

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Scott T Gibson	2. Telephone No. (503) 823-7615	3. Bureau/Office/Dept. BES- Engineering Services
4a. To be filed (hearing date): December 14, 2011	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed	6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority (Ordinance).

2) Purpose of the Proposed Legislation:

The purpose of this legislation is to obtain permanent channel change and sewer easements for construction of the Luther Road Habitat Restoration Project.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input checked="" type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

The project is located in Clackamas County within the Southgate Community Planning Organization (CPO).

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This action will neither generate nor reduce current or future revenue.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

Property values have not yet been quantified; however, an estimate has been budgeted and funds are available in the sewer system operating fund FY 2011- 2012 budget. BES WBS code E06947 act code 563300. The level of confidence is moderate.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No new position will be created by this action.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created or eliminated in future years as a result of this action.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

185082

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- ☒ **YES:** Please proceed to Question #9.
☐ **NO:** Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Acquiring the easements and other real property interests are necessary for construction of the Luther Road Habitat Restoration Project. At times, there will be a need to access private property, which will be done with the permission of property owners.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

Notification regarding the project began to residents and businesses directly impacted by the project at the earliest stage of the design phase in April 2010. This was followed up by an open house held for impacted property owners in June 2010. City staff described the goals and design concept for the project and explained why they City may need to acquire easements on their property to complete the project. Property owners were mailed a follow-up letter addressing concerns raised at the open house. A second open house for impacted property owners was held in June 2011 to provide further detail on the easement acquisition process and the locations of the easements. City staff then met with individual property owners in July and August 2011 to walk the actual easement area on their properties, fine tune the delineation of those easements, and provide “permit of entry” forms to residents in order to gain permission for access to their property.

Staff also reached out to the neighborhood surrounding the project as well as area stakeholder groups. In June 2010 staff met with the Overland Park Neighborhood Coalition to describe the project and solicit their feedback on concerns raised by impacted property owners. Staff also spoke with the chairperson of the Southgate Community Planning Organization (CPO) about the project. A letter was mailed to all residents, businesses and property owners within a half mile radius of the project describing the project. The mailing included a project factsheet and “Frequently Asked Questions” insert. A website was created to describe the project and provide links to the project design, factsheet, FAQ, staff contact information, and a link to sign up for future mailings.

Metro, North Clackamas Parks and Recreation District (NCPRD), and Clackamas County Water Environment Services (WES) are project partners and are very involved with the planning and design. They also attended the open houses and reviewed factsheet, FAQ and website content.

c) How did public involvement shape the outcome of this Council item?

Public outreach has given the City the opportunity to address the public’s needs regarding private property. Examples would be channel changes, staging areas, access issues, vegetation removal and trimming, and proper appointment timing for both the project preparation and execution.

d) Who designed and implemented the public involvement related to this Council item?


Ali Young and Maggie Skenderian, BES Watershed Services; Joe Richards, BES Engineering Services
Barney and Worth, public involvement consulting firm

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Ali Young
Environmental Specialist
503-823-5781
ali.young@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Regular updates to residents will be provided by email, website, postal mail, and door-to-door visits as the project progresses.

 Dean Marriott, Director, Bureau of Environmental Services

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

City Council
Agenda Item
Staff Supplemental Report

TO: Commissioner Dan Saltzman
THROUGH: Matt Grumm or Amy Trieu

FROM: Scott Gibson

Scott *Wish Fog*

DATE: December 7, 2011

RE: Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority (Ordinance)

Requested Council Hearing Date: December 14, 2011

I. RECOMMENDATION

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority (Ordinance)

II. BACKGROUND

The 2001 Johnson Creek Restoration Plan identifies the Luther Road project as a priority due to untreated stormwater outfalls, the exposed Lents Trunk Sewer and habitat improvement opportunities. The 76-inch diameter Lents Interceptor Sewer crosses Johnson Creek at the project site. Erosion in the creek bed and banks has exposed a portion of the sewer pipe and a nearby manhole, increasing the possibility of damage to the pipe and creating a fish passage barrier. Specific elements of the Luther Road Habitat Restoration Project include:

- Relocate and restore 2,000 feet of creek channel and floodplain
- Bury the Lents Interceptor Sewer crossing and manhole to protect them
- Collect and treat stormwater runoff from a nearby industrial area
- Create and improve habitat for fish and wildlife including those listed as threatened and endangered under the Endangered Species Act
- Establish open space for habitat and recreation purposes

III. FINANCIAL IMPACT

Property values have not yet been quantified; however, an estimate has been budgeted and funds are available in the sewer system operating fund FY 2011- 2012 budget. BES WBS code E06947 act code 563300. The level of confidence is moderate.

IV. LEGAL ISSUES

None.

V. CONTROVERSIAL ISSUES

None

VI. LINK TO CURRENT CITY POLICIES

This project allows BES to continue to operate and maintain the sewer system and meet the goals of the Johnson Creek Restoration Plan while working with project partners to leverage public funds to improve an underserved community.

VII. CITIZEN PARTICIPATION

An ongoing Public Involvement Program during design and construction will ensure businesses and residents are informed and that all special needs are accommodated (i.e. deliveries, medical access etc). BES Watershed Services staff will be available as a point of public contact.

VIII. OTHER GOVERNMENT PARTICIPATION

IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

- X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? ____ WHAT IS THEIR BUSINESS LICENSE NUMBER? ____ IS THEIR ACCOUNT WITH THE CITY CURRENT? ____ IF NOT, HOW MUCH IS OWING? ____