



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26TH DAY OF MARCH, 2003** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Officer Michael Frome, Sergeant at Arms.

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

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<p><b>263</b> Request of Dale A. Pierce to address Council regarding job programs for citizens (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>264</b> Request of Carlos Jermaine Richard to address Council regarding a simple prayer (Communication)</p>	<b>PLACED ON FILE</b>
<b>TIME CERTAIN</b>	
<p><b>265</b> <b>TIME CERTAIN: 9:30 AM</b> – Establish \$170,000 as the maximum price for a newly constructed single family house eligible for a limited property tax exemption in a homebuyer opportunity area (Resolution introduced by Mayor Katz and Commissioner Sten)  (Y-5)</p>	<b>36131</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Commissioner Jim Francesconi</b>	
<p><b>266</b> Set hearing date, 9:30 a.m., Wednesday, April 23, 2003, to vacate a portion of NE Weidler Street west of NE 84th Avenue (Report; VAC-10003)  (Y-5)</p>	<b>ADOPTED</b>

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**Commissioner Dan Saltzman**

**267** Clarify existing regulations and reflect change of authority from the Bureau of Environmental Services to the Office of Sustainable Development (Ordinance; amend Code Chapter 17.102)

**PASSED TO  
SECOND READING  
APRIL 2, 2003  
AT 9:30 AM**

**\*268** Authorize an Intergovernmental Agreement with Northwest Service Academy to provide services related to the Community Watershed Stewardship Program (Ordinance)

**177341**

(Y-5)

**Commissioner Erik Sten**

**\*269** Apply for a \$75,092 grant from the Federal Emergency Management Agency for Portland Fire & Rescue for the Community Emergency Response Team programs (Ordinance)

**177342**

(Y-5)

**\*270** Amend agreement with the Housing Authority of Portland to add \$27,808 in additional resources for paint stabilization in the Tenant-based Section 8 program and provide for payment (Ordinance; amend Contract No. 34044)

**177343**

(Y-5)

**\*271** Authorize agreement with Enterprise Foundation, Inc. for \$70,000 for the management of private loan funds related to Community Development Block Grant eligible housing development projects and provide for payment (Ordinance)

**177344**

(Y-5)

**\*272** Authorize agreement with Fair Housing Council of Oregon for \$29,357 for Fair Housing and Civil Rights Services and provide for payment (Ordinance)

**177345**

(Y-5)

**\*273** Apply for \$45,000 grant from the Federal Emergency Management Agency for Portland Office of Emergency Management for the creation of a web-based regional resource directory (Ordinance)

**177346**

(Y-5)

**City Auditor Gary Blackmer**

**\*274** Segregate assessments of certain benefited property for the costs to construct pedestrian walkways in the NW Naito Parkway from NW 9th Avenue to Steel Bridge Local Improvement District (Ordinance; C-9970)

**177347**

(Y-5)

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## REGULAR AGENDA

**Mayor Vera Katz**

- \*275 Authorize application to Metro Regional Parks and Greenspaces Program and U.S. Fish and Wildlife Service for a \$40,000 grant for costs associated with the creek daylighting of the Headwaters at Tryon Creek housing and restoration project (Ordinance)

**CONTINUED TO  
APRIL 9, 2003  
AT 9:30 AM**

**Commissioner Jim Francesconi**

- 276 Support the creation of Remember Me Rose Gardens (Resolution)  
**Motion to refer this item back to the Commissioner of Public Utilities Office:** Moved by Commissioner Francesconi and gavelled down by Mayor Katz after no objections.

**REFERRED TO  
COMMISSIONER OF  
PUBLIC UTILITIES**

**Commissioner Randy Leonard**

- 277 Grant a telecommunications franchise to Integrated Regional Network Enterprise for a period of ten years, and establish terms and conditions (Second Reading Agenda 160)  
(Y-5)

**177348**

At 9:54 a.m., Council recessed.

**March 26, 2003**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF MARCH, 2003 AT 2:00 P.M.

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

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

<p><b>278</b>    <b>TIME CERTAIN: 2:00 PM</b> – Accept the Independent Stakeholder Assessment of Development Review in Portland (Report introduced by Mayor Katz; Previous Agenda 165)</p> <p><b>Motion to accept the report:</b> Moved by Commissioner Leonard and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>	<p><b>Disposition:</b></p> <p><b>ACCEPTED</b></p>
<p><b>279</b>    <b>TIME CERTAIN: 2:30 PM</b> – Accept Initial Discussion Draft FY 2003-2004 Regulatory Improvement Workplan, Summary of Potential Code and Process Improvements and begin proposed public outreach process (Report introduced by Mayor Katz and Commissioner Leonard)</p> <p><b>Motion to accept the report:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>280</b>    Increase the threshold for upgrades to nonconforming development and increase consistency in the code (Second Reading Agenda 260; amend Title 33)</p> <p><b>Motion to delete the percentage threshold from chapter 33.258, as well as any additional Zoning Code Chapters where this provision currently exists or was recommended by Planning Commission for addition as part of this project:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten and gavelled down by Mayor Katz after no objections.</p>	<p><b>PASSED TO SECOND READING AS AMENDED APRIL 2, 2003 AT 9:30 AM</b></p>
<p><b>EXECUTIVE ORDER</b></p>	
<p><b>281</b>    Reassign Bureau of Development Services from Mayor Katz to Commissioner Randy Leonard (Ordinance)</p>	<p><b>177349</b></p>

At 4:06 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

**March 26, 2003**

**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.

**March 26, 2003 9:30 am**

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

**Katz:** All right. We have two people who want to communicate, and one wants to have a prayer with us. In light of everything that we've had, it's more than welcome. Let's start with 263.

**Item 263.**

**Moore:** She will not be able to make it.

**Katz:** 264.

**Item 264.**

**Moore:** I do not see him.

**Katz:** That's not going to happen either. He's not with us. All right. Let's take consent agenda. Any items to be removed off the consent agenda? Anybody in the audience wanting to remove an item off the consent agenda? If not, roll call on the consent agenda.

**Francesconi:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. [ gavel pounded ] all right. 265.

**Item 265.**

**Katz:** Go ahead and start, mike.

**Mike Saba, Bureau of Planning:** Good morning, mike saba, bureau of planning. The resolution is carrying out our code obligation to set a maximum price limit for housing eligible under the 10-year property tax exemption renewed single family construction in what had been known as distressed areas. Now know as home buyers opportunity areas. This is relatively moot at this time because you know we're not currently authorized to accept applications under this program, the enabling statute sunsetted this year, so we have a bill in the legislature to continue this program for another 10 years. It's looking good, it hasn't passed the house, it will go before the senate revenue committee soon, and we hope it passes and is signed by the governor. In which case we can continue this program as of July 1 of this year. In which case we just wanted to set this price limit so that's in effect and we don't have to rush to do that when we can continue the program. If the bill passes. That's simply it. The increase this year is roughly less than 4% of the inflation rate of the median sales price of housing sold in Multnomah county last year, according to the assessor's office. So with that I'll take questions if you have any.

**Katz:** All right. You said soon. Usually that happens in June.

**Saba:** Yes.

**Katz:** All right. Questions? All right. Anybody want to testify? Do we have anybody signed up? No? All right. Roll call.

**Francesconi:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. [ gavel pounded ] thank you, mike. And we have some young people from, what school? [inaudible] nice to have you here. Are you with your teacher? You're with your parents? And friends? Well, welcome and this is the -- this is your city council at work. It's nice to have you here. Are you on vacation? Ok. Let's get on to regular agenda. 275.

**Item 275.**

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**Katz:** Anybody want to testify? Come on up and explain this to us.

**Ross Cornelius, Portland Development Commission:** Hello council, my name is ross cornelius with p.d.c. We're here actually to ask for a continuation of this ordinance request. We are in the process of working with winkler development corporation on a parcel in southwest Portland that is planning to do a daylighting of the creek, and an enhancement of a very environmentally degraded site in that area that's currently all asphalt with a number of creeks running underneath it. And our intent is to work to redevelop that area to do both infill housing and a very exciting treatment of the adjoining parcels, as well as the on-site parcels to restore the creek and restore the environment there, and establish a really exciting community that has both the environmental and redevelopment components to it. This grant opportunity came up rather quickly. We had a chance to pursue helping fund the creek part of the project, and we filed a predevelopment -- preapplication to metro for the greenspaces grant. We were given a very short period of time to submit a final application, and that required an ordinance in front of council. And since filing that ordinance, we've learned that the deadline for filing the final grant has been extended, and so we've had requests from the neighborhood association and other interested folks to continue that until april 9 to give us a chance to talk and involve a discussion with them a little more.

**Katz:** All right. I just got a memo regarding this item. It is an emergency item, and you're asking us to hold it over for another week?

**Cornelius:** Until april 9.

**Katz:** Two weeks.

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

**Katz:** All right. So is there -- is there -- is there a consent on the council to remove the emergency item?

**Francesconi:** Sure.

**Katz:** I don't hear any objections. Hearing none, so ordered. [ gavel pounded ] ok.

\*\*\*\*\*: Ok.

**Katz:** Any questions of ross? All right. Marty has her hand up, is she --

**Moore:** And liz callison.

**Katz:** There she is. I was looking for liz. Come on up, both of you.

\*\*\*\*\*: I intend to submit -- i'm marty --

**Katz:** Identify yourself.

**Marti Sucec:** Marty sucec, acting chair of the Multnomah neighborhood association. 7005 southwest 34th. I believe since i'm representing a neighborhood association I get five minutes.

**Katz:** No, no. Those are the history days.

\*\*\*\*\*: Oh, come on, mayor.

**Katz:** Go ahead.

**Sucec:** I'll submit written testimony on this issue. I just learned about this yesterday. This ordinance was on there. The history of this goes back to 1999, and I don't have enough time to recap this history, but mr. Winkler came to us after purchasing the eagle site and proposed a 58-unit development abutting the wetlands there. We were in support of that development and our biggest concern then was curb cuts. We enjoyed quite a cordial relationship with him. Many of us now feel in a dilemma because we certainly -- we worked hard on the water shed plan, and we certainly applaud Mr. Winkler's developments on knot street and other places, several months later he came back with somebody, john warner from the p.d.c., he wanted to build more than 100 units there. The neighborhood voted at that time to only support 90. But we felt strong enough about the development here that we appointed a citizens committee to work with mr. Winkler. And mr. Warner. And they came back, and mr. Warner assured us that the p.d.c. would not be involved unless the neighborhood supported the development. And then p.d.c. had some legal problems, and then mr. Warner disappeared. Apparently mr. Cornelius has taken his place, but I haven't heard

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from him. He has appeared once before the neighborhood association with the new iteration, which is 174 units abutting this wetlands. That in our opinion is excessive. We've learned that mr. Cornelius has gone with mr. Winkler, despite the fact we were assured p.d.c. would not be involved, and in fact denied that it was economic feasible because -- feasible because of land values in the southwest for them to be involved. But he's gone around and elicited the support of the friends of tryon creek, he's had time to do a grant, he's had -- not had time to really hear what our feelings were about this. Mr. Winkler has given us two options, the proposed development, some 174 units, which are going to be a lot of impervious surface, or the next best use, which is self storage. We don't want that. We want development there, and we want infill development there. We feel -- we also got a g-web grant, which is now an o-web. During the southwest community plan process, and we had a hydrologist do a preliminary assessment of impervious lands in our neighborhood and he said there were only two places that were pervious to serve the water table, and that was the wetlands of tryon creek headwaters and the hutchinson property south of gabriel park. We feel kind of side, whatever it is, sideswiped by what p.d.c. has done without finding out about this long history, by not honoring their assurances to us, by using public monies to build the infrastructure for this, the restoration of the creek we're for.

**Katz:** Go ahead and finish.

**Sucec:** What I really want to say to you is, they've assured us some 60 to 90-foot riparian area, we've seen no drawings, we've seen no protections for this wetlands. We know it needs to be -- what happens to citizens, why they don't get involved, why they don't vote for tax measures, why they vote for corrosive measures like 5 and 47, why they don't believe in government the way I do, is because things like this happen, they get cynical.

**Katz:** And you're --

**Sucec:** I want some assurances --

**Katz:** That's why we're going to -- that's why we're going to set this over, we're not going to vote on it today. We're going to set this over and I want to make absolutely sure that the issues that both of you are raising this morning are dealt with, and I want -- I want to come back and satisfy the issues you've just raised.

**Sucec:** Ok. One further point. We've had a sustainable developer, he calls himself that, michael foote from eugene, come and ask us if 39 units wouldn't be too excessive for an acreage exactly the same acreage, 2.86. He's going to mitigate a creek there with his own money. And we asked him if this is economically viable, and he assured us it was, and it was very profitable. 39 units. And he thought that might be access -- excessive. I'm upset by this. I won't come back.

**Katz:** I know you're upset.

**Sucec:** I will send you my testimony.

**Katz:** I'm glad you came. Without the memo I just received, we wouldn't have delayed it unless ross would have asked us without your testimony, and he probably would have as well. But thank you for coming down. Liz, why don't you come in now and share with us your thoughts.

**Liz Callison:** Thank you, mayor, and thanks for the continued time from ross and from your council. My name is liz callison, i'm a resident of southwest Portland and a board director with west Multnomah soil and water conservation district. I'm testifying on my own behalf. Our board received a copy of an earlier application to o-web for the so-called Tryon headwaters development. We were asked for an endorsement but chose not to take a position to endorse. Several concerns were voiced by our members, such as the high price for the stream excavation. I have a number of concerns including the cost but would also like to call your attention to a new publication, which I just completed which documents baseline conditions for the tryon watershed. You'll be getting copies of this. I just mention a few items from the collection of scientific and other studies in the publication. It was designed as a portable library and a collection of data and reports done in the past few years on the tryon watershed. The creek system has been manage the as a storm water

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ditch throughout a substantial portion of the upper watershed. Most of the former tryon headwaters and small wetlands are now in culverts and pipes. During the process of helping to prepare this book, our staff studied b.e.s. data which indicated more than 100 culverts, although all the city pipe data needs field checking, you can get the point there are many potential stream restoration sites. This means you need to really carefully look at the promises you make for use of taxpayer dollars on each stream project. B.e.s. collects about a million dollars per year from the tryon watershed residents in storm water fees. That doesn't give them license to overspend on any one project. In fact, b.e.s. needs more oversight on its creek-related expenditures. In the present case, there are too many informational gaps that need to be filled before you apply approximately three-quarters of a million dollars of public funds to reconstruct 450 feet of stream along with several more hundred thousand dollars in site improvements to further one private developer's apartment complex. Please ask yourself, after all the construction and expense, will we be left with a real stream or a million dollar ditch? I would like to discuss the difference between a stream and a ditch but the three minutes i'm allotted are not sufficient. But i'll be glad to discuss this at a more open forum, a letter to the editor or cable access. Before you consider voting, please ask yourselves if you understand the difference between a stream and a ditch, and in today's case neither p.d.c. or the developer has given you a written design to review before your being asked to approve either the city expenditures or the fish and wildlife grant application. Second, our Portland development commission and the city sewer bureau, the right agencies to be guiding a property developer the design a stream which is supposed to have fish and wildlife features. And thirdly, and this is a freedom of information act request, for which I would like a written response from the mayor's office, due to the fact at least three city commissioners here today have received substantial, that is one to \$2,000 each in campaign contributions from this private property developer, what do these commissioners have to say about their potential conflict of interest or any ex parte contacts by themselves with this developer regarding either the developer subdivision application, which is pending now, the p.d.c. funding package or the decision they're being asked to make about today's ordinance. I would like the mayor to inquire further about p.d.c.'s involvement in this deal an employee of p.d.c. is also the chairman of the tryon creek watershed council, the council has endorse and publicly promoted this project to other community groups.

**Katz:** I got it.

**Callison:** Thank you very much.

**Katz:** I'm going to ask ross, because to be very honest, I don't know much about this project. So will you -- let's put it on the agenda for next week on p.d.c.'s regular meeting, ross.

**Cornelius:** We can do that. I'd look forward to the chance --

**Katz:** I didn't understand what you wanted of me on the freedom of information act. What you want is from the commissioners who --

**Callison:** Well, I would ask that you just inquire of them, as you normally do with -- an ex parte contact request wasn't made at this meeting.

**Katz:** This is not --

**Callison:** I understand this is not a land use case. There is a pending subdivision application, and I am a little concerned about the fact there have been campaign contributions to three councilors that are involved in one way or another with the project. That's my basic question, whichever form it takes, ex parte --

**Katz:** If the -- this is not a land use hearing right now, and I will let it up to the commissioners if they so choose in our form of government, I can't order them to do anything, though there are some days that I wish I could, so if they choose to answer your question, by mail, or by phone call, they will do so.

**Callison:** I would say that if they don't answer that would be a refusal to answer, but --



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**Katz:** Silence is a statement. Ok. Thank you. Anybody else want to testify? Then we will set this over until the 9th. But meanwhile, carlos jermaine richard has come here for prayer so come on back.

**Item 264.**

**Carlos Jermaine Richard:** My name is Carlos jermaine Richard. I'm a resident in north-northeast Portland. Before we offer up our prayer we would like to say to the distinguished council members, we don't come here to condemn you. We're not here to pray with you because we think you're doing something wrong in terms of governing the city. We're just here as a voice to let you know you have church members and christians standing with you and standing by your side. And we are well concerned about your safety, and also concerned about the safety of the residents and citizens here in the city of Portland and the state of Oregon abroad. So again, I just would like to make that emphatically and unequivocally clear. We're not here to say anyone is doing a bad job, and we're not here to condemn you and hit you on the head with a gavel and tap your hand. We're just here to let you know you have individuals outside of city hall standing with you and praying for you without as also within. With that, those who want to join us in prayer, they can. Father god we thank you today for allowing us this open door to come down here and to pray with our leaders, god, our elected officials, god, in this city. Father, we thank you because we follow the commandment you told us to pray and make supplication for them. God you told us to pray, god, that they might have peace, god, and serenity, and tranquility in their minds and hearts, and also physical protection as well. Father in light and in lieu of what has been going on in this city, god, as a result of the international war, god, our prayer today is just a prayer of peace, that the citizens of this Portland, Oregon, god, they would find it somewhere in their hearts, god, to sit down and to think, god, logically about what is it that we do and the decisions we make on a daily basis and how it affects all of us. God, we pray again for peace. Peace, god, wholeness, god, soundness. Father, even in the demonstrations that go on, father, we pray, god, that they will not be demonstrations, god, that will cause physical harm or damage to anybody. God, we just thank you again for this time, our pray today is a prayer of peace mentally, spiritually, psychologically, emotionally. In jesus's name do we pray. Amen.

**Katz:** Thank you. All right. Let's move on. Item 276.

**Item 276.**

**Katz:** Does -- you have to make a motion.

**Francesconi:** I thought i'd already done it.

**Moore:** You're referring this back to your office?

**Francesconi:** I'd like to refer this back to my office.

**Katz:** You don't want to vote on it now?

**Francesconi:** No.

**Katz:** Any objections? Hearing no objections, so ordered. [ gavel pounded ] 277.

**Item 277.**

**Katz:** Ok. This is a second reading. Roll call.

**Francesconi:** I think this is good thing. I think it's a very good thing. I think it's been recognized by other cities. This is a way we're saving money for the citizens by accumulating these resources, and it's something we have to do as we move forward in this new age. So i'd like to thank nancy, who is not with us anymore, for the work she's done, and it will be continued forward. Aye.

**Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. [ gavel pounded ] all right, everybody. That's the end of our morning agenda, and we will come back at 2:00 this afternoon. We stand recessed. [ gavel pounded ]

At 9:54 a.m., Council recessed.

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MARCH 26, 2003 2:00 PM

**Katz:** Karla, please call the roll.

**Francesconi:** Here. **Leonard:** Here. **Sten:** Here.

**Katz:** Mayor and here. Commissioner Saltzman was with me at a tabletop and he's still there, so he will be here in a few minutes. All right, we are going to take 278, 279, and 280. Why don't you read them all three.

**Items 278, 279, 280.**

**Katz:** On 278, there was a request by citizens at the planning commission review. The independent stake holder assessment report, and so we did, and the planning commission did hear the testimony on that. I just want to emphasize that we're accepting all recommendations, that there are items on this report that i'm sure none of us accept 100%, so, and there are those that just stand out as great, so there are a compilation of recommends that will go through the filter before any. Them are acted on. I know the neighborhoods are a little concerned about some of them. I have received some letters, and I just want to share that with you, with all of you. On the 279, we will be talking about the work plan for 2003 and 2004, as I turn that responsibility, I think it was today over to commissioner leonard. We are very pleased to give him the opportunity to spend 24 hours a day on this issue, and then on 280, we received some additional information from the bureau of developmental services, and I thought it was important that they come back with another amendment, and we will hear about that in a few minutes, and then we won't vote on it today. We will wait for, for the following week. So, having introduced all of that in a couple of words, let's bring up gwinn baldwin from the stakeholder's development review team. Do you have anybody else? Come on up. And john bradley. Gwenn.

**Gwenn Baldwin, Principal, Innovation Partnership:** Thank you. Gwenn baldwin, 3203 northeast knot, Portland. A principle with innovation partnership, which is a nonprofit that conducted this independent stakeholder assessment in collaboration with the city of Portland. Some of you are quite familiar with innovation partnership, our mission is to tackle persistent community problems in oregon. We focus on three main areas, education, community building, and jobs. So, in approaching this particular assessment, we wanted to bring together stakeholders involving people who are involved in development, directly the city staff engaged in development, as well as neighborhoods, environmental concerns and business organizations that were also engaged in the process to do two things -- to identify significant pressure points, real or perceived problems within the development review system, based on the actual experiences of stakeholders through case studies, and then also to make strategic recommendations that specifically address those pressure points that came up while keeping Portland a great place to live, work, and play. So, in terms of -- and I will jump ahead because we went through a more elaborate presentation before, but jumping ahead to the recommendations, there were eight priority recommendations, and really, the main thing that we wanted to get across in each of these is that staff and resources have to be applied in order for these things to actually be implemented, and that the first three of the list of eight recommendations in the report are -- they are all equal but some are more equal than others, and that the first three need to be implemented in order to make the others as effective as they could be, and those are changing regulation, creation, and review processes to align with prioritized city goals and decrease the overall volume and complexity of regulations. The intent is to avoid adoption of unnecessary regulation and to insure that all regulations really are effective in implementing the city's goals. Empowering one entity to resolve policy disagreements on specific projects among bureaus. With seven bureaus involved in development review, as I am sure you are very familiar with, it can sometimes be difficult to get everything all in alignment. There are different codes that, frankly, flat out conflict, and so there isn't a way, short of going to council to really resolve those on the site early on in the process. And third, modify prescriptive zoning regulations to be more

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outcomes based. This is recognizing that some prescription is truly appropriate and valuable, but perhaps that pendulum has swung too far in the other direction, and that too much is, is too prescriptive. Fourth, that it's important to have materials and information for new applicants and for those who are, perhaps, less familiar with the development process, so that they really understand because this is a very complex process. And that they need to be as user friendly as possible. Fifth, developing a mechanism for red flagging problems that might not be known to applicants at the front end of the process, or to other, other constituents. Through checklists and questions, making sure that those things are figured out at the front end as opposed to halfway or three quarters way through after lots of costs are incurred. Sixth, modify thresholds and review processes to allow more permitting over the counter, and I know that you have had lots of conversations, particularly about nonconforming use thresholds and so I won't go into that much further. Seven, to increase the number of project teams, like the facilities' permit program, something that frankly got tremendous kudos in the course of doing case studies, and that there is an opportunity for, for alignment on other types of teams, whether that is the major project groups, also something a pilot, and specifically something that came up among the stakeholders was sort of a storefront, small business, you know, like adopt a block and there would be a team of staff from all the bureaus that are appropriate who would really understand whether it's 23rd or, or 122nd or, or 21st, any part of the city, so that particularly for small businesses, tenant improvements, they will not get caught by a change of use versus change of occupancy and shared credits on system development charges that sometimes has been really problematic. And last, institute a more timely and affordable adjustment process and insure that appeals processes exist in all bureaus. Recognizing that this is not just a bureau of development services or a planning issue, that when you are dealing with development review it, really cuts across many, many bureaus, and not all of the bureaus have, have appeals processes and adjustment processes that coincide with each other, and that can be really difficult and problematic. So, I want to thank council for really tackling in a comprehensive way through this regulatory improvement effort and work plans. Something that really, really follows up on and enhances past efforts and work, and at a time when it's really very much needed, the frustration level was high among all stakeholders involved in the city staff, applicants and constituencies. Thank you, and I'd like to, to now introduce John Bradley, who was co-chair of our project.

**John Bradley:** John Bradley, 2890 Northwest Aerial Terrace, and in the interest of time, I will just say that Gwenn and Innovation Partnership did a fantastic job of assembling over 100 people, of great different stakeholder groups and kept them focused on, on solutions that, that they all could support. They weren't just the business solution or just the neighborhood, but what are some things that we can all agree on because we are all frustrated, whether it's city staff's frustrated, applicants are frustrated, business, neighbors, every seemed to be frustrated, and I really enjoyed watching them bring, bring points and issues that could be supported by all parties. So, good job, Gwenn. Thank you, and thank you for recognizing this as an important issue for our city.

**Katz:** Thank you. Questions? All right. Let's open it up to public testimony. Who wants to testify on this? On this item, Cary?

\*\*\*\*\*: I could read the letter from the planning committee.

**Katz:** That's fine. Why don't you do that. Identify yourself and do that.

\*\*\*\*\*: Cary, principal planner --

**Katz:** Pick up the mike.

**Cary Pinard, Bureau of Planning:** Cary Pinard, principle of planner with the bureau of planning. Planning commission president couldn't be here today to read this due to spring break. Asked me to read it into the record. Dear Mayor Katz and city commissioners, thank you for providing the commission and public an opportunity to review the independent stakeholder assessment of development review in Portland. The planning commission discussed the report at our meeting on March 11. We were pleased to have Gwenn Baldwin from Innovation Partnership and two members

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of the committee, bonnie mcknight and john bradley to join us, to answer questions and discuss the recommendations. The planning commission agrees that there's a lot of useful information contained within the report. We encourage you to accept the report as one of many inputs to the development of the 2004 regulatory improvement work plan. However, prior to taking specific action on any of the recommendations we encourage you to seek additional input from other customers and stakeholders, and then direct staff to further define the issues and to evaluate the financial and policy implications of selected recommendations. We believe the auditor's report, blueprint 2000 plan and neighborhood inputs should all be considered before choosing which proposals to implement. Our review clearly indicates that the innovation partnership report is one of several sources that should shape and inform the regulatory improvement work plan for the coming year. Without seeing the entire work plan and incorporating more than the findings of this report, we believe it premature to embrace the recommendations put forth there as the basis for taking action. We believe this approach will serve to better inform your decisions on which actions to incorporate into bureau work programs and budgets. We also strongly encourage you to seek a broad range of public input as you develop and approve the 2004 regulatory improvement work plan. Further, our review of the report suggests another unarticulated recommendation that the city should re new its commitment to the comprehensive plan. Calls for clarifying or prioritizing policy should be done as revisions to the comprehensive plan, the city's primary policy document. We believe that the report raises this issue but does not fully state the significance of the finding or the implications for subsequent action. We hope to see this explored more fully as the regulatory improvement work plan is developed and discussed. Thank you again for granting our request for additional time. We look forward to being integrally involved in discussions on the regulatory improvement work plan as it relates to the comprehensive plan and zoning code as this project moves forward. Sincerely, ethan selzer.

**Katz:** Thank you, all right.

**Katz:** Amanda, why don't you go first.

**Amanda Fritz:** I am amanda fritz, and I am speaking only for myself. First, I want to remind everybody that the purpose of the code is to implement the comprehensive plan. The code is a good thing. It lets people know what the rules are so everybody is clear and they can have the same rules. My concern with innovation partnership report is that it seeks mainly to improve the development review process for applicants rather than for all customers and particularly, for the policy goals in the comprehensive plan. The main task of staff is to implement the comprehensive plan by seeing the city gets built the way the council has decided in the regulations that it should get built. I am very concerned that the innovation partnership report, the auditor's report and the recent Boeing customer service consultants, only applicants were interviewed as customers. Citizens who, who might be a neighbor of an applicant, whose property is being impacted by development and neighborhood associations whose only goal is to seek to have good development in their neighborhoods were not consulted. The second problem is that the case studies in the innovation partnership report have incomplete analysis of whether the correct decisions were made in the cases. My particular favorite is a shadowing case of, of an air-conditioner and a historic district. And the applicant got fed up because he was going to be charged \$500 for a historic review to see if an air-conditioner could be put in a visible location in the historic district. I think that that's entirely the correct decision, if you choose to live in a historic district, you have rules that you know you are going to have to abide by. \$500 doesn't seem to be a whole lot to me. So, there wasn't an analysis in the report as to whether staff made the correct decisions or not. And in many case, I think that they did. Thirdly, the issue of clear and objective standards versus performance guidelines. We just spent eight years changing the subdivision code from performance guidelines to clear and objective standards. If the development community wants us to change back to clear and objective standards, we can do that. But they need to pick up a position and stick with it. If the position is

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that we want performance guidelines I would encourage them to go to the legislature and advocate for us to be allowed to use design guidelines outside of the central city, which is something that the development community has opposed. So, we can set up the regulations either way but to complain that they are set up in the way that the development community asked for, I think, is entirely unfair.

My last point is on the timing issue, and that is that we have spent the last four weeks reviewing the innovation partnership report, and then last friday we got the new regulatory reform process. And that's also on the agenda for today. We really are trying to work as hard as we can as neighborhood volunteers but it's not possible for us to go through our correct processes by our bylaws, to be able to give you formal comments. I am speaking for myself because I didn't have time to get my neighborhood association fully informed on these issues. So, I think that my concern with the innovation partnership report was that it took several weeks to do it, several months to do it, and in the meantime neighbors were left out in the cold.

**Katz:** Thank you. Dixie.

**Dixie Johnston:** Dixie johnston, I am co-land use chair of collinsview neighborhood association, but I am speaking only for myself. I whole-heartedly agree with what amanda just said. We have talked about this at length. We have not had time to go through the neighborhood process on the, on the ip report. There were some good things in that report, and I don't think it should be ignored all together. But, there are a lot of things that I thought were woefully left out of it, and I want to endorse what the planning commission said. I attended the work session on march 11. Amanda and ethan and ingred stevens made excellent comments. I felt like they had a better understanding of the comp plan and how we use the comp plan as our city goals and policies, and how that is the basis for the implementing codes. I think that city staff was, was short -- shifted in this report by ip, and I think being treated unfairly because they were trying very hard to abide by, by the existing codes. Yeah, sometimes there is conflict, but I have found in our own neighborhood when we go through our process with the hearings officer, he weighs all the different codes and all the different arguments, and then tries to make a fair analysis. And so I know that it's not easy. I also know that there have been times when this council has had to weigh a lot of conflicting things, but I do know that you try to look at it holistically and come to the right decisions under the circumstance, especially after you go through the public process with the planning commission and so on. One of the things that might be helpful after this fiscal year is to -- this is bonnie mcknight's idea, and I thought it was a good one. To have a three-month moratorium before we start rewriting more and more codes. Just take a break this summer, and help give the b.d.s. Staff the support that they need, and let's have the long range planners help work with them. Go to the different sites, so b.d.s. Staff can explain the problems that they are facing. I also feel that, that I have looked at the auditor's report, blueprint 2000, but there is also the land division code, maintenance 2001, 2002, and 2003, transportation system plan, the regulatory improvement plan. I have not finished yet. But, a lot of these documents are answering the concerns of the innovation partnership and I don't think that the innovation partnership group understands that some of their concerns are being addressed. We just need to have time to watch it being implemented throughout this city. So, that's my basic comments. Also, oni does something good every year, and that is that they have an abc of land use meeting. It has been postponed, but commissioner leonard, this is something that I think you could be a terrific help on, is to let the city know the problems of buying property and that we have land use laws. People are not thinking before they are buying, and they are not paying attention to what the codes are, and I think that this is something that I think that we could really emphasize whole-heartedly. Thank you.

**Mary Gibson, Port of Portland:** I am mary gibson with the port of Portland. I am a land use planner for the port, and I also served on the development review steering committee for innovation partnership. I just wanted to say that I think that gwenn baldwin did a phenomenal job in this project, and her project management, a phenomenal job of really assimilating culling and clarifying

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a myriad of ideas that came out of, of this process and this group of stakeholders. The process was very fast paced, well focused and targeted to result in immediate actions that the city could take now and the process was full circle with case studies shadowing and stake holder interviews, and I think that also the process had integrity as it involved a cross-section of all the stakeholders, whether they be customers-applicants, customers-constituents, or city staff at the same table. It was collaborative, and I think the strength of the outcome is based on input from all the perspectives sitting around one table talking through the problems and potential avenues no solutions face-to-face in real-time. The recommendations and outcomes are well founded, and our key areas that all could agree would have the most impact and potential for making the process better for all the stakeholders and for better addressing city goals. The port supported the project because we understood that there was a receptiveness on the part of city leadership to improve the overall development review program, and we urge you to not only accept the report and recommendation, but to embrace it and implement it through the bureau work programs and the budgeting processes you are about to undertake.

**Katz:** Further testimony?

**Katz:** Linda, why don't you go ahead and grab the mike.

**Linda Bauer:** Linda bauer. Citizen. I brought you copies of a report that, that I would like you to filter, as well. This was a report done in house, took two years, and is not focusing on helping any one particular group of people. It seeks to help everyone. The best part for me is, is it recommends giving staff extra tools and then empowering them to do a good job. So, I would hope that you would filter this report, as well as all of the others because it is not biased just to one group. It looks at how things can be done better for everyone. Thank you.

**Katz:** Thank you. Go ahead.

**John Wolz, President Irvington Community Association:** My name is john wolz, and I am president of the irvington community association. Because one of our neighborhood members is very active on these issues, we were alerted a little sooner, and the i.c.a. Land use committee and the full board have endorsed the statement I am submitting with this testimony. The most important point we want to make is that the state land use goal number one requires citizen involvement. The process we are talking about here, largely skipped neighborhood reviews. Neighborhood associations were not asked for their input into this assessment of development review. In seven of the 15 cases, no neighborhood association contact is listed. In four where an association is listed, there are no reference to say them in the text. We are also offering recommendations on two issues.

When there are disagreements between bureaus, about implementing policy, the i.c.a. Recommends appropriately skilled bureau representatives resolve specific issues rather than one director. In addition, when zoning and land use regulations are outcomes-based, decisions become discretionary. By state land use law, discretionary decisions must be made in an inclusive land use policy. Reasonable delays to allow neighborhood and other stakeholders' input protect our neighborhoods. Speaking on a personal level, I know about the costs of development. I publish newsletters, which deal with the subject, and I just dealt with the city on a major rehab and expansion of offices at northeast 22nd and Broadway. The delays were due to engineering complications and subcontractor scheduling rather than the city. We would have been foolish not to plan in advance for delays. Before developers acquire land, they should simply consider potential delays and include that in their purchase price and timetables. We did. We dealt with city rules, such as seismic, a.d.a., and landscaping issues, and our community is better off that we had to meet the requirements and the city reviewed us each step of the way. Thank you.

**Katz:** Go ahead.

**Rob Degraff, Portland Business Association:** Mayor Katz and members of council, I am rob degraff, and I am here on behalf of the Portland business association. As an introduction to my comments, I first would like to recognize gwenn baldwin, sam adams, and margaret mahony as

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three people who were very crucial in bringing forward this very good piece of work that's before you today. Gwenn was the project manager for i.p. Sam has been leading the regulatory reform effort at the city, and Margaret brought the key staff people from various bureaus to the table for this report so that the stakeholders were really well informed in terms of what the staff's perspective was on many of the issues that this report deals with. I also want to mention that I represented the association for Portland progress in blueprint 2000. So, I think that I've been working on these issues for about five years straight. And I want to point out that this report echoes several of the findings of blueprint 2000, particularly a couple of the keys that, that Gwenn focused on, the issue of conflicting city goals, blueprint 2000 called it regulatory restraint, and the idea of, of developing a system for, for resolving conflicts in the code and conflicts in interpretation. Blueprint 2000 called for the creation of some kind of an ombudsperson to resolve those kinds of conflicts. My point is two times in a row now broad-based groups of citizens, stakeholders have taken a look at this, this regulatory process and come back with these same recommendations. I think you have demonstrated in the last year, your commitment to wanting to finally resolve these issues. It's going to take resources and some tough choices, but I think we are already just ready to start making those choices and I would encourage you to adopt this report. Thank you.

**Moore:** We have a separate sheet for 279.

**Katz:** All right. Hold on. Anybody else on this item? All right. Let's -- let's move then to 279. Let me just say in 279 we took the, the start of the regulatory reform work this summer. I am going to take them all and then we will come back and we will get a vote, ok. Let me do it my way.  
[laughter]

**Leonard:** It's easier Sam, believe me.

**Katz:** We are going to take the -- we started the work this summer, and what we are going to hear now is what we accomplished, and so I want to thank, before we start, Sam Adams and the bureau managers, Margaret Mahoney and her team, and Hannah, who is sitting behind the post for all the work that they have done. So, let's, let's have them come up and explain to us what the report says, and then we will vote on 278 and 279.

**Sam Adams, Chief of Staff, Mayor's Office:** Good afternoon, my name is Sam Adams, chief of staff to the mayor, and we are here today to give you a report on the status of the year 2002, 2003 regulatory improvement work plan. We are not with the fiscal year but today is the day that the bureau of development services moves from the portfolio of the mayor to the portfolio of commissioner Randy Leonard, so we wanted to give you a status report on that. We also have an item that is being completed today. The impact analysis and you are going to hear from Betsy Ames on that. So the scorecard in front of you -- before I get started, actually, I have some people to thank, as well. I want to thank Margaret Mahony has shown incredible leadership in getting the work done that you are about to hear, also Douglas Hardy, Denise Kleim, Kermit Robinson, Tom Carter, Jackie Phillips, Betsy Ames, Cary Pinard, Brad Carter, Dick Tracy, Ruth Roth, Jim Crawford, Lana Danaher, Don Gardner, Amie Burkle, Hanh Ta, Hannah Kuhn, Tommy Brooks, the planning commission, neighborhood land use chairs, you, the city council, business associations, like, like AMPBA, and the Portland Business Alliance. This has definitely been a group process, and it couldn't have been done. I would also like to think that since his election that, that commissioner Randy Leonard and Ty Kovatch has been excellent partners in this transition process, as well, and together, this has definitely been a group effort. Together, a lot has been accomplished. Before I go into what's been accomplished, I want to underscore that today launches the public outreach process for next year's regulatory improvement work plan, and we have talked about, about six weeks of public outreach. What you have before you in your books for this council item is basically we put together the recommendations. We put together -- we brought out the list from last year. We put them together and we are asking for public comment on them. We are also asking for other ideas and the best ideas on the regulations, themselves, and on the procedures, costs, knowledge and customer

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services, as well. So, we are trying to improve upon the process we did last year by including the city council and the planning commission together, upfront with the development review advisory committee and the bureau of development services, have more input from those bodies up front, with you the council, with our best thoughts from staff and the commissioner, commissioners in charge to put together the work plan for next year. We are very sensitive to the fact that the neighborhood associations and the business associations, leaders are volunteers and that's why we put six weeks of public outreach, just to hear back from folks what their best ideas were before we moved to any sort of prioritizing or consideration of the lists. I do want to make a correction on the narrative in front of you, on page 10 of the work plan narrative, as suggested improvement to allow 20% variance to zoning code development standards without a land use review was incorrectly attributed to innovation partnership report. This suggestion was gathered in one of the many stake holder outreach meetings conducted last year and should have been included in exhibit a, which includes both internal and external stake holder suggestions. It was not a recommendation at this point from innovation partnership. So, we incorrectly attributed that, so the scorecard you have in front of you --

**Katz:** It fits on both sides, everybody.

**Adams:** So, it tells the story of what we have been working on or what's under way. We wanted to highlight a few things today that are more recent in their accomplishment, and so that's why we are going to have some, some people from the bureaus and the, the bureau of development services and the bureau of planning giving you some, some, um, in-depth analysis. The first thing is the brand new web-based permit status information. We knew it would be popular. When we fast-tracked this, and anne and her team and the bureau of information technology, as well, have done just a fantastic job of putting together a website that you are going to hear now how popular it really is. Anne?

**Ann Kohler, Site Services Manager, Bureau of Development Services:** Anne, site services manager at b.d.s. For the past three years the web team led by jackie phillips has worked aggressively to add information on our overall website to, try and address the range of issues for our customers that we have in development services. The website, itself, has a growing number of users. For the seven-month period in 2002, we had almost 2.5 million hits. This data represents 12,000 -- approximately, 12,000 daily hits. We have had approximately 17,000 unique visitors and 25% of the folks who use our website are repeat visitors.

**Francesconi:** I am sorry, can you repeat the numbers again?

**Adams:** It's a lot.

**Kohler:** I rounded up and down in a few places. What I am trying to say to you is that many --

**Katz:** How many?

**Kohler:** How many? We have had about 2.5 million hits on the bds website. And --

**Katz:** During what period of time?

**Kohler:** For about seven months in the year 2002. It's a popular website. It's chalked full of information and people really use it. We have also in the last few months created a regulatory improvement website attached to our regular bureau website. That website, alone, has had almost 36,000 hits. With an average daily hit of about 413. Or 14. Again, about 25% of our customers on the regulatory improvement website are repeat customers. They are coming back to get more information and following what's going on. One month ago, we introduced tracks information on the internet. So all of our citizens could get information about building permits, land use cases and enforcement actions. In that one-month period, we have had almost 50,000 hits on that web site. It's linked through Portland maps and the b.d.s. website. 25% again of the customers are repeat customers, so people like getting this information. They like using it. About one-third of our customers are coming directly in through the b.d.s. website, the link there and the rest of our customers are coming through Portland maps. We co-developed this with corporate g.is. and are



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pleased to have been able to do that on a fairly fast track. We consider both our website and the tracks on the internet project a work in progress. We are working with the neighborhoods. We did before we premiered the tracks internet site, and we expect to continue to improve these websites over -- there is no end goal here. As far as we are concerned, it's a great customer service tool, and we expect to continue to improve these over the years.

**Katz:** Thank you.

**Adams:** And those hits represent the hits without hardly any publicity, despite our best efforts to, to get some publicity in the newspapers and such. They haven't bit on the hook. This was the permit status information was the number one request from neighborhood associations, and that's why we were wanting to have balance in the regulatory improvement work plan why we fast track it had so quickly, so a lot of the people that are seated over here participated in the focus groups that help create this, and our thanks go to them, as well. Anything else to add anne?

**Kohler:** I think that that's it for now.

**Adams:** Thanks, anne. Customer service training is, is a passion of the commissioner in charge, randy leonard, it's a passion of the mayor, it's a passion of all of yours, and, you know, we get teased a lot because we talk about, about wanting our customer services to be held in as high esteem as les schwab, and not that you will get a side of beef when you come in to get a permit, but that you have that same sort of feeling -- I don't know, maybe you can make that happen. [laughter] So, we sent out an r.f.p., the commissioner leonard's office and the mayor's office, along with the bureau sent out an r.f.p., and we were lucky enough to get some folks onboard to advise us that provide customer service training to les schwab. So, to talk about that is ray, the interim bureau manager for the bureau of development services.

**Ray Kerridge:** Hi. Just a quick update on where we are with the customer service. First, the training will be done by the Richards-multanen group. This provider similar customer service training to some of our customers far construction, the city of beaverton development services staff, and also Multnomah county and the state of Oregon, so, it was felt that they had a pretty good understanding of where the issues are on both sides of the counter. The training includes all b.d.s. and interagency staff receiving 12 hours of training. Managers and supervisors will be provided with eight hours' training in addition to that, and also a large number of the staff will be provided with three or four hours of advanced problem solving training. The accomplishments so far is -- the accomplishment so far are the customer focus group phase is now over, and from that, a range of customer service goals have been developed. The other accomplishment is that the training has been set up and it should be completed by the middle to the end of june. And one last thing is the Richards-Multanen group will help us in finalizing the charter of regulatory rights and responsibilities. This is outlined in exhibit d-2 of your report.

**Katz:** I think I heard all of you say that the council is welcome to those training sessions.

**Adams:** Absolutely.

**Francesconi:** Is there any particular ones of us that you want it to go, mayor? [laughter]

**Katz:** All right, go ahead.

**Adams:** Yes, next we will hear from jackie and margaret. Thanks, rick, thanks, anne. As jackie makes her way up here, as -- besides us and commissioner leonard, no one else, I guess, has had the bureau of development services, but one of the -- you shared it with us for a couple of months. One of the things you learn right away is that there's a lot of constituent work that comes with this bureau, and so returning phone calls, getting back to people with, you know, useful solutions and suggestions is a fundamental challenge of being the commissioner in charge of this bureau. And we wanted to ramp up our efforts in that area, and so jackie, who worked with amie burkle in my office and the auditor's shop and a whole lot of other people really focused on how to improve that, and so jackie is going to talk about some of the improvements to that area of customer service.

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**Jackie Phillips:** Well, while working to improve the process for resolving enforcement cases in the bureau, it became clear that the process management approach we use for large construction projects would be a good solution to assist customers to resolve complex enforcement cases by providing a single point of contact. That would provide clear direction and assistance to customers.

So, we developed a customer assistance team in b.d.s. that handles these issues. The team is led by Elissa Core and myself, and we draw staff together across bureaus, across divisions within the bureau to address the specific cases, and develop a plan or a path of success for the customer so they can resolve the constituent issues that they are faced with. Afterwards, recurring issues are looked at so that we can go back and improve our processes and policies. Some of the success of the customer assistant team has led us to improve some of our procedures, for instance, the lien reduction request program that we are working on now, publicizing fee waivers and enforcement exceptions, and a new program, which is the new owner grace period. And that's for people who purchase properties with code violations. So, a specific example of the type of work this team would do, and this is a specific case that actually happened, would be of a woman who purchased property that had several existing code violations across several divisions. The work was all done by a previous owner, for work without permit, and this person was just clearly unaware of what had been done and had no idea how to resolve the issue. The customer assistance team met to find a clear path of success for this customer and provided information and assistance. She was able to complete the-- come into compliance quickly and saved her a lot of time and a lot of expense, and I think in the end, we will eventually reduce case load for the bureau, as well. I think it's been successful.

**Margaret Mahoney, Bureau of Development Services:** Margaret mahoney. I would like to note that jackie is the, the leader of the b.d.s. web team, so the data that anne shared with you on the website is attributable to the work that jackie has done with the team of about 15 staff people, one representing every program in the bureau. And there is just an immense amount of information on that website. I am going to talk to you about the small business services, the money back guarantee and the work we are doing with boeing. And I have talked to you before about the small business enhanced services, so I'm just going to give you an update on what we found with our pilot testing.

The small business guide, we have gone through the second printing so we have about 10,000 copies of that out and being used, and it is available to be downloaded from the website, as well. You will see if you look at the website that the web team added a small business customer portal along with the existing customer portals that we have on the home page for b.d.s. We did pilot test, extended evening hours for small businesses starting every other thursday in october. We had actually relatively little, or small numbers of customers who came in on thursdays, but I wanted to share with you some excerpts from a letter we got from one customer because I think that they made a real good point. The customer wrote -- "while attendance of small business owners at evening hours has been very light," -- I am association I read the wrong part, that was my intro. Small business night was a very positive experience and I hope you continue this program. Please do not be discouraged by the small number of persons taking advantage of the service as it takes time for word to get out. A look at the number of residential customers in attendance that night tells you that people appreciate this service. I suggest, and this is the writer, that the key to success in government service is accessibility, accessibility, and reasonable regulations. Small business night is one way of providing great accessibility. We had two to three small business owners come in on each thursday that we were open with a special team for small business owners. Based on the pilot and the kind of feedback I read to you, the recommendation from bonnie morris, development services center manager, is to revamp our existing thursday evening hours into a general development services center evening hours open to homeowners, residential contractors, and small business owners. One of the things we found in the pilot test that one of the keys for all customers who came in was the added staff that we had on-call from our structural engineering staff, from

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pdot, and from b.e. s. Those three groups have traditionally not been at our residential permit night on thursday, but having those three turned out to be critical to everybody there on thursday. The other key pilot program we have run the last few months is our moneyback guarantee program. The theory on this program was to look at, at some of our large volume recurring work, determine what, what we could revamp in the process to issue as much over the counter, and where the project exceeded our ability on over-the-counter issuance for us to guarantee a specific turnaround time. So, we brought that on in three phases. We started in november with our trade permits. Those are all of our electrical, plumbing, and mechanical signed permits. Since november, 6,707 trade permits were taken in as qualified for moneyback guarantee. Of those, 95% were issued over-the-counter while the customers waited. 5% were large enough that they needed additional review, but in all but one case, all of those needing additional review were reviewed and issued within the five-day turnaround time for larger projects. The one case that wasn't, was an early case we found that gave us a clear indication of a flaw in the system that we hadn't anticipated and we were able to correct right away.

**Katz:** The piece of paper under the pile.

**Mahoney:** So that was a real good learning experience for us. So, that was 4.5 months experience thus far with trade permits, in december we launched the effort with residential alteration permits so in 3.5 months with residential alterations, we had 272 permits that qualified for moneyback guarantee. 99% of those were issued over the counter. 1% took the additional days but were issued within the guaranteed time line. The last rollout of the program was commercial alteration permits, and we have only been doing that since the beginning of february, so we have about, a little over 45 days of experience there. During this test period, we only had 66 permits that met the definition. 91% of those were issued over the counter. 9% came in and were issued within the, the guaranteed turnaround time. We do have a concern on this last group with, I think the staff feel pretty comfortable on the trade permits and the residential permits that we have gotten all the bugs out and we could manage that work. Bonnie morris is suggesting that the pilot on the commercial projects be run through july. Primarily to see what kind of effect focusing on that work does to the rest of the work in the pipeline, of which there is quite a bit, particularly in the commercial area. The last project that I was going to brief you on is one that I talked to you about before in terms of our initial staff preparation, but one that we just launched last thursday. That's the caisan or continuous improvement training that boeing has offer to the city. Last thursday morning we had 23 staff from development services, environmental services, pdot, fire, water and forestry who went through the first half of their initial process training with two staff members from boeing who have donated their time to us. By the first break that morning, I had a number of those in attendance come up to me and say that we really needed to get more staff, more of their co-workers into the same training because they had found it so valuable and they were thinking of projects that they thought would be good for process improvement, but they needed co-workers and partners who had a piece in that to be involved, so we are talking with boeing about whether we can do another group. The second half of the training for the first 23 staff happens tomorrow morning. Then we will be meeting starting next week with the boeing staff to talk about the next steps for training a second group and then beginning the process of, of putting the training to work and having the staff focus on specific process improvement work. The real benefit that I have seen in the boeing work is that it is very clear, very visual in helping you identify what they -- what they label as nonvalue-added work. What work are we doing, and I am very convinced that what they say is true, that any work, anywhere in the world has nonvalue added steps in it. And if you did can identify those and get them out, that's your waste and your savings. Part of doing that is looking at how we really standardize our work. And the other key point is, is --.

**Francesconi:** What time tomorrow is that training?

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**Mahoney:** 8:30. [laughter] conference room 5-a, 5-b in the 1900 building. It's really good work. I was very -- I guess hesitant to see what the initial reaction to staff -- by staff would be because as you know, there are lots of different theories and practices and process improvement. The city has seen a number of them, but I think that this one is, is -- has some very good features to it. It draws from a lot. The other key that boeing has told us is that you have to do it incrementally and stick with it. They have been doing there for nine years in their company, and they do a project or an update every quarter throughout the organization, so it's say, say a process that starts small and grows throughout the, the company or the, the organization, so I think that the key here for us is to keep at it. Thank you.

**Katz:** Thank you.

**Adams:** Next we will hear from betsy ames and bonnie mcknight, who are one of the -- betsy facilitated with the help of hannah kuhn, and we had about, I don't know, what 25, 30 people? It was a room full of people who worked on this project.

**Katz:** Is bonnie here? Great.

**Adams:** Neighborhood associations. We had economists. We had engineers. We had staff. It was very diverse, and their work, which was one of the items in the regulatory improvement work plan for this year, was a model process for consideration and assessment of land use and development actions from either when we get the mandate or somebody has an idea that they want to do something, and they are going to take you through the committee's work.

**Betsy Ames, Bureau of Planning:** Hi, betsy ames, bureau of planning. As sam mentioned, I was the convener, facilitator of the group, public/private work group set up to look at the impact analysis report process that was launched with the regulatory improvement work plan. Here's another copy. This was a group composed of bureau representatives as well as representatives from some external stake holder groups, economists that sam mentioned, land use specialists, neighborhood associations. The work group made a number of findings. We wanted to emphasize the early and ongoing review of the proposals as they go through the process of development, and as such, we decided that it was less an impact analysis done at the end of a pros and more an impact assessment throughout. We had a number of different findings. Felt it was important for, for decision makers to understand the cumulative impacts of decisions that are made, whether those are regulatory proposals, fees, policy decisions, etc. We thought that there needed to be transparency in the process, that it would be easy for stakeholders, either community members, potential developers or applicants, and bureau staff to, to know how to, to access it. Know why decisions were made and why tradeoffs were, were -- how tradeoffs were considered. We believed that there needed to be continuous assessment, that it wasn't just a matter -- at the end when a decision was made, but as a proposal was being developed, have, have regular check-ins and thoughts about it. A phrase that came up, which is actually suggested by Christie white originally from ball janik, was that we needed it to be a philosophy of discipline. That it's integrated into the work that we do, and it's a new way of doing business. In saying that, in doing a new way of doing business, they thought that it shouldn't be a standardized system, that, that there are going to be different projects and different processes with key points, and that we need to be flexible and not have it be a one size fits all. The questions originally developed in the draft guide to regulatory impact analysis that you considered this fall, everyone thought that those were worthwhile questions to consider, but that each process wouldn't have to go through and answer each and every one of those questions. The key recommendation of the committee is the model process chart that you have in front of you. It's included as part of the impact analysis report. This is a generalized chart. As I mentioned, they didn't think that it should be a one size fits all, but these are key steps and questions that need to be asked. In the first stage assessment, which is for the first three main steps, issued identification, the prioritization and the project initiation and scope refinement, there were five questions that they thought needed to be asked. Basically, summarizing, what is the issue or problem that we are trying

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to address? What are our intended or desired outcomes, and is the issue of sufficient magnitude to justify developing a new regulation or other nonregulatory tools, and, you know, whether it's a crisis dejour or something more substantial. Who would be affected by in proposed policies, requirements or regulations, and why should this be a priority for action above other potential actions that the city could take. It was important that these questions be answered before the project development stage, before we get too far into the process, and that there be city council planning commission and stake holder input into those priorities. One of the things that, that the chart showed and that the committee wanted to make clear is that a determination could be made at that point that no further action should be taken. The second stage assessment is, is through the project development and consideration phase. And there were six kind of basic categories that, of questions that they had, including a consideration with the various alternatives were and why a proposed alternative was the best, how community and stakeholders were involved throughout the process and what their feelings and opinions about the various proposals would be, and how the proposed policy or regulation would provide enough flexibility to address a broad range of, of situations, what resources would be required to implement, and enforce any proposals, what the general benefits of the policy regulation or requirement would be and how those compare to and balance against public-private and community costs and how the regulations impact would be monitored for effectiveness, and that kind of gets to the, to the last stage of assessment, the ongoing assessment that we need to be evaluating and monitoring whether the decisions we make have been effective and be able to feed that back into future changes, if necessary. I have mentioned the, the guide to impact assessment. The questions -- those are attached, is the third -- or third attachment to the report, and the committee felt it was important that staff had those and considered the various questions throughout the process, but that they didn't necessarily have to respond to each and every question, but that the decisionmakers should be ready to ask any of those questions of staff and they should be prepared to respond to them. The final assessment or report wouldn't necessarily be a stand-alone document, as you have seen in the few that have already come to you. The committee felt that in some cases, this would be just creating more work separate from existing staff reports and that they thought that the assessments really needed to be integrated into those documents. It could be a preamble, a separate section, or it could be a stand-alone report, so they didn't want to dictate a new process just for the sake of having a new process and more paper to do. The committee had a number of discussions about what should be subject to this impact asment process, and felt that it really -- that there were a lot of things other than just regulations that have significant impacts on development and on the community, and those range from, from s.e.c.'s to policy decisions that guide regulatory future action to, to planning efforts say from p.d.c., where there's expectations raised, on something that's going to happen, and they felt that, that ideally everything would have some kind of impact assessment, but recognize that at this stage not having as much experience with this process, that we shouldn't be requiring that of everything. So, the recommendation is to, in the first year, have it only apply to this requirement -- this requirement only apply to regulatory actions, including administrative rule-making, but that the city council and bureaus should encourage assessment of other nonregulatory actions that impact land use and development, as well. The final recommendation of the committee is, is that a subgroup of the, of the impact analysis work group should be formed to kind of follow what we have said about everything else, and that is to have an congratulation monitoring function going forward, and to have a subgroup meet quarterly to review materials prepared in response to this requirement and at the end of the year, prepare an evaluation and recommendations to the city council and report back in july of 2004.

**Katz:** Thanks.

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**Bonnie McKnight, Co-chair Russell Neighborhood Association, Coordinator, volunteer for the city-wide land use group:** Members of the council, I wasn't aware that I was going to testify, on this piece of it, but I am very happy to do so.

**Katz:** Identify yourself for the record.

**McKnight:** Oh, I am bonnie mcknight. I was a member of this group and very pleased to be because it was made up primarily of, of bureau heads, and it was nice to sit at the table to problem solve, which I believe we did. The point of this is, if this process -- in my opinion, had this process been in place, you wouldn't have spent this much time on regulatory reform. I think that it's --

**Francesconi:** We would have fewer regulations if everybody had to follow this -- [ laughter ]

**McKnight:** I think that piece, pieces of it are followed by everybody. The difference is that most -- most of the pieces are put together differently, which makes it hard to figure out. The thing that, that is particularly important from the standpoint of my view of what should be done is that the early identification of why do you want to do this and then finding out what other people think about the idea before it gets to be a draft proposal -- the common element, I am sure you hear from neighborhoods all the time, and we will bring that to you forever, I guess, is that we didn't -- we didn't know what you were doing until it was halfway done. That's not a really effective expenditure of public money, in my view. It's also not an effective use of neighborhood associations and the system that you have already invested in.

**Francesconi:** Don't take it personally, bonnie, because sometimes I feel bad about some things my own bureaus are doing.

**McKnight:** Well, well, this is -- this is an option, and the point of this is, it allows us to get back to the original question in land use development activities of, what are we trying to get to. And for those of us who live in the neighborhoods, that's the key question. If you will allow us in early and build support by allowing us to participate and put the problems on the table early so that they can be solved, and not become confrontations and appeals to this body, I think that it just makes more sense governmentally, in terms of, of liking each other, in terms of making the process work as it should work. I think if the, if the understanding is built from the beginning, it will be better, better communication and better support for what you really want to get done. It also provides a filter for, for looking at your overall view and not coming up with a quick fix that will lead to more problems later on. I think that that's kind of what regulatory reform is doing now, so I was very pleased to be part of this process, and I appreciate the opportunity to do that.

**Katz:** Thank you.

**Francesconi:** Can I ask just two questions about this? One is of the five questions on the first stage assessment, and six questions on the second stage, how many do you think that we are being asked, regularly? Before, before land use regulations are being proposed.

**Ames:** I think that there's been a wide variety based on different projects. We had a couple of, of staff who prepared impact analysis reports or draft reports come to the work group to discuss their experiences. One example from the fire bureau on the wildland fire protections was that, that some of the questions really prompted them to, to reach out to different groups within the city and ask questions, such as what other regulations are applying in the area and you know, kind of thinking through that it's not just the fire bureau's regulations, but also the e-zones are also in the same area, and we have to, to be sure to balance those. They also thought that the questions about the comprehensive plan were, were useful to think kind of beyond the mission of their own organization to the mission of the city. So, I think that there's kind after wide variety. I know that for the planning bureau having to write findings against comprehensive plans, we have had to do a lot of that already, and I think that, that being more clear about what the various alternatives considered is, is -- and you know, articulating what the different viewpoints are on things and why some of the decisions being made were made is useful and the staff felt that, as well.

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**Francesconi:** And then my last question, I can see why you don't want to be too descriptive and create too much work for the bureau heads, but how are you going to know if this is done? Who is going to enforce that any of this is actually, actually happening? It sounded pretty loose the way that you left it in terms of seeing that any of this actually happens.

**Ames:** Well, there's a couple of different methods. One, a subgroup is planning on, on meeting quarterly to review what has come through. Another one is that, that the work group felt that ultimately it is the city council who needs to be, when things are coming to them, asking some of the tough questions and kind of holding bureaus accountable to some of this, and we can definitely work with them and one suggestion that was made was that, you know, as part of the, of the backing sheets on council documents that this could be a check, a box just like there is for the budget impact statement that says, impact analysis, impact assessment has been done. And you know, have that be a specific requirement that gets checked off. So --

**Adams:** I also think that the bureau of planning will flag and the bureau of development services will flag stuff that's either started or they know about or has come to council that the expectation is that, that they will have gone through this process. As part of the development of the regulation.

**McKnight:** I just wanted to add one comment about this. One of the comments that I heard in the meeting was that the bureaus were actually happy to have this because it made them think in some terms that they hadn't thought about, about contacting another bureau or a group or, or looking at something because the danger in a bureau is to get focused in on your own responsibilities, and so this kind of broadens that back out.

**Saltzman:** Why couldn't we have a document that accompanies each regulation or propose regulation that actually has written pros, answer to say each one of the 12 questions.

**Francesconi:** We did. I mean, that was the point of what I was trying to do, but this is much more specific. We did --

**Adams:** We have for a while. That was our first effort, pilot effort, and before that, commissioner Francesconi required, with his resolutions, analysis --

**Saltzman:** Are we going to maintain that level -- that's what I like. Something that's very simple, written in english, you know, I don't like checklists. That answers these very tough questions. That the council should be able to see. So, I mean, who, who -- if we leave each bureau to do it, we won't get a specific product, getting back to commissioner Francesconi's question, how do we make sure that there is a consistent product? Do you need us to pass an act -- here's the memo? We can do that.

**Katz:** That's not going to --

**Ames:** We can do that. Part of the work group's discussion was, for example, with planning bureau documents and some other bureaus, there is a staff report already, and they didn't want to have to have a staff report and then have, you know, people pluck out stuff from, from that and put it in a separate document and have it be a redundant duplicative document. That certainly is something that, that we could do. I was thinking more along the lines that we would have, have a section within our documents that would be specifically addressing impact assessment and flagging where else in the document these questions are, are answered.

**Saltzman:** That's how planning would approach this?

**Ames:** That's what I was thinking, planning's approach would be.

**Adams:** Getting back to bonnie's point to underscore that. If that's the first you have ever seen any sort of analytical work on a topic or if that's the first time you know if the topic is coming forward, then this process is not working because this calls for the bureau, the council and key stakeholders to be involved in the early point of the pros of asking these basic first stage assessment questions. So, that's why I think that you asked us that question, and we pause awkwardly because that's where we need to see -- you and your roles as commissioner in charge need to be poking at your bureaus

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or, you know, en -- encouraging the bureaus to think in these terms because that's where in this work, if we wait until the very end, then we failed.

**Katz:** Ok. Thank you.

**Adams:** Just a few closing thoughts. Policy package one and two related to the, the code reform are due in june, and here at the city council, package number one to the planning commission and package number two, threshold and triggers, you will hear in a few minutes. The area that, that we also need additional sort of work on. We have done some work on is the provisional city-wide vision statement adopted by council be and the suggestion by ethan and the planning commission to spend time fitting the pieces of vision and the comp plan and what we are doing in regulatory reform make a lot of sense because I think that it's going to sort of true up the comp plan, it will make our vision statement more crisp. As has already been mentioned, our work for regulatory improvement work plan next year will come from multiple sources. I.p. and auditor's is a source. Everyone we ask for input, and believe me folks have plenty of ideas. I want to thank, again, i.p. for their excellent work on the report. Gwenn and john and kathleen and others spend a lot of time on that. That will be a source, as will the excellent auditor's report, as will bonnie mcknight and her group on land use chairs that gave us excellent feedback last year. Linda bauer, so all those folks, in terms of moving forward, commissioner randy leonard takes over the responsibilities of the bureau, procedures, customer service and knowledge and cost issues, and we will be working closely with him on that. The bureau with, with bureau of development services, bureau of planning, we will continue to take the lead in consultation with commissioner leonard on the code reform side. And that's how we will be moving forward. That's it. Thank you.

**Katz:** Anybody else want to testify on this item? Do we have anybody else?

**McKnight:** Mayor Katz and members of the council, I am bonnie mcknight. Reside at 1617 northeast 140th street in Portland. I am co-chair of the russell neighborhood association, land use chair for russell, and act as coordinating volunteer for the city-wide land use group. My comments today are about process and time. I have attached a list of all the information I and others in the neighborhood association structure have been asked to process during the next five weeks. In preparation for the 2003, 2004 work plan, they include background reports from the auditor's office and the analysis of system development charges, the innovation partnership steering committee report, the report of the impact analysis group, and the bureau of planning policy packet number one. That's a total of 343 pages of background and recommendations from others. The top ten list from 202 is also in process and will appear before the planning commission on april 22nd. And it's the product of 9 fte during the past year. For 03-04, we are asked to evaluate and comment on 80 items on the regulatory improvement list. 76 items on a list of potential items left over from 2002. 39 items gathered through the website and 12 other items that are called "separation regulatory improvement items." we have been given a time line of six weeks for review, but the six weeks started on march 20 of last week. If neighborhood association people, like myself, used eight hours each day during that period, taking weekends off, we would have 184 hours available during the period that we have been given for review, evaluation, and comment. If we used every minute of those 188 hours to, to evaluate each work plan item taking no food or bathroom breaks, we would have 54 minutes for each 2003-2004 work plan item. That scenario, however, will not allow any time left for reading the 343 pages of reports or for participating in the decision-making process on the 2002-2003 top 15 list. The state of Oregon comprehensive plan goal one is citizen involvement. It's been moved to goal nine in your own adopted comprehensive plan. Your own goal 9-1 sets out, "citizen involvement coordination, encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations through the reasonable availability of planning reports to city residents and businesses and notice of official public hearings to neighborhood associations, business groups, affected individuals in the general public." the current process is not reasonable. The time line in front of you includes no meetings



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with neighborhood associations or their coalitions. Public outreach is shown only through the internet and e-mail. I propose a solution. We ask you to separate the 2003-2004 decision making process of the 03-04 work plan. We ask you to use the model plan in the analysis report in today's package, to evaluate the 207 items suggested for next year's activity and we ask you to allow your neighborhood associations a reasonable chance to participate.

**Katz:** Thank you.

**McKnight:** Neighborhood representatives on larger advisory boards is not community involvement. E-mail access to website information is not a public meeting and we ask more from you.

**Amanda Fritz:** Amanda fritz, I am speaking only for myself, and I will not have time to do any more work on this because of the 2003-2002 package going through the end of april. So, I ask you would reaffirm that the comprehensive plan is the city's coordinating policy document. That all elements of the comprehensive plan are important, and that development regulations implement the policies of a comprehensive plan. Problems arise not because of excessive adoption of new regulations, but because we fail to fund follow-up studies after new regulations are enacted. Even the most earnest, diligent participants who follow the impact analysis guidelines can't always identify potential conflicts before regulations are implemented in real projects. Yet, we rarely follow through with promises to monitor effects and provide swift corrections as needed. Second, other regulatory improvement projects should only be done in the effect of implementation of the plan, rather than on which most issues most annoy developers, staff and neighbors. Second, council should identify ways to provide more support to staff and development services whose primary job is to enforce the regulations that imp implement the comprehensive plan. Staff's primary customer is the long-term public good. The primary customer is not the applicant at the desk. All other customers, particularly the applicant and affected neighbors are equal stakeholders. Council should recognize that staff cannot please all customers all the time, and that it's appropriate for staff to say no sometimes. Council should honor staff who enforce the code, not chastise them. More money should be dedicated in the budget for staff support and training on an ongoing basis, not just in customer service but in technical areas. Inconsistent interpretation and implementation of a regulation is a management problem, not a code issue. Even an ambiguous regulation can be interpreted consistently if managers are clear in their expectations. Managers can be clear when council is clear, that all elements of the comprehensive plan are important and code conflicts are resolved legislatively in a new, quick, sure process, which is one of the main things I suggest that we have. The draft of rights and responsibilities in the packet only has rights and responsibilities of applicants and rights and responsibilities of staff. And the rights and responsibilities of staff don't mention staff -- don't mention neighbors as customers. So, I would like to know from you, are neighbors still customers of development services? That was adopted in blueprint 2000, indeed we are customers. Are we changing that? Are now only the applicants the customers? And the final point is that we blurred the distinction between land use reviews and building permits with moving the current planner from the bureau of planning into the bureau of development services. It seems to be a complete lack of understanding that discretionary reviews take time, there are land use reviews that require public process. That's state law. Building permits are different. Those are the ones that should be implemented administratively as quickly as possible. If there is a -- if there is a dispute about a building permit, then it's not -- it's got some discretion in it and it should be neighborhood input into a discretionary process to decide what the right solutions should be.

**Dixie Johnston:** Dixie johnston, co-land use chair, collinsview, and I am speaking only for myself. I agree totally with what amanda and bonnie have said. We have discussed this at length in city-wide land use forums. But, I do also want to commend sam adams and his staff for all the work that they have done. They did ask up front last fall what we in the neighborhoods would request for, for the top ten list, ended up being 15 items, and I think that -- I am looking forward to reading this

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report. We just got it two nights ago, so I am looking forward to reading it. I know that there are good things in here, and I honestly and truly believe that sam and betsy and others are trying to find a cohesive, comprehensive approach to the problems. They are bringing in i.p. I think that that's important. The neighborhoods and other groups. And I think that we all need to work together. The biggest problem is lack of communication, and let's face it, land use is very complicated. And there are a lot of, of mixed policies, sometimes, and mixed applications to the, the policies and objectives, but the comp plan is one way to unite all of this, and we need city council to stand behind it. It's an excellent document. Yes, some of it needs to be updated, but it is, by state land use law, it is a working document, and we need to stand behind it, all of us, and it does help with the cohesiveness and I think with sam and his report, he's helping to solve some of the communication problems, and this is the big issue. The more we do up front, the more we talk up front, the easier it will be for land development. Thank you.

**Katz:** Thank you.

**Katz:** Go ahead.

**Linda Bauer:** Linda bauer. Citizen. It's already been said. Very eloquently, thank you very much.

**Katz:** Thank you, linda.

**Patty McCoy, Columbia Corridor Association:** My name is patty mccoey, the executive director of the columbia corridor association. We have embraced the process of regulatory improvement since the beginnings last year, and I am struck -- part of what I would like to share with you today is that we are struck by not the fact that there are three separate reports, but by the tremendous and overwhelming overlap in the findings of the reports, and that's probably the most gratifying because three different bodies, the mayor's office, through sam and hannah and all of their work, the auditor's work, as well as i.p.'s work, essentially found about 80%, about 80% of each of their findings are, are common. That shouldn't be alarming to us because in an independent review, that these three groups come up with the same findings tells us we are in the right direction. As stakeholders, while I think that we asked for this process to be undertaken quickly, I would urge that the process given to the stakeholders to take the time to amply review the changes be elongated. We get the documents and oftentimes have only four -- anywhere from four to ten days to review them. And it's very quick to go through those. Finally, the tough part is going to be, and I will use the analogy of a diet, to stay away from the temptations of the glamorous, sexy menu items, and I know that there are a lot on the city's plate, and to hunker down and try and lose some inches, not just in, in radically removing the code but assessing conflicts and removing those conflicts both between bureau asks stakeholders and bureaus. , so I think that the tough work right now, whether it comes holistically out of the i.p. recommendation or more quantitatively out of sam's and hannah's and out of mr. Blackmer's is to, is to look at, at the pieces of code that are troublesome, not do away with them just for the sake of doing away with them, but to clear up the problems and clean house before we create more new pieces of code, and finally, we totally embraced the environment, the impact statement and we have seen it work for the first time on an ordinance that's being built in the columbia corridor, the wellfield ordinance, while not flawless, that, that piece of ordinance does provide, I think, a model for how the impact statement is working, and we would encourage it -- I do, I do agree with you, dan, we would encourage that some sort of systemic set of questions be answered because one of the flaws we are encountering in the wellfield ordinance review probably would have been prevented by one or two of those questions. Thank you.

**Katz:** You have three minutes.

**Paul Gasner:** I am paul gasner. I live on texas street. And our business, gasner incorporated is at 5511 southwest hood. I am also the president of the macadam corridor business association. I am speaking with two hats. I was involved in regulatory improvement process from day one. On day

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one, I brought up the, the definition of sight. First of all, I am grateful that the definition of site made it to the top 10. I just picked up the copy today. I got it in the mail. I was going to pick it up yesterday at noon, 1:30 tomorrow afternoon, march 24th. It was not yet available. It was sent to me by mail, so I got it in the mail today. What its here on page 22 regarding definition of site, unfortunately, we have been unsuccessful in achieving the policy of checklist by amending the definition of site. Now, to me, after having work done and since day one, the regulatory improvement process, this statement is not good enough for me. And I believe it should not be good enough for the council. Because this has been on the agenda since day one. The reason I particularly question this, if there is a question regarding the interpretation of the definition of site known, who can answer it? Is it the bureau of planning? Is it the bureau of development services? Is it margaret mahony? Or is it the council? Because a particular question, I will refer -- it refer to say me, 5511 southwest hood, where we have one site encompassing ten lots, are intended to improve face-by-face -- there is two lots and then three lots. This has been going on since january of last year. I've been going all the way around from the vector of planning to the bureau of, of planning to the bureau of development services, and always pushed for one side to the other. Now, my question is in the hands of margaret mahoney, and she just promised me at the beginning of this session that she will give me an answer to my questions, which has been pending for almost a year. She's going to give it to me in writing sometime next week. So, that summarizes my question, why should it take so long to come up with a definition of site and then why -- I repeat this, unfortunately we have been unsuccessful in achieving the policy objective by amending the definition of site. Is it too complicated? If it is too complicated, if it can't be answered within one year then it is obviously too complicated and it should be revised. I was asking you whether you could agree with this.

**Katz:** Well, we are going to get an answer to that in a minute. Thank you. Anybody else?

**John Bradley:** I am speaking for myself. Marty has taken on the task of business in Oregon. He was asked what is impeding business from locating here. Two of top four items were too many rules and regulations and the permitting process. So, I am concerned about people being left in the cold, too. According to statistics, 8% of our fellow neighbors are looking for jobs and can't find them. So, if marty is correct, your efforts in pursuing improving the permitting process will help a whole group of our neighbors, whose voice may not be that well spoken or understood, and I look forward to reading headlines and announcing locations of new businesses coming to Portland. Thank you for your attention in this matter.

**Katz:** All right. Staff come up and just respond. Sam, is there anything you heard that you would like to comment on, and kari, are you going to comment on the site issue? Ok. Come on up. Sam, why don't we start with you.

**Adams:** Last year we took about three months from beginning to end before we asked people -- first asked people for what are their concerns, wishes and hopes, and, and to get the list to you in terms of the length of the process. For them to tell us what they think. That happened less than a year ago, and we didn't want people to feel like, like those issues that, that they suggested last year were just sort of thrown away. We wanted them to see that although for a variety of reasons, we couldn't do it, that at least they are carried forward to a, for consideration.

**Katz:** Let me summarize. So the issues that were flagged for this year's work plan, and we only chose 15, are continued for additional review. By the community.

**Adams:** No the 15 --

**Katz:** Not the 15, the remainder.

**Adams:** The remainder, yes. The other thing is because, because, you know, as we have talked about in the past, each top 10 or top 10 plus lists should be a combination of, perhaps, small things and more robust packages, you know, small things that are policy and maybe major, but small, maybe from a staff work perspective, but then more of the major packages. For instance on this year's list, we have an assessment of industrial lands, zoning barriers to the better use, and we have

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got a, a nonconforming use project that's phase one on this year's list. Those are more robust code changes. They deal with greater swaths of the code than maybe small things like trees or, or landscape design. So, this year I think that we have heard feedback from staff, your staff and others that, you know, maybe a better balance between more robust packages with the smaller stuff is what folks are looking for. You will have a chance to discuss that further with the process ahead. Last year we focused on small business. You told us that in this economy, the small businesses were of greatest concern to you. They were the most vulnerable, and the down economy, and that's what we tried to focus on. Not everything on the list is geared toward small business but we tried to put things on the list that small business said were the highest priority. So, six months, it will be six months from today, and bonnie is right to call that out. That was six months from the -- six weeks, sorry, from the day we were writing it and will be glad to move it up a week. We try to be sensitive to the neighborhood associations and the business associations that have to wade through all of this. We try to strike a balance between moving forward, but not moving forward so fast that folks don't feel like they have a chance to have input on things. Last year we adjusted the pros and will continue to adjust the process as we move along here. Absolutely last year I think I went to bonnie's group three or four times. And you know, i'd like to -- it was a great group. I went back so often because, because you got value out of going to the group, and this is a group of smart people, and that kind of outreach and effort, we intend to make. This time, although, we have a partner with ty and commissioner leonard to help us with that. In terms of the rights and responsibilities, amanda is right, what's on the list thus far is, is staff and the applicant. We know that we have also got to add those directly impacted by the development in the neighborhood association. We didn't want to presume what would be on those lists, but as soon as our customer service folks sort of get that somewhat clear, that's a draft document, then we will be adding those to other dimensions. Again, this is all about removing the barriers to desirable development and desirable reinvestment in the city, and agreeing on what is desirable and what that development investment will be, you know, as you have heard today and you have heard almost every week, you know. It's an effort to strike the balance. We sought to strike that balance with this work so far, and we will continue to do so.

**Pinard:** I can go into, into as much detail as you want. On this document that is, that has just been published that is our staff recommendation to planning commission, on policy package 1, and it will be at planning commission on april 22nd, we do have a proposal for changing the definition of site as it applies just to land divisions, and the commentary is on page 22. The issue on definition of site and why you sometimes would include more or less of an ownership is extremely complicated and the city has been struggling with how to meet multiple objectives with a clear and objective definition of site. Ever since 1991 I know we have been talking with mr. Gasner about it since 1993, so that's 10 years, not just one year that we have been struggling with how to make this work best in most situations. As you can read in the commentary on page 22, we had some specific policy objectives we were trying to get at in the definition of site for the purpose of land divisions, and it came up as a problematic problem early on in the implementation of the new land division code, which was july 1, last year, and that's how it got on the list last year for top 10. And part of the thing we are struggling with is our definition turns out to be easily gotten around by people being able to change ownership, and that's happening more and more in the repeat years, so we are asking the planning commission to say the approach we did take sometimes still works, but more and more often is not working the way it intended, maybe we should give up on trying to reach the, the policy objectives through the method of defining site. And it gets complicated. I can go into it more.

**Katz:** No, we will have plenty of time. We are not going to do it today. This is going to the planning commission and it will come back to us, so if anybody wants input on these items, god bless you. All right. [laughter]

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**Katz:** All right. So these are the two items, and we will vote on them this way. I am going to be different today. We will take 279 first because that's the work that's been done. That's been identified by the council as a priority, and then we will take 278 because that's a document that's identified issues that need to be addressed, as well. So, let's take 279 first.

**Katz:** I need a motion to accept the report.

**Leonard:** Move to accept.

**Saltzman:** Second.

**Katz:** All right.

**Francesconi:** I will start with you, mayor. If I just make one statement for both, is that all right?

**Katz:** That would be fine.

**Francesconi:** Ok. Actually, I like the way you reversed it. It does make sense. I was with you in the beginning, sam, but i'm reversing it was actually good. A couple of things, starting broad working to the very specifics. I think that we need to agree on what, what the common problem is that we are trying to address and then we also need to agree on the common solution, and I think that we have, although it's a little messy at times. The common problem is we do need more certainty and more speed through the development review process. Both for the neighborhoods, but also economically starting with what john ended. So last week my wife heard this commercial twice on the radio. It was the, the city of tacoma advertising for Portland businesses. That they had a four-week turnaround time on permits. So, they are trying to cherry pick some of our businesses here, and they are using this permitting process as a way to do it. That's not the only problem because there needs to be certainty through the process for everybody, not just developers and not just for jobs purposes, but we do have a real problem here that we do have to address. But, we also have to -- have a common solution, and actually, the auditor in the 2003 audit kind of summarized it, continue the review of existing building and land use regulations to identify and streamline existing regulations that unnecessarily contribute to complexity but fail to contribute to the city's livability and development goals. So, in the need to, to expedite these and to attract more jobs, which this is, this is a problem, we don't want to end up like phoenix. We want to have a community that we can live in, that protects the environment and has a land use and planning system that is still the envy of other cities across the country. So, that's what we need to do. There is different ways to do this. One is the first thing that's on the agenda item. Where there are some process improvements that clearly have to be addressed that don't affect the livability goals, so I believe that we have done that on the top 10, which is the top 15, and we have some more things to work through there. The permit turnaround times and performance standards, you know, that's something that we need and a lot of work has been done on. The s-dot procedure where we get together on major projects and try to sort out conflicts is a very good thing that we are working on. The enhanced services for small business is very, very good since 85% of the businesses are small businesses, and I noticed on the survey at southeast uplift when they surveyed all the residents of inner southeast, supporting small businesses and neighborhood streets rose to number three of all of, like 20 items that they tested. So, small business and neighborhood businesses and neighborhoods go together. I want to make a -- again, a pitch to keep moving on that small business permitting process, or refinement that you are working on. So, these things are all good. The customer service training is something that all the bureaus should have been doing for a long time, and that is actually very exciting work. And actually, just sending that, the, the principles out to the business community and to the whole community would be a very good thing because it talks about appeals' rights it says you have a right to say no to people. You tell them an appeals' right, there is a whole system of things that are very clear and very good in that. The website, man, the number of hits on that, so these are all, all very, very good things. The, the problem i've been having, and, was, and I am getting now to the solution side and the next agenda item, was what is it tied to? What is driving it? There's all this activity, but the conflict in the rule -- getting back to the

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comprehensive plan is what we do have to do. We have to establish what kind of city we are and what kind of city do we want to be and what are the goals and the priorities. We have got some tough work to do. And that's where I do think that it should be tied to the comprehensive plan. I always favor, favor clear and objective standards. Tied to the comprehensive plan. To me, that's the better way to go, just from my perspective. The problem is -- cite citing the next item that's about to come up here, and I want a speedy process. So, what we need, what's been missing so far is the tradeoff. What's that mean to the urban forest to raise the threshold, and that's the piece that's missing, that we have to get to. So, we're on the right track, but I actually think the hardest work is still to come. But, by approaching it the way that we have, I think that we found some common ground that will allow us because the neighborhood folks want good jobs, and, and the employers want a healthy environment because that's going to be more attractive for good jobs in the future. So, we have more in common, but, but the last thing that I want to say is, is we then do have to prioritize on the regulatory reform side to make sure that we put the necessary resources into doing this, as opposed to doing new things. I actually think that that's right, too. Right now. Now we need to take a breath, evaluate the good city we have, go back and look at the regulatory process, and make some choices as opposed to adding new things. I absolutely agree with that. So, thanks for all the work, and the only person -- there is only one person that I will thank besides the mayor now, because sam did all the thanking but I want to add my thanks to sam adams. This is amazing both detail work and bigger picture work, and it's hard to kind of find that combination in the same person. Aye.

**Leonard:** Aye.

**Saltzman:** Well, this really is good work, and it's a lot of work still remains to be done, and we will, we will muddle through this one way or the other, and I think that we are -- through for the good. I think the question I will ask myself when I came on this council about five years ago, I think that the council was just in the process of completing blueprint 2000, and sort of remarking what a tremendous improvement this one. And clearly it fell short of the mark so what I am going to need, and we are only going to get this over time, is the assessment of those outside this room who don't come to city council meetings and participate in these meetings and will go through their life trying to get a process, and, and so I hope we will, but it's only a matter of time before we are going to know that, and I think that we have got the mechanisms in place, and know that. I do hope this will be the success that blueprint 2000 in many respects was not. And I just want to comment not only the mayor but again, all of the people would worked on this, but particularly sam adams for really, you know, for being the person that really got this effort through the many, many turns it has taken so far. So, thank you. Aye.

**Sten:** Aye. Well, let me thank sam. I also want to thank, it's really good work, and I could not have done this, and I am impressed. I also want to thank the, all the different people who are working on this, and I want to say working on this instead of worked on it because I think you are not done by any stretch of the imagination. Just a couple of more general thoughts briefly. I, you know, I think that, that we seem to have, which I think is kind of natural in human activity not to be too philosophical but kind of a cyclical approach, which times are bad we decide that everything doesn't work and we are going to streamline it. When times are good, we try and get more done with the money, and I think like trying to find a bit of middle ground on that is a good idea. I also think that we are kind of jumping hard from one side to the other, and I think that probably if we can stick to it, and I do think it is moving a little too quickly right now, but i'd rather at this moment in time move more quickly than slowly. But I do actually buy the argument that it would be better to have more time and the, in the 15 seconds you will have, according to your analysis to look at each piece, I expect good advice. They, they -- bonnie -- you made a great point on that. It's -- you know, I think that the real question on this is, is between the planning commission, and I think that this is going to need a lot more work, and between the sides you were talking to each other, we need

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a little bit more push and pull here, if we can do what sam is really saying, I think, which is implement a continuous improvement method, I think that we actually have a shot to do what we really want to do, which I don't think is, is any of these one things, but try and come up with a system that, that's, that gets to the right decision faster, and I think that that's really what we are talking about, is getting to the right decision more predictably, and in some cases, my experience with environmental regulations leads me to believe that we actually could improve the environmental results with more predictable regulations that move faster. But, it wouldn't necessarily be getting rid of the environmental regulations. It would be trying to get to some clarity, so I think that there is a process embedded in all this that's really, really important. I also want to, you know, john and rob, you guys have been terrific on this, and I want to push a bit on the business community because I think that, that this is part reality and part perception, and I think that anybody who thinks otherwise is not being realistic. And I think that the business community has helped create a perception that's beyond some of the bad realities. We have people constantly going on the radio saying, you know, the business climate here is no good, and our competitors are advertising that their business climate is great. It's a little wonder that we helped create that perception. You two may not be guilty. You are being constructive but I think that we have to get a message out there that, if this council is going to move and try and do things and plead guilty to past problems, that things are happening, things are good, and I also think that, you know, you tie that to the message about, you know, I believe one of the reasons we are so strong economically in the past, not right now, is quality of life. I don't believe in streamlining and moving up the regulations will hurt the quality of life. I think it can help but to try to get all of us onto some similar messages instead of kind of battling each other, because I think what we have failed to notice when we are battling each other is that that's a circular pattern, and everybody else is moving forward, and we have got to get past that. So, I think that we can with this. And again, thanks to the folks who worked on it, so I am glad to vote for this and impressed with the work and hope that it's kind of that step towards really getting us where we all want to be, and in terms of the actual policy debates, I think that that's, you know, what I am going to really look to all the different people who really have spent a lot more time on this than I have, is to help me and help us appear sort of hone in on where the key policy choices are. Because some of these are trying to make things work better, and others are things where you make a decision, you know. Like we are going to do on the thresholds, you know. Do we do things, you know, do we give a little more leeway for a while or for good, you know. On those ones, I think the trick here, and it will be sam's, is to try and frame a couple of the questions and let us make some decisions on them as a community. And then get onto the next ones. So, it's, it's a tough piece of work and a good piece of work and I vote aye.

**Katz:** Well said. Let me just identify a couple of issues that were raised. The question that I think amanda raised is who is the customer, and I still have a constant debate with my bureau managers as to who the customer is. They think that only the internal folks are their customers. They are not. The community out there are the customers, as well. So, that's a, kind of a conversation that keeps going round and round and round, and I hope that in the next version we will add the external members of the community, especially the neighborhood associations and the neighbors as part of, of customers. The issue of the comprehensive plan has come up, and it keeps coming up every time we are caught in this tension between the code rewrite and policy changes. The comp plan is our guide, is our vision for the city. It's a set of values, and not one section of the comp plan has a higher priority than the other. And we need to remember that. This is not an issue of, which part of the comp plan is more important than others. They are all important, and the reason that it's a comprehensive plan is that it all links and weaves in together. We need to remember that this is not Houston, this is Portland. And part of what's important is this very understanding that there are issues that balance a comp plan vision. I'd like to piggyback on something that commissioner Sten

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also mentioned. We are open for business, and this city is good for business, and the economy is, is very difficult right now. The international picture is very difficult right now. But as you keep criticizing this community, it becomes a self fulfilling prophesy, for those sitting here that representative the business community, please stop doing that and be partners, as many of you who were here are partners with us in solving and helping us solve some of the real issues, real issues. They are identified in the innovative partnership plan. They are identified in this report, so that we can work together on them. The good thing for those in the neighborhood associations that are nervous about all of this, many of us were here when the original decisions were made. I remember the battle and whether it was a 2-or 3-inch tree. We looked at each other we shrugged. We looked at the park's commissioner or the bureau of environmental service commissioner and we made a mistake. And we went and asked the forestry people to come in and probably we screwed up on that, and we have to come back and review it. Those are the easy things, and some of us have the history about these issues, and I know that we will do the right thing. We may argue about it again, but we will do the right thing. Because you flag it to us that this is a problem. Who knew that you couldn't get 3 inch trees or 4 inch trees easily in nurseries? The other thing is, have faith in the planning commission. I think it's fair that I have selected a very balanced group of individuals on the planning commission who clearly understand what an urban form is, who understand what neighborhood associations really need and want, and a planning commission that is very thoughtful.

And I hope that as all of this goes through the planning commission, they have, as they have in the past, identified areas of concern, and we need to -- we need to be very sensitive to those areas and focus in on what's troubling them and listen carefully to their concerns and work through those issues. That's why, why we asked citizens to come and serve and be the eyes and ears for this community and we have citizens who are involved in the neighborhood association, we have citizens who are developers. We have citizens who are just plain citizens. Not affiliated with any organization or any type of business. So, we will get it done and sam, sam, it couldn't have happened without you. And I want to thank you, and hannah and margaret and all of the other people -- and bonnie knight and betsy and amie burkle, who not only answers every call that comes into the office and now we had 400 plus calls on american flags on fire rigs, and in addition to solving some of the problems that were identified by the bureau of development services as part of the team to solve some of those problems. So, thank you all, and commissioner leonard, you and ty, good luck. God bless you. Godspeed ahead. All right. Aye. I say it with a smile. 278.

**Francesconi:** Aye.

**Leonard:** I am not without comment in this debate.

**Katz:** Before we start I need a motion to accept the report.

**Leonard:** So move.

**Francesconi:** Second.

**Katz:** Ok. Commissioner Francesconi voted aye. Commissioner --

**Leonard:** I do have a couple things i'd like to say. I chose to use this vote as the vehicle for saying that. I hope that john doesn't leave right yet. This is an effort by the council not to change the city's comprehensive plan for new development, but rather to make the road that I consider to be at least, that is the city's comprehensive plan become straighter and safer allowing for increased speed and efficiency. My goal is to improve neighborhood livability by encouraging the development and rehabilitation of housing that reflects the unique character of each of Portland's neighborhoods. It is another of my goals that reflects a lot of what I heard from the council today to encourage new business development and the retention of existing businesses, by having the bureau of development services become an enabler and a facilitator of business development, and it's important to remember that we are doing that because everybody in this room, in this community cares about schools, city services, and county services, which don't occur without a strong tax base. We don't have the services we want without that. It is my opinion that the blueprint 2000 and the innovation



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partnership report that we are considering today are an assessment of the condition of the city's road for achieving this council's and the citizen's development goals. I want to acknowledge today that these two reports would not have been possible without Margaret Mahoney's vision and work.

While all of those that participated played invaluable roles. We have heard all of their names here today many times. Today in my opinion it is rightfully Margaret Mahoney's day, and in my opinion, these two reports, Innovation Partnership and Blueprint 2000 are crowning achievements of her 18 years of service to this city's bureau in charge of building construction and all of the various forms. This city would not look like what it does today had Margaret not been at the helm. So, I want to say on behalf of the entire council and citizens of Portland, thank you, Margaret, for your work.

[applause]

**Leonard:** Greatly appreciated. I will join with them in that. But now is the time, now is the time to implement the specific changes recommended in this Innovation Partnership report and as both John Bradley and Patty McCoy alluded to in their testimony, we have had enough studies. It is time to make changes in the way this city regulates development within its adopted comprehensive plan.

Both the bureau employees at the bureau of development services now led by our interim director, Ray Kerridge, and I are committed to making Portland's building and development bureau the best in the United States. Aye.

**Saltzman:** Aye.

**Sten:** Let me also thank Margaret, as well. I was remiss in not doing that, and she has done a terrific job. Aye.

**Katz:** Is Margaret -- I don't see Margaret. She's left. All right. Margaret, thank you for all your years of service. You have had probably one of the more difficult jobs in the city, and you have done it extraordinarily well, and I deeply appreciate it, and you have been very important in helping our office get these documents that we are voting on ready for our adoption. Just a word on the independent stakeholder assessment. I've been here longer than anybody else, and the anecdotes that we have heard from the community about this and about the -- that code that doesn't work and how we need to make some changes have been repeated over and over and over again. And we sort of turned a deaf ear for a while, and then realized that these are really difficult issues that have been addressed by the bureau -- by the business community and the development community, and it's evident in the i.p. report, and as I said, I don't agree with all of their recommendations, nor should any of us agree with every recommendation that comes back from the, from any committee or any advisory committee or any task force, but it is the basis of us to look at how do we improve the business climate here in this community to create the jobs and to create the wealth so that we have the money to pay for the services that this community needs. So, thank you all, aye. All right. 280.

**Item 280.**

**Katz:** Let's -- we read 280. As I said, we had issues on, on the 35% factor that none of us heard -- that wasn't flagged to us, and so we need to come back and deal with that, so why don't you explain it quickly, and then Commissioner Leonard, will make a motion and then we will adjourn.

**Cary Pinard, Planning Bureau:** Cary Pinard, Portland Planning Bureau. Your deliberations last week, the issue came up of whether you would have also wanted to make this amendment that would be in keeping with what appear to be the policy decision you were making last week. So, very simply, the current threshold has two triggers. You spent all of last week talking about one of them, which is the dollar trigger, which you, it looks like it is going to go to \$100,000, so nobody mentioned the other trigger, which is 35, if the proposed improvement is 35% of the assessed value of the improvements on the site in question, that also triggers that same list of nonconforming requirements. Given a change from a \$25,000, dollar threshold, usually now with the two thresholds, most are caught by the dollar threshold and the 35% doesn't come up very often. Once you raise the dollar threshold to 100, the question came up that the 35% trigger may actually be the, the, the avenue that triggers these nonconforming upgrade requirements more often, and we realize

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that the council wasn't aware of that, and wanted to bring it to your attention to see if you wanted to say yes, we meant that or no, we wanted to --

**Katz:** We wouldn't be getting to \$100,000 goal if we don't make this change.

**Pinard:** Yes. For the most part, yes.

**Betsy Ames, Planning Bureau:** A property would have to would an assessed value of the improvements of over 200 -- 275 or \$280,000 to get up to the point where 35% equals 100,000, and so a number of properties would be caught under that and those applicants would probably be surprised if they have been following this discussion that they were triggering nonconforming upgrades.

**Katz:** Does everybody understand this?

**Saltzman:** What's the amendment?

**Katz:** Before, is anybody signed up to testify?

**Moore:** It was a second reading so we didn't set out a sheet.

**Katz:** The amendment.

**Leonard:** I would move to delete the percentage threshold from chapter 33.258 -- I had this in writing, for the city attorney, as well as any additional zoning code chapters where this provision currently exists or was recommended by planning commission for addition as part of this project.

**Katz:** Do I heard a second?

**Sten:** Second.

**Katz:** Does everybody understand? Any objections? Hearing none, so ordered. All right. We will come back and we will vote on this next week. All right. Everybody, thank you. We stand adjourned.

At 4:06 p.m., Council adjourned.