



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF AUGUST, 2006** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

<b>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK AND ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA</b>	<b>Disposition:</b>
<b>COMMUNICATIONS</b>	
<b>1051</b> Request of Bruce Broussard to address Council regarding Portland education funding and the City budget (Communication)	<b>PLACED ON FILE</b>
<b>1052</b> Request of Russ Holcombe to address Council regarding Trojan mass grave cover up – cold cases (Communication)	<b>PLACED ON FILE</b>
<b>1053</b> Request of Robert Hill to address Council regarding initiative referendum, impeachment and other government issues (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>1054 TIME CERTAIN: 9:30 AM</b> – Accept Staff Report and Recommendation and Order of Council for Katharine I. Snouffer, Measure 37 Claim (Report introduced by Mayor Potter; Claim No. 05-171441 PR)  <b>Motion to accept Staff Report and Recommendations and Order of Council and deny the claim of Katharine I. Snouffer:</b> Moved by Commissioner Adams and seconded by Commissioner Sten.  (Y-3)	<b>STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED</b>
<b>1055 TIME CERTAIN: 10:30 AM</b> – Accept Parking Operations Cost-of-Service Study (Report introduced by Commissioner Adams)	<b>PLACED ON FILE</b>
<b>REGULAR AGENDA</b>	

August 9, 2006

**Commissioner Sam Adams**

**Office of Transportation**

**1056** Vacate a portion of N Dana Avenue between N Trenton Street and N Houghton Court subject to certain conditions and reservations (Hearing; Ordinance; VAC-10025)

**PASSED TO  
SECOND READING  
AUGUST 16, 2006  
AT 9:30 AM**

**1057** Grant revocable permit to Neighbors West-NW/Pearl District Neighborhood Association to close NW 13th Avenue between NW Hoyt and Irving Streets on September 8, 2006 (Second Reading Agenda 1039)  
  
(Y-3)

**180362**

**Commissioner Dan Saltzman**

**Office of Cable Communications and Franchise Management**

**1058** Grant a franchise to NewPath Networks, LLC for five years for Telecommunications Services and establish terms and conditions (Second Reading Agenda 927)

**CONTINUED TO  
AUGUST 16, 2006  
AT 9:30 AM**

**1059** Grant a franchise to NextG Networks of California, Inc. for five years for Telecommunications Services and establish terms and conditions (Second Reading Agenda 928)

**CONTINUED TO  
AUGUST 16, 2006  
AT 9:30 AM**

**1060** Grant a pipeline franchise to Paramount of Oregon, Inc. for a period of 10 years (Second Reading Agenda 929)

**CONTINUED TO  
AUGUST 16, 2006  
AT 9:30 AM**

**1061** Grant a limited right-of-way use agreement to Verizon Wireless (VAW) LLC, for five years for mobile telecommunications services and establish terms and conditions (Second Reading Agenda 930)

**CONTINUED TO  
AUGUST 16, 2006  
AT 9:30 AM**

At 11:35 a.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

August 9, 2006

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**WEDNESDAY, 2:00 PM, AUGUST 9, 2006**

**DUE TO LACK OF AN AGENDA  
THERE WAS NO MEETING**

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**August 9, 2006**  
**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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript. ] \* \* \*

**AUGUST 9, 2006**

**Saltzman:** The city council is now convened. I am the president of the council, mayor Potter is -- and commissioner Leonard are not here today, so we will start out with the communications.

[roll call]

**Item 1051.**

**Bruce Broussard:** Bruce broussard, acting mayor commissioner dan Saltzman, commissioner Adams, commissioner Sten, thanks for giving me the opportunity to be before you. I still support the 15 minutes that commissioner Adams has proposed, hopefully you'll accept that and we'll go on out about business. I had the opportunity to be at the silver -- civil service board meeting at the Portland public schools yesterday, and in all due respect the custodians are going to need help. The school district is really not working in good faith. It was said at the silver service board they were only looking at replacing 100 of them, 100 custodians. There were 317 that were fired about four years ago, and the supreme court made it very clear they're going to have to be made whole. Many of them have lost their homes and other things. What I would recommend very strongly that -- commissioner, we did meet and a staff person was assigned, and -- however, I talked to this person, he was supposed to follow up with the civil service chairperson, but unfortunately he hasn't. I would recommend that you might consider having the civil service board come before this body and at the same time have the h.r. people from the school district to be a part of that and ask them the questions, ask them what is the process for getting these people back on the job. And as you notice, even today, to give you a good example why we need these people back in the school, we're going to need monies, a bond measure is going to come up, and the public is not buying it. In today's paper it stated the fact they're looking for volunteers to clean up the yard debris and things of that nature and do minor painting. These are things the custodians were doing. Right now they've just got janitors, there's a difference between a janitor and a custodian. I would very much hopefully recommend that you consider bringing the civil service board, if you will, that will educate you about the status of the custodians and also ask the school district as to how they're going to go about recalling these people and putting them back in place. Thank you very much for your time.

**Adams:** Thank you.

**Item 1052.**

**Russ Holcombe:** Iraq was a significant nuclear threat to the u.s. And our intelligence suggested they may have weapons of mass destruction. And that is the truth. But what i'm here to talk about is -- I watched someone die when I was about 6. We were swimming in a lake and we went to the bottom and I watched as he vaporized into a plume of darkness as his bones rolled behind, and it turns out it was because of a plant. There was this plant, it's -- it grows, it needs water and special light and plant food that's mate of a metal that's different from itself, and it's called uranium, and what happenings is the plant reaches inside of the smallest piece of the plant food and the government steals the power from it and the water feels sorry for this thing that has no power so it bonds and it wants electrons so bad it's -- it will kill people for it. And what happened was I ended

**August 9, 2006**

up shooting the power plant because -- there was this pipe that fed from the containment building to the cooling tower and there was supposed to be a containment of this plant but it wasn't there, because some people lied to about seven corporation and got them to finish a plant that had never been started being built. And they tried to lied about the pipe I shot, but it's -- there's two twin pipe and they go from the containment building to the cooling tower. Enron ended up buying the plant, they got ripped off because they bought \$5 billion worth of metal that didn't exist, but there was paperwork that proved it existed so they sold to it corporations to get money for something, and they made \$9 trillion collapsing corporations, and it's like, you can consider them mergers, but it's -- they collapsed, and what they -- they spent their money on a whole bunch of stuff, and one thing was they ran up all the loose soviet nuke and sold them on clearance to north macadam who detonated -- disposed of them in the sea of japan. Or the democratic people's republic of korea did that. The reason iraq was a significant threat to the u.s. Is because they were in conspiracy with germany and france to create the euro to compete with the u.s. Dollar and they were backing witness their oil. Euros are not made of starlight, they're made of nuclear threat, that's why it's a nuclear threat. I got this biohazard specimen bad of a weapons of mass destruction. It's like this one and this one that's been detonated. See. Little cigarettes. That's what iraq had. Cigarettes.

**Saltzman:** Thank you. Next?

**Item 1053.**

**Robert Hill:** Mr. President, members of the council, staff, good morning, I am state master robert hill, I am here by special appearance on special visitation. I shall focus on the impeachment topic and leave recall, term limits to a later date. President george w. Bush is a traitor to this country and a domestic terrorist and he should be impeached. This body should convey a memorial and/or resolution to the Oregon legislature and u.s. Congress calling for this process. I shall outline a cost. This book is a definitive treaties on money, this book is a definitive treatise on president bush. Article one says no state shall make anything but gold or silver -- article 1 section 8, the power. [reading] april 2, congress passed the first coinage act. Our official money coins of silver and gold were to be manufactured. Money manufactured according to law is lawful money. The act specifies our major silver coin would contain silver and have a weight of 416 grams. The phrase one dollar is not an indication of what the coin is worth, it is formal guarantee of how much the coin weighs. The at established one dollar of silver would be 15 times the weight of one dollar of gold. The ratio of 15-1 was met by comparing the amount of pure metal in the coins. This ratio closely approximated the relative wealth of each of the metals in the marketplace of the time. In 1914, the first federal reserve notes were issued. Through 1933, a common feature of every issue of paper currency, gold certificate, u.s. Note, national bank note, was immediate and direct redeemability and lawful money. The paper was not the money. It was a claim on the money. In 1934 gold coins and certificates are removed from circulation. Since today's reserve note is not redeemable in -- a note is a prom toys pay a dollar amount at a certain time. A federal reserve note is more private paper token of the privately owned federal reserve system. A token being a piece of metal stamp for higher value. A tender is made when money is placed toward a seller. Today the forces which control the creation of federal reserve tokens and their circulation and their credit are steadily acquiring effective ownership or control of all of the wealth of the nation. The debt of the u.s. Government can never shall paid off and will never be paid off. It has been designed this way and this has been sustained bide president george bush to bankrupt this country. He is a bug.

**Saltzman:** Thank you, mr. Hill. Your time is up. Woe do not have a consent calendar today, we do have time certains. You can read the first time certain, Karla.

**Item 1054.**

**Saltzman:** We will start out with the city staff presentation of 15 minutes from chris dearth. Questions from council will -- can be asked during or after. Then we'll have 15 minutes for the

**August 9, 2006**

claimant to make a presentation. And then -- we'll have public testimony limited to three minutes each. Chris, why don't you go ahead.

**Chris Dearth:** Thanks very much. Can you hear me well enough? I'm Chris Dearth, the city's measure 37 program manager. I'm here to present for you a claim brought by William and Katharine Snouffer. The property location is in the southwest hills neighborhood just north of southwest Patton and south of southwest Hewitt. This aerial photograph shows you the area, the red dot is on the Snouffer property, you can see to the right of the property is a city right of way on southwest 48th. It's undeveloped. You can see that there is sort of a swath of undeveloped property going from north to south and I should point out this area is a landslide hazard area you can see how steep the terrain is, you can see the contour lines there. The property is situated where -- at the headwaters of Fanno Creek to tributaries to Fanno Creek running through the Snouffer property and you can see that there are two environmental overlay zones on the property, the environmental conservation zone in light green and the environmental protection zone in dark green. The Snouffer property is heavily wooded, what you can't tell from this photograph very well is the steepness of that terrain. The property has grades of up to 38% in places. The access to the Snouffer property would be from the south from southwest Matwon -- Patton Road. There's an existing paved road on 48th up about halfway to the property. This -- the road, the existing road is at a grade of approximately 30% in places. Which wouldn't be allowed under current fire code regulations. So the Snouffer property would be accessed by an extension of 48th up to their property by 650 feet of that roadway in places cross Esther 18 of up to 30%, and fire code regulations would require that that be carved into the hillside to meet the current regulations of 18% or less. That in places where -- would be require carving into the hillside after 20 feet with retaining walls on both sides. There is no access from southwest Hewitt in the north, the right of way doesn't extend all the way to Hewitt. The claimants have submitted a site plan of their desired development, subdividing into two residential lots. And received a confirmation -- zoning confirmation letter in January of this year saying in part that development of two dwelling units with private driveway or two lots with private street access is possible on this property, subject to the R-20 and environmental requirements, and in fairness, I should say that development of two residential units would not be of the size or footprint this -- the Snouffer was decipher -- desire, but they could get the square footage of houses they would like under the current regulations. We have met with the claimants at least twice and I believe once on the property itself. We explored a couple of solutions to the challenging development situation that they face there. First, we offered to explore an environmental zone map modification, which is allowed under current law. Their neighbors to the southwest have done so successfully. And we offered a transfer of density to combine densities with their neighbor to the north to achieve the desired density of the combined properties. And the claimants have declined both of those offers. To summarize, the measure 37 claim submitted by the Snouffers, the claimants are William and Katharine Snouffer, the location is southwest 48th, submit order March 1 of this year. The compensation demanded is \$743,000 and the preferred resolution is compensation or waiver of environmental regulations. The regulations challenged are the Fanno Creek ordinance, passed by the council in 1994. As you recall, our measure 37 analysis consists of six components, the ownership and the date of acquisition, whether the land use regulations challenged are indeed land use regulations defined by measure 37, whether those regulations have been enforced, whether the -- any of the regulations are exempt under the measure, whether they have restricted the use of the property, and reduced its fair market value. So to describe for you the ownership succession, the property has been in the family since 1947, including Katharine Winterholer, who later became Katharine Snouffer. From 1947 to 1990. In 1990, she transferred full interest to William Snouffer, and in 1995 he transferred an undivided one-half interest back to Katharine Snouffer. So for purposes of waiver under measure 37, if the council chooses to waive regulations, the current ownership dates from May 5, 1990. Next we examine whether the challenged regulations are indeed land use

**August 9, 2006**

regulations as defined by measure 37, and we find that indeed the fanno creek plan is. And whether those regulations have been enforced, and that zoning confirmation letter that I mentioned earlier is considered enforcement of the regulations. Next we look and see whether any of the challenged regulations are exempt under the measure, and as you recall, section three states this act shall not apply to land use regulations restricting or prohibiting activities for the protection of public health and safety. So we look at the intent of the stated intent of the council in 1994 when you passed the fanno creek plan. And you stated in part as part of the findings that 98% of lands within environmental zones are those most likely to experience natural -- natural disasters, including floods, earthquakes, and landslides. Environmental review has the effect of directing the development away from hazard areas and when this is not possible, requiring engineered safeguards, flood conveyance, and soil stability are values considered during the environmental reviews. Public health, safety, and welfare will be protect by environmental regulation. Secondly, the council passed an emergency clause. When you passed the fanno creek plan, stating the council declares an emergency exists because of the need to control development in areas subject to flooding and earth movement. Failure to regulate development during the seasonal rains expected through the winter and spring of 1994 would represent a threat to public health safety and welfare. This turned out to be -- two years later, during the floods of february of 1996, Portland experienced over 700 landslides throughout the city, including 15 within a half mile radius of the property that arrow points to the approximate area of the property. Each of these red dots is a landslide during that flood event. And 30-some landslides within a mile radius of the property. So next we look to see whether any of the regulations are exempt because they protect public health and safety. We find the regulation that's are exempt fall into three different categories. First those that limit disturbance area and therefore work to prevent potential floods, landslides, and erosion. Those that protect water bodies to maintain storage and conveyance for stream flows and storm water. And those that limit damage to trees and vegetation, stabilize slopes, and prevent erosion. And I would point out to you the city applied these protections not property by property, but to larger areas to prevent cumulative impacts of development over time. I won't go through each of the regulations, but these are the ones we deem to be exempt because they limit the disturbance area, and therefore work to prevent potential floods, landslides, and erosion. These are those that protect water bodies to maintain storage and conveyance for stream flows and storm water. And these are those that limit damage to trees and vegetation, stabilize the slopes, and prevent erosion. And I should remind the council that this analysis is consistent with all of the environmental claims you've seen before you to date. There are several regulation that's don't apply to the snouffer property, including those that apply only to existing development, and those that apply to areas that are zoned for commercial, industrial, and multidwelling residential units. So these do not apply to the snouffer property. And then there are a few remaining regulations which are not exempt under measure 37, not exempt under the public health and safety exemption, and we'll exam these to consider whether they restrict the use of the property and reduce its value. We find these that are not exempt do not restrict the overall use of the property. We find that they prescribe certain actions, or the placement of amenities on the property, but do not restrict the allowed uses on the site, for example, of the residential development that the snouffers desire. So when examining whether the challenged regulations do restrict the use of the property, we look at only these nonexempt regulations and then we look to see whether they have also reduced the fair market value. And because they don't restrict the use in our estimation, they do not either reduce the fair market value of the property. But we would point out, and we want to put this on the record, that even if the regulations are someday found not to be exempt the expensive infrastructure cost is the factor which reduces the value of the property, not the environmental zoning regulations themselves. And i'll just give you a brief summary of some of the cost that's we've identified to develop this property. The Portland department of transportation has estimated that cost of extending southwest 48th from where it is

**August 9, 2006**

paved right now would cost approximately \$1.1 million because of the cost of carving into the hillside and bridging the stream. The cost of extending an eight-inch water main to the property and supplying a fire hydrant close to the property -- I should point out, my understanding is there's no fire hydrant on southwest 48th that fire crews would have to go all the way to Patton to access a fire hydrant. The cost of extending that water main would be 282,000 dollars, and then the cost of providing storm water and sewer access would be approximately \$127,000, for a total estimated cost of \$1.5 million just for these utilities. The city commissioned an independent appraisal from p.g.p. evaluation and found the subject property was worth \$300,000 for one lot, or \$480,000 for two lots, if it were valued as though it has access to public utilities, which it does not. And they concluded that the economics of extending a road and necessary utilities are not feasible. So to summarize our analysis, and our conclusions for you, most of the challenge environmental overlay zone regulations are exempt under measure 37 because they restrict or prohibit activities for the protection of public health and safety. Those which are not exempt do not restrict the use of this snouffer property, nor reduce its fair market value, and even if the regulations are not exempt or if they're found not to be exempt and do restrict the use of the property, they exceedingly expensive cost of providing the necessary infrastructure not the challenged environmental zoning regulations, reduce the value of the property. So our staff recommendation would be to you to deny the snouffers' measure 37 claim. I'd be happy to answer any questions.

**Saltzman:** Thank you. Questions? I have one. The letter that planning sent to the snouffers in January of this year --

**Dearth:** Zoning confirmation letter.

**Saltzman:** It was -- said it was R-20 and they could develop a portion of their property?

**Dearth:** Right, on the environmental conservation zone, that they could develop two residential properties there. And we would concede that it is not -- they would not be able to build the residences of the size of the footprint they desire. It would be smaller -- a smaller footprint but not necessarily a smaller square footage of total residential area.

**Saltzman:** Thank you. No other questions? We'll now proceed to the claimants' presentation. If you could state your names for the record, and then you'll have 15 minutes.

**Katharine Ilinsky Snouffer:** Good morning. My name is Katharine Snouffer.

**William C. Snouffer:** I am William C. Snouffer.

**K. Snouffer:** Do you have a photograph in front of you?

**Saltzman:** We have maps.

**K. Snouffer:** The photograph is of my family's original homestead consisting of .98 acres below southwest Hewitt Boulevard. This property presently belongs to my brother. My parents saved their money to pay cash for this land and saved their money to do their own building as they could afford it. The mantelpiece carved on my father reads 1934. This is where he lived from 1936 until leaving home. Because of their love for the area and wanting to leave a legacy for her children, my mother bought the adjoining 1.4 acres to the east in 1947. That is the parcel I inherited in 1978 and which we're here to discuss today. Here my brother and I played in the woods, dug caves, built fort and swung from monkey vines. My mother taught us the names of the trees and plants on the property. It will always be home to us. It is where my husband and I had plan order building a retirement house that would fit into the landscape in a manner being respectful of our neighbors. Each of my parents died on their homestead, their wills bequeathing the land to my brother and me. Though they never inherited any wealth, they worked to preserve this heritage for us. In conclusion, I would like to mention that as children we were also taught to welcome new families into the area as it filled in after that photo was taken. It was a neighborly thing to do. There may be those here today saying not in my back yard. We're here to maintain that we were in our back yard well before it became theirs. Sadly, times have changed, and I'm being denied my intended birth right. Thank you for your attention today and for letting us tell the other side of the story.



**August 9, 2006**

**W. Snouffer:** Good morning. My name is William Snouffer, I'm a co-claimant on the measure 37 claim and a co-owner of the property in question. I have submitted a statement. I trust that you have a copy of it. My comments regarding the city staff report recommending denial of the claim will be brief. I will say that I am disappointed with the report because I think it's misleading in certain respects and it does not give you the council an accurate picture of the claim. Therefore, major flaws in the report, first is the issue of the date of acquisition, the date when we acquired the property. Second is the argument that the environmental overlays are not land use regulations that reduce the value of the property. Third is the argument that even if the overlays do reduce the value of the property the cost of constructing access to the property exceeds the property's value. And fourth, an implication in the written report that we were uncooperative with staff during the processing of the claim. First with regard to date of family acquisition, as my wife has mentioned, her parents acquired this particular plot in 1947. It's been in the family continuously since then. We contend the measure 37 entitles us to compensation for any reduction in value caused by land use regulations imposed since 1947 in that that continuity of ownership also applies to waivers. The staff report attempts at pages 2 and again at page 8 of the written report to shorten the time frame of the claim to begin in 1990, the date when my wife transferred title to me. You saw a display of it during that presentation. Staff asserts that page 8 of the report, that ownership for payment purposes dates back to original family acquisition, in other words, her parents' acquisition, but applies only to the present ownership, that is my ownership as of 1990. And staff wishes to focus only on the latter. The problem is that such a distinction in my opinion does not exist in the language of measure 37, and it's also contradicted by Judge Nielsen's August 1 decision in the case of Crook County versus all electors. There has been continuous family ownership since 1947, staff says there's a gap in my wife's ownership. I believe that is not accurate legally. The fact my wife transferred title to me in 1990 did not cut off her possessory rights to that land. Though I held to bear title to the land, she retained possessory rights through the marital release, an equitable portion of that property. It was never our intent I should be the full owner. She brought the property into the marriage, she could have taken it out had the marriage terminated sometime between 1990 and 1995. So it has always been part of our marital estate. And I think 1947 is the date that applies. Further, Judge Nielsen's opinion recently in the Crook County case, though dealing primarily with whether waivers can be transferred to third parties, contradicts the staff's argument that our -- he says in page 9, it would appear a present owner's date of acquisition may relate back to the date of acquisition of a family member if the present owner acquired the property through purchase or inheritance from the family member. At page 10, he says if the landowner acquires the property from a family member, the date of acquisition relates back to the prior owner. And at page 11, he notes if the property is transferred to a family member the earlier date of acquisition is preserved. So for all of our reasons our claim is the property has been owned continuously by the family since 1947, and that applies both to compensation and to waiver issues. With regard to the environmental overlays, our property is covered 100% by environmental overlays imposed after we acquired the property. According to the city's estimates, 92% are p zone and 8% are c zone. I should say here that my wife and I have no knowledge of these overlays until about 1999. We have never submitted voluntarily to their application against us. In fact, we were shocked when we learned about them. Staff asserts that these regulations are exempt from measure 37 as public health and safety regulations. We disagree with that. Staff quotes at length and repeatedly from various reports and plans and studies that contain generalities about public health and safety concerns. From those extensive and repetitious quotes, the staff concludes that p and c zone regulations are therefore imminent. I'm fully aware this is an argument that has been presented to council in previous presentations and other measure 37 claims. And I think that really is the wrong focus. The issue and the question under measure 37 is, were these kinds of regulations intended by measure 37 to be exempt? And the answer to that is no. It is my view that the city must plead and prove these

**August 9, 2006**

regulation were intended by the voters and the drafters of measure 37 to be exempt. That will be a difficult hurdle. Measure 37 says in its section three, which outlines the various kind of regulation that's are exempt, that measure -- that the measure shall be construed narrowly in favor of a finding of compensation under this act. What staff has done in this report is just the opposite. Construing the excepting broadly against compensation. And I think that is wrong. So on this point we believe the city will not be able to meet its burden of proof, the evidence will be that the drafters did not intend for these kinds of environmental overlays to be relabeled as public health and safety measures. On this issue I would like to point out that staff apparently concedes that most of the environmental overlays on our property do in fact reduce the property's value. Unless I missed something, the staff's report totally overlooks discussing this issue. So we take it as a concession that if the regulations are not exempt, then they do in fact reduce the land's value. Here I should mention a point that the staff report omits. In 2001, the Multnomah county board of property tax appeals agreed that the environmental overlays reduce the value our property and the board reduced our real estate taxes accordingly. So there's already been a finding these overlays reduce the property value. So rather than analyze whether most of the regulations reduce our property value, what the report does instead at pages 12 and 14 is to say that with respect to those few regulations, they believe are not exempt, we have failed to show that they reduce the value of the property, and therefore the claim should be denied. I submit that as a red herring, it's a false analysis. We did not nitpick through the regulations, we believe none of them are sr. Exempt, and that all of them taken together reduce the value of the land. If I may i'd like to talk next briefly about valuation. Staff has incorporated into its report the opinion of an appraiser that our land has significant value, but that the cost of building a road to accession the property will exceed that value. Staff argues therefore there is no reduction in value caused by land use regulations. Our position is that such an approach to valuation misses the mark and may be entirely irrelevant. The real question is, what is the value of the land and has its value been reduced by land use regulations imposed after we acquired it. Who builds the road and how much it might cost are not part of that specific calculation. The staff's analysis seems to rest on an assumption that we will have to build a road and all costs will be on us so the net investment to us will not pencil out. That's a major assumption that's not necessarily correct. Rather the city should assume the road can be built and focus instead on measure 37's issue, the loss of the land's value. Of course expert witnesses may testify about standard appraisal methods and so forth, including the impact of access and roads on land values, but it's my argument the road development costs no matter who pays for them, do not have a direct impact on the question whether land value has been reduced by land use regulations. Our appraisal says those regulations have reduced our property's value significantly, we never should be compensated for that loss. The final issue is cooperation with staff. The discussion of road access leads to that issue. I'm disappointed with the staff's recitation at pages six and seven in the written report about our meetings with them because the report unfairly incin waits we've not been cooperative. The report says staff held several meetings with the claimants. In fact, there were only two meetings, both at staff's request at staff's office and we attended both meetings. Staffer asserts numerous attempt were made to offer workable development options. Again, not true. At our two meetings staffs limited the options to us to possible construction inside the c zone only, and new go back to your map you'll see the c zone is that 8% part of the property that's over in the northeast corner and they want to force us to squeeze a couple of houses into that little corner of the property. And basically said you can build a duplex in that northeast corner of the property. At another time staff said, and I think probably facetiously, we could build a multiple story condominium there. This has to do partly with what mr. Dearth was commenting about, smaller footprint and a higher rise. I think that's unreasonable and not nearly as valuable as putting in single family guess. If you think the neighbors have objections to our building two single family dwellings, think of their outrage at condos in their back yard. Staff says they provided two options for working together with our

**August 9, 2006**

neighbor mr. Murphy to build four or five houses on our adjoining properties to take our property and his property above it, recombine it and come up with a solution to building four or 5 houses together. And while we appreciate the staff's effort to demonstrate the legal feasibility of such a construction and the author of the report is in the room, I appreciate her efforts to do that, but the fact is the proposals again limit the construction to the c zone area of our property and placed all the houses on that northeastern part of the land and ultimately in my opinion those really are not reasonable either in terms of the property pro use of the neighborhood or economically. Staff also asserts that the quote offered to assist, closed quote, us in exploring modification of the zone boundaries by possibly redrawing the p and c zone line, but that we declined that. With all due respect, you, whoever, I -- the fact of the matter is we initiated that proposal. But the further fact is it's clear to us staff has no intention of ever letting us build in what is now p zone territory. So we've not pursued that any further. Finally, if any construction were to take place in the c zone, as staff has suggested, it's our perception that staff is very determined, has a very determined intent to demand that we comply with and pay for all c zone environmental reviews, report, expert fees, hearing costs, etc., all of which would cost us easily \$20,000-30,000 at a minimum. For these reasons and others we conclude there'd was no real point in delaying or prolong the inevitable, and staff is correct that we declined to place our claim on hold and that's why we're here today. We are here today because we believe the p and c zone overlays are severely unfair to us, they cover 100% of our property, they substantially reduce the value of our property, we should be compensated for that loss. Thank you.

**Saltzman:** Thank you very much. Questions?

**Adams:** Not yet.

**W. Snouffer:** Thank you.

**Saltzman:** So are -- our next step is to have public testimony. We have a sign-up list? Testimony will be three minutes each and we would appreciate your testimony will be most useful to council if you would please limit your comments to the validity of the claim. Thank you.

**Harry Murphy:** Harry murphy. I have my comments summarized here to give to you. I might --

**Saltzman:** Hand those to Karla.

**Murphy:** My wife and I own the property to the south of the snouffer and we also have the rights to own the property to the north. I have reviewed the measure 37 recommendation, and really my comments are based on because of the time I really don't have to get into it, on the construction costs and then on mrs. Garzello's report. The construction costs in regards to the value that -- of the property, the three comments which I have to the cause of construction of the road, three challenges I v. One is the cost of the bridge the city has put n the second will be the lineal cost per lineal foot of how long the road is, and how much that cost per lineal foot, and the third is the contingency fee. I realize this might be a bad time to be talking to the city of Portland about lack of cost overruns, but nevertheless, this is only a 550-foot road and a 40% contingency fee is way excessive. A cost of \$430 per lineal food exclusive of a ravine crossing is very onerous also. And the cost of the bridge of a quarter of a million dollars is very onerous. When I -- as you have on my revised cost sheet, I get down to a cost of construction of \$568,000 versus a cost of in excess of \$1.1 million, and the most important thing that the city council needs to keep in mind is that that cost needs to be divide by three. The owners to the north would be myself, the snouffers in the middle and the owners to the south. So whatever the cost of that road is, divided by three. I have two cost estimates that come into -- one comes to \$180,000 per lot, or \$189,000 per lot. Very much less than what the city has claimed. My second comments -- also, the -- I don't think i'm going to have time. Nor I do have much more time to do anything else except I do have these comments memorialized in my sheet here. I think the city of Portland and the neighbors should be very happy that the snouffers' measure 37 claim deals with environmental overlays okay. They have the right to be claiming far more density. In the event they wish to go down to an r-5 designation, that would

**August 9, 2006**

constitute 12 home sites and it would be a site that has been recognized by the city and the snouffers as a nice forest, a nice creek, and a very nice neighborhood. The snouffers have chosen not to do that in an effort to preserve the integrity of not only the neighborhood, but the environmental side. So I have many more comments, I think they're on the record for you.

**Saltzman:** Thank you.

**Michael Onustock:** Michael onustock, my wife and I live on 48th avenue, our home is about 550 feet south of the snouffer property. We're here because we oppose any commercial developments, such as home building on the properties north or above us. It is our hope a denial on the snouffer claim will be a major roadblock or final roadblock on any developments of these properties. Why? The terrain is very steep, we are already facing year-round underground stream problems and heavy downhill flow of water during a six-month rainy season. We fear any earth disturbances or earth movement caused by a developer on the properties above us will create more downhill water flow by exposing underground streams and will cause earth or mud to slide down the hill onto our property. Furthermore, it is our understanding that a fault runs through the west hills. Our neighborhood either lies on that fault or is very near it. Our neighborhood is already in a precarious zone should an earthquake strike. If developers were allowed to make the earth above us more unstable than it already is, then the potential for earth slides becomes magnified should a quake occur. Again, we oppose any development on that property above us, for we believe it will endanger our home and can I minish the value of our property. Thank you.

\*\*\*\*\*: I just wanted to say --

**Saltzman:** State your name.

**Nita Onustock:** Anita onustock. We have invested heavily in retaining walls behind our property, and just with things going smoothly, I live in fear of mudslides constantly. We have a river that sort of runs down the side of our property from the campbells who are above us, and we have talked with the campbells on many times because they thought they had a water leak, or there was a problem with their plumbing or what have you. As the campbells have investigated it, we find out it's a spring that's on their property right behind us. So we're faced with this river that runs down the side of our property, and during the raining season, I just say my hail marys all the time that we're not going to have a mudslide. So when we built our property, they were very cognizant of this and told us we had to immediately not move any of the vegetation, and we immediately had to put a lawn in on our property over dirt hills while the construction was going on because they were so fearful of mudslides. So it's been a problem since the day we broke ground there, and we live with this continually. And the thought of having five or six homes or condominiums or whatever they have in mind behind us is absolutely -- gives me nightmares. And we have pictures showing how all of our property is in retaining walls the whole thing, if you'd like to --

**M. Onustock:** May we submit these?

**Saltzman:** Yes.

**Adams:** I have a question to try to get the mind said of -- mind-set of you as neighbors, and they're sort of obvious question that's need to be asked for the record. You built your home?

**N. Onustock:** Yes.

**Adams:** And is there a property below you?

**N. Onustock:** No.

**Adams:** Did you know that there was property that could be developed above you when you --

**M. Onustock:** Absolutely not. We were told by the owner at that time that he said they will never let me partition the property above me, and his name was ron peterson, and he sold it to the campbells.

**Adams:** Was there --

**M. Onustock:** That was what he told me.

**Adams:** Were you aware of the property owned by the applicant, the petitioner here?

**August 9, 2006**

**M. Onustock:** Had no awareness that anyone owned that property, no.

**Adams:** But you knew the property existed.

**M. Onustock:** I assumed there was something up on that hill, right.

**Adams:** And do you have any experts that we could put into the record to back up your very sincere and I understand to be very sincere concerns, but do have any experts to sort of add -- we get a lot of testimony and a lot of concerns, and we kind of have to rely on outside experts there any --

**N. Onustock:** We could certainly get them.

**M. Onustock:** We don't have any.

**N. Onustock:** We haven't had it documented. But this is what we've been working with and plagued with. We certainly wouldn't --

**Adams:** I understand.

**\*\*\*\*\*:** I --

**Adams:** We don't know each other, I have to ask these questions --

**N. Onustock:** We have with our retaining walls, oh, yes. We've had -- and we had to get variances and everything before we could even dig in to our back property. We had to go through when we were building our house because of that very problem.

**Adams:** Thanks. Appreciate it.

**Murphy:** May I comment to your question too?

**Adams:** Yes.

**Murphy:** In regards to mr. Onustock's comment that the petersons said the property could not be partitioned and there would be no development, in fact the property was partitioned by the peter sons. The snouffers have had their property partitioned for a very long time, and there's been a right of way running up there since whenever. So I thought i'd comment and clarify the -- what's actually gone on there.

**Adams:** Thank you.

**M. Onustock:** That is simply what he told us when we bought the property.

**Saltzman:** Thank you.

**Nick Ilinsky:** My name is nick, my wife and I own and live on the property just to the west of the snouffers' property in question. I am here to state I have no objections to their building and I know that they'll do it in a socially and environmentally conscious way. That's the extent of my statement. Thank you.

**Carrie Richter:** My name is carrie richter, i'm an attorney at garvey schubert baer. I represent a number of opponents, we've submitted written testimony into the record. I would just like to make a couple of points. First of all, I think there's a question and I didn't raise this in my memo, about who's the claimant here. According to the snouffers, they are both claimants. If you look at the application, it's mrs. Snouffer. And it's mrs. Snouffer who is making the kayla molzahn. If we look at the definition of owner in measure 37, it talks about the present owner being entitled to waiver. You can't be much more clear than the present owner. If katharine snouffer is actually the present owner, I understand she's a co-owner, but she is the one making the claim, she's entitled to waive back to the time when she obtained -- reobtained right on the property, which was january 14, 1995, which is a year and a half after the fanno creek plan policies were adopted. So I would argue that if katharine snouffer is the claimant, she is not entitled to any waiver under measure 37. Secondly, I think there's a question about is there any restriction in the use. If we assume -- exempt from the more regulatory fanno creek plan policies and implementing questions, then what could william build in 1990 when he took ownership? The staff report references ordinance 193329 which william would still be subject to should the city grant a waiver in this case. In order to establish a restriction of the use, the claimant must show that they could partition the property and build the desired 3,000-square-foot houses under that 1982 regulation. They haven't done that and you cannot grant a waiver. Staff has done an excellent job of tracing the plan planning and zoning history for this

**August 9, 2006**

property. The claimants reference the crook county case that came down last week, which deals primarily with transferrability. It does not deal with ownership and it does not hold that the ownership tax for purposes of waiver be on the current owner which is clearly represented in the definition of owner for purposes of waiver. And also crook county decision will not be binding if should this case go further into Multnomah county, it's going to be a court of appeals case that will decide that. The memorandum I submitted yesterday outlines a number of reasons why the claimants have failed to show any reduction in value. Their 8 appraisal assumes the highest and best use of the property is this open space when the 10 -- when 10 to 15% of the property is developable within the conservation zone according to the applicant's own appraisal. Second, none of the comparables used in the appraisal consider the cost of developing a property where the slopes exceed 20% and some cases are up to 38%. And finally, the appraisal fails to consider that even if the waiver were granted the cost of extending southwest 48th avenue to serve the property and bring utilities would exceed \$1.5 million. That cost will only increase. The claimant here bears the burden of showing the criteria are met, and finally I want to mention waiving these regulations will devalue my client's property and probably bring rise to measure 37 claims for themselves. For these reasons I ask that you deny this request. Thank you very much.

**Adams:** Who is your client again?

**Richter:** Candace and norris lazano who live in the tree top subdivision right at the edge of that -- the top of 48th avenue where it ends. On the east side of that road. Dana and scott crest, robert and lisa solcz, and michael and anita onestock who just testified.

**Scott Terrall:** Scott terrall, I live on the northeast end of -- if you follow fanno creek up to hewitt boulevard, i'm on hewitt boulevard on the downhill side. My property abut mr. Murphy's property. I agree with the statements made in the city of Portland's staff recommendations and report. If you went up there you'd see this is a steep gully, heavily wooded, holds a lot of water. There it's got the protection for fanno creek. I myself have had to petition to cut down -- I put a petition to cut down two trees raw long my driveway, was told it fell within the fanno creek watershed. They allowed me to cut one down but you had to replace that by planting numerous other trees. This area where they are is in -- that's in the protected zone. Conservation zone. 92% of the snuffers' property is in the protected zone, leaving a very small piece that they could have access to if they had access. If you go up there to phrase street the part that's been developed along this right of way, which I think the right of way should be vacated given the requirements for the fire bureau puts in, and other health and safety reasons, but the street that goes up 48th you can't even turn your car around in that street, more or less turn a fire engine around. So you could get a fire engine up that road, but you're not going to get it back out. Those things are in the staff report and recommendation. I would think the city of Portland city council would give credence to the precedents set by prior council members when they adopted the fanno creek plan and the watershed plans to protect on the basis of environmental concerns governing health and safety to prohibit the type of development that's being requested here in a very heavily protected zone for very good reasons. It wasn't just in 1996 that you had all sorts of violent slides. If you watch the news this year, there were t.v. Pictures of a landslide right on hewitt boulevard not more than half a mile from this particular site and this site is steeper than that site was. And that was created on the basis of development just above the landslide. So there are very good reasons. I agree with the statements regarding ownership, I do not believe these people qualify under measure 37. If they did qualify and you got to it, I believe and president Saltzman mentioned the 2006 letter from the city to these people, that they're challenging that allowed building but subject to environmental meeting environmental requirements. And I don't think they meet the environmental requirements that are placed upon this land and rightfully so. Thank you.

**August 9, 2006**

**William Randolph:** William Randolph, I live on southwest or Mandy, northeast of the Snuffers' property, and will voice my opposition from an environmental concern in regards to them developing this property and I feel that the claim should be denied. Thank you.

**Dana Cress:** Dana Cress, I reside on 48th Avenue. We built our home in 1978. The second home on 48th. I'm here to agree with the request to deny this claim. On the basis of water flow. Our property had originally a cistern for the Valley View Water District, so we have a ravine that runs through the property that during times of rain carries a lot of water that actually will run over the ravine, causing damage to our property. I have some pictures that I took this last week after 100-degree weather, first one showing the top of the street at the very end where there's water seeping through the pavement during 100-degree weather. This picture is the Zano property showing the water run that is just poured dirt down on our street constantly when it rains. They can't contain it. We've had ditches dug, rocks put there, all kinds of things. This picture shows the neighbors to the north of us had to put in a little concrete causeway to stop the water from running from their property through ours and causing damage to our landscape. More of that, this is showing the end of our street. End of our driveway where water has collapsed the concrete and caused an 80-foot tree to fall directly above this across our -- when we had arborcare come out, they said it was because of the water that was directed after the home was built above us caused the roots to be insecure and too shallow to hold the height of that tree. This was taken yesterday showing water that's in that ravine right now even after all this hot spell. So my concern is with water flow being misdirected.

**Saltzman:** Thank you.

**Adams:** Can we look at those more closely?

**Julie Child:** Julie Child, I live on southwest 48th Avenue. And just very quickly, the city planner did a fabulous job on the report, and Mr. Dearth, and I am in total agreement with it. And this is certainly not something we are -- where it's an issue of protecting our privacy, as was alluded to by Mrs. Snouffer. This is protecting the property because of the water issues. Neighbors are part of life, and that's great, but when we're worried about a landslide, and we've had several mudslides on our property, and lots of landscaping bills to document that. Thank you.

**Saltzman:** Please state your name for the record before we begin.

**Scott Cress:** Scott Cress, I live at the top of 48th Avenue and have lived there for -- since 1978. I totally support the -- your staff's recommendations and I want to approach this a little differently than everybody else who is existing who doesn't want anything to happen. I don't think you should compromise your standards, these environmental regulations in any stretch of the imagination because of some of the properties we have faced, the water, several years ago we had a fire engine come up our street in the middle of the night, it took me an hour to get that fire engine back down the street down to southwest Patton. So there is a safety issue, and I hope that you will deny this claim based on your staff's recommendations. Thank you.

**Nancy Owen:** I'm Nancy Owen, the Southwest Hills Residential League land use chair. We've been contacted by several of the neighbors to look into this, and I appreciate the comments of the neighbors, including the Snouffers and Mr. Murphy and others. I know you would like us to restrict our comments to the validity of the claim and the reduction in value. What I'm hearing from the Snouffers and the staff recommendation is that they are still allowed to build on 8% of their property, which would restrict the footprint, but not the square footage. The neighbors, it's my understanding, have paid the cost themselves for their own personal engineering support structures and paving of the roads, and I understand that the -- from Mr. Murphy that he has looked into the cost and three neighbors are willing to pay that so. -- so I don't see that -- I see that that indicates that there isn't really a reduction in value from what has been presented. We support this staff recommendation, and I feel that on part of the Residential League, we'd like to draw attention to the

**August 9, 2006**

health and safety concerns that exist in what appears to be the poster child for the environmental overlays. Thanks.

**Amanda Fritz:** Amanda fritz, I don't live anywhere near this development. I'm here to remind you of the wider citywide concern for upholding our zoning and environmental and health and safety regulations. I serve on the measure 37 committee which doesn't review particular claims, but rather is looking at the big picture of the city's implementation of measure 37. And one point I would like you to remember is that we need to look at the full languages of the measure and it seems to me the claimant was asking you to consider the will of the voter rather than the measure's language. We don't know what the will of the voters are all we know is the language that's in the measure. And I think the staff report is outstanding. The staff did an excellent job of look at all of the factors related to this case, and I certainly support personally their recommendation. And I want to remind you that this is setting a precedent for the entire city, and that metro's title three on slope stability on water quality was set up specifically for health and safety and not for wildlife and habitat implications. And if we allow as big a development as anybody might want of all of the slopes in the city, the floods of 1996 are going to look like nothing. And our city is not going to be the city that we know and love. And so I would urge you to deny the claim.

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

**Saltzman:** Anybody else wish to testify?

**Steven ?:** My name is steven. I'm not absolutely certain exactly what the claim s my understanding the claim is to either have restrictions change sod they can built what they want or they are compensated with money. The restrictions seem to reduce the value of the property. What they want. What they have. So it seems they would be entitled under measure 37 for that compensation. I don't know the property well enough and all the things around there to know whether or not a changing of the restrictions would be safe, would be a good thing. But what i've heard makes me pretty certain they deserve compensation. That it reduces the property value.

**Saltzman:** Thank you. I think what i'd like to do if the council is ok with this is to offer each side -- basically have city staff come back up for no more than five minutes to respond to anything that you have heard and then we'll allow the snouffers also five minutes, up to five minutes to respond to anything they've heard and then we'll discuss this and vote.

**Dearth:** Chris dearth. I really don't have anything to add to our staff report. I guess I would just remind you that we believe this claim, the crux of this claim revolving around the public health and safety exemption as have previous claims like you've seen like this one. This is very similar. We only brought the cost information into the discussion in case somewhere down the line that is found not to be the case, perhaps in court. But we don't think that your consideration even needs to get to the cost question because once you exempt those pieces of the environmental regulation that protect public health and safety, which are the lion's share of the environmental regulations, once you exempt that, you find that there are no restrictions, the remaining environmental regulations after you have thrown out the ones that are exempt, the remaining environmental regulations do not restrict the use of the property and they do not devalue the property. So we don't even believe that the analysis needs to get to the question of the cost and the value. We just put it in to put it on the record.

**Adams:** I have a question about the ownership flow. I'd like you to restate or amplify on the issue of date of acquisition and the -- your analysis that there's a gap in ownership. I'd like you to respond specifically to their statement that as married -- a married couple there was no gap in ownership.

**Kathryn Beaumont:** There were two points I wanted to address. My name is katherine beaumont, Portland city attorney's office. Two points on ownership. One to correct for the record, ms. Richter had question whether -- who the claimant was. Originally the claim was filed by katharine snouffer. It was later amended to include william snouffer, so he is properly a coclaimant in this



**August 9, 2006**

claim. With respect to the crook county case that's mentioned in mr. Snouffer's testimony, ms. Richter indicated it is a decision bite crook county circuit court and it is only applicable and binding in crook county. The date of ownership was not the key issue in the case. The main focus of the case was whether a property owner who received a measure 37 waiver of regulations could transfer the waiver. For purposes of analyzing ownership under measure 37, we like the attorney general and like other local jurisdictions have consistently looked at the deed history of the property. And in this case there is a clear deed history that mrs. Snouffer transferred her entire ownership to mr. Snouffer for a period of time, and many years later mr. Snouffer transferred a half interest in the property back to her. It seems to me if their intent had been she would always remain a co-owner of the property, she would have only transferred a half undivide half interest in the property to mr. Snouffer and could have retained a longer ownership period. Both the attorney general and the proponents of measure 37 have consistently held that for purposes of waiving regulations you look at the date of current ownership. The date the claimant became the current owner of the property and from the deed history it's very clear that mr. Snouffer became the current owner of the property in 1990, and mrs. Snouffer became a current owner of the property when he deeded an undivide half interest to her in 1995. She may have owned it before, she transferred it away to mr. Snouffer, and he transferred half interest back to her later. So we believe there is a gap in ownership. For purposes of compensation, you might -- you can go back to the date of first family ownership. I believe staff has correctly analyzed the claim by looking at the date that mr. and mrs. Snouffer each acquired current -- their current ownership interest in the property. To date the council is consistently stated that there is no money available to pay compensation, which means we wouldn't go back way back into mrs. Snouffer's ownership of the property --

**Adams:** Waiving the regulation cannot be done under the ownership tree?

**Beaumont:** No.

**Adams:** Just compensation.

**Beaumont:** Compensation goes back to date of first family ownership. Waiver goes back to date of current ownership. And the proponents of measure 37 have said that they made this clear distinction in the measure.

**Saltzman:** They're asking for compensation, they're not asking for waivers.

**Beaumont:** They're asking for compensation or waiver. I believe this council to date has said compensation is not an option which means the only other available remedy is waiver. And for purposes of waiver you only go back to date of current ownership.

**Dearth:** The ownership issue only comes in to play if you are going to consider a waiver of the regulations. If you're not going to consider a waiver of the regulations, then the ownership is not relevant.

**Beaumont:** It's relevant in terms of determining when -- what regulation restricted the use of the property. And we're saying because of the 1990 is the date of current ownership, we're looking at regulation that's were imposed after that date.

**Adams:** My general understanding is that regulations of 37 on a particular property are subsequent regulations to initial ownership can be waived by city council if they can prove bona fide continuous ownership or compensated based on that original family tree date of ownership. That is up to our judgment. Is that correct?

**Beaumont:** If you were inclined to disagree with the staff recommendation, yes, would you have a choice available to you to compensate or waive. And what date you would be looking at in terms of measuring whether use of the property has been restricted and what the loss in value would be would depend on which option you were inclined to choose.

**Adams:** Thanks.

**Saltzman:** Thank you very much. Mrs. Snouffer, do you care to add anything?

**August 9, 2006**

**William Snouffer:** Just briefly, william snouffer for the record. I don't have too much to say. I appreciate all of the concerns of the neighbors who have expressed the concerns about land slides and water seepage and moisture and so forth and so on. All I can say is we're very sensitive to those issues and anything that were to be built would certainly try to take all of those issues into account. I don't know the precise history of the various problems they've had with their particular dwellings, but I would say if you go back and look carefully at that landslide map the city presented during its opening presentation for the 1996 storm that we had where the whole city of Portland was sliding, there's a great big gap where no landslides occurred and our property is right in the center of that. So the landslide issue is I think being overstated here, and in any event it's something engineers and experts and contractors would certainly take into account.

**Adams:** Do you have any expert testimony to provide to us to back up that --

**W. Snouffer:** You can look at the map yourself and you'll see there are no landslides where our property is located.

**Adams:** It hasn't been developed, either.

**W. Snouffer:** That's true.

**Adams:** I'm just asking, have you had any experts look at it that you could provide for the record for us?

**W. Snouffer:** I haven't had a landslide expert go through and try to analyze those things, no.

**\*\*\*\*\*:** There's been a lot of figures thrown around this morning about the steepness of the property. Again, I do believe there's been no specific surveys done on any of this. What the city is operating off of are photographic aerial photographs that have been reduced that are very rough approximations, and i'm not sure anybody has specific grade information. Those are issues, if we could build in the p zone, we would be selecting areas that would be fairly -- with very slight grades. There's a house four blocks away that's being built on a cliff. So the city does in many respects allow construction on very steep areas. We want to put it in areas that are not so steep. Regarding the fire engine turnaround issue, we understand the city would -- the fire department would require a turnaround. We understand that and we're prepared to put that in as part of the road. So it would improve the situation on the lower section of 48th if we build the turnaround for the fire engines. Which if I heard a testimony correctly, that can't be done currently. Other than, that I don't have any rebuttal remarks.

**Adams:** If I could before we get to your comments, do you have any other evidence for us, and I assume you would have presented it to staff that would document the continuation of ownership of your spouse? During the time it was transferred, the property was transferred completely to you and --

**W. Snouffer:** It was not transferred completely to me.

**Adams:** What the staff is is that it was transferred completely to you. I want to give you a chance --

**W. Snouffer:** As best I could, I provided all of the deeding I could find so they have a complete deed history.

**Adams:** Is there reason, if you thought it was, under where your name appeared only at the title, and you thought in such a situation it was jointly owned, why did you change it in 1990 to show her name if you thought it was already the case that she was a joint owner with just your name on it?

**W. Snouffer:** I'll answer the question, I don't with all due respect think it's particularly relevant why we did it, but it had to do when her former husband, divorce proceedings, tax issues. People garnishing her bank accounts and so forth.

**Adams:** I don't mean to pry, i'm just trying to get a sense of --

**W. Snouffer:** My point again is that the title that their tight ezelle transferred but she still had a whole bundle of actual property interest and possessory interest in that land.

**Adams:** Thanks.

**August 9, 2006**

**Murphy:** My comments would be ones I didn't get to mention earlier in support of snouffers. It appears the city staff is maybe somewhat relaxed or relinquished the cost issue. I recognize it would be significantly less by the fact three people would be paying that cost. The next thing, and this seems as Mr. Dearth stated, the crux of this whole thing is health and safety. One thing that's not been mentioned here is that the entire city of Portland building code is structured around the health and safety of not only existing structure, but everyone above, below, and around. So it doesn't create the landslides, it protects the house there, it protects all the neighbors below. This health and safety argument and talking about nonexempt regulations completely overrides all of the city of Portland building code measures. All the protections are there to protect everyone that owns the house and around it. The neighbors that commented on 48th, one thing you need to know without seeing the property and whatnot, these properties are all tiered. They are on less steep slopes than the people that testified earlier today. Granted, the road getting up there would go up some very steep slopes, but on very less slopes that the city of Portland currently allows, a perfect example would be all the roads built in forest heights right now. They're far more steep and they're substandard, skinny roads the city of Portland permits all the time on a daily basis. We're not asking the city to do anything more than they already do just recognize that these overlays are very onerous, and the properties can be developed in a fashion that protects all the neighbors below, that actually have homes built on far more steep and what I would call risky sites than the ones that snouffers currently own. One thing you don't see in the report, it talks about slopes of 20, 30% and slopes exceeding 38%. This is actually the headwaters where the water is not held, it runs through. It starts at the top and runs down and ends up in the watershed below. What Ms. Scarzell does not talk about are the flat portions on the snouffer property. There are portions where the building pad would be that are 10% or less that is not recognized at all. One thing that Mr. Snouffer touched on, and I think could be elaborated on is the fact the snouffer property 61,000 square feet in total, of which 8% of as the C zone overlay that represents 4900 square feet that 4900 square feet the city is suggesting that Mr. and Mrs. Snouffer put a home, a yard, decks, driveway, and the hammerhead to fit the -- for the fire department to turn around, which Mr. Cress commented the current street does not have any development that would be done by the snouffers or myself or one or either would actually enhance the 48th street fire access and egress. There's just no way the snouffers can build in that C zone to attain all the things I just listed. I think I've covered everything.

**Saltzman:** Thank you very much. This is a time for council discussion and/or motions.

**Adams:** I move that we deny the measure 37 claim based on the reasons given by staff.

**Sten:** Second.

**Saltzman:** Ok. We have a motion and second to deny the claim. Karla, please call the roll.

**Adams:** Mr. Snouffer and Katherine, I think you did an excellent job of presenting your arguments and characterizing the issue as you saw it, I just did not feel based on the evidence presented that it was compelling enough for me to do anything other than deny your claim. So the -- I think the date of acquisition issue I think the facts at least speak to me that staff report was correct there, and your developer's argument regarding the building codes I thought was an interesting argument we haven't heard before, that deals with safe buildings, and to a certain degree the safety of how that building is situated on a piece of property, but in measure 37 they've made it very clear about the exemptions and exceptions of -- provided to us. So that doesn't even -- with this motion we don't even get to the valuation. So aye.

**Saltzman:** I too think there were good arguments made by the snouffers, but I do believe, and I think your points about the cost of the road construction really are irrelevant to this situation, but I do believe the public health and safety exemption provided by measure 37 clearly applies to our Fanno Creek basin protection regulation and the C&P zones, and I also vote to deny the claim. Aye.

**August 9, 2006**

**Sten:** This is a complex one. It's right at the heart of I think what the measure allows people to claim, and I don't think you're wrong to claim it. In this case I think the staff is right, the public safety exemption is clear and there's also still room to develop it heeding those public safety exemptions. So I think we would be doing a disservice to all the folks in the city who expect the zoning code to be upheld to overturn to grant this claim. Aye.

**Saltzman:** Motion is adopted. We move on to our next 10:30 time certain.

**Item 1055.**

**Adams:** That would be me.

**Saltzman:** Do you want to introduce this?

**Adams:** Thank you, mr. President. This really is in response to direction from the city council during the budget process to look at all the cost of service and areas where we are lacking in cost recovery for the Portland office of transportation. And there are four numbers that I would like to highlight by way of introduction of this issue. I want to underscore today is just a hearing. It is not making a decision on the recommendations brought forward by a public body. I have not signed off on them yet. This is a hearing today and we wanted to use the light agenda that we have today relative to not many council items on the agenda to begin to raise this issue and the recommendations. But I want -- the four numbers I want to keep in mind are 3,964, 122, 600, and 17%. And roy jay, if you can guess what those numbers mean --

\*\*\*\*\*: I'll take behind what's door number three.

**Adams:** 3,964 is the miles of streets and roads that the Portland office of transportation is responsible for maintaining. 155 are the number of bridges in the city of Portland. And that does not count any bridge over the willamette river. We have 155 bridges within the city of Portland. You drive over them every day and probably don't even know it. 600 miles is the estimated backlog of street repair in the city of Portland. And we're in the process of finalizing a condition report on thighs 155 bridges. 17% is the amount we had to cut from the gas tax revenue budget, a core funding source for discretionary funds that is intended to maintain streets and roads. Revenue that we're talking about today is part of what goes into the gas tax revenue pot of money. We face a crisis in transportation in this city on a lot of different levels, and nowhere is the crisis more acute than in the area of maintaining basic infrastructure. I love nonprofits. I love the other agencies that are our partners in making the city a great place to live. And I want to provide our brother and sister agencies and our nonprofits a subsidy and access to our system for parking. Let me repeat that. I want to provide our nonprofits and our public partner agencies a subsidy in providing access to our parking system. But we're going to talk about today is what's an appropriate level of subsidy. And \$30 for a placard which is often used for unlimited parking around the city was deemed in testimony and during the budget process by the city council and myself a suspect number, a suspiciously low number for those placards. So today we're here to get your feedback and I can quite imagine that you will tell us how important the work of your agency or partnership public organization is, and I can tell you right now, I believe you. But we are trying to figure out how to make up the critical gap in transportation funding. And I am not interested in doing it on your backs. But I am interested in striking a fair balance between public subsidy of your parking and trying to run and operate and maintain a system that is woefully under funded. So tellingis about the good work you do is your right for three minutes and I will listen attentively. Giving us some constructive feedback is wished for. We're not voting to adopt any fees today, we're just here to get feedback.

**Ramon Corona:** Ramon corona, with transportation. I'd like to start off with -- give you a little background in some background and history to get things going for the testimony. The last time we went through a cost of service study update was in 1994. Cost of service covers the services provided for various government agencies, nonprofit organizations, media, maintenance, commercial and delivery permits for citizens needing access to truck loading zones or to park

**August 9, 2006**

longer than the city code would allow them. The area parking permit programs, the residential programs, are a large part of our permit program. We provide just over 10,000 permits annually for them. The increase of that permit for you is \$3, going from \$32-\$35. Our outreach was an open house held in May of this year. We had eight people attend the open house and three of them were opposed to the increase. We also issue permits to allow the public to reserve parts of the right of way for various reasons. Both in the meter district and in our neighborhoods. We rent bicycle lockers and provide clearances for the smaller driveways in the older parts of town. These are all parts of the services we provide. Cost of service plan has been reviewed by the bureau of financial planning staff. And then there are three permits that have been highly subsidized so -- when the last cost was approved 12 years ago. Increase the recommendation is to go from the \$30 to full cost recovery of \$500. It's a significant and because of that, we created a task force, invited all the permit holders, listened to their concerns to decide how to move forward on that. We determined that most of the government vehicles could use existing city code to conduct business without a permit. But they would have to be more diligent in their parking habits.

**Adams:** What do you mean by that?

**Corona:** They're allowed to park the length of the meter, so they need to pay attention so they don't get tickets.

**Adams:** Just by showing up and parking in the spot with an e plate they can get whatever the allowable limit is?

**Corona:** Yes, without having to pay. But they need to get out of there so they don't get cited. Those that do not fit in this group, you may hear from them today as well, they do you're are have some options -- pay the permit fee, they could pay to park, like everyone else, they could purchase smart cards so they don't have to carry change around, and we -- our bureau provides those.

**Adams:** When someone -- this is for the four people watching on cable television. When someone buys a smart card it's a retail price, or do they get a break?

**Corona:** It's retail price.

**Adams:** It's just a convenience item.

**Corona:** Yes. Correct. We're also a new alternative that came up from the task force was a daily use permit. We currently use scratch-off permits as part of the area parking permit programs. If they want to have several people over for the evening, they can buy a book of scratch-offs and hand them out to the guests. They're a one-time use permit that allows the user to pay for the day without paying for the meter. The cost is \$6 per day with a minimum purchase of 10 permits at a time. And a volume discount at 50 permits, they get 10% off.

**Adams:** Does that allow them to overstay the metered time?

Yes, they could stay for the entire day if they needed to.

**Saltzman:** They can use those permits only on a specified date?

**Corona:** Yes. They would have to scratch off the day and the month and it would be good for that day. They couldn't use it --

**Saltzman:** They can buy a bunch and use them over the time.

**Corona:** Yes.

**Adams:** P.s.u. does this right now, and it's pretty slick. It works pretty well.

**Corona:** Salem is doing it as well. That's where we got the idea.

**Adams:** It's a great way to manage, for both sides to manage the costs.

**Corona:** And the \$6 rate is based on an average revenue from a single parking space that we get in a day. The task force appreciated the low cost and the convenience of this proposal and they hardly endorsed it. The media permit is going -- recommended to go from \$100 to \$250. It allows the user to park for up to two hours at a time without paying while they're covering a news story. We've heard from one of the local media services asking that council consider phasing it in over two years. That's basically what we've heard.

**August 9, 2006**

**Adams:** If you're a nonprofit media, do you get a nonprofit permit? I guess it's the same amount of money?

**Corona:** Yeah, they would get the nonprofit.

**Adams:** I see bill here who is part of the not for profit media. Did the task force discuss a different rate for nonprofit media?

**Corona:** No, we didn't.

**Adams:** There's the new house chain, and then there's bill.

**Corona:** We can discuss that.

**Adams:** Ok.

**Corona:** But the nonprofit permits, the ones that are recommended from \$30 going to full cost of \$250, for the most part those permits allow the user to park for up to one hour at a time. It's more for getting in and getting out, doing a lot of home visits. You'll hear testimony from several agency representatives asking that the increase be smaller or implemented in steps. And the nonprofit proposed cost of \$250 has prompted approximately 11 written requests to us so far. Several emails as well to consider subsidizing a portion of the increase. And that's it for now. Thank you very much.

**Adams:** I just want to thank you and eileen, joanne, the whole team for your work on this thus far.

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

**Saltzman:** Area permit parking program, there's an abuse few? What's an abuse fee?

**Corona:** If they're caught using the permit illegally, not owning actually getting a permit illegally, or what people tend to do is they'll buy a guest permit and either loan it or sell it to a friend, so they can use it to park in the neighborhood. When they're caught there's a \$150 fine.

**Saltzman:** How much is a guest permit?

**Corona:** \$32 a year right now.

**Saltzman:** That's a year -- somebody can park in that area for a year?

**Corona:** Yes.

**Saltzman:** Ok.

**Corona:** The guest permit is really designed when you have a guest spend the day and they need to go over the limit. You'll see the same permits every day.

**Saltzman:** Ok. Thank you. Do we have people signed up to testify?

**Moore:** We have six people signed up.

**Bill Cooper:** Good morning. I'm bill cooper, I am the general manager of the Portland school district's radio station a.m. 1450 at benson high school. I don't have to tell you the public sector budgets are being tightened as never before and while I appreciate the need to routinely increase fees for service to keep pace with cost, I believe the 833% increase you're proposing for the nonprofit parking permit fee is outrageously excessive by any standard. The letter we received from your parking control manager says actual costs were determined for staff time, materials, and services based on phys call year 2005-2006 hourly rates and costs. That's well and good, however it also says parking meter usage was estimate based on average revenue per space per day and was included in the overall cost model. Without a comprehensive survey of permit users as to how much those permits are actually used, that was not done, there's no way to know the meter revenue lost by the city from these permits. And it's an inaccurate cost figure that's included in the model. Currently the city does charge \$30 per permit for the first five permits and then \$1,100 for any additional permits. The permits are not intended to substitute for off-street parking or to make ordinary parking more convenient, so the question to ask is, how many permits does each organization actually need? Perhaps allowing only three permits at the lower cost and charging an additional higher fee for the additional permits might be a more equitable alternative for some of the small agencies. I don't know what the perrage of permits per agency is. My case, our radio station

**August 9, 2006**

has one permit. We don't abuse it. We use it sporadically through the year, I probably don't use it enough to actually make the \$30 worthwhile. Is it a convenience factor in getting in to certain areas and going to places I need to do business and do it rapidly. In closing I urge you to reconsider the nonprofit parking permit fee increase. Nonprofits especially a school-based public radio station cannot afford what is being proposed in this proposal from your parking control manager. Thank you.

**Helen Bernstein:** Helen Bernstein, representing store-to-door. We're an agency that does grocery shopping and delivery for seniors and people with disabilities. Most of the people who do the work are volunteers. And what happens is we have I think about a third of their population is downtown northwest and in the pearl. And the drivers use their own vehicles, pay for their own gasoline, and they go to the houses, the housing complexes and they take the groceries in and they put the groceries away, they say how do you do, they take back the cans, these are saints, these are wonderful people. And Sam Adams, I will not go into it in too much detail because you know that.

**Adams:** It's your time, say what you want.

**Bernstein:** I just feel that I always feel the city should pay us to do this work because we're taking care of this very fragile population. Keeping them healthier so they're not a burden on the system, the medicaid system and the medicare system. And Beaverton actually does give us money to take care of the people in Beaverton. So all I want to say is, I wish I had a solution to the problem, I don't. I understand, I would be the roads to be good and the infrastructure to be good, but I don't think that store-to-door should have to pay for that.

**Roy Jay:** Good morning, commissioners. Roy Jay, I'm at 4300 Northeast Fremont, and I want to echo some of the same things you've already heard. We are -- our nonprofit is a permit holder. As the other gentleman has mentioned, we try not to abuse our privilege when we're downtown. We're only parking for an hour or so and just take care of our business. The increase of \$250 is a big burden on what I estimate is about 80 or 99 profits that are already permit holders within the city system that are using that, and I'm hoping you guys can come to some kind of arrangement that's going to be a little bit more palatable for those folks that are barely trying to make ends meet rather than paying for \$250 per vehicle. I didn't realize it was that big of an increase. I knew it was large, but for some of us we may only have one or two or three vehicles, but \$750 for three is -- gets to be real expensive.

**Adams:** Which nonprofit are you --

**Jay:** Independent development enterprises, works with project green slate.

**Adams:** Part of the recommendations from the task force and the -- passed along from staff would not apply to the organization because of the frequency, but if we could lower your pass charges annual pass charges to \$6 or \$12, and I'm not sure how it applies to you, but if you only use it a couple times a year, you got the stacks and you're able to sit there all day long --

**Cooper:** It varies the amount -- the number of times I use it. It could be anywhere from once a month, maybe I don't use it during a month, maybe I use it three or four times in a month.

**Adams:** I thought you said one or two times.

**Cooper:** The fact is, you do it have to assign the -- don't have to assign the permit to a specific vehicle. We have several people in our station that use it, it can be used for any vehicle displaying the placard.

**Adams:** What do you think of your -- you're well informed, what do you think an appropriate amount is? Do you think the current \$30 --

**Cooper:** It's \$30 a year now, they want to go to \$250.

**Adams:** You said \$250 was unaffordable. What is an amount you think would be affordable to you?

**August 9, 2006**

**Cooper:** You know, I haven't received your cost analysis, so I don't know. You'd have to take a look at what --

**Adams:** Just based on your ability to pay your budget, what's an amount?

**Cooper:** I would say -- I hesitate to give you a number because it would not be fair to the others that are involved in this discussion. If you take a look at your cost of service study, how many nonprofits use -- have more than the allowed five at the low rate? And are paying the \$1,100 --

**Adams:** We have all that detail. We'll have them come up and give a little more.

**Cooper:** Taking a look at what your actual cost of service, what your loss is in revenue for those few -- the smaller nonprofits that fall under the five --

**Adams:** We're not able to track that.

**Cooper:** They're able to put into the cost estimate what you -- what they think the lost revenue is from parking -- achy think you raise a fair point, but we don't ask them to call in, we're parked here and we're using it for an hour. We don't have that system and it would be incredibly burdensome to you to have that system. So it's a fair point you're making, they're averaging and the \$250 doesn't come close to a potential average cost based on some assumptions and you're questioning --

**Adams:** I think you raise a fair point.

**Cooper:** Can I ask, do you have a number of how many nonprofits have more than five permits and are paying the \$1100 per permit above the five?

**Adams:** Zero.

**Cooper:** Ok. As I stated in my comments, I guess the question to ask is, how many permits does a nonprofit need? If you can rotate the permits from car-to-car, how many --

**Adams:** We were thinking, i'm just -- that is a good conversation, and I appreciate the council's indulgence in time, we were thinking that if there were -- if an agency had fewer permits out there, the potential for abuse would be less. Therefore, in addition to cost to service recovery as an effort, we also in tracking with your line of thought thought that if people didn't view this as a commodity, \$30 you park where you want, often times for as long as you want anywhere where there's a meter, there's a suspicion, I can't document it, we don't keep track, but there's a suspicion because they're so low priced, that it is not treated as a precious resource, it's hand out and used a lot. I'm not saying you guys, i'm --

**Cooper:** I know, but I was working in commercial media for another couple radio stationnesses town, we had the media permit. Your group is very diligent in making sure the permits are not abused. It allows you to permit for two hours at any metered space.

**Adams:** Right.

**Cooper:** And they will ticket. If you get three consecutive tickets on that permit, they pull the permit.

**Adams:** Thank you for the conversation.

**Bernstein:** I don't think this is probably -- it's probably not viable, but we use our -- ours only on wednesdays and thursdays, between 11:00 and 5:00 so if the permit said valid only in that time frame, we don't abuse it. But I understand the thought.

**Adams:** We have total plaque yards, how many?

**\*\*\*\*\*:** 2700

**Adams:** 2700 out there that allow people to use these and that's too many. A lot of them at a really low price. So I think this conversation helps me and it helps our team, but the reason we're doing this is that's a lot of permits to have out there, and we're not convinced they're all being used appropriately. We'll keep working on it.

**Saltzman:** State your name for the record.

**Dan Griffith:** Dan griffith, we're a minister to the homeless for the past 20 years in Portland, Oregon. And the permit is a very precious item to us. We've taken lives off the streets and housed them, and make sure they stay unhomeless during that time. My concern here is purely economics.



**August 9, 2006**

If you looked at this during the heat wave, we gave out 500 bottles of water, that cost us right around \$400 to do this, if we had to increase the fee on our permits to \$440, we would not have been able to afford giving out all the water during our heat wave, what are the expenses that would then be accrued by this city if let's say somebody was dehydrate and went into the hospital or since we deal with the mentally ill homeless specifically, that maybe have been arrested for an outrageous behavior. And so what i'd like you to do is look at this through an economic standpoint when you take a dollar away from a nonprofit such as ours, a little nonprofit, that's a dollar we cannot then invest in to stabilizing lies. What is the expense the city would accrue because we can't take care of a first aid, clothing, counselling, and housing. So that's basically my issue. I fully understand, I greatly appreciate your opening statement. We completely empathize with all of our increasing expenses, but when it takes a dollar away from us, we cannot now invest that dollar into stabilizing specifically the mentally ill on the streets like we've done for 20 years.

**Adams:** Absolutely fair point. Every nonprofit can come in and make a similar kind of statement. And it would be equally valid. One thing to keep in mind I have to struggle with is transportation commissioner that we're the third most trade dependent city in the united states. So when -- and a significant amount, almost by far the vast majority of that trade is on our streets and roads which are in really bad shape. For us congestion and inability to get through the city isn't just an inconvenience, it actually costs jobs that leads to exacerbates the problem that you're trying to also address from another way. So that's some of the things as transportation commissioner I have the good fortune to try to balance and struggle with. In terms of just looking at your own ability to pay, what would be for you if \$250 is going to break the bank, what would be an amount that you feel an increased amount that you feel you could absorb?

**Griffith:** I like the \$30 really well. You know, if it went to \$50, it wouldn't totally destroy us. Of course in my mind \$20 is the delivery of 50 bottles of water or 20 pairs of socks.

**Adams:** Thank you.

**Saltzman:** Ok. So that completes the testimony. This is simply accepting the report.

**Adams:** I don't even know that we vote on it. It was a hearing. Do we vote on anything?

**Sten:** What happens with the proposed fees?

**Adams:** We heard input, eventually we'll come back with an actual recommend education for you to consider. This is just a hearing.

**Saltzman:** We're not talking about the handicapped or disabled permits. Is that covered through a separate fee program? That's state.

**Adams:** How much are those annually?

**\*\*\*\*\*:** \$8 - - oh, no charge [inaudible]

**Saltzman:** We'll move on to our next -- our regular agenda.

**Item 1056.**

**Dee Walker:** Dee walker, pdot right of way acquisition.

**Adams:** This is pretty straightforward. Are there any questions for staff or would you like a presentation?

**Saltzman:** It looks like we're getting a presentation. We can defer to the school district or housing authority, or whoever.

**Linda Birth:** The housing authority, yes. If you'd like to hear from them they are here.

**Saltzman:** Ok.

**Adams:** Thank you for your good work.

**Sten:** Prepared to vote through what they want.

**Candace Brewer Nunn:** Candace, chair of the housing authority.

**David Wynde:** David wynde, on the Portland school board.

**Brewer Nunn:** We're here to discuss as a copetitioner with the parks bureau for the vacation of dana street. This has been typical of the community campus project in general and the new

**August 9, 2006**

columbia project that partners have come together at every juncture to make things happen. So vacating this portion of dana street between the rosa parks elementary school and the boys and girls club to the university park community campus and back will allow the youth to cross more safely back and forth for physical education activities and after school activities. And this is essential because the underlying premise of the project has been to economize cost without compromising quality. We try to make multiple use of the new gym the parks bureau is building at the university park community center for use by children during the day and after school as well as the adults in the community. This has allowed us not to construct another gym, which -- a short distance away and it's allowed us to lower the overall capital costs of the project that the city is investing in as well. In addition to that, by vacating the street we have also been able to work with pdot to create a very efficient as well as functional design for a drop-off site for parents nearer to the buildings, which I think is going to work much better for them and their children. And I think vacating dana street would allow us to have a greater seamless connection between university park community center where adults are using that as well as other aspects of new columbia and service that's are adults are being provided along main street with the school and the boys and girls club in between. So at the top of the list of all the partners has been the city of Portland and I think the leadership that the five of you have exhibited over time and the cooperation of the bureaus you oversee has been essential to the project. And while much of your funds have been dedicated to infrastructural improvements, the hard escapes, pipes, even the dana street improvements, in reality the funding has been pretty fungible in that you are supportive of having a new school and the boys and girls club and the service force people in as were you to make sure that the infrastructure would stand the test of time. So I guess in closing i'd like to say our board has been particularly appreciative of your holistic approach, your philosophy about this project, and your concern for the people as well as the infrastructure. And as commissioner Saltzman knows as a small modest show our appreciation, there's a brick that will stand in good stead for decades to come that will listings acone of the 10 founding partners of this project and it's a path that connects both the boys and girls club of the school to the university park community center. Thank you very much and we look forward to your approval of vacation of dana street.

**Wynde:** It's good to know we're not throwing bricks at the city council, we're actually laying they'll. I know you're very busy so I will be brief. On behalf of the school district I want to thank you for your continued support. In the three years i've been on the school board I have seen a real growth in the partnership and cooperation between the city and the school district and this community campus is but one example of that growing cooperation and we really appreciate that. The street closure is another step in that overall community campus process. We're grateful to you for considering that. We're especially grateful for the financial commitment that the city made to the construction of the school both the capital contribution to the school building as well as the purchase of the old school property. So thank you for that. This whole project has been remarkable for the cooperation and the number of people involved, is financing is innovative, construction on the school began just 12 months ago, we are poised to open by the first day of school on september 6. The contractor is putting phenomenal effort into getting us ready. We will be having a formal dedication probably in october, you will all be invited to that. I hope you'll be able to invite us, but I wanted to take this opportunity on behalf of the school district to thank the city council for your investment, your cooperation, and I also want to acknowledge that there's been extraordinary cooperation at the staff level, not just in your own offices, but the development review and transportation staff have done everything they can to make this project work. And I want to acknowledge that publicly and thank you and your staff and all the city staff for doing that.

**Saltzman:** I have -- I just wanted to clarify the school board will be taking up the intergovernmental agreement for approval this week, next week at its board meeting.

**Wynde:** I believe that to be the case.

**August 9, 2006**

\*\*\*\*\*: Yes. It's going to the finance committee [inaudible]

**Saltzman:** Why don't you come up.

**Doug Capps:** Doug capps. It's going to the finance committee this afternoon, at this time we're discussing the process for getting it to the school board. There's only one meeting in august. We have to declare the property surplus, we have to meet with the neighborhood association in order to accomplish that work, we're trying to squeeze all of that in before the end of august if we can do that. If we didn't, then it would go to the school board in september. And i've had a conversation with your staff this morning about that very item.

**Saltzman:** Thank you. Does anybody else wish to testify?

**Moore:** Robert hill signed up.

**Saltzman:** The hearing is now closed.

**Moore:** This is an ordinance.

**Adams:** If I could then make some comments no, questions. I want to thank the leadership and the school district, the folks on my staff, but at this point I also want to -- and doug I want to highlight special appreciation to you candace for all your great leadership to see the new columbia project happen. I -- on saturday I had the good fortune to make introductory remarks at the festival symphony concert in mccoypark, and it's just almost surreal to sit under the -- some of those same trees that in a very different surroundings to listen to that concert and to see all the great community that's been brought back there. It really represents some of the best of the spirit of Portland. So I want to take this opportunity to thank you for all your incredibly hard and diligent leadership on this project.

**Saltzman:** Our last agenda item?

**Item 1057.**

**Adams:** This is for their annual neighborhood festival.

**Saltzman:** Second reading. Vote only.

**Adams:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Saltzman:** Do you want to read those items that will be continued to the 16th?

**Items 1058, 1059, 1060 and 1061.**

**Saltzman:** Those will be continued until our next meeting. 9:30. We stand adjourned until next wednesday at 9:30.

At 11:35 a.m., Council adjourned.