owner, 1179 SE 89th Ave

Reen Clem

I am writing to share my opposition to the SE 89th Ave and Taylor St LID project in its current form. I am opposed because I can't afford to pay \$24,000.

If changes were made to the current proposal, it is a project I can support and would be happy to see in my neighborhood. I can support a project that includes a maximum of \$10,000 to \$12,000 Per household.

Regarding the bullet points listed in the PBOT letter of September 21st 2022:

- 1. No need to replace the sidewalk on the West side of 92nd along Berrydale park because the sidewalk is fine. However The North and South corners of Taylor street and 92nd could be made accessible.
- 2. No need to build a new sidewalk on the South side of Taylor St from 89th TO 92nd because why cut down some trees and tear up all that grass in Berrydale park. People use the sidewalk on the north side of Taylor St. Leave the park the way it is.
- 3. Instead of fully reconstructing 89th Ave would it be possible to just improve the stormwater management? Large mud puddles form at the intersection of Main St and 89th Ave after heavy rains.
- 4. As far as building new curbs on both sides of SE 89th Ave and reconstructing driveway aprons- NO.
- 5. Build a new sidewalk on the east side of SE 89th Ave from Taylor St South to where the park starts. Not necessary to build a sidewalk on the West side of 89th Ave. Because there are two telephone poles in the way and also this would eliminate homeowners ability to park in front of their homes.
- 6. Build missing curb ramps at both offset SE 89th Ave and Taylor St. OK.

Douglas O. Voigt 11-22-2022

Thank you for your time and consideration. I hope that the Portland City Council members will be able to come up with a project that both supports my neighborhood and doesn't cause financial distress to myself my family and my neighbors. Thank you!

Douglas O. Voigt

11/58/97 Dear City (bunsil 1 Ive Q+ 1165 SE 89that. my neme is Jill Godici. / Simply carnot afford 24K or 464/mo. le been a single perent for 20 yers, my dought will be grip to college in a 12 yr. I have another kid in college. I get \$100/mo in chid support, I work as a middle School counselor. I have less than 2 kin Savings, I cannot efford this debt, Bitrally and emotionally. Piecse don't do this. Prease don't slap us with 24K bill , Solutions would be to create a different source. Any our source besides homeowners. I don't have an answer beare I don't work for sity but 12 ft of siderall in Front or my hour would went cost 24K, Please don't do this, thank you,

I am writing to share my opposition to the SE 89th Ave and Taylor St LID in its current form. I am opposed because (*I can't afford \$24k*, *I don't want to lose my west side parking with sidewalks*, *I don't want to be responsible for street trees planted right under power lines, etc).*

If changes were made to the current proposal, it is a project I can support and would be happy to see in my neighborhood. I can support a project that includes (*max \$10k per household, no sidewalks on the west side of 89th, no street trees, a project extended down to Hawthorne St., etc).*

Thank you for your time and consideration. I look forward to working with you to come up with a project that both supports my neighborhood, and doesn't cause financial distress to myself and my family.

Thank you!

Denis & Resecca tremper 1133 SE 897h

CITY OF PORTLAND

NOV 2 9 2022

REVENUE

10:50 am

Attachment 7
Dear Portland City Council MembExhibit G Per 28/22 Nov. 22, 2022
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This letter per tains to my husband's and my opposition to the SE 89th Ave and Taylor St. LID in it's current form. We are opposed because we cannot afford \$24,000 and we don't want to be responsible for street trees planted right under power lines. We have 3 young boys and this additional expenditure would be a hardship for our family.

If changes we to be made to the current project proposal, it then becomes a project I can & my husband can support and would be thankful to see happen in our neighbor hood. We can support a project that includes a maximum of \$10,000/household, no sidewalks on the west side of 89th, no street trees & if it extends down to Hawthorne St.

Thank you for your time and consideration. We look forward to working with you to collaborate with us towards pursuing a project that both supports a safer neighborhood and doesn't cause financial hardship to myself and my family.

Sincerely,

Troy & Jenny Ready property owners of: 1120 SE 89th Ave portland, OR 97216 11:30 TO THE FORTLAND CITY COUNCIL, CHYOFPON ALL DUE RESPECT THIS LETTER IS WRITTEN IN OPPOSITION TO THE PROPOSED S.E. 29 M + TAYLOR LID PROJECT. THE BENEFITS OF THIS PRO-POSAL EFFECTS THE WHOLE AREA AND ANYONE WHO USES THE PARK. THIS PROTECT AS WRITTEN COMES WITH A TREMENDOUS COST TO A HANDFUL OF RESIDENTS. IT SEEMS VERY LINGAGE TO BURDEN A FEW WITH THIS PROHIBATIVE COST WHEN THE WHOLE AREA BENEFITS, NOT ONLY IS THE COST A BURDEN, BUT THE RESPONSIBILITY OF EACH HOME TO MAINTAIN THE SIDEWALK AND ANY TREES PLANTED. OUR PROPERTY TAXES WILL GO UP. MOST OF THE FAMILIES IMPACTED BY THIS COST ARE YOUNG FAMILIES AND OLDER RESIDENTS LIVING ON RESTRICTED IXLEDMES. THE COST PUT ON ME EQUALS TWO YEARS WORTH OF MY SOLE IXLOME IT DRIVE A ZZYR OLD CAR, I'M ON A STRICT BUDGET. THE CUPRENT COST OF LIVING IS

BEING FELT BY ALL WE ARE INLA RECESSION AND 173 NOT LIKELY TO

GET BETTER ANYTIME SOON.

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UPON THEMSELVES TO IMPROVE THE POT HOLES GETTING BIGGER AND BIGGER SITURTION. WILL PBOT MANTAIN THESE 'IMPROVEMENTS' OR WILL IT BE BACK TO BUISNESS AS USUALY ONLY BEING KENEDIED BY A FEW WHERE HAS POOT BEEN GRITHE CONCERNED CITIZENS TAKING IT LAST 32 YRS I'VE LIVED HERE?

SUMMARY:

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OF LIABILITES COME WITH THAT? DRUGS, ONE OR TWO VISITS TO OUR PARK. THIS IS A AREA EQUIPMENT, MORE PIENIE THOLES, KEEP THE OPEN SPACES SO THE KIDS CAN CONTINUE PLAYING BALL SOCCER. EXPAND THE COMMUNITY GARDENS.
WITH THE COST OF FOOD CLIMBING I PEOPLE ARE AFRAD TO USE LET'S CLERY THAT UP ELMINATING THE PARKING LOT WILL ONLY ADD CON-GESTINN TO THE SURROWNDING STREETS. INTEREST AND SERVE THE COMMUNITY SERVES A VERY MARRIN SERMENT OF THE LIMMINITY, AND WHAT KIND IS ACTUALLY UTILIZIALY THE TARK AS IT IN XOW, AND YOU WON'T SEE IT ALL WITH ALEGINATIVE LO L'SKATETYSKY WOULD
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FAMILY FRIENDLY PARK, DOG WALKERS GALOR, ITS A VERY NICE AND FITHING PARK FOR A GRADE SCHOOL SETTING. WHY WOULD WE WANT TO CHANGE THATS

Attachment 9 November 28, 2022

Bureau of Revenue & Financial Services Attn: Sherree Matias 111 SW Columbia Street, Suite #600 Portland, OR 97201

To Whom It May Concern:

I am writing to share my opposition to the proposed SE 89th Ave and Taylor Street LID. I am opposed to this project for two main reasons: the lack of collaboration and communication from city planners with myself and my neighbors, and the cost. LIDs are meant to come about from homeowner interest, require months to years of discussion and planning, and are to be voted on by those financially responsible, with a majority voting in favor. This LID was sprung on us in late August, was not the result of resident interest, and is being designed in such a way that those of us that are financially responsible are not the ones voting as to whether or not it moves forward.

Additionally, this project comes at a very, very high price tag for us, with, in my opinion, minimal benefit. The street that is proposed to be redone is in decent shape (not one of the worst in Portland, at least), and the Parks department will be re-doing the gravel parking lot as part of their park upgrade (which is my main infrastructure concern in the area). I do not want or want to pay for sidewalks on the westside of 89th Ave, where my house is located, because I need the areas around my house for extra parking. I'm also not interested in street trees on the west side, as they run the risk of interfering with power lines and creating snowballing costs. All in all, this project comes at a very high price for me and my neighbors, and doesn't feel like it addresses the greatest needs in the area.

If changes were made to the LID proposal, this is a project I could support, and would be happy to see in my neighborhood. First, I would like to see an increase in communication and collaboration from city planners with our group. Second, I can support a project that costs each household a maximum of \$10,000, and does not include sidewalks or street trees on the west side of 89th Ave. Lastly, I would like to see the project extended to Hawthorne on 89th Ave. There is a large dip in the street at 89th Ave and Main St that floods frequently, and sidewalks continue again on the east side of 89th at Hawthorne Street. To me, that is a more logical ending point for this project versus in the middle of a road.

Thank you for your time and consideration. I look forward to working with you to come up with a project that both supports my neighborhood, and doesn't cause financial distress to myself and my neighbors.

Sincerely,

Tracy Zapf

Homeowner, 1173 SE 89th Ave

I am writing to share my opposition to the SE 89th Ave and Taylor Street LID in its current form. I am opposed because I can't afford \$24,000 at this time. Additionally, I don't want to lose my west side parking with sidewalks, and I don't want to be responsible for street trees planted right under power lines. I've lived here since 2008 and use the parking on the west side of the street every single day. I do not want a sidewalk there.

Personally, my family has been under financial distress since 2017 when I went to school double time for 4 years all while my wife was unable to work. When COVID hit everything got worse. I lost my job due to the pandemic. I was unemployed for some time and in the last year I made just over minimum wage as I saw my attempt at starting my own business fail and have now abandoned that endevor. My wife and I are both Healthcare Workers, finally employed and are now beginning our attempt at climbing out of significant financial debt from this pandemic and beyond. This proposal would create a significant mental and financial stress on our lives. It is a real possibility the project in its current form would force us to leave this neighborhood we've called home since 2008. That seems very unreasonable and saddens me.

It is our strong preference that the project receives other funding that does not include any financial responsibility on our part. If there is no other option, please consider these changes to the current proposal:

- 1. A maximum responsibility of \$10,000 per household, please consider less or zero.
- 2. No sidewalks on the west side of 89th.
- 3. No street trees.
- 4. Project extended down to Hawthorne Street.
- 5. 4% or lower interest rates.
- 6. Other financing options like 'interest only balloon over 20 years' as one example.

There are other lending options too. I would love to hear other options or ideas you may have as well.

Thank you for your time and consideration. I look forward to working with you to come up with a project that both supports my neighborhood, and doesn't cause financial distress to myself and my family. Feel free to reach me directly at the mobile number or email below.

Thank you!

Sincerely,

David Whitlow

Mobile: 541-941-6620

Email: dwhitlow3@gmail.com

1115 SE 89th Avenue Portland OR 97216