



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF MARCH, 2007** AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
229 Request of Adrian Martinez to address Council regarding peace is his profession (Communication)		PLACED ON FILE
230 Request of Robert Butler to address Council regarding failure of the Portland Police Bureau (Communication)		PLACED ON FILE
TIME CERTAINS		
231 TIME CERTAIN: 9:30 AM – Assess benefited properties for street improvements in the Lents III/SE 104 th & Ramona Local Improvement District (Hearing; Ordinance introduced by Commissioner Adams; C-9999) Motion to overrule the remonstrance: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-4)		PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM
232 Assess benefited properties for street improvements in the Lents III Extension Local Improvement District (Hearing; Ordinance introduced by Commissioner Adams; C-10006)		PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM
233 Assess benefited properties for street improvements in the SE Ellis Street Local Improvement District (Hearing; Ordinance introduced by Commissioner Adams; C-10010)		PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM
234 TIME CERTAIN: 10:00 AM – Accept the Urban Forest Action Plan as an implementation strategy for the 2004 Portland Urban Forest Management Plan (Resolution introduced by Commissioner Saltzman) (Y-4)		36489

March 14, 2007

<p>235 TIME CERTAIN: 10:45 AM – Create a local improvement district to construct street and bridge improvements from the Columbia Slough to Alderwood Road in the NE 92nd Drive Local Improvement District (Previous Agenda 167; Hearing; Ordinance introduced by Commissioner Adams; C-10020)</p> <p>To be rescheduled to March 28, 2007 at 2:00 pm Time Certain</p>	<p align="center">CONTINUED TO MARCH 28, 2007 AT 2:00 PM TIME CERTAIN AS AMENDED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Business Operations</p> <p>*236 Pay claim of Anthony Barnett (Ordinance) (Y-4)</p>	<p align="center">180809</p>
<p>*237 Pay claim of Lisa Sorenson (Ordinance) (Y-4)</p>	<p align="center">180810</p>
<p>*238 Pay claim of Antoine L. Young (Ordinance) (Y-4)</p>	<p align="center">180811</p>
<p>*239 Authorize acquisition of vehicles for use by City bureaus (Ordinance) (Y-4)</p>	<p align="center">180812</p>
<p align="center">Office of Management and Finance – Human Resources</p> <p>240 Create a new Nonrepresented classification of Public Works Permit Engineering Manager and establish a compensation rate for this classification (Ordinance)</p>	<p align="center">PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM</p>
<p>241 Create a new Nonrepresented classification of Sustainable Development Operations Manager and establish a compensation rate for this classification (Second Reading Agenda 211) (Y-4)</p>	<p align="center">180813</p>
<p align="center">Office of Management and Finance – Purchases</p> <p>242 Authorize a purchase order with McRobert Motor Company doing business as Gresham Ford to furnish Ford Crown Victoria Police Interceptors for the contractual amount of \$1,118,101 (Purchasing Report)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Office of Management and Finance – Technology Services</p> <p>243 Extend contract with Compass Computing Group, Inc. through September 30, 2007 to continue application development and support services (Ordinance; amend Contract No. 35700)</p>	<p align="center">PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM</p>
<p>*244 Authorize a land use covenant with Multnomah County to acknowledge zoning for placement of a City proposed steel lattice communications tower to be positioned next to farm and forest land (Ordinance) (Y-4)</p>	<p align="center">180814</p>

March 14, 2007

Commissioner Sam Adams		
Bureau of Environmental Services		
245	Authorize a contract with the lowest responsible bidder for the Harney Wastewater Pump Station Upgrade and West Lents Flow Control Facilities Project No. 8065 (Ordinance)	PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM
Office of Transportation		
*246	Authorize an Intergovernmental Agreement with Metro for \$65,000 to partner with the City of Milwaukie for a SmartTrips individualized marketing project (Ordinance) (Y-4)	180815
247	Designate and assign City owned property located at the intersection of NE Killingsworth and Columbia Boulevard, between NE 82nd and 92nd Avenues, as public street right-of-way (Second Reading Agenda 221) (Y-4)	180816
Commissioner Erik Sten		
Bureau of Housing and Community Development		
*248	Amend subrecipient contract with REACH CDC for \$30,000 for the REACH Community Builder Program and provide for payment (Ordinance; amend Contract No. 36959) (Y-4)	180817
*249	Authorize subrecipient agreement with City of Gresham for \$1,299,860 for the HOME Investment Partnership Program and provide for payment (Ordinance) (Y-4)	180818
Fire and Rescue		
*250	Authorize Intergovernmental Agreement with Portland Community College for pediatric advanced life support training (Ordinance) (Y-4)	180819
251	Accept donation from Leatherman Tool Group, Inc. of 400 Leatherman tools for sworn members of Portland Fire & Rescue (Ordinance)	PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM
REGULAR AGENDA		

March 14, 2007

<div>252</div> <div>Establish \$275,000 as the maximum price for newly constructed, single-unit housing eligible for a limited property tax exemption in a Homebuyer Opportunity area for 2007 according to Chapter 3.102 (Resolution introduced by Mayor Potter and Commissioner Sten)</div> <div>(Y-4)</div>	<div>36490</div>	
<div>*253</div> <div>Authorize the Office of Sustainable Development to enter grant agreements to fund organizations working to make high blends of biofuels readily available, creating quality local biofuels jobs and supporting Oregon agriculture (Ordinance introduced by Commissioners Leonard and Saltzman)</div> <div>(Y-4)</div>	<div>180820</div>	
<div>Mayor Tom Potter</div> <div>Office of Management and Finance – Technology Services</div> <div>254</div> <div>Authorize a contract with Cayenta Canada, Inc. for five years of maintenance services for support of the Bureau of Environmental Services and Bureau of Water Works Customer Information System with the potential for an additional five year renewal (Ordinance)</div>		<div>PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM</div>
<div>Commissioner Sam Adams</div> <div>Office of Transportation</div> <div>255</div> <div>Create a local improvement district to construct street improvements from Virginia Avenue to west of Virginia Place in the SW Nevada Street Local Improvement District (Hearing; Ordinance; C-10021)</div> <div>Motion to accept amendment to reduce the total assessable square footage of the local improvement district by 1,000 square feet. All of this assessable square footage reduction will be granted to the undeveloped property west of 0407 SW Nevada Street; State ID #1S1E22BA 12100; Tax Account #R780202800; legal description SOUTHERN PORTLAND LOT 20 BLOCK 17; lien record #1412800: Moved by Commissioner Sten and seconded by Commissioner Leonard.</div> <div>(Y-4)</div>		<div>PASSED TO SECOND READING AS AMENDED MARCH 21, 2007 AT 9:30 AM</div>
<div>City Auditor Gary Blackmer</div> <div>256</div> <div>Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1061)</div>		<div>PASSED TO SECOND READING MARCH 21, 2007 AT 9:30 AM</div>

At 11:52 a.m., Council recessed.

March 14, 2007

<p><u>WEDNESDAY, 2:00 PM, MARCH 14, 2007</u></p> <p>DUE TO LACK OF AN AGENDA</p> <p>THERE WAS NO MEETING</p>	
---	--

March 15, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **15TH DAY OF MARCH, 2007** AT 2:00 P.M.

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

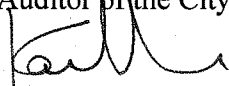
Commissioner Adams recused himself at 2:06.

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

	Disposition:
<p>257 TIME CERTAIN: 2:00 PM - Appeal of Goose Hollow Foothills League against the Hearings Officer's decision to approve the application of Cynthia L. Hilliard for a Zoning Map Amendment from R7 to R2, in compliance with the existing Comprehensive Plan Map designation of Low Density Multi-Dwelling Residential and four Adjustment Reviews at 1970 SW Mill Street Terrace (Hearing; Previous Agenda 130; LU 06-109528 ZC AD)</p> <p>Motion to approve the revised proposal with adoption of new findings prepared by staff to be brought before the Council April 25, 2007 at 9:30 a.m. for adoption after review by the City Attorney and opportunity for Neighborhood Association to review and comment to staff: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-4; Adams recused self.)</p>	<p>TENTATIVELY DENY THE APPEAL AND UPHOLD THE HEARINGS OFFICER'S DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR APRIL 25, 2007 AT 9:30 AM</p>

At 2:13 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.

March 14, 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]

MARCH 14, 2007 9:30 AM

Potter: Before we begin the formal part of our proceedings, we begin by asking the community a question. The question is, how are the children? The reason we ask this question is that when the children in our community are well, the community tends to be well too. So it's important that we keep focused on the issues about our children and young people, because they are not only our future, but they're our present as well. So each week we invite someone in to talk to us about issues regarding young people. And today we have elijah taylor. Could you and your big brother anthony please come forward? Before you begin, anthony, could you introduce yourself and tell us about that uniform you're wearing?

Anthony Braxton: My name is anthony braxton, I work for the Portland fire bureau, i've been with the bureau for about four years.

Potter: What's the program you're involved with?

Braxton: Big brothers, big sisters in the Portland metro area. We've been partnered up since about august.

Potter: We appreciate that. Thank you for doing what you do.

Braxton: Thank you.

Potter: Elijah, how are you today?

Elijah Taylor: Good.

Potter: Are you nervous?

Taylor: No.

Potter: Good for you: I like that. Elijah, we ask you to just talk with us about whatever is important to you.

Taylor: Ok. My name is elijah taylor, and I live in the david douglas district area. Some things I like about Portland is that there's community sports, and I like that because I can play basketball and football, and I also like having a big brother, because that's kind of fun to, like, do things with him in the city and stuff. Some concerns I have is that not enough elementary schools have clinics in them. I went to lincoln park elementary school, and they had a clinic, and that helped me out a lot.

Potter: Good. That's very important to make sure that -- a clinic, a medical clinic to help you with tummy ache and toothaches and things like that.

Taylor: Yeah.

Potter: Good. It says that you like to play football, wrestle, and play other sports.

Taylor: Yes. I do.

Potter: Which one is your favorite?

Taylor: Football.

Potter: Football?

Taylor: M-hmm.

Potter: When you get to be as big as anthony, what do you want to do?

March 14, 2007

Taylor: Play football. [laughter]

Potter: Well of course. Elijah, thank you very much for coming in today. I really am very pleased to have you here.

Taylor: Thank you.

Potter: And thank you, anthony, for what you do for our young people.

Braxton: Thank you.

Potter: Let's give this man a hand. [applause] [gavel pounded] city council will come to order. Karla, please call the roll. [roll call] [gavel pounded]

Potter: I'd like to remind folks prior to offering public testimony to city council a lobbyist must declare which entity he or she is representing. Please start with communications. The first, 229.
Item 229.

Potter: Please call the next.

Item 230.

Potter: I don't see mr. Butler either. Ok. We'll move to the consent agenda. Please call the vote.

Moore: Do you want to see if anybody wants anything pulled?

Potter: I'm sorry. Do any commissioners wish to pull any items from the consent agenda? Does anybody in this audience wish to pull any items from the consent agenda? Please call the vote.

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

Potter: Aye. [gavel pounded] please read the 9:30 time Certain.

Item 231, 232, 233.

Potter: We'll hear from the staff about this issue. Commissioner Adams is absent today.

Moore: Mayor, he'd like to read the other two also.

Potter: I'm sorry. Please read the other two as well.

Andrew Aebi, Local Improvement District Administrator: Thank you, Karla. Good morning, i'm andrew aebi, local improvement district administrator. With me this morning are from left to right are dave matamakers, storm water design engineer for the bureau of environmental services. Bill villanueva, senior engineer for the bureau of water works and on my right is john jansen, with the Portland development commission. They're join me this morning at the request of commissioner Adams office. If we could switch to the presentation, Karla. Here's a map of the three l.i.d.'s for which we're holding a final assessment hearing today. The core project, the lents three southeast 104th and ramona l.i.d. is in green. The largest l.i.d. here in the area. The next project approved by council was the lents extension in blue and the last of the three projects approved by council was the southeast ellis street l.i.d. shown in red. All three of these l.i.d.'s are in the area roughly bounded by southeast harold street on the north, southeast foster road on the south, and a few blocks east of interstate 205 on the west. And this area is poised to Capitalize on the investment currently being made in the nearby lents town center as well as the interstate 205 max line under construction. Just walking through this a little bit, we combine these projects to minimize cost and to fully leverage opportunities to revitalize this neighborhood as a whole. This project would not have been possible without the teamwork of other city infrastructure bureaus including environmental services and water works as well as the funding partnership with the Portland development commission. When we first looked at doing this project we estimated the project with storm pipe and sumps. As the project came to fruition we thought the area was a prime opportunity to launch a green street effort. Though we took some risk we took prudent risk and the financial result were very encouraging. About two years prior to the formation of the first l.i.d. We estimated storm water costs at the equivalent of about \$222,000 for this project, versus actual results of about \$132,000. So we were able to cut the storm water costs just -- to just over half what our original estimate was. By using green street solutions instead of pipe and sumps. We came up with a much more environmentally sustainable solution. Dave is there anything you can add from your technical perspective on the infiltration swales?

March 14, 2007

Dave Nunamaker, Bureau of Environmental Services: I'd like to say that this is a -- still a fairly new way of dealing with storm water. It's the first large-scale infiltration system completed with an I.I.D. project, and it appears to be working well. And we'll be seeing more and more of these in the years to come. With the collaboration that we've had among the bureaus, and the success of the technology, it's very reassuring.

Aebi: Bill, can you maybe speak to the efficiencies the water bureau had as well?

Bill Villanueva, Water Bureau: Thank you. First of all we did a lot of thinking on how we could reduce this by tinkering with the swale issues as well as the issue on the water lines and we were able to reduce the scope of the water relocation adjustment work by 20%. Because they have the base information on the project, we used their survey data as well as pdot's drafting staff to design our water system. That expedited the project. The other one is the construction -- contract administration. We incorporated the water system into the contract for reducing a lot of duplicated efforts that could happen if we didn't do that. And the third area would be that we provided the right amount of crews, construction crews at the proper time they needed in order to get the project moving ahead of the contractor. In those ways we really collaborated a lot with both pdot and b.e.s.

Aebi: If we could just switch back to the presentation, last thing I wanted to show you on this particular slide here is this project resulted in neighborhood revitalization. You can see the houses in the bottom of the picture, that's the new lents landing development. That area where those house were built used to be a haven for vagrants and criminal activity. When we first started putting together the first I.I.D. we had no idea this housing would come about as a result of this and infrastructure, but we've replaced all that criminal activity and vagrant activity with new houses and bringing people in to lents. This is the same street today. This is a picture I took yesterday when I was out in the field. As you can see, p.d.c.'s financial contribution to this project and their unwavering support for green street solutions at the inception of this project have really made a dramatic difference in the neighborhood, and this is obviously an urban renewal success story. All the standing water you saw in the previous photo, that swale is sucking up all that storm water. This is a close-up view of the infiltration swale. This is an infiltration swale at 104th and yukon. There's a tiny amount of water, but that water you see is clean, unlike that lake of muddy brown water that you saw in the previous slide, and who knows what was in that water. So I just wanted to pass along one thing. On september 18, the contractor worked on the weekend, the property owners were so anxious to be up out of the gravel, the dust, the dirt, and the mud, the contractor worked over the weekend to get the paving done, and on a saturday the neighborhood residents held a spontaneous and impromptu block party with the neighborhood children playing football on the newly paved streets and newly constructed sidewalks of the some of the neighborhood residents were literally crying, saying they couldn't believe how much a difference had been made in the neighborhood. The police came through to check out what was going on and they commented that the area was, quote, a whole new neighborhood, unquote, with a lot of places cleaning up. So you can just see remarkable differences there in the neighborhood. We didn't know there were any children living in this neighborhood, but once we built the sidewalk and they playing playing on the sidewalks we understood there were a lot of children in this neighborhood. So in closing, I just wanted to reiterate this project would not have come to a successful conclusion without the hard work of all the internal folks who collaborate order this project, it would not have been possible without the partnership of the Portland development commission which initiated and funded this project. And ultimately gave usa new green street design that we can replicate and many other areas of the city if not all areas elsewhere in the city. Finally external stakeholders such as host development brought very attractive housing options such as that picture you saw, and further underscored the wisdom of the Portland development commission to invest its urban renewal resources in this neighborhood. So on a final note of housekeeping, we can do this before or after

March 14, 2007

any property owner testimony, but i'm not seeing anybody here, we did receive one objection to final assessment from a gentleman who purchased the home on the block where you saw the standing water. He purchased the home there after we had started working on the project, so i'm not sure he was aware of what that street looked like before he bought into the project. But I would ask that council move a motion to overrule the objection to final assessment. Thank you.

Saltzman: This looks like great work. I wanted to commend b.e.s., water, an crew -- andrew, and p.d.c. for this implementing the green streets and showing how dramatically profound it can be and save us infrastructure dollars and achieve very important public goals. Good work. And I would certainly move to overrule the objection.

Leonard: Second.

Potter: Discussion? I would like to ask a question about mr. Phillips. I saw his letter in our material and I also saw the possible grants that were available to him to the low-income assistance to p.d.c., and also failing that to structure the loan over a 20-year period. Were these issues presented to mr. Phillips so he knew what his options were as opposed to having to pay the full price for the l.i.d.?

Aebi: Yes. Prior to final assessment we did a very thorough job of communicating to property owners the availability of the low-income grant and recognizing the diversity in this neighborhood, we had some of the material translated into spanish and vietnamese. So we sent out information on the low-income grant as well as the financing option. I personally don't make the call in terms of the eligibility requirements on the low-income grant. I did do some quick numbers, and estimated that even in the absence of qualifying for the low-income grant mr. Phillips monthly payment would probably fall somewhere in the \$25-30 a month range. I should note that when I had a telephone conversation with mr. Phillips he wasn't aware of the low-income grant. Apparently he hadn't read the materials that had been sent to him and periodically that happens on projects where you do your best effort to send information to folks and for whatever reason they don't open their mail or read through everything.

Potter: Further discussion? Call the vote. Actually I think -- we're going to do a vote on overruling the objection and then it would move to a second reading next week on passage of the ordinance. I don't believe we have anybody here to testify, do we?

Moore: No one signed up.

Leonard: Given how this last comment i'll be able to make before next week, i'm really pleased with the collaboration and particularly in a neighborhood that really needs this kind of help. And it's heartening, and i've been not shy about pointing out short comings of the p.d.c., but i've also been as vocal in my support of their work out in lents, and sometimes under some really tough conditions with some of the neighbors. So I appreciate all the work everybody's done out here. It is making a difference. Aye.

Saltzman: Aye.

Sten: Good job. Aye.

Potter: Aye. [gavel pounded] there is no one here who wishes to testify? It's nonemergency and moves to a second reading. What's the date on the second reading?

Moore: Next week on the 21st. 21st. 9:30 meeting. We're a few minutes before 10:00. Why don't we go ahead and take -- start on the regular agenda. I think that yours is going to take a little longer than just a few minutes.

Saltzman: Yeah. It's going to be longer than a few minutes.

Leonard: Sometimes the issue with the agenda, regular agenda after a time certain coming before the time certain is there's some people, I don't know if that's true, that are actually timing their appearance because it comes later in the agenda.

Saltzman: I'm sure that's true for this one.

Potter: We're in recess --

March 14, 2007

Saltzman: We have 45 minutes for ours.

Potter: We'll go ahead and wait until the 10:00 a.m. My understanding from the city attorney, we don't hear those before the time.

*****: [inaudible]

Potter: Ok. We're recessed for seven minutes. [recess]

At 9:53 a.m., Council recessed. At 10:04 a.m., Council reconvened.

Item 234.

Saltzman: Members of the council, mayor, I know that all of council agrees and i'm sure even the kids upstairs agree that trees are an important part of the city's infrastructure. We love trees. Portland's very identity as a green city depends on the hundreds of thousands of trees that comprise our urban forest. The urban forest provides benefits to the community that touch all of us personally, but also touch all of the bureaus who help us oversee trees in one capacity or another. Trees impact our environmental health, the sustainability of our region, the economic development in our communities, and the livability of our neighborhoods. We are celebrating today a truly interbureau effort. Portland's urban forest action plan. City bureaus came together with the urban forestry commission to craft the 2004 urban forest management plan and they have now come together again to jointly identify priorities and individually take responsibility for implementation of the management plan. As implementation moves forward, an ongoing coordinating team will continue to help the bureaus integrate their work plans and budgets. Meeting the lofty goals of the 2004 urban management plan will take many partners and many years. It is heartening to see the city bureau stepping up to lead the way. On april 3, Portland will be celebrating arbor day and will receive an award as a tree city for the 30th year in a row. We take trees seriously, but we can do more and we need to do more, and I want to thank the urban forestry for their leadership, the citizen group has historically been and continues to serve an important role creating opportunities for citizen participation in urban forestry. Several bureau directors are here today to support this plan. Gil kelley from the bureau of planning, dean marriott, and susan anderson will have comments on their bureaus' connections to the urban forest, and i'd like to thank them. But now i'd like to introduce Zari Santner, parks director, Ed Washington, urban forestry commission chair and Deborah lev, our senior planner, to present the action plan. Zari santner.

Zari Santner, Director, Parks and Recreation: Good morning mayor, members of the council, zari santner, director of parks and recreation. We're very, very pleased to present to you our action plan for implementation of the urban forestry management plan. As commissioner Saltzman indicated, stewardship of urban forest is a -- one of our core responsibilities for the bureau of parks and recreation. We do that in the department of city nature and under the leadership of david mcallister who is also city forester. And that department is responsible for maintaining and enhancing the urban canopy in the street right of ways, in parks, and also takes leadership in other actions citywide to protect the urban forest. I think the importance commissioner Saltzman indicated, the importance of urban canopy are very, very clear. First of all, this plan and the action plan that is before you for adoption is consistent with several city goals. Primarily the river renaissance. The protection and cleaning of the river, there is a very, very direct correlation between urban forest canopy and our clean rivers. As well as the very healthy and vibrant neighborhood, trees make major contribution to both the vitality, the aesthetics and economic values of real estate in our neighborhood. So as commissioner Saltzman mentioned, a few years ago, all The bureaus that have a stake in preserving the urban or enhancing the urban forest came together and developed an updated in fact the urban forestry management plan. And once again they were brought together last year to create the action plan that is before you for adoption. And all of these has happened under the guidance of the urban forestry commission. They have been strong partners with us for a long, long time and the responsibility is not only giving us policy direction on urban forest, but also they serve as an appeal body for tree permits. What you will hear

March 14, 2007

as commissioner Saltzman mentioned, there are other bureau directors who will talk about how this plan fits in with their mission with their individual agencies as well as how their budgets requested budget reflects some of the actions that are recommended. With this plan I would like to highlight a couple of items that are in our budget that directly relates to implementation of urban forestry management plan. We have requested funding to expand our tree planting in the particularly in the low-income neighborhoods where the canopy is very, very sparse. We've also requested funding for expansion of our tree liaison program to increase our partnership with our community members and increase education, as well as we are requested funding for enhancement of our webpage -- to communicate with people and give information they need in order to take better care of their trees. So I want to thank the urban forestry commission for their intimate involvement in this process. And the leadership of the urban forestry commission is right now under the very, very capable leadership of ed Washington, the chair of the commission, and it's a pleasure to introduce ed Washington.

Ed Washington, Chair, Urban Forestry Commission: Thank you, zari. Mayor Potter, members of the council, my name is ed Washington. Chair of the urban forestry commission, and I reside at 6242 northeast 41st avenue here in Portland, Oregon. From my vantage point, two main events have brought us to this day. The first was the commission's 2005 retreat where the entire retreat centered on better understanding how the urban forestry management plan would be implemented and how success would be measured. We understood that we had moved in the 2004 plan from a paradigm of tree management to one of management of the entire urban forest based upon tree canopy targets. My recollection was that there were many, many more questions than answers on how we would do in. -- this. The second event that comes to mind was a report to the urban forestry commission by the sweeney tree preservation committee on the complexity of rules and regulations relate the to tree protection within the city, and the many limitations in process and procedures that reduced tree protection within the city. These two events seem to galvanize the commission's interest in developing a work plan to reach the canopy targets outlined in the 2004 management plan. Earlier this year the forestry commission working with the parks bureau approved the entire -- approved the draft action plan that you will see this morning. I would like to thank the members of the urban forestry commission who were active participants in this process. Notably, margo barnett, francine, brian, and christine. As well as other commissioners michael, john, carol, dick, and michael. Further I would like to thank the staff and leadership of parks.

Deborah Lev: I'm deborah lev, and here is our presentation. This is our action plan, our proposed implementation strategy for the urban forestry management plan. Just a little bit of history. The first urban forestry management plan for the city was adopted in 1995 when the urban forestry commission was set up. It was one of the things in the charter that was required by the council that they do the first urban forestry plan. It was updated and published the update in 2004. Of what was different about the 2004 plan in this update was that it identified these urban land environments, and talked about the conditions and goals in these separate five different categories, residential, commercial/industrial, natural areas, developed parks and open spaces, and transportation rights of way. And another thing that the 2004 plan did was do a great job of reminding us all of the benefits of trees to our community. So in broad measure those are the environmental benefits and of course those include providing wildlife habitat, decreasing erosion, protecting biodiversity, helping to manage storm water, improving air quality, including reducing greenhouse gasses which help us come back -- combat global warming there. Are social benefits of trees. They provide wind break, shade, they improve mental and physical health. There is research that shows people in hospitals improve more quickly when we have a view of trees. They improve neighborhoods. The crime rates are lower in neighborhoods that have trees. Reduce heat island and provide buffers to sound and unwanted sights. And trees of course provide economic benefits. They directly reduce cooling costs, reduce flood damage, reduce the need for engineered infrastructure for storm water, they

March 14, 2007

increase property values. And I thought it was particularly interesting in looking at that research to see that not only do trees on property increase the resell value of the home, but that increase is proportional to the size of the tree. So bigger trees increase the value of the home even more. And lastly, trees and being a city that's thought of as green helps us draw business and tourism to the city. There's been talk a lot already about the canopy. I wanted to make sure everyone understood what canopy was. If you were in an airplane or you were a bird looking down at the city, as you see here, there is how much of the ground is covered by trees. That's the canopy. And you can see it's different and we have different expectation for canopy in this park from in a residential area and it's different if it's commercial or industrial. So with new technology, since this 2004 plan was developed, we've been able to do a pretty good assessment of our overall tree canopy just everything, all the ground within the limits of the city of Portland are tree canopy is about 26%. And i'll show you some comparisons to a couple of other cities. These are slightly out of date measures, but it gives you a sense of that we're not way at the top or not way at the bottom, somewhere in the middle of various cities around the country. But did I want to point out an interesting example. This is recent information from the city of seattle, and they reported in their draft urban forest management plan that in 1972, seattle had 40% canopy and in those intervening years it's dropped down to 18% whereas research from -- down by joe of Portland state, shows that in That same time period Portland has stayed the same or increased in tree canopy. Around 26%. For residential neighborhoods, residential areas, the target was 35 to 40% canopy and we are currently citywide at 30% although that varies widely from 61% at the high end in northwest Portland, to only 13% in north Portland. In developed parks and open spaces, our target is 30%, and currently we're at 28%. If you look at the residential street, if you fully planted each one of these opportunities, you'd get pretty much full coverage of that street. But that might be necessary because this right of -- rights of way also includes our major arterials, or even our state freeways like 205 or i-5, where no matter how many trees we plant we're not going to get coverage over them. And this is not meant to be read, so don't worry about that. But I put it in here to show the complexities when we started realizing that we needed to do more to implement the 2004 plan, we started hearing from citizens about their discomfort. We look back -- this is a diagram from the 2004 plan that shows how trees are runaway rated to all these federal mandate up here, the clean water act, superfund, endangered species act, state requirements, there is metro requirements. Regional transportation plan, 2040 plan, the new ones, title 13. And there's all the city bureaus. And then we have the river Renaissance visions. And then we have since this was done we have new city initiatives, Portland watershed management plan. We have our global strategy, we have all kinds of things that are coming online, all that relate to trees. And connect pretty closely. So here's our urban forest management plan. So we realize that it wasn't the urban forestry commission or the urban forestry staff and parks, or citizens, nobody could take this on by themselves. We had to reconvene all the bureaus and get back together to work on what the city could do jointly. So here's our implementation strategy team. This is basically the bureaus that were heavily involved in the 2004 update to the plan. Got them together again and came up with an outline for the implementation strategy. And that included developing our goals, outcomes, action plan, and performance measures. To the goals after looking at what was in the 1995 plan, the 2004 plane, what had changed in the city since we came back to the basic three goals that are in the 2004 plan, we developed outcomes and developed an action plan of what the city bureaus are committing to doing as their responsibility to move ahead these goals. And there was -- the performance measures -- we got a commitment these are the right performance measures, we'll go ahead and as part of the ongoing coordinating committee, we'll go ahead and develop performance measures. So here's the goals from the 2004 plan. They are to protect and enhance Portland's urban forest. That's all the trees in the city, basically. We want to develop and maintain support for the urban forest. Work with the community. And the third is that we want to see equity among all parts of the city. In

March 14, 2007

enjoying the benefiting of the urban forest the basic 30 goals. Then we developed outcomes for each of these goals. So that first goal to protect and enhance the first outcome is tree canopies optimize meeting stocking and canopy target. Stock -- stock means where there's an opportunity along the street we would have a tree planted. And meeting canopy targets. That doesn't just mean how many trees we put in, it also means what's the diversity of the trees we're planting. And that means that we're not going to get to our targets for commercial and industrial canopy if we plant little columnar trees like this one where we have room to plant bigger trees. The second outcome is that the city has a comprehensive consistent, and clear regulatory program for trees. And right now the tree related codes are all over the city code, many different bureaus that oversee them and it causes problems for people who are trying to do the right thing by their trees or understand what the requirements are. Outcome c, the urban forest is enhance the through development and redevelopment. And that gets into when development is happening, doing proper protection of existing trees, and also expanding the urban forest by planting new trees when we have new development. Goal two, maintaining and developing support for the urban forest. The first outcome would be stewardship of the urban forest is shared. By citizens, agencies, nongovernmental organization and businesses. Outcome b, the public has a strong awareness of tree benefit and ecosystem health issues, and education opportunities are abundant. As shown by this neighborhood tree liaison class. The third outcome is that stable resources support the urban forest. Those are resources to actually do maintenance of trees where the city has taken that responsibility also, resources for education and supporting community efforts. And our third goal, which gets at maximizing the benefits for all residents of the city, first outcome is that street trees are equitably distributed throughout the city. They are not now, by the way. Outcome b, the urban forest growth to the health and well-being of all Portlanders. So that has to do with the a little they tick benefits of trees, even getting the benefits of edible fruit. And the last outcome is improve watershed health, including water quality, stream flow, all Those watershed health goals. From our urban forest. This was developed by partnership with bureaus. The bureaus were asked to step up and take leadership, what the city of Portland is going to do to move the plan ahead. To implement this, we can't rely on the city, we are going to be working closely with the urban forestry commission and a number of community and nonprofit groups, some are in the room today. So action plan elements, we have actions to achieve each of these actions. For each action there's a lead bureau identified and the supporting bureaus will be working on it. It shows apriority for achieving that outcome. We use that in a particular way that I wanted to explain. The priority is not how important the bureau thinks it is, not how important the community thinks it is, but it's really how important that action is in achieving the outcome of which it's listed. So we might have a compelling reason to do something that's not the highest priority for achieving that outcome and we'll go ahead and do it anyway. And the time frame, we have early actions. Those are the ones that the bureaus are saying, we're going to step up and do this. We're going to put it into our work plan. We know how we can get it done in the next -- at least initiate it in the next few years there. Are other items listed that are listed as five or 10-year items. They may be high priority, they're listed as five- or 10-year items if we haven't identified the resources to do them. Before I move on, I wanted to point out this illustration, because it's just illustrates what we're talking about in the benefits of trees. So this is in the 1990's in the kenton neighborhood and after a tree planting we can see how much more inviting the commercial neighborhood is. I wanted to give acouple of examples from the action plan. So high priority, early actions. These are things we're planning to move ahead with. Targeting low-income and low canopy neighborhoods for additional tree planting. Being more formal about that and our process than we have been. Some examples of high priority funding needing actions are to review and revise the tree-related codes for clarity and consistency. That's a huge item, really important, but it's going to take more resources. Another example would be developing and adopting standards and best management practices for selection

March 14, 2007

planting and care of urban trees. So just some examples from the action plan. You'll also see continuing actions. There's a couple things that were pulled out, things we're already doing that we want to continue and probably expand. An example would be dealing with invasive species. We've taken this draft action plan. It was put together, it was reviewed by a lot of folks. We did presentations to a number of boards and commissions and community groups, planning commission, storm water advisory committee, sustainable development commission among them. It's been posted on the Portland parks website for a couple months, and during that time there was over -- there's about 3,000 individual times that that -- the page with the urban forest management plan and this new action plan was looked at. The action plan was revised based on comments that were received, mostly from the groups that we went to. And the final draft action plan was approved by the urban forestry commission, and now it's coming to you. So our next steps are to continue this interbureau coordinating committee. One of their first steps is to refine the performance measures. When we started looking at performance measures such as more refining the canopy targets and how to measure it and how often to measure it, is that measuring canopy is tricky. The technology is tricky. You can't necessarily see changes year to year and it also intersects with the performance goals that are being established for river renaissance, for watershed health, for carbon reduction goals. So we want to get it right and we want to work with all those different groups. Those are the kind of things the coordinating community will be working on. Then you will be hearing an annual progress report on how we've taken on our plan from the urban forestry commission. So thank you very much.

Saltzman: I'll call up next dean marriott, gil kelley and susan andersson.

Dean Marriott: We're pleased to be supporting this action plan. We played a significant role in the effort. We're very pleased also with the collaborative effort put together by the parks department. Protecting and enhancing the urban forest is very critical to protecting the clean water. So we're very interested in it from that perspective. We're committed to implement, help implement the action plan. We have already assigned a staff person to continue to work on the bureau of planning's multibureau tree initiative, which I'm sure you'll hear more about in just a moment. While we continue to participate in those efforts, we're also out busy planting trees. Our revegetation program which has been active around the city and removing invasive species and planting native species just last year along the Columbia Slough planted 21,000 trees. We have an ongoing relationship with Friends of Trees and Solv, and just last year we -- with that partnership together with them planted a thousand street trees in Portland. We also have a stewardship program which continues to be funded with your support where we reach out and make small grants to neighborhoods friends groups many of whom are active in revegetation programs that would support this plan. So we will -- we look forward to continuing with our good working relationship with parks bureau and the planning bureau and the other bureaus in the city that are working on. And I can certainly tell that you having trees in a city makes a big difference in water quality, and we hope to continue that effort. This.

Leonard: The work did you between 35th and 45th on the spring water corridor? What are those boundaries? It's along the Johnson Creek -- it's just absolutely striking. The people that enthuse regularly, and I do, the tree plantings, it's got to be -- it's gone from a place that people were frightened --

Marriott: You'll see more projects coming your way in Johnson Creek watershed in the future.

Gill Kelley, Director, Bureau of Planning: I just want to express my support and interest in continuing my work on. This I wanted to thank Zari and Deb for that. I just want to make a footnote that I had the pleasure of serving on a panel in the nation's capitol last year about greening D.C. And greening the nation's cities. Some of the attributes Deb referred to are now scientifically and economically established. They really are tangible and enduring benefits to tree canopy, not just with respect to the environment and ecosystem services, which we've sort of intuitively believed all

March 14, 2007

along In Portland, those are well established by the scientific community, but also in the areas of learning, of healing, and of economic benefit. Those are I think now become fairly well established and I think the group that was pulled together of scientist and designers and planners and economists was very helpful in establishing that benchmark. So I think this plan is right dead on in terms of that, and i'm happy to learn from the presentation today that we haven't degrade our canopy numbers too much over the last couple decades likes some of the other cities, but I think as we begin to infill the city more intensively, that's going to be even more under pressure. So I think this is the right set of actions to carry through. I wanted to pick up on two points zari mentioned linked to the river renaissance. And also it's linked to general neighborhood livability work that the bureau -- planning bureau is engaged in. With regard to the river renaissance, the river renaissance strategy and vision did anticipate developing tree canopy outcome measures and performance measures and we're very happy that those outcomes have been established now as part of a multibureau process. And we look forward to the performance measures being established for that because of their importance to the rivers and streams. Behaviorally there's a link to the river renaissance, those measures are critical for holding all of us accountable and being the guides to our investment and program decisions over the coming years. As well as the partnership is right in line with what we're trying to achieve. The second piece relates to the action item that deb showed you at the -- near the end of the presentation which had to do with that large unfunded priority project, which is something that's come to be known as the comprehensive tree policy and code review update that. Is a substantial amount of work. Those have to be more directly linked to what our goals are here in the urban forest management plan. So at the urging of parks and planning staff and our own citizen budget committee, I forward a proposal into the budget process for consideration for that to be funded in the next fiscal year it had been in the five-year action plan frame. We've done a lot of indication from citizens that that ought to be advanced. That's already in the hopper in terms after proposed action for one-time funding, a two-year term for limited staff to carry that work out. We would involve the bureaus listed as well as b.d.s. will be a critical partner in that effort.

Susan Anderson, Director, Office of Sustainable Development: Susan anderson, I want to thank parks for the really cooperative effort of having all the different bureaus involved in this. And I look forward to its implementation. In particular there's two areas where o.s.d. can offer some assistance and technical expertise. The first relates to trees and the sun. The sun in terms of solar access for heating and cooling and electricity generation. As we increase the urban canopy we need to pay special attention to where and what kind of trees are planted. For example, we don't -- we do want appropriate deciduous trees to shade the west sides of buildings during hot summer afternoons. We all know what it's like when you have a great tree on the west side of your house on a hot day and how important that is for cooling your house. We don't want large trees shading quality solar access on the south side of buildings. This is important as we continue to promote the use of solar energy throughout the community to reduce the use of other conventional energy resources. Some of you may have considered going solar in the past on your home for solar water heating and found out there is a large tree in front of your house. We have an opportunity to have great trees but we also have an opportunity to have great solar, but we need to do good planning to do both of those things. I think what gil just mentioned in terms of working on code issues, it will be important the planning and o.s.d. And parks work together on that. The connection between urban canopy and food production. I'm talking about fruit and nut bearing trees. This may sound like a silly back to the 1970's idea, but it isn't. Quality local food production is an important issue from an economic development point of view to keep our dollars local, but also from a strategic point of view in the area we're talking about last week in terms of peak oil. Food prices are going to go up substantially more than some other goods because transportation is such a large part of the price of food. So I think it's important as -- it's not the answer to local food production, but it's part of the package. We need to think more sustainably and this is one of the of issues where we dock

March 14, 2007

that. That said we do know fruit trees don't belong on every park or street corner, they do have problems and we need to milwaukie sure we deal with those. Thanks again to parks for coordinating this. We look forward to helping with implementation.

Potter: How many people do we have signed up?

Moore: We have seven people, but we have the director -- did you want to take her --

Saltzman: Oh.

Potter: Please come forward.

Rebecca Esau, Bureau of Development Services: Rebecca from the bureau of development services. Paul asked me to be here on his behalf to speak for the bureau of development services. I'd like to say b.d.s. has been at the table participating to develop this action plan. We're very supportive of the goals of the project and excited to see it being implemented. Being at the implementation side of things we experience problems with the current regulations. They're very complex and spread among many titles in the city regarding tree planting and tree preservation and we look forward to working with the bureau of planning and other stake holds to get the regulatory framework straightened out. In order to implement the action items, some additional funding will be needed. We'll be working with parks and our respective budget packages to get those requests to you. Thank you.

Scott Fogarty, Executive Director, Friends of Trees: It's a pleasure to be here to hear bureau heads preaching what we've been for quite a while, and that is the importance of our canopy cover, and the importance that trees provide to the city of Portland. From environmental to economic. As you know, friends of trees is primarily a community building organization. And we do this through our tree planting events. Which are very well attended. I know the mayor has been out this year to help plant with us. And we have been recognized across the country for these efforts. Not just friends of trees, but the city of Portland. We jointly won an award this year from the conference of mayors for our efforts at keeping the canopy alive and vibrant in the city, and for many other reasons we have been invited to be on a national consortium to help come up with further policies that help our citizens understanding the importance of the urban forest. We have a street tree program as well as a natural area restoration program, so we have worked with just about all of the agencies who were up here. We also have a building that we are trying to make as sustainable as possible, so we are living what we preach, so to speak. So, again, I encourage you to take a look at this action plan and support it as much as you can. Friends of trees supports it. Thank you.

Mike Houck: Mayor Potter, commissioners, mike houck, i'm here representing the urban green space institute. I don't see anybody else from the park board. I will simply say the park board has had a presentation as well and is fully supportive of this plan, but I am today representing the urban green spaces institute. We are pleased that the plan explicitly recognizes as deb pointed out on page 12 the red star that she referred to, recognizes that this in fact is multibureau undertaking even though obviously parks and recreation is bringing this action plan forward. I have indicated my written testimony to you all of the reasons why this is so important, but that information has already been covered adequately and I think will probably be referred to later. I'm going to jump to two critical points, more big picture comments, I guess. I want to compliment Portland parks and recreation for bringing this plan forward. I'd like to add that as the saying goes, actions speak louder than words. It's one thing to espouse the goal, it's another thing to act on it and allocate the resources. We're hopeful you will approve the budget that will in fact make the implementation of this action plan possible. I was here about a week ago urging that you act on the proposal that was brought forward to you that will make the resources available to put this action plan into effect. This is another big picture item, we want to especially compliment zari santner and her staff for the high quality of work this action plan represents. Prior to her assuming leadership of the bureau there was little coordination between the bureaus. This is something we've commented on for a couple decades now. At her direction the bureaus' reorganization created a new city nature

March 14, 2007

program. This is an action that citizens and many nonprofits have urged for many years and we want to publicly thank her for taking a leadership role in creating that new division within Portland parks and recreation. One of the objectives was to integrate the program. We applaud her vision for initiating and addressing a decades old issue by doing that. We believe that a unified ecologically based program that explicitly seeks to recognize primary goals of Portland parks vision 2020 plan, that is the City in general and Portland parks and recreation specifically being good stewards of the of natural resources of this city. It compliments and helps implement numerous other cities goals as we've already heard. I hope all of you appreciate the fact you have a highly respected professional in zari santner who is recognized leader in urban parks throughout the state and nationally, and that pp&r has created ecologists in the folks like deborah who presented this program to you this morning. And yes, planners with the skills to produce and implement programs like the urban forest management plan and urban forest action plan. And we're very pleased to be here this morning to urge that you accept. This I don't know if you are technically going to adopt it, but we certainly hope you give it its full support. Thank you very much.

Amanda Fritz: Good morning, amanda fritz speaking for myself. This is very exciting. This is an outstanding project that's been done I hope you will adopt or accept the report, and fund it. It's important for a couple of reasons. First we -- when the urban forest management plan was passed, many of us were concerned that it would sit on a shelf. And in fact this is going to implement it the process has been outstanding with citizen review and responsiveness of staff implementing -- accepting and changing the plan. Based on that review. And it shows that the bureaus do work together well and can work together well. And I think that's really important to recognize. So I urge your funding of this on an ongoing basis, having accepted the action plan, it's prioritized into things that are funded now, things that can be funded in the next five years and so on. And so by accepting it I hope that that is some recognition that this is a multiyear project that implements some of the values that Portlanders share in our trees for so many reasons, just the beauty of them as well as the storm water benefits. And I especially urge you to fund the add package that will allow for both regulatory and volunteer work in the plantings. We can't rely only on volunteers although you should reckon recognize funding these projects and parks, you are leveraging millions of dollars worth of volunteer work, people like me and the mayor and others who have gone out there and got mud aye to get these plants in the ground and to water them. And so that's part of it, but the other part has to be the regulatory aspect that we can't keep going around planting new small trees because the large old trees have been cut down unnecessarily in development. There are so many codes that need to be updated and I hope you'll fund the package.

Margot Barnett: My name is margo barnett. I'm very pleased to be here today as a member of the urban Forestry commission, and also a member of the southwest tree committee. For the -- from the sweeney coalition. I'm very happy to be here to express my support for this urban forestry action plan. I feel that this plan is truly a positive response to the concerns that I brought to your attention about the city's lack of clear and effective regulatory and incentive programs that both preserve and enhance the urban forest. The urban forest serves many important functions that are truly critical for the sustainability of Portland as a city. We need to maintain and value this asset just as we value and maintain the built infrastructure of the city. The regulations for the protection and preservation of trees in several different sections of city code and under the jurisdiction of different bureaus, therefore this multibureau involvement in developing and carrying out the action plan is key to being able to successfully simplify the code and enforcement mechanisms to determine whether the regulations are adequate to protect trees. And to identify the gaps in protection and necessary changes that are -- that will really make the urban forestry management plan an effective document and really make sure that we have policies that are working in the city. I applaud the effort that's gone into developing this action plan and I urge you to support it. But I really want to have you keep in mind as you go through the budget process that to support the plan on paper is great, but we

March 14, 2007

really need to also have the budget support in there. And that it's really critical that these participating bureaus have really been collaborating on this, but they've also been -- they're submitting some budget pieces that really need to get funded and if they're not all funded, they cannot work together to move this process forward. So I really urge you to look at all of those pieces especially the areas where they've indicated that funding is needed.

Leslie Carlson: My name is leslie carlson. I'm here today to represent the views of the commission before you. We also want to add our thanks to the multibureau process that brought us this action plan today. Sustainability issues as you probably know cross over the jurisdiction of many bureau and we see this as great model for addressing many of those issues of sustainability in the city. There's a couple things the sustainable development commission wanted me to raise with you today. First we are also very interested in seeing the city fund the urban forestry action plan. You've heard about the effects of trees on water quality, on air quality, on cooling, houses and businesses. Habitat for wildlife, they also provide a very valuable way to absorb carbon emissions which will help us slow the effects of global warming, which is something that we talked about a lot on the sustainable development commission. They really do enhance the livability of our commercial and residential areas. We also are working on a set of indicators that will allow us to measure the sustainability much Portland over time. One of those indicators will likely be the health and the size of the urban forest canopy. We would like to ask that this plan include a process for monitoring the urban forest canopy over time so we can go back and check how we're doing and really use this as an indicator of how sustainable Portland is. Codes and regulations in the city that applied to trees, we would really ask that a regulation and codes can be streamlined from a citizen and business owner perspective.

Shannon Loch: Shannon loch, Portland resident. I'm here today first of all to say this is really exciting plan. And there's an irony in the report, mt. Tabor yard is identified here on page 10 of the action plan with its beautiful, historic, 100-year-old nursery in full bloom here at the foot of mt. Tabor. And the plan for the nursery we've been told is there's no long term plan to grow out trees for the city. That all of this will be privatized and this goes really against all the studies we've looked at that the city has done that talks about the economic value of growing some of your own trees, some of your own specialty shrubs, some of your larger caliber trees. Those studies say that it makes sense for the city to do those specialized types of growing situations. Not every tree we put in the ground do we want to be a two-inch caliber tree. There are problems with that, even though some of the current studies the parks has done has talked about the value in two-inch caliber trees. We have examples in the city where in urban settings that's not necessarily a good thing, because there's vandalism, these trees were at atkinson, they were four-inch caliber trees, and they were vandalized about two dozen of them. They were replaced with calipers twice that size to prevent that from happening again. It's unfortunate, but that happens in an urban environment, so in this cases it makes a sense to have larger trees. But it's not economically viable for all those services to be privatized. So I think it's interesting that while parks is presenting this program regarding our street canopy, they're also dismantling the employee base as well as the land to allow us to grow some of the special trees that have made the city of Portland what it is today as far as having exotic trees in its gardens, many of the street trees that are planted today throughout the city started their life here in this historic part of the park system. So I would really encourage while looking at this plan, to also look behind what the stewardship goals really are, because we are about to lose something about our brain trust in the city, and the horticulturists and bought anna nicole smiths that have kept our system whole. It's not reflected in many of these programs, but we see it in the documents we have and we would love to have a discussion about the reorganization of the parks department and how some of these things are a result of that. It happened without public input and we would like that opportunity to reply to it. Thank you very much.

Moore: Mark bartlett from southeast yamhill.

March 14, 2007

Potter: Please state your name for the record.

Mark Bartlett: Mark Bartlett. Good morning. I too was concerned about the nursery at Mt. Tabor, but I also wanted to bring up that there is a plan that's already developed by Parks for Delta Park. We have heard also is a very recent plan that they were intending to sell that property I've contacted the CRC engineers and the consultants, Evans and Associates and I found out that's not quite the truth. I thought the time that you find out a piece of land is a strategic piece of land at a major interchange you shouldn't be selling the property. In continue or 15 years it will be worth many fold what it is now. So I thought I'd bring that up because I didn't know if the council was familiar with that. I've talked to former employee and they indicate this location is excellent for service delivery. So I found it curious that Parks was even going to consider selling this property at this time.

Moore: That's all who signed up.

Potter: Any further discussion? Call the vote.

Leonard: I appreciate all the bureaus working together in developing this plan. It's a very important plan, but we also need to be mindful of funding the resources necessary from each -- for each bureau to make sure we can implement this plan. It is just one part of the process needed to make sure the canopy in the city is expanded to -- and dedicate the resources to allow it to happen. Aye.

Saltzman: This is a very good plan, and I want to compliment everybody who participated in it. And picking up on what Commissioner Leonard just said, I think it's well recognized and the diagram points out that our tree code is fragmented, ambiguous, inconsistent and in some cases contradictory. Enforcement is almost entirely missing. These are things that need to be work order and that is why the bureau of planning is requesting some \$250,000 to address many of these issues to make our clear, consistent, and enforceable. These are all the underpinnings of an effective tree policy for a city that prides itself in trees. So I hope as a council we will approve this package and get this important piece of work going. Again, appreciate all the work and the performance measures to keep Portland great, green tree city. Aye.

Sten: Thanks, Commissioner Saltzman, for this work. And to Zari Santner and her team. And Chair Washington for leading the commission. I think it's interesting, we have a great reputation as well as an accomplishment to rest on, but this really shows trying to get to the next level of sophistication and really understand what has to happen to protect this. And among the many things you talked about, we'll be joined soon by others -- made progress on greenhouse gas emission and a very significant piece of all the technical work that shows that is -- so I think it works on all of these fronts, and I think it also is helpful for people to know that the simple act of planting a tree is a big part of turn around global warming. It's not the only piece, we have biodiesel work, but we -- this is a big, big piece and it also makes us a great city. So I am going to support getting the funding in place to get this next level of work done, and frankly I don't think we could have fund it if it hadn't -- we could have put money in, but it would -- couldn't have done anything without the interbureau cooperation. So thank to -- thank you to everybody. And I look forward to the next round of work and seeing the results of that. Aye.

Potter: I want to thank Commissioner Saltzman, director of -- director Santner in and all the folks who were here to testify are and work on this issue. I appreciate the collaboration between the various bureaus. One of the things that strikes me about Portland as I return from a trip and I'm flying back in as the plane dips, and I see all the trees down below. It makes me feel really good because I know I'm home. And this is something that I think is meaningful to every citizen in our city. We value our trees. I'm very pleased to see a part of this new charge is to go into low-income communities that have -- don't have the same tree canopies as other areas. I heard it mentioned that perhaps the crime rate and tree canopy go hand in hand. I'm not sure I buy that as a former police chief. But I do buy the fact that in low-income communities there is an underrepresentation of

March 14, 2007

trees, and I think it does make a community more friendly and inviting. I strongly encourage the continued effort to ensure that all of our neighborhoods are well represented and well shaded by trees. So thank you all for your great effort. And I vote aye. [gavel pounded]

Item 235.

Potter: Per commissioner sam Adams this has been rescheduled to march 28 at a 2:00 p.m. time certain. Please read item 252.

Item 252.

Potter: Thank you. This is both a housekeeping item as well as making a sure a great program will continue progress towards home watershed. I'd like to see if commissioner Sten would like to make any comments.

Sten: Every year we bring back the single family home buyer opportunity program, which allows limited tax abatements on first-time buyers' homes. I'll say briefly the council probably recalls that a few years ago we changed this program from what I would describe as a distressed area strategy to a home buyer opportunity. What that means is we're much more focus order making sure buyers who needed help get the help. It's revitalized -- when we're authorizing a number of 275,000 dollars for a home buyer opportunity, which is something would I have never imagined real estate price was have become so expensive we were pushing and pulling to help people get to that number, when we started this program is really -- nobody was building in the low-income areas and we wanted to see some revitalization. Now it's much more focused on affordability. Last year the council asked planning to keep track of how This helped families with children because of issues with families being priced out and also minority homeownership, and I wanted to report back briefly that it 8 pierce that about -- just about half, 48% of the units that were sold using the taxing and single family units sold using the tax credits last year, tax exemptions last year went to people with kids. That's twice the rate of the city households. Only about 25% of Portland households have children in them right now. So about twice the rate and about 38% of the condos included kids. And about 45% of the units sold went to minority families, which is substantially above the average for the city as a whole. So it did help make progress in those areas, so with that in mind I think this is a very effective program the money end up with the buyers because that's who gets the break. Developers count on it in building the projects but it goes directly to the buyers. With that I would turn this over to barbara from planning and with my obvious recommendation that we continue this program for another year.

Barbara Sack, Bureau of Planning: Barbara sack from the bureau of planning. With me is marion hurtley from the Portland development commission, she's in charge of administering this program. As erik said every year we have to come to council with a maximum price for units that are eligible in home buyer opportunity areas for this program. As erik said this program is intended to promote homeownership for households that are at or below the median family income for the city. City code requires city council establishes a price cap annually, the recommended price cap is 275,000. The cap for 2006 was 258,000, this is a 7% increase. State statutes require we set the cap no higher than 120% of the median sales price as of november 30 of the previous year for housing in the county where most of the city is located. This figure was about \$250,000 and our recommended cap is 110% of that amount. We're allowed to go up to 120% but we felt that was too high. The reason we've increased the cap this year is housing prices in Portland have continued to increase. According to market action, the rmls publication, housing increase between November 2005 and November 2006 about 10%. That was a median sales price of about \$252,000 and it went up to \$278,000. We also talked to local builders of entry level homes when we're setting the cap and they have also indicated that particularly land prices have continued to increase in the city and construction costs have increased somewhat. And lastly we consulted our homeownership advisory committee about the cap, and they approved the staff recommendation of \$275,000. I just want to point out this program provides assistance to over 2,000 households who have purchased homes in

March 14, 2007

Portland's north-northeast and east Portland neighborhoods. This program helps these households by lowering their housing costs for the first 10 years. They don't have to pay property taxes on the improvement value of their home, though they do have to continue to pay taxes on the land. Eric has already shared with you some information that pdc provided us for the applications in 2006. With that, we would just conclude and recommend that you approve this price cap. Marilyn is here to talk about developers comments and any details about administering the program. And I believe we have at least one person here who wants to testify.

Marilyn Hurtley, Portland Development Commission: My name is Marilyn Hurtley. Do you have any questions for me?

Potter: I have one question, and that is –the geographic boundaries. Do those change from year to year as well? As some areas are no longer under the guidelines?

Sack: The planning commission reviews the homebuyer opportunity areas every three years and generally we have taken out the areas of the city that have improved or gentrified. There were portions of inner se Portland that used to be in the program. Those were taken out. Then we add in portions that we feel are in need of revitalization. This was last changed, I believe, in 2005. We added in more areas of east Portland and we took out some small areas of ne Portland where incomes have risen and housing has improved. We also look at areas of the city where there's vacant land.

Saltzman: And the \$275,000. That's the value of the improvements that can be exempt.

Sack: No, that's the improvements and the land. Although the tax exemption is just on the improvements.

Saltzman: So the total...just the improvements are abated. 10 years?

Sack: Right. 10 years.

Potter: Any further discussion? Please call the vote.

Leonard: This is the kind of property tax exemption program that is smart and right. And targets the right demographic. And it targets the right areas. Of the city that need this kind of infusion of public resources. And it's one that i've happily voted forever since i've been here and tried every time this comes up to distinguish my concern over other kinds of abatement programs that do not target these neighborhoods or these income groups that I can't defend. This one, however, I think is smart and absolutely goes hand in glove with commissioner Sten's initiative to create more families and better housing around schools that are challenged in the city because of the drop in student populations that Portland public schools is experiencing. So I am very pleased to support this and am very happy that we've raise it to the left that -- level that it s. Because as high as it may seem, \$225,000 doesn't buy much of a house anymore, unfortunately, but it does give first-time home buyers a piece of the dream. And that's how you begin building equity, is to get your foot in the door, and this does that. So i'm really pleased with this program. Aye.

Saltzman: Good work. Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read the next item.

Item 253.

Saltzman: As i've been saying for the last year or so, petroleum in a nonrenewable fossil fuel and we need alternatives. One of the things i've been advocating is biofuels and ethanols. Biodiesel and ethanols. I'm kidding. I'm imitating commissioner Leonard now.

Leonard: Keep going. I like it.

Saltzman: Last year the council did establish a grant program of \$735,000 under the office of sustainable development to basically promote, accelerate the transformation of the local biofuels industry. O.s.d. Did research options for investing these funds to maximize their impact and propose two grant programs. One is a competitive solicitation targeting large infrastructure projects, very similar to our existing green investment fund. And the second was a smaller grant program to support installation of individual retail biofuel pumps. We're here today to adopt an

March 14, 2007

ordinance that would issue the awards for the first program. The large infrastructure grants program. There are some pretty exciting things there. I want to turn it over to Commissioner Leonard before we ask them to announce the winners.

Leonard: I have nothing to add other than this is happening exactly as I hoped it would. And office of sustainable development has done an outstanding job as I expected they would when I fought to get them the money. And the council agreed over anybody else. So i'm -- you've done just what I was hoping would happen.

Susan Anderson, Director, Office of Sustainable Development: Susan anderson, with me today is michelle Crim, the reason why all this seems to flow so naturally and so well after doing this stuff for 15 or 20 years, it's music to my ears to hear you vying to be the lead on this kind of issue.

Leonard: One upping each other.

Anderson: That's great. The ordinance today --

Sten: I was thinking it when they said it.

Anderson: I know you were.

Leonard: I'll raise your green roof with biodiesel and see you ethanol.

Anderson: So the purpose of this ordinance today is just to allow me to enter into the agreements and do the grants with the various companies and organizations. There were actually two different grant programs. First to remind you is for smaller grants, to actually provide installation of the retail pumps around the city. This will likely fund 15 new pumps around the city in the next year. The second grant program as commissioner Saltzman mentioned Is the biofuels investment fund. It was a competitive solicitation targeting large infrastructure projects. There's a total fund of \$450,000. It will provide incentives for projects related to production, to storage, blending, and infrastructure. And also for projects that can further the development of Oregon grown feed stock and supply, a maximum much \$225,000 is available for anyone project. We released the r.f.p. In december. We received 14 very competitive and very innovative ideas. We think a lot of them are going to go forward anyway, but we're only going to be able to fund five of those projects. We had more than \$2 million of requests for the \$450,000. We established an evaluation committee which included members from the city from the Portland development committee -- commission, the state of Oregon, economic and community development department, the Oregon department of energy, the department of ago -- ag, Oregon environmental council and several different biofuels experts. We ranked the proposals and we weren't going to announce them until next week. So we have to do some final -- we want to make sure we had the money and everything lined up first andway wanted to announce these next week. You can all take credit again next week. The projects will really range kind of the spectrum, all the way from the field to the pump. We're going to look at helping ways to enhance the growth of feed stock in Oregon, improve feed stock crushing facilities produce biodiesel locally, improve distribution infrastructure, and enhance retail sales. So I just want to thank you all for your leadership in this arena. If we think back to a year ago a lot has happened. We have a new biofuels ordinance, which has requirement for 5% biodiesel and 10% ethanol. We have now at o.s.d. Good technical assistance, we're doing workshops and we're providing hands-on help for fleet operators and we have the grants, large and small, so leverage innovation and improve the quality and the quantity of biofuels in Oregon. So thank you very much and I look forward to being able to announce these next week. Thanks.

Michele Crim: I'm just available to answer any questions that might come up.

Potter: Questions from commissioners?

Saltzman: The suspense will have to continue.

Anderson: We're all about the suspense. Thank you.

Potter: Has anybody signed up to testify?

Moore: No one has signed up.

Potter: Is this an emergency or goes to a second?

March 14, 2007

Saltzman: I see an emergency.

Anderson: I think this is an emergency so we can get the -- out the door and get the grants going.

Potter: So you don't have to wait. Ok, please call the vote.

Leonard: As I said repeatedly, these combined efforts on the part of the entire council for renewable kinds of energies being used on a variety of different technologies or using a variety of different technologies, the -- what are the names of the farms on foster? Singer? I go by there all the time and it's pretty exciting seeing the progress that has been happening with that project. And -- which incorporates a lot of different kinds of technologies, including photo cells, solar cells on the roof. The alternative fuels for vehicles. These are economic development initiatives. These are not just feel-good trying to satisfy certain, you know, constituencies in Portland. I think we ought -- that think we ought to be doing these initiatives, notwithstanding they may not be economically viable. They are economically viable. And within a very short period of time I think all of us here will be seeing that we're going to be creating jobs in Portland by doing these very smart things that reduce global warming, that increase economic benefits to Portlanders and Oregonians. By divorcing ourselves from foreign sources of fuel, by being smarter about how we use our resources. Portland is going to be a center of economic activity that actually will enrich its Citizens by doing these very smart things and we will be able to export some of what we're doing to other areas near us. And create jobs. And the fun part is seeing this stuff unfold so quickly, and I really appreciate the work you've done to really focus on what the true benefits are of creating these kinds of industries. It's very smart stuff and I'm convinced Portland will be a national leader in this. Aye.

Saltzman: I look forward to hearing who the winners are next week. And I want to thank particularly Michelle for all her work in staffing the committee and the whole process of making this happen. So thank you. Aye.

Sten: Great work. Aye.

Potter: Excellent. Thank you very much. Aye. [gavel pounded] read the next item.

Item 254.

Julie Shervey, Revenue Bureau: Good morning. I'm Julie, the business solutions manager for the revenue bureau. And this ordinance of -- provides for an agreement that provides technical support from Cayenta utilities for our billing system that currently provides services for the water and sewer bureaus. The type of services that we get with this maintenance agreement are removed to an e support instead of having folks on -- in Portland with us we moved towards being supported remotely from Cayenta. This provides for those services. It also provides for problem resolution, any fixes, any releases we need to apply to the system. And it also, and I think most importantly, the reason you want to be on a maintenance agreement and have a product like this is that you get to take advantage as the company moves forward with their customer information system of any new development that they add to their package so the maintenance agreements also covers any upgrades in enhancements that the company rolls out to all of their customers, so we would be able to take advantage of those as well. We have discussed this with the water bureau, with b.e.s., bureau of technology services and the revenue bureau and they all support this maintenance agreement.

Potter: Questions from the commissioners? Do we have anybody signed up to testify?

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

Potter: Is there anybody who wishes to testify on this matter? Thank you. This is a nonemergency and moves to a second reading. When is the second reading?

Moore: It will be next week on the 21st.

Sten: Can I make one comment any want to thank Julie for her years of work on these issues. I think there's a certain kind of public servant that almost never gets noticed and is really why Portland is great. Julie is the poster child for that type of person. So she's been working very hard through some difficult circumstances. I want to thank you publicly.

March 14, 2007

Leonard: I was going to honestly say the exact same thing.

Saltzman: Me too.

Potter: I was thinking it really hard. [laughter]

Leonard: I just happen to know you have been the point person on this, you and I have met over the last few years and i'm very impressed with your diligence. Every time I ask you a question that I try to think of the most worst possible scenario that could happen with this billing system you have a good answer. So I very much appreciate that.

Shervey: Thanks for your support.

Potter: Thank you, julie. Please read the next item.

Item 255.

Andrew Aebi, Local Improvement District Administrator: Good morning again, council members. Andrew aebi, local improvement district administrator. Bev we get to this item, on the advice of the city attorney I would like to respectfully request that we reopen the record of item number 233 which was the final assessment ordinance for the southeast l.i.d. I stopped by my office after we passed out to a second reading and there was a fax on my desk from somebody that just wanted to provide some testimony and -- in favor of the project. The fax was received in a timely manner yesterday evening. The person that normally would get this fax to me has been caring for a seriously ill family member, so it didn't land on my desk until this morning. Would that be acceptable to council to reopen the record to provide a copy of this?

Potter: Hearing no objection, go ahead.

Aebi: Thank you, mayor Potter. I don't believe had any property owners to testify on this agenda item. I just wanted to quickly cover one objection that we did receive before I get to the objection, just to remind councilman, we had 78.9% petition support for this project. We had very strong petition support. And I just want to show you one map that I showed you a month ago on february 14. This is a map of the local improvement district and the properties attend their petition support are shaded in green, and one property for which petition support was not tendered has a waiver of remonstrance on it, and that's the property you see in the northwest corner of the l.i.d. Shaded in blue which is a vacant undeveloped property. That's all we need to show on that. However, I will just pass out a copy, a hard copy of the map so you can look at it. What the property owner is requesting is a reduction in their assessment for this vacant lot. Keep in mind they own two properties in the l.i.d. They ask the assessment on the vacant lot be reduced from 14,338.09 to \$7,170. There is not really a specific mechanism by which this would be accomplished, and I do need to recommend the objection be overruled n their objection they mentioned a break being given to developers on this street. I just want to note for the record the assessments on whom I believe they're referring to on the developers, they actually, two folks combined have one assessment of \$21,591.99, there's another estimated assessment of \$13,585.22, and a third estimated assessment of \$20,181.84. All of these assessmented -- estimated assessments are higher than what is proposed for their 14,338.09 assessment. I might also add that the developers privately contributed engineering services with the value of 23,702.68, which is over and above their estimated assessments. I feel very comfortable that the apportionment of benefit to the developers and this vacant property are balanced appropriate and fair. While I respectfully do not view the andersons' argument in their objection is compelling, would I like to take a moment if I may to point out that the andersonning went about this objection, filing this objection in the right way. They have engaged with me for well over a year, they have asked me good questions, clearly have endeavored to learn of the detail and logic behind the recommended assessment methodology. They tried to learn what the baseline proposal was and put forth a concrete, specific, and actionable proposal that. Doesn't always happen on every l.i.d. when you receive objection. My telephone conversations and an on-site visit have been cordial and constructive. While there was disagreement on one of the properties, they were open to compromise. They signed a petition for the properties for which they

March 14, 2007

thought the cement was fair and declined to do so for the other. The andersons clearly are an asset to the neighborhood as well. They have a beautiful garden and retreat on their undeveloped lot. That said, I must recommend an assessment methodology that is based on the highest and best economic use of the property, not under the premise it will remain undeveloped and will remain a beautiful garden indefinitely. While I must recommend to council the andersons' objection be overruled by council, I would be remiss if I did not acknowledge their cooperation and positive tone of their previous correspondence to me. Of which I would like to provide council with a copy. So the kind words in the previous correspondence to me is something I will remember long after whatever council chooses to do with the objection. Thank you. And also I have with me some plans that show the street does clearly go up to the vacant lot. Essentially development ready, so to speak. There's no problem with them developing their lot once the street gets improved I have a this l.i.d.

Potter: Are there different ways to handle the l.i.d. In terms of if the council were to take action regarding remediation for their l.i.d. portion for the vacant lot? Is there any way to pull it back in otherwise?

Aebi: I'm not sure I completely understand your question. I might say -- let me throw a couple of things in here. Council does have options for example to make a finding of benefit differently for exist can development versus future development. I have to say I get really nervous about that. It seems so many examples on past project, it's very supremely confident the lot won't be developed and it winds up being developed and we really do assess highest and best economic use. I think the other thing to which you may be alluding is there are various mechanisms to recapture assessments upon development. So it's a deferred charge mechanism. The exact terminology for that is escaping me, but I think it's something along the lines of a reimbursement district. The problem is we don't have any funding to property load or pay for the assessment of the vacant lot and recapture it later. I would also note for the record that the andersons combined assessment on both properties is lower than a previous proposal that was brought here two years ago. So i'm hoping they've had a couple years to plan financially for the street improvement. And of course any assessment will be eligible for 20-year financing.

Leonard: Are that's the andersons?

Aebi: I don't believe they're with us.

Potter: Is anybody signed up to testify?

Moore: No one has signed up.

Leonard: I would like to understand better their argument that they're paying for 60 feet of improvement.

Aebi: I think what they're trying to allude, if you take a look at the hard copy of the map I provided you, the shaded area in the street --

Leonard: Where is the hard copy of the map?

Aebi: I gave to it Karla. If I flip over the page -- i'm trying to save paper, commissioner Leonard, so I did everything double-sided.

Potter: Thank you for double-siding.

Aebi: If you look at that the map you can see the shaded area is the area to be improved. You can see the street improvement goes right up to their vacant lot. So if you look at the other properties in the l.i.d., you can see there's more frontage touching the area of the street to be improved. But this is not a frontage assessment methodology this, is a square footage assessment methodology. And again, the premise here is the street will serve the eventual development of this property. I might also add the whole reason we're discussing this item today is because the developers on the south side of the street directly south of the anderson, they wanted to do a permit project completely on their own. They're at the very back of the street. If somebody wants to pull a permit, they have to pay for it. All the way up to virginia avenue. It's not possible to just build the back part of the

March 14, 2007

street. I could also make the case that we should be apportioning more of the benefit to the property the further removed you are from virginia avenue.

Leonard: My next question is, they've said they should be assessed no more than \$710 --

Potter: 7,000.

Leonard: 7,170. What are they being assessed currently?

Aebi: What they are being assessed currently is -- on that vacant lot, \$14,338.09. So I think what they've done is just split the difference and said charge us half. The way council could implement that if council chooses to sustain their objection, what council can do is exempt the appropriate amount of square footage from assessments so they only get assessed on half of their square footage. That would have the effect of their assessment. It would also have the effect of raising everybody else's assessment in the l.i.d.

Leonard: Including theirs on the other lot?

Aebi: I'm sorry, including --

Leonard: Theirs on the other -- they have two lots.

Aebi: Yes.

Leonard: How much would it raise their assessment? That \$7,000 balance would be divide amongst all the various property owns?

Aebi: You're looking at a \$7,000 -- out of \$144,000, so if my math is correct, you're looking at somewhere between a 4-5% increase on everybody else, including on their developed lost lot.

Leonard: Why is that an unreasonable thing to do? Why would that be an unreasonable thing to do, for us to agree to their request, why would that be unreasonable if we did that?

Aebi: Well, I don't think it's inherently unreasonable request, but every l.i.d. is predicated on assumptions, and basically what they're asking council to do is to assume the lot is not going to be developed. That may be the case at least short to medium term, but if I look across the street, there's two new houses that just got built, and they have a value of just under \$600,000. So notwithstanding the intent of the andersons to keep that as a garden, if they both die in a plane crash tomorrow and somebody snaps up that property, that \$14,000 assessment is going to look -- assuming you do it change it that \$14,000 assessment is going to look really small if some future owner of the property put anything close to a \$600,000 house on the property. And then what would happen is we'd be back here at the final assessment hearing with all the Other neighbors asking, why did you cut a break for this now, make up a number --

Leonard: I understand that. I'm just -- that's not why i'm asking the question. I'm asking the question because the improvement does stop at the property. It would appear to me they would have to extend the street the length of -- the width of the property for it to be accessible. You can't just build a house on this vacant lot and not have some cost associated with improving the street further.

Aebi: If I may say this, I really appreciate you continuing to ask questions until you get the answer you're looking for. You're right on track as far as your question.

Leonard: I have a little tick. It doesn't allow me to get off point until I hear the answer to the question I asked.

Aebi: I and -- and I want to answer your question. Not that I have any choice anyway, but I want to answer your questions.

Saltzman: You ought to start bringing an attorney with you. [laughter]

Aebi: If I could call your attention, council mechanics, to exhibit g, if you go to attachment 30. The question you're asking, commissioner, is a very fair question. It's the same question I asked the developer when I received the objection. The fundamental issue here is, is there anything left to do on the street in order to develop the property? For the record, I have worked very closely with transportation development review. If you take a look at attachment three of exhibit g, let me read to you what is stated in this memo. By the way, the author of this memo couldn't be here today

March 14, 2007

because he's off on paternity leave and we hope wife and baby are doing well. I have reviewed the property, tax lot 12100, adjacent to the home located at southeast nevada street and determined this property is developable and will benefit from the recently formed local improvement district. Actually it hasn't been formed yet, but be that as it may. This property is at the end of the dead end roadway and when it is developed, what he's saying is when the street gets developed, we'll have the most benefit of all the properties along this right of way once the street is improved. Additionally there would be no further improvement requirements required of this property at the time of development once the street is improved, other than the typical system development charges and driveway connection fees for new driveway access.

Leonard: That still doesn't address the issue. The fact is the project ends right at where the property begins and they're being asked to pay the same share in cost that all the other properties are paying and they have the benefit of having the improvement occur right in front of their property.

So as a practical matter, I cannot imagine a case where I -- what did you say, an \$800,000 house would be in the right range of the houses that would be built on in property? You gave a number. \$600,000. I cannot imagine somebody agreeing to buy a \$600,000 house at the end of the street that they drove down and have a gravel street in front of their house as a practical matter they're going to have to pay the cost, I would think --

Aebi: I think what my -- I brought along a copy of the plan, i'm happy to -- i'm not sure what protocol -- i'd like to point to you where that driveway connection -- I want to be very clear, once the street improvement is built, they have paved access to the end of the street, they have their paved driveway, they have paved access all the way on to the this lot. So there is no gravel on the public right of way. I can show the plans if that would help.

Leonard: I just I am stuck on the part that they're paying for the benefit of having the street up to their property line, but it doesn't occur the entire width of the property.

Aebi: For sake of argument if the street went farther, that would provide access to some other lot behind them, but keep in mind the reason that we ended the improvements where we did is because they didn't want us cutting into the -- not just them, but other property owners didn't want us cutting into the hillside. The idea here is to minimize the impervious area we're adding and the footprint of the street.

Potter: You said one possible exception would be to cut the amount of square feet that we would rule as part of the l.i.d. some future date I also thought you said we could come back and perhaps recapture that other additional square feet that we took out?

Aebi: Essentially both of those options are available. There's a practical matter that would be much easier if council -- if you wanted to make a change. It would be far simply from an administrative point of view to reduce the amount of square footage and reapportion the assessments including on their developed lot. That far and away is the simplest way to do it. It's not my recommendation, but obviously as commissioner Leonard is pointing out, you can make a case for that. What I keep coming back to is when I look at the recent development that's happened -- by the way, one of the properties we haven't even talked about yet, one of the developer properties if you go back to look at your map there, the 0414 southwest nevada street property. That property doesn't even abut a portion of the street to be improved. That property has a legal easement over another property to get to the street. So if we started getting into arguing that you only benefit if -- to the extent you abut the street, that property wouldn't be assessed at all.

Potter: It does sound like we could come back later if that was developed and pick up additional l.i.d. revenues from assessing the full lot instead of just half.

Aebi: I think what we would be looking at is a reimbursement district. Absent a reimbursement district, once council imposes final assessment, there's no way to recapture it through the l.i.d. That was one of the things that was in measure 5 that was passed a number of years ago that once a final assessment is made you can't come back and reopen the l.i.d. And impose a second assessment. So

March 14, 2007

again, it really boils down to either setting up a reimbursement district which I candidly don't know how we would do that, or it would be council directing me to make a change in the assessable square footage of the vacant lot and reapportioning the assessment. Just to throw this out, one thing -- I think going down to half would -- I think that really overshoots it. But for sake of argument if council wanted to floor that, you could certainly reduce the assessable area of that vacant lot to the same assessable area of their developed lot, which is --

Leonard: What's the upshot of the impact on what they would pay using that methodology versus the 14,000 -- 14,309?

Aebi: The assessable square footage of the developed lot is 4,999 square feet. So if you took a thousand feet off and -- sure wish I brought my calculator, but if you took 145 and divided that into 60,000 you're looking at somewhere over \$2 a square foot. So \$2 a square foot times a thousand is going to be somewhere in the 2,025 range that would be reapportioned out. I think that probably is a small enough impact if council were to choose to do that and reduce the assessable square footage, and my humble opinion I would not trigger a requirement to renotify property owners and then open up another objection period.

Leonard: I appreciate that. I think that sounds fair.

Potter: I need a motion.

Sten: I would move that.

Leonard: Second.

Potter: Just to clarify what that means again. Once for the record.

Aebi: What I'm hearing council say is they would like the total amount of assessable square footage in the local improvement district reduced by 1,000 square feet and all of that reduction would occur with tax lot 12100, so the -- the 144,783.89 total assessment would not change. What would happen is it would be divided out among a smaller number of assessable square feet. So if council approves this amendment to the ordinance what I will do is put together -- I will put together the appropriate documentation that reflects that change and I'll send it over to Karla. At minimum exhibit f would change because there would be the apportionment work sheet would reflect that change.

Saltzman: What is the new balance that would be reassessed, or spread across the other property owners? \$2,000?

Aebi: Well, again, when you -- it increase the per square foot rate for every of property in the l.i.d. including the vacant lot. It puts some of it back on the Andersons developed lot, so some of it ripples back and as good as I think I am doing math, I'm reluctant to start flowing out numbers that I need a spread spreadsheet to do. Order of magnitude, you're looking somewhere like \$2, \$2.50 a square foot, \$1,000 before you start doing all the math. That first number you start working with is somewhere in the two to 3,000 dollar range, which is a small portion out of the total.

Potter: This moves to a second reading if we were to ask you to come back for the second reading with the exact wording would you be able to do that?

Aebi: I could certainly do that. But mayor Potter, I'm very comfortable if you choose to do it. I'm very comfortable just having you direct me reduce the assessable square footage for that tax lot 12100 from 5999 assessable to 4999 assessable. I can give Karla all of the paperwork and I don't believe there would be a need to continue this item. I'm just trying to make the best use of council's time. I know I've taken up a lot of your time in the past few weeks.

Ben Walters, Sr. Deputy City Attorney: This will come as you've noted back before you for a second reading. And the vote next week. And you'll have the amended materials in front of you at that time. And you would have time -- an opportunity at that point in time to reflect upon what the impact of the changes are for the remaining properties and if it is something that piece as concern for the council members, you can take action on it at that point. And if you're comfortable obviously could you approve it at that point.

March 14, 2007

Potter: Thanks, ben.

Aebi: I think what I just heard you say ben is bring back the amendments next week and then -- .

Walters: I think what the council has directed you to do is to go ahead, prepare amendments for Karla so the record is appropriately modified to reflect the amendment, and then it will be because this is the first reading and it's being amended here, this is the hearing and it's being amended here, it will be considered as amended at the second.

Aebi: Ok. And obviously if upon reflecting upon it you didn't like what you amended today, you could obviously do something different next week.

Leonard: I like the methodology as you outlined it. It sounds defensible. That you're using basically the same square feet as the lot that has the single family dwelling as the basis for the assessment.

Aebi: I can -- I am comfortable with the amendment. It's not such a disproportionate radical shift in assumptions that it undercuts the fundamental --

Leonard: Disappoints me, but that's ok.

Aebi: I was going to say we got all the property owners together on January 11 and they're on all board with this. [laughter]

Leonard: I'm sorry.

Potter: Call the vote.

Aebi: I think you're voting on the assessment, passing it to a second reading next week.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Thank you. Aye.

Potter: Aye. [gavel pounded] moves to a second reading.

Aebi: Thank you.

Item 256.

Sharon Simrin, Auditor's Office: I represent the auditor's office.

Dan Broom, Bureau of Maintenance: Dan Broom with the bureau of maintenance, sidewalk repair department. There were no remonstrances for this ordinance. So we would like to move this ordinance to the second reading.

Potter: Any questions? Did anybody sign up to testify?

Moore: No one signed up.

Potter: This is a nonemergency and moves to a second reading. Thank you.

Broom: Thank you.

Potter: Recessed until 2:00 p.m. tomorrow. [gavel pounded]

At 11:52 a.m., Council recessed.

March 15, 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.

MARCH 15, 2007 2:00 PM

Adams: As soon as you gavel in I will explain for the record why i'm leaving. [gavel pounded] [roll call]

Item 257.

Potter: First we're going to have a staff update. On discussions between the applicant and the appellant since the last council hearing.

Moore: Should I read it into the record? Agenda item 257.

Potter: Commissioner Adams.

Adams: Mr. Mayor and council, I missed the last meeting on this, so I need to recuse myself having not reviewed the most recent record.

Potter: Please proceed.

Kathleen Stokes, Bureau of Development Services: Thank you, kathleen stokes, land use services bureau of development services. At the direction of council at the hearing on february 7, 2007, the applicant and neighborhood representatives met in mediation to attempt to reach an agreement to resolve the issues in this case. The applicant brought a revised proposal to that meeting and that which was held on march 1, 2007, and staff also attended that meeting to provide technical advice on zoning and procedural matters. The additional revision were discussed at the mediation meeting and the applicant agreed to bring plans to a neighborhood meeting on march 8. One of the neighbors also volunteered to share copies of the revised plans with the neighbors on southwest mill street terrace. As a result of the final revisions that were made to the plans, the neighborhood association now finds that the development plan is acceptable. The revisions included further reducing the proposed building coverage, relocating the north wall of building a so that the setback standard is met for the north side property line, moving the carport entrance back an additional three feet from the street edge, and also indicating a conceptual location for future retaining wall on the property. The final proposal, which the applicant is now asking city council to approve, includes these follows requests -- first of all, the zoning map amendment in compliance with the comprehensive plan from r7 to r2, and then now three adjustment asks, one is to reduce the minimum garage entrance setback for the carport from 18 feet to a distance that varies from 4.84 feet to 9.05 feet from the front property line, secondly, to increase maximum building coverage from 50% to 60%, which is down from the original request of 67.4%, and finally, to reduce the minimum front building setback from 10 feet to a varying distance that is as little as zero for portions of the structure that are indicated as building a on the revised site plan and elevation drawings. And I have provided copies of those drawings for council to look at and try to see how those changes occurred on the site plan and those drawings. Now I am asking that council approve, or the applicant is asking that the council approve the revised proposal with adoption of new findings prepared by staff to be brought to council for adoption after review by the city attorney. The neighborhood association has also requested an opportunity to review and comment on those findings, and therefore if council decides to vote in 8 approval of this proposal, I would ask to return with those findings in about four to six weeks from today. Thank you.

Potter: Does the appellant wish to address council?

March 15, 2007

Jerry Powell: Mr. Mayor, members of the council, representing the -- i'm jerry powell, representing the goose hollow foothills league. My address is 1926 southwest madison street. We participated in the mediation, thank you very much for ordering that. It was most helpful. I think the neighborhood and the immediate neighbors are satisfied that we probably got the best development that we could get at this time. Thank you.

Potter: Does the applicant wish to address council?

Cynthia Hilliard: Cynthia hilliard, southwest mill street terrace. I want to thank you for ordering the mediation. It was worthwhile. I did not have any positive feelings going into this, but the resolutions northwest did a fine job, brought the people together. I have always been working toward offering compromise that was never an issue with me. And so I was willing to listen, and I believe the parties did come together. So thank you. And I hope you will approve my application in this revision. Thank you.

Potter: Any council discussion?

Leonard: I'm ready to make a motion.

Potter: Ok.

Leonard: I'd move to approve the revised proposal with adoption of new findings prepared by staff to be brought before the council for adoption after review by the city attorney. And included in that would be the opportunity for neighborhood association to review and comment to staff, and so we'd like to have findings brought back between four and six weeks.

Saltzman: Seconded.

Potter: Discussion? Call the vote.

Leonard: I appreciate both sides working to get this. It's great. Thanks. Aye.

Saltzman: I also appreciate the sides coming together and appreciate planning's good staff work and also resolutions northwest for what sounds like they did a great job. Pleased to the approve this. Aye.

Sten: Aye.

Potter: I want to thank cynthia and jerry and the association for meeting with the resolutions northwest folks. They really are good folks and sound like it was a good conclusion that everybody can live with, and I think that's always the best solution. So I vote aye. [gavel pounded] we're adjourned.

Moore: We need to state a date --a return date for the findings. I think we were good with april 25, morning session, the 9:30 a.m. morning session.

Potter: Is that ok for you folks?

Moore: It's a Wednesday, April 25.

*****: [inaudible]

Moore: Yes.

*****: [inaudible]

Potter: Ok. Now we're adjourned. [gavel pounded]

At 2:13 p.m., Council adjourned.