



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **17TH DAY OF SEPTEMBER, 2008** AT 9:30 A.M.

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

Commissioner Adams arrived at 10:34 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Tracy Reeve, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

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

	Disposition:
TIME CERTAINS	
1272 TIME CERTAIN: 9:30 AM – Proclaim September 15 to October 15, 2008 to be Latino/Latina Heritage month in Portland (Proclamation introduced by Mayor Potter)	PLACED ON FILE
1273 TIME CERTAIN: 9:45 AM – Metro-Oregon Zoo Levy (Presentation introduced by Mayor Potter)	PLACED ON FILE
1274 TIME CERTAIN: 10:00 AM – Tentatively grant appeal of Lamont Smith, TMT Development, applicant and uphold the Historic Landmarks Commission’s decision with modifications to impose certain conditions in approving the Cornelius Hotel rehabilitation at 809 SW Alder (Findings; Previous Agenda 1191; LU 08-108274 HDZM) Motion to Adopt Findings: Moved by Commissioner Leonard and seconded by Commissioner Leonard. (Y-3; Potter recused)	FINDINGS ADOPTED
CONSENT AGENDA – NO DISCUSSION Mayor Tom Potter City Attorney 1275 Amend Legal Services Agreement with Slate Legal Services PC for outside counsel (Ordinance; amend Contract No. 37383)	PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM

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<p align="center">Office of Management and Finance – Financial Services</p> <p>1276 Statement of cash and investments July 24, 2008 through August 20, 2008 (Report; Treasurer) (Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Office of Neighborhood Involvement</p> <p>*1277 Authorize the Director of the Office of Neighborhood Involvement to approve grant agreements for the Office of Youth Violence Prevention 2008/09 Small Grant Program to serve at-risk youth (Ordinance) (Y-4)</p>	<p align="center">182193</p>
<p align="center">Police Bureau</p> <p>*1278 Authorize a grant agreement of \$50,000 to the Police Activities League of Greater Portland to provide a summer instructional program for youth to address the problem of youth gang involvement and violence (Ordinance) (Y-4)</p>	<p align="center">182194</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>*1279 Authorize the Bureau of Environmental Services to execute a permanent shaft easement, a permanent pipeline easement and a temporary construction easement on property necessary for construction of the East Side Combined Sewer Overflow Tunnel Project No. 7594, including an indemnification from the City to Tri-Met (Ordinance) (Y-4)</p>	<p align="center">182195</p>
<p>*1280 Authorize the Bureau of Environmental Services to acquire a permanent easement necessary for construction of the Portsmouth Force Main Project No. 6902 through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-4)</p>	<p align="center">182196</p>
<p>*1281 Authorize the Director of the Bureau of Environmental Services to execute an easement with the Union Pacific Railroad as part of the East Side Combined Sewer Overflow Tunnel Project No. 7594 for the River St tunnel crossing, including an indemnification from the City to Union Pacific Railroad (Ordinance) (Y-4)</p>	<p align="center">182197</p>
<p>*1282 Authorize grant agreements with two private firms related to the Ecological Business Small Capital Awards Program (Ordinance) (Y-4)</p>	<p align="center">182198</p>
<p>1283 Authorize individual grant agreements for implementation of the Grey to Green Ecoroof program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>

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<p>1284 Authorize a contract with Herrera Environmental Consultants, Inc. in the amount of \$133,942 to provide comprehensive design services and permitting support for Phase II of the Tryon confluence stream enhancement project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p>1285 Authorize a contract with James W. Fowler Co. for professional engineering services and provide for payment for the Balch Consolidation Conduit Project Pre-Construction Services Phase Project No. 5510 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p>1286 Extend contract with Kennedy/Jenks Consultants Engineers & Scientists for professional engineering services for the Balch Consolidation Conduit Project No. 5510 (Ordinance; amend Contract No. 37121)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p align="center">Office of Transportation</p>	
<p>1287 Set a hearing date, 9:30 a.m. Wednesday, October 15, 2008, to vacate a certain portion of SE 63rd Ave north of SE Main St (Report; VAC-10049) (Y-4)</p>	<p align="center">ACCEPTED</p>
<p>1288 Accept the City of Portland project submittals for the 2010-13 Metropolitan Transportation Improvements Program-Regional Flexible Funds Transportation Priorities process (Resolution) (Y-4)</p>	<p align="center">36635</p>
<p>1289 Amend agreement with Tri-Met regarding parking pay stations at Park and Ride Lots and authorize the Director of Portland Office of Transportation to execute future annual amendments (Ordinance; amend Contract No. 52732)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p>1290 Authorize Intergovernmental Agreement with Oregon Department of Transportation to provide funding for the design and construction of the East Burnside and Couch Couplet Project and allow the project to be constructed by the City under the City of Portland/ODOT Certification agreement (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p align="center">Commissioner Nick Fish</p>	
<p align="center">Bureau of Housing and Community Development</p>	
<p>1291 Assign City lease option to acquire the property commonly known as Floyd Light Apartments at 849-1036 SE 106th Ave to REACH Community Development Inc. (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p align="center">Commissioner Randy Leonard</p> <p align="center">Water Bureau</p>	

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<p>*1292 Authorize the Portland Water Bureau to acquire fee ownership of a property needed to expand the Portland Emergency Coordination Center (Ordinance) (Y-4)</p>	<p align="center">182199</p>
<p>REGULAR AGENDA</p>	
<p>1293 Appoint a Human Rights Commission and Honorary Board of Advisors to serve the residents of Portland by advocating for the rights of all people (Resolution introduced by Mayor Potter and Commissioners Adams, Fish, Leonard and Saltzman) (Y-4)</p>	<p align="center">36636</p>
<p>Mayor Tom Potter</p>	
<p>Office of Management and Finance – Business Operations</p>	
<p>*1294 Authorize acquisition of vehicles for use by City Bureaus (Ordinance) (Y-4)</p>	<p align="center">182200</p>
<p>Office of Management and Finance – Purchases</p>	
<p>1295 Authorize a contract with Richards Engineering, LLC to furnish temporary engineering and technical support personnel for the Bureau of Environmental Services construction projects not to exceed \$1,500,000 for the three year contractual period (Purchasing Report – RFP No. 108954) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>1296 Authorize a price agreement with Feeney Wireless, LLC to furnish Panasonic Toughbook CF-19, Mark II laptop computers for the Bureau of Technology Services at an estimated amount of \$750,268 for the first contractual year (Purchasing Report – Bid No. 109173) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>1297 Authorize a sole source price agreement with LMK Enterprises, Inc. for products and materials relating to the inversion built liner systems for rehabilitation of sewer pipes for a three year contractual total of \$3,000,000 (Purchasing Report – Project No.109318) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>1298 Authorize a competitive Request for Proposal for the Portland Police Data System Records Management System Replacement Project (Ordinance) (Y-4)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p>Commissioner Randy Leonard</p>	
<p>Bureau of Development Services</p>	

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<p>1299 Amend Building Regulations of the City Code to establish the Alternative Technology Advisory Committee (Ordinance; add Code Section 24.10.087)</p>	<p>PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>
<p>City Auditor Gary Blackmer</p> <p>1300 Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1067)</p>	<p>PASSED TO SECOND READING SEPTEMBER 24, 2008 AT 9:30 AM</p>

At 11:21 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **17TH DAY OF SEPTEMBER, 2008** AT 6:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners
Adams, Fish and Leonard, 4.

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

<p>1301 TIME CERTAIN: 6:00 PM– Consider the proposal of Haertl Development Company, applicant and Colwood Partnership, owner and the recommendation from the Hearings Officer for denial of a Comprehensive Plan Map Amendment and Zoning Map Amendment for Colwood National Golf Course located at 7313 NE Columbia Blvd (Hearing; LU 05-138386 CP ZC)</p> <p>Motion to tentatively deny applicant’s proposal and uphold Hearings Officer’s decision: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-4)</p>	<p>Disposition:</p> <p>TENTATIVELY DENY PROPOSAL AND UPHOLD HEARINGS OFFICER’S DECISION; PREPARE FINDINGS FOR OCTOBER 22, 2008 AT 2:00 PM TIME CERTAIN</p>
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At 9:00 p.m., Council recessed.

September 18, 2008

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **18TH DAY OF SEPTEMBER, 2008** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Fish
and Leonard, 3.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Jim Van
Dyke, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

<p>1302 TIME CERTAIN: 2:00 PM – Terminate Transit Oriented Development and Multiple-Unit Housing Limited Tax Exemptions (Resolution introduced by Mayor Potter) (Y-3)</p>	<p>Disposition: 36637</p>
<p>1303 Terminate existing and deny applications for Limited Tax Exemption for Single Family New Construction and Residential Rehabilitation (Resolution introduced by Mayor Potter) Motion to remove application 3756-07 from the resolution and direct staff to undertake further consideration of the appeal and report back to Council within 30 days: Moved by Commissioner Fish and seconded by Commission Leonard. (Y-3) (Y-3)</p>	<p>36638 AS AMENDED</p>

At 3:30 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons,
Acting Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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

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Potter: Jose and danielle, could you please come forward? Danielle. [applause] well, actually, you could sit right there, would be great.

Jose Gonzalez: My wife, unfortunately, is in missouri, touring with the program. She can't be here tonight.

Potter: You're getting all of the glory for it. Well, welcome, José Gonzalez -- your lovely wife. The miracle theater was founded in 1985 by José and Danielle. They felt they needed to dedicate the entire production to Latino community, the miracle theater group has expanded in a number of ways. Miracle theater is used for presenting a wide variety of festivals and bilingual theater productions. It's a bilingual program for diverse communities around the nation, particularly those under-served by the arts and our cultural educational programs are designed to enhance understanding of Latino arts and culture. They've commissioned and developed 36 new works and developed El Centro, a facility utilized for stage productions, summer camps and meetings rooms. The miracle theater group's longevity represents a passionate determination of its leadership but the community's embrace of the miracle theater. Please join me in recognizing José and Danielle and the miracle theater group. [applause] José, I'll let you speak in just a minute. But I would like to read a proclamation for this very special day. Whereas, the miracle theater group was founded in Portland, Oregon and cofounders, have lived it for 25 seasons and under their direction, established Portland's first Latino cultural center and given a primary voice to issues affecting and thereby empowering the local Latino community and miracles has introduced and nurtured a diverse audience to the local arts and theater education field. They've built a reputation as the region's premiere cultural production and draws audiences from up and down the west coast. They've encouraged children and youth and young adults to embrace diversity and express themselves positively through art and miracle has under-utilized -- not under utilized. It's utilized. My apologies, José. I'm not familiar with English. To collaborate with local and regional human social service agencies to assist in addressing important issues impacting health, education and cultural sensitivity. Now, I, there be, Tom Potter, mayor of the city of Portland declare September 17th, 2008, and encourage all people to observe this day. [applause]

Gonzalez: Well, I just want to express on behalf of myself, my wife, who is in Missouri, climbing the St. Louis Arch and everybody who has been a part of the miracle. Our gratitude and honor for this recognition by the city of Portland and especially by you, Tom, Mayor Potter. This -- this has always been a group enterprise, and that's why we insisted on the name miracle theater group. We always felt that theater, as has been said and it always takes a multitude of people to get something accomplished and these 25 seasons have been an adventure comprising multitudes of people. Artists, patrons, donors, civic leader, friends and volunteers and they also share in this honor because everyone who has been part of the miracle has been part of these 25 seasons. And also, I just want to recap our conversation the other night. To also say that the miracle of the miracle probably wouldn't be possible if it weren't for this community in which we reside. And one of the

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things we talk about was we travel across the country and people kind of stare in awe when we talk about being a latino theater in Portland, Oregon and the incomprehensibility of that. We say it's because we have overall, a very tolerant and supportive community to make something like this happen and be able to prosper and be successful, again, is a remarkable achievement. So once again, thank you so much for the honor, on behalf of myself, the board of directors, the entire staff and entire community of miracle makers, thank you so much.

Potter: Thank you. [applause] José was slightly disappointed with the coffee cups I gave him. He thought perhaps there was going to be something in the cups. [laughter] perhaps next time. At your 50th anniversary. Next, I would like to welcome Multnomah county commissioner maria rojo de steffey. Please come forward. [applause] this is a very gratifying moment for me personally. I consider maria to be a good friend. Not only of myself, but of thousands of people here in our city. I wanted to give you a little bit of background about maria, I think it's important for people in a community to know that she does more than just take hard stands on difficult issues but also has a interesting background. She's a daughter of immigrant parents and sister to nine siblings and dedicated her career to public service. For the past 20 years. She's a passionate leader and faithful servant to all Portlanders and Multnomah county residents. She's truly one of those rare elected officials who cares more about people than politics. She has taken tough stances on issues such as gay marriage and street renaming with class, conviction and dig dignity and she's also a good friend and I think we're fortunate in this city and county to have someone of her caliber. I would like to read a proclamation in her honor and then we will allow her and her guest to say a few words to the council. This is the proclamation. Portland honors its residents who show leadership and devote their lives to working to the betterment of the community. And maria has served Portland with positions including secretary, department manager, county chair staff and subsequently elected Multnomah county commissioner taking office in 2000 and reelected in 2004. And during her tenure has been a strong advocate on behalf of all Portlanders, including under-served populations and vulnerable community members, including the elderly and disabled, sexual minority youth and people dealing with drug abuse issues and she's been a leader of sustainability and equal technology and resulting in the amy memorial eco-roof in the downtown library, and she's a life long advocate for empowering young people. And promoting the adoption of the youth bill of rights. And maria has a history of civic engagement, serving on the boards and advisory boards such as cascade aids, Portland gay men's chorus, travel Portland, verde, and american heart association. She's fought for equal rights and protections of all members of our community, a champion of families and advocate for marriage equality, she's been a leader of regional transportation projects and worked tirelessly to secure plans and implement a plan for the replacement of the sauvie island bridge. She will continue to serve Portland as a Multnomah county commissioner until the completion of her term in december of this year. Now, therefore, i, tom Potter, mayor of the city of Portland, the city of roses do hereby declare september 17th, 2008 as an official day of appreciation for maria and ask all people to honor it.

*****: Thank you.

Potter: Marie action thank you. [applause]

Maria Rojo de Steffey, Multnomah County Commissioner: Clara told me she wanted to say something today, so I invited her up. She always has words.

Clara B. Andrews: Mayor tom Potter, commissioner randy Leonard and commissioner nick fish. I'm clara andrews. I'd like to about a congratulate the miracle theater for their 25th anniversary and we've enjoyed our long-term partnership with them and José, congratulations. I know what you've been through. I want to thank you for the opportunity for me to be a part of this morning's recognition of a latina who has been a leader in Portland and Multnomah county for the last two decades. I have first met maria before she added the de steffey to her name. When she was working for the re-election of bud clark. I felt terribly alone and unable to find any [inaudible]

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among the people I encounter around my travels around Portland and Oregon many then when I met maria and I cannot express the excitement it was to meet another latina, whose life was similar to mine. Both of our families instilled education and both of our families had business of their own which provided us hands-on experience to us, both of us were raised in the southwest. Maria had nine siblings. I had nine. So we had a lot to talk about. I have worked with her for over 20 years, shared joys and sorrows. Triumphs and tribulations. We have laughed and cried together and found a friendship that will last for our lifetimes. In the work I have done, I have come to recognize the graciousness and humor that maria brings to the work of her life. Work she takes on with a determination and seriousness of purpose of a latina who knows the challenge, the challenges facing women and people of color in our society. And while she has been a positive force for latinos in Portland, Multnomah county and in Oregon, her work spans a much, much broader range, her friends come from all walks of life. I won't take the time to list them all, but just look at the diverse award she has received and continues to receive today. And you will begin to get a sense of the way maria has and often quietly, but with absolute determination, approach her work in Multnomah county for over two decades many she has been honored as a timeless treasure by elders in action, something she's always been passionate about, the elders. She has been honored by basic rights Oregon for her work on equal rights. Youth of the sexual minority youth resource center has commended her work in advocating for services to youth. She has been recognized for her work on behalf of the arts. She has -- is revered by the citizens of sauvie island and others for her delivery of a new bridge, a beautiful one at that, that will serve the needs of the islanders for many years. She has championed sustainability in Multnomah county and secured pioneered echo roof development on in downtown Portland and thousands of latinos have better housing and healthcare through her work with me. And I could go on and on citing the many accomplishments maria has achieved and the thousands of lives she has touched with her work. But most of you know what she has stood for, what she has done, and the style and grace she has brought to her work. I'm very proud to count myself among maria's many friends and to know without a shadow of doubt that she and I are sisters. [laughter] thank you very much. [applause]

*****: I love this woman.

Vicki Hersen: Good morning, mayor Potter and city commissioners. My name is vickie and i'm the executive director of enders in action. It's a pleasure to be here and join in the festivities to honor Multnomah county commissioner maria rojo de steffey for her years of service. We're delighted to present our timeless treasures award to her for her esteemed service and dedication. She's been a diligent advocate for ensuring quality services for older adults and people with disabilities for many years. She continues to be an elder advocate both in her personal life and in her job as Multnomah county commissioner. Her profound real typhoon experience as care givers for her in laws. She's been a real champion for elder issues on a national, state and local level. Lobbied the governor, state legislators and many political bodies and testified on behalf of Oregon project independence and other elder issues for many years. When first elected, she created an elder round table and this was a body of local elders in their 70s and 80s who could provide real life experiences of the issues affecting older adults. I know they have wonderful memories and continue to talk about it. Maria has consistently lobbied her colleagues for seniors and people with disabilities and she and chair ted wheeler enabled the taskforce in 2007. This provided recommendations for enhancing the independence, engage and contributions of older adults in Multnomah county and our region. Maria has been a true friend of elders in our community. She's been the connection to elders in action to the board of county commissioners since her election to service. It's been my honor to work with her these past years and i'm confident that her spirit will remain strong at 501 southeast hawthorne long after she's gone. [applause]

Joshua Todd: Members of the council, my name is joshua todd. I work with the commission on children as families. And it's my privilege to be here to say a few words about maria. When I was

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first hired I was asked to work on the advocacy team for sexual minority youth the my first work was to be worrying about what our goals were to be. And I was concerned with making sure that young people felt respected. When I sat down and met with maria and she talked about her passion and why she believed this team was needed, she said, I don't want anymore kids to kill themselves, to die. What she was referring was the staggering amount of suicide among gay and transsexual youth. And the love that drives all of the work that she does. The service coordination and integration of services, all of that is important to her, but really what has led her to be one of the finest elected officials that i've had a chance to work with is her deep love of people and her willingness to take all of her energy and make this community better. She has always served as a strong champion for youth issues, being one of the leading advocates on the county board for the youth developing the first bill of rights. She's been a strong supporter of the Multnomah county youth commission and looking for ways that young people in our community can take a different role, a role of leadership and a role of honor and she really has been leading that charge and for that, we thank her. It would be remiss if this day didn't allow time for a young person to talk about how maria has touched their life. One of the jobs we've asked all of the elected fishes to take on and no one with -- officials to take on, was having a liaison in her office. Who could talk with them about the ideas they have for how we can improve the community and help the commissioners and council members to make better decisions influenced by the voices of young people. I would like to call up sarah, and she's in the audience with us today and is a recent graduate from wilson high school and will be going to the university of Oregon in the fall. We're lucky to have her here today. Sarah, would you come forward? [applause]

*****: Last september, I was given the honor of being the youth commission liaison between the youth commission and marie ample at the first meeting, I asked her what she was hoping to gain from her experience. Her response was in addition to learning with the Multnomah county youth commission and getting insight into youth issues she was hoping to give me the opportunity to learn what it entails to be a county commissioner. I hoped that I lived up to my side of the bargain. But I can guarantee you that she held up to hers. In our monthly meeting, she listened as I told her what youth were doing and we would have conversations about the similarities and differences of our work and she encouraged me to experience her work firsthand. During my spring break, I spent a day with the commissioner. When I followed her to meetings and sat in on a board meeting and came to understand the scope of her responsibilities. Later that year, I sat with commissioner rojo once again at a budget hearing where I saw examples of the great things that she and all of the county commissioners do. Despite the fact that -- great work that the commissioners do. The opportunities that commissioner rojo have given me have sparked my issue in public policy many thank you for all the work you do. Not only for the youth, but for all of the citizens of Multnomah county. [applause]

Potter: Commissioner, as always, you get the last word. [laughter]

*****: There's an echo in here.

Steffey: Well, thank you, everyone, thank you so much. I just didn't expect this. I hardly know what to say. I would just like to thank my friends for coming. My beautiful husband, dan, is here. Thank you, dan, for coming. And thank you to the chair wheeler and the county commissioners. I saw commissioner cogan -- cogan and naito. Thank you so much. And sheriff skipper and former commissioners, my good and wonderful friend, serena cruz. And our county auditor is here. Thank you. And my friends from elders in action and basic rights Oregon. The youth commission. The deejays are here. It's just -- i'm just so touched by everyone coming. I'd like to offer my congratulations also to the miracle theater. My husband, dan, and i, had the opportunity to help the theater acquire their permanent home a number of years, back in the early years and it's our pleasure to be here today and acknowledge the miracle theater. Lied i'd like to thank you, city council for this honor. It really has been my pleasure to work with you over the years. Commissioner Leonard,

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one of the highlights of working with you when you introduced me to my -- one of my music idols.

Willie Nelson. Thank you for could go that. And I want to thank commissioner Adams, who is not here today, thank him for all of the years we worked together. I was chief of staff to Dan Saltzman when he was chief of staff to Vera Katz. And you can imagine the fun we had together. I respect Sam for his hard work and for the of our city. And commissioner Fish, we've not had the opportunity to work together. But congratulations on your election and I wish you well in serving the citizens of Portland. Commissioner Saltzman, I know that Dan is at a swearing in of new citizens today. I talked to him last evening, but I do want to acknowledge him. Having worked for him, he's a good, solid and honest man. He cares for children. He cares for elders. He cares for the environment. And I took his values of his work here to the county with me, and championed those same things, elders, children and the environment. And last but not least, of course, Mayor Potter. I cannot tell you how much I appreciate you. I came to respect your character, your integrity, and your compassion during your term as chief of police. Since I've grown to know you as mayor, my respect has grown immeasurably. You're a man of the people. You do not grandstand. You simply care and do the work. You're one of the finest assets this city has ever had and I so much appreciate that. I spoke with the deejays and we agreed that you and your lovely wife Karen, are officially honorary members of the deejays and he -- deejays and he knows what that means. Thank you for your good work. And what I would like to say is viva Portland: [applause]

Potter: Nice to see all of our elected officials from Multnomah County here. Chair Wheeler. Commissioner Naito, former commissioner Serena Cruz. And Jeff Cogan. Where are you at? Usually you're not so shy. Thank you, and the county auditor as well and the county employees who are here today. This demonstrates the love and affection we have for this woman. Thank you for being here and thank you, Maria, for all you do. [applause]

*****: Hey, I like his no tie. [inaudible]

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

Potter: I'd like to remind folks that prior to offering testimony to City Council, a lobbyist must say which lobbying entity they represent. We're going to hold off on the consent agenda until Commissioner Adams arrives from Beijing. We'll start with the 9:30 time certain. Please read the 9:30 time certain.

Item 1272.

Potter: Yesterday marked the beginning of a month-long recognition of Latino community spirit and achievement across our nation and our Latino community is going strong. Not only are they the fastest growing group in Oregon, they're essential contributors to our economy and community. Could someone close the door? It's closed? Ok. [laughter] New to the city is U.I.A. It's a part of the group of diverse groups here at the city. They worked with Maria to collaborate on the first Latino/Latina heritage month proclamation and festivities. Barbara and Hector will be speaking more about this later. I want to acknowledge Barbara and Hector from the U.I.A. And many others for a job well done. We don't often realize how much our city and county employees work or how much they work. And they consult and rely on each other and share an interest for public service. And in honor of this commitment to public service and collaboration, tomorrow, Mayor-elect Sam Adams will join Maria de Steffey for the reading of the proclamation I'm going to read. What partnerships like this say we're getting with the time and recognizing the contributions of a great community. Last week I attended a Latino dinner and the speaker reminded us that despite the perception, Latinos are not new to the U.S. Rather, in her words, we've been here 500 years. The contributions are making this country stronger and more economically viable and continues the rich history of opportunity. And while there are many challenges that lie before us, today's recognition and proclamation are intended to remind us about the cultural heritage and histories of all people

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whoever ever struggle and ultimately triumphed. Before I read the proclamation, I was wondering if the commissioner of water bureau would like to comment.

Leonard: Just that barbara rice, and hired in my office, as you recalling as my front desk person, probably the hardest john in any of our offices, fielding anything that comes into city hall and also did my schedule. When this opportunity arose with the water bureau, we were pleased to have barbara move and there she's done an outstanding job. And we knew soon -- soon became one of the favorite people of the water bureau, they love her over there. Thank you, barbara.

*****: Thank you.

Potter: It's with great pleasure that i'm going to read the special proclamation. Afterwards, hector will read it in spanish and barbara will share upcoming events to celebrate the month. Whereas, the latino/latina heritage of the united states extends historically over the five centuries which has been a consistent and vital influence in our country's growth. And Portland has one of the highest latino/latina populations and whereas the residents of Portland provide the entire community with cultural rich information centers and associations and top-rated media outlets and thriving businesses and nationally recognized festivals. And Portland is proud to continue its sister city relationship with guadalajara, mexico and the latino lash latina heritage contributes to our diversity. Enriching our life. Whereas the city of Portland and Multnomah county are jointly proclaiming latino/latina heritage month in their jurisdictions and have partnered to organize events for their employees and community members. Now, therefore, I tom Potter, mayor of the you city of Portland, Portland, Oregon, do hereby proclaim september 15th to october 15th, 2008 to be latino/latina heritage month in Portland and ask all people to celebrate. Thank you.

*****: (reading in spanish). [applause]

Potter: Thank you. Barbara.

Barbara Rice: Thank you. Mayor Potter, commissioner Leonard, commissioner fish. I thank you for giving me the opportunity to speak today. This has been a great opportunity and honor for me to serve as the head or lead in this event. It has been a kind of hard task to do, but with the help of people like chris and hector and the committee, and bureaus, the b.b.s. Joined us and parks and recreation, bureau of maintenance or maintenance operation are all a part of this and wouldn't have happened without the efforts of everybody collaborating to make it happen. The main event is tomorrow at patten square park. North interstate street from 11:30 to 1:30:00 p.m. And we're asking you to come and join us in the celebration. We're going to have vendors and entertainment and a keynote speaker. José martinez, affiliated with the miracle theater. We're asking everyone, not just the commissioner, but their staff to come out and help us celebrate this great event. It's been an honor of serving, not as just the lead, awe a part of this, and it's wonderful to see such a diverse crowd in the city chamber and the celebration will continue, it's not just this one event, it's a lifetime event and i'm sure the city will always be one step ahead in celebrating this event and making it bigger and better as each year progresses. I thank you again for the honor of being here today to speak about this.

Potter: Thank you, barbara.

*****: I encourage everyone to come to the events. There's a calendar of events for the whole month of september. And again, I want to thank you all for having us here today and honoring our community in many ways. Thank you again.

Potter: Thank you, chris. And congratulations to our latino and latina community. [applause]

*****: Thank you. Please read the 9:45 time certain.

Item 1273.

Potter: If president david bragdon and john cruz will come forward. The zoo is not only an economic driver but creates educational opportunities for our children. It's one of the I take my 14 grandchildren when I have them out and can show them parts of the city that are unique. This is a

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small investment the zoo. It's a great place for children and the animals. I'd like to thank John Cruz and Metro President David Bragdon for their leadership.

David Bragdon: Thank you, it's a pleasure to be here and I'm joined by John Cruz from the Oregon Zoo Foundation. From our perspective, the zoo is a treasure for the entire community and it's the highest paid tourist attraction. It had well known as a place that people enjoy but it's an educational institution and a conservation research institution. For example, within Portland, there are 16,000 children who are exposed to nature, education through the zoo. People who might not otherwise get that. While the visitor has a good experience for the most part, behind the scenes, there's part of the physical plant that have deteriorated. Our council has done a lot in improving the facilities, but frankly, what we know now about animal care and building efficiency, we're behind the times and we're overdue to update and repair some of those facilities. With your permission, like to turn it over to Mr. Cruz, who will describe. We spent a lot of time over the past year looking at the physical plant and did outreach with both our staff and also with the foundation and people who love the zoo and use it to help identify what needs to happen there and the package that we developed over the last year and a half is reflected in the ballot measure that Mr. Cruz will describe.

Jon Kruse: Thank you. Good morning, Mayor. Good morning, Commissioners Leonard and Fish. It's an honor to be here and on behalf of Metro, the Zoo, the Oregon Zoo Foundation and our bond committee team, very appreciative to tell you about the zoo, first of all, and then talk about some of the challenges that the zoo faces as Metro President Councilor Bragdon described and how the bond measure we've crafted will address those key challenges and issues over the course of the next 10 to 15 years. We have a wonderful zoo and Mayor Potter, I'm glad to hear that you spend time there. And hope that both of you have had a reason to come in recent times. I you would not be alone, as just stated. It's the largest paid draw in the state. Over 1.5 million visitors attended the zoo in one form or another in the last physical year. It's a -- fiscal year. It's clearly valued by those who come through the gates and we have a wonderful workforce. Over 400 zoo employees in one form or another. We have the largest volunteer base in the country. Both on sheer number, as well as number of hours contributed to the zoo. Finally, just with respect to our zoo, the zoo has a member base of 44,000 households. Roughly 16,000 of those households in the city of Portland. Again, a wonderful treasure that -- treasure that is clearly well utilized by the community. The zoo, in addition to being utilized by the members of the community, is also recognized for many of its conservation efforts. In particular, with respect to threatened and endangered species. Here is a picture of a California condor of its nature to the northwest but hasn't been seen in the past for over a -- in the Pacific Northwest for over a hundred years. Over the last four years, we've had chicks lay -- we've had eggs laid, eggs that have hatched, young that have been reintroduced into the wild in the southwest United States. One of the visions of the programs is to reintroduce the California condor into Oregon such that, ultimately, Oregonians today can share the vision that Lewis & Clark had over 200 years ago when they saw the condor fly. In addition to the condor, we're nationally and internationally recognized for our work with elephants and more importantly, is the work that's happened in our own backyards. A lot of conservation efforts with respect to zoos have shifted far, far way to locally oriented and our zoo is a leader with respect to the work with the western pond turtle and pig any rabbit. All species threatened but literally in our own backyard. The zoo, in addition to -- clearly people coming for entertainment value or the recognition with respect to the conservation programs is a leader with respect to education. Over 100,000 children in one form or another, whether it's group presentations, whether it's with respect to field trips to the zoo or part of camps, came to the zoo and participated in education programs over the past year. Again, a wonderful number and again, a great testament with respect to how well utilized, particularly from an educational perspective. -- educational perspective. Our zoo is the oldest zoo west of the

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mississippi and where it sits today is approaches its 50th birthday and there's significant challenges with respect to having facilities that are 50 years old. And an infrastructure that's 50 years old.

*****: [inaudible]

*****: Yep. [laughter]

Potter: This concrete is hard --

*****: Does the plumbing work well is the key question.

Leonard: All right. All right. Let's get on [inaudible] [laughter]

Kruse: Oh, my. I wanted to highlight a couple of our facilities that are so critical to the care of our animals, as well as to the health and safety of the people that take care of those animals. This is a picture, or several of our quarantine facility. If you look in the bottom right, it doesn't look like anything what was originally designed for. Which was a storage facility and garage. It was retrofitted but wasn't designed as a quarantine facility. Poor lighting and ventilation, etc., quite frankly is a building that could provide potential hazard to animals and cited as being insufficient. This is a picture of that, taking care of an orangutan in our vet facility. Retrofitted to be a veterinarian hospital. Looks like the size of my doctor's room, let alone trying to bring in large animals to this type of space. We have wonderful vets and keepers, and they do as much as they can with the space we currently have, but quite frankly, particularly with large animals, there's significant risk for health going in and out of the facilities as well as the people who take care of them. We've been challenged to keep up with the demand over the course of time and we're bursting at the seams and those 100,000 students touched by programs quite often end up spending time in mobile home. We have two 12-foot mobile home -- sorry, 12-year-old mobile home trailers, in tents and in the bottom left-hand corner, this is the basement. A storage space shared with catering. Ultimately utilized for educational facility purposes. Next I want to touch on a couple of exhibits that are long overdue for work. The first I want to highlight is our primate facility. Again, noted that the primate facility. Here is an example of late an 50s zoo architecture at its finest. The primates are the ones that need the most challenge from animal enrichment and stimulation perspective. Our zookeepers do as much as they can with the facilities we currently have, but if you look at the picture, you'll see the space is sterile and cramped and "cage-like." this is something that me as a volunteer and others share is the most embarrassing to us and our zoo. This is a picture of over 20 years ago of the polar bear enclosure. As it was built in the early '80s. What you'll note is the thickness of the walls. When designed, again, roughly 30 years ago, the intent was to absolutely ensure that the polar bear was kept in. That there was no chance of a polar bear being able to escape. And as such, you basically have a concrete bowl. That attracts and retains heat. Frequently in the summer exceeds 100 degrees. The summer before had multiple days of 103 degrees of there's been a tremendous amount of research on polar bears over the last 10 years and there's been protocols and standards sustained by the international community. Our current exhibit violates many of those standards and for the -- standards and for the benefit of the polar bears we need a new enclosure. Our elephants been in the news quite a bit lately. Maybe name it hector. What you see here is an example of an example -- an example of a small space. Built in the late '50s. This is the elephant barn. Two pictures. Very cramped. We now have seven elephants. They reside on 1.5 acres. A elephant per acreage has fallen behind what the standards call for. We have an international reputation as the elephant zoo. And we spent a lot of time thinking about our position in the community through various strategic planning efforts over the last couple of years and we've come to the conclusion we want to continue to do the research and maintain the animals we have but we know we need to do much, much more and hence, are recommending a quadrupling of the space. New barns and offsite space for elephants to have the opportunity to roam. I'd like to shift to infrastructure and particularly our water infrastructure. Again, infrastructure dates to the incarnation of the zoo as it sits today from the early '50s. The plumbing and irrigation systems are out of date. The zoo has done as much as it can in respect to low-hanging fruit in terms of water

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conservation programs. But remains the fact that again, we have the '50s infrastructure. We're not separating state your name from sanitary water -- stormwater. And our most expensive cost at the zoo is water and we have quite a bit wasted with respect to leaking pipes and how the actual exhibits are maintained and utilized. As well as now with the big pipe, we now have to tie into this and start the separation of the stormwater and, in fact, I think we're now mandated by the city for every project we tie into to do the separation. This is our hip owe -- hippo exhibit. After it's been drained. A space that is well worn and when it was originally built, at the time we didn't have the capabilities of advanced water filtration system and what you'll notice here is hippo fecal matter that has to be cleaned out every day and what we currently do, and this utilized over 7 million of water every year. We have to fill and dump the water on a daily basis. Again, we think it's a tremendous waste of water and we actually have a penguin exhibit, that runs in a similar manner, where basic filtration systems that be implemented today, can save us over 11 million-gallons of water a year. A little bit about the project list and the project list as proposed as part of the bond measure is referred by metro addresses these key challenges. First of all, more humane conditions for elephants with respect to the expanded space and the offsite facility and focusing in on animal health and safety with respect to new guarantee and vet hospital. New enclosure are for the polar bears and apes and monkeys and providing new space for our education approximates to be able to - - programs to be able to catch up with demand and in fact, catch up with the demand. And a new facility that would showcase the condor and focusing on the infrastructure and in particular, water, overhauling much of the water infrastructure, as well as part of that providing a new exhibit for hippos and the penguins. Here is president bragdon and councilor liberty at one of their finer moments shoveling elephant manure. We'd love to give you the same shot, if you would like. One of the things we focused on with respect to the project list is making sure that every one of these projects is as green as sustainable as possible. And so we want you to know and all of the voters to know that every project that's on this list has dollar -- have dollars built in to make them as green, sustainable as possible. Just in terms of the bond itself, the bond measure, \$125 million general obligation bond. Equates to over the metro base assessment of roughly nine cents per thousand. Per assessed -- thousand dollars of assessed property value. \$1.40 a month or \$16.80 a year for the average household in the metro region. We've also -- and this is from my perspective sitting on -- as chair of the zoo foundation -- ensuring that there is accountability with respect to ultimately the spending of the dollars. And in particular, we've called out the need for an internal audit. For having independent firms come do annual audits as well as publishing he them in the newspapers. As well as providing a citizens' oversight committee to ensure that the dollars are being spent prudently. I'll close with our zoo director's, one of his favorite stories and he uses quite a bit. This is packy. And his birthday party recently. Tony, when appointed zoo director over 10 and a half years ago, showed in march -- his birthday is in april. And one of the first things that came to him was an invitation to packy's birthday party in april. And over the course of six weeks, had terrible weather. It was 40 degrees and sleeting and he naturally called up the zoo marketing person and said we're canceling. No need to show up, correct. And the marketing person said, tony, you've got to be here. And sure enough, over 3,000 other Oregonians showed up to greet packy's birthday greetings on what was then thinks 36th birthday. Just a testament to how well loved zoo, and in particular, the animals of the zoo are loved.

Bragdon: We appreciate the chance to make this presentation and appreciate your support of what we're trying to do and I realize the water discussion, commissioner Leonard, I think we're in the top 10 customers of the water bureau, but we hope, through some of these efforts, maybe we'll drop off that list. We'd be happy to respond to questions you have. They set you up for that, right? Samudra. It means king of the seas. And he's apparently likes water and very adaptable to that. Samudra was one of the names that the keepers came up. They had names from the thai tradition and hindi. And the keepers came up with their choice last week.

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*****: King of the willamette.

*****: He'll go by sam, so [inaudible] [laughter]

Potter: Commissioner fish.

Fish: It's a beautiful name. David, I was pleased to hear about 100,000 school kids come annually to the zoo. Probably my kids at one time or another. Have we increased access to conservation, are there programs in place in terms of breaking down the financial barriers to getting to the zoo?

Bragdon: That's something that the zoo director has paid attention to, particularly access for disadvantaged youth. There's a zoo action team program to acquaint people -- kids who might not otherwise have the chance to come to the zoo, to actually work there. We have a great internship type program, and again, trying to cast some of those particularly to those who might otherwise have barriers in participating. When we talk about these numbers, they're not people coming through the gate on a saturday, they're children we really want to have a engagement with the natural environment, the world around them.

Fish: Thank you.

Potter: Other questions? Thank you, folks, for what you're doing.

*****: Thank you very much.

*****: Appreciate the chance to be here.

Potter: We turn to the consent agenda. Do any commissioners wish to pull any items from the consent agenda? Does any member of the audience wish to pull an item from the consent agenda? Please call the vote.

Leonard: Aye. **Fish:** Aye. **Potter:** Aye. [gavel pounded] please read the 10:00 a.m. Time certain.

Potter: There's not present at this hearing for this appeal and, therefore, i'll not be voting. The council has before them findings. I need a motion to grant the appeal.

Fish: So moved.

Leonard: Second.

Potter: Please call the vote.

Adams: Aye. **Leonard:** Aye. **Fish:** Aye. [gavel pounded]

Potter: Move to the regular agenda. Please read item 1293.

Item 1293.

Potter: Lisa johnson, the executive director of the human rights commission. In 2006, october, the council took the first steps in expressing its commitment to bringing back a human rights entity to the city of Portland. After two years, developed a solid program around civil and human rights, one that works for Portland and now in the year of 60th and verse of the declaration of human right, Portland is at the beginning of a new chap that will take us to the next level and also commissioner jeff cogan, thank you. We're energized about this great journey. It's been a privilege to be part of a effort whose mission is to advance our community, the honoring of our diverse histories and improving systems of government for all residents. We're pleased that the caliber of support that they have in the community and makeup of the advisors is a tributes of that support. We're fortunate to have a city council that sees an appreciates the value of a commission such as this. Over the last few months, i've had the opportunity to work with the new director, miss johnson and I have no doubt that this new office will blossom and be a positive force in the community. And as a watchdog for justice and equity and a proponent of peace and understanding and i'm confident we're on the road to further building a truly inclusive city, a safe city and one that sees the humanity and human dig dignity in all of us. I'll turn to you now.

Maria Lisa Johnson, Director, Office of Human Relations: Thank you, mayor. Good morning, commissioners. My name is lisa johnson and i'm the director of the office of human relations and i'm deeply honored to come before you today to begin a new chapter in Portland's human rights advocacy and i'd like to introduce our staff to you. Would they please come forward? Our staff

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have dedicated their careers to the pursuit of justice here in the united states and abroad. Mona from somalia. She served for seattle's "one america." founded to respond to the profiling and discrimination experienced by arabs and others after 9/11. And he's served furthering human rights efforts. He's in hawaii with his family. I'm introduce our immigrant and refugee program coordinator. He's a civil rights attorney and long-time activist. I trust that you will get to know them soon well. And I will also tell you we begin this chapter of our work with an board that brings two centuries of civil rights activism to health, housing, education and the dignified rights to gay, lesbian and questioning brothers and sisters and our office received 50 applications from talented individuals. The selection process was not simple. We were thoughtful in determining -- in the individuals appointed to serve our city today. And before I invite commissioner cogan to share a few words, I would like to share a story that my husband shared two nights ago at his swearing in ceremony before he became the first latino to be appointed to the Portland board of education. He grew up on the mexican side of the texas board where water is heavily chlorinated. As a child, he loved kool-aid because it had the magical quality of transforming bad-tasting water to something sweet. As he said to the crowd, and i'll repeat, we're prone to quick solutions, but let us not be seduced by the magical properties of kool-aid. I'm here to remind us that despite the years of experience that stand before you, we will not bring magical solutions. Rather, we offer the dedication and persistence that's the summary of our struggles. This year, the 60 anniversary of the passage of the human rights, we recommit and galvanize Portland for the challenges ahead. I put my faith in this council and future councils and trust that you will selectively see the change through. Jeff, you've agreed to serve as interim chair. Can you share some inspiration with us?

Jeff Cogan: Thank you, maria lisa. Mayor Potter, members of the commission. Really honored and thrilled to be able to serve you with the -- as the interim chair for the new human rights commission. I wanted to speak for a moment why this is important to me. We know that this country was founded on the belief in human rights; the notion of life, liberty and happiness, which was the pursuit of happiness, which is on our inscribing document was about allowing people to be who they are and giving everyone an opportunity to thrive without discrimination. But you don't have to be an historian to know that right from the get-go, we were not really walking our talk. We allowed slavery and black people were valued less than white people and women not allowed to vote. And over the years, america has constantly worked to improve on this. There's been the civil rights movement, the women's movement and gay rights movement. We've made progress. This commission was -- urging of this country, after the horrors of world war ii is deeply important to me. As a jew, i'm constantly aware of the fact that we cannot take human rights and freedom for granted. It's hard to believe just 60 years ago, when the united states urged the creation of the universal declaration of human rights that we would live in a country where our federal leadership conducts orwellian language for torture. And on and on. We can't take it for granted. There's a reason why thomas jefferson said eternal vigilance is the price of liberty. In the height of the buildup to the iraq war, standing up and condemning the patriot act because it was as well an tack on our civil rights but it's easier sometimes to deal with the broader national issues than our local issues and as this community has grown more and more diverse, we recognize that we have challenges right here. And I really commend you for being willing to examine ourselves. For being willing to ask the hard questions about how we are walking our talk. And I want to -- i'm really thrilled there's so many terrific people in the community who have stepped up for this volunteer opportunity and I appreciate you allowing us to conduct this together and thank you for giving me the opportunity to be the interim chair.

Potter: Thank you. I would like to read the list of the human rights commissioners. And when your name is called. Please stand so we can recognize you. First, our interim director, commissioner jeff cogan. Arword bird. Please stand. [applause] bruce. [applause] jorge. [applause] anita fry. Anastasia. Maloy k. Good. Emily gunthrie. Trisha knoll. Reverend hector

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lópez. Abdul. Donna maxy. Everett rice. Kathleen sadat. Edmond sherman. I want to thank you for agreeing to do this. I know it's going to be somewhat labor intensive, but I think for you folks, it will be a labor of love. And I really appreciate what you're going to do for our community to make sure that everybody's rights are upheld. I'd like to read the honorary board of advisors who will offer expertise. When I read your name, will you stand when your name is called? Bill chen. [applause] pietro. Dr. Herman frankel. Gina. Ed garren. Pastor leroy haines. Robert milslik. Andy nelson. Clara andrews. Peggy ross. Jeff selby. [applause] do we have others who have signed up to testify?

Parsons: We have three people signed up to speak.

Potter: Thank you, folks, very much. Please call the three.

Parsons: Michael egin, patricia and carolyn smith.

Potter: Could you read the names again.

Parsons: Yes. Is patricia trice here? And carolyn smith.

Michael Egan: Good morning, mayor Potter. Commissioner Leonard. Commissioner Adams. Commissioner fish. As you know, my name is michael egin. I came today to honor maria, and I didn't realize that the commission was actually on the agenda. So I don't have prepared testimony. However, having recently achieved my 71st year, I recall that my entire adult life has been spent working on behalf of human rights. And I think -- thank god that you have driven through all the crap to actually establish a commission. While I don't think of hector lópez and the term reverend, I don't put them automatically together, hector and I are friends and he and his fellow commissioners will do well, i'm sure. I am thinking of this from memory, but to gently chide the organization and to let you know that your work will always be in front of you, I don't recall on the initial application when it spoke of the work of commissioners and the brett of the charge -- the breath of the charge, I don't recall anything on there showing disabilities as one of the groups needing human rights protected and I would like to say, that perhaps that was my oversight, but if not, I would like to have that group added to the list. This time I have the luxury, since I don't really have any ax to grind, I can watch my time and be ready to quit when the yellow light comes on. [laughter] but I really am excited. There's so much to do, and my friend jeff is the interim chair of the advisory committee, I have every hope that the change that we have going for us up at the national level, will actually begin in Portland. So we'll work both ends against the middle. And a commend you for your actions and for your appointments. Thank you. [applause]

Potter: Thank you. After our vote today, I want to extend an invitation to all of the commissioners and advisors and family members to make your way to the lovejoy room on the other side of the building and take the oath of office officially and everyone is invited to a reception following in the atrium and please come and meet our newest commissioners and learn more about the office of human relations. With that, we'll call the vote.

Adams: I'm pleased to support these appointments and continue the process of implementing the human rights commission's charter. Very excited to get to work with you all as mayor. And there's a lot of work to do. So congratulations. The fun part is over, now the hard part begins but it's the most important work we'll be doing together. Aye.

Fish: I want to thank the citizens who agreed to lend their time to this effort and i'm impressed of the composition of the commission and our advisory board. As someone who has been in the field of civil rights for 20 years, we have to remember today that as we celebrate our progress, there are many skeptics in our community who do not expect us to be successful. And one of the reasons why, is that history has taught us that places like the equal opportunity employment commission and the national labor relations board are no longer places where people get justice and we have a broken system and so through this human rights commission, we can once again do something different and be successful and show our skeptics that this system can work. In that spirit, I want you to urge to consider three touchstones. One is to set the highest possible standards as a

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commission for open and transparent proceedings. Because that is how we will both earn and maintain the trust of our community. Second, I urge you with the limited resources you've been given at the front end, to focus your mission early so you can point to successes. You'll be tempted to can broad in your work. But I urge you to bring focus. My staff is telling me to bring focus. It's hard. There's a lot of wrongs to right. But pick the battles early. And third, engage us early and often in your work. The council wants to be an ally. We want to be helpful to you in your important work and please give us regular updates but engage us and if you need more, let us know. I'm proud to support you. Aye.

Leonard: I'm very pleased with the creation of this commission. And had the opportunity so far to actually work with maria lisa on a difficult project. And it was our first opportunity to work together and I just couldn't have been more pleased with her work and focus and professionalism. And i'm pleased trisha knoll is joining the commission. She was my seek wet weapon at the water bureau. All I needed to do was give trisha a brand new laptop and she could change the entire culture of the water bureau's heretofore kind of closed representation and she was the person that instigated the blog and she left some big shoes to fill. And i'm really glad you're back. I've been trying to think of how to say this in the most poignant way possible but I think I need to say this. I'm a person who in my whole life I would hope people would have said. I'm reluctant to ask someone to clean up their house and tell them my -- until my house is clean. I'm careful I don't ask anyone to do something i'm not willing to do miss. And recently, i've -- myself. And recently i've done a lot of work in the city in various operations and I think it's fair to say I have some concerns that relate to the work that I hope you all focus on. Some of the most important positions in this city, that touch the citizens the closest, recently were open for promotional exams and on the promotional board. There were people who looked like me only. No people of color. For a variety of reasons that offends me and if that sounds odd coming from a person who is one of five white people on the council. Let me rise to my defense on that point. While I may disagree to my colleagues I would disagree with each one of the people I work with to be self-conscious to know that none of us can put ourselves in the shoes of a person of color. Each of us is sensitive to know that it requires people of color help us make judgment for the betterment of the communities of color. So I personally am planning on engaging in the commission of -- before I start going out and asking the broader community what to do to help us fix how we hire people of color, how we promote people of color and how we treat people of color. On those fronts, I think we can do better jobs internally and spend a lot of time fixing that before we go and tell people other people how to clean up their yards so I appreciate very much this slate of people that i'm looking at. I intend to engage you maybe more than you will like. But again, I think I have a lot to learn. I appreciate your service and look forward to working with you. Aye.

Potter: I want to thank my fellow city commissioners for their votes. This by the way was a unanimous support by the entire city council so even though commissioner saltzman isn't here, he's one of the endorsers of the creation of this. So I want the committee to know that we are committed to making sure that the human relations committee has the resources and has the support from our city council to carry forward this important work. I have to be honest with you, we've had human rights commissions before. And I think it's incumbent upon us, not only as elected officials, but as a community to never let the human rights commission expire again. We have to keep it. We have to make sure, as long as we have problems in our community that require a human rights commission, that there will be one there to help facilitate a solution. So the commission has a responsibility and we have responsibility, and our greater community has responsibility. I think everybody realizes that america's dream about equality has not been achieved, that we can work together to achieve it. We can make this country and our city a better place for everyone, regardless of their situation. And i'm including our disabilities community when I say that. That was discussed and is an important charge to the commission that ensure that our disability community's voice is at the table.

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I plan of to have the committee actively involved with the human relations commission. So please join our good folks after they are sworn in down in the atrium and wish them the best and support them with all of your heart. I vote aye.

*****: [applause]

Potter: Do you folks wish to go over to the -- is it the lovejoy or pettigrove?

Parsons: Lovejoy. [crowd chatter]

Potter: We can go ahead and start the proceedings, and i'm sure commissioner Leonard will be back. Please read item 1294.

Item 1294.

Potter: O.m.f., are you here to speak to this issue? Better yet, john hunt. And congratulations on your national award, john.

*****: Thank you very much.

Potter: I was very pleased. You just have a wonderful organization, and it's administered, I think, in a very professional manner. Thank you, and congratulations.

John Hunt, Office of Management and Finance: Thank you very much. You know, i'm just so proud of the group over there and what they've been able to accomplish over the last couple of years. It's really been just amazing to me, and it's been exciting to be a part. But before you today, item 1294, mayor Potter and commissioners, is just basically -- normally it's under consent. Today it's on the regular agenda, but it's just the normal vehicles that we're adding to the fleet. We have a few police cars. There are six of those that we're actually buying for tri-met, and the city will actually be reimbursed for those vehicles. There's a few vehicles there for the water yard -- the water bureau -- and others. I don't know if there's any particular questions. I brought along don deperre with me today if you'd like to dive into the details. There's a mower for the parks bureau and a few other vehicles on there that will help the city run smoother.

Potter: Questions from the commissioners?

Adams: What's the total value of the package?

Hunt: The total value, I think, was around 400 total. 459. But almost 200,000 that is for the tri-met vehicles that we'll be reimbursed for.

Potter: Other questions? Thank you, john.

Hunt: You bet.

Potter: Sue, do we have anybody signed up to testify on this matter?

Parsons: I did not have a sheet out for this one.

Potter: Is there anyone here who wishes to testify to this specific issue? It's an emergency. Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Potter:** Aye. Please read item 1295. Thank you, john.

Item 1295.

Jeff Baer, Director, Bureau of Purchasing: Good morning, mayor Potter, members of the city council. Jeff bayer with the bureau of purchasing. I know i've got several items up front, so i'll keep my remarks very brief, but know that we do have representatives from each of the bureaus to answer questions. In one is for awarding a contract to richards engineering for engineering support services for the bureau of environmental services, estimated to be \$500,000 per year. We're not committed to spending that, but it's on an as-needed basis. One relevant point is that this is actually a great opportunity. They are certified as a state emerging small business, so we have a prime contractor for providing these services, and we have a represent from b.e.s. Here if there are any questions.

Potter: Questions from the commissioners? Thank you, jeff. Is anyone signed up to testify on this matter?

Parsons: I did not have a sign-up sheet for this.

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Potter: Anyone here who wishes to testify to this specific issue? This is a report. I need a motion and a second.

Leonard: So moved.

Fish: Seconded.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Potter:** Aye. Please read item 1296.

Item 1296.

Baer: Again, this is a request to award this contract to feeney wireless to purchase these mobile data communication panasonic toughbooks. This is for a price agreement that we can purchase as needed over the years. We have a representative here for questions related to these replacements.

Potter: Tell how they're going to be used.

Mark Ellwood, Bureau of Technology Services: These are going to be used -- pardon me. I'm mark elwood. I'm with the bureau of technology services. These are going to be used in the cars delivering essentially all the applications that they're used to in the precincts. We have an officer here who can tell you more about it from a street level perspective if you'd like.

Potter: Good.

Garrett Dow, Bureau of Police: My name is garrett dow, police officer. And i've been involved in this project since the inception and now work to implement the computers into the cars. We have completed deployment of the southeast pretint today. They're fully deployed. The feedback from the officers has been fantastic. We're basically taking all of the applications that the officers are used to using at the precinct and making them available in the cars. That includes records systems, anything from looking up persons to reading reports. Everything that -- many things that we had to ask dispatch for officers can do on their own now. And they can now complete reports in the car. So this alleviates the officer from having to go to a contact office or back to a precinct, taking him out of his patrol area, away from citizens, away from other officers he may need to assist, and puts him more accessible in a car where he can be more productive. Officers have been very enthusiastic.

Potter: How does it expedite the process of getting the report online so it can be used for investigative purposes and other purposes.

Dow: We're currently in a testing mode that will allow officers to complete the report in the car and electronically send it to an officer. That should be implemented in the next couple of months. The testing process now, we're currently using a system that allows the authors to type in it it the car, save it, and they have to go to the precinct to print it. It's more efficient to hand write it than type it. We are in the process of making it a very efficient system.

Potter: Probably the reports are a little bit more legible now, aren't they?

*****: [laughter]

Potter: To me, that's a pretty big deal in terms real reporting time is that the information that police officers need will be there and available much more quickly than ever before, and that will help them in terms of doing their job more effectively as well.

Dow: We agree. We see reports sometimes take weeks to get into the record system. This can be into the record system at the same time the sergeant approves it, so you're talking minutes rather than weeks.

Potter: Questions from the commissioners?

Baer: On the contract itself, because we included what we call cooperative language in our agreement, that other agencies from around the state of Oregon are contacting us to be able to piggyback onto that agreement, so it's actually a benefit to more than just the city of Portland.

Potter: Is there anyone signed up to testify on this matter?

Parsons: I did not have a sheet out for this one.

Potter: Is there anybody here who wishes to testify to this specific issue? It's a report. I need a motion and a second.

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Leonard: So moved.

Fish: Seconded.

Potter: Please call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye.

Potter: Well, having been a police officer, this is a big deal in terms of bringing the Portland police bureau into the electronic age in the 21st century. This is going to help our officers, our community. So we appreciate the work you folks have done on this, and I vote aye. Thank you. Please read 1297.

Item 1297.

Baer: They are in full compliance with our equal benefit requirement as are all the previous contractors that I talked about. And although it's a sole source procurement, it's actually -- we are exempted from city code in a manufacturer direct purchase. So we're working directly with the manufacturer. They hold the patent and do not have any local distribution channels set up for it.

Potter: Questions from the commissioners? Do we have a sign-up sheet?

Parsons: None on this one.

Potter: Is there anyone here who wishes to testify to this specific issue? It's a report. I need a motion and a second.

Leonard: So moved.

Fish: Seconded.

Potter: Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Potter:** Aye. Please read item 1298.

Item 1298.

Baer: Again, this is a request to issue a competitive request for proposal process to do a competitive selection process to hire a consultant or a firm to provide the Portland police data systems records management system and the electronic field reporting, and mark le rogan is here to discuss the details.

Potter: Other questions from the commissioners? Anyone signed up to testify on this matter?

Parsons: I did not have a sheet out for this one.

Potter: Is there anybody here who wishes to testify to this specific issue? It's a report. I need a motion and a second.

Leonard: So moved.

Fish: Seconded.

Potter: Call the vote.

Parsons: This one is a nonemergency.

Potter: Excuse me. So it moves to a second reading. Please read item 1299.

Item 1299.

Leonard: I think we have a b.d.s. Representative here.

Debbie Cleek: Good morning, mayor and city council. My name is debby cleek, and I am a green building specialist. I'm here to answer questions for our ordinance to amend 24. The state allows alternative construction methods to be approved as part of the section of the building code. B.d.s. Typically handles these requests through our building code appeal process. As more developers are adopting green building methods, we are seeing more and more new and innovative technologies and things that we're not familiar with, so we would like to establish a committee outside experts that would be able to help us evaluate these technologies against the building code and provide recommendations to the bureau of development services to be considered as part of the appeals process. This would be an optional review process for developers who are interested in using new innovative technologies. The creation of the alternative technology advisory committee will help us be able to get new technologies into buildings sooner. The ideas for this committee came out of the recommendations for expanding sustainable development in the city of Portland, and it also

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supports the goals towards a more sustainable city. I'd be happy to answer any questions about the ordinance.

Potter: Questions from the commissioners? Nice job. Is anyone signed up to testify?

Parsons: No one signed up.

Potter: Anyone here who wishes to testify to this matter? It's a nonemergency, moves to a second reading. Please read item 1300.

Item 1300.

Potter: Auditor blackmer?

Dan Broome, Bureau of Maintenance: Good morning. I'm dan broom with maintenance operations.

Sharon Simrin, Auditor's Office: Karen sunderland in the auditor's office.

Broom: All of the remonstrances for this ordinance have already been pulled, so we'd like to make a motion to move this to the second reading.

Potter: Questions from the commissioners? Anyone signed up to testify on this matter?

Parsons: No one is signed up.

Potter: Anyone in this room who -- I guess not. They're all gone. It's a nonemergency, moves to a second reading. We're recessed until 6:00 p.m. Thank you.

At 11:21 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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Fish: I'm pleased to be here and look forward to the testimony.

Saltzman: I want to remind folks that prior to offering testimony to the city council, a lobbyist must declare which lobbying entity they're authorized to represent. Before our city attorney gets into the official explanation of the hearings procedures, I need to make a couple of announcements. First off, the applicant has requested that the hearing be postponed until the full city council is in attendance. Is there a motion to postpone the hearing? Ok, hearing none, the meeting shall proceed. Unless we specify otherwise, during the course of the hearing tonight, the evidentiary record will close at the end of tonight's hearing. Second, we typically give the applicant 15 minutes to address council regarding -- following the staff report and then general testimony is taken. Two neighborhood associations, concordia and cully, through the central northeast neighbors coalition have requested 15 minutes total to address the council as well. So unless there is objection from a member of council, we will set aside 15 minutes of time for these two neighborhoods, following the applicant's presentation and testimony from supporters of the application. Or the applicant. After the neighborhood association testimony, we will hear from opponents of the application. Followed by rebuttal from the applicant. Due to a large number of people here who wish to testify, we'll limit testimony to two minutes each. And finally I want to point out, there's a zoning map that I requested to be prepared for this hearing. I believe it will assist the council in deliberations. So now, I want to ask our city attorney, who I can now see, to proceed.

Linly Rees, Deputy City Attorney: Good evening, everyone. This is an evidentiary hearing. This means you may submit new evidence to the council in support of your arguments. The evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps or drawings. Any items you show to council during testimony should be given to the council clerk at the end of your testimony to be sure it becomes part of the record. Testimony tonight concerning the hearings officer's recommendation will be heard as follows. We'll begin with a staff report by bds staff for approximately ten minutes. Following staff report we will hear from interested persons in the following order. The applicant will go first and have 15 minutes to address council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. Each will have two minutes to speak. As commissioner Saltzman mentioned, at that point, we'll have representatives of two neighborhood associations who have a total of 15 minutes to testify and then council will hear from persons or organizations who oppose the applicant's proposal. Each of these people will have two minutes. At that point, the applicant will have time to rebut the testimony given in opposition to the proposal, that is typically five minutes. I've been informed that the applicant is possibly going to request additional time. I wanted to prepare you for that consideration. At that point, council may close the hearing, deliberate and take a vote on the hearings officer's recommendation. If it's tentative will set a future date for adoption of findings and a final vote of the hearings officer's recommendation. However, this afternoon, the applicant requested a seven-day period after the record is closed to submit final written argument. The request is based on ORS 197.763.60 which provides the local government shall allow the applicant seven days after the record is closed to submit final written arguments in support of the application. If the council closes the record tonight and concludes the hearing in this matter, it's recommended that the

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council grant the applicant the seven day period to submit final written argument. This would not preclude the council from deliberating on the decision this evening, but with the seven-day period and the likely time needed to allow staff to prepare revised findings, it would preclude adoption of a final decision this evening. Finally, I would like to announce several guidelines for those presenting testimony and participating in the hearing. They're established by zoning and state law. First, your testimony must be directed to the approval criteria. Any testimony and evidence you present must be directed to the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code that you believe apply to this decision. BDS staff will identify applicable approval criteria as part of their staff report to council. Second, any issues you raise must be raised with specificity. If you fail to raise an issue clearly enough to give council and the parties an opportunity to respond to that issue, you will be precluded from appealing to the land use board of appeals based on that issue. Finally, the applicant must identify constitutional issues relating to conditions of approval. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing an action for damages in circuit to challenge the conditions of approval.

Saltzman: Thank you, linly.

Leonard: I have a question. I was listening and you said something we don't normally hear.

Rees: Correct.

Leonard: With respect to the seven days that the record will remain open, which I understood, the part I need some clarification on is council can't take final action. My experience has been we don't normally do that anyway. We make a motion at the end of a hearing based on what we've heard. And we tentatively adopt the motion contingent upon staff and you developing findings that we finally adopt at some point in the future. Is that any different than what we're going to do tonight?

Rees: One, we would not -- if we close the record tonight, we would not leave the record open. Those additional seven days would be for the applicant to make argument in response. Basically because they're anticipating a great deal of testimony today, it would be difficult to respond to all of it today. State law gives the opportunity to have the last word in seven days. But it will not be new evidence. The record would be closed. The second point is, you're right. It isn't any different than a day we take a tentative decision with findings, other than we would certainly be open to the possibility that the argument would be persuasive enough to change whatever your tentative thoughts are. There are circumstances when we do take a final vote when we simply adopt the findings of the hearings officer. We won't be doing that.

Leonard: Right, thank you.

Saltzman: A couple more procedural steps. Do any members of the council wish to declare a conflict of interest? Seeing none. Do any members of council have any ex parte contacts to declare or information gathered outside of this hearing to disclose?

Fish: Dan, I would like to declare on tuesday, september 16th, I ran into bob sallinger, Audubon society, at city hall and we talked about a number of things unrelated to this. But in the course of the 30 second conversation, he did state his position about the colwood golf course proposal.

Saltzman: I need to declare an ex parte contact with the applicant. My staff was meeting with mr haertl just over a year ago and I joined them for about ten minutes, and they filled me in on their plan to pursue a zone change on the property and the meeting was concluded shortly after that. And as the parks commissioner, I have been briefed by parks and recreation on their perspective regarding this zone change request. That was it.

Adams: In discussion of the overall strategic plan for the Portland bureau of parks I had a brief discussion with zari santer on this issue, and and with my travels in the community with both business and neighborhood advocates, have listened to very brief comments representing all sides -- or many sides of this issue.

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Leonard: Apparently, i'm just not popular enough to contact, so -- [laughter]

Saltzman: Anyone present in the council chambers who wish to ask commissioner fish, myself or commissioner Adams about any ex parte contact or any information we've disclosed? Ok. So if councilmembers have no other questions, then we'll go ahead and hear from the staff. We'll hear the staff report.

Sheila Frugoli, Bureau of Development Services: Good evening. I'm sheila frugoli, the staff assigned to this case. The applicant representing the owners of the colwood national golf course is requesting an amendment from open space to the industrial sanctuary designation and also asking that the zoning be changed from open space to general industrial 2 zone. Requested is a zone and map designation change for approximately 115 acres on the golf course site. The open space zone and designation would be retained on 22.5 acres. The applicant proposes to donate those 22.5 acres to the city, specifically Portland parks bureau. And the applicant has offered to donate \$100,000 to Portland parks to assist in maintenance and physical improvements to the open space. Also the applicant proposes implementing a number of transportation improvements. Excuse me. The applicant submitted this site map which identifies distinct areas of the colwood property. This map uses the term parcel, for example, the area colored green is identified as parcel seven. This is the portion of the site proposed to remain zoned and designated as open space. The applicant stated parcel one would be purchased by the port of Portland for airport related expansion. All of the parcels except seven are proposed to be rezoned and developed for industrial uses. Except for the area shown in blue -- excuse me, this map shows the current zoning. The entire site is zoned open space. The purpose of the open space zone is to preserve and enhance public and private open, natural and improved park and natural areas. Along the sloughs, the C environmental conservation overlay zone has been applied. It's intended to protect resource values while allowing environmental-sensitive development. The x airport noise impact overlay zone and the h aircraft landing overlay zone also covers portions of this site. The noise overlay zone requires sound insulation for certain commercial development and restricts residential development while the h overlay zone regulates the height of structures in order to protect flight patterns near the airport: Applicant is not requesting any change to those overlay zones. Except for the area in blue, this site is to be changed to an industrial zone. The requested general industrial zone allows most industrial uses while limiting retail offices and other commercial uses. The blue illustrates the area proposed to remain as open space. This open space area generally follows the portion of the site currently within the environmental overly zone. In order to be approved, this proposal must be found to have met the criteria 33.810.150a that requires decision makers to find that the requested new map designation is on balance, equally or more supportive of the comprehensive plan as a whole. And to approve the zoning map amendment criteria 33.855.050 a, b and d must be met. Based on the application and recommendations from the bureau of environmental services, planning, the parks bureau and the Portland office of transportation and the Oregon department of transportation, as well as interested persons, b.e.s. Staff recommended to the hearings officer partial approval of the requested comprehensive map and zoning map amendment. In order to find that the balance of policies would be equally or better met, staff recommended that parcel 4, which is located between the two sloughs, be retained as open space. This would increase the amount of open space area to 36 acres. To address goal 6 and zoning map amendment adequacy of service criteria, staff recommended numerous transportation-related conditions. In a public hearing on march 24th, I presented staff recommendation and the applicant and many interested persons submitted written and oral testimony to the hearings officer, mr. Gregory frank. On may 15, he issued his recommendation to the city council. The hearings officer found that the open space and environmental and economic development policies are most relevant to this request and therefore should be given the most weight when determining the balance of policies. The hearings officer recognized there's a serious need for additional parcels of industrial land, however, for this case, the

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open space and environmental policies can and should be given priority over the economic development policies. Mr. Frank was persuaded that the Colwood open space is unique and practically irreplaceable. Therefore, he recommends that the comprehensive map designation change be denied. Without approval of the comprehensive map plan change, the zoning map must also be denied. This is an aerial photo that helps identify the generally vicinity of the Colwood site and surrounding development. The entrance to the golf course facility is off northeast Columbia boulevard. Northeast Alderwood road winds through the site linking Columbia blvd to ne 82nd ave and to the port of Portland airport facilities. NE Cornfoot rd runs east-west into the site and terminates at the intersection of Alderwood rd. North of the golf course, is port of Portland property which is within the current airport master plan boundary. Northeast are military facilities, such as the Air National Guard. These facilities are on port property and are also within the airport master plan boundary. To the east, there are industrial and employment uses and airport-related uses, such as hotels. The sites to the west are developed with industrial uses. Directly south of the site is a 25-acre site owned by Portland Parks and being planned for park improvements. Now I'll show a few slides of the site and surrounding area. This is the golf course clubhouse that is located near the intersection of Alderwood and Columbia boulevard. This building has a pro-shop, restaurant bar and meeting space. The facility parking lot is located east of the clubhouse. Behind the clubhouse is a putting green and a portion of the golf course. This photo represents key features of the site. There are grass covered fairways and mature deciduous and conifer trees and shrubs and vegetation along the sloughs. This 18-hole golf course is like most courses. It has tee boxes and greens with flags, some of the holes have sand and water hazards and there are paths for motorized golf carts. From Alderwood road looking east, this photo shows the back side of the clubhouse. On the west side of Alderwood, you see more of the course. This is identified as parcel 6. This is looking to the west at the intersection of northeast Alderwood road and Cornfoot road. The remaining photos were taken in this general vicinity at the middle of the site near the city streets and near the branches of the sloughs. Here the camera is pointing in a northeast direction from inside parcel 4. You'll notice that many of the photos were taken during the winter when the deciduous trees lacked foliage. From the upper level, this photo shows much of parcel 4. This parcel extends over 1200 feet from Alderwood road to its western edge. This shows the slough from the Alderwood road bridge looking west. From parcel 4 looking southwest on a raised area, we can see through an open -- we can see an open view of Whitaker slough. Here is a view of Whitaker slough near Alderwood road. This space, or area, is proposed to remain designated as open space. On the east side of Alderwood, the slough continues. You can see one of the pedestrian bridges spanning the waterway. This area adjacent to the slough, a part of proposed parcel 7. And this shot was taken looking southeast from Alderwood road in the distance you can see some of the buildings near northeast 80th and Columbia boulevard. Now I will show a few photos of the surrounding development. To the north is port of Portland owned property with airport-related development. This photo shows buildings associated with the Air National Guard. You see in the foreground part of the golf course. East of the Colwood site on Alderwood road is the Country Inn Suites motel and Bennen restaurant and lounge and directly across the street from the motel is the airport business center. This is an industrial park, with multiple buildings and a variety of businesses located here. East of the Colwood site off the Columbia boulevard is the i.t.t. Technical Institute. A technical college. And then north of the college, are a mixture of industrial, employment and airport-related businesses and this development is seen from the golf course, which is elevated from the adjacent site. Directly south of the Colwood property we see the city-owned Parks Bureau site. The Thomas Cully park. You see the site is elevated and grass covered. In the foreground there's a paved area, railroad tracks separate the paved area from the park. The paved area which abuts northeast Columbia boulevard is not part of the city-owned property. Looking toward the southwest, we see more of the city property. Further west, an exterior storage area is located on the south side of the

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street between the city property and columbia boulevard. And further west on the south side of columbia boulevard, there are numerous sites that contain large exterior storage areas for trucks and heavy construction equipment. Directly west of the colwood site on the north side of columbia boulevard is colwood way, a private street. This business on the corner sells, rents and repairs forklifts. This photo shows other industrial buildings located on the west side of northeast colwood way. This concludes my presentation. In addition to myself, there are other staff available to answer questions. The Portland office of transportation, Oregon department of transportation, the parks bureau, staff from the bureau of environmental services and the planning bureau are all in attendance. Thank you.

Saltzman: Thank you. Sheila. I forgot to ask the clerk to read the title of the item we're considering many could you do that now?

Saltzman: Thank you. Are there any questions of sheila at this point? Ok. Thank you. Now we'll hear from the applicant. Please come forward.

Steve Janik: Good evening.

Saltzman: If you could introduce yourselves and you'll have 15 minutes.

Janik: Thank you. Good evening, members of the city council. My name is steve janik, the attorney representing the applicant and our planning consultant, trina witman is going to help me. We've prepared boards with exhibits and given you your own individual copy so that you can see them as clearly as possible. With me tonight is the colwood team and my partner, jack orchard. Colwood, so you know, is made up of 22 individuals. The name of the applicant make it is sound like a monolithic corporation. But it's 22 individuals who have developed this property for decades. In fact, the property was designated decades ago as a golf course, and open space. And that was not because there was a detailed study of its characteristics as valuable open space or its environmental capabilities, but rather, as the record shows, it was simply designated open space because it was a golf course. Unfortunately, colwood will not remain a golf course. It's no longer economically viable and will close in the near future. Both its own age and problems and more importantly problems in the golf industry make that a fact. In light of that, we need to look at what the future of this property will be. The port, as you know, has designated the northerly 48 acres of this as part of the port's year 2000 master plan for ultimate use for airport operations and it's not for the third runway. That airport master plan involved input from the city and neighborhood participants. The city and port are now currently working together or what's called airport futures and that planning effort also includes this 48 acres. The colwood site is surrounded by industrial and employment zoning. As you can see from the zoning map, all of those areas in pink or various shades of pink are all industrial and employment. It's a complete island within a very heavily concentrated industrial and employment area. Faced with the inevitable closure, colwood came up with a plan for its 137 acres. And that plan was to quite frankly, recognize the importance of the 22 acres that consists of the slough area and the riparian areas around the slough. And that plan that you see before you is our plan, to not only to leave them in an open space designation, but to give them to the city. The balance would be rezoned to industrial use. And 22 acres is sufficient under the standards to protect the slough and its riparian systems. Colwood recognized that that is valuable public space. The city has spent a lot of money trying to improve the slough and we want to contribute to that. In addition, by contributing it to the city, it will can publicly accessible for the first time to all the public. We'll create a kayak launching area and give \$100,000 to the park bureau to help enhance and restore that area. That will leave after the port's 48 and the 22 acres here, 67 acres of prime industrial land. As you will hear tonight, that industrial site is the very best site still left in the city of Portland for major industrial development. In addition, Colwood has agreed to spend \$6 million on transportation improvements that are necessary. Pdot has consistently supported this plan change in part because the improvements will make columbia boulevard, cully intersection, the railroad crossing, will all be built with private nonpublic funds.

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The issue before you is succinct. You've got the competing interests in front of you. The neighbors want and in fact, deserve a neighborhood park and protection of the slough. The applicant wants to develop the properties other than the 22 acres and what you need to decide what's in the best interest of the entire city. Not just the desires of me and my clients and the people in this auditorium. You also have competing interests in your own bureaus. The bureau of environmental services, development services supports the plan because of the significant job creation potential. If you look at what the bureau did there, they wrote a 60-page analysis of every single applicable comprehensive plan and found on balance what we propose would equally or better serve the goals of the comprehensive plan. BES approves the plan change, subject to the condition that we give somewhat a larger area near the sloughs, which is this parcel 4 people talked about. The bureau that opposes it is the parks bureau. They want the entire site to be left as open space. The parks in their written response to the hearings officer, takes the position that privately owned open space should provide for the public needs for open space. In other words, the public benefits of open space, those value, those vistas, should be provided by private land owners without city acquisition or city compensation. Out of those conflicting points of view, I think there's a win-win. That is to grant the plan change on the 115 acres and reap the economic benefits. Over 1900 family-waged jobs. Achieve city ownership of the 22 acres of the important habitat riparian area but at the same time, create a high-quality active use neighborhood park in the right portion of the cully neighborhood. Where it is needed. Not here where it doesn't work. Now, the hearings officer's recommendation is a matter of legal error. He simply started and ended by saying one goal, the open space goal takes priority over the economic goal. That approach was condemned by the court of appeals in walker associates versus clackamas county in 1992 and all of the cases since then have followed the disapproval of that. The bureau of development staff report did the correct analysis. They looked at each and every goal that was applicable and didn't say one took greater priority and they came out with the correct analysis. If you follow his approach, and one goal predominates over all others, then no change can be made in any context if that goal predominates all others and that's not what the law says you should do. The hearings officer did not in any way balance of economic improvements that would come from the jobs by granting the change and weigh those against potential adverse effects on the open space and gave no explanation for his position. You, the city, have in the past completely rejected that approach by the hearings officer. In 92-00488, you changed the comprehensive plan designation of city-owned open space to allow the call center, finding there would be some park related benefits funded through the call center budget and you felt those improvements were sufficient to override the open space goal. Similar to what we're proposing with the 22 acres we're donating. In 92-00603, you changed the open space designation of city owned property so you could allow an impoundment parking lot for vehicles. You did so based on findings that the site was not appropriate for open space because it was in an industrial sanctuary, like this site, on a major site street, like this site, used by trucks and industrial vehicles and regional traffic like our site. In and lur 97-0158, in reverse, the hearings officer said the industrial sanctuary goal was far more important and was a priority and what you said was the following. This interpretation transforms one policy which is to be read in balance with the comprehensive plan as a whole into a absolute prohibition against redesignation of industrial zone land. We reject this interpretation in support of a more balanced approach. And you were right on with what the court of appeals requires. So your goal here tonight is to look at the applicable goals. Let's briefly summarize them. 2.6, open space. Provide opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries. Policy 8.9, open space, protect Portland parks, cemeteries and golf courses through a open space designation on comp plan. Listen to those, those are not mandates. Those are general directions of what you ought to be thinking about. Not absolute requirements that you can never convert an existing privately owned golf course to something other than open space. You have to balance that against the other

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policies. Industrial sanctuaries, 2.14, the mandate provide, industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving industrial land for manufacturing purposes. The colwood site is surrounded by an industrial sanctuary. Goal 5, economic development. Foster a strong and diverse economy which provides full range of employment and economic choices for individuals and families in the city. That's a mandate. That is a requirement of what the plan is asking you to do and policy 5.7 says promote business. Economic growth, formation of capital and creation and retention of jobs. What you must do with those policies is first, examine the facts that you hear before you and assess the impacts on each from the facts presented. The impact of having 115 acres of industrial land for job employment -- industrial land. The impact on open space getting 22 acres of publicly assessable valuable open space. Against the negative impacts of changing 115 acres from what is now a private golf course and not accessible to the public. Once the council has found the facts, then you need to balance. Now let's look at the facts. The colwood property is a bad choice for a park. It's poorly located. In an industrial sanctuary. It's surrounded on all three sides by the air national guard, industrial uses a heavily traveled street. A public process has never, never suggested colwood as a site for a public park. The park bureau's own 2020 vision does not mention colwood as a park site in its assessment of the quadrants of the city. In fact this is located too far away from where the Cully neighborhood really deserves a park. The park vision 2020 sets out a locational standard for neighborhood parks, and they should be within one quarter of a mile, to one half of a mile to the neighborhoods served. This board shows you exactly -- the other side, this shows you where that half mile boundary shows you just how few residences in the cully neighborhood will be within the park bureau's recommended distance to this proposed park site. Only 7% of the residences in the cully neighborhood will be within the park recommended distance. The area where a park is needed, is further to the south. If you look at the neighborhood as a whole, and point out the colwood site, you'll see that there's a -- those purple circles show existing parks and what's within a half a mile. Look where the big hole is. That's where the park is needed in the cully neighborhood. You don't need another park at colwood. We understand the park bureau has \$1 million in park improvements allocated for this neighborhood. We'd like to show you an aerial photo that shows there's other land closer to that area central in the neighborhood where that park can be built. As you can see in the middle, point out where colwood is, if you would, and below that to the south is the city park that hasn't been developed yet. Thomas cully and further below that, is Sacagawea park owned by the city. But look at that bright chartreuse area. That's open land -- chartreuse area. That's open vacant land right next to an existing park. That's close to where you want and the park bureau says you should have a park. The colwood site is poorly accessible from the neighborhood. A pedestrian or bicyclist would have to go down cully boulevard, which is unimproved with no sidewalks. We'll have pictures that will match up with these numbers. Let me take you on a walk going from number one to six to get to the colwood site. You have to walk down an unimproved road with no sidewalk. Then cross railroad tracks and then columbia boulevard with is a 5 lane, major arterial designated truck route with a posted speed of 45 miles per hour. Heres are photos that show you what you would experience on the scenic journey from the neighborhood to colwood. It doesn't exactly look like the kind of neighborhood walk you want to have to a neighborhood park. The other thing you need to note is once you get on the site, on the site itself, and look around, you saw some of those photos, but let me show you these are some of the surrounding areas that would be part of the scenic visual environment you would experience standing on the park itself and looking outward. Those views are unsightly and provide a poor park quality experience. If this plan change is denied, the site will be available only to golfers paying a fee. Until the golf course goes out of business. How can that kind of an arrangement, privately owned land, function as a neighborhood park? If the plan change is denied after the course closes, the site will be privately owned with no public access and no dedication of 22 acres around the slough. Unless the city plans to acquire all 135 acres, the site

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cannot and will not function as a park. The parks is effectively arguing that a private land owner be forced to maintain uneconomic open space while providing no public access or use – Some have said it shouldn't be a park, but a habitat area. Let's look at the facts.

Saltzman: You have 30 seconds.

Janik: Thank you. Metro in it's title 13 process mapped this area and did not map this as having any habitat value except for the 22 acres. The city in it's ec mapping did the same thing and except for the 22 acres found there's no habitat value. In addition to that, we had pacific habitat services do an on-site study and came to the same conclusion. Except for the 22 acres, there's no habitat value. Yet as you will hear tonight this 115 acres is the single most important industrial development site capable of providing 1,900 jobs, and if you want to find a place to build a solar panel array company, this is the only place the city has. Again, we think here's a win-win way for you. We would urge you to follow that. Thank you.

Saltzman: Questions of the applicant?

Fish: I have two questions. I'm going to give you a hypothetical. If we adopted the findings and recommendations of the hearings officer, is it your view as the attorney for the applicant, that those would be legally insufficient. That they're legally insufficient and if those were appealed they would be set aside because of the logic of the decision or the standard applied is in your judgment legally erroneous.

Janik: Correct, and the case I base that on is a case I argued in the court of appeals. And number two, there are no findings from the hearings officer's recommendation. The findings you have are the staff report that recommends approval of our request with one modification in terms of the amount of the land area that's going to be donated. So you don't have findings from the hearings officer's recommendation. And, therefore, that decision could not be upheld if you submitted his decision as the findings of fact in this case.

Fish: Thanks for clarifying. And the second question I wanted to ask, in the proposal you've advanced on behalf of the applicant, your proposal is to take parcel no. 7 and to gift that to the city?

Janik: Correct.

Fish: With some other conditions. This may or may not be a fair question, but in thinking about a proposal, why did your client not include parcel 4 so that you have a kind of contiguous area as part of what would be set aside for open space?

Janik: Because we went out and had pacific habitat services do a specific on-site examination of the habitat values of that property and they founded it had extremely low habitat values and their report is in the record. Secondly, metro did not map that area as having any habitat significance and when the city did the e.c. Mapping for that area, only a small fringe of that parcel was mapped as e.c. And, therefore, the balance that was not mapped as e.c., based on the city's objective scientific assessment, did not have habitat value and that's the reason and all of that is in the record.

Fish: Ok.

Saltzman: Thank you. Now we'll have supporters of the applicant. Again, sue, we have people signed up. Call the first three supporters of the applicant.

Parsons: We have 12 signed up. I'll read the names three at a time and come up to the table, please.

Saltzman: Welcome. You have two minutes and if you could state your name for the record. Start with you.

Lise Glancy, Port of Portland: Good evening, my name is lise glancy representing the port of Portland. The port commission authorized the purchase of Colwood parcel 1 in april 2008 contingent on a rezone. This purchase was opportunity driven, not driven by an immediate port need. While the 2000 pdx master plan identified Colwood property for future air cargo development, or a primary access road and taxiway a potential decentralized terminal, colwood

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property owners approached the port in 2005 regarding the sale of this property. Oh, as you can see from map one, in front of you, parcel one is surrounded by port property on three sides. Port ownership and industrial rezoning of this parcel makes sense. It allows for long-term planning and operational flexibility for Portland international airport, the region's only international airport. It provides a land buffer between the active airfield and other non airport uses. The port's purchase of this parcel is contingent upon rezoning and traffic mitigation associated with the rezone. If acquired, final use of the parcel will be determined in the airport future's planning process, no development of the parcel will occur until the approval of the airport futures land use plan in 2010. Let me be clear. The port's interest is not driven by the need for a third runway. As you can see from the map, the proposed location of the third runway, should the need arise, is over a quarter mile from the colwood property. Despite slower aviation growth, good long-term planning for p.d.x. And strategic property acquisition to allow flexibility for future pdx growth makes sense. We understood the cully concordia is a park-deficient area and the balancing of city policy objectives is important. We're optimistic that a mutually beneficial solution is possible.

Saltzman: Thank you.

Colin Sears, Portland Development Commission: Good evening, i'm colin sears, the sustainable industries manager in the economic development department at the Portland development commission. I'm here on behalf of pdc to support a balanced approach which allows for preservation for some of the parcel for open space for the residents but also allows for job creation opportunities on the site for Portland residents. So p.d.c. Is supportive of a win-win here, where residents can win out both ways through all of the job creation, but also through open space preservation. So i'm going to talk a little bit about industrial land and you're going to hear some others, but there's a notable lack of sites that have 50 acres or more. Even just five to ten acre sites in the city of Portland for companies that need new facilities, especially many of the alternative energy companies, we've been working with to recruit. We're seeing a lot of activity despite the economic downturn and we have a high interest there. A 50-60 acre parcel that would be available for solar manufacturers, renewable energy would be of great benefit to the region. I want to be sure you understand that. Additionally, for just our advanced manufacturing sector as well, we've seen a lot of activity, consolidation as far as plants that need to modernize and we want to keep those jobs in the city of Portland if possible and this land would allow us to do that. The other point I want to make is on equity. These jobs, by making industrial land available, that would make job opportunities for those two-thirds of our residents that don't have bachelor's degrees, a chance forever middle income jobs and, therefore, we support this rezoning of the portion of the land for the economic opportunities it presents for Portland.

Saltzman: Thank you.

Corky Collier: Good evening, my name is corky collier. I'm executive director of Columbia corridor association. Our mission is to improve prosperity in the columbia corridor. Prosperity isn't just net income, it's jobs close to home and parks even closer to home. And the cully neighborhood is woefully deficient of parks. However, the colwood golf course doesn't make a good park for the cully neighborhood. I ride my bike from my home in saint john out to my office past the colwood golf course. It's a tough ride, it's a long distance. It's uphill both directions and usually snowing. But the only spot I really dread is riding from the cully neighborhood just south of Lombard, across lombard, across the railroad tracks and a few blocks along columbia boulevard as I pass colwood. If I dread it riding my bike, you can bet the kids walking from home would not like it either. As much as we'd like to turn it into a park, as much as we'd like to maintain the open space, it makes sense for us to turn that southern section of the colwood golf course into industrial property just like to the right and left of it. It makes sense to maintain that northern section for p.d.x. Expansion sometime in the future and makes sense to turn the area along the slough into

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parkway. The hearings officer said this is a tough case. I don't envy your position. But I ask you to make a sensible decision many not an emotional one. Thank you.

Saltzman: Thank you.

Saltzman: Thank you, if you would -- missing one person? Why don't you go ahead and call.

Saltzman: Welcome. If you could give us your name for the record. Start with you.

Clayton Hering: Good evening. I'm clayton hering. First I wish to offer my congratulations to the mayor-elect and our new city commissioner. I'm going to leave to my peers and professionals who will follow me to tell you a lot about how badly we need industrial sites. But what I want to talk about is the paradigm that's going on in the global world we live in today and the world in which energy and fuel costs are rising. More and more need for industrial property close to port facilities, both air and water. This site, which is surrounded by industrial development, the staff was right about one thing. It is unique. It is a unique opportunity to -- for a city of this size has a piece of land that is juxtaposition between i-5 and i-205 close to the port and airport that can meet the changing paradigm that's going on in the world of distribution today. Don't pass up this opportunity to create an employment center. I also wish to say that those of us who have been working in the commercial real estate business and selling this wonderful city, -- realize that job growth has been flat for a decade. You as new leaders of the community and those who have been leaders in the past have an opportunity to step up and send a message that we do realize that jobs are important. I go all the way back to the 1972 land use laws. There's a c and there's a d. We've gotten out of the balance. Way too much c, and not enough d. D being development and c conservation. You have an opportunity to say we understand we need jobs and the colwood golf course and this proposal can meet that. Thank you.

Saltzman: Thank you. Go ahead.

Bill Bach: Mr. President and members of council, i'm bill bach, trammel crow company, formerly with the port of Portland. Not speaking for the port in any way. Let them know that. I appreciate the challenge that you are facing in trying to blend these uses. This was a common theme in all of my years as industrial development with the port. From river gate to swan island to other places, we consistently sought to balance out natural resource and recreational uses with industrial uses. I'd like to think we were successful. I'm sure there's those who don't believe we were. But we tried. I remember one particular case where d.e.q. Had proposed a landfill for rivergate and we battled that from an industrial land standpoint. And if you look at what's happend since then, this community would be much worse off without that kind of use. I want to speak, though, for industrial lands and the advantages of this site. First, it's near a freeway, near the airport. It's got the infrastructure in place and we recognize what it costs to put in the roadway access and utility infrastructure that that site is served by. It's not a difficult site to serve. The alternative is to go some place where it's more difficult. And it's near employees and that's a theme that we've tried to approach, is to be close to where people work. Live and work. Again, not locating out where everybody's got to drive a long distance for their employment. There's some real opportunities here. I think, and I think that the applicant has offered you some real opportunities to really enhance that section of the slough. To create public access where there is none today and it's been a difficult section to get to and then to use the site for economic development purposes wherever possible. I think you should encourage that. That's my testimony.

Saltzman: Thank you.

Andy Kangas: Good evening, i'm andy kangas and I am with c.b. Richard ellis. I'm an industrial broker and I've practiced for 19 years, primarily in the city of Portland. I'm in favor of this proposal because I see day-to-day factually that we're turning away jobs from this community. And that we are struggling to retain jobs and particularly when companies want to expand. And i'm really here because I can't frankly imagine a more balanced and responsible approach to a pressing concern that the community has. And that's job creation and how we're going to accommodate

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almost two million people coming into the area over the next 50 years. I really believe -- and I think my industry has been crying out for a lot of years about the lack of industrial land in Portland and the metro area. But I believe it really reached a critical level in 2007. I witnessed it firsthand. I watched the city of ridgefield, Washington, attract hundreds of jobs. I personally had a client leave the airport way area to move to ridgefield when they absolutely wanted to be in the city of Portland and I can go on and on and on. This -- you don't have to take just my word for it, you can talk to obviously colin sears is here to testify. You can talk to lynn busy. They're literally turning away potentially thousands of jobs, and I think they've done that to about six different companies that have been looking at Oregon in the last six months. Again, I find the solution one that balances everyone's concerns and offers park space. Airport expansion. And critical job growth and retention. Thank you.

Saltzman: Thank you. Question?

Adams: Based on the logic that each of you have provided for why this should be industrial land, I want to give you a opportunity to answer a hypothetical that I think -- I just want to hear your response. The broadmoor golf course up the street, could be -- if an applicant came in and wanted it zoned industrial, I think all of the arguments that you've supplied today could be brought to bear on that. Would be just as valid for that golf course with the exceptions noticed by previous speakers that could be applied for the colwood site. I wanted to hear your reaction to that theoretical.

Bach: We've taken a look at it. There's not a lot of property there, when -- once you start working through the e zones and wetlands and other constraints on that property. Access is very difficult, not close to the freeway. And the infrastructure, trying to get a street in there, into that property would be much more difficult. At least from my perspective, it doesn't have the same attributes as the colwood site. I'm not saying it couldn't be done, but not without much greater impact on people's pocketbooks and the other resources; it's easier to develop and has less impact on resources [inaudible]

Hering: I take a more global approach. I can't tell you specifically about broodmoor. And bill may be right. But what others will say is absolutely true and you all have a tough challenge. I mean, quality of life starts with a quality job. We need sites to be able to compete. Or we're going to drive people north and south down i-5.

Adams: I agree with that but i'd like to know if the argument you've made --

Bach: It could.

Kangas: I would make the same argument, but what bill said is absolutely accurate. It's going to be much more challenging site.

Adams: Thank you.

Saltzman: Thank you.

Saltzman: Welcome. Give us your name for the record and we'll -- and you have two minutes. Start with you. Go ahead.

Stuart Skang: Good evening. I'm with c.b. Richard ellis. Industrial property advisor and my comments are based on the opportunity that colwood presents a large integrated solar energy manufacturing company to locate operations that will benefit from colwood's size, proximity to available employee pools and access to competitive power and other utilities as well as the business energy tax credit and other economic incentives at the state is actively offering to renewable energy types of companies. To begin with a bit of background, solar power is one of the fastest growing sectors on the global energy market today. The market for photovoltaic solar energy has seen an average growth rate of 40% over the last few years. Grid connected solar power being the largest and fastest growing segment. Grid connected solar energy is what powers residential home systems, commercial buildings and photovoltaic power plants. The solar industry is very diverse in the production or upstream segment. There's a concentration of a few large players. While the number of companies increases significantly, the farther downstream the value chain, generally

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there's three types of companies in that industry. The first being independent solar power specialists, the second being electronics companies and semiconductor manufactures like solar world. Soleics, Sharp and mitsubishi. Energy companies, b.p. And shell are a couple of examples. CB Richard Ellis as the largest commercial real estate service provider in the world has had an active role in assisting them throughout the stages of their programs including site selection. I was on a conference call recently with several of my colleagues and going over attributes that solar companies look for in the sites they seek to locate. Primary indicators are size, from 30-70 acres, availability of labor and abundant power at competitive rates. All of these things come together at colwood and it's a great opportunity as we've heard to capture a lot of these types of jobs.

Tony Reser: Tony reser. I'm an industrial realtor with gba kiddier matthews and I've been engaged in the sale and lease of real estate in the columbia corridor for 24 years. I've watched the area evolve from berry patches and bean fields to the preferred destination for industrial companies in metropolitan Portland. Unfortunately, we're at a point where there's a critical shortage of developable industrial land. If you run a survey in the Columbia corridor now, you'll find a smattering of sites of two to ten acres, which would be suitable smaller user sites. In sites in excess of 20 acres, there'd be no more than five and two of the largest sites would be in river gate industrial strict, a 108 acre site. And then the formal reynolds metals site in troutdale. The rivergate site is challenging because the land is available on a ground lease basis only. That proves problematic for the companies, solar companies and other types of manufacturing companies that want to own their own facilities. The reynolds site is currently undergoing environmental remediation and construction of infrastructure improvements and it's probably not going to be available for 12-18 months. Given its size Colwood is an unique opportunity. It can facilitate the construction of buildings in excess of 200,00 sq ft. As colin sears and my predecessors have indicated, that dovetails well with the solar companies and primary metal fabrication companies to both the state of Oregon and the Portland development commission are seeking to attract to the area.

Accessibility to i-5, i-205, i-84 freeways and Portland airport. I would ask you to rezone this land to industrial so we can have a viable inventory of developable industrial sites not only for new companies that want to move to our area but also for existing companies that want to expand. There are any number of existing recreational opportunities, kayaking and canoeing in the columbia corridor. But unfortunately we have an woefully inadequate supply of industrial land.

Marion Haynes: My name is marion haynes and I represent the Portland business alliance – our board of directors discussed this and voted to not only support but strongly support the proposal before you. We believe it represents a balance of the economic development opportunities of this site are unique and irreplaceable. We do have a lack of industrial land within the city of Portland as we've heard. There was a recent infrastructure report done by metro which indicates the greatest return on investment we can have is using the sites within the urban growth boundary and doing the infill and this site represents the unique opportunity to do that given its proximity to multi-modal transportation infrastructure. The columbia boulevard is a designated truck street in the city's great master plan and its proximity to the airport is unique. We learned in our 2005 cost of congestion study that air cargo is the fastest growing mode of all freight shipment-- expected to grow at 300% over the next 20 years, which is significant. The site also would provide for approximately close to 2,000 jobs. Whether those are manufacturing or in the distribution and logistics related field, those are family-wage jobs and those we should be looking to support within the city. So the Portland business alliance strongly supports amending the comprehensive plan and zoning code designation for this site. It will provide significant economic development opportunities and jobs which will support other core city services through the tax revenue. Giving the surrounding uses, the need for industrial land and job creation potential and access to multi-modal freight transportation facilities, the alliance urges the city to adopt this change. Thank you.

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Saltzman: Thank you. Is there anybody in the audience who did not sign up in advance but wishes to testify on behalf of the applicant? Welcome. Please have a seat. We'll start with you John. State your name for the record. You have two minutes.

John Mohlis: Good evening, commissioners. My name is John. I'm the executive secretary treasurer for the Columbia Pacific Builder Trades which is an umbrella organization for approximately 20,000 union construction workers in northwest Oregon and southwest Washington.

Like probably everybody else in this room, I wear more than one hat and I want to make it clear that my testimony is on behalf of the building trades council tonight. Our council wishes to go on support strongly in favor of the applicant's proposal for the comprehensive plan amendment and zone change to e.g.2. We feel one of the main challenges that Portland faces is ensuring there's enough industrial land available to provide the jobs that Portland and particularly the Cully neighborhood sorely needs. Especially with the tough economic times we're facing, our council strongly supports the need for more industrial land that will help provide good opportunities for family-wage jobs with benefits. Our affiliates collectively have many members that live in the Cully neighborhoods. These folks are individuals that enjoy the outdoors, hunt and fish, they appreciate and support parks, but at the end of the day, jobs are probably the most important issue on their plate and we feel this is a good, balanced approach that provides for more park lands and still provide economic growth and family-wage jobs. Thank you very much.

Robert Butler: Can I have his 25 seconds.

Saltzman: No. State your name.

Robert Butler: I'm the president of Butler Brokers Incorporated. We're a commercial industrial realtor since 1980. When I read the reasons for denial, first I should deny that the applicants did not invite me here, for good reason. I haven't talked to the applicant about this. At all, period. In terms of this deal. Anyway, when I read the hearings officer denial, something just hit me right in the face, which was, why did he say that? Why did he say that part of the reason for denial is the fact that industrial development on this golf course will degrade the water quality which will, that, in turn, degrade the slough? I don't think you have to be an expert to know that that, in Portland, that doesn't happen. It's virtually impossible. When you compare someone who's putting herbicides and pesticides on 80-plus acres of lawn, compare that to industrial development, are you aware of your code. Industrial -- you have so much water retention, water treatment, water run-off, water, water, water, purification. It improves the slough. The water is improved by any development, [inaudible] because of the code here in Portland. And how could anyone, including the staff person saying it would degrade the water, how can they think that? I'm speaking as a industrial realtor, lots of experience with developers and I can say that our code requires an improvement of water quality of there's no option. Incidentally, my older friends here, said they'd been doing this for 24 years. I go back to 1984, I was one of the original founders of the Columbia Corridor Association.

Saltzman: Thank you. We'll next hear from the two neighborhood associations, Concordia and Cully. Those representatives will come forward. So you have a total of 15 minutes. You can divide the time up however you see fit. But it's all yours. Just please give us your name for the record.

Kathy Fuerstenau, Cully Neighborhood Association: Kathy, 4930 northeast 73rd, Portland, Oregon. On behalf of the Cully Association of Neighbors, I encourage you to uphold the hearings officer's recommendation to deny the applicant's request to rezone the Colwood Golf Course from open space to general industrial. The hearings officer states that he finds the open space environmental policies in this case can and should be given priority over the economic development policies. Today you'll hear many speakers and organizations advocate for the current O.S. Designation. And justly so. I will focus my testimony on why the industrial zone designation is not appropriate for this site. Zone change requests traditionally occur when there is a proposed development. The applicant has not identified any specific development as part of this proposal. The Bureau of Developmental Services, staff advises that the proposed sale of the northern 48 acres

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to the port of Portland is only relevant in that the airport future projects have included this portion in the study boundary, therefore, any statements regarding future airport facility expansion, the applicant finalizing a purchase and sale agreement with the port or discussions of further development plans is also not relevant to approving this zone change. The applicant states the colwood site is located within a region that faces a growing need for suitable industrial sites and has reached a critical point. This is overstated. According to debbie bischoff, city of Portland ne district planner, 11% of cully is composed of vacant land. And 31% of land may be redevelopable based on the building value of Metro 2004. Out of the 2008 total acres in Cully, 37% are employment industrial while only 37% is open space. There's already a surplus of blighted undeveloped industrial property along cully boulevard that should be addressed before supporting new development. The 10-acre parcel on the southeast side of 75th and Killingsworth was rezoned in 2006 for industrial and has yet to be developed. The cully neighborhood's poor infrastructure cannot support another large industry property. The b.d.s. reports there's no sewer connection only an on-site sewer disposal system on the public property and does not recommend on-site stormwater management. At the time of future development existing systems must be decommissioned and public sanitary offsite sewer connections must be provided. The result of having stormwater discharge into the columbia slough is an unacceptable solution. The Portland department of transportation identified a number of necessary intersection improvements to mitigate traffic impacts. But even with mitigation, industrial development must be limited to address the Oregon department of transportation facilities. This zone change must address transportation planning rule and show no significant effect. Otherwise mitigation is required. There is significant effect if applicant could not agree with city and odot on proposed mitigation actions. They did agree upon transportation intersection improvements but these would not begin until development occurs, so if parcels are sold, who would be responsible for the improvements. The new property owners or the current applicants. Odot's concern regarding the applicant's proposed .27 rate per 1,000 sq ft vs the recommended .47 trips per 1,000 sq ft proposed for warehouse and freight movement should be duly noted. A september 12, 2008 letter to city council from elaine smith, odot planning manager, advises that the analysis has shown industrial development would generate traffic volumes would be significantly affect the i-205 Killingsworth interchange. According to martin jenswell of odot, odot will have no control over traffic generated with future traffic on this property if zoned industrial. If the developer gets a permit then the city cannot require them to do a traffic study, so how can the neighborhood and city be assured that the resulting traffic increases would be within the designated limits? They would not. The applicant suggests this property is developable and would create 2,000 jobs. However prohibited development includes commercial parking, retail sales and service that includes drive-through facilities, offices over 25,000 square foot per site and all accessory uses, such as hotels and retail associated with truck stops. The port has stated there would be no third runway for more than 30 years so it's unlikely that any employment could be created in the northern portion for many, many years to come. All of the limitations on this property makes it unsuitable for industrial zone designation. An open space zone for this area is more appropriate for a property that's in a floodplain, has traffic and development and sewer and drain restrictions. On april 7, 2008, the north and northeast business association unanimously voted in opposition to the i.g. Zone request and written a letter asking that this request be denied. This business association understands the effect a change to the industrial zone would have on the future to this area and neighborhood. The goals and objectives of comprehensive plan, the cully neighborhood plan and metro's title 12 and 13 and statewide planning goals are not equally or more supportive of this zone change. So I just want to finish up that this property is not shovel ready as the applicants would suggest and -- let's see. One more thing. The cully boulevard street improvements is going to happen next year, that would make colwood property more accessible and here's something to show you what it would look like. So you can connect the property from thomas

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cully park with an bridge or that way, or down cully blvd. I would hope the city would be willing to work together with the property owners and maybe get a fair price for the property and insure continued os designation and ultimately create a hole in one for all. But for now, I strongly urge you to reject the comprehensive plan amendment and zone change.

Bob Sallinger, Audubon Society of Portland: Good evening, my name is bob sallinger, the conservation director for the audubon society of Portland. I'm also here tonight representing the coalition for livable future and its 80 member organizations. We strongly urge you to reject the proposed zoning changes. The idea of a large park along the columbia slough is not new. The olmsted brothers talked about it in their 1902 report to the parks board. They suggested protecting hundreds, if not thousands—those numbers are theirs--of acres along the columbia slough as a “entirely different type of landscape, which is made up of great stretches of meadow land bordered by diversified rows of trees. No other form of park has proved more attractive and so useful to the masses of the people as a meadow park.” So you notice one of the things they recognized was that such a meadow park would allow for people to enjoy the land without destroying it and also enjoy the land without tripping over each other. They pointed those things out specifically. Lastly the even noted perhaps it would be a good place for a golf course, but may not remain economically viable over time, but we should probably try having one there at least for the short term. Amazingly predictive in their comments. Sadly, we didn't follow that vision. We don't have that great meadow park. This isn't just for the cully neighborhood. This is for the entire region. We don't have that kind of amenity along the Columbia slough, one of great landscapes of the city. What we do have is one of the most park-deficient neighborhoods in the city. A well recognized need there. So this is not just for cully, but it's needed at cully, but for the neighborhood and the environment and what i'm here to talk about is the environment. This is an important site. Not just the goal 5 designated habitat or the stuff on the city inventory, but the entire thing. Those inventories capture the highest quality habitat. But there is a recognized need to connect those habitats, have giant anchor sites and what we need along the slough is not just the corridor along it's banks, but expansive areas around it. Providing habitats for birds, nested painted turtles which are there—state listed sensitive species-- and there are eight species of bats there. One of the highest densities of bats anywhere. We have a water quality limited landscape. The columbia slough is listed for toxics, bacteria and temperature, utrification and it has incredible restoration potential and finally provides an opportunity for enjoyment of nature. A place where people can go and enjoy things without destroying them and one of the things I find offensive is this idea we can cram everything into a very small linear landscape. We'll protect 22 acres along the slough, the most valuable habitat we have and we'll have trails and docks and recreational activities, if you do that in a small area, you're not going to have nature left. You can't protect it and also use it at that kind of a high level. We hear a lot about the idea of balance and compromise. The most over-used words in the English language when it comes to green space. What we're talking about here isn't balance or compromise. We have a heavily, heavily developed landscape with almost no real habitat anchor sites left. What we're talking about here is greenfield conversion. We're talking about taking one of the last large open spaces in one of the most open space deficient places in the city and converting it to industrial use. We're not here tonight to debate whether or not we need more industrial land. We're here to debate whether it's appropriate to take this greenspace and convert it to industrial lands. We don't think it's balanced to that. What we want is a real balance. A balance that will allow us to protect nature, allow people to enjoy it. We're very concerned about the port of Portland and the fact they haven't taken the third runway off the table. What they have done is they said it won't happen in the next 30 years. We've been here before. We convert to industrial and 30 years later, when it comes time to really debate the issue, they say we made that decision 30 years ago. It's too late. I'm going to end there since we're short on time. I think the hearings officer got

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it exactly right when he talks about the fact this is an unique and irreplaceable asset. We need to protect it for the livability, public health, wildlife and to fulfill the olmstead vision.

Tony Fuentes: I'm the co-chair of the concordia neighborhood association. I've had the pleasure of meeting all of you in different forums and I thank goodness you're not fools. Mr. Janik says that Colwood would not remain a golf course. That is not supported by any statements in the press by the land owner, most recently in the tribune. He says there's a win-win because of the gift from the land owner of this 22 acres. As stated by mr. Linberg in the tribune, 20 acres couldn't be developed anyway. It's hardly a gift. It's basically what cannot be converted to industrial use. Mr. Janik says that the bds supports the plan. That's not correct. BDS said that at least parcel 4 should also be retained as open space. The bureau of environmental services does not support this plan because of the substantial investments made to rehabilitating the columbia slough. Which, contrary to what mr butler says, has not benefited from the industrial development nearby. The columbia slough is one of the most degraded water bodies in the state. It is the first water body in the state for which tmdl was approved, and the most significant source of impairment is industrial stormwater. Converting this to industrial will just make it worse. Mr. Janik says odot and pdot support this. That is an overstatement at least. Both odot and pdot put huge constraints on what could be built here and require a trip cap because of any development here on the i-205 interchange. Further, even that trip cap is a result of transferring development rights from the future cully park site to this site. And I would argue that those development rights are not free and should not be given away to any private land owner. They belong to the city. And the appropriate transfer of those rights would be to an area that is already appropriately zoned industrial. Not an area that is open space. Mr. Janik and others have talked about 1900 jobs, 2,000 jobs, 1800 jobs, all sorts of jobs, jobs, jobs, jobs. Again there's huge constraints on what's going to happen here, if it ever happens. Because of the transportation infrastructure, stormwater constraints and the transportation constraints and there's no way that 1900 jobs will emerge here. It just is not in the cards. What are the costs and benefits of this? The applicant has been big on toting benefits but none of the costs have been categorized at all. Like pollution and externalities as the effect on public health for neighbors nearby who are suffering the worst air pollution in the region. Who are already enduring the most noise pollution in the region and whose primary environmental asset nearby, the columbia slough, has been grossly degraded by existing industrial development. Mr. Janik cites a few case studies, but ignores probably one of the most significant, the glendoveer golf course. Which was not rezoned, primarily because it was viewed as a valuable asset to the city and neighborhoods. Mr. Janik also outlines a lot in terms of the balancing act in terms of open spaces, but he ignores all of the goals within the comprehensive plan, the statewide goals, metro's goals and neighborhood goals with regard to environment and recreation. Both were cited by the hearings officer within his report. Finally, in response to a question from commissioner Adams, the gentleman from trammel crow said there was a variety of reasons why broodmoor would not be open to this kind of development. Every argument he put up for that, applies to this particular parcel. Which is a little ironic to say the least. Over all, one of the biggest things here is that open space owned by a private company also has a value to the city, and that's supplied within the comp plan, within the parks plan, and within the statewide goals. Further, there has been a concerted effort on behalf the city to purchase the entire property. Not merely parts. And it's understandable with an offer on the table of \$200,000 and acre from the port that the land owner would want to walk away from a more reasonable offer with what the existing zoning and current value is. This is not an appropriate use of the comprehensive plan amendment-- to provide a windfall to a business owner. Thank you.

Saltzman: Thank you. Questions? Commissioner Adams?

Adams: If broodmoor came up with -- if a request came up for it to be zoned industrial, what might be your position on that?

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Fuentes: The position would be the same. I think one of the issues here, if any inch of this is rezoned industrial, it's precedent setting. For one thing, it concedes the city's ability to shape what the court does in any way shape or form. What we do know is the port wants to buy at least one third of the property. They made that public record on april 9th. With regards to any kind of decision to rezone this industrial from open space, the kind of arguments -- this would set a precedent with regard to other open space areas throughout the city. Broadmoor would be one of them. That is a situation that is not a measure 49 claim. It's in compliance with the historical uses and its open space which is protecting a unique environmental area.

Sallinger: I would add, we talk about balancing on each one of these open spaces. We're not asking the same questions about t4 and t5 and I question whether the business community would see it as balancing if we said ok let's take Colwood and develop half of it, and let's also take half of t5 and undevelop it since we have this need for open space. I'm not sure why we feel that open space is something we can sacrifice when we have a deficit of that as well.

Saltzman: Thank you. Commissioner fish?

Fish: We have seven parcels we're looking at. I understand your point about the entire aggregate has important environmental benefits and sensitivity. But are you able -- can you rank for me in descending order the hierarchy of sensitivity as between all seven parcels?

Sallinger: I can walk over to the map and -- not in order. What I would say the general statement the highest priority are the ones closest to the slough, surrounding the slough and --

Fish: Three, four and seven as I understand it.

Sallinger: Right, and what we have is an opportunity to create a gradient from the columbia boulevard to the slough where you may have more active activities toward the road. Moving to a natural area, full protection as you get to the slough and that's the thing we need for people to truly enjoy nature. We don't really have good access to nature along that stretch of slough, on much of the slough. What you have is an opportunity to fulfill alot of community needs. Too often we take our parks and have a pure nature park and pure recreational park. We don't have large multi-use parks that allow access to nature but also in a way that doesn't destroy it. What I see at Colwood is very unique is the opportunity to have a gradient, ranging from more active uses near the road to really good protection and access for nature appreciation when you get closer to the most sensitive areas. But we do need some uplands too. We do a better job of protecting the riparian zones and water zones than the uplands and a lot of wildlife depend on areas further away from water. And this property in terms of restoration potential is really unique for that purpose.

Fish: I understand your argument concerning parcels 3, 4 and 7. Would you compare and contrast parcels 5 and 6 to the south and 1 to the north?

Sallinger: They all have a variety of native and non-native vegetation and so as you get further away, get away from the goal 5 lands around the slough, you have degraded quality about them. Obviously a manicured landscape. But what you have there is restoration potential. I'm not sure i'm answering your question. But the most important habitat is the riparian areas both for water quality and for wildlife. As you move away, you have less intact habitat and more manicured landscape but that's easily convertible to habitat if we wanted to do that. You also have over 500 trees on that property, which is pretty amazing in a time when the city is trying to set tree targets, that's a heck of a loss if you lose those 500 trees or a significant portion of them. In addition, we need to think about what would be going in there and industrial landscapes are not an improvement over green fields when this comes to water quality, habitat and so on. They may be better than other possible uses, like residential, which tends to be the worst for wildlife. But when it comes to protecting water quality, when you're sticking up parking lots and impervious surfaces and buildings, you can build them green, but I think it's insane to suggest that somehow that would be better than having green fields. It's certainly a step down and a step down in a place where we've spent hundreds of millions of dollars trying to restore the water quality. This is a step backwards

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from that on a site that was set aside for the purpose of open space whether it's in public or private ownership. Did I get to your question.

Fish: That's helpful.

Sallinger: One thing I would end with. We've heard this isn't good for the neighborhood. I would ask the neighborhood to speak for itself. I think we have a lot of people here from the neighborhood and community. Whether they think this is a good place for a park and we have a lot of people who aren't going to testify. I would ask people to stand up if you're supportive of a neighborhood park and regional park. Ok. All right.

Saltzman: I did have one question further, probably for bob. Mr. Janik's statement this property is not on any metro critical open space or critical habitat inventory. I wonder what your response is to that?

Sallinger: The parcels near the slough are, in fact, on that. One of the challenges of inventories is it simply looks at intact existing high quality habitat. And the problem is most of the habitat we have left in the region is somewhat incidental. We didn't go in and protect habitat first and then develop around it. And so you have places that are higher quality that make the inventories but those alone are not sufficient. Metro clearly articulated the fact that more than that needs to happen.

These are simply the sites that are the best and the idea is to protect the best and restore the rest. And so to go in through regulations and protect -- in metro's case, riparian areas but there's a recognition you need to do more than that. You need to find other sites to restore as well to make those habitats function. The outer part of that property, because they're golf courses and manicured and not managed as habitat, don't make it onto the goal 5 inventory, but they are the type of site and have tremendous restoration potential. If we want to go that route.

Saltzman: Any further questions? Thank you.

Sallinger: Thank you.

Saltzman: Now we'll hear from -- what's the right word. The supporters of the opponents, I guess. Sue, please call the first three.

Parsons: We have 23 signed up.

Saltzman: Welcome. If you could please state your name for the record and you have two minutes.

Brad Dennis: My name is brad dennis. Representing the Portland youth and elders council, also on columbia boulevard. We urge you to deny the request to rezone colwood from open space to industrial. We would like to see all 138 acres of Colwood golf course reserved as green and open space. A vote to do so would demonstrate Portland's adherence to the environment and neighborhoods as cully-concordia neighborhood lacks areas of this kind. As stated in Portland's 2020 plan, Portlanders view parks as a part of the fabric of the city. As appealing gathers place where they can carry on leisure and cultural and social activities. The Portland youth and elders council has also discussed the need for culturally specific programming in Portland in general and the cully concordia neighborhood specifically. The colwood golf course area could provide space for that programming to take place. The cully neighborhood is the largest concentration of native american people in all of Portland. Many of the Portland youth and council members live in this neighborhood and would be negatively affected by the proposed rezoning to industrial. Colwood golf course is also within one mile of a native american youth and family center and early college academy. In your vote, consider the need for culture specific park programming. We would support Portland's 2030 plan that states the city has developed and implemented a policy of zero net loss of green and open spaces. We would like you to prioritize the natural environment and policies and decisions as this plan stated you would. We agree with the plan decision that sustainability does not have to harm the economy but give us a competitive advantage. It is portland's value of sustainability that makes Portland the ideal place to live in, economically, environmentally and socially and as a result, businesses are attracted to and flourish in Portland. We firmly believe that

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continued protection of our open greenspaces increases our neighborhood's value and portland's far more than a short term gains a warehouse would provide at this location. We vote to keep Colwood golf course green and open space. Sincerely, Portland youth and elders council. Thank you.

Ervin Bergman: My name is Ervin bergman. I have submitted written testimony and would like to follow with oral testimony. Testifying in opposition of rezoning of colwood to a industrial sanctuary. The 130 colwood property should in its entirety remain an open space and ultimately be acquired as a regional, not just a -- as a neighborhood park. There is indeed, a human need for recreation in cully and in Portland. The hearings officer recognized the value and importance of the 130-acre on space colwood property by finding within the present, 5700 industrial sanctuary, all the way from troutdale to california, any remaining open space is a precious and limited quantity and resource which would be extremely difficult to replace. Further stated colwood as an open space is unique and practically irreplaceable asset and should not be rezoned. And now specifically addressed one issue that may weigh heavily on your decision, namely the proposed purchase of the northern most 43-acre Colwood section by p.d.x. Now authorized by the port commission. This acquisition was to satisfy land requirements of p.d.x. In the 2000 master plan. Current planning efforts clearly show that the 2000 extended projection lost all validity and that p.d.x. Does not now or will have in the future documented need for this property segment. Failing -- failed rezoning efforts will have no adverse impacts on p.d.x. Now or any time in the future. In a nutshell, the third runway and it's overrun area is dead. It will never materialize. Likewise, the new terminal specifically, the southern option, including access roads to the colwood property is dead likewise. [inaudible] cargo handling could also continue without colwood there would be no adverse impacts to p.d.x. Operation. Continued sluggish aviation has been identified for airport futures within it's 2035 planning horizon. there exists,

Saltzman: You have to wrap up.

Bergman: To believe that these underlying factors of global warming and high fuel prices will disappear is at your peril. Thank you.

Saltzman: Sir?

Jim Gershbach: I'm a resident of the concordia neighborhood. I'm going -- I have -- i've submitted written testimony and i'm going to make my verbal remarks brief. This vote is really one about whether or not zoning of open space results in any protection at all for land. My comments are around when we've zoned open space for the citizens of Portland, what encroachment -- protection against encroachment against open spaces are we going to receive from the elected officials. No one who has supported this change to industrial land has identified any other 138-acre parcel in the vicinity of the cully Concordia ne area that can be available to the citizens for open space. Open space by definition is designed to be the green lungs and green kidneys of our waterways and airsheds. When we convert what's left, the two remnant parts of our community that are still greenspaces are golf courses, they stick out as the last remnants of the columbia slough. To remove those is like taking the last protection we have in that neighborhood for clean air and clean water. The human health affected by the noise and air pollution, this is only adding to the pollution and the human health burden of the residents. We've heard that's worth trading to we can get more jobs, but I would submit there's always going to be pressure from people wanting to turn open land to other purposes. What do we as a city do when facing these pressures. Do we simply say for the short term gain in jobs, we're going to eliminate a resource that can't be replaced. It's irreplaceable open space. Those jobs that might be created have to be offset with the kind of jobs created in Portland have been jobs that created a lot of people coming here because of the quality of life. And we're going to lose the quality of life so we may end up losing the jobs in the long term.

Saltzman: Thank you. Welcome. You each have two minutes and where do you want to start? With you?

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Ecole Copen: Thanks. Good evening, my name is Ecole Copen. As a member of the Portland food policy council which supports keeping the zone open space, I would like to acknowledge the community food assessment by the ecumenical ministries of Oregon which reviewed food access issues for Cully and surrounding neighborhoods. This assessment showed minimal or poor access to food resources, including grocery stores, community gardens, farmer's markets or emergency food sites. With more apartments and infill being developed in this area the need and desire for food access will increase. As a concerned citizen, I help table at the Concordia neighborhood new seasons on Sunday to inform the local northeast community about the possibility of Colwood being rezoned as industrial. As part of my 2 hour service there, I asked what their vision for 140 acres of space in the Cully neighborhood would be. Here's some answers. Active baseball fields, urban gardens. Leave it alone. Plant fruit and nut trees. Start a sustainable living project. Restore the Columbia Slough to what it was 100 years ago. A second site for Dignity Village. A golf course. Pilot project to train farmers ecological farming to grow food for the Oregon Food Bank, institutions and missions. A prime tourist attraction destination from airport. Turn it into a park. Preserve wildlife. Lover's Lane. Education center for the slough. [laughter]

Copen: Hold on. Sorry.

Saltzman: [inaudible]

Copen: You like that?

Copen: Basketball court, meditation maze, dog park, rv parking, urban bee keeping collective and so on. If Colwood is rezoned it eliminates a huge tract that has potential to satisfy the community's desires and needs and please keep Colwood as open space.

Saltzman: Thank you.

Tamara DeRidder: My name is Tamara DeRidder of TDR Associates. I'm a land use planner and I'm also representing Rose City Park neighborhood association in opposing the rezone for this proposed industrial space. Cully is -- contains about 14,000 people. Currently and the population is likely to double over the next 20 years. There are amazing needs, including park needs, I think it was mentioned there's one park acre for 2700 people. And the average is one park acre per 40 people. Even with the Thomas Cully Park being proposed, which is on a capped landfill of all things with structures—questionable because they are on a landfill--they will still be five times more need of parks than any neighborhood we currently have. They don't have adequate schools or greenspaces. Those are actually to be exceeded in population over the next 10 to 20 years. Right now, this population has substandard parks, it has very little access. Only 55% of their roadways are improved to city standards. They don't have sidewalks. And they have one of the highest growing populations over three to four persons per household in the Hispanic and multifamily -- multiethnic populations. There are health needs and I want to reiterate what Jim mentioned earlier. Open space serves as a breathing point and an outlet for both health needs, as well as providing a buffer, a noise buffer, a sound buffer, and a buffer from benzene and other carbon monoxide from the airport.

Saltzman: Did you want to testify?

Albert Kaufman: Yes, I'm Albert. I live in the Kearns neighborhood. I wanted to congratulate Commissioner Adams and welcome Commissioner Fish and I'm hoping to see another commissioner up there who was here earlier tonight. I have been a big fan of turning golf courses into gardens and other uses for a long time. I used to be active in a group in Seattle that took the Jefferson Golf Course and Jefferson Park and has taken some of the reservoir land and turned it into open space. And they've taken some of the money from the parks bond and spend about \$11 million to create a park in an area that didn't have very much park land and very much access for people who lived in the neighborhood and it's been a huge success and I'm proud of that activity. So when I heard about three years ago as president of the Beaumont-Wilshire neighborhood association that the Colwood Golf Course was going to be for sale and there would be a possible rezoning, I started participating in the neighborhood group in northeast and got involved and have been following this ever since.

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I'm very much in favor of keeping the designation open space. I think that the claim that there can be 1900 jobs and could be seen on the other side. This could easily become a place where farming - and could become an urban farming training institute where we can teach ourselves how to farm. The chance of us continuing to get food from chile and new zealand is going to lessen. And we're going to have to figure out sooner rather than later how to feed ourselves. I urge you to for that reason, as well as many of the good reasons that the other supporters here who have been testifying -- have been testifying in front of you, please keep this open space. Thank you.

Saltzman: Thank you. Next three.

Saltzman: Welcome. You each have two minutes. Please state your name for the record and start with you.

Rich Gunderson: I'm rich gunderson, worked for the city for 25 years in parks and recreation and of those 17 years, I was on the bureau's management team, from 1980 to 1997. I know for certain, over those 25 years, the city has funded the forestry division of the park bureau. The dollar amount has to be in the millions. The mission of the forestry division was three-fold. Number one, to plant trees. Two, to protect existing trees. And three, to promote a healthy tree canopy. Since the city has invested millions of dollars already toward the above mission, I encourage you to continue to show leadership as a city in protecting trees. If the colwood property is not protected by the open space designation, over 500 trees will become endangered. I strongly urge you to accept the hearings officer's recommendation to keep the colwood property as open space. Thank you.

Robin Denberg: Good evening, commissioners, my name is robin, i'm a long-time concordia resident. I wanted to discuss impact of parcel 1 which is the top or the northern most portion and why the applicant has not met the burden of proof for the rezoning. Notably public health, environmental and opportunity costs clearly outweigh any benefits and Parcel one is a great example. With this rezoning, request one thing is clear according to legal experts. If parcel 1 is rezones, there will be no way to stop the port from placing a third runway there. Once the land is rezoned of the city gives away its one and only instrument to have any sway over the land. If you go against the hearings officer, the city loses any say for future generations. The latest argument is that the port doesn't foresee a need for the runway for another 25 years. But port staff have stated recently that it's not permanently off the table and would be used for taxiing planes in the future. In the 2000 port master plan it shows the likelihood of colwood becoming a new runway. The burden -- the hearings officer's decision is really important. But the burden is being placed on the applicant and I don't feel the applicant has carried out the burden of proof that each and every, not some approval criteria have been satisfied. There's nothing to gain and everything to lose by going against the hearings officer recommendation and I request that you please preserve this area and vote no on the rezone, thank you very much.

Saltzman: Thank you.

Bill Barber: I'm bill barber and representing the central and northeast neighbors coalition. First thank you very much for having an evening hearing. I want to speak on behalf of our coalition and we feel like the hearings officer got it right, what we're talking about tonight in many respects is balance, and I think the hearings officer hit it out of the park in terms of really saying this is a hard case. He balanced economic development against open space. And he came to a difficult conclusion that open space is more important in this case. The slough is a real important piece of what we're looking at. If you look at the air photos and the maps, to me, this area -- it's like a -- it's like a green string of pearls. The slough connects the colwood course, we talked about broodmoor earlier and goes further to the west and to the east, all the way to -- east to blue lake park and all the way west to kelly point park. So we really have to think as a system, as a natural system. I want you to think about that kind of in contrast to kind of narrowing in on colwood as the applicant has suggested and saying it's surrounded on all sides. The last thing I want to touch on quickly is in our coalition, we're supportive of economic development. And in fact, we would like to see more jobs

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in the hollywood town center and more jobs along the sandy boulevard and northeast 82nd avenue corridors and just to finish, we want to keep hands off of colwood and we support the hearings officer's decision. Hope you will too. Thank you.

Saltzman: Thank you.

Saltzman: Welcome. You each have two minutes and if you would state your name for the record.

Nancy Hatch: Nancy hatch. I'm here testifying mainly on behalf of the sierra club. I'm a member of the local sierra group executive committee and a member of the concordia neighborhood and attended the neighborhood association meetings. The sierra club objects to the rezoning proposal for the colwood golf course land and supports the hearings officer recommendation. I believe when considering whether or not this property better serves Portland as an open space or industrial sanctuary, it's important to remember that first of all, the entire property needs to be kept zoned as open space. There's already so little non-industrial space in that area, and having it near 22 acres, most which has to stay as open space because of proximity to the columbia slough, really doesn't serve much as a purpose. It's important to realize that whether it's public or private land, having it as open space is still valuable, it provides in its current state as a golf course an area for people to enjoy outdoor recreation and provides some habitat. You've heard testimony as to the birds and bats -- we know that different species of bats do things like eat insects like mosquitoes that carry west Nile virus. And it's important to realize when there's talk about a park, the talk has been at least by those who are supporters of keeping it open space as being a regional park. I think it's very well known that having a neighborhood park in that area really doesn't make sense. It's not near neighborhoods, it would be a dangerous place for children to go. But it could have great potential as something like a regional park -- something like the glendalwood golf course where there's a trail around it and potential for things like further connection of the multiuse paths.

Saltzman: Thank you.

Terry Parker: Thank you for having us, my name is terry, i'm a taxpayer and long time resident of the rose city park neighborhood. The colwood golf course and open space is as important to northeast Portland as forest park is to northwest Portland. Would you break up and sell off forest park for industrial development? For the good of the people of Portland, specifically the residential neighborhoods of ne Portland, the colwood national golf course and open space must be preserved. If development is allowed to occur on this pristine piece of property, some of the 500 trees, the rolling lawn landscapes and the acres of open space wildlife habitat will be gone forever. The colwood national golf course and open space needs to be one of the pieces of property at the top of the list to be purchased by the metro greenspace program. The last time a golf course property was up for sale, metro failed to act. The orenco woods golf course west of Portland was purchased by a home builder. Portland is fast becoming over populated with high density heat—density island development springing up all over the city. The need to preserve existing open space acreage within the city is now greater than ever. Even though I have not played a game of golf, my personal preference is to retain the majority of the property as a golf course. With energy costs such as they are, the need for close-in recreation of this type is growing and must not be reduced by developing the property and just like the bicyclists who so far don't have to pay a fee or bike taxes for specialized infrastructure, when in public ownership, the colwood national golf course along with other publicly owned golf courses, ought to be free to all users. Listen to the people of northeast Portland, what they're saying. They do not want development to occur on this property. The hearings officer recommendation is correct and needs to be upheld. Any rezoning for the property needs to be rejected by this council. Thank you.

Saltzman: Thank you.

Troy Clark: I'm troy clark, the president of friends of smith and bybee lakes. I'm also a founding member of the Columbia slough watershed council. My testimony is a reflection, I saw a document

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about 15 years ago, dated 1968. There was a proposal at that time as the port infrastructure began to move toward t6, the idea was to dredge the columbia slough and dredge smith and bybee and make it a deep draft port or terminal. It didn't happen and we're fortunate that idea didn't happen. Smith and bybee is now a very important wildlife sanctuary, it's one of the 200 important bird areas in the country. Here it is in the city. And I look back at the idea 40 years ago of doing some development there and I don't know exactly how it panned out, why it was decided not to do it, but we dodged a bullet. Smith and Bybee's great and I feel that colwood has the potential, as been mentioned before, to be a regional park with significance for the slough and the region, depending on how it's developed. So consider this, because the decision we make now at this time is going to be looked back on 30, 40 years, and i'm pleased now we can look back 30, 40 years, that in '68 we did not decide to dredge out smith and bybee lakes.

Saltzman: Thank you. Next three you have two minutes. Please state your name for the record and we'll start with you.

Barb Fritz: I'm barb fritz, resident of Cully neighborhood and a volunteer red cross nurse. I would like to give apologies to Commissioner Leonard for not visiting him so we could tell him that that chartreuse green spot on the map is a rock quarry and we know you would like to know that.

Leonard: Acutally, I already knew that. [laughter]

Fritz: I'm hear to testify on behalf of keeping Colwood golf course zoned open space. It is on a flood plain and at risk of flooding from a breach in the marine drive dike. As we've learned with the floods in Vernonia, any new construction will need to begin on a second story level. Why should we consider new construction when cully neighborhood is so park deficient?

Merele Ann McVay: My name is merel ann mcvay. I'm a homeowner in Concordia neighborhood. I want to speak more to general liveability issues. I agree totally with all the ecological and health issues, reasons for not changing the zoning. But from my personal experience—and I've biked many times through the golf course, on Alderwood and all and stopped and watched the birds. And the green space and the trees for me is very life affirming. It fills my heart and soul. I know for me, if you were to ask me two things that are the best reason to live in Portland it's the parks and open spaces, and the Multnomah county library. To me as we are getting progressively more densely populated, open spaces are even more important. The idea of a regional park or whatever pleases me, sounds good. But to me, figuring out what to do with that land is the next step down the road. First we have to have it as open space or we can't do any of those things. And there is a tradition that talks about what's the impact for seven generations, and I think that's more important than a multi-million dollar sale. It's that we look at the well-being over time. Thank you.

Don McKinlay: I'm don mckinlay and I am a member of columbia co-housing l.l.c. Which is developing land and buildings at northeast 46th avenue between killingsworth and jarrett as columbia ecovillages, approximately 1.5 miles from the colwood site. I will live there starting this spring along with 36 new families. We have deliberately foregone excessive development and focused on preserving and enhancing the outdoor spaces, the beneficial vegetation, the ecosystem components and the general state of connection to living things that allows a community to experience and participate in the beauty and bounty of nature. Our greater community, which includes the neighborhoods surrounding the colwood site, is as you know in serious need of similar development that improves rather than destroys the opportunities for connectivity with nature and healthy outdoor activities. It is the responsibility of the city to facilitate those opportunities. Rezoning the colwood site to industrial would undermine them. It's time to put every decision into the context of the greater needs of the community and the goal of meeting those needs. This part of Portland desperately needs accessible, natural areas. Urban canopy, outdoor play space, community gathering and picnic spaces, outdoor educational resources and community gardens. Allowing an industrial zone on this site would be turning away from our needs and goals. With its history of

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pollution and brown field creation, Portland industry in case on this site is a threat to the community. Thank you.

Saltzman: Thank you. Thank you all. Next three:

Saltzman: Welcome. You each have two minutes and please state your name for the record and we will start with you, linda.

Linda Robinson: Ok. My name is linda robinson. I am a founding member of the columbia slough watershed council and a long time park and environmental advocate. Now i'm speaking as the park and environmental advocate this evening. I wanted to start by talking about another project i'm working on. I'm on the city's city wide tree code task force where we're looking at ways to make it more equitable and more understandable and overlap, get rid of overlaps and the gaps and the like. One of the things that the development people in the industrial people keep telling us is that the landscaping requirements that are there now are excessive, difficult to work with. They would like to reduce them. You know, there's been a proposal recently that maybe this is an opportunity to mix open space and industrial development with some of the new modeling we've heard about. I don't think, I think it will be a hard sell and there's no guarantee that that would happen, if you rezone it now without any conditions like that on it. But one thing that idea that has come out of that is the idea of reserving some green parcels in the industrial areas at certain intervals which can be used for mitigation to do landscaping and shrubs and trees to replace the function of the trees that will be lost as the other parcels are developed into industrial. That's a possible use of this and mitigation bank. It's one idea. I also want to talk about the riparian areas are important habitat. Those right ones that have been identified in the inventories by metro and the city. But riparian areas are even more valuable habitat if you have upland habitat next to it and the area particularly between the two branches of the slough would make those riparian areas even more valuable as habitat. The slough is also an important corridor for wildlife from the sandy river to the willamette river. But to make it function a narrow corridor it needs, it needs green nodes at regular intervals. This is one of those green nodes. It's important to maintain enough of those to make it a viable corridor. And much doesn't have habitat value now but it will have -- it can be restored. A lot of other points which I made in the written testimony which I submitted and i'll stop at that point.

Saltzman: Thank you. Jim, why don't you go next.

Jim Howell: Name's jim howell. I live in the belmont neighborhood. And i'd like to address this a little different tack. I think that 138 acres of open space is of far more value from an economic standpoint as open space than it is being chopped up into an industrial park. There's a lot of potential here for perhaps a world class botanical garden. I don't know if any of you have ever been up to victoria and seen the butchart gardens. That garden attracts over 1 million people a year. And it's a huge economic engine for victoria. And one of the reasons it is so popular is it's so accessible. You can go there by public transportation. And that's an opportunity that you have here that this is a very accessible site. It's six minutes from the international airport by bus if the bus ran in that direction. There's an opportunity for columbia boulevard bus that should have been put in long ago connecting the yellow line to the red line on in the columbia corridor. So it has a tremendous opportunity. It's location, location. And the effect of not just the jobs that it would create if it was such a facility were built there, but the spinoff, economic benefits, the tourism and all is potentially -- far more potential I think than an industrial park, which is -- not -- not very exciting opportunity for 138 acres.

Saltzman: Thank you. Sir.

Jim Wentworth-Plato: Hi. Good evening, commissioners. My name's jim. I'm a cully resident, city resident and a regional resident because of our natural resources. As the gentleman behind me stated, it is a complete island of open space in a commercial zone. And his testimony speaks to the uniqueness of this. The large size also is unique in a park. I question the development of 1900 jobs

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and wonder if those jobs would be long-term jobs or if they would just be there long enough to build the buildings. I challenge the statement that it's too far to be useful to cully neighbors. I believe its location is ideal for the entire northeast if not the entire city. I may stand alone in this but I believe that p.d.x. Is just as likely to shrink as grow. Airlines are cutting service right and left due to increasing fuel costs and it's doubtful these costs are going to decrease. Concerning parcel number 7 under current codes I don't believe it can be developed anyway due to the fact that it's either in the water or on slopes too steep around this water. I'm also an i.s.a. Board certified master arborist and as the pitch on my arms can testify I work with trees every day. I work with infill in our city. These smaller lot sizes aren't capable of sustaining larger trees. And we need that canopy as the greater green initiative is speaking to. And unfortunately the proposed thomas cully park is a dump, literally. As such trees cannot be planted there because the roots will penetrate that impervious cover. And so we don't really have that as a possibility. This site has 500 trees, many of which are mature, and that vertical landscape is greatly beneficial to our area. Thank you.

Saltzman: Thank you.

Saltzman: Welcome. You each have two minutes. Please state your name for the record and we will start with you on my right.

Tony DeFalco: Thank you. I'm tony de falco. I live in the cully neighborhood and I want to thank you for this opportunity to comment on this important proposal. One of the most important functions of government is to protect the health and well-being of its citizens. And you have the opportunity with this decision to do both and save a little money while you're at it. The cully neighborhood is park and open space deficient and just last night, we were fortunate to have, in Portland, the nation's most prestigious authority on parks in urban areas, peter harnick the trust for public land gave a presentation. And in that presentation he cited a new report that just came out regard, the value that parks and recreation areas give to municipal areas. And this report basically, the bottom line is that the benefits of parks and recreation areas for the most part for urban areas far outweigh the potential benefits of proposals such as the one before you to do a light industrial in this parcel. I will submit that for the record. This is a culturally and ethnically diverse neighborhood providing additional open space and green space would benefit the people in this area. Native american youth and family center is located in the neighborhood and this is an excellent opportunity to partner with local tribes to create some culturally specific places within the park. You are spending a tremendous amount of money to mitigate storm water and other air and water quality in the city of Portland. I commend your activities on that front. This would retard this progress and ultimately cost you more money. Development generally does not pan out with respect to the infrastructure costs and the mitigation afterwards. Thank you. You have many partners here that are ready to help you and I hope you take them up on that. Take them up on that offer with your decision.

Saltzman: Thank you.

Mark Conley: Hi, commissioners. My name is mark conely. I was born and raised here, 51 years. I'm a graduate of landscape architecture and environmental studies and health care garden design to address economic, aesthetic and cultural changes in our city and our state and our region. I don't know -- I don't buy the jobs economic arguments and forecasts. Funny, I work for two companies near colwood and my pay is 9 and \$10 an hour, not family wage. Remember, your decision to change zoning has irrevocable consequences. The attorney is right. Colwood is an island and this is very important. What it was original is not relevant anymore. What is relevant is what it is now. It is an incredibly beautiful scenic island of important size ensconced in the midst of intense development. It seems we are vastly underrating the aesthetic importance of this area. Over all else, the entire site is high value habitat for people, for us. And we need the esthetics relief in this as a large, interconnected node of esthetic open land. Landscape architect Olmstead had the same vision when he designed central park in new york city in the late 1800s. This site has many

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similarities to central park. This is our central park paradigm. There are many other alternatives to industrial that could be considered such as tourism. Thank you for your consideration. P.s., I have photos I can provide if you need them. P.p.s., forest park and the south Portland blocks are olmstead brothers parks.

Saltzman: Thank you. Peter.

Peter Teneau: My name is peter teneau. Converting colwood from open space to industrial sanctuary designation would be in my opinion a huge mistake. I appreciate the need for increasing the inventory of industrial property and providing for the future. On past occasions I have not opposed such expansion but this particular property, because of its precise location, because of the strength of its many natural assets, and its future potential makes no sense. Find another piece more appropriate for industry. If colwood is now designated open space, it was for good reason. Colwood presents an unusually rare opportunity for an extensive comprehensive development because of its large size. One which would accommodate a balance of various park needs and passive environmental preservation, important to columbia slough. Large size, 150 acres is better than three parcels 50 acres. If we take into consideration the needs for environmental systems, animal habitat, and so forth, and continuity, these are two great principles in environmentalism. And I apply those to this argument. Having served in previous years on the columbia slough watershed council and actively participating in its many impressive efforts, the most glaringly deficiency was a lack of wooded upland. The addition of colwood would address this imbalance. In a time of rapid growth, Portland needs more than ever to seize the chance to secure in perpetuity this outstandingly worthy green space. In my view colwood would be the crowning jewel, the heart of the columbia slough watershed, fulfilling the vision of those earlier supporters who grasped the slough's value and I am sure the olmsteads would, too. Thank you.

Saltzman: Thank you. We have one more?

Parsons: One more and that's wes kemper.

Saltzman: There is anybody else in the audience who didn't sign up who would wish to testify in opposition to the applicant? We have somebody? Please come up. At least two of you come up. We'll get to you next. Welcome. You each have two minutes and please state your name for the record and we'll start with you, sir.

Wes Kemper: Thank you. My name is wes kemper. I am a concordia neighborhood resident. I am also a member of the columbia group, sierra club executive committee. I guess as a resident of that area, I have to state my appreciation for just the presence of it as an open space. I recently rode my bike through there. It was an evening at sunset. And I was looking out over the slough, and just the impact of the sun going down, the redness of the sun, the sky reflecting off the water, and then the openness that you feel because of the surrounding green spaces to the north and the south, that would definitely be lost if we turned this into an industrial zone. There are other parts of the slough where you see where they've preserved maybe a little strip of green space but you really just have industry on it to the north, industry on the right, industry to the left, and it would be a great loss. The upland value that, the value of the upland for the riparian zone is also very important. I would also stress the importance of considering as one woman stated, the impact seven generations from now. Once we zone this industrial, we can't go back. And this was originally zoned as an open space and I think it's very unfair to turn around and zone it as industrial. Thank you.

Saltzman: Go ahead.

Eileen Graham: Hello. My name is eileen graham and I am a resident of the cully neighborhood. And I urge to you support the hearing officer's recommendation. The cully neighborhood is recognized in the Portland park bureau 20/20 vision plan as being extremely park deficient. The sacajawea park is a mere 1.5 acre offleash dog park. A three acre donation of park land adjacent to that is fenced off and unimproved. 25-acre thomas cully park master plan has begun but there are no funds to develop this former landfill property. It, too, is fenced off and unimproved. There are

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over 14,000 people living in the 2008 acre neighborhood. Currently there are 547 acres of industrial property and 157 acres of open space property. Of those 157 acres, Colwood is 138 of those. The applicant's rezone request for this site would change these figures to 663 acres of industrial, and 41 acres of open space and that 41 acres would include the 22.5-acre donation. Industrial property is easier to obtain while open space property is not. The park bureau is mandated to provide parks and recreation services including natural areas and trails to meet Portland residents' needs. Carrying out this mandate includes analyzing all existing open space opportunities including privately owned resources. I'm sure that the number 75 bus could be extended, the bus line could be extended so it has access to the Colwood properties so we could get there by bus. Just yesterday, I was on that property with my four-year-old grandson. He likes to climb in the big trees that are just east of the clubhouse, and I assure you we had no problem getting access to the property. Thank you.

Saltzman: Thank you.

Margo Barnett: Margo Barnett. I am a resident of southwest Portland. And I wanted to talk to you a little bit about the whole issue of balancing that needs to be done as you look at this particular issue of potentially rezoning open space. Open space has incredible value to the public, and there is a real need for the public to have some sense of real certainty. We really look to the comp plan as providing some of that to us. Open space, even privately owned open space, even though the public may not be able to use it, does serve many values to the public. It provides public health values as you have already heard in terms of air and water quality. In addition to that just the fact it's breaking up the other kinds of intense uses that we provide with both industrial and residential land.

As we look at increasing the densification of all of these neighborhoods in terms of the residential uses and some of the industrial and commercial uses, we're really asking people to adjust to these changes so that we can preserve our urban growth boundary and our rural areas. But there are a lot of tradeoffs we need to be looking through. And I think that this question that you are looking at about balancing industrial land and the open space land is part of that decision-making that we need to be making. And I am really concerned that we not lose the values. And also look at -- look at the fact that there are tradeoffs that is we're making in terms of -- if we change the open space on Colwood, we're losing the trees, we're losing the value that's provided in terms of the infrastructure that's provided by that open space, and are we really going to then be subsidizing that as the public? Because we know that as it gets -- if it becomes developed as industrial land, that development will not pay for all of the cost of infrastructure that we're losing. We have already invested money and restoring parts of that property in the slough. And then we're going to be ending up needing to spend more money to restore the lost green infrastructure that we have in terms of the canopy. I'm really concerned that we provide that balance as you look at this and make your decision.

Saltzman: Thank you very much. Sir, come up next. Do we have anybody else who wishes to testify in opposition to the applicant? This is the time to come forward.

Bob Thompson: I'm Bob Thompson, a resident of the Cully neighborhood, lieutenant colonel retired and former base civil engineer at the Air National Guard base for a period of about 10 years. There's an excellent photo by the Army Corps of Engineers right after the Vanport flood that shows this entire area under water. So you got to realize this is really a swamp. It's the worst possible area for commercial development. And the only thing that keeps this place drained is the Columbia Slough. And during the 1996 flood of Portland, the Air National Guard took a bunch of their airplanes and trucks and parked them at parking lot up there at Colwood Golf Course. So it's vital that this whole area, there's nothing been done to the dike. The airport is 18 feet below the Columbia River. And so whenever we have an ice storm or something, we have to get the emergency generators to keep the pumps going in order to keep this whole area from flooding. So whether you insure an area that's in a flood plain, I kind of doubt. But it's a really crucial area as far as maintaining the flood and the drainage of that whole entire area out there. So this is really, you know, the movie "Chicago" comes

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to mind where you can dazzle them with charts but it's whether you are going to reward the few at the expense of the many, or really consider this a political decision as trying to support the people in this neighborhood. Thank you.

Pat Metzger: Good evening. Thanks for the opportunity to come here and talk. My name is patrick metzger and I am a resident of concordia neighborhood in Portland. I support the recommendation by the hearings officer to retain the colwood golf course as open space. Which is also supported by the bureau of environmental services, Portland parks department, Oregon department of transportation and the cully concordia neighborhood associations. One thing what hasn't been mentioned too much that is this site is a watershed function, which benefits the natural hydrological cycle. And in the environmental overlay zone is already applied on the slough. And so their offer to give this area to the parks department doesn't really mean much because it can't be developed anyway. There's a quote, which is in the recommendations from the hearings officer that says, open space is a precious and limited quantity resource, which would be extremely difficult to replace. And if colwood remains open space, that could be used for generations, whether it be developed into a park or other community use, and the economic argument has no guarantee of longevity. Thank you.

Saltzman: Now is the time for the applicant, the rebuttal for the applicant.

Steven Janik: I only need 5, maybe 6 minutes. Members of the Council, a few points in rebuttal. The neighborhood association said there is sufficient industrial land in the area, you don't need this. That's wrong. All the sites that are industrial and vacant are way too small to accommodate the kind of industrial users this area needs. I think you heard that from the real estate representatives who testified. Perhaps the best rebuttal to that is a statement from the record from steven kuntz, sr economic planner from the city who said, "industrial development on this site is a rare economic development opportunity." Also a quote from mark ellsworth of the governor's economic revitalization team, "dled supports the city in making this property available for industrial development and in that letter he offered the assistance and pledged the support of 8 state agencies that the governor's economic revitalization team coordinates. That's a letter in the record to bds. Next the comment was the site is not shovel ready. There are problems with sewer, water, transportation. All you have to do is look at the staff report's conditions we've agreed to and those conditions list each of the improvements that have to be made to provide adequate sewer and water. The letters in the record from those service providers all indicate those conditions will adequately serve the site with the needed sewer and water at our expense. With respect to the transportation, we're obligated to make \$6 million of improvements and we've negotiated those with odot. People have said we're not doing anything by giving you those 22 acres. Let's get the facts out. It's zoned e.c. It's not e.p. EC means it has development potential if we meet certain city standards. Out of the 22 acres, among the standards we'd have to meet is to simply stay back a certain number of feet from the slough and demonstrate the other areas could be developed with maintaining the proper stormwater run-off. So #1, we're giving up development rights. #2 we're going beyond saying we won't develop it. We're giving it to the public and making it publicly accessible. Something that if this is turned down, won't be the case. It will remain in private ownership. You won't be able to have a kayak landing area improved with the \$100,000 we're going to give. It seems like people here have blown that off. Mr. Sallinger was dismissive of metro and the city of Portland in its habitat ranking. Both of those agencies went through a lot of effort to apply goal 5. And in the record, each, the city, and metro determined the property we want rezoned industrial does not have any meaningful habitat value whatsoever. In addition, there's an on-site study, by pacific habitat services that reached the same conclusion using the city's methodology of ranking all of the habitat factors and found there was no significant habitat value there in the goal 5. Someone said b.e.s. Does not support the change. I refer you to bes letter dated February 22nd 2008 in which they support the change with conditions. Our difference with b.e.s. is whether or not the parcel 4 is

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going to be included in the donation. We agree with the conditions in the b.e.s. letter. People have said, the city's offered to buy it from us and metro has offered to buy it. Not true. The city parks has never offered to buy the property from us. Metro has never offered to buy it from us. If you called metro up right now as our team has, and said are you interested in buying it, their answer would be what it was to us. No. Cully needs a park. Sure does. Ought to approve the 20-acre cully park land that now exists. We think the park ought to be in that part of the neighborhood that can serve the most people and people can be in close attractive proximity to it. The alternative site we showed you, somebody said it's a rock quarry. It's not. It may have some gravel extraction in the future and there may be some need for fill, but it's not a rock quarry. [laughter] it was said that colwood was designated as open space for reasons of its environmental value. No assessment of its environmental value was made when colwood was zoned open space. If you go to the letter from doug hardy of the city, april 25, 2005, he explains that when colwood was initially zoned open space, it was without any environmental assessment and for the sole reason that it was a golf course.

All golf courses apparently when initially zoned were zoned open space. And then another person scoffed at the 1900 jobs created. We didn't make that up. We looked at the city's industrial district atlas, that computes actual numbers of jobs from actual industrial development. The ratio was 17 per acre. Multiple that by the 115 acres we're seeking industrial zone change, it's 1900 jobs. That's our source. We didn't make that up. So those are the points I offer in rebuttal. And then I have two procedural questions.

Saltzman: Questions.

Fish: Mr. Janik, if we reject the application of your client, do you maintain that would constitute a taking?

Janik: For the record, it would be our position that the rejection would be an inverse condemnation.

Fish: Sorry?

Janik: It would be an inverse condemnation.

Fish: Could you explain that?

Janik: It exists where a local government takes actions that the denies the property owner through the use of their land use laws of any economic utility of the property. So for example, if because of market conditions we can't operate a golf course and you say this must remain open space, there's no other economic utility to open space. And that open space designation would have the effect of an inverse condemnation.

Fish: Have you provided any evidence?

Janik: No.

Fish: I mean --

Leonard: We would be getting into argument, but we have a land use goals that we are charged with balancing a number of different factors. I appreciate that he gave the response he should have given towards his clients, but I think the evidence is clear, that as a municipality we have the ability to balance a number of competing factors with respect to this client.

Saltzman: Your procedural question?

Janik: The city attorney advised if we had constitutional objections to the conditions we should raise them now. I just did with respect to not so much a condition but an outright denial of our application and with respect to a partial approval requiring that we give, in addition to the 22 acres, we give parcel no. 4, which is another 13 acres, we object on constitutional grounds because there's no connection between the impact we're having and the requirement that we give that and that also would be an inverse condemnation. So i'm not here to argue those points. The city attorney appropriately directed that I have to make those points and i've done so. The second question, I thought I heard we would have after the record is closed, our statutory right to within seven days

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submit a written argument with no new evidence. I'd like to confirm that so I know what I'm going to do for the next seven days.

Saltzman: Yes, you will have that right.

Janik: Thank you.

Saltzman: Thank you. Anybody have any questions of staff or are we ready for -- this is the time where council deliberates and makes a decision.

Leonard: I'd move to deny the appeal and accept the hearings officer recommendation.

Fish: Second.

Saltzman: Discussion on the motion? Ok. Sue, please call the roll.

Adams: I support this motion for the following reasons and with the following sort of conditions. I just want to make it really clear that tonight's vote for me is not a choice between creating a park and -- excuse me, between a park and an industrial business development. That's not what this is legally about. This is about for me, making a judgment on an application that has been put forward to go from open space to an industrial designation. The applicant has to provide the burden of proof. And the hearings officer stated, as did Steve Janik, effectively, that sometimes we have to balance some highly disparate goals and policies that are within the comprehensive plan. That's the job of this process that ultimately leads to us. The burden of proof, I think is on the applicant to show that the new map designation requested will equally or better meet each relevant

comprehensive plan policy than the old designation. And again, there is a lot to balance within that.

I thought that the -- given that the balancing is required, that the hearings officer describing the two common approaches for weighing an applicant is a scorecard approach versus the nexus link approach. That the scorecard approach is where you identify the policies on one side of an application and all of other policies on the other side. But given there's a lot of balancing to be had here, the nexus link approach, which provides some weight topically or geographically to the issue at hand with the site that we're talking about, I agree with the hearings code officer that that makes more sense. And when you do that, I think you come to the conclusion that there is other industrial land within this part of town that is available. It might not be everything that someone might want, but it is available. Whereas o.s. land, o.s. designated land, is -- this is irreplaceable. So if we were to turn -- if someone wanted to locate, that is looking to locate here, has choices within the city and in this part of town, but we don't have other land that's easily designatable as o.s. So I agree with the hearings officer when he says this is an irreplaceable asset. Weighing all of the considerations, I am supporting this motion to agree with the hearing code officer's denial of the application. Aye.

Rees: May I step in, president of the council, please? I want to confirm what commissioner Leonard and I discussed earlier, that this is a tentative vote roll call that we're intending both to receive additional final argument and additional findings.

Saltzman: Yes.

Leonard: Contingent upon those --

Adams: I'm supposed to say I reserve the right to change my mind based on whatever else might come in?

Rees: There will be final argument that may be very persuasive.

Adams: There might be final argument that may or may not change my mind. [laughter]

Fish: I don't know if it's a point of order, but I seek some clarification. I was hoping to have the benefit of the council discussion before I cast my vote. And so -- and I don't know what the rule is here. Randy, I'll ask you. I would benefit greatly from hearing a little bit more about your thinking on this issue before I cast a vote.

Leonard: You bet.

Saltzman: As a point of rule-- you don't have the right to pass. We had an opportunity for council discussion. Nobody chose to discuss it. You can't pass -- you can't defer your vote until commissioner Leonard votes.

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Fish: I'm reserving my time and engaging him in colloquy.

Rees: Given this is a tentative vote, there will be further direction following -- there's a motion on the table. There's a vote taking place; you need to take part in that. But there'll be room for discussion as you direct staff and others what to do in the interim.

Saltzman: Do we necessarily --

Leonard: Do we have to vote in the same order all the time? Can't we -- [laughter]

Rees: I'm not prepared to answer that.

Saltzman: The current rules are yes.

Fish: Let me propose. It's an important precedent. There are some issues that i could use some clarification on. A colleague has a strong view on that. I would welcome their input. If i'm reserving my time --

Saltzman: You can't do that [inaudible]

Fish: I'd like a ruling from council.

Leonard: You can go to the bathroom. There will be time. See, that's what the more experienced people do. And then we wait until it's our turn to vote.

Saltzman: This is a tentative decision, and the findings will come back for a final vote. But the rules of the council are you vote in the order you're called.

Fish: I'm seeking clarification from counsel.

Leonard: Well, dan is the presiding --

Saltzman: I'm the presiding --

Fish: I'm asking counsel.

Rees: The only way to challenge an order of the president of the Council is by majority vote.

Leonard: I'm actually ok if -- I think procedure, we could do this and back up and go back to council discussion with the consent of commissioner Adams.

Fish: As the newest member of council, I would benefit from brief council discussion and given the extent of the testimony and the time, it might be valuable to me.

Leonard: And we could do the vote again? Ok.

Saltzman: I'll go ahead and rule that we go back to discussion and we'll nullify commissioner Adams' vote and we'll have discussion.

Adams: Are you asking i'm willing to go backwards? I am.

Saltzman: Are you willing? Ok.

Fish: I'd be interested in your view on the subject, commissioner Leonard.

Leonard: In listening to commissioner Adams' comments, I actually amended some of my remarks because he touched on some of the very issues I was going to discuss. I thought that the hearings officer's reasoning was exceptionally thoughtful. And i've read a lot of these hearings officer's reports and he was right. It's a difficult balance when you're balancing various land use goals. And his final observation was that the colwood site open space is unique and is a practically irreplaceable asset. For myself, listening to the testimony and listening to both sides, I guess -- I guess the first thing I would want to acknowledge is I think that the argument that we need industrial land in Portland is valid. And in fact, I have, as the council remembers, you weren't here, commissioner fish, but I think it was 18 months to two years ago, we had a quite more acrimonious hearing with neighbors here from the linnton neighborhood that I think some of the proponents of the current appeal might have been present for. Wherein they wanted to take industrial land zoned industrial and change it to a zoning that was more compatible with what they wanted to have in linnton that would allowed them more access to the willamette river. And I think it's fair to say that I actually led the effort to deny that. To keep it as industrial land. Really, for the reasons that the applicants are giving today. That industrial land is precious and where it was designated that, I think that the proposals, the -- those that are proposing to change the designation had the burden of proof to change it. And so I don't think i'm being inconsistent today, but I think i'm being consistent

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by applying that same standard to the applicant who now today wants to take open space and make it industrial. I think they actually have the burden of proof to show that that is -- that that is more important than maintaining the open space. I have a variety of other reasons for this particular parcel of land that I'll speak to in my vote that isn't as relevant to my reasoning, but I really think, I believe that the hearings officer's observations about those that want to change a zoning designation, having the burden of proof upon them to show not that it's just an equal use, but actually that it outweighs the potential use for industrial land outweighs any benefit from the open space is really on them and I was just not persuaded, unfortunately, as much as I respect the applicants, that they made their case.

Adams: I would add one other point. A situation like this, I look at the viability, the economic viability discussion. And in a situation like this I look at the viability argument. I think that's a important secondary consideration and the fact that their application has not presented any burden that -- they haven't presented any evidence that they would not be viable by continuing in the current open space designation weighs on my views of the matter as well and the fact that there's a golf club up the street. They didn't present any evidence that the golf club up the street is not functioning in a profitable way. They didn't present any evidence in that regard.

Saltzman: Ready for a vote? Did you want any discussion?

Fish: I want to say, this is our second wednesday together and I was very struck by the testimony tonight and like all of us came in with an open mind and read the material and struggling with this and I think it is a tough case. I think, though -- I think the invocation of olmsted was poignant. We have ignored some of those admonitions at our peril. It is a point where we are at a generational decision of looking forward and I appreciate -- and I think after an extensive hearing like this, with this much testimony, it's helpful to me as the newest and least experienced member in these matters to hear my colleagues discuss the issues, so I appreciate it.

Saltzman: Any further discussion? Ok. Sue, call the roll.

Adams: Do I have to give my speech again.

Leonard: No:

Adams: I thought of ways to flesh it out to make it longer.

Leonard: Having just got off a plane from china i'm impressed.

Adams: Aye.

Fish: I want to read one paragraph from the hearings officer's recommendation. This is a tough case. The application and supporters as well as the opponents all offered extensive evidence and argument. The approval criteria for this case, although short in duration, mandates that the city council delicately balance highly disparate goals and policies. And that's our challenge. There's not a person on this panel that doesn't understand the value of industrial sanctuary land and jobs and care about that as a goal and at the same time see the need, particularly in a part of the city which is utterly parks deficient. For the historic opportunity to maintain the open space. I've listened very carefully to the evidence. I take seriously my duty to assess the burden of proof and apply a test.

As I said earlier, I think olmsted was about a hundred years ahead of his time in many different areas and this is an historic opportunity. We have a chance to look to future generations that could enjoy the benefits of the open space regardless of what the land owner chooses to do with the space. That is their right to use the space anyway they choose. But I think we're at a historical crossroads and this is not just a resource to concordia and cully and places historically underserved. This is a regional resource and it's a history making decision. I don't make it lightly. But i've listened carefully to the evidence and reviewed the -- carefully to the evidence and taken weight of the burden of proof and the balancing test and i'm prepared to join with the mayor-elect in voting -- make sure I get the -- don't want a double negative. Voting aye.

Leonard: As I mentioned earlier and really more in response to one of the applicant's testifiers who said, looking at us: Don't make an emotional decision. I inferred that to mean that we might feel

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some political pressure to vote for this, which is why I harken back to remind those around here to watch the much more acrimonious hearing involving the piece of property on the willamette river in linnton along saint helens road where these chambers were filled with very much differently behaving neighbors than the respectful ones here today. They were very angry and had signs and I could not bring myself, in spite of that pressure and that emotional testimony, to agree that they were right and voted to maintain that property as industrial land. In this case, beyond that, having framed it, I think, correctly that way, I believe there is value beyond economic value, and I think this property has economic value, but beyond that, what hadn't been touched on here tonight isn't just that the open space be maintained but the historical significance of this piece of property. For those of us who are students of history, I mean, the columbia slough was a body of water that lewis & clark camped on in their travels out west and wrote about in their journals. And if you look at the journals s of lewis & clark along the columbia slough, they hated it. They couldn't sleep at night because of waterfowl were so loud and the wildlife was so deafening they couldn't sleep. I've taken a real interest in the slough as a kid. Which may explain my behaviors as an adult. I used to fish on the slough. [laughter] and look back in horror now that I was not aware enough, nor anybody, of what was leaching into that body of water. But we thought it was fine and enjoyed catfishing there at the time. But it's caused me to really appreciate the restoration efforts that have happened along the slough in the last 20 years, led by the bureau of environmental services and the Multnomah county drainage district no. 6 along the slough. And if you remember what it was like prior to 20 years ago or more and look at it today, it is a shocking transformation that has occurred that you could only appreciate if you have lived here for a long time. In fact, I have such affinity for that area and that space, that in the 1999 Oregon legislature, I introduced a bill that would have required that the headwater of the slough at 174th and marine drive be reopened to the columbia river, have a dike installed that could be opened and closed so that the columbia river would free-flow once again as it used to through the entire length to its terminus at kelly point park. The reasoning being it's an excellent salmon habitat and steelhead habitat that's not able to be used now because of the various constructions, not the least of which is the gate at 174th and marine drive. This piece of property is -- is potentially in my view, one of the most not only prized pieces of open land in the metropolitan area, for that reason, but really is a jewel that sits in a community that doesn't have a lot of open space. I think also that one needs to think of economic development in terms of amenities available in a community for people we're trying to attract to move here and businesses. If you move into an industrial park that is nothing but concrete slabs and warehouses, at 5:00 at night, people can't wait to get out. If you have an amenity like colwood that's available there as open space and is utilized in a way i'm talking about, it could be a magnet to attract business into the other areas around that industrial area. So for a variety of reasons, I think that the hearings officer really got this right. And I appreciated his reasoning. I understand and appreciate b.d.s. Staff's work and it's a difficult issue but on balance, I agree with the hearings officer's recommendation. Aye.

Saltzman: I think our main approval criteria is to determine that the new designation will on balance be equally more or more supportive of the comprehensive plan as a whole than the old designation. And I don't think that the burden of proof has been met here. I think that while it's critically important we do have inventory of industrial land, that's a critically important part of our plan, it's a critically important thing in this point in history, but the value of private open space in this particular location is also not to be denied and I think it's significant open space. And I think it contributes if you look at the picture of the columbia slough and the greenspaces that it connects -- the spring of pearls, somebody used -- I do find this consistent. As private open space, it does contribute to environmental values, that we hold important and they're identified as important in our comprehensive plan. As i've said, economic development, industrial jobs are critically important too, but on balance, I don't think the applicant has met that burden of proof and I find the value of

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private open space to be greater and for that reason, I also vote to uphold the hearings officer. Aye. So the vote is unanimous, 4-0 and we will bring back revised findings. The applicant has up to seven days to submit additional findings.

Rees: What will happen now is the applicant will have seven days to submit final argument without new evidence. Based on the discussion today, I assume -- staff will assume it will come back with findings consistent with that, but with knowledge that when we come back for a final decision, that may change. We need to continue this hearing to a date and time certain for those findings. So we need to ask staff how long they think they need. Obviously, greater than seven days, but how long they need to address this. And I'll ask sue when we have time available with this group of --

Saltzman: Sheila, do you want to come up here and tell us how much time you think you'll need?

Frugoli: From the perspective of the b.e.s. Staff, the seven-day time line is workable, however, the city attorney's participation in preparing the findings is essential so I think her time line is really critical.

Rees: You're asking me?

Saltzman: Back to you, yeah.

Rees: So we would need to -- we're going to need to respond to the final argument and staff is going to work on it and then we review. I would not think it would be reasonable for it to come back any sooner than three or four weeks. And four weeks would be nice. I don't know what we have schedule wise.

Saltzman: Sue, do you know offhand?

Parsons: October 22nd would be four weeks. Even five. Five weeks. Mayor Potter will be out but the rest of you are scheduled currently to be in.

Saltzman: Great. We'll shoot for --

Parsons: At 2:00?

Saltzman: Is that a thursday or wednesday?

Parsons: It's a wednesday.

Rees: The 4th?

Parsons: Right, it's the fourth wednesday in october.

Saltzman: Ok. So 2:00 on wednesday october 22nd. Is that fine with everybody? Ok. Well, thank you everybody for being here and thank the staff for their hard work. [applause] so we stand adjourned until 2:00 p.m. Tomorrow.

At 9:00 p.m., Council adjourned.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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SEPTEMBER 18, 2008 2:00 PM

Saltzman: We will read 1302 and 1303 together and then have the hearing.

Items 1302 and 1303.

Saltzman: Thank you. I think we will start with a staff presentation, but I first want to recognize commissioner fish who will give opening remarks about the hearing.

Fish: Thank you, commissioner Saltzman. Today we will focus on technical issues related to limited term abatement ownership programs. There are several other issues pending relating to limited term abatement. First there is the response to the issues raised by the auditor about program implementation and compliance. My office is working with p.d.c. And the bureau of planning to prepare a comprehensive report, and for the benefit of my colleagues, I expect to have that in early october and will circulate the report and conduct a briefing. Second, there are short-term issues that need to be resolved that we discussed at council, and that includes how to handle add hoc requests. We have agreed to take them up in the context of the housing review process later this year when we will have data to look at the cost and effectiveness of each program in the context of any request for an extension. Third, there are a number of issues about the merits generally of long-term abatement programs, issues raised by my colleagues and by folks in the public. They include whether they are needed, what they cost us, the impact on other taxing jurisdictions, and whether there is a benefit. Whether they should be expanded or adjusted to achieve a wider set of policy goals, and, of course, whether they can be administered in a more effective manner. I will ask the council to hold off on these issues which we will be discussing in the context of housing review, working with the bureau of planning, bhcd, pdc, so that we will be in a better position to make recommendations to the council. And in that context, we will be providing you with a snapshot of housing needs, overview of the current objectives in the housing arena, tools we have been using to achieve them, and a report card on the successes that we have had, and in broad brush strokes recommendations about what adjustments you may want to consider as a body. I'll be asking for your input on the general direction and on the appropriateness of tools like limited term abatements. One of my goals is to make sure that the discussion about tools does not get ahead of our policy discussions generally. For today, I want to be clear, our focus will be on two very narrow issues. The first is should the council approve staff recommendations to terminate certain ownership abatements which do not appear to be in compliance with the conditions of the abatement, and, second, should council approve staff recommendations to deny certain abatement under the single family new construction limited term abatement program, where, again, the applicants do not appear to be qualified to receive the abatement. We will be receiving a presentation from staff and in particular keith witoski and ann johnson of pdc.

Saltzman: Keith and ann, why don't you come up be and give us the staff presentation.

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Keith Witcosky, Portland Development Commission: Keith, government relations, Portland development commission.

Ann Johnson, Portland Development Commission: I'm ann johnson with the neighborhood housing program.

Witcosky: As I give them, and then afterwards ann will be available to answer the technical questions, she is the day-to-day expert that manages this program and knows it well. We have pdc attorney and city attorney available if you have any statute or code related questions. I will run through the power point. I will not read every word on every slide. Feel free to stop me to the extent that you want more detail. As the commissioner said, you know, today the purpose is to take action on a recommendation -- on recommendations to terminate certain existing tax abatements and also to take action to the extent appeals are here on denials for the tax abatement, and what this is, just so you know, the actions in terms of the terminations should you agree with council recommendation for \$90,000 in taxes primarily to city, county and school districts. That is sort of the value of the abatements. This whole hearing, the staff at pdc, an outgrowth of the emerging partnership that we're having with Multnomah county in terms of the implementation of this abatement program. Let's move on now. Essentially the purpose of this program, and the purpose of these programs is to be able to offer a ten-year abatement so people are not paying property taxes for a period of ten years on the value of the house. The idea is to try and find ways to encourage investment within specific areas of the city, those areas selected by the planning commission. I have maps if you need them. Distressed areas. Encouraging investment where people feel it might not otherwise occur, increase homeownership, pride of ownership in neighborhoods and homes. As we get into policy discussion later in the fall, you will see a lot of the benefits derived from these and other programs. This is only focused on single-family ownership, transit oriented ownership units and multifamily ownership units today. An important note here is that -- the decisions by staff, recommendations by staff are not an arbitrary process. We work within the guidelines that are driven by the state of Oregon statutes and Portland city code, and I've got those listed on the next few slides, this and a few others, and to the extent that we need to refer back to these slides and to specific applicable statutes and codes we can do so, but I think it is important that there are specific guidelines that have driven this work and driven these recommendations. The first slide here is the ones that apply to the single-family program on terminations and denials, the basis for it. The following slide is the basis for why a transit oriented abatement or -- was either terminated or application being denied. Real quickly, I want to talk about those recent work, conversations done that commissioner fish referred to monitoring compliance, and this is a product of staff being a watchdog of taxpayer dollars. And as commissioner Leonard has mentioned many times, these abatements, line item in the budget. If you don't have the abatements, that \$90,000 could be spent elsewhere. Staff has done a very good job of being a watchdog, looking out for city investments. They have looked at the initial screening, taking the applications, existing abatements, what is the property address? How does that compare to the address on the property tax bill? Looking at deed holder income, looking at driver's license, or other applicable identification, and some of the tools, like commissioner Leonard mentioned during the development of our budget last spring, such as an affidavit are being developed, and we would expect something similar or like that to be implemented in the next year. Let's get to the results of the staff's watchdog efforts and compliance efforts. They looked at nearly 700 properties in the portfolio that applies for these programs. 97 identified for possible termination, 37 have not provided the documentation, and so they're recommending a termination of those. Terms of the multiunit and the transit oriented units, there were ten that did not provide adequate documentation, and so those are also being recommended for denial, and we also have today 28 initial applications that didn't meet, you know, the standards and the guidelines and the criteria, they were denied a tax abatement. Not a termination occurring.

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Somebody bought a house, wanted to get the abatement, but they didn't meet specific criteria that we have identified in the slides. As I mentioned earlier, the collective financial impact about \$90,000. That obviously doesn't have anything to do with the denials because the denials never abated taxes in the first place. It is just the terminations. We also wanted to give you a flavor for when they did the review what they found, and, again, this is the breakdown of the applications that were denied, why they were denied. I will pause for a second so you can look at the slide, 28 in total. Following slide is the basis for the terminating of existing abatements for the single family homes. Again, there is 37 that are being recommended for termination, and here are the reasons why. It is things like be over the allowable sales price of \$275,000. Maybe some making more than the income limit of 67,500. There is another one, you will probably hear about as well, in order to get the abatement, you have to apply and get it before the final permit is issued. And that's something that we had long and productive conversations with Multnomah county on over the course of 2007, and that is one of the requirements as well in the statute and in code. And then the final one is the multifamily transit oriented units, ten recommended for termination for the reasons you see here. That is the broad overview, and the extent of the power point that we had today. So, what you will be having is a series of people that have signed up that have the right to appeal, and then we can get into conversations after you have heard all of those about specific cases and you can call staff up to the extent that you need to as well.

Saltzman: Great. Questions? I guess I have one. What is the -- the time line over which a decision was made that documentation was not provided by the apparent owner or whatever the circumstance. What is the time line that played out over?

Johnson: On terminations, sometimes we find out during the year that somebody has sold the units, in which case we try to get out to those as soon as we can to say, you know, most of these single family new construction ones actually have a subsequent home buyer notice, which says on the title, this has a tax abatement, in order to continue that you must apply for it and be eligible income wise. We try to get those out during the year. We do get a list as of July 1, because that's the date that ownership matters to Multnomah county. Between the 15th and 20th we got that final list. That said these are either turned over, no longer occupied by who owned them this time last year, or the mailing address does not match the site address which implies that the tax bill is going some other place. Many were post office boxes. There is no way of knowing when someone gets their mail at a post office box where they're living, and if they got this notice and said but I still live there, we want a copy of their driver's license, you have to have a site address on the driver's license. We asked for tax returns for 2007 to show that the property wasn't rented. So, in order to try to make sure that people were truly telling us whether they occupied that property. There were a few occasions where people couldn't provide those two things for some reason, they provided other stuff to show this was their primary address, this is where they are living, and they have been taken off the list. It is people who didn't respond or the information they gave us did not meet the criteria to prove that they were owner occupied, if it was a turn over, rollover to the new buyer, they have to qualify income wise. They have to be under the current income, \$67,500, for a family of four.

Saltzman: People, in essence, this process starts in July. People, if they know there are problems, they will know by July or August.

Johnson: Yes, by early August we did find a couple of minor anomalies where the turnover, one that sold on the 28th of June. We didn't send those out until close to the middle of August. The brand new homeowner had her stuff in the next day. She was on the phone saying what do I have to do? What do I do? People generally are very responsive to these letters, you know, on occasion we get people who don't open them. We did send the initial ones to the address and then to any mailing address. If we did not get a response from the first round, we sent them registered to the site address and mailing address if those were different. People got registered letters. We had

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people who didn't pick those up. Generally most of them were picked up. It was a tell tale sign to us if they picked them up in texas that they were not living in the unit at this time. Many of those are people that we didn't hear from and they are the ones on the termination list for not being owner occupied. The denials, whether or not the builder -- this was ambiguous in both the state statute and city code, it always refers to single family new construction. The county thinks that it really should be applied for before the builder even begins construction, so with negotiations with Multnomah county, we think that the builder needs -- sometimes they don't know how big a house or how expensive it will be when they start, there is a house price limit and an income limit that limits the house that is eligible for this. Builders needed to apply before the house is completed. That is what we have been doing since january 1st. That has been on our web site. We try to get out to builders last year to let them know that this is changing. Sometimes it is hard for us to know who is building homes and whether or not they were in the limited tax abatement areas.

Saltzman: Thank you. Any other questions? Let's move to testimony. So, I presume people have signed up on one resolution or the other. Is that --

Parsons: Right. These are all on 1303.

Saltzman: All 1303, okay.

Parsons: Single family, new construction.

Saltzman: Single family, new construction.

Saltzman: Right. Great. So, why don't you call the people who are to testify. If you are a couple, you can come up together, and that will be fine.

Parsons: The first name is sara yee.

Saltzman: Welcome.

*****: Hi.

*****: Hi.

Saltzman: So, if you could each give your name for the record. And you will each have three minutes to testify.

Sarah Ye: My name is sara yee.

Saltzman: Could you pull up the microphones close?

Sampson: My name is anthony, and do I start?

Saltzman: Are you going to --

Sampson: I'm going to translate, interpret, okay, great.

Leonard: Before you start, I would like to follow along, is it the property on southeast 80th? 3636?

Sampson: Uh-hmm.

Leonard: Okay. So, it is on the next to the last page. It is under the name nathan yee.

Ye: My husband.

Leonard: Okay.

Leonard: After final permit was issued. ?

Fish: What number was that?

Leonard: 4284-08, next to the last page in the handout behind the resolution.

Fish: Good. Exhibit a.

Leonard: Yes.

*****: All of the way towards the end.

Leonard: Okay. Nathan yee.

Fish: Thank you.

Saltzman: Let me get on the same page here.

Saltzman: Thank you. Now that we have your address, please go ahead and you have three minutes. We will give you each three minutes, if you wish.

Sampson: She is going to say it to me and then I will --

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Ye: [translator] She was wondering, she has applied for the tax exemption, and why they didn't qualify or whatever?

Leonard: It looks like here -- does any of the staff have particulars here that you can help us through this, I think. It says on our -- on exhibit a that she applied after the final permit was issued. Do you have more information?

Johnson: Ann Johnson with p.d.c., and they, I believe, had this home built and or some of their friends were familiar with the limited tax abatement program, they didn't realize that they needed to apply while it was under construction.

Leonard: But for that would they have qualified?

Johnson: But for that they would have qualified, yes.

Leonard: What -- I guess I am wondering what the policy reason is, why do we care whether the home is under construction or not if they qualify?

Johnson: Discussions with Multnomah county, proposed construction being approved for the abatement, and the fact that it does need to be, you know, new construction in the city statute. So this is the question that Multnomah county raised last year where they wanted all of them approved before construction began. And our agreement with Multnomah county was that we thought they needed to be approved while they were still as proposed construction, at least under construction, and that, therefore, because the state statute's main focus is to incent development in distressed areas, if the tax abatement was not applied for before it was completed, that that was not an incentive to development.

Leonard: They had an occupancy permit, and after that they applied for the abatement.

Johnson: Right, and then they applied.

Leonard: Do you understand that? Maybe you --

Ye: [translator] She says she never knew the rule changed. No one told her or anything.

Leonard: I guess the question would be, why wouldn't she have applied early on if she thought she needed it to build the house, and the second question would be that apparently she didn't need, it would appear she wouldn't need the credit to construct the house because it was done before she applied?

Ye: [translator] She applied right after the house was finished. She never knew it was supposed to be before, because it was always after, I believe.

Leonard: You heard the explanation from staff. Did you explain that?

Ye: [translator] She says she never received any letters or things regarding the change of the rule.

Leonard: Why would she if she hadn't applied, why would she receive a letter? How would they know she existed?

Ye: [translator] She says she waited for the inspection letters for the final permit, everything before she could actually apply.

Leonard: And I understand that, but that is the problem that the law requires that you apply for it before that. How would she have been notified if she had made no application?

Ye: [translator] They said they sent notice to the builder, but the builder wouldn't -- didn't never applied for us.

Leonard: Your mom did send a notice to the builder?

Ye: [translator] No, at p.d.c. Sent a -- told all builders that the rule changed that you had to apply before December 31st.

Leonard: Does that have any --

Johnson: Last year we did send one to as many builders as we could find who had open permits in the home buyer opportunity areas, but there are -- I can't guarantee that that was absolutely 100% to every single possible builder depending on when they pulled their permits exactly.

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Leonard: At some point we had been allowing credit abatements after construction was complete, but the county said that's not what the statute allows for, we're not going to agree to that anymore so we tightened up our rules?

Johnson: Yes.

Saltzman: That was last year.

Johnson: That was last year, and went into -- we got a grace period from the county through the end of december of last year, and then january 1st, in the -- any applications we received after january 1st, the builder or homeowner had to apply before the final permit was issued.

Saltzman: Do you have anything more you would like to add?

Ye: [translator] How can she -- could she reapply or something so that she can get accepted or is there any other way because -- she meets everything, but she didn't know this --

Saltzman: I don't know if we can give you that answer. I think maybe staff can, but we also can't give legal advice, according to my legal adviser to my left.

Fish: If I may, the challenge we have is that there has been a staff recommendation that you did not comply with a legal requirement. We now -- you have been invited to come in and give us any testimony that you want, which we will consider. We will hear all of the appeals and then have a discussion and consider it. It would not be appropriate for us to give you advice, legal advice as to how to deal with the issue, but we could encourage you that if this appeal is not acted on in a way that you deem appropriate, to talk to p.d.c. Or planning or an attorney to see what your options are.

Ye: [translator] So, she said, who -- who does she look for at p.d.c.? Is an ann johnson or --

Saltzman: I think you can -- I think if you want to discuss this while we hear from other people with ann, go ahead, but I think what commissioner fish is saying, it is a legal issue, and a deadline has been missed and I think we understand that. Thank you. We will make a decision after we hear from everybody. A few more minutes.

Saltzman: Okay. Who signed up next?

Fish: This appears as 4309-08 on the same page.

Saltzman: Okay. Welcome. If you could give us your name for the record and you have three minutes.

Bradley Gillies: Okay. Thank you. My name is bradley gillies. Thank you for giving me this opportunity to speak. My prepared remarks are about five minutes, so I will abbreviate them. I'm here to explain why my application should not be declined. I have a little bit of background. I am a first-time homeowner, live in a newly constructed house, Portland. I purchased the house from kemco properties on march 14th, 2008. It was listed by their real estate agent at the remax equity group. It was -- I went to p.d.c.'s web site before purchasing the home, and verified the existence of the abatement program, verified that the property was in a homeowner opportunity area and I met the requirements of the program. I submitted my application on may 11, 2008, within 90 days of the purchase of the property as required. On or around august 21st, 2008, I was notified that the p.d.c. Had declined the application. Through a telephone conversation, I learned that my application was declined because the builder did not apply for eligibility before construction was complete, which is now required by rule changes effective january 1st, 2008. My application should not be declined for the following four reasons. First I meet all of the requirements of the program and I submitted a complete application and fee within 90 days of the purchase of the property. I have done everything that is required of me and everything that is within my power to do in order to secure the tax abatement that I was led to believe was available. As a matter of fairness, I should not suffer financial injury due to mistakes or inaction by another party. Construction began on or before 2007, before the changes and rules in 2008, which requires a builder to commit an application prior to completion of construction. The final building inspection was completed for this house and the okay to occupy was -- which I might add was before I even

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had seen the property. I have been informed through Mr. Wheeler that Kemco believed the tax abatement was available as advertised and they did not know the January first rule change. Denying my application is a violation of public trust in my opinion. Encourages new housing construction in distressed neighborhoods by offering tax abatement incentives. I bought the house trusting that I would receive the tax abatement so long as I met the requirements of the program. My monthly mortgage payment is based on the abatement I thought was available. Once the house was built, I bought the house by entering into a 30 year mortgage and now the p.d.c. Says I cannot have a tax abatement. This is a violation of public trust in my opinion, fourth and finally denying my application is contrary to the mission of the p.d.c. And the Portland vision. To bring together resources -- with healthy neighborhoods, vibrant central city, strong regional economy, quality of jobs and housing for all. Denying my application may jeopardize my ability to make mortgage payments thereby increasing the risk of foreclosures. The financial ruin that such foreclosures may bring to the former owner do not achieve the goals of a healthy neighborhood, strong economy, and housing for all. In summary, should not be declined because one, I met all of the requirements of the program, two construction of my house began before the rule changes of January 1st, 2008, denying my application is a violation of public trust in my opinion, and also denying my application is contrary to the mission of the p.d.c. And the Portland vision. Thank you, gentlemen, for your time.

Saltzman: Thank you. Questions?

Fish: I have a couple of questions. Ann, could you join us for a moment? Is it Gillies?

Gillies: Yes.

Saltzman: One quick question. The occupancy permit for your home was issued --

Gillies: February 7th, 2008.

Saltzman: And the builder had not applied before the occupancy permit?

Gillies: That's correct.

Saltzman: Thanks.

Fish: Ann, do we have any knowledge as to whether the builder engaged in any due diligence with p.d.c. Prior to the completion of this project to determine whether or not it was eligible for a tax abatement

Johnson: The property was built by Kemco, and did apply for other properties for tax abatement, but not to this one.

Saltzman: Speak closer to the microphone.

Johnson: We did send information out to this builder about the limited tax abatement and the fact that they needed to apply before final permit or before December 31st if it was already completed and they did not do that for this property.

Fish: That was my second question. Thank you. Mr. Gillies, I -- in my former life, was a lawyer. I took an oath when I took this job that I could not practice law. My license was suspended. So I'm not allowed to give legal advice. I will tell you that what you have described to us is a scenario where you believed that you acted in good faith on what some other person told you. And in acting in good faith, you then changed your behavior. That is -- that is the kind of situation that frequently compels people to get legal advice. If you believe that you have been harmed because you have relied on someone else's representation, then you may, in fact, have a claim. You may or may not, but you may have a claim against that person, just as if any of the warranties that were made in connection with the sale turn out not to be true. If you were told that this was a habitable house, it met certain environmental standards, smoke detector, whatever, you may have a claim for breach of contract or fraud. I want to say that what you described to us is something that we are obviously aware of the hardship, and we are not in any way dismissive of what it means to you personally. But I would encourage you as among your options to consider whether

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the fact that you bought a house that was represented to you as being abatement eligible may give you some recourse, not in this proceeding, but in some other legal proceeding.

Saltzman: Any other questions? Thank you very much, mr. Gillies, and we will hear from the next person signed up to testify.

Parsons: Next are kenneth and diane.

Fish: 3772.07, two pages earlier, bottom of the page.

Dianne Campen: Diane Campen.

Kenneth Campen: Kenneth Campen.

Saltzman: You each have three minutes. Feel free to start.

Kenneth Campen: Thank you gentlemen for taking this time to consider our appeal. Our application for this program was denied by a letter dated november 23rd, 2007, because we were determined to exceed the annual gross income for our area. At that time, the median gross income for a family of four was \$66,900. I do not have the figure available for what it was for a family of two such as my wife and myself. My concern applies to the meaning of annual gross income. The dictionary defines annual as occurring or happening every year or once a year. Repetitive nature of the occurrence is essential to the nature of the term annual. In my original application, I included a copy of the most recent pay stub available at that time. I do have that available and explained that the categories of pay detailed there in. As I do not have that document at hand -- well, actually I did find that since -- I have for your consideration a copy of the most recent pay stub available. And the final pay stub for the year 2007. In the third column from the left, you will find the annual pay rate at which I am pay, due to contractual increase since the time of the original application is now \$51,252. In the six and seven column from the left, you will see the number of hours worked, overtime work in each category. W for the based hours, wo overtime hours, and l documents leave hours. I believe that ms. Johnson has copies of this on hand. I also have copies for your consideration. You can see that this one document shows that overtime hours varied considerably. In fact, in this -- in the year we are considering, fiscal year 2007, 42% of my income was in overtime hours. In the original application, I also detailed time that applies to hours in excess of 56 hours a week or six days per week. During the previous year, because our stations were undermanned, the utility carrier, the carrier supposed to be on my route the days off -- I was expected to carry rout regularly on my scheduled day off. This is paid at double the base hourly rate. You do not see this on the most recent pay stub. Management does everything in its power to -- as the post office has experienced extreme financial losses due to increased fuel cost and increasing revenue due to the competition of email, online, telephone payment options, it is unlikely that such pay levels will ever return to postal employees. I presented for your application also an article entitled reality check from the usps western area update. In it sylvester black, the western area vice president, refers to our shrinking work load. In the western area, 1.2 billion fewer pieces, cancelled nearly a billion fewer pieces, and handled 2.2 billion pieces fewer in our plants than we did this time last year. In the third quarter, the postal service lost \$1.1 billion. Local management is doing everything in its power to reduce power and wages. I have for your consideration a copy of a work hour -- work load report by carrier which details the expectations from management for my route. You can see it is expected my hours should not regularly exceed eight hours, and management requested that we take time from our vacation time to leave early when hours do not total that. You will see the station manager jim stuart commented -- in summary, it is evident that annual income may not be applied at the height that it was experienced in 2000 when we applied for this program. It will more closely approximate the contractual hourly base wage. It should also be noted that my wife receives a monthly check for social security in the amount of \$713, adding \$5,704 to our combined annual income so that our annual income, as qualifying for this program, is less than \$60,000, and I do feel we are qualified for the tax abatement. Thank you for your consideration.

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*****: Thank you.

Dianne Campen: The only thing I have to say is I was working for a company, I have worked all of my life, and in the year that he has documented, I was working. The \$713 a month that he just referred to is social security. I have become a severe diabetic. I am insulin-dependent. I have a neuropathy in my feet. And i'm unable to continue working. My income is very little. \$713 a month. And so thus the income goes down considerably, not only his overtime, but my income, and so I would just beseech you to take that into consideration. We're 62 and 60 and this will be our final home, and if we can't do the tax abatement, which we bought almost on the condition -- we were told tax abatement, tax abatement, tax abatement, and we have figured up how much the payment would be without it, and then we went through quite a bit because the tax abatement for that particular development went away, and then it came back, and so we applied right away anyhow. So we were still on the back burner whether we were accepted or not accepted. As far as it stands as of January of this year, '08, our income has dramatically dropped.

Saltzman: Thank you. As I understand, you are saying that the original income level at which you qualified has been exceeded due to extensive overtime and v time which is not your projected or baseline --

Kenneth Campen: That was a very unusual year. Because of the -- taking away of my substitute, I was required to work six days a week, and excessive hours to fill in for people who we did not have. We --

Dianne Campen: Since January, that hasn't happened.

Kenneth Campen: The original application which I submitted to Ms. Johnson, I also documented that we in a year at the post office when we do not have a contract, and as a result, the post office is not filling vacancies. They were requiring additional overtime until January, and then they hired a lot of people because they had completed that contract. As a result, we live now at the base salary, or close to the base salary that is repeatable actual income.

Fish: I do have a couple of questions.

Kenneth Campen: Yes.

Fish: For how many years have you received the abatement?

Kenneth Campen: We have not.

Dianne Campen: We have not.

Fish: You have not. I thought --

Kenneth Campen: We were denied on the original application.

Dianne Campen: We were denied.

Fish: You referred to the year 2000.

Kenneth Campen: Um --

Fish: Maybe I missed something.

Kenneth Campen: Maybe I misspoke.

Fish: When did you first apply?

Kenneth Campen: We applied in 2007.

Dianne Campen: And we purchased in 2007.

Fish: Okay. And so you were denied because at the initial point you didn't meet the income --

Kenneth Campen: That's correct.

Fish: You were above the ceiling.

Kenneth Campen: At the time we applied, we expected that we were meeting that income. And then the overtime just continued to pile on and pile on, \$22,000 in overtime in one year.

Fish: And what are your property taxes?

Kenneth Campen: I do not have the exact documentation on that, sir, with me.

Fish: And but for the compulsory overtime, you would have -- in your judgment, you would have fallen within the income guidelines?

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Kenneth Campen: I believe so, sir. I would have been making approximately \$52,000 a year.

Fish: Ann, could you come up for a second? I have a question about this.

Saltzman: Could you maybe slide down a little so Ann can get close to the microphone.

Kenneth Campen: I'm sorry.

Johnson: That's all right.

Fish: These rules sometimes seem cold and inflexible -- My question is, if in any year of the program someone exceeds the income ceiling, are they disqualified for the entire program, or it just knocks them out for the year and the following year they may be reinstated?

Johnson: The program states that we verify income at the time of application. We do not reverify income once you have qualified at the time that you apply.

Fish: Help me with that. So, if you met the income requirement when you applied, and your income went up, we would not automatically disqualify you?

Johnson: No.

Fish: Okay. Are there any provisions in the law that give us discretion on the question of income limits?

Johnson: That I don't think I could speak to legally. There is an income cap, and basically what it says is that the income -- the law states the income cap. [inaudible]

Saltzman: Thank you very much.

Kenneth Campen: Thank you, gentlemen.

Saltzman: Next person, please.

Parsons: The next one is Keith.

Leonard: What was the last name

Parsons: H-a-n.

*******:** On the same page, I think.

Saltzman: Right above 4284-08. Right above Nathan Yee.

Qhi Phan: My daughter will have to --

Thao Phan: Hello. I'm his daughter. We are here today to explain our -- the tax exemption. We first bought our new house and the listing agent told us that we had a tax exemption, but later we got the letter from the p.d.c. That we not really qualified for that because the seller did not apply for the tax exemption, and it turned out that we -- we don't -- it turned out that right now we are having trouble with the financial because we didn't know -- we didn't -- the area is a tax abatement area, and just because the owner -- the buyer -- the seller didn't apply for that and we don't -- we didn't get the tax abatement, and right now -- we really don't know anything right now, and we need the help.

Leonard: You bought a new home.

Thao Phan: Yes.

Leonard: And did you hear the earlier discussion --

Thao Phan: Yes.

Leonard: Almost exactly the same circumstances that the law requires that the abatement be applied before the final permit is issued before you occupy.

Thao Phan: Yes, we -- before we bought the new house, we asked the seller many times -- does the house -- did the house qualify for the tax abatement? And they said yes. And after we bought that, they said they didn't know that the rule changed.

Saltzman: They didn't know that the rule changed, meaning that they did not apply for the abatement?

Thao Phan: Yes.

Fish: But they represented to you that you would be eligible for the abatement.

Thao Phan: Yes.

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Fish: Again, let me just offer that if a seller represented to you what the property line was and it turned out that the property line included parts of the neighbor's property --

Thao Phan: Uh-hmm.

Fish: You would have recourse against the seller for misrepresenting title to you. And, again, we can't give you legal advice, but you may want to confer with a lawyer on the question of whether the seller told you something which they were not legally permitted to advise you of, and if your family relied on what a seller told you, there may or may not be a legal consequence to that, but I could encourage you to talk with a lawyer on that.

Thao Phan: We have to deal with the sellers?

Fish: You may want to get legal advice to see if you have any claim against the seller.

Saltzman: Thank you.

Thao Phan: Thank you.

Parsons: Gordon williams.

Gordon Williams: Good afternoon.

Saltzman: Good afternoon. If you could --

Williams: Gordon patrick williams.

Saltzman: What is the address --

Williams: 6968 north columbia way.

Saltzman: Okay. Yeah. Same page. Okay. Great. You have three minutes.

Williams: Well, I really fell through the cracks. Even when I bought the house, I was qualified for the abatement, but my real estate agent never told me about it. I bought it new, direct from the builder, and he never applied for it and I was never aware of it until very recently that I was even qualified for an abatement. I just -- I would have followed through with it. I would have made sure that it happened, but nobody told me. I was married at the time when I bought the house. My mother was going to come up and live with me and my son. I got divorced. My mother had a stroke. She is in a nursing home. And my son is doing his thing. So i'm -- i'm in a real financial bind with the taxes by myself because it is putting me in a real bind. It is a struggle to come up with the tax money every year. The main thing is I don't feel it was my fault at all because the people who I bought the house from, the agent and the builder dropped the ball. They never made me aware of it. I had no idea that it was even available to me, and now I really need it. And that's about all that I have to say. Short and sweet.

Saltzman: I'm looking at the notes here. Did you purchase your house in 2005?

Williams: Yeah. And I know -- and I talked to -- I fall within -- well within the qualifications of the terms of the abatement, as far as income goes and the price of the house.

Leonard: When did you apply?

Williams: I applied I think earlier this year.

Leonard: After 12-31-07.

Williams: Yeah, after the deadline of course. I can't pull a date out of my head. About six months ago I applied.

Saltzman: Thank you.

Parsons: 4227 southeast 79th.

Dieu Ha Nguyen: Hi.

Saltzman: One minute here. Southeast 79th?

Parsons: Right.

Saltzman: 3494 --

Leonard: 42 --

Parsons: 4227.

Saltzman: 4247.

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

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*****: I will make the change.

Saltzman: Okay. Everybody found it?

Leonard: Yeah.

Thao Phan: I'm just here to translate for her.

*****: Okay.

*****: What is your name again? G-h-a-o.

Fish: You live in Portland?

*****: Yes.

Fish: Are you going to school --

Thao Phan: No, because I am in college right now.

Fish: Where are you going to college?

Thao Phan: P.c.c.

Fish: Thank you for helping us on this. We appreciate your service translating.

Thao Phan: She bought the house last year, and she -- she didn't live in that, and right now she doesn't want to rent to anyone, and she wants to live in that house, and she thought that before she bought the house it was in the tax abatement, and right now she wants to apply for that again and the p.d.c. Said that when she rent the house to somebody else, the house is not qualified for the tax abatement. But right now she wants to live in that, so she wants to reapply for that. She is here to tell that to you.

Fish: Ann, could we call you up again? Did you have a chance to hear that narrative?

Johnson: As I said earlier, if the property address does not match the site address, that is where we ask people to provide documentation that they have been living and are living in the property. So, when they brought in their documentation, they could not give us their tax return showed that it was rented because it-been rented, and they didn't have identification that showed that this was their primary residence.

Fish: If she chooses to make it her primary residence moving forward?

Johnson: Unfortunately, once it has been rented it no longer meets the criteria and you can't put it back on.

Fish: Thank you.

Saltzman: Thank you.

Parsons: Our last speaker is susan mortimer.

Saltzman: Which property address?

Susan Mortimer: 4138 north montana.

Saltzman: Give us a second to find it here.

Fish: 3756-07.

Mortimer: Thank you. Thank you for allowing me to come and appeal.

Saltzman: Give us your name first.

Mortimer: Susan mortimer. The reason my application was denied was because I was not the original owner on the deed. When the property was purchased in february of 2007, I was in the final stages of divorce, and my now ex-husband and I had sold our home and we were awaiting the distribution of the proceeds from that sale, and I wanted to find a place to live for myself and my children before the closing of that sale. So, the property was purchased by my mother, and we had an agreement that once I received the funds from my home sale that I would reimburse her the down payment and closing costs and all subsequent mortgage payments, h.o.a. Payments and tax payments would be made by me which they have been. And within a month, I reimbursed her the funds and the deed was changed to reflect both of our names. Her name was kept on the deed because she is named in my will as a -- as the executor of my estate for the benefit of my children, and that's why her name is to make it easy in case of, you know, of my untimely death, it would make it easier for her to manage those -- the estate.

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Fish: I have two questions. Is your mother listed on the deed as a tenant in common or as a joint tenant, or are you on the deed now?

Mortimer: I am on the deed now, yes.

Fish: You and your mother.

Mortimer: Correct. She has never lived there, she signed an affidavit saying she never resided there and has no intention of residing there.

Fish: Both names appear on the deed, if you predecease your mother she would be able to take title.

Mortimer: Correct.

Fish: When you acquired this house, when you asked your mother to acquire the house on your behalf, did you understand that your mother was acting as your agent?

Mortimer: At that time I was a stay at home mother for five years, and I was awaiting the funds for closing, and I had no ready funds or no credit to make a purchase on my own.

Fish: Did your mother ever reside in this house?

Mortimer: No, she did not.

Fish: Do you currently have the sole mortgage on this house?

Mortimer: Yes.

Fish: Are you the person making the payments on the house?

Mortimer: Yes, yes, I am.

Fish: And do you know as you sit here now whether you would otherwise meet the income --

Mortimer: Yes

Fish: The income limits for this property.

Mortimer: Yes, absolutely. I am working half time for Multnomah county and i'm going to graduate school.

Leonard: Did you say you have continuously lived in the house and it is just the ownership title that as changed?

Mortimer: Correct.

Leonard: You have never not lived in the house?

Mortimer: I and my children have been the only people living there.

Leonard: Has your name always been on the deed, your mother's name was just added?

Mortimer: Her name was the only name on the deed at the time of purchase. Within one month, a new deed was recorded reflecting both of our names.

Leonard: So, were you -- so maybe I wasn't paying attention at the beginning. Did you have a -- an abatement that you did qualify for while you were married, but then the marriage caused the deed to change and is that the issue?

Mortimer: These are two separate properties. My former husband and I resided in a home. We sold the home and we were -- I wanted to move before that closing, so this property on montana was purchased.

Leonard: And it was a brand new house

Mortimer: Correct.

Leonard: It qualified for the abatement when the house was purchased.

Mortimer: Correct.

Leonard: And but your mom put her name on it.

Mortimer: Right.

Leonard: But you moved into it.

Mortimer: Yes.

Leonard: And then after you lived in it for a while, you put your name on the deed as well.

Mortimer: Correct.

Leonard: And so did you -- were you given the abatement when you first moved in?

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Mortimer: No, I had applied for it in October.

Leonard: Did you know you were not qualified for it when you had moved?

Mortimer: I had had numerous phone conversations with -- what is her name -- Marilyn Hurlty at P.D.C., and I had explained to her the terms of the deed and the deed transfer.

Leonard: And she said what?

Mortimer: She said that she encouraged me to apply, you know, and when I applied --

Leonard: I want to walk you through this so that I understand.

Mortimer: Yeah.

Leonard: So, she encouraged you to apply, so you applied.

Mortimer: Uh-hmm.

Leonard: Was the application acted on before the house closed?

Mortimer: No.

Leonard: So you moved into the house, and the application hadn't been acted upon, and your mom's name was on the deed. What happened when finally they made a decision -- what were you actually told?

Mortimer: I was told that I was not the original owner, because the original deed had solely my mother's name one month after that property was purchased, a new deed was recorded reflecting both of our names.

Leonard: Did they warn you about that in the application process?

Mortimer: No.

Fish: As I understand your claim, though, because of the -- because of the divorce and the impact of the divorce on your own finances, you are not -- you were not in a position to close on the house without your mother's help. Your mother acted as your agent to close on the house and there was a change in the deed to reflect that ownership.

Leonard: Why was that necessary, why did your mother just cosign the loan --

Mortimer: I had a stay at home mother for five years, the employment gap, and I had no money. So I could not obtain a loan.

Leonard: I certainly understand that. This may be a question for Nick or somebody else, but why wouldn't -- because I have children, and I cosign all of the time. I'm very familiar with that. So, but they get their name on whatever it is that I am essentially buying, why didn't you do that? Is there some reason that didn't happen, that your mom and your name went on at the same time? What was the problem with just having your name on it?

Mortimer: I'm sorry, I don't know.

Leonard: Okay.

Mortimer: How she -- she offered to do it for me.

Fish: Ann, I'm sorry. I'm just curious, it was denied because the applicant was not the original owner.

Johnson: Correct.

Fish: Would the applicant have met all of the other conditions --

Johnson: She does qualify income wise, and that house sold at the correct price.

Fish: And are you -- and this is either for you or counsel, are there any precedents that we have available to us where someone acts as an agent for someone because of some financial circumstance where in effect would you be treated as the original owner because the person was acting on your behalf?

Johnson: I don't know. Generally we look at who is on the deed. And we, as Randy said, we often have parents who cosign or people who are on the deed because of financial means, but normally the person who is going to occupy the home is on the deed initially.

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Fish: In this case, if mother and daughter had acquired the property as joint tenants and they were both on the deed, as Randy suggested, and mom cosigned the mortgage, would she be qualified under this program?

Johnson: Yes.

Leonard: So, is there any -- first of all, were you listening to, did you hear the recap -- do you dispute any of what was said?

Johnson: No.

Leonard: There is no dispute about that?

Johnson: No. The mother purchased it. She has stated all along that she does not live there. Never intended to live there. I don't know whether she would have qualified income wise, but as a nonoccupant owner she wouldn't have qualified.

Leonard: Right. But you don't dispute that she -- that ms. Mortimer lived in the house from day one?

Johnson: No --

Leonard: I want to make sure I know what the issue is. Is there any reason that you know of that ms. Mortimer wouldn't have been listed jointly with the mom? Is there something that you are aware of?

Johnson: Not that I'm aware of.

Leonard: Not some bad thing that was a strategy to keep her name off, had her name been on cause her not to be able to purchase the house. You're not aware of?

Johnson: Not that I'm aware of.

Leonard: From your viewpoint, this is a technical oversight, they were not aware that they probably should have jointly --

Johnson: I really can't tell you. I know that she did take title solely to start with and then quit claimed it within a month or so.

Leonard: There is still a mortgage on the house, correct? So what did that accomplish --

Mortimer: I have two children. She is listed in my will as the executor of my estate.

Leonard: Who makes the payment?

Mortimer: I make the payment. I make all of the payments.

Leonard: The only reason she did that was because she had the credit to take out the loan.

Mortimer: Correct.

Leonard: Normally when one takes out a loan, the bank won't let your name come off the property until the loan is paid.

Mortimer: Correct.

Leonard: Is the loan paid?

Mortimer: No, it is not.

Leonard: Did she actually borrow the money for the house?

Mortimer: She borrowed it, I reimbursed her within 30 months.

Leonard: You went out and refinanced the house?

Mortimer: No, I got cash from the sale of my previous home.

Leonard: I see. So, you were able to satisfy the mortgage that your mom took out with the cash from your previous home.

Mortimer: Correct. Which I received within a month of purchasing the condo on Montana Avenue.

Johnson: I don't believe -- you're still making mortgage payments, right?

Mortimer: Right.

Johnson: She paid her mother back the down payment and closing costs, but the mortgage is still out in your mother's name.

Leonard: How is it that the mortgage company -- you just added your name.

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Mortimer: Correct.

Leonard: I see.

Fish: And that part, as I understand it, would have a legal benefit in case she predeceased her mom.

Leonard: Yeah, I was questioning --

Fish: Your mom was giving you a recorded interest in the property so that if --

Leonard: Has p.d.c. Independently verified each of these different transactions or do you have any reason to want to know about all of that stuff?

Johnson: We looked at the chain of title. We know her mother came on the title by herself and then it was quitclaimed to the mother and daughter together. As far as the mortgage, we normally don't have anything do with that part of it.

Leonard: This is for my own thinking, and it may not make sense to an attorney, but for my thinking, is there any reason that you are aware of other than just ignorance of the law, any reason that you are aware of that ms. Mortimer would not the have been on the title originally with the mom?

Johnson: Unless the mortgage holder wouldn't allow it. That would -- that totally depends on the mortgage holder. Other than that, I am not personally aware of any other reason.

Leonard: And so I am going to ask you, was there some issue with the mortgage company with you being originally on the title?

Mortimer: That I don't know. I would have to find out. My mother could answer that question.

Leonard: You never had that -- your mom didn't say oh, you can't be on the title because you don't have credit?

Mortimer: She may have, and I don't recall.

Fish: Actually, that was a fantastic question. Another question that I want to ask our city attorney, if miss mortimer had not been able to close, if instead of having her mother acquire the property, if she planned on acquiring the property with her mother and had not been at the closing because of an illness, and someone appeared on behalf, would that disqualify her under -- would the attorney be deemed a legal agent for her sufficient to qualify? [inaudible]

Leonard: You don't have your mic on.

*****: Assuming that they were an attorney in fact and signing on her behalf, then she would have been the owner of the property in her own name and the mortgage would have been in her name. One question I have is whether or not the application was made before the final permit was issued.

*****: Yes.

Leonard: It was.

*****: Yes.

Leonard: All of the conditions of the -- of the tax abatement were satisfied except for her mom's name being the sole name on the mortgage or the title, the deed, and that they simply would have added miss mortimer's name at that time, all of the conditions for the application of abatement would have been satisfied.

Johnson: Correct.

Leonard: And did you have any signed document between you and your mom about this?

Mortimer: No --

Leonard: This arrangement.

Mortimer: This was a verbal agreement.

Leonard: And you didn't have anybody like attest to it or anything like that?

Mortimer: No, but my mother has submitted an affidavit.

Leonard: Is your mother here?

Mortimer: No, she is not.

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Leonard: Do you have the affidavit?

Mortimer: Yes, I do.

Leonard: Okay.

Mortimer: I should add that I submitted a similar affidavit from her with the application initially -- with the application to -- To p.d.c.

Leonard: So, you received a copy of this?

Mortimer: This is one she did today. But when I originally had applied in October of 2007, she gave me an affidavit stating the same facts as in that one.

Leonard: When did you move into the property?

Mortimer: February, 2007.

Leonard: February of 2007.

Mortimer: Uh-hmm.

Leonard: Why would you have applied in October of 2007?

Mortimer: Why did I wait that long to apply? I had just gotten divorced, twin five-year-old children, working, busy.

Leonard: But I thought -- I thought that the purpose of the credit was to incent first time buyers -
-

Johnson: They don't have to be first time buyers --

Leonard: I mean first time homes.

Johnson: It is to incent the building of the homes.

Leonard: You moved into the property when?

Mortimer: February, 2007.

Leonard: And you applied for the abatement in October of 2007.

Mortimer: Correct.

Fish: As my understanding would be, you would not have been billed for property taxes until, what, November?

Mortimer: Correct.

Fish: So, there was no economic impact. You might have acted earlier, but there was no -- you had not suffered an economic consequence because of the delay.

Mortimer: Correct.

Leonard: I'm a little confused with the prior cases that we have heard, I thought that one needed to apply for --

Johnson: After December 31st, 2007, the builder or someone had to apply prior to the building permit, but earlier in 2007 people could apply after the house was completed.

Leonard: She falls under -- had this occurred after --

Johnson: Had this occurred this year, she would have applied too late, if the builder hadn't applied while it was under construction.

Leonard: Did you not apply originally because you weren't aware of the abatement?

Mortimer: No, I was aware of it, but I knew that I had, you know, a deadline to meet, and I met that deadline.

Leonard: And what was the deadline?

Mortimer: I don't recall the exact deadline.

Leonard: Do you remember?

Johnson: It would have been December 31st, 2007, would have been the deadline for anyone purchasing an existing unit during 2007, they had to apply by the end of the year. She met that deadline, but she didn't apply for several months after she purchased.

Leonard: You knew the program existed when you bought it?

Mortimer: Yes, I did.

Leonard: Were you relying on the program to be able to afford the house?

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Mortimer: Yes, I was and am.

Leonard: I am curious why you wouldn't apply at the time -- I understand that you were within the time frame, but I guess I would have wanted to know that I had a signed acceptance of my application before I committed myself to paying the mortgage payments. Did that --

Mortimer: Well, I was -- I had had several phone conversations with p.d.c., and I was made to understand that I met the criteria.

Leonard: You had talked to them.

Mortimer: Oh, yes.

Leonard: You just hadn't --

Mortimer: Exactly.

Leonard: And they told you that -- they told you what.

Mortimer: That I -- we went through all of the requirements, and I was told that I met all of the requirements.

Leonard: You were going to pay your taxes on an annual basis, pay it as part of your mortgage?

Mortimer: No, I pay it on an annual basis.

Leonard: You weren't worried about getting it in until the taxes were due.

Mortimer: No.

Saltzman: Further questions?

Mortimer: Thank you.

*****: Thank you.

Leonard: Here is your affidavit. Does anybody want to see this?

*****: No.

*****: Thanks.

Saltzman: Is there anybody here on behalf of the -- property that did not sign up to testify? Okay. Seeing none. So, we are back to considering resolution 1302, which is -- Which actual nobody appeared to testify on behalf of. I guess we can -- any further discussion on 1302, let's do the vote --

Fish: We have had no appeals under 1302. Motion to approve the recommendations to terminate all of the tax exemptions listed --

Leonard: It is a resolution. I don't think we need a motion. We just vote on it. Just call the roll.

Fish: Aye. **Leonard:** Aye. **Saltzman:** Aye. That brings us to 1303.

Leonard: I am, as was probably clear from my questions, struggling with this last appeal.

Fish: Are we in discussion now on that one?

Leonard: We have learned our lesson last night about jumping to --

Fish: I want to make a suggestion which is we take this particular appeal out of the mix, adopt the -- a -- vote on the resolution without this, and direct staff to over the next 30 days take another look at this issue with council, because I think there -- with counsel because I think there are issues of precedent. What I'm hearing you saying, what I'm feeling is this is an awfully close call, and I would rather have staff and council take a look at the legal ramifications first but you have done a great job outlining the concerns. I do think there is a couple of things we need to verify. I would add, suggest that we hold that one, whatever the proper term is, we hold that one over and act on the rest.

Leonard: And I would add for the staff that is looking at this, notwithstanding what the legal issues would be, what I think would be helpful for me is if we could talk to ms. Mortimer's mom, and if we couldn't narrow down exactly why they didn't include her on the original deed. Just have a conversation, and if it is because no reason other than they didn't think about it, that's fine. I'm not looking for necessarily a definitive answer, but it would be helpful for me to understand if there was some technical, thought-out reason that they decided to not do that. And if not, that's fine.

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Fish: I would move that we remove application 3756-07 from resolution 1303, direct staff to undertake further consideration of the appeal and report back to us within 30 days, and otherwise adopt the resolution.

Leonard: Second.

Saltzman: Okay. This will actually be -- we vote on the motion and then we will vote on the resolution. The motion is to remove --

Fish: 3756-07 from the resolution.

Saltzman: And return within 30 days on that.

Fish: Aye.

Leonard: Are we going to vote on the resolution after this?

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

Leonard: Aye.

Saltzman: Aye. Further discussion? Please call the roll on resolution 1303.

Fish: I want to begin by thanking all of the folks who came and took time today to pursue their appeals, and I think each of you presented equities and concerns which we have heard and we acknowledge hardship. We are, however, bound by a set of rules that we do not have the flexibility to adjust to each hardship. I regret that, but our job in this case is to apply the rules. To the extent it works a hardship on anyone who appears here today, I want to acknowledge beth kay in the back of the room. She works for the bureau of housing community development, and one of the portfolios that we have is to help folks facing financial hardship with their homes and eminent foreclosure, and we have new tools thanks to recently enacted federal regulations. If -- please touch base with beth kay and she would be happy to confer with you on that. Again, I appreciate that you took the time to come out. Aye.

Leonard: Well, I want to first say I appreciate commissioner fish just generally speaking, bringing attention to this area. This is an area that I have been concerned about since arriving on the council. I appreciate the work of p.d.c. And focusing on these issues. I think that by taking kind of the more microscopic look at the abatements and actually re-enforce the program, it restores creditability, certainly with me, and the public at large that we are careful in how we hand these out. I agree with commissioner fish, I didn't hear any appeals that -- from a substance point of view I wouldn't have agreed to give you the benefit of the doubt, but unfortunately, the rules constrain us from doing that. I would definitely follow up on his offer, however, to talk with the folks about other help because they're very good at providing that. Maybe there is still something else we can do to help those that won't get their appeal approved today. Aye.

Saltzman: I guess I want to say that I want to thank people here for bringing their appeals here, but, as you know, the issues of tax abatements receive a lot of scrutiny these days, and we have worked at length to make sure that our tax abatements are truly going to achieve certain public policy benefits such as home ownership, transit oriented development, and those rules I think in your cases have not been complied with and I think many of you have recourse in who represented you in selling the house to you, but nevertheless, as sympathetic as I am to your situations, and I know this is an additional burden, we have to maintain adherence to our rules and therefore I also vote aye. So, we now stand adjourned until wednesday at 9:30.

At 3:28 p.m., Council adjourned.