



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF FEBRUARY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

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

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

197 Accept bid of Western Power and Equipment to furnish tool carrier with rock wheel for Bureau of General Services for \$69,351 (Purchasing Report - Bid 99690)

Disposition: Accepted; prepare contract.

198 Accept bid of Platinum Construction Services, Inc. to furnish commercial space HVAC upgrade, 3rd and Alder Garage, for \$170,324 (Purchasing Report - Bid 99692)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

199 Confirm reappointments of Jim Coon, Ned Dempsey, Sheila Holden and Bob Wise to the Sustainable Portland Commission (Report)

Disposition: Confirmed.

200 Confirm appointments of Rosemarie Cordello, Diane Dulken and John Echlin to the Sustainable Portland Commission (Report)

Disposition: Confirmed.

201 Confirm reappointments of Nancy Bond, Thor Hinckley, Allen Lee, Wayne Lei, Rich Schulberg and Kent Snyder to the Sustainable Portland Commission (Report)

Disposition: Confirmed.

202 Designate the Executive Director of the Portland Development Commission to be an authorized representative of the City for purposes of the Indenture of Trust and Custodial Agreement between the City of Portland and The Chase Manhattan Bank (Resolution)

Disposition: Resolution No. 35863. (Y-4)

*203 Extend legal services agreement with Michael Bostwick, attorney (Ordinance; amend Agreement No. 32528)

Disposition: Ordinance No. 174161. (Y-4)

*204 Amend contract with Ball Janik LLP for Civic Stadium renovation project (Ordinance; amend Contract No. 32769)

Disposition: Ordinance No. 174162. (Y-4)

*205 Amend contract with Ball Janik LLP to extend term, increase scope of work and compensation for Washington, D. C. representation (Ordinance; amend Contract No. 32542)

Disposition: Ordinance No. 174163. (Y-4)

Commissioner Jim Francesconi

206 Accept contract with J.P. Contractors, Inc. for Powell Park improvements as substantially complete, authorize final payment and release retainage (Report; Contract No. 31847)

Disposition: Accepted.

207 Accept contract with American Building Construction for Woodlawn Park restroom renovation as substantially complete, authorize final payment and release retainage (Report; Contract No. 32206)

Disposition: Accepted.

208 Accept contract with American Building Construction for Cathedral Park restroom renovation as substantially complete, authorize final payment and release retainage (Report; Contract No. 32486)

Disposition: Accepted.

*209 Authorize a contract to upgrade the HVAC system at the 3rd and Alder parking garage commercial space and provide for payment of \$170,324 to Platinum Construction Services, Inc. (Ordinance)

Disposition: Ordinance No. 174164. (Y-4)

FEBRUARY 16, 2000

- *210** Grant Specially Attended Transportation permits to Theresa Clemans, dba Kabs For Kids and Jeffrey Scott Stein, dba First Choice Transportation (Ordinance)

Disposition: Ordinance No. 174165. (Y-4)

Commissioner Charlie Hales

- 211** Accept contract with E.C. Linnco Electric for street improvements at NW Broadway and Davis and NE Lombard and 27th as complete, approve Change Order Nos. 1 through 3 and make final payment (Report; Contract No. 31800)

Disposition: Accepted.

- *212** Accept completion for improvement and restoration of SW 20th Avenue, approve additional work included in Invoices 1, 2 and 3 and authorize final payment to the Multnomah Athletic Club (Ordinance; Contract No. 31295)

Disposition: Ordinance No. 174166. (Y-4)

- *213** Amend the Comprehensive Plan Map and Zoning Map for a portion of State Submerged Lands in Canoe Bay from R2cx (Low Density Multi-Dwelling Residential) to IG2cx (General Industrial 2) and approve an Environmental Review, with conditions, for the construction of a gangway, travel lift, two floating boat houses and docks for a boat construction and repair business in Canoe Bay and on the adjacent upland property at 2755 N Hayden Island Drive (Ordinance; LUR 99-00486 CP ZC EN)

Disposition: Ordinance No. 174167. (Y-4)

- *214** Amend City Code Title 18 to reflect additions to Title 33 regarding Open Space and correct errors (Previous Agenda 178; amend City Code Chapter 18.04 and 18.10)

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

Commissioner Dan Saltzman

- 215** Accept completion of the Insley/Taggart "A" relief and reconstruction, SE Cora between SE 26th and SE 34th, Project No. 6331 authorize final payment to Insituform Technologies, Inc. (Report; Contract No. 32302)

Disposition: Accepted.

Commissioner Erik Sten

- *216** Contract with Reach Community Development for \$30,000 to support the development of affordable rental housing and provide for payment (Ordinance)

Disposition: Ordinance No. 174169. (Y-4)

FEBRUARY 16, 2000

***217** Contract with Southeast Uplift for \$51,325 for the Kerns Target Area Designation FY 99/00 and provide for payment (Ordinance)

Disposition: Ordinance No. 174170. (Y-4)

***218** Contract with ROSE Community Development Corp. for \$31,000 to support its community development activities and provide for payment (Ordinance)

Disposition: Ordinance No. 174171. (Y-4)

***219** Contract with Franciscan Enterprise for \$50,000 to support the development of affordable rental housing and provide for payment (Ordinance)

Disposition: Ordinance No. 174172. (Y-4)

***220** Grant a temporary revocable permit to FirstWorld Communications, Inc. and establish terms and conditions (Ordinance)

Disposition: Ordinance No. 174173. (Y-4)

***221** Authorize an agreement with Tetra Tech/KCM for \$300,000 for design and technical services for water system improvement projects and other design services as may be required (Ordinance)

Disposition: Ordinance No. 174174. (Y-4)

***222** Authorize an agreement with KPFF Consulting Engineers for \$300,000 for design and technical services for water system improvement projects and other design services as may be required (Ordinance)

Disposition: Ordinance No. 174175. (Y-4)

223 Authorize an agreement with Alpha Engineering for \$300,000 for design and technical services for water system improvement projects and other design services as may be required (Ordinance)

Disposition: Passed to Second Reading February 23, 2000 at 9:30 a.m.

City Auditor Gary Blackmer

***224** Cancel City liens which must be extinguished because of Multnomah County foreclosure or which are otherwise uncollectable (Ordinance)

Disposition: Ordinance No. 174176. (Y-4)

FEBRUARY 16, 2000

REGULAR AGENDA

Mayor Vera Katz

*225

Exercise the Option Agreement between the City of Portland, by and through the Portland Development Commission and ADM Milling Co. for acquisition of the Centennial Mills property; authorize and direct the Bureaus of Environmental Services and Parks and Recreation to provide a portion of the funds for acquisition (Ordinance)

Discussion: Bruce Allen, Portland Development Commission (PDC), said this property was in the center of the River District, on the waterfront and about four and one-half acres in size. Begun in 1909, a series of buildings have been added on through the years. Roughly half of the buildings which are built over the water are in the worst condition. The greenway vision, begun in 1992, calls for acquisition of most of the waterfront between the Steel and Broadway Bridges, including Centennial Mills, parking lots and under-utilized warehouses. In 1994, Council adopted the River District finance plan to identify the funding necessary to accomplish the activities in the plan. Centennial Mills acquisition was and is a high priority because it is such a key property. This plan has undergone some changes. The original idea of a basin/lagoon was dropped because of the enormous costs and the contaminated soil there, so the plan now has more open space and passive recreation opportunities. The idea of daylighting Tanner Creek is not supported, also because of cost and the small water flow in summer. The 1998 Urban Renewal Plan brought additional resources to the River District. The Bureau of Environmental Services (BES) has identified a need for a facility for the Tanner Creek outfall.

Mr. Allen said Council authorized PDC in 1995 to begin negotiations with ADM Milling which is one of the largest multi-national corporations in the world, so getting their attention was not easy. The purchase price is \$7.7 million, without any equipment ADM might retain to move elsewhere which will bring that price down. There are good terms for payments over four years on the property and the funding strategy was hammered out by staff between PDC, BES and Parks. Following close of escrow in July, staff will continue to pursue the remaining waterfront acquisitions. They are in regular communication with the Naito family, which owns much of the property to the south, without reaching agreements as yet. The properties north of Centennial Mills are owned by Summit Properties, with whom they are working, and the Police horse patrol will be relocated.

David Judd, Parks and Recreation, said a planning process is now looking at parks and identifying the program for all of these parks. The immediate park, Jamieson Park – the first of the park squares is close to final design.

Commissioner Hales said this part of the city is very parks-deficient and the concern he and the district residents has is are the parks going to be nice to look at or to play in. He asked if the parks planned here will pass the “frisbee test” – for example, to throw one, have a soccer game and other recreation or just walk around and eat a sandwich in heavily landscaped plazas.

Mr. Judd said the two-acre neighborhood park near Naito Parkway is planned for recreation. They are a long way from designing the park on the waterfront, but the vision there is facilities for the local and regional neighborhood.

FEBRUARY 16, 2000

Commissioner Hales said the practice of hiring landscape architects to design parks (and spending a lot of money on them) paradoxically will make them less useful to the real people leading real lives there. He said Parks staff needs to be assertive on this issue.

Commissioner Francesconi said there is a need for middle income housing for the kids to play in those parks. Regarding the greenway, it allows access to the river.

Commissioner Sten said Centennial Mills has been identified as a possible place to do significant habitat restoration for the Endangered Species Act (ESA). He said this would be a good place for a quiet park. From an environmental standpoint, the trickiest work is the buffers along the river and this location would make a good ESA proposal.

Felicia Trader, Director, PDC, said she was reminded of a current commercial showing an attempt to herd cats because Bruce Allen is the chief trail boss for cat-herding issues and projects.

Commissioner Francesconi said the river access strategy, in conjunction with saving the fish, is very important. There is a real attempt to connect areas, eastside and westside, to the greenway trail.

Commissioner Hales said this was a great opportunity for the City and it is ironic that there are not more people in attendance to testify. He also emphasized that access is very important and this may be another place to get to the river and rent a kayak or canoe.

Commissioner Sten said that what, in many ways, made this possible was to put the Urban Renewal District together in a way that anticipated the Parks' needs and put a source of funding in place to do this, and the timing was great. He said the perception that the ESA and access were incompatible is not correct – access and restoration go hand-in-hand.

Mayor Katz said this was a wonderful gift for the City and the citizens. One of her hopes is that someday people will even be able to safely swim in the river, as well as boating on it.

Disposition: Ordinance No. 174177. (Y-4)

226 Amend City Code regarding occasional secondhand dealers and secondhand dealers (Ordinance; amend Code Section 14.37) **Reschedule to February 23, 2000 AT 2:00 - Time Certain**

Disposition: Continued to February 23, 2000 at 9:30 a.m.

Commissioner Jim Francesconi

227 Liquor license application for Berhane Gebru and Georgia Lamb dba Haika's House, 10105 N Lombard Street, special event beer and wine liquor license; Unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said this was a special event liquor license which allows on-premises consumption of beer and wine. Hundreds of these one-day special licenses are issued annually by the Oregon Liquor Control Commission (OLCC).

FEBRUARY 16, 2000

Normally, the City is only involved if problems occur and are not addressed and neighborhoods or police object granting additional event licensing. The applicant owns the property and, on a number of occasions, has held these special events personally or rented the building to others for parties/events. Neighbors have complained to the Police, OLCC, crime prevention, noise control and the License Bureau about late night partying people, often inebriated, keeping them awake. Other problems are loud music from the premises, public drinking and urination, loud car stereos and alcoholic litter. OLCC records show problems occurring as far back as Fall, 1998. OLCC has provided education in person and in writing regarding unlicensed liquor sales, minors, disorder and neighborhood livability. One party, to which the police were called, was serving alcohol without a license. The unfavorable recommendation by both Police and License Bureau is based on the history of past problems and applicant's failure to disclose arrests and convictions, of which some were alcohol-related. He is considered a poor risk for future compliance.

Officer Bryan Steed, Police Bureau, Drugs and Vice Division, noted the arrests and convictions of both Berhane Gebru and Georgia Lamb, which were directly related to the use of alcohol and which were not listed on the application. From the beginning of their ownership of this property, there have been a great many complaints. This, combined with their inability to comply with State law and OLCC regulations, make them a poor compliance risk for future alcohol sales.

The following people testified regarding the loud music and patrons, public urination, litter, including condoms, drug activity and parking problems and the fact that the parties last into the morning hours. They also said they were frightened by these events.

John Carrington, St. Johns resident
June Sandars, no address given
Dianne Richmond, 10026 N. Leonard, 97203

The people testifying also noted that the owners never picked up any of the trash or apologized to the neighbors.

Berhane Gebru, owner of Haika's House, 10105 N. Lombard, 97203, said he was from Ethiopia where he worked for the American Embassy for three years. He said the building was in bad shape and he has fixed it up. He is nice to people and they do not know him but they do not like him. Mr. Gebru said he is afraid of the bikers, so he cannot have them leave. He wants to be given a chance, even if he has made a mistake.

Commissioner Hales asked if the special event license is fairly common, usually for rental halls? Mr. Sanderson answered that it was. Commissioner Hales also asked who would get the license, the person renting the hall or the property owner.

Mr. Sanderson said the person would get the license, with the property owner signing the form which allows the person to use the facility for that purpose.

Commissioner Hales asked if, despite this being a problem location, someone other than Mr. Gebru could get a special events license.

Mr. Sanderson said, under the problem area rule, Council could simply determine that this was a problem location, which would authorize the License Bureau to make unfavorable recommendations into the future for that location.

FEBRUARY 16, 2000

Commissioner Hales asked if the Police Bureau had enough authority today, respecting noise and disturbance, to intervene, close down or otherwise quiet a situation like this.

Officer Steed said the chronic nuisance ordinance gives that authority, although there have not been enough incidents to trigger that, but it certainly can be demonstrated as being a problem location.

Commissioner Hales said no neighborhood should have to put up with this and liquor licenses are a privilege, not a right. The Police Bureau should be given the authority to shut a place down for that evening when there are complaints.

Commissioner Francesconi said he had come to the conclusion that the City's tools are insufficient in these circumstances. The Salem liquor lobby has weakened OLCC's role with recent legislation. He has the License Bureau reviewing how we make recommendations to OLCC, if there is adequate noise control and the Police Bureau's role. When the draft is ready, there needs to be a Council informal on what the process should look like and what further tools are needed.

Mr. Sanderson added that if liquor is not sold, just served, at events in this facility, no license is necessary. Even with the tools, they often do not have personnel in the right place at the right time to document these events. That would make a difference. His bureau is looking hard at what is spent on process and what is spent "on the street." Mr. Sanderson noted that, rather than only giving attention to closing places, it would be very helpful to have people out there to work out good neighbor agreements and foundation work on problem resolution.

Inspector Linda Koppes, OLCC, said she was the district inspector for North Portland and has worked with the License and Police Bureaus and Mr. Gebru and Ms. Lamb for a year and one-half. She has sent a letter to the owners stipulating that they may not have liquor, for sale or otherwise, on the premises at all without a special event license.

Commissioner Francesconi moved to approve the License and Police Bureaus' recommendation, deny further applications and that it be designated a problem site. Commissioner Hales seconded.

Commissioner Sten said it was clear this should be denied. He has been at parties that were shut down by the police, so it would seem they can do it under existing law. He believes a business ought to be given more than one strikeout, but this one has had too many.

Disposition: Unfavorably recommended.

***228**

Contract with the lowest responsible bidder to construct the Portland Building Child Development Center and provide for payment (Ordinance)

Discussion: Mayor Katz asked this to be set over to explore another possibility.

Disposition: Referred to Commissioner of Public Utilities.

FEBRUARY 16, 2000

Commissioner Dan Saltzman

- 229 Amend City Code to modify the sewer user charges regulations for business and industry (Second Reading Agenda 193; amend Code Chapter 17.36)

Disposition: Ordinance No. 174178. (Y-4)

Commissioner Erik Sten

- *230 Amend the FY 1999-2000 General Fund budget to provide appropriation and expenditure authority for the Economic Development Initiatives grant award in the amount of \$2,250,000 (Ordinance)

Discussion: Howard Cutler, Bureau of Housing and Community Development, said when the City received the Economic Development Initiatives, Section 108 award, there were two components – the \$8 million federal loan and the \$2.25 million grant. While the \$8 million can be routed through the Chase Manhattan Bank as trustee, the grant is to the City and must go through the City's books. Several projects are involved: the center on North Mississippi near Fremont; the Alberta Simmons, North Dekum near Martin Luther King Boulevard; and the Maggie Gibson, North Alberta and 17th Avenue. These have all been approved. They are looking at other projects on Alberta, Killingsworth and Vancouver.

Disposition: Ordinance No. 174179. (Y-4)

- 231 Amend City Code "Affordable Housing Preservation" by deleting sections 30.01.050 - .070 and replace them with new provisions to comply with state law (Second Reading Agenda 186; amend Code Chapter 30.01)

Discussion: Commissioner Francesconi, on behalf of the City and vulnerable citizens, praised Commissioner Sten's work on this and his work at the State legislature.

Commissioner Sten said this is doing the right thing and more exciting work will come forward next year, partly in trying to find ways to serve all the housing beyond the 88 buildings.

Disposition: Ordinance No. 174180. (Y-4)

City Auditor Gary Blackmer

- 232 Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through January 7, 2000 (Hearing; Ordinance; Y1037)

Disposition: Passed to Second Reading February 23, 2000 at 9:30 a.m.

FEBRUARY 16, 2000

Communications

233 Request of Rey Cabral to address Council regarding Police records and automobile impoundment (Communication)

Disposition: Continued to February 23, 2000 at 9:30 a.m.

At 11:00 a.m., Council recessed.

FEBRUARY 16, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF FEBRUARY, 2000 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

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

234

TIME CERTAIN: 6:00 PM – Amend Zoning Code to add new Land Division regulations and repeal Title 34, Subdivision and Partitioning Regulations (Ordinance introduced by Mayor Katz; repeal Title 34; amend Title 33)

Discussion: Mayor Katz said Council's role tonight was two-fold: to try to understand what is in the document, listening to testimony to get a sense of the issues identified for Council's review and to ask questions and give directions to Gil Kelley, Planning Bureau Director. This document will go back to the Planning Bureau, not the Planning Commission. This meeting will note what the Planning Bureau should look at in the next weeks and months.

Steve Abel, Chair, Planning Commission, said Council directed the Planning Bureau and Planning Commission to review the land division code about five years ago. That code was originally adopted in 1979 and no longer works. It is ambiguous in spots, unclear in processes and many provisions cause conflicts between Bureau positions. This has been a large task and they worked within the scope of mandates – Oregon Statutes which require certain processes and procedures, the Metro 2040 legal mandates for this jurisdiction and the City's Comprehensive Plan and its policies. There has been a sustained economic boom in the last five years which has created a need to provide residential spaces for the newcomers and create the kinds of land divisions that would work in existing communities. Also during the five years, policy continued to shift about how the region deals with continued growth. Great numbers of elements were debated before the Planning Commission, each of which has its supporters and detractors. Mr. Abel said what makes this most complicated is that each element does not stand alone and changing one might have ramifications in other parts of the Code. There is a balance where the tighter the criteria, the looser the process and vice versa – more discretionary criteria, more process. This is not a consensus package, but it did receive majority support to send it to Council. He said the package contains some very good staff work: balanced presentations, giving decision-makers the ability to understand the issues and providing a forum for decision and input on those issues.

Commissioner Francesconi said in addition to growth and the economic boom, the number of people in households is declining. He asked if this was significant in relation to this.

Mr. Abel said it is significant, along with many, many other factors.

Cary Pinard, Principal Planner, Planning Bureau, said this is the Planning Commission's recommendation on the rewrite of the City's land division regulations. Work on these issues began in 1994 and in 1998 the first and second proposed drafts were published. There were two rounds of public review and the Planning Commission spent most of 1999 working on this, considering more than 100 amendments. There are three principal approaches to adding new housing in the City and all three must be provided. First, create new, high-

density development, such as the River District, which usually do not involve land divisions. Second, concentrate new housing and town centers along main streets, such as the Hollywood/Sandy plan. Third, divide land to create lots for development. The project before Council only focuses on the third method. The first two methods do increase density, the third does not (over what the land is zoned for).

Ms. Pinard said basically land division creates lots and streets. It is different than other kinds of usual land use reviews – it is not a rezoning, the density does not change as it divides the land into numbers of lots that are already allowed by the zoning. It is also different than a conditional use, which allows uses not otherwise permitted in a particular zone. It is the first step towards development of an allowed use in a zone. These land divisions are reviewed to ensure new lots are buildable, while meeting all the other development standards, and to ensure that all lots have adequate services and are kept away from hazardous areas such as flood/landslide prone lands. Ms. Pinard said there are two phases: preliminary and final plat, the detailed, review. This meeting will almost always be about the preliminary stage. The Planning Commission recommends that the preliminary plan phase include more detailed information than currently required. The aim is to make more decisions during this phase, which is where the public involvement is concentrated. Currently, many decisions made in the preliminary are conceptual in nature and the actual decisions related to services and street location are not made until final plat, including both technical and land use decisions. Planning Commission recommends that most decisions be made at preliminary and those decisions can only change between preliminary and final within predetermined limits.

Ms. Pinard said that currently, the only proposals that go through Type I are those that are 10 lots or less and have no streets. Type II includes those where the land division would be a Type I, but something else is also requested, such as an adjustment or environmental review. Type III is required if more than 10 lots are created or a street is created. Planned Unit Developments (PUD) are always a Type III, as they allow clustering of lots that create more open space or common area. PUDs are currently elective, unless more than half the site is an environmental zone. Cluster subdivision is another kind of clustering that has been in the Code for a long time and can either be either Type I or III. Averaging the years 1995 through 1999, 70 percent go through Type I, 11 percent go through Type II and 19 percent go through Type III. There is about a 10 percent appeal rate to City Council. The public's expectations of what land divisions will address have increased. Currently, the only way to achieve fewer or smaller lots is through a PUD. To develop streets and sidewalks, stormwater collection or street preservation generally requires fewer or smaller lots, also requiring a PUD. Another problem in the current Code is that only limited information is available at the preliminary plan stage. Often, preliminary plan decisions are conceptual in nature and can change unexpectedly at final plat. The 20-year old Code has not caught up with the present day expectations. The existing Code contains disincentives, as the only way to create fewer or smaller lots is through a PUD, but applicants avoid a PUD whenever they can as they are riskier and more expensive. Many issues are not discussed in the preliminary plan stage, the stage where most of the public involvement is focused and where public expectations are set. The Planning Commission recommends removing the barriers to meeting the public's expectations and provide incentives to encourage good land division. The goals are to create clear requirements, provide flexibility without a penalty, require information to be provided and decisions to be made earlier in the process clarify complicated regulations, provide flexibility to accommodate particular site characteristics,

provide certainty early in the process to both applicants and neighbors, and include opportunities for effective neighborhood involvement.

Ms. Pinard spoke on the four elements in the Planning Commission recommendation: 1) clarify and update complicated regulations and make clear who makes what decisions and when; 2) flexibility is key to meeting public expectations, and a way to do this is to decouple density and lot size; 3) to provide certainty, move more decisions from final plat to the preliminary plan stage and provide more technical manuals and guides for various land division aspects and various bureaus' requirements; and 4) change how the number of lots is calculated. Now, the number of lots is determined by how much land is taken out for streets and the change would take out a standard 15 percent for streets and sidewalks.

Ms Pinard said the set density in the zones, such as R10, one unit per 10,000 square feet, R5, one unit per 5,000 square feet. That is not proposed to change. The question is – one unit per 5,000 square feet of what. Currently it is net site area. Net site area is the area removing the area needed to be in streets. The minimum lot size now also allows for a little bit of increase in maximum density. They are trying to remove the uncertainty and the disincentives so the density is still one unit per 5,000 square feet, but, are asking for a new net site area, which is the total site area after deducting 15 percent for sts. sidewalks and whatever is left is divided by the zoning. They are also proposing that adjustments for minimum lot size and density would be prohibited. There is a trade-off and fine-tuning but the basic density remains.

Ms. Pinard noted another type of certainty is where the density calculation results in a fraction. The Planning Commissioner recommends where the fraction is 75 percent or more, density is automatically rounded up. Now, the Code says these sites and smaller ones could ask for an adjustment to get the additional lot. The recommendation is that the smaller sites would not be able to get the extra lot, even through an adjustment. The trade-off is the certainty of knowing the number of lots vs. the flexibility and the uncertainty of the current Code. The last element consists of looking at neighborhood involvement so they are involved earlier in the process, before the applicant has invested a lot of time and money in a particular approach. The recommendation is to add a neighborhood contact requirement for all Type II and III land divisions and require pre-application conferences for more applications. In addition to giving neighbors earlier warning, the recommendation for more pre-applications is intended to weed out unapprovable or poorly thought out proposals. There is a new procedure, dubbed a Type II X for now, a variation of Type II, proposed to increase the time the neighborhood and staff have to review the application after it is turned in but before the initial decision needs to be made.

Ms. Pinard said some things to be touched on will be connectivity maps, open space requirements, details of Type II X procedure proposal. She focused on design and threshold issues. Design has two aspects – the lots and the buildings on them. How lots are laid out affects neighborhood character. The recommendation discourages through lots as development on them turns its back on one of the streets. Lot design should be decided at the land division phase. The design of lots relates to how the buildings can be designed, so the recommendation includes minimum lot sizes and minimum front lot-line requirements. The Planning Commission approach is that lots down to a certain size would be adequately addressed by the design standards in the zoning code that apply to all new housing at this stage, so have built in a certain amount of flexibility. If the proposal is for lots smaller than that, the recommendation is that those go through a Planned Development Review, which

FEBRUARY 16, 2000

does evaluate building design. So, there is a new proposal called Planned Development that replaces some of the remaining parts of the PUD and the rest of the PUD approach is moving into the standard subdivision approach. What is left over will be called Planned Developments for even more flexibility. The Planning Commission set this lot size threshold to allow a little bit of flexibility in the regular subdivisions because Portland owners often divide up their land and sell individual lots. The housebuilder on such a lot is usually a different person from the one who creates the lots. This has caused problems when the land division approval includes specific building designs or just footprints. The Planning Commission has asked for additional work to address building design on lots less than 30 feet wide as they do not want to allow land divisions for very narrow lots without review of the building design.

Ms. Pinard said another issue is the review procedure thresholds. Thresholds determine what proposals go through what review and can be thought of as filters to catch the types at the proper level of review. They expect those requiring Type III review will increase because of stricter environmental zone requirements. Whether the recommendation adequately addresses the design of buildings is both yes and no. It does for lots 30 feet or more wide because they must meet the zoning code design standards. The Planning Commission said it does not adequately address design issues for row houses and lots less than 30 feet wide. This recommendation does not reduce neighborhood involvement and there probably will not be fewer Type III reviews and, if that is wrong, it can be fine tuned. Ms. Pinard said the changed neighborhood involvement will encourage a more collaborative result than the confrontational Type III appeal involves.

Commissioner Hales asked Ms. Pinard to elaborate on how the proposed code does a better job of getting connected streets, other than the flag lot change.

Ms. Pinard said there are more precise requirements for through streets and, even if a street cannot get through, the possibility of a pedestrian connection is checked.

Commissioner Hales asked if this were the reviewer's, not the applicant's, choice. Ms. Pinard said yes it was.

Gil Kelley, Director, Planning Bureau, noted that he has been Director for only two weeks. He proposed that the testimony portion be completed in this meeting and to refer the project back to him for scrutiny so it can come to Council soon in a form that can be adopted. The thorniest issue is review thresholds. Any changes should improve upon the existing model. Currently, the most controversial proposals and the one most deserving of major attention are reserved for the PUD and Type III process. Where the 80 percent of divisions that are small and now go through Type I, the standards for those should be lifted up, both in development standards and frontloading the public review process for them and make some of the back end requirements, which are now done bureaucratically, part of the preliminary review, giving the neighborhood more disclosure and confidence in what is going on. Conceptually, it is a good model. Mr. Kelley emphasized ensuring neighborhood quality and protection, having due process for applicants and efficiency of staff time.

Amanda Fritz, Planning Commission, Land Use Chair, said she participated in this process from several other groups' viewpoints. She quoted the current code 34.04.020, and said the "protecting property values" is lost or diminished in the new purpose statement. The code needs to ensure access to light and air. She quoted the current code 33.110.010 and said the

FEBRUARY 16, 2000

code should continue to preserve neighborhood character and certainty to property owners. Ms. Fritz said the current PUD chapter is better than the recommended draft as the individual standards and criteria cover all the basics and work well with the rest of the zoning code. This proposal allows lots to be created, by right, that are so small an applicant cannot ask for them under the current code. There would be no consideration of impacts or mitigation. This is a de facto upzoning across the entire City. The proposal is like a one-size-fits-all. It has to cover all the factors in a large subdivision, of which only 10 of over 10 lots were applied for in 1997. It makes the process more complicated for the over 80 percent of land divisions that involve only one to three lots. Currently, Type I has nine approval criteria, the proposed code will require up to 90. Ms. Fritz said the proposed code gives sufficient opportunities to say "no" and that appeals are not currently a problem. Currently, most street and stormwater decisions are land use decisions in the PUD process and, in the proposal, all land divisions would be PUD-like. Technical bureaus are not paid to do a thorough analysis until after the preliminary approval, so keeping street and stormwater decisions in the land use review process will save the City money. The proposal does not meet street connectivity standards as it allows creation of more superblocks. Ms. Pinard noted that the 2040 connectivity maps have not had public hearings and should not be implemented until then. The Landslide Hazard area map, which is inequitable, should also be discussed in public hearings. The proposal does little to limit the density of housing allowed in hazardous or sensitive areas and the geotechnical analysis does not include assessment of the appropriate carrying capacity of the land or the availability of public services for multifamily housing.

Ms. Fritz said while certainty and efficiency are two of the project's main objectives, they are the biggest reason to not make the proposed changes. This is an opportunity to highlight that the main goal of planning is to promote community consensus rather than facilitate development. It is also an opportunity for Council to make big policy decisions, such as promoting an infill lot here and there, or concentrating on larger concept areas such as Gateway or Hollywood/Sandy. This is the perfect project to make sure Blueprint 2000 and the bureau reorganization into the Office of Planning and Development Review can work as intended, to ensure that neighborhood concerns as well as streamlined development processing are valued and recognized.

Commissioner Francesconi asked if Ms. Fritz agreed that the proposal does not increase density.

Ms. Fritz said squeezing the extra lot in where currently you cannot ask for a simple, minor partition, would now be allowed by right. Rounding up maximum density may not matter City-wide, but it would if next door to you, especially the smaller land divisions.

Commissioner Francesconi asked about the pre-application conference, that being a chance for neighborhood input. He also asked about the building design at the time of lot division rather than later.

Ms. Fritz said that is only for a Type II or III and the neighborhood contact only matters if neighbors can make a difference in the review process. Regarding the design, currently a smaller lot goes through a PUD process and at that point the type of house is discussed. In today's code, the development has to meet supplemental compatibility standards for such things as siding and roof pitch but, under the proposal, that particular lot would not have to meet any of those standards.

FEBRUARY 16, 2000

Margaret Mahoney, Director, Office of Planning and Development Review (OPDR), said since they have had the recommended draft her bureau was able to test some of the proposal requirements by rewriting staff reports for a couple of recently-approved land divisions. One area of concern was the significant increase in the over-all number of approval criteria as the rewrite showed the actual time of staff reports would be about a 100-150 percent increase. The proposal's provision for more front-end processing and information is consistent with Blueprint 2000. It creates challenges which staff has not yet been able to model to find further refinements. She said vesting provides a degree of certainty and fairness to applicants so if land use rules change during the City's review, those changes would not apply during the process. The state has a ten-year vesting period but also allows local jurisdictions to reduce that period. The City has had vesting that only lasted through the review period but the current proposal allows land divisions to be vested for up to five to ten years if they meet certain (complex) regulations. Ms. Mahoney said her bureau is concerned about complexity and the other zoning code regulations that do not apply if the vesting period stays this way and the lots are not built on for some time. They support the delayed effective date. They have been talking with the Planning Bureau about steps to prepare for actual implementation and staff training. There will be a handbook for applicants.

Ms. Mahoney, relative to cost and General Fund impacts, said there will be a significant increase in the time it takes to process a land division. There will be an increase of approximately 100 pre-application conferences in addition to what there are today and 100-150 percent increase in the time of just writing staff reports. This will require several more staff people.

Becky Kreag, Bureau of Environmental Services (BES), Planning Group Manager, said BES thinks there are some significant improvements in the proposed code. Those relate to additional protection of environmental areas through the environmental review criteria, increased tree preservation opportunities and having more information available earlier in the process. Some bureaus are concerned about what would be a land use decision and what a technical decision. BES wants the decisions in the land division code to be technical rather than land use review.

Don Gardner, Portland Office of Transportation (PDOT), said they have the same concerns as BES. There seems to be a break between the idea of land division and the actual development process. PDOT said land division patterns need to be set for such things as right-of-way location and width and connectivity, which belong in the land use process. After that, technical standards, such as sidewalk width, should be employed. The proposal will have the technical decisions as part of the land use decision. Presently, once construction has begun, something which needs an adjustment, such as rock outcropping, can be made with the engineering review process. The proposal would make it necessary to go through the land use process for those changes.

Sy Kornbrodt, Sullivan's Gulch Neighborhood Association (SGNA), 1510 NE 19th Avenue, No. 1, 97232, said the more input from neighborhood associations and citizens there is the more it is a win/win situation. Whether large or small, issues would be resolved to the satisfaction of both builders and the neighborhoods. Neighborhood associations need to be kept in the process.

FEBRUARY 16, 2000

Collin James, Chair, SGNA, said they are concerned about the increase of Type I versus Type II reviews. His neighborhood does not want to discourage infill, but there must be quality in design. He pointed out the better communication and results between the neighborhood and the Fred Meyer executives for their Hollywood store that came from the review of a Type II proposal.

Les Blaize, 9630 NW Skyline Blvd., 97231, President, Skyline/Forest Park Neighborhood Association, spoke personally, as an owner of 13 developable properties in Northwest. He is in favor of the proposal. He jokingly said that developers have the best interests of neighborhoods at heart and asked what is the point of public testimony as those people only live there.

Arnold Rochlin, PO Box 83645, 97283, said regarding sewage disposal, Comprehensive Plan 11.22 requires septic disposal be discouraged on lots under two acres. BES and Planning have refused to implement this for many years. The new proposal requires nothing but BES sign-off. The 1985 Northwest Hills Study ordinance wanted protection from urban-level development without urban services. One provision requires subdivisions to have public sewers, with partitions of up to three lots exempt. He submitted maps showing an area excluded from the protection of the "no urban scale development without sewers." The consequence can be to fill the entire area with half-acre lots on septic systems, which will eventually create serious problems. Front loading gives more power to the bureaucracy and less to the people, including the elected leaders. The most objective regulations can still contain a mistake. The public can bring it to the attention of a review body. This proposal cuts the public from doing that with most of the subdivisions.

Michael Roche, SWNI, said the message from the broad-based coalition of civic organizations, environmental groups and neighbors is to reject the entire Title 34 document and return it to a true stakeholders group. This document essentially eliminates single-family zones throughout the City and fails to address the Endangered Species Act (ESA) concerns. It ignores required stream buffers and landslide hazard areas. Most dramatically, it virtually eliminates public input into the process by shifting appeals away from Council. Mr. Roche asked Council to formally respond to all of the written questions submitted by the City Club and that community dialogue begin based on those answers.

Leonard Gard, Southwest Neighborhood, Inc., Land Use specialist, said he sees some overarching issues. While the proposal incorporates a lot of the flexibility from the PUD chapter, it does not incorporate safeguards for the environment and neighborhoods. This does not encourage design which is needed.

Marty Suchek, Chair, Multnomah Neighborhood Association, said the City Club questions do need to be addressed. The proposal is an anti-Urban Growth Boundary (UGB) document as it will change the character of neighborhoods. She said a letter dated in May, 1996 from the then-Planning Bureau Director, David Knowles, states that Title 34 was to grease the skids for more density.

Pamela Alegria, PO Box 2252, 97208-2252, President, Willamette Pedestrian Coalition, said her group was pleased with the right-of-way section and the connectivity items.

FEBRUARY 16, 2000

Dave Johnson, Collinswood Neighborhood Association, Land Use Co-Chair, urged Council to send this proposal back for more work. As an example, he detailed a possible development which could be built as a matter of right under the proposed code without an

engineers' review or citizen input and which would be damaging to the environment of small stream valleys.

Dixie Johnson, Collinswood Neighborhood Association, Land Use Co-Chair, said the reality is increased density, the incompatible infill development in existing neighborhoods and the lack of infrastructure to support the density. The Urban Growth Management Functional Plan compliance evaluation of August, 1998, says in the first 14 pages that Portland had already exceeded the required density goals. She cited State Goal 11, Public Facilities, which requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development.

Doug Klotz, Willamette Pedestrian Coalition, 2630 SE 43rd Avenue, 97206, said the through-lots basically consist of all the houses facing to the inside of the subdivision, leaving blank walls for pedestrians.

Susan King, 4712 SW Flower Court, Chair, Hayhurst Neighborhood Association, said Hayhurst agrees with the letter submitted from the SWNI coalition. She said predictability is a most important factor to a neighborhood, which the new proposal destroys. They support a referral back for additional work on this issue, if not the document.

Tim Van Warmer, 4727 SW Flower Court, urged the retention and strengthening of public involvement through Type II and III reviews and of the current Code language which allows lot sizes below base zone if the lots are compatible with the existing neighborhood. He asked that Portland not be allowed to become homogenized.

Carolyn Rundorf, Hayhurst Neighborhood Association, said she sees a negative trend developing with this rewrite. The current Code's three types of review allow citizens many opportunities for participation. With more infill projects, there should be more citizen input, not less. There should be a stated minimum of at least 15 business days from the notice to submit comments. Type IIx does not set any minimum time frame.

Kerrigan Gray, 9511 NW Harbor Blvd., 97231, said his Linnton neighborhood has found their ability to have input very valuable, especially in the early stages of development.

Marcie McInelly, 3845 SW Condor Ave., Board and founding member of Coalition for Livable Future (CLF), said CLF was a group of over 50 neighborhood organizations with the goal to protect, restore and maintain healthy, equitable and sustainable communities, both human and natural, for present and future residents. She is also a member of the Planning Commission. She noted that the Code rewrite group produced a document in 1996 recommending 10 improvements, among them to provide more non-discretionary standards, to provide flexibility through adjustments and multiple-objective standards, enhance clarity and use of Title 34, integrate community provisions into Code and/or a PUD-like flexibility outside of PUDs and promote infill land divisions throughout the City. They wanted to make innovative, high-quality development, the kind often seen through PUDs, easier to approve. Ms. McInelly hopes the proposed documents go back to a subcommittee of original members of the Citizens Advisory Committee and Planning Commission, to see if it really is an improvement.

FEBRUARY 16, 2000

Mike Houck, Coalition for Livable Future and Audubon Society of Portland, said he thoroughly supports Gil Kelley's interest in putting together a stakeholders' group.

Steve Satterlee, 3805 SE Liebe, Co-Chair of SE Uplift Land Use/Transportation Committee, said they also believe opportunities for public involvement in land division review is being sacrificed for the goal of streamlining the process and it is certainly not the time to limit the public role in shaping development. A vital missing piece is the underpinnings of a clearly-defined strategy to accommodate additional housing while maintaining neighborhood livability.

Ed Jordan, Lents Neighborhood Association, Land Use Committee, said this rewrite will take away the neighborhood ability to appeal a less-than-10-unit development and anything that lessens neighborhood involvement is a mistake.

Paul Leistner, City Club of Portland, said there is a need for clear visioning goals in how to accommodate higher housing density. Some significant flaws in this rewrite are there is no clear definition of the problems the project was meant to solve, it does not have a clear sense of the visioning goals and is not a good tool for the City or citizens for a sense of the alternatives or trade-offs. The proposal is not fixable with amendments – it has drifted away from the original purposes. It needs to be taken back several steps to involve the citizens and stakeholders. It is a real policy failure that, after this much time, it is so complex and has so much opposition. Mr. Leistner said there must be guidance about the density, as the basic, general goal will drive the recommendations.

Commissioner Sten said there must be some collaboration before he feels comfortable to tell people to spend more hours to answer the City Club's list of questions. It needs to be narrowed down. Some broad-range questions which must be answered in terms of an overall housing strategy, such as how much in which places, seem out of the scope of how to approve a subdivision.

Mr. Leistner said the City Club recommendations can be taken in pieces and the Club has no interest in slowing down the process. They are interested in good process and a good result for the community. Until policy framework is set, it is difficult for staff and others to move ahead.

Commissioner Sten said the amount of density allowed in a neighborhood will not change either in the current or proposed Code.

Mr. Leistner said many people are saying what is in place now is better than what is being recommended. A good stakeholder group and good process will find the common agreement and move forward on it. Those issues without the common agreement could go to a phase 2, more detailed process.

Kurt Krause, 1704 SW Spring Street, echoed the City Club recommendation that the Planning Commission, stakeholder groups and Director Gil Kelley bring a revision of this important strategy in the fall of 2000.

Louise Cody, Centennial Neighborhood Association, addressed the density increases in the proposal changes, some one-third as much as today. Density will be increased because of

FEBRUARY 16, 2000

the percentage allocated for streets. She noted the tree preservation provisions should be stronger.

Bonny McKnight, Land Use Chair, Russell Neighborhood Association, said the proposal addresses growth by, inappropriately, changing standards for single dwelling zones. The through-lot development needs to be more responsive to quality of life issues. Neighborhood review for compatibility will provide good suggestions for developers to build in established neighborhoods.

Arlene Kimura, Hazelwood Neighborhood Association Chair, said the Code rewrite has no provision for anything other than 100 units or a PUD or a common and recreational open space. Her neighborhood is park-deficient. It also does not address lot coverage as opposed to building coverage but stormwater runoff should be addressed.

David Gens, West Portland Park Neighborhood Association (WPPNA), said they support the SWNI position and amendments. In addition to their recommendation for public input and common open space, they want water features left in a natural state and to restore solar access standards. He listed other concerns: measure actual area of land needed for streets when calculating allowed density; no automatic increase by rounding up in the maximum density for land division for 10 units or less; no automatic rounding up of minimum densities in E zones, flood plains or landslide hazard areas; and no site work on sensitive lands prior to final plat approval. Mr. Gens recommended no implementation of the West Portland Town Center until completion of the SW Community Plan.

Nancy Draais, 4205 SW Vesta, 97219, Board member of WPPNA, said the proposal would not allow the same degree of citizen participation she has made over the years.

Greg Olson, 4306 SW Galeburn, 97219, said, with this rewrite, the only assurance people will have is they will not be assured of what will be next.

Don Bartley, Parkrose Heights Neighborhood Association, said he agreed with most of the issues already raised. More use needs to be made of the Office of Neighborhood Involvement, the City-wide land use council and to get stakeholders involved in land use. The 14-day response time is insufficient.

Linda Bauer, Pleasant Valley Neighborhood Association, cited the proposal's statement that all PUDs will be Type III. A PUD in a landslide or floodplain area only gets a Type II.

Dave Nadal, 3024 SW Florida Court, No. D, 97219, agreed with SWNI and others' objections. He said the testimony shows that citizens want basic changes in City policy and directive. One specific part of the proposal should be changed or deleted, as it is premature and inappropriate in Code at this time – the connectivity map 654.13. No precise boundaries have yet been set for the Hillsdale Town Center. Any expansion of town center boundaries should, at least, be part of the community plan.

Greg Smith, Sabin Neighborhood Association President, said he supports the SWNI position. More democracy, not less, is needed in the city. Some places, like the Pearl District, are not being developed densely enough.

Karla Vibanowicz, 4012 SE 51st, 97206, highlighted the flag lot development for infill – the partition of a single lot in an established neighborhood. The proposal has that as a minor

FEBRUARY 16, 2000

partition with very little review and yet it has a major impact. This rewrite could elevate them to a Type II review or outright unallowed single lot partitions.

Victor Von Salza, Bridlemile Neighborhood Association, said the rewrite, rather than allowing compatible infill, allows the opposite. It does increase density.

Anthony Boutard, Southwest Hills Residential League, said the association opposes the rewrite and endorses SWNI's position. Currently, maximum building coverage is regulated by zone but is shifted to a lot-size increase. Many smaller houses in their neighborhood are on substandard lots, which would encourage a raze-and-replace mentality. His area has a number of substandard streets and landslide- and erosion-prone areas. The current Title 34 at least requires an analytical look at neighborhood compatibility.

David Redlich, Homestead Neighborhood Association President, 3944 SW Condor Ave., said the association fully supports the SWNI letter of January 24, 2000, regarding this rewrite. Many of these proposals make a mockery of this Council's promises to the existing residents to protect their livability in the face of unprecedented growth. He criticized the shift of Type II and III subdivisions to Type I without recourse to elected officials, the rounding up of zone formulas, the failure to address impervious surfaces and enhancing developers' flexibility with no neighborhood accountability. With the loopholes and convoluted provisions, it is a non-starter. This document is not even 25 percent there. The existing Code's purpose statement should be a starting point.

Don Hanson, 2124 SE 59th Ave. 97215, OTAK, Inc., Planner, , said he participated on this Code rewrite's Project Advisory Committee, which had very diverse representation. He supports it, saying it is realistic and has good concepts. The blanket 15 percent for roads and circulation encourages roads and connectivity on the projects. The lot size flexibility is excellent. Neighborhood character is going to primarily be affected by one-, two-, or three-lot partitions, not large projects.

Barbee Williams, 0224 SW Flower St., Corbett-Terwilliger-Lair Hill Land Use committee member, said the association supports the SWNI position. The rewrite erodes the protection the neighborhoods have relied on. She emphasized that current notification is lacking and the rewrite is worse.

Denise Thornton, 10005 SW Lancaster Rd., 97219, said usually the more words in a contract, the less the constituents get, so she was concerned about the size of the document. Despite environmental maintenance, it is the dollar that dictates what the developer does.

Jim Peterson, 2502 SW Multnomah Blvd., 97219, Multnomah Neighborhood Association, said the 1996 letter from David Knowles, former Planning Bureau Director, said there was capacity for 70,700 units in the UGB. Now, with this proposal and the SW Plan, it is 80,000 units. His rough analysis shows it would increase capacity about 30 percent. Mr. Peterson said that Larry Shaw of the Metro Council said the City cannot use market factor, it is illegal. Regional and state land use laws require a transportation analysis when seeking excess capacity. This proposal will not produce good infill.

Louise Weidlich, Director, Neighborhood Protective Association, PO Box 1924, 97219, said it was impossible for new housing to fit into the character of a neighborhood and she quoted from the U.S. Bill of Rights, Articles Four and Five.

FEBRUARY 16, 2000

Rick Michaelson, Planning Commission, 906 NW 23rd Ave., 97210, said he had not planned to testify, but this hearing got off to a bad start on an incorrect basis. Previous testimony stating that this draft eliminates minimum lot sizes is not correct. The present Code, cluster housing which applies to any site smaller than four acres, states there is no minimum lot size, width or depth and also states cluster housing projects are allowed by right, are not discretionary and do not need to go through a Type III process. This proposal, for the first time, establishes minimum lot sizes everywhere. Regarding the statement that this will make many more proposals Type I, with fewer Type III, that is simply not known.

Rose Marie Opp, no address given, said the larger, growth management questions need to be addressed before anything is rewritten on this or any other Codes.

Mayor Katz asked Ms. Pinard if she heard anything in the issues that often came up that need clarification.

Ms. Pinard, said the question of the proposal increasing density needs to be organized by staff and brought back for Council options, along with a response to the inaccuracies that came up.

Mr. Kelley said, in the next three weeks, he wants to convene a group of stakeholders and get clear on the scope of this and a process to reach the end of it. He will provide a memorandum to Council and any other interested person which will indicate where to go from here and is confident that there can be a better product. Something can be done to better address the balance of infill and neighborhood quality. The City Club has posed the right set of questions.

Commissioner Hales said Council needs to hear an analysis of tonight's testimony from Planning and the stakeholders. He likes the better connectivity and pedestrian environment improvement. He is not interested in reducing City Council's appellate roll, it is Council's job. Regarding concern about traffic studies, if the cost of processing subdivisions is raised by 100 percent, there better be 100 percent increase in the quality of the projects. Unless there will be a lot better subdivisions, he is wary of making an already-cumbersome process even more so.

Commissioner Francesconi said he wants to know if this relates to housing strategies and design issues. He is surprised that, after so long a process, the City's own bureaus have such major concerns. As the PUDs seem to be working, he wondered why change was necessary. He is concerned about having adequate infrastructure in the neighborhoods for infill.

Commissioner Sten thanked the staff. He asked a fundamental question of participants – is there enough about the old Code that is disliked for it to be worth putting the new proposal together quickly. If the draft is slowed down, should it be started back up. He agreed that the Council needs to keep hearing appeals, as they are so different on paper than how they play out in the hearing. He does think Mr. Leistner had an important set of inquiries, but he thinks it is a different set than this Code. There is a limit to the density Rivergate and town centers can absorb. He noted that, due to shrinking family size, neighborhoods now hold fewer people, a fact that has not been well discussed.

FEBRUARY 16, 2000

Mayor Katz said underlying all the discussion is the urgency to re-engage the community into defining what the City should look like and its livability, which equates to growth.

There are legitimate worries about neighborhood notification of development, density and design.

Disposition: Placed on File.

At 9:32 p.m., Council recessed.

FEBRUARY 17, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF FEBRUARY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

- *214** Amend City Code Title 18 to reflect additions to Title 33 regarding Open Space and correct errors (Previous Agenda 178; amend City Code Chapter 18.04 and 18.10)

Discussion: Commissioner Hales said this item was passed prematurely as it was mistakenly put on the Agenda under Consent.

Mayor Katz said this was due to come back when they have the Good Neighbor Agreement and the Civic Stadium decisions come back. She asked if there were any objections to rescinding the vote and, hearing none, she so ordered.

Commissioner Hales moved that Item 214 be removed from the Consent Calendar and remanded to his office for further review and Commissioner Francesconi seconded.

Disposition: Referred to the Commissioner of Public Safety.

- *235** **TIME CERTAIN: 2:00 PM** – Amend the Comprehensive Plan Map and change the zone of property at 11514 and 11518 SE Division Street from R1a (Residential 1000 Multi-Dwelling Zone) and CN2 (Neighborhood Commercial 2) to CM (Urban Commercial) (Ordinance introduced by Commissioner Hales; LUR 99-00824 CP ZC)

Discussion: Douglas Hardy, Office of Planning and Development Review, said the existing zoning map for the site has both a split comprehensive plan and zone map designation. The eastern part of the site is zoned CM2, neighborhood commercial 2, the western part of the site is R1, a multi-dwelling zone with a maximum density of one dwelling unit per 1,000 square feet and typically four stories in height. The CM2 is primarily for commercial with some housing allowed, typically three stories in height. There is some commercial east and west and mostly single dwellings north and south of the site. The applicant requests a comprehensive plan designation to Urban Commercial and the zone map amendment to CM, a mixed commercial-residential zone. The CM zone, similar to the CM2 zone, allows the right retail services but requires a minimum of one square-foot of housing for every one square-foot of commercial space. On the western part of the site, the A overlay is retained, so it is technically CMA. The overlay allows a slightly higher density of development than the multi-dwelling zones, but the A overlay cannot be removed through this Type III process, it must be done later through a legislative process. Mr. Hardy said this is roughly a two acre site bounded on the north by SE Division, which is fully developed, and SE 115th to the west. Further east, there is higher density and more intense commercial uses and is characterized by large anchor stores with sizable parking areas. Immediately behind the site is an open space and an elementary school.

Commissioner Hales asked if the parcel just south of the open space is the school yard.

Mr. Hardy said it is a designated park. He said there are basically two approval criteria for the comprehensive plan map amendments. First, the requested designation must be found to be equally or more supportive of the comprehensive plan policies than the current designation and second, the requested designation will not result in a net loss of potential housing units. The Hearings Officer found the proposed amendment does increase the development capacity for both housing and commercial uses and promotes a more efficient use of the site. The amendment is consistent with the type of development desired along both designated transit streets as well as main streets. The Hearings Officer found the proposal supportive of existing higher-density commercial nodes and centers found in the vicinity and will limit the total amount of commercial space. The proposal is more conducive to infill development because it will remove the split zoning on the site and allow a modest development increase on the site. Adequate buffering from the abutting residential zones would be preserved and in some degree enhanced. It is consistent with the goals of the Outer Southeast Community Plan and of the Powellhurst-Gilbert neighborhood plan and with all relevant transportation policies. For the Comp Plan amendment, it is compatible with the existing mixed-use land use pattern along this part of Division.

Mr. Hardy said, regarding the zone map amendments, the two principal approval criteria are that the request must be to a corresponding zone of the Comp Plan map and, here, there are two corresponding zones. The second criterion is for adequate basic public services. The Hearings Officer said the CS zone is intended for older commercial areas with a traditional storefront character, which does not pertain here. The CM is intended for the busier streets and directed at a local market. The maximum commercial density under the CS zone is three times that permitted by the CM zone, which is too intense for the site. The Portland Department of Transportation made the request that the frontage on 115th be brought up to City standards.

Commissioner Hales moved to adopt the Hearings Officer's recommendation for both the Comp Plan amendment and Zoning Map amendments with the findings that are provided and Commissioner Francesconi seconded.

Mayor Katz passed the gavel to Commissioner Sten, President of the Council, as she had not been present during the hearing on Item 236.

Discussion: Ordinance No. 174181. (Y-4)

236

Tentatively deny, with conditions, 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 (Previous Agenda 160; LUR 99-00102 ZC SU CL AD)

Discussion: Nicole Breedlove, Office of Planning and Development Review, said staff was asked to meet with the applicant and neighborhood association after the February 3rd hearing to reduce the width of the right-of-way to increase the net developable area of the site so the density adjustment would not be needed and to reduce or eliminate the temporary emergency turn-around. She delineated the changes on the map which increased lot sizes and saved more trees.

Commissioner Hales moved approval of the revised site plan and deny the appeal and Commissioner Francesconi seconded.

FEBRUARY 17, 2000

Disposition: Appeal denied, with additional conditions.

At 2:27 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

Britta Olson

By Britta Olson
Clerk of the Council