



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26TH DAY OF JANUARY, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

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

COMMUNICATIONS		Disposition:
49	Request of Charles E. Long to address Council regarding changing the tone of policing in Portland (Communication)	PLACED ON FILE
50	Request of Larry Norton to address Council regarding drug dealers in Old Town-China Town and the methamphetamine epidemic (Communication)	PLACED ON FILE
51	Request of Richard L. Koenig to address Council regarding vehicle titles (Communication)	PLACED ON FILE
TIME CERTAINS		
52	TIME CERTAIN: 9:30 AM – Approve appointment of Katie Such to the Housing Authority of Portland Board of Commissioners for a term to expire January 12, 2009 (Resolution introduced by Mayor Potter) (Y-5)	36285
53	Approve reappointment of Shar Giard to the Housing Authority of Portland Board of Commissioners for a term to expire January 12, 2009 (Resolution introduced by Mayor Potter) (Y-5)	36286
CONSENT AGENDA – NO DISCUSSION		
54	Statement of cash and investments December 16, 2004 through January 12, 2005 (Report; Treasurer) (Y-5)	PLACED ON FILE

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55	Vacate portions of SW Bond Street between SW Gibbs Street and vacated SW Lane Street, under certain conditions (Ordinance by Order of Council; VAC 10020)	PASSED TO SECOND READING FEBRUARY 02, 2005 AT 9:30 AM
Mayor Tom Potter		
*56	Authorize subrecipient contract with the Council for the Homeless for \$103,000 to continue the development of Bridges to Housing to provide housing and supportive services for homeless families in the Portland/Vancouver Metropolitan area and provide for payment (Ordinance) (Y-5)	179042
57	Authorize Memorandum of Agreement with Columbia Slough Watershed Council to provide funds to the City to develop Columbia Slough watershed restoration and enhancement projects (Second Reading Agenda 41) (Y-5)	179043
REGULAR AGENDA		
Mayor Tom Potter		
*58	Authorize a contract with Structured Communication Systems, Inc. for the equipment and software required to implement an enterprise Storage Area Network at a cost of \$1,245,371 (Ordinance)	CONTINUED TO FEBRUARY 02, 2005 AT 9:30 AM
Commissioner Randy Leonard		
59	Create a Citizen Review Committee to oversee a comprehensive analysis of the Portland Fire and Police Disability and Retirement System (Resolution)	REFERRED TO COMMISSIONER OF PUBLIC SAFETY
Commissioner Dan Saltzman		
S -60	Create an independent Citizen Review Committee to oversee a comprehensive analysis of the Portland Fire and Police Disability and Retirement system (Substitute Resolution introduced by Mayor Potter, Commissioners Adams, Leonard, Saltzman and Sten) Motion to accept the Substitute: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5) (Y-5)	SUBSTITUTE 36287

At 11:23 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **26TH DAY OF JANUARY, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard,
Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly
Rees, Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

Linly Rees, Deputy City Attorney, arrived at 3:30 p.m.

At 3:07 p.m., Council recessed.

At 3:33 p.m., Council reconvened.

	Disposition:
61 TIME CERTAIN: 2:00 PM – Safety Recognition Day award presentation (Presentation introduced by Mayor Potter)	PLACED ON FILE
62 TIME CERTAIN: 3:30 PM – Amend Title 33, Portland Zoning Code to allow modifications through design review to development standards in South Waterfront height opportunity area and amend specific procedural elements of subject regulations (Ordinance introduced by Mayor Potter; amend Code Section 33.510.205.G) Motion to delete any provision that allows for less than 200 feet of separation 33.510.205.G.3: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-4; N-1, Potter)	CONTINUED TO FEBRUARY 02, 2005 AT 2:00 PM TIME CERTAIN AS AMENDED

At 6:41 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **27TH DAY OF JANUARY, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard,
Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn
Beaumont, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>63 TIME CERTAIN: 2:00 PM – Appeal of Pleasant Valley Neighborhood Association against Hearings Officer’s decision to approve the application of Riverside Homes, Inc., applicant, and Roy and Wanda Michael and Alfred J. Obrist, property owners, for the Waterleaf 65 lot subdivision with a planned development review, environmental review and adjustment located near the intersection of SE 162nd and Foster Road and 6729 SE 162nd Avenue (Hearing; LU 03-174778 LDS PD EN AD)</p> <p>Motion to continue the Hearing: Moved by Commissioner Sten and seconded by Commissioner Adams. (Y-5)</p>	<p>Disposition:</p> <p>CONTINUED TO FEBRUARY 17, 2005 AT 2:00 PM TIME CERTAIN</p>
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At 4:00 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JANUARY 26, 2005 9:30 AM

Potter: Council will come to order. Sue, please call the roll. [roll call taken]

Potter: We'll now here communications. Sue, please read item number 49.

Item 49.

Potter: Mr. Long?

*****: I don't see mr. Long this morning.

Potter: Next, item number 50. State your name for the record. You have three minutes.

Item 50.

Larry Norton: Larry norton. I live in old town. There's a feeling of helplessness. There's an omnipresence of drug dealers, that come from the old town/chinatown, hang out on the corners, work on the bus stops, sell drugs with impunity. Plain and simple criminals. At 4:15 yesterday at burnside and fifth, there was a drug deal. They work in a small area, generally between fourth and fifth and northwest couch. The streets have become the drug house. It's a known place to get drugs. They're there 24/7. There's fear about property values. The businesses are directly affected. The skew seems to be, this is from the past administration, is that the system is broken, that usually means that the new jail just sits there empty. Seems to me that rather than focusing on accommodating that empty jail we ought to do some exercise in problem-solving. One solution, I think, is community policing. The present solution in old town is just to have police sweeps. Now they work, and, yeah, they're appreciated, but it needs to be something on a more permanent basis. Needs a police/neighborhood partnership. In the 1990's, when the jail was full, no jail space, same result, community policing provided results. In the meth epidemic, you can't deny this, it's a state and national problem, affecting nearly every aspect of society. The city does not have the resources alone to fight this problem. Meth use results in much more violence. Every crime seems to be committed by a meth user. Virtually every day "the Oregonian" has a meth-related story. You asked earlier today, this morning, how are the children? Last year more than 1700 children were treated for meth abuse in Oregon. More than 1,000 of these were girls. Solutions? I don't have solutions, except I noticed though that we got to continue meth lab prosecutions. I hope i'm not preaching to the choir. Appreciate it.

Potter: Thank you, mr. Norton. Thank you very much. Next item 51.

Item 51.

*****: Mr. Koenig is not able to make it today.

Potter: Ok. On to the consent agenda. We will now take a vote on the consent agenda.

Commissioners, any items you wish to pull off the consent agenda?

Leonard: I move approval of the consent agenda.

Potter: Is there anyone in the audience who wishes to pull any item off the consent agenda? Did we take a vote on that?

Leonard: We have to vote.

Adams: Yes. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] ok. Sue, let's hear the 9:30 time certain.

Item 52 and 53.

Sten: The liaison that forwarded these recommendations, working with the chair and steve redman, I wholeheartedly endorse both of these people. Katie such is an expert on affordable housing

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expert, and been on the community housing commission many years, quite a few years, and has really been the person that i've relied on there, among other things, to work with to do the annual evaluation of p.d.c.'s housing program, and to keep our feet to the fire in terms of is the money being spent well, everything from the broad policy goals of who should we be serving to very technical and important issues. So I think katie is uniquely qualified, and frankly i'm very happy she's willing to serve on what will be a very taxing and difficult job. Just this week we're getting news to federal programs that serve our housing authority are, that the cuts are deeper than we thought to begin with. We're in a situation, despite the fact that we had a bush administration official out with us to talk about our homeless plan and laud our work, the cuts are very, very deep, and putting this board in a position of putting people out on the street or fairly dramatically raising the rent on people who can't afford it. That's a terrible choice. When people of katie's caliber are willing to serve in these tough times, that's very good. Also shar giard is a representative from gresham, done a tremendous job of linking us to the east side of the county, the housing authority, steve redman, always reminds me is the are the housing authority, not the city housing authority. Shar has a background in real estate, political background, and has been a key member. Given how tough this is going to be, i'm very, very pleased she's willing to reup and serve again. It's my enthusiastic recommendation on both these candidates.

Potter: Katie, do you want to come up? Kandis nunn.

*****: Can you please state your name.

Kandis Brewer Nunn: Kandis brewer nunn. I chair the housing authority of Portland. We wanted to make a couple of comments and update you as to where we are in our process and why I would underscore what commissioner Sten has said with regard to the skill sets of these two particular people bring to the table for us as we move forward trying to tackle some of our financial problems in the coming years. Typically our commission meets on the third tuesday of every month. We deferred that this month in order to hear from h.u.d. before we had make critical decisions with regards to the cuts that commissioner Sten alluded to. Our meeting was last night. We received h.u.d.'s information monday morning in a fedex package. What we thought was going to be a \$1 million cut, has quadrupled to a \$4 million cut. That represents \$3.8 million worth of actual payment, rent assist payments, and \$200,000 in terms of administrative costs. Last year we absorbed a \$1 million cut. Because they were told about it late by h.u.d., unfortunately more their pattern than not, and felt it was more incumbent upon us to use limited reserves to handle that \$1 million cut than to pass that cut on to participants and to landlords who could ill afford it. Our reserves are at a measly \$3.4 million, exactly one month of what h.u.d.'s payment is to us for rent assistance in our region. That's a dangerously low level, and many times they're late in payment and we need to put forward those payments to landlords and residents before h.u.d. pays us. So we're not -- we don't have the luxury of dipping into our reserves again. As the months drew on, it became clear to us that what we thought was hopefully a one-time event was a harbinger of things to come. So we ensued with a four-month dialogue with participants, landlord, and our partners, including the city of Portland, to figure out the fairest way to deal with this issue. As a result of that, we have come up with a one-year strategy. Unfortunately, it includes raising the minimum rent from 30% to 35% on participants. I'd like you to keep in mind that many participants pay even more than that already. This is a significant burden to them. We're also asking landlords to freeze rent levels. This is a mandatory freeze for one year. Again, we're looking at a one-year strategy in hopes of getting a better understanding of what h.u.d.'s policies will be going forward. The reason i'm trying to paint this fairly gloomy picture with no real problem is that the skill sets of these two people who sit with me are very, very important. I won't go into them since commissioner Sten detailed them. Even though it's our responsibility, we think of it as a community-wide resource that helps us maximize the choice for citizens to live wherever they can within our metropolitan area that gives them a greater proximity to work opportunities as well as greater choice for their

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children, for schools. By doing so, it also helps us support the city's policy of deacons administrating poverty and try to reach as broadly as possible providing affordable housing opportunities throughout the region. That's a longstanding goal, always supportive of it and worked very hard to implement that with the resources we have available. While we maintain our own database of information as to where our public housing and other affordable housing is, we've always been very supportive and have been on record for the last several years that we'd love to work in a cooperative effort with a number of different institutions, including the city of Portland, to map out where all affordable housing exists, regardless of who owns it, and we will continue to do that. We understand that h.u.d.'s five-year consolidated plan may be our best opportunity to do that. In closing, i'd like to say that we've built up a network of 3500 landlords who voluntarily participate in this program. I stress voluntarily, because if we are not able to meet their needs, then they voluntarily can exit the program. And this is three times the level it was 10 years ago. We also have 7,000 people on the waiting list, let alone the 8,000 people we serve currently with the certificates. It was the majority consent by all the people who participated in the testimony that rather than see anybody cut from the program who currently has section 8 certificate, everybody, even the people who make the smallest money, agreed that they would rather take a personal hit themselves along with everybody else than to see anybody cut from the program. So in closing, i'd like to ask two things of you. One, I would respectfully request that you do affirm the appointment -- reappointment of shar and the appointment of katie such. I know they will serve with distinction. Secondly I made a decision last night personal to sponsor one household for the coming year. It's very little money compared to what these people have. I would encourage you to encourage other individuals in our community, who have the means to do that as well. It's a small amount of money and a very big bucket gap of \$4 million, but I think that if individuals don't step up, along with our governments, and along with our -- with foundations, then we're not going to be able to meet the tremendous need we have in our community. It's clear we can no longer look to Washington for those resources. Thank you very much for giving me the time to talk with you today and update you. I'm sure both katie and shar would be happy to respond to any questions you may have with regard to their qualifications. Thank you.

Potter: Before we ask questions, if someone wanted to sponsor a family, who would they contact?

Brewer Nunn: The housing authority of Portland has an arm called evergreen. If people wanted to send a check there, they will set aside in escrow those funds, and figure out a way to -- the best way to allocate those resources to people. It may be that they will then take those funds and move them to another agency more equipped to do that, but since this was a decision I made last night I haven't given staff much time to figure out how to create the structure for it, but there is a structure in place to actually receive the funds right now.

Potter: Good. Commissioners, do you have questions of either of the candidates?

Adams: I have a question for candace.

Potter: Ok.

Adams: What's the timeline for the -- the h.u.d. Project that you mentioned that would gather the data necessary to determine where our affordable housing resources are in the city?

Brewer Nunn: That's the consolidated plan. I believe commissioner Sten could answer that more directly than I can, but I believe it's up during this year, in 2005, that we're drawing on that information. Is that correct?

Sten: Yeah. I believe it's due in the summer. I think we're having hearings right now out in the community. We're having a lot of publicity trying to get people to come and give their point of view. We'll have it back before the council, if I remember correctly, roughly in may. I think that's right.

Adams: Is half the advertised openings than the board?

Brewer Nunn: Excuse me?

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Adams: Does housing authority of Portland, do you advertise?

Brewer Nunn: Since the security council is the one who appoints them, we've taken our lead from the commissioner in charge of housing. Jeff serves on the commission right now, and he was referred to us by commissioner Sten's office, and he's been a stellar appointment with his legal and real estate background. We don't have an advertising plan for that. We certainly could. We particularly look with someone with financial acumen, like katie has, and ramped up on the affordable housing issues because of the challenges we've got going forward. We were more sighting in on several people who had those financial skills.

Potter: One of the questions I had, and it follows up on sam's, is how we could perhaps get some more community involvement in looking at the people who are applying for those jobs, to make sure they're also meeting the community's expectations and needs as well.

Brewer Nunn: I think the housing authority of Portland would be happen to entertain any suggestions that you or any of your colleagues have with regard to that.

Potter: Good. We'll make them through eric?

Sten: Sure. I hadn't given a lot of thought to that specific question. May be that this tragedy may -- the strategy may be to come up with a more broad based approach where all the city's appointments --

Potter: Yes.

Sten: My suspicion is if we were to go a process of -- maybe there's a way to do a more comprehensive and say a here's all the appointments made in the next 12 months, including these," something like that. I haven't thought about it a lot.

Saltzman: That's a good idea.

Sten: Certainly welcome from my point of view. We do make all the appointments. I don't know if it's in contract or not, but we have at least an informal agreement that gresham refers us appointments, as does Multnomah county. I don't think the seats are formally gresham and Multnomah county and city of Portland seats, but in practical there's certain seats. Whenever they come up, we take the recommendation of the mayor of gresham.

Potter: Very good.

Adams: Who owns that appointment process?

Sten: Overall for the city?

Adams: Yeah.

Sten: I don't think anybody does. They don't have this one, for example. The housing authority is formally nominated by the mayor, informally recommended by me, and then endorsed by the council. So we could put that into the same notice. That might be an easier way to go.

Potter: Good. Katie or shar, would either one like to make a comment?

Sharlene Giard: I'm sharlene giard, living in gresham, and I represented the city of gresham previously on the board, and just filled a vacancy about a year and a half ago. I'm also a realtor by day. So it's important to me to understand the affordability for my own community, to understand the poverty pockets, to figure out what we can do in our own community to make sure that as many people as possible can have safe and sanitary housing. That's why i'm pleased to be on the housing authority board, because it gives me an opportunity to convey to the leaders of gresham what's going on and better help us work to make sure that we can help our citizens out in gresham.

Potter: Thank you.

Katie Such: I'm katie such. I live in the mount tabor neighborhood in Portland. I'm thrilled to be considered for this appointment. I've worked closely with the housing authority through the auspices of the housing and community development commission. I think the authority does excellent work under what have always been difficult circumstances and are particularly difficult at this moment. My hope is, my background, i'm a banker by day, and most of the work that I do is in

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this national work. So it's particularly close to home for me to be able to contribute to the city of Portland, city that I love very much, and i'm happy to be considered. Thank you for having me.

Potter: Thank you all. Fig let's start with the appointment of katie such. Is there anyone here to testify on this appointment?

Parsons: Richard Ellmyer has signed up to testify.

Potter: Please step forward. We have a new procedure. People don't have to give their address. Just their names. You have three minutes, sir.

Richard Ellmyer: My name is richard Ellmyer. Part of my testimony is already on the record, so i'm only going to make two additional points related to both of these appointments. First, as a leader of the opposition to an amphitheater at p.i.r., it was my assignment several years ago as I sat at this table during public testimony to alert the city council and the public about the behind-the-scenes activities of a very powerful lobbyist. During that testimony, I was interrupted by jim Francesconi, who publicly berated me for having the audacity to suggest that there was a character flaw in this stealth lobbyist. That lobbyist was statutory child rapist neil goldschmidt. Consider that sometimes the citizens that are seated at this table have a greater understanding of the issues and a more authentic concern for the public welfare than those of you -- than those you take advice from simply because they have more ready access to you, which leads me to this question -- if the transgressions I have mentioned in my bill of particulars aren't enough to disallow an appointment, what criteria will you use? How low will you set the bar? What will disqualify a potential appointee, someone who is homophobic, a pedophile, a child abuser? Second, a search in "the Oregonian" revealed that from 1987 to the present, that's 18 years, there was only one -- one -- local citation for an article that included the phrase "public housing policy." that article was written in october 2003, and the author of that article was richard l. Meyer. \$200 million a year spent on public housing in marion county, and neither -- Multnomah county, and neither the "the Oregonian," nor the Portland city council, have any evidence to prove that these taxpayer dollars are being spent in support of as opposed to in opposition to the official public housing policies of the city of Portland. This is a failure of both the press and the Portland city council and it needs to be fixed. Thank you. Best of luck.

Potter: Thank you, mr. Ellmyer. Is there anyone else to testify?

Parsons: No one else.

Potter: Let's take a vote on first katie such.

Adams: Do I vote or comment?

Potter: Go ahead.

Saltzman: Do both.

Leonard: No. You can only vote.

Adams: I can only vote. Wouldn't you like that? [laughter] I think it's really important that we move forward on the project to determine where affordable housing resources are located in the city, and I think that's shared by folks up here. And I will lend my effort to that project and my staff in whatever way is necessary. As a resident of north Portland, I mean clearly I want a balance between robust option for affordable housing of all kinds balanced with, you know, not too much concentration in my neighborhood, or any neighborhood in the city of Portland, and I think coming up with a process, a mapping process that provides that without stigmatizing people who take advantage of those services I think would be good for policymakers. It would be good for me. I also liked the reform suggested by commissioner Sten, that we revamp our appointment process citywide. I think that it's important that folks that come to us for consideration are sort of through a standard sort of process of application, and that we advertise all openings so that there's an opportunity for people who hadn't necessarily thought of applying to be on the housing authority of Portland, or police review or anything else, to have that opportunity by responding to an

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advertisement or request for applications in the newspaper. Having said that, I will vote yes. Aye.

Leonard: It's easy when you're in public life to dismiss critics and become defensive. And i've certainly been guilty of that myself. However, those of us who don't learn from those experiences are doomed to repeat those failures. So I would encourage the housing authority to -- and i've long been tremendous supporter of your work, by the way. I mean, when I was in the legislature, it was one of the most important entities for providing decent lives for people that exist. So i'm unqualified supporter, so understand my comments in that context. But I would encourage you to -- as opposed to being defensive over some of the comments that were made today, encourage a dialogue. And i'm specifically talking about with mr. L. Meyer, and see if there aren't areas where you can sit down and find areas where you can agree to be more collaborative and open. We have entered a new era in the city. And most of us here are experiencing that. And it is that kind of an era. The Portland development commission, for example, probably will see it doing its business a little more collaboratively than it has in the past. So I think it would be wise for -- i'm not just speaking necessarily to the housing authority but for anybody listening associated with working on projects for the city to listen more to those that are criticizing us, and instead of tuning them out, bring them in, sitting down and see where can we find areas that we can agree, because you -- you do great work, and I know you're trying very hard, but i'm hoping you can learn some -- from some of my experiences that i've -- I think it makes a lot more productive use of our time if we try to listen to people and work with the people critical of us and maybe find ways to improve. Aye.

Saltzman: Well, i'm very pleased to support katie such. She's an outstanding person, both in terms of her intellectual abilities, understanding of housing issues and financing issues, and lucky to have her services. She's been a strong member of the commission, and i'm convinced she'll be a strong member of the housing authority of Portland. I'm very pleased to support her. Kandis brewer, thank you for your gesture. I hope that the housing authority can figure that out. I think it would be a -- has a potential -- tremendous appeal to people to help somebody meet the rent. That I think that partnership ability I think is something I hope you can make sure it can work and publicize to the greater public. I do think it's a model that people may want to take you up on. I'm pleased to support katie. Aye.

Sten: I support her. I expect great things from katie, as she's always delivered. And Kandis continues to work from the individual level on up to policy. A couple things that are slightly related, but you get to do this during the comments. We're working on the plan, which we'll brief the council and the public on, one of the senses, I had a lot of anxiety calling it a 10-year plan to end homelessness, but we ended up doing so because the federal government requires us to do so. It's ironic that they're doing that when they've got programs that keep people housed right now. More than a little ironic. It's unethical. I decided that I was ok with the name, because when we get into that, I think this community could end homelessness in 10 years. I don't think we will unless we have a renewed commitment and more energy from the individual level, the government level, philanthropic and business. Some of these conversation, whether it's richard's advocacy, trying to do the right thing, and candace's policy work and individual work, these are the issues, if this community comes together, we could end homelessness. It takes an effort. With that, i'll vote aye.

Potter: Upon entering political life, i've picked up a common vernacular, and that is i've been "I. Meyered." i'm now on richard's email list, so i've given my timelines like everybody else.

Leonard: With all due respect, you have to be the subject of one of his emails. [laughter]

Potter: I've told him to be gentle with me. But I -- I really appreciate the idea from commissioner Sten in terms of getting more public involvement in how we select the -- not just the commissioners for h.a.p., but also the appointments the mayor and the city council make. So I would want us to follow up on that and not let it just remain a good idea. I've also -- the mayor's office has contacted

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the housing authority of Portland to determine the feasibility of providing housing data by neighborhood association. I understand that's feasible. We'll send them a written request to follow up on that. That's another idea coming from Mr. L. Meyer. We appreciate that. So I, too, support this appointment. I think that it's in the best interest of our community. I'm always pleased when citizens are willing to come forward and take the time out to give back to their community. So with that, I vote aye. [gavel pounded] next item 53, is the vote on shar giard.

Adams: I wanted to follow up on Randy's suggestion, if I could. And would you be willing to meet with Richard, Steve and Kandis to talk through the issues that are part of his eight questions that came to us by email? [inaudible]

Adams: Would you be willing to meet with them? That would be great. Thank you. Aye.

Leonard: Aye.

Saltzman: Thank you for upping for another term. Aye.

Sten: A couple quick thoughts. There's a partnership with Gresham that's critical. Unfortunately, poverty is moving very quickly out of our city limits and often going east. And so the work in Gresham is critical. We're seeing concentrations of poverty. And one point -- personal point I'd like to make, is that Shar is clear evidence that there are progressive realtors out there. We appreciate that. It's not easy in a business that's taken regressive stances toward these issues. Thank you again for your courage. Aye.

Potter: I think that speaking for myself, but probably the rest of the council, is that affordable housing is a major concern of ours, to ensure that every citizen and every child has the opportunity to have a roof over their head. And the housing authority of Portland goes a long ways to achieve that goal. I'm looking forward to working with Commissioner Sten on that 10-year program to end homelessness in Portland. Aye. [gavel pounded] ok, let's move to the regular agenda. Sue, please read item 58.

Item 58.

Jeff Baer: Good morning, Mayor Potter. City councilmembers. My name is Jeff Baer. I'm the acting director with the Bureau of Purchases. We're here before you to request approval to execute a contract for the storage area network. And just to briefly talk through the selection process, we issued a request for proposals back in September last year, received six, they were evaluated, and they recommended the award to the noted contractor. And with that, if there's any questions regarding the selection process, if not, then I will turn it over to Matt Lampe to talk about the actual technical details of the request. Ok.

Matt Lampe: My name is Matt Lampe, the chief technology officer for the city of Portland. And head the Bureau of Technology Services. With me is Paul Rothi, the technical services manager for the Bureau. We're asking approval --

Potter: Excuse me. Could you pick up just a little bit for us hard-of-hearing folks?

Lampe: I'll move closer to the mike there.

Potter: Thank you.

Lampe: The storage area network is a core element of i.t. infrastructure. It's very important, as we continue to move in the consolidation of i.t. services. As a quick bit of background, electronic storage is how we save data. Generally it's kept on magnetic disks. We use some paper/optical storage. Disk is what we use for data that needs to be retrieved regularly and subject to change and is increasingly being used for disaster recovery, because it speeds recovery time. In the city, like most of our i.t. infrastructure, from the historic i.t. being very siloed amongst all the bureaus, is storage highly fragmented. This was home to me a while ago when I started seeing numerous requests to buy small amounts of storage for various servers. I asked our technical services people, and this was before Paul was here, to give me a look at our storage picture. What I found was we owned about 18 terabytes of capacity of storage, using about 12, and buying storage every day. The reason was all that storage was basically in small pools attached to every individual server. And

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where a server required more storage, we had to go out and buy it because we couldn't -- we weren't pooling that storage in any reasonable way. So that started getting us to look more at that general issue. As a number of major systems have come along the c.i.s. replacement, consolidation, email system, etc., we've started to pool the money that was originally set out in some of those projects to cover those individual storage needs to get something that really supports the enterprise in a much better way. What's here is a storage area network that allows the pooling of storage. It allows the reassignment of storage basically on the fly. It provides tools that dramatically simplify knowing what our picture -- storage picture is to meet the needs of various applications. Supports simplified methods for both replicating data and to do some remote copying of the data. And that's an important thing as we try to meet applications requirements for higher availability, as, for example, more things are starting to be breached by the web. So as bureau of development services, for example, starts to roll out their permitting online features, that's something that you really need to run seven by 24. We need much better ways to back up that data and to be able to recover that data in rapid order. So part of this storage area network proposal essentially sits elements of it, both in the Portland building and out at boec, really where our secondary data center is. That allows us to keep copies of critical data in both places so we can recover things more quickly. The other piece that is important here is that we had a couple of options. One of the options related to our mainframe storage. The mainframe today houses the current financial system. Also house the police data system, used by a large number of agencies in the region. The storage that -- the disks that are supporting that system are quite old. They're very near the end of life. They're also undersized. So we do some things that -- in terms of operating that system that you shouldn't have to do for running a critical system. Things like running some jobs out to tape and then reading them back into tape just to be able to finish the job because there's not enough disk storage available. As we head toward the enterprise business system, replacement for ibis, the ability to have additional mainstream storage just to be able to manage the conversion processes will be critical. We were hoping to see if we could address some of those in the same proposal, and that is included in this proposal. The advantage of doing that storage for the mainframe is that as, for example, ibis moves off the mainframe and is replaced, that storage, instead of being something that can only be touched by the mainframe, can be reused by other applications that need high-capacity storage. With that, let me stop and just say that we had a lot of help from others in doing this. We retained a consultant to help us with the requirements, analysis, leading up to the r.f.p. We had an infrastructure expert from intel and the infrastructure manager for Multnomah county as part of the -- the review and selection panel. And we believe that we have a strong vendor and -- who is proposing excellent technology as a strong local -- has a strong local presence, and will -- is pretty committed to helping the city implement this new technology in our environment.

Potter: Any other information?

Lampe: Be glad to respond to questions.

Adams: I didn't get a cover memo. I got an ordinance and a contract. Did you send more information to my office than an ordinance and a contract?

Baer: When we filed it through o.m.f., we had submitted an actual cover memo with the ordinance attached. So i'm not sure why that perhaps maybe got lost. I don't know.

Adams: Ok. Maybe i'm the only one that didn't get it. Who is on the selection committee? Were there outsiders?

Lampe: Yes. We had, as I said, I --

Adams: I couldn't hear you.

Lampe: -- a person from the core infrastructure team at intel and the infrastructure manager for Multnomah county.

Adams: And who else was on the selection committee?

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Lampe: A number of internal staff. Some -- one of the people who's the assistant administrator for the mainframe, all the technical services manager, the i.t. operations manager, our information security manager, and I think two server administrators.

Adams: Is this intended to save us money, I assume?

Lampe: In the long run, yes.

Adams: By aggregating a bunch of disparate storage?

Lampe: By aggregating storage, by allowing us to reduce the sort of unused capacity we keep in place at any time, by allowing us to essentially inside the storage area network you have both higher -- higher performance, higher-cost disks, and lower performance, lower-costs disks, and by moving storage from one source, one type to the other, you're able to do a better job of optimizing the cost that you have associated directly with this storage.

Adams: Have you analyzed those cost savings?

Lampe: Not in detail. We know that one of the key place for us is on the -- involves the labor, as you start bringing up some of these additional systems. So today our issues are associated with trying to manage storage in a reasonable way, trying to manage the backup processes for things that have scattered across 300 servers in the environment. That's a terrible way to try and manage.

Adams: So -- ok.

Potter: Any other questions from the council?

Saltzman: Just one question.

Potter: Yes.

Saltzman: Is the structured communications system, is it part --

Lampe: No. They're an independent company. They are -- they've done work for the city before. They have a significant local presence. The --

Saltzman: Are they a local company or not?

Lampe: They're locally based.

Potter: I notice their signature page is from chicago.

Lampe: We have had -- I know they have had a very significant local presence as a company. They've done work for the city in the past. The other bidders in this, final bids, they're -- involved in this there are really three major components. There's the integrator, which is structure. There is the actual storage vendor, who is hitachi, and the switch -- main switch vendor, which is cisco. We essentially purchased that all-through structure, who is the local presence, although hitachi also has a significant local office here, which was not the case for some of the other vendors we saw.

Saltzman: Ok. By the way, just one bit of trivia, i've never heard the word tera byte. How big is that? A thousand megabytes is a gigabyte and a thousand gigabytes is a terabyte, and a thousand terabytes is a petabyte. I hope we never have to manage a petabyte in the future.

Potter: How far into the future will this carry us into in terms of capacity?

Lampe: In terms of what's purchased here, it's sized to deal with our consolidation of the email and file system, it's sized to deal with the c.i.s. conversion. It's sized to move the g.i.s. storage and some of the boec storage off of other devices to try to simplify the management process for all these things. The overall capacity of the frames that we're talking about acquiring here, I believe is in excess of 68 terabytes. We're, I think, buying about 24. So there's a lot of capacity that the adding to -- adding additional storage to it is literally buying shelves and disks and not buying frames or switches, which is where the -- the heaviest costs are. So it -- it has quite a future potential for us in terms of supporting our major storage environment needs.

Leonard: You know, I do have a question.

Potter: Yes.

Leonard: The million dollar and a quarter dollars, is it money allocated in last year's budget for this year?

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Lampe: It's really a mix of money. So a year ago we were authorized to come up with a replacement backup system for the mainframe, because it -- that system was showing us --

Leonard: Was there an allocation that went along with it?

Lampe: That had an allocation.

Leonard: How much?

Lampe: \$400,000 there. There was \$200 in the c.i.s. budget.

Leonard: C.i.s. Budget for, the \$200,000 was designated for what?

Lampe: As part of the hardware requirements for this new water billing production system.

Leonard: Ok.

Lampe: \$200,000 consolidated inside the email consolidated project for storage. There was -- if you look at the systems we're maintaining today, over the next three years, the maintenance charges on those systems, and that includes the old mainframe disk, which as it gets older and older, the system charges go up and up on, is approximately \$400,000 over the three years, which is all maintenance that is included in --

Leonard: My question is, i've added up \$800,000 so far.

Lampe: Yes. The remainder is coming out of the tech reserve funds, so that we will be bringing, as those other charges are not being charged for maintenance, we'll be taking that money, which is in the existing budget stream --

Leonard: So that's \$445,000 you're tech of the tech reserve -- you're taking out of the tech reserve account?

Lampe: Yes.

Leonard: What is the tech reserve account for?

Lampe: It's an account created to help deal with the fact that generally speaking we've not had replacement funds designated in any rates or any structures for a lot of the i.t. Issues. That's an item we'll talk about.

Leonard: What is the source of those dollars? Where do they come from?

Lampe: Generally speaking they've come from -- well, a variety of things. As I understand it, there was some originally designated a number of years ago that we have carried. There is funds as we complete a year and see what our financial position is, and look at the reserve, the operating reserves, if there are funds that are available beyond the operating reserves, those get put into the technology reserve, to help address --

Leonard: All bureaus or just your bureau?

Lampe: Of our fund. Remember, we operate as a separate fund.

Leonard: So how much is in that account currently?

Lampe: I think currently there's about -- well, i'm trying to think what's the uncommitted number and what's the committed number. I think the uncommitted number is about \$2.2 million.

Leonard: And what portion --

Lampe: That's in -- one of the things that b.t.s. has not done in the past is had a capital budget. And this coming year you will see a capital budget. Now that \$2.2 million -- actually I may have misspoken there, because that was the planning number we had for the 2005-2006 capital budget, which merged both the reserve -- technology-type reserves that were associated with comnet and the technology reserves associated with i.t. As we merge those two funds in 2005-2006, that's the combined total.

Leonard: And of the \$800,000 that you outlined previously, funds that were approved in the last budget cycle for this budget year, how much of that is general fund money?

Lampe: The -- let's see. The \$200,000 would not be. The \$200,000 for the c.i.s. system would not be. The \$400,000 may have been designated out of the tech reserve. That really supports the mainframe, as does part of this. The mainframe cost gets spread across both general fund and nongeneral fund.

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Leonard: 400,000?

Lampe: Yes.

Leonard: Mr. Mayor, this is an example of how we have done things, and I have no fault at all with anybody, however it is different from what we've agreed we're going to do with respect to our budgeting. I want to point that out that this is an example of the kind of thing that I think we had talked about doing in our regular budgeting process. I appreciate some of it has been designated, but not specifically for this item. And I really feel like these kinds of things, if we're really going to do what we said we're going to do, we need to have these kinds of presentations as we're having here, but in a budget kind of setting. Asking questions about what the source of the revenue is. Apparently there's a tech reserve fund with \$2-plus million sitting in it. Why doesn't that pay for the whole thing instead of general fund, if that's where the money is coming from. I guess I'm raising that red flag here as this being an example of the kind of thing I think we agreed we're going to change doing in this process. So I want to be real clear. I'm not criticizing what you're doing. You're doing what we've normally done, but what we've agreed as a council to do is to do this kind of thing different. So for a while it might cause a little heartache and grief for some of the folks used to doing it the other way, and I appreciate that, but then again we've made a decision to do things differently. I guess the test of that is are we going to do things differently?

Lampe: Let me just comment on the general fund issue, because since that \$400,000 came out of the reserve, there isn't a charge back to it -- to the general fund in that way. So that \$400,000 may have been made up of some funds that came out of the general fund in the past. But I would agree you in the sense that these kinds of things need to be in a capital budgeting process.

Leonard: Yeah.

Lampe: B.t.s. hadn't had one. We wrote our first one for 2005-2006 with the merge of the funds. Precisely to bring these things forward in a much more organized manner so you can see how those things play out.

Leonard: And to be fully honest about it, I mean, I've been guilty of doing the same thing since I've been here, that we're doing here. However, we have -- as I've said, we have discussed, you know, that kind of phenomena, where one of us comes up with an idea, albeit a good idea, introduced at any time of the year, may not have huge budget impacts, and we pass it, and we move on. And what we've had, I think, agreed to do is take these -- and I had to restrain some of the things I wanted to propose as well, and I'm waiting for the budget process to do just that, but I think this is an example of what we're --

Lampe: Let me just add one thing. The alternative for us at this point is to go back and -- since we have the authorization and have to address the mainframe backup problem, we have the authorization that was part of the efficiency package last year to start this -- move forward on the consolidation of files and email, that to meet those requirements requires some sort of pooled storage, because you have to support clustered servers to maintain the availability that was required. The option to not do it, is to go back and buy -- take each device separately, go back out, go through an r.f.p. thing, and end up with four separate devices --

Leonard: That's one option. The other option is to wrap this proposal into your current budget that you're putting together that we're going to shortly be considering.

Lampe: Well, if I do that, then we miss the deadlines on c.i.s. we miss the deadlines by quite a bit on the email consolidation. I mean, and these -- all I'm saying these are projects that the council has approved in the budget processes up to now.

Leonard: I understand. I have to tell you, what you're saying, again, without trying to put you on the spot, you just happen to be the person in the musical chairs who sat down when the music stopped, but what you've just said is precisely what we hear on resolution after resolution after resolution, that we vote on, which is "well, we have this timeline, we have to do this right now, because we're going to miss --" so we collectively go, "ok, that makes sense," and we do it, and

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continue that same kind of policy. I'm just suggesting that if -- you know, it's one thing to say we're going to change the way we do things. And it's quite another to actually do it. This is kind of where the rubber hits the road, is, like, we're facing reality right here, and saying, ok, are we really going to stick to this kind of fiscal restraint that we imposed on ourselves or not and have this process that we use that's opened, clear to everybody, at budget. And do we, you know, have the bureaus and the individual commissioners postpone what it is they're wanting to do, waiting for the budget season, to wrap those into those bigger discussions.

Potter: You know, one of the issues, commissioner Leonard, is that as we've started this transition, there were things in the pipeline already. And so we made the decision that we would start new, and we're asking the bureaus to come in with a longer lead time now. Is it four weeks? Two weeks? So that we actually have time to put this information out to the different bureaus. Some of these things, because of certain deadlines, we had to continue through, but we are starting this process of requiring a longer lead time for submission of these contracts and all the other issues coming before council, so we had time to discuss it. This one had deadlines. Because this is an emergency ordinance. We've got two choices. We can either ask that it be a -- a regular ordinance and vote on it as such or I can withdraw it and we can then bring it for discussion knowing that there may be some loss of time lines on this. I'm willing to go with whatever.

Leonard: Commissioner Adams started this, so -- [laughter]

Potter: Are we going to blame him?

Leonard: Yes. He's the new guy. He gets blamed. I'm just throwing this out there home run for us to be aware of, that this is not something that was approved per se in the budgeting process a year ago. It's bringing together a different sources of funds, one of which has a lot of money in it. I'm interested in that. Where did that money come from and what can it be used for, those kinds of questions. So I guess I'm talking myself into thinking that this might not be the appropriate time to approve this.

Potter: Might not be appropriate time to approve it?

Leonard: I'm speaking for myself.

Potter: Well, that's an important thing, since it has to be an unanimous vote.

Leonard: I came to that after another person offered it.

Adams: I will have to vote no on this, simply because I will not vote to approve spending \$1.2 million without any information ahead of time. I got no cover memo. I got a 99-page contract. That's it. I'm not an i.t. Specialist, so in good conscious I'm going to vote no.

Potter: Let's wait just a second on that.

Saltzman: Wait till they call the roll.

Adams: That was just a preview.

Saltzman: Well, I respect everything that's been raised by my colleagues here, but nevertheless I do want to support this, because if it is critical to the implementation of the new customer information system for water and sewer billing, that's on a very critical path. I don't want to see anything like -- if this is part of that critical path, I don't want to postpone this endlessly. I would suggest it be pulled back and brought back next week on enjoy, and put together the cover memo that's been requested in the meantime to discuss this issue. I wouldn't want to see it necessarily go to a -- remove the emergency and then take 30 days for the ordinance to take effect after passing it next week. That's my preference.

Potter: Commissioner Sten?

Sten: That sounds fine to me.

Potter: Commissioner Leonard, is that reasonable?

Leonard: I'm going to go with commissioner Adams. I think a message has to be sent that all of us are doing things different. And I'm still uneasy about making exceptions to that, unless there are

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some striking good public purpose. Maybe when I get the memo that commissioner adams has requested, that will change.

Adams: Sorry.

Potter: So --

*******:** Do you want to continue it next week?

Potter: Yes.

*******:** Thanks.

Potter: Thank you. Thank you very much. Was anybody that was signed up to testify on this matter?

*******:** No, there is not.

Potter: Ok. Sue, please read item number 59. Commissioner leonard?

Item 59 and 60.

Leonard: Mayor Potter, are you going to propose an amendment?

Potter: I think that it's required that you pull --

Leonard: Explain the game plan.

Potter: My understanding is that you pulled your resolution and then commissioner Saltzman introduces a substitute.

Leonard: I see.

Saltzman: For my resolution, yes. 60.

Potter: Yeah, for item number 60. We've got two to discuss. In effect number 59 --

Leonard: Why don't we go to number 60 and do that.

*******:** Shall we refer 59 back to your office?

Leonard: Yes.

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

Potter: I understand we have a substitute for item number 60.

Saltzman: I move the adoption of the substitute.

*******:** The title needs to be read for number 60.

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

Potter: Thank you. I need a motion to accept the substitute.

Leonard: I move to accept the substitute.

Saltzman: Second.

Adams: Aye.

Leonard: We're just voting on the substitute now and vote on the ordinance after the motion. Aye.

Saltzman: Aye.

Sten: Aye.

Potter: Aye. [gavel pounded] commissioner Saltzman.

Saltzman: Thank you, mayor Potter, members of the council. I'm very happy to say that this substitute resolution is not my resolution, but rather it is cosponsored by all five members of the council. And before I discuss the details of the resolution, I do want to acknowledge and thank my colleague, randy leonard, for his passion on this issue, and for his willingness to work with me to find a compromised solution that we can all feel good about. I also want to thank mayor Potter and commissioner adams and commissioner Sten. They've all been playing -- you know, key people in helping to shape this whole resolution before us today. And particularly mayor Potter with his leadership around collaboration and approving communication, I think has gone a long way to produce the consensus resolution in front of us today. I'd like to take just a moment to talk about the resolution we have before us. And I do think this resolution lays the groundwork for a truly independent analysis of the fire/police disability and retirement system. It proposes there be a nine impartial citizens charged with leading this examination. The citizens will lead a broad-based

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analysis of the fire/police disability and retirement systems, disability and pension systems. And I think they'll be guided in their efforts by really sort of three of the whereas in particular in the resolution, that the city understands the unique and often dangerous circumstances that the requirements of these jobs place police and firefighters in. That the city must maintain a strong and fiscally sound retirement and disability system to uphold our commitment to police and fire employees and retirees and their families. And that the city council has an obligation to the taxpayers of the city of Portland to be a responsible steward of the public's resources. So I think those will be the guiding pillars of this committee's work. The citizens will -- the citizen committee will have the technical assistance from the office of management and finance, and also the fire/police disability and retirement system staff, and the city attorney's office. The cost of the proposed study, which we estimate to be \$120,000, will be split between the city and the fire/police disability and retirement system. And the issue of the composition of this committee, we've all agreed that a member of the police union and the firefighters union are invited to join the committee, but the remainder of the composition of the citizens committee will be before us in two weeks. I think february 9 and mayor Potter will introduce a resolution that will name that committee at that time. In the coming weeks, i'm confident that the spirit of collaboration that we've established will continue, as we name the committee that is both independent, without any prior agendas, and skillful to offer the security council wise counsel on this wise matter. Thank you. I urge adoption of this resolution.

Potter: Is anyone signed up to testify on this resolution?

*******:** We have four individuals.

Potter: Please send up the first three.

Potter: Good morning, gentlemen. Please state your name.

Ken Turner: Good morning. My name is ken turner. Mayor Potter, members of city council, i'm here to speak on behalf of the small business advisory council. And we want to thank you for the opportunity to testify. I'm assuming that we're calling this resolution, number 60, and that's what we're supporting. We're supporting the creation of this independent citizen review committee. The entire sbca membership, executive committee, and cost of doing business committee, supports this effort and urges the members of security council to ratify the intent of this resolution. Thank you.

Dave Lister: Dave lister. Mayor Potter, gentlemen of the council. I'm also with the small business advisory council. We're supporting this resolution, because the small business advisory council's number one priority is jobs and job retention in the city of Portland. And we have a concern that the analysis of the fpd&r may show the -- the actuarial may show the system is unsustainable, and if it is that puts at risk the retirements of our uniformed officers. It puts at risk local option monies for children and for parks, and ultimately through the phenomenon of compression it puts at risk general fund dollars. Clearly a shortfall ultimately in general fund dollars will necessitate greater taxes and fees on business and industry, ultimately inhibiting business's ability to provide jobs. So we think this is a very important effort for the protection of the police and fire, for the protection of the children, and for the protection of jobs in the city of Portland. Thank you.

Potter: Thank you.

*******:** Good morning. My name is --

Potter: Excuse me. Could you point the mike toward mr. Rosenthal.

Charles Rosenthal: My name is charles rosenthal. I am the citizen representative on the board of trustees appointed by the city council. And there are two other citizen members of the board of trustees, and we have jointly prepared the following statement, which I would like to read for you. As citizen trustees of the fire and disability and retirement fund, we appreciate the council's interest in the fund. In our terms of voluntary service we've often felt unheard. Our issues are unrecognized until a single case explodes. Now with widespread encouragement, there's an opportunity for joint work that will lead to more efficient and effective fund. We're confident that

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participation in a review by an experienced, responsible, and diverse group is the singular way to proceed. Our fellow citizens should understand, however, that the fpd&r trustees have continually tried to meet their responsibilities within the defined bounds within the city of Portland charter. Trustees are not free to change the rules as a corporate board could. The consequence of this is that many improvements that we have already discussed among trustees would have to be approved in a ballot. This will likely be true of recommendations produced by a review group. The rules of the game will have to be rewritten to some extent to get a bigger bang for the buck. The report -- the reported discrepancies between the fpd&r and other disability systems are well worth careful investigation. We strongly and unequivocally endorse this to confirm that the comparisons are thorough and apt, that apples are compared to apples. "the Oregonian" reported that commissioner Saltzman's presentation to the fund board was greeted with skepticism. This is true. Because the presentation had some shortcomings that must be addressed by the council. For example, the commissioner stated that savings in reducing disability costs could be a basis for a reserve to reduce the unfunded pension obligation. It was pointed out at the presentation, though not reported in the newspaper, that the disability costs were only 16% of the annual expenditures, and even if reduced to zero would not free enough dollars to begin to create a significant reserve. Creating a reserve fund will require a significant additional revenue if other local services are not to be cut. Providing a reserve is not a zero sum game. Property taxes would have to increase, and that would affect other local levies. Second example. It was repeatedly stated that the commissioners did not understand the fund. A new study is not necessary to educate the council. A review of prior studies would satisfy this lack of knowledge and the trustees and fund staff would gladly conduct briefings until everyone is satisfied. Final example, the presentation emphasized the need for an independent review group, except for the nonunion representatives. Prior reports languished on the shelves of city hall. We need participation by the people with political experience and those responsible for implementing any recommendations. No one should walk away from the group's report, judging that someone else had to take over. This is what happened to the work of the last study in 1999-2000. Let me interpolate. As far as I know, the council never held a session jointly to discuss the last report. We have tried to discuss the study plan with the commissioners we could individually corral and hope we've had some influence in the preparation of the resolution. But you do have a resolution before you. The resolution and the study that follows should reflect, and your actions should consider the following suggestions, which we make. Initiate a council education effort to close the knowledge gaps where needed. This applies to charter directives, prior studies, and fund operations. Second, set bounds for the review group on the amount of taxes that might be available for a reserve fund. Without this, the group would be unable to accurately forecast the effects of such a fund. Three, designate a review that will review some of those that will carry out the group's proposal. A councilmember would fit this definition and would be a liaison to ensure that the proposals are politically sound. Executives from the police and fire bureaus would convey the real world issues of the bureaus and their managerial needs. These members would then have ownership and would be champions for change. Certainly union representatives of the fire and police organization also match the above criteria. Further, it may be necessary to include experts from other bureaus because of the complexity and interactions of human resources and legal constraints. Fourth point. The integral estimate for the review should be short, but not unreasonably so. The review in 1999-2000, principally the funding issue took one year. The proposed review will address more issues, though it is doubtful it could be completed in less time. My fifth and final point, or our fifth and final point is, an estimated cost of \$120,000 has been published. This is an incomplete estimate, because it hides the salaries and the benefits of the staff drawn from the existing work that support the study. Their current work must continue for the additional costs must be factored in. Overall, a detailed complete budget is needed. This should be the first chore of the review group after it develops its plan of action. The council should review

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and approve the budget and plan before the study proceeds. That's my final point. I thank you for your attention. I'm going to answer any questions.

Potter: Thank you, sir. We'll get to that in a few minutes. Thank you.

*******:** We have one more signed up.

Leo Painton: Council members, my name is leo painton. I'm here wearing a couple of hats. I'm the secretary-treasurer of the Portland police association and also a trustee on the pension and disability board. Have been for approximately eight years. I will say right at the outset, the p.p.a. looks forward to working on this particular resolution. We want to participate collaboratively as well. It's something that needs to be looked at. I was part of the last group that looked at this funding issue in the 1999-2000 study. Several of the things that I wanted to say, the elder statesman, charlie rosenthal, has already presented to you, based from the concern that the citizens on the committee have. One of the things that we do need, and I think charlie brought it up, is we need a commitment from the security council to do something this -- city council to do something this time if we're going to perform this study. That needs to be related to the committee once it's put together directly, so we're not spinning our wheels as many people on the last committee felt. One of the things I would recommend is that both the board and trustees and the city council meet individually with this committee to give them the direction that they think this needs to go in and the concerns that they might have. The fpd&r board had a strategic meeting within the last month, and we came up with some ways to cut disability costs, and we're trying to implement some of those and are moving forward in implementing some of those. In order to start savings costs. It would be nice for the committee to get that information so that they're not spinning -- you know, wasting their time looking at some of these issues that we already have found that we think can be implemented to save costs. I'm also the chair of the budget committee for the fpd&r. We met yesterday to go over our budget. Part of the concern is the costs of this. Commissioner salts metro area, we firmly believe the \$120,000 is much too skinny. We put into our budget \$120,000 as an ad package that we'll be bringing to the council. Part of the concern, though, is this resolution has been put forward with the recommendation that the fpd&r staff be involved in this, and the fact that we are going to finance some of it. That has not been approved by the board of trustees. It will be brought to them at their next meeting, but there's no guarantee that the board will approve funding any part of this, or commitment to throw three staff members at it. We firmly believe that we're currently understaffed in trying to get the work done, in trying to make these strategic plan issues brought up become a reality. The staff is going to be very busy trying to do that. Part of the -- part of the committee's work, I think, would be to dust off the last proposal on funding. One of the suggestions in there was to fund new hires in that system. Had we been doing that starting in 2000, approximately 20% of the police bureau members would now be funded. We've hired over 200 people in that time period. Certainly the outstanding liability of \$1.275 billion would have been cut back and probably be under a billion dollars at this point had that been done. Another large concern we had is the -- is the workers' comp s. I know how many read steve duin's article regarding the trooper. His claim after being injured in a rear end collision while protecting our governor was denied by the workers' comp system after the reforms were put into place. The last thing i'll say, because I know i'm running out of time, is police and firefighters risk their lives every day for the city of Portland. They need to be assured that they and their families will be taken care of when that need arises. Thank you for your time.

Potter: Thank you.

Leonard: Can I just -- with leo here, just on the issue you raised with respect to the fpd&r staff and the funding, I drafted those changes. Just so you understand why I did that, as you know there's wide divergence of opinions as to what the numbers are depending on which staff you ask. If you ask o.m.f. staff, they have one viewpoint, fpd&r has a different one. I thought it was important to have those two entities working together to get numbers everybody agrees to. So i'm hoping that --

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I obviously understand that the board needs to preview that. So i'm -- approve that. I'm hoping they do. On the funding, the same kind of thing. I think we all want to have the best study done possible, and I don't think it can happen without the full partnership of the board in every means and way, including financially. And so commissioner Saltzman, I worked on those two parts probably as hard as any other change that could happen, and I hope the board considers, you know, the motive behind that. It isn't to tell the board or trustees what to do, but rather that they understand that this is really a much better process to get to where we are, where we want to get to, than what was originally thought of.

Saltzman: And the resolution also contains, I guess, safeguards that -- that in the event, if the board does decide it doesn't wish to participate in the funding or the staffing, that -- with respect to the funding the city will pick up the funding of the study, and o.m.f. will staff the committee.

Painton: Right. I think that's terrific. Perhaps maybe the council should be at the next trustee meeting, maybe to answer those questions.

Leonard: I'm happy to make myself available. I'm sure commissioner Saltzman will as well to explain the rationale behind those requests.

Painton: The reason we're concerned also about the funding piece, in reviewing the budget yesterday, we spent \$80,000 on actuarials alone during the last study. That was in 1999-2000. I'm sure costs have gone up. This resolution encompasses a lot more than simply the funding piece. There's a huge education piece for all of the committee members, including me. It seems like every time I open up a pers retirement system book I learn something new about their system that I wasn't aware of. And we're going to be talking about our system, the pers system, and the new -- pers no longer exists, basically, for new hires. It's the Oregon public service retirement plan, is the new system that basically is administered by pers. You have the workers' comp system that has to be understood, and the social security component that also has to be understood. As charlie said, if you're going to compare apples to apples, all of those are components of this. We need to bring in experts to explain these different issues to the committee.

Leonard: You made reference to the \$80,000 study. 1 of my hopes is that what the staff can do to take analysis like that and find where they need to be updated, update them, give them to the citizens review committee, the citizens review committee can already look at what's already been done, and decide, is this adequate information, do we need to redo it or not. Hopefully we're not going to be spending just money that's duplicating what's already been done that will -- staff will take advantage of the things that you're talking about to reduce the overall costs.

Painton: And I agree with you. That's why I said that last study should be dusted off and updated, because I think many recommendations will be similar to what this committee might recommend to the council in their report.

Potter: Thank you.

*****: Thank you very much.

Potter: Did you want to ask any further questions of any of the folks that spoke? Ok. We'll now take a vote on the resolution. Sue, would you please call the roll.

Adams: Well, I want to laud the leadership of commissioner dan Saltzman and randy leonard and the work of everyone on the council, including the mayor's office, to come to a consensus agreement on this. I'd like to underscore the staff work of jeff cogen and all the other folks on the council staff who worked on this. I'd also like to thank the participation of the police and fire unions as part of this discussion. It means we have to come to common agreements among all the main stakeholders. I take very seriously my responsibility to the police and fireworkers for the city and their potential beneficiaries in this matter. I want the city to provide you a -- a pension and disability system that is financially sound now and into the future. At the same time I take very seriously the stewardship responsibilities that we all have in terms of the financing and future financial soundness of the city moving forward. And this is a very difficult issue. It's a \$1 billion-

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plus challenge for this organization that we have to come to agreement on. Having been in a cursory way involved with the earlier study, my hope is that we can build on the work of that group.

We can also, I hope, the first thing that this new group will do, will debrief on why it didn't move forward. And I think Mr. Rosenthal's point in terms of political reality is really important. Part of the reason that the earlier study did not move forward is that the recommendation proved, in terms of focus groups and polling, to be a lit cal dog. It just didn't have public support. So I would like the political considerations to happen within this study, not wait till after the study's done and then go test it out. If we're going to go to the voters for any amount of money, all the more reason to do that, as part of this study. That's a lesson that sort of I learned as a staffer earlier, is not to wait to do that afterwards, but have that. So it means that part of our consideration for staffing this should also include some folks, as you suggest, that are really attuned to the political realities of our local community, that we might be going out to a voter -- going out to the voters. My hope is that we can squeeze out all the waste and inefficiency as possible, and guard the pensions and the disability benefits of our employees. I do think the apples to apples comparison on the disabilities side, on the pension side, is really important. I think it would be a great idea to have the city council meet with the -- meet with the review group and fpd&r, if not in a joint meeting, then some combination of those, to sort of get a further meeting of the minds, and to find out what our individual concerns are, because we have different areas of emphasis in terms of our concerns up here. And I think that's true for other stakeholders as well. I'm not interested in hearing a consensus back from this group. One of the pitfalls of the last is that it operated on the assumption of a consensus, and what came out was I thought a very low common denominator in terms of recommendations. The recommendation came outlets go to the voters with this huge amount of money, all new taxes, and of course it wasn't going to go anywhere. So I would like to see a majority and minority report. I would like to see the backup and the reasons for why people are in the minority in terms of a recommendation and why they're in a majority. I like the idea of a council representative on the fpd&r. That certainly is an option that we have before us by approving this resolution. I know some people on the council would -- that would make really good representatives on that board.

Leonard: We all have to agree to that.

Adams: We all have to agree to that, though. So having said all that, thank you again for all the good work on this. I'm pleased that we're -- we're looking at it. It's -- you know, it's a big problem, a big issue, and a big opportunity. And I vote aye.

Leonard: Well, I appreciate this discussion. I want to make -- focus my remarks on the two areas that the fpd&r are responsible for -- retirement system, disability system. Mr. Rosenthal actually stole my thunder in making it clear that to fund this current system is either a tax increase and/or further compression depending on how you want to look at it. And I want to remind the council that if we walk down to the treasurer's office now and ask for a prospectus of the next bond sale you will not find the so-called unfunded liability in the prospectus financials. In fact those bonds received a a.a.a. rating because the financial houses in New York view this as an liability that has an offsetting mechanism called the millage rate levy that has the ability to tax the property in the city of Portland to raise the funds necessary to fund it. And I would compare that to what ends up being the lead headline in "the Oregonian" today that reads "past losses add to pers costs," which is a funded system. I just want to read the first part. It says "despite widespread cost cutting changes in 2003, the amount Oregon school districts and state and local governments pay for pensions will increase in July. Much of the increase is the result of pers continuing to pay for stock market losses on the investment of pension funds before 2003. The additional pension costs are expected to total about \$300 million a year." so for those who think that will -- I unfortunately have been through this process myself for three years, in the 1980's. I was on a study committee for three years, as you recall, Mayor Potter, I'm sure, and I not only didn't know what an actuary was before I started, I probably knew less than most everybody. By the end of the three years, I was debating actuaries. It

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wasn't an experience I would ever have envisioned for myself in my life, but I learned a lot about pension and funding and unfunded systems. Second, disability system. I was in the legislature when the bill passed that leo is making reference to, senate bill 369 that did two things upon its passage. It did in fact reduce the cost of workers' comp in the state for employers. Second, it reduced those costs by denying legitimate claims for legitimately injured workers, which steve duin has shown in his series of columns here lately. I am not interested in fixing this, but by finding the lowest common denominator to fix the problems in the disability side of this system I will vigorously oppose it. Having said that, there are problems. The most recent and notorious one was the firefighter we saw in iraq that was receiving disability payments while apparently capable of fighting a war in iraq. But something that didn't get as much attention, I want to make clear here, that came to light because of a group of firefighters who discovered that fact and reported it to the fpd&r, which you may think he is an anomaly, but having worked as a firefighter for 25 years and served on this board for 12 years, there are no more harsher critics, and I would imagine charlie will back me up on this as a citizen, there are no more harsher critics and oftentimes unfairly so of injured firefighters and police officers than their colleagues who sit on that board of trustees. They are curmudgeons. They take some of those claims personally. And as a result you have a dynamic that occurs there that most people would learn a lot from, and mayor Potter you sat on the board and experienced some of that i'm sure yourself. But it was -- it is a -- I think a very honorable system. You know, these kinds of cases we hear about over the years, for the last nearly 30 years that i've been associated with the fire bureau, the city. There have been notorious cases that come up, and they make headlines and people demand changes in the system, but what doesn't ever make headlines are the cops in the middle of the night leaping over fences, chasing bad guys, getting in brawls, who end up oftentimes severely injured, life-long injured, who have routine claims approved by the board. Those don't make headlines. Or the firefighter in the middle of the night that falls through the roof of a burning structure and forever more has changed his life because of that injury. They don't get that attention. I want to committee to focus on not just the problems, but what's being done right. I feel pretty strongly about that. There are ways to reduce disability costs. Commissioner Saltzman and I have agreed on some of these already and talked about them. Light duty positions. For instance, just in the police bureau, it's been brought to my attention, two background investigators were hired to do background checks on new officers. Notwithstanding the fact that we have injured officers on disability, who want to come back to work, who could do that job. That's a way to reduce disability costs. You have positions in both fire and police that are capable of being filled by injured firefighters and police officers, and to this day the management of both of those bureaus refuse to cooperate to help us reduce disability costs and to get productive firefighters and police officers back to work. Having said all that, I am supporting this resolution today. And i'm supporting it enthusiastically, because I believe this is an unbiased process now, and it will be a fact-oriented kind of study, but I want to make it clear that's not how this discussion began. Until just this past weekend the remarks I was going to make today were of a different kind and content. And I think I need here to acknowledge the work of all my colleagues, including commissioner Saltzman, for this new approach. And it is a new approach that ultimately will improve and cause changes to occur that the prior kind of approach would not have. It would have collapsed on us ultimately. So mayor Potter, my hat is tipped to you for -- for, you know, setting the tone in this building. It is a different tone. We all feel it. This is an example of it. But I also need to make sure that I thank jeff, who I have recently -- whose name I forwarded to the u.s. state department to work on negotiation between israel and palestine, and am convinced he has skills to settle that conflict as well, and ty, as well, from my office, ty and jeff, worked tirelessly, and jeff over the weekend to put this compromise together. Aye.

Saltzman: Well, I appreciate the remarks of both the people who testified and my colleagues here. And I think, you know, the most important part is that we're moving forward. And it's time to let

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citizens in -- impartial citizens who have some skills and knowledge in these areas to take a look at it for us and give us a report back. I don't know about -- politics is very important, but I guess I view the politics as that's our job, and the goal of this committee is to come up with recommendations for us, but as important is to come up with hopefully a common platform of information, from which we make -- the council consequently makes decisions about what to do, if anything, to get to those apples to apples comparisons that we all need. So as much as getting recommendations hopefully we'll get to a common platform, where this council goes from there, remains to be seen. But that's the important part, is to get this independent analysis going. I think we will rely, certainly the committee will rely on the work of the 2000 report. And the most recent work done on the disability issues. The whole point is not to reinvent the wheel here. It is to build on the information and the good work that has been done in the past. And finally, that I just think that this is a good process we have going forward, and we'll come back in two weeks and hopefully appoint a good -- a good balanced committee to take a look at this. I also want to add my thanks to jeff and my staff and ty, but particularly jeff because he's done a great job of -- of herding us altogether here under the mayor's auspices. Aye.

Sten: Well, i'm pleased to support this. As -- actually i'm interested to see, as this moves along, if this is as contentious as it feels or if it's more -- if we can get to more common ground. I think everybody agrees we need a strong and appropriate pension system, and disability system, for people who are putting their life on the line on a daily basis. And, you know, at the same time I think because of the incident with the -- with the former firefighter who's not with the bureau very long, it was a long time ago, in iraq, and other issues, we need to show the public that the system is working properly. And I appreciate the small business, mr. Lister and turner's testimony today, it was thoughtful, in trying to show the taxpayers that this -- I think everybody agrees that it needs to be done, but done well. This is a little politically incorrect, but I want to talk a little bit about mr. Rosenthal's argument, because I think it's very real. I do not think the voters are likely to support raising taxes to pay off a liability 30 years from now. Particularly when it will be at the cost, because of compression of putting money into things like schools. And so I almost didn't support, this and shared with commissioner Saltzman that, you know, I hate to sort of -- charlie saying correctly, you need to put your political view out there right now, and I think it will be very hard to convince people. Frankly I think it's probably not going to be the top priority that collectively, whether it's me or anybody else, political people decide to put on the ballot. And I think that there are two elements to the 2000 study as a person who was on the council then. One element was I think we didn't do a good enough job of talking it through publicly. I think that was a major mistake. And I take responsibility for that. I also believe it would not have passed, which everybody knew. And so that wasn't aired out well enough. I'm not saying I wouldn't support putting something out to the voters. I'm saying I think it's unlikely that's going to end up being a solution, particularly because the way the tax structure works now, there's a limit -- you know, for good and bad reasons. You can only have a limited amount of tax dollars. If you put more tax dollars into this, you do not put it into schools, for me is the number one crisis right now and the number one thing i'm concerned about. It's easy to make these kind of slogans, so I don't want to overdo it, but you'll have a lot more trouble funding a system 30 years from now if the dropout rate goes up and kids can't get a job. I want to put that on the table. I've had a long talk with commissioner Saltzman about this issue. And I think that funding is one issue. Reforms that we can all agree to, or not all agree to, that may be necessary, is the other. I expect the commission -- that to look at both. I would suggest that the political conversation be done in public, at a council meeting, that's noticed, but sooner rather than later, so that we can have a really good conversation with the citizens about, ok, what are the realities of putting more money into the system? Because it may be that -- and there's a lot of nuance to that. It may be that's a recommendation that's available for a little bit down the road, that everybody agrees that needs to happen, or it may be that it turns

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around and people -- that i'm wrong, and that the voters see this as their top priority. But right now I don't see a lot of enthusiasm for tax increases and funding liabilities that far down the road at the cost of existing things. I think it's going to be a hard sell. Maybe there's another way to get at it. I really decided to support this even though at first I thought maybe I was going against charlie's advice, and I think the way which I actually took it to heart, and I think the way to get at it, is to have that conversation on the front end, and i'm prepared to do that. So I appreciate -- this is not an easy thing to wade into it. There were ample number of cooks in the kitchen, so I stayed out of the resolution-writing process. I'm glad to torture my analogy, eat the meal that's in front of me.

Thanks to the cooks. I vote aye. [laughter]

Potter: And I really want to thank our two commissioners, commissioner leonard and Saltzman, for their efforts. I think their willingness to sit down and look at the compromises necessary to make this work and through the auspices of jeff and ty and others, it really made a big difference. And so the responsibility starts here at the city council. And I think we've accepted that responsibility. Before I agree to participate -- agreed to participate in this I asked commissioner Saltzman, I told him I couldn't participate unless we agreed that we would follow through on this, because I don't want this to be something that sits on a shelf somewhere down at city hall, as mr. Rosenthal suggested, but really becomes a document that we can use to make Portland a better city, provide for the welfare of our police and fire, and protect the community's assets. I don't think they are mutually exclusive. But what I think it will require is an extensive education process in the public arena. Starting first with our city council, so that we all understand what's at stake, taking commissioner Sten's idea about starting earlier rather than later, but also taking this out to the public and letting them know what's at stake. Now and into the future, not just today, but for their children who will inherit our issues that we are facing today. So I am committed to following through on this. I think that to take all the suggestions that have been offered, in terms of dusting off the old financial report and looking to see what needs to be updated and moving it forward. In about a year I will initiate a charter review commission composed of both public and mostly private citizens to look at our city charter, to see what kind of changes need to be made, and I hope at that time we'll be able to include whatever is agreed to by this review group, as well as the city council, and the members of the police and fire. That we can -- that we can then submit that to the citizens. So I think in the next year we've got our work cut out for us. And i'm asking all of us to make sure that the community understands what's at stake here, because there is a lot at stake. And it's not just about money. But it's also about our integrity as a system and also how we treat our employees. So with that, I vote aye. [gavel pounded] this was the last item of the morning. We are recessed until 2:00 p.m. This afternoon. Thank you very much.

At 11:23 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JANUARY 26, 2005 2:00 PM

Potter: I'm so excited about today because this is the tenth anniversary of safety and recognition day. I think this is a wonderful program. I can tell you right now from my time in office, I will continue this, because I think it's an excellent program. It's an excellent way to recognize the good work of our employees in the city. So thank you all for being here. And those who have invited their families, thank you for bringing your family. Next year, those that haven't been -- haven't invited their family, please bring your family. I think this is a great way to introduce your family to your fellow employees and also to the city council. So we're going to be recognizing a number of groups today. And the efforts of the individual employees. I think this is absolutely important since this program has started. We are a safer city as a result, and that is good. Through or continued hard work, and that's important, is we've got to continue ensuring that everything we do, safety is the topmost in terms of priorities, because at the end of the day, whether you're a police officer or you're in cityfleet, we want to make sure that you get home safely and that you have that time to be with your family and at that some far distant horizon, when you retire you're able to enjoy your retirement. Thank you all for coming today. Thank you for your many contributions to ensure the continued success of our safety program. And so since i'm the introducer, I also get to start off. There are two groups. The Portland police bureau and cityfleet that I will be recognizing. Then in turn commissioner Sten, commissioner leonard, commissioner Saltzman and commissioner adams will be giving their awards. So each of us play a role in this because we want to show that as a council we really appreciate the efforts that you have taken to make our city safer. So thank you for that. And with that, i'd like to call up our first group. This is tracy. Tracy is the floor manager. So if you see her making signs to me, it's telling me what to do. And I appreciate that. From the police bureau, and this is sworn personnel, in recognition and appreciation of the sworn personnel safety committee for its ongoing efforts to improve the safety, health and operations of police officers throughout the bureau. Highlights of the safety committees have included reducing fire exposure in patrol vehicles, identifying and removing defective ballistic vests from service, and making recommendations on the procurement of ballistic helmets that will serve multiple applications and improve officer safety. The members include gary manougian, kevin frazier, elise worland, rick deland, pandra parks, dale janzen, joel mann, mike palmer, and laura herring. Could you all please come up. [applause] I think they're all supposed to stand here for a picture. We'll let this young lady in the middle hold our certificate. Thank you very much.

*****: Thank you. [applause]

Potter: This next award is also for the Portland police bureau for creative solutions. In recognition of a joint effort between the Portland police bureau, the Portland police officers association, I think that's just the Portland police association, but Portland police commanding officers association, and cityfleet for their efforts to reduce secondary fire potential from fuel tank punctures in ford crown victoria patrol vehicles. Historically, these patrol vehicles have had a vulnerability to fuel tank punctures from high-speed rear-end collisions, which significantly increase the potential for catastrophic fires. The joint committee reviewed and made successful recommendations to the city that will significantly reduce, if not eliminate, the likelihood that such fires might occur in Portland police patrol vehicles and thus protecting our officers and other motorists on the roadways.

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Receiving this recognition on behalf of their organizations are jim schindler and mike blacker from the Portland police bureau. Robert king, gary manougian, and scott westerman from the Portland police association. And randy kellinger, Portland police commanders association, and don deparo and don taylor, cityfleet. [applause] let's put the creative solutions here in the middle. Thank you all.

*****: Thank you.

Potter: Thank you very much. [applause] I just found out I didn't give all the way things I should have, so that the p.p.a. and Portland commanding officers association will get theirs, too. I apologize for that. Please don't take it as a slight. And this is also to the Portland police bureau. The bureau award for significant reduction of losses. For achieving a reduction of claims during fiscal year 2004 against an average of the previous three fiscal years in the following categories -- general liability, reduction of 11%. Workers' compensation, 25%. Here now to receive this recognition on behalf of the bureau is chief derick foxworth. [applause] thank you, chief.

*****: Thank you very much. [applause]

Potter: I asked the chief if he wanted to say anything, and he said didn't, so he's just a quiet kind of guy. [laughter] and now the gift that i'm really jealous of, these jackets. These are cool jackets. And this is for safe driver. For the Portland police bureau. For over 27 years, officer robert "pat" keating has patrolled the streets of Portland primarily in the traffic division on motorcycle detail. In these years, he's not had one preventable accident and has been a model for safe driving. Congratulations, officer keating. [applause] there's your new jacket.

*****: All right.

Potter: Congratulations. Thank you.

*****: Thank you. [applause]

Potter: The next is cityfleet. To receive the next jacket, and if it doesn't fit you, i'll be glad to take it, safe driver award. Joe lemire has been with the city for 13 years and driving is a part of his job. For the last eight years, he has operated cityfleet's field service truck. In that capacity, he is nearly constantly on the road responding to requests for preventative maintenance and emergency repairs. Emergency repair work often involves driving to hazardous locations and working under hazardous circumstances. Joe has at one time or another driven nearly every type of vehicle that the city owns. This includes class eight trucks, backhoes, vactors, sweepers and tow trucks. Come on up, joe. [applause] there's your jacket. Thank you very much. [applause] and next I will have commissioner Sten come up. And then he can introduce the next commission.

Sten: Thank you, mayor. Good afternoon, everyone. It's another fun day here. And this large stack goes to the fire bureau. It will not surprise you. The fire bureau I think mission's is to keep the city safe in the large part, and in the past we forget about we can't do that unless we keep our employees safe, all the things they're doing to make this happen. It's really a great privilege to tell you about these things. Let me thank the whole bureau for the work they've done this last year. It's been very good. Let's start with the safety committee. In recognition of the Portland fire and rescue safety committee, will be this award. They've focused this year on a couple of specific projects that have made a big difference. Fall protection equipment at the training center drill tower, so people are safe as they're learning to climb. Working to resolve diesel exhaust and lead paint exposure issues at the fire stations. And as the father of a young child, i've learned a lot about lead paint this last year. I thank them for. The distribution of a one-page safety quick drill and the purchase and distribution of forearm forklift straps to help all the stations lift heavy objects safely. I'll read to you the members of the 2004 safety committee and whoever's here please come on up and accept this. Dan buckner, jim forquer, john klum, jeannie robinson, jeff von allmen, janet woodside-gomez, steve danna, marty getch, ray majhor, krista schade, bob walker, john derr, gordon hovies, shawn roberti, lonnie turner, and ty walthers. Congratulations. [applause] get a picture. Thanks.

*****: Thanks. [applause]

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Sten: Let me just mention as well, none of this would have happened without our departed fire chief, Ed Wilson, who I want to thank in absence, who is in the much more demanding job of Lake Oswego fire chief. [laughter] we miss him and wish him well. Next up is safety management. And we at the fire bureau are actually giving an award to Jason Jantzi, a senior safety compliance officer with OSHA. And the reason is Jason did extraordinary work in writing the new administrative rules on live fire training that will help ensure safe training practices for our firefighters and the all the firefighters statewide. He's a key member of the Metro Fire Safety Officers group. He's done a great job balancing his job enforcing the OSHA rules and coming up with ways to help us to how to do our jobs better. On behalf of Portland fire and rescue, and other agencies throughout the state, we want to thank Jason and give him a fire safety management award. Are you here? There he is. [applause] next up, safety leadership. And that's firefighter Bob Walker. So come on up, Bob. [applause] Bob's leadership this year was volunteering on his own to research Portland fire's vehicle accident trend and interpret the data so we could make changes. The analysis he did was instrumental in providing feedback to our drivers on what's caused accidents. And by figuring out more specifically what is causing the accidents, we've been able to develop and deliver much more specific behind the wheel driver training aimed at preventing the most common types of accidents. During the November 2004 citywide safety committee conference, I think many of you were there, Bob did a terrific job of presenting his findings and the response that he got from it. What his efforts have done is show other city bureaus that we want to do safe driving, and to get to the next level, we've got to understand what goes wrong out there and how to fix it. Bob's been a leader in making that happen. Thank you so much. [applause] next up is creative solutions. And this goes to fire captain Jay Olson for his creative approaches to firefighting and training, which resulted in making firefighters safer, while at the same time being also more effective in stopping property damage. We're doing our job better as well as safer. Three things that Captain Olson did this year. He developed a hands-on ventilation training for lightweight roof construction. This type of roof is known to collapse very quickly under fire conditions and can result in serious injuries and fatalities to firefighters. I think our former fire chief went through a roof like that in his younger days. This is a very real issue. Secondly Captain Olson introduced innovative methods to extinguish fires in big box buildings by lowering water distributors through small openings that can be quickly cut on the topside of a roof. He also actually taught 1700 firefighters from Clackamas, Portland, Vancouver, Tualatin valley, and other state departments on how to do this. He figured out the new methods and taught them and shared them statewide. Really terrific work on Captain Jay Olson's part. [applause] next up, we have our formerly unsung heroine. This in appreciation of administrative assistant, Nancy Ferrington, for her knowledge and organizational skills which have contributed to Portland fire and rescue's excellent fire training program and outstanding safety record. This is completely dependent on Nancy's expertise. She's been an employee and friend to the bureau for 28 years. We've got one more year of service until 2006, and we're going to put it to very good use. Nancy Ferrington, her good work, professional manners, efficiencies and attention to detail has made our safety training possible. Our now unsung hero, Nancy Ferrington. [applause] ok, and then this will be for the entire fire bureau, and there's the chief. Come on up. This is the bureau award for significant reduction of losses. And the bureau gets the award for achieving reduction of claims during fiscal year 2003 against the average of the previous three years. Those claims of workers' comp are down 31%. Help me thank the chief for getting that done, and the entire time. It keeps people safe and allows us to do better public service. Thank you, chief. [applause] oh, I almost forgot to keep the coat. I was going to keep the coat, just like the mayor. [laughter] I don't think it fits. Firefighter Jim Baker, where are you? He's the recipient of the 2004 safe driver award. He's a 22-year veteran and the primary driver on B shift at station 19. He takes pride in his work, is diligent, makes everyone's job easier. One of the reasons that the firefighter Baker can drive so well is that he knows his apparatus backwards and forwards. He's one who teaches the new people how

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to do it, what the tricks are, what you have to be able to do. And I think while every job is critical, if you're not driving the fire apparatus safely, not only are our people going to get, but somebody will be in big trouble on the other end of the line. He's our role model, firefighter safe driver of the year, jim baker.

*****: Jim baker is homesick today.

Sten: We expect the coat to get there.

*****: Engine 19 is the second busiest station in our city, in the montavilla and mount tabor neighborhood. Jim baker does a great job.

Sten: Thanks. [applause] next up, someone who needs no introduction, commissioner leonard.

[laughter]

Leonard: I don't need you enhancing my reputation. Thank you. Thank you all for coming. This is actually the third year i've been able to do this. And it's really a high point in the year. It's a lot of fun. And these are very well deserved awards. The first is for a group of people that I have -- i've always admired and respected in my various careers here at the city. That's the employees at the bureau of emergency communications, but i've really appreciated much more, the good work they do, since i've had the opportunity to lead them. And this is for the safety committee. And stephanie solomon-lopez, if you come forward when I call your name. Amy baker. Lynette fay. Shay robanske, stephanie jones, jim fairchild, genny dupree. Our fabulous 9-1-1 operators. And this is in appreciation for the contributions they have made at the boec 9-1-1 center to ensure the safety and health of all of our employees. [applause] thank you. Thanks, jim. And we have another unsung hero at 9-1-1, amy baker. Where are you? Come back up here. And amy is one of these people, like nancy, that just gets things done, that people do not always appreciate. And in appreciation of amy, she not only gets the minutes recorded for their meetings, but she also -- for the safety committee, but she also has established a quarterly health and wellness newsletter and has been working on two informational boards that offer information about staying healthy, including articles on such issues as heart disease and heatstroke. Thank you very much.

*****: Thank you. [applause]

Sten: This -- i'm going to switch bureaus. We're going to go to the bureau of development services. I've not enjoyed working with any group of employees more than I have the employees at b.d.s. So if I could call up the following members. This guy, ever since i've seen his name, i've thought if I had the opportunity to pick a name at birth, pick his name. Mike mccool. [laughter] kylie hammon, phil burkart, kimberly parsons, adrienne edwards, janell piercy, stan scotton. Come on up, you heard mike mccool. [laughter] stan, i've known for a long time, as well, from my days back at being a fire inspector. So this is in recognition of their work as a safety committee, which continues to be a major force for promoting safety and health within the bureau. The committee successfully negotiated the opportunity to participate in risk management's loss reduction incentive program and serves as the steering committee for implementing a program designed to establish a strong safety culture within the bureau. Thank you guys very much. [applause] and this is for another kind of unsung hero, but we're calling it safety leadership, denise kleim. Denise, come forward. Denise is another one of those people that just gets things done and works long hours to do it, which we all appreciate. But in her role as a senior administrative manager of the bureau of development services, we are giving her this award for her leadership on safety. And denise deserves this award for her continued support and allocation of resources to such important programs as ergonomic improvements, advancing the bureau's safety and loss prevention activities, negotiating bureau eligibility to participate in risk management's loss reduction, and for hiring an additional employee whose duties include administering the bureau's safety and loss control programs. For that and everything else you do, denise, thank you very much. [applause] we've heard that john hauck won't be here today, so I want to have the opportunity one more time of saying, mike mccool, will you come up here? [laughter]

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*****: John was looking forward to being here.

Leonard: This is a great gift. Mayor Potter, I want to give you a clue, there are ways to get these jackets. I have one. We'll talk about that later. In 1987, mr. Hauck started working with the bureau as an inspector. During these past 18 years, driving many miles every day has been an essential part of mr. Hauck's daily work. As a senior inspector, other employees look to emulate mr. Hauck for his high quality standards. Mr. Hauck's department of motor vehicles driving record indicates that he's been a safe driver, not only at work, but also while operating his own private vehicles. The bureau of development services appreciates mr. Hauck's superior driving skills and wishes to thank him for his commitment to safe driving. I might add, I wouldn't qualify for this award. I wrecked two fire engines that were preventable in my career, so I really appreciate mr. Hauck.

*****: Thanks. [applause]

Leonard: Next we have commissioner dan Saltzman, who's got quite a stack to give out himself. Commissioner Saltzman.

Saltzman: Thanks, randy. It's always an embarrassment of riches that the water bureau and environmental service bureau collects so many safety award, and i'm very proud of that fact. We'll start with the water bureau. This is for the water bureau safety committee in appreciation of the water bureau's interstate safety committee for promoting the new safety pledge and for hosting a bureau event combining both employee recognition and health and well fast fair. So we've got a lot of people come on up. Susan wood, nancy long, eric fullan, mike popp, tim bracey, darrell willis, rick cardoza, dave johnson, caroline carroll, doug englund, mike stuhr, jeff guard, doug quan, stan bleszinski, larry griffiths, john georgeades, bill georgeades, gregg olson, nicki villebrun-nelson, cesar villaca, and jon koch. Got everybody here? Who's minding the bureau? [laughter] [applause] the next award goes to the safety committee of the water bureau's Portland building -- or in the Portland building for its efforts to improve safe working conditions, including but not limited to, establishing and conducting workplace hazard inspections and equipping floor wardens with emergency backpacks. Tom chambers, frank galida, kate leatherbarrow, jeff guard, lewis crews, teresa haynes, terry wenz, jason fitzgerald, alonzo jamison, eric fullan. [applause] the next award goes to the water bureau's bull run safety committee for its efforts to acquire and station personal locator beacons and automated external defibrillators to better ensure the safety and health of employees working in isolated areas of the bull run water she had. Bruce bulick, dave reynolds, marty fairbrother, steve schenk, graig mcmillen, jamie teatsworth, tim grandle, jeff guard, robert alter, dick ehler, and drew degner. [applause] the next award is for safety leadership. This is in recognition and appreciation of eric fullan, safety and risk officer for the bureau of waterworks for his leadership and guidance in the bureau's safety program. Eric manages and leads a safety steering group consisting of representatives from the major departments of the water bureau and four separate safety committees with operations that extend from mount hood and the bull run water she had to the west hills of the city of Portland. Under eric's leadership the bureau began a new program of safety committee site visits. Eric challenged the bureau and has enlisted the support of the bureau's management team to earn certification under Oregon osha's safety and health achievement recognition program, which the bureau hopes to realize within the next year or two. Good work, eric. [applause] the next award is safety management. And this is in recognition of -- in recognition of dave austin, david becker, and jonathan lee for their work to establish a topic-specific safety task force dedicated to the water bureau's security program. Their work includes developing safe workplace practices, standard operating procedures, security procedures, and conducting hazard assessments. Congratulations. [applause] thanks. The next award is creative solutions. And this is in recognition of don holmes for his work to improve the bureau's chemical management system. Don reviewed and selected an online material safety data sheet vendor and began pulling together a more cohesive chemical management and inventory system. Although still

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a work in progress, don's efforts will provide readily accessible emergency chemical information to our employees every day at any time throughout the year. Congratulations, don. [applause] the next creative solutions award is to -- in recognition of john henry georgeades for his work in developing and promoting the safety pledge. The safety pledge is intended to exceed osha compliance by focusing on the people side of safety management. The pledge insurgents people to speak up when they see something being done unsafely and to give positive reinforcement when they see something being done right. More importantly, however, the pledge establishes constructive feedback as an expression and show of caring among employees. Congratulations, don. [applause] another creative solutions award. In recognition of dick robbins, peter nierengarten, and triple grandle for their work with longview fiber to improve the safety of workers entering and leaving the bull run water she had through the walker prairie gate. Prior to relocating the gate there was a hazard to workers because the concealed location of the gate was attractive to gun owners who would target shoot in the area. The line of fire paralleled the road that the workers used to approach the gate. As a result of these employees' efforts the gate is now located on an open and more frequently traveled section of the longview fiber land. So thank you for your safe work there. [applause] and now we have the unsung heroine award. This is in appreciation of nicki villebrun-nelson for her good work on behalf of the interstate safety committee. Nicki has been an enthusiastic and consistent member of the committee. She's always among the first to volunteer when the committee needs help, including such work as manning the safety committee booth at the bureau's annual safety and health fair and served as part of the planning committee for the 2004 citywide safety committee conference. Thank you, nicki. [applause] this is the unsung hero award. And this is in recognition of the superior example of working safely. The bureau would like to honor mike kane, construction and support services lead mechanic. Mike is arguably one of the best water operations mechanics in the Portland water bureau. He not only sets a good example for the crews by working safely and competently, but encourages the members of his crew to do the same. He's courteous with the public and responds reasonably to their needs. Thank you very much, mike. [applause] this is a bureau award for significant reduction of losses. For achieving a reduction of claims during fiscal year 2004 against an average of the previous three fiscal years in the following categories. Fleet liability has been reduced 35% and workers' compensation claims reduced 28%. So here to receive this ward is the bureau director. [applause] and then we have the safe driver award and the bureau of water works would like to recognize jody carpenter as its safe driver of the year. Jody has been an employee with the water bureau for 22 years. She's been assigned as a meter --

*****: Jody's on jury duty.

Saltzman: Ok. He's been assigned as a meter reader. I thought I was acting quickly on my feet here, but obviously not. Jody drives many miles to work each day in the course of his duties and has had no driving incidents during the 22 years he's been with the city. And he's also provided excellent service to the bureau's customers. So if you can give this to jody, with our appreciation.

*****: Thank you. [applause]

Saltzman: Ok. Now we'll move on to the bureau of environmental services. First is the safety committee in the waste group. Safety leadership is the name of this team's game. It continues for its third year in a row to be the driving force behind osha's sharp certification. This committee sets an excellent example of being leaders in the city and industry by demonstrating third-year compliance with the prestigious occupational safety and health administration's safety and health achievement recognition program. The committee members include steve wymore, duane zanger, tammy munger, jim morris, chris bamford, rick davis, willy park, matt wells, and john petty. Is somebody here?

*****: I've been told that I have multipersonalities, but -- [applause]

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Saltzman: The next award is in recognition of the bureau of environmental services, construction and design safety committee for continuing to committee the compliance requirements and working to improve the b.e.s. Construction safety management system. The committee as developed safety related policies, contract language, and training recommendations in an effort to make b.e.s. Construction projects safer places for citizens, contract workers and city employees. The committee members include neil choate, gary hodge, curt obermeyer, nick naval, nick mcclain, teresa waters, dave bangle, tom holloway, rick mccooy, jerome delutzski, and pat darby. [applause] thanks. The next award is is safety management. As the manager of in charge of b.e.s. Construction inspectors, neil choate has applied many management practices that ensure safety as a top priority. He's actively involved in safety training. He promotes safety tailgate meetings and sets the standard by including safety as a regular topic in staff meetings. He holds his staff accountable for safety and includes safety as an item in each of his employees' job performance reviews. So neil has not only ensured that his employees are actively involved in the safety program, but as the longtime chairman of the b.e.s. Construction he has demonstrated that he practices what he preaches. [applause] the safety leadership award goes to dan bangle. At the vice-chairman of the b.e.s. Safety committee, dan has stepped up his efforts to be a strong leader of the b.e.s. Construction safety program. As an inspector and longtime safety committee member, dan has been an active advocate for safety on b.e.s. Construction projects. Thank you, dan. The safety leadership award next goes to mark mitchell of the wastewater group pump station manager -- he's the wastewater group pump station manager. And he's being recognized for his role in developing the new and improved b.e.s. Lockout/tagout policy and procedures. Motivated towards achieving what is the best for the employees, while meeting the intention of the law, mark provides leadership to a representative group of skilled craftspeople in development of policies and procedures that most adequately address safety of employees doing the work without stifling productivity. Congratulations, mark. [applause] the last award before the coveted jacket award goes -- is our unsung heroine. That's as the administrator of the b.e.s. Owner-controlled insurance program, kathleen brenes-morua has spent hundreds of hours developing and organizing contract safety language and safety specifications. She took the initiative for organizing and developing safety-related systems which kept information flowing from the design phase to completion for several complex and hazardous safety projects. Kathleen has performed hundreds of behind-the-scenes tasks that helped keep safety programs running efficiently and smoothly. Kathleen? [applause] now for the safe driver award for b.e.s. Dean steffanson is a b.e.s. Pump station millwright who operates a one-ton service truck with an attached boom crane. He drives over 70 miles daily servicing several or more -- servicing several or more of the bureau's 97 pump stations. He also performs callout duties during off hours and in inclement weather conditions, all without a preventable accident. That's great, dean. [applause]

Adams: My name is sam adams, commissioner position number one. It my pleasure to be here today. The first bureau that we're going to be recognizing are individuals from parks, Portland parks and recreation. First to the safety committee. In appreciation for serving on the recreation safety committee and the many good works that the committee has performed throughout the year for the staff of the Portland parks and recreation and the citizens of Portland, if I could please have the following people step up. Kevin mattias, nanette nelson fuhrman, sheryl juber, nancy roth, lori higgins, barbara aguon. Sorry, barbara. And jennie birt. Congratulations. [applause] all right. Why don't I name -- call the names first on this one since there are quite a few and announce the award after you get up here. Don mctaggart. Louie guerrero, stacey lauer, barbara aguon, kevin astro hecker, jim sjulin, todd torland, joe mendez, steve atkins, p.j. McGwire, joe douglas, and anton gustafson. Congratulations, and in appreciation for serving on the operations safety committee and the many good works that the committee has performed throughout the year for the

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staff of Portland parks and recreation and the citizens of Portland. Thank you. [applause] all right.

This one is for safety leadership. If debbe hamada could please step forward. No debbe?

*****: I'm not debbe.

Adams: Accepting on her behalf, in recognition of debbe hamada, director of east Portland community center, for her leadership conducting quarterly emergency evacuation drills at the center, which resulted in timely response during an actual incident. In october of 2004, an arsonist set fire in the men's locker room, her team was able to detect the fire, evacuate the building and successfully extinguish the fire. As a result of the staff's professional efforts, Portland fire and rescue was able to identify and apprehend the arsonist. That's great. Congratulations, debbe.

[applause] would nanette nelson-furman please step forward? It's like groundhog day. Ok.

[laughter] safety leadership. And we mean it this time. In recognition of nanette nelson-furman, during her directorship of mount scott community center, for her leadership conducting regular medical emergency drills. As a result of the staff's preparedness, the center successfully responded to a number of medical emergencies, some of which were life-threatening, with positive outcomes. Her dedication to her staff and to the public demonstrates exemplary leadership. Congratulations.

[applause] all right. Would corky cortright please step forward? Well, corky's being recognized because he implemented ergonomic principles to improve the offices of horticultural services and community gardens. Based on ideas for a more functional work space his plan utilized height adjustable furniture that the bureau already had available or was able to obtain at a nominal cost.

Congratulations, corky in absentia. [applause] mark, would you please step forward. This is the unsung hero award. In recognition of mark warrington for taking the safety of our employees very seriously and for going the extra mile to attain a safe and secure work environment. He also works to improve and enhance the safety of our patrons. Mark has actively sought out and included other agencies in an effort to develop strategic partnerships that contribute to the safety of our organization. Congratulations, mark. You're the unsung hero. [applause] let's try it again. Act surprised. [laughter] ok. This is the bureau award for significant reduction of losses. And accepting the award is the very good bureau manager. For achieving a reduction of claims during fiscal year 2004 against an average of the previous three fiscal years in the following categories.

Listen to this. Fleet liability reduction, 31%. Workers' compensation reduction, 13%. Here to receive this recognition on behalf of her bureau is the director of the Portland parks and recreation, zari zantner. Congratulations. [applause]

*****: I request that the person that is honestly responsible for this achievement join me.

Adams: Absolutely.

*****: Her tenacity and leadership has led to -- barbara?

Adams: Congratulations, barbara. [applause]

*****: Thank you.

Adams: Wow, this is a great jacket. Ok. Final recognition from Portland parks bureau --

*****: Not here today.

Adams: Well, I get the jacket, then. [laughter] we're pleased to honor him. Ok, Portland parks and recreation is pleased to honor sinh aroon of the year. He's been with the city for almost 18 years. He operates a large step van which he also uses to tow an irrigation trailer with trencher/backhoe and other irrigation equipment that he operates. Irrigation services is a support unit that works through the city doing irrigation repairs and construction for parks and recreation. He's an excellent example of a responsible driver. He understands the importance of vehicle maintenance and considers safe driving a significant part of his job. Congratulations. I'll be glad to deliver his jacket. [applause] [laughter] all right. We're now in the bureau of maintenance. The safety committee. Would the following people please approach the microphone. Colette hubert, janet nutt-kraft. Terry wade. Tom mcgarry, peggy peterson, hadi sharifi, oscar nelson, rick smith. In appreciation of the bureau of maintenance, street cleaning division's safety committee for its work

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to ensure vehicle safety and safe work zones. The committee's work has included controlling slips and trips when employees are getting into vehicles and making sure that all vehicles have adequate warning devices. Emphasis has also been given to the increase of safety preplanning for all work sites. Congratulations. That's great. [applause] congratulations.

*****: Thank you.

Adams: The next award in the bureau of maintenance is safety leadership. Jeanne nyquist. The bureau of maintenance would like to honor its former director with this recognition. Over the five-year period that she served as bureau director, the maintenance bureau experienced dramatic improvement in all areas of safety performance. Her hands-on approach to safety leadership was exemplified by her faithful attendance at our monthly bureau safety review meetings when she insisted that we learn from every safety incident. She promoted our safety culture at every opportunity and serves as a real inspiration toward workplace safety improvement, both to our bureau management and to all our represented employee work teams. Congratulations, Jeanne. [applause]

*****: Jeanne wanted me to extend her sincere gratitude for this prestigious award. She's truly deserving. She wanted me to share with you that she's retiring her retirement -- enjoying her retirement in a safe manner. Thank you. [applause]

Adams: Pretty easy when you're on the beach in Mexico, I'll say that. All right. Safety management. Would Pete Schillaci please step forward. Ok, in recognition of Pete Schillaci, a supervisor with the bureau's street maintenance for his professional integrity, caring, and creativity addressing a sensitive safety issue. Pete's team is responsible for the asphalt overlay process. Recently the team experienced an accident where one of their members was injured in a thermo-lay truck due to weak lockout/tag-out procedures. Putting the blame elsewhere would have been easy for Pete. However, as a supervisor he took full responsibility and actively sought all possible means to correct the deficient procedures. He is a manager who, by virtue of his actions, shows that he cares about workplace safety. Very impressive, Pete. Congratulations.

*****: Thank you. [applause]

Adams: All right. Is Sam Irving here? Oh, my God. This is the bureau award for significant reduction of losses. For achieving a reduction of claims during fiscal year 2003 against an average of the previous three fiscal years in the following category. Workers' compensation, reduction of 13%. Here now to receive this recognition on behalf of his bureau is the director of the bureau of maintenance, Sam Irving. Congratulations.

*****: Thank you. [applause]

Adams: Want to say something?

*****: I'd also like to invite our safety manager up to the podium. He's ostensibly responsible for the success we've experienced. Richard Harrington.

Adams: Yeah, Richard: [applause] and finally for the coveted jacket, the safe driver award, bureau of maintenance. Would Paul Thompson please step forward. Yeah, Paul: [applause] in recognition of superior driving skills, the bureau would like to honor Paul Thompson, construction equipment operator, sewer repair section, with the safe driver award. Paul is currently a construction equipment operator at the bureau of maintenance and has been employed at the bureau of maintenance for 25 years. Paul is not only an outstanding equipment operator, but has distinguished himself as the first choice trainer of many of his colleagues. Paul has an excellent driving record and serves as an excellent role model for workplace driving safety. Congratulations, Paul. [applause]

*****: Commissioner Leonard, you dented three fire engines, and you have 1 of these jackets?

Leonard: Two. I don't need you to enhance my reputation.

*****: We need to talk about that.

Leonard: I was talked to, believe me.

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*******:** I want to thank mayor Potter and the commissioners for all your support and commitment to safety. Thank you very much. [applause] on behalf of risk management, I would also like to express my appreciation to all the bureau directors and to management throughout the city for your continued support for the safety programs. Thank you. [applause] before I continue, I would like to acknowledge that today we have pete deluca, director of Oregon osha here with us today, and don berg from the Portland osha office. Thank you, gentlemen, for joining us. [applause] a quick review of the city's safety programs include, safety net. This group consists of safety representatives from the majority of the city's bureaus. They address current safety concerns on a quarterly basis. The safety committee conference. This is an annual gathering of all safety committees throughout the city. This year there were numerous speakers including director deluca and a number of awards that were presented. I enjoy the competitive spirit between the various bureaus, safety committees, and in their development of new programs and in sustaining their certification of others. The fleet accident review board, better known as farb, this group reviews vehicle accidents with the individual involved in those accidents to determine if the facts were preventible. The safety and health achievement recognition program, or sharp, an Oregon sponsored program. Wastewater treatment plant has received certification for three years in a row. I know other divisions have been interested in participating in this program, and for those of you that are interested you should note that risk management/loss prevention has recently developed a pre-osha sharp survey, and glad to present this to you upon your request. The bureau incentive plan. Those bureaus that have the greatest number of losses develop a plan to reduce those losses over a one-year period. If they meet their goal they receive financial incentives to use for development of future safety programs. The safety pledge. This pledge, written by john henry georgeades has become a citywide pledge. You will notice this pledge outside on a tripod. We also have another pledge, if you would be interested in signing it and committing to this pledge, it's a pledge of safety that we will work safely and take care of each other in a safe manner. So risk management is getting behind this effort 100%. The vehicle accident reporting kit, tada, this kit is developed in -- with cityfleet. I'll get it out sooner or later. Cityfleet and risk management collaborated together in developing and working on this vehicle accident reporting kit. You will see this in the near future, in all of the city vehicles. This will bring greater efficiency and consistency in managing vehicle claims. The risk management advisory council, better known as rmac, also known as the seven amigos, is the representatives from the seven largest bureaus, and they come together on a monthly basis, and they share resources and resolve issues. And the office -- office of ergonomics program, this is for new employees and others upon request, where risk management will conduct an ergo analysis of individual workstations. These are a few of the citywide loss prevention programs. And we appreciate the support and encouragement of director ron bergman and we appreciate your hard participation and hard work. And we also -- we also would like to thank today the loss prevention team. Without their efforts, this wouldn't have been available for us today. We wouldn't be able to have this event. So I think we should thank tracy, lonnie, and jamal. Bravo: [applause] bravo, team. There's just one last presentation we'd like to make. And we'd to make this presentation to mayor Potter. So mayor Potter, if you wouldn't mind coming here. As the new mayor, risk management, and all the safety conscious people that are here today, would like to present you with your own personal protective equipment. This is your personalized hard hat. It says tom Potter. There you go. And your jacket. Your safety vest. Boy, I love this.

Adams: Is that bullet-proof? [laughter]

Potter: Only during council sessions.

*******:** We know we'll be seeing you out in the field and we want you to be safe.

Potter: Thank you very much. [applause]

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*****: Thank you all for coming. You're a wonderful group. Lonnie has a couple more announcements.

Cheri Greenwood, Risk Manager: Last thing, i'll keep it real short. Thank you all for coming. And congratulations to all you award recipients. I'd like to ask all the safe drivers to congregate adjacent to the elevators to take a group photograph with your jackets on this time. Please join us for refreshment. You're all invited to come out and have a good time in celebration. Thank you for coming. [applause]

At 3:07 p.m., Council recessed.

Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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3:30 Time Certain, S Waterfront Height

[Recess taken - resumed at 3:30 p.m.] [roll call taken]

Potter: Sue, please read the item.

Item 62.

Potter: Could we bring the staff forward, please? Ok.

Gil Kelley, Director, Bureau of Planning: Good afternoon, mayor, city council. I'm gil kelley, director of the bureau of planning. We're prepared to give you a brief presentation before you take testimony, if that's your desire today.

Potter: Good. Thank you very much.

Kelley: Ok. Staff felt it was important for me to be here today to provide continuity between this and the previous round of hearings you had in adopting the south waterfront plan. I'll do that briefly, and then hand it over to troy to give you more in-depth view. This came to the planning bureau as a request, a request from the design review commission, and from some of the development community in south waterfront. As request to increase flexibility for how they would meet the development standards and their own goals for development of the south waterfront district. As a footnote to that, I should say that we as the planning bureau anticipated this kind of thing might happen. We have essentially a brand-new district being built from scratch, from the ground up. We of course attempted to do very careful rule-writing about that development as we proceeded through the bulk of the planning, through the planning commission and council in 2002, but in doing a new district from scratch and writing all the rules in abstract, you're going to run obviously into the case where you'll get requests to rethink or to change or alter some of those rules. So I just wanted to say that in advance. It's probably not the last request you'll receive of some kind. So I wanted to say that much. Secondly, I would say that the -- what is and what isn't in this proposal is important to understand. That is to say the proposal does not increase maximum allowable heights in the district. It does not increase maximum allowable f.a.r. In the district. What it does do is provide the design commission with the flexibility to adjust standards that have been heretofore unvariable and the primary one of those is the size of the floor plate on any given tower, particularly when you get a certain distance in the air. The development community had come forward and said, "we found a good prototype that actually works in the new district that's probably around 12,000 feet or so instead of the maximum allowable 10, we'd like the design commission to be able to consider that." and the proposal essentially allows that consideration. But

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frankly, strengthens the hand of the -- of the design commission in considering that and other requests by putting new criteria that are required to -- to get approval for any adjustments. That has been a longstanding desire on the part of the city council and the design commission to actually empower their decisions with more criteria that are grounded in the community benefits that -- an aspiration we had during the planning process. So we allowed that to serve as our guide for our analysis. The other thing which arose here that I want to talk about midway during the process, even most recently, was concern on the part of residents and friends of terwilliger parkway, that the heights that have been allowed previous to this by city council, the 325 feet, might actually obstruct views, particularly from viewpoints along terwilliger parkway of mount hood. We had done an analysis for the council at the time the council passed those rules, but because that occurred at the council level and not the planning commission level in 2002, the planning commission seemed a little concerned about that. So we went back out as a staff and with even more high-tech equipment than we had available to us in 2002, verified that there was no obstruction of views of mount hood from the viewpoints both formal and informal along terwilliger parkway. I want particularly to make sure of that, because there was a threshold issue for the council in 2002. That goes to the final point, which is that you may hear -- in fact, you're almost certain to hear testimony today that calls into question the council's earlier decision to even allow buildings up to 325 feet. What I would say about that is that that's a fair issue for the community to raise. It's not strictly speaking part of what's in front of you today and should you direct us down that path would probably require an additional process, additional notification, because the actual height limit and f.a.r. Limits are not strictly at issue in this proposal. It's a very narrow proposal. So I know you're going to hear testimony about that. It's really outside this particular process that's been noticed, so if you want to consider going -- reversing what the council did earlier with regard to maximum allowable heights we'd probably have to renote that and make it a subsequent hearing and decision for you. So with that intro, i'd like to kick it over to troy.

Troy Doss, Bureau of Planning: For the record, troy doss, project manager, bureau planning. Mark Raggett who is with urban design group. He is one of the workers, did a lot of the analysis on this project, as well as the analysis that was run in 2002. Also, kevin martin did the computer modeling as well as the analysis for this project. We also worked very closely with jeff, his group, with the design review group, and bureau of development services. So I have a brief powerpoint presentation i'd like to bring you through on this. So what we have before you today are amendments specific to the height opportunity area in the south waterfront district. And what these amendments would do is clarify the existing purpose statement of the regulations, allow modifications to existing floor plate limitations, allow modifications to existing tower separation requirements, and create a new floor plate cap for bioscience buildings not in the first proposal. Lastly, it would modify the timing of required contributions to the south waterfront public open space fund. Just so you know, one of the steps you take when you seek modifications or grant modifications is you make a contribution to the open space fund equal to \$5 per square foot. And the requirements were a little confused in the first language, that were cleaned up in this go-round. What gil said, what these recommendation do not do, they do not increase the height over what's already on the books. They also don't increase the allowable f.a.r. Per site. And they retain the same visual protections from designated viewpoints. Give you a little background. In 2002, city council reviewed the south waterfront plan over a course of six hearings, beginning in october 2002 and ending in the middle of november 2002. One of the things that was proposed originally in the planning commission's recommendation was to establish a maximum height of 250 feet throughout the district. What council introduced was the addition of 75 feet, and there was extensive deliberations on that proposal as it was going through the council review. And as a result we were asked to go back and do additional analysis prior to council's final decision. What you see here is an illustration -- can't see it very well, but the -- the lower elevations, if you were to look at these

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gray marks here, is what was allowed in the north macadam area prior to the south waterfront/north macadam plans. These were established in 1998 during the creation of the central city plan district. What planning commission recommended was in addition to those heights on the blocks closer toward the waterfront, and that's represented by this red line here, and then city council created the height opportunity area which creates the opportunity to go up to 325 feet on these two blocks. Another thing that's unusual about the south waterfront plan in terms of central city development is the establishment of a building envelope. What we did is said that typically your maximum height is 250 feet, that you're required to have a podium of 75 feet around the base of the building of the that's established because you have a north/south dimensional requirement of 125 feet. That standard is still in play. This amendment does not propose removing that standard. This is a map of where the height opportunity area is. As you see, it runs north/south through the district and involves mostly the two blocks throughout the middle of the district. The idea behind council's decision on this was to support the science and technology quarter. To increase diversity in housing alternatives. To offer urban design focal points and opportunities. And to encourage smaller floor plates as you go taller to enhance visual corridors through the district. So what we have -- sorry. One of the ways you do this is, is you go through a modification through design review. You make a contribution to the south waterfront open space fund, which i've already mentioned. So the existing design standards for the height opportunity area, when you're granted the bonus height, maintain that you either maintain a floor to floor height of 16 feet, and that addresses the development of biotech and health science research facilities, which typically you have higher floor to floor heights as well as larger floor plates. The reason behind that is they have a lot more equipment than your typical office, residential tower. Or you can build something along the lines of residential or office tower, but you're limited to a 10,000-square-foot floor plate once you get above the 7500 height limit of the building. Lastly, establish a 2 -- basically any part of the building that's above the 250 feet level of the building, must be at least 200 feet from a building that's also above 250 feet. Most of the rest of the design commission, it was that these standards are prohibited. It's worth noting, that because these came through city council, they were not part of the original review package for north macadam and south waterfront plans when reviewed by design commission or planning commission. So this was really the first crack that the design commission, or planning commission, had at these regulations. At a design advice request held on July 22, 2004, the design commission reviewed the first building that proposed you take advantage of these height bonuses. If you see here, it is listed here as block 35. You may have read about it in different articles. It's referred to, I think, currently as the John Ross tower. Block 30 here by the waterfront, here, and block 25, are the two buildings you currently see under development in the district. So design commission asked was, looking at two different proposals for block 35, one utilizing the 10,000-square-foot floor plate, another one used 12,000-square-foot floor plate, placed by side it was difficult to see a difference between the two buildings. Design commission said that we believe that given different design alternatives that we couldn't have thought of when this code language was originally provided, the prohibitions restrict design exclusions that are numerous. We'd rather see a modification process if they need to go above the 10,000-square-foot level. They asked us at the planning bureau, one, consider how to create modification to the regulations and enhance the regulations to better requests when they're made. What's important to remember about the purpose statement is -- it really guides the design commission and the design review staff when they're reviewing a proposal. And any modification you go through design review has to better meet the design review requirements. So it's not a matter of just being consistent. You have to really improve upon what's already in there in the code. So the bureau of planning came back and we proposed an enhanced purpose statement. And a maintaining the 10,000-square-foot maximum, but allowing modifications based on the enhanced purpose statement as well as maintaining 200-foot tower separation, but also allowing modifications to that when it could better meet the purpose

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statement. We also established or proposed a new cap of 25,000 square feet for biotech buildings. And what's important to note here is that -- on your standard 200 by 200 block building or -- or block in Portland, based on the other dimensional requirements in south waterfront, you could easily go to a 25,000 square foot tower, up to 325 feet, with these regulations. And there's a number of blocks in south waterfront that are larger than 200 by 200. So you could have had substantially larger than 25,000 if you were able to work the regulations and bring the f.a.r. That you needed from other sites. So we decided it's probably best to put a cap of at least 25,000 so that we don't see 40,000, 60,000-square-foot towers going up to 325 feet. We're not afraid that's going to happen in every situation, but worth putting in here as protection. We also changed, as I mentioned, the timing requirements, the open space fund. During the design commission's reviews, they heard testimony from the public of a lot of concerns that we were going to -- because we're increasing the floor plate size, we must be increasing the height or we must be increasing the f.a.r. That's available on each site. I will admit, f.a.r. Is a difficult concept to wrap your head around the first time, but that's not what we were proposing. There was also concerns about impacts of public views and incremental, increase in size of each proposal if we did allow modifications to these standards. Just to walk you through the f.a.r. Issues. As I mentioned, we're not increasing the f.a.r. Through this proposal. But what is established in south waterfront as a maximum f.a.r. Of 9-1. That's going through a whole series of bonuses and transfers of f.a.r. The only way to get above a 9-1 f.a.r. In south waterfront is to transfer the floor area from the greenway. In order to do that, you have to dedicate that greenway area to the city. Part of this is -- goes back to the public benefits. So if you're transferring f.a.r., you're dedicating it to the city, we get to use it for open space purposes. Now to give you a sense of how -- so 9-1 f.a.r. Is probably the high end maximum we're going to see. There are some situations that we're going to see a little bit more. I think the first -- the proposal by ohsu, block 25, currently being developed, uses an f.a.r. Of 10-1, but they're at 250 feet. What's being proposed uses an f.a.r. Of approximately 8.25-1, and is just below 325. So for a bioscience building, for instance, 16-foot floor to floor, using a maximum f.a.r. Of 9-1, based on all the dimensional standards you have in south waterfront, you would get a bioscience building of somewhere around 194 feet. To get it higher, you'd have to go seek f.a.r. Bonuses or transfer f.a.r. From other sites or from the greenway. Typical office building, something along the lines of 12 feet, floor to floor, you're looking at a 242-foot building. Do a residential tower, this one is probably similar as what's being proposed on the john ross tower, you have something along the lines of a 12,000-foot floor plate. Maximizing it, using an f.a.r. Of 9-1, 318 feet. The higher you get, the thinner you get. If you're going to try to use more than 9-1, then you're transferring that f.a.r., seeking bonuses. In terms of the transfer of f.a.r., the one thing worth noting, south waterfront's a unique district in the central city. We do not allow f.a.r. To be transferred out of the district. We don't allow it to be transferred in. There's basically a finite amount of f.a.r. Available to you. Regarding tower spacing. One of the ideas was that we're going to see with slightly larger floor plates, the possibility of getting closer than 200 feet in some situations. And even without it you may have a problem. So one of the ideas is, at least originally, if we establish a minimum of 200 feet between towers, you have these view corridors coming down, through the right-of-way, but additional protections because of the gap between each block. What we found is, the design commission agreed, was that if you were to bring buildings a little bit closer on one block, you create a larger opening on the next block. So there's really basically the same net effect. You have tighter view corridors in some areas. You have larger in others. So the recommendation was forwarded to planning commission by the design commission. And during the planning commission's hearings, the main focus was impacts of use from terwilliger parkway. There was an assertion that perhaps council had made a decision based on false information or erroneous information, and we want them to go back and take a second look at what council considered in 2002. So we looked at their analysis and conducted our own analysis to look at three additional

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viewpoints. So just to walk you through this real quickly. The three designated viewpoints that are around terwilliger boulevard are actually on marquam hill. Two of them exist on the v.a. Hospital campus, one on ohsu. There are a number of viewpoints identified in the terwilliger plan. They do not have the same protected status as viewpoints in the s overlay, but we consider them as important as the other viewpoints as does council and the planning commission. We went back to see what would be the impact from these viewpoints and what was the impact in 2002. The three sites that we looked at here are one, two, and three, one will go the lowest viewpoint, 286 feet, two being at the intersection of terwilliger boulevard and campus drive, 314 feet, and then three being the viewpoint that was also reviewed in 2002. It's at 338 feet. One of the ideas that came out of the planning commission's testimony was that if you consider that there's an average elevation, base grade of 37 feet in south waterfront and you put a 325-foot building on there, you're going to be taller than 338 feet. Therefore you're going to be blocking the view of mount hood and other views in the area. So we went back, took a look at what was conducted in 2002. And the g.i.s. Analysis we ran then, the 325-foot line, above the existing grade, at the time assumed to be 30 feet, would be approximately at this location you see here. We went back, took a look at the new viewpoints, starting at the lowest one. The photograph shows you the existing -- the condition of the existing viewpoint. And shows you with our computer modeling where the towers would be and in conjunction with the view of mount hood. One thing I want to note here is we used a very aggressive, very conservative estimates toward the buildings. The majority of buildings you're seeing here are using well over 9-1 f.a.r., building out to the 325-foot level. Well over 50% of them. We also should note that we did use global positioning satellites to identify the exact locations of these viewpoints. We are able to identify the exact elevation by using that new information. And the calculations, those numbers calculated with the g.i.s. Information, which also calculates the curvature of the earth, put in every possible dimension we could into trying to see what this would look like without actually building a building. Viewpoint two, the intersection of campus drive and terwilliger shows you the existing viewpoint. Actually look at the terwilliger plan, you notice that there's a number of viewpoints here. From this viewpoint the recommended view is actually of mount st. Helens. However, the two viewpoints that are toward mount hood, however, are blocked by current vegetation. So we scooted over a little bit and gave an idea what the viewpoint would be from there. Once again, you see that the building should be below the base of mount hood. And then the third viewpoint, the one that was also analyzed in 2002, you see a very similar conclusion, what council considered in 2002. So just to give you another shot of that, 2002, the line was drawn approximately there, our analysis found once again that it would be in the same location in 2004. So planning commission felt pretty comfortable after seeing this analysis and forwarded the recommendation you see before you today. What they wanted us to do specifically was revise the purpose statement a little bit more to better address the opportunities for visual access and visual permeability through the district, make a contribution to the district as a whole from an urban design context, and a greater focus on the creation of a pedestrian district that has access to sunlight and air. And what they're recommending for you today is to adopt the plan for you, as well as the code changes, as well as the ordinance and findings, and I should note that we've also included the findings from the 2002 report for your adoption, because the majority of issues that were addressed in 2002 are not -- were not -- we're not really addressing those in this current proposal. So I wanted to note that we also have here ingrid stevens, president of the planning commission, who would like to say a few words about their process, as well as paul schlesinger from the design commission. What their thoughts are. That closes my presentation.

Potter: Ok, thank you. We'll call you back. Thank you. Will the planning commissioners and design commissioners present please come up.

Paul Schlesinger: For the record, Paul Schlesinger, 610 SW Alder, Suite 1221, In my capacity as liaison from the planning commission to the design review commission. Mayor Potter and

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commissioners, I have been involved with this code for this south waterfront plan through this code revision both at design review and at planning. I was present at our design review advisory request forum and design review meetings and planning commission meeting. All of these were public notified meetings open to the public and open to public scrutiny. The key and only issue before you today is giving design review commission the flexibility it needs in reviewing cases that come in front of us dealing with projects in the south waterfront district. Thus enabling us, the design review commission, to approve quality designed buildings in the district and hence the portland community. This added flexibility being able to have developers design buildings with the added square footage to their floor plates specifically adding a possible 2,000 square feet from 10,000 going up to 12,000 square feet. It's the key item in what's before you today. Let me add some comments dealing with design review. In reference to what we discuss and grapple with with these projects. First the commission appreciates the development teams coming to the bureau and the commission early in the process to present, discuss and debate these development projects. The commission reviews these in reference to zone, code and specifically the design guidelines that the project needs to address and adhere to. we do review these not just as they are on site but also from a larger perspective. For instance, the pedestrian situation and relationship from the surrounding neighborhoods from the eastside of portland from the north and south and also from Terwilliger Parkway, Marquam Hill and the southwest hillsides. We do want this to be a vibrant and dynamic district that brings economic vitality, design excitement to the district and also to portland. We take this volunteer job with all seriousness to what our actions will bring to not just this new district, but also to how they affect all of portland. We review these projects with all intent on what they do to our skyline and viewlines as stated before. Not just to the district, but to all of portland. We do not want a static singular skyline, but one that shows excitement by uneven high and lows that does honor the code language and what's in front of you today. This revision to the code language better addresses the design guidelines for the district. The commission unanimously is on record that we are using this code to effect better design "better meets the design guidelines". Projects in the district for that we are requesting your approval of this recommendation. I thank you and appreciate the time in front of you and would be open to any questions from you all.

Leonard: Thank you Paul. Just so I better understand the issue before us, you said the key issue was expanding beyond 10,000 square feet to the footprint of 12,000. Doesn't that also mean that we're dealing with buildings that would be closer together?

Schlesinger: As Troy stated in his briefing to you, yes.

Ingrid Stevens: Mayor Potter and Commissioners, I'm Ingrid Stevens, president of the portland planning commission. I wanted to briefly summarize our recommendation to you on the modifications to the height bonus in the south waterfront district. On December 14th we held a hearing where planning bureau staff briefed us on the design commission recommendations and we heard testimony from neighborhood representatives expressing concerns about density, traffic impacts, views and the greenway. We also heard from architects working on projects in the district asking for greater flexibility. To improve efficiencies, feasibility and design. We ask staff for further information regarding traffic impacts, relative heights, widths, and spacing because we too share the neighborhood's concerns about historic public views. On December 21st we voted to accept the design commission recommendations because we believe that safeguards exist that will protect public views and that we'll get better quality design in the district. I think all of us are very mindful of our responsibility to look out for the interests of neighborhoods, businesses and for the city at large. And these aren't easy decisions to make. We wrestled with them in 2002 and we weren't thrilled to have to grapple with them again. I personally would have preferred to accept a recommendation by Anton Vetterlein for a compromise. But the commission didn't support that, and they didn't support it because they don't care. They don't support it because they believe—we unanimously voted for this—we believe there are safeguards in place—the purpose statement that

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protects a varied skyline, the cap on height and far, these are not being changed. And the design commission review of all buildings over 250'. These will protect those views as well as giving us the kind of new development that we are looking forward to in the city. Thank you.

Potter: Shall we have the public testimony, then get to the questions? Thank you very much. Sue, let's take the public testimony now.

Parsons: We have 27 who have signed up. I'll call you three at a time, and the next three to be prepared to come up.

Potter: There's a three-minute speaking limit per person. The tradition at city council is to allow the sitting president of a neighborhood association to have five minutes.

Bill Michton: I am Bill Michton. I wanted to respond to one piece of testimony, the first speaker referred to concerns from corbett terwilliger/lair hill residents, but said nothing about residents below terwilliger boulevard, who will be most affected by a wall of 325-foot towers, and who are 300 some odd feet up in the air like terwilliger boulevard is. For my formal statement, though, as the recent gentleman said, this is -- we're only considering the adjustment in the zoning. I wanted to bring up an issue that is related. I work with the metropolitan alliance for common good, and one of our major issues is affordable housing. When you consider the north macadam project, I urge you to consider long and hard about the validity of creating a ghetto for the wealthy strewn after tower after 325-foot tower, not only destroying the city's view of everything, but the upper reaches of mount hood. But once more, neglecting our many vulnerable citizens, who not only lack decent housing, but are one family emergency away from losing a roof over their heads. By 2017 Portland will have a need for 90,000 affordable housing units, and meanwhile the city is talking in mere hundreds, as is true of the Portland state proposed expansion, they're often the last and least likely to be funded. Mayor Potter, you've urged us to think first of the children. How will this developer's dream project speak to your vision? So much more do we need to assure that families have decent affordable housing than the well off are allowed to take away the sweeping panorama from the banks of willamette to the flanks of mount hood. Thank you.

Potter: Thank you, bill.

Anton Vetterlein: My name is anton vetterlein, the president of the homestead neighborhood association, 430 southwest hamilton street. The homestead neighborhood, along with many other individuals and groups on both side of the river oppose the proposed changes. Few people I think are aware of the heights and densities already allowed in the south waterfront. I've had a difficult time discussing the proposed changes with many people because they've been incredulous and shocked about what the existing regulations already allow. How is it that little over two years ago the city council approved an increase in the height limit from 125 feet to 325 feet within one block of the riverfront greenway with very little public notice and without sending it back to the planning commission for public review and input. You will no doubt receive testimony today from people opposed to the 325-foot height limit because they've only just found out about it, and this is their first chance to express their displeasure. You need to listen to them, even know that's not what you're here to vote on today. As long as we've reopened the discussion about what the appropriate seize is for towers in the south waterfront, we need to go back and publicly reconsider the height limits and spacing of all tall buildings in the district. Most of you who have seen this idyllic picture from three years ago that showed what the goals and intentions of the planned district would look like. It shows narrow and widely-spaced tower with frequent glimpses of the river, generous views of ross island and east Portland, and an unbroken view of mount tabor and the eastern buttes and snowy mount hood. It's titled "views through," and the caption reads, "maintaining visual connections from neighborhoods west of north macadam to mount hood, the east side communities, ross island, and the river is a critical element of the proposed plan." somewhere along the way this critical element was lost. Now we have this picture, that you have already seen. And what we see now is a wall of towers and almost completely blocked views of the river, ross island and the east

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side neighborhood. A disembodied mount hood floats in the abstract distance, disconnected from the city. Even without the proposed changes, the current regulation are an onerous mess. The height bonus allows buildings with a 250-foot height limit to be increased to 325 feet, but did you know that it also allows buildings with a 125-foot height limit that are just one block from the greenway to be increased to 325 feet? 1/3 of the bonus height area has a 125-foot height limit, which will allow buildings to be more than doubled in height close to the river. You also know the residential towers seeking the height bonus are currently limited to 10,000 square feet of individual floor areas, but did you know that the biomedical buildings are exempt from this requirement and have no limits currently on how wide they can be? They could be over 25,000 square feet per floor and 325 feet tall. And the planning bureau analysis you saw showed that the typical biomedical building would be with 9-1 f.a.r. Less than 200 feet, but a 325-foot-tall biomedical building with 25,000 square feet per floor, as these changes would allow, has a floor area of 12.5-1. If it had a full base it could be as high as 14-1. So this would allow a tower the size of downtown's fox tower one block from the river. The proposed changes to the bonus height regulations make this bad situation even worse by allowing modifications to the already meager protections of public views through the district. It abandons -- reneges on the permeability we were assured we'd have through it. It shifts away from objected standards that protect public and historic resources and toward subjective standards that favor private developers and tower dwellers and further guild the south waterfront lilly. Allowing modifications to the floor area limits and the separation requirements will give them the leverage they need to push for better design in the district, but they already have that power. All buildings over 250 feet are subject to design review and they can already tell architects to go back and make changes if they don't like the design. So i'm not sure we would be giving the design commission more discretion if they're reluctant to use what they have already. The danger of allowing unlimited modifications to the floor area limits in the separation minimums are obvious. Each new tower proposed by developers will be a little bigger and a little close than the last, and a steady creep in the size of building without fixed standards. And I think the first 325-foot tower that's been proposed is the case in point. I think people will be willing to accept a partial loss of views as long as they're reasonable and result in a more interesting views that integrate the new south waterfront district into the existing layers of urban and natural features which make Portland's setting unique and noteworthy. What I think you need to do is this -- adopt the proposed changes to the purpose statement of the bonus height regulations. These are good. They'll give the design commission more tools to work with to achieve better designed tall towers, but I think you need to reject the standards to the changes of the bonus height regulations. Keep the 10,000-square-foot per floor limitation for all towers over 250 feet and keep the 200-foot separation requirement for the same. Do not allow any modifications to either. And I think finally you need to eliminate the biomedical building exemption. The 10,000-square-foot per floor limit should apply to all towers in the district, regardless of use or floor spacing. And if there's any further measures that could be taken to assure visual permeability through the district to and from the hills beyond that would be great, such as allowing maybe only one 250-foot tower per block regardless of block size. So thank you very much.

Potter: Thank you.

Doug Weir: My name is doug weir. I'm president of friends of terwilliger. I'm representing the board of the friends of terwilliger today. I've been involved in terwilliger issues as a volunteer since the early 1990's. However, the effort to build and protect the terwilliger parkway has been going on for over 100 years. Throughout the last 100 years, each generation has fought to protect this resource. The terwilliger parkway, or the south hillside parkway, then called, was originally proposed to the city in the homestead report of 1903, which created the city's first comprehensive park plan. That report became and still is the basic plan of the Portland park and recreation. One of the primary reasons for building the parkway was to provide a leisurely scenic drive south of

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downtown. The drive promised to provide generous views of the river, the bridges, the lights of the city, the east side, the east side buttes, the-foot hills of the cascades, as well as the snowy peaks of mount st. Helens and mount hood. Terwilliger has been delivering handsomely on that public investment ever since. It was open to a big fanfare in 1912. Terwilliger's one of the most heavily-used recreational areas in the city. It is one of the primary place that people take visitors when they want -- when they want to take them and show them the city and say "this is my city. Isn't it great?" people stop from the runs, walks, and drives just to stop and take it all in. We're now in the process of taking a large part of those public investments and views. The city has approved -- has already approved increasing height limits from 275 to 325. With an elevation base of about 35 feet at the base, the 325-foot building height translates into 365-foot elevations. With elevations of the major viewpoints on terwilliger ranging from 280 feet to 335 feet, we will be looking up at these buildings. The increase will take away most of the views of everything from the terwilliger viewpoints, looking east, except the peak of mount hood, and that includes all the east side buttes, the cascade foothills, and as well as the cascade range itself. The line that you saw before actually follows the range of the cascade mountains. Now the developers want to decrease the restrictions to build out the tanker floors of towers. This will have the likely effect of decreasing views from terwilliger even more. The problem we are now in is that m.v.p. Of the damage has already been done. The building heights should have been kept at a 50-foot maximum with restriction on the upper stories, an adequate distance between the buildings. How many buildings in the city are over 250 feet? 325 feet? How many buildings in the pearl district? A very successful project are as high as the proposed towers in the south waterfront. The size of these buildings and loss of use from terwilliger that they will obstruct represents a transfer of public capital built up over 100 years into private profit and the enjoyment of a few. Please, let's stop. Take a step back and take another look at this before we do something that we'll all regret into the future. Thank you.

Potter: Thank you. [applause]

Kathy Bambeck: I'm Kathy Bambeck 5131 SW 38th Place. I'm also cochair of the bridle mile neighborhood association. Much of what I wanted to say has already been said. I wanted to say -- the view of mt. Hood is one thing, but the view of the entire east side of the city is paramount and it will be a real shame if we cannot see the view once these buildings are built. So i'm asking you to please keep the existing regulations. Do not allow any adjustment to this, and do not allow any -- anything to be changed. This is about what I have to say. Thank you.

*****: Thank you.

Chris Ledwidge: My name is chris ledwidge. I live at 4014 southwest viewpoint terrace. I have lived there my entire life on that street. Across the street from me is the house that my grandfather built for my grandmother. My mother still lives there. My sister lives there. I live across the street. I grew up across the street. In any event, i'm 62 years old, and this neighborhood is an integral part of who I am. And I believe an integral part of what this city is. I want to address what was termed earlier a fair issue to raise as to how in the world did this happen to us? How did we go from 125 feet to 325 feet? What in the name of god are you doing to us? The west side of the willamette river is a beautiful, sloping valley up into the hills. Each street there is tiered above the street below it. Each house is tiered above the house below it. Every man, woman, and child that lives on those slopes has a view. And it is spectacular. I have seen the fog rise off the river, I have watched birds nested in trees on ross island. I have watched ross island turn green in the spring, golden red in the fall, and lifting my eyes beyond that I can see the east side as it rises and goes farther and farther away into the blue foothills of the cascades. And the top of that is mt. Hood. I have watched sunrises that are spectacular. Red, yellow, blue, white, silvered, magnificent things to see. From the winter solstice when the sunrises south of mt. Scott, and marches across that horizon behind that magnificent mountain until it's north of mt. Tabor. This kind of beauty makes us citizens of one of the most beautiful places in this world. It makes me what I am today. And every person that

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shares in that view has been changed by that access to beauty, which you are taking from us. What in the name of god are you thinking of? Economic considerations? Part-time, short-time work for some people building these things, a lot of money for a few people? What about the economic loss that's going to be suffered by these neighborhoods not questioning the quality of life that you're diminishing? But the economic loss to value of that property for the loss of the view. How many millions of dollars is that? I haven't heard anybody talk about that.

Potter: Would you like to wrap up, please?

Ledwidge: Yes, sir. Thank you. I'll wrap up by saying this, mr. Mayor. I voted for you.
[laughter]

Potter: In that case you get an extra minute. Just kidding.

Ledwidge: No, I appreciate it. But i've said what i've had to say. Don't do this to us. Cut this out. How did we get here? Why did it happen? It hasn't been fair to us. And the people i've been talking to are saying, what? I'm afraid you're going to hear more from us. This has got to stop. Thank you.

Potter: Thank you.

Amanda Fritz: Mr. Mayor and commissioners. Good afternoon. I'm required by my employer, i'm a nurse, I work at ohsu, i'm required to state the following -- though I am employed at Oregon health sciences university, I am not representing ohsu its board or any of its employees or their position. I'm here speaking for myself as a private citizen. I was top of my class --

Potter: Could you please state your name?

Fritz: Can I start my time over too? I'm amanda fritz. I was top of my class in math throughout high school, but all these numbers make my head spin. The fact is that these buildings will be too high and too bulky and they don't comply with the common sense english in the comprehensive plan. The central city plan adopted into the comprehensive plan in 1988, the vision statement says, "building heights step down to the river, preserving and enhancing views to and from the water, taking advantage of the river's natural beauty. Doesn't say views of mt. Hood, it says views of the water. And the code says the maximum building heights are intended to accomplish several purposes. These include protecting views, creating a step-down of building heights to the willamette river, limiting shadows on public open spaces. I don't see any discussion in the staff report on shading on public streets and the park in south waterfront. Just as I as an employee of ohsu are required to state this policy whether I agree or not, you as city councilors are required to follow the city's policy, which requires a step-down and views of the water. I have a couple of technical comments. The timing for the payment into the open space fund on page 13 should be after design review approval, and not just before the final certificate of occupancy. That could be a long time between approval and certificate of occupancy. The original intent was to get the money paid into the fund as soon as possible. And while they may not know on the application how many square feet, they know after approval, unless they come back and ask for more, and therefore that timing needs to be adjusted. The maximum area for the extra height and the 200-foot separation should not be allowed to be changed by the design review. That's no certainty for neighborhoods. -- neighbors. I'm reminded of the billy idol song, "more, more, more." say no now or you will be forced for more demands. Many citizens believe now is the time to say enough. I support homestead neighborhood's recommendations. Please say no.

Potter: Thank you.

Potter: Please state your name. You have three minutes. Is anybody a sitting neighborhood president? You have five minutes. Thank you.

Paul Loney: Hello, my name is paul loney, and I am the chair of the southeast uplift land use and transportation committee. We wish to inform you of our strong opposition to the proposed changes to the view shed protections in the south waterfront district. We share the concerns of the homestead and brooklyn neighborhoods and southwest neighborhoods regarding the loss of use to

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and from the west hills due to tall and bulky buildings in the south waterfront district. The public process that create -- side restrictions on buildings over 250 feet in the district is undermined when the first developer in a district can go to the design and planning commission and request that the view shed protection be rolled back without the size and spacing restrictions in place, views of the west hills from east bank of the willamette and from ross island will be forever lost. We believe that it is unfair to the public to privatize these views. If the design and planning commission's recommendation stands, it will undermine the public's faith and usefulness of the city's public involvement process. We urge you to reject the planning design commission recommendations to do away with the view shed protections for this district. Thank you for your time and consideration.

Potter: Thank you.

Emily McKinnon: My name is emily mckinnon, the chair of the brooklyn action corps, here today representing my neighborhood. I want to voice our concern with the proposed changes to the height limit and spacing requirements. Brooklyn is primarily concerned with the loss of use of the west hills from the east side. To date this impact has not been analyzed. We also share our west side neighbors' concerns with loss of views of the beautiful east side and mt. Hood, public, democratic views of the hills from both sides of the river will be lost if this proposal is allowed to go forward. Equally important, however, is the further erosion of public trust that this proposal creates. Another end run -- end run around a series of publicly agreed-upon compromises, the development community continues to ask that height and spacing restrictions be relaxed to improve their flexibility. They are not, however, offering any protection for public views in exchange. Just as their successful attempts to increase the maximum height in the district side-stepped a complete public process before, this proposal trades public benefit for private views. What assurances does the public have that this is the last attempt to further privatize what are now public views of the hills and the east side? Brooklyn supports the successful development of south waterfront, but we cannot support this proposal. It is a bad deal for the public. Portland and Oregon both have long proud traditions of protecting scenic resources for the public's enjoyment. Please continue that tradition and reject this proposal. Affirm the requirement for lower building spaced at least 200 feet apart. Please also consider lowering the maximum height back to 250 feet. Thank you for your time and consideration today.

*****: Thank you.

Walter Dickie: My name is walter dickie, and I live at 3615 southwest kelly. I come before you today to ask that democracy be served, and democracy means rule by the majority with respect for the minority. Lair hill is a small neighborhood in southwest Portland that stands to have its livability altered permanently by the south waterfront project. The developers now want 325-foot build cans so they may maximize their profits. I believe the project was viable and profitable with the original heights asked for. The city then gave them 250 feet in heights in exchange for green areas. Now they want 325-foot limit that's would severely affect the neighborhood issues. Developers sell these views that they have taken. We, the neighborhood, remain to suffer for their agreed. I ask you to say -- for their greed. I ask you to say no to height increase and changes and allow them the prove built they already have and let us have what's left of our view that was ours for the last hundred years. This I believe would represent rule of the majority with respect for us, the minority, asking to have something left after the developers leave. Is there to be no end of changes we are told to endure? We live here, pay taxes, and vote. Please represent us. Thank you.

Potter: Thank you very much.

Potter: You have three minutes. You don't have to give your address.

*****: This is my clock?

Potter: And that's your clock and ours.

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Stuart Emmons: My name is stuart emmons, I live in southwest Portland. I won't give you my address. I'm the principal of emmonds architects. We were the planners for the south waterfront district. I'm also a board member of the Portland design collaborative and the newly formed Portland arts caucus. Portland is going to grow, and estimates have been about a half million people in the next 35 years. The question is where to put that growth. I really believe that we need to look holistically at our entire region. The best place for growth for the benefit of the entire city is as close to the core as possible, and ideally in places that's not directly within neighborhoods such as south waterfront and the river district. The second option which we've already seen is upzoning existing neighborhoods, so the more we can put into some of these industrial -- old industrial areas, the more density we can put in there, maybe the less pressure would be on existing neighborhoods such as neighborhoods in southeast or southwest and northeast. There are many neighborhoods in Portland and sometimes we don't all agree, and hopefully we'll keep what is best for the city and region in mind when we make decisions. Good urban design does not come about just by stringently following specific guidelines and dimensions. When the final dimensions came out in the code for the south waterfront area, I thought it was unfortunate some of the ideas we had about crafting urban space were not possible. It's not scary to leave some latitude for design improvement. It's actually smart from the design perspective. That is why we have the Portland design commission in the first place, so designers who live in Portland's neighborhoods can interpret the hard numbers. The 250-foot building wall along the i-5 freeway with high floor areas directly across from the ctth neighborhood was originally in the code. It wasn't 125 feet at the freeway. As the plan progressed and we looked at examples in other cities, it became clear that a higher building with a smaller footprint would improve views for the district and be better for adjacent neighborhoods. Terwilliger viewpoints were also considered. The 10,000 square foot footprint for the 325-foot building and the distance between towers are arbitrary numbers that are not really tested for quality of urban design or economic viability. I'm sure that the 10,000 square foot was also based on an efficient box, buildings that have more form are less efficient but are in this situation and district by far the best for urban design and i'm pact on neighborhoods. I think it's admirable that the developers in south waterfront are proposing buildings that are leaner and better designed. Quality of the district's urban design will be greatly improved, and will this will translate into many pluses for the city's quality of life, articulated buildings, especially curved buildings will lessen the visual impact to the buildings in adjacent neighborhoods. So I respectfully ask that our design commission be given enough latitude to make exceptions to cold hard numbers if the exceptions make our city's urban design better. Thank you.

Potter: Thank you.

Christe White: My name is christe white, representing river campus investors. We support the amendment for the following reasons. As you heard from the bureau of planning, the amendment does not allow any more height or any more density in the district. Based on a comprehensive view impact study, it does not impact any of the views you've heard spoken of here today. The amendment retains a floor plate size of 10,000 square feet. It also retains the 200-foot minimum distance requirement. It only allows an exception in those unique circumstances where a proposal can prove to the design commission not that the proposal lesser meets the guidelines or equal, the proposal has to better meet the guidelines and better protect the original objectives of the district. I quote some of those. Promoting an exceptional and varied skyline, enhancing the district setting against the tualatin hills to the west, and the cascade range to the east. Superior pedestrian environment with access to sunlight, and maintenance of all protected views. In our view, the rigor of the review process has increased and strengthened in this process. If the proposal meets or exceeds these objectives the commission can approve the design. If it does not, they deny the proposal. So none of the originals objectives of the district are therefore compromised. The only impact is additional process and heightened scrutiny. Lastly, I think it is instructive to evaluate in

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real terms what the modification may allow, so I have handed you a view of the south waterfront from one of the public viewpoints spoken of here today on terwilliger and have handed you a model photograph. The photo from terwilliger shows 325-foot towers and the model shot shows a comparison of a 12,500 square foot floor plate and a 10,000 square foot floor plate. From the terwilliger viewpoint the difference in the floor plates to one perceiving it from terwilliger is .001 inches. A difference that will be imperceptible to the human eye. At a location within cthl, immediately west of the freeway, these buildings will be screened by the intervening development on macadam avenue, which is 125-foot in width. The 10,000 and 12,500 square foot floor plate both are significantly less than 125 feet in width, anywhere from 96 feet in width to 110. So we're still talking about narrower buildings in the district. As a result, any modification to the 200-foot minimum distance needed to accommodate these small changes will also likely be minimal. And in reviewing the modification, again, the commission must find that east-west permeability of the district is better preserved. I'd also like to quickly address in 25 seconds some of the comments that have come up. On affordable housing, as many of you know in the central district we have a requirement to build at least 400 affordable housing units in the district. That amounts to about 20% of anticipated units in the district. We're also pursuing leeds gold and platinum in the first two buildings in the district, we've concurred with a world class greenway design, we're participating in the development of parks and open space, a lot of great things are happening in this district. And all this does is enhance our ability to create a world class area. Thank you.

Bill Rollins: I am bill rollins, I live at american plaza condominiums, and I look at mt. Hood every day that it's available. Which is somewhat limited. And to plan a whole community whether you can see mt. Hood or not, you're restricting about 50% of the days of your year. There's much to see on the other side of the river, and there's much to see here. I believe that our design commission has done a wonderful job, but I know paul slessinger personally, and I trust him very much, but he will not be on that committee forever, and I think we need no flexibility in the ability unless there is a deep concern and deep research. I've heard people ask how did this happen. We were here at the council two years ago at one of the commission -- one of the commissioner's was in a halloween costume, I assume it was halloween. We were very serious, and concerned. The proposal we were fighting was mysteriously withdrawn to raise heights in the riverplace area, but in a two-week period, and I could be wrong a day or two, 325 feet slipped in. I questioned the mayor at the time about how many would be in there, and it was I believe four to six. After the meeting I discussed witness an architect, and he put 22325-foot buildings in that area. I recently came from a pleasant stay in chicago at the drake hotel overlooking the loop, the sandy beach, and michigan avenue. At 2:00 in the afternoon, there was nothing but zebra stripes on the beach because of the high buildings across the street. You have a river that is everybody's mind is the center of our city, if you took a vote of your population, you know that 90% would say 2 -- 325 feet is too high. And we are trusting you to look at this, reject it, and hopefully revisit the 325-foot height. Thank you.

Potter: Thank you. Commissioner adams has requested -- good job. Commissioner adams has requested to ask a question.

Adams: I make the assumption that the existing members of the design review commission are stellar, and I make the assumption for the sake of this question that the developers are in this project are stellar. But to follow up on mr. Rollins' concerns, both of those factors could change, the project could be sold, design review commission will change membership. What safeguards are in place to ensure that the good work and the good people involved now, when they change, that that could -- those good things will continue to happen, and what are the safeguards against malice, you know, price gougers who don't care about design like the current developer argues they do?

White: First it's my understanding that the mayor appoints the design commission. So to the extent that design commission members retire, it's the mayor's purview to replace those design commission members, and you'd hope any mayor of the city of Portland is of the conscious level of

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the city of Portland in terms of its excellence of design and would appoint people who would follow through with the application of these design guidelines. I'd also say that the design guidelines are again not equally meet or lesser meet, but there will be a legislative history here that will demonstrate that you have to better meet the design guidelines and there is a legislative history here which is in the bureau of planning's report that details the importance of the east-west permeability, the exceptional and varied skyline, there is an extensive record of the view studies and the concerns of the community. And I have a great deal of faith in the neighborhood association and community activist that's they will keep our feet to the fire and always at task to be sure that any exception, because the limits aren't being removed, but any exception to the limits is consistent with the urban design excellence goals in the south waterfront.

Adams: I just wanted -- I was both reading something and you spoke to these, what are you demonstrating here again with this -- is this yours?

White: It is.

Adams: What are you demonstrating to us here?

White: A black and white piece of paper.

Adams: Yes, thank you. I was so confused.

White: One of the towers is a 10,000 square foot floor plate, and 325 feet tall.

Adams: Which one?

White: Good question.

Adams: Glad I asked.

White: That's the purpose of the exhibit. You can see that the difference between a 10,000 square foot floor plate and a 12,500 is very imperceptible, especially given the form. So if someone might come in with an elliptical form building, something more like koin tower, and it will be more -- up to the design commission if that particular proposal warrants the narrow exception from the 200-foot minimum width distance or the floor plate size.

Adams: Thank you.

Potter: Thank you.

Potter: You have three minutes. If you're a neighborhood association current president, you have five. Please state your name.

Laura Campos: My name is Laura, I live at 3419 Southwest First. I'm a board member of the Corbett Terwilliger Lair Hill Neighborhood Association, but I'm not representing the board today. I think it's important to keep faith with citizens, and originally the rationale from the city for the South Waterfront plan was that the increased height was offset by small footprints, skinny buildings they termed them. I was skeptical because I figured it was a bait and switch, one-two punch. First win approval of heights, then widen the buildings. Unfortunately today my skepticism has been justified. I hope -- I think the hope was that citizens' memories are short. Well, Corbett Terwilliger Lair Hill is still here, and we remember the trail of broken promises from the city, and I'm dressed in black and blue because I think that's how our neighborhood residents are feeling. I came to Portland in 1977 and worked under Ernie Bonner, Neil Goldschmidt was mayor, and that was three years after the neighborhood plan was promulgated, and it called for mixed use. I think by the 1980's I was president of the Ctlh Neighborhood Association, and we had to press very hard for housing. And some of these Oregonian articles let you know that everybody was saying housing is not feasible. Finally the city and staff and developers saw the light and are now in favor of housing on the waterfront. However, the problem is that now 20 years later, they're recommending way too much density. And there's -- from my house, which is just a few blocks from this development, and I know traditionally if you live adjacent to a development your views are very important. However, the bureau staff has to go way up to Terwilliger to make the point that no views are going to be lost.

Well, what about that whole area in between Terwilliger and the river, which is where I live, and correspond Bell Terwilliger residents reside? If you look at the plan here, we don't exist anymore.

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We've been -- it's like the borg has come. We -- you can't even see us. Traditionally you see this little hill with these little houses going up, and now, it was said back in the 1970's by kimbric mcall, i've been doing this for over half my life, you know, that's what he warned against. Let's not have a fortress wall of the city. But I guess to close, i'd like to quote yates, because somebody did talk about a beauty. And I think years from now, because i'm a skeptic and I think you're going to approve this, I hope you prove me wrong, but I think we'll all say, all was changed, changed utterly. A terrible beauty was born. Thank you.

Jerry Ward: I'm jerry ward, representing barbie williams, the president of ctlh, and I would appreciate her five minutes. My testimony has been cut three-quarters from what's written and handed out to you and I hope you will take the time to read it

Potter: Are you president of an association?

Ward: No, i'm representing the president of the association.

Potter: Ok.

Ward: She can't be here today. Please look at the full testimony and visuals. Ctlh is opposed to the recommendation of the height bonus project because of what was promised by the city council just two years ago. To paraphrase the past city council, quote -- central city inclusion does not imply density, heights, traffic, we just want to make sure north macadam is designed properly. In 10 years we went from industrialized zoning with 45-foot height limits and 2-1 f.a.r. density to propose height limit of 75 to 150 feet. Heights with step-downs of heights to the river in 2001. In the final presentation, the maximum height was increased to 250 feet and f.a.r. density increased to 9-1. One month later city council in early 2003 adopted 325 height limit. To sell the last-minute additional increase to 325 the city adopted through three conditions of buildings above 75 feet in height. These conditions were imposed to create narrow towers to emulate vancouver, b.c., with their 90-foot maximum building width requirement. Now the city is proposing to eliminate these conditions. We have presently and growingly over 45 neighborhood associations endorsing our position. In reviewing the three proposed conditions to be eliminated, the planning bureau has misrepresented the ramifications these eliminations pose. The floor plate increase as proposed in the first building of 325 feet height is a 20% increase in the girth of the building. It is contrary to what you just heard. This adversely affects density, sunlight, view corridors and diagonal views. Eliminating the maximum width of beneficiary -- billings will also compound these effects. These three proposals is an increase in density contrary to what staff says. It is true the maximum f.a.r. density is not increased, but these proposals will allow more buildings will be built than before within the parameters of the maximum, meaning more density a 200-foot by 200-foot block could be developed with more than one 325-foot tall building because of the elimination of the 200-foot separation requirements. Two building as one block would also increase density. These facts combined with the ability of developers to trade densities increased the likelihood to reach maximum density. These are contrary to the city council's justifications. Before the city council two years ago the ctlh presented a view of north macadam, see board one. Mayor katz and the other city council members and staff said our depiction was an exaggeration. They said market would only generate three or four buildings up to 150 to 325 and predominantly bio tech would generate 10 story buildings at the most. In reviewing board eight and nine, the photos the developers model for north macadam, it is obvious the city council was wrong in expressing our presentation as exaggeration. The models even worse in density and loss of views than our depiction. Ctlh has presented an accurate cross-section two years ago, board three, that demonstrates the planning bureau's cross-section, see board two, was not to scale. We clarified the city's protected terwilliger parkway views would be substantially affected. North macadam building at 325-foot heights and the buildings exceed 370 feet and mean height. Easily building elevations would be achieved totally object securing views of mt. Hood along terwilliger. The mt. Hood views blocked from terwilliger, board 10, which might be hidden now, demonstrates the planning bureau's contention

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that the views of the peak of mt. Hood would not be blocked is false. Absolutely false. They did not accurately take into account the curvature of the earth, which reduces the effective height of mt. Hood by 1,665 feet. With the first major north viewpoint on Terwilliger pkwy being sw mead, and its elevation being 275 feet, and the north macadam building being at least 370 there's no way mt. Hood peaks can be seen from terwilliger. There are over 50 blocks north macadam proper that could be developed with tall buildings, 22 of those could be developed with 325-foot buildings if this proposal is enacted. City staff and developers are given no evidence buildings cannot be built within the 10,000 square foot floor plate or good design. There are numerous examples with small office towers with less than between -- 10,000 square foot plates. How is eliminating a 200-foot building -- feet between buildings making for better building design?

Potter: Your five minutes are up.

Ward: We also ask -- we also have to think about the consequence of these three proposals affecting urban design as well. It's just as important as individual building. The city council has a very important vote that you can keep faith with what is recently adopted. Council please consider giving more time beyond today for the public to participate in this fast track proposal and consider voting no. Thank you.

Don Baach: I'm don baach, I live in hillsdale. First of all, i'm reminded of our -- looking at mt. Hood, the time I rented a hotel room in athens, it said view from every room of the acropolis. All I could see was walls. I finally found if I was in the bathroom, looked up through the vent, there it was. That's the way we're looking at mt. Hood with regard to this city in these high buildings. I don't think they should be this high. First of all, the whole thing out here, this is truth in advertising. I counted the floors on this, that is a 180-foot building. We're talking about 325 feet. This capsulizes the problem we have with the planning department in the city right now, not being truthful in what they're doing when they're laying stuff out. I don't like that. I'd like to see what they're proposing, not some canned thing. This looks more like something in europe than it does across the little hong kong we see from the water in Portland. I think the higher buildings will lead to more people asking for higher buildings. And that will increase the dense did I in north macadam. It will increase more demand for parking and demand for cars to go there. I spent a lot of time on task forces and advisory committees, and listening to all the plans that have been put together in transportation for north mack add all -- macadam, south circulation plan, and i'm not convinced they've got their act together and have figured out how the cars will get there. The direct connections from i-405 and i-5 have been lines on map, but do they really work? I personally didn't understand what they explained to me, and i'm an engineer, I have a professional license, I don't think it's done yet. So we're basically putting a huge amount of people and demand for parking in all these things in a place that's going to be virtually impossible to get to for a large number of people. And they're not all going to ride the streetcar. How many doctors do you know ride the bus to ohsu? Not very much. -- not very many. If passed, one of the things I would want you to do is think about mediation for the people that are involved in this, the people that are going to lose major views. I got some suggestions, including trails in the recently purchased property of lakeland, some other things. But i'm mostly concerned about the fact that we don't seem to have our act together in the planning aspects of the transportation. I think this has been rushed, it's been run roughshod over the neighborhoods, and I think it needs to be rethought and be -- the height thing I don't think makes sense. I don't think we should have that. It isn't the view of the city I want to see, and there's more to see than looking towards mt. Hood. The river is a very important aspect of that. Thank you for your time.

Potter: Thank you very much.

Lynn Connor: I'm lynn conner, I live at the american plaza condominiums. Less than 2 1/2 years ago, you were presented with the north macadam plan, which took a couple of years to develop. We are now on the second round of changes and the proposed amendment that's before you now has

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future change already built into it. If you look at the section on standards, it says, a couple of times, adjustments to this standard are prohibited. The very next phrase is, however, modifications can be made. That happens on three of the standards. It says, adjustments are prohibited to this standard, and the very next part of the sentence is, however, modifications can be made. What kind of a regulation is that? Some people would say this gives you flexibility. Flexibility for whom? To me it looks more like flexibility for the developer and uncertainty for the neighborhoods neighbors and the average citizen of Portland on what's going to happen. Secondly, i'd like to comment on something amanda fritz said. The central city fundamental design guideline of a step-down to the river has already been averted by the north macadam plan as it was approved. The step-down theory originally was supposed to be blocked -- block-to-block, city council approved step-down in a single building. That is not really step-down, it's a version of what the design guideline was. We are now proposing having the step-down of even a greater height in a single building. Somehow this to me does not meet what the intention of the guideline was. Finally, I guess i'm more after cynic. I don't have much experience with the design commission and i'm sure they mean well, but I don't have a lot of faith in it. I look out every day at the marriott suites on the river. Take a look at that building. It was approved by the design commission. Our neighbors call it the prison. This is - - so to say give the design commission flexibility, I have my doubts. Would I like to see a little more checks and balances on it. Thank you.

Potter: Thank you.

Richard Werder: Thank you. My name is richard werder, i'd like to congratulate the two new members of the council and thank the council for providing time for us to give feedback on this proposal. I'd like to endorse the objections voiced here today in changing the existing standards. I believe that the 200-foot space between towers should be retained, and I also believe that the 10,000 square foot floor plate should also be obtain -- retain. I think a departure would lead to further density in an already record-setting dense area. The -- I think there's going to be greater problems regarding traffic that I haven't really heard much about here today. In fact, I would like to echo other people here today and I believe that the council should if possible reconsider the decision to allow the building to go to 325 feet. I think that some of the images that you were presented maybe in the power point presentation don't take into account the existing elevation and I think one only needs to look at the building cranes now and ask how high they are, and I think they're well below that 325-foot level. I also -- I recall that someone made a suggestion about, why wouldn't it be -- what's so difficult about maybe floating a balloon 325 feet off the property and really taking a locker room look at what is going to happen. Why do we need computer models, when it can be very easily done and one could see what the result of these buildings are going to be. I think that both today and in the past the concerns and objections of the community have really been ignored and the -- in the interest of profit and the interest of the wealthy, and I believe that there's -- we've heard from the design commission talking about preserving the views of mt. Hood, but again, as heard here with -- by previous testimony, the views of Portland are far more than mt. Hood. It's the east side buttes, the river, the river is really a central figure. The foothills. So we're not talking about just a little triangle that's a combol, we're talking about a lot more. The lights of the neighborhood, and now really for the first time i'm hearing neighborhoods on the east side of the river expressing concern. So it's -- I think more and more people in this community are concerned about this, and I urge the council to reconsider, and in the alternative to certainly preserve the existing standards. I think we really would wish you to hold the line here and we've heard a lot from the people of Portland and I urge the council listen to the people of Portland and retain these standards. And let's take a look at it again, less be sensible. This is a very ambitious project, and this is something we're not creating a new york or a vancouver, b.c., we're Portland, Oregon, we're very proud of Portland, Oregon, and this is something that's a monument to wealth. Thank you.

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Scott McCartney: My name is scott mccartney, a resident of the homestead neighborhood. And I don't have a prepared statement. I am the prepared statement, if you will. I'm a resident of the area below terwilliger. And I bought my house in 1982, primarily for the reason of the view across the river and to the river, and the whole area between macadam drive and the east side. And i'm very disappointed, very, very disappointed in how this whole thing came about and what's happened. I represent when you look at me, all those residents in that area below terwilliger. I am one of them. And it's very discouraging to look out there and see what that's going to look like after being there for a number of years and looking at what it looks like now. I don't think the homework has been done, I don't think people are giving who are not in that area who don't live in that area, are giving enough insight and looking at what affect it's going to be on people who pay taxes and support this city. We buy things for our own good, that's private. That's our own good. But there's a whole bunch of people who bought those homes for themselves, because of the view. And here we are talking about big developers who are going to make millions of bucks, which are fine, but it's going to be at the expense of people who paid significant dollars for their homes and are going to lose those values just because of buildings that go up for somebody else's value. So I recommend and look at you up here and trust that you're going to do what's right for the people. Not for the developers, but the people. The people who have their life and soul and their homes there. You have to think of that. This is not -- this is not for just certain developers' profit. It's easy to build buildings there that don't affect other people and still accomplish what the need is -- housing, offices, that type of thing. So you don't have to have these mammoth skyscrapers to get the point across. You keep the beauty of the city, and the beauty of the vistas, and still accomplish your goal. So I recommend and deplore you guys to think about that, and represent us. Do something for us for a change. Thank you.

Potter: Thank you very much.

Potter: Please state your name, and have you three minutes.

Wayne Stewart: Wayne stewart, I live in southwest Portland. I spent 10 years on the design commission and chaired that for about three years, some number of years ago, so I do have some background in what the city has been doing in attempting to develop things. One of the issues that I think at the last council changed, which I think was a significant error, was for 30 years the city has looked at stepping down development as you approach the river, giving real respect to the willamette river as being the reason that Portland is here. And I understand that there are a lot of reasons why to try and go to higher density, but every time you go to the higher density, crowded in closer to the river, you more and more are taking what is the reason that we're here and converting it into a simple canyon. And then when you move yourself up to terwilliger boulevard, which has been here since about 1912, and is an area that is for all of the people of Portland, now we're starting to talk about not just taking the view in the foreground, middle ground and background and considering that as the view, i'm hearing the staff pulling this in where we're now talking about views from three specific points, and only from those points. That's not what terwilliger is about. It's a linear road that was designed and meant for people, the citizens of Portland, to be able to walk, run, bike, or drive, and be able to see and get a sense of what the city is about, what the river is about, what the east side is about. And yes, mt. Hood is a part of that, but it's only a very, very small part. And now we're starting to say that, well, 325 feet is ok because you can still see the snow cap top of the mountain, and I guess I would submit that if that's all you can see, what's the point of keeping it? There's nothing left to it. So I would encourage you to think back all the way back to the river. Why are we here? What is Portland about? Why do we have step-back arrangement that was good for 30 years, and suddenly two years ago we threw that out, and then suddenly we went from 250 feet as being ok height, to 325, and finally that all settled out, and the planning staff i'm sure felt that that -- the rules were very good, I know they talked to the developers about the 10,000 square feet, the 200-foot separation, the 125-foot north-south width, how come

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we're back here two years later and now the planning staff is saying, well, we knew we weren't going to quite get it right the first time, we kind of have to adjust this a bit? To adjust it how much more? Will they be back in another year or two? Ing what the next request going to be? It's like, having the cutting down the last of the old growth trees f we cut down only half of what's left, we also have some left. But the point is, if you take and reduce the views, increase the density, increase the height, and every time somebody comes back and says, just give us a little more, just a little more, we're losing the Portland way. So I would encourage you to think -- rethink this whole situation. Thank you.

Larry Beck: Good afternoon, mayor Potter and commissioners, my name is larry beck, I live in the ctlh neighborhood at corbett and gibbs. I did have some prepared testimony which I handed out, tried to send you by email earlier, but I don't think it went through. I need to rely on -- for details of this plan people like anton, jerry and doug who have stuck with this for years. I do urge you not to change rules that would allow for greater height, density, building bulk in this area, and I would encourage the council to come back and revisit what we already approved a couple years ago. I had recalled back in 2002 we approved limit that's were 250 feet with additional 75 feet for bonuses, and I may be wrong, i've heard 325 many times today, and I think that was a compromise that was worked out that addressed developers' interest to have height, but also neighborhood interests to protect views. The street corridor views, the viewing of the east side, the views of mt. Hood from terwilliger. And I think almost immediately after that I began reading in the paper about developer requests for additional height. Additional density, additional bulk. Again, I think we've heard something about that creep today. I'm concerned that in the area where we live, having seen the marquam hill plan, traffic, and parking up on the hill, so seeing the cranes that we have in north macadam to the approval partially funded by our city of the tram, which I came here too many times to talk about before, that we're continuing that direction and I think we need to stop. I think amanda fritz mentioned enough is enough. And I think we're at that point. We've got the element that's starting in north macadam, south waterfront right now, that didn't need additional height, doesn't need additional density or bulk. That's already underway. I don't think we need to give them more than what is already encouraging development. I think what we've already given them is probably too much. I look at homer williams' development in the pearl district, and already dense area that's done very well with low buildings of six or seven stories and some of the newer ones that are nowhere near 250 feet, and they're took fine. I don't think we need this extra downtown core less than a mile from the existing downtown core. So I would encourage you to look at that. I think the heights and the density and the bulk needs to be respectful of the neighborhoods' rights to have their views protected, and again, I would encourage you to go back and look at that. As I was sitting in the audience I look at our painting we have here, and I think either it's going to be a historic relic or you'll have to redo it if you keep allowing this to happen in north macadam. And also looking at troy doss's slides of the -- from the west looking east, I think you can clearly see when with the bureau of planning's own documentation those views are blocked and probably will be blocked by any changes you might approve under this design plan. So limit the height, limit the density, let's come back and look at this again, and let's really protect the views that we have now that we may lose so let's either do it today or come back and revisit that issue later. Thank you.

Janet Kelly: I am janet kelly, i'm a past president of the corbett terwilliger lair hill neighborhood association and I live in that neighborhood. I am speaking as a citizen. The issue of building height in north macadam or the riverfront district was being debated when I joined the board of ctlh back in 2000. I served two terms as president, I grew old, resigned, and the issue was still unresolved. I keep changing the rules on us. I left embittered. The neighborhood is a victim of a policy of attrition on the part of the planning commission. Slowly, surely, the chip -- they chip away at the codes and regulations governing height in the north macadam district. Offering this compromise, that explanation, always moving to a greater height, greater mass, less oversight. The neighborhood

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loses, the developers always win. I first talked to the -- I -- a joint meeting of the Portland planning commission and the Portland design commission in november of 2000. And explained that the people in this neighborhood have expressed concern about building heights which appear to be excessive. I talked to the planning commission in may of 2000, and august -- may of 2002 and august of 2002. I've been here before. I talked to this commission, commissioners Francesconi, Saltzman, and Sten were here then. I testified that our neighborhood has resolved to support building heights of no more than 75 feet. Actually, that's 12 to 14 stories. 75 feet along the greenway extending to no more than 125 feet in height toward the western boundary. And that is 12 to 14 stories. It was the belief of our board that chapter 33.510.205, the height subchapter of Portland's central city plan district, justifies our resolution. And amanda fritz has already gone over that, but it's so for, i'm going to redo it, and I ask for your patience. The maximum building heights are intended to accomplish several purposes in the central city plan. These include protecting views, creating a step-down of building heights to the willamette river, limiting shadows on public open spaces. Ensuring building height compatibility and step-downs to historic districts. And limiting shadows from new development in residential neighborhoods. We felt these were very important. We lost, of course. The building approved height shot skyward like jack's bean stalk, the developers won, and we're threatened again. Thank you for your time

Potter: Thank you very much.

Martin Slapikas: My name is martin, I reside in the corbett terwilliger lair hill neighborhood. I've submitted testimony via fax that I hope you have, and I have very little to add to that with the exception of some other comments. I do disagree with the bureau of planning when they say there will be no increase in traffic in this area. I see no proof that it will hold to its original plan. I have served as a member of the ctlh on the ctlh alternate to the north macadam district freedom work steering committee and later I was the primary to that committee. I served on a subgroup called the street standards working group, I was the representative of ctlh of the citizens advisory committee and i've attended many, many, many, marquam hill planning meetings. Four years of serving on a committee and we never heard anything about 325 feet. I attend add meeting here at city council and all of a sudden we're talking about 325 feet. Within a few weeks it was approved, signed, sealed, and delivered. So i'm at a loss to understand where that came from, and I would like to find out. I have absolutely no idea. The concern I have is not a concern but I would like to mention that through the whole district that the Portland development commission adopted five-year business plan for the fiscal year 2000-2001 through 2004-2005 show maps of Portland's urban renewal areas develop to improve the areas of city, they have between 18 and 117 entrances and exits to an expanding street grid system. That's not the case with north macadam. Basically they say density will not increase. I listened to someone say Portland will grow -- density should be done in industrial areas. Why not improve building design within the current guidelines to accommodate that density in that area? I think we can do that. My comment about the design commission is my recommendation and my testimony, and that basically is this -- I do recommend a change in the design review process, a process that incorporates consideration of how building functions within surroundings. Specifically how will that good design contribute or not contribute to the traffic and transportation repercussions when a design commission considers a proposed design in that is not in the purview of their responsibility. I think anybody can say this, is a beautiful building, but how is it going to affect not only the neighborhood it's being built in, but also the surrounding area? To my knowledge the development commission has no responsibility in their chapter 15 whatever it is, law to address the impact of their urban renewal on surrounding areas. And that's why ctlh is always here saying, hey, this dense area is having impact on our neighborhood. I do recommend that you disapprove the request for this amendment. Thank you very much.

Ed Thompson: Ed thompson, my wife and I live in forest heights and just recently we purchased a condo in the meriwether project in south waterfront. The reason we did, we're very, very attracted

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to the vision of that project and we also think in terms of attracting other professionals to the area that vision will be very important, and I think an essential part of increasing the chances of successfully implementing that vision in the very best possible way is for you to approve the request from the planning commission and design commission. My wife and I were both raised on farms and over the last 38 years we have lived in the suburbs of many cities of this country, this includes in the bay area, I.a., Washington, d.c., chicago, dallas, texas, and austin, but now we love Portland. The thing we would really attract -- that we were attracted to is the best possible blend of being close to nature, being able to observe it, that we believe we'll have in the south waterfront, as well as the best aspects of urban living, being able to walk out of your building, have public transportation, walk to coffee shops, restaurants, and be a part of a community without getting in your car. So I think that is a great vision. I think it will be fantastic for our city, and as I said earlier, I really believe an important part of increasing the chance of being able to implement that in the best possible way is to provide the flexibility requested. Thank you.

Potter: Thank you.

Mark Williams: Mark Williams, OHSU South Waterfront Project Director. We are here today to support the design commission's request, and I want to start off by saying we appreciate the opportunity to provide input to you here today. We have appreciated the opportunity that's been given to ourselves and others throughout this process to provide input. This process began in July with the design commission, who as has been noted are a group of volunteers appointed by the mayor who have requested some flexibility in their consideration of design criteria as these types of proposals move forward. There have been multiple public hearings held at the design commission, at the planning commission, and we have had the privilege along with others of participating in those hearings, providing input, and being part of this public debate that has gone on for six months.

We have appreciated this process, and from our perspective it has not felt like a fast track process, it has felt like a -- not felt like a process that was generated by the planning bureau, but instead one that came up from the citizen volunteers who comprised the design commission and has made its way through the process to you here today. And we have appreciated that and the opportunity to speak here today as well. I think as we go forward on this, it's just as important to focus on what this proposal does not do as what it does. It does not increase the heights in the south waterfront district, and I think that's critical. What it does do is simply allow the design commission the ability on a case-by-case basis to consider requests for modifications that better fit the design criteria. We think that what's before you on the recommendation of your planning commission, on the recommendation of your design commission, will not hinder the development of this vibrant urban district, but instead allow for excellence in design and allow for the development of a truly vibrant inner city neighborhood. I recall that it was just about a month ago that the council approve the vision for the greenway. Which itself was the result of a very intensive public-private partnership, long discussions, and a lot of compromise. It's a valuable project, and we have tremendous hopes as a community for this district. The greenway, the affordable housing, all of those projects that we want to see there will have to be generated by tax increment financing generated by thoughtful development. And we think allowing the design commission this kind of flexibility subject to all the appeals and protections that will come on each approval process will help achieve that vision as well. Thank you.

Potter: Thank you.

Potter: Please state your name, and you have three minutes each.

James Meyer: James Meyer, I live on Viewpoint Terrace, I guess this whole event tonight is actually a compliment to the city. There are people on all sides that are looking at it, I want to compliment the design team, the development team, I think if anybody can make beautiful buildings, surely they can. It sends me in a counter intuitive motion. I don't think this have to be big buildings to be beautiful. They're more than capable of making beautiful 250-foot buildings.

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I've had also -- i've also had the opportunity to live in the neighborhood for 15 years, it's a stable neighborhood, but I have sold and developed property and done different things there, and I guess I might expose my own naivete right now, because I received a phone call while out of town last week that said this article was in the newspaper, and I immediately said, geez, i've been looking at a crane for months out my window, and that's the height. So I literally will no idea it was 325 feet. I had an offer on a property that changed by \$50,000 that very day. So it's very rare that have you this both spiritual and economic economic juncture that's happening with all this, that we've got an existing neighborhood that has a very interesting sort of character of what it's all about, but I think at the end what the crane has provided is something to look at. I like 3d, I like lots of stuff, and i'm quite amazed with the curvature of the earth, but I think the bottom line is the crane is there and what the crane is exposed to me more than anything is the rising in the foothills and the sort of the spirit of place that gets lost by that 75 feet. I took my old boy scout instrument and was able to sort of calculate what 75 feet s it's a 250-foot crane, so we have real live stuff that's going on now that allows any one of us to go up there and actually look out and see what's what the effect s. Can look at terwilliger, can stand in my living room, i've got it -- all the paper in the window and that 75 feet is a breathtaking dimension relative to its effect on the skyline. And that's the part that keeps coming back to me, and I think the civic duty has been managed by all the neighborhoods in the city, but after a certain point it feels like the civic duty is pushed on to another limit. Thank you very much.

Potter: Thank you.

David Redlich: Good afternoon. My name is david redlich, i'm past president of the homestead neighborhood association, currently a member of the board. I live on southwest condor avenue, and before I begin my comments I would like to start with this observation. Have any of you noticed that the only people here with I think just two exceptions, i've been here since the beginning, only -- almost all of the people that have spoken in favor of the high increases have been paid to be here? That overwhelmingly, the public testimony opposed has been from the people who live in the neighborhoods? It seems only the hired vultures are those that are really in favor of this, and I think that might give you some guidance as to perhaps where your decision should lie. Today this council decide if root part of the Portland I love, I grew up in, that I live in now, will be lost to future generations of Portlanders. For nearly 50 years my home has been the homestead neighborhood. I can recall walks along terwilliger boulevard with my grandfather as a youngster, the quiet of a forest, cheek and jowl with the bustle of downtown, and the spectacular views, glorious vistas of the city, downtown, the waterfront, the lush close-in neighborhoods, all dominated by the beauty and majesty of mt. Hood and mount st. Helens rising above surrender dent forests. Later in the 1970's, it was a little different. Burgers and coax at the carnival restaurant, followed by parking along many of the spots along terwilliger to enjoy the sights with my best girl of the time. It's almost all gone now. [laughter] are you surprised? The city has allowed most of the old view sights to become over grown with nonnative trash vegetation. Ohsu has generated so much traffic on the terwilliger parkway, that it is functionally become nothing more than ohsu drive. And I guess this is what you get when you allow -- when the city allows expansion in an area that is served by 4 residential streets and a parkway. Of course compounding it all is a complete waste of money on a tram that connects two points and does nothing to get people on and off the hill and relieve some of the traffic on those four streets and a parkway. The city has already allowed building heights that will block the views of the willamette river from the terwilliger parkway. Now the developers in the planning bureau want higher building that's will even block the views of mount st. Helens and mt. Hood. That's right, the view that any citizen can enjoy now from the terwilliger parkway will become the domain of the wealthy few that can afford to live in niece new buildings. The wealthy will get the beautiful city, river, forest, and mountain view that's used to be available from terwilliger to all and the rest of us will look at the backside of

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a bunch of a tall glass buildings. Adding salt to the wound is the knowledge as property owner in a nonurban renewal area through the magic of tax increment financing, i'll be subsidizing the rape after resource available to us all. It is now generally agreed that it was a mistake to not complete the homestead plan to run i-5 and i-405 through the heart of our city, destroying neighborhoods and hastening the decline of the downtown core. Do not be as blind as previous councils and help save part of the early generations of far-sighted Portlanders have gifted us. If you let this pass, I ask what is next? How about a ring of skyscrapers' round mt. Tabor? How about a few more skyscrapers downtown to block the views from Washington park? We've engaged in economic development that seems to be nothing more than leave no developer behind. I would advocate that it is time to rearrange our priorities, to strengthen our neighborhoods where the Portlanders currently live, not creating new neighborhoods at the expense of the neighborhoods where Portlanders currently live to attract some other newcomers and some sort of arcane economic benefit. By the way, I minored in economics and I looked at all the numbers, and long-term, I can't see how there's a real economic benefit for the entire city here. But that's another day. What I will say is this -- I think that we can do much better. And I advocate that we have building heights of no more than 225 feet, that you review all of the issues surrounding the marquam hill plan, and the north waterfront plans to come up with a plan that serves the interests of all of Portland, and not just a identify wealthy landowners and not just a few developers. I want to close with this observation - two years ago I sat in this very chair and I made an observation to our then mayor katz that what the city has done to the neighborhoods under her guidance would one day get her out of office. I was a little wrong, time took care of that, but it did take care of jim Francesconi. And I would like to point out that some of you ran in this last election as pop lists. Now is the time to prove it. Commissioner leonard spoke once to our group, the residents of southwest Portland saying that he was opposed to these developments, these tall buildings, the tram and so forth. At first opportunity came to vote he voted with the developers and against the residents of Portland. I think a change of priorities is necessary here. I will commend commissioner Saltzman as being the only one that looked into the mess that was the marquam hill plan and the tram fiasco and found something for the residents. I would like --

Potter: Your time is up.

Redlich: I would like to close with this -- I understand that the city is looking at rules surrounding measure 37. I would love to see those rules, because I would like to see if what the city does here today in destroying the view sheds available from my home and from the terwilliger parkway, would be possible to generate a lawsuit under measure 37. Because I definitely will decrease the value of my property as well as everybody else in the neighborhood. Thank you.

Eleanor Davis: Eleanor davis, greetings to you. I'm here not to represent anybody but myself. I do not live in the impacted neighborhoods. I do not have a view of mt. Hood from my home. I am a resident of this city for 51 years. 54. I have come to love it, love its mountains and rivers, and I do not like what I see happening. I do not like the mantra that business is in bad shape in Portland. I think that's not true at all. There was a short tidbit in "the Oregonian" six or eight weeks ago that reported that a study had found that listing all 50 states in orders of friendliness to business, Portland was fourth from the top. Now, I don't think that sounds unfriendly. Last year in my concern about a potential loss of a panoramic view, I went to the planning bureau and came home with this. You gentlemen should each have a copy of this. If you don't have your staff get one from the bureau of planning. It seems that views can be lost I think through lack of attention. I drove terwilliger parkway this morning on my way in to town, and I cannot agree with the first gentleman's statement that the views are lovely. Two-thirds of that route from the south to the north you are looking at the east side through a screen of trunks and branches. There now but in the summertime covered with leaves. No view. That is I think the city's fault, the park bureau's fault that they've let the trees grow up and not have pruned them to protect the views. It isn't until you

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get to the north end at campus street or a little farther that the view spots open up and you can see a view. We residents depend on you to protect those. We can't be out there holding signs and saying, don't you dare do that: Though we have to have you guys do that. And I hope you'll do so. Thank you.

Potter: Thank you.

Dave Nadal: Thank you. My name is dave nadal, southwest florida court. Born and raised in Portland, although currently i'm in Multnomah neighborhood, I used to live a significant number of years on the east side, and northwest. I agree with the positions of the neighborhood leaders. Also please check with them after you hear rebuttals from city planners and the planning commission, my experience has been that they no lots of things and have a lot of experience. I'd like to say that in addition, the context goes even way beyond views and traffic in east and west Portland. This will hurt everyone in Portland. The project in general. The idea of putting a little city in -- beside sprawling another little city beside Portland. In the following i'll outline why it would pay the city of Portland in actual future and present dollars in preserve livability and improved environmental values and improve transportation and pedestrian bike environment to completely scrap its current development agreements for the south waterfront district. And simply settle and pay for any lawsuits that arise as a result. And start planning the district from square one. Portland is well within its goals to prevent sprawl. We don't need to subject ourselves to all the future paid costs. Second, this project which is approximately half a billion dollars unfunded in terms of traffic infrastructure, will actually induce -- introduce and single handedly complete he snarl our downtown district and put us in league with seattle and los angeles, the exact thing that thousands of metro residents told metro in the early 1990's they didn't want from our growth plan. We can do creative density in much different ways, but we've got goldschmidt growth in our city, and it's out of control. And Portland's being ruined. Proposed -- third, d.e.q. Is allowing much of this development to happen on capped and not cleaned river side lands. There's heavy toxic metals in many of the properties, some need to clean it up, but it's being superficially performed. What an example is this for to us do this on a trout stream when we're trying to tell the rest of the state to clean up your rivers, or even joe in southeast Portland who has to clean up his oil tank in an area that's not even near a river. And who -- this is our trophy place, and we're not going to do 90 an environmental he clean manner or clean it completely. That's a huge rhetorical thing that can be used against the city of Portland and the environmental movements in general. If we cap this area with three feet of concrete and leave all the stuff in the ground with minimal clean-up efforts. Fourth, Portland is not happening -- let me get to the -- we can do density creatively. We haven't done it, the entire plan has been based on row house development and the worst forms of development for east and west side. I think i'm almost done. I believe population in Portland has been a large factor in our continuing high unemployment rate. This area was originally going to develop as naturally, without city input, as light industrial district. And we need the jobs more than the population. I firmly believe high employment rates have created high population and building a lot of --

Potter: You're going to have to wrap it up.

Nadal: I'll stop right now. I believe our higher density residential situation here has created our unemployment rate. Because we haven't increased the jobs at the same rate. Thank you.

Potter: Thank you.

Jim Karlock: Jim karlock, northeast Portland. I took a picture last night just on the west end of the ross island bridge, and I blocked in the new buildings. This is sort of what the view is going to look like. A friend of mine took a picture a few days ago from the west hills, it's taken from the campus drive viewpoint. This will be the view of mt. Hood from the campus drive viewpoint. Now, you'll notice that if I had put this building over just a little to the side mt. Hood would disappear. I present to you that this is not a step that will increase the livability of Portland. I put it

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to you that there's been a lot of steps taken that have not increased livability of Portland as we've had the worst traffic congestion increase in the nation, we've had to cut back on fire, police, and schools, a lot of this is -- has happened as a result of the excessive development and the money it has sucked out of the city to put into projects like this. My understanding is that there's a projection of a half a billion dollars of city money that's going to eventually go into this project. The people who are living in this project will be paying taxes, but unfortunately those taxes will not go to support city services. They will stay in the district to pay off the bonds, the urban renewal bonds, and the rest of us get to make up the difference for however many thousands of residents are there. The rest of the city will be paying to support those people just like currently the rest of the city is paying to support the residents of the pearl district because the people there who do pay property taxes, their money goes to pay off the urban renewal bonds. Lastly i'd like to suggest that this -- is this last already -- I would suggest that we need to rename the Portland development commission, which of course is a commission that's pushing this high density development like the pearl district and like the north macadam project, I think they should be renamed to the Portland destruction commission. Thank you.

James Davis: My name is james davis, i'm a land use chair of ctlh neighborhood association. The development down in north macadam based on the rates that they're selling it at, only 9 percent of households in the state of Oregon are able to afford them, and if the urban renewal process continues as we've seen it in other areas, 91% of the people in the city will be paying for it for the next 12 to 15 years in terms of tax abatements. I think sam adams was smart enough to understand about an hour ago when he asked staff about design that staff didn't really answer his question. It was more hopes and dreams and smoke and mirrors of an answer as opposed to a direct answer as to how do we maintain the qualities that we hope to have down in north macadam. Some months ago at a hearing and design review, mr. Homer williams testified that they were still learning in terms of what was -- what they're doing down there. I don't want to go into heights and things like that, because I can see by your faces you're kind of tired of 325 feet, so let's try something totally different. Let's talk about design. The idea of bigger is smaller, which -- is what you're being sold here. 20% bigger is actually smaller. No, it's actually 20% bigger. However, consider this as well -- that is, the mona lisa is about 14 by 18 inches. And the sistine chapel can fit pretty well into any neighborhood catholic church in the city. It is almost the exact opposite to anyone who's ever taken a design class to be -- to think that the bigger it is the better it is. What is good design in Portland? Well, we have a good example of what good design is according to Portland development commission, according to the city of Portland, according to design commission. It's right across the street. It's called the Portland building. [laughter] now, you laugh. By god, it went right through the same process this did. Originally you guys were supposed to be over there with the county commission. Well, a friend of mine, the late mildred schwab took one look and said it was hideous and she would be damned if she would go in there. I know dan, you can back me up on that. In any event, there are two qualities of design excluding the aesthetics. One, it has to function exteriorly and it has to function interiorly. If there are two words like that. Across the street the Portland building is like a fortress, at least on three sides. It is not customer friendly. Second of all, when you go in, it's oppressive. Whoever looked at that thing and said, this is wonderful, didn't understand that Portland has an awful lot of cloudy days and you don't put little skinny windows in a building like that. Now, i'm very concerned like mr. Adams is about good design. I haven't seen it down there, and quite frankly i've been on this project for four years as land use chair, I have to show up to every new darn meeting there is. Designs they have submitted so far are replicated throughout the united states. They're the same old thing. Little balconies, a corrugated side, 30 stories tall. I just got a magazine from milwaukee, wisconsin, that looks damn near like it, you couldn't tell the difference. You can go here, you going over to the mac club, a block from the mac club, I think it's salmon, there's a shorter building, but it looks just the same. We're not going to get

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good design, we're going to get cheap design, and we're going to, you know, pedal this thing on the east coast, and on the west coast, to people with a lot of money to bring them in here and the folks that have been living there, i've been living in this neighborhood since 1963, get --

Potter: You're going to have to wind it up.

Davis: I'm finished.

Potter: Thank you. Thank you all.

Potter: Does council have questions for the planning staff? Please come back up.

Leonard: I would also observe the Portland building is backwards.

Adams: And upside down. I've got questions. How do you want to do this?

Potter: Go ahead.

Adams: Some specific questions from testimony that i'd like to get clarification on from staff. Amanda Fritz and others talked about the potential of this affecting the step-down requirements to the river. Can you speak to that? Does this change the step-down vision to the river?

Gil Kelley: No. The particular proposal in front of you does not change that. I believe she was speaking about the prior action of the council, and that was one of the issues debated by both the planning commission and council.

Adams: Is there anything in the amendment that Anton Vetterlein talked about the Fox Tower could be a block or two from the river, is there anything in this amendment that allows the building the size of the Fox Tower?

Kelley: That's a little trickier to answer. Because this would allow as one of the speakers said, an exception to be granted, a modification, for the floor plate limit. So you could have buildings which are no higher than are currently allowed being more robust, bulkier. The proposal is that the process would make that request subject to additional scrutiny.

Adams: Is there a discrepancy, Jerry Ward talked about 20% bulkier girth of the building, and I think the Christie White talked about, or the developer talked about .001 increase. Can you give us a little sort of background?

Troy Doss: They are referring to the proposal for the John Ross. So they went from 10,000 square feet to 12,000 square feet, so it's 2,000 square feet, it's a 20% increase in terms of the floor area on each floor. But I believe the presentation design commission showed that the width of it was something like on the order of 3 1/2 to six feet actually wider from a north-south orientation, and I think the north-south orientation versus the east-west is important to comment on. You mentioned the Fox Tower. The Fox Tower's main orientation is north-south. That would not be allowed through this. For one thing, your minimum width or maximum width north-south is 125 feet in the district. One of the things the design commission wanted added to the purpose statement in this situation was that we would promote the development of slender buildings or slender towers with an east-west orientation. That means that that orientation is going to be along with the views, not cutting across the views. That was not in the original text as proposed by council in 2002.

Adams: Why should we trust your calculations about the curvature of the earth?

Doss: Well -- [laughter]

*******:** We first had a debate whether the earth was flat.

Adams: It seems like that is a reasonably important question, given a few feet -- how are we supposed to judge --

Doss: What I'm hearing is that we use geographic information systems software, state of the art, using satellite information, it maps out the terrain from here to Mt. Hood and beyond. We also positioned, we use global positioning satellite technology that tells us exactly where we were, elevation and from a geographic standpoint. Assuming all the data that's being used in the metropolitan area is wrong, then -- not wrong, we didn't make any errors in that calculation. We're using the best information possible. And we're being countered primarily by hand drawn exhibits, so I'm putting a little more faith in the computer software, but not I'm discrediting the work of these

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people who are professionals. We're using the best information available to the city, information we rely on a number of issues.

Adams: What was wrong with the balloon idea?

Doss: We weren't ever asked to do that by council or planning commission. I'm not sure it's possible. I guess we could. I will note there's been talk about the towers. My information is that the tallest tower right now is somewhere around 285 feet, I believe. Crane, sorry. So if you were to add another 40 feet you'd be at the highest point. We did scale drawings and looked at how much would 40 feet be, and it came out to be roughly the same spot as the computer's line when modeled. So we, use those crane towers as a pretty good idea of where it is they're not as high as the 325, but they're getting pretty close.

Adams: When you talk about on page one of the planning commission talks about allowing greater design flexibility, are you specifically -- are we specifically allowing for the oval shaped buildings by doing this?

Doss: That was something they toyed with. The idea was in this situation, we have an elliptical building and it's spreading out that extra square footage in a way that's responsive to the purpose statement. However, if you were to come in with a 12,000 square foot building that was boxy, like the volumetric examples, that wouldn't be as consistent, and there's a number of different design ideas that can probably be generated that would be responsive to what we have in the purpose statement today. So the idea is not always saying it has to be elliptical, because we wouldn't want to see every building developed in south waterfront, we want to see variation. I think if anything, if you're really looking at what design commission is going to look at and what the architects will be forced to measure their designs against, it's all the elements in the purpose statement of these regulations.

Adams: And don baach asked about the cover. Is this accurate?

doss: It is an illustration done in 2002, it is one of many illustrations that were done. I think that reflects maybe most closely what you'd see directly along the waterfront. But when you get back up a block or two, I can imagine you'd see --

Kelley: Very direct answer, these are probably, mark drew this, probably on the basis of the 250-foot height limit, which was our original recommendation.

Adams: So don was right.

Kelley: This was redrawn. This was essentially a standard graphic that's been used throughout the project, so the heights you'd see would be taller in some cases.

Adams: To give you a chance, I asked christe white about what if -- if the design commission changes, and we change and the developer sells or something like that, the cost for the neighborhood association to appeal a design commission decision to the city council which would have result authority I believe at least unless they --

Doss: They can appeal it to luba.

Adams: How much does it cost again for a neighborhood to appeal to the city council?

Sten: Zero. The neighborhood association presents the appeal.

Adams: Two last clarifying questions, janet kelly said that 75 feet equals 12 to 14 stories. Is that accurate?

Kelley: No, I don't believe so. 75 feet is typically five to six stories in town. For residential.

Adams: And tell us the truth, the real truth, can this amendment increase building height or density in any way?

Kelley: No, it cannot increase overall. It cannot increase absolute height at all. It can only transfer some density from one portion of a site to another or from one adjacently owned site to another. It cannot increase overall f.a.r. Or density within the district. So concerns about traffic don't really change there. Were some extensions about what this might do.

Adams: Thank you.

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Sten: Not taking one side, just in the interest of being clear, it can't increase density if you assume full density is going to be reached. Which is highly unlikely. I think. And so it can make each building denser than it can be right now if they can find a way to transfer the density.

Kelley: There are limits to how much density can be transferred.

Doss: I think what's important to note, if you recall the three diagrams we showed in terms of how f.a.r. is used, you'd see if you had a building that was respecting the 250-foot limit, you're going to be a wider building, around 125 feet. To go to the full 225 feet, you're transferring f.a.r. To that site. So to do it for a taller building, it really works out to be about the same. Because what we're assuming is if we allowed you to go to 325 feet, design commission would grant a modification that would allow to you go to a width of 125 feet, that's explicit not the idea that is behind these regulations as described in the purpose statement.

Saltzman: Two quick questions. If we allowed the floor plates but kept the 200-foot separation requirement, does that allow the design flexibility that would protect the view corridors that people are talking about? In your opinion, obviously.

Kelley: I think the way we tried to structure it is that again, the exceptions really to the 200-foot spacing would still have to meet the purposes of the district, so, for example, if you had -- it's hard to do this without visuals. You could vary the tower on one block so it was closer to a tower on adjacent block, but that would leave a bigger space between that and the next block. So overall you're not increasing the density of towers, but you might modify the spacing. And --

Saltzman: If we kept the 200-foot north-south spacing and didn't allow that, would that protect the east-west view corridors more?

Kelley: It would lock them in on certain parallels more. That is to say, you'd have a more rigid grid. The flexibility being so wouldn't allow more towers or more density per se, they'd allow shifting those view lines a little bit.

Saltzman: I don't think when anybody asked ingrid this, but what was the anton vetterlein compromise?

Kelley: I'm not sure that's still on the table from his point of view, because I spoke to him the other day, what he offered to the planning commission was that the commission should adopt the additional purpose statement and criteria, but limit the floor area increase to 12,000 feet, I think it was he said.

Saltzman: So cap it at 12,000.

Kelley: As opposed to 10,000, right.

Saltzman: Ok. Thanks.

Potter: Approximately how many buildings will be going into south waterfront?

Kelley: Well, there are a total of how many blocks, Mark? 40-50 blocks. Some of those are reserved for open space, we don't -- some of them are already being planned for buildings at less than the maximum height. An interesting question brought up in the testimony today was the sort of four to six towers at 325 feet versus 22. I don't know that we have a read on sort of what the likelihood is.

Doss: The total amount of buildings inside the high opportunity area, blocks, is 23. And currently there's been two proposals. One is ohsu's first building river campus one, building at less than 250 feet. The next proposal, the john ross, is seeking something around 325.

Kelley: Are the park blocks included?

Doss: Actually, I need to remove that. There's -- the neighborhood park as well as ross island bridge park are inside that area, so you'd have to remove a number of blocks, probably closer to 17 probably, most. But there's some very large blocks there, too, and there's a lot of other development standards in the code which make it difficult when you're on these larger blocks in terms of going up. Because there's a pedestrian level and ground floor requirements that talk about how much

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building face needs to be at the street level. There's a lot of different regulations that play here, it's not just these. So it's not as easy to use the bonus height and additional f.a.r.'s as it sounds.

Potter: I'm just curious as to how many total buildings, and what would that look like? I didn't see any pictures today when it was completed and built out what it would look like.

Kelley: I think that's because we don't have perfect knowledge about where people will use the height and where they won't. We do know how much is reserved for open space and how much -- how many of the blocks are likely to be built on. It's just not clear to us now what the profiles of those individual blocks will be. We could draw some hypothetical scenarios.

Potter: Would there be any east-west views if all 22 buildings were close to the 325-foot view?

Kelley: Not as many as there are today. That's the trade-off. And that was decided in 1988 by the city council that this was going from an industrial district to an office in mixed use district of 250-foot heights. So the rules that we have put in place here are actually improvements to that standard.

However, the council did allow the exception for 325 feet, so I wanted to get that factual basis there. We have protected east-west views by a number of means. One is that we've locked in an east-west street grid that aligns for the most part particularly south of the Ross Island bridge with street patterns on the hill. So we're using the streets themselves as view corridors. We've also selected through the design process several of those streets that have additional step-back requirements above 75 feet, or 50 feet? 75 feet in the air, which is a little higher than the freeway itself, but still relatively low. As additional step-backs in the buildings to create wider corridors. And then we thought through the tower spacing rule and by limiting the width of any building above 75 feet to 125 feet in the north-south direction, that's a little more than half a standard block width, that we would be preserving some permeability and views through the district. Clearly as the district develops you can have buildings doing this, so you might have effective blockage through the center of any given block, but we've relied on the street side set-backs to allow continued views. That depends on you being aligned with the street, but that was trade-offs for building a denser district.

Potter: Any other questions? I just have one. I'm confused.

Sten: I don't want to get -- I don't want this to be too long. Having been on the council we made -- when we made that vote, the premise at the time was that we inherited the 250-foot height and that -- I still believe this, though I know some don't, I think it's a good conversation to have, that I think a wall of 250-foot buildings that were as wide as they are to be is worse than some 325 skinnier buildings and some 250-foot buildings. I still believe that, because I think a clear block of 250-foot buildings will maybe have a little better mt. Hood. So that was the premise. We're still working through that. That premise needs to be understood because if we had a completely collaborative situation which we failed miserably to get to as a community, that's because there's different interests that are very clear, I think you could -- it would be easier to talk about being flexible in the design. What you have here obviously is an adversarial conversation where the two sides are arguing against each others' interest. So I guess the question is, I find it hard to say to a set of recommendations let's loosen up the floor area issue to 12,000 or I think it doesn't limit it to that, let's get rid of the 200-foot spacing and trust that we're going to get a better result, because those are the things as a council member I put in place to justify the fact that I was supporting something that -- we had to make a judgment call, the people didn't like, which was the taller buildings. I won't be able to vote to do that without some kind of thing. So I guess what I'm driving towards is I've spent significant time not -- certainly not with everybody in the room, but with representatives of the two different viewpoints, and there's broader viewpoints than those represented, I'm not going to say that, and what I heard from the side that is trying to protect the views is that it's less a matter of those floor areas and more a matter of what's going to happen and what it's going to look like. I'm not trying to imply people want the wider buildings, from the other side it's better design. So what I'm driving towards is, is there in your mind, and I'm not expecting to have it right today, a concept

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where you could perhaps offer a little bit more flexibility in return for some stronger protections, so the type of things i'm thinking about is, if you go above 10,000 you have to do what? You can't do anything on the north-south access. So you have to make it skinnier the other way in order to get there, or maybe after you make it skinnier than the 125 -- it seems to me at this point given the negotiated nature of this, there has to be some give-back that gets more view in order to say we're going to give 20% more for size. Is there any discussion of, could there be a package that gets us better views in return for this flexibility that's a little more -- that is more specific than just saying trust the design commission? Because I don't think we can sort of pull back that -- i'm the first to admit that this set of rules we came up with was imperfect, and I think both sides seem to be saying the rules need to be revisited. But this feels like revisiting one side and then trusting the design commission to represent the other side, and I don't think we can get there.

Kelley: I think it's a good question. We can certainly play around with some ideas, commissioner Sten. I --

Sten: I shouldn't say we. I.

Kelley: When I first considered this, I took my analysis to the, what if we had no rule, what if we had no 10,000, no 12,000, just took it away? That's not what's being proposed, it's much more like an exception that you have to justify. But if you had no rule, what would be the worst case? And i'm not sure it would be a lot different than having the rule, because there are other rules that are more governing and controlling than this one. That is, the height and bulk limits in place that we've talked about, the north-south maximum dimension rule, and the tower spacing, even if that can be adjusted, it doesn't mean over the whole of the district you're going to have consistently less than 200 feet. You're just going to make it up in the next block. Those four rules are far more controlling than any square footage thing. We sort of hooked on to that as sort of level as you remember correctly, some level of sort of safety limit so both developers in the neighborhoods could have some level of certainty about what we were talking about. That doesn't mean we couldn't try to tinker with the rules some more and figure out the kind of relational rule you're talking about, where as the footprint expands, other things contract or get stricter.

Sten: At this point i'm looking for your professional opinion, is there anything there. This may be - I don't want to start down a whole other six-month process, the developers don't have the time, and I don't think anybody has the energy. Is there something in your mind, there's a concept there that --

Adams: Could I ask a clarifying question to your question? The design review commission will be -- will approve designs or buildings that are built are part of what they can consider for a new proposal, a new adjacent proposal, let's say, true or false? And is that a coherent question?

Kelley: I'm not sure I understood --

Adams: There are two buildings -- how many are underway now?

Kelley: Two.

Adams: So there's -- they come in with the next building, the plans for the next building, the design commission can or cannot take into account that which is already on the books?

Kelley: They can, and one of the things we're encouraging them to do here is take a broader look. And frankly, this has been my pitch to the design commission for a couple of years now is we need to empower them to look at a bigger context. We think the particular purpose statement amendment and criteria that are in front of you here, actually require them to do that.

Adams: I find that -- I find great comfort in that, because if the neighborhoods have the right to appeal for free, there's going to be every incentive on the developer to work with the neighborhoods as this project gets built out to have the best design I think and the least amount of obstructions as possible. I think the oblong buildings will provide a lot less obstructions than the square buildings, but it depends on what's next door. So it's a question of, there's more art to this than there is a

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science, and as long as people who are unhappy have a right to appeal, I feel comfortable that could work.

Kelley: Frankly there's another item we didn't mention that we didn't talk about along those lines, which is that came out at the design commission and the planning commission, which is that there are a number of other rules and guidelines in the district that really speak to the ground floor experience and the lower portions of the building as being -- there's a lot of street activity, so we're not going to have all the building envelope transferred up into the sky, because we're going to want to keep activity at the ground plane, and so there's really only so much that you can push up in any case, and meet other rules and guidelines for the district. So there's that counter balancing as well.

Adams: I fear -- there are a number of people that are unhappy with the original proposal, I understand that, but I would -- what's the phrase, cut off your nose to spite your face? If we can have better design as a result of this amendment, I want to see better design. And if you're telling me this amendment does not increase the height or the density -- or -- at least the height, and doesn't require or doesn't necessarily force more blocks, but actually allows us on a block by block basis to keep the view corridors as open as possible, then I find comfort in that, if what I just said is true.

Kelley: Yes, I believe it's true. I think the nuance on the density is what commissioner Sten pointed out, which is, it may be that some of that total f.a.r. Gets used a little sooner fits transferred from other sites, but it's a zero sum gain, so there's only so much you can do, and then you've got no f.a.r. Left to build on the remaining blocks.

Leonard: What would be the impact if we decided there would be a minimum, we would maintain the 200-foot spacing north to south? What would be the upshot of that?

Kelley: If you specified it was a strict 200 feet north to south, but you allowed flexibility east-west, for example, that gives the ability for two towers, if you're looking at me east-west, two towers to move closer to each other on sort of catty corner blocks, but still maintain this spacing. That would be one level of flexibility. I think the flexibility being asked for here, is to be able to move these two towers closer together, but that would put this tower and that future tower farther apart. It goes to the question we were talking about with commissioner Adams, which is that issue cumulatively needs to be tracked and reviewed by the design commission. They can't get away with just look at one block at a time.

Leonard: If we did that, what does that do to the projected developments there? If we made that as one of the conditions of the approval to expand the footprint from 10,000 to 12,000 feet, but on the condition we maintain the separation, I guess I need to hear from the developers or somebody --

Kelley: Would you allow them partial flexibility, which is the flexibility to bow out the building at places. But not to move the towers this way.

Leonard: Does that end up meaning there would be a net decrease in what would be projected to be built there, if --

Kelley: No, it would just be in a different place. In other words, you would have less flexibility about where to place the tower on any given block. You'd still be able to build the tower, the question is you'd lose this flexibility.

Leonard: What does that gain us in terms of what the neighborhoods are asking? I'm sure you've answered that, but --

*****: I --

Leonard: It was hours ago.

Kelley: I think what the neighborhoods are asking in terms of the 200-foot rule as opposed to the 10,000 square foot rule, is to preserve permeability --

Leonard: What I'm asking, if we added that into what is -- we're looking at here, does that provide some of what the neighborhood is asking for? That they're not getting if we just accept this ordinance as proposed?

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Kelley: In other words, if you -- I think i'm tracking. I'm sorry.

Leonard: It's a lot of stuff

Kelley: In other words, if you didn't change the current 200-foot rule, which is the -- which is prohibited to flex that, are you saying if you don't change that?

Leonard: Correct.

Kelley: If you don't change that, we know there's a fairly -- I don't know that we know too much more --

Mark Raggett, Planning Bureau: The first development is going to begin to set where the other ones are going to go.

Leonard: Can we hear from somebody in the back that might be able to give us the actual on the ground answer of what it means? Is there somebody there --

Kelley: In terms of the actual blocks being planned right now?

Leonard: I don't want to propose something like that, i'm sure the council doesn't, if it unwittingly causes some fatal error. Christe, I saw you getting up. Somebody needs to give me an answer on how this impacts what's happening.

White: I don't need two chairs. I understand the request is that you would maintain the 200-foot minimum district -- between north-south blocks. But not between east-west.

Leonard: That's correct.

White: The result being the 200-foot minimum would always be retained for east-west use. The result of it would be probably a reduction in the number of these towers that could occur, but i'll also have to say it's something we can live with.

Leonard: But we heard explained to me why you think there's going to be reduction, and gil didn't think there was going to be.

White: Because the blocks are of different sizes. If I run into trouble, maybe phil the architect can explain this better than I can, because i'm not too good at these spacial things, but if you put -- as somebody said, the first tower dictates. Mark Raggett said the first tower dictates. If you cannot put another tower within 200 feet in the north-south direction of that tower, it will exclude a neighboring tower in some circumstances. So there could not be a tower on the adjacent block in some circumstances.

Leonard: Would it be fair for me to conclude from that that we would have moved closer to the neighborhood position by -- if we adopted -- maintain that restriction of 200-foot separations?

White: Well, I would ask the neighborhood to tell you if it's more consistent, but what I would tell you is, it's --

Leonard: From your perspective?

White: Yes.

Leonard: I need to say that too, but from your perspective it does a better job of maintaining the east-west corridors from terwilliger, you --

Kelley: Not mathematically, but because of a particular block configuration, it would actually reduce their number of towers, could it have an affect. I just don't want -- it could.

White: It could. And the idea being that if you have a 200 by 200 square foot block, which is the case in many instances, and you put one of these towers on one of those blocks, you would be very hard-pressed on any neighboring block in the north-south direction to place another 200-foot tower unless you had an extremely unique design that cornered it, and that proposal would be reviewed through design review through the modification process. If what you're asking is could we live with a proposal that preserves that 200-foot minimum distance between north-south blocks but allows it to be modifiable between east-west blocks, I think the answer to that is we could live with that, i'll give you the caveat I don't think we need to do that to be sure we're going to get excellent design results in south waterfront.

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Potter: I had a question. I've listened to these folks testify today, they seem to represent the majority of the neighborhoods as well as some of the neighborhoods on the east side of Portland. When I -- we first got this, I asked from your office a report on what kind of involvement was -- what kind of public involvement was there, and they gave me a list of a number of meetings and notices of public meetings. But it seems like i've heard this story before. And where citizens are coming in and saying, this isn't right for our community, where is the discrepancy, are the citizens just being cry babies because they're not getting their way? Or is there actually something going on here where we're not making the kind of outreach necessary to really get that kind of input?

Kelley: Well, I think -- [laughter] i'm going to step away from making any characterizations --

Leonard: I'm going to leave the room while you answer that. [laughter]

Potter: Not to put you on the spot.

Kelley: Just the way commissioner leonard told us to. I think first of all we need to understand that this is a particularly high change patch of ground here. This is a very bold experiment on the part of the city to create this level of intense development in an area that's albeit next to downtown, but that's been essentially a brownfield and underutilized site for at least three decades. That policy decision as I said was made in the 1980's, when this was brought into the central city plan. The basic height and use and bulk standards were decided. As -- I wouldn't blame the neighbors at all for not understanding that, because nothing happened from 1988 until now, it's a long time for nothing to go on. On the other hand, planning discussions have been going on for years.

*****: 1988 as well.

*****: That could well be -- [inaudible]

Potter: Ok, sir, one person at a time.

*****: [inaudible] -- you keep asking the planning bureau about what are the neighborhood positions. Ask the neighborhoods. There are a number of neighborhoods represented at present

Potter: Right now i'm talking to the planning director about what his perception is, and if necessary then we'll call on the neighborhood people to clarify that perception, but I think i've already got a pretty good idea about the perception of the neighborhoods.

Kelley: I certainly don't want to take any assessment of what the position of the neighborhood is. I'm not trying to speak to that. Before I arrived there was a process in place to -- a process in place to review that 1988 decision and to make additional changes if necessary to the central city plan and zoning code to put in place a vision that might actually result in development. And that was a council directive. I came in about halfway through that process and finished up that work for the city. As a number of the testifiers said, that was a long, grueling four the five -- to five years worth of debate about the district. Where it did arrive at the planning commission was at a -- with regard to height, was at a height limit of 250 feet. That was our intent to stay within the 1988 decision in that regard. But make other adjustments to the plan and so forth. There was testimony at the very first council hearing to be allowed to have a bonus above the 250-foot height limit up to 325 feet for certain kinds of buildings under certain circumstances. So that with a after the planning commission but it was subject to several hearings in front of the city council. City council agreed with that request coming from the development community, and instructed us to craft a package of regulations that would get to the kinds of things commissioner Sten brought up before. Those were brought back before the council adoption. Can we as a city do better in outreach, we can always do better. Was the bulk of the project well debated with the community? It was. Did the extra height come in fairly late in the process? Yes, it did. Did it meet the legal requirements for hearing and testimony? Yes, it did do that. And I think really the question that's being asked of you from a number of the neighborhood testifiers is, should the council revisit the decision of the previous council with regard to height? And I think you need to dispose of that issue one way or another before you get on to fine points about this particular rule, because that's a threshold issue that's

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come in front of you today, and we can't do it inside this process. You'd have to direct us to begin a new process to do that.

Potter: No disrespect for the previous council, but I have a lot of concerns about it. And I think that it's one of those things that from looking at it with fresh eyes, it looks like that limit increase in the floor plate, when you add up the 22 or 23 buildings that will be down there, I think if you were standing at exactly one spot you may be able to see between those buildings, but looking at it from any angle you probably would not be able to see the river. Or if you were lower than Terwilliger, any of the mountains. So if this is something we're talking about that's going to be here in 50 years, I think this is pretty serious, and I think that we should have some more discussion on it before we make that decision. [applause] please. So I seem to be a lone voice here. What's the pleasure of the council? Would you like to take a vote?

Adams: I'd like to hear from Anton so we can ask him. The question that Commissioner Leonard raised, and any -- anything else he wants to say.

Sten: Did you -- do you have an answer to my thought, is there --

Kelley: I don't have an immediate answer as to what that might be. If the council doesn't act, I would be willing to look at that to see if there's any relational criteria --

Sten: The argument being --

Linly Rees: Mayor Potter, as Mr. Vetterlein approaches, I want to remind council this is not an emergency ordinance, so council will not be taking definitive action, it has to go to second reading if there are amendments, you can consider this. So I don't want the audience to have the expectation there will be a final vote today.

Potter: Ok.

Vetterlein: Thank you for the opportunity.

Leonard: The specific question is, if we were to maintain the 200-foot minimum separation, is that from your view sound like a compromise?

Vetterlein: Yeah, it does, because my concern is that if you can sort of crowd the towers towards the right of way and then when you're looking at an east-west direction, other towers on other blocks to the east or west could fill that gap within the block, the line of the blocks in the east-west direction, so I think the idea of having one tower per block is a very good thing, and I think that's what assures the visual permeability, if -- and I think the exceptions will allow potentially more than one tower per block. I think that's the --

Leonard: Ok.

Vetterlein: Does that answer your question?

Leonard: It does. Thank you.

Vetterlein: That's the main thing I was concerned about. I think maybe if Jerry Ward from Corbett Terwilliger could also address that, you might get the full neighborhood viewpoint rather than just mine.

Ward: Commissioner Leonard, that small drawing -- Jerry Ward, representing the CTLH. That small drawing down in the right corner of your view is planning bureau's perspective looking down on the site plan. It shows that 200-foot separation between the buildings, this is just a drawing recently, before these proposals were made, and having the 200-foot separation is important, but I would like to add that both north-south axis as well as east-west is important, because as staff noted, there are some blocks bigger than the 200-foot dimension, both north-south and east-west in different parts of the area. So what they were trying to do is somewhat of a separation both in -- in both directions. That is very important, because I live on the south end, and have property more on the south end, and my views are diagonal views, and --

Leonard: Let's look at this a little more holistically. Overall would it be more aesthetically pleasing from a Terwilliger Parkway --

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Ward: Would it help the views from terwilliger parkway, but the terwilliger parkway is over 21/2 miles long, and there are other viewpoints. So the diagonal theory also applies to terwilliger parkway --

Leonard: I just have -- is it a better design if we have the 200-foot separation and it sounds like you're saying --

Ward: It is --

Leonard: Overall it is.

Ward: It gives some of that space that this council said two years ago was trying to afford the rest of the city of Portland. The other aspect of that is that when you eliminate the 10,000 square foot plate and the 125-foot width, north-south, that is also critical. And I know you're looking for a compromise, but that's what we tried to point out. All the testifiers seemed to say the same thing. We have been compromising all the way through. This we started at 45 feet, went to 125 feet, 250, now 325. And then this council said at 325 we'll put these conditions. Now you want to throw them out the bath water out. And that is -- to me that's not a compromise, still. It's better, i'm glad you said that commissioner leonard, and are inquiring about it, and it helps. We're not opposed to keeping the 200 feet.

Leonard: Thank you.

Ward: Any other questions? Our neighborhood association would be glad to have meetings with any staff commissioners, with our boards and presentation, to better define -- we heard a lot of different things from staff and gil kelley that is contrary to what we know is a fact. And that's what we would like to be given a chance to meet with you and to discuss those -- these three regulations you're throwing out.

Potter: Thank you.

Leonard: I will be proposing then -- I can't recall if I would do it today or next week, an amendment that would do just that, that would maintain 200-foot separation, allow the 12,000 square foot floor plate and with the condition that we maintain the 200-foot separation.

Rees: It would probably depend on whether staff could develop language immediately that we could have you vote upon.

Leonard: As an amendment, then it would become part of the proposal next --

Rees: Right. Exactly. And typically we would then take testimony on that amendment.

Leonard: Sure. Can we do it in a conceptual way?

Doss: We have a little more time. I believe the next opening you have on your council hearings was february 17, though --

Leonard: I'm just asking procedurally, if I propose it as a conceptual amendment, we could actually have -- vote on the conceptual amendment and have the actual language next wednesday that we would then vote on incorporate in that?

Rees: Sure.

Leonard: Ok. Are we in work session?

*******:** No.

Leonard: Are we in -- do we have the capacity at this point, is it in order for me to make that motion?

Adams: We're in regular session.

Rees: I'm not sure, what a is -- is a work session?

Leonard: I think I just reverted to my legislative days. I'm sorry. I actually just caught myself.

Adams: Representative leonard --

Leonard: Only in work sessions do you -- i'm sorry.

Adams: You can move.

Potter: Would it be bet tore save this to a later time so we could perhaps have some time for the neighborhoods to--

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Leonard: What I was thinking was, if we make the amendment today, then the proposal has that within it. So we're actually discussing that. And then next week if we want to have further discussions, i'm sure people are going to want to talk to you after your comments here today, mayor Potters in the -- in the next week --

Potter: I'm sure they'll want to talk to you too.

Leonard: They'll be more interested in talking to you than me. And so then we'll have -- it will be a whole document that has the 200-foot separation.

Rees: And it will --

Leonard: It doesn't bind us next week to voting on it. It becomes part --

Potter: We would be accepting everything but that. Is that correct?

Leonard: What we would be doing if I propose that motion to pass, we would be taking out the provision that's allowed the deletion of the 200-foot separation. So what would be left would be the proposal as it is without allowing less than a 200-foot separation.

Potter: But everything else would be -- would stay, including providing the design review or the planning commission with the authority to --

Leonard: It would, but my motion would only change that aspect, and we'd still have to agree to vote next week to accept the whole --

Potter: Everything else.

Saltzman: So they could still go to 12,000 square feet.

Potter: Shall we vote?

Leonard: I'll move conceptually that we delete any provision in this ordinance that allows for less than 200-foot separation.

Doss: It's a very simple code change in terms of just modifying the code language. We can easily bring that next week for you -- for to you review.

Leonard: We want it to be part of the overall -- I want to amendment --

Doss: It's a change of a few words.

Leonard: Ok.

Adams: Second.

Rees: If it's only a changing a few words, could staff identify what changing those words would be now and then it's not so conceptual and it's a lot clearer?

Doss: Currently the way the regulation states is that adjustments to this standard are prohibited, however modifications through the 200-foot minimum distance requirement may be requested through design review. So the new amended language would say adjustments to this standard are prohibited.

Leonard: So moved.

Adams: Second.

Potter: We just have another one. Do we have to get rid of that one before --

Leonard: I withdrew it

Potter: Ok. Then let's read the motion and then we'll vote.

Leonard: Could you do that one more time? Restate what you're deleting.

Doss: What we'll do is modify just to be clear, for the record, we would be modifying section 33.510.205g.3.d to state, the applicant -- sorry. C, sorry, .c, the portion of the building that is greater than 250 feet in height will be located at least 200 feet from the portion of any other building that is greater than 250 feet in height. The spacing requirement applies to existing buildings and those with an expired design review approval. This requirement excludes projections, rooftop mechanical equipment, radio and television antennas and any other structures that project above the roof of buildings not utilizing these high bonus provisions. Adjustments to the standard are prohibited.

Leonard: That's what it would read.

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Doss: That's exactly what it would read.

Leonard: Ok.

Kelley: Before you vote, if I could put on the record one thing, I appreciate the intent completely, and we've been trying to strike this balance too between views and good design. The likelihood in placing this restriction or keeping this restriction on the books without the ability to vary, which is different than removing the standard entirely, but setting a standard of roughly 200 feet and allowing some variation, is you may get a fairly even row of teeth. Whereas flexing that rule so that some buildings can be grouped closer and other buildings can be grouped closer my provide occasionally wider views through where you'd get more --

Leonard: If we don't have this compromise we may have no teeth.

Kelley: I understand the intent, I just wanted to say that was part of the design thought, to be a little creative about sculpting the skyline. I just wanted to put that out because a number of people were concerned about the design.

Leonard: I understand.

Kelley: Ok.

Potter: Are we ready for the vote?

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Sten: I just want to say briefly, i'm going to support the amendment because I think it improves the package. I'm not positive i'll support the whole package. I still think we could do more work to get some more strict view protections in place as part of the deal. In fact what this amendment does is reinstates what exists today. The 200-foot proposal. I still am looking for some way to provide the 12,000 square foot, because I think the elliptical 12,000 square foot building is a better design, and I think it will look better, but I would like to see if there's some way to get some more certainty to the neighborhood that -- as part of that review it gets -- we protect these view corridors, and I think restoring what exist today does not give the neighborhood anything, so I -- so I support the amendment because I think it makes more sense, but I still want to do more thinking about what a true compromise might look like where both sides get something. Aye

Potter: I vote nay. And, it's because I think we need to step back and take a look at this. I know that the motion will carry, but it would certainly be nice if during the intervening time we could get representatives from the neighborhoods and planning and the planning commission together to at least examine what other possible compromises could about so we could all feel more comfortable voting on it next week s that ok?

Leonard: Absolutely.

Potter: I direct you to set that up.

Rees: Before you adjourn, because this is land use, do we need to have this go to a time certain, or -- do we know this will be next wednesday?

Parsons: We could make it a time certain. We do have that available next wednesday the 2nd a 2:00.

Potter: The matter will be reheard on november -- february 2 at 2:00. [gavel pounded] ok. This is the last item of the day, we'll recess until 2:00 tomorrow. Thank you.

At 6:41 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JANUARY 27, 2005 2:00 PM

Potter: Council will come to order. Sue, please call the roll. [roll call] sue, please read the item.

Potter: Could you please describe the hearing and how it will be conducted?

Kathryn Beaumont, Sr. Deputy City Attorney: I will. Thank you. Before we begin the hearing, I have several announcements i'm required to read by state law. They will concern the kind of hearing we're having today, the order of testimony and presentation, and some guidelines for presenting testimony. First is the -- as to the kind of hearing we're having today. This is an evidentiary hearing. This means you may submit new evidence to the council in support of your arguments. This evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps, or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure that they become a part of the record. Next as to the order of presentation, we'll begin with a staff report by the bureau of development services staff for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order. The appellant, pleasant valley neighborhood association, will go first, and will have 10 minutes to present the association's case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the city council. After all persons who support the appeal have spoken, we will hear from the applicant, who will have 15 minutes to address the city council and rebut the appellant's presentation. After the applicant, the council will hear from persons who oppose the appeal. Again, each person will have three minutes to speak to the council. Finally, the appellant will have five minutes to rebut the presentation of the applicant and opponents of the appeal. The council may then close the hearing, deliberate, and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of findings and a final vote on the appeal. If the council takes a final vote today, that will conclude the matter before the council. Finally, as to guidelines for those presenting testimony at the hearing today, these guidelines are established by the zoning code and state law and are as follows. First, any testimony and evidence you present must be directed toward the applicable approval criteria or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. The b.d.s. staff will identify the applicable approval criteria as part of their staff report to the council. Second, if you fail to raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue, you'll be precluded from appealing to the land use board of appeals based on that issue. Finally, if the applicant fails to raise constitutional or other issues for -- related to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the conditions of approval. And that concludes the opening statements I need to make.

Potter: Thank you. Do any of the members of council wish to declare a conflict of interest? No council members have a conflict of interest. Do any members of council have any ex parte contacts to declare or information gathered outside of this hearing to disclose? No council have ex parte contacts to declare. Do any members of council have questions or other matters that need to be

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addressed before we begin the hearing? Ok. Staff, please come up. You have 10 minutes. Please state your name.

Jill Grenda, Bureau of Development Services: Good afternoon. My name is jill grenda, and myself and Stacey castleberry, my colleague, were the staff planners assigned to review this subdivision. In a minute i'll figure out the technical end of this. This was already shown on the screen, but we're here to summarize the hearings officer's approval today and also to give a staff response to the appellant's statements. The hearings officer's approval was for a 65-lot subdivision to divide approximately 27 acre site into 65 new homes, served by a new public loop street and a couple of private streets. The proposed subdivision will cover approximately 9.5 of the 27 -- 9.5 acres of the 27-acre site and the remaining areas of the site will be placed in unbuildable resource tracts. The hearings officer also approved the environmental review that was necessary for the 65-lot subdivision and the streets and utilities that will serve it to be located in the environmental conservation overlay zone. The approval included a plan development review to allow the lots to be created at smaller than the 6,000 square foot minimum lot size in the r10 zone, and finally, approval of an adjustment review to allow some amount of tree removal during preliminary grading of the developed portion of the site. This slide is the approval criteria, and katherine already went over. This the approval criteria is what the hearings body uses to decide on whether the subdivision should be approved or not. The only reason I emphasize this again is because staff feels that some of the appeal points do not relate to the approval criteria, specifically there's a lot of material on the appellant's statements that reference technical storm water standards, those are references to the title 17 storm water management manual, which is a set of technical standards that developers need to follow at the time of development. They're not specific approval criteria for the subdivision. Emergency vehicle response time was something that came up in the original subdivision hearing, and you may hear testimony about that today. That is also not directly related to the -- it's not part of the approval yeah tier I don't know. And finally, the appellant's statements reference a cumulative impact analysis. This is also not required in the approval criteria for the environmental review component. Zoning map of the site. The site's located in the residential 10,000 or r10 base zone. It's completely blanketed with environmental conservation and environmental protection overlay zones, and it's also in the south subdistrict of the johnson creek basin plan district. And i'll ice this little pointer, i'm not sure how well you'll be able to see this, but this is foster road up here to the north of the site just to orient you a little bit, and then the road here along the eastern side of the site that provides primary vehicle access to the site is southeast 162nd avenue. This is an air photo of the site that gives you an idea of the forested nature of the site. There is an area of grassland down at the southern portion of the site, and stacey will talk to you about that more when she talks about what's proposed for mitigation. What you don't see from this air photo is the topography of the site, and it's sort of a continuous slope downward from the high point, which is down in the southwest corner of the site. The slope is fairly gentle, up until you get to about the p-zone line, then it drops off down toward foster road. This is the subdivision layout. Again, i'll just repeat, it's a loop public street served by a couple of dead-end private street stubs that will provide vehicle access to a limited number of lots. Preliminary utility plan, the only reason I include this because I know it's hard to read at this scale, is to point out that the site will be served by new public sanitary and storm sewer lines that take sanitary and storm water off of the site to the east in a new sewer system that will connect to existing public facilities on southeast 162nd avenue. I included this slide to just sort of give you -- to show you how much of the site is going to be developable area in relation to how much of the site is going to be set aside in resource tracts that will be protected in perpetuity, so tracts a and e are proposed to be the resource tracts, and the development is sort of clustered at the southwestern portion of the site. Turning to the subdivision appeal points, the first one was storm water disposal, and as I referenced before, there's a lot of very technical sounding appeal language in the statements. Most of that relates directly to the storm

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water management manual, which is a set of administrative rules that the bureau of environmental services administers. There is b.e.s. staff here today who can talk to you about that if you have particular technical questions. In terms of the subdivision approval criteria, the applicant was able to meet that by demonstrating they could provide an approvable storm water system on the site. The second appeal point was in regards to a bridge weight limit on a bridge over foster -- over johnson creek on foster road at about -- near the intersection of -- with barbara welch road, and the statements essentially contended that that would make it impossible to bring construction vehicles in an eastbound direction on foster road. That doesn't relate to the subdivision approval criteria. Regardless of that, we asked pdot to identify whether there had been a fix identified for that bridge, and it is on a current capital improvement project list, and apparently the upgrade to the bridge will be completed in 2008. Pdot staff is also here today, you can call upon them to answer more questions about that or other transportation-related issues. Another issue that came up in the subdivision, this wasn't directly referenced in the appeal statements, but the site in the three adjacent subdivisions that it sort of becomes an extension of currently have a single point of vehicle access from 162nd avenue. Testimony in the original hearing related this to subdivision approval criterion 33.641, which essentially says the transportation system must be capable of supporting the proposed uses in addition to existing uses. And then it gives you a list of evaluation factors that you can use to make that determination. The reason why it was important in the subdivision review is one of the evaluation factors we used was firefighting equipment access to the site. And for the subdivision, the applicant was able to address the issue by agreeing to provide residential fire sprinklers in the homes on the new lots. So even though they did not meet the second point of access with the proposal itself, they could meet the code requirements by providing those sprinklers instead. There is actually a second point of access to the site which i'll show you on a vicinity map in a moment. It's not a developed point of access at this point. Then again, you will probably hear testimony today about emergency vehicle response time. This was also discussed in the original hearing, and it's just -- it's not part of the approval criteria for the subdivision review. This is that slide I was referring to, this sort of zooms out and shows you the neighborhood circulation patterns, so this is 162nd avenue, and there's a local street southeast henderson street which was platted and developed in the subdivision adjacent to the south of the site. This actually provides the primary vehicle access to this subdivision, hawthorne ridge, macgregor heights, and ultimately it would provide vehicle access to waterleaf as well. There's a secondary emergency vehicle access that was required to be platted and developed as part of the macgregor heights subdivision, which is west of the site. And fire bureau staff is here today to talk to you about the limitations of that access route. This is the possible second access point from this site that I referenced a little earlier. This is a platted right of way that exists in a piece of property owned by Portland parks and recreation. It's immediately adjacent to the west side of the site. Again, this is not a developed right of way at this point. The developed portion stops at the end of the macgregor heights residential subdivision. This beautiful slide is my cue to turn the presentation over to stacey, who will talk about the environmental review component of the review.

Stacey Castleberry, Bureau of Development Services: Can you hear me ok? I'll be wrapping up with a brief discussion of the environmental appeal points. This is a picture of the northern portion of the waterleaf site, and as you can see, the northern and northeast corner of the site support some coniferous forests, which is very high quality habitat. This is also the portion of the site that has the higher quality drainageways that cross the site and flow down the hill to foster road. Some of these areas are very steep and we contrast this portion of the site with the southwestern part of the site that's proposed to be developed. This area is much more open as you can see, it's dominated by modern aged stands of red alder and big leaf maple, which also include thick its of invasive blackberry. The waterway you're seeing in the foreground is the west end of drainageway a, which i'll talk about in a moment. As you can see, this portion of drainageway a is not of the highest

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quality. It lacks defined banks, and a defined channel. It's intermittent or seasonal, and it's also invaded by stands of blackberry. Now I'm go through the three environmental review appeal points, and they are related to cumulative impacts and alternatives analysis for filling drainageway a, and finally, mitigation for the development impacts. First with regards to cumulative impacts, this is not specifically an approval criterion, but rather it's a submittal requirement that the bureau of development services has the authority to waive. Nonetheless, the applicant's natural resources report as well as their storm water management report do consider cumulative impacts. Especially with regards to the downstream impacts that we'd see from storm water runoff from the development on waterways such as Johnson and Kelly creeks. Both the bureau of development services and the bureau of environmental services determined that the information provided in those reports was adequate to determine that the approval criteria for the environmental review with regards to impacts were met. Second appeal point is that the applicant states there was no alternatives analysis done for filling portions of drainageway a. Here is a picture of where drainageway a is. The southernmost drainageway on the site that is to be developed. And the westernmost portion of drainageway a designated by the blue dots is that portion proposed to be filled. And again, this is the area that is relatively flat. There's no defined channel, and there's quite a bit of blackberry in this area. The allegation that no alternatives analysis was provided is simply incorrect. The applicant provided a detailed alternatives analysis, and it's summarized in the staff report and the hearings officer decision. They explored tentative lot and street layouts, and came up with a plan that keeps development a minimum of 30 feet away from the center line of four of the five drainageways that cross the site as well as most of drainageway a. Lastly, the applicant found they still needed to fill this western portion of drainageway a in order to construct lot six, seven, eight, and nine, in addition to the very important connection, the single point of access via southeast 157th avenue. The hearings officer agreed the project would not be practicable without these lots and without that point of access being developed. Lastly, the appeal statement included the statement that there was insufficient information provided to describe the mitigation plan. The natural resources report that I mentioned before includes 10 pages describing a detailed mitigation plan. Findings in the hearings officer's decision summarized four distinct types of mitigation proposed by the applicant to compensate for the identified impacts associated with the land division. This shows you a picture of the concept. For the 9.5 acres of proposed permanent development, the applicant proposes 2.6 acres of forest habitat mitigation, 2.5 acres of reforestation of this grassy area that's on the south part of tax lot 3000, so they'll take what's currently an open grassland and create forest habitat out of that. For the approximate third of an acre of impact to the west end of drainageway a, the applicants propose two acres of riparian enhancement plantings along the drainages that cross the site, and they also propose to replant the utility line corridor that's needed to provide storm water disposal as well as sanitary sewer access to the site. And in addition to those specific items, over nine acres of additional enhancement is proposed in the form of placing large woody debris in these open space areas, improving some of the existing trails that run through them now, and removing invasive species in these areas. Staff found and the hearings officer agreed that the mitigation approval criterion was met by this plan. Now I'd like to summarize our presentation by repeating three key points to council. The first is that the appeal focuses on technical details. Those in title 17 administrative rules and other issues such as bridge capacity at Barbara Welch Lane and emergency vehicle response time as well as cumulative impacts, these are not approval criteria that are required to be met for approval of this land use review. If council finds problems with the proposal, they must be expressed in terms of the applicable title 33 approval criteria for land division and environmental reviews. Staff has provided council with an extra handout rating each of those criteria, just for your reference. The second point I'd like to make is that the applicants have worked for months with the bureau of development services and the bureau of environmental services to revise and refine their proposal to satisfy the requirement

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the. During the review period, city staff from bureau of development services, bureau of environmental services, Portland's department of transportation, and Portland's fire bureau provided comments that the proposal met their requirements for preliminary land divisions. Please note that members of each of these bureaus are here today to answer technical questions which you may have about their requirements during your discussion of these issues. And lastly, since december 3 of 2003, when the application for this subdivision was submitted originally to b.d.s. For review, the applicant has worked cooperatively with b.d.s. Staff, numerous plan iterations, and finally, they have arrived at the layout that you see before you that meets the zoning code regulations. B.d.s. Staff feel that this plan exemplifies the intent of the new 2002 land division regulations in the zoning code by clustering the development in the -- away from the drainageways on the site, staff feels it reflects the type of development that council envisioned when they created these revisions to the land division code. The staff feels the plan achieves the balance of protecting the sensitive resources while allowing the development of the site to its potential. And that concludes our presentation unless you have questions of b.d.s. Staff at this time.

Potter: Thank you. We'll take the questions later. We'll now hear from the appellant.

Paul Grosjean, Pleasant Valley Neighborhood Association: My name is paul grosjean, i'm vice president of the pleasant valley neighborhood association. This is a difficult topic. We as a neighborhood association believe in and support managed responsible growth. We have supported numerous positive and responsible developments in recent years. This development as was described is at the top of a classic butte and this hill is had transportation issues since its inception about six years ago. In fact, five years ago the topic of an additional 33 homes was visited in these very chambers. At that time less than 100 homes were occupied or even under contradiction and yet even then it was clear that a transportation crisis loomed. One core issue is that the entire development is served by only one access road, henderson way. There are no alternative routes in or out. Henderson way is a challenging street under any conditions. It's steep, up to 17 degrees, windy and narrow. By county standards, it should serve no more than a thousand trips per day. It now serves 4,000 trips and over 400 homes. Even without this new development, we have severe problems, but that seems to have fallen on deaf ears. Five years ago when this -- in this very room, our problem was acknowledged by council. Here are some excerpts from that council meeting. A street plan must be adopted. This must be quick. A connecting street will never be put in without a street plan or probably condemnation, which is a hard prospect. This is an issue for the next five years. Once property is subdivided and streets put in, that's hundreds of years. From the mayor, at what point as traffic guru does they say, hey, stop, the road can't handle it? From the department of department of transportation, with that improvement to 152nd and barbara welch, no more traffic can be put on to 162nd and foster intersection. Also from the department of transportation, we need a street plan. From the commission -- from the council -- the whole focus of traffic engineering and level of service assist simply damage control. How bad a server should be. The city respond to individual applications. Adopt findings to direct the city engineer to use his authority under title 17 before the next subdivision and propose a street plan for this district. If the next project comes up soon, we should declare a moratorium in this area. From the mayor. We must do the right thing or call a moratorium. We're in the business of creating neighborhoods, not suburban subdivisions. A street plan must be put in place in other areas identified this kind of situation to get ahead of it. Here we are five years later with only one road in and out, and we have no plan. We have no secondary access. But we know a lot more now than we did then. Our emergency response time is 91/2 minutes as opposed to the goal of five minutes and 20 seconds. Our primary station -- primary fire station, station 42, sits close to barbara welch and foster. The bridge necessary to cross is weight restricted and up until I believe yesterday, all emergency vehicles had to slow to five miles an hour in order to cross the bridge. Not a very comforting thought. Fire regulations say if there's only one access road, all new houses must have sprinklers. If that was enforced, all homes on our

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hill should be sprinklers have but -- should have sprinklers, but they don't. With 75% of the emergency responses due to medical needs, I don't see sprinklers are much of a solution. We begged the city for help and volunteers spent endless hours seeking a solution. We have no none. It's overcapacity in this development will crush us. How does this affect our lives? At least six times in the last six years we've had the majority of our neighborhood isolated for extended period of time due to ice, snow, or auto accidents because we only have one road. During the snow episode last year we had fire department equipment stalled and isolated while on emergency calls, police cars stranded, a four-day closure of henderson way, all because of no alternative access. Just this month during the freezing rain episode we were again faced with isolation and encountered disabled ambulances and fire vehicles. We knew this was going to happen five years ago. It was discussed in this very room. There are other issues that need to be evaluated. The transportation analysis is just plain wrong on several criteria. It notes that henderson way does not allow parking. That's not true. Also the site lines at henderson and 162nd are substandard and not mentioned in the traffic analysis. In the infamous 162nd and foster issue is glossed over. The intersection recently rebuilt is as it was predicted to be, on the verge of failure ratings in at least one direction within 3% of the failure rating. We want to add 17% more homes to this hill? What saddens me most is this council told us five years ago they heard us and would not let more problems happen. The only reason that the issue has not been revisited in these five years is no developments have been proposed. Now we ask to hold you to your word. To quote you, "the next development calls for a moratorium." those are your words, not mine. We were promised a plan and got no plan. We were promised relief and we received none. Another transportation and parks issue is that there are 10 acres along 152nd that have been land banked for a near future full-service park. We welcome the park as a solution to the severe deficiencies in parks -- of parks in outer southeast Portland. The park is approved and thus stands in line in front of any development such as waterleaf. The park will bring its own traffic issues and the waterleaf proposal does not address those issues. It should be clear that this development should be denied based on transportation alone, but that's not the case. This development is the only housing project requiring in this area requiring removal of substantial forested area. The developer is only required to inventory trees of six inches or more, and even at that, over 1700 trees will be removed, that's 26 trees per proposed household. This is a very sensitive hill directly overlooking the foster corridor. These trees, even those less than six inches, and the associated foliage currently hold the hill together. Logic says nature can probably manage watershed better than 65 roofs, 65 driveways, and roads to serve 65 homes. I live in a any house, in a new development, and i'm not antidevelopment. As part of the pleasant valley neighborhood association, I have backed numerous responsible developments, but on occasions such as this, voices need to be raised to say no. The city made a commitment five years ago for no more development without traffic relief. There is no traffic relief. The ecological damage caused by the development will risk watershed and a district -- and indeed risk closures to foster road. There's a better answer, a better solution. I mentioned earlier that this property adjoins land purchased to be a full service park serving all of southeast Portland. The land also provides connectivity to the spring water trail and to powell butte. This offers an incredible opportunity to everybody to do the right thing. Take a deep breath and find a way through Portland parks, including possibly the recently passed s.d.c. Plan, me throw, and others, to save this land for open space and recreation. Imagine if you will a child or a family riding from home in southeast along the spring water trail, riding up to the new park for a soccer game, and returning home on a quality nature-filled trip. This is our chance to realize that goal. And our last chance. In closing, I reflect on reading this application, it seeks dispensation for a multitude of issues raising from transportation, to lot size, to setbacks, to storm water, even fire safety issues. Taken individually, they may seem justifiable, taken globally they demonstrate a development that just should not be built. I recognize the commitment that the developer has made, but the effort alone shows that the

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problems -- the effort alone shows the problems associated with this development. It's the wrong use of the land, it has severe negative impact on current and future residents, it damages the land, and removes the correct use forever. I told you this was a difficult shy, but as the new custodians of this city, you must face difficult issues and do the right thing. And the right thing is to deny this application and immediately begin the process of preserving this land as park land. Thank you.

Potter: Thank you, sir.

Potter: We will now take testimony from supporters of the appeal.

Mark Brown: My name is mark brown, i'm a homeowner in the hawthorne ridge subdivision, i've lived there four years. I don't know a lot of the environmental issues, and i'm not going to address that. I'm not an expert. But I do have a lot of concerns about traffic. We've tried to deal with punching 162nd to barbara welch in the past. I've not made it to work because henderson's been blocked, either by a traffic accident, or because they're in snow, cars tried to go where they shouldn't or when they shouldn't, and end up sideways in the road. I have a concern about the way it is now. It seems to me that adding more houses is just going to compound the problem.

Potter: Thank you.

Gary Brooke: Good afternoon. I'm gary brooke. I live in the hawthorne ridge subdivision. , which is the subdivision that all of the traffic would have to go through to get to the new addition. I'm not against progress in any stretch of the imagination, but I am against addition of any more housing in this area until the problem of one access in and out to the new -- our subdivision as a whole is addressed. As far as an environmental issue, it's a hill that's basically a big blob of clay as far as I can tell. It kind of worries me, what's going on. I can only assume that environmental issues have been addressed. That's pretty much it. My main concern is the fact that there's no access -- only one primary access. Only one access in and out of the subdivision, and mostly for ambulances and no sort of thing, is what concerns me. Fire is bad enough, but with my age and whatnot, i'm a little more concerned with emergency issues as far as health is concerned. That's pretty much it.

Potter: Thank you very much.

Jerry Ray: Good afternoon, my name is jerry ray, I live on henderson way. Thank you for your time, for listening in this matter. Our concerns for my family include the increased traffic and the increased safety and risk to our children. An example would be cars that come off of southeast 156th in the morning have no regard to school buses in the morning. We stand there with the children and we notice when the bus is coming that the cars roll past the stop sign and cut off the bus. When they see it coming in order to get ahead of it, which puts our children at risk. Adding 65 more homes increases the traffic volume down this road currently and also increasing the risk to our children. Another one is the problem with the inclement weather. It puts a real problem with access to the residents in this area. The residents can't get out of the subdivision as is during ice storms or snow events, and it makes it near impossible for emergency service vehicles to get in. And if we were to ever have some type of problem where evacuation out of that area was required and henderson way was blocked off, we would be stranded. With those two things in mind, I would just ask the council consider putting infrastructure in place before growth in this area is allowed. Thank you.

Les Swanson: My name is les swanson. Mine is more of a solution thing. The city already owns half of 152nd and it used to run through there before we developed hawthorne ridge. I'm thinking if you approve this, you need to make sure 152nd is opened back up. What happened is, four landowners that own the other half of the street shut it down because they didn't like all the traffic, so what the city said, is we can't have half a road, and they shut their half down. It used to have two accesses in. It would save everybody a problem. You have to make a decision, but i'm saying make a smart one. If you have a -- approve this, make sure we get a road, 152nd gets back opened up. The four landowners have already offered to sell it to the ridge, we just couldn't come up with the

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\$700,000 to buy it. So it's really a pretty easy fix, even if you just do a city one-way in to make the fire trucks come in there.

Leonard: If you could help me, we're looking at a map. Where is 152nd?

Swanson: It runs along the side of the park. It was already opened -- it comes straight up from barbara welch road. Help dr. Son was put in by the new development. That was the way in originally to the people that lived up there. But what happened is when they built hawthorne ridge, they shut that off because too many people were using that road. Private people closed theirs down and the city cut their half of the road off because they said, we can't have a half a road. But the bottom line is, if they reopen that back up, it would solve almost all the problems. And what happened is when they built hawthorne ridge ii, they charged to the developer the money to refix the 162nd and foster. And what that -- all we're saying is if -- if you're going to approve this, approve it, but make this guy pay par the -- for the 152nd. Also it's a police issue. We had an incident on july 4 where that one access, people can sit up on the ridges, we had loud music and illegal bombs going off, and the kids will basically sit up there and with hawthorne ridge as the only way in, there's no way for the police to sneak up on them. They see them on 162nd and foster, they call the cops, the music goes down, the illegal fireworks get put away, the cops leave and they come back up. If you had that opened up, you could sneak up behind and nobody could see you were coming.

Adams: Before you -- could you summarize again for those of us that weren't here for the last council the two -- you suggested that two roads get opened back up?

Swanson: Just one. 152.

Adams: When you say --

Swanson: It runs from barbara welch up to the whole development up to the park.

Adams: And when you say half of it has been closed off by the landowners, do you mean half as in this way or half assist in this way?

Swanson: Right down the middle. It could be a one-way. They own the property, it was kind of a private drive, but they let everybody go up through their drive to where it used to be.

Adams: On their half of the road.

Swanson: Right. When the development was built, everybody started using that, they said, that's a private driveway and we're going to close it off to the development and so the city said, it's unsafe to go around their barriers, we'll put barriers --

Adams: Do they live on that road?

Swanson: Yes, on 152. Four of the landowners lived there. So the city, trying to be safe, shut off the other half, but it was a terrible decision.

Adams: Thank you.

Linda Bauer: Linda bauer. I'm submitting a letter from the centennial school district that was on top. Ok. To the approval criteria. Why you should deny this application. The approval criteria, 33 -- development including building sites, vehicular access, and utilities, within the resource of a conservation zone, must have the least amount of detrimental impact on the identified resources and functional values as is practical. Significantly different but practicable development alternatives, including alternative housing types. Or recusing the number of proposed lots or required lots, maybe required if the alternative will have less impact on identified resources and functional values in the proposed development. There is no evidence in the record that alternative housing types, we're talking attached housing, was ever part of their evaluation. If they used -- if they just did the three house that's they're proposing to fill in the drainageway f. They just attached those three house, it wouldn't be necessary to destroy the a and b rated habitat of the drainageway. We're not asking a major -- they have to do all multifamily, but they need to consider as the code says, they need to consider whether attaching some of the housing would be appropriate and would be less detrimental to the identified resources on the site. Also, the traffic access, there are alternatives that

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they could look at and have not done. From the very start, commissioner Sten has raised concerns about the bureau of environmental services practices of not allowing public comment on anything that they chose to call a technical decision. In spite of the commissioner's concern, the previous council adopted rules and have limited the public's right to participate in land use reviews. Commissioner Sten's concerns have been proven to be well-founded. By the bureau's repeated failures to enforce mandatory administrative rules, I submitted a map to you that shows where b.e.s. Is proposing to allow a storm water facility constructed. It's on a 30% slope. Their administrative rules say that they have to have a geo tech report to say that this is stable, that you don't want to put a huge fill on a 30% slope that is not stable, and then store six acres of storm water on top of that. With a small retaining wall beneath it. And I for sake of time have submitted a summary of all of the administrative rules that they have not addressed.

Adams: Did the bureau have a chance to -- has the bureau reviewed those -- your concerns and they provided you with a response?

Bauer: No. Actually, I did submit them as part of testimony at the hearing, and the applicant even agrees that the bureau didn't do an adequate job in review, but think call it irrelevant because the bureau came to the decision that they wanted.

Adams: The bureau being bureau of environmental services?

Bauer: Yes. Also, the bureau has a policy that discharged --

Adams: I interrupted. Go ahead.

Bauer: The bureau has a number one policy that drainage needs to be discharged to the natural location. They are diverting two subdistricts to a third subdistrict to handle their drainage. Thank you.

Adams: Thanks.

Karen Hubbard: My name is karen hubbard, I appreciate the opportunity to come and share a little bit of info with you. My family has been in Oregon since 1852, and they came here because there were opportunities to work the land and to pursue what was important to them, which was logging, farming, and gold mining. At this point, I still live in Oregon in Portland, and i'm living in hawthorne ridge on bybee drive. The reason I focus on bybee drive is, should this subdivision be approved and the construction of the 65 homes commence, the path that these construction vehicles are going to take is going to be up henderson, down 156th, and down bybee drive. So the only way to get to waterleaf subdivision is through one set of streets. And that one of those happens to be mine. Additionally, the other route that they could take would be all the way up henderson and then down 152nd, which as my previous neighbors were saying, is a -- only one lane wide street, and currently there's no access to barbur -- barbara welch. Given the width of the streets, the only option is for those trucks to come up henderson drive, there is only parking on one side of henderson drive, then they turn right on 156th, where there is the same size street, but parking on both sides of the street, and then tell turn left on bybee drive, because they can't go to 102nd and turn right. It's only one lane wide. So I know where the traffic is going to have to go. So at each intersection i've mentioned, if there's an accident, when there's an accident, when there's increment weather, the 400-plus homes on the hill will be stuck. There will be no way to get in and no way to get out and no way to get emergency vehicles to any people that need assistance. That's number one. If you approve, yes, make sure there's a second access and really consider carefully what is being asked in terms of diverting the water from the side of the hill, because as you go toward foster, it's not a case of the elevation being flat and here's foster and then here's johnson creek. This is a hill, and you come off the cliff right above foster. So if we don't handle the water right, if we guess wrong, and don't do the right thing, we're going to be faced with losing access on foster, which will only be made worse as the years go by, because pleasant valley will have 6,000 new homes and they'll use foster too. So it may not just impact us on top of a little hill, it may be also impacting whether people from pleasant valley can make it down foster as well. Thank you.

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Potter: Thank you. Is that it, sue?

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

Potter: Ok. We'll now hear from the applicant. Please come forward.

Potter: You have 15 minutes. Please state your name when you speak.

Renee France: Good afternoon. For the record, my name is renee france. Portland, 97204. I'm here this afternoon on behalf of the applicant for the subdivision. Before we get into the details of the application and kind of the details of the appeal issues that you've just heard from the appellants, I want to take a moment and step back and look at the big picture and look at what this proposed development brings to the areas, and brings to the city. What you have before you today is a proposed single family plan development that strikes an appropriate balance between desired infill development and natural resource protection. Both of which are critical elements of the city's planning goals. I think one of the most significant aspects and I think staff did a good job of laying this out, of this project is that the size of the development area in relation to the size of the area that will be preserved in environmental tracts. As staff said, the total site is almost 27 acres. Of that, only approximately 9.5 acres will be developed and over 17 acres will be preserved in two environmental resource tracts. Not only will they be preserved, but they'll be enhanced through the comprehensive mitigation plan that was presented in staff and is included in the record. I also want to highlight the work and the creative thinking that's gone into this project. It is clear from staff's presentation and from testimony that it is a challenging development site. It should also be clear a tremendous amount of work has gone into every aspect of this development, both by the city and the applicant. And I have to respectfully disagree with the applicant that this work means that the project is flawed. Exactly the opposite. I think that it means that this project has only been approved as it is appropriate and is necessary to comply with the code standards and intent. As a result of the work that was put in, what you have is a great example of the type of development that can be achieved when an applicant and staff work cooperatively to ensure that all city standards and goals are satisfied. It is the type of development that you get when the applicant is willing to go back to the drawing board in response to concerns or issues raised by staff, raised by neighbors, and raised by the various city agencies. In this case we -- you've heard a little bit about the two significant changes, one was pulling back the development lot areas from the five drainageways. The other was changing the storm water plan, the original plan was to send the storm water down the five existing drainageways because of some of the slope stability issues, it was b.e.s.'s suggestion that all of the stormwater be collected in pipes down to 162nd. I understand site development services is here and are available to address any of the slope stability questions you might have on this project. Again, these and the other changes made by the applicant have led to a quality project that is looked at all the issues and made significant changes where necessary or appropriate. At this point i'd like to touch on some of the appeal issues and some of the more significant features of the applicant. My introductory presentation will be followed by discussion of transportation and traffic by eric waltman, and then fred holtz of l.d.c., who will briefly address some of the storm water issues, if you have any questions on those. To recap, this is a 65 single family residential subdivision, I think it's significant to remember that the goal here is to cluster the development away from the most significant environmental areas, the e.p. Zones and into the e.c. Zones. That way we're protecting the areas that the city deemed most important. Because of the e.c. And e.p. Overlays this, project went through an environmental review application. As demonstrated in the application materials, the development satisfies environmental development standards and environmental review standards. As required in environmental review, alternative development options were considered and in this case we looked at alternatives for both the lot layout and turn for alignment in the sewer lines. It is not necessary under the code to look at alternatives of alternative housing options if that is not within the project purpose. In this case the project purpose is single family development, and in order to coexist with the surrounding single

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family development. Once again, staff highlighted this very nicely, but I want to have you understand the numbers. There -- under the mitigation plan there will be a total of 7.64 acres of planted mitigation area there. Will be 3,795 trees planted, and 3,087 shrubs. This number exceeds the city standard for the tree replacement within the code. There will also be the habitat enhancement discussed by staff. The appellant raised issues in their appeal statement related to the mitigation plan and the adequacy of the impact analysis. I think staff addressed any questions you have on this, but we've also submitted a report from Jones and Stokes prepared by Dr. Paul Whitney who did the impact analysis and the natural resources plan, and I refer you to that letter. You have any additional questions about the analysis. To touch briefly on traffic and transportation, and again, I'm going to be followed by Eric Waltman on this issue, in balancing all of the factors, staff and hearings officer along with PDOT's input concluded that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. In making this determination, both the transportation within the site and the surrounding site were examined. You've heard a lot this afternoon about transportation issues. And about site access issues. A couple of points. First, there is an existing emergency access, and it's a condition approval on a previous -- on the previous housing development that that be maintained as an emergency access. There's also the opportunity in the future for 152nd to go through, there's also on the board, and you can see in the maps, there's a stub from the southern development for 155th. My understanding is there's currently a preapp on board for that subdivision that were to be developed a road would have to go through to Barbara Welch, which would provide a secondary access. I also think it's worth noting that in the recent past the city has attempted to form a local improvement district that would pay for an extension of 152nd to provide secondary access to mitigate the problems you've heard so much about today. However, that proposal died due to lack of neighborhood interest. In conclusion, I believe that the final product is a development that achieves the city's goals for appropriate infill residential development. It does so in a way that protects the vast majority of the -- resolves slope stability issues. Both staff and the hearings officer concluded that there was substantial evidence in the record to support approval of the application. While the appellants have asked many questions and raised concerns, both relate and unrelated to approval criteria, those questions have been answered by staff, by the hearings officer, and by the evidence in the record. With that I'm going to turn it over to Eric Waltman to talk more about transportation issues.

Eric Walton: Good afternoon. My name is Eric Waltman, I am a traffic engineer. Our role was to prepare a transportation impact study, and coordinate with city staff regarding any outstanding transportation issues. The purpose of the study was to assess the proposed development strategy from the surrounding transportation network and to identify mitigation measures as necessary to ensure acceptable levels of service and safety will be maintained on the adjacent roadway system. Our scope of study was to determine through discussions with city staff through that effort we identified three study intersections, figure 12 of the submittal package, which is level service summary for our traffic studies. The three intersections include Barbara Welch road, Foster road, Foster road and 162, and 162 and Henderson way. Our analysis included reviewing existing systems, operation safety, including non -- bicycles and transit users, pedestrians, we also estimated the developments featured trip generation potential, to give you some idea, there's approximately 650 daily trips, about 65 trips during the morning hours, approximately 75 p.m. Peak hour trips. Based on those trips to the transportation system and finally reanalyze the network with the additional proposed development trips. The key issues are -- the key findings of our study, we have determined is the proposed development can occur while maintaining acceptable level service and safety on the adjacent roadway system. This conclusion has also been covered by PDOT and the hearings officer. Second, fire safety deficiency at the 122nd Foster road intersection has been addressed through a -- [inaudible] access between the site and the adjacent roadway systems proposed via Henderson way. With the additional traffic from the proposed development, 167 Avenue Henderson way intersection

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is forecast to operate acceptably with spare capacity and minimal delay. Would I refer you to figure 12 and in the lower right corner of that figure is a summary showing level service b -- intersection performance -- performance measures, and in that circle, there's -- we call a volume capacity ratio, and that is the amount of capacity as currently being utilized by the intersection. It's at .19% capacity, so it's 81% spared capacity remaining, a very low delay to the uses out there. Further point that's been mentioned, site distance at henderson and 162nd, we had gone into the field and reviewed site distance. I would -- it's been summarized on page 11 of our transportation impact study. And distance at that intersection meets city standards. The layout of the proposed development does not preclude the development to secondary access and that access may become available in the future as adjacent properties undergo development. Another issue I would like to address is the capacity of 162nd and foster. With the signal improvement in place, under full buildout conditions during the critical peak hour, which is p.m. Peak hour, that intersection will operate at level service b, approximately 38% available capacity. Were regard to capacity on henderson way, I would refer to pdot for their expertise, but I would say henderson way had 4,000 vehicles a day, would probably be approximately 6,000 vehicles per day, is consistent with the classification of the roadway, and that where henderson way intersects 167 avenue, there's is available [inaudible] so the intersection is operating fine today as a single access, and with the future buildout of the development, it will continue to operate acceptably. With that i'll turn it over to fran.

Fred Holtz: Good afternoon. My name is fred holtz, a registered professional engineer in Oregon, just so you have some idea of who I am. Working with the development, i've primarily been involved with the storm water. I'm not going to go horribly in-depth, but you've been given a summary of highlight points i'll let you read at your leisure. If you have any questions, i'll make myself available. I wanted to go over two issues. Slope stability and the transfer of the storm water. They're really very interrelated as to how they're tied together. As we started to work with staff over probably close to a year, I thought I was going to get to the point where i'd get a city payroll check by the time we got it done. But we ended up realizing we had an opportunity to really kind of secure a very significant benefit to the area. One by doing a basin transfer and two, which would end up being required, if you look at the site, the site itself drains from the southwest into the northeast, down toward the intersection of 162nd and foster. That south side of foster currently has I wouldn't call them slope stability issues, but you have significant drainage and overflow issues on big event storms. That's why the city's been putting blocked walls trying to help alleviate any -- coming down on to foster. As we started to discuss with staff, we figured out what we, do is bring the storm water for that entire area back to 162nd, and so in essence what we're doing is we are intercepting the vast majority, 97% of the water coming from that area, and we are ready averting that down to 162nd, bringing it out into more controlled environment into a culvert down into kelly creek, and eliminating an enormous problem that the city currently has coming down on foster. So the slope stability is being helped dramatically. And that's being done through the basin transfer, bringing the water back down to 162nd and working through staff that was a very proactive way to manage that.

Adams: Let me ask a question to mr. Waltman. You didn't answer the concern about just overall access to this area if southeast henderson way is blocked to the east, I believe, flavel drive. What happens then? How would you describe the access to the neighborhood if henderson way is blocked east of flavel drive?

Walton: To the west. That would effectively cut off the existing neighborhood. In terms of inclement weather, I see revision of the secondary access would not mitigate that.

Adams: Tell me why you think that.

Walton: It's going to be icy on one side of the hill, it will be icy on all sides of the hill. There's potential accidents if you have potential accident on henderson, you'd have potential for the same

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accident on 152nd. The mitigation for inclement weather would be winterization program or winter maintenance, and the city has discussed about making this area a priority for such programs.

Adams: But having two accesses and -- in inclement weather is better than one, right?

Walton: Having multiple accesses is desirable.

Adams: At what point in your professional opinion does it become dangerous for a neighborhood or how many people have to live on a -- live on one street that accesses out of their neighborhood before you tell your clients that it's a danger?

Walton: I don't know if I can put a number to that. I would say wherever possible to develop a secondary access, but in this -- in terms of this case, we're looking at a capacity issue -- a noncapacity issue at henderson way and 162nd.

Adams: I understand. I'm trying to get your professional opinion to the concerns raised about the dependency on one entrance and egress to a neighborhood, and I think you've done your best to answer that. Thanks.

France: If I may add one point to that, keep in mind there is a secondary emergency access that is in place.

Adams: Tell me.

France: That is -- i'll show you. I believe you all have a copy of this map.

Adams: Right.

France: This development here is developed, this yellow line here denotes an emergency access way that was required to maintain [inaudible]

Leonard: Can you slow down and point that out again?

*****: If you focus in on your maps on this development to the west, there's a small yellow line that runs from the cul-de-sac area. That connects to a public street. That leads out through --

Adams: Is that ungated now?

France: It's ungated, it is unpaved, but as a condition of approval of this subdivision, it's required to be maintained as an emergency access.

Leonard: My recollection was it was gated. It is or not?

*****: [inaudible]

Leonard: But you have to remove them. I would call that gated.

Adams: It's emergency vehicle access, not emergency access for the public.

France: [inaudible] presumably the public could use it in an emergency situation.

Leonard: It's not a normal street you would use --

France: It's also important to keep in mind the situations that are mentioned [inaudible] by the neighborhoods in terms of inclement weather event is not a unique situation for this property.

There are events that cause the city to stand still if you will because that -- they're that infrequent the city does not have the infrastructure to deal with them. I believe in the most recent one they advised coming from the city is to stay in your houses until it was safe to move about the city.

Leonard: Assuming that notwithstanding some of what you have said we have -- the council were to decide we wanted another access, where would that be?

France: Again, there are two options. If you want to follow along on the maps, one is the extension of 152nd.

Leonard: And how would that occur as a practical matter? How would you gain access to that to make it a secondary access, or acquire possession of it?

France: As discussed by staff, the city owns half of this. It would require some sort of agreement with the private property owner along the other side, or some of their -- some other action to get that extension. Again, the other development that I was discussing, there's currently a preapplication pending for this piece of property here. This development was planned with a stub that would be an extension of 155th. If this property is developed, the developer of that property would be required to put an accession into barbara welch.

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Adams: Is the same developer we're talking about today the developer on that?

France: No.

Adams: Oh, ok.

Potter: Is that road the road that is closed now, is that accessible? Is it -- is it still a road or has it overgrown?

France: That's probably a better question for pdot. They'll have more up to date information they can give you.

Potter: Thank you very much.

Saltzman: I have one question. That was, the intersection with barbara welch and foster, you show that as level f under your analysis.

Walton: Under this scenario, we've gone through several iteration was our traffic study to account for potential processed developments. The development to the south was one case where initially we included their traffic and as part of their traffic they assumed the connection to barbara welch road, and we rerouted the existing traffic at 162nd and henderson way and sent some of that traffic through barbara welch to foster. With the addition of that traffic and the proposed development traffic, the side street or the south approach critical movement, which is the left turn, operates with the [inaudible] delay greater than [inaudible] since we've gone through that analysis, the --

Adams:

Saltzman: Delay for the left turn movement?

Walton: For the one particular movement. So one person -- the average person would experience a delay of 60 seconds. Excuse me.

Leonard: Not to mention it's an unsignaled intersection.

Walton: That's correct.

Leonard: And dangerous.

Walton: That was the original assumption for the future scenario. Since then the -- in process developments itself, withdrew their application, we went back and revisited our analysis without the connection to barbara welch in place. With that analysis, foster at barbara welch operate does not -- we do not add additional traffic to the critical movement, which is that northbound left turn. Pdot can further elaborate on that.

Leonard: Is there a plan to put a signal in there?

France: My understanding is that there is a plan, but pdot can answer that question better.

Adams: I guess also, not to this group, but to a question to the b.d.s. staff, if we can get a sense of how far out the status for the preapplication for the additional development that you're referencing would be useful to know, the timing on that.

Potter: Thank you. We'll now take testimony from opponents of this appeal. Sue, has anyone signed up to testify?

Parsons: We have no testifiers.

Potter: Ok. We'll now hear the appellant rebuttal. Please come up, back up, and you have five minutes.

Paul Grosjean: Thank you again for the time. I was busy scribbling notes. Paul grosjean. A couple notes I would like to make, it has been mentioned this development will add 650 trips to a residential street that is already overtaxed. 152nd that was being mentioned as a secondary access is currently dirt up until about henderson way. And would require paving all the way from henderson way down to barbara welch. That option was offered to the residents through a local improvement district. The developer failed to mention the fact that local improvement districts are paid for by present residences. We went and tried to get this and put 90 front of the residents. It's \$700,000. If somebody came and knock order your door and said the city has discovered we probably should have done something earlier but we can't do it, and could you come up with \$600,000, you can imagine the response. The fire access, I find it absolutely amazing that the topic

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that we keep referring to a secondary fire access at duke heights at the top of the hill I would like to hear testimony from the fire department that will tell you that a fire truck can't get through there, because it's too long to make the turn. If they want -- so what's the point of having a second area emergency access that a fire truck can't negotiate? It was mentioned the big picture. I want to pause and say, I have the utmost respect for this developer and I can see the amount of work they have put into this, and it's very, very difficult. And I also know what their motivation is, and that is to build homes. I don't mind that. But the big picture is that this will continue crushing the people that have lived up there already for four and five years with more and more traffic and more and more difficulty and more and more safety issues. So the big picture, we know the big picture and we don't like it. A senior member of the transportation department came out and visited several months ago with me, and we drove around all of this neighborhood, and they said, the streets are engineered to handle this amount of traffic, what you're talking about is a livability issue, not a pavement issue.

I suspect that's true, but we bought our houses based on livability. I really object to the fact that two different times it has been made mentioned that something that might happen in the future will make this acceptable. There is another application in to make land, but it hasn't -- it's only begun the approval process, and you can't justify this proposal by something that may or may not happen in the future. That particular application has been on and off the charts over the last three or four years, and I don't know that it will ever be built. The validity of the 81% spare capacity at 162nd and henderson is so far out into "finding neverland" land, that I would never -- -- never never land that would I not have the gumption to go back to my neighbors and say it was ever quoted. That's funny money, or fun economics or something. I would like again to mention the fact that the Multnomah county defines residential streets with capacities up to 1,000 trips a day and we are not talking about a 25-foot residential street on a steep hill accommodating 6,000. It was quoted that we all have weather emergencies, and we do. It was quoted that the city's advice was to stay home, and that was good advice, and we did. But we don't have an opportunity to tell the fire trucks to stay home, or the ambulances to stay home, and I had one disabled ambulance not 60 feet from my front door on this last emergency. Staying home doesn't solve all the problems. Second access is always better than only one access, and to say you could have an accident at both access says another reach. A secondary access is absolutely necessary if this development or any other development goes on the hill, but I really beg for this -- for us to revisit the fact that this is not what this land should be used for, it should be preserved as parkland, and offer connectivity between the new city park, the springwater corridor, and powell butte. That increases livability instead of diminishes it. Thank you again.

Potter: Thank you. This is now time for council discussion. Who would you like to have come up?

Leonard: I have an interest in pursuing and hearing some feedback on a couple conditions, one would be the second access, and i'm not married to a particular site, and having traffic lights installed at barbara welch and foster. So whoever wants to -- just for full disclosure, I considered and rejected purchasing a house that would have required me to go out of barbara welch and foster and rejected it based on what I consider to be a dangerous intersection. I wouldn't subject myself or family to that. So i'm -- I was convinced looking at it then and am more so now that that intersection needs to be lighted. Particularly with the influx of extra people, particularly if we do have a second egress and ingress that requires the use of barbara welch.

Potter: Please state your name and the bureau you're from.

Kurt Krueger: Kurt krueger, office of transportation. To my right is my coworker jamie jeffries, she's here with historical knowledge and as a traffic engineer. For the record, we've been working diligently on the barbara welch foster road intersection. We've recently secured funding for the future, and i'll get to that in a second, on improvements to the bridge crossing. We've discussed the bridge weight rating, I can go into that further if necessary.

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Leonard: That's on foster or --

Krueger: On foster. There's two bridges there right now, they are weight restricted, and we made some maintenance -- our maintenance bureau has made corrections out there that has allowed us to lift the weight restriction for certain code three or higher emergencies, so basically we've told the fire trucks if there's a code three requirement -- code three emergency, proceed without slowing down, we made some improvements to do that. We're trying to limit it until we are able to go out and reconstruct this bridge, and the signal, further damage to the bridge to make it last longer. We will be starting design of the intersection in -- later this year. We'll be starting to design the bridge in '06. Our funding is secure for the bridge replacement in 2007. Right now given our current projections of development out there and s.d.c. Funds, we anticipate being able to include a signal with the bridge construction in 2007. That's contingent on development proceedings.

Leonard: And is it a matter of deciding priorities that the council can help with that would move that up?

Krueger: You're correct.

Leonard: Coincide with this development?

Krueger: Yes.

Leonard: For the signal part, not the bridge part?

Krueger: The intersection is listed on our current s.d.c. Program, which is valid for the next three years, and then it's up --

Leonard: The other issue, the secondary access, which of the two proposed sites would be -- would facilitate development that would coincide with this proposal quicker?

Krueger: I think it's pretty clear to our staff, 152nd would be the ideal connection. But there's some challenges there.

Leonard: And are they negotiating challenges, or are they topographical challenges?

Krueger: A little of both. There is discussion coming off -- without elaborating too much, there's private property, public profit -- property, the there was not enough adequate wednesdays for emergency vehicles. There was approximately six available feet for emergency vehicles, which just isn't enough. So we made the decision to barricade that street off until we have the additional right of way necessary to construct the street, and if -- we don't have that at this time.

Leonard: Don't we have processes in place to acquire property? Even under -- i'm trying not to use the word.

Krueger: I'm not sure how we can avoid that one.

Leonard: Not using that word?

Krueger: Not using that word.

Adams: It's a word that shall not speak its name?

Adams: It was randy leonard that used the word.

Krueger: I attended a preapplication conference earlier this week with the developer who's looking at proposing to develop on the adjacent property that would proceed with one connection point to barbara welch, but would split into two connection points into the hawthorne ridge subdivision. Obviously we can't count on that today.

Adams: Who was the developer?

Krueger: George bittris. He's been working on this a couple years. This is the second time he's been in for a preapplication conference.

Adams: What was his stated time line for moving forward?

Krueger: I think he would like to do that now. He's seen tremendous growth with the development out there. He's got some hurdles from planning and zoning, transportation improvements. He'd like to do that. He's in the process of preparing his application. I can't speak to his time line. If he could start construction he probably would.

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Adams: How much s.d.c. will be generated? If this is approved, how much will be generated from this development?

Krueger: The one before us today? I believe our current s.d.c. Figures, I may be wrong, I think it's \$1691 for a single family residents. I'm not sure of the breakdown what's transportation funds and what's not.

Adams: To that's -- so that's about \$85,000?

Krueger: Approximately.

Adams: How much will it cost to improve the bridge and do the signal?

Krueger: I think there's staff to correct me, I think it's around the range of \$2.5 million to \$3 million, a combination of the whole --

Leonard: My concern was specifically to the traffic light.

Adams: How much does a light cost?

Krueger: Easy answer if we were to build it completely today, per our current standards, approximately \$250,000 to \$300,000. I think we have some right of way we'd need to acquire. There's some topographic constraints.

Leonard: Somebody hasn't been killed there, they will be, particularly with the increase in homes that we're seeing built in this area, which is, I would guess, exponentially greater than any other part of the city. I don't know of any other area of the city that has available so much bare land for housing construction as -- as does this. And it's good that we're seeing homes be built, but we have to reflect that in the kind of safety devices that should be a corollary to that kind of development. So I guess i'm tipping my hand here, saying i'm probably not going to be able to support this without those two conditions. And I don't want to tie anybody to where the secondary access is. But I do think it's important and for a number of reasons, and I do think that the traffic signal has to be in before we build new residences there.

Adams: I had a question about, paul talked about how tough of a sell it was to go knocking on doors for an l.i.d. For something that the city should have paid for originally. Tell me, what should the city paid for originally in terms of secondary access to this planned development? I just don't know that -- I don't know that -- I don't know those assumptions, so talk to me about paul's comment.

Krueger: I may need to defer to jamie with a little historical background.

Leonard: Hysterical or historical? Did you have a little slip there?

Krueger: Sorry. At this point it may be both. [laughter] the time of the previous subdivision, the emergency access would have apparently been deemed for just that emergency access.

Leonard: Correct me if i'm wrong, wouldn't they have charged an s.d.c. To the developer to charge the street, the city?

Krueger: There have been s.d.c. Charges assessed to every single house.

Leonard: I mean, if part of the original plan were to have the secondary access, the fee to the developer would have reflected that access, wouldn't it? Or not?

Krueger: I'm going to ask for help here, jamey.

Jamie Jeffrey, Portland Office of Transportation: My name is jamie jeffrey, also with the office of transportation. The historical nature of this development is that hawthorne ridge was the first major development in the door.

Adams: Which one is that?

Jeffrey: That would be the -- most of where you see the houses below water leaf and all of -- primarily all of the houses out to 162nd. McGregor heights was the next major development that came in the door, and that's the one that's up in the northwestern corner. That's the one that provided the secondary emergency access that the fire bureau deemed would serve their needs at the time of that development. At the time that these developments each came in, they had to go through the same approval criteria, which said that the level of service, of capacity, must be adequate for the

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transportation system to support the trips from these developments. In every single one of these cases, they were able to demonstrate that the intersection of 162nd and foster would operate at level of service d, and that's our minimum level of service that's acceptable for a signalized intersection. In all of these cases, every single one of the developments assumed the signal that did get built at 162nd and foster. So it took that into account when they did their analysis. And also at the time barbara welch and foster was looked at and it was all deemed to fall in a level of service e range, which for an unsignalized intersection is our minimum level of service that's deemed acceptable. So every single development up here was able to meet the criteria test of, is it acceptable from a level of service standpoint, and that -- and that was with the assumption that all of the trips from every one of these developments would actually use henderson to 162nd and make their way out of the neighborhood that way. None of the developments assumed any of the trips would try to come down 162nd. We asked them to look at a worst case scenario. So the worst case scenario was that with the projections all of the trips would come out that way. There would be a number of them that went through 162nd and foster. And that it could accommodate the trips that went through there. So from a legal land use approval criteria they met the test, and that's why they were able to get approval. Had they not received -- or had they not been able to show a level of service d, then that would be a stopping point for them. The same thing is true of the water leaf case today. And in fact, they're finding that the -- the intersection at 162nd and foster is operating at level of service b, which is significantly better than what was projected. And that's as a result of the fact that now we actually have trips on the road, and we actually are seeing what these homes are generating in terms of where the trips are going and how many of them there really are. So when we're looking at an application, that's pretty much what we -- what our measure has to be.

Adams: You don't look at -- i'll ask the same question of you of the gentleman from -- eric.

Jeffrey: Uh-huh.

Adams: At what point does pdot decide that one access point to how many homes before you decide that it's too many homes and you need a second access?

Jeffrey: That actually is not a determination that we look at. The reason is because the adequacy of services criteria is based solely on the capacity and the level of service of the transportation system. And so in those cases it's the intersection points that are your constraint points. That's what slows people down. Stretches of roadway in between can carry a lot of traffic back and forth. And so usually there's no need to measure that, because the number of vehicles traveling on that street is always well below what it could carry.

Adams: And the new -- the development that might occur on 156th, I think, does the developer pay for that or does the city pay for that? If there's the roads --

Krueger: The roads would be at the cost of the developer. It's worth noting that -- back to commissioner leonard's concerns with the intersection. The analysis that we have had the developer, that's in the door, at the preup stage showed that they themselves would require the signal to be built for us to find them approval. We're right at the threshold.

Leonard: The one at the south?

Krueger: Correct.

Leonard: On barbara welch?

Krueger: Yeah.

*******:** Correct.

Jeffrey: One thing that will do is it will actually distribute the trips to barbara welch.

Leonard: Right.

Jeffrey: There will be many more trips coming out at barbara welch and foster road, which is what tips it over to needing a signal.

Leonard: Right.

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Krueger: We've had conversations with the developer trying to understand their timing and our timing. Obviously we'd like to combine funds available from them with our available public funding to construct both the bridge and the intersection together as efficiently as possible. What we didn't want to do was require a developer to construct signal improvements that were more of a temporary nature and for us to come back and take those back out when we do the bridge improvements and put something back.

Leonard: And that's an appropriate kind of fiscal approach that you're taking, but my view is taking into account other factors that aren't necessarily financial.

Krueger: Sure.

Adams: Is there any way to incent the developer of the property adjacent to 156th to expedite his timeline? And then what's the timeline for riverside development, if I said that name right?

Krueger: I'm not sure I can speak for the developer, but I believe the riverside developer would like to be in the construction in the summer if possible.

Adams: This summer?

Krueger: This summer would be my guess.

Leonard: Actually my intent was not to specify a specific secondary access, egress, but rather to let them figure that out, how best to accomplish that, but to specifically require that the signaling occur simultaneous with the occupancy of the second -- this development that we're discussing.

Adams: Yeah. I'm just trying to figure out how much of the market forces are going to deal with secondary access.

Leonard: Right.

Adams: And --

Leonard: I'm guessing if we what did what i'm suggesting there would be a conversation at the latest between both developers about that.

Krueger: Right. I believe that discussion has already started to occur. You did ask the question about what we look at and how much capacity henderson could handle. One of the evaluation factors we look at, what's the accident data, the accident history, and we don't have any numbers that alarm us. I'm not sure we have accident data that shows any problem, like we've got in other areas of town.

Potter: I wanted to ask, mr. Kruger, about a temporary signal at barbara welch and foster. Is -- you mentioned that figure a while ago. Was that a permanent or temporary?

Krueger: That would be a permanent signal.

Potter: Ok. If it was temporary -- because I understand that -- that permanent is perhaps as far as two years away?

Krueger: Correct.

Potter: What would a temporary cost? And are there right-of-way issues with a temporary?

Krueger: The easy answer is about \$150 to \$200,000 for the temporary. There are certain kinds of things that need to go in with both kinds of improvement. Actually under the temporary, I don't think there's a right-of-way requirements.

Potter: And would that be a four-way stop or --

Krueger: It would be a three-legged intersection with signals for each leg.

Leonard: Just the same as at 162nd.

Krueger: Right.

Sten: I have one question. I guess when you say in both cases the development was at a level d for a certain kind of road, e for another, and that's our minimum. You know, obviously, we have to approve if something meets our minimum, but we seek to do better than the minimum. I guess i'm curious how subjective you view that analysis to be. Is there 100% a chance it's above the recommended when it's rated as low as possible to be approved or is there some chance that those are somewhat optimistic scenarios and it could be worse? I don't know all the things -- obviously if

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it's b or c, there's no chance it's actually below the service, because any study you're doing is kind of a guesstimate. How close, in your opinion, is this to not qualifying, or what's the percentage chance, or is it kind of a sure thing that it qualifies? It sounds like, you know, it's clearly a problem, and just looked over the bar. Is it easily over the bar in your mind or is that more of a judgment call?

Jeffrey: Well, it's developments that come in like this are based on trip generation numbers that are nationally accepted by a trip generation manual. And that's the -- because that's the accepted standard, those are the numbers that we use. The assumptions that the applicant makes in terms of which direction the trips go play into how an intersection is -- you know, how much traffic is going to enter an intersection. So we look at assumptions, and we whether what the applicant's proposal is is a reasonable methodology, is it a reasonable assumptions to make. They look at things like what's the background growth going to be. In this case they assumed a background growth that was actually more conservative and higher than what was actually happening out there. So we did a sensitivity analysis and found that -- that even using a more conservative growth percentage than what still was happening out there, found that the intersection could operate acceptably. And so this was the intersection at barbara welch and foster. 162nd and foster, the bar, as I said, was raised up to a level of service b. So that would indicate that there's so much excess capacity there, it's not a problem. So we do -- we do somewhat of a sensitivity analysis, but typically we want to look at what would be a conservative scenario, so that we can say "well, you know, if our estimates are a little off, and it's a little worse than what we're thinking, what's it going to look like?" so with that conservative estimate, we use that to feel pretty comfortable that the system is going to be able to support the proposal.

Sten: Ok. And you're confident in this case it actually is a d or e?

Jeffrey: Yes.

Sten: Ok. Thanks.

Potter: So if we were to put up a temporary three-way at barbara welch and foster, how fast could that be done and where would the money come from?

Krueger: Construction time would probably be on the order of six months. I'm not sure where the funds would come from. We've got an s.d.c. Program that we're working with to fund that in 2007. We don't have those funds currently available to do that.

Adams: You don't have used lights hanging around somewhere in a warehouse you could put up temporarily? If not, maybe we should come up with a program to have temporary equipment in moments like this. Just a suggestion.

*****: You're still looking for an answer.

Leonard: I don't know if we need more discussion. I'm prepared to make a motion to that.

Adams: Could I ask just one additional question? If we somehow find a way to take care of -- so this is, I guess, for paul or linda. And i'm new at this, so forgive the question. But if we find a way to deal with access and we find a way to deal with the safety on the intersection, do you still oppose this proposal? And the reason I ask that is that some of your testimony sounded like no additional development in this area. I mean, you were pretty clear about that. And it seems like there's, in addition to this particular development, there's even more development on the books that appears to be allowable under the city's plans and zones. So i'm trying to get a sense from you on that question.

*****: My comments --

Potter: Paul, could you come up and use our microphone so we can have it recorded. Please state your name again.

Grosjean: Paul grosjean. My comments about no development were laced to the transportation issue. And I believe that our transportation objections would go away if 152nd was improved all

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the way to barbara welch and barbara welch and foster became a safe intersection for the first time.

Leonard: Or if this other stub were extended?

Grosjean: The other stub is -- is not going to relieve transportation issues on this hill very much at all. I mean, it's inappropriate to even bring in a drawing of something that hasn't even been approved yet.

Leonard: No, i'm asking -- i'm asking --

Grosjean: If you look at where the drawing -- ok, i'm sorry.

Leonard: I'm asking if you had a street there that connected to barbara welch, doesn't that accomplish the same thing?

Grosjean: Accomplish maybe 10% of the improvement, because you'd have to go off three different turns off of henderson. Once you're on henderson you're going to stay on henderson. If 152nd was punched there, it becomes an egress for 40% of the residents on the hill. But the other proposal, about half of their residents would come up to henderson. It would in fact exacerbate the henderson issue.

Leonard: Half of the new proposed --

Grosjean: The new proposed. It still be more logical for them to come up to henderson than it would be to use the road out to barbara welch.

Adams: Because just --

Grosjean: The way the streets are designed. I mean, it's just not -- somebody that lives in either water leaf or the existing, would have to really work hard to even get down to their street, because it's not logical. I believe that's why the transportation department said the best option is 152nd. For just that reason. But i'll make another note relative to the development. And I don't know even if i'll rest on this now. The best use of the land is for it to be purchased by the parks department and preserved as open space and hiking and equestrian trails, not 65 more roofs.

Adams: That's the part that required me to ask this follow-up question.

Potter: Thank you, sir.

Grosjean: Ok.

Potter: And before we have any motions, I want to find out if there are any other questions? I have a question for the fire bureau. Do we have a representative from the fire bureau?

Sten: I believe chief klum is here.

John Klum, Portland Fire and Rescue: Good afternoon. I'm john klum, acting fire marshal, Portland fire and rescue.

Potter: The question I had, the fire bureau could not take its rigs up through the emergency exit road. Have you had a chance to look at that road or --

Klum: I haven't personally went out there physically, but i've been briefed by staff who have been briefed by station 42 who serves that fire management area. The problems associated with the cooper connector is we have issues with a particular turn that is difficult or impossible for our class a fire pumpers and aerial apparatus to negotiate. In order to make that usable for -- for front line apparatus, that would have to be addressed. Currently our brush units are urban interface units equivalent to an f-450 chassi, limited water and wildland suppression-type equipment and can carry two firefighters or fire medics into that area. In inclement weather, one of our standard policies then for the units that do have those urban interface is to run in tandem for situations like that, if we come across henderson where we had access issues. Those currently can -- can negotiate cooper, tie in to barbara welch. The other issue of concern that fire has with that particular connector is -- is the sight line issue on barbara welch as far as safety, as far as getting in and out of that.

Potter: Ok. And are you familiar with the 152nd access road that was closed off?

Klum: Yes. Yes, I am. That would be Portland fire and rescue's preference.

Potter: Ok. And if that -- in its current condition, is it navigable?

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Klum: You're talking about 152nd?

Potter: Yes.

Klum: No.

Potter: Ok. Any other questions?

Adams: I guess maybe one other -- sorry -- one other question about -- what's in the s.d.c.? How much money is in the s.d.c. For this part of town and what else has prioritized and --

Krueger: I'm going to admit my ignorance on the s.d.c. Program. I don't spend enough time working with it to know the dollar amounts that are currently there. I know we've tapped it pretty low with the 162nd and foster intersection recently. As you can see, your maps, it was a rather extensive project that went significantly over budget. That's why we're looking to defer --

Adams: It went over budget, you said?

Krueger: It did. There were environmental factors that went into the construction of that signal that just --

Leonard: I wonder if it helps in this discussion if we were to maybe ask the developer, because some of this is a timing issue, as it turns out. You anticipated doing some of this anyway.

Krueger: Uh-huh.

Leonard: I'm wondering if we make the requirement occur before occupancy happened, which allows for construction, if that then -- and it's going to be based on their timetable, I suppose, when they're planning on starting construction. So in other words, if we were to approve this and allow the construction to occur, as it otherwise would have, but not allow occupancy to occur, so they don't get an occupancy permit until we had the secondary access and the light, I wonder if that time frame, then, more closely matches the one you had anyway to do the work for the permit light.

Krueger: I think that's very appropriate. Given my construction background, I would anticipate approximately a year, just sight grading, utilities, just providing the basic needs to develop the subdivision. I know these guys can build homes pretty quickly, but i'm guessing six to nine months for home construction, give or take. So if they were looking at starting construction by this summer, that would probably be them close to 2007.

Leonard: Could we ask the developer -- could we ask a representative to speak to that, the timing issue?

Krueger: Shall I stay?

Leonard: Why don't you.

Leonard: Did you understand --

Renee France: I did. I think some of the timing issues on this are delicate and intricate, obviously. One, I think to a certain extent, unknown if we're talking about second access requirements and signalization requirements. My other concern is, what it sounds like condition of approval may not be proportional to the impacts of this particular development. And I think all that needs to be explored. So while I can't speak exactly to all of the timing issues of this development, there's obviously a lot of issues in play there, I do think it would be appropriate for a continuance of this hearing so that we can talk to pdot, talk to the other developer, we can talk about our timing schedule. And, you know, would appreciate guidance from council on their thoughts on the transportation issue, but I do think at this point, from what i'm hearing from the commissioners, from the mayor, that potentially a continuance to further analyze this issue would be appropriate.

Leonard: Because it may end up being that those kinds of conditions would be moot anyway if they were going to occur, and they were occurring simultaneous with your construction, is what i'm suggesting is you could have approval, construction, even sale of a property, but just the occupancy permit itself wouldn't be let until the light was in and the secondary access, but it sounds like that's happening anyway. So --

France: Possibly. Again, the construction period kind of depends on how this -- how this process moves along.

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Leonard: Right.

Adams: And I also request that we get option for acquisition of the rest of 152nd. Our options for doing that and the cost of doing that, and if there's a way to monetize potentially the increased value to the adjacent property owners for having a street that meets the city standards, if there's a way to capture some of that to pay for it. And then also, what's in the s.d.c. Pipeline that could make a contribution to acquisition of that as well.

Leonard: My thought isn't to impose, you know, this isn't the straw that broke the camel's back kind of thing and the musical chairs, you guys are stuck with the bill, but there is this incremental development occurring, and it just seems at some point we have to recognize that -- that this went from being a rural area to a now urban area, it's going to require the same kinds of services as the inner city, and we've just got to do it.

France: Right. I think it's important to keep in mind, the dimension, that this particular development meets the traffic impact standards. As a code matter, it meets the code traffic standards. And obviously there's been a lot of discussion of the multiple effect of the development on this area, and I think that's what needs to be discuss.

Leonard: It isn't persuasive for me, and I didn't want to challenge your traffic engineer. It is not persuasive for me to say, if there's a traffic accident at the only ingress at the development, there's likely to be one at the other ingress. And I don't necessarily buy -- you have a development with this many people that will eventually be living in it, it is just common sense to have two ways in and out.

France: I understand. My point is that from a code standpoint, from approval criteria standpoint, this particular development meets the approval criteria in terms of intersection capacity and in terms of road capacity.

Leonard: That's a judgment that we make based on the evidence.

France: I understand. Just in terms of what the code standards are, which why --

Leonard: In your opinion.

France: In my opinion.

Leonard: Thank you.

France: But why I think there needs to be some continued discussion about potential solutions.

Leonard: Ok.

Adams: Thanks for your willingness to do that, and your client. Hopefully it won't take very long, because you've put a lot of good effort into this, and this is clearly a developer who cares and tries to do the right things as we struggle with sort of the bigger issues. There might be an opportunity, as commissioner Leonard mentioned, for some market forces combined with more active partnership on our part to provide for -- at least to address some of the neighborhood concerns. That would be our hope.

Potter: Katherine, how do we proceed from here?

Beaumont: You've had a request from the applicant for a continuance. I think the council has indicated some possible avenues they'd like to have explored on the transportation issue. I guess my recommendation to you would be to grant that continuance and continue the hearing until the next appropriate date and time to allow the applicant and pdot and whomever else needs to be involved in the discussion to explore what the options might be.

Potter: Does that require a vote?

Beaumont: Sure, why don't you have a motion from the council. You can all vote that you agree on a continuance, and then we'll pick a date.

Sten: I would move we continue this.

Adams: Second.

Potter: Sue, call the vote.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye.

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Sten: I appreciate your willingness to work on that. Aye.

Potter: And so do i. Aye. [gavel pounded]

Beaumont: Sue, what do we have in the way of a next date and time to continue this?

Parsons: Thursday, february 17, at 2:00.

Adams: Is that too long?

Parsons: Would that be enough time?

France: My question would be whether that would be enough time for --

*******:** Is that it?

Potter: So this is continued --

Adams: We don't want to delay you too much.

France: I appreciate that.

Beaumont: So this is continued to february 17 at 2:00, correct?

Potter: Yes.

Beaumont: Thank you.

Potter: OK. This is the last item and we're adjourned until next week.

At 4:00 p.m., Council adjourned.