



October 5-6, 2022 Council Agenda

5681

City Hall - 1221 SW Fourth Avenue, Portland, OR 97204

In accordance with Portland City Code and state law, City Council will hold hybrid public meetings, which provides for both virtual and limited in-person attendance. Members of council will elect to attend remotely by video and teleconference, or in-person. The City has made several avenues available for the public to listen to the audio broadcast of this meeting, including the City's YouTube Channel, [eGov PDX](#), the [Open Signal website](#), and Xfinity Channel 30 and 330.

Questions may be directed to councilclerk@portlandoregon.gov

Wednesday, October 5, 2022 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Commissioner Rubio left at 10:43 a.m.

Officers in attendance: Naomi Sheffield, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Item 826 was pulled from the Consent Agenda and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

Council recessed at 11:04 a.m.

Communications

820

[Request of Fatima Magomadova to address Council regarding Division Street safety](#) (Communication)

Document number: 820-2022

Disposition: Placed on File

821

[Request of Robert Butler to address Council regarding Outer Division Project](#) (Communication)

Document number: 821-2022

Disposition: Placed on File

822

Request of Heather Phipps to address Council regarding blocked pedestrian public right-of-way
(Communication)

Document number: 822-2022

Disposition: Placed on File

823

Request of Hazel R. Dennis to address Council regarding fraud concerns and homelessness (Communication)

Document number: 823-2022

Disposition: Placed on File

824

Request of Michael Brown to address Council regarding reopening the Columbia Indoor Pool (Communication)

Document number: 824-2022

Disposition: Placed on File

Consent Agenda

825

*Authorize a Letter of Agreement between the City and the American Federation of State, County and Municipal Employees, Local 189 to amend the Collective Bargaining Agreement to assign stand-by duty for employees at the Bureau of Emergency Communications in the Business Systems Analyst I, II, or III classifications (Emergency Ordinance)

Document number: 191016

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

826

*Pay settlement of Kelly Corrado's bodily injury lawsuit in the sum of \$30,000 involving Portland Parks & Recreation and the Portland Police Bureau (Emergency Ordinance)

Document number: 191025

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Agenda item 826 was pulled from the Consent Agenda for discussion.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

827

*Authorize Bureau of Environmental Services to reimburse property owner at 8317 N Smith St for sewer user fees in the amount of \$8,263 (Emergency Ordinance)

Document number: 191017

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

828

Authorize Intergovernmental Agreement with the Port of Portland to provide for cost sharing of joint National Pollutant Discharge Elimination System Municipal Storm Sewer System permit compliance requirements (Ordinance)

Document number: 191026

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Passed to second reading

Passed to second reading October 12, 2022 at 9:30 a.m.

829

Amend Municipal Boat Landing Code to align with Oregon Revised Statutes related to removal of abandoned or derelict vessels on City park docks.(amend Code Subsection 19.16.060 J.) (Ordinance)

Document number: 191018

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Second reading agenda item 806.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

Regular Agenda

830

Appoint and reappoint members to the Rental Services Commission for terms to expire October 5, 2024 (Report)

Document number: 830-2022

Introduced by: Mayor Ted Wheeler; Commissioner Dan Ryan

Bureau: Housing Bureau

Time requested: 15 minutes

Disposition: Confirmed

Motion to accept the report: Moved by Hardesty and seconded by Ryan.

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

831

Authorize a Letter of Agreement between the City and the Portland Police Association to implement a Police Dispatch Trainee Certification Pilot Project by increasing the pace of certification for Emergency Communications Dispatchers (Ordinance)

Document number: 191020

Introduced by: Mayor Ted Wheeler; Commissioner Mingus Mapps

Bureau: Emergency Communications (9-1-1); Human Resources; Management and Finance

Time requested: 10 minutes

Second reading agenda item 797.

Disposition: Passed As Amended

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea

832

Amend Operating Agreement with Rip City Management LLC for Veterans Memorial Coliseum to extend term to October 11, 2025 (amend Contract No. 28356) (Ordinance)

Document number: 191021

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance

Second reading agenda item 794.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

833

Create two new non-represented classifications of Operations Director and Incident Command Manager and establish compensation ranges for these classifications (Ordinance)

Document number: 191022

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Second reading agenda item 809.

Disposition: Passed As Amended

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea

834

Revise conditions required for N Baldwin St east of N Delaware Ave as vacated (amend Ordinance No. 179873, VAC-10022) (Ordinance)

Document number: 191023

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Second reading agenda item 814.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

835

Authorize application to the State of Oregon through the Higher Education Coordinating Commission for a grant in the amount of \$500,000 to develop an Emergency Medical Technician Certificate Program for individuals from underserved communities (Ordinance)

Document number: 191024

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Portland Fire & Rescue

Second reading agenda item 796.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

836

Amend Trees Code to improve clarity, efficiency, and outcomes of tree regulations (amend Code Title 11)
(Ordinance)

Document number: 191030

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Time requested: 20 minutes

Disposition: Passed to second reading

Passed to second reading October 12, 2022 at 9:30 a.m.

837

Authorize competitive solicitation and contract with the lowest responsible bidder for construction of the Washington Park South Entry project for an estimated cost of \$5,200,000 (Ordinance)

Document number: 191019

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Second reading agenda item 816.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

Wednesday, October 5, 2022 2:00 pm

Session Status: No session scheduled

Thursday, October 6, 2022 2:00 pm

Session Status: Adjourned

Council in Attendance: Commissioner Dan Ryan
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps

Commissioner Mapps presided.

Officers in attendance: Lauren King, Deputy City Attorney; Keelan McClymont, Council Clerk

Council adjourned at 3:09 p.m.

Time Certain

838

Amend the Comprehensive Plan Map and Zoning Map for property at 4928 NE 11th Avenue at the request of Allison Reynolds, Stoel Rives LLP (LU 21-098835 CP ZC) (Ordinance)

Introduced by: Commissioner Dan Ryan

Bureau: Development Services (BDS)

Time certain: 2:00 pm

Time requested: 1 hour

Disposition: Tentatively accept Hearings Officer's recommendation of approval as conditioned by the Hearings Officer with no additional conditions; prepare findings for October 19, 2022 at 9:45 a.m. Time Certain.

Motion to tentatively accept Hearings Officer's recommendation of approval as conditioned by the Hearings Officer with no additional conditions: Moved by Hardesty and seconded by Ryan. (Y-3)
Oral and written record are closed.

**Portland City Council Meeting Speaker List
October 5, 2022 – 9:30 a.m.**

Name	Agenda Item
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Commissioner JoAnn Hardesty	
Naomi Sheffield	
Fatima Magomadova	820
Robert Butler	821
Michael Brown	824
Brian Landoe	836
Nik Desai	836
Jenn Cairo	836
Rick Faber	836
Betsy Reese	836
Edith Gillis	836
Yee Won Chong	836
Matthew Tschabold	830
Angelita Morrillo	830
Amber Cook	830
Caroline Turco	826

**Portland City Council Meeting Speaker List
October 6, 2022 – 2:00 p.m.**

Name	Agenda Item
Commissioner Mingus Mapps	
Keelan McClymont	
Commissioner Dan Ryan	
Commissioner JoAnn Hardesty	
Lauren King	
Marguerite Feuersanger	838
Allison Reynolds	838
Brian Heather	838
Sean Woodard	838
Debbie Frank	838
Karen McElravy	838
Allen Sanders	838

Portland City Council Meeting Closed Caption File

October 5, 2022 – 9:30 a.m.

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

Speaker: Mayor Wheeler: good morning, everybody. This is the October 5, 2022 session of the City Council. Please call the roll.

Speaker: Clerk: [roll call]

Speaker: Can you hear me?

Speaker: Very softly.

Speaker: I am so sorry.

Speaker: There you are.

Speaker: Thanks so much.

Speaker: Clerk: [roll call]

Speaker: Mayor Wheeler: now we will hear from legal counsel on the rules of decorum.

Speaker: Good morning. Welcome to the City Council. City Council is holding hybrid meetings with limited attendance with the option of electronic attendance. You may wish to -- you must sign up in advance by visiting the agenda on the council webpage@wtobedouble.Portland.gov/counsel/agenda. You may sign up for comedic action to really speak about any subject. You may also sign up for public testimony on resolutions for first or fourth readings. In person testimony may occur from one of several locations, including seat council chambers and city hall in the Portland building. Written testimony may be written at cc testimony@PortlandOregon.gov. Your testimony should address the matter being considered at the time. When testifying, please make your name for the record. Your address is not necessary. If you are resenting an organization, please identify it. For testify is joining virtually, please unmute yourself once

the council clerk calls her name. The officer preserves order and decorum during council meetings so everyone can feel comfortable, respected and safe. Individuals generally have three minutes to testify unless otherwise stated or the timer will indicate when time is done. Shouting, refusing to conclude testimony when your time is up, or interrupting others testimony will not be allowed. If there are disruptions, a warning will be given. After being ejected, a person who fails to leave the meeting is subject to arrest for trespass. Additionally, counsel may take a short recess and reconvene virtually.

Speaker: Mayor Wheeler: very good. Thank you. And, colleagues, just a point of order. When we get to the regular agenda without a request to move items 836 and 837 to the top of the regular agenda to accommodate commissioner Rubio schedule. Forget to do that, commissioner Rubio, remind me to do that. First up is coming occasions item number 820 first individual, please.

Speaker: Request to address counsel regarding division street safety.

Speaker: Mayor Wheeler: good morning.

Speaker: Good morning, mayor and commissioners. Owner of -- talking about divisions of safety. As you recall on September 20, City Council meeting sarah pearson, the owner of the pawnshop, testified about the traction of her business. Reckless driving over medium by irritated, frustrated, and angry drivers. If you recall, responsible as I quote, we must change drivers behavior in order to stop killing people on our streets. I agree. We are changing and behavior. But in the wrong direction. It has changed for the worse. Here are examples of that. Example number one. My first example involves tri-met handicap bus driving up a left lane into the wrong direction taking a chance into head on collision with oncoming traffic. I don't know if you can see the video or not. Right there. If you can see, he's going into the opposite direction on oncoming traffic. If we can go to example number two, we are going to see -- and I will -- yes. It says u-turns are so narrow -- at the same time. And they crashed into each other because larger vehicles cannot safely turn into the narrow u-turns. Example number three. And here we have 4 drivers improvising making u-turns through the wrong turn out packets. Then we have example

number four. This is all by the way out from my window. Here is another confused driver. He has facing oncoming traffic into the wrong direction. So, now, as we can see, we got angry, impatient, irritated drivers who are losing their tempers diving over medians, taking shortcuts, and illegally turning left in the wrong direction against incoming traffic. This concern is simcity is that the whole city is going into uproar over our state becoming so dysfunctional. It is clear to everybody we have increasing clashes, more than ever. The owner who testified, he had the same bad experiences and concerns. It is time to research where mistakes are made, learn from them, and make necessary changes. Thank you so much.

Speaker: Mayor Wheeler: thank you. Next individual, please. Item 821.

Speaker: Request of robert butler to address counsel.

Speaker: Mayor Wheeler: good morning, robert.

Speaker: Good morning underpaid, hard-working members of City Council in Portland, Oregon. My name is robert butler. I'm a native of Portland. I have a federal report in front of me that propaganda into what vision zero is about doing, and it's called access management. The combined purpose of the strategies management access is to reduce crashes and traffic delay. Boy, would that be wonderful if we could add that. So, here is an example of a stop sign at 109th division. Where there is a median now. Just what we are missing. We have forgot to put up the no left turn sign. You have created a tragic situation that is so unsafe it's incredible to send someone up the wrong way on a street there's no way out of the shame on Portland. Getting on to the federal study. Next thing that's talked about is the fact that there are problems with retailers as a result of this approach. The feds recognize this, even though kelly corrado do doesn't realize. It is quote, it is not uncommon for transportation agencies to compensate businesses for owner's losses. Going further down the report. Sorry about the delay. Talks about it is a requirement of all governmental agencies to involve the public in transportation policy as project decisions. Boy, I wish that would've happened. Instead, we have the secrecy of pdot going underground surprise attack on 30 blocks or 40 blocks of division street with

this medium that didn't know about it until a construction crew showed up. The median appears to be more about global warming the public, discourage them from using their cars, closing the streets, creating road rage as a result increasing traffic hazards. We do need a reset before we go any further with fixing mistakes. I already showed you one glaring mistake and we need to figure this out and don't rush ahead. Thank you.

Speaker: Next individual, please.

Speaker: Request of heather fibs to address counsel regarding blocked pedestrian public right-of-way.

Speaker: Mayor Wheeler: good morning, heather.

Speaker: I don't believe heather has joined us.

Speaker: Mayor Wheeler: all right. We'll move onto the next. Heather, are you out there? If you are, say so. If not, we'll move on and come back to her later.

Speaker: Request of hazel r. Dennis to address counsel regarding broad concerns and homelessness. They canceled their request

Speaker: Mayor Wheeler: all right. We'll move onto 824 px

Speaker: Request regarding reopening the columbia indoor pool.

Speaker: Mayor Wheeler: aiko, are you there?

Speaker: Yes. Can you hear me?

Speaker: Mayor Wheeler: yes. Loud and clear. Good morning to you.

Speaker: Good morning to you, mayor. Also, council members. I'm michael brown and I lived in Portland, Oregon my entire life. I know there's an effort to build an aquatic center and seven years from now and adjoining center. Portland cannot go without an indoor pool 5 to 7 years. This last summer, we had record number temperatures, 90+ degrees because columbia pool is closed, puts pressure on peninsula for and they would reach capacity frequently. I would call in advance and take my grand children there and was told the pool was full to capacity. You can imagine these kids turning away from the counter because the pool is closed. I would then take my grandchildren to the cathedral park. A few days after we were advised by the county that there was toxic algae waste in

the water there that's in addition to whatever might be in the water. Our young people need an outlet. My own granddaughter, evi, learned to swim in that pool and became a lifeguard and swim coach. Each lifeguard has their own story of life save. Children learning to swim in this pool is so important in these lifesaving skills. Restoring a friend of mine just celebrated his 101st birthday. Learn how to swim in columbia park pool October 26, 1944. He was able to go overboard and save three sailors wives by the skills he learned in that pool. High school swim team uses columbia pool for swimming's and practice. The majority of roosevelt students are people of color and come from low income homes the pool provided these people to access to a indoor pool. Contact with neighbor associations and certain labor counsel in certain community members. Everyone is in favor of reopening the columbia park pool. If one life is saved, it's well worth the investment in reopening the pools if possible. Can this be done for young people or children with the seniors in the community that depend on exercise classes. It's just so very important. Please do this for the community and the children. I also want to thank you for giving me the opportunity to address City Council this morning.

Speaker: Mayor Wheeler: michael, thank you. And commissioner Rubio wants to make a comment. Commissioner Rubio?

Speaker: C. Rubio: thank you, mayor. Michael, I want to thank you for sharing your thoughts and it's clear you have a deep passion for this and a lot of north Portland community neighbors do as well. People have long personal histories with this pool. I wanted to lift up as my council colleagues no, columbia pool is closed due to life safety issues and with their support we put aside 1.5 million for interim aquatic services for north Portland community. That is getting ready to operationalize as we speak. I want to thank you for speaking. What's true for you and please don't hesitate to reach out to our office or we can connect with you off-line and give an update about where you are at. Thanks.

Speaker: Mayor Wheeler: hey, michael? I also just wanted to jump in and say I've been here about six years and this is the first time we've actually had somebody come in and

talk about lifeguarding and all that. Before I was in politics, I actually had an interesting life. I was a wsi and I was part of my high school swim team and there's a lot of good memories there. I appreciate you highlighting that this isn't just a facility. That this is actually a community gathering place and it's also a place where people can learn life skills in your illustration of the world war ii veteran who used the skills he learned in Portland, Oregon to save the lives of his shipmates. That's an incredible thing to bring to the table today and I want to applaud you and thank you for that. We don't hear these topics often, and I really enjoyed your testimony.

Speaker: Thank you, mayor.

Speaker: Mayor Wheeler: did 822 come back? Heather?

Speaker: No.

Speaker: Mayor Wheeler: okay. And that was 824. I think unless I flip my page, that completes from the testimony or did I miss somebody? That's it? Consent agenda, have any items been pulled? I understand a 26 is been pulled.

Speaker: That's correct.

Speaker: Mayor Wheeler: any others?

Speaker: No.

Speaker: Mayor Wheeler: please call the kelly corrado went on the consent agenda.

Speaker: Clerk: [roll call]

Speaker: Mayor Wheeler: consent agenda is adopted. To the regular agenda, could we please do item 836 first?

Speaker: Amend trees code to improve clarity, efficiency, and outcomes of tree my galatians back

Speaker: Mayor Wheeler: this is the first reading unknown emergency ordinance.
Commissioner Rubio

Speaker: C. Rubio: urban trees provide environment to health such as reducing summer to matures, improving air quality, managing stormwater, and improving public health outcomes. The city street code is an important tool in preserving our cities trees

and expanding the services of the urban forest to all Portlanders. Proposed there are 35 technical and policy amendments to title 11. These will improve clarity, resolve inconsistencies, and provide tools for efficient implantation. The proposed amendments to title 11 will result in better management of our infrastructure. Here today with a short presentation on the package of amendments and city forrester jen cairo and rick favor permitting and regulation coordinator are also available to answer any questions. I will turn it over to them.

Speaker: Good morning. Thank you, commissioner Rubio. Good morning mayor and commissioners. My name is brian lando with urban forestry. Thank you for this opportunity to present these proposed amendments to title 11. They were here today as well. We just have a brief presentation at this point. You can go on to the next slide, please. We have better research than ever on the necessity of trees in urban settings. Coventry provide a multitude of established public-health environments services. Urban trees improve air quality and reduce heat island effects. Manage stormwater, provide habitat for wildlife and pollinators, and even have been shown to reduce crime, calm traffic, and improve resident safety. Trees have a biophysical effect on human health and well-being by reducing stress hormones, blood pressure and just improving overall mental and physical health. Title 11 is the city street code and it provides a wrigley torrey framework for expanding Portland's urban forest. It was first adopted by City Council in 2011 and was implement it into thousand 15. Portland parks and recreation are code administrators of title 11. Parks is responsible for all nondevelopment aspects, which you can see on the right table of the screen. While developmental -- bds is possible for on-site trees. Just a little background of how we got to this point right here over the course of the past seven years there has been a series of updates to tree code before City Council. In collaboration with develop in services and planning and sustainability, substantial updates to the development chapter of title 11 were improved by City Council. This primarily impacted tree reservation requirements. At that time, City Council also directed parks, bds, and bps to develop a scope of work to further strengthen title 11. In may

2001, parks presented a multiphase project to both update the code, but also update Portland's forest management program. I will go a little into that three phased approach on the next slide. The first phase was about making technical changes to title 11. This was to address known issues with the code. Issues that have become apparent during the first seven years of title 11. This is the package that we are present in today. Me on that in phase 2, parks update Portland's urban forest management program. This is the guiding document for the city of Portland and it has not been updated since 2004. Title 11 requires it be updated every 10 years. This project is being scoped and will include a robust community engagement process to ensure the community priorities and visions for the urban forest. Finally, in phase 3, parks will work on a more substantive minimum package for title 11. That will be informed by the community guidance and analysis that was completed during the urban forest management plan. From the outside, we established several goals for this project. They were to address these technical and minor policy updates using the research that we have, improve overall management of the forest, improve the clarity and efficiency of the code. We really wanted to minimize impact to some of the city bureaus that work with the code and to minimize impact and regulatory process in general. And then finally, we were just committed to conducting early and continuous engagement with our bureau partners. Throughout this process, we regularly engage with bureaus on proposed amendments and read the forestry commission, planning and sustainability commission, and review revised committee. In may 2022, public hearings on proposed amendments and each has submitted statements of report. I also want to note several changes to the amendments were made following those hearings and we greatly appreciate the feedback we received from the psc and ufc. With that, I'm going to turn it over to nick who was going to talk more about the specific amendments being proposed.

Speaker: Thank you, brian. Good morning, mayors and commissioners. Today, we present to you a package of 35 updates. With the limited time on the agenda, we're going to give you all updates in this presentation, but instead share a few examples and in

addition to being in your council packets, the list of eminence and changes have been publicly available online for the duration of this project. With the ultimate goal of improving management, the proposed updates following the category listed here. Alignment with current practice, alignment with other city codes or policies, correcting errors, improving equity and improving or avoiding negative outcomes. Our first example looks to incorporate language into the purpose section of title 11 identifying trees as green infrastructure consistent with the ordinance, which established title 11, which states that the intent of the tree code is to manage trees in the city as infrastructure. Additionally, this clarification aligns with climate emergency declaration and other city policies. Item number six provides an example of alignment with current practice. When the applicant files an appeal, the city forester conducts an internal administrative review prior to the appeals board hearing. This occasionally results in the applicant either withdrawing their appeal or decision being overturned by the city forester. The applicant still has the option to appeal the decision, but this results in a quality check on the decision potentially saving time and money. The language proposed is similar to existing codes in other city codes. Our third example is pretty straightforward. Titles 11 and 33 previously defined multi-residential as greater than two units. Updates to title 33 now defined multiple residential and this change merely brings title 11 into agreement with title 33 and does not affect any permitting decisions. Item number 41 addresses equity. The urban forestry commission consists of 11 committee members appointed by the mayor to advise on urban forest management. As volunteers, they commit to monthly meetings which can last 2 to 3 hours in addition to preparation time. It opens the opportunity to serve on the ufc to a more broad demographic. And finally, our last example is avoiding negative --

Speaker: Mayor Wheeler: one moment, please. Commissioner Hardesty has a question on that.

Speaker: J. Hardesty: thank you, mayor. Could you go back one slide, please. Removing the without compensation clause I believe sets expectation that volunteers are going to

get some kind of human nation around their service. What is your plan on that? Are you just removing the language? Why should we remove the language and who should pay for that?

Speaker: Jen Cairo can explain and provide some explanation on that. She's here.

Speaker: Good morning, Commissioner Hardesty and Mayor. Thanks for the question. Parks and the Civic Life Office are working on guidance, policy guidance, around in what situations compensation might be provided and the intention here is rather than making this expected and pro forma, it's a tool in which we can help folks participate in these advisory groups you have income as a barrier it's not the intention for it to be an expectation, and that's the way it will be communicated with applicants and commissioners.

Speaker: [Indiscernible] [Inaudible]

Speaker: J. Hardesty: sorry about that. My mic was not working. Where was I? I'm concerned about setting an expectation that the city cannot meet. We should have one standard for who qualifies for a stipend and we should not be changing policy without a plan about how we make that happen. So, we have several committees that for some reason stipends, there's not a city policy at the moment. I would caution us to not keep peace mealing is very important role because, again, we want people to continue to volunteer to provide their expertise to the city and we are setting up an equitable system when you just decide you want to take the language out with nothing else. Thank you. Please continue.

Speaker: Thank you, Commissioner Hardesty. Our last example is avoiding negative impacts category. When a nondevelopment request for tree removal is received, code is not currently provide enough flux ability to assess when tree removal may negatively impact the health and safety of the trees that are remaining. In some cases, moving a tree can make other trees vulnerable to edge effects such as wind throw and unbalanced canopy. This eminent as consideration of impact of other trees with proposed tree removal with the objective with minimizing impacts to the health and safety of the public

and remaining trees. With these examples provided to demonstrate the scope of our project, we thank you for your consideration and are happy to field any questions that you may have at this time.

Speaker: Mayor Wheeler: commissioner hardesty.

Speaker: J. Hardesty: first, I want to thank the bureau and the urban forestry department for their very deep work. I understand you spent some quality time with my policy analyst, doug bradley, around answering some questions. Some of those questions I want to put on the record. On page 55, you are general tree presentation it says basically that you would now, rather than maintaining consulting, now the urban forestry would be the mandatory approval of projects. That terrifies me. Why are we going from you actually advising to you actually being the approval place? Anybody?

Speaker: Yeah. Thank you, commissioner hardesty. Rick is here today. He's our permitting galatian coordinator. I will let him answer because he works more specifically on these regulations. The intent of that we spoke with staff bps that originally drafted title 11 and the intent of that language was to really get urban forest tree at the table with these cip projects. Which had not been the case prior to title 11, which is where that line which came from. Code establishes city forrester as regulator city and street trees. This is clarifying network on city and street trees does require a permit signed by the city forrester. That's really where that's coming from. I think rick can give a little specifics on that.

Speaker: Brick favor here from regulation coordinator. Thanks for the time, mayor and commissioners. It's a great question, commissioner hardesty. Bounce off what brian was saying, the urban forestry is not giving the sign-ups for projects. This is simply clarifying that urban forestry is responsible for reviewing the urban forestry component of title 11 within these projects.

Speaker: J. Hardesty: but if you tell me you have mandatory approval of projects and let me just say I have not found urban forestry to be really easy to work with, but all of a sudden if you are the one that gets to sign off, the big difference in my mind between

being required to consult with you and then giving you a total authority to sign off on projects. If I am misreading this or misinterpreting this, then what part am I getting wrong?

Speaker: I think the misunderstanding here is that urban forestry is not receiving the total authority to do anything here. Urban forestry is acting as part of the reviewer within trees of the public right-of-way. This part of water bureau being responsible for water pipes this is urban forestry being responsible for the trees.

Speaker: J. Hardesty: let me just say words have power and if you tell me I'm required to consult with you to make sure I am using the appropriate procedures, then that tells me one thing if you tell me that that project does not move forward unless you okayed it, that tells me a whole different set of things. My question remains. What are you attempting to get at with this change?

Speaker: The attempt is clarity, again. The clarity that urban forestry is going to remove title 11 to make sure title 11 requirements are met.

Speaker: J. Hardesty: shouldn't it just say that?

Speaker: Is what this is getting at is that elsewhere in the code he refers to the responsibility of the city forrester for these requirements. The consultation was confusing to many applicants in the intent here is to remove that confusion.

Speaker: J. Hardesty: I'm still not satisfied with that answer, I will ask my next question. My next question is on page 58. His mandating forestry approval for all future sidewalks that may be built using pdot's new guideline. So, my question is how does this help us install or hurt us installing sidewalks? Especially in areas of the city that are privileged to have sidewalks at the moment?

Speaker: Page 58 you said?

Speaker: J. Hardesty: page 58. It says urban forestry's would approve, would have approval for all future sidewalks. Again, I'm just trying to understand the difference between the minor administrative changes and what this means as far as policy.

Speaker: Are you referring to the street tree planting standard that the -- or existing potential treeplanting areas? I'm afraid I'm not quite sure which section we're looking at here at.

Speaker: J. Hardesty: are you on page 58 of your document?

Speaker: I am on page 58.

Speaker: J. Hardesty: me pull up your document again. I will go to my next question since you don't know where that question is. The next one is on page 85. It seems that there is a large expansion of the authority of the urban forestry to stop any public works program. So, again, you are telling us that this is just administrative changes that we are making and it looks like we are continuing to broaden authority of the urban forestry chain. In my reading this incorrectly?

Speaker: Are you referring to the stuff work orders when any work is being conducted in violation of this order? The striking of public health or safety is threatened is bringing this code in alignment with every other city code that has a stop work order. This stop work order qualification of public health and safety is threatened is unique to the current version of title 11 and does not found anywhere else in title 11. This isn't intended primarily for nondevelopment situations when somebody is conducting permanent tree work or regulated tree work without a permit. Gives the tool for the forestry to go and instruct them to stop the unpermented tree work before they cause irreparable harm.

Speaker: J. Hardesty: that was very helpful. Thank you, rich, for that.

Speaker: Mayor Wheeler: commissioner Mapps.

Speaker: M. Mapps: thank you, mr. Mayor. I want to thank commissioner review and staff for these items in today's reason tatian. I just have a quick question I think for nick. Nick, I believe your presentation today basically summarized 35 amendments. I was also frankly looking at exhibit b, which I think lists 37 amendments. I was just wondering where the difference came from? Are you kind of putting a couple of buckets into the same amendment, or do we have 12 amendments that sort of dropped off whenever exhibit b was put together in today's ask?

Speaker: Thanks for your question, commissioner Mapps. You have 35 items they are numbered according to our original, we originally had a larger set and we had paired that down through the revision process and after meeting with bureau partners and stakeholders in receiving input, we ended up bringing down. Those in referring to the original item numbers. We just wanted to keep consistency throughout our progress.

Speaker: M. Mapps: just so I'm clear, some of the items listed in exhibit b have dropped off, dropped out of the ordinance. Is that right?

Speaker: The items in exhibit b reflect all 35 line items that are in the package. The original draft had items that are not in this document exhibit b.

Speaker: M. Mapps: okay. It would be great if maybe someone from your staff can talk to someone from my staff to clarify the ones that have dropped out, I think. Thanks.

Speaker: Mayor Wheeler: commissioner Ryan.

Speaker: D. Ryan: first of all, you, commissioner Rubio, jen cairo, and the team of brian, nick, and rick. That was fun to say. My first question is at the very beginning when you have the quadrant and it shows we are, in fact, bds has authority and where parks has authority. Most of it makes sense to me intuitively except one square and I want to explain it to me. That would be on nondevelopment trees. How did that land where authority would be with parks? I'm not saying it's a bad decision. I would just love to understand.

Speaker: I would say that really came from how we were discussing the purpose of title 11, which was to elevate the role of the city forester and bring regulations that were spread across several titles into a single adhesive tree code and it was intended to elevate the forester as the manager of the urban forest and with a significant portion of our canopy on private property. That was really the intention of bringing that within a cohesive forest and with the exception of services being on site development activity.

Speaker: D. Ryan: so when there's construction activity, it's bds paired with when someone has lived in the home and they suddenly have a tree situation, then it's parks. I

really did ask because we are people that live around neighbors and they ask us questions. I don't think I gave a very good answer when it came up recently.

Speaker: And if I can just jump in. Title 11 does have that is the current standard, but part of title 11 the cutting tree ordinance. That was amended and sometime in the 80s or 90s. Authority over certain on-site private tree permits.

Speaker: D. Ryan: especially if that's true with the heritage trees, yes? Which I think everyone can be supportive of you all were here in last may, may 2021, and I called that meeting and you were engaging with stakeholders on these necessary proposed amendments. When I was listening to your presentation, I was trying to get a sense of what that engagement was like can you give me a few stories?

Speaker: Absolutely. Part of the intention with this amendment. We did try to keep the scope fairly narrow and to really work on an issue identified over the first few years of title 11 we also were informed by some evaluations of the code that had taken place a few years after title 11 proposed some recommended changes. Some of those are in this package as well. In terms of the actual engagement, it was working with city urban forest commission and the development review advisory committee. We have intended to do the bulk of the community engagement and seek community guidance through the urban forest management plan and subsequent amendments come to that. This was a party that was intended to be public and transparent and engage through those community advisement groups, but also we plan to do much more robust immunity engagement throughout the upcoming work.

Speaker: D. Ryan: that makes sense. And it's always good to hear what other bureaus you are cordoning with. Thank you. Sometimes when you sit up here, it's sometimes difficult to track that. The pilot for financial assistance to low income households, how is that proceeding? Elders on fixed incomes when they suddenly it happens fast it's great we live in a city that sometimes have trees that get that big, but sometimes it's a big burden for that person. I know we talked about the \$100 removal permit. It doesn't go

any further than that because you have to hire the arborist, a professional. It's a shock. It's a sticker shock to some people. Telling about the dialogue around that.

Speaker: We did conduct a pilot project. Rick led that pilot project, so I will let him speak to that.

Speaker: You did hit the nail on the head that the current financial assistance program is very limited in the scope. It does not provide assistance to actually doing the tree work. I actually have all the data in front of me and I'm working on bringing together a report to summarize all those findings and to make proposals for how we can extend or modify so we can better provide assistance to those in need.

Speaker: D. Ryan: okay, rick. That's helpful. I know commissioner Rubio can talk and look at the findings and see what you discovered and makes them appropriate decisions going forward. I will just say in the few conversations I've had on this, it's troublesome for people because of course they want to do the right thing in the sticker shock of that in terms of managing the finances. I see heads nodding. When we look at the first phase of these minor technical fixes to title 11, do you think we are on track to get to phase 2 and phase 3? I'm thinking back to the main median. Sometimes I've been here two years and trying to make sure the process has evolved from last may. And I know it has.

Speaker: Absolutely. I can speak a little bit to that. One of the things in that presentation we noticed would be doing this existing current project with staff that we had. Really pleased we been able to bring on a dedicated planning and policy almost 2 years ago and they are working on urban management. We are scooping that plan right now. We are working on some rfp's to bring lead consultant and community engagement consultant in early 2023. Really pleased that work is progressing the management plan is long overdue. The current plan is silent on things like climate change and environmental justice. Really. [indiscernible]

Speaker: D. Ryan: thank you all for answering my questions. Really appreciate it.

Speaker: Mayor Wheeler: commissioner --.

Speaker: J. Hardesty: thank you, brian. Your last statement actually printed another question in me. We know that some parts of Portland has beautiful tree canopy. Some parts don't have any trees at all or barely no trees. How is your planning going to change that? How is what we are doing today actually going to have any impact on that at all?

Speaker: Thank you, commissioner hardesty. These amendments I don't want to oversell them. They are not making substantive impacts to that. I think these are really minor fixes and I wouldn't say they really get at some of these underlying historical issues that have resulted in the canopy that we have today. Working on that are treeplanting program is focused on planting in these underserved areas. I wouldn't want to portray these amendments as making substantial gains on that. That is absolutely the goal of the subsequent amendment likes to do. This was a fairly narrow work.

Speaker: J. Hardesty: so, what I'm hearing you say is I can expect to see more in the second round and third round after you completed this community engagement process I will be looking forward to that lemme also say that equity, they only use the word equity once in your document and it was all around whether people get paid for volunteering their time. I would challenge you to incorporate equity throughout your entire document because if we were looking at tree canopy from an equity standpoint, I think we would have different priorities I'm disappointed to see the only place you identified equity as an issue is around whether people are compensated or not. There are a lot of equity issues and it comes to tree canopy and all that. Thank you.

Speaker: Mayor Wheeler: is there any public testimony on this item?

Speaker: We have three people signed up.

Speaker: Mayor Wheeler: three minutes each. Name for the record, please

Speaker: We have betsy grease.

Speaker: Mayor Wheeler: good morning.

Speaker: Morning, everyone. You all have had a lot on your plates, but sometimes you're so busy keeping our nose to the grind stone that we forget to lift our chins and look up. In the case of our urban tree canopy, that is both metaphorical and literal. Please add

tree slithering vines to the tree cover. This work can fit right here on the tree coast. Our tree coast conflicting injury on a tree, including trenching, excavating, altering the grade, smothering the roots, hearing or breaking of fruit, branches, or foliage. Using herbicides or poisoning, felling, cutting, or removing any portion of the crown, trunk, or root system of a tree. Poisoning -- I can only think that the omission of those two words has been inadvertent. -- is rapidly blanketing and smothering trees to death in Portland. In other jurisdictions around the country and around the world, its abatement has been taken did seriously. This photo was taken in February of a 60 foot western cedar already almost half of its branches are dead from this vine. This is the same tree taken in July. It is completely covered with the vines, as are adjacent trees with divine leaved out

Speaker: It doesn't allow you to properly define those who endanger our trees. When you say there's a delay in planting, there's only the cost of the labor and the tree when actually trees not being here, not being healthy, not being equitably distributed costs human lives and human lives are worth far more than minimum wage digging a shovel. I think we also need to be much more careful that the same size, type, and age of a tree each year will less and less able to provide the services that we need due to the increased air pollution, even if we never again do any fracking or anything like that, we have all these feedback loops already in place. And so, there's going to be increased heat. The leaves are going to tighten shut as there's more of a pollution or drought. It won't open up to taken the carbon from the air and put it down into the soil it won't have the strength to suck up as much water. The water table will go down. There's more pollution in Portland poisoning the trees and then we've got teargas and everything. Tree sales won't have the strength and structure to sock or pool the water up, so it won't do the trans vapor ration allowing humidity out and won't release the healthy aerosols necessary to have the rain for an economy for safety and health we must put much greater value on trees because it's a matter of life or death in our community and we need to have more and more trees. Instead of removing trees that are sick because all of our trees are going to be sick. We need to find better ways to support them. Get rid of

those contagious parasites or diseases, but provide the health and safety surgeries are not susceptible to parasites or diseases and can withstand it because that's what we need to have the water that we need to function. That's what we need to have lives. That's what we need to have people living in Portland paying tax dollars.

Speaker: Mayor Wheeler: thanks, edith.

Speaker: Next up.

Speaker: Mayor Wheeler: thank you.

Speaker: Thank you. Can you hear me?

Speaker: Mayor Wheeler: loud and clear.

Speaker: Good morning, commissioners and mayor. Thank you for this opportunity to testify. I reside in the king neighborhood of northeast Portland and have loved here for 14 years with my chosen family of four adults and one child. We are a multiracial and queer family these people moan the property, but cannot be here today due to their jobs. We decided to take advantage of the residential infield project to make me a homeowner, too, building a second 80. We need to remove an apple tree. But we learned through the design and permitting process that we have to pay \$13,000 because of the tree code. The lifespan of apple trees is 50-80 years old. This apple tree is as old as the main house. Over 100 years old. And this tree is still alive today because we understand the importance of tree canopy for our neighborhood. Over the last two decades we have invested thousands of dollars in caring for this street. Imagine our shock when we learned this \$13,000 tree fund while trying to take advantage of rip. If we move forward with the second adu, we plan to grow two new trees which actually sustain a longer-term healthy canopy. It is actually really hard to see this \$13,000 not as a punishment. It is shortsighted. This \$13,000 fine increases the cost of building this adu by about 5%. It is significant for this project and for a family with modest means. This tree code as it is has become a barrier to create density in the badly needed affordability in our city. I am testifying to highlight how that highly needed coordination and alignment so that the tree

code does not actually counter other goals of affordability and density, and also equity.

Thank you.

Speaker: Mayor Wheeler: thank you. Commissioner Hardesty has a comment.

Speaker: J. Hardesty: thank you, mayor. It's so wonderful to see you testifying here at Portland City Council. It's been a long time since we interacted. I really appreciate the colorful display that you showed the difference between the values that develop our policy around tree canopy and you as someone who is a wannabe homeowner what your experience is and attempting to take advantage of the residential infield property. I think that was a perfect example of the values around the policy not being consistent around the board. I really appreciate you pointing that out and it makes me ask in a situation like this what would the forestry say to them? What would you say as someone who is experiencing this huge cost increase. Yeah. What would your response be, Brian or Nick or somebody?

Speaker: Thank you, Commissioner Hardesty, and thank you for the comment we understand there can be tension at times and increased intensity and preserving trees. The code sounds like based on that that you have a 28 inch tree, which is a large tree. Right now, the code does try to de-incentivize removing large trees in development situations. I definitely sympathize with the situation you are in and yeah. Maybe -- have anything to add on that.

Speaker: The code perspective, that cost is due to what's called the 20 inch rule as part of the tree the vision requirement. That is outside the scope of what we are trying to accomplish with technical and minor amendments. That rule does have a sunset date of December 31, 2024. It will be back in front of council for a full review before that time.

Speaker: J. Hardesty: again, my goal is to not try and put you in a spot right now, but this is a perfect example of I would imagine none of us intended that we would be a theory or against adding housing. Especially when you described the tree as being over 100 years old and it's 75 years over its normal lifespan. Again, I'm destroying to figure out as a community member how did people maneuver these policies when what they were

trying to do is add to the housing stock. This was a perfect example of policy not actually living up to. What do you do when someone is in this situation? I see other hands up, so I will stop.

Speaker: Mayor Wheeler: commissioner Rubio and then commissioner Ryan.

Speaker: C. Rubio: I wanted to make some space for Jen. Jen, can you engage and give us a vision of what we are trying to do here overall and how we are trying to get these things in alignment so we are not in conflict with one another?

Speaker: Certainly, commissioner Rubio. Thank you, commissioner Hardesty, for following up on the comment. There is intention for regulations on private properties and other properties trying to implement the city's goals. There's in regards to trees and storm water management or water supply or public right-of-way. That is what we are seeing here. The tree code currently does have requirements because Rick and Brian explained trying to retain the tree canopy we have in the city, just difficult, if not impossible in many cases to replace there are a few tools, but one of the tools is in a development situation like this resident is talking about a certain amount of payments to partially mitigate for the services of the tree that is lost. And that is what the code presents to us today. You heard earlier today from, I believe it was Brian, that this package that is before City Council right now is phase 1 of the three-phase plan. The next phase being updated and the third pays -- phase being copperheads of amendments to the tree code. Both of those forest management plan and the third phase of substantive amendments, those would be opportunities to get more exploration into the tension that exists between wanting more canopy and more development. In many ways, comes down to design and also it's about condition of trees. We have a tree that's 100 years old and outlived by 75 years, it's dependent on the species and that's carefully considered on-site by the staff involved in doing it and made case-by-case. If the tree really wasn't worth keeping because it's declining they wouldn't be required to pay that type of mitigation if it were a dead tree or something like that. I hope that's helpful.

Speaker: J. Hardesty: yes, jen. It was helpful to me and I hope it was helpful. Did that help you?

Speaker: Just to make sure I said the years correctly. The appletree lifespan is usually 50-80 years old and this is over 100 year old tree. As far as we know, there isn't an appeal process. I asked many of my architect and other folks that there is no existing process. The tree is not dying because we've done such a good job of taking care of it. It's just that it's in appletree. I totally understand if it's a different type of tree. This is an apple tree. We have done such a good job that it is not dying. It is not a heritage tree and we were told there is no appeal process.

Speaker: Mayor Wheeler: thank you. I'm going to keep this moving if we could pay her we are still on our first agenda item. Commissioner Ryan.

Speaker: D. Ryan: I have had the pleasure of being involved with improvements to our permitting process. Your story comes up over and over again, so I'm grateful you are here today. There's always nuance and how we look at codes and sometimes it's difficult in real life when we were in lamenting them to have such sensible conversations. I think your answer got to some event, but it seems like we put a lot of emphasis on the size of the tree, but we don't factor in the lifecycle, the expected life of the tree in the code I think it seems like have you considered that dialogue and how that can be implemented. The testimony you here today can be mitigated with much more efficiency.

Speaker: Thanks, commissioner. I recently can and collect input for future proposed amendment of the code. We will take that into account. I want to speak to average lifespan of trees. If we look the species up online, we'll find the average lifespan. That varies widely and can be much shorter or longer. Also, we are talking about climate differences as well as cite specific offenses. In appletree would have a different projection than a tree growing in pacific northwest same with other species soils, hydrology on the site, and living things. His wide variety from what standards might find or frameworks one might find. Looking at entry in that situation and its condition at that time rather than only looking at what expectations might be.

Speaker: Mayor Wheeler: I'm just going to jump in with a comment and not a question because I do want to keep this going. Jen, it was mentioned first of all, technology we are in a housing emergency. We went through great pains to pass the residential infill program in central city by design. Acknowledging that and I just want to make sure we are being pragmatic. I can't get into this specific case because I don't know all the facts, what I heard him say on the record as he wants to do more residential infill for the code change process we went through and is willing to replace the tree with two trees I just want to make sure we are being pragmatic in our approach to balancing development and our desire to maintain a tree canopy. It seems that when he proposed struck me as a commonsense compromise to get us there and I don't know why that's not being accepted as an acceptable route and I don't know today, but I would love at some point for somebody to shoot me an email that completes public testimony, does it not?

Speaker: It does.

Speaker: Mayor Wheeler: this is a first reading of emergency ordinance. Move on to second reading. Next item, please, parks bureau item 837, please be a

Speaker: Authorize competitive solicitation and contract with the lowest responsible bidder for contract of the Washington park south entry project for an estimate and cost of \$5,200,000.

Speaker: Mayor Wheeler: if I can find it, here it is. This is the second reading. We've already heard the presentation, which is fantastic, and taken public testimony on this item. Is there any further business? See none, please call the roll.

Speaker: [roll call].

Speaker: C. Rubio: I just want to thank him for his presentation and excellent work here.

Speaker: [roll call]

Speaker: Mayor Wheeler: I am very excited about this project. This is one has been thought about for many, many years and will create a new access point in a more logical way into the park from the north and I just appreciate everybody has worked so hard on

this, including you, commissioner Rubio. Ordinance is adopted. Back to the beginning of the regular agenda in order. Item number 830, please.

Speaker: Appoint and reappoint members to the rental services commission for terms to expire October 5, 2024.

Speaker: Mayor Wheeler: and, let's see. I don't have any information on that. Commissioner Ryan, I'm sorry. I was looking at the wrong one. Commissioner Ryan.

Speaker: D. Ryan: I heard you. It's good. I'm really excited to present this to the commission. There are three vacancies in our appointments bring insight to the conversations around rental housing and policy we have stephanie bridges, a policy analysis with the urban league and policy advocate with hunger free Oregon. And we have amber cook, who brings incredible insight with a court observer research collaborative. Had the pleasure of meeting with a couple of folks here and they have been great conversations. I'm going to turn this over to deputy director for additional remarks and thank him for stewarding this group. Take it away.

Speaker: Thank you, commissioner for the record, matthew shaw at the Portland to permit housing bureau. Services commission is one of the bureaus five permanent advising bodies in the city's primary advising body for discussing fair housing work. They also work with fair housing advocacy committee that is our multijurisdictional route that does our fair housing analysis and planning. We always appreciate people who volunteer their time to advise the city and discussed issues that are relevant to all Portlanders. This is a series of appointments and reappointments. I would just say all three of our new appointees are here at counsel to share remarks about themselves if they would like to believe we have one in the chamber and two on zoom. Please take it away.

Speaker: I come down to the table?

Speaker: Mayor Wheeler: good morning.

Speaker: Morning. It's weird being on this side of things hello. I wasn't told I was supposed to share remarks, so I don't want to share. I am a policy advocate at hunger free Oregon and I grew up in Portland and I have dealt with a lot of housing issues in

Portland as a renter and as a daughter of a single immigrant mother. When I was in high school, my family was illegally moved from an apartment building and years later we found out they specifically raised the rent for latino families and made it impossible for my single mother to keep us housed. That was a very formative experience for me and I think years later saying how important our renters rights are and making sure our policy keeps people housed in a time where we have lost so many people who are now living on the streets living in trailers knowing how important it is to ensure these housing policies are looked out with a fine tooth comb and the public knows the different issues that are happening so they can advocate for themselves is something I've always been very passionate about and I hope to bring to this work.

Speaker: Mayor Wheeler: thank you, commissioner hardesty.

Speaker: Thank you, mayor. Since we have her in the council chambers, just appreciate her for the 3 and a half years she gave to my office as my constituent relations person. She will bring that same passion that she brought to the position in my office to the rental services commission. I have no doubt and I am just so thrilled that you haven't been running screaming from the city of Portland. I'm so thrilled to see you stepping into this role. You will bring a lot of great knowledge both that you learned from your lived experience and what you learned as a staffer in my office. Thank you for your willingness to serve. I'm amazed people want to volunteer for the service in Portland.

Speaker: I just want to say thanks for being here. I know you told us you didn't realize you were going to say something. What you said was exactly what we needed to hear. Thank you for sharing life it's variances and stories. Things for your service.

Speaker: Thank you.

Speaker: If amber would like to share in a remarks or stephanie, feel free. Otherwise, we are good to take the vote, mayor.

Speaker: I was just going to say thank you for the appointment. I look forward to serving my term I am a low income renter who has been a housing advocate and attendant worker for the last three or four years. I have become more and more involved in the

political side of things and have given testimony at the rental services commission for a number of years being a part of it on a different level. Thank you.

Speaker: Mayor Wheeler: thank you all. I entertain a motion to accept the report.

Speaker: J. Hardesty: so moved.

Speaker: D. Ryan: second.

Speaker: Mayor Wheeler: is there any further discussion?

Speaker: Mapps.

Speaker: M. Mapps: I want to thank him to agree to move on this certain committee.

Speaker: [roll call]

Speaker: Thank you all three of you for your time. We need your perspective at the table and I'm excited to vote aye.

Speaker: [roll call]

Speaker: Mayor Wheeler: the report is excepted. The appointment's are approved. Thank you for your service. Next item, please, item 831 a second reading.

Speaker: Authorizing letter of agreement between the city and the Portland police association to implement a police dispatch training certification project by increasing the pace of certification for emergency communications dispatch or speak

Speaker: Mayor Wheeler: colleagues, any further discussion on this item? See none, please call the roll.

Speaker: [roll call]

Speaker: M. Mapps: colleagues, glad to vote in favor of this ordinance. By voting in favor of this ordinance, we will reduce the amount of time Portlanders spend waiting on hold when they called 911. That will save lives and there is more good news. This pilot project will not bring any new cost to the city of Portland. Foic will pay for this project from their own budget.

Speaker: [roll call]

Speaker: D. Ryan: I was able to spend some valuable time at your operations on Friday, last Friday, and it was very eye-opening. I especially enjoyed this it along. Is that what it's

called? And I really want to also thank the employees that I met there. They are under heavy pressure. You could say a lot of public pressure and what I experienced his people with a very good attitude and very competent with their work. At least when I was there the calls were picked up very quickly and just the coordination this is the right investment at the right time. We are digging out of a hole I know we had a year where we made some decisions that allowed us to do what we thought was right in terms of what we were experiencing at the beginning of the pandemic and not having those trainings for about a year has put us in a deficit. We need creative investments to get us back to a level playing field. I appreciate you and all of you at boic.

Speaker: Hardesty.

Speaker: J. Hardesty: I want to begin by saying I appreciate 911 dispatchers. We certainly are not living in normal times today. Thank you for all you've done to help people respond to the crises we continue to face as a city. I would love to find a way to reward all our essential workers who have never had the options of working from home, but instead were on the front lines of Portland's pandemic response, and that includes our 911 dispatchers. However, I continue to be concerned with the double-overtime proposals coming separately from three different heroes overseen by three different commissioners across our first responder systems. The reason I'm concerned is these are not budget decisions that should be made as one offs, but instead, together as part of the city by division. Already, ever budget officer's warning that we could be looking at cuts during the next annual budget cycle. We cannot guarantee these overtime costs can be covered in the upcoming budget. That means providing double-overtime today can lead to cutting jobs in the future if the city does not display good financial stewardship. As much as I love and appreciate all the hard-working 911 dispatchers and the critical work they perform, I will be voting no today. I vote no.

Speaker: Mayor Wheeler.

Speaker: Mayor Wheeler: as we work to me that duty, we have to be resourceful with the limited means we have at our disposal. I appreciate the resourcefulness evident here

in the efforts to find solutions against a backdrop of compulsory overtime and demanding work. I want to underscore that point. This is not voluntary overtime. This is mandated overtime after serving an already long shift. Under these unique circumstances present here, the pilot is an option that we must explore. It's a pilot, so this temporary approach may not be the ultimate solution, but I do believe it's a viable gap while training work is underway. With that I vote aye and the ordinance is adopted item, please.

Speaker: Amend operating agreement with city management llc for veterans memorial coliseum to extend term until October 11, 2025.

Speaker: Mayor Wheeler: and with that, I will turn it over -- you are right. Thank you, commissioner. Second reading. Any further business on this item? Call the roll.

Speaker: [roll call]

Speaker: We are thrown off with the new order. Thank you, mayor Wheeler and basically thank you to city management for your presentation last week. This is very important to move forward. I also think we have to keep the king out how this feeds into this entertainment district for the long-term. This is just a minor vote on a much bigger topic as we incorporate entertainment district with the vision and I'm excited we are having these conversations on the dais and we always want to make sure we make the right decision at the right time. I vote aye.

Speaker: Hardesty.

Speaker: J. Hardesty: I also appreciated the presentation last week. I was happy to have on the public record that management is interested in continuing dialogue and conversation about the massive transit improvements that will be taking place between the high-fives and vision trust activities. This is just to align this contract with other contracts that are being managed so that they are all under the same timeline. This in no way changes any of the current agreements or makes any promises into the long-term future because of that, I am voting aye.

Speaker: Mayor Wheeler.

Speaker: Mayor Wheeler: I want to begin by thanking Chris for coming to counsel last week and next into thinking to the cities spectator program manager for his very hard work on this item. Sporting events continue to be a source of civic pride within our community, as well as a deeply value component of our city's economic DNA. They've continue to be an excellent steward and of the events that take place at these sites. I want to thank you all for supporting this eighth amendment to the coliseum operating amendment and extend my thanks. I vote aye and the ordinance is adopted. Next item, please. 833.

Speaker: Create two new nonrepresented classifications of operations director and incident command manager and establish compensation ranges for these classifications

Speaker: Mayor Wheeler: colleagues, this is the second reading. Any further discussion? See none, please call the roll.

Speaker: [roll call]

Speaker: Mayor Wheeler: the ordinance is adopted. Next item, 834.

Speaker: Revised conditions required for n. Baldwin st. East of n. Delaware avenue is vacated.

Speaker: Mayor Wheeler: second reading. Any further discussion? See none, please call roll.

Speaker: [roll call]

Speaker: Mayor Wheeler: the ordinance is adopted. 835 second reading. Please read.

Speaker: Authorize application to the state of Oregon through the higher education coordination in the grant in the amount of \$500,000 to develop an emergency certificate program for individuals from underserved communities.

Speaker: Mayor Wheeler: second reading. Please call the roll.

Speaker: [roll call].

Speaker: D. Ryan: it's definitely the feel-good item for the week. I vote aye.

Speaker: Hardesty.

Speaker: J. Hardesty: thank you, chief boone for your innovation and creativity. I look forward to us winning this grant and actually helping to create more health providers from the Portland bureau of fire and rescue. I vote aye.

Speaker: Mayor Wheeler: ordinance is adopted. Back to the consent agenda item 826 that was pulled

Speaker: Settlement of kelly corrado bodily injury in the sum of \$30,000 involving Portland parks and recreation in the place.

Speaker: Mayor Wheeler: this involves a lawsuit brought against the city in July, 2019. Deputy claims analyst are here to present the ordinance. Who pulled this item?

Speaker: [indiscernible]

Speaker: Mayor, I pulled it not for detailed conversation, but just out of respect for the public who normally pulls anything that is a five figure number when it relates to police settlement. Just wanted to save time.

Speaker: Mayor Wheeler: very good. I will turn that over to attorneys.

Speaker: The morning, commissioners, mayor Wheeler. This case arises out of an incident on July 25, 2017. Mr. And mrs. Corrado went to the new open public beach park. They went to an area just south of the park boundary and were assaulted you house this individual named jonathan rance. Mr. Rance is prosecuted by the da and incarcerated. The corrado's filed their lawsuit in federal court and it was moved to the county court. Mrs. Corrado asked for \$3500 in medical bills and \$3000 in lost wages and \$500,000 in pain and suffering. In the attack, she suffered a head laceration that required staples and then she went to therapy as well. The parties intended remediation with richard spear and agreed upon the proposed amount.

Speaker: Mayor Wheeler: any further discussion?

Speaker: Yeah, mr. Mayor. I have a question.

Speaker: Mayor Wheeler: commissioner Mapps.

Speaker: M. Mapps: can the commissioner explain me why the city is being sued here in the situation? I would inspect the person who committed the assault to be sued. Thank you very much. Got a promotion today!

Speaker: Sorry.

Speaker: Yes. The corrado's sued the city because the city set up the park environment and there was some expectation that the city had made the area secure. We did third-party mr. Rance into the lawsuit and we had an expectation that a jury would award most of the liability for mr. Rance. However, because mr. Rance does not have any assets in his name, the expectation was that liability would be reallocated to the city. To answer your question or if I'm answering your question correctly, mr. Rance was not initially sued. However, the city did attempt to bring him into the suit so liability could be put on him. However, I believe the city of carry the weight of the monetary liability.

Speaker: M. Mapps: does this mean the city is liable for all assaults that take place in city park?

Speaker: This case presented some unique circumstances. Generally, the parks benefit from immunity under the recreational immunity statute however, that statute does have an exception for reckless or intentional conduct. This case was also unique and there was evidence that the parks department and ppb did have some awareness of mr. Rance's presence before the incident. I don't think that every incident in the parks would lead to liability, but when there is some, you know, poor knowledge, some awareness of a hazard and a failure to eliminate a hazard, then a liability can arise. Does that answer your question?

Speaker: M. Mapps: it did answer my question, although I might push back on your characterization that this particular incident is unique this incident sounds awfully familiar. I feel like I've seen dozens if not hundreds or perhaps thousands of versions of this incident since I've been on this counsel, and I think I've been on this counsel for one year and 10 months. I completely understand why the victims here are outraged and deserved better. I'm frankly a little mystified the settlement and I think it also kind of --

that's an unfortunate precedent and most important underscores the need for a more effective public safety system. I certainly look forward to the day where Portlanders can go to their parks and enjoy those open spaces without being assaulted. I do think that is a completely legitimate expectation. I'm not sure what happens when the city pays out every time that expectation is not met. Thank you very much.

Speaker: Mayor Wheeler: any further discussion? See none, these call the roll. I'm sorry. I need to ask for public testimony? Is there any public testimony?

Speaker: No one signed up. [roll call]

Speaker: Mayor Wheeler: as with many of these settlements that come to counsel on consent, these are negotiated settlement with the parties. There is much about this one that does not sit well with me and I want to say that on the record. Having said that, my objective here is to further liability to the taxpayer because when the city pays, what we really mean is the taxpayers pay. This is already become an excessive proposition for the city. In an effort to limit further taxpayer expenditures on this item and at the advice of my attorney, I will say no more except aye. The settlement is approved. We are adjourned for this morning. [meeting has adjourned]

Portland City Council Meeting Closed Caption File

October 6, 2022 – 2:00 p.m.

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Speaker: Commissioner Mapps: this is the October 6th, 2022, afternoon session of the City Council. Keelan, please called role.

Speaker: Clerk: good afternoon. [roll call].

Speaker: Commissioner Mapps: great. Colleagues, this afternoon, we have a quasi judicial hearing in front of council on whether to amend the comprehensive zoning map at 4928 northeast 11th avenue. But first the city attorney will make some additional announcements about today's hearing.

Speaker: I'll let Keelan read the item into the record.

Speaker: Commissioner Mapps: oh, sorry.

Speaker: Clerk: amend the comprehensive plan map and zoning map for property at 4928 northeast 11th avenue at the request of allison renolds, stoel rives llp.

Speaker: Commissioner Mapps: great. Thank you so much. And now I believe the city attorney will make some additional announcements about today's hearing.

Speaker: Yes. And I have a lot of them. So bear with me here. First about decorum in general. Welcome to the Portland City Council. The City Council is holding hybrid in-person and virtual meetings. You must sign up in advance by visiting the council agenda at www.Portland.gov/council/agenda. You may also sign up for public testimony and resolutions reports or first readings of ordinances. In-person testimony can occur from one of several locations. May be submitted at

cc@PortlandOregon.gov. When testifying, please state your name for the record, your address is not necessary. Please close if you're a lobbyist. If you're representing an organization, please identify it. The presiding officer reserves decorum. The presiding officer determines the length of testimony. A timer will indicate when your time is done. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, shouting or refusing to leave the City Council room. After being ejected, a person who fails to leave the meeting is subject to arrest for press pass. Additionally, council may take a short recess and reconvene virtually. Now I'm also going to give procedures about this specific land use as well.

Speaker: Commissioner Mapps: thank you.

Speaker: More to come. This is an evidentiary hearing you may submit evidence to council in support of your arguments. For council hearing, hearings officer recommendation on a comprehensive plan map, testimony will be heard as follows. We will begin with staff report by staff. Following the staff report, City Council will hear from interested persons in the following order. After the applicant, the council will hear from individual organizations. Each person will have three minutes to testify. Next, council will hear from persons or organizations who oppose the applicant's proposal. Again, each person will have three minutes to testimony. The applicant will have five additional minutes given an opposition to the testimony. The council may then close the hearing and deliberate. As this is a nonemergency ordinance, it will pass the second reading. The ordinance and findings or direct staff to return with amendments. For evidentiary hearings, I'd like to announce several guidelines for those addressing City Council today. First, submitting evidence into the record. Any letters or documents you wish to become part of. Similarly, the original or copy of any slides, photographs or drawings or other items you show to

council during your testimony including a powerpoint presentation given to the council clerk to make sure they become part of the record. Any testimony or arguments and evidence you present must be directed towards the applicable criteria for the land use. And/or other criteria that you believe bring to the decision. Third. Okay. Back to you commissioners.

Speaker: Commissioner Mapps: thank you very much. Colleagues, before we begin today, do any member of council wish to declare a conflict of interest?

Commissioner Ryan.

Speaker: Commissioner Ryan: I don't have a conflict of interest, but I thought it would be important to share, I know the site really well with this area quite a bit, but never in relationship to the item in discussion today.

Speaker: Commissioner Mapps: thank you, commissioner Ryan, for that. Does anyone on council wish to ask commissioner Ryan about his site visits to this space? Seeing none. Colleagues, I need to ask you two more questions. Do any members of council have any new exparte information gathered outside to disclose?

Speaker: Nope. The third time is when you should have.

Speaker: Commissioner Mapps: seeing none, I believe we've had no new exparte contacts and we have not gathered any information outside of this hearing. Colleagues, have any members of council made any site visits involved in this matter that they have not already disclosed. I believe commissioner Ryan has closed.

Speaker: Commissioner Ryan: yeah. What I said earlier should have been said now.

Speaker: Commissioner Mapps: great. Perfectly done commissioner Ryan. I think we've already established that council has no questions concerning commissioner Ryan's previous visits to this site and one final question before we commence

today, do the members of council have any other matters that need to be discussed before we begin this hearing? Seeing none, let's continue. Do we have a staff report on this item today?

Speaker: Yes.

Speaker: Yes, we do.

Speaker: Commissioner Mapps: great. Well I have the great pleasure of welcoming staff. I believe you have 10 minutes to present a report.

Speaker: Oh, my gosh. All right. I will try and --

Speaker: Just to be clear, the 10 minutes is a suggested time.

Speaker: Commissioner Mapps: I suggest you try to get this done in 10 minutes would be wise.

Speaker: Yes. I'll try to keep it to 10 minutes. So good afternoon everyone. I'm a city planner with the bureau of development services. And I have a powerpoint here to share. Bear with me here.

Speaker: Commissioner Mapps: not seeing it yet.

Speaker: Got it.

Speaker: Commissioner Mapps: yes, we do.

Speaker: Very good. So as was stated before, this was a proposal for a comprehensive plan map and those were two for a property at northeast 11th avenue. So my presentation has five parts. I'm going to just briefly summarize the proposal in the zoning of the site to show you some photos because I did visit the site. Approval criteria and talk about the neighborhood comment that was held at a prior public hearing with the hearings officer and then go through the hearings officer's recommendation. It should be noted that this process is a type three land use review. It's a little bit different these comprehensive plan map amendments as they require two public hearings. The first public hearing was held on June 29th and

what I am going to summarize is the hearings officers recommendations to City Council. So the applicant's proposal essentially is to change a residential zone to a commercial zone and we have designations that are for the comprehensive plan and the comprehensive plan simply is not what can be done right now on the property but it's the future plan, 20 years out. It's a single dwelling 2,500 designation. The applicant would like to change it to mixed use urban center. The second is the zone map amendment and, of course, the zoning is what you can do today on the property. Currently, the zoning is r25, residential 2,500 and the applicant would like to change it to what's called commercial mixed use. There's also a couple of other overlay zones which are additional regulations that apply to the property. This property's located just south of alberta street along the east side of 11th avenue and the commercial zoning has a couple of overlays. The design overlay and the m street overlay.' these overlay zones adds additional use and development regulations. Mainly because alberta street as well as a cm2 zone is a pretty intensive zone. So the design overlay is added. Because of the proximity of the pdx flight path, that's going to stay on the property. The applicant isn't proposing any changes to that designation. The owners of the property alberta street development, so they are seeking this zone change and comprehensive plan map amendment mainly because they're seeking, they own the property to the north and i'll show you that on maps and they want to have consistent zoning. It has a house on it. With these proposals, we typically do not see or ask for a proposal site plan. We look at instead of what is the most highest and intensive use of the zone that's wered. Such as a restaurant with outdoor seating. Here's an overall view of Portland and here's alberta street and 11th avenue. The property is on the east side of 11th avenue. It's within the king neighborhood. Martin luther king boulevard is right here, it's about seven blocks to the east of martin luther

king. It's been Killingsworth and Prescott on the south and so it faces another residential zone. Here is the standard commercial zoning of Alberta Street and it's sort of bound by this single dwelling and then we have some multi-dwelling zoning around 10th Avenue. And this is the adjacent ownership of the current owners right here. They own this property and this property. This property is currently under development. It is approved and went through design review and is approved for a five and a half story mixed use commercial development with office and hotel uses. Here's the existing zoning, again, showing the site and the adjacent ownership in the dotted color and here's the proposed zoning which is basically going to take this site and bring it into the Alberta Street commercial district. The proposed zoning CM2 is a pretty standard commercial zone, it's pretty intensive, allows for 45' which is basically a four-story building potentially going to 55' if bonus provisions are used. It's important to note that the CM2 zone allows a full complement of retail uses, office uses and residential, however, it does not require residential. And, marking is generally not required unless 30 or more dwelling units are proposed. The applicant did conduct a survey of the property. Here's the 11th Avenue. This is the adjacent ownership. And the lot itself is 40' by 100' and here's the footprint of the existing house. These are just lines showing that the site sits a little higher than the adjacent property. Okay. So here's kind of an old aerial of the site. Here is the house footprint, the adjacent ownership that's getting ready for development. This is the existing house. One and a half story. And the side view. Of the property line kind of sits around here and this development was required by the CM2 zone to set back and to reduce its height because it's adjacent to this residential zone. Here's an example of houses directly across the street on 11th Avenue on the west side and this is a view of 11th Avenue looking southward. One thing to comment on here is that 11th Avenue right of way and the roadway is fairly narrow for a local

service street. It just allows parking because of its narrowness, parking on one side and this is a little further down to the south and houses are generally one to two stories. Mostly one, one and a half stories. Approval criteria is pretty onerous for these. City Council has seen these before. They're never easy reviews. They require that on balance, the proposed designation is equally or more supportive of the city's comprehensive plan and that's a big chore for the applicant. It's a big chore for staff and a big chore for City Council. It also has to be consistent with the statewide planning goals. The zoning map amendment criteria, more technical in nature. It just requires whatever zone you choose, it has to be compatible with the comprehensive plan designation. And the main thing is our service is adequate. Can the street network handle it and then it has to be within the city's boundary of incorporation. And if there's design overlay zones it's upon the applicant to determine that those overlay zones are needed to address the situation. So during the hearing, the hearings officer held on June 29th and there were some comments received. The hearings officer received two letters, one from a property owner across the way and from the alert main street it's an arts nonprofit organization located on Alberta Street. There was one person who testified with concerns and those concerns focused on traffic impacts, the parking supply, and also gentrification impacts. The hearings officer recommendation, in order to better balance the city's policies and direction, there's an issue with whenever you up zone or changing from residential to commercial that we are potentially losing housing potential. You know, our studies show that Portland is zoned for the housing we're expected to have, the issue is alternate the time the properties redeveloped, there would be at least the market did suggest affordable housing and the hearings officer did not apply that or recommend it. The issue was compatibility. It's a transitional property. It's sort of a buffer between the neighborhood

to the south and the commercial to the north. So if you zone this property commercial, then the new transitional property is to the south. There was concern that a 60' or 55' building could be built on this property and 13,000 square feet of floor area is a lot of area. So the hearings officer suggested this limit of this height and that's the height limit that the r2.5 zone currently has. And this other condition, this was offered by the applicant and it basically just says that we won't transfer any potential floor area from the smaller site to the larger site. Here's the proposed zoning with the cm2 designation, the design overlay, the airport height overlay and the center's main street overlay and this is the designation for the mixed use urban center comprehensive plan designation. So that's my presentation.

Speaker: Commissioner Mapps: thank you very much. Is the applicant here? Come on up. Welcome. Name for the record and we will give you 10 minutes and a little bit of change since I think staff presentation went a minute or two over.

Speaker: Okay. Can you guys hear me okay?

Speaker: Commissioner Mapps: sounds great allison reynolds, do you need my address as well?

Speaker: Commissioner Mapps: I don't think that we do. I am representing the applicant alberta street development and a few folks from the applicant team are actually on the zoom presentation I believe and so just to first kind of introduce what this company is up to in Portland and why they're going through this. A pretty difficult handling process to do this, I wanted to turn it over from brian heather. And then I will address scombrus a few of the issues that were brought up.

Speaker:.

Speaker: Commissioner Mapps: welcome, brian.

Speaker: Thank you. Born and raised here. And I just want to give you a little bit of background on the project, it's really a community oriented project. We've got

about a 35,000 health and wellness club. And it's going to be what we think is one of the most sustainable if not the most sustainable urban spas that's been built in the u.s. And with this site, we kind of call it our missing piece as you see in the maps, it's like a little chunk that's taken out of this and so as we've been working on this project for the last four or five years, our goal has been to buffer the adjacent neighbors and, you know, we're looking at employing quite a few people on this site, so the housing that we would develop here would be for our employees less likely if they're right next door. And then, you know, the way that the site works, we have a pool and kind of a main area that's right adjacent to it and so we would do a little bit of outdoor seating which is consistent with the three corners if you look the at different places on alberta and 11th, all of them have outdoor seating and that's consistent with the neighborhood and that's something we currently don't have. We're not looking to have retail presence on the 11th. The project's kind of unique. It all can be accessed from the interior of the building. So, you know, there's kind of we call it a living room lobby and you can come in off the street and visit and this would be a space that would only be accessible from inside our building. Other than that, we're really not looking to have a negative impact. That's why we proposed a 35' height limit keeping consistent with the residential houses that are around us and we plan on doing a lot of landscape buffering going above and beyond what we've required just from the landscape requirements in the code.

Speaker: Commissioner Mapps: thank you.

Speaker: All right. I'll take that back. So one thing I just wanted to hult and margaret talked about them at the end was that we as brian was noting are very cognizant of the fact that this is a piece where there is a transition that goes from kind of the more bustling neighborhood right along alberta street to the r2.5 neighborhood behind us. But as soon as we change this, then the site next to us

will become the buffer and the cm2 zone, I think the city did a very good job when you guys adopted that new zoning metric because it isn't just 55' and then you hit residential, there are step backs and step downs that create that kind of transition, but when we talked with marguerite about her staff report, she was really saying maybe this just doesn't give enough and we agreed and the whole plan for this is to do low scale development that's mixed use that includes commercial and residential with a bunch of commercial outdoor area because that's something that can't fit on the hotel site which was the reason for this in the beginning. So I think that condition really helps with that factor and then also there was just a concern about, well, you could take out the housing, we don't want to see a loss of housing here and it's hard to disagree with that given what's going on in the city right now and so the plan was always to include some housing units and so we said, you know, if there is any redevelopment and the way the condition works is that you can retain the existing house so it doesn't have to come out if it is part of the development and I think we have potential thoughts about how that could be incorporated. The existing home can stay, but as soon as you put commercial on that site, you have to add more housing units so either by redeveloping it fully so there's a net increase in housing if this redevelops. And redevelopment isn't proposed today, but, you know, we wouldn't necessarily be here if we weren't thinking about doing something like that. So two other quick things I want to address, we got a letter I think that talked about concerns with parking and potential traffic at the site and I'm sure you guys, well, maybe you guys had time to read the hundreds of pages of the record for this proceeding, but there is a fairly extensive traffic study in there and for a traffic study on a zone change, you have to look at the maximum build-out and so here we said what is the most traffic generating use, it's a shopping you definitely cannot build that. It's now capped at

35'. We studied both the and so we also studied that and the study clearly lays out, it does not create parking problems in the area. The second thing I wanted to just address is that there was a comment about this leading to the removal of sound housing which was found in one of the neighborhood plans relates here. And so the hearings office, we looked into this and we discussed it and the hearings officer came up with a determination on this so those were developed in the '90s and they're kind of incorporated into the plan that's no longer relevant, but because they're not part of the comprehensive plan that was just adopted, they don't have the same kind of standing. You can't be in conflict with those plans. So if you do something, doesn't necessarily have to meet the object i. The hearings officer decided and we agree that this change does not prohibit keeping the existing home and that's why we wrote our condition that way and so you can retain that housing if that's desired. You can build up to six units under all of the changes that have happened, you can build a lot on a 4,000 square foot site and so we think there's a possibility that house would go away even if the zoning did not occur and that would be allowed. So I think that's all I've got for you. Please let me know if you have any questions and we're happy to address anything that comes up.

Speaker: Commissioner Mapps: great. Thank you very much. Are there any supporters to testify today.

Speaker: Clerk: first up, we have sean woodward.

Speaker: Commissioner Mapps: should she stay there?

Speaker: She can stay there if you have questions. It's fine during this.

Speaker: Commissioner Mapps: why don't you. Do whatever you'd like.

Speaker: Am I allowed to have a rebuttal with the remaining time or is that something I need to ask for if there are any opponents?

Speaker: I think it was like one and a half minutes or so.

Speaker: Yeah. You can use that in your rebuttal.

Speaker: I think I'll stay in case there's anything we want to address.

Speaker: Commissioner Mapps: great. First, we'll hear from supporters of the applicant, three minutes each.

Speaker: Clerk: sean woodard.

Speaker: Thank you for having me. I just wanted to say very briefly that as a neighbor and a resident that the developer has been very respectful and courteous. They been communicative to me and my family and we really appreciated that.

Speaker: Commissioner Mapps: that's great. Thank you, sean. Is that the end of your testimony?

Speaker: That is.

Speaker: Commissioner Mapps: perfect. Short and sweet. Do we have any other applicants to speak in favor of this proposal?

Speaker: Clerk: I believe that's all the public testimony that we have for supporters.

Speaker: Commissioner Mapps: okay. Are there any opponents of this application who would wish to testify?

Speaker: Clerk: we do. We have three people signed up. First up, debbie frank.

Speaker: Commissioner Mapps: welcome.

Speaker: Welcome, debbie. I think you're still muted. Is it star 9?

Speaker: Commissioner Mapps: hi, debbie. There you are. Welcome. You're still muted, but we can see you. There you go. Does the clerk have any advice on what to do in this situation?

Speaker: Clerk: debbie, you can call in and then we can get you connected.

Speaker: Commissioner Mapps: great. Should we --

Speaker: Clerk: we can go on to the second speaker.

Speaker: Commissioner Mapps: excellent. While ms. Frank gets on the phone, why don't we go to another opponent of the application. Welcome. Name for the record. No need to give us your address. Three minutes.

Speaker: Clerk: I think we have debbie connected now.

Speaker: Commissioner Mapps: all right. Debbie, it looks like you're unmuted on the phone.

Speaker: Hi everyone. Sorry about the technical difficulties. I appreciate the time.

Speaker: Commissioner Mapps: sure.

Speaker: I heard about the development and I've had a pretty good experience with them I'll say, some challenges. I'm testifying. I live on 12th and I --

Speaker: Commissioner Mapps: debbie, we just lost your sound.

Speaker: Maybe I'll try it this way. Is that better?

Speaker: Commissioner Mapps: that's really good.

Speaker: Okay. Sorry about this.

Speaker: Commissioner Mapps: that's okay.

Speaker: So I moved to this neighborhood over ten years ago and I live on 12th and when I moved in and bought my house, there was a cafe on the corner of 10th and -- I'm sorry, on the corner of 12th and alberta which is catty corner to where this development is and originally it was a cafe and the cafe was open until a certain number of hours typically in the afternoon 4:00, 5:00. It ended up having a ton of issues and it was bought, another owner came in I should say, another renter came in and put in a bar and that bar owner knew about the issues that we have with drug use and drug dealing and all of that coming down the street and told me that he would keep the patio which was located right on 12th which is why this is relevant, fully on 12th street, no preference for the patio on alberta and he would just keep it open until 10:00 at night and he just asked me if there were any

challenges to let him know about t. Well, about two months later because I wasn't contacting them when there were challenges, the patio ended up being opened. The Ilcc put a stamp on it that they could stay open until 2:30 in the morning. Made this agreement where it's now an 11:00, 12:00, but the noise that comes from that, from the open patio concept is incredibly difficult for the neighbors. My neighbor across the street told me she was just crying the other night. There's no guarantee what is happening with this development. There is a talk about what might happen, but right now this is talking about just rezoning and this is rezoning on 11th which I went up and down 11th street and talked to a number of people. There are people - there's a woman in her 80s on oxygen. There's a couple of families that are special needs. This is a working class neighborhood with a key neighborhood association which is essentially defunked right now. So I'm just approaching this from a -- from the perspective of knowing what the potential could be and asking that we're not rezoning something that is residential into something business to be brought in because we don't know what actually is going to happen and it can really impact the street. All right. There is radio room and alberta street pub. There's a lot of activity already on that and the owners of the property have the ability to do a lot with what they already have.

Speaker: Commissioner Mapps: thank you very much, debbie. Do we have any other testimony against this item.

Speaker: Clerk: we do. Next up is allen sanders.

Speaker: Commissioner Mapps: welcome, allen. Please state your name for the record. No need to give us your home address. And please limit your comments to three minutes.

Speaker: Clerk: allen, you're muted.

Speaker: Commissioner Mapps: there you go. Allen, can you say something? Maybe try turning up your volume. It looks like you're unmuted but we cannot hear you. Does the clerk have any advice?

Speaker: Clerk: yeah. We'll reach out to allen to see if we can get them connected.

Speaker: Commissioner Mapps: great. Allen, we'll be back to you. And, do we have any other opponents of this item who would like to testify?

Speaker: Clerk: yes. Next up we have karen mackleraby.

Speaker: Commissioner Mapps: hi, karen. Please state your name. No need to give us your address and try to limit your comments to three minutes. Welcome.

Speaker: Hello. Thank you very much. Yes. My name is karen mackelrevy. I live on 11th. And I am very nervous. I apologize.

Speaker: Commissioner Mapps: no need to be nervous. We're all friends here.

Speaker: Okay. So this commercial development that is happening right now has already increased the car traffic on 11th avenue and increased the demand for parking on 11th avenue and I think having a permanent commercial structure in that, on that property will just bake that in forever. As you saw leth. I actually sent in a longer testimony and an e-mail. I'm going to talk about the transportation stuff that I saw that was my -- you know, there's more in my e-mail. As you saw, 11th is a really narrow street. One side is parking and then there's a narrow traffic lane and that construction traffic has disrupted the safety on northeast 11th and having a commercial extending the commercial zone would make that more. There isn't room for a bicycle and a car to pass safely on 11th avenue. So any time I'm bicycling up 11th and a car is coming my way or behind me, I have to get up on the sidewalk or into some empty parking spot in order to let the car pass and I've had to do that more since this development has gotten developed. They used to be once a month and now it's two or three times a week. And this commercial property is going to

increase parking demand. It's already hard to park on our street and the increase in demand and so the proposal doesn't meet criteria in the comprehensive plan policy 9.33, 9.55, and 9.20 in terms of reducing parking demands and conditions that make bicycling more attractive than driving. Thank you.

Speaker: Commissioner Mapps: thank you, karen. You did a great job. Do we have allen on the phone?

Speaker: Clerk: yeah. Let's try again. Allen, are you able to unmute? It looks like you're unmuted. Are you having trouble connecting.

Speaker: I'm not having trouble connecting, I'm having trouble with the volume of my microphone. I've maxed it out. Can you hear me?

Speaker: Commissioner Mapps: loud and clear, allen. And please try to limit your comment to three minutes.

Speaker: Okay. My name is allen sanders. I've lived in this neighborhood my entire life. I've been here since 1972 since it was sort of a mixed immigrant use neighborhood all the way in the inner northeast Portland and now we are the alberta arts district. I'm not particularly pleased to see what's been going on here especially with use in the property though to be fair to the folks who've been operating the property. So far, they've been cordial about what they will do to the property. I've not been in favor as far as the use of the property. They mentioned restaurants, I questioned the need of one. We have more than 15 restaurants in a five-block radius as it already stands. If there ever was a term. I question the traffic situation stated study notwithstanding. As it's already been stated a narrow corridor where there's room for parking on one side and room for one vehicle to get through maybe and it's also 11th avenue is also the street that the already being built upon hotel has for traffic access. So we're going to already have cars coming in and out from 11th to that already being built upon property and we've

already got another building being proposed with a further increase in foot traffic and traffic traffic and I don't see how that's going to be much of an -- I don't see how that's not going to be some kind of an imposition on the folks like us who live there and try to park there and try to co-exist with the situation. My other concern is as I've stated, I've been here, I was born here. My house I lived in was purchased by my grandfather. He was an african American man who had to get this property through segregation, through the red lining, through sub prime mortgages, through people trying to buy the property out from under him and now the folks who got those properties that way, there are two left and this feels like just another further encroachment where this house which is already supposed to be a residential area is now being converted pushing back the residential area by one property block and I don't know of any other avenue that has this happening, I certainly don't want to be the first one where this starts now. We've been through touch and put up with too much and I'm tired of having to give and give for the sake of somebody else's profit margin and that's pretty much my time now. Thank you.

Speaker: Commissioner Mapps: thank you, allen. And, now, I believe this is the portion of the afternoon where the applicant has time for rebuttal. Is that correct? I believe you have five minutes for rebuttal.

Speaker: All right. So --

Speaker: And she reserved some of her earlier time left over.

Speaker: Sure. Put it on there. I don't think I'm going to need it, but we might be able to have the other folks and the applicant address a few things too. So I just first wanted to say thank you to the folks who came and testified. It would have -- and I know it's difficult to -- this process is long and there are a couple of hearings, but we really did and the applicant team can talk to this more, try to reach folks in the neighborhood and really try to address concerns and so it's disappointing to

see this coming out so late in the game because there might have been more that could be done but to the extent that council has ideas about how we can address some of these things, I think a lot of them we have addressed with the conditions that we've asked for here, but we do take this seriously and the applicant is really committed to trying to be a good neighbor and part of that neighborhood. So it is a couple of specific things that I want to note just for you guys considering and in the record. So I took a quick look, not a huge deep dive, but while we were sitting here at policies 9.93, 9.55 and 9.20 which were cited as potential policies that she didn't agree with, the hearings officer's findings on and so in all of those cases, these are policies where it is incumbent upon the city to make changes to their systems and rules in order to make things, for example, bike-friendly situations in the city promoting, you know, policies that don't require too much parking or that put parking in the right place. And so we just wanted to highlight that the hearings officer, we had a sort of in-depth discussion about what the approval criteria are and which ones apply to a situation like this and there are a lot of those comprehensive plan policies that just don't apply to an individual quasi judicial land use situation like this. These are policies that direct or encourage the city to do things and not policies that would be applicable to what we're doing. That said, we were very focused though on just ensuring that the traffic and the parking situation did not get worse with this zone change. And I believe that the situation is probably not typical at the moment because of the construction that's going on. As you're no doubt aware and commissioner Ryan, I'm sure you've seen the various construction going on there, it is a six-story building being constructed. It's now done but in process and so I think a lot of that is something that's a temporary condition and will not be part of the typical situation. I should also know that development isn't on the table for discussion today, but that contains parking and it didn't have to and so

that's something where the applicant made a pretty conscious choice to say we think that there is, you know, just, again, to try to make this less impactful on the neighborhood is something where we need to put this parking in that development and that I believe is also going to be available for folks that are using whatever gets developed on this small site that we're talking about today. I think the question of this encroachment, we were concerned by that so that means the way the condition works is you can keep the site exactly the way it is today, but as soon as a commercial or a use besides housing is added to the site, so if there's any commercial including just something where there's a couple of chairs that are used for a restaurant on a different site, that triggers this requirement that you have to have at least three dwelling units on the site and so we thought that was important to ensure this is not converting a housing site into a commercial site. It is retaining or increasing the housing that goes there and then also allowing low scaled commercial which we do think is both consistent with what's in the area and something that these folks would not be going through this process if they didn't believe that there was, you know, a place for this as part of their development. Brian, would you like to speak to any of the other things that you guys talked about because you're much more on the ground with the folks that we just heard from.

Speaker: Sure. I'll just mention a couple things. We did meet with the neighborhood early on. And that was the big thing was the parking that came up and we went and added 33 underground parking spaces which is not easy to make work on alberta street and so, you know, this site is going to have access to that. I think just the other piece is that I mean we're really not trying to do radio room, donnie vegas or alberta street public which are kitty corner to us. Those are just retail. I think by having the residential on there, there is a concern to take care of the people that are living there, so this requires that and just, you know, I know

things can change, but this gives us a strait southern line to provide a continuous bufferer and if you look at the other part that comes far south off alberta street, that's our pool, you can see it, it's already constructed in the ground and so this is a supplementary space to a bar and that's the goal that we have for it. So I think -- i'll mention one other thing. We really are concerned about being a good neighbor and every single tenant we have come engine is either a woman or minority owned bipoc business. We're not trying to bring in starbucks or anything like that but there's been a lot of work on our side and I think once you guys see it open, you'll think [indiscernible]

Speaker: Thanks.

Speaker: Commissioner Mapps: does that end your rebuttal?

Speaker: Yes. We're happy to take questions if you guys have them.

Speaker: Commissioner Mapps: okay. Colleagues, do you have any questions or comments before we close the record? Commissioner hardesty.

Speaker: Commissioner hardesty: thank you, president Mapps. I would like to ask questions of staff.

Speaker: Commissioner Mapps: great. Do we still have staff on the call?

Marguerite, there we go.

Speaker: Yes. I'm here.

Speaker: Commissioner hardesty: hi, marguerite. And, thank you for the presentation. My first question is really around how often do we make one property zone change because a developer wants us to? Is this something? I've never seen this change to zoning on one property because a developer has requested we do so. Why are we in this position changing a property from residential to a mixed use commercial space when we're and the third mayor has declared a housing emergency?

Speaker: Well the prehensive map amendment is our most infrequent review. You just saw one was in milwaukee and it was a large site. With these reviews, there's nothing that's typical and actually I could go back and look but we probably have looked at one property previously. We don't get those a lot because this is a very expensive review. The applicant has to pay for staff time and we know there's going to be a lot of staff time. So the fee is very high. So, you know, if perhaps our fee was lower, we would get more, I don't know. So I would say that there is no rhyme or reason to the types of reviews that we get.

Speaker: So when I look at the map -- the picture that you showed with the lack of parking in that neighborhood and what you're telling me is this may be a hotel, this may be a spa, this may be a restaurant and none of those will not require people traveling to actually utilize that space. So when you say there will be no impact on traffic in the neighborhood, how can we say that with a straight face?

Speaker: Commissioner hardesty: excuse me for cutting you off, but is the traffic study what is happening or what will happen?

Speaker: I think the baseline is what's existing and they're going to study what the most potential is and in this case the most potential was 13,000 feet of floor area. I don't know if we have transportation here to talk about the findings. But there was a transportation staff planner who reviewed the professional study that the applicant produced and --

Speaker: Commissioner hardesty: if we don't know what will be built there, so how do we do a traffic analysis on something when we don't even know what will actually be built?

Speaker: Right. We look at the worst case scenario and that's what the traffic study did. What is the most tip generating use that could be located there.

Speaker: Commissioner Hardesty: okay. So my last question for you at this moment and thank you, Marguerite. I'm not killing the messenger. I'm just and so what if all the things we've heard could be on this property turns out to be something that's radically different. I'm going to do something else that would have an impact on the residential neighborhood and how automobile, I don't know how any automobiles move through that neighborhood right now and I just don't know what we would do to minimize the impact. I heard of the underground garages on another property that's being built next to where whatever's going to be built here will be built. Is the assumption that those properties will be interlinked in some way?

Speaker: Well, there is a condition that does say that the floor area is limited to the height. There's also, well, I don't know. I think if this property owner decides not to incorporate it into their development and decides to sell it, the city has changed the zoning, the map has changed and it's just like anything else, someone can come in and propose something that's consistent with the CM2 zone but with those conditions. Those conditions would continue to apply. The requirement for housing units, three housing units at least and if they're going to build a structure, the structure can't be more than three stories. So those are the things that we would get.

Speaker: Commissioner Hardesty: thank you very much. That was really helpful. I appreciate it.

Speaker: Commissioner Mapps: thank you, Commissioner Hardesty. Commissioner Ryan, do you have questions for staff before we decide whether or not we want to close the record?

Speaker: Commissioner Ryan: yeah. I just wanted to follow up for my own clarification. Marguerite, thank you so much for a great staff presentation and I

appreciate the dialog you and commissioner hardesty were having. I thought I heard it right, we're not under discussion for the one that's already been approved, the spa. We're talking about the adjacent property that's residential at this moment. Did I hear there's 33 parking slots in the current structure going up?

Speaker: Are you asking marguerite or me?

Speaker: Commissioner Ryan: marguerite. I looked at you though so, of course, you're confused. Hi, marguerite, i'll look at you.

Speaker: Commissioner Mapps: marguerite, there we go.

Speaker: Yes, allison, please verify that. I don't have the stat on that.

Speaker: No worries. Yes, so that adjacent hotel will have 33 parking spaces. And that's not. It's owned by the same folks. It's part of the same site, but it's not part of this, but just for concerns about parking in the neighborhood that were brought up that were about I think that development, we just thought it was relevant to mention that.

Speaker: Commissioner Ryan: I appreciate that. I just wanted to verify that because that helped me. I do have a question that's about the width of our streets so that emergency vehicles can get through. What -- I'm sure we're meeting those guidelines but I just want to put that into the record.

Speaker: Commissioner Mapps: mark.

Speaker: Commissioner Ryan: am I off topic?

Speaker: Commissioner Mapps: so, you're doing great I just wanted to invite marguerite to address that.

Speaker: I can get back to you but I believe it's 26' to 27' paved right of way. They need at least 20' for the vehicle travel lane and then the 6' or 7' is put aside for the one side of on street parking but it will take me a minute to find that info and I can get it.

Speaker: Commissioner Ryan: I appreciate that. I know that p-bottom did a study and you said they used the worst case scenario on these issues because we have some narrow streets and the big concern was getting an emergency vehicle through.

Speaker: Yes.

Speaker: Commissioner Mapps: any further questions, commissioner Ryan? Commissioner Hardesty, any further questions before we decide what to do with the record?

Speaker: Commissioner Hardesty: I think I did have one more question for Marguerite if I may. I think you said to me that this is a typical. This is not something that we're not normally asked to do as a one off kind of action, am I accurate in making that assumption based on what I thought I heard?

Speaker: The review itself is a very infrequent review. We get one or two a year and I don't think there's sort of a pattern as far as what those reviews consist of whether they are a small lot like this one or a larger one like you saw previously on Milwaukee. They're really just a mixed bag. The one before that it was the former Concordia University where there were small sites but a group of five of them were zoned for institution and they wanted to put them back. So that was really unusual.

Speaker: Commissioner Hardesty: right. And it made perfect sense to shift them back from university use to residential use because they were no longer going to be expanding and using these properties so that made sense. So what you've already said to me is if this development does not move forward, the conditions remain. So whoever did development at a minimum have to put three housing units on it if they were building any kind of commercial space?

Speaker: Yes.

Speaker: Commissioner hardesty: thank you. I think that answers the remainder of my questions. So I guess i'll ask brian one more question since he's still here and he's been very patient through this process. So you have several developments taking place in had this geographic area and you see these -- you see these developments as working in cooperation with each other or all separate entities upon themselves?

Speaker: We have one property that's down on 15th in alberta and that's separate and it's got ground floor retail. So I guess the way that we see it working together and I believe that alberta street's the best retail street in Portland. I think it's the most authentic street and we're just trying to add to that.

Speaker: Commissioner hardesty: it used to be.

Speaker: Yeah. And so we have a lot of retail in this building and, you know, and that's where I think it's good for the neighborhood because you can walk into the building and access it and hang out and, you know.

Speaker: Commissioner hardesty: when you say retail, are you saying retail in restaurant or like retail in clothing store or retail in doggy day care? I mean all of those are retail, but all of them actually serve a different purpose.

Speaker: Yeah. Kind of all of the above. We're about a year out from being complete. We have some letters of intent. There will be some, you know, food related items potentially coming up in the area. So, you know, generally, there's kind of mercantile traffic.

Speaker: Commissioner hardesty: yeah. Good foot traffic and good biking. All that stuff. I appreciate the sincerity under which you are moving forward this project. So thank you.

Speaker: Thank you, commissioner hardesty.

Speaker: Commissioner Hardesty: thank you. So, President Mapps, based on those last two questions. I move to approve this recommendation moving forward as presented. As you see your hand up, I probably said it wrong.

Speaker: Sorry to interrupt you. I just wanted to get back and say that the fire bureau did review this proposal and has no objection. I did look at the transportation planner's comments however and they site that 11th avenue is a 50' right of way and within that is a 20' paid roadway. The it is not 26 or 27, it is 20'. So typically the on street parking takes 16'.

Speaker: Commissioner Hardesty: and they think that's sufficient to get a fire truck through this the case of an emergency, is that what you are saying to me?

Speaker: That's what they told us, yes.

Speaker: Commissioner Hardesty: all right. In that case, I support the hearings officer's recommendations that we support this application.

Speaker: Commissioner Mapps: great. Thank you, Commissioner Hardesty. Before we get to your motion, I just want to confirm with the rest of my colleagues on council we would like to close the evidentiary record. Commissioner Ryan, are you okay with that? I also support Commissioner Hardesty's motion to support the evidentiary record. It's now closed. Council will accept no more oral or written testimony on the land use appeal. Next, although Commissioner Hardesty's already done this, it would be helpful if we could get -- if I could ask Commissioner Hardesty to repeat her motion to move this item forward.

Speaker: Commissioner Hardesty: yes. I move that we support the hearings officer's recommendation and move this forward.

Speaker: Commissioner Mapps: does that work?

Speaker: Clerk: yeah: so it would be tentatively accept the hearings officer's approval and the tentative being so that staff and the applicant can make sure that

the the findings reflect council's discussion in the testimony today. So we'd return at a future date with revised findings. So let me just work with the council clerk. So that's the motion and then i'll work on the current --

Speaker: Commissioner Mapps: we can do that.

Speaker: Commissioner Hardesty: so moved.

Speaker: Commissioner Mapps: commissioner Hardesty has made a motion. Do we have a second? Commissioner Ryan second.

Speaker: Commissioner Mapps: commissioner Ryan has seconded it. Keelan, please call the roll. Can we call the roll? I know we've got a lot of things going on here but we've almost landed this. Let's try the roll first though.

Speaker: Clerk: thank you. Ryan.

Speaker: Commissioner Ryan: thank you, Marguerite for the testimony and the folks from the neighborhood. I vote aye.

Speaker: Clerk: commissioner Hardesty.

Speaker: Commissioner Hardesty: I also appreciate the due diligence that went into this hearing. I continue to be concerned about traffic congestion, but it sounds like P-dot and Portland Fire and Rescue have a feeling we will not have a negative impact by moving this proposal forward. Therefore I vote aye.

Speaker: Clerk: Mapps.

Speaker: Commissioner Mapps: I support the motion and vote aye. The motion passes. The motion is accepted.

Speaker: Commissioner Hardesty: with a tentative acceptance until we come back for the affirmation and a date certain.

Speaker: Commissioner Mapps: yeah. I actually have some language they want me to read. So the motion to accept the hearing officer's recommendation passed

and the motion is tentatively granted. This matter will return to council on a future date for the adoption of findings and a final vote.

Speaker: And I'd like to announce the date just to make sure everyone's on the same page. So, allison, does it work for you to get revised findings to staff by medical examination Wednesday, the 12th and then marguerite, does it work between the 12th and returning on the 9th. Two weeks out. One week for staff and one week for the applicant?

Speaker: Yes.

Speaker: That works.

Speaker: So council will return on the 19th at 9:45 for the adoption of the findings.

Speaker: Commissioner Mapps: great. And, let me double check with the clerk here. I believe that completes our business for today. Is that correct?

Speaker: Clerk: yes.

Speaker: Commissioner Mapps: great. Well I want to thank everyone who testified today and I want to thank my colleagues for their engagement on this land use issue. With that, we are adjourned.