



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF AUGUST, 1991 AT 9:30 A.M.

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

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

Agenda No. 1428 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1390** Cash and Investment Balances for July 1, 1991 through July 31, 1991 (Report; Treasurer)

**Disposition:** Placed on File.

- 1391** Accept bid of James V. Cassetta Construction Services for King School Park site improvements for \$41,310 (Purchasing Report - Bid 3)

**Disposition:** Adopted; prepare contract.

- 1392** Accept bids of Precision Computers, Inc., and Computerland West, Inc., for furnishing 40 computer workstations for \$101,992 (Purchasing Report - Bid 4)

**Disposition:** Adopted; prepare contract.

- 1393** Accept bid of River Bend Sand and Gravel Company for furnishing slurry seal aggregates for \$42,000 (Purchasing Report - Bid 134-A)

**Disposition:** Adopted; prepare contract.

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**1394** Accept bid of Petroleum Equipment Maintenance for replacement of nine underground fuel tanks for \$99,391 (Purchasing Report - Bid 170)

**Disposition:** Adopted; prepare contract.

**1395** Vacate the north 9 feet of SW Madison Street between SW Ardmere Avenue and SW Vista Avenue, under certain conditions (Ordinance by Order of Council; Second Reading Agenda 1353)

**Disposition:** Ordinance No. 164519. (Y-4)

**Mayor J. E. Bud Clark**

**1396** Confirm appointment of Charles Gebhardt to Investment Advisory Committee (Report)

**Disposition:** Confirmed.

**1397** Adopt City of Portland Investment Policy (Resolution)

**Disposition:** Resolution No. 34887. (Y-4)

**\*1398** Pay claim of Robert Parsons, a minor (Ordinance)

**Disposition:** Ordinance No. 164520. (Y-4)

**\*1399** Settle claim of Susan L. Williamson-York (Ordinance)

**Disposition:** Ordinance No. 164521. (Y-4)

**\*1400** Declare a parcel of land located on NW Macleay near West Burnside Street as surplus and authorize sale (Ordinance)

**Disposition:** Ordinance No. 164522. (Y-4)

**\*1401** Contract with Simon and Company, Inc., for liaison services between City bureaus and the federal government (Ordinance)

**Disposition:** Ordinance No. 164523. (Y-4)

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- \*1402** Amend City Code by adding the International Brotherhood of Electrical Workers and United Workers Federal Credit Union and the Portland

Building fitness room to those organizations eligible to use the payroll deduction system (Ordinance; amend Code Section 5.08.140)

**Disposition:** Ordinance No. 164524. (Y-4)

- \*1403** Authorize a loan agreement and issuance of limited tax general obligation improvement warrants in a principal amount of not more than \$2,000,000 to finance sewer system improvements which are eligible for funding by the DEQ (Ordinance)

**Disposition:** Ordinance No. 164525. (Y-4)

- \*1404** Grant revocable permit to Art Celebration, Inc., to close certain streets to hold their Artquake Festival from August 30 to September 3, 1991, waive fees for permits and inspections (Ordinance)

**Disposition:** Ordinance No. 164526. (Y-4)

- \*1405** Issue Central Eastside Urban Renewal Area Taxable Bond, 1991 Series B (Ordinance; Repeal Ordinance No. 164320)

**Disposition:** Ordinance No. 164527. (Y-4)

- \*1406** Issue Oregon Convention Center Urban Renewal Area Taxable Bond, 1991 Series C (Ordinance; Repeal Ordinance No. 164321)

**Disposition:** Ordinance No. 164528. (Y-4)

- \*1407** Issue St. John's Riverfront Urban Renewal Area Taxable Bond, 1991 Series D (Ordinance; Repeal Ordinance No. 164322)

**Disposition:** Ordinance No. 164529. (Y-4)

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Commissioner Earl Blumenauer

**1408** Set hearing date, 9:30 a.m., Wednesday, September 18, 1991, to vacate a certain portion of SW Brugger Street (Report; Petition; C-9754)

**Disposition:** Adopted.

**1409** Set hearing date, 9:30 a.m., Wednesday, September 18, 1991, to vacate a portion of N. Bloss Avenue north of N. Junction Street (Report; Petition; C-9765):

**Disposition:** Adopted.

**\*1410** Call for bids for the Columbia Blvd. Treatment Plant outfall modification, authorize contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164530. (Y-4)

**\*1411** Call for bids for the Miles Place Wastewater pump station electrical rehabilitation project, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164531. (Y-4)

**\*1412** Continue negotiations to purchase a permanent pump station, access and utility easement and a temporary construction easement for construction of the NE 101st Avenue east of NE Bell Drive Pump Station Project, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

**Disposition:** Ordinance No. 164532. (Y-4)

**\*1413** Release the City's interest in a portion of an existing 20-foot easement, in vacated SW Nevada Street east of SW Terwilliger Boulevard (Ordinance)

**Disposition:** Ordinance No. 164533. (Y-4)

**\*1414** Release a utility easement in vacated NW Kittredge Avenue (Ordinance)

**Disposition:** Ordinance No. 164534. (Y-4)

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- \*1415** Accept a sewer easement for the NW Guam Street east of NW 35th Avenue sewer, granted by Yeon Street Partners, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164535. (Y-4)

- \*1416** Accept a public walkway and utility easement for the NE Wasco Street and NE 122nd Avenue Street Improvement Project, granted by the Benenson Capital Company, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164536. (Y-4)

- \*1417** Accept two sewer easements for the NW Mill Pond Road south of NW McDaniel Road sewer project, granted by Nauru Phosphate Royalties (Portland), Inc., at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164537. (Y-4)

- \*1418** Accept two sewer easements for the NE Airport Way north of Ainsworth Circle sewer project, granted by T & W Equipment Company, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164538. (Y-4)

- \*1419** Accept a sewage system easement near SW Cascade Terrace, granted by Peter Krainock and Marianne Krainock (Ordinance)

**Disposition:** Ordinance No. 164539. (Y-4)

- \*1420** Accept a sewer easement for the NW Harbor Boulevard sewer reconstruction project, granted by Phillip McCollister and Maureen E. McCollister, authorizing payment of \$100 (Ordinance)

**Disposition:** Ordinance No. 164540. (Y-4)

- \*1421** Contract with Murray, Smith & Associates, Inc., for professional engineering services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164541. (Y-4)

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**\*1422** Contract with HDR Engineering, Inc., for professional engineering services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164542. (Y-4)

**Commissioner Gretchen Kafoury**

**\*1423** Contract with REACH Community Development to provide support for community organizing efforts in the West Clinton focus area and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164543. (Y-4)

**\*1424** Contract with Central City Concern for \$298,175 for the Hotel Maintenance Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164544. (Y-4)

**Commissioner Mike Lindberg**

**1425** Accept project with James V. Cassetta Construction Services as complete, authorize final payment and release retainage (Report; Contract No. 25527)

**Disposition:** Adopted.

**1426** Accept contract with Grasle Electric for tennis court lighting at Portland Tennis Center as complete and authorize final payment (Report; Contract No. 26966)

**Disposition:** Adopted.

**1427** Accept contract with Grasle Electric for tennis court lighting at Grant Park as complete and authorize final payment (Report; Contract No. 26968)

**Disposition:** Adopted.

**\*1429** Declare property at NE Holman and NE Airport Way surplus and quitclaim it to the Oregon Department of Transportation (Ordinance)

**Disposition:** Ordinance No. 164545. (Y-4)

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**\*1430** Call for bids for a prefabricated pump station at Heron Lakes Golf Course (Ordinance)

**Disposition:** Ordinance No. 164546. (Y-4)

**City Auditor Barbara Clark**

**\*1431** Reduce and cancel sidewalk assessments (Ordinance; amend 164214)

**Disposition:** Ordinance No. 164547. (Y-4)

**REGULAR AGENDA**

**\*1428** Grant a park use permit to Ken Rose of Vets for Vets to use West Delta Park for a "Stand-down" encampment (Ordinance)

**Discussion:** Ken Rose, Vets for Vets, noted that many community groups have mobilized to support this encampment.

**Disposition:** Ordinance No. 164548. (Y-4)

**1389 TIME CERTAIN: 9:30 AM** - Grant residential solid waste, recycling and yard debris collection franchises in the City of Portland (Ordinance introduced by Commissioner Blumenauer)

**Discussion:** Commissioner Blumenauer said this is the first of three hearings before Council on this proposal. Noting its complex and controversial nature, he said the ordinance has been carefully crafted to improve the efficiency of recycling.

Sue Keil, Bureau of Environmental Services, said the Bureau believes that franchising is the best way to increase recycling while maintaining the current quality of collection services and minimizing costs. She noted that the State legislature has now mandated many of the measures in the City's proposal, including weekly curbside recycling collection on the same day as garbage pickup. She said a recycling-only service will be available as well as pickup service, at the curbside rate, for those physically unable to manage curbside pickup.

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Ms. Keil recounted the multiple meetings held with haulers, members of the public and recycling experts to get their input. In response to concern about the lack of choice customers will have in their selection of haulers, Ms. Keil said she believes standards have been built in that will guarantee a high level of service from all franchisees. She added that monthly yard-debris collection is to begin Spring, 1992, and said the Bureau is sensitive to the need for this service.

Ms. Keil reviewed terms of the franchise agreement and summarized the criticisms contained in the letters received by the Auditor's Office. Major areas of concern were: 1) lack of choice in the assignment of haulers; 2) elimination of the free market system and; 3) complaints about inadequate service from specific haulers.

Commissioner Lindberg asked about the complaint system.

Ms. Keil explained the provisions to deal with citizen complaints as well as incidents of fraud and deceit.

Steve Buckstein, Cascade Policy Institute, PO Box 40044, 97240, objected to the franchising system, contending that replacing competition with regulation hurts those least able to afford higher rates. He said a franchising system that requires sameday curbside recycling frequently costs twice as much as landfilling.

Belva June Mayor, 2945 SE Carlton, supported the proposal. She said it will promote more recycling and less traffic.

Dick Helzer, attorney representing Pacific Garbage and Sanitary Service, advised that subscribing customers have weekly service for the removal of putrid wastes in order to comply with state DEQ rules. He also said a hearings procedure needs to be developed before forfeiture occurs in order to avoid protracted and costly litigation. He outlined other client concerns, including the exclusion of any medical wastes from collection and the exclusion of dwellings with more than four units from haulers' routes.

Daniel Kearns, Oregon Environmental Council, asked that customers be given the option of having bimonthly or monthly pickup and not be required to have weekly service. He said yard debris pickup should begin



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at the same time as the initial curbside recycling plan, rather than waiting until later. He also asked that the ordinance include specific criteria for judging the effectiveness of the program and for making adjustments.

Jeanne Roy, Recycling Advocates, called for the use of incentives, such as less than weekly service, to make recycling more efficient. She also asked that yard debris pickup begin at the same time as other services.

Commissioner Blumenauer said they are looking into whether this is feasible.

Steve Apotheker, Columbia-Willamette Greens, said his group supports the proposal but hopes that the recycling process can include as many materials as possible, particularly yard waste, scrap paper and plastics, from the start.

Laurie Aunun, OSPIRG, voiced concerns about the proposed sections on franchise renewals and rate criteria. She said the rate structure should provide strong incentives for achieving desired behavior changes. She also expressed concern with the ability of the public to review information about the program.

Austin Brown, 9846 N. Syracuse, objected to the requirement for curbside pickup, noting the hardship it will cause many older and disabled customers and the unsightliness of the cans.

Commissioner Blumenauer said there will be no extra charge for the disabled who are unable to use curbside.

Catherine Sohm, 7212 SE 17th, supported the proposal and urged adoption.

Bruce O'Day, 2339 SE 92nd Ave., opposed the ordinance because it deprives residents of their right to select their own haulers. He also objected to the exclusion of business customers from the new routes.

Leonard Kirkpatrick, 9605 N. Hodge, objected to the increase in rates as unfair to low-income residents and large families.

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Bob Bernstein, 1730 SE 35th Place, supported the plan but contended that it provides no incentives for those who are most efficient about recycling. He contended that the proposed fines are too small and asked that yard

debris and scrap paper pickup be a part of the initial recycling program. He also objected to the phase-out of Sunshine Recycling from residential hauling.

Judy Roumpf, 3345 NE 27th, called for a change in the definition of operating margin and revision of the method of determining profit for haulers. She said the method currently proposed provides no incentives for haulers to promote the use of mini cans since they will receive more revenue if their customers use the large cans. She urged exclusion of disposal fees from the revenue base and called for adoption of a flat fee, bottom-line rate. She also asked Council to take more time to resolve outstanding issues.

Commissioner Lindberg asked Ms. Roumpf if a change in the method of calculating haulers' profits would lead to excess profits.

Ms. Roumpf said the amount of profit would depend on the percentage of revenues that is established as an adequate profit level.

Bobbi Gary, 2642 SE Tibbits, objected to the loss of choice of her own hauler and to the requirement for weekly pickup.

Estle Harlan, speaking for the Tri-County Council of the Oregon Sanitary Service Institute, supported the ordinance. She said the concerns expressed with service standards and rates will be met by this document, as will state requirements. She said the new system will cost more but the recycling participation rates will be worth it. She said haulers are willing to begin yard debris pickup whenever the City wishes.

Pat Merkle, Bureau of Environmental Services Budget Committee Chair, supported the proposal. She said the City has taken what was thought to be undoable and come up with a workable system.

Commissioner Blumenauer said responses will be made to all the recommendations made today. He said the next hearing will be August 28 to allow time to process this information.

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Ms. Keil said there will be two separate rate hearings, on September 18 and October 2, 1991. Citizen hearings will also be held prior to those dates.

Mayor Clark said he has become convinced it is time to change from a free enterprise system and adopt the franchise method.

**Disposition:** Continued to August 28, 1991, 9:30 a.m., Time Certain.

## **REGULAR AGENDA**

**Mayor J. E. Bud Clark**

- \*1432** Agreement with GBD Architects to provide professional architectural services for reconfiguration of the fourth and fifth floors of The Portland Building for the Bureau of Environmental Services (Ordinance)

**Disposition:** Ordinance No. 164549. (Y-4)

- \*1433** Contract with BRW, Inc., in the amount of \$9,932 to conduct Phase I of the Columbia River Crossing Study (Ordinance)

**Discussion:** Commissioner Kafoury asked if the Phase I study will be completed before Phase II starts.

Commissioner Blumenauer said a lot of progress is being made on determining the possibilities of light rail extension to the north.

Les White, Executive Director, C-TRAN, described some of the issues involved in the north corridor expansion of the light rail system to Vancouver, including the Hayden Island alignments and the Columbia River crossing. He said this study looks at how the two states are joined and at the cost and alignment implications of the various options. He said there is a lot of enthusiasm for bringing light rail into Vancouver, particularly in order to decrease air pollution levels in the Vancouver area.

Mr. White said the First Phase is to develop the work scope in detail. The Second Phase will be the contract to actually carry out the study. That study is due to be completed by February, 1992.

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Walt Frome, General Manager, Vancouver Mall, spoke in support of the study and the expansion of light rail across the Columbia River.

**Disposition:** Ordinance No. 164550. (Y-4)

**Commissioner Mike Lindberg**

- 1434** Support the City's participation in the international Urban CO2 Reduction Project (Resolution)

**Discussion:** Commissioner Lindberg said Portland is one of 11 cities chosen to take part in this project. It will allow access to experts around the world to develop creative strategies to reduce energy use and the release of greenhouse gases.

Commissioner Blumenauer said the Bureaus of Transportation and Environmental Services are equally committed to the goals of this project.

**Disposition:** Resolution No. 34888. (Y-4)

**City Auditor Barbara Clark**

- 1435** Report to Council on remonstrances against the formation of the Downtown Economic Improvement District (Report; C-9773)

**Discussion:** Dan Vizzini, Auditor's Office, said only three remonstrances were received in opposition to formation of this district. He said his office has also received requests for exemptions for residential properties in commercial zones. He said if Council approves this report, affected property owners will then be given an opportunity to elect to be in the district or not. The Auditor's Office will report the results of that election in November and a final assessment on the costs of the EID will then be made.

**Disposition:** Placed on File.

- 1436** Establish the Downtown Economic Improvement District for the three-year period ending September 30, 1994 (Hearing; Resolution; EID; C-9773)

**Disposition:** Resolution No. 34889. (Y-4)

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**1437** Assess property for sidewalk maintenance through April 30, 1991 (Second Reading Agenda 1382)

**Disposition:** The Clerk said the Sidewalk Repair Supervisor has requested that property at 9624 N. Kellogg, owned by David Frambro, be removed from the lien process. Commissioner Blumenauer moved that this change be made. Commissioner Kafoury seconded and the motion carried. (Y-4).

**Disposition:** Continued to August 21, 1991 at 9:30 a.m. as amended.

**1438** Create the NE 33rd and Marine Drive Local Improvement District and provide for constructing a sanitary sewer (Second Reading Agenda 1383)

**Disposition:** Ordinance No. 164551. (Y-3)

**1439** Assess property for sewer system development charges through February 28, 1991 (Hearing; Ordinance; Z0128)

**Disposition:** Passed to Second Reading August 21, 1991 at 9:30 a.m.

At 11:25 a.m., Council recessed.

**August 14, 1991**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF AUGUST, 1991 AT 2:00 P.M.

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

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

**1440 TIME CERTAIN: 2:00 PM** - Appeal of Tumac Lumber Company, applicant, against Hearings Officer's decision to impose Condition L in approving application for a zone change from R2 to EG-1b, and approval of the proposed parking lot at SE Woodward Street at 16th Avenue (Hearing; LUR 91-00195 ZC)

**Discussion:** Steve Gerber, Bureau of Planning, said Tumac Lumber Co. appealed because it believed Condition L of the Hearings Officer's decision was unfair. That condition dealt with future development of property the Company now leases but does not own. Since filing the appeal, Tumac has reached an agreement with the neighborhood which would supplant the current Condition L. Instead of asking for a Master Plan if that property is developed, the new Condition L requires the company to consult the neighborhood and consider their concerns prior to any change in use.

Pete Kasting, Senior Deputy City Attorney, said if Council agreed with this compromise, it would need to amend the findings to substitute the new language in Condition L.

Commissioner Blumenauer moved to replace Condition L of the Hearings Officer's decision with the language agreed. Commissioner Kafoury seconded.

Augusta J. Amato, 2818 SE 15th, speaking for herself and her sister, protested granting the application because of the noise problems caused by the lumber company's operations. If Council does approve the appeal, she asked that it require Tumac to provide a proper setback, installation of a fence and landscaping.

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Bob Elliott, Hosford-Abernethy Neighborhood, said HAND agreed to support the appeal in exchange for a commitment by Tumac Lumber Co. that guarantees community involvement prior to any future development or change in operating practices at 15th and Woodward. In addition, if the lumber company purchases the lots it now leases, it will implement buffer overlay requirements within 90 days.

Roll was called on Commissioner Blumenauer's amendment replacing Condition L. The motion carried. (Y-3)

Commissioner Kafoury said in the future when developments are improved it is important to make sure there is a buffer between the residential and the industrial.

Commissioner Kafoury moved to grant the appeal based on the revised Hearings Officer's findings. Commissioner Blumenauer seconded and the motion carried.

**Disposition:** Condition L of Hearings Officer's decision replaced and appeal granted. (Y-4)

At 2:20 p.m., Council recessed.

**August 14, 1991**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF AUGUST, 1991 AT 2:00 P.M.

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

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

**1441 TIME CERTAIN: 2:00 PM** - Appeal of Logan Ramsey, applicant, against Hearings Officer's decision to deny application for a 15-lot PUD and subdivision located at NW Saltzman Road, southwest of Skyline (Hearing; CU 116-90/S 58-90)

**Discussion:** Tom Bizeau, Planning Bureau, said Planning Bureau staff originally recommended denial of this proposal but, after a continuance, approved it with a number of conditions. However, the Hearings Officer denied the request, based on Policy 8 of the Northwest Hills Study, which requires that public sewers be available for any subdivision or PUD (planned unit development) within the Study area. Mr. Bizeau said the appellants contend that denial prevents any type of subdivision from occurring. They also maintain that Policy 8 was meant to be applied only for urban densities of 10-20,000 square feet and not to two-acre lots. Further, they state that the FF (Forest/Farm) zone, the base zone for their property, was intended for development with septic tank drain fields.

Mr. Bizeau said Planning staff initially believed that development in rural areas could still occur without public sewers but, after reviewing the Hearings Officer's analysis, the Bureau supports her interpretation of the Northwest Hills study regarding the need for sewers in PUD subdivisions or quasi-judicial upzonings.

Commissioner Kafoury asked how many subdivisions had already been approved that did not have sewers and were allowed to go ahead using septic tanks.

Mr. Bizeau said he knew of two but was not sure about the total number. He said public sewers are not available in this area and it would be very difficult to provide them. The Hearings Officer's decision says it is



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reasonable to believe that that FF zone was put on these lands because it was rural and without sewers and therefore no sub-divisions or PUDs should occur. He said language regarding PUD subdivisions was added as an amendment to the Northwest Hills Study ordinance which, in the view of the Hearings Officer, clearly delineates the fact that there was to be a distinction between subdivisions and PUDs in rural areas.

Ryan O'Brien, representing the Ramsey family, noted that the family had owned the property since 1947. He said they believe it was clearly the intent of City to rezone these properties FF (2-acre lots) because that would be a reasonable size for septic tanks and would limit density in areas adjacent to Forest Park. He read portions of the Plan in support of these contentions. He said he believes that when the Plan was adopted there was no real thought to FF subdivisions or PUDs and that the City underestimated how much FF property there was. He said he interprets Goal 8 language to mean that FF zone was never intended to be upzoned and there was no intent that there would be public sewers.

Mr. O'Brien said the Study is silent about subdivisions and PUDS in the FF zone and it is up to the Council to make an interpretation that properties that are designated FF can be developed with a subdivision or PUD if such projects are approved by staff. He said if Council denies this case, it is sending the message that it intends to require that all FF property have sanitary sewers before any development may occur. He said he believes a policy clearly intended for R10 is being used on the FF, where it does not work.

Nancy Diamond, Friends of Forest Park, said the NW Hills Study ordinance plainly states that a public sewer is required on all sites sought to be subdivided. The ordinance could have excluded the FF zoned areas but did not. She added that the ordinance is binding and that, with or without the ordinance, no PUD can be approved without a public sewer as required by City Code 33.79.110 (g4).

Mayor Clark asked if Friends of Forest Park had formally voted on this.

Ms. Diamond said she did not know but that John Sherman, president of the organization, could answer that.

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Arnold Rochlin, Route 2, Box 58, supported the Hearings Officer's decision and cited wording in the NW Hills Study ordinance that requires that all subdivisions in the area have public sewers. He said this development will allow urban sprawl and destroy rural values.

Leslie Blaize, 9630 NW Skyline, said just because other subdivisions have been approved does not mean this one should be. He asked that the Plan be extended to the City limits in order to stop development on the other side of Germantown Road. Finally, he said this proposal fails to comply with the Comprehensive Plan which specifies no septic systems on any property less than two acres.

Logan Ramsey, appellant, said the Forest Park Neighborhood Association has taken no position on this issue, noting that Ms. Diamond represents Friends of Forest Park. He noted that the Hearings Officer had indicated she was looking to Council for guidance on the Policy 8 issue of requiring sanitary sewers in FF zones. He said at least four other subdivisions at FF density have been approved in this area since passage of the NW Hills Study. He said staff encouraged his family to do a PUD and contended that the project has an overall density of two-acre lots and is appropriate for sub-surface disposal systems. He said the denial contradicts the Northwest Hills Natural Area study recently passed by Council, which basically calls for higher density on the west side of Skyline, away from Forest Park, where this site is located.

Earl Grove, Chairman of the Development Committee for Forest Park Neighborhood Association, said Mr. Ramsey's plan was submitted to the Hearings Officer at the very last moment and they had no time to return for a vote of the Board. He said the Board had originally taken a stand to approve the previous application with conditions. The Hearings Officer omitted some of these key conditions so, technically, the application does not have the Neighborhood Association approval.

Responding to Mr. Grove's statement, Mr. O'Brien said the only major change was concentration of density at the north end. He said this area is very important because of the need for large building sites within the Portland area. He said if this development is denied, it will make it impossible to develop a comprehensive plan for FF property, an outcome he doubts Planning staff wants. Mr. O'Brien said it is clear to him the property was designated for longterm two-acre density and called for Council to clarify the ambiguity.

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Ms. Diamond, Friends of Forest Park, said past practices of approval of PUDS without public sewers are legally irrelevant when determining the meaning of the ordinance. The Hearings Officer merely applied the law and therefore her decision should be upheld.

Commissioner Kafoury moved tentative approval to uphold the Hearings Officer's decision and deny the appeal. Commissioner Blumenauer seconded. Commissioner Kafoury said the City Attorney has requested time to check several legal issues raised and that is why tentative approval is being requested.

Commissioner Blumenauer said he felt very uncomfortable with this situation. He said the language as he reads it supports the Hearings Officer but it appears that there has been some ambivalence on the part of staff as shown in past practices. He said this might be an appropriate issue for the Planning Commission to review.

Bob Stacey, Planning Bureau Director, said one option is to look at this question legislatively, noting that environmental studies are currently underway in the Skyline area which should help determine how this policy question should be stated in the future and whether PUDs and subdivisions should be allowed in areas where there is no intention of providing sewers. Another option is to ask the Planning Commission to address the issue and advise Council of its view. He said Planning staff already intend to review in public forums the appropriateness of this policy within the Skyline environmental plan which then will be taken to the Planning Commission for resolution. Council will then have an opportunity to state what the policy should be from here on out. The study should be completed no later than November.

Commissioner Blumenauer asked if Mr. Stacey had a recommendation for Council about how Council could arrive at the best policy decision the quickest.

Mr. Stacey said he would make the decision on this case based on the existing policy language in the existing mid-80's Northwest Hills Study and then address the issue of future cases as that policy issue comes back through the vehicle of the Skyline environmental plan.

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Mayor Clark said he tends to agree with Mr. O'Brien's position and does not feel the policy intent was meant to affect Farm/Forest lands in the same way as R10 lots.

Commissioner Kafoury said she believes requirement of sewer development is consistent and she agrees with the Hearings Officer.

Commissioner Blumenauer said he thinks it appropriate to review this policy as he can envision situations where it may be more destructive to the environment to require public sewers.

Commissioner Lindberg said he agreed with the Hearings Officer.

Mayor Clark said he is very concerned about the issue raised today.

**Disposition:** Tentatively deny appeal and uphold Hearings Officer's decision. City Attorney prepare findings for September 4, 1991 at 2:00 p.m. (Y-3; N-1, Clark)

At 2:55 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council