



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF NOVEMBER, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

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

Mayor Clark proclaimed Thursday, November 19, as REACH Community Development Day in recognition of its efforts in revitalizing housing in inner Southeast Portland neighborhoods.

Commissioner Lindberg noted the late Steve Lowenstein's dedication to helping people in need and establishment of a Trust in his name to recognize those who have distinguished themselves in service to the underprivileged.

Charlie Williamson, Lowenstein Trust Board Member, presented the first award from the Trust and \$5,000 to Dapo Sobomehin, of Operation E.A.S.Y., a program devoted to children in difficult financial and academic circumstances.

Dapo Sobomehin, Operation E.A.S.Y, described what his program tries to accomplish with young people.

Agenda Nos. 1946 and 1947 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1936 Accept bid of The Fitness Shop for furnishing physical fitness equipment for \$66,968 (Purchasing Report - Bid 25)

Disposition: Accepted; prepare contract.

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1937 Accept bid of Zink Construction for restroom restoration at Westmoreland Park for \$63,980 (Purchasing Report - Bid 38)

Disposition: Accepted; prepare contract.

1938 Accept bid of Montgomery Elevator Company for elevator repairs at three locations for \$247,497 (Purchasing Report - Bid 39)

Disposition: Accepted; prepare contract.

1939 Accept bid of Rollins and Greene Builders, Inc., for Matt Dishman Community Center renovation - Phase II for \$401,000 (Purchasing Report - Bid 42)

Disposition: Accepted; prepare contract.

1940 Accept bid of Moore Excavation, Inc., for NE 13th Avenue Basin CSO Sump Project No. 4 for \$443,775 (Purchasing Report - Bid 48)

Disposition: Accepted; prepare contract.

1941 Vacate a certain portion of NW 22nd Place north of NW Thurman Street, under certain conditions (Ordinance by Order of the Council; C-9804)

Disposition: Passed to Second Reading November 25, 1992 at 9:30 a.m.

Mayor J. E. Bud Clark

1942 Accept carpet installation of the 1st and 15th floors of the Justice Center as complete, waive retainage and pay Carpet Resource Center in full (Report; Contract No. 28062)

Disposition: Accepted.

***1943** Authorize donation of a retiring horse to H.O.R.S.E.S. for the physically challenged (Ordinance)

Disposition: Ordinance No. 166002. (Y-5)

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***1944** Amend contract with Debbie McCabe for Portland Future Focus services (Ordinance; amend Contract No. 27694)

Disposition: Ordinance No. 166003. (Y-5)

***1945** Pay claim of Mt. Hood Espresso Co. (Ordinance)

Disposition: Ordinance No. 166004. (Y-5)

Commissioner Earl Blumenauer

1948 Accept petition and transmit resolution to institute proceedings for the improvement of SW 47th Avenue from SW Buddington Street to SW Pomona Street (Report)

Disposition: Accepted.

1949 Direct the City Engineer to prepare plans, specifications and cost estimates for street and storm sewer improvements on SW 47th Avenue from SW Buddington Street to SW Pomona Street (Resolution)

Disposition: Resolution No. 35083. (Y-5)

1950 Accept completion of the NE 148th Avenue Storm Sewer System and make final payment to System Construction Company (Report; Contract No. 27949)

Disposition: Accepted.

Commissioner Dick Bogle

***1951** Contract with Applied Geotechnology, Inc., in an amount not to exceed \$98,500 for professional services of site characterization for soil contaminants (Ordinance; waive City Code Section 5.68)

Disposition: Ordinance No. 166005. (Y-5)

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- *1952** Amend Table 40-B regarding fees for motor fuels in underground storage tanks, in Code Section 31.40.040. Permit Fees (Ordinance; amend Code Section 31.40.040)

Disposition: Ordinance No. 166006. (Y-5)

Commissioner Gretchen Kafoury

- *1953** Contract with Portland Community Design for \$13,500 for development of a program to provide technical assistance to non-profit agencies conducting HCD-eligible activities and provide for payment (Ordinance)

Disposition: Ordinance No. 166007. (Y-5)

- *1954** Authorize the Director of Planning to sign a performance guarantee agreement with Crossings International Corp. and the Multnomah Athletic Club on behalf of the Commissioner of Public Utilities (Ordinance)

Disposition: Ordinance No. 166008. (Y-5)

- *1955** Revocable permit to Joel and Marsha Gilbert, contract purchasers, and Ross Cohen, deedholder, for a monogramming business and travel agency at 6330 SW Beaverton-Hillsdale Highway, for a three-year extension period, under certain conditions (Ordinance; 92-00497 RP)

Disposition: Ordinance No. 166009. (Y-5)

Commissioner Mike Lindberg

- 1956** Accept contract with Todd Hess Building Co. for City Skate construction as complete, authorize final payment and release retainage for a total of \$9,351 (Report; Contract No. 28049)

Disposition: Accepted.

City Auditor Barbara Clark

- *1957** Reduce system development charge at 2200 NE Broadway (Ordinance; amend Ordinance No. 164215)

Disposition: Ordinance No. 166010. (Y-5)

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***1958** Cancel systems development charges at 5124 SE 97th Avenue
(Ordinance; amend Ordinance No. 165783)

Disposition: Ordinance No. 166011. (Y-5)

***1959** Cancel systems development charge at 6936 SE Nehalem Street
(Ordinance; amend Ordinance No. 165950)

Disposition: Ordinance No. 166012. (Y-5)

Regular Agenda

***1946** Pay claim of Melisa Van Oosten (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said Section 3 should be amended to show the correct amount, \$52,022 and bring it into conformance with the amount shown in the rest of the ordinance. Commissioner Blumenauer moved the amendment; Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Ordinance No. 166013 as amended. (Y-5)

***S-1947** Authorize the voluntary transfer of vacation and compensatory time accruals from employees in the Water Bureau and Police Bureau to two co-workers who, because of long-term, non-occupational illness, will otherwise be subject to a severe loss of income (Ordinance)

Discussion: The Clerk noted that a substitute had been filed and distributed earlier. Commissioner Blumenauer moved the substitute; Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 166014. (Y-5)

1934 **TIME CERTAIN: 9:30 AM** - Transmit final report of the Citizens Advisory Committee on Quality Rental Housing (Report)

Disposition: Placed on File.

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1935 Direct Bureau of Buildings to pursue recommendations contained in final report of the Citizens Advisory Committee on Quality Rental Housing (Resolution)

Discussion: Commissioner Kafoury introduced and thanked members of the Committee.

Sharif Abdullah, Citizens Advisory Committee Chair, said they supervised a pilot study that looked at rental housing that was missed by a complaint-driven system. They also reviewed Bureau of Buildings provisions and enforcement. They found that neither property owners or tenants were aware of the dangers of Building Code violations and that Section 8 properties had just as many houses as non-Section 8 housing. The Committee also talked about a substantial increase in fines for repeat violators and targeting multi-family buildings so that they stay on line. Another big issue is education for both landlords and tenants; residential landlords need to be reminded that they are in business, even if they only have one rental.

Emily Cederleaf, Multifamily Housing Council, said to prevent displacement through Code enforcement, the Committee had to look at the issue of affordability and a Code that got at the bad actors. The report calls for increasing the penalties and pressures on violating property owners. It recognizes that there will be systematic enforcement of the Code and bad actors will be penalized. They found that, because the Bureau of Buildings was very sensitive about displacing tenants, it was being manipulated by property owners and managers. A mechanism for enforcement is suggested in the report, which also recommends use of a "dirty dozen" list to get at the worst offenders rather than trying to go after everybody.

Mickey Ryan, Citizens Advisory Committee member, said the current complaint-driven system will be expanded under this proposal. She said fear of reprisal has often prevented complaints and these recommendations should help in that regard.

Denny West, Director, Housing Authority of Portland, said HAP believes this is a helpful report. Regarding inspections, he noted that under their contract with the federal government, HAP must perform housing quality performance standards with HUD. Secondly, he said, balancing the needs of tenants and landlords against the housing quality regulations within one agency is an important service issue.

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Mayor Clark said he had some concerns about funding this.

Commissioner Kafoury said by adopting this report Council is not recommending any expenditure of money. She said they are asking the bureaus involved to develop their budgets to cover the cost of implementing the recommendations.

Jo Zettler, Bureau of Buildings, said the resolution directs the Bureau of Buildings to proceed to investigate solutions and work with other bureaus.

Mayor Clark said the dedication of license fees to one specific bureau worries him as the past practice has been to dedicate them to the General Fund.

Commissioner Blumenauer said the concept of targeting the bad actors makes sense and he is convinced that the work of committee will help the City save money and improve neighborhood liveability. He said the implication that no one has a right to make a profit by being a bad neighbor is a good philosophy.

Disposition: Resolution No. 35084. (Y-4)

REGULAR AGENDA

Commissioner Kafoury moved to Suspend the Rules to consider a request from Steven Adler to keep the record open longer in his case.

1935-1 Consider request of Steven Adler to extend time for submitting new evidence in Adler vs City of Portland (Communication)

Adrienne Brockman, Deputy City Attorney, said at the close of the original Adler hearing many months ago, the City should have given Mr. Adler seven days to add testimony. Because it did not, LUBA remanded it. Now Mr. Adler cannot find some exhibits he feels are important to him and is asking that the record remain open until each and every exhibit is found or, if they are not found, that a de novo hearing be conducted.

Steven Adler, 5420 SW Westwood View, said when the hearing was held last year no announcement about keeping the record open for seven days was given and the case was appealed to LUBA. On November 4,

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the City Attorney recommended that the record be left open for seven days. He said they had tried to address the Council earlier but were told they could not. If the record had been held open a year ago, it would have been held over one week concurrently and been fair and equal to all parties. He called this new procedure unfair in that his side is only allowed one week to submit testimony while the opposing side is given two weeks to submit rebuttal.

He said the primary reason he is making this request is to allow him time to review all the testimony and exhibits . He said they tried for a whole week to get hold of the exhibits but were unable to and would like additional time now since he has not had an opportunity to review this evidence.

Ed Sullivan, attorney for the appellants, said there is no basis for a change in this schedule. He said the Adlers did not object to LUBA record at the time it was heard, contending that the slides could have been requested from LUBA and that the photos were in the record. He argued that the applicants have had more than sufficient time to prepare their case. He said the real reason for this procedural maneuvering is delay and the hope that the decision will be bucked to the new Council.

Commissioner Kafoury moved not to extend the period for submitting evidence into the record and follow the City Attorney's recommendation. Commissioner Blumenauer seconded and the motion to deny the request carried. (Y-5)

Disposition: Request denied. (Y-5)

Commissioner Kafoury moved Suspension of the Rules to consider a report regarding cable consolidation. Commissioner Lindberg seconded and the motion carried. Y-5

1935-2 TIME CERTAIN: 10:00 AM Accept final report of the Joint Cable Regulation Consolidation Task Force. (Report)

Frank Howatt, Task Force member, reviewed the report and said unless four or more local jurisdictions objected, this would be implemented. He said the budget must be unanimously approved by the six jurisdictions involved. The Task Force recommends that the City's Cable Office be the entity chosen to administer the consolidated office. It would involve

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the transfer of one employee from Multnomah County. He said it represents some savings and efficiencies as well as providing better leverage with the cable companies.

Commissioner Blumenauer said he has been working on this for nine years.

David Olson, Director, Office of Cable Communications and Franchise Management, said if the budget were disapproved it would return to the Commission to fix the problem that had been identified. If this did not happen, automatic budget cuts would occur.

Commissioner Bogle said this makes so much sense he is surprised that we did it.

Disposition: Accepted. (Y-5)

Mayor J. E. Bud Clark

***1960** Accept grant from the National Institute of Justice in the amount of \$366,358 to conduct an assessment of Community Policing (Ordinance)

Disposition: Ordinance No. 166015. (Y-5)

Commissioner Earl Blumenauer

1961 Accept survey cards and transmit resolution to institute proceedings for the NW St. Helens Road from NW Doane Street to NW 57th Avenue Sanitary Sewer System Local Improvement District (Report)

Disposition: Accepted.

1962 Institute Local Improvement proceedings and direct the City Engineer to prepare plans, specifications and cost estimates for the NW St. Helens Road from NW Doane Street to NW 57th Avenue Sanitary Sewer System Local Improvement District (Resolution)

Disposition: Resolution No. 35085. (Y-4; Blumenauer absent)

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***1963** Contract with Brown and Caldwell Consultants for providing assistance to develop a biosolids management program at the Columbia Boulevard Wastewater Treatment Plant and provide for payment (Ordinance)

Disposition: Ordinance No. 166016. (Y-4; Blumenauer absent)

1964 Consider vacating a certain portion of public right-of-way on the southeast corner of SE 30th Avenue and SE Holgate Boulevard at the request of The Odd Fellows/Rebekahs Holgate Center (Hearing; C-9787)

Disposition: Adopted. City Engineer prepare ordinance. (Y-4; Blumenauer absent)

Commissioner Gretchen Kafoury

***1965** Contract with Housing Authority of Portland for \$312,000 to develop homeless special needs facilities and provide for payment (Ordinance)

Discussion: Helen Barney, Director of Planning Development for the Housing Authority of Portland, said this and the following contract represent months of joint community planning. She said the Home Investment Partnership will bring \$4.3 million into the cities of Portland and Gresham and Multnomah County, of which \$1.1 million is the City's share. The money will be used for a rent assistance program and permanent special needs housing, with all of it going to projects, none for administration. She explained that of the \$312,000 in block grant money in the first contract, \$200,000 will go to develop homeless facilities while the remaining \$112,000 will pay for staff to bring the projects to life.

Disposition: Ordinance No. 166017. (Y-4; Blumenauer absent)

***1966** Contract with the Housing Authority of Portland for \$1,100,000 to develop special needs facilities, conduct tenant-based rental assistance program and provide for payment (Ordinance)

Disposition: Ordinance No. 166018. (Y-4; Blumenauer absent)

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Commissioner Mike Lindberg

***1967** Authorize cost-sharing agreement with the US Forest Service to contract with the Forest Service Pacific Northwest Research Station to study fire and windthrow disturbance in the Bull Run watershed (Previous Agenda 1916)

Discussion: Frank Gearhart, 2103 NE 24th Court, Gresham, said he had asked that this be deferred on behalf of Citizens Interested in Bull Run. He said they believe the Forest Service has a conflict of interest and should not be authorized to conduct the study of watershed needs. He said any Forest Service study will be self-serving and logging-oriented and that the agency responsible for trashing the watershed in the first place should not now be doing the research.

Mr. Gearhart questioned whether \$50,000 was sufficient to answer questions about fire and blowdown probability, considering that the Forest Service has spent close to \$1.0 million annually to monitor their own activity. He said studies should focus on water quality and quantity enhancement and recommended that this project and related funding not be approved because: 1) the Wyden Task Force did not recommend research on watershed processes that affect water quality; 2) it is recognized that blowdown and fire cannot be predicted and 3) a citizens' advisory committee should be established to study and recommend this research project, not the Forest Service. He said perhaps a third party is the route to go.

Dick Robbins, Water Bureau staff, said the study will actually be conducted by the University of Washington and Oregon State University and is coordinated under the Pacific Northwest Experiment Service, a separate division of the U.S. Forest Service. He said they believe it is the correct organization to direct this study, which will look at historic patterns of wildfire and windthrow in the Bull Run Watershed. He said because of the spotted owl, the more that is known about natural disturbance mechanisms the better off they are in writing future management plans. Mr. Robbins said they believe it is cost effective research that needs to begin right away.

Mayor Clark asked if the management plan meant logging.

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In the past, Mr. Robbins said, it often has been a prescription for logging but now, because of the spotted owl recovery plan, they expect that no green tree logging will be allowed within the Bull Run Watershed, a designated conservation area. However, there are some questions about whether to salvage blowdown or damaged timber.

Mayor Clark said he believes this to be the sacred woods of Portlandia and should be left entirely alone to see what would happen naturally.

Mr. Robbins said a completely hands-off approach may not be best in all cases. He said the other added benefit is that this will develop a world class geographic information system to form the basis for future management decisions.

Commissioner Lindberg said Council needs assurance that this study does not have a bias towards logging or intervention.

Mr. Robbins said there is no hidden agenda. He said it is a truly objective research group which in no way will mandate logging.

Commissioner Lindberg recommended proceeding with this and offered his commitment that this is not a way to justify more logging in Bull Run.

Disposition: Ordinance No. 166019. (Y-5)

City Auditor Barbara Clark

1968 Assess property for sidewalk maintenance through August 31, 1992 (Second Reading Agenda 1927)

Disposition: Ordinance No. 166020. (Y-5)

1969 Assess benefitted property for the costs of constructing the NE 33rd Avenue and Marine Drive sanitary sewer system (Hearing; Ordinance; C-9770)

Discussion: Judd Swaim, 9711 NE 33rd Drive, said his assessment is \$12,000 for a sewer he can not use because his house is on 33rd Drive and the sewer is on Sunderland Street which touches the back of his property but is 300 feet from his house.

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Dan Vizzini, Auditor's Office, said when the Marine Drive sewer project was organized, a decision was made to assess on total property size rather than within 300 feet of the sewer line as they believed this would be more equitable. He said the issue here is that while this is a long property and the building on it is quite a distance from Sunderland, the point is that it is an improvement.

Commissioner Lindberg asked if Mr. Swaim would have access to sewer service.

Mr. Swaim said he would from the back side but he cannot build another house to take advantage of it.

Mr. Vizzini said this is a neighborhood that is changing and will eventually be given over to commercial and industrial.

Mr. Swaim said the property is part of a future Port acquisition so it would not be reasonable for him to develop it himself.

Commissioner Bogle asked what options Council had.

Mr. Vizzini said if this parcel was removed other residential properties would also have to be removed. An alternative might be to arrange, through financing, a way for property owners in this situation to defer some of the loan costs until the property changes hands so that they would not have to incur the full cost right now.

Commissioner Bogle asked if Mr. Swaim is unique.

Mr. Vizzini said there is a cluster of properties that would be subject to future Port expansion.

Mr. Swaim said there are only two other small residences. All the others are at least 20 acres.

Mayor Clark said the sewer will improve the property value when it is sold and for the sake of the City this needs to happen.

Mr. Vizzini said this is expected to accelerate the conversion of property to industrial and commercial uses.

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Commissioner Blumenauer asked if the Port could be pushed a little so that people are not caught in the crossfire.

Mr. Vizzini said the Bureau of Environmental Services has been talking to the Port and he will convey this information to them.

Disposition: Remonstrance overruled and passed to Second Reading November 25, 1992 at 9:30 a.m.

1970 Assess property for sewer system development charges through October. 1992 (Hearing; Ordinance; Z0220 through Z0228)

Disposition: Passed to Second Reading November 25, 1992 at 9:30 a.m.

At 11:45 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF NOVEMBER, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Bogle, Kafoury and Lindberg, 5.

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

1971 **TIME CERTAIN: 2:00 PM** - Appeal of Forest Park Neighborhood Association and Raintree Development, applicant, against Hearing Officer's decision regarding the 25-lot subdivision and PUD located south of NW Skyline Boulevard, one-half mile south of Cedar Street (Hearing; 92-00436 PU SU IR AD)

Discussion: Tom Bizeau, Planning Bureau staff, said there are two appellants in this case who have different issues they will speak to separately. He showed slides of the site and the proposed development, noting that Staff and the Hearings Officer both recommended approval with conditions. He showed a map to indicate the common area all around the perimeter of the development and the actual lot locations. Among the eleven issues on appeal are: Northwest Hills Study applicability; misalignment of the street creating a safety problem; need for a 5-foot contour map as required by the Code; inadequate storm water disposal and open space plans; inadequate lot sizes, drainage reserves and density calculations.

Mr. Bizeau said the applicant's appealing is based on three issues: 1) the variance for cul-de-sac findings is inadequate; 2) the private street is unnecessary, and 3) the tree inventory called for is an unnecessary expense.

Mr. Bizeau said staff believes that most of the issues raised by appellants have been met by the Hearings Officer's decision. He said findings are needed to show that the Northwest Hills Study ordinance was considered and found to be inapplicable. The findings also need to eliminate the condition for private streets and change the one regarding the tree inventory. However, applicant should provide a 5-foot contour map as required by the Code.

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David Bantz, OTAK, Inc., representing the applicant, said they would like the references to private streets deleted and also believe that no variance is needed for a cul de sac because it only has 5 lots. Finally, regarding the tree survey, they surveyed 1100 trees on the site but there are probably three times that many which the Hearings Officer's condition would require them to locate. He said they do not believe a survey is needed since there would be no development in that area. He said they agree with staff that only trees in developed areas need to be surveyed.

Commissioner Lindberg asked if at a later date the client could go in and chop down all the trees.

Mr. Bantz said he did not know what kind of development could go there. He said a condition could be added to say no development can occur outside the building envelope.

Commissioner Lindberg asked if such a condition could be added.

Mr. Bizeau said yes.

Mr. Bantz said 86 per cent of the development is in open space.

Arnold Rochlin, Forest Park Neighborhood Association, PO Box 83645, Portland 97298, said they agree with staff regarding private streets but disagree regarding cul de sacs and believe they do require a variance. He said the cul de sac could be considerably shorter if it was reconfigured and the Code requires that the cul de sac be as short as possible. If a variance is needed, as the HO found, then the application must be denied as it must be filed with the tentative application and otherwise is not in compliance.

Mr. Rochlin said their main concern is whether the property lies within the boundaries of the Northwest Hills Study Area and whether the development complies with the regulations of this area. He said they believe this property was omitted through a mapping error, contending that everyone assumed that the study area went to the City limits. The only possible interpretation is that the original intent of the ordinance was to cover this rural area where there are no urban services. He said approval of this application will contribute to urban sprawl and criticized planners for trying to get around regulations they do not agree with. He said asking for the 5-foot interval contour map now is too late

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as it must be submitted at the time of the application. Regarding the storm water drainage, he said a conceptual plan must be presented that can be objectively evaluated.

Commissioner Lindberg asked Mr. Rochlin if he supported any housing development on this site.

Mr. Rochlin said he believes the Northwest Hills Study should be applied to this area and all development halted until a decision is made about what to do with this land.

Les Blaize, 9630 NW Skyline, 97231 said Council should abide by the Northwest Hills Study and protect this resource. He said the City should not allow a subdivision nine miles out while not allowing those eight miles out. He said the intent of the Northwest Hills Study ordinance was to go to the city limits.

Commissioner Lindberg asked if this land should be preserved.

Mr. Blaize said it should not be built on until subsurface drainage is shown not to have a negative effect on Tualatin Valley water quality. This is entirely too dense for the land.

John Rettig, NW Skyline Blvd., said a drainage reserve 15 feet from edge of the bank is required instead of 15 feet from the center.

Earl Grove, Forest Park/Skyline Neighborhood Association, said this should be calculated as 24 instead of 25 lots because the power line easement should be classified as a commercial use. The Hearings Officer found this to be the same as a utility easement but they believe this is not the case since this easement is for a private utility company.

James Jackson, 11021 NW Skyline Blvd., said he believes that the access street to the development should be at the crossroads, aligned with the other proposed subdivision, to allow safer access for school buses and others.

Dennis Burkhart, 14735 NW Ash, 97231, asked that this area be reserved in some fashion that did not require such high density. He said 25 homes changes the character of the neighborhood dramatically, particularly as most nearby neighbor have two acre lots.

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In rebuttal, Mr. Bantz said placing the access street at the crossroads would require much more tree removal. He said staff has determined that the site is not in the Northwest Hills Study area, adding that City Code states that the maps control the designation when there are differences between maps and other references. Also, this property at one time was R20 and was then rezoned based on the belief that sewers would not be available and that two-acre zoning was appropriate for septic tanks. He said recomputing the contour lines at 5-foot intervals would cost approximately \$25,000 which they believe unnecessary since prior to development they will have to do contours at one or two-foot intervals. He argued that the storm water plan does show the concept including where the lines are going and provision for a water quality pond.

Commissioner Kafoury said staff is recommending a 5-foot contour map and asked why they disagree.

Mr. Bantz said they felt 10 feet was sufficient to accurately depict the topography. He said a 5-foot contour map is not going to give any more detail, noting that the Hearings Officer did not require it.

Commissioner Kafoury asked why staff recommended requiring it.

Mr. Bizeau said because the Code specifically states that 5-foot contours are required.

Mr. Bantz said they can provide it but they believe it is superfluous and the regulation should read shall not must.

Commissioner Lindberg asked if the intent was to include this property within the Northwest Hills Study and this was just an inadvertent omission.

Mr. Bizeau said the Study points out that the boundaries could be extended to the north of the City limits. The ordinance explicitly states a boundary and that is what developers have to go by.

Commissioner Lindberg asked what someone could do if he or she wanted to extend the boundaries.

Mr. Kasting said if Council feels this does not reflect what it wants to accomplish it could amend the map by ordinance. However, everyone

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agrees that the property is outside the study area as shown on the map, adding that it cannot be changed retroactively.

Commissioner Lindberg asked if the trees outside the original development could be protected if this is approved.

Mr. Bizeau suggested adding to Condition W language stating that trees within Lots 6 and 8-25 be inventoried in the development envelopes noted in Exhibit I in the Hearing Officer's report. Trees outside the development envelope shall be preserved except as noted for streets, utilities and pedestrian facilities.

Commissioner Lindberg moved to add that language to Condition W regarding tree preservation.

Mr. Kasting said procedurally it would be best to make a primary motion and add conditions.

Commissioner Kafoury moved to tentatively deny the appeal of the neighborhood association and add four points to the findings: 1) the Northwest Hills study was considered and is not in place at the current time in this area; 2) a variance is not needed for the cul de sac; 3) the private street conditions are eliminated; and 4) the condition (Condition W) regarding the tree inventory should be changed to add the language provided by Mr. Bizeau. She said she is not including in her motion the recommendation regarding the 5-foot contours.

Commissioner Lindberg seconded and the motion carried. (Y-5)

Mr. Kasting said a separate motion to grant the appeal of the applicant would be in order.

Commissioner Kafoury moved to tentatively grant the appeal of the applicant. Commissioner Lindberg seconded and the motion carried. (Y-5)

Commissioner Lindberg said if people want this area to be treated differently they need to go back to the planning process and work with the maps and guidelines.

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Commissioner Kafoury said she did not know how many properties like this one there are in the area and asked the Planning Bureau to review the boundaries and scope of the Northwest Hills Study to see if expansion is called for.

Disposition: Tentatively deny appeal of Forest Park Neighborhood Association and grant appeal of Raintree Development. Applicant prepare findings for December 9, 1992 at 2:00 p.m.

Commissioner Gretchen Kafoury

1972 Tentatively deny appeal of Southwest Hills Residential League and Bartley F. Day et al, against the Hearings Officer's decision to approve the application of Michael and Ellen Daly for a 3-lot subdivision in an R10 zone located west of SW Hillside Drive, north of SW Patton Drive (Findings; Previous Agenda 1932: 92-00331 SP)

Discussion: Continued to December 9, 1992 at 2:00 p.m.

At 3:20 p.m., Council recessed.

November 19, 1992

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REGULAR AGENDA

Commissioner Dick Bogle

1973 Liquor license application for Romeo and Rosa Munoz, dba Lil Mexico, 5842 E Burnside Street, restaurant liquor license (new outlet); favorable recommendation (Report)

Discussion: Mayor Clark noted that no one was present to testify in opposition.

Disposition: Favorably recommended. (Y-3)

1974 Liquor license application for Harvey and Nancy Damrill, dba Nancy's Eat & Browse, 6920 SE 52nd Avenue, restaurant liquor license (new outlet); favorable recommendation (Report)

Discussion: Mayor Clark noted that no one was present to testify in opposition.

Disposition: Favorably recommended. (Y-3)

At 2:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By **Cay Kershner**
Clerk of the Council