



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF FEBRUARY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 131 and 133 were pulled from Consent. On a Yes-4 roll call (Commissioner Saltzman was late), the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 125 Cash Investment Balances December 9, 1999 through January 5, 2000 (Report; Treasurer)
- Disposition:** Placed on File.
- 126 Accept bid of S-2 Contractors, Inc. to furnish SE 37th, SE Cora and SE Holgate sewer repair and detention facility for \$605,641 (Purchasing Report - Bid 99591)
- Disposition:** Accepted; Prepare Contract.
- 127 Accept bid of Olsson Industrial Electric, Inc. to furnish Tryon Creek Wastewater Treatment Plant automation Phase II for \$235,950 (Purchasing Report - Bid 99610)
- Disposition:** Accepted; Prepare Contract.
- 128 Accept bid of Vulcan, Inc. to furnish aluminum sign blanks for \$30,403 annually for two years (Purchasing Report - Bid 99683)
- Disposition:** Accepted; Prepare Contract.
- Mayor Vera Katz**
- 129 Confirm re-appointment of Amanda Fritz, Rick Holt and Marcy McInelly to the Planning Commission (Report)
- Disposition:** Confirmed.

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- 130** Confirm re-appointment of Joseph Poracsky, Charles Martin and Ann Sullivan to the Urban Forestry Commission (Report)

Disposition: Confirmed.

- *132** Agreement with Multnomah County Department of Community Services and the City for use of Office of Justice Programs, Violence Against Women Act grant funds (Ordinance)

Disposition: Ordinance No. 174122. (Y-4)

Commissioner Jim Francesconi

- *134** Contract with TG3 Electronics, Inc. to purchase 300 backlit keyboards for the Portland Police Bureau (Ordinance)

Disposition: Ordinance No. 174123. (Y-4)

- *135** Accept a \$47,000 grant from the Federal Emergency Management Agency (Ordinance)

Disposition: Ordinance No. 174124. (Y-4)

- *136** Approve and ratify amendments for communication, electronic and radio system equipment with Motorola Communications and Electronic, Inc. (Ordinance; Contract No. 27963)

Disposition: Ordinance No. 174125. (Y-4)

- *137** Authorize application to Oregon Department of Forestry's Urban and Community Forestry Program for a grant in the amount of \$20,000 for FY 00-01 for the American Elms Protection Program (Ordinance)

Disposition: Ordinance No. 174126. (Y-4)

- *138** Authorize application to Oregon Department of Forestry's Urban and Community Forestry Program for a grant in the amount of \$4,200 for FY 00-01 for the Interactive Neighborhood Tree Liaison display (Ordinance)

Disposition: Ordinance No. 174127. (Y-4)

Commissioner Charlie Hales

- 139** Accept contract with Portland Excavating, Inc. for street improvements on NE Lombard Street to NE Columbia Boulevard Section of NE 27th Avenue as complete, release retainage and make final payment (Report; Contract No. 32465)

Disposition: Accepted.

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- *140** Authorize the continuance of negotiations for the purchase of four street dedications, three temporary slope easements, one temporary landscape easement, one temporary landscape establishment easement and one temporary construction easement required for construction of the SE Foster Road and SE Jenne Road Street improvement project, authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 174128. (Y-4)

- *141** Accept deed for right-of-way purposes for the SE Water Avenue extension project granted by Union Pacific Railroad Company and authorize total payment of \$39,500 (Ordinance)

Disposition: Ordinance No. 174129. (Y-4)

- 142** Amend Agreement with the Port of Portland to define maintenance responsibilities for Port-owned traffic signals (Second Reading Agenda 108; Agreement No. 24920)

Disposition: Ordinance No. 174130. (Y-4)

Commissioner Dan Saltzman

- 143** Consent to transfer of Sunset Garbage Collection, Inc. solid waste and recycling franchise to S & C Licensing LLC (Ordinance)

Disposition: Passed to Second Reading February 9, 2000 at 9:30 a.m.

- *144** Authorize an Intergovernmental Agreement between the City of Portland and Metro to assist in restoring native vegetation on Metro's new open spaces properties through Bureau of Environmental Services Watershed Revegetation program (Ordinance)

Disposition: Ordinance No. 174131. (Y-4)

- *145** Authorize a contract and provide for payment for the construction of N Montana Avenue, N Humbolt Street and N Concord Avenue combined sewer replacement project, Project No. 6352 (Ordinance)

Disposition: Ordinance No. 174132. (Y-4)

- *146** Authorize a contract with Synertech Systems Corporation and provide for payment for the integration of the Bureau of Environmental Services sewer permitting process with Blueprint 2000 selected software (Ordinance)

Disposition: Ordinance No. 174133. (Y-4)

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Commissioner Erik Sten

- 147** Accept contract for the Emergency Operations Facility Site improvements as complete for a total cost of \$148,672, make final payment and release retainage to Interwest Construction, Inc. (Report; Contract No. 32638)

Disposition: Accepted.

- 148** Accept contract for the Emergency Operations Facility modular building as complete for a total cost of \$230,043, make final payment and release retainage to Modern Building Systems, Inc. (Report; Contract No. 32637)

Disposition: Accepted.

City Auditor Gary Blackmer

- 149** Approve Council Minutes for April 7, 1999 through September 29, 1999 (Report)

Disposition: Approved.

REGULAR AGENDA

- *131** Authorize the Purchasing Agent to sign a Purchase Order as a contract with FirstCall Interactive Network for a Dial and Deliver Emergency Telephone Message Delivery System, not to exceed \$72,695 (Ordinance)

Discussion: Mayor Katz said this was originally called "reverse 911."

Jane Braaten, Police Bureau Planning Support, said having a service provider rather than purchasing the system will provide more phone lines to get the word out more quickly. The system will be used in wide-spread emergencies such as telling people to stay indoors or to evacuate and getting the word out on a lost child or an adult with Alzheimers.

Paul Wickersham, Police Bureau and project director, said using the current mapping technology with the data base will enable the system to dial all those with phones in that data base. It will be operational April 1st. The commander will decide on a door-to-door follow-up, with a print-out of those not reached.

Lynnae Berg, Assistant Chief of Police, said in this information age this is another opportunity for connection with the community in critical incidents and a resource multiplier in handling those incidents. The Police will be able to contact the community about evacuation and other issues without physically going door-to-door.

Mayor Katz said there will be strict confidentiality guidelines.

Disposition: Ordinance No. 174134. (Y-5)

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- *133** Establish new classifications and adjust pay grades for specified nonrepresented classifications and establish effective dates in accordance with the Personnel Rules adopted by the City Council (Previous Agenda 96)

Disposition: Continued to February 9, 2000 at 9:30 a.m.

At this point, Commissioner Francesconi brought up Consent Agenda Item No. 129. He noted there is an attempt to diversify the boards and commissions, although the three Planning Commission appointees are excellent candidates.

Commissioner Hales said it was difficult to find people willing to put in the amount of time required by some of the boards and commissions, especially the Planning Commission.

- 150** Establish monthly Council evening meetings (Resolution introduced by Mayor Katz and Commissioner Hales)

Discussion: Commissioner Hales said six months ago Council began an experiment to conduct some meetings in the evenings to give citizens better access to its deliberations. This change has clearly worked with the number of people attending such meetings as the water and sewer rates and Interstate Avenue light rail. He said it also makes sense to take them into the neighborhoods. The latter has already occasionally been done. Commissioner Hales said the lobbyists, bureaucrats, folks who can easily show up at a day meeting do so. In their deliberations, they do not see enough citizens who have to put activism and volunteerism into a busy schedule.

Commissioner Saltzman said it was very good to take Council to the people. He reminded them about the next level which would entail call-ins or being on-line. That might bring in the 18-35 year olds, the most uninvolved age group.

Commissioner Sten said it has been good to see the attendance at night. The key is to pick the issues to be heard at night and handle the routine business during the day.

Mayor Katz said you get a better product by expanding citizen participation. She noted the enlightening feedback from those attending the current evening budget meetings.

Disposition: Resolution No. 35860. (Y-5)

Commissioner Jim Francesconi

- *151** Grant \$50,000 from the City's Parking Fund to Pioneer Courthouse Square, Inc. for capital improvements to relocate the Portland Oregon Visitors Association Information Center to the Square (Ordinance)

Discussion: David Zeir, President, Pioneer Courthouse Square Board, 17220 Rock Place, Lake Oswego, said the Board spearheaded the development of a project to move the Portland, Oregon Visitors Association (POVA) from its current location at Salmon Springs to the interior space at Pioneer Courthouse Square. The combination of the Square being ground zero of the regional transportation system and for POVA, creates a positive impact in serving more numbers of

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people. Additional features of the project include an 80-seat theater showing a short film, information about Portland and Oregon. The theater will also be booked for evening events. POVA's Ticket Central, same-day half-price tickets, will also be in the Square.

Karen Whitman, Pioneer Courthouse Square Manager, 608 SW Arboretum Circle, said they hope to open the center by late July. They are working on a signage program appropriate to the aesthetics of the existing architecture and visitor needs. The total project budget is \$2.2 million and they have identified and are now raising \$1.6 million of that, after being diverted by funding and staging the Millenium event. This grant illustrates "the Portland way" of public, private and creative funding.

Commissioner Hales said, once Airport light rail is in place, this will be the only city in North America and possibly Europe where a traveler can get off an airplane, walk to the close-by transit connection and take a non-stop trip to the square in the middle of town which houses the information center and half-price ticket stand.

Commissioner Francesconi said he was watching the parking fund because of the many demands to meet from it. This is a good deal for the parking fund as well as the square as more people will use the Smart Park garages.

Mayor Katz thanked the members of the Board for helping to raise the private sector funding for the New Year's Eve Millenium party. There is discussion about having a New Year's Eve party become a new tradition. She also thanked them for the holiday lighting in parts of downtown.

Disposition: Ordinance No. 174135. (Y-5)

- 152** Authorize an agreement with Portland Metro Softball Association, Inc. to facilitate the operation of the Delta Park Sports Complex, located at Delta Park, through June 30, 2005 (Second Reading Agenda 120)

Disposition: Ordinance No. 174136. (Y-5)

Commissioner Erik Sten

- *153** Accept an additional \$25,000 from the United States Department of Energy Rebuild America Program to coordinate a Rebuild Peer Exchange conference in Portland (Ordinance)

Discussion: Curt Nichols, Energy Office, said this is a contract modification for conservation measures in the Portland metropolitan area. Portland has been selected for a "peer exchange" with 60 other cities from the western states who will get together to compare what is working, what is not and how to do a better job of protecting the environment. Portland was selected in part by our success in doing good things.

Disposition: Ordinance No. 174137. (Y-5)

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- 154** Amend City Code "Affordable Housing Preservation" by deleting sections 30.01.050 - .070 and replace them with new provisions to comply with state law (Ordinance; amend Code Chapter 30.01)

Disposition: Continued to February 9, 2000 at 9:30 a.m.

City Auditor Gary Blackmer

- 155** Assess benefited properties for the cost of constructing speed bumps in the SE 71st Avenue/Powell to Division Speed Bump Local Improvement District (Hearing; Ordinance; C-9964)

Discussion: Commissioner Hales said this was a BYOB, bring your own (speed) bump.

Mayor Katz said, while facetious, it was an accurate statement.

Disposition: Passed to Second Reading February 9, 2000 at 9:30 a.m.

Communications

- 156** Request of Virginia Symonds to address Council on an issue involving the Water Bureau (Previous Agenda 51)

Disposition: Continued to February 9, 2000 at 9:30 a.m.

- 157** Request of Jason Fleming to address Council regarding the City's anti-camping ordinance (Communication)

Discussion: Jason Fleming, 5621 NE Ainsworth Street, 97218, said he is representing the homeless in Portland. He said the Portland anti-camping ordinance is in violation of State statutes as far as officers rousting homeless from the camps. State statutes require that a 24-notice be posted. He said it would be helpful for the City to designate a lot not in residential areas for camping. Also, there is no place for people to leave their personal belongings in order to go to work. These people are not asking to be supported and are willing to pay something a week for utilities at the campground.

Mayor Katz said she and Commissioner Sten will be looking into what can be done about personal storage.

Commissioner Sten said the posting rules must be followed. He is not a supporter of repealing the camping ordinance after working on this for years. Camping cannot work in an urban environment, but the storage issue is a fair argument.

Commissioner Saltzman asked if police treatment were still an issue.

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Mr. Fleming said when some homeless are being roused there have been incidents, such as a brand-new tent being destroyed while the occupants were getting their belongings together.

Disposition: Placed on File.

At 10:12 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS 2ND DAY OF FEBRUARY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales,
Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Adrienne Brockman,
Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

REGULAR AGENDA

Mayor Vera Katz

- *159** Amend the Comprehensive Plan Map and change the zone of property near SE Flavel Street, SE Deardorf and SE 122nd Avenue from OS (Open Space) to R10 (Low Density Single Family Dwelling); and approve amendments to environmental zones as shown on Exhibit H-17 (Previous Agenda 1828; LUR 99-00301 CP ZC)

Discussion: Steve Hill, Miller Nash, 111 SW 5th Avenue, 97204, said they had reached an agreement with Metro as to the process to jointly hire an appraiser, which should go forward very soon. They are asking for an additional extension of about 45 days, to Wednesday, March 22nd at 2:00 p.m. That day, they would know if they had a deal or not. If not, they would proceed with the zone change request.

Disposition: Continued to March 22, 2000 at 2:00 p.m.

- 158** **TIME CERTAIN: 2:00 PM** - Planning Commission subcommittee report to City Council on rowhouse and narrow lot policy and design issues (Report introduced by Mayor Katz)

Discussion: Mayor Katz said this ties into some discussions on the base zone design standards in Title 34, an issue coming up February 16th, so it was timely to bring this forward. This is simply a report and Council is not making any decisions now. Concerns brought out in this process will be taken back to the Planning Bureau.

Susan Hartnett, Planning Bureau, said the Planning Commission identified the overlap between land division regulations with development design outcomes as being of particular concern for narrow lots and rowhouses. The Commission asked a subcommittee to work with staff to develop avenues to address these issues. The further explorations of the solutions went, the more apparent the issues' complexities became. The Planning Commission decided not to recommend any specific regulatory solutions being discussed by the subcommittee. Instead, it has forwarded this report outlining the design and policy issues identified and the intent is to point out concerns about the inter-relatedness of land division regulations and development design outcomes particularly related to narrow lots and rowhouse development. The Planning Commission and its subcommittee concurred that this needs to be highlighted before the land division Code rewrite project hearing in order to acknowledge that these connections exist and to recognize challenges of developing workable, effective solutions that do not have unintended consequences.

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Marcy McNelly, Planning Commission, 3845 SW Condor, said a garage-dominant front façade means the garage actually takes up the full to a half façade length, making the entrance rather like a tunnel. The Commission prefers a third to two-thirds between the garage door and the front façade. With the front garages, the driveways take up the buffer that on-street parking provides on the street. The “trick or treat” test (would a parent be willing to send its child up a “tunnel” at Halloween) fails for the hidden main entrance. The living quarters are either behind or above the garages, which is a security issue. Ms. McNelly said it was good to have eyes on the street, at the street level. These houses are typically gable-fronted with a zero setback which provides a harsh vertical face to a neighborhood. She showed slides of good and poor examples.

Mayor Katz said work has been done on cost per unit to see if there is a great difference between good and poor design.

Rick Michaelson, Planning Commission Vice-President and a member of the subcommittee, addressing the cost issue, said the best examples of small lot, home ownership opportunities have actually been built by those concerned about affordable housing. Therefore, it is more of a development type choice than a cost issue. Rowhouses have been the model to address a number of comprehensive and housing policy issues: regional growth expectations; home ownership; affordable housing opportunities to a broad range of people; encouraging energy-efficient housing; and to best maximize infill development. Making the units wider makes them better and the design issues become less important at 30-36 feet wide, instead of 18-20 feet wide. Wider would lessen the ability to create housing units, raise the cost and reduce the opportunity to create the numbers of housing units. To move away from rowhouses means there must be substitutes. Historically, rowhouses have been thought of as affordable housing units, but experience shows they are not. Other means to maximize infill development need to be found if rowhouses are not the tool, such as bungalow colonies, small condos and rowhouses with shared parking. The latter go through a more complicated process, such as a Type III process, than rowhouses do. Rowhouses go through a Type II and sometimes Type I process, so there is a bias in favor of rowhouses. All code changes have been tabled to be sure they have no side effects and that they work together.

Commissioner Saltzman asked if the code changes would make other housing easier to develop.

Mr. Michaelson said no code changes eliminate rowhouses, but they can offer design improvements and make the alternatives more attractive and easier to build. Some important ideas for rowhouses are: eliminate the separate roofline requirement to have developers build the whole façade as a project designed together rather than a series of identical units; deal with driveway access and landscaping on a full project basis; require some front yard landscaping and front doors lowered to grade; limit driveways and require on-street parking; and have rowhouses use the same setback rules as multifamily. R2.5 to R1 zones parking requirements have been discussed. Historically, a variety of different housing types has addressed homeownership. The infill projects need to be compatible with the neighborhoods.

Ms. Hartnett said both staff and the subcommittee thought these ideas and issues needed more work and more public outreach and involvement. The subcommittee explored four ways to pursue these ideas: 1) the “quick fix” option which would address the most basic design issues;

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2) implement all the work the subcommittee has done to date, changes to both land division and development regulations, and address many of the design issues brought to the Planning Commission and Council's attention during previous projects; 3) a more in-depth study and subsequent regulatory change approach would explore broadening the range of alternative small-lot options and then make code changes; and 4) a phased approach that would implement the Planning Commission's work to date and follow with a more in-depth study with possible code changes. The Commission wanted to highlight these issues before the Land Division Code rewrite to acknowledge the existing connections and to describe the complexities so there are no unintended, undesired consequences.

Gil Kelley, Director, Planning Bureau, said the City has a role to regulate for good development. He noted the "elephant in the room" is the parking standard and also land division is not necessarily the place to solve all these design issues.

Mayor Katz said this report is just to explain the tie to the Title 34 rewrite. However, they can make some changes depending on community input and do pieces of what Ms. McNelly and Mr. Michaelson described.

Commissioner Saltzman asked about the Planning Commission's recommendation and expressed concern that there may be hidden agendas.

Ms. Hartnett said there was no recommendation, they simply chose to forward the report with the intent to highlight these issues.

Mr. Michaelson said this can be considered a report of interested citizens who have worked on it for a long time with staff. Also, when needed in the budget process, the Planning Commission can be asked for a recommendation. It did not seem right for the Planning Commission to make a budgetary recommendation without giving the new Planning Director a chance to talk to them about these projects.

Mayor Katz said citizens asked that Title 34 not be brought forward without dealing with some of the above issues. These issues have become linked to Title 34 and there are no hidden agendas.

Ms. Hartnett said the design of development, particularly on small lots, has been an ongoing concern in the community for many years.

Ms. McNelly said base zone design regulations have come up frequently in testimony before the Planning Commission. Staff thought the rowhouse issues went deeper than could be dealt with in the base zone design regulations, so were held off. It is coming up today as a remnant of the process and preceding the Title 34 comments to come.

Commissioner Sten asked if the purpose of this report is potentially saying the Title 34 rewrite should not be moved on without addressing rowhouses.

Mr. Kelley said the intent was to give Council another conceptual box for some concerns. They did not want the presentation on Title 34 to be too long and involved and, in effect, confused

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between two different work plan elements. Staff will make it clear in short form at the Title 34 meeting that there is another box that some of the design-specific concerns can go into.

Commissioner Sten asked if, at this point, those concerns will be addressed or if the Planning Commission is recommending addressing them.

Mr. Kelley said he wants to and wants the Planning Commission to look at the whole list of things Planning is being asked to do to see what really is important.

Commissioner Francesconi said when Council heard the controversial guidelines, they had not gotten to the land division part. There was some concern about imposing stricter guidelines for single-family lots but not actually dividing the land. He said the two, design and land division, should be brought together.

Mr. Michaelson said the most important finding in this report is that for lots bigger than a certain size, 30 – 36 feet wide, the design issues can be separated from the subdivision issues. Once it becomes smaller, they can no longer be separated. In response to a question from Commissioner Francesconi, he said if the parking and driveways were simply restricted in the way the subcommittee felt was adequate to protect the public realm, rowhouses would be difficult to sell.

Commissioner Francesconi said rowhouses account for 40 percent of the housing units now being built and the number of persons per household is dropping. Therefore, he is opposed to the report's second option, to just do design guidelines, as it would drive up affordability. The first option, to do a little tinkering, is still on the table. The third option, to do the whole thing, is still on the table and the fourth option, to phase it in, may never be acted on. The third option is the best option, but there is also a budget question. Where it fits in priorities is where Council needs help from the Planning Director, staff and Planning Commission, along with budget direction.

Commissioner Saltzman said in November Council adopted a comprehensive residential siting policy, an aspect of which was for the City to start adopting some alternatives to conditional use criteria. He takes umbrage that this comes over the transom when things approved by the full Council languish. This report has not had any work program analysis.

Commissioner Francesconi said he had an opposite reaction than Commissioner Saltzman. Some issues are related and the way they are brought to Council does not indicate any other connections.

Mayor Katz said for five years the community, the Planning Commission and the Planning staff have been working on the Title 34 rewrite. She did not want that to come before Council without raising this particular issue and to show how they are connected. It came up in the base zone design hearing. She emphasized that Council will not be asked to vote until Title 34 has gone onto the number of hearings necessary and the Planning Bureau has put all the pieces together and come back to Council with a recommendation.

Mr. Michaelson said the ultimate option recommendation on this report depends on what is heard from the community in terms of Title 34.

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Amanda Fritz, Planning Commission member, said she recommends Option 5, to do nothing right now until Title 34 is heard. This is essentially a subdivision issue, not just rowhouses, and subdivision approval and design compatibility review should be concurrent. This may not be the right time to take on more design standards by themselves as the base zone design standards became more contentious than expected. Regarding home ownership, the current balance that encourages it but does not require it is good. The parking issue needs a full study by itself; residential parking minimums especially. Ms. Fritz said there is consensus that there must be additional compatibility standards when allowing non-standard size lots.

Ed Jordan, Lents Land Use delegate, 3911 SE 97th Avenue, said he has been listening to people in his area who are expressing concerns on infill developments. Current City policy allowing for the optional use of the A Overlay within the R.5 zone in Outer Southeast has pitted the neighborhood against this type of development. It is not only the design of rowhouses, but the size, compact nature and layout are also problems. Other common complaints are increased traffic on quiet streets and compatibility to the predominant single-family homes. Many newly-built units are being sold to rental management companies as opposed to the intent of home ownership. Mr. Jordan said this report is one of the first to recognize some of the problems with this type of development.

Bruce Sternberg, 7134 SE 34th Avenue, 97202, said he is an architect and planner and was involved in the ad hoc committee on interim design regulations in 1997. As mentioned, linkages need to be considered. This report's subtext is that density is an imperative and it is assumed that the numbers will go everywhere. There is an assumption that the quality of design must be compromised to achieve density, but density location is a big factor. Some neighborhoods will accept density and some not. The image is that rowhouse or high density architecture is inferior. Quality design starts with architects, developers, City government and various commissions. He feels there is no commitment to high quality and that is causing the resistance and he recommended getting professionals and citizens involved early.

Irwin Mandel, 1511 SW Park Avenue, said the issue of quality of design and materials needs to be addressed. He suggested finding a way to reward developers for good design and materials, such as a reduction in System Development Charges.

Commissioner Francesconi asked the Planning staff and Commission to prepare a list of incentives that could be considered.

Brett Schulz, 2646 NW Overton Street, 97210, said he was an architect and has been involved with small, infill projects. He does not think more proscriptive codes work as a developer wanting to do something ugly will find his way around them. More creative ways to handle design, such as incentives are needed. A certain path circumventing numerous adjustments and a lengthy land-use process for developers with good design would be an incentive.

Michael Marx, Sienna Architects, AIA Designed Infill Task Force, said the task force is a group of architects, planners, market analysts and professors who, with neighborhood input, are developing community-friendly input to infill development. He addressed three points: 1) the importance of appropriate development on small lots; 2) the complexity of the issues at hand; and 3) the immediacy that they need to be resolved. He noted some infill development has created more problems than they resolved.

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Jim Worthington, 3232 SE 153rd Avenue, 97236, said the City's topography is varied and we need to get away from the one-size-fits-all mentality. He recommended area zoning.

Mr. Michaelson said he agreed that one size does not fit all and rowhouse regulations are designed for one type of unit. He noted that everyone on the Planning Commission agrees that on small lots, design matters.

Commissioner Francesconi said design does matter but not on rowhouses to the point of eliminating 40 percent of the housing stock and driving up the cost of housing.

Commissioner Saltzman said his voting no was an objection that this report seems to be a part of the Title 34 process, without a Planning Commission recommendation. Other issues are not part of the work program which need to be, such as residential siting proposals and homeownership.

Commissioner Sten said today was only a discussion and there will be a public hearing on Title 34 in two weeks. He also did not want to enact design restrictions that will adversely affect affordable housing. He noted the density complexities, given the smaller family size and larger housing stock.

Mayor Katz said design matters for poorer people's housing, too. She brought this report forward since this is an issue that keeps coming up and because it ties in with the Title 34 rewrite. Questions remain on density, incentives and maybe even geography.

Disposition: Accepted. (Y-4; N-Saltzman)

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

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS 3RD DAY OF FEBRUARY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Francesconi, Hales
and Saltzman, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior
Deputy City Attorney; and Larry Siewert, Sergeant at Arms.

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Appeal of the Centennial Community Association against Hearings Officer's decision to approve
the application of John Carson for a zone change and cluster subdivision with adjustments,
located at 14530 and 14620 SE Bush Street (Hearing; LUR 99-00102 ZC SU CL AD)

Discussion: Kathryn Beaumont, Senior Deputy City Attorney, gave instructions for the on-the-
record hearing. She outlined the timing of testimony and Council's options and noted that, under
State law, only issues raised before the Hearings Officer may be raised in this appeal to City
Council.

Nicole Breedlove, Office of Planning and Development Review (OPDR), said this application
was for a zone change in compliance with the Comprehensive Plan and a cluster subdivision for
11 lots, with an average lot area of 4,943 square feet. For a cluster subdivision there is no
minimum lot size, including area, width or depth for the individual lots. But, it must meet base
zone standard for maximum density, which is 8.7 units per acre. As the project does not meet
the maximum density standard, an adjustment was requested to increase the maximum density to
8.8 units per acre to allow 11 rather than 10 units on the site. The Centennial Neighborhood
Association requests denial of the cluster subdivision as it exceeds maximum density and denial
of the density adjustment as they feel it does not meet two of the adjustment approval criteria and
that additional trees on the site should be preserved. Ms. Breedlove said the site is in far
Southeast Portland just north of Powell Butte and about 3 blocks south of Powell Boulevard.
The site is zoned R7 for single dwelling residential with 7,000 square-foot lots and has
Comprehensive Plan designation of R5 for single dwelling residential with 5,000 square-foot
lots. Properties east, west and south of the site are also currently zoned R7, but the
Comprehensive Plan recommends R5 zoning for most of them. The properties north of Bush
Street are already zoned R5.a.

Ms. Breedlove described the project site as roughly U-shaped and 1.6 acres (69,402 square feet).
There is an existing house and garage and mature trees on northeast, southeast and northwest
portions of the site. The cluster subdivision includes 11 lots for detached, single-dwelling
residences and the existing house would remain on Lot 2 and the existing garage in the proposed
right-of-way would be removed. Approximately 21.6 percent of the site would be dedicated as a
35-foot right-of-way. The R5 standards for a through street, which this would eventually be, is a
40-foot wide right-of-way for a roadway with parking on one side or a 50-foot roadway with
parking on both sides. There is flexibility for the City Engineer to recommend narrower right-of-
way and a 35-foot right-of-way is acceptable. That would allow a 20-foot wide public street with
a five-foot sidewalk separated from the curb by a planter strip on one side and right-of-way area

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on the opposite side for street signage and utilities. For this project, a temporary turn-around would be provided on Lot 10 and on-street parking would be prohibited until the road is extended to the west and loops back to Bush Street. An adjustment was approved to increase the density from 8.7 to 8.8 units per acre, the equivalent of allowed density from 10.86 units to 11 units. The approval had the condition that six of the large, mature trees would be preserved and replacement requirement for 10 trees. The Hearings Officer's decision included approval of the zone change from R7 to R5, approval of the 11-lot cluster subdivision with conditions, approval of adjustment to solar design standards for two lots and approval of the adjustment to maximum density with conditions. Ms. Breedlove read the statement from the appeal application regarding this approval criteria. The appeal stated that one extra lot increases the crowdedness and that the lots are small but the surrounding lots are extra large lots and, Criteria E, any impacts resulting from the adjustment are mitigated to the extent practical, is not met as mature trees are not being preserved. The Hearings Officer found the density regulation is equally or better met by approving the density increase. The increase to 11 units is minor and will not detract from livability or the appearance of a residential area. The trees to be saved are on the periphery of the site and those coming out will be replaced.

Commissioner Hales said he was curious about the lot line between lots 10 and 11 in respect to the tree mitigation. Lot 11 is narrow and Lot 10 is wide and if the line between them were in a different place the tree to come out would be in the setback rather than in the buildable area for Lot 10.

Louise Cody, Land Use Co-Chair, Centennial Neighborhood, 1515 SE 151st Avenue, said this is an R7 established neighborhood with very large lots with one house. The R7 change to R5 makes the lots incompatible with the neighborhood. This subdivision has only four out of 11 lots that are 5,000 square feet or over and seven out of 11 are less. They recommend moving the lot lines to give more to the smaller lots. The trees, especially the fir and evergreen, are an issue and more should be saved. At the back of Lot 11 there are several trees at the back of the lot which could be saved by placing the house differently. The placement of a public street turn-around in an easement on a lot reduces Lot 10's size and usefulness. A public benefit of cluster development is saving common open space and preserving natural features. The adopted Centennial Neighborhood Plan has a policy to preserve wooded areas and is part of the Comprehensive Plan. Ms. Cody said they want Lot 1 enlarged but the deck on Lot 2 may make that impossible. The street is over 20 percent of the project and dominates everything and they are still asking for the removal of the planter strip to add extra footage to the lots and the strip will destroy three large trees. Another alternative is to waive the five-foot right-of-way along the west side of the street because it serves no function other than possible signage. A narrower right-of-way could eliminate the need for an adjustment, preserve trees, add footage to small lots and reduce paving and impervious surface, a goal of the Johnson Creek Plan district. There is no common open space and increasing the density allows less space, not more. Changing lot size from 7,000 to 4,000 square feet is drastic, makes tree preservation difficult and increases impervious surface. Lot 1, because it is only 4,000 square feet and faces Bush Street, will be even more conspicuous and out of place in the neighborhood. If one lot, such as Lot 1, were removed, the large lot with the old house and trees in front would face Bush and be more attractive. Ms. Cody said the applicant and neighborhood agreed about waiving the planter strip, but when they went to the Hearings Office, nothing was changed.

Jim Worthington, 3232 SE 153rd Avenue, 97236, said he was very concerned about Lot 1 on

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Bush Street.

Bruce Vincent, Bedsaul/Vincent Consulting Co., 825 NE 20th Avenue, Suite 300, 97232, said the appeal really has two issues: one, that it does not meet the cluster subdivision approval criteria and two, the preservation of trees. He said they understand and support the neighborhood association objections and are willing to resolve them. The area devoted to a public right-of-way is what reduces the buildable land area which requires the adjustment. If Transportation is willing to compromise a bit on their 35-foot requirements, the problem can be solved.

Kent Cox, 204 NE Kelly Avenue, Gresham, 97030, said access to these infill projects is difficult and there has been much innovation. He said they could have a 20-foot paved section with standard curbs and a five-foot wide sidewalk which requires a slight deviation from the criteria they were given. If the paved portion of the entering portion, north-south, of the street were adjusted two feet to the west, the five-foot western strip were reduced to three-foot and the distance between the sidewalk and face of the curb on the east and south sides were reduced from four and one-half to three and one-half, the average lot size would exceed 5,000 square feet. A required temporary emergency vehicle turn-around, which is 20 feet wide, occurs entirely within Lot 10. That takes the buildable width toward the front of the lot and the value of the lot.

Commissioner Hales asked if an ugly, awkward emergency turn-around were not required, then the subdivision would have been drawn differently.

Mr. Cox said yes, Lots 10 and 11 would have been equal.

Commissioner Hales said whether or not fire trucks have a reverse gear was a very old issue and Council may want to address it ad hoc in this hearing.

Mr. Vincent said the discussed design changes would be a gain of about 710 square feet which would be enough land to not require an adjustment for density. The roadway width has not been debated through the entire process. A small variation of right-of-way width, with enough reserve strip, would gain larger lots.

Commissioner Hales said Lot 11 is not a very workable lot, with the spruce tree they are trying to preserve and wondered why it has not been deeded over to the adjacent property.

Mr. Cox said the original configuration of the lots had a strip of land on the east and west sides and a strip in the middle. Had the flag lot with the 14.8 frontage been deeded to another property, they would have had to ask for more of an adjustment.

Commissioner Saltzman asked if a new configuration would save some trees.

Mr. Cox said with the present configuration, one large tree would definitely need to be moved but if the street were moved westerly it might be preserved.

Ms. Cody said they still are asking mitigation for the trees and to drop the planter strip. She noted there is a subdivision on Powell Butte without one due to the hillside. If not, they ask Council to approve the applicant's proposal to increase the available land by reducing the strip and the right-of-way for 150 feet along the west side.

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Mr. Worthington said he agreed that fire trucks do have reverse and at a recent fire near his home, the truck did back up. If the corner were not ballooned, which is highly unusual, there would be more space.

Glen Pierce, Transportation Engineering and Development, said this road essentially makes a 90 degree turn and they expect it to be extended further and back to Bush Street, becoming a loop road.

Commissioner Hales asked why a garbage truck's wide turn could not move a bit from one lane on a quiet street. He also asked if the temporary emergency vehicle turn-around is a uniform fire code requirement or Fire Bureau preference. He thinks it is the latter and that requirement tortures the subdivision design and he would like to drop it. In years past, before the Global Positioning System, they needed to be able to roar out of a street taken by mistake.

Mr. Pierce said, regarding the turn, the regulations try to avoid traffic conflict. Generally, when Fire recommends a temporary turn-around is where the temporary dead end is longer than 300 feet. This is more a matter of response time on another call as it is faster for them to turn around than to back up.

Commissioner Hales said, depending on the 120-day clock, he recommends a continuance to address some of these technical and policy questions.

Ms. Breedlove said the clock ends on February 14th. She pointed out Title 33 (not Fire Bureau) approval criteria for land divisions require a temporary turn-around if the deadend street serves more than four interior lots. She noted they could ask the applicant to grant a time extension.

Commissioner Hales said Lot 1 itself causes the biggest compatibility problem.

Ms. Breedlove said they did not look at specific lots being taken out but whether they met the criteria.

Commissioner Hales recommended taking a little time to work out the technical issues and then put something in the form of a motion.

Commissioner Francesconi asked how concerned Transportation would be about reducing the street width.

Mr. Pierce said the street width is still 20 feet. The applicant is asking for a reduction of the right-of-way. Transportation, from the beginning, recognized this as a difficult site and recommended a smaller than normal right-of-way right away. There will be enough space for signage and utilities if Council reduces the right-of-way. Eliminating, or severely reducing, the planting strip would harm the street trees. His experience is that the large fir will die since the root structure is sensitive and will be impacted by street construction, regardless.

Commissioner Sten said they need to craft a little more direction to the applicant who has an approved subdivision and it seems that both sides are interested in compromise. They need some feedback on the Fire turn-around issue.

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Commissioner Hales said they can make a tentative decision, awaiting Findings.

Ms. Beaumont said they would need to grant the applicant more time, for a minimum of 14 to 21 days.

Commissioner Hales, upon a request from Commissioner Francesconi, listed the options: approve the Hearings Office's decision as it stands; delete Lot 1 for compatibility; and make modifications to the site plan, such as change the right-of-way and drop the temporary turn-around.

Commissioner Francesconi asked if dropping the temporary turn-around would add to the lot size.

Mr. Pierce said no, it is counted in the lot size.

Ms. Cody said they had not had time to discuss this with the applicant, but she suggests dropping the planter strip and have the applicant plant trees on the edge of the lots.

Commissioner Hales said he did not want to start granting exemptions to Council policy about planter strips even if the parties agree, because the standard does not meeting anything.

Commissioner Sten asked if the planter strip were about looks or meeting the letter of the law.

Ms. Cody said it is looks, too, as the planter strip gives a more paved look.

John Carson, applicant, 12950 SE Powell Boulevard, 97236, said the issue about Lot 1 is understandable, even though they build many 4,000 square-foot lots. He said the signage allowance would work with one foot, rather than five, and if that four feet is moved across to the lots, if the lot line between Lots 1 and 2 is moved and if they cut the deck off the existing home, the lot size increases.

Commissioner Francesconi asked for the 120 days to be waived by the applicant and neighborhood so Council can follow up with Forestry and Fire.

Commissioner Hales, upon Ms. Beaumont's advice, moved an additional 14-day continuance in addition to the original 120 days, to February 17th. The motion was seconded and passed.

Disposition: Continued to February 17, 2000 at 2:00 p.m.

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

GARY BLACKMER
Auditor of the City of Portland

Britta Olson

By Britta Olson
Clerk of the Council