



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF MAY, 2001 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

Items No. 563 and 567 were pulled for discussion and, on a Y-4 roll call, the balance of Consent Agenda was adopted.

<p>559 TIME CERTAIN: 9:30 AM – Accept the 2001 Seasonal Water Supply Augmentation and Contingency Plan (Report introduced by Mayor Katz and Commissioner Sten)</p> <p>Motion to accept the record: moved by Commissioner Sten and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
<p>*560 TIME CERTAIN: 10:00 AM – Terminate Intergovernmental Agreement and adopt new Intergovernmental Agreement regarding emergency management planning and coordination (Ordinance introduced by Mayor Katz and Commissioner Francesconi)</p> <p>(Y-4)</p>	<p>175578</p>
<p>CONSENT AGENDA - NO DISCUSSION</p>	
<p>561 Accept bid of Kerr Contractors, Inc., to furnish Garthwick combined sewer project for \$1,135,272 (Purchasing Report – Bid No. 100584)</p> <p>(Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>Mayor Vera Katz</p>	
<p>562 Amend the effective date of the Southwest Community Plan Vision, Policies and Objectives until the Southwest Community Plan Comprehensive Plan/zoning map update becomes effective (Ordinance; amend Ordinance No. 174667)</p>	<p>PASSED TO SECOND READING MAY 23, 2001 AT 9:30 AM</p>

MAY 16, 2001

<p>*563 Authorize acquisition of property at 1280-1300 SE Gideon Street for the Bureau of Fire, Rescue and Emergency Services (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>*564 Establish the nonelective contribution Employee Benefit Allowance for the Cafeteria Benefit Plan, known as Beneflex, for the plan year beginning July 1, 2001 (Ordinance) (Y-4)</p>	<p align="center">175569</p>
<p>*565 Receive from Oregon Transportation Network, Community Transportation Grant Program a grant in the amount of \$68,419 to install audible pedestrian signals and detectable warning devices (Ordinance) (Y-4)</p>	<p align="center">175570</p>
<p>*566 Accept grant funds and authorize signature of agreement from the Oregon Transportation Network, Community Transportation Grant Program in the amount of \$13,714 to install audible pedestrian signals and signage (Ordinance) (Y-4)</p>	<p align="center">175571</p>
<p>*567 Apply to Tri-Met/ODOT for Special Transportation Grant funds to purchase and install audible pedestrian signals for pedestrian safety, particularly for the elderly and disabled (Ordinance)</p>	<p align="center">FILED FOR NO FURTHER CONSIDERATON</p>
<p>*568 Apply to the U.S. Department of Transportation, Federal Highway Administration, for Pedestrian Safety Engineering and Intelligent Transportation System-Based Countermeasures Program Grant funds in the amount of \$150,000 to study pedestrian crashes (Ordinance) (Y-4)</p>	<p align="center">175572</p>
<p>*569 Authorize an agreement between the City and the City of Gresham to provide laboratory analytical services (Ordinance) (Y-4)</p>	<p align="center">175573</p>
<p>*570 Authorize application to the Department of Housing and Urban Development for a grant in an amount up to \$700,000 for Portland YouthBuilders (Ordinance) (Y-4)</p>	<p align="center">175574</p>
<p>*571 Accept grant from the Mt. Hood Cable Regulatory Commission in an amount up to \$69,000 for the Housing Clearinghouse Project (Ordinance) (Y-4)</p>	<p align="center">175575</p>
<p>572 Authorize application to Oregon Watershed Enhancement Board for a grant in the amount of \$102,893 for Johnson Lake and Hayden Meadows Restoration projects in the Columbia Slough (Second Reading Agenda 536) (Y-4)</p>	<p align="center">175576</p>
<p align="center">City Auditor Gary Blackmer</p> <p>*573 Assess system development charge contracts (Ordinance; K0037, K0038, T0054, Z0733) (Y-4)</p>	<p align="center">175577</p>

MAY 16, 2001

REGULAR AGENDA

Communications

574 Request of Richard L. Koenig to address Council regarding appreciation of
Commissioner Hales (Communication)

PLACED ON FILE

At 10:17 a.m., Council recessed.

MAY 16, 2001

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF MAY, 2001 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

Commissioners Francesconi and Hales arrived late.

<p>575 TIME CERTAIN: 6:00 PM – Repeal Title 34, Subdivision and Partitioning Regulations and amend Title 33, Planning and Zoning to add new Land Division regulations and clarify additional Zoning Code regulations related to land divisions (Ordinance introduced by Mayor Katz; repeal Title 34 and amend Title 33)</p>	<p>Disposition: CONTINUED TO JUNE 27, 2001 AT 2:00 PM TIME CERTAIN</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p>576 Tentatively deny appeal of Pleasant Valley Neighborhood Association and uphold Hearings Officer's decision with conditions to approve the application of Majestic Homes, Inc. and Alice Kisaberth, for a 31-lot Planned Unit Development subdivision with an environmental review at 14449 SE Clatsop Street (Findings; Previous Agenda 558; LUR 00-00486 SU PU EN)</p> <p>Motion to amend the findings: Moved by Commissioner Sten and seconded by Commissioner Saltzman.</p> <p>(Y-3)</p>	<p style="text-align: center;">APPEAL DENIED ADOPT FINDINGS AS AMENDED</p>
<p style="text-align: center;">Mayor Vera Katz</p> <p>577 Report from the Multnomah County/City of Portland Youth Advisory Board (Report)</p> <p>Motion to accept the report: Moved by Commissioner Saltzman and gavelled down by Mayor Katz after hearing no objections.</p>	<p style="text-align: center;">ACCEPTED</p>

At 9:25 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For discussion of agenda items, please consult the following Closed Caption Transcript.

MAY 16, 2001

Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

MAY 16, 2001 9:30AM

Katz: Before we start, I just want to say how honored the city of Portland should feel by the visit of the dalai lama. His messages of compassion and tolerance in what he calls a warm heart as well as nonviolence hopefully can make this city a better place to live. So thank you, everybody, for participating. Thank you for those who were delayed by traffic. He is a head of state as well as a leader of a country that he's exiled now. I appreciate your patience. I am wearing a kata that he gave me today, so I wasn't going to take it off for the council meeting. All right. Consent agenda. Items, anyone want to pull anything off? 563 is to be pulled and returned to --

Moore: 567 has asked to be pulled also.

Item No. 563. and Item. No. 567.

Katz: All right. 563 is to be pulled and returned to the commissioner in charge.

Moore: Yes.

Katz: And 567 as well. There is a duplicate on 567 and do we know -- i'll find out the story on --

Moore: It was on last week and passed.

Katz: All right. Any objections? Hearing none, so ordered. [gavel pounded] anybody else want to pull anything off the consent agenda? Okay. Roll call.

Francesconi: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Present. That also will be instead of a normal roll call. All right. Time certain. 559.

Item No. 559.

Katz: All right. I'm going to turn this over to commissioner Sten, but my -- mike asked if he needed to do a long presentation, and I said he doesn't do -- need to, but he does need to do a presentation to -- so that the public if they're watching or listening clearly understands why we're doing what we're doing.

Sten: Thanks, mayor. This is our annual report to council to forecast what we think will happen. We can never forecast what we know will happen in terms of water supply this summer. And you'll get the details on this. There's a very good article today that outlined it, so there's another chance for the public to learn about this. We are region wide in a drought from lack of rain -- potential drought. Interestingly enough, that doesn't affect our water supply all that much because the bull run is driven by spring rain. What really affects our summer supply is how much it rains in the spring, and if there's been any indication in the last couple weeks, we believe we're going to be in good shape, probably will actually be -- our partners who drink the tualatin system are more driven by snow, so we believe we'll be in a position to help with the tualatin clackamas systems. Had it gone the other way and there was a lot of snow and a dry spring, we'd be looking for them to -- to them for help. There's a dry winter and spring, and we're all looking for something. In this case I think we're in pretty good shape. Notwithstanding I think it's an excellent and important year to keep trying to push the message of conservation and try to do the outreach and all of the thinks we do, because I think power prices, the change in the weather, am these things will be on people's minds. Although we continue to try on these issues, perhaps this is a year we can push harder into the conservation message, I hope. Mike?

Mike Rosenberger, Director, Bureau of Water Works: Thank you, commissioner. Mayor Katz and members of the council, i'm mike rosenberger. I think commissioner Sten hit a number of the

MAY 16, 2001

points that I think we need to hear. We do expect that we have adequate supplies to get through the summer, even if it is fairly warm and dry. And it's due to the fact that the reservoirs in the bull run are full and we have access to a lot of water in the wellfield. We do intend to have a strong water conservation and wise water use message, and when we're finished, before I leave I have an update conservation report for you as of may to that -- that describes what we're doing in both our residential sector as well as the big program with business and industry and institutional users, including city agencies like the parks bureau and the school district. We do expect that we will be selling some additional water on the west side to the tualatin valley water district and to -- as commissioner Sten said, to some of the participants of the joint water commission. In fact we're selling them some additional water right now as of the beginning of this week. At the same time, we do expect to continue to do some flow releases for fish like we did last year, and that's factored into the plan. With regard to the wellfield, what we would expect to do is make a recommendation to the commissioner based on our assessment as we monitor supply and demand as to whether or not we should turn on the wells and when and how much. So last year we turned wells on in august and ran them for about 45 days at a blend ratio of about 80/20. We're not certain that's where we would be this year, but it's likely that there might be some groundwater use and we would make a recommendation to the commissioner about that. Finally, we have retrofitted all of the benson bubblers in -- based on the policy the council adopted last year, so they are flowing during the day but they're turned off at night. So if that policy is changed, we can retro-retrofit.

Katz: I think we left the policy to commissioner Sten and yourself. We'll leave it up to you to decide.

Rosenberger: That's where it is.

Francesconi: We gave some recommendations, though.

Katz: We're giving you the responsibility with an open heart to make that decision. [laughter]

Rosenberger: Thank you. And we'll make the decision wisely.

Francesconi: Can we take bets on how long the mayor's new attitude lasts?

Rosenberger: Hopefully --

Katz: I've had this attitude for a long time. You never noticed it.

Rosenberger: That's pretty much the story. We think that things look good. We'll be monitoring them constantly ask doing probably biweekly reports.

Katz: Could you repeat one more time for the public as to why we are in a good -- in good shape? Because it's hard for them to comprehend when we talk about rainfall and energy issues related to the bull run.

Rosenberger: Mayor, I think the short answer to that is that we have two water sources. We have the bull run, which is at capacity right now as we're going to be entering the summer season, and we have the backup water supply, the wellfield, a great -- which has a great deal of capacity. Given those two source and wise water use, we will be in good shape in the metropolitan area both ourselves in the city and our partners.

Katz: And that's still -- that still allows for release of a flow for fish protection?

Rosenberger: That's correct.

Katz: All right. Your conservation message?

Rosenberger: The conservation message is that there is water available, but it's not to be wasted. It's to be used efficiently inside and outside. In the summertime of course we focus on outdoor water use in our message because we do tend to increase water use 50% or so in the city and up to 100% and more in the suburbs. So the focus tends to be outdoor, and it's on using it wisely and not wasting it.

Katz: Questions? All right. Did you want to add anything?

Rosenberger: No.

MAY 16, 2001

Katz: All right. Let's open it up. Anybody in the public want to testify? Oh. Okay. Then we'll have roll call.

Francesconi: --

Katz: This is a motion to accept the record.

Sten: so moved.

Saltzman: Second.

Francesconi: Our water bureau and our water supply is in good hands. You're doing a good job with this. Very good job. Now we do need to all do more, starting with me. As just piece -- as just peace begins with me, according to the dalai lama, water conservation begins with me and my kids.

And we can do a better job. And I think we need to get that message out. We were lucky this time we got some rain after we expected it. But with this energy crisis, we can't save the salmon, we can't have power unless we conserve. So we all need to do our parts, led by the water bureau efforts. Aye.

Saltzman: Aye.

Sten: Quickly I want to thank mark for his hard work on this. He's quiet on this. We're moving forward on meetings with our regional partners to try and talk through the possibility of a regional entity rather than the 26 water bureaus that we have. I think it will be slow, but it on the right track.

I think this year the ability for us to help them a little bit, the tualatin and clackamas systems is very significant, because it sends the message that we're all in this together. Like I said, had the rain come in the winter rather than the spring we'd be in the opposite positions. So there you have it. Thanks. Aye.

Katz: I don't want the conservation message to go and not to be repeated. It is important for all of us individually to make that effort. And it all starts with each one of us. So use the water wisely. It is there -- as least as of today we don't have to worry about our drinking water, but make sure you conserve watering, especially when you wash your cars and water your yards and your lawns. Aye.

[gavel pounded] 560. Oops. We have -- folks are not here. All right. Is richard koenig here?

Moore: I don't see him.

Katz: All right. I guess -- I don't see management, emergency management here either. All right. Why don't we take a 15-minute recess. Thank you. [gavel pounded]

At 9:45 a.m., Council recessed.

At 10:00 a.m., Council reconvened.

Katz: We'll take item 560. Okay. Come on up.

Item No. 560.

Steve Muir, Emergency Management Coordinator, Portland Fire Bureau: Mayor, council. I'd like to introduce doug, he's the emergency management coordinator with Multnomah county. And -

-

Katz: Morning.

Muir: And the emergency coordinator for gresham.

Katz: Fine. Why don't you gentlemen have a seat.

Muir: Mayor and council, our purpose in coming here today is to recommend adoption of a new intergovernmental agreement to take over where the -- to remove the existing intergovernmental agreement and put in place a new agreement. Really the reason for doing this is that we really found that the existing iga was not working. We needed to find something that would allow us to pursue coordination of emergency management efforts within the county in a more unified fashion. So with that vision, we've produced a new iga.

Katz: Why wasn't it working?

Muir: A number of reasons. I think at first it wasn't really based on the relationship of personnel people, nor of agency. I believe it was something that people -- a group of people put in place

MAY 16, 2001

without talking to the -- to those involved. And as a consequence, then, it built into it certain things that created some problems. One of the issues was creating an east side and a west side user board, which tended to divide rather than unify emergency management within the county. And further, it inadequately addressed key roles and responsibilities, assigning -- without prior discussion, assigning a quarter time position for several people in the county as well as several cities within the county, and without having that prior discussion I think it was not -- it was not built in an adequate fashion. We recognize the need for emergency management coordinated emergency management for planning functions, for recovery, for mitigation efforts and for bringing our ideas together. We believe that in a unified fashion, in a coordinated fashion between Multnomah county, the city of Gresham, the city of Portland, we can do that. So already we have initially established cooperative relationships between the emergency management programs within the county. We've also seen success in the project impact grant that was from the federal government through the state, a joint fashion to the county as well as to the city of Portland. So I think we found success in that. We also found success at terrorism needs assessment as being conducted right now through the state, but it's being coordinated with the Multnomah county emergency management office. City of Portland is a part of that. We've also found success in developing -- working on plans in animals in disaster, disaster mental health. So I think what we have is a need for cooperation, a need for this kind of coordination, and a commitment on the part of the emergency management offices in each agency to really pull our part -- our efforts together. We also need to build on the strengths of the county and of the city of Gresham and of Portland. I think by cooperative and coordinated emergency management we can look at the strengths of each program, take those and add those to each of our own programs and make those ours. So the new iga provides a simplify yet efficient framework for effectively bringing our plans and our emergency management programs into a more coordinated fashion. So our recommendation is for adoption of the new iga.

Katz: Gentlemen, take the mike.

Moore: Excuse me, we need his name for the record.

Muir: My name is Steve Muir.

Katz: Do you want to add something? Please, identify yourself for the record and talk to us.

Doug McGillvray, Coordinator, Multnomah County Emergency Management: I'm Doug McGillvray. I'm here along with Gene and Steve to voice my support for this document and for the concept in general. And I agree with the points made by Chief Muir. I would like to take the opportunity to add one thing, and that is over the years, the emergency management and -- in all three of these venues have worked independently. They've worked together in a fashion, but the programs have been specific to the jurisdiction and have not been cohesive in nature. It's my belief that this iga will assist us in making the programs more seamless. Certainly there are programs that need to be specific for Portland and Gresham and to the county, but there are also programs and projects that we can -- projects that we do as a team, so we can do the work one time instead of three times. And I think we'll find that working together like this as is outlined in this document would make that happen. Thank you.

Katz: Identify yourself for the record.

Gene Juve, Emergency Management Coordinator, City of Gresham: My name is Gene, and I'm the emergency management coordinator for the city of Gresham. I came on board about 3 1/2 years ago, and at the initial stages of trying to implement the old iga. I found we were spending a lot of time and resources working issues that really were premature. To have a consolidated single office is a great long-term goal, but this one wanted it to happen overnight and it did not provide an adequate structure to even make that happen. So we found ourselves more burdened by the previous one, and we kind of had it hanging over us.

Katz: There is a lesson here to be learned.

MAY 16, 2001

Juve: Yes. And it just didn't have the base to make it happen. And so we found that it was almost interfering with our coordination more than it was implementing it or allowing it. So I too agree that we find it in emergency management we only get short attention spans of support, and -- [laughter] if we get our stuff together and work together, we can really Multnomah pie our strengths, and accommodate our weaknesses a lot better. So I too encourage the commissioners to pass the ordinance.

Muir: If I might add, we had --

Katz: Steve, identify yourself for the record.

Muir: Steve muir, Portland emergency management. We had pulled together a group of emergency managers from the city, from the county and gresham about a year ago to look at and review what's working and what's not with the old iga. So we are learning from the past and we're bringing people together to look at how can we develop something that will help us coordinate better. So we are communicating with a larger group of people, we brought them into the -- to help plan and put this into place. So you bet.

Katz: Questions?

Saltzman: On the ordinance itself, there's two paragraphs that direct one -- the first paragraph directs the commissioner of public utilities, the second paragraph directs the commissioner of public affairs. Is that a typo, or is that -- i'm the public affairs and i'm not sure what my role --

Muir: That's right. You're right.

Katz: Good for you, commissioner Saltzman.

Saltzman: That should be public utilities in paragraph b as well?

Muir: It should be the same.

Katz: We'll make that -- it's a scribner error.

Muir: Very good.

Katz: That will be amended. Thank you, commissioner Saltzman, for catching that. All right. Further questions? Anybody else want to testify? Thank you, everybody. Roll call.

Francesconi: Thank you all for your work on this. Obviously when a disaster strikes we need a regional approach. But that approach has to come from relationships and the people on the ground who know how to respond to an emergency as opposed to us here at the top. One of the effects of this top-down approach from government actually creating an eastside-westside response instead after coordinated response, and it also was very expensive for some of the smaller jurisdictions. Having said this, this intergovernmental agreement is the right approach, but as we develop these relationships we made to make sure we go further on a coordinated response down the road. And you design it the right way as opposed to us designing it for you. But it's a privilege for me to be the fire commissioner, but it's good for the public that we have you in a coordinated response when the emergencies happen. Thank you. Aye.

Saltzman: I appreciate your work and your fourth rightness in describing the need to really do a new agreement. And as for when you do get those short bursts of attention from us, let us take advantage of them to thank you for all the work you do and all the drills and the planning and the thought that you put into the -- and how we respond to emergencies, because when it does happen, as commissioner Francesconi said, we couldn't get through these events without you. So thanks a lot for the work you do. Aye.

Sten: Good work. Aye.

Katz: I'm still a little concerned about the state report that we're not quite as prepared for earthquake disasters. I'm not sure whether it all related to the fact that we haven't as a state -- haven't suspended the resources for upgrading bridges and roads and other infrastructure. So what that means is that we're going to have to work a little harder trying to handle a major disaster if one occurs without that kind of assistance. So the burden on you is even greater than it would be in other communities. So you are going to have to work closer together. And I also want to thank

MAY 16, 2001

you, commissioner Saltzman and I spent time at the center when things go badly for us, and I -- we watch carefully how you all work together. We appreciate it. Thank you. Aye. [gavel pounded] all right 574.

Item No. 574.

Saltzman: He's not here?

Sten: He's really appreciated wherever he is.

Richard L. Koenig: Richard Koenig, from Buckman. It was an unbelievable cathartic experience last week after the Piac hearing, commissioner Hales and I met in the hall out there and I'm sorry he's not here to get this personally, but during his embrace of me he said that he didn't want to see me come back here and beat us, referring to you folks, up again, and I said, well, I'm going to take that as an indication that we're almost ready to affect some remedies, because I don't want to come back here and beat up on you folks anymore either. And I'm sure that probably the presence of some of the -- well, one of the most peaceful influences in the world had something to do with that. I'm sure that our mayor was touched by her close proximity to that presence last week. I'm sure that his calls for democracy and peace, peace driving from justice, I'm sure that she's going to honor that visiting -- see, she's smiling. She's happy.

Katz: I'm being tested. [laughter]

Koenig: Good for you, mayor. Anyway. That's my upbeat message for the morning. I appreciate your acquiescence so far. I'm sure the people of Portland are going -- and I want to thank the people of Portland who have been calling me and supporting this. Thank you, folks. But I want to thank you for your acquiescence so far. You had that 30-day notice after you formally relinquished your right to rebut. I gave you a grace period of 30 days, and we're almost through that. And I want to thank you for that too. You have a nice week. Thanks.

Katz: Thank you, everybody. Must be an influence somewhere here. We'll stand adjourned until 6 o'clock tonight. I'm going to take the report from the Portland youth advisory board right after we adopt the findings, because I want young people to go to bed early, since the land division code is going to be a tedious, long haul tonight. Okay, we stand adjourned until 6 o'clock.

At 10:17 a.m., Council recessed.

MAY 16, 2001

MAY 16, 2001 6:00 PM

Katz: The council will come to order. Will somebody please go get the - sergeant of arms get the remainder of the council. [roll call]

Item No. 576.

Katz: All right, everybody, we're going to do the following. I think we're going to be all right. We'll take 576 first. We have findings and bless her heart, linda bauer spotted an error in the findings. And so i'm going to need a motion to amend the findings.

Sten: So moved.

Saltzman: Second.

Katz: Hearing no objections, all right. [gavel pounded] roll call.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. [gavel pounded] and now we'll take 577 and you want to welcome the Multnomah county city of Portland youth advisory board. This is under my category, because I still have all the bureaus, and I have not returned them to anybody yet. But this was something that commissioner Saltzman was working on, so i'm going to turn it over to commissioner Saltzman.

Item No. 577.

Saltzman: Thank you, madam mayor. It gives me great pleasure to formally tonight to present to you the county, city youth advisory board. You may recall in 1999 we passed an ordinance where we more or less took the county youth advisory board and asked them to also become the county-city youth advisory board. They are composed of youth throughout Multnomah county, and they meet on -- as they'll tell you, they meet every other sunday in the lovejoy room, and they have been going at it diligently now for about two years. They've been providing advice to our bureaus, to county bureaus, to a lot of people to seek sort of the youth perspective on issues. They're here tonight to talk to us about who they are and also about some changes and direction that they want to take the youth advisory board, and becoming more proactive in providing policy input to both the city and the county, and part of the reason they're here tonight is to formally present themselves to members of the council to increase their visibility, and also basically to talk about -- more about where they want to go in the next year or so and how they want to be a resource and provide policy input, which is something all of our bureaus seek and need as we so much need the perspectives of our citizens, both young and old in this city. So with that, i'd like to call up the members of the youth advisory board who are here tonight. It's not the whole board, but we have a subset here.

Katz: Come on up.

Saltzman: I'll let them introduce themselves and talk to us for a few minutes. I guess we'll start with lela, who is the cochair of the youth advisory board, who is in her last year, she's on her way to yale university next fall.

Leela Sun, Co-Chair, City of Portland Youth Advisory Board (YAB): I think we're just going to start with introductions. I'm lela, I attend franklin high school this year. I'm one of the co-chairs.

Carson Mitchell, Co-Chair, (YAB): My name is carson mitchell, a senior at grant high school.

Becky Shonberg: My name is becky, i'm a junior at grant high school and i've been on the board for two years.

Antonia Mauer: My name is antonia, and i'm a member of the youth advisory board.

MAY 16, 2001

Mike Rich: My name is mike rich, i'm a junior at metropolitan learning center. I've been a member of the youth advisory for two years and i'm also a member of the Multnomah county commissioner on children and families and community.

Katz: And you're also a member of the leaders round table.

Rich: Yeah. Well, i've been coming.

Mitchell: I'd like to thank you --

Katz: Oh, I see. We consider you as a member.

Rich: Thank you.

Mitchell: I'd like to thank you for allowing us to be on your agenda and speak with you this evening. Basically our presentation we're going to start out by talking about how our board works, what the basic structure is, when we meet and all of that, and then talk about what we've accomplished in the past and what we hope to accomplish and that's where you guys come in, of course, and we're going to open it up for questions at the end to we can discuss our role with the city in the coming years. I'm going to turn it over to antonia.

Mauer: The mission is to provide a youth -- a voice for youth in Multnomah county and the city of Portland and also to help affect the lives of the youth in the county of Multnomah. The youth advisory board consists of 26 young people throughout the Multnomah county. These are people, young people 14-19 who live, work or attend school in Multnomah county. We meet twice a month and we advise local government, nonprofit, and youth affecting organizations in Multnomah county and the city of Portland. We also serve as a representative body of the young people of Multnomah county and we try to give the diverse voice that Multnomah county is by doing that -- how we do that is we try and find the most diverse population that we can. We are also a committee of the commission on children's, families and communities of Multnomah county. Like you know, we have two cochairs, lela and carson, and we also have a coordinating committee who plans agendas, and does a lot of the paperwork. Lela and carson are also part of that and we also have eight other members who are on youth advisory board also. Youth advisory board members also serve as members on other committees, take -- the steering committee, the ccfc itself, and the executive committee and the poverty advisory committee. So that's a the bit about us and now i'll throw it over to becky to tell you what we've accomplished already.

Shonberg: This year we worked extensively just on advising various individuals and organizations looking to better their youth involvement within their companies or their projects that they're following. This year we worked with the Oregon peace makers conference, take the time, the commissioner on children's families and communities, work systems inc, and the youth opportunity center. We -- rethinking our schools, the city of Portland, "the Oregonian," the Portland police bureau, Multnomah county department of community and family services, the flow project, and the douglas county youth advisory board. I want to outline what we specifically did with the douglas county advisory board. A woman named elizabeth came from douglas county because she wanted to set up a board similar to ours within douglas county. What we did is basically told them how we work, how you can better to get youth involved, how to motivate youth within the community and get their voice heard. We told them what we do, how we can do it better, how they can do it better and basically the whole idea of diversifying the board. We've also participated in planning and facilitating work which has been hands-on type of work. For instance, in the youth development conference, we actually sent members out there to work with them. After we advised them we sent people so they could see how our advice was implemented within the project that was going on. We've also been working very hard on recruiting, and moving towards

MAY 16, 2001

as we talked about before, a more proactive and policy board, which i'm going to turn to mike to clarify a little bit more.

Mitchell: Thank you. This year we've decided to take a more proactive approach to the way we advise people in the county. And our -- we've decided our roles should be more as a policy making board in the county and less as a reactive advisory board. We hope that this proactive approach will allow us to go out into the county and set policy that we believe needs to affect youth directly.

This will also allow us to go out and hopefully help more people that we wouldn't normally be able to reach through just advertising. So our other major program -- project this year has been recruiting. We've been trying to get a more diverse board, and this year we really have a strong plan for going about that. We've identified a few areas where we'd like to go out and recruit, and those are middle schools, home-schooled students, schools in east county, alternative school students, and the homeless youth population, which we -- most of those we haven't been able to reach too well in the past. So during this -- the rest of this year, the next three months, we hope to do presentations to these organizations and bring them more into the area we can reach and hopefully bring some youth from these areas onto the board so we can more accurately reflect the diversity of Multnomah county. So i'm going to turn it over to carson for a wrap-up.

Mitchell: Thank you, mike. I'm carson, the other cochair of the board. First of all, i'd like to thank you all for taking the time to hear from us.

Katz: We'll do anything not to listen to the next item. [laughter]

Mitchell: That's good to know. I think it would be helpful to give a brief recap of what we've discussed. We are a youth board and we serve Multnomah county and the city of Portland, and we advise all of the various nonprofits and youth organizations that therein. We are currently working mostly on recruiting as we're trying to assure that we can have a diverse board for the next year. We're also working within the commission to decide whether we should stay a proactive board, responding to issues -- reactive board, responding to issues that come to us, or take a more proactive stance and try to actually affect youth policy. Right now we're leaning toward the affecting policy stance. Additionally i'd like to invite any of you, since I think what you've just seen is a snapshot of what we as a board do. I'd like to invite you to attend one of our sunday meetings. We meet the second and fourth sundays of every month. We're in the loy joy room, and you can contact anyone in the commission for more information.

Saltzman: 4:30 to 6:30?

*****: 4:30 to 7:30.

*****: I think what we're really most importantly here to discuss today is to talk to you council members about how we can establish meaningful relationships with the city so we can actually have a role in city politics. So with that in mind, I think we'd like to turn this over to discussion with you all to address this question of how we can become a part of city politics. I don't know where we should start.

Katz: Well, why -- do any of you want to add anything else to what's been said?

*****: If you have any questions in particular --

Katz: Does anybody on the council have a question?

Francesconi: First of all, we don't -- i'm also the parks commissioner, and although in terms of fire, fire prevention is an issue we could get some help from youth on, in listening to you I get a sense that other people are going to you because we don't -- they don't involve youth enough in decisions. So people are coming and asking. But listening to your presentation, I don't have a clear sense of what you want to accomplish. I don't have a sense of what you think you can do to help young people in the city. So therefore I don't know quite how to involve you, frankly.

MAY 16, 2001

Rich: I think that's really the question that's driving us lately to work with the commission, because we've identified a need to actually affect policy, and actually be proactive but not wait for people to come to us. What we're working on right now is figuring out how we can design the board for the next few years that will allow us to identify those issues we'd like to address and then take the necessary steps to actually get involved.

Mitchell: Adding to that, in regards to your specific division, I guess a lot of the groups that have come to us in the past have been youth serving organizations that want to involve us, but we've also had people like Portland parks and rec and areas in the police bureau and areas that aren't necessarily directly serving youth in specific, but you have to remember that in any community youth are a part of that community, and a lot of times because of our age and because of the situation we're in, we're not given the same amount of voice and the same amount of involvement in decisions that go on in the city or in the county. So I guess one of our goals is to just make youth more visible part of our community and make sure that we're being heard.

Francesconi: I think we need youth actually on the parks board. I think the idea of having a separate board for everything is something I don't think I agree with. Because I think youth have to be involved with adults right in the making of policy. But I still think -- my advice to you, for what it's worth, since you're asking, is instead of asking us for advice, you need to spend some time among yourselves about what you think youth need and what you can do to help accomplish it. Then you need to let us know.

Rich: Yeah. This whole policy discussion we've been having within the board is really in its infancy. We haven't developed this to the point we're ready to implement it and change our direction. Right now this year we've still been acting as an advisory board. I think you touched on an important point, that most organizations now integrate youth into their decision-making boards and leadership boards, so in the past five years, five years ago that wasn't -- that wasn't the case of the most organizations didn't have youth involved very heavily, but now we've found it's hard ever to bring organizations to us, because they've already got youth involved. So right now we're trying to find a new niche for ourselves where we can really make good choices and help organizations make good choices around youth involvement and -- so we're still struggling to find -- to ask that same question and find the answer to that.

Mitchell: I think our relationship with the city would allow us to establish strategic locations, strategic advantages such that we would be able to affect policy when we do decide that we want to. Right now I think we do have a lot of ideas, but we're at a loss as to how to go about it. And I think if we can get youth members on boards throughout the city and raise awareness among the city, I think that would be -- we would be in a greater position to affect change.

Francesconi: How are you staffed? What help do you have from staff?

Sun: We have one -- currently we have two part-time staff who help us basically take minutes at meetings, type agendas, set up presenters and things like that. But we meet with the staff fairly often to coordinate all of that.

Rich: We're staffed through the commissioner on children and families and community. It's a part-time position that she shares with the commission. She also works on take the time.

Katz: You know, one of the -- I had for a couple of years student leaders from all of the high schools, usually the editor of the newspaper, as well as the president of the school. And that was the hardest thing for them to figure out, what was it that in a short period of time they wanted to work on. And sometimes I provided a little direction, like the rethinking of the high school was a project that they took on that had a tremendous pay-off, because it was the nucleus for a grant that the school district received and may actually receive some money. But in other times they were

MAY 16, 2001

struggling as well, and so that's going to be your biggest challenge, to brainstorm what you think is on the radar screen for the city. And I think each one of us would be more than happy to identify some of the issues that you need to address. Starting with the change in demographics of the city, and what does it mean when you lose families and why you are losing families. We're going to find out why we're actually losing families and then what do we need to do as a city. So we're -- we would be more than happy to identify some kind of issues that you then need to think through and figure out, is this something you want to work on. And we can give you a whole list and then you need to add on to that as well.

Saltzman: In addition, we have now begun as of this year to provide the executive committee on a regular basis our agenda, and also the list of the information sessions we have so if they choose to want to appear before us and provide comments on an issue, it's up to them to decide what issues they want to weigh in on. At least now they get a better idea of how we operate and the flow of issues before us so that they might be appearing before us. And we have talked about the possibility -- it's up to them to decide whether they want to do this -- about appearing before us at our evening sessions, maybe on a quarterly basis and talking to us, giving us updates on various issues.

Katz: And a lot of the issues that I think would be of interest to you, if I understand where high school students are at, there are task forces and meetings on some of these. For example, representation of minorities or racial profiling, which I know when I talk to young people online, those are the issues that keep coming up over and over again. There are groups working on it. So the -- your presence there -- and maybe even your participation, it may not be too late, rather than taking on everything as a group. So think about how you want to structure that.

Rich: We hope to, as a more proactive board, go out and be able to reach these organization that's we haven't in the past. And a lot of that is finding out what these organizations are doing and hopefully you guys, the city council, can play a big role in that in identifying areas that we could focus on. We'd love that. That would be a big -- a great thing if you could help us with that.

Katz: Okay.

Sun: One part of being a more proactive policy-making board would be that we would choose specific areas that we want to focus on, like if one of our goals would be to get a young person on every board of every sort of organization in the city or the county, then we would go after groups and talk -- speak with people to help us achieve that goal. Or if we want to focus on schools or youth employment or something like that.

Katz: Okay. Good. So we'll do that. We'll talk on that -- take on that responsibility to share with you what -- where -- we can probably guess where you might have some interest, we may be wrong, but we can give it a try and then you can build on that. Would that help?

Mitchell: Definitely.

Katz: Otherwise you probably are going to be struggling. All right. Anybody else? Thank you very much.

Saltzman: Thank you.

Katz: Mike has a charge on the leaders round table making sure everybody reads by third grade. We're struggling on how we make that happen. But i'm sure there's another myriad of issues. So i'll take a motion to accept the report.

Saltzman: so moved.

Katz: Any objections? Hearing none. [gavel pounded] so order. Thank you, ladies and gentlemen.

*****: Thank you.

MAY 16, 2001

Katz: All right. Now for the issue that won't go away. [laughter] item 575.

Item No. 575.

Katz: All right. Let me start with gil. And gil, let me run through -- I want you to describe the big picture, stevie will do the power point, margaret, i'm not sure I know what you're going to do, but jump in. You'll need to identify the issues that have kept popping up, because I think there are people in the audience that have sent us e-mails and letters, mr. Rocklin sent us a dissertation, and that was very kind. Somebody's reading the material thoroughly. And we reviewed it. I don't know if we've reviewed everything, but we've reviewed it. So identify those things that you think have been raised that are helpful, things that you might want to discuss further with us, then somebody needs to keep notes and then we'll get to some decision maybe today, but we're not going to vote on it today, I think you're going to have to --

*****: Right.

Katz: Okay. Go ahead.

Gil Kelley, Director, Bureau of Planning (BOP): Gil kelley, planning director. We hope some day this does go away, but we need your help in doing that. Let me just make a few general points here, and then I think it's best if stevie gave you the staff presentation and then margaret to follow with some of the implementation issues. And then following your suggestion I think we'd like to hear the testimony and then come back afterwards and talk about which of the issues we think we've already addressed in the amendments we've given you, which others we intend to work on further, and then if there are any others that you feel from what you've heard tonight that you'd like us to focus on, it would be good for us to hear that tonight.

Katz: Okay.

Kelley: Let me just give you a little bit of -- recall where we've been and sort of where we're going. Let me start with where we're going. After tonight, what we would propose to do is take the next 60 days to craft a final set of amendments that would come back to you roughly five weeks after that on august 15th. And we would expect you at that point to adopt whatever set of the draft code that's in front of you and any other amendment that's are forwarded to you at that point. So tonight we really are going to try to elucidate where we'd like your direction and -- in crafting the final amendments. Many of them are already in front of you. Let me back up a few steps and recall that I think it was my very first council meeting a little over a year ago when you had a hearing on the then draft land division code rewrite, and it was a pretty contentious raucous hearing. I can pretty much say nobody was happy at that point. You sent me away to work on a revision to that. I did convene a group of really bright and concerned people from different segments of the community. They spent a lot of months with me in the spring and summer sort of setting aside the old code and coming up with in ideas. We've really formulated this code revision around that set of ideas. We brought that long list of changes to the code to you last november for direction, and you gave us direction to proceed in crafting the document that's in front of you on that basis. You'll recall that that list of things was floated in public and we did continue to evolve that list right up -- including on the floor that evening in november. I think addressed many of the issues then. Regardless, there are I think people coming forward still that would like to have even more changes to the document, and we'll try to sift through those as best we can at the end of the hearing tonight. Some of them i'll just tell you are things that we have heard before and we deliberated in a number of ways, and recommended against in some cases, and those were clarified in november. But this is the next level of detail of the document, and so it's fair to raise those issues again. I just wanted to let you know again, remind you what guided us through this process. That was really the notion of coming up with a balanced proposal. So we've been kind of weary

MAY 16, 2001

all along of adding more and more things and tipping the balance. The things we tried to balance generally speaking were the ability to administer and force the ordinance on the one hand, against the sophistication of the regulations on the other hand. There's always a tension that we've tried to keep in balance. We've also tried to balance the need and desire for neighborhood review against the due process for the applicant and essentially the workability of the regulations when placed on a property owner. And we've tried to balance this notion of sort of defending against the worst that can happen but also allowing the flexibilities to do something better and something creative. And in all of those cases we have struck a careful balance there, and so you may hear from different perspectives on a spectrum of any one of those ball answers, and I would remind you that's sort of where we came in, the basis of our advice at the conclusion of the hearing. We've been open all along to taking in new and better ideas. I think that the methodology that informed us in crafting this was really taking a look at this set of regulations through a design lens, if you will, and that was really informed by looking at a number of case studies that were not hypothetical that were real, and that's -- we went through a lot of that in this discussion group, and as I said, really thoughtful people, thoughtful comments helped inform this set of regulations. We will try to point out for you tonight and stevie's presentations, those issues which remain that are sort of a substantive nature. Many comments were received that are quite valid and we have incorporated into the amendments and we'll continue to incorporate, but we'll point out the ones at least that are at issue now. I would also say that we have involved all along margaret and her bureau, dean marriott and his staff, vic rhodes and his staff, and I have met with margaret dean and vic as recently as last week when we talked over remaining issues before the bureau, and I think between the bureaus, and I think we have also fairly narrow -- narrow list of things to work on between the next two months and feel pretty much we can resolve those. We may not be able to, we would give you alternate language at the time of your hearing. But we're pretty confident we can resolve those issues. I would say that one of the tensions all along has been that whereas I agreed with my fellow bureau directors that in some cases the decisions that are made as a part of the land use -- as part of the land division process should remain technical rather than land use, and therefore not appealable and not discretionary, that doesn't apply to all of them, but it applies to a subset, that the trade-off for that was publishing standards which they used, and guidelines to base those decisions on. And to have some process internally for redress of grievances about how those standards might be applied. And so along those lines we have said that the -- those things need to be in place prior to the effective date of the ordinance or else they would need to be -- remain land use decisions.

Katz: I recall the discussion on design issues that we had talked about, that those needed to be in place to the -- before we -- this goes into effect. Where are you on that notion?

Kelley: If i'm understanding you correctly, we have --

Katz: You have -- i'm sorry. Go ahead.

Kelley: We have a number of design standards in the ordinance that would take effect immediately. We have also let you know that we would have a second round of design discussions over issues that came out that don't pertain exactly to the land division code, but that have spun out as issues for community design as a subsequent process.

Katz: Okay.

Kelley: And some of the comments you may hear tonight would fit nicely in that subsequent process. The other issue that came up with bureau directors and principally with margaret, although it's shared with the others, is that any time you do a major change to a code, it requires retooling the systems and retraining of the staff, and that sort of thing. And we've trying to be sensitive to that and we'll probably bring you back more information about that. And that goes

MAY 16, 2001

from everything to the cost for implementation to the effect- -- effective date of the regulations, allowing enough time for staff. And I think margaret will talk a little bit about that. Let me just end by saying that the -- to keep 90 perspective, because most of what you're going to be hearing about is one -- when we tweak it this way or that way, that stepping back from it, what was this really all about? I guess my short list would be that why is this document any better than the existing code? I think it's better on balance in the following ways. It makes much more clear who the decision-maker is in each case with regard to this permitting process. It makes much clearer in general what the standards are to be applied. And it makes much clearer what the criteria are that are to be applied in the decisions. It increases the level of environmental protections over the existing code. Although again, there there's a balance to be struck between ultimate environmental protection perhaps and the desire to add units to the city's inventory. It I think really enhances the early disclosure of information, and emphasizes the preapplication consultation process with staff, which does have a staff workload implication, but I think actually is much better down the line for the applicant and the neighborhood, because much more information is known. And ultimately probably easier for enforcement and administration in some respects, because so much of the tough decisions are decided up front and don't pop up in the field later on. And I think that overall the ordinance is clearer. It's easier to understand. It's -- it's still not a lightweight document, it's still heavy code, but I think its organization and writing are clear and we will continue to work on that last aspect over the next two months. So in general, I think it is a significant shift to a more design-oriented code that is hopefully easier to use and strikes the right balance without being just a watered down compromise between what are often deposited on two ends of the spectrum as neighborhood values versus development interests, and think I we've tried to work through that in a creative way. Stevie -- unless there are questions for me, why don't we have stevie walk --

Katz: Then we'll turn it over to margaret and then we'll open it up for public testimony, and rick michaelson would like to testify at the end of the public testimony. As opposed to at the beginning.

Stevie Greathouse, (BOP): Stevie Greathouse, bureau of planning. I was going to have a power point presentation, but it's disappeared. I unfortunately have very good notes and I will make my presentation briefer.

Katz: It disappeared in cyberspace?

Greathouse: Between the two buildings, yes.

Katz: See, it's a sign.

*******:** You tried the f-8 function?

Greathouse: Yes, I tried many things. I have notes. I will make my presentation shorter than it would have been. I'm aware of the fact it's less interesting when somebody is talking without pictures. In general, the amendments that are being recommended this evening would allow flexible lot dimensions, while maintaining allowed densities. Betsy has a hard copy of a version of the presentation that she's going to print out for you, so you can flip through it as I read. The amendments being recommended would allow flexible lot dimensions while maintaining allowed densities, would regulate design on narrow lots, protect critical environmental resources, including environmental zones, floodways, seeps and springs and trees, would increase safety on landslide from sites, would require appropriate levels of review for land divisions and encourage early public input into the land division review process, clarify service requirement and relationship of the code to technical decisions. These all get to sort of the points that gil was talking about in terms of improvements to the existing code. In terms of what is new in the version of the recommendation that is before the council today, compared to the version of the recommendation that came to

MAY 16, 2001

council in april -- in april of 2000, as gil has mentioned, the original -- excuse me, the recommendation he brought forward to the council in november of 2000 outlining all of the hard work the discussion group had done and amendments that they were recommending, those amendments have been incorporated into the version of the recommendation that is before the council today, and the amendments include incorporating design standards for narrow lots when we allow narrow lot subdivisions, requiring that sites taking advantage of the extra density provisions of the alternative design density zone either go through design review or meet the community design standards at the land division stage, providing clarified or more stringent protection for seeps and springs, trees, solar access and landslide sites, lowering the threshold at which a required recreation area would be required from 100 units to 40 units. Increasing the minimum lot size beyond -- to be a larger number than the minimum that was in the original recommendation. Making certain service related decisions subject to a technical decision-making process, including street design and storm water system design, and requiring that service bureaus document their technical guidelines for these decisions. Lowering the review thresholds for all land divisions, so that most are subject to a higher level review process than the original recommendation called for. And requiring housing types that would not otherwise be allowed in the zone to go through a planned development review as the council will remember, the original recommendation would have allowed alternative housing types such as creating multifamily building in a single family zone by right as part of the clustering, that would now be required to go through a planned development review and go through additional review. Let me go briefly through the recommendation in order as quickly as I can. Sort of the main central part of the recommendation is how we would be dealing with lots and density. The recommendation allows flexible lot sizes as long as the site meets minimum and maximum densities. For example, a 10,000-square-foot site in the r-5 zone could be divided into one 7,000 square foot lot and one 3,000 square foot lot or into two 3,000 square foot lot and a 4,000 square foot tree preservation tract, but could not be divide in addition two lots. The recommendation bases density on 85% of the site area for sites with streets, regardless of the actual area that streets take up on the site and the space on a citywide average of how much of sites -- how much of the site area streets typically take up on average. These sort of basic provisions regarding lots and density provide more certainty to developers and citizens earlier in the process, and encourage protection of environmental resources and existing houses by allowing development to cluster away from these resources or allowing a larger lot around an existing house. In terms of the specifics of what the recommendation requires for density, it retains today's minimum -- today's maximum densities in all zones, adds minimum densities to the r-2 and 3 multidwelling zones and prohibits density adjustments. The recommendation also includes specific measurement information for how we round density on the site, and this -- the provisions for measuring -- for rounding density have been changed at the request of council based on the recommendations of the discussion group to use a slightly different method, that if you have specific questions about that at the end i'll be happy to answer them. The recommendation would also subtract constrained land including environmental zones from the required minimum densities on a site. In terms of lot size and width, the recommendation would allow smaller, narrower lots than allowed today, but would still require all sites to comply with the density regulations so the site could only take advantage of provisions for smaller lots by creating a larger lot or a preservation tract somewhere on the site. As a result of the district group process, the recommendation has been amended to have a larger minimum lot size and to require narrower lots, and there are different width thresholds, would require narrower lots to meet design standards. In this case could a lot be smaller than 3,000 square feet in ref h 5 without going through a planned

MAY 16, 2001

development review. A discussion group process led to the creation of a set of standards intended to mitigate the impact of attached and detached development on narrow lots. Some of the standards would apply at the land division stage and some would apply at the development stage. For standards apply at the land division stage, the applicant would need to show that development could be configured on the proposed lot to meet each of the standards in order to get approval for the creation of the lot. The standards that apply at the land division stage include showing the development could be configured to preserve 15 feet of curb space per unit on the overall site, allow no more than 50% of the facades to be taken up with garages, show that development could be configured to use an existing alley for vehicle access, and that development could be configured to use rear access for corner lots and for attached -- and this would apply to attached houses. The applicant would also need to show that they could preserve at least 60% of their front yard for landscaping at the land division stage. When the developer came back for permits to build the actual structures on that land division, they would need to show the development met all of those standards and would also need to show that development will have a maximum height to width ratio of no more than 1.2-1 in order to prevent sort of the aspect of having tall narrow houses that seem out of scale with the surrounding houses. It would need to show the entrances would be placed within four feet of the foundation grade for attached houses, and would need to provide foundation landscaping in addition to the space for 60% of the front yard to be in landscaping. And the standard for requiring the entrance be within 4 feet of the foundation grade --

Katz: So it doesn't look like you're going into an airplane.

Greathouse: Correct. To address the issue of having doorways at the side of the wall with a staircase leading to them. In addition, the recommendation would amend the code to require that sites that take advantage of extra density under the provisions of the overlay zone show compliance with the community design standards at the land division stage. So it's really moving a lot of the things we think of as design related, moving some of these into -- into consideration as part of the land division stage so the developer would have to take into account design when proposing lots that are narrower than a standard lot size. The second part of the proposal beyond the sigh design would be how it deals with preserving environmental resources and open space. The recommendation contains numerous provisions and -- intended to protect criminal environmental resources, preserve open space and require development to factor in the environmental characteristics of the site. The provisions include for the environmental zones that the environmental zones on the site are not included in minimum density, land divisions with required environmental review or -- are processed through a type 3 review procedure, all land outside of the allowed disturbance areas in the environmental zones would have to be contained in resource tracts and could not be built on. In terms of how the recommendation deals with landslide hazard in the city, the recommendation would adopt a potential landslide hazard area map based on a psu study of landslide hazard citywide. And since you have the -- when you have the full version of the xerox of the recommendation, that land side hazard map is shown in the presentation as well as in your report documents.

Katz: Do you need any help?

Greathouse: And again, I apologize for the low-tech solution. The document -- the recommendation would require that sites on the map demonstrate the proposed layout for the land division reasonably limits the risk of landslide and they must include findings that include a site-specific study that's prepared by a team that includes both a certified geotechnical engineer and a certified engineering geologist. And you may hear testimony about those this afternoon. The recommendation would also require that someone subdividing to create more than four lots in a

MAY 16, 2001

landslide hazard area would need to go through a type 3 land division process. Finally, land within the potential landslide hazard area is not included in the minimum density calculation for the site. In november, the city council had asked staff to try to define a specific knew eric figure for acceptable level of risk. Staff researched this issue and found that the geotechnical industry does not recommend using a specific threshold number because different numbers may mean considerably different things on different sites. And there's a liability issue with trying to pin it to a specific number in the code language. Staff has, however, increased the clarity of the approval criteria language based on conversations that we've had with the geo technical community. In terms of how the recommendation -- the recommendation includes provisions designed to prevent land divisions from encouraging development that increases flood hazard. The recommendation requires that the active floodway be preserved, that lots be located outside of the flood hazard area and requires that building sites be located outside of the flood hazard area. The recommendation recognizes that larger land divisions have the impact of creating an entire neighborhood and if you want to follow in your paper copies, i'm on slide 21 now.

Katz: I hate to tell you, we don't --

Saltzman: We have page numbers.

*******:** Page 21 is the same as slide -- oh. Whoops.

Katz: She doesn't have what you're talking about.

Greathouse: Sorry. I tried. The recommendation recognizes that larger land divisions have the impact of creating an entire new neighborhood and includes recreation areas. It requires proposals of more than -- of 40 or more units to provide a recreation area and includes standards for those areas. The recommendation also has approval criteria related to tree preservation, which have been modified we identify to strengthen the regulations over the version that came before the council originally. Historic landmark trees must be preserved and as many significant trees on the site as practicable must be preserved. The original recommendation required at least 10% of the trees on the site be preserved and staff feels that having an approval criteria that requires as many as practicable is going to in many cases lead to more than 10% of the trees on the site being preserved, and that will be a higher standard. The recommendation includes new language from the original recommendation which would require a preservation of seeps and springs on the site where practicable, and additional protection for these resources when they are located outside of the environmental zones. The ones inside the environmental zones would already be protected under the regulations of the environmental zones. This version of the recommendation has also added standard -- added approval criteria related to solar access which would require that lots be configured to maximize solar access. And the recommendation requires developers to document what they're going to be doing on the site in terms of clearing and grading up front and provide some additional standards related to clearing and grading which would require that existing contours and drainage pa persons be left intact during the land division and street creation process, would limit the disturbance to areas of the site necessary for construction, would require preservation of top soil on -- for use on the site, and again, would require a preliminary clearing and grading plan as part of the tentative plan submittal for the land division. -- division application. A major aspect of the recommendation and the discussion around the recommendation has involved how the recommendation deals with the provision of services on the land division site and decision-making for the provision of services. The recommendation clearly assigns all discretionary decisions as either land use decisions made against land use approval criteria or technical decisions made by the service bureaus. The original recommendation included land use approval criteria for the design of streets and storm water facilities and as a result of the hearings in

MAY 16, 2001

february and november of 2000, city council directed staff to amend the recommendation to make the design of streets and the design of storm water facilities technical decisions, but to look at the capacity of the storm water system as part of the land use decision. The service bureaus are being - the recommendation has been amended to reflect this direction and the service bureaus are being directed as part of this project to publish guidelines for these technical decisions. In terms of what the recommendation requires as land use approval criteria or standards for services, the land use approval criteria for streets include the requirement that streets and pedestrian connections meet minimum connectivity requirements which speaks to the location of the streets, requires the streets be wide enough to serve expected users, and provides standards for when streets must be public rights of way and when streets can be commonly owned private tracts. In cases where streets can be privately owned common tracts, the recommendation requires public access easement be granted over these tracts so pedestrian access can access these smaller dead-end streets. The recommendation also requires that pedestrian connections be public when they connect public streets or connect to a school park or library. Will the discussion group also explored the notion of allowing development to front onto a common green area instead of a conventional street, and recommended code language allowing green streets would implement this notion by allowing lots to front onto a green street which would provide nonmotorized access to the lots, provide a common gathering area for abutting lots, and in some cases would provide vehicle access by an alley. The recommendation includes land use approval criteria for storm water that require primary storm water disposal plan as part of the application for the land division, and require that the applicant show the capacity of a -- the proposed storm water system as adequate for the site at the preliminary planned stage. I'm drawing close to the end of my run-through of the document itself. The final part is the recommendation for the procedures and review processes for the land division process. The thresholds for different review procedures in terms of which land divisions would require which level of review between a type 1 and type 2 ask 3 have been amended from the original recommendation. The original recommendation allowed many more types of land division situations to go through a type 1 administrative review. Under the recommendation before the council today, two to three-unit land division was typically go through a type 1 review, four- ten-units would go through a type 2 review and land divisions of 11 units or more would typically go through a type 3 review. In most cases sites with environmentally sensitive areas such as environmental zones, landslide hazard areas and the like would typically be subject to a higher level of review than would be required of a basic land division without environmentally sensitive areas present. The type 2 procedure is a new procedure that would be similar to today's type 2 procedure and would replace the type 2 procedure for land divisions. The type 2-x includes early neighborhood contact, a required preapplication conference, and a 45-day review period. And it also requires a minimum of 30 calendar days for public comment, and the type 1 review would also require a minimum of 30 calendar days for public comment on the original. -- on the tentative plan. The recommendation in most cases where the recommendation allows someone to ask for additional flexibility that isn't provided under the regulations themselves that additional flexibility would be provided through the planned development review process. The recommendation no longer includes a planned unit development process, but creates the new planned development review process that would offer this additional flexibility. Planned development review would be required for the proposal of housing types that would not otherwise be allowed in the zone, modification of the narrow lot design standards, modification of lot dimensions, to propose support of commercial uses in the residential zone, and to transfer development within the -- transfer development rights within the site or from site to site as part of a land division process. Approval

MAY 16, 2001

criteria within the planned development review addresses appearances, visual integration, reducing the predominance of the automobile and the impacts of the development on adjacent uses. Planned developments that are proposed on a land division must meet additional land division approval criteria related to open space, tree preservation, services and the like. That's sort of the overall run-through of review of the code language itself. The recommendation in addition to adopting new land division regulations also calls for implementation actions to implement the new code which involve the work programs of a number of city bureaus. Some of these implementation actions are called for to be implemented in advance of the effective date of the new code. Others can be implemented as part of future work programs and some of those programs have actually already been budgeted and are geared to start up. The implementation actions include housekeeping amendments to Portland city code, and they include most crucially the creation of technical guidelines -- guidelines for technical decisions that are made by the service bureaus.

Katz: We got those. That's what we have in front of us.

Greathouse: Okay. I won't --

Katz: Don't go through those.

Greathouse: I won't run through them. The recommendation also calls for the establishment of an administrative review process, which should be on the next slide that you've got before you.

Katz: Right.

Greathouse: And calls for creation of a handbook and monitoring of how the land division regulations get implemented. So -- several items are called for to be dealt with as for future programs, including design work that's been slated to be dealt with as part of the upcoming infill design project of which i'll be the project manager, work to consolidate city improvement guarantee functions, which we are recommending that the city council -- city attorney lead an effort to pull city improvement functions into one location, and continued work to look at the design of streets on small and -- infill sites when the street is only going to be serving a limited number of lots. We have sort of worked with opdr, environmental services, and the office of transportation to identify outstanding issues they have with the existing code language and the recommendation, and these issues will probably, as gil will speak to in a minute, require that some additional work be done to bring back to the council amendments related to these issues. We think the work is doable, we think it will lead to a better code, but we'd like to be able to work through the issues and bring -- propose amendments back to the council and give the public a chance to look at those proposed amendments. They include briefly in terms of the major items, a reconsideration of the approach to how we deal with development of the flood hazard area, possibly looking at a tiered approach that takes into account the differences between small residential development along johnson creek and large site industrial development along the columbia and the willamette. We've been asked by environmental services to look at the possibility of sort of increasing the level of protection for seeps, springs and trees outside of the environmental zones, and forestry has also asked us to look at changing some of the standards for what we determine to be significant trees as well as a few other technical amendments in the tree preservation regulations. Transportation and others have asked us to look at amending the regulations relating to off-street parking and come back to the council with an analysis of some improvements that could be made to those regulations, have asked us to look at amending the regulations for -- related to traffic impact studies to make possibly the traffic impact approval criteria apply to all wider variety of land division situations than they do in the current code, and to change the way -- the threshold at which we require an actual traffic impact study be created. There are also several transportation-related issues related to how the code ensures public access over streets, which include a couple of possible technical amendments to

MAY 16, 2001

define what we mean by public access easement and how we use those, and also to require that partial streets on land division sites be public. We've also been asked to take a look at the concept of green streets and how it plays out in the code language to see if there is a way that we can craft code language that works better to implement the policy of allowing lots to face onto a common green area than is in the existing language. In addition to this, we know there are numerous sort of smaller amendments that can be made to the code to improve its consistency and clarity, and we've had lots of help from everybody in the community and everybody on the service bureaus identifying those smaller sort of housekeeping level amendments, and we would ask that the council let us --

Katz: We'll see this again a couple of times, I think.

Greathouse: -- let us bring that list of housekeeping amendments back to you. We also realize additional issues will be raised in the testimony this evening, and have been raised in the testimony that council has received in writing. And staff will be available to answer any questions after the council has heard all of the testimony. And with that --

Katz: And let me ask the council that when we hear the testimony and if you're not sure or if there are questions, maybe we ought to bring staff up at that particular time before you lose it. It will be up to the council. Let me ask a question before we get to margaret. Under a build scenario, how many additional units do you think this code will bring us?

*****: Well --

Katz: Estimate.

Greathouse: We don't know this code by -- code by itself will or will not bring units. It's vertically density neutral. However, we have actually made provisions in here where density could be decreased. That is now left to a very discretionary process, and in some ways we've tried to make that more allowable and clear here where resources on the site would demand it. And we have kept the most sensitive sites in the highest level of discretionary review.

Katz: Give me a rough number.

Greathouse: I think the code itself doesn't really -- it's hard to estimate how many units it would -- it could reduce our building commas, because the capacity is quite theoretical. It -- I think it's pretty density neutral. It's really tried to emphasize better design over --

Katz: Okay. We'll get back to that question at the end of the evening. Any further -- margaret. Why don't you -- then we'll ask council --

Margaret Mahoney, Director, Office of Planning & Development Review (OPDR): Margaret mahoney. My purpose is to support the proposal before you but to highlight three areas that we're still discussing with gil that have concerns for us in terms of implementation. One is the amount of time between council adoption and the effective date and whether we're going to have enough time to do all of the start-up work that we need to do to be ready to go with these regulations. And my recommendation all along has been six months, and I know there's a desire to move forward with this, but i'd urge you to give us that time. The second area of concern that we're still working through issues on is the desire to -- the requirement in the recommended draft to have narrow lots demonstrate their ability to meet the design standards. We're trying to grapple with the mechanics of how we do that, and what it means in terms of any changes, because in most cases, those who divide lots are not necessarily those who build on them in the city of Portland. So we're concerned primarily with the mechanics and how we get that done in terms of implementation. And we're still working through these with gil and his staff. The third area of concern that I have is the cost of implementation. And we worked as other bureaus did with stevie in trying to put that information together for you in the budget impact statement. But it doesn't elucidate all of those costs, and

MAY 16, 2001

we're still trying to put numbers on those for you. There are three costs that we face. One is the start-up sort of roll-up costs, changing all of the forms, doing all of our reprogramming of templates and computer programs, training staff, redoing all the public information that -- materials, the second area is the increase in the staff time itself and the reconfiguration of the cases.

As stevie described to you, more land divisions will move to higher levels of review. So the level of work that we have to do in preparing reporting goes up. So there's some additions there. The reason in particular that i'm highlighting this for you and letting you know we're going to be coming back with more specifics, as you know, the land review fees are 65% cost recovery. So there's a general fund impact on the workload increases. And those weren't put in when we did our budgets back in december. So we're trying to figure those out, but this is just to let you know those are the three areas of concern. The effective date, the mechanics of the design requirements and what that does in the process, and the implication in terms of costs on implementation.

Hales: Maybe a comment on the effective date question, I may be misreading others on the council, but I think there's a desire on our part to free the Portland five here, I should say maybe the Portland 55, the people who have work order this code, and make a decision, end the agony of endless process and make a decision. That doesn't mean we necessarily are just panting for this to go into effect next week. So if you need six months to translate a decision into administration, I don't care about that very much. That sounds reasonable to me. Six months is not a ridiculous amount of time. But do you have a lot of work to do.

Katz: It's fine.

Hales: I think the anxiety is, let's get this done, not, let's get this implemented.

Katz: Okay.

*******:** We want to do that too.

Katz: Let's move to free the Portland five, as you said.

Sten: How many of these are we doing a year? I'm trying to get a sense of --

Kelley: About 300, we heard from your staff, I think. Something along those lines.

Mahoney: We just did the data through april, and it totally went out of my head.

Sten: 300 lots?

Kelley: 300 applications. So they would be multiple lots. They vary in size. Most of them are less than ten units. And many are two or three units.

*******:** They tend --

Sten: That's still a significant number.

Mahoney: And I would be glad to send that to all of you, because I do have the data.

Sten: I was just trying to get a ballpark.

Kelley: I said three months, she said six. She got me to 4 1/2 and we're still talking. Just because I think at some point the land starting -- there's not much left to subdivide.

Mahoney: The majority are in the three to eight-lot range, and they all have a variety of constraints on them.

Francesconi: Will this -- my only question -- when you say lit increase staff time, are we talking 10%, 20%, 30%? What range are you talking about on your cost -- under your cost of implementation?

Mahoney: There are various elements. One element is that there is about an 80% increase in the numbers for land divisions. You can attach a staff piece on that. There's probably a 25% increase in the larger cases in terms of the work involved. So in our rough estimates, we came up with -- well, actually stevie's estimate on -- for the start-up was somewhere in the neighborhood of 3.75 positions to get everything to go, the increase in the ongoing staffing is just under three positions.

MAY 16, 2001

Hales: We can mitigate that a little bit. I think -- everybody saves eventually by having them. But, for example, we still have some discussion going on about how often we require a traffic study, which ends up most of the time just being paperwork, we don't change anything in the city street system, so if we do that less, particularly there's less of that kind of work in don gardner's shop.

Mahoney: One of the variations we're looking at, we know two-x process, which is a new one, we think we could do mini-preapps for some of those. We're trying to figure out when -- what's the fee.

Katz: Okay. Any member of the 55 or so committee that would like to testify? We'll let you come and testify first. Folks who have worked on this. Nobody here? You don't want to -- you just want to go home. I'm sorry? [inaudible]

Katz: You only get three minutes, even if it's seven years. Okay. Let's go ahead then. Karla?

Moore: Come up three at a time.

Katz: Let me get a sense. How many are going to testify? All right. That's not too bad. If it gets late and tedious, we'll cut it down to two minutes. But this is fairly complicated and I can see a little orange tabs that will probably need three minutes. Linda, why don't you start.

Linda Bauer, Pleasant Valley Neighborhood Association: Okay. Linda bauer, pleasant valley neighborhood association. I like the pud process which is the one we have now, a lot better than the pd process. I wanted to thank planning and pdot for their openness to talk about issues with the neighborhoods. We're still working through those. And then the urban forester, your city experts sent a memo in with lots of comments. Really very interesting if you get a chance you might want to read it. On the significant tree chart, a lot of them are even the smaller ones seem to be significant. And that's from your experts. And I also talked to them about the one tree for every one inch cut, and he didn't think that was excessive at all, but I relayed you guys thought it was excessive. So what we're recommending is for the 853-2 chart it's for violations. So hopefully you would recommend -- for every one inch cut, one -- one tree should be replanted. And then on the 583-1, the tree replacement for land divisions we thought that for every two inches of trees cut, one tree should be replanted. And I think that that also should be conveyed to the 430-2 chart in the environmental zone. And I think that's all I have.

Katz: So we have the pud, and I know there's some other people, I know amanda had a pud issue, and the tree issue. Okay. Stevie -- where's stevie? Are you keeping track so I don't need to? You're all keeping track. Good. All right.

Bauer: Thank you.

Katz: Thanks.

Arlene Kimura, Hazelwood Neighborhood Association: Thank you. My name is arlene, and i'm with the hazelwood neighborhood association. We do want to thank gil kelley and all of the planning staff who helped us draft this thing several thousand times. And we really like this version of the draft. Obviously there are things we would like to have done differently or added to.

One of the issues is the required recreation area, and on page 92 they talk about a specific street frontage and we're not sure why that is there. And maybe that can be answered. But also nowhere in multifamily unit development is recreational space addressed, and right now for a lot of our multifamily units we have kids playing in the parking lot, and if the cars get too bad they go off to the street and if we are going to have -- increase the density and provide for families living in multifamily, we would like to have an on-site recreational area for the children. The off-street parking standards are based on metro's goal of reducing the surface parking. However, that assumes that you have transit in east Portland, there is very little transit. A bus coming by once an

MAY 16, 2001

hour five days a week is not transit. There are only three bus lines in east Portland that have every 20 minute service seven days a week. That isn't enough. So we -- the standards need to be changed or transit needs to get better. That's my comment. There are some issues that we feel need to be enhanced in the future work program. Gil talked about the technical manuals and the technical reviews. We would really like to have them go forward with that, because I think that will help for neighborhood people especially that we have a manual we can address and look at as defined objective criteria. The other thing that has come up is the review of the a overlay. It's -- and its impact on density. I didn't see where it was actually given a specific start date, but that may have already been addressed separately and was just not brought forward. We think it's critical in avoiding some of the problems that ed has, because of the a overlay and maybe that is not applicable in all case and should be looked at separately. The one issue that I felt did not get addressed was the issue of the lot coverage with impervious surface versus the building coverage. I have one person who lives in a very large lot of 19,000 square feet who probably has 16,000 square feet of paving, everything is just paved over. So we would like that addressed. Thank you very much.

Katz: Okay.

Ed Jordan: Ed jordan, lents, southeast 97th avenue. I come here today as a representative from the neighborhood to give our input towards where we're at with the land division --

Katz: Move your chair closer to the mike, ed.

Jordan: Last time I was here I expressed my reserved confidence about the recommendations for the improvements but held back reservations. I was waiting for the detail as far as the language goes. I have specific things I want to address with the code. I've had conversations with my committee members over this, and of course other people as well out in the neighborhood. In dealing with the minimum lot dimensions in the r-5, 7, and 10 zones I feel the minimum lot width proposed could still be of a larger value by at least four to six feet in each zone respectively. This can still minimize compatibility issues in the areas of more consistent lot sizes. Another thing that had my attention that I brought to gil kelley's staff people in evaluating the methodology of rounding the number of units is our position -- it is our position to support rounding down the number of units. We feel that in any lot divisions, that no matter what the development is proposed to be built, adequate space must be made available for buffering and landscaping. We like to try to minimize that a little bit in terms of what we're doing out in our neighborhoods. We'd like to keep the amenities. It's better for us to have is that available and be able to accomplish that. So we don't really support the round can up methodology. I would like to address the r-2.5 first and foremost let me say I do not like it. I oppose it in any shape, form, and fashion in the outer southeast area, especially in the close-knit neighborhoods. In the r-5 and 7 and 10 zones, I believe that this is ludicrous and contradictory relative to -- in reference to the rewrite, pertaining to section 33.611.01 -- keeping in the areas where it could be best used. Areas such as along main transition corridors and larger tracts of land that can support it. I believe that section .2008h a is contradictory. I wonder about this logic. Further on this relating the average of 2500 square foot lots, allowing legislator lots to be further subdivided into 1600 square feet only aggravates the compatibility issue still more. My patience with the city and the planning department is very thin. After all, it is my neighborhood under siege with these out of bounds concepts. We are living with it and we're paying the price with our quality of life. There is zero favoritism for these kinds of developments and subdivisions in our areas. I advocate getting rid of it or severely restricting the zoning application in the r 7, 5, and 10 zones. Focus on it and we might alleviate some of our problems. I don't want to leave on a negative taste. There are many aspects of this rewrite we do favor, such as

MAY 16, 2001

the tree preservation. The levels of review, and the -- I come here tonight to say that the sections i've addressed are thorns in my side I want relief from my neighborhood.

Katz: Thank you.

Jordan: I have one more comment.

Katz: Okay.

Jordan: It's relative to going through this document. Not seeing any reference with respect to enforcement or carryover from chapter 34.12, title 34 pertaining to enforcement. You really don't want to hear what I think of city planning as far as this area goes, but I think the department needs to seriously reevaluate how it currently handles its enforcement and what people do as what they're allowed to be permitted to do. My position with this is to advocate more refinement but it should be done quickly and accurately. Nobody wants to eat a half-baked pie, let alone have to live with it in their closet.

Katz: Thank you.

Jordan: Thank you.

Lousie Cody, Centennial Community Association: My name is lousie cody, and i'm from centennial community association. There are some things that my neighborhood really objects to, and some of them are based on compatibility. The first one is r-1 is a multifamily medium density zone with a minimum of 22 and a maximum of 43. The proposal says that the minimum should now be 30. We believe in my neighborhood and some of the other outer southeast neighborhoods, that this violates the outer southeast community plan, and when we took r-1 we did not agree to the minimum being 30. We agreed on 22. So we feel that the outer southeast community plan should be honored. And if r-1 is going to go to 30 as a minimum, we would like to be exempted from that on the basis that we have already been rezoned during the outer southeast community plan.

Number 2. When we went through the outer southeast community plan, zones were changed from r-7 to r-2 or r-3 multifamily, and r-5 to r-2. Now what we're going to do is place minimums on these zones. I'm very much against this, because when we accepted these zones we were told that it would allow someone in a single family zone to develop in their back yard, perhaps put a duplex or another house. Now by setting a minimum, if somebody wants to develop their back yard and wants to live there, they would probably have to do an apartment house and we don't feel this is compatible. If -- we still have maximum zones on these zones, so if somebody sells their property, a developer can come in and build to the full extent of the zone. But we want the option for someone who wants to live there, not to have a minimum in the r-3 and the r-2 zone. The other issue is multifamily development allowed in a single family zone in the flood or landslide area, and this issue is compatibility for us. One of the things that -- there is a new formula for how we calculate density in subdivisions. Right now we take the streets and we subtract the real streets and what's left is open for development and for lots. The proposal says the average now should be about 15%, and therefore whatever -- we'll subtract 15% in this proposal and whatever is left you can develop on. This allows for some areas a lot more lots to be created. What we propose is that you subtract the 15% as the proposal says, and then anything over that you also subtract. Which is pretty much what you do now. We recommend keeping the pud and we want to allow a variation in size lots by right. The new proposal, we're going to allow a variation in the size of lots, but we don't want this to be done by right. We want it to only be done in there are trees or environmental resources or a house to be saved, because having lots that are all different sizes is a compass built -- compatibility issue. The last thing is the -- two more things. One, we're going to go to -- in my neighborhood all my type 3s will now be type 2-xs. If we want to appeal. We would have to appeal to the hearings officer. Our proposal is that any lots for -- four or over be a type 3. The last

MAY 16, 2001

thing is trees. We find that the tree preservation is all great improvement, but it has something that says practical. We'll save the trees wherever practical. We would like that "practical" to be turned into code language that would be much more meaningful.

Katz: Thanks.

Cody: And conifers are listed as saving conifers that are 20 inches in diameter. We would like that reduced to 15.

Katz: Thank you.

Cody: Thank you.

*******:** Good evening.

Katz: Good evening.

Bonnie McKnight, Land Use Chair, Russell Neighborhood Association: It would be better when it's closer. My name is bonnie mcknight. I'm land use chair of russell neighborhood association -- russell neighborhood association. I have three comments about this code and then an observation. The faith land use division and states plat portion discussed on page 89 is a good strategy. Will it would be better if you would eliminate the 100-lot minimum before it is triggered. I think this strategy encourage a method of adding density in phases to better integrate growth with existing -- within existing neighborhoods. Review of final plat is on page 147, is an appropriate adjustment that takes certain minor changes and handles them in a less than difficult manner. We ask the changes be made available, the change information from preliminary plan to final plat be made available to the neighborhoods so that they'll be aware of what is actually to be built. And we suggest posting the changes on the appropriate website. Part five, the implementation measures, are generally acceptable. We support efforts to get the other departments involved, and it's long overdue. A land division handbook is greatly needed and will help everyone working with land use and not just developers do a better job. And to understand the factors that must be considered in development decisions. It should be a high priority for funding. The two-year shared work program by the bureau of planning and opdr is a really good way of seeing how changes work and especially with the brand-new monitoring system in type 2-x. We ask that the regular reports which are scheduled to be made to the planning commission be provided in addition to the neighborhood coalition offices for use by the neighborhood land use committees. What's missing? Zoning land use plans and building codes and all the other rules which consist of environmental considerations, open space requirements, tree caliper charts, parking minimums, build can height and setback requirements and all the rest are part of an effort to keep Portland a desirable place to live. Two major interests are not this this -- in this document and need to be included. The people who live in our neighborhoods, and the existing neighborhoods themselves. This code rewrite will be defined by how well it works to preserve the good and improve the bad. Phasing of density in a residential neighborhood needs to be addressed to preserve the good. In an area like east Portland, with big lots and smaller houses and deep setbacks with extra off-street parking, the manner by which density is added will decide whether or not the currently stable neighborhoods with a variety of demographic and income groups will continue. We need sensitivity to be part of change. We need a concept added to this code that we have 39 years to reach 2040 densities and we need to be creative about adding that density without eliminating the value of the existing neighborhood. After it is built. Healthy, stable neighborhoods are the city of Portland. I ask you to identify ways in which the core value of this city can be protected as the changes described in this code are undertaken. We need to begin an immediate process of finding out how to absorb growth as this code is adopted and proceed forward as new requirements are implemented. As just one neighborhood land use chair, I can promise you that we will join with

MAY 16, 2001

you in working to find methods to make neighborhood growth simply become more of an already good thing.

Katz: Thank you.

Arnold Rochlin, Forest Park Neighborhood Association: Arnold rochlin. I'm going -- not going to try to cover the 50 or so issues I put in the written material. But what I hope to do is persuade you that this document has just -- is something that has gone wrong from the start. The citizens advisory process didn't exist. It was really a process that was controlled by outside consultants who had their directions at the time and who faithfully carried them out. There were no citizens recommendations that came out of that advisory committee, instead we were allowed to talk and answer multiple choice questionnaires, and which were then interpreted and compiled and large -- to a large extent ignored. There may be 20 or 30 good pages in this proposal, and they would be best used by taking what's good and amending the current code. Combining title 34 and 33 is good, making certain things clearer, like how to deal with flood hazard land and slope hazard land is good. Most of it is not in any way an improvement. It really gets my goat when somebody tells me how much they're improving my opportunity to participate when I can see the meaningfulness of my participation being taken away. You can talk as much as you want up front with developers, and you generally get nowhere until they believe you have some clout. And the -- and a case which you reversed is the perfect example. We met several times with that developer. He wouldn't even change the street names from king arthur court, that other tacky things, at our request. But when you denied that application, we had serious discussions and that development was reduced from 45 lots to 35 in a -- and a lot of other improvements were made. You asked -- I gave you a handout, a table. I gave it to you as an example that shows that this process has not had the wisdom and focus that it merits. The reason for that is, because it was well recognized what came out of the initial proposal was no good. And then 90% of the work has been trying to go back and patch it. Instead, we have holes still there. This table shows that if you have an 80,000 square foot lot, you can get 16,000 square feet of building coverage. But if you have a 90,000 square foot lot, it drops from 16,000 to 9,000. It's the same thing in every range shown on that table. That table -- the first two columns of that table are copied from the staff report. I've given you the page. The right column is where I showed the consequences of applying the percentages the staff adopted. The real crime of this is not that somebody slipped up and did something sloppy. It was called to their attention a year ago and they're not interested. You asked mr. Kelley if there are any density implications to this. There's a reduction in minimum required density from 90% to 80%. For the life of me, I cannot understand how that has no implication for the number of units that can be built out. But we'll -- but will be built out. Some of my comments point out that even the statutes are violated. The type 2 x procedure calls for --

Katz: Go ahead. I'll give you a little bit more time.

Rochlin: -- calls for a 14-day notice of an appeal hearing. But ors 197.195 requires that if there is an appeal hearing for this type of procedure, it must follow the procedures for any other hearing in -- as provided in ors 197.763, which requires 20-day notice. Just objective fact. I don't see anything correcting that. I sent my testimony to mr. Kelley the same time I gave it to you, over a week ago. But it not -- but it's not addressed. Going back to what mr. Kelley said, let me go back to practicable first. We have practicable in many places in the regulations now. Always that is addressed by the developer by saying, it's not practicable for me to do that because it will make it economically infeasible. When -- but however, when you have mandatory regulations, describing the circumstances when they have to be applied, somehow it turns out to be practicable and

MAY 16, 2001

developers go on. You cannot just use a dictionary definition of practicable. The word should be avoided wherever possible. I could go on forever.

Katz: Thank you.

Sten: I'm trying to think how to ask this question. Is it possible -- I thought the camelot, maybe it's an -- I think I made the motion to deny that one. I thought it was a classic case in which it clearly didn't meet the spirit of what we're trying to do with our rules, but one way or another it was even through the hearings officers coming in, and actually took quite a bit of work to figure out why I thought it didn't meet the rules, but it was clear -- this may not be possible, but you think about this so much, is there any chance you could give me a sketch of how you see that one or something like that working under the old code? I really didn't like it, even though we ended up turning it down, versus how you would see it under this code? Is it better or worse? If that's an impossible question, think about it and send me a note.

Rochlin: The probability of a case like that turning out wrong is greater under the current code because the very issues in which you decide it on that -- to deny that one were issues which will now be decided primarily in camera. I'm sorry, now they're being opened up to public comment, but they'll be decided without a right of appeal. You would not be able to overturn it, at least not on the sewage part. Disposal part. You would be precluded under this code from finding that your -- the b.e.s. Made an error in saying there was adequate subsurface sewage disposal. Because it -- the criteria in the code is b.e.s. Approves. If b.e.s. Approves, they have met the criteria. It doesn't say anything about if b.e.s. Is wrong. The new amendment would allow -- would require that b.e.s. Have standards for that, but no redress if they fail to comply with their standards. Even if it was a type 3 and we could bring it to you, it would be irrelevant that they erred.

Sten: You actually -- in that case you like pieces much both --

Rochlin: For the current code, where that went wrong on this, there is no guidance to decision makers now on how to evaluate evidence. There are cases where people have been known to have been -- either for or against developments. Hearings officers will not allow you to impeach their credibility on the basis of past dishonesty. Or on the basis of errors that are -- that have something to do other than with the particular criteria before you. How do you decide who is telling the truth and who is not if you can't look at the credibility? What they do is reverse the burden of proof. They start out assuming whatever a developer or the advocate tells you is true. Unless it is controverted by virtually an arguable, physical evidence. Which is rare. And if you can advise hearings officers and staff on how to consider and weigh the evidence and instruct them that neighbors are not interior, and their testimony is to be considered, you would get further ahead. Also, that was the worst case of copying the findings of a developer. The developer submitted the finding in that case on a floppy disk. And the floppy disk went to staff, which passed it on.

Katz: Okay.

Rochlin: Else a decent practice, but very dangerous. You should require that on a disputed point findings be -- the -- findings be the decision makers.

Sten: I want to flag for staff --

Katz: Do you --

Sten: This issue of -- you got the issue? I won't repeat it, then. It's important to me.

Katz: Okay.

Katz: Go ahead, sir, why don't you start.

Victor Von Salza, Southwest Neighborhoods, Inc. (SWNI): I'm here on behalf. [no audio] victor, from -- i'm here on behalf of the swni board -- can you hear me?

Katz: Not too well.

MAY 16, 2001

Von Salza: I'm -- listening to gill kelley and the planning bureau staff, listening to the introductory remarks and the review of all the issues, I was impressed by how much we share the same concerns and -- in this draft. I -- he correctly identified the neighborhoods, especially the sweeney board, it's pretty much a matter of degree of where we are on the scale between what we're going to allow by right, by technical decision, or by some other type of review. I think instead of going over in detail our letter, what I want to do is comment on why that -- the neighborhood's -- the neighborhoods are concerned to the extent that they are about where we should be on that scale. Basically all of the easy land use divisions have been done. They're behind us. As we go forward, we have smaller lots that have harder criteria in order to use them and divide them in a way that will be meaningful and meet our goals, compatibility and all those other apple pie and motherhood issues we all hold dear. I think while we agree that increased flexibility is required in order to take advantage of those lots, we disagree in that those also -- that requires more scrutiny. So to a certain extent you can try and make a better -- make the code have more specifics -- try to cover those cases, but because these lots are more difficult, that task itself becomes more difficult. I think that's why in so many different areas specifically the areas we outline in our letter, like the storm water and streets as a technical versus a land use review issue, and definitely in the area of minimum lot sizes that are proposed in the new draft, that we want to see that scale be -- have the hearings officer have more criteria, look at those issues more closely, and still allow public input where applicable. So I think that philosophically that's a lot of the reasons behind where we -- the position we took in our letter, and what our concerns are. Are there any questions about the letter that we had?

Katz: Questions?

Von Salza: In closing, I wanted to say that -- to kind of paraphrase, although we can't find happiness in material things, or perhaps the codes that govern them, if the codes are well written I think we can reach a certain plane of satisfaction, and I hope you'll move in the right direction.

Katz: I'm glad he's made such an impression, even on land use code.

Liz Callison, 6039 SW Knightsbridge Dr.: Liz, 6039 southwest knight's bridge drive. There are many ways that city code can be improved, and certainly this change is massive. I don't want to discount any of the good staff work that's been done, and many good attentions, i'm sure. Whether it's in our community's interest is another matter. Sides doesn't guarantee quality. In primarily -- i'm primarily here to speak in opposition to proposed code section 33.610.200, that's the a-d and described in a table, in this section which is approximately at page 37 of this massive manuscript, there are descriptions of the meanings of lot size terminology. I wonder how the school children in this room earlier tonight would feel about the city's misleading definitions of lot sizes. In raising my own teenage son I have to tell him the truth I feel about things he wants no know about, even when he puts me on the spot and asks me uncomfortable questions. I think it's important to be honest and teach children to respect the truth. So that's one of the reasons that the city's proposal of such misleading lot dimension standards is very troubling to me. Although the proposed code language is needlessly confusing, the table on page 37 is graphic enough. Our citizens need some certainties so if you say r-5 you mean a 5,000 square foot lot. R-5, residential 5, 5,000 square feet. Not 3,000, as this code rewrite has it, if it's an r-10 lot it should mean 10,000 square feet, not 6,000, r-7 should mean 7,000 square feet, not 42 howe -- 4200, and these regulations don't protect streams, woodlands or wildlife habitat. By increasing the building densities can -- you can only force destruction of our remaining grown spaces. This does mention important features, but is untrue to say the code protects them. There has been a huge and constant amount of building in our environmental overlay zones. There are a number of internal contradictions in this manuscript which reflect contradictions in city policy generally. For example, while saying it is protecting

MAY 16, 2001

trees, woodlands, fish and wildlife habitat and water quality, the city is at the same time pushing for higher densities across the board. These relatively enforced environmental overlays don't prevent building in environmentally sensitive or hazardous areas, they just regulate it. The state does not encourage building in steep slopes, or environmentally significant areas. In fact the state defines such areas as unbuildable lands. The code rewrite again, go back to in this document there are continual references to the need to accommodate more population increases and housing unit density because of assumed mandate from the state and metro. However, metro staff in the late '90s issued written disclaimers that in correspondence with the city that its urban growth management protection -- projectioning did not mandate the high numbers of housing units which the city insisted upon while metro recommended 35 to 50,000 housing unit increases the city chose to negotiate for over 70,000. That's almost double the housing units, with no support or knowledge from the citizens. City council artificially create the need for higher density. Another problem is that neighborhood associations have no real access to legal counsel, even when they have legitimate issues. The city denies funding for legal counsel. Most issues can never be dealt with because the 79s have such inadequate procedural safeguards and I also think in closing that the timing of a decision on this code rewrite is pretty unfortunate, given the neighborhood association coalitions are right now under threat of losing their funding from the city to ask members of these coalitions to give you an honest critique of this rewrite at a time when their operating funds could be cut, puts them in a conflict and disadvantaged position.

Katz: Thank you.

Callison: Thank you very much.

Rosemarie Opp, 11135 SE Yamhill, Chair, Mill Park Neighborhood Association: Rose marie, southeast yamhill. As chair of mill park neighborhood association, I hear how the people in this area do not like the results of the density and changes at the outer southeast plan has brought. This plan rezoned the area and was adopted by the city in 1996. People are concerned that this rewrite of the land division code will facilitate further density and smaller lots by right. People who live in the neighborhood have good ideas and a sense of what is right for their neighborhood and people are frustrated by the changes and they feel you're forcing this agenda on them. Now, I would like to make some comments on my own behalf. As I stated before, i'm opposed to this rewrite as a whole, and, yes, this is -- I wanted the citizens that are watching on cable to see, it's over 400 pages. It's over 400 pages. I wanted to -- you to see this huge document. I agree with what mr. Rocklin said earlier, that there might be a few good items in here, but I think that would just be a few of the pages. So i'm opposed to this. And I ran into someone at the grocery store yesterday and one of the first comments he made to me was, they are gutting the character of Portland. And I believe that the rewrite of the this -- of this code, I believe our city had good codes and that's what kept this city nice. And that this major change would be far too much. I believe that you would like to redo the whole city. That's the agenda. And by changing this code, you can slice and dice until we won't recognize this city. I'm also very upset about the public involvement. I'm distressed about that. You say in here the land division code rewrite project has involved extensive public involvement throughout the process. You're talking about 70 people at 20 meetings, and another 13 at another, and 37, you've sent out 800 notices. Well, my comment then is, what about the 500,000 citizens and residents who live in this city? What about them? And when are they going to find out? When they see these changes, I guess. I know that you like to characterize those of us who don't like your agenda that we are opposed to changes. But I would like to say that i've always been very future oriented. I've been looking forward to the future in good changes -- and good changes. I just don't like your brand of changes. And I don't like our neighborhoods being short-

MAY 16, 2001

changed. And this is what I feel is what is happening here. I know that many of the neighborhood leaders are saying, well, they're going to do this anyway. We might as well work with it. I don't look at it that way. I see this as a series of compromises. This has been going on for this last year, and the issues that people brought up haven't been addressed thoroughly, and these compromises are unacceptable. And it will change what is left of the city that has some character into something that we won't want. Okay. I guess that pretty much said it for now.

Katz: Thank you. Karla? [applause] you're out of order. This is not the school board meeting. [laughter] why don't we start on this side.

James Peterson, 2502 SW Multnomah Blvd.: All right. My name is James Peterson, 2502 southwest Multnomah boulevard. I find it really amazing -- first I have given you a copy of the attorney general's opinion on measure 56 and notification. You're not following proper notification. There's 500,000 people here. I find it really amazing that Mr. Kelley would say that this document is density neutral. When you reduce setbacks, reduce lot sizes -- minimum lot sizes, not use what the actual area of the street is in determining land divisions, how can this basically be density neutral? It's impossible. More families are going to flee the city. There's an article in Sunday's paper that said Portland schools are basically dying. Maybe we should just close the schools and send the people to Beaverton. Is that the city's agenda? Now --

Francesconi: It didn't quite say that.

Peterson: Well, it's close. [laughter] the trend is definitely downward. It's not going up. If you eliminate backyards where children play, what do you expect is going to happen?

Katz: We -- all right.

Peterson: Excuse me. I'm sorry I hit a sore point. There's kind of a conflict in the function of the plan. Section 3.012-b. Cities and counties shall not prohibit partitioning or subdividing inside the metro urban growth boundary where existing lot sizes are two or more times that of the minimum lot size in a development code. Now, this is a requirement. The functional plan in the land use -- in the land use decision would govern. I got an e-mail back from the BOP staff saying they would take care of that in the compliance report. The compliance reporting have all the hot air in the world. It's not going to change the requirements of the functional plan. If you make minimum lot sizes in -- an r-53,000 square feet, it's going to allow a subdivision -- subdividing as 6,000 square foot lot in an r-5 this. Is very dangerous. This has major implications the way this document is written. The minimum lot sizes should -- an r-5 should mean r-5. Thank you very much for your time. I think this document needs a major revision. The people's -- the people who testified last time, none of their comments have been incorporated into this rewrite.

Katz: Thank you. [applause]

Debbie Friend, 2272 SE 112th Ave.: My name is Debbie Friend, 2272 southeast 112th avenue. Obviously a lot of work has gone into the land division code rewrite project. I can understand wanting to reorganization and reformat and make some of the changes and allowing citizen participation and a better definition of the roles of the city bureaus and reviewing land division proposals. But what I don't understand on the one hand are certain statements made in the recommended draft in light of what is being proposed. For instance, on page 6, a good code preserves natural resources. Page 7, the recommended land division regulations are intended to help guide growth while maintaining the livability of our neighborhoods. Page 10, the standards will encourage narrow lots to be developed in ways that harmonize with the surrounding developed neighborhoods and that prevent the automobile from visually overwhelming and detracting from the street face of narrow lot development. Doesn't it seem likely it would be overwhelming for me to walk outside of my home and not just be surrounded by three homes, but six homes? Because of

MAY 16, 2001

the proposed changes in the code. Talk about detracting from the street face value. Once we might see open areas of perhaps shrubs, grass or trees between our homes, we'll instead see walls of homes. New homes. When it comes to livability, what do we value? That's it.

Katz: Thank you.

Jack Klinger, 8700 SW 54th, SWNI Land Use Chair: Jack klinger, 8700 southwest 54th. I'm the swni land use chair. I came to amplify one of the points in the board letter. I wish to testify about the formula used for maximum density when a street is created in a development. I have done some math and it seems to me that 15% is too small a percentage to budget for streets. A 15% results in a 35-foot right of way on an r-10100 by 100 lot, 30-foot right of way on a square r-7 lot, 25-foot right of way on a square r-5 lot, and an 18-foot right of way if there's a 50 by 100 r-5 lot with 100 feet on the road on the 100-foot frontage. This is just one street and no corners. If we consider corners in a traditional eastside block that's maybe 200 by 500, two by five r-10 lots, the right of way works out to be 25 feet. Obviously the city is not suggesting streets and sidewalks and parking spaces as narrow as 18 feet. The result will be smaller lots and the actual properties in the development. I would suggest a point eight multiplier and a .6 multiplier for the minimum density.

Katz: Thank you.

Douglas Klotz, Willamette Pedestrian Coalition: Hi. Doug klotz. Well, i'm back again, and i've been working with staff and testifying beyond -- been on committees for many years. Once again talking about through lots, which the prohibition on through lots is still in there, despite some controversy among several bureaus. So i'm glad to see that. I -- once again the issue is, do we have neighborhood collectors and arterial streets that are very unpleasant and unsafe to walk along because there's just a bunch of walls along the sidewalk. So i'm glad to see that standard is still in there. I have comments in here, which are just basically a tweaking of it where there are cul-de-sac that's but up against a collector which is about the situation you have at hawthorne ridge, not exactly, but close. So I thought that ought to be added in there too so we don't have that situation. I thought of another situation which i'm -- hadn't even thought of until now, which is partly the situation at hawthorne ridge, if the developer doesn't want to have houses facing along a neighborhood collector, the -- we will see a water retention tract along there, and then the ten-foot back yard walls. So I hadn't even thought of that until now. That's something that perhaps ought to be thought of before trying to get an active streetscape along the neighborhood collectors where people will be walking to the bus and walking from one neighborhood to the next. That's still an issue, although from what we've got here it's certainly an improvement over the current standards. I didn't bring my pictures of walls along arterials, but i'm sure you've all seen thing. The second thing I wanted to talk about, alley access. The standards in 33.610.200-d that were alluded to earlier, and I -- the willamette pedestrian coalition believes this is a good change in the code that -- when there's a development site that goes up to a corner, that you basically require to create an alley along the back of the site so you don't have a row of garage doors along the front. That rear -- that rear access on such row house developments, for instance, is a good way to give you a good streetscape along the street and the garage can be at the back. You may hear testimony later today regarding the amount of paving this requires, because you're talking about the paving for the alley. I'm wondering if maybe the 20-foot standard for the -- for this access road needs -- could perhaps be less since it basically is just -- is accessing just the development which may be four or five units. I don't know if you're not following along, I -- i'd welcome questions. It's a complicated issue. Pedestrian connection width. I've talked about this before. I'm still a the concerned about the safety of some of the pedestrian connections, because they can be -- the code requires only a 15-

MAY 16, 2001

foot wide right of way in a six-foot paved area. Which might be okay on a short connection, say, 100 feet, maybe even 200 feet, but you start getting three or four or 500 foot long passageways, and that can get to be a dangerous place to be and you might have people start -- there who you wouldn't want to encounter on a long narrow corridor. Granted, there's a requirement that fences can only be 42 inches high along these, on the other hand neighbors could plant six-foot-high hedges because they're not regulated. So that's some of our concerns and we thank the staff for working with us all these years on these issues.

Katz: You did mention -- show some typos on page 4. Staff should take a look at it. I don't -- the issue related to the distance from grade, take a look at that. Okay. Thank you.

Sean Brennan, Gibbs St.: Thank you, council members. My name is sean. I want to address only one particular section in the implementing aspect of title 33. Calling your attention to section 33.700.070-c, the situations where the code is silent. The amendment staff has brought forth I think was intended to be technical in nature, but it does have a substantive impact and we need call attention to that. Specifically --

Katz: What page?

Brennan: I'm on page 353. Specifically the amendment reads, proposals for uses, development or land divisions and development or land divisions is underscored and is new, where the code is silent or where the rules do not provide a basis for concluding that the strikeout use underscore proposal are prohibited, the planning director may initiate a memo to add a new use category or make other amendments which -- in chapter 33.835. I would like to propose that on the -- striking out use and additional proposal that instead you repeat the language to say, use underscore development or land division is allowed. The way it reads right now, a proposal is what you're prohibiting. And you really can't prohibit a proposal. The code is designed to either allow or prohibit uses, development or land divisions. According to this amendment. And the way this sentence is does not make sense.

Katz: Okay.

Brennan: The second thing is, the amendment or make other amendments as stated in chapter 33.835, I want to make sure that was clarified that the amendments could concern only those things that the code is designed to regulated, that is, those new use categories which is already in there, and to govern proposals for lands divisions. So I with have some recommended language I can passion on to staff.

Katz: Why don't you pass out to staff and they'll comment on it. Thank you.

Brennan: Thank you.

Dave Nadal: My name is dave nadal. I grew up in southwest Portland and currently live in Multnomah neighborhood. Mr. Kelley stated on the radio a few weeks in response to a question that we have right now under current zoning and -- enough buildable land supply for a 20-year capacity within Portland for its own goals. So i'd like to mention that as the whack drop to what I want to say. I think we need creative zoning and creative solutions, but I pretty much agree with mr. Rochlin that most of what's gone on in this document and in my opinion the whole growth plan is a nonnative sort of growth plan and multiple choice questions with real limit the, high-pressure, high-horse agendas coming from the pop down, politician and their allies and most of it should pretty much just not happen. I think maybe 20 pages of the growth -- of the document before us tonight should be adopted and i'd say go ahead with that. One of the ones I like is the recreational use areas proposal. Like some previous testifiers, that needs to be -- to apply to high density too. We don't even know how to do high tense did I yet. I think it can be done to make it friendlier to families but there should be minimums there. We are literally ruining the city, and I think our

MAY 16, 2001

current city council and our politicians are so disconnected and out of touch with people in the land use area and -- in particular, that it's very, very tragic what's going on right now. We need to have family oriented high density, park blocks in the pearl district won't do it for the monolithic structures, dark alleys, dark plazas, and spaces between the units that are existing in the -- and are going in the pearl district. It's just not going to work. It's going to be a yuppie kind of place and not for children. We need children, and we are ruining the whole thing. I agree with all of swni's conclusions in their letters to you. On the rewrite. I think that we need to have some clustering of housing in some of the -- let me start over here. I think there's a problem when you drop the minimum standards for lot sizes in the residential areas. As far as you have. So I agree with swni on that. There's no design standards to govern if somebody has a double-sides lot and they want to reduce -- they want to build an additional house on there. There's no standards that I can see when I read the code that would govern how they site it, other than the typical setbacks. That process needs to have some very strict design guidelines. And that is my testimony.

Katz: Why don't you start, since you have so much positive energy.

*******:** I reside at -- our box number is 19224 Portland, Oregon, 97219. I'd like to break this attention here for a minute and ask you, how is your -- was your visit with the dalai lama?

Katz: I'll tell you later.

*******:** Okay.

Hales: Better than this. [laughter] no offense, lewis. Nothing personal. -- louise.

Katz: Why don't we start, louise. Watch the morning session. I shared a little bit about the visit. So if -- if you watch a replay of the morning session -- okay?

Louise Weidlich: All right. I will be sure to do that. Mayor Katz, commissioners, it is a privilege to be here this evening and I want to say that our prayers are with you as you make your decisions on these important property measures. I'd like to if a -- emphasize the fact that ballot measure 7 was passed. Ballot measure 7 requires payment to landowners if government regulation reduces the value of their property. It was passed, and of course it's in the middle of being -- trying to be reassessed. It amends the constitution, prohibits taking private property for public use without just compensation. Oregon supreme court has not required compensation when property values were reduced. The measure requires state, local governments pay landowners the amount of reduction in market value if law, regulation, reduces property value. Compensation required of owner must act to protect certain natural resource, cultural values, or low-income housing. Exemption for historically recognized nuisance laws or if owner sells alcohol, pornography, operates a casino, applies if regulation adopted after owner acquires property. That's ballot measure 7. Then on the backside of the sheet that I gave you today is a ballot measure that is coming up in november. The neighborhood preservation act of 2000. Which removes control of metro and land use housing. As -- it's already been passed and approved and will be on the ballot in november, put there by Oregonians in action, the same group that put the ballot measure -- yes on ballot measure 7. Whereas increased housing density adds new apartments, row houses and condominiums to establish residential neighborhoods to increase housing density, disrupts existing neighborhoods and alters the stability of their overall land use pattern of the community. I'd like to insert in there that we have -- are going to be next door to a whole street of row housing which will be right next door to us on moss street, which puts it right next door. We object to row housing in general, and across -- it is across the street from the west hills christian school. Traffic is lined up there in the morning and after school when parents pick up their children. It does not seem a wise place to have it. I would oppose having the row housing there, especially. Among other places. Three. Up creased housing density causes tremendous increases in traffic congestion. Commute times and air

MAY 16, 2001

pollution. That's what I think would happen with row housing across from the christian school. Increase housing density, limits land available for neighborhood parks and open spaces. Five. Increased dense -- housing density increases the demand on existing public services including fire, ambulance, and police services. I don't -- it isn't in here, but it seems to me that if the -- all this density -- is there going to be a need for new sewers? And -- I know that our sewer area is older and there's not that much available really. I'd like to know what -- have a response from you people on the availability of sewers and water and other utilities. Six. Increased housing density increases the demand on water systems. Many designed to handle the demand caused by increased housing density. Increase housing density increases the demand on existing schools and facilities. It was mentioned here previously that the school district is now around 54,000. 20 years ago when I was running for the Portland school board it was 78,000. So it's again down almost a third.

Katz: Louise, your time is up. Why don't you just give your --

Weidlich: I would like to finish by saying, notwithstanding any procedure provisions of this section, the metro council shall not adopt any ordinance which requires either directly or indirectly a city or county within the jurisdiction of metro to increase housing densities or adopt minimum density requirements on residential land within the city.

Katz: Thank you.

Weidlich: I would like to show this picture here, november 17th, '96, southwest neighborhoods -- neighborhoods residents furious over zoning plan. We had lots of people then and everybody was involved. Now we're just dribbling in with a faint attempt to act like you're listening to us, which you're not.

Katz: Oh. Okay. Your time is up. Thank you. I'm -- amanda.

Amanda Fritz, Chair: Amanda fritz. The first letter is a letter from the tryon creek watershed council regarding the springs and seeps issue. The rest of my comments are just from myself. I've been on pretty much every committee in every situation that's ever been -- I begged to be -- this is the only project that's gone on longer than the southwest community plan. I guess i'm just sad that at the end of this with so many great people being involved from the bureaus and from the citizens, that despite our best efforts we haven't been able to get to something everybody can agree is much better. That is just kind of a humbling experience. I want you to remember that later in my comments when I talk about technical versus land use, because I think sometimes we try hard but we can't get where we want to be. I've also -- the second thing I handed out was six pages of details of the things I think are still the problems with the proposed code. I'll just highlight a couple of them. The -- we are happy to see solar access standards, but they don't comply with state law. Ors 227.190 says if you are going to have access standards -- solar access, there are specific things that need to be considered. The findings need to prove you have considered those things even if you haven't adopted them. They don't seem to be implemented to me. I think the current solar access standards in 34.65 are better. Secondly, the landslide hazard, I don't think the approval criteria is right. I also am concerned all of the land divisions in southwest will be type 3s. I'm happy i'll be able to appeal them to you. However I don't think that's fair to the people in the southeast who are getting their type 3s going to type 2s. Also there still hasn't resolved the problem of having two technical -- I do like the current planned unit development process and I agree with arnold that it would be better I think on balance to take the good parts of this proposal and slot them into the current code. It would be more cost effective to do that. Will the single issue i'm concerned about is the lot sides in the higher -- in the lower density zones, r-7 and 10, specifically to retain lots that are big enough for a swing set, which 250 square feet does not allow enough room. My proposal for that is that 50% of the lots in those zones will probably not going to

MAY 16, 2001

be able to provide city parks. Should be the current base on size, and that might take care of the Multnomah issue also. My main concern, however, also is the technical versus land use issue. And the proposed code clarifies indeed most of the decisions are taken away from citizens. I've been before you five times I think on subdivision appeals. Three of them you've upheld the appeals, two were -- upheld the denials, two of the denials were on storm water, one was on streets, one you reversed, the -- because we showed the storm water plan was not right and one was the famous occasion when I agreed with the developer. It's really a problem, because it's still a problem -- this is why I care about it. This is the great tryon creek watershed and this end is the west Portland park subdivision that never was. It's now a metro green space. That was denied because citizen were able to show the storm water plans were not add quad, even though b.e.s. Said they were. Unless you -- les you think with a was in '95 and it doesn't happy anymore, I have a decision from last week where b.e.s. Says there's a distinct drain want way along the entire length of the right of way. This constitutes the head walkers of the creek. Street improvements will result in elimination of the drainage as well as tree canopy. The elimination of this portion of the drainage will severely impact the drainage pattern and will add to the water quality flow and habitat disturbance problems in arnold creek. Yet they say yes, you can do it. And there isn't any proposed code in the new proposal that will add any more standards. We just did the 1738 update that gives b.e.s. The code to say that no, you can't subdivide new can't contain and manage your storm water on site. They say in that findings that's not going to happen. And sometimes they just need us, the citizens, to be able to come in and support they're saying no. It's hard for the bureaus to say no, and sometimes they just need us to do that. And if you want me to go take up knitting or gardening or something other than advocating for stream protection in southwest Portland, then adopt the code as it is now. Because otherwise you given creased participation but nothing from me to be able to come and say, excuse me, there's a stream here, we're going to pave it for a street. And that's not okay. This is a type 2, so it won't come to you. And I will be -- our neighborhood association will be appealing it. Based on the fact in the current code, it says title 17 can be met. And we intend to try to show that title 17 specifically 17.38 has not been met for that proposal.

Katz: Thank you. [applause]

Katz: Hey. Come on, now.

Sten: Could you give me --

Katz: One second. Question for amanda.

Sten: Could you give me a little more sense by which what you mean -- don't do this but incorporate the good stuff?

Fritz: The current planned unit development code works well. It has a lot of flexibility and has appropriate approval criteria to make sure the development relates to the rest of the neighborhood. Things like the kinetics of the storm water are met. It doesn't have real specifics on things like parking and tree preservation and will the extent to which the lots can be made smaller. And it doesn't have the design standards. But we could slot those things into the current code. We could also keep the current code, which is much simpler than the pud for smaller developments or we could keen of keep title 34. If you don't take -- if you don't make these changes and indeed look at all of the detail changes, because it's the details that matter, when you're in front of a hearings officer you have to go word by word. If those changes aren't made in this new draft, then we would be better off in my opinion just sticking with what we have. There is a significant budget implication for trying to come up withstands for streets and for storm water. The very beginning of this project we were going to figure out those standards for streets and it's taken us seven years and we haven't been able to do it y we think another six months is -- it's like the southwest community

MAY 16, 2001

plan. Why we think another six months is going to get us where we need to be, I really don't see it.

Sten: --

Francesconi: But if we were able the design those standards before it went into effect, would you then be okay?

Fritz: There's going to be so much discussion and disagreement on the standards, because -- a road is a different kind -- you're going to want different things in a street at 2.5 area in Multnomah village than a 2.5 area in -- somewhere else. There's going to be a significant -- if you look at the pedestrian guidelines which are adopted, they contain words like practicable. They contain discretionary decisions. Will it's not cut and dried. It's not like a curb height that it's either six inches or nine inches or whatever. Streets and storm water are the very essence of how subdivisions fit together and there's a proposed appeals process for the technical decisions, but the land use review stage is the only time that all of those bureaus get together and decide whether they work together.

Francesconi: I'm trying hard to sound not like the lawyer that I am. I take it from your answer that the answer is no. That you would rather keep this appeal process than redesign the --

Fritz: I think it makes sense to look at land divisions on a site by site basis. And I think we have sufficient -- with the best of the new proposal and the old code, I think this is sufficient guidance for the hearings officer to make good decisions. I'm proud of my participation in subdivisions in my neighborhood. The ones that have been denied and the ones that have been approved, I think citizen input has made a big difference. And we've been able to customize those land divisions to something that fits our neighborhood. It would be different in a different neighborhood, I know from discussing with folks. Different neighborhoods want different stuff.

Francesconi: Thanks.

Katz: Go ahead.

Corrine Webber, 6245 SW 39th Ave.: Corrine webber. I didn't come with a prepared statement. I'm just picking up from what is said. I want to pick up would -- on what amanda just said. There are so many -- there are infinite number of variables. When you try to write code, it's very, very difficult to come down with something very specific and tight that's going to fit every situation. Impossible. I'll go along with what she suggested. I think she right on. However, I am just picking up on that. I meant to pick up on some other remarks made by prior speakers, and that is address specifically and exclusively the minimum lot sizes. They will, without a doubt, increase the density. I don't think anybody can deny that, really. It's just simple arithmetic we're going to be increasing density if we follow through with the minimum densities that are allowed in this new rewrite. Certainly when you get down to 5,000 square foot lot, that should be the absolute minimum size. If you're going to consider having families live in Portland, what are children supposed to do? Go out in the street and play? Or expect mom and dad to run them to the nearest park, which is maybe miles away? There aren't enough parks. Or park in front of the television? We don't want that either. So if they don't have their own back yard that they can dig a hole in or climb a tree in, or build a fort in, which all kids need to do, they have to have some free time, they can't have every single moment of their waking hours regimented from morning until night, they have to have a space to do that. Children require space. And so I would certainly urge that if this thing goes through, which i'm hoping that we seriously reconsider that, but certainly the minimum lot size areas must be reconsidered for the benefit of our 70. We cannot destroy our neighborhoods and expect families to move into them. They will not do that. They will be moving out to beaverton or the distant perimeters of the city, and then we'll have them traipsing across southwest

MAY 16, 2001

in their automobiles as they go to work and back and forth and create all kinds of additional problems that we're trying very much to avoid. So let's hopefully reconsider the minimum lot sizes in this proposal. I think it's very important for the livability and character of our neighborhoods and the wealth of our children and other good things that we're trying to do.

Katz: Thank you. [applause]

Katz: Rick, did you want to be the last person to testify?

*****: I just want to hear what other people are saying.

Katz: But you're prepared -- is there anything -- anybody else that wants to testify? Okay. Why don't you go ahead, sir.

Raymond Hites, 8827 SE Holgate: My name is raymond, I live at 8827 southeast holgate. I'm also i've been a member of different land use committees. I'm currently a member of the lents neighborhood association land use committee. First I want to start with a quick decision of a traditional r-5 neighborhood in the older developed areas of southeast Portland. It's 50 by 100 lots, 50 feet by 100 feet deep on 200 foot blocks, and 60-foot right of ways. The reason why i'm describing this is because this proposal would prohibit any new traditional developments of that type. In fact, I was looking at the picture on the front of this proposal, and I said, I don't think you could even do that. And the reason you can't is because of a combination of these various regulations, including the minimum density regulation, the rounding, but most importantly on page 33, you have 33.610.100 density standards, d, when you have a street created, it only -- you only allow 15%. And then from there you -- that's where the density calculations come in. 15% for streets. This traditional neighborhood uses about 40% of the area for right of way. In fact, you couldn't even do a 50-foot right of way. You could just barely do 48-foot right of ways. And in that case you're using 35% of the area for right of ways. In other words -- basically you're precluding in the future the reproduction of some of our best neighborhoods in southeast Portland in new areas. If you just have, like, the interconnectivity requirements of every 300 feet and just use those kinds of things, in an r-5 area with 48-foot right of ways and 50-foot-wide lots, you're to 29.1% of the total area would be right of way. So 15%, you know, is almost half that. It's just -- and that's your baseline for figuring out what your densities are going to be. I even looked at r-7 and r-10s. In those cases where you have different right of way requirements and these requirements are all in the back of this thing, I calculated 25.9% for the r-7 and 23.9% for -- would be the right of way for the r-10. Now, where did this 15% come from? It came from a study that the staff did of all of the subdivisions, and I haven't had a chance to actually look at the study. I don't know anyone that has, quite frankly. But I would suspect that a lot of it is private streets. And, you know, i've seen many a development where they put in the little 20-foot private street with the four-foot sidewalk that nobody -- you can't walk side by side with someone, and basically they use that to access what is in fact a two or three flag lots when you really come down to it. It's a driveway. Basically what i'm saying, don't enshrine some of the current bad practices into the new code. Set the standard that we want public streets and give them enough right of way to do it. We want them to have interconnections so we have a good grid system. Give them the right of way to do it. And assume that you have standard lot width when you're trying to put together this - - these standards.

Katz: Your time is up. Do you want to -- is there anything else you want to add?

Hites: Well, the only thing, if I had a chance, was I understand that mr. Kelley earlier answered that this proposal is density neutral. I don't believe it is. I think when you add -- even those three things that I mentioned, the minimum density, the rounding and the -- and this provision here,

MAY 16, 2001

you're going to force more density into an area, even if a developer didn't want to do it, than would have traditionally been required.

Katz: Okay. Thank you. All right. I'm going to give rick a little bit more time.

Rick Michaelson: I'll try not to take much of it. I'm rick michaelson, I have participated in many stages of this process and I am speaking as myself and as a developer and neighborhood resident of an infill inner neighborhood. The reason this project is so difficult is the issue of balance. This city has so many different kinds of development, so many different kinds of neighborhoods, so much history. I agree with amanda and arnie that the present code for puds is an excellent code for very large or for large puds that are putting in streets and doing a lot of [no audio] however, it's a terrible code for small projects of three or four units that have to go through the pud process. The present code is -- was designed for the kinds of development we had years ago when people with large tracks of land. It is not well suited for today. The present code causes the problems we've got with row houses in the neighborhoods and they add development in outer southeast that you heard from ed jordan about tonight and it needs to be fixed. This is a balanced approach. It's not perfect. You've heard things tonight that could be improved. But we should go forward with it with some very minor modifications. The question of lot sizes. And zoning. Will the zoning designations set the density, not the lot sizes. There are in fact five ways lot sizes get set. You can use standards from the table, in many cases you can do averaging. You can get adjustments through the adjustment process down to the limits that are proposed here. You can do it through the pud process will. You can do it through the cluster process, which is as of right and doesn't require any additional review other than minor partition. The present code reduces it to two. Reduces to it averaging and to type 3 pds. That's a trade-off that may be at the right line, may not be at the right line. I'm intrigued with amanda's idea that half would be -- in fact, by requiring averaging, that's what you're doing. Some of the lots can be smaller and others can be larger. Maybe it needs more fine-tuning. I think it's a good -- I think that choice is a good choice with some fine-tuning. I want to talk about three specific amendment requests i'm bringing tonight. The deal with the small lots. One is a correction of a mistake. Another is a reconsideration of what we thought -- I thought was a good idea and a third is an opportunity I now seek in code language -- I see the code language has presented. The first mistake is the minimum lot sides for single family houses in the r and 5 zone assist proposed to be 5,000 square feet where for attached 2500. The minimum for single family should be reduced either to 3,000 or 2500 square feet. We've heard from the neighborhoods about how they don't like row house and they would like alternatives. By allowing small lot alternatives on single family dwellings, we give them that alternative in a way that's consistent with the other elements of the code. It's a policy choice. Why should we have a larger minimum lot size for one housing type than another in the same zone. 3,000 square feet is an appropriate size minimum lot in the r-5 zone, why not in the r 2-5 zone. It creates the anomaly that the maximum density that you can create -- use for single family dwellings in the r-2-5 zone is less than the minimum density for the attached units. That doesn't hurricane any sense and ought to be fixed. The second one is the question that the -- referred to before about requiring all access to be for the rear of the units on corner sites. I've done a bunch of drawings, and I think it's a mistake. We need more flexibility. I think requiring the 15-foot curb provision solves that problem without being prescriptive this a way we might not like the resulting. We're putting a stricter requirement on developers. Will the third issue amendment is the amendment to allow modification to some of the parking regulations through the pd process but not all of them. The way the code is now written, you can get a modification from the 15-foot curb requirement through the pd process, but you can't get modifications to any of the other parking requirements. Why not give the

MAY 16, 2001

neighborhood and the developer to say the best choice is to reduce the parking but maintain the 15-foot curb spaces? It -- go through a type-3 process. We've heard from low-income low cost housing advocates that they'd like to reduce parking. This is an opportunity put that in place and make it happen. So i'd like to see those three amendments considered. I think you've heard from some other people tonight about technical work that needs to be fixed. And I think we should go through -- forward with this project quickly. I don't think we should spend another year fixing it. We know we'll be back in a year no matter what we do, adjusting and it makes -- making changes to it. The so -- the signer the development community and the neighborhoods know what they're working with, the sooner we can learn from this and move forward. Thank you.

Katz: Questions of rick?

Sten: A couple. Rick, do you have a position on the argument that the least -- the street and storm water choices should remain land use decisions?

Michaelson: It's a very difficult decision and choice. I think amanda pointed out some cases whereby making things technical decisions mistakes will get made. My hope is that some of these decisions are not maintained as land use decisions, but the bureaus have their own open and public process for reviewing and correcting them. I think to -- I don't know how that would work. I think there -- maybe the division that's gone into this code between type 3s and type 2-xs and where those issues would get dealt with are -- may not be in the right place or may need adjustment down the road. One of the options would be to let the hearings officer determine which of these issues need to be reviewed in which way, in this process.

Sten: If I made the argument I think they should stay land use, one is they don't come that often, so I think -- I don't think it's that big after burden. And two when they do come, when I was b.e.s. Commissioner, I -- several times i've found the application the bureau was using was completely contrary to the spirit of the regulation that I had pushed through, and I would have never known that if I hadn't had them appealable to me. I lean on that one. My sense is I don't -- is it burdensome to the developer? It doesn't seem like it comes up that often, but when it does i've found them to be significant.

Michaelson: I think it's burdensome to some of the bureau that's would need to be more involved and do a better job. One option is --

Sten: I'm leaning toward keeping it a land use, because i'm not sure the standards work.

Michaelson: I think when I was on planning commission and reviewing this I voted for most of these to be land use and not technical.

Sten: Okay.

Katz: What else did you vote for that --

Michaelson: I can't remember. This is very similar to what I voted for and I think it's improved from what I voted for except for some issues.

Sten: Okay. I'm completely making this up and if i'm going down a bad trail, just tell me. If I bought both arguments that -- the argument that amanda made that in general the old code is better for the bigger deals but I bought your argument that in general it's inadequate on the smaller deals, is there any way to split the baby? You're shaking your head, but I may have to scrap this whole project, so give me a shot.

Michaelson: I think staff would be in a better position to answer that one than I would.

Sten: Okay.

Katz: Further questions of rick? Thank you, gentlemen. All right. Why don't staff come on up. I think we heard some very similar issues. Let's review them now. Council, are you -- it is 8:40. Let's begin and then we'll see where we are in terms of instructions or directions to the council

MAY 16, 2001

whether you want to deal with it tonight or you want to come back and deal with it when the sun is shining.

*****: That's your call. We're ready to --

Katz: I know. Why don't you start from the top, and give us both sides of the argument.

Kelley: Let me just start with a more general statement which is that it's unfortunate for me to hear, although I completely understand some of the neighborhood people, community people coming forward and not quite understanding what the land division code does and doesn't do. It is a confusing situation. Part of my own frustration coming in late in the game is wanting to move on to some of the biggest issues that people talked about, which will not be solved through the land division code, no matter how you write it. One of those issues is the issue of building patterns in the outer southeast as a result of the a overlay zone. That is not something that's codified in the land division but it is something that we've said all along will be in the next phase of our work program to look at that again. And so I completely agree with arlene and ed that that's an issue that needs to be looked at. One of the issues -- reasons i'm anxious to get this closed off and not have too long in the period between adoption and effectiveness, because my staff will need to be involved with margaret in the training of staff and the preparation of materials, is to get on to some of the other things. Similarly, I understand the frustration about the quality of infill development from a design point of view. And much of that occurs outside of the land division process on land that's already divided. And there's more work to do there, particularly as we move into the multifamily zones now. Or in multifamily attached building types. And we've all along acknowledged that's where we want to get to next. It's not part of this project. Also we've acknowledged between bureaus we want to look at this issue of narrow streets and so forth again. So those are things that we're looking forward to getting on to. I'm also understanding the frustration about whether this means increased density or not. I'm very serious when I say it does not increase density. Most of that has swirled around this motion of minimum lot sizes. One issue is why should the average reader pick this up and find out when you call something an r-7 zone that means all standard lot sides of 7,000 feet, that you could actually reduce down to 4200 feet under your proposal. The truth is that results only when you cluster and you cluster for the purpose of avoiding environmental resources or whatever. Overall on the subdivided tract you're entitled to no more density than you would if you divided them into neatly exact same parcels. So in terms of density, it is in fact neutral. And probably under this proposal particularly with the rounding of -- that we've put in, would actually reduce densities from what would otherwise be allowed right now. So those are just the facts about this. And I understand and appreciate that it's hard to glean that from reading 400 pages, but the group I convened sift through all of these issues in a lot of detail. And similar, there's a sort of misunderstanding about what the 15% road area means. It's not a cap as one speaker alluded to. In fact, what it is is an average citywide which we've studied and calculated that is an assumed average and you deduct that percentage out of the land mass before you calculate the density. It doesn't mean you're limited to that percentage. Or that you have to achieve that percentage. Either one in terms of your road areas. It just allows you to be certain about what the calculated density is going into your project. So it's certainty for both the applicant and the neighborhood. It is not a cap. So I wanted to clarify a couple of those points because I think they're really a matter of clarification, and we'll continue-to-could that and to educate and to involve the community in those next phases of the work. Let me as a result of run down from the top the ones that I picked out in order of the testimony. First on linda bauer's point, and I think she echoed the foresters' comments, we received the letter from the city forester, and would agree that suggestion. And I think we can incorporate that in fact I think in recent conversation staff-to-staff

MAY 16, 2001

we sort of do one better and use a standard of sort of 1-1 replacement. On the tree for requested changes and actually 1.5-1 for violations that occur. So I think we're going to be able to address that issue sufficiently when we return.

Katz: Jump in.

Sten: Could I ask a question? I'm not sure I want to know all of every comment tonight, but if we get back -- before we get too deep into the detail, could you help me with your view, or any of your view on the fundamental question of why should I -- based on -- to be blunt, i'm struggling with this one because I don't understand it all, to be blunt, people who do really understand this who are generally -- who I generally tend to agree with think we should adopt the changes of this and put night the existing code, can you help me -- what's the fundamental of that argument?

*****: I'm not sure what that means.

*****: I don't either.

*****: Because essentially I think that argument swirls mostly around the planned development. There's a lot of allegiance to the planned development section. And that's one of the things I was going to address on the list.

Katz: Let him go through that and then we'll come back. Because he may be able to --

*****: I'll tell you my belief --

Sten: The council can do whatever it wants, but i'm not all that helpful to each of the specific details. I think we would agree there's going to be negotiations. I'm trying to deal with what are we going to do with this whole thing which seems ton more important than during the six-month break how we're going to negotiate each detail.

Kelley: I don't want to take six months to negotiate the details. We want to take -- we want to get most of the details out tonight or before you go away. Whether you continue this session to next week or whatever. So you know what we're coming back with. I'd like to come back with that and publish that by the 10th of july so we can complete your hearing process on the amendments. That's part one. Part 2 is i'm not sure what speakers mean by taking 20 pages and inserting it in the old code. Really what we've done is taken the old code and rewritten it. So it's a matter of -- we've suggest add whole set of amendments here and I think the principal actions -- objections revolve around the perceived loss of the planned development standards and we'll talk about that one specifically. And then this land use versus technical issues, particularly as it regards storm water. And I think those are two of the hottest button issues. But i'm not sure how you would just easily keep the old code and insert some of the new stuff, because essentially that's the process that we've done. You'd have to go through a very long process deciding which ones you want to incorporate and which ones you don't and recraft the whole series of sections to accomplish that. So I think it's more helpful although it's more la boreus to talk about the substantive details, because you need to decide whether those are in or out. There's no other easy answer that something else is in and something else is out.

Katz: We're going to labor through this. The question is I want to -- I want to make sure that whether we can do it all tonight or not. So why don't you go ahead --

Francesconi: When you're laboring through it, maybe I should have neighborhood point clearer to people, we need to get the priorities, what the big issues are as opposed to each -- if you could do it in priority order -- is that what you were going to do?

*****: Could I --

Katz: Go ahead.

Kelley: I'd prefer to do it as quickly as I can in order of speakers. I think i've got the substantive ones. Go ahead. On linda bauer's comment, I think we've got that covered. It going to fit in one of

MAY 16, 2001

four categories. Yes, we agree and it come back to you. B, we will look -- take a serious look at it, c, it makes a lot of sense but it really part of the future project that is outside the land division code, and there are some of those, and then finally, if there's some we just think don't go in, we'll try to tell you that.

Katz: Okay. Go ahead.

Kelley: With arlene's comments regarding the required recreation area, she had one comment having to do with requirement about a -- a facing street. That's one that -- in the second category we'd like to look into that exactly what she means and see if there's something we, do there. With regard to required space for multifamily developments, this is clearly an issue for the phase two projects. So, yes, we agree there's an issue there. We need rook at it, but it's clearly digger -- bigger than the land division code issue. And we --

Katz: So if it affects the -- development on land that is not being subdivided, then your category -- the category -- putting it into the category of future discussion.

Kelley: If a majority offer substantive part lands there, yes.

Katz: Okay.

Kelley: If it's mostly within the land division code we'll try to tackle it.

Katz: Okay.

Kelley: We also agree with her on the technical manuals. I think she was supporting a point we were making. Yes, I have been meeting with the bureau directors to enforce that. That part of the bargain about getting some relief from the land use criteria. The future a overlay zone. I agree. We need to look at that.

Katz: The sooner the better.

Kelley: I understand. As soon as we can get this project done, the sooner we can get staff onto it.

Katz: Yeah, I know.

Kelley: Okay. Ed jordan made that comment as well. Will the road area that we ought to have is larger than 15%. We really feel we shouldn't go there. That may just be a disagreement that you have to vote on. We really hashed this issue out. It's not a cap, it's note a minimum, it's an average from which --

Katz: What do you think, commissioner Hales?

Hales: I agree with gil.

Katz: I think i'm going to make assignments to some of the areas where you have the expertise. You don't need me to make a decision tonight. Go ahead. Open up your heart. Don't be snide, now.

Kelley: There's a series of comments made by louise that talked about keeping the pud and i'm going to come back to that one. Requiring type 3 for any subdivision of four lots or more. Again, we exhaustively went through this in a discussion group and made these three tiers. And we have by the way any lot that has environmental constraints or landslides, they're automatically bumped up. So this is really the noncontroversial sites. They are pegged at the enhanced type 2 standard. So there's early notification and bringing in more information in the application up front. We feel we've addressed the substance of that issue.

Katz: What does the council feel on that one?

Hales: I agree, they don't belong in type 3 -- if type 3s were zone changes, 5 lot subdivisions don't belong there.

Katz: Go ahead.

MAY 16, 2001

Kelley: Looking at the tree removal standard about the practicable issue, we clearly disability ever didn't intend to leave this word floating in the area without having some criteria. We have proposed some criteria, but in the -- in response to the comments tonight we want to look at that more. What's the right way to get a clear standard. I think stevie said at the beginning if you just peg a numeric standard you might be selling yourself short in many cases. So that's the other side of that. But we'll continue to wrestle with that one. As we will look into this issue about the size of conifers to be protected. We'll look at that. Lowering the 100-foot --00-lot million memorandum for phase development -- requirement. I think that's one that we wouldn't recommend. But it's something that didn't have a lot of discussion attached to it in my group, so i'll at least look at that. And then come back to you with a recommendation one way or the other about it.

Katz: You're going to come back with that?

Kelley: Yes. The notion that preliminary changes between the preliminary and final maps be made available to the public, again, I really want to consult with opdr on that one to understand the mechanics of what's involved in that. It sounds like a good idea on the surface, I just don't know what's involved. So that's an issue we would like to look at with opdr staff. Building a land division handbook and making that available to the public is a good idea. So that's a yes. Making the periodic report that's we do for the planning commission on whether this new set of regulations is exceeding or not available to the distribute those to the land use chairs, yes. It's a very good idea. We'll do that. There were general comments about phasing in density in southeast Portland and being careful about that that I think bonnie made that are very well thought out, good comments. I think perhaps the way to do that is through the second phase of what we've been talking about where we want to look at building standards and at the a overlay. Then we've we got to arnie, and I guess there are a number of things that were stated in his letter that we received ahead of tonight that we can agree to. And without going into all that, because there were a lot of pages attached, there are nine things that we would agree to out of that letter. And you tell me if you want to go through all those. Let me talk about the one that he raised that had the most concern. And that had to do with not allowing a repeat of the camelot estate subdivision. And while arnie wasn't part of my discussion group, did I go to a land use chairs meeting to talk about this before november, and he brought this point up and I hadn't really known the history of that case. And I listened and I actually made a proposal which is in the -- reflected in the ordinance that i'm not sure is completely understood. In the case of storm water decisions, while have -- while we have made the technical engineering decisions technical in my recommendation as opposed to land use, we have required on the basis of what arnie recounted to me, that demonstrating the capacity to handle the storm water in an engineered way may not be the ultimately the particular engineering that's done. But establishing that there's the capacity to do that is a land use decision. And that has to be proved up front. So that information is -- unlike that time, when there was not such a requirement, it has to be done at the land division stage and proved that there is the capacity to do that. Why we resist -- why the bureau of b.e.s. Resists having it be a land use decision forever beyond the capacity demonstration stage is that any time you make a change then down the line as to the particulars of engineering, that reopens the appeal process and no change can be made an if it's a good one without going back through the land use review process. And that's the bureau's main concern there. And I had some sympathy to that. What didn't have sympathy for is getting ourselves into a situation like the camelot estate. So I think the proposal you have, which I wasn't hearing got understood or reflected in either amanda or arnie's testimony, I think addresses that issue.

MAY 16, 2001

Katz: Do you want to poke that the -- at that a little bit?

Sten: I can't completely track everything you just said in terms of when you're -- when you can't, but I would say i'm unequivocally for how we do it now over what i'm hearing, because it just -- every time we -- I have not seen any evidence that the bureau's worry is a significant problem, so if they want to convince me it is, it can be, the cases we've caught on appeal, the capacity is a joke. The capacity is always there theoretically. It's the engineered version, and the changes that get played around with that knock out the entire promise that was made on the front end of the game. And the storm water regulation that's we put forward are basically good intent that's completely unproven. Because we're doing storm water management that's unprecedented, and so we put in all of these regulations, and if the rule is once we vote through this regulation if it fits it on paper on the front end, it's a joke.

Kelley: Well, again, that's clearly the situation that occurred before now, and I think that one also occurred before there were any published storm water standards. So that's been done. This I think would require engineered demonstration of capacity. That's what our intent was there. If that's not sufficient for you, I understand that, and I think that -- you need to make a decision about whether this remains land use or moves to technical. I don't know that that is a reason then for saying, let's keep the existing ordinance and just tinker and make a few changes, because there's so much more in here. So I think you could isolate that decision.

Katz: No, no. I -- I think he was isolating it. What's the sense of the council? We all experienced camelot and others, but gil is also trying to tell us that he's built something and -- in and i'm not sure I quite understand, will that really do the necessary work. Because I tend to agree with the -- with amanda on this.

Kelley: And i'm doing my best to speak on behalf of b.e.s. Here and what I heard that service bureau say, and you may want to hear directly from dean marriott.

Katz: Why don't you bring that -- why don't you bring that issue back, because I think there's at least a sense from two of us that have spoken and maybe more that we may want to have this stay the way it is today.

Kelley: Arnie made --

Katz: And dan, you may want to jump in if not tonight, when they come back.

Saltzman: I'm basically sympathetic to what erik is saying too.

Katz: So that's three --

Saltzman: I'm having larger questions about this whole thing, but i'm --

Katz: Okay. Keep going.

Saltzman: I'm not so focused on the details at this point.

*****: Okay.

Katz: Commissioner Hales, we need you.

*****: Arnie brought up a couple of other points --

Katz: Folks, this is tough. There's a lot of work that went into this. You're going to have to work through it. If you're tired, we can bring it back.

Francesconi: No. It's not that. I am tired and I do want to leave pretty quick here. But that's not directed at you. Are there clear-cut standards coming back to us on the storm water side? There is on the street side. The problem i'm having is, philosophically you need a system with some consistency. And as I understand -- not a case by case decision, at least this is what i'm anything. But we need to see what those standards are before I can make a decision. So at the very least I want to know what the standards are before these are implemented. From a systems standpoint, the goal that -- of having a consistent system, not a case by case, does make sense to me at least in

MAY 16, 2001

transportation. In storm water, the conditions vary so much, the terrain, the topography, that maybe you do need it case by case. This is what i'm struggling with. How do I make that decision unless I know what the standards are?

Kelley: Right now the case by case on storm water issues is pretty limited. It does exist in the pud process that you dealt with, but most of the land divisions that go through, it's a technical matter now. So -- I think it's worth bringing this issue back --

Katz: Bring this issue back, because the council --

Kelley: Sowing you what we mean by a manual and what we need by the standards.

Francesconi: And I need to hear from the bureau.

Katz: Keep going.

Kelley: Let me move quickly. Arnie also brought up this issue about the adequate notice, legal notice for appeals. We will consult again with the city attorney on that.

Katz: Any of the legal issues review them, you don't need to discuss them with us right now.

Kelley: We're willing to change the building coverage chart. That's fine. Let me get down to the most specific request for changes here. A lot of the subsequent comments relate to things i've already mentioned.

Katz: Why --

*****: Lot sizes --

Katz: Why don't we turn over to stevie and you can jump in, gil. Stevie?

Greathouse: I think most of the other things that were brought up were related to density, which gil has already addressed.

Kelley: Sean brought up a point about changing language from proposal to --

Katz: Yeah. I was going to --.

Greathouse: Another speaker brought up the question about recreational use and densities, like the pearl district having open space. I think that's clearly part of the future project that doesn't involve the land division process. We will certainly look at amanda's concern about solar access vis-a-vis state law. We are still discussing the landslide hazard criteria, which is another one of her points. We will do that. Frankly we believe, we struck the right balance on the minimum lot size and think it does pass the swing set test and so I think what -- we hashed that issue out in the group, we talked about it here in november, so we're sticking with our proposal on that one. And again, it doesn't increase overall density, it does allow you to cluster on a site.

Francesconi: Does that include rick michaelson's first one? Allow single lot size in the r-2-5 zone and -- on a more equal base snow advisory.

Greathouse: That's a separate issue. Which is an -- that's a completely different issue. I believe it would be something that we could modify.

Kelley: I think with regard to rick's -- we'll look at all three of those, including that one, and the access to requiring access to the rear on all lots. There may be hardships or difficulties involved in some cases like that, so we'll look at some flexibility there. And the parking requirement -- modifications are one we might want to look at.

Hales: My first choice is get rid of it.

Katz: I know you wanted to do that a long time ago.

Hales: We're still talking about it. I think we can probably rely on others to assure there's a parking place for a new house. So for us to chase around that through the regulatory process is just a silly waste of time.

*****: Okay.

MAY 16, 2001

Hales: Nobody is going to build new subdivisions without some amount of parking. We'll never have enough parking in a good city, so get rid of it.

Kelley: We also got letters from doug clotting, who testified tonight, and tom wright and there are a number of points in those letters that we agree with and would incorporate, including in doug's case revising a purpose statement and lending approval criteria for pedestrian connections, amending the standard for the main entrance within four feet of grade, in the case of tom wright looking into issues regarding industrial park land divisions, clarifying the balancing requirements between land use and technical and amongst land use findings for the hearing officer, clarifying that balance. And looking at the flood hazard and traffic impact study requirements, we're definitely going to be looking at those and coming back to you. And we also received a communication from kevin kraus, again, looking at required recreational areas for the largest development, and we'll look at that. And then finally from terry griffiths we got a letter asking us in our future work program to again look at some increased design standards for narrow lot development that are not as a result of a current subdivision application, and we clearly will be looking at those.

Katz: Yes, I can give you another example of a nightmare. Until north Portland.

Hales: One other transportation-related one. There's a wonderful line in here in this memo to me from don that says, the proposed code would basically require a traffic study to determine if a traffic study was needed. [laughter]

Greathouse: I covered that in my list of --

Hales: Let's make sure we deal with that.

Greathouse: I covered that in the power point presentation that wasn't.

Katz: Are two staff people, anything gil missed that you warn to flag?

Francesconi: On the industrial land site, the port also wrote a letter, so make sure you cover that.

Katz: You feel comfortable with rick's amendments?

Kelley: I'm comfortable looking at those. What the language is we'll come back with. But they're not definite --

Katz: All right. Wait a minute. Stevie, anything else? That's on your list?

Greathouse: I think that covered the biggies.

Katz: Did anybody leave anything out? There was one fellow quoting section and saying we were making substantive changes to 33, 700 -- I think it was sean, we'll look at those changes. He said he had recommended language which we could look at.

Katz: Okay. Anything that the council didn't hear that you want covered?

Francesconi: I just want to reinforce something commissioner Hales said. I do think we have to work through these, but also i'm also aware of what the neighborhoods want you to do. So I do think we need to get through this and get it over with.

Saltzman: I'm struggling with a larger context, and this project you inherited, gil, this was going on before your time, certainly was going on before my time, certainly from the testimony tonight it's -- i'm wondering, has this -- is this a project, all the work that's gone into it, that's kind of lost its purpose, or has the mission diminished? And is it keeping us from getting on to more important work that I hear is on future phases and future work programs? And I guess i'm wondering if, do we need to sort of extricate ourselves from this and maybe leap frog this and go on to the future and would there be harm from -- are we better off finishing this or just cutting our losses?

Kelley: I think that's the right question to ask. I certainly have been asking myself that one. And I have asked it very honestly. I think we are so close to the finish line we need to do this. Because

MAY 16, 2001

on balance it will help. It really will, in my belief. It doesn't resolve all of the issues that people brought forward tonight, and I understand the frustrations about that. Most of them can't be sufficiently got at through this process, and in some indications there is disagreement about where you strike the balance with some of these. And those are fair and legitimate comments, and a decision we just have to make and get on with. But I think overall it does improve the quality of how land divisions land in neighborhoods. I really honestly believe that. Overall it enhances neighborhood input, and that's one of the reasons Margaret has some concerns with it, because there is more front loading of information so everybody knows what's involved. And there is more review involved. And that's part of the price of keeping neighborhood quality, is upping that. We have, however, tried to strike that balance and make sure there's a certain efficiencies in here, and certain predictability. And that we've taken out some old and antiquated requirements and tried to make it clearer. We haven't done a very good job of reducing it from 400 pages to something substantially less. That's part of what the code is that we inherited. But I think on balance it's worth pushing forward to the finish line here, would be my opinion.

Saltzman: And your opinion --

Kelley: I'm anxious to get on to other things, you're right about that.

Saltzman: I understand that, as am I. Is the finish line in sight? I guess --

*****: We think it is.

Kelley: I'm certainly willing to go with the flow here if that's the case. I'm willing to go with the flow of the council on this issue. I feel like I'm almost in a nightmare where this thing is just -- keeps coming back and -- as said, we're trapped. And we need to get out of this trap. If there's clearly a finish line, I'm willing to invest the time and make those tough decisions to do that, but I'm also feeling like -- I'm also questioning, where is the original rationale for this, and who is for this thing? But like I said, if it's the will of the council and the strong feeling on your part we need to finish this up, and that's the most -- the best way to get to the future, the future work that needs to be done, I'll do that. I want to raise one concern, I know several concerns have been expressed, but on the tree cover issue and on any place where we use that phrase "as much as practicable," that sends shivers up my spine, because I think of all the federal laws that we have where things like that get written in there and there's people that have gone to law school and written books on those things, and I really believe you talk about refining those and refining those, but staying away from a percentage. Tree cover, we need to pick a minimum tree cover. B.e.s. Has suggested at least 35% tree cover. Those type of phrases, I'm not sure if they exist in other areas, but they really scare me, because they just sound so open-ended, and so subjective in their interpretations. I guess that's one area that, if we're going to plow ahead and finish, with -- that's one thing we need to call out and address.

Katz: Let me say, we need to -- we need to finish this, because the issues that some of the people who testified have raised are issues we need to get at immediately. And those are the issues that fall also outside of land division. However, I need to -- a better understanding, if we go through this and you need to come back very soon with all the finished work, so this doesn't drag on and Stevie can start doing the other work, and we find out within six months after this is enacted that we've created a worse problem for ourselves, I don't want to wait another six years to come back.

*****: Why not?

Katz: That really wasn't helpful, Luke. That -- so help me out on this.

Kelley: We've said for some time in this process, and probably even before I got involved, that adoption of this needs to be accompanied by a review and monitoring function for exactly that purpose. And I think that's part of what Margaret's struggling with how she does that and how we

MAY 16, 2001

do that to help her. But we've proposed that for two years we monitor this and two years may be the life cycle of something getting from an application that's approved to when they finally submit the final plat. Oftentimes that's just the case. It's not the city process taking that whole time, but it's just process -- is part of what the developer does. In other cases it will be shorter. But we think we need a monitoring function for at least two years. Within that we'd like to have six-month evaluation benchmarks and provide those to the city council, and to the land use chairs. If we see something in the first six months that says this is definitely wrong and needs fixing, we'll elevate that.

Katz: So what you need to do for us then is identify the kind of benchmarks you're going to be look ever looking at so we know up front that if in fact what we've done is creating another problem for us, that we begin immediately responding to that. But the benchmarks then need to be identified. You don't need to do the most perfect type of benchmark, but some kind of language for us to look at and check off, yes, this has been done well, or we haven't seen a problem, yes, we're beginning to see a problem on this. But the other thing is we lose these points to check these things and review them. We're supposed to do that with accessory units and we haven't done it. So I don't want to lose the opportunity to have the council and the community come back and review the consequences of our actions.

Kelley: We're working on the accuracy -- accessory unit now.

Katz: All right. And the a overlay and the design standards, and a lot of other issues that we need to respond to immediately. Anything else that council wants gil and the bureau to further come back?

Kelley: I would just say, I know it's a little bit of a letdown from where we were in november, I would remind you many of the speakers you heard in november aren't here tonight because they problem -- thought the problem was solved, and there was largely a lot of support. And there clearly are some who are coming around for another crack, and I understand that. But I think you're not hearing from a lot of the people you heard from before.

Katz: Okay. There's still people that are on -- unhappy, and to the extent that we can clearly understand their big issues, we need to do that when you come back.

Kathryn Beaumont, City Attorney's Office: Are you continuing this to a date certain? July?

Katz: When do you want to come back?

Greathouse: It depends on what -- if you want to us come back with final amendment language based on what gil has run through and our decisions to look at things and -- we would either look at things and come back with final amendment language or look at it and come back with a reason why we're not coming back with final amendment language. I think we were saying august 15th. If the council wants to make a decision on the direction which items were we're going to be preparing amendment language for, we would want to come back sooner.

Katz: Gil, how would you like to do it? Do you want to come back earlier with recommendations?

Kelley: I think we want a work session with you or come back at some point --

Katz: I think so too.

*******:** The pud, the technical versus land use, and.

Francesconi: If you can come with -- we don't want to overburden you, but if you can come with language earlier too, in other words, if it's not too hard to come with some language on some of these, bring that and then on the bigger ones you don't have to have the language. But the more we get done, the better.

MAY 16, 2001

Kelley: If we could let us take some time to establish what that data is to come back, but if we could now continue the hearing to august 15th for the limited purpose of hearing on those -- on the subsequent amendments we will publish by mid-july, that would be helpful for us. We have a hearing on the 15th of august.

Katz: A hearing on the 15th -- and a work -- did you --

Kelley: A work session, we'd be coming bag sooner --

Katz: A work session in a formal setting like this or a council work session?

Kelley: However you prefer it. We'd like to come back to the council with --

Katz: I'd like to have it come back in this setting.

Beaumont: Since have you an ordinance, I think you need to continue it to a date certain, whether that date certain is your work significance or your --

Katz: It's the work session. Give me a date for the work session.

*****: Oh, boy.

Beaumont: And by continuing to it a date certain you also avoid the need to renotify.

Katz: It's going to be a regular council session.

Moore: A date in august?

Katz: No.

Kelley: We want mid-june date to come back to you with these issues.

Katz: Okay. I just need -- i'm going to be gone one of the weeks in june. So if you want --

*****: We don't want it to be that week.

Katz: You don't want it to be that week.

Francesconi: I'm going to give you my vacation, because I want you to schedule it then.

*****: Erik is going to wait until we pick a date. [laughter]

Saltzman: Hold on, I don't want to be the only one.

Katz: I can't leave you all alone. Why don't we do it the first week in august. Hello? Have the work session the first week in august. Can you do that? Do you want to come back earlier? The last week in june?

*****: Yeah. I think we want to --

Katz: Fine. The last week in june. If you folks want to change your vacation dates, go ahead. [laughter] the last week in june. He and I are there. Will the last week in june for the work session.

Beaumont: So the 27th of june.

Katz: That's fine. Okay. Thanks, everybody. We stand adjourned.

At 9:25 p.m., Council adjourned.