



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31ST DAY OF JANUARY, 2007** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, and Sten, 4.

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

	Disposition:
COMMUNICATIONS	
89 Request of Margaret D. Strachan to address Council regarding planning in Portland (Communication)	PLACED ON FILE
TIME CERTAINS	
90 TIME CERTAIN: 9:30 AM – Declare intent to initiate local improvement district formation proceedings to construct street and bridge improvements from the Columbia Slough to Alderwood Road in the NE 92 nd Drive Local Improvement District (Resolution introduced by Commissioner Adams; C-10020) (Y-4)	36476
91 TIME CERTAIN: 10:15 AM – Declare February 1, 2007 A Day of Appreciation for United Way of the Columbia-Willamette Day (Declaration introduced by Mayor Potter)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Tom Potter	
92 Appoint Ali Eghtedari to the Development Review Advisory Committee for a term to expire January 1, 2010 (Report) (Y-4)	CONFIRMED
93 Rename the City of Portland Citizen Budget Advisory Board to the City of Portland Community Budget Advisory Board (Resolution) (Y-4)	36475
Office of Management and Finance – Human Resources	

January 31, 2007

94	Change the salary range of the Nonrepresented classification of Capital Improvement Program Planning Supervisor (Ordinance)	PASSED TO SECOND READING FEBRUARY 7, 2007 AT 9:30 AM
Office of Management and Finance – Purchases		
95	Delegate authority to the Purchasing Agent to execute Intergovernmental Agreements in support of Intergovernmental Cooperative Procurements (Ordinance)	PASSED TO SECOND READING FEBRUARY 7, 2007 AT 9:30 AM
Commissioner Sam Adams		
Bureau of Environmental Services		
96	Authorize an Intergovernmental Agreement with the Port of Portland, Multnomah County and others to share cost of joint legal defense activities related to Phase I National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Discharge permits (Ordinance)	PASSED TO SECOND READING FEBRUARY 7, 2007 AT 9:30 AM
97	Authorize a contract and provide for payment for the construction of the Brownwood Floodplain Mitigation and Restoration Project No. 7335 (Ordinance)	PASSED TO SECOND READING FEBRUARY 7, 2007 AT 9:30 AM
98	Authorize a contract with Parametrix for engineering services for the predesign and final design of a new wastewater pump station at 8333 SE Harney St. Project No. 8376 (Ordinance)	PASSED TO SECOND READING FEBRUARY 7, 2007 AT 9:30 AM
99	Authorize a contract with Brown & Caldwell and provide for payment for the design of the Oak B Basin Project No. 8300 (Second Reading Agenda 75) (Y-4)	180744
Office of Transportation		
*100	Authorize a grant application to Oregon Department of Transportation for \$500,000 for Innovative Green Trips, a project to reduce delay on congested roads and highways (Ordinance) (Y-4)	180745
Commissioner Randy Leonard		
Water Bureau		
*101	Authorize contract with the U.S. Geological Survey for streamflow and water quality monitoring in the Bull Run watershed without advertising for bids (Ordinance) (Y-4)	180746

January 31, 2007

Commissioner Erik Sten

Bureau of Housing and Community Development

- *102** Amend contract with Northeast Workforce Center by \$20,000 for housing stabilization and workforce development and provide for payment (Ordinance; amend Contract No. 36148)

(Y-4)

180747

REGULAR AGENDA

Commissioner Sam Adams

- *103** Amend contract for services with the Regional Arts & Culture Council to administer public art matters for the City and provide for payment (Ordinance; amend Contract No. 52552)

(Y-4)

180748

Commissioner Randy Leonard

Bureau of Development Services

- *104** Extend the effective date of a Comprehensive Plan Map and Zoning Map Amendment previously approved by Ordinance No. 180713 for property located at 5828 N. Van Houten Place at the request of the University of Portland and Triangle Park LLC (Ordinance; LU 06-132925 CP ZC)

Motion to accept amendment to add an emergency clause: Moved by Commissioner Sten and seconded by Commissioner Adams. (Y-4)

(Y-4)

180749

AS AMENDED

At 10:24 a.m., Council recessed.

January 31, 2007

<p><u>WEDNESDAY, 2:00 PM, JANUARY 31, 2007</u></p> <p>DUE TO THE LACK OF AN AGENDA</p> <p>THERE WAS NO MEETING</p>	
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February 1, 2007

**A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS 1ST DAY OF FEBRUARY, 2007 AT 2:00 P.M.**

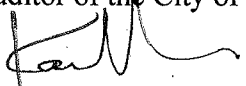
THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Leonard and Sten, 3.

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

	Disposition:
105 TIME CERTAIN: 2:00 PM – Accept Staff Report and Recommendation and Order of Council for Dominic J. Corrado, Measure 37 Claim (Report; Claim No. PR 06-129219) Motion to deny the claim and adopt the staff report and waive the fee for a Type III Review: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-3) (Y-3)	STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED
106 TIME CERTAIN: 2:45 PM - Appoint members to Community Budget Advisory Board (Report; introduced by Mayor Potter and Commissioners Adams, Leonard, Saltzman and Sten) (Y-3)	CONFIRMED

At 3:15 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland


By Karla Moore-Love
Clerk of the Council

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

January 31, 2007
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] * * *

JANUARY 31, 2007 9:30 AM

[Tech problem at start of meeting. Captioning begins at 10:00 am.]

Potter: We start off by asking the community how are the children. The reason we ask is because we know that when our children are taken care of the community is taken care of as well. So we invite folks in to talk with us about issues that are important to them. Today we have 3 youths from woodmere's sun school program. Alexandra, Yedith and Courtney, would you come forward please? Woodmere is a sun school, called school's uniting neighborhoods building families and community collaborative program. They support extensive before and after school programs, homework assistance, enrichment classes and arts and recreation. The program is enjoyed by over 200 students and over 55 classes. SUN also encourages parental involvement and provides opportunities for parents of many languages to participate in the organization and planning for the school as well as family events which support the diversity of the community. Who would like to begin first?

Alexandra Fields: Mr mayor and city council members. Thank you for seeing us and giving us this opportunity. We are a youth action group and we are also fourth and fifth grade students at woodmere elementary. Our school is on 79th and duke in southeast. The youth action group is part of a Portland impacts sponsored home program. We meet once a week to discuss in what ways we can help our community. We have done 2 community service activities so far. One to plant trees with friends of trees, and one to pack food boxes with restoration community. We also attended the 22nd annual keep alive the dream martin luther king day led by the world arts foundation. We have also read and discussed the youth bill of rights. In February Elizabeth kennedy-wong will come to talk with us about it. Also older students from super...innovation for education will come to our school and teach us how to be reporters and how to participate in a debate. We will also partner with aaron yankee of kboo radio who will assist us in finding and interview candidate and preparing the interview. He will broadcast our interview on kboo's youth radio show this May. We have come up with some observations about the conditions in our neighborhood. Some ideas are about how to make a better place for kids live.

Potter: Thank you Alexandra.

Yedith Barraza: I'm yedith. We like our neighborhood because kids can play but neighbors leave food on the ground and bones and wrappers. We don't like that they are smoking and drugs. Some of our neighbors drink and we think there are some people who use [?] drug. We have actually seen a crack pipe on school property. There's also bullying and vandalism and we think there are gangs here as well. Older kids sometimes throw snowballs at everyone at the bus stop and other people do graffiti, on people's houses and some people egg cars. We also think that more and better afterschool courses would be an improvement to our neighborhood. More activities and clubs at school would make it better. We would like to see a playground with better equipment and better security to prevent things like graffiti. We would also like to see a better environment without littering. For instance there are a lot of smashed bottles left on the ground making bicycle tires go

January 31, 2007

flat. Around our school we would like to see more trees and plants in our yard. It is messy and overgrown. We have seen animal waste outside of school that should be cleaned up better.

Courtney Wallace: I'm Courtney. There is not a lot of community togetherness and we think that is not great. We would like especially for the community to work together and get rid of graffiti. We think that kids that spray paint are doing a horrible thing and we wish that we could stop them. We would like to go up to them and call the police. We do not think it is really cool. We wish there's more money for our playground because it is in bad shape. We also wish there's more vacations[?] because we need a break from the work and stress of school. Finally we wish there's more money for computers and more money for kids who cannot afford their own school supplies. Also we think the students at our school should be able to say what kind of punishments are fair and also what kind of musical groups perform at our assemblies. We want to see hip-hop groups that don't curse and have positive messages like staying in school. We also think that the money that was spent on these assemblies could go to our playground. In our group we talk about the youth bill of rights and we like it says kids have the right to speak and adults should listen to them. And kids have the right to be safe and not bullied. But we don't understand how we can use the kids bill of rights. We can't use it to make adults listen, or stop someone from bullying us. We would like to understand more how those rights can help us. Thank you very much for listening.

Potter: Thank you all for coming here and all the parents and folks who came with them. All the other students from Sun school, would you stand up so we can recognize you. [applause]
Thank you for coming. I thought that was very brave of you to talk to us. Thank you for being here.

Potter: City council will now come to order. Karla please call the roll.

Adams: here. **Leonard:** here. **Sten:** here. **Potter:** here

Potter: I'd like to remind folks that prior to offering testimony at city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the communication.

Item 89.

Potter: Commissioner, welcome back to city hall.

Margaret D. Strachan: thanks. I want you guys to put up your computers.

Potter: I don't have one with me but thank you. And thank you for doing such a good job of training my chief of staff.

Strachan: she's quite wonderful. She trained me. And she would certainly recognize some of my concerns today. Dear sirs, and unfortunately it is sirs only, I've followed planning in Portland since early 70's sometimes with pleasure, sometimes with amazement, sometimes with chagrin. Several weeks ago I became alarmed as I read of the update of the central city plan. The article in the Portland tribune led me to take a much closer look at the planning efforts of the city. This perusal raised three major areas of red alert concern. #1 what is the overarching vision for these plans? How do they fit together? Is anyone coordinating them? The city plans of which I'm aware include the visioning process which is reaching for that overarching plan but isn't in place yet; the citywide strategic plan; central city update; river renaissance; central eastside plan update and various neighborhood efforts. However the more I poke around, the more planning efforts I discover some in the planning bureau, some in transportation, some in parks. These are city agencies but the city's efforts must not overlook the school district's planning. School closures, expansions or changes can dramatically affect a neighborhood. Changing the need for housing, transportation and the general livability. The concerns and plans of ohsu and the port of Portland have important effects on jobs and economy. Are these and other public entities involved with the city's efforts? Are we building on past successes or starting over? Does everyone know who's on first? In fact does anyone know who's on first? The second issue is cost. Are we proceeding on these plans in a way that is most cost effective? Are these plans likely to be implemented or die because of little or no public support? Have planning efforts been prolonged because of lack of coordination or second guessing? The third area of concern is one closest to my heart. Citizens and citizen involvement.

January 31, 2007

When Oregon passed its present land use laws in 1973 the first requirement was for citizen involvement. Even farther back is the model on the skidmore fount—the riches of the city are its good citizens. Portland has won national awards and praise for its planning processes however I'm afraid we're resting on our laurels or forgetting this important value. Some examples: 1) Linnton volunteer neighbors spent years on a plan based on information from the planning bureau only to have the plan undercut by the planning bureau and rejected by council. Where was the planning bureau during the extensive process? Why weren't the issues raised before they worked so long and hard on their own time and at their own expense. 2) the nwda's long hears of sophisticated planning has been partially undercut and other parts of the plan languish without council recognition. 3) the central city plan update is being tackled as a top down plan. The original plan has been successful in great measure because it was built on a consensus put together by citizens. In fact the plan was awarded national acclaim for its process. According to the paper \$250,000 has been allocated to the plan but not even a boo about citizen involvement.

Or indeed any discussion of an open process. These are just a few of the examples of citizen neglect and planning hubris. The most valuable thing any city can have is love, loyalty and support backed by hard work from its citizens. Portland has had that for many years but it is being squandered. Once this respect is gone it will require years of hard work and good faith effort to rebuild it. I write this letter to call the council's attention to these serious problems. I believe you are men of good faith and real love and commitment to Portland. Don't let our citizens down and our hard earned reputation be tarnished. Fix these issues.

Potter: Thank you Margaret. Would you please leave a copy of that for the council clerk so that we...

Strachan: I think you have one in your packet. If not I'll leave one.

Potter: Would you do that? I don't see it...Is it? OK. Thank you very much.

Strachan: Any questions?

Leonard: I appreciate what you said. I've raised some of those concerns vis-à-vis Linnton. When you get too far down the process. I think sometimes people are uncomfortable saying no. It is passed on to somebody else until we are put in a bad position of having to say no.

Strachan: Well the issue for me isn't necessarily that you didn't like the plan or you didn't feel it was safe or whatever your whole set of reasons were but that nobody bothered to discuss with the neighborhood they were operating on a letter that said sure you can do this kind of planning for this area.

Leonard: That's exactly my point.

Strachan: Right. And in nw district the council talked about coming back and looking at the rest of the plan, but they haven't. They looked at some parts of it, changed some parts and some parts are just sitting there.

Adams: Just for those who are listening and watching, the original central city plan was under your leadership. Correct?

Strachan: That's right.

Adams: How do you think that it has fared over the years. Positively? And in it's vulnerability.

Strachan: When we began working on that al solheim, who does a lot of work in the pearl district, and I really worked hard on some of the parts of changing the zoning in the pearl district—which then became part of the central city plan. And every now and then we look at each other, shake our heads. Because even in our wildest dreams we had no idea it would be as successful as it's been. And I drive down lovejoy now and go over the bridge and realize how many blocks were divided by the ramp that was there and I look out at where all the rail road tracks used to be and see housing going up. And I think it's pretty *** successful. If you look at the south waterfront at some of those buildings going up in conjunction with the hospital, again are very exciting and really speak well to plans that are citizen driven. The citizens really ran that plan from the beginning to the end.

January 31, 2007

Potter: Thank you Margaret. Anytime you folks think the children need to leave, that's fine. We're going to get into the regular business of council. If they want to see how it works, that's fine for them to stay. Do any commissioners wish to pull any items from the consent agenda? Does any member of this audience wish to pull any items from the consent agenda? Hearing none, karla please call the roll.

Adams: Aye. **Leonard :** Aye. **Sten:** Aye.

Potter: Aye. Please read the 9:30 time certain.

Item 90.

Potter: commissioner Adams.

Adams: Thank you Mayor. This lid will provide an additional connection from the cascade station Portland international center district and the existing businesses along Columbia blvd. it complements the nearly \$224 million in transportation investments to support development and freight mobility and relieve congestion in the area. And that \$224 million over the past several years comes from the port, developers in cascade station, city of Portland and other public entities. This is a \$2.5 million lid. It involves 140 property owners and specifically it will provide a new and alternate route. Alderwood road and holman road to avoid the very busy way and Killingsworth interchanges at i-205. and so we have a brief overview and will go from there.

Andrew Aebi: Thank you commissioner. Andrew aebi, local improvement district administrator. With me today is david OLongaigh, the supervising engineer of the bridges and structures division within pdot. As well as allan snook from eks and associates who did the traffic analysis. Karla, if we could switch to the presentation. Here is a map of the local improvement district which also shows the project area. You can see the Columbia slough and approximately the middle of the lid with properties that benefit both north and south of the slough which will have improved access as a result of this project. The previous petition effort in 2005 was not successful. This previous petition effort assumed full replacement of the existing bridge over the Columbia slough. Since then we did some value engineering and changed the scope of the project to upgrade the existing bridge and construct a companion pedestrian bicycle bridge instead of doing a full bridge replacement. We feel that this is ultimately a more sustainable approach to the project and it also benefits the property owners instead of the cost per assessable trip increasing the \$431 a trip. If we were doing a full bridge replacement we would have been able to reduce the costs per assessable trip to \$235 a trip through the use of value engineering. The properties in the l.i.d. would be assessed on a trip volume basis. David OLongaigh would be happy to answer any questions you might have on the value engineering effort with respect to the bridge. Here's a recap of the petitions that are before you today for your consideration. We have 63.8% petition support overall plus .3% government support for total support of 64.1%. Breaking this down into sub area north and south of the Columbia slough. 100% of the properties north of the slough petitioned in favor while 22% of the properties south of the slough petitioned in favor. This is a substantial increase from the previous petition effort in 2005 when no properties north of the slough petitioned in favor and 4.1% of the properties south of the slough petitioned in favor. Although we did not achieve majority petition support south of the slough, it should be noted that there was more than a five-fold increase in petition support south of the slough. In comparison with the previous effort. We did have some difficulty reaching some of the property owners south of the slough. Approximately 80% of them have mailing addresses out of state with approximately 20% having local mailing addresses per the legal address of mailing on Multnomah county record. However we do have several of those property owners with us today both in favor and in opposition to the project. Here's a map of the local improvement district which shows the project area in the middle. The purple properties are north of the Columbia slough, the green properties are south of the Columbia slough. The black area in the middle is the area of improvement. And here's just a closer view of that you can see the very south end there is existing 92nd drive bridge. It will be upgraded and then you can see that 92nd will be extended north to alderwood and we will also be constructing

January 31, 2007

improvements at 92nd and alderwood and constructing a right turn lane from alderwood eastbound to 92nd southbound. Just to wrap up, this project would add a fifth connection to the area north of the columbia slough. You can see there's four existing access points to that area. This would add a fifth access point. South of columbia slough there's one existing access point now, the project would add a second connection, and in particular the second connection to the south area would be very valuable for purposes of having a secondary emergency response route. Finally I would like to note this l.i.d. is a small proportion of the overall transportation investment being made in this area.

This l.i.d. does not include funding for the east columbia to lombard connector project currently under construction which has a budget of about \$35 million of which \$360,000 is being funded via a separate l.i.d. previously approved by council. 99% of the funding for this nearby project is therefore from non-l.i.d. funding sources. Adding the northeast 92nd drive to the mix, about 7.5% of the \$37 million investment for these two projects combined would come from the two l.i.d.'s with remaining 92 ½ % of the investment coming from other funding sources. I'd be happy to answer any questions you have, or we can turn it over to the property owner testimony.

Leonard: If I could ask one, in looking at the property on the map, it would appear to make sense that 78% of the people voted no, the businesses voted no south of the bridge because it seems to serve just those north of the bridge. Is that incorrect?

Aebi: We have some property owners that signed petitions in favor south of the slew. I think it might be good to get their perspective. They are the ones that are there. I can tell you that one of the concerns is that the alignment of columbia boulevard is such that the only way in is to make a right turn movement from columbia boulevard westbound on to 92nd northbound, and the only way out is to come back down to columbia boulevard, go down to what will eventually be I believe columbia way and come back around. We are putting in a traffic signal to add -- help the movement, but the additional connection provides a much speedier access to points north and east and what we'd have if we didn't do anything. Ellen, do you want to add to that?

Leonard: Maybe you can help me understand that. Alderwood i'm familiar with, doesn't have any main connections other than 82nd avenue. But I would think most of the property owners here that own business would use columbia boulevard primarily. To get to i-5 or i-205. So i'm just curious why the assessments would be the same for those property owners south of the bridge as those north of the bridge.

Aebi: One thing I should clarify before I let allen respond, we looked at two things as part of the trip analysis. One is total trip volume and the other is accessible trip volume. Just to be real clear, we're not assuming all of the trips in both areas are using the 92nd drive bridge. We actually show a lower trip split north of the bridge because there's more connections. There's more opportunity to get in and out of the area. So the area south of the slew just having that one connection, have obviously a much higher trip split by virtue of only having the one-way in and one way out. Really you have to look at two things -- what the total trip volume is, and what is the split of trip between 92nd drive and other ways in and out. Do you want to add to that?

Alan ?: Alderwood actually connects to the east via holman and 105th to provide a potential connection to i-205, specifically to the north and airportway to the eastbound.

Leonard: Along the golf course? Is that 105th?

Alan ?: Yes. And in the industrial area, in the southwest quadrant.

Leonard: I guess my question is, for some reason i'm not being able to understand the answer, but my question is why would a person south of the slew take that route?

Alan ?: One of the reasons is because if you're trying to go northbound on i-205 or eastbound on airport way, the connections they would be able to take now would be coming out through the east end connector, which is out of direction travel for them because they're travelling to the west to travel to the east or north. Whereas they could travel north on the new 92nd drive connection and start heading into travel direction, which would be to the north or east.

January 31, 2007

Potter: Other questions? Thank you. You folks will be here in case we have further questions? Who signed up to testify?

Moore: We have four people signed up to testify.

Potter: Please state your name for the record. You each have three minutes.

Terry Oftedal: Good morning, my name is terry, i'm the director of operations of yo cream international. Our factory headquarters is on 82nd. We're in the south of the slew portion of this project. There are two reasons i'd like to emphasize for this. One is in answer to one of the answers to one of the commissioner's questions, when there was a temporary way of getting out of our area south of the slough, besides columbia boulevard, I always took it myself and several other people took it through the owens Illinois glass factory when their private road was open to us. It is more convenient access during rush hour because of the long backups to get on to the freeway at i-205 at killingsworth. But the most important thing that i'd like to emphasize is a life safety issue. A couple of years ago you may remember there was a truck turnover at the exit of i-205 at killingsworth, and due to gas I think it was ammonia in the air, columbia boulevard was shut down. There was basically no way in or out to our factory until that shut-down was lifted later in the day. And because right now the only way into our area is through columbia boulevard, my concern is what happens if something like that happens at columbia boulevard? There's only one way in and out. That's along columbia and the east end of columbia is going to be shut down as an access at the completion of the killingsworth-lombard connector project later this year. So the only way out is going to be along traveling west along columbia to the new intersection that's being put in by the holiday inn. One way in and out isn't a safe issue in my mind, and I think we need to look at that as an important reason for opening up an access to the north through the slew. Thank you.

James Howe: My name is james howe, a controller for the division of international paper. What I did, and i'm happy to add this to the file afterwards, I personally went and contacted every business. I know andrew mentioned he had a hard time getting a hold of people, and I can support that because I found several people that weren't even aware of it. So I went door-to-door to see everyone that was impacted to the tune of at least \$10,000 assessments. And so that did not include yo cream. And I contacted all 21 business owners, and i'm finding, you mentioned landowners to the south, how they would be impacted. Obviously I think that the land all to the north is owned by the port of Portland and there's definitely going to be a retail advantage there from a business perspective, other than the safety issue, there's not much business advantage. For our exempling we won't be routing trucks through to alderwood and splitting them off access to 205 as much better for us at columbia. Going north I know that various people try different ways to get home when they live in vancouver, but really that intersection on airportway is just as congested and once the construction for ikea and costco and all the other businesses go in, port of Portland's property will be even more congested. I totaled some statistics, and what's very disconcerting is a full third of the portion -- apportioned votes that are on the south side of the slew a. Full third, 35%, are undecided. Of those that are decided it's 3-1 opposed, so full 50% of those are strongly opposed and then a very few I think we have five business these are definitely in favor, when andrew talked about 22% being in support from the slew, that's driven in large part by toyota, which had a large number of assessed votes. I think really the wild card involved is the property -- the rerouting of columbia, no one is sure how much that's going to alleviate the current traffic conditions and how difficult it will be to get out. Like yo cream mentioned, the glass plant. When we did that emergency, they did open the road to let people through. I certainly don't want to say that's their responsibilities, it was just a nice gesture. But I think that's an option that's available in case of an emergency. Thank you.

Lise Glancy: I'm lise glancy, representing the port of Portland. We're here to support the 92nd avenue l.i.d. I want to add to your question, commissioner Leonard, you had asked about the alderwood benefit. I have a map that might be helpful. It shows there's clear access under i-205 that employees and frankly freight could use once that road is improved, or the bridge is improved.

January 31, 2007

My understanding also is that there is a safety issue with the bridge currently, and it would provide a secondary access which is important. The port represents 53% of the l.i.d. We are supportive of it, as I said, and I would say this relatively modest transportation investment will add to the significant investment that has been there to date. The port has invested \$51 million, the developers have invested \$60 million in transportation improvement and we have another \$6.5 million on the books from the port and about \$1.4 from developers. So there's a lot going in that has been paid for by the port and private sector, and we look forward to seeing this go forward.

Potter: Thank you, folks.

Potter: Please state your name for the record. You have three minutes.

Steve Sieber: Good morning. My name is Steve Sieber and I represent Tremelco company and Cascade Station Development company. We are a major port tenant. We think the proposed improvements are important to traffic and freight circulation in the area, and we support proposed l.i.d. Thank you.

Potter: Thank you.

Moore: That's all who signed up.

Potter: Is anybody from the fire bureau here? We have a letter from the fire bureau. Yes, I understand.

*******:** Can I say one more thing?

Potter: Yes.

Howe: I originally talked about having a spreadsheet of having people undeclared, that was really driven mostly by G.V.A. Kidder Matthews, they were the second largest company impacted outside of the port. And I just talked to their representative and they said they are not in favor. So that really shifts it to an even more absorbent -- when you talk about all the landowners on the south, it's probably 85, 90% opposed.

Potter: Commissioner Adams is going to read the fire bureau letter into the record.

Adams: This is from Scott Edwards, the acting fire marshal, subject is Northeast 92nd Drive, local improvement district proposal. Portland fire and rescue staff have assessed the impact of the proposed l.i.d. proposal on emergency response and fire-related development standards. Replacing or strengthening the Columbia Slough Bridge should provide a reliable and efficient second means of access to the industrial and storage businesses in both the north and south subareas of the l.i.d. Providing enhanced emergency response capabilities and important tactical flexibility for fire, ground response to the existing and future properties in the proposed district. Additionally, the second means of access is a fire code requirement for projects exceeding 124,000 square feet.

Potter: Andrew.

Aebi: Mayor Potter, if I may, I mentioned in my opening presentation that there were a lot of out of town property owners. Having said that, I'd really like to emphasize that people generally are not shy about contacting me if they're not happy about an l.i.d. So I have to assume if there are folks who are not in favor of the l.i.d., they would have picked up the phone and contacted me. To date I have been contacted by three property owners who have informally expressed their opposition to the l.i.d. If council approves this resolution today and we come back on February 28 for the formation hearing, if all three of those property owners were to remonstrate, by my calculations we would have a remonstrance level -- we would have a remonstrance level of about 13%, which is pretty far below the 60% threshold that would defeat formation of the l.i.d. So my suggestion is council approve the resolution today. It does not form the l.i.d., we would come back in four weeks and if there truly are more people beyond that opposed to the l.i.d., then we certainly would deal with those remonstrances at that time. But I received very little communication to date in opposition to the project. Having said that, I would like to note for the record that International Paper does have the second largest combined assessment in the l.i.d. after the port, so we will certainly do everything we can to minimize costs on this project if council approves the l.i.d. And any savings on the project would be passed back to the property owners in proportion of their

January 31, 2007

assessment, which means international paper would feel out of the benefit of any cost savings. We do have a high every than normal contingency level on this project, given the water work in the columbia slough. We normally budget a 25% contingency. We budgeted a 40% contingency because we don't want to be in a position of coming back with bad news for the property owners.

Adams: By water work you mean the work over the slew itself?

Aebi: Yes. Though I think -- maybe david can speak to this, but I think with our revised scope and not demolishing the old bridge and that, I think a lot of what would have been in water work can probably be avoided.

David OLongaigh: Good morning. David OLongaigh, City bridge engineer. The work we're doing to strengthen the bridge will be outside of the work -- in-water work period. We're strengthening it north and south where the road hits the bridge. When they built the bridge in 1961 they did not build an adequate retaining wall to hold the roadway up. It was an existing wooden one which rotted away. So our proposal is to rebuild with a concrete retaining wall and a new approach slab north and south and then to improve the pedestrian access we're going to add a lightweight companion structure, an economical companion structure to improve pedestrian access. The bridge itself has at least 40 to 50 years of life left, so it didn't seem reasonable to be replacing it at this time when there was so much service life left. Plus it's not weight restricted, it has ample capacity to carry freight traffic. So it really didn't seem wise to be replacing it. It just seemed a lot easier and cheaper to fix the flaws that it had.

Potter: Further questions? Thank you. Please call the vote.

Adams: I want to thank the port and yo cream and everyone who testified on this issue. It's a good discussion. I'm going to support this for the reasons that were mentioned and just underline the safety issues. We cannot rely on access to private property to provide the kind of access that we seek for every part of the city. And we don't have it in every part of the city, but this gives us an opportunity to improve it for this area. Aye.

Leonard: I too want to thank those that testified. It helped clear the questions I had. I do think it makes sense at a minimum to have two ways in and out of any area, especially the industrial area, and the map shown to me was good in pointing out that one is able to navigate to i-205 without going through columbia boulevard as a second means of egress. Thank you very much. Aye.

Sten: I think this makes sense, and from the fire perspective, we do need extra support there in case something happens. It could be fairly catastrophic with the size of the businesses and obviously the things that are going on out there. I do want to reiterate what andrew said, this is the first step, and I think all businesses have the right to formally remonstrate. At the end of the day I can't go by what people might think, I have to go by who remonday straights. If there is opposition and there is an unwillingness to move forward, this would be the chance at the next hearing for the business toes formally make that case. We'll take that seriously before making a final vote. I certainly think we should move forward to the next step and given the -- given some of the testimony it makes sense to take a normal hearing in february so that we can -- if there is that opposition we can see it, but I would hope the businesses that are unsure about this will continue work with andrew and come up with solutions hopefully to support it, because I think it will ultimately improve business out there as the port testified. Aye.

Potter: Aye. [gavel pounded] please read the 10:15 time certain.

Item 91.

Adams: I want to just make a quick introduction to this item. It will be speedy but nonetheless very important. I want to thank the united way art of change gallery. Prince stewart, sunshine dixon for their advocacy and accessibility to both emerging and established artists alike. I know ms. Dixon from her work in cure rating the first and second annual black heritage city hall first thursday art shows, her contributions make for fun community-oriented and meaningful events. I'm proud of the city is making this official recognition as a way to highlight the good work that the united way and sunshine dixon have been doing in our communities. Thank you.

January 31, 2007

*****: Thank you.

*****: On behalf of united way, we'd like to thank the Portland city council, especially -- brent was not able to be here today, and as well as the communities we serve.

*****: And that's my boss, frank salkoff.

Potter: Thank you very much. Thank you for all you folks do for our community. It's truly appreciated. I don't think there's any formal action required. Please proceed to the regular agenda, item 103.

Item 103.

Adams: This -- the changes -- what this amendment does is it's really housekeeping to a large part. It allows for more easily for race to respond to requests from bureaus to maintain or clean up public art. Currently we've been told by the city attorney's office there's no way to do that easily without coming to council each and every time as a potential. It does, as per budget note in '06-07 adjust the funding base. It allows for more easy implementation by race of special appropriations that have been approved by the city council that again right now would require for multiple votes before the city council. It strengthens the ambassador language per budget note and it solidifies the work for art program that you're going to hear a little bit about today, the previous council commitments have absolutely had fantastic results in their community, and you're going to hear a little bit about that.

Jesse Beason: I'm jesse beason from commissioner Adams' office. Sam pretty much summed up the changes as seen in here. The ordinance does come before you as an emergency ordinance. Mainly to provide for prompt payment when council approved the special appropriations to the Portland jazz festival to the Oregon historical society back in november. We hoped to make the payments sooner, but the city attorney's advice was we should amend race's contract to provide for those appropriations to happen.

Eloise Damrosch: I don't have anything to add to that except I really appreciate the clarity of this - of these amendments and I think it's going to enable us to operate more efficiently and be better stewards of these funds. So thank you.

Adams: Tell us about the return on the council's investment on work for art match.

Damrosch: I'll talk about that. When we spoke with you in mid december we had a very favorable report on the work for art program, and since then the numbers just keep rising. It's really quite amazing what your match has done for this program, and we're very close to reaching the match months away from our intended moment of triumph, and I think it really underscores both the commitment of individuals in the workplaces to support arts and culture at whatever level they can, but we're also seeing increased participation by businesses because the businesses see that their employees think it's important and they step up with a match which then of course is matched by your commitment. So it's really phenomenal what's going on, and we're now starting to discuss with the county governments perhaps joining in with a more modest match if the finances allow that. Because it's really working.

Beason: And just to clarify last year, work for art brought in approximately \$45,000 in workplace giving. This year already it's reached \$180,000. Not including this city match. So it's been near 200% increase.

Damrosch: And we also have eight or 10 of the fall campaigns who have not reported, one of which is large, and then we have about 24 campaigns happening this spring. So we're going to be continuing to seek progress.

Adams: This excellent news, great news, but a little bit of perspective. What does seattle bring in in their work for art equivalent?

Damrosch: They've had a very active business council for years, and they're in the millions. I don't have a number, but what we do know is that around the country when cities take on these work for art programs, more like ours than the seattle business model, it takes years to build it really slowly, and that's what we anticipated. Without your match I think it would have gradually built.

January 31, 2007

But it's just skyrocketed because of that. We are now sort of the envy around the country because there are no other cities where there is a public match for this program.

Beason: Any questions?

Potter: Thank you very much. Anybody sign up to testify?

Moore: I did not have a sign-up sheet set out.

Potter: Anybody here wish to testify on this matter? Please call the vote.

Adams: Thank you all. Aye.

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

Potter: Aye. [gavel pounded] please read item 104.

Item 104.

Douglas Hardy: Thank you, mayor Potter, council members. This is hopefully just a housekeeping item. The ordinance that you passed earlier this month for the zone map comprehensive plan map amendment set an effective date of february 1st for that amendment. The ordinance also contained a clause that basically said if the university had not acquired the property prior to that effective date, that b.d.s. would come back before council to extend the effective date of the zone map amendment. So here we are the university has not yet acquired the property, is still negotiating with the current property owner, and together the university and the current property owner are requesting that the effective date of that amendment be extended from february 1 to august 1, 2007.

Harry Auerbach: Since february 1 is tomorrow, you might want to add an emergency clause.

Hardy: That would be nice.

Sten: Would I move the addition of an emergency clause.

Adams: Second.

Potter: Call the vote on the emergency.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded]

Hardy: Thank you.

Potter: Anybody sign up to testify on this matter?

Moore: No one signed up.

Potter: Anybody here who wishes to testify on this matter? Please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] recessed until tomorrow. [gavel pounded]

At 10:24 a.m., Council recessed.

February 1, 2007
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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FEBRUARY 1, 2007 2:00 PM

Potter: Council will come to order, karla please call the roll.

[roll taken]

Potter: I'd like to remind folks that prior to offering public testimony to city council a lobbyist must declare which entity he or she is authorized to represent. Please read the 2:00 p.m. time certain.

Item 105.

Potter: Staff, chris would you please come forward.

Chris Dearth: Good afternoon. I'm chris dearth the city's measure 37 program manager. I'm here to present a claim brought by dominic corrado. On his property in southwest Portland. You can see there in the maplewood neighborhood. Here's an aerial photo of the property. I want to point out a couple of things. You see the house fronting on southwest 49th and two streams running over the property on the northern and southern edges. These streams even though they're not shown in the graphic, do converge and then flow into fanno creek to the west here. We'll be focusing on the northern stream because that is where the claim is centered, on the northern part of the property. Not necessarily the southern part. To summarize, the claim was brought by dominic corrado for his property at 6917 southwest 49th avenue. Submit october of 2006. [Technical tees -- difficulties] the council placed environmental protections, you can see which is the gray area outside of the green line there. On the property in 1994. That was subsequent to their purchase. To summarize the regulations challenged are these, half of them have to do with environmental zone regulations, and the other half land division regulations. Dominic corrado is challenging the resource tract on his property. These are indeed land use regulation and qualify under measure 37. And they were enforced when mr. Corrado received an approval for his proposed land division in june of 2005. This is sufficient enforcement for measure 37 purposes. I should point out that mr. Corrado did not appeal this approval to luba at the time, as was his right. At that time when he was seeking his land division because there is e zone on the property, he had two options. One to seek environmental standards to seek approval through meeting very set and specific environmental standards, or secondly, to pursue environmental review, which is a much more flexible process and would have allowed more flexibility and development and in the end, as i'll show, a greater net developable property for mr. Corrado. The staff recommended that he pursue the second option, environmental review. He chose to go through and meet environmental standards, which he did. So -- and that was his right, his choice. He received approval by meeting environmental standards and the approval allows him today to develop what you see there as area a, the orange area on his property.

The subdivision line is the one stretching from right to left across the top third of the property. If he had sought the option of environmental review, which he could have at the time and which was recommended, he could have received permission to develop the -- in addition to the orange shaded property there, the purple property on his subdivision as well. So he could have received permission under environmental review to develop a greater amount of property than under the environmental standards option. Why this is important is that the net developable property that he

February 1, 2007

could receive under environmental review, and that's still an option for him now, is greater than would have been allowed when he purchased the property in 1991. If I point out to you in this graphic here, the pink areas are areas that would not have been able to be disturbed or developed in 1991 when he purchased the property, but they would be allowed under environmental review food. -- today. So he in fact are correspond have had a net increase in developable property under today's environmental review standards had he chosen to go that way. So our conclusion from this is that because he has a greater area available for development, if he chose to pursue environmental review, mr. Corrado has not suffered restriction in use of his property. He can still undertake that environmental review today if he so chooses. Because there's no restriction of use of the property there's no reduction of fair market value either. In addition, I want to point out, even though we're basing our recommendation today on the no-restriction and use aspects of this, I want to point out that this is similar to some of the claims you've seen before in that some of the environmental regulations that are challenged by mr. Corrado are exempt under the public health and safety exemptions. I'll be brief about this because you've seen this before, measure 37 as you know allows it those regulations that protect public health and safety on exempt. When you passed these environmental protections in 1994 that apply to mr. Corrado's property, you stated in part that public health safety and welfare will be protected by environmental regulation, and you reiterated that in the emergency clause there. So these regulations that are challenged by mr. Corrado are exempt under the public health and safety exemption because they prevent potential floods, landslides, and erosion. And this regulation protects water bodies and is also exempt. So in summary, we conclude that mr. Corrado, at the time he sought land division, and he still has, the option to undertake environmental review for his land division, which would have allowed him to develop the same amount or more land as when he purchased the property in 1991, and therefore the use of his property has not been restricted, nor has the value been reduced. And in addition, I would point out that those three regulations we point out are exempt under the public health and safety exemption of the measure. I would be happy to answer any questions. And therefore our recommendation to you would be to deny mr. Corrado's measure 37 claim. I should point out as a note here that he has been very cooperative and easy to work with, and he has done what we recommend to all the claimants, which is talked to his neighbors. He's generated a dozen or more letters of support from his neighbors. And we thank him for that.

Potter: Questions? Thanks, chris. Will the claimant please come forward? You have a total of 15 minutes.

Potter: Please state your name for the record.

Dominic J. Corrado: Mr. Mayor, commissioners, dominic corrado, 6917 southwest 49th avenue. I am here today to convince you of the wisdom of allowing me to keep what is rightfully mine. Chris gave a summary of the claim, but he really only addressed one aspect of the many aspects of the claim, so i'd like to run through it again real quickly. It's true that I suffer a loss of 1375 square feet of building area on parcel two where I intend to build a new house. But just as important, the overall lot size of parcel two, because of the force the creation of an environmental tract through a forced change of ownership, results in an overall reduction of 33% in the size of the lot, which restricts use and reduces value. The reduction in size of the overall lot where my existing house would be dropped 62% in size. Which restricts use and reduces value. And this incidentally is independent of the building area on the other parcel. I'm also stripped of fee simple ownership because I now have 100% control over 100% of my property. If i'm forced to create an environmental tract, i'm forced to hold that in joint ownership with whoever happens to own my property, one or the other of the of properties when I sell them. This is an arrangement that's really not satisfactory to me, and it denies me the opportunity to restrict access to my property. It reduces my ability to use it and it reduces the value of the of property. Also i'm required as a condition of approval of the land use to demolish a structure that's in use now and it's not causing any problem, it just so happens that the barn is going to sit on a portion of this newly created forced environmental

February 1, 2007

tract, and as such, would I have to demolish it even before i've recorded the land use decision with the county. If I demolish it that reduces its value to zero and restricts me of its use. So i'm asking for relief of that as well. I appreciate chris's comments on my dealings with them. I have found them to be courteous and attentive at all times, but I feel I need to point out that there's an inherent conflict of interest in having the department that rights the regulations review claims against those regulations. They're doing their job and I understand that, and they've been very good to work with, but I also have to point out there was really never any serious attempt to reach a compromise. They pretty much stuck with the only option open to me, being environmental review, which they claim is flexible. It's really only flexible for the other developments of the bureau planning to be able to attach their own spending projects and saddle me with other terms and conditions of approval that can be very expensive. The overall process is much more complex and much more expensive. It's still requiring the creation of an environmental tract, just the main thrust of my claim. And it also allows citizen groups to come in like southwest trails or so forth to demand trail alignment through my property. I've been through environmental review before. I know how complex it is, and it's not just flexible form of a type one review. I contacted the neighbors after the city sent out the notification forms. I asked for an invitation to speak at the neighborhood association meeting. I did that in early january. They allowed me to make a presentation that was no opposition at the time. I asked them if they were going to take a position, they said no. I asked them if they took it up at board level, would they give me a call and allow me an opportunity to participate, they said they would do that. I have not heard from them. So i'm assuming they're not going to enter any opposition. The fact they're not going to enter opposition has to go down in the win column on this one. I think -- I contacted my neighbors, all of them that surrounded me. I have gotten 13, staff has gotten 13 written letters of support that all acknowledge what i'm asking to do is no threat to public safety. And you can see here, my property has the red dot, the shaded areas are all people who have submitted testimony. The ground truth here is that there's no opposition to this, and it does not jeopardize public health and safety. There are a number of exemptions. I don't disagree with the fact that the 25-foot setback from the center of the crick line is not exempt, because that was in place when I bought the property. And i'm challenging section 33.430.140 c2, because when you waive the restriction for the creation of the environmental tract, we'll have to find a different set of standards that determine where the disturbance area can be. So i'm not asking to be exempt from that, i'm looking for a execution to -- substitution to that. There is numerous references to protection of public health and safety, and -- in staff's report, and what i'd like to point out is that staff has not linked the public health and safety issues that would be raised by my development, they have not linked those concerns with how they would be remediated by forcing a change of ownership on my property. In other words, how does forcing the change of ownership on my property remediate any public health and safety concerns that are raised by the development? I'd like to have you ask them that question specifically if you're going to have them come back and offer more testimony. There's hundreds of regulations in the fanno creek plan. They regulate everything from the placement of exterior lighting, to what plants you can place, to the placement of buildings, to sewer lines, to road development. Which regs really protect public health and safety? Well, a theme crops up throughout the report, and i'd like to point to page one of the fanno creek and tributaries conservation plan, because I think it describes it very succinctly. It doesn't surprise me they didn't quote this one. What it says in the general findings, item three, page one, protection and conservation of the resources can also protect public health and safety by directing development away from portions of the city most prone to flooding and earth movement. So how is that again? By directing development away from the portions of the city most prone to earth movement and flooding. So where are these portions prone to earth movement and flooding? Let's take a look at the Portland hazard maps. You can see here i'm nowhere near a 100-year floodplain. That I am not in an area that is a potential landslide hazard or rapidly moving landslide hazard. I'm not in an earthquake hazard zone, i'm in a low to moderate zone, which puts me in the minority in

February 1, 2007

southwest Portland because most of southwest Portland is at a much greater earthquake risk. So am I proposing development in an area that is prone to flooding? Or earth movement in no -- no. Should I be exempt from the environmental regulations? Of course not. But should I be a target for a taking? Certainly not. Also, they suggest functional values can be preserved in the watershed. Water quality is an issue, but the fact of the matter is that only x number of people can live in the fanno creek watershed without affecting the water quality and many hundreds times already lived here. The d.e.q. publishes its water quality index. Here's the last 15 years, the most recent report available. Fanno creek was rated poor at the beginning of this period. There's no discernible trend. What they've done instead of managing upstream degradation of fanno creek, upstream of me, they've decided to just punish the crickside property owners more severely by forcing things like changes of ownership which have absolutely no relationship to the underlying regulations on the property. And don't improve public health and safety and don't improve water quality. Here's what the crickside property owners look like upstream of me. That's the headwaters of the stream that runs through my property. You can see there's no mitigations for bioswales or anything like that, the water flows right over a six-inch curb. These people are no more inconvenienced having to put a disk on their driveway saying this runs to the crick. That's their contribution to the protection of public health and safety and preservation of water quality. So there's no dissipation or erosive measures upstream of me, and this is one of the things that staff cites in its report as being necessary under the plan. Let's talk about what's not exempt from measure 37. Chris did not explain why these were not exempt. They're not exempt because all they do is define how the new research tract is to be maintained. I think he needs to add in this section as well, because it is the section that states which portions of the property are to be forced into this environmental rezone -- e-zone tract, and without compensation. In the staff report they claim that this is a regulation that limits the disturbance area. Well, that's not true. Let's go back to that. In my report, in staff's report, if you go to page nine, you'll see how this is claimed to be the section that limits the disturbance areas. Well, this is a cut and paste right out of the code. You can see c and e only state that resource areas are to be placed in environmental tracts. It's section d that discusses the disturbance areas, and I'm not challenging d, and I have complied with all of those regulations in my land use decision. And I intend to comply with all of the underlying regulations pertaining to the protection of the environment. I'm only challenging the requirement that I create a separate track through a forced change of ownership. So what is exempt under the public health and safety clause that Chris cited earlier? Well, this act shall not apply to land use regulations restricting or prohibiting activities for the protection of public health and safety. Ownership is not an activity under any stretch of any definition. Activities are things that you do with or to your property. Where you place a sewer line, where you place a house, how you dig a road, how you maintain it, what plants you put on it. All much those regulations are addressed in other sections of the code. The ownership structure, the name or the way the property is titled has nothing at all to do with the environmental protections, all of the environmental protections still apply, all of them are being complied with. A change in ownership structure is entirely unnecessary to achieve all of the public health and safety benefits that those regulations provide. So 33.430.160 b, c, and e are not exempt under the public safety and health escape clause of measure 37. We only need to look a little further down fanno crick to get a precedent that's very important in this case. An unconstitutional condition exists when government tries to require the exchange of a right, in other words, my right to private property, for a benefit, which would be my right to develop my property. Where the property sought has little to no relation to the benefit. I've already demonstrated there's little or no benefit to taking property out of my control to prevent against any hazard that development on my property might cause. And again, I'd like to ask you to ask staff if they have done that individualized determination on my property which the supreme court said was necessary and why they ruled the way they did in *dolan versus tigard*. They have not demonstrated the required change of ownership is related in nature and extent to the impact of the proposed development. So the city has failed to

February 1, 2007

do this. And I don't think it will be possible for them to even attempt it primarily because the existing regulations on my property, if I were to choose to forgo a land division and just decide to build xanadu on my property, under current regulations, governing addition and improvements to my property, the disturbance area would equal at least what is available in a land division type three process. In other words, the -- I could place buildings and the extent I could invade the resource areas. No environmental tract would be required. All of this would be possible without jeopardizing public health and safety. I wouldn't have to go through a type three or environmental review to obtain this and all of the development standards would be met. So staff says that there is no restriction in use because I had the opportunity to go through environmental review. Well, i've already pointed out environmental review is quite a different process, and quite a bit more expensive, and it's a false comparison because measure 37 doesn't require that I look laterally for a remedy to regulations that came into existence after I purchased my property. There were no environmental tract requirements in 1991 and type three processes didn't even exist in 1991. The true comparison is what am I permitted to do today and what was I permitted to do when I purchased my property? That's the only relevant consideration. So also staff cites only one of the five challenges or claims i'm making. The fact that my building lot is reduced by 1375 square feet is only one. The fact that the overall lot size of both lots is reduced and fee simple ownership is taken away from me and i'm required to demolish a barn are all restrictions that result in a reduction in value. So their claim is baseless. That there was no restrictions and no reduction in value. All of the previously cited claims still apply, and the market analysis took this into account by comparing with the equivalent properties, there's really no secret here, it's all contained in the report you have. Simply put, the larger lots are worth more than smaller lots. And the loss in value on my main lot where my house is, because it dropped 62% in size, is estimated before -- 48,270. On the smaller lot, it's a loss in value of \$40,000. I don't think we need to go over this so much. The red area is the increase in buildable area just going back to what was in place on my lot at the time that I purchased it. This is what I applied for. A simple division into two parcels. This is what I ended up with. 52% being forced out of my ownership into an environmental tract, and an entirely different type of ownership. Different fee structure, different responsibilities, different rights. So in rebuttal to staff's recommendations, the challenge regs all reduce value. The type three process still requires an environmental tract which i'm challenging. It applies the wrong test in into the comparing it to what was available at the time I purchased the property. The challenge regs are not exempt under measure 37 because ownership is not inactivity, and -- is not an activity and that's what they're trying. I'm also challenging being stripped of fee imsimilar ownership on my property. They've not provided the determination linking the taking of my property with any public health and safety benefit. So it's a taking also under the fifth amendment. So the findings and recommendations of the staff i'm afraid to say are baseless and should be rejected. The remedy i'm requesting, and I want to point out, the remedy i'm requesting does not set any kind of irrevocable precedent. It's still possible to force a change of ownership when you can make a link between the necessity of doing that to mitigate the development impacts being proposed. That's always something that you and staffing do through an individualized determination. In this case they failed to meet that test. So i'd like you to consider my remedy separately here. I'm challenging the conditions of approval very simply in my -- as follows -- b1 is the condition of approval that I create the environmental tract. B2, if the environmental tract goes away there's no need for a sewer assessment or storm water easement, there's no need for recording maintenance agreement. I'm asking to be relieved from the requirement to demolish the barn even before I pursue the recording of the land use decision. And there's no need to execute maintenance agreement. So given the law, given the facts on the ground, given everything surrounding this case, given the fact that nobody has opposed it, i'm asking to you see the wisdom in allowing me to keep what is rightful in mind. Thank you.

February 1, 2007

Potter: When you use the phrase "force change of ownership," I want to be clear what you mean by that.

Corrado: Ok. Right now I own my property in fee simple ownership. I have 100% control over my property and all of my property. If I were doing this land division across the street where it wouldn't be in an environmental zone and I ask to divide night two, I would be given two pieces of property and I have 100% -- the environmental zone tract requires that I place the property in the ownership either of the homeowners association, a public entity, or that it be held jointly as an undivided interest between the remaining two lots. So when I sell one of those lots, I end up being forced into a position where I have to share ownership, share responsibility, share maintenance responsibilities for the environmental zone tract, which is in different ownership. It's taken out of my ownership when it comes time to list my properties for sale, I can't list them for their original lot size. The lot one drops in size from 22,000 square feet to about 8500 square feet. Lot two drops from 11,000 square feet to 7300 square feet. So I have to list the houses on 8300-square-foot lot or 7500-square-foot lot, whereas before they were 22 and 11.

Leonard: What are you arguing happens to that? Who owns it then?

Corrado: It's -- there are a number of different ownership structures that are allowed in the code, the similar political analyst would be to place it in a joint ownership where the two remaining properties have an undivided interest in it. That's quite a bit --

Leonard: That's why you're using the term --

Corrado: Yes. It's a forced -- I had fee simple ownership of 100% of the property. I'm left with something less than fee simple ownership on 100% of the property. I'm left with significantly less on even the -- what would it be? 48% that I'm left with. Does that answer that question?

Potter: I understand what you're saying, yes.

Corrado: Ok.

Leonard: That was a question I had as well. So you are saying that's a forced change of ownership because the new owners of both tracts -- allowed to develop --

Corrado: No, that's just it. The tract cannot be sold separately. It must be maintained to the city standards.

Leonard: By who?

Corrado: By the remaining -- by the two lots that have the undivided interest. But it denies the -- for example, me, it denies me the ability to decide who gets to enter my property, because the other owner gets to decide that as well. What used to be a large lot and valuable lot is reduced significantly in value because I lose that control over it and I lose the ability to sell my house based on its lot size of 22,000 square feet. The ownership is a completely -- it's got a different title, it's got a different set of lot dimensions, it's got a different tax i.d. number or property i.d. number. It's removed from my ownership and placed in a different ownership structure that is less than fee simple, which is what I have now. And there's -- there's been no attempt by staff to say what public health and safety benefits are being -- or what public health and safety is being threatened by my request to divide my property that taking mitigates.

Leonard: Sounds like the crux of your argument is wherever we have setbacks on creeks, don't have any contributing sources of conclusion, whether they be run-off or whatever in a creek, you're basically challenging the whole premise of setbacks.

Corrado: No, I'm not. No. No.

Leonard: Let me finish.

Corrado: I'm sorry. Go ahead.

Leonard: So you have two small creeks that go into Fanno creek that goes into the Tualatin, and then goes in the Willamette, which ends up in the Columbia. I'm a little confused. You spent some time arguing how the environmental exemptions under measure 37 should apply to this, and I'm not clear why you think that particular creek of all the creeks in Oregon is different.

February 1, 2007

Corrado: I'm not challenging the underlying environmental regulations. All of the environmental regulations on the property remain on the property. All of those exist now, even though an environmental tract doesn't exist. All of those environmental regulations will still be there regardless of what the ownership structure of the property is, or if I sell it to somebody else. So I have complied with all the environmental regulations. I intend to comply with all of the environmental regulations. The regulations restricting activities such as placing sewer lines -- sewer lines or plantings, or maintenance, or where you can locate the house, all of that, none of those are affected at all by a change of ownership. But staff has required is forcing know change ownership for some nebulous benefit to the public health and safety, and they have failed to make the linkage between what that is, what that benefit is to public health and safety that's so great that I am deprived of title on half of my property.

Leonard: I'm sorry, I hope i'm not belaboring this for anybody else, but I feel like i'm not getting something that's been presented.

Corrado: I want to help you through it, then.

Leonard: You have one lot you'd like to be able to subdivide into two so you can have a house on each.

Corrado: Right.

Leonard: If that happens under this determination by staff, are you claiming that one of those lots will not be allowed to build a house?

Corrado: No. No. What i'm saying is that i'm asking for two lots, i'm being forced to create three.

Leonard: I understand that. I actually don't buy that. But that's fine. But i'm just trying to figure out what -- if you are still allowed to build two houses on the parcel and your main point of contention is this environmental setback, it's not restricting your ability to build the houses?

Corrado: What it's doing is -- no. I can still build houses, but number one, the buildable area is reduced significantly because the environmental zone tract requirements, plus the setback for the new lot line cuts way into the development -- developable area.

Leonard: If there wasn't the regulation there, would you build the second house in a different place which is cover by the environmental --

Corrado: That's correct.

Leonard: I'm just going to ask you to help me through this because i'm just trying to clear this up in my mind. So your basic argument is if we agree with you and waive the restriction, you would build your house in a place that has previously been determined to have an effect on the water quality in the creek.

Corrado: No, that's not correct.

Leonard: Ok.

Corrado: I would be building in an area that is -- was allowed to me at the time that I purchased my property, and as chris point out in his presentation, if I were to go through type 30, would I actually have -- type 3, would I have a larger disturbance area available to me than that. So i'm asking for less than what he says is available to me under a type 30 -- type 3 hearing. Why would it go through --

Leonard: Why would you not if staff has suggested --

Corrado: I've been through a type three hearing. I've already spent \$14,000 just to get through the type one. It would cost no less, i'm sure, than \$40,000 to start from scratch and go through a type 3 hearing. And then there's no guarantee that you get what you asked for. And there's a significant risk that you're going to end up with a lot of other spurious conditions of approval, like sidewalks, and trails, and god only knows what else is going to come out of the of woodwork. It's just not an equivalent process, and I would still under type three be required to create these environmental tracts. So I would still have the problem of the lots being -- the overall lot sizes being reduced in size.

February 1, 2007

Leonard: That gets me back to my original point. You're arguing against the premise that certain structures within a certain distance from a creek cause some kind of run-off in pollution in the creek. You're challenging that basic premise?

Corrado: Not -- I don't think. So I don't think I follow your question. Maybe you could --

Leonard: I think it's accepted that you need to have setbacks on creeks, tributaries, and others to preserve the water quality and the water temperature.

Corrado: That's correct.

Leonard: If we don't have trees on creeks, it heats them up and ultimately heats up the main rivers that they flow into. So it sounds to me like you're arguing that if you did not have this restriction, and we're allowed to build a house where you would like to build it, then you don't think it would have the impact on the water quality stream that apparently these regulations were developed for.

Corrado: If I could direct you to the map that I have here. The land division I have now would place everything in yellow and this environmental zone tract. The buildable area that I would have available to me would be the blue area. What was available to me when I purchased my property would be the additional 10-foot strip shaded in red, five feet of that is setback from the lot line, the other five feet is the difference between measuring 25 feet from the center line of the creek and 30 feet from the top of the stream bank. In other words, so I pick up five feet there, plus I don't have a setback requirement because there's not a new lot there, and because there's not a new lot there's not a new lot line, and if there's not a lot line there's not a setback. Maybe that's where the confusion is arising, is the setback requirement I'm challenging is the setback of five feet inside the property line that is created when this environmental tract is created. If you take away the environmental tract, I'm not talking about building even out as far as what staff has said would be available to me if I were to go through the environmental review. It's going to be a more restrictive building area than that would be available to me. But because there wouldn't be a lot line there, I wouldn't have to sacrifice an additional five feet in setback from that lot line. The house would still end up being farther from the creek than it would be under the environmental review scenario that staff outlined.

Leonard: Thank you.

Potter: Other questions?

Corrado: If you have staff back up to ask questions, I would like to hear what their individualized determination was that demonstrates that there are certain public health and safety detriments to the development I propose and that only a forced change of ownership of an environmental tract can address those instead of the underlying regulations. Thank you very much.

Potter: Chris?

Dearth: I commend Mr. Corrado, because he has a very detailed knowledge of this. This is very complicated law. But we don't think it's that complicated. We think the analysis as I explained is much more simple than Mr. Corrado makes it out to be. First of all, as I stated, we're not basing our recommendation to you on the environmental exceptions as we have in previous claims. We're basing this on a simple finding that there has been no restriction in use of this property. Because as Mr. Corrado admits, if he were to go through environmental review as was recommended and as he still can today, he would have a greater developable amount of property on his subdivided land, and that's what we're talking about, we're only talking about the subdivision he's creating -- he would have a greater amount of developable property under environmental review than he would have when he purchased the property in 1991. So he has essentially a net gain in developable property, and so it's hard to make the argument that Measure 37 comes in to play when he has not been restricted in his use. Yes, the city does require a resource tract there. It's to protect the environmental resources. That's the method the city has chosen to make sure that that protection is in perpetuity regardless of what -- whether the ownership of adjacent lots comes and goes changes. But what we look at, and again, here's where we do agree with him, is the relevant question for you is, what could he do when he purchased the property under a like apples-to-apples subdivision

February 1, 2007

situation, what could he do in 1991, versus what could he do today in terms of the developable amount of property that he has? We think he has greater amount now. He is not restricted, his property has not been restricted. He is not eligible for a claim. He makes a lot of other detailed arguments which i'm not going to get into because we don't think for this measure 37 claim that those are very relevant.

Leonard: His response to that point is that that's an uncertain process, he could end up at the other end after having spent a lot of money, and maybe not prevail, or have other restrictions. That is an uncertain process. He has to go through a staff review, but our staff in looking at this, seeing no reason why there would not be a positive recommendation here, and he has to go through a public hearing, and as I said, he's done a terrific job of talking to his neighbors and all of his neighbors are in favor of what he wants to do here. So we don't see any opposition, so all of the uncertainty, and yes, there is uncertainty, we think all of the uncertainty we can see has gone away.

Leonard: What about the money that he said he would have to spend, the \$40,000?

Dearth: Well, I can't speak to what he spent money on previously. Part of it i'm sure was on consultants.

Leonard: I'm talking about he said would it cost him \$40,000 to go through this process.

Dearth: I can't speak to that. Does anybody else know what environmental review process would cost?

Kimberly Parsons, Bureau of Development Services: Kimberly parsons, senior planner. I think the fee for a type three is closer to \$6,000-7,000 for the application fee.

Leonard: Any other costs besides that?

Parsons: Whatever consulting costs he would need to provide for a certain maps.

Leonard: If staff has already looked at it, why would he have to hire people? Is there a reason?

Parsons: I wouldn't see a large reason. Many owners write up their own land use applications, so he has the possibility to do that.

Potter: Any other information you wish to share in terms of mr. Corrado's response?

Dearth: I really have nothing more to add. Even though he makes a lot of arguments, I believe it comes down to a very simple and clear determination here.

Potter: Thank you. Mr. Corrado, would you like to respond to that? This would be your last opportunity.

Corrado: Yes, I would, thank you. On a couple of things. They state the relevant issue is what is available to me under a type three review versus what I have now. Measures 37 states that the relevant -- the relevant comparison is what is the regulations being enforced on me now, in other words, via land use decision. They are enforcing requirements on me now. Compare those to what was available to me when I purchased the property. The comparison to what might be available to me under a more burdensome and costly process is irrelevant. The comparison is what is the land use regulation being enforced on me now, compared to what was available to me when I bought the property. That's the crux of the matter. That stated in the regulations. Whether or not type three might result in a more beneficial building area is irrelevant. The largest part of the financial loss cited in my claim is the reduction in the lot size of lot number one where my house sits. Not -- and that has no relation whatsoever to the buildable area in parcel two, and I would still have that reduction and lot size under a type 30 hearing because I would still be forced to create an environmental tract. That lot would still drop in size by 62%, and drop in value by over 48,000 dollars. That's relevant criteria. Second, about the fees. The fee for a type one hearing is I think under \$2,000. But i've spent over \$13,000 just getting it through. When you pay the fee, you -- all you've done is bought the right to pay the consultants a ton of money to comply with these extremely burdensome and complicated regulations. And there are reports that have to be drawn up, maps that have to be done, surveys, and that are way beyond what's required in the type one review that are very, very expensive. I finished a type 30 review process on my parents' property, which was adjacent to mine just the year before I started this. And i'll tell you the truth, I was gun

February 1, 2007

shy. I didn't want to go through that again. I'm still suffering from the brain damage from that process. So it's suggesting that I can get through a type three process for only \$6,000 is just way, way, way understates the true costs. And you have to remember this is on top of \$13,000, plus that I've already spent, and that doesn't include the cost of preparing for this presentation before you here today. And my measure 37 claim. So the point that Chris was making that it was necessary to put the environmental tract in a different ownership structure was to protect those regulations in perpetuity. That is a specious argument. The regulations that are in place that protect the environment are the underlying environmental regulations, and those follow the property regardless of who owns it. It's not necessarily to preserve those regulations, it's not necessary to force the creation of environmental tract to preserve those regulations. Those regulations exist now under my house right now. If I choose not to do a land use decision and just sell my property, those land use regulations will continue in perpetuity as well. So that again is a specious argument. What it comes back to is, I have fee simple ownership and the ability to claim that I own a house that's on a 22,000-square-foot lot and advertise it as such and expect a price that that would bring after this goes through, I now have a house that sits on an 8500-square-foot lot that has an environmental tract attached to it that is really not an asset, it's a liability because I'm still forced to pay liability insurance, I'm still forced to up to maintain to it city standards. I lose control over who can come on to my property. And it is an arrangement that's less than fee simple ownership. And it has a financial impact. And it's also true of parcel number two. The buildable area is probably only 30% of the overall financial impact of the claim. So again, the relevant comparison is, what are the regulations that are being enforced on me now under the land decision use, the land decision that I have in hand, what are the restrictions being placed on me now on to that land use decision that were not enforced in 1991 when I purchased the property? What might be available to me in some speculative arrangement and the different process under regulations that came into effect after I purchased my property is irrelevant.

Potter: You're saying because you choose not to go through a type three, that we should waive the requirement for you to do that in order for to you save the money so you don't have to --

Corrado: No, mayor. I guess what I'm saying is I would be forced to file a measure 37 claim even if I got a type three approval that is as favorable as they suggest might be available. The reason is that I would still be required to set aside 52% of my property into an environmental tract where I no longer own it fee simple, where it reduces the size of the lots that I own, and it negatively impacts the value. I would still have to file a measure 37 claim under that condition if I wanted to -- because a type 30 review is still going to require the dedication of that environmental tract through a forced change of ownership. That's the thrust of my claim. So going through type three is not going to resolve the issue I'm bringing up here.

Potter: The issue you're bringing up, the issue Chris raised is that by going through a type three that you would be actually eligible for more land for development as opposed to what would you have been in 1982?

Corrado: That's possible. What I'm also saying is that additional few feet of building space is irrelevant to me compared to the cost of what it would get -- it would be to get a type three hearing through the process, and the brain damage as well.

Potter: Your brain doesn't seem to be suffering. You're very articulate.

Leonard: And creative.

Corrado: I think I'm giving a very straightforward interpretation of --

Leonard: I understand your argument, I think what I'm just getting my arms around is we have to accept the premise if somebody buys a brand-new house on this second lot, that if you tell them this lush, green area that abuts the back yard of your house which has a creek, can never be built on. You're wanting us to agree that that devalues the property?

Corrado: No, no, no. They would know that when they purchased the property. If the environmental zone tract didn't exist, they still wouldn't be able to build back there.

February 1, 2007

Leonard: I understand that. The crux of your argument is even if you go through the type 30, and you went, you're arguing that the restrictions that are in place because of the environmental zone decreases the value of the of property because you're arguing it isn't in your control to do with what you want.

Corrado: What i'm arguing is that take a look at the difference in size here.

Leonard: I don't need to do that.

Corrado: I list my house -- what the market analysis was based on was very simply, houses on smaller lots sell for less than houses on larger lots. Yes, people do benefit from the creation of these environmental tracts. But not me. My neighbors benefit from that. Not me.

Leonard: Whoever buys the house I would think would find it very attractive having a house in an urban area that had a protected stream behind it. I live in such a place, and --

Potter: I've been to his house, and he does.

Leonard: And I -- that you're wanting me to accept that as an argument, I just know that's not true.

Corrado: But commissioner, let me put it this way. How large is your lot?

Leonard: It's irrelevant.

Corrado: It's not.

Leonard: I don't know how large it s it's smaller than what it is if you included the creek back, I know that. But to me it's part of the ambience and why we like --

Sten: When you did your market analysis, did you have any specific examples of comparing -- i'll use an arbitrary number, 22,000-square-foot fee simple lots to 15,000 feet simple lots adjacent to 7,000-square-foot protected tracts? That's really the apples-to-apples. Functionally the buyer will have the same benefit of that property. Did you do that analysis? That to me would be what would prove or disprove your argument, not 15 to 22.

Corrado: Well, for starters, these regulations have -- these regulations were slipped through the back door just within the last couple years. I never heard of any public discussion of the requirement to create these lots. And i've been following this literally -- this process started, and i've got copies of the testimony in 1991 before the planning commission when the fanno creek and tributaries conservation plan first started. Months, just months after buying my property. And it's been a 15-year battle. And i've stayed right on top of this. I was never notified that there was any discussion that there would be an ordinance passed that would force the creation of an environmental zone tract and take away a portion of my property. But that was -- that's tangential to your question, and the reason is relevant, this is fairly knew so there aren't very many precedents to look for and you can only compare a comparable sales. But the market analysis that we did identified 19 properties in the multiple listing service area that i'm in that were adjusted for their size and their age, so they were comparable, and then it divide those 19 properties into two subgroups. Houses on lots less than 10,000 square feet, and houses on lots more than 10,000 square feet. You run the numbers and figure out how much did they paper square foot of their house, and when you run through that you can find a ratio of what premium they're willing to pay for that extra property beyond the 10,000 square feet, even though they can't develop it. It's just a big yard. They're not buying development rights. They're just buying the fact that they like a big yard. Well, I no longer have a big yard. I have a lot that went from 22,000 square feet in size down to 80-something. That's a big difference.

Sten: But you have joint ownership with one other neighbor, or --

Corrado: Joint ownership is not the same as fee simple ownership.

Sten: Interrupting me probably won't help your vote.

Corrado: I'm sorry.

Sten: It's probably -- you have joint ownership of the large yard with the person next to you, and it's your choice to decide it's going to be two lots. You could sell the 22,000 square feet as it is --

Corrado: no, I can't. I can't do any kind of division without --

February 1, 2007

Sten: I said the 22,000 square feet. It's a 22,000-square-foot lot. You could sell it as you bought it. If I divide it you run into these regulations. If you're not going to divide it it's irrelevant. The tracts won't be created. So if you -- you still can divide it and build another house. I'm just questioning the assumption that you're not arguing there would be any more or less space next to the two homes, you're saying that because they're jointly owned the space -- the house was significantly less than if one house owned it.

Corrado: I'm not saying that. I'm saying when it comes time to sit down with a real estate agent and list the property, do you list the property as being -- here's where the confusion comes in the entire lot size I have now is over 33,000 square feet. So one -- when I split the 33,000 -- 33,02, I end up with -- but when the environmental tract gets created, I end up with -- I've got the exact numbers and presentation here somewhere, I can find them if you want. One lot drops in size by 62% from 22,000 square feet down to about 8,500, I don't remember the number. The other drops from about 11,000 square feet down to about 7,300 square feet. So when it comes down to listing the house for sale, it would be more valuable to be able to list it as being on a piece of property that is 22,000 square feet in size than on a piece of property that's 8,500 feet. Square feet in size.

Sten: Your analysis describes no value to the -- what would be 18,000 square feet of joint environmentally protected land that the two homes own together depending on how you set it up. You basically say floss value to that. We should pay for the difference between the 22,000 -- that's -- you've used a lot of terms like baseless -- that doesn't hold up. The idea floss value to that environmental tract and you do -- I think it -- your argument starts to slip with me in that you're claiming that the citizens owe you for the entire value of an environmental tract that would continue to be privately owned and enjoyed and would not be developed. The idea that the full value is owed because you can't sell it fee simple just doesn't hold up. Because then you're getting paid -- there is value to that land.

Corrado: I've checked with the Multnomah county recorder, and actually they will carry the environmental zone tract at zero real market value. And I'm not asking for compensation. I'm just asking for a waiver of the requirement that I give up fee simple ownership on the property that I own to create this environmental zone tract that is no longer fee simple ownership. It's a joint ownership arrangement and I'm not interested in being a joint owner of a piece of property with anybody. I don't have --

Sten: The environmental tract has to be owned jointly.

Corrado: Or it has to be put into a homeowners association, or it has to be owned by a public entity. Those are my choices.

Sten: I understand you don't want to do that. I get that. That makes perfect sense to me. I'm not convinced that the zero value to the buyer -- to the -- because actually by my estimation, both homes have access to more open space. You have to be willing to have less fences, but it's -- I actually know this area a little bit, it's pretty private spot, and actually am thinking -- I think maplewood is appreciating faster than the city average at the moment because of that style. The homes up the street just went for 750 for new construction. I don't see that the kind of -- the -- after all these protections, I see the maplewood neighborhood, it's hard to pull it completely out of general appreciation, because things have been so -- but it appears to me maplewood is seeing an absolute spike in value since the creeks were protected. That might be coincidental, but that's somewhat my view of pricing in maplewood.

Corrado: That still doesn't get back to the central question posed in Dolan versus the City of Tigard, where there's been no link made between the development impacts that I'm proposing and how those development impacts are mitigated by stripping property out of my ownership. There's been no link whatsoever.

Sten: But the question is not Dolan, it's --

Corrado: The question in front of us is the fifth amendment to the Constitution of the United States. And this was their finding with that challenge.

February 1, 2007

Sten: You have every right to challenge it, the question in front of me is whether or not you've lost value under measure 37 and/or the right to use your property.

Corrado: And I have lost both. I've lost the right to use my property and the way -- on half of the property that ends up in this environmental zone tract, one of the primary benefits of ownership is the right to be able to deny access to your property. I lose that right because now my neighbor who ends up being a partial owner can invite whoever he wants. It also reduces the value because it -- larger lots sell for more than smaller lots. It's that simple. Furthermore, it doesn't provide any additional environmental protection because it's in an e-zone tract over and above the environmental regulations that exist on the property now. And would continue to exist on the property, and that I'm not challenging. All I'm asking for is a waiver that forces the change of ownership and creates three lots instead of two. If I live just two blocks away outside of the e-zone and I went in to ask for a land division, that requirement would not have been made of me. To set aside -- it's irrelevant whether or not it's still enjoyable or not. The fact of the matter is it's taken out of my ownership and that's the test. And my rights are restricted as a result of that. And they are restricted capriciously because there's no correlation between the formation of that new lot and the environmental protection that that provides. The environmental protections are in place and stay in place anyway. It's the underlying environmental protections that are providing the public health and safety benefit and protecting the creek. The ownership -- the fact I can sell it to anybody else substantiates that. If I turned around and sold it to you, those reg was still be in place and all the public health and safety benefits and protections of the creek would remain in place. So forcing a change of ownership is not going to either enhance or be a detriment to that.

Sten: Thank you. I understand your argument.

Potter: Is there anyone who's signed up to testify?

Moore: No one has signed up

Potter: Is there anyone who wishes to testify who did not sign up? I need a motion to either deny the claim and adopt the staff report or to approve the claim.

Leonard: I move to deny the claim and adopt the staff report.

Sten: Second.

Potter: Please call the vote.

Sten: Would you accept discussion?

Potter: Ok.

Sten: I would -- I don't know exactly how to do it. I would be as a gesture because I do believe he has done his thinking, I think he's got some cases I don't think are relevant, but I think he's got an argument that I don't agree with. I would be willing to waive the fee for a type three review. I don't know if he'll take it or not, but as a gesture of goodwill because I do appreciate how he's attempted to work through this, even though I am going to vote against your position, I would be willing to use the council's discretion that the planning bureau does not have to offer no fee process as part of your motion.

Leonard: I would agree to that change. I think that makes sense.

Corrado: Could I make a comment to that

Leonard: No.

Corrado: I'm willing to go along with that but I guess what I'm saying is could you also ask them to do all of the paperwork? Because it's really the cost of the consultants that raise the overall costs to the \$40,000. The \$-- I'm still going to be paying more than I've already paid to get it through a type three process.

Sten: I'm not really personally in a position to ask them to do the paperwork.

Leonard: I think your amendment is fair and I'll agree to that.

Potter: Do we vote on the amendment? Please call the vote on the amendment.

Leonard: Aye. **Sten:** Aye. **Potter:** Aye. [gavel pounded]

Leonard: Vote on the motion?

February 1, 2007

Potter: Vote on the motion. Please call the vote.

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

Potter: Aye. [gavel pounded] please read the 2:45 time certain.

Item 106.

Potter: It's our pleasure today to officially appoint mary edmeads, helena huang, john kruse, martin medeiros, and ayoob ramjan to the community budget advisory board. If you folks would please come up. The council had the pleasure of working with mary and ayoob during the budget process and we were thrilled they were willing to come back and we're very pleased that helena is willing to join us at this time. Last year they committed many hundreds of hours to this process and we really do appreciate it. You improved our budget by your involvement. So I deeply appreciate your time and your commitment and look forward to working with you folks in the coming months. So i'd like each of you to introduce yourselves and tell us anything you'd like to say.

Ayoob Ramjan: My name is Ayoob Ramjan. I -- this is my second term. I really appreciate the opportunity as a citizen to participate in the running of the city. It was a great experience for me personally, especially working with some super people in the planning community, the city auditor, really -- I use some of that analogy in my business. So i'm happy to be here and I think we can do a better job now that we know the processes and what to expect. Many hours.

Potter: Thank you.

Martin Medeiros: My name is martin, i'm a partner at a small law firm. This will be my second term as well. I think it's a wonderful process. I have a wonderful respect for all the commissioners, and I think people should know that they -- Portland is a city that really does listen to its citizens, like few others. And I think people should realize that and we -- the group who we know all too well, we spend so much time together, we know that. So I want to thank you for the opportunity and look forward to creating value.

Potter: Thank you, martin.

Mary Edmeades: My name is mary, I am a branch manager for albina community bank. I too want to thank you again for the opportunity. It was an absolutely great experience, even though there was lot of of time involved. I think every citizen should be very thankful that there are people that are working as hard on this process. It's a big pot of money, and it's a huge responsibility, and we are very thankful that people take it so seriously. So thank you again for the opportunity.

Helena Huang: I'm helena, i'm a relative newcomer to the city of Portland. My family and I moved here about six months ago. And -- from the east coast. And I am really looking forward to being a part of this process. Both as a way to contribute and as a way to learn about my new city. So thank you.

Potter: Thank you. We need a motion to accept the report.

Sten: So moved.

Leonard: Second.

Potter: Please call the vote.

Leonard: You all work really hard last year. Of course you will work hard this year. I really enjoyed working with you. We did have a much better process and budget as a result of your environment. We're going to have fun. Aye.

Sten: Thank you. Helena, welcome to Portland. This is an odd way to welcome someone. You're stuck on a very demanding committee. We've worked very hard under mayor Potter's leadership. I think to come up with some ways to better connect with citizens and make sure that the budget processes are clear and get to the right result. I just actually feel very good you want to serve again. Somehow i've been through various processes and i've never met one that somebody didn't claim was the most democratic and new and creative in history, and it is hard to get people involved, and just the simple fact people of your caliber, I think very, very highly of all of you, would want to do it again is probably the truest statement i've seen that perhaps we're making progress. So for that I thank you as well as your service and look forward to working with you. Aye.

February 1, 2007

Potter: Helena, I wish to welcome you to the city of Portland as well. It's a great place to live. And one of the reasons it's a great place is we have such great people living here who contribute their time and effort. These other three folks, i'm amazed you're coming back. But I think it goes to the core value that Portlanders have about their city. They love it, they want what's best for it. So thank you all for doing what you do and I too look forward to working with you all. I vote aye. [gavel pounded] we're adjourned.

At 3:15 p.m., Council adjourned.