



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF DECEMBER, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Chief Deputy City Attorney; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

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

**CONSENT AGENDA - NO DISCUSSION**

- 2000 Accept bid of Berg Chevrolet for furnishing four 4X4 passenger utility vehicles for \$68,707 (Purchasing Report - Bid 37)  
**Disposition:** Adopted; prepare contract.
- 2001 Accept bid of Berg Chevrolet for furnishing six compact pickup dump trucks for \$78,716 (Purchasing Report - Bid 44)  
**Disposition:** Adopted; prepare contract.
- 2002 Accept bid of Moore Excavation, Inc., for construction of SE Ash St., SE 22nd Ave. to SE 24th Ave. sewer replacement for \$57,337 (Purchasing Report - Bid 45)  
**Disposition:** Adopted; prepare contract.
- 2003 Accept bid of Carson Oil Company, Inc., for furnishing gasoline for \$1,048,238 (Purchasing Report - Bid 49-A)  
**Disposition:** Adopted; prepare contract.

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- 2004 Accept bid of Pacific States Cast Iron Pipe Company for furnishing ductile iron pipe for \$141,776 (Purchasing Report - Bid 50-A)  
**Disposition:** Adopted; prepare contract.
- 2005 Accept bid of Olympic Foundry, Inc., for furnishing cast iron valve boxes, lids and extensions for \$122,238 (Purchasing Report - Bid 55-A)  
**Disposition:** Adopted; prepare contract.
- 2006 Accept bid of Kent Meters, Inc., for furnishing small domestic meters for \$115,355 (Purchasing Report - Bid 56-A)  
**Disposition:** Adopted; prepare contract.
- 2007 Accept bids of West Coast Paper Co. and Willamette Industries for furnishing fine printing and carbonless paper for total estimated annual amount of \$351,520 (Purchasing Report - Bid 57-A)  
**Disposition:** Adopted; prepare contract.
- 2008 Accept bid of Zumar Industries for furnishing aluminum sign blanks for \$38,379 (Purchasing Report - Bid 59-A)  
**Disposition:** Adopted; prepare contract.
- 2009 Accept bid of H D Fowler Company for furnishing brass service fittings for \$48,077 (Purchasing Report - Bid 63-A)  
**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

- 2010 Confirm reappointments of Charles W. Carnese and Irma Jean McKinney to the Towing Board of Review for terms to expire November 30, 1992 (Report)  
**Disposition:** Adopted.
- 2011 Confirm reappointments of Channing M. Briggs, Ruth Currie, Ellen Glynn, Jimmie Green and Marian Sarles to the Portland/Multnomah Commission on Aging for terms to expire July 1, 1993 (Report)  
**Disposition:** Adopted.

- 2012 Ratify Rose Schnell as a new appointment to the Housing Authority of Portland (Resolution)  
**Disposition:** Resolution No. 34793. (Y-4)
- \* 2013 Issue Multifamily Housing Revenue Bonds in an amount not to exceed \$7,000,000 (Ordinance)  
**Disposition:** Ordinance No. 163698. (Y-4)
- \* 2014 Create eleven positions and establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)  
**Disposition:** Ordinance No. 163699. (Y-4)
- \* 2015 Amend Contract No. 24690 with James Morgan Ross for Urban Services canvasser services (Ordinance)  
**Disposition:** Ordinance No. 163700. (Y-4)
- \* 2016 Amend Contract No. 25373 with Beverly Jean McCall for Urban Services canvasser services (Ordinance)  
**Disposition:** Ordinance No. 163701. (Y-4)
- \* 2017 Amend Contract No. 25738 with Damian Syrnyk for Urban Services canvasser services (Ordinance)  
**Disposition:** Ordinance No. 163702. (Y-4)
- \* 2018 Contract with Oregon Community Foundation, through the Neighborhood Partnership Fund, for \$40,000 to administer the Neighborhood Self Help Grant Program and provide for payment (Ordinance)  
**Disposition:** Ordinance No. 163703. (Y-4)

Commissioner Earl Blumenauer

- 2019 Set hearing date, 9:30 am, Wednesday, January 23, 1991, to vacate a certain portion of NE Hoyt Street between NE 49th and NE 52nd (Report; Petition; C-9730)  
**Disposition:** Adopted.
- 2020 Accept completion of the SW 64th Drive sewer repair and make final payment to System Construction Co. (Report; Contract No. 26284)  
**Disposition:** Adopted.

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- 2021 Accept completion of the Hayden Island Wastewater Treatment Plant demolition and make final payment to Ken Hood Construction Co. (Report; Contract No. 26348)
- Disposition:** Adopted.
- \* 2022 Allow carryover of more than two years' vacation accrual for two employees of the Bureau of Environmental Services (Ordinance; waive Code section 4.16.040)
- Disposition:** Ordinance No. 163704. (Y-4)
- \* 2023 Revocable permit to Oregon Symphony Association to erect a canopy over SW Main Street west of Broadway (Ordinance)
- Disposition:** Ordinance No. 163705. (Y-4)
- \* 2024 Accept two public walkway easements for the SE 57th Avenue and SE Reedway Street Improvement Project, granted by Jeanne Y. Rehder, Lester C. Bailey and Shirley M. Bailey, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163706. (Y-4)
- \* 2025 Accept a traffic signal facility easement for the NW 61st Avenue between NW Front Avenue and NW St. Helens Road Traffic Signal Control Project, granted by Metropolitan Service District (METRO), at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163707. (Y-4)
- \* 2026 Accept two street deeds for the future widening of SW Comus Street east of SW 35th Avenue, granted by Orville E. Chapman, Peter K. Troy, Daniel Harry Bobker and Pamela Fae Ballhagen, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163708. (Y-4)
- \* 2027 Accept a street deed for the future widening of SW 82nd Avenue north of SE Malden Court, granted by Jozsef Bruckner, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163709. (Y-4)
- \* 2028 Authorize Purchasing Agent to contract with Duncan Industries for parking meters and parts for estimated annual amount of \$160,000 without advertising for bids (Ordinance)
- Disposition:** Ordinance No. 163710. (Y-4)

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- \* 2029 Agreement with the Oregon Department of Transportation, Highway Division, to provide for the Arterial Streets Overlay, Phase 9 Project (Ordinance)

Disposition: Ordinance No. 163711. (Y-4)

Commissioner Dick Bogle

- 2030 Allow carryover of more than two years vacation accrual for one employee of the Bureau of Emergency Communications (Ordinance; waive Code Section 4.16.040)

Disposition: Passed to second reading. December 26, 1990, 9:30 am.

- \* 2031 Allow Battalion Chief Jerry Ivie to carry over excess accumulated vacation hours into 1991 (Ordinance)

Disposition: Ordinance No. 163712. (Y-4)

- \* 2032 Authorize carryover of excess accumulated vacation hours for Deputy Chief Norman Ploium, a non-represented employee of the Bureau of Fire, Rescue and Emergency Services (Ordinance)

Disposition: Ordinance No. 163713. (Y-4)

- \* 2033 Call for bids for the First Phase Addition and Remodeling of the Bureau of Fire, Rescue and Emergency services Training Center, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163714. (Y-4)

Commissioner Mike Lindberg

- 2034 Accept contract with Riedel International for boat launch repairs at Cathedral Park as complete and authorize final payment of \$36,550 (Report; Contract No. 26131)

Disposition: Adopted.

- 2035 Accept contract with Russell Construction, Inc., for ballfield lighting installation at Farragut Park as complete and authorize final payment of \$2,387 (Report; Contract No. 26269)

Disposition: Adopted.

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- \* 2036 Authorize an agreement with the Friends of the Children's Museum to provide increased program staff at the Children's Museum in the amount of \$244,325 (Ordinance)

**Disposition:** Ordinance No. 163715. (Y-4)

- \* 2037 Authorize amendment of contract with Bullivant, Houser, Bailey, Pendergrass & Hoffman for legal services by increasing contract amount to \$25,700 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163716. (Y-4)

**City Auditor Barbara Clark**

- \* 2038 Reduce systems development charge for 2510 SE 157th Ave. (Ordinance; Amend 162351)

**Disposition:** Ordinance No. 163717. (Y-4)

- 1998 **TIME CERTAIN: 9:30 AM** - Create the Adventist, Montavilla and Linn Park Local Improvement District and provide for constructing sanitary sewer systems (Hearing; Ordinance; Previous Agenda 1922)

**Discussion:** Karen Kramer, Manager, Mid-County Sewer Project, said this ordinance will allow them to proceed with bids on their 1991 work. She said since the hearing on December 5th they have received five more remonstrances for a total of seven. She said six of the seven deal with the method of assessment and how the costs were apportioned to individual property owners. Ms. Kramer said they are now in the phase of releasing preliminary assessments. When the project is completed final assessments will be made.

Commissioner Blumenauer noted that only seven remonstrances, mostly technical in nature, had been received from the over 2,000 property owners involved. He moved to overrule the remonstrances. Commissioner Bogle seconded and the motion carried.

Commissioner Lindberg said it is really phenomenal that so few people have objected and shows the good work that has been done.

**Disposition:** Remonstrances overruled. Passed to second reading. December 26, 1990, 9:30 a.m.

REGULAR AGENDA

Mayor J. E. Bud Clark

- \* 2039 Contract between the City of Portland and the Oregon Trail Chapter of the American Red Cross for \$72,194 to administer alcohol/drug free and winter emergency housing projects and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163718. (Y-4)

- \* S2040 Transfers appropriations within and between certain operating bureau budgets special appropriations, and between funds; adjust resources and requirements in various funds (Ordinance)

**Discussion:** Tim Grewe, Director of Financial Planning, said a substitute in the form of two attachments has been filed. One has to do with final technical adjustments on the encumbrance carryover in the budget and the second has to do with final budgetary adjustments for the IBIS program. Commissioner Lindberg moved the substitution. Commissioner Bogle seconded and the motion carried (Y-4)

In addition, Mr. Grewe said an amendment is needed to transfer \$5,200 from contingency funds to the Bureau of General Services to pay for an environmental analysis in connection with sale of the old Police Bureau block. Commissioner Lindberg moved the amendment which was seconded and passed (Y-4).

**Disposition:** Substitute Ordinance No. 163719; as amended. (Y-4)

Commissioner Earl Blumenauer

- 2041 Direct Bureau of Environmental Services to develop Code changes to comply with ORS 459.311 Surcharge for remedial action or removal; collection; allocation (Resolution)

**Discussion:** Sue Keil, Environmental Services, said this concerns language being implemented related to the incinerator and is being brought to Council as a way of giving notice to the public.

**Disposition:** Resolution No. 34794. (Y-4)

- 2042 Revise the tonnage fee that is billed to refuse collection permittees for the purpose of funding the City recycling program (Ordinance; amend Section 17.102.055 of the Code)

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**Discussion:** Ms. Keil said this tonnage fee will cover the cost of the recycling program for the current fiscal year and is being attached to the same time frame as the Metro tipping fee increase in February so that the full year cost from February through June can be collected. She said later they will ask Council for approval of another tonnage fee to carry them from July until October when the franchise fees go into effect.

**Disposition:** Passed to second reading. December 26, 1990.

- \* 2043 Approve a method for the Bureau of Environmental Services to assign residential garbage collection territories to be served by franchised Portland waste collectors, effective October, 1991 (Ordinance)

**Discussion:** Ms. Keil said this ordinance will do two things. First, it establishes an equitable process for valuing the accounts that haulers currently have and will establish the basis for the amount of new business they will receive in the franchising process. Secondly, it provides a means of splitting up routes among geographically contiguous haulers based on the route valuation of current collectors.

Ms. Keil said they have been meeting regularly with haulers on both these processes and that they seem to be comfortable with them.

Commissioner Blumenauer said now is the time for Council to voice any reservations it has about this process.

Commissioner Lindberg asked if route consolidation was required.

Ms. Keil said yes but that haulers should come out with the same value on their collection as they have now. The difference will be that their routes will be contiguous and that there would no longer be a situation where you have three different haulers on the same street.

Mayor Clark noted that the aegis will be on the haulers to divide it up among themselves.

Ms. Keil said Environmental Services or a Hearings Officer will mediate in cases where agreement cannot be reached.

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Mayor Clark commented on the absence of garbage trucks circling City Hall today and said that was a good sign to him that progress had been made.

**Disposition:** Ordinance No. 163720. (Y-4)

- \* 2044 Call for bids to furnish curbside recycling containers, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163721. (Y-4)

- \* 2045 Authorize the continuance of negotiations for the purchase of a street dedication required for construction of the intersection improvements at SE 50th Avenue and SE Division Street, authorize the City Attorney to commence condemnation proceedings and authorize the City Attorney to obtain early possession (Ordinance)

**Disposition:** Ordinance No. 163722. (Y-4)

- \* 2046 Accept a grant from the Oregon Traffic Safety Commission to promote traffic safety education (Ordinance)

**Disposition:** Ordinance No. 163723. (Y-4)

**Commissioner Mike Lindberg**

- \* 2047 Authorize an agreement with CH2M-Hill Northwest, Inc., for \$375,000 for engineering services for the Water Source Options Study; transfer funds and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163724. (Y-4)

- \* 2048 Authorize an agreement with Decision Sciences, Inc., for \$41,800 for consulting services for the Water Treatment Pilot Study, transfer funds and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163725. (Y-4)

Commissioner Lindberg moved Suspension of the Rules in order to consider the following ordinance which has to do with computerization of the permit process in the Parks Bureau. Commissioner Blumenauer seconded and the motion carried (Y-4)

- \* 2048-1 Purchase Park Bureau computer from IBM Corp. without advertising for bids (Ordinance)

**Disposition:** Ordinance No. 163726. (Y-4)

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1999 TIME CERTAIN: 10:00 AM - Adopt the Balch Creek Watershed Protection Plan amending Comprehensive Plan Policies, the new Title 33 of the City Code, Comprehensive Plan Map and City Zone Maps (Ordinance)

**Discussion:** Al Burns, Planning Bureau, showed slides of the area to illustrate the need for protection measures in a watershed area dominated by forests. One of the greatest environmental concerns is soil erosion.

The Planning Bureau advocates two protective zones -- a conservation zone and a preservation zone -- in order to achieve the degree of protection needed. They propose a Comprehensive Plan amendment and deletion of the natural resource zone from the new Code so that this area would be held as an urban reserve and not an urban growth area. He said the Balch Creek Task Force, as their first task, determined that a sewer could not be built in an environmentally sensitive manner and that the basin could not accommodate the 1000 units that were to be served by the sewer.

Mr. Burns said the most significant recommendation is that 90% of the property be retained as forest. This will mean that development in this area will differ from that of most other City suburbs. The report also recommends the use of erosion control measures developed for the Tualatin River basin.

Commissioner Blumenauer said two years ago citizens brought the sewer issue to the attention of Council and its resolution stands as a good example of the land use planning and teamwork that the City prides itself on. Now, the issue is how to manage the environment.

Molly O'Reilly, 1414 NW 53rd Drive, and Chair of the Balch Creek Task Force, described the makeup and work of the 11-member Task Force. She said it had been given

two charges: 1) recommend an appropriate solution to the sewage disposal problem in the Royal Highlands Sewer District and, 2) recommend appropriate land use based on these facilities. She said a pump station had been proposed to solve the sewage problems and today a protection plan for the area is being proposed. The proposed plan is a compromise which will still offer substantial protection to an exceedingly fragile and valued resource.

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Ms. O'Reilly said one controversial point is the requirement for a 90% forest canopy. While critics claim this is too high, she cited watershed areas in Austin, Texas and Raleigh, North Carolina, where the requirement is even higher. She said the Task Force concluded that the Basin was not an appropriate place to try to satisfy the Comprehensive Plan Goal 10 housing requirement. She said adoption of the plan will prevent the expensive and continual problems urban streams often cause and cited a National Parks Service study which shows that properties proximate to parks increase in value.

Mayor Clark asked how one measured to determine a 90% cover.

Mr. Burns said the Bureau uses a special device specifically designed for this purpose. He said the Bureau has interpreted the 90% requirement to mean a forest that currently has a 90% canopy or that, if left alone, will have that closure.

Supporters of the protection plan included:

- Chris Wrench, 3103 NW Wilson, Northwest District Association
- Elaine Medoff, 6241 NW Cornell
- Scott Meyer, 6047 SE 34th, Portland Audubon Society
- Jack Fried, 1714 NW 32nd
- Ralph Rosenlund, 5830 NW Cornell
- Mike Houch, 2433 NW Quimby
- George Barton, 5100 NW Cornell
- Ellen VanderSlice, 2951 NW Raleigh, Friends of Balch Creek
- Kathy Sharp, 2748 NW Thurman
- Arnold Rochlin, Route 2, Box 58, Portland 97231
- Nancy Rosenlund, 5830 NW Cornell
- Julia Gibson, 2911 NW Cornell
- Richard Meyer, 5151 NW Cornell Rd., Portland Audubon Society
- Kevin Young, 415 SW Montgomery, #22
- Barbara Stross, 2033 NW Glisan

Supporters urged adoption with the 90% cover requirement in order to protect the watershed and wildlife in a threatened and sensitive area. They cited the educational value of an urban native stream and argued against allowing any development that threatens this unique resource.

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Opponents of the plan included:

Anne Moore, 6700 NW Thompson

Jim Bartels, 520 SW Yamhill, Suite 800

Joe Prinz, 9015 NW Skyline

Jack Banton, 9541 SW 62nd

Don Joyce, 226 NW Hermosa

Logan Ramsey, 3026 NW Skyline

Max Miller, 888 SW 5th Ave., appearing on behalf of  
Will Vinton and Lindley Morton, owners of the Gale's  
Ridge PUD

Jan Schmidt, 6518 SW Barnes Road

Opponents disputed the extent to which development threatens the resource and said the plan is unnecessarily restrictive and confiscatory for property owners. They particularly objected to the requirement for a 90% canopy closure.

Mr. Bartels proposed a series of amendments for Council consideration, including a proposal calling for the reduction of the required tree cover from 90% to 50%, and the replacement of trees on the other 50%.

Mr. Ramsey supported Mr. Bartels' amendments and proposed several additional ones as a compromise that property owners would be willing to accept. These included: 1) limiting the ec and en zoning parcel coverage to no more than 50%; 2) limiting extension of these zone designations to no more than 100 feet from the centerline of Balch Creek where there is year-round stream flow, and 50 feet where the flow is intermittent; and 3) requiring erosion control measures in all disturbed areas. He asked that his testimony before the Planning Commission, as well as that of Peggy Olds of the State Conservation and Soils Department and Al Burns of the Planning Bureau be included in the record. He said the policy regarding 20-acre sites conflicts with everything that has been done before and that there should be a minimum cleared area of 10,000 square feet on substandard lots. Finally, he asked that he be allowed to keep the commercial designation on property he owns at NW Skyline and Cornell.

Commissioner Lindberg asked Mr. Burns to comment on Ms. Olds' testimony.

Mr. Burns said they had asked for parallel studies which would show that lower standards will accomplish the same purpose and that he believes the available evidence does not support a reduction to 50%.

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Ms. Schmidt asserted that inaccuracies in the overlay map regarding her property had not been corrected, despite their being brought to the attention of Mr. Burns.

Commissioner Blumenauer asked her to give the information to the Clerk.

Commissioner Blumenauer suggested taking time to analyze the testimony presented today and preparing a matrix of the issues raised.

Commissioner Lindberg asked if the 90% canopy did not make development impossible, and said he would like further information about this.

Mr. Burns said he would provide a summary and apologized for not making the map corrections requested by Ms. Schmidt.

Mr. Bartels said he would be glad to work with staff on any of the amendments he had submitted.

**Disposition:** Continued to January 2, 1991, 2:00 pm, Time Certain.

At 11.40 a.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF DECEMBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- \* S2051 Amend the new Title 33 of the City Code by adding a new chapter requiring review of most development in forests until June 30, 1991 (Previous Agenda 1995)

**Discussion:** Commissioner Blumenauer said while last week's hearing had been very useful, he was recommending to Council today that they continue the temporary prohibition that was established last September. So that there is no question as to Council's intent that these restrictions continue forward, he asked that this be incorporated into the new zoning code that goes into effect January 1. He said he would like to continue to address concerns and seek a solution that would not be unduly burdensome on those affected by it or on the Bureaus administering it. The Planning Bureau will also continue its work in trying to identify the resources.

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Bob Stacey, Planning Bureau Director, said it is their hope that Council will take action today to reenact the existing interim protection ordinance and make it part of the new Code so there will be no doubt about the continuing application.

Commissioner Lindberg said he was concerned with the maintenance of natural areas in City parks and believes Parks and Planning Bureau staffs had met to try to find a solution.

Mr. Stacey said under the new ordinance that had been proposed the Planning Commission had recommended some changes in definition which eliminated many of the problems the Parks Bureau had. An amendment has been prepared to incorporate those into the existing interim measure.

Al Burns, Planning staff, said they added an exception to the prohibitions (33.299.040(E)) which allows any activity necessary to maintain or protect an existing improvement.

Commissioner Lindberg moved the substitute ordinance. Commissioner Bogle seconded and the motion carried. (Y-4)

Commissioner Blumenauer moved to amend the ordinance to add an exception to the prohibition under item E, allowing any activity required to maintain or protect an existing improvement. Commissioner Lindberg seconded and the motion carried. (Y-4)

Commissioner Blumenauer said he appreciated the feedback they received last week and said a number of people are committed to helping the City work through this and find a permanent solution.

**Disposition:** Substitute Ordinance No. 163727, as amended. (Y-4)

**2049 TIME CERTAIN: 2:00 PM - Appeal of Arnold Creek Neighborhood Association against decision to approve the application of Meadowview Associates and Elliott Wolfe Inter Vivos Revocable Trust for a 26-lot PUD at SW Stephenson and Lancaster (Hearing; CU 71-90/S 38-90)**

**Discussion:** Cathey Briggs, Planning Bureau, showed slides and described this application to develop a 9.7 acre site with 26 single family houses on lots ranging from 7,000 to 13,000 square feet with a 1.7 acre open

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space tract. She said the Hearings Officer's decision was approval with conditions. These include: requirements for improved frontage at SW Stephenson, an erosion control plan, a tree inventory and preservation plan, and a pedestrian accessway from the private street tract through the open space.

Ms. Briggs said the Hearings Officer found that the development meets general and specific PUD criteria and that compatibility does not require that lot sizes be the same. However, the appellant contends that the project does not meet PUD intent because the lots are too small and the development is not compatible with the character of the neighborhood.

Lori Meuser, Arnold Creek Neighborhood Association Chair, appellant, said they are not opposed to development in their neighborhood but are opposed to this project because the smaller lots do not maintain the character of the neighborhood. She said the previous Hearings Officer had interpreted the Code differently and had supported the neighborhood on this point in connection with several other projects in the area.

David Vance, 1318 SW Stephenson, requested six additional conditions and a modification that would require that all lots be a minimum of 64 feet wide. The first would change the word "should" to "shall" for

Condition P of the Hearing Officer's decision regarding peripheral landscaping. Other conditions include requests that (2) all peripheral lots, not just those currently specified in the decision, have R10 standards; and (3) that setbacks for all lots that meet R-10 standards should have R-10 setbacks.

In addition, requests were made to: (4) require the hiring of an arborist to evaluate existing trees and be present during the construction; (5) add six off-street park spaces; and (6) specify that no lots of less than 7,000 feet be allowed in the final plat.

The biggest objection, Mr. Vance said, is the narrowness of the lots. He contended that a 52-foot width, as planned for five of the lots, is not in character with the area.

Alan Spinrad, 4640 SW Macadam, Suite 200, attorney representing the applicants, said since lot size is the major issue here it is important to look at the characteristics of the parcel. The parcel is very

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irregular with a ravine running through it. He said compatibility does not require that lot sizes in a new development be identical to the surrounding area and that the lot division reflects their efforts to save the natural drainage way. The project meets every criteria of a PUD and the 26 proposed lots are less than the 30 the R10 zoning would permit.

Mr. Spinrad said there is no need for a full-time arborist to be on hand and reviewed other conditions proposed by Mr. Vance. He said they have no problem with changing "should" to "shall" and do intend that all peripheral lot lines meet R10 standards. However, the condition calling for all lots of R10 size to meet the R10 setback requirements would be difficult to meet because of the irregular lot sizes. He also said the offstreet parking requirement is more than met and six additional spaces were not appropriate. They do not object to the 7,000 square feet lot size requirement but believe the irregular shape of the site precludes a minimum width of 64 feet for all lots.

Joe Dills, 2126 SW Arnold, said the neighborhood is not asking for the lot sizes to be the same as the surrounding area. What they are asking for is that lot size, specifically lot width, be in character with R7 rather than the R5 character that will result from 52 foot lot widths.

Linda Tipton, 11948 SW 34th, objected to the high concentration of homes and said this development will contribute to urban sprawl. She called for the preservation of as many natural sites as possible.

Mr. Spinrad said he wanted to make it clear that out of the 26 lots, there are only four that are 52 feet wide, all on the interior and all abutting the open space.

Commissioner Lindberg asked about the tree preservation plan and how it would be enforced.

Ms. Briggs said a condition of approval is that a tree inventory and preservation plan would have to be submitted prior to final approval. The Bureau of Buildings is normally charged with enforcement.

Commissioner Lindberg asked whether an arborist would be required to do the tree preservation plan.

Ms. Briggs said the condition did not specifically require that an arborist prepare the plan. She said the developers believe it would be onerous to have an arborist on site during the entire construction project.

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Commissioner Blumenauer said some of the suggestions make sense, such as changing "should" to "shall", clarifying intent on the R10 standards, and making sure that a minimum lot size of 7,000 square feet is required.

Ms. Briggs suggested clarifying the condition to make sure that the lot sizes at the final plat are 7,000 square feet and said she agreed that Mr. Vance's suggestions regarding 1, 2 and 6 should be made a part of the conditions.

Commissioner Blumenauer moved to add those conditions. Commissioner Lindberg seconded and the motion carried. (Y-4)

Commissioner Blumenauer moved to tentatively deny the appeal and approve, with conditions, the Hearings Officer's decision to grant the application.

Commissioner Blumenauer asked the developer their intent regarding tree preservation.

Wally Reimers, 9700 SW Capitol Highway, project developer, said he has been involved in several projects that have had tree preservation conditions. He said the significant trees in the greenway will be preserved, adding that things may be confused regarding preservation of some pear and apple trees, which he does not consider significant.

Mr. Vance asked if the setbacks would be at R7 now or after the first of the year when the new Code goes into effect.

Commissioner Blumenauer said it would be under the current Code.

Ms. Briggs said she can make this explicit in the findings to eliminate confusion.

Commissioner Lindberg said he believes the project meets the legal requirements of a PUD, although there may be some judgment calls regarding compatability and he hopes the developer will continue to meet with the neighbors to discuss their concerns.

**Disposition:** Appeal denied tentatively, with conditions. Bureau of Planning prepare findings for January 9, 1991, 2 pm.

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## REGULAR AGENDA

2050 Appeal of American Cancer Society, Oregon Division, applicant, against Hearings Officer's decision to deny a revocable permit to use property as a parking lot at 0330 SW Curry Street (Hearing; 8006-R)

**Discussion:** Jessica Richman, Planning Bureau, said both Planning staff and the Hearings Officer recommended denial of this revocable permit for a period of six years to enlarge an existing parking lot to allow an additional 13 spaces. The Hearings Officer said it was unlikely that it would be a temporary use and would have a negative effect on the neighborhood. She also found that it conflicts with Comprehensive Plan goals and policies relating to neighborhoods, housing, neighborhood plans and urban development.

Ms. Richman said the appellant believes the parking lot is needed for volunteers and that it will remove a current eyesore. They also contend that a sewer easement running through the property precludes building a major structure over it and, in effect, denies them use of the land.

Mayor Clark asked what is usually built over sewer easements.

Ms. Richman said typically one would see a courtyard, parking area or driveway.

Pete Kasting, Chief Deputy City Attorney, said while the City discourages the building of structures over sewers, it might be allowed, if built under a revocable permit or an easement where the developer assumes all risks and indemnifies the City against any damages to the sewer.

Gerard Trageser, Executive Vice President, American Cancer Society, showed slides of the area. He asserted that the added parking will benefit the neighborhood by preventing an overflow of parking onto adjacent streets. He said the lot will be landscaped and that they have offered use of the facility to the neighborhood for appropriate meetings.

Supporters of the American Cancer Society testifying in favor of the application included:

John Annard II, 8260 SW Hunziker Road, Tigard 97223,  
Architect

Norm Glenn, 21949 NE Couch, Troutdale 97060

Dolorosa Mangulis, 3621 SW Kelly

Roy Patton, 2423 NE 8th

Mike Aho, 14006 SW 139th, owner of lot 153

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Supporters said they believe the Cancer Society is a good neighbor and that the lot will be an enhancement, providing needed parking for volunteers and taking cars off the streets.

Byron Backlar, American Cancer Society President, said the Society accepts the three conditions proposed by the Corbett-Terwilliger-Lair Hill Neighborhood Association.

Mayor Clark said he supported the Cancer Society.

Commissioner Lindberg asked staff if the problem with the sewer was known to the Hearings Officer.

Ms. Richman said the presence of the sewer easement would not preclude residential development, with use of the area in question as a courtyard or for parking.

Commissioner Blumenauer said he would vote to grant this appeal because he has absolute confidence that the Cancer Society will tear this out in six years as it has promised and that housing in some form or other will be built after that.

He moved to tentatively grant the appeal with the three conditions proposed by the Neighborhood Association and agreed to by the Society. Commissioner Bogle seconded and the motion carried. (Y-4)

**Disposition:** Appeal granted tentatively, with conditions. Bureau of Planning prepare findings for January 9, 1991, 2:00 pm.

At 3:55 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council

DECEMBER 20, 1990

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THURSDAY, 2:00 PM DECEMBER 20, 1990

DUE TO THE LACK OF AN AGENDA  
THE REGULAR MEETING IS CANCELLED

NOTICE OF SPECIAL COUNCIL SESSIONS

Beginning Thursday, December 20, 1990, and continuing through January 31, 1991, the City Council will hold special sessions for the purpose of discussing the Budget. The meetings will be held Thursday afternoons from 2:00 to 4:30 p.m. in Council Chambers, 1220 SW 5th Avenue, Portland, Oregon 97204.

These meetings are planned as work sessions and no public testimony will be accepted unless otherwise directed by the Council.