



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF FEBRUARY, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

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

CONSENT AGENDA - NO DISCUSSION

212 Request from Jeffrey Liddicoat, Tribal Survival Recycling, for Council hearings on police units engaged in political activities (Communication)

Disposition: Referred to Commissioner of Finance and Administration.

213 Request from Tom Patzowski, Tribal Survival Recycling, for Council hearings on Fire Bureau office paper recycling (Communication)

Disposition: Referred to Commissioner of Public Safety.

214 Cash investment balances for January 14 through February 10, 1993 (Report; Treasurer)

Disposition: Placed on File.

215 Accept bid of L.N. Curtis & Sons for furnishing turnout boots for \$23,140 (Purchasing Report - Bid 78-A)

Disposition: Accepted; prepare contract.

216 Accept bid of Moore Excavation, Inc., for NE 112th Avenue, NE Wygant Street to NE Bennett Street sewer for \$51,794 (Purchasing Report - Bid 86)

Disposition: Accepted; prepare contract.

February 24, 1993

217 Accept bid of S-2 Contractors, Inc., for SE Division Street, 39th to 60th Avenue sewer reconstruction for \$1,848,984 (Purchasing Report - Bid 87)

Disposition: Accepted; prepare contract.

218 Accept bid of S-2 Contractors, Inc., for sump upgrade project phase IV for \$282,680 (Purchasing Report - Bid 91)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

219 Appoint Commissioner Charlie Hales and Commissioner Gretchen Kafoury as City of Portland Representatives to the Metro Policy Advisory Committee (Resolution)

Disposition: Resolution No. 35109. (Y-4)

***220** Increase contract for design of the East Precinct renovation (Ordinance; amend Contract No. 27374)

Disposition: Ordinance No. 166262. (Y-4)

***221** Authorize application to the US Department of Housing and Urban Development for a special projects grant in the amount of \$2,200,000 (Ordinance)

Disposition: Ordinance No. 166263. (Y-4)

***222** Establish three salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 166264. (Y-4)

***223** Legal services agreement with Wallace & Klor, P.C. (Ordinance)

Disposition: Ordinance No. 166265. (Y-4)

February 24, 1993

Commissioner Earl Blumenauer

- 224** Accept completion of the SW Troy Street and SW 37th Avenue Storm Sewer project, approve Change Order Nos. 1 and 2 and make final payment to Werbin West Contracting, Inc. (Report; Contract No. 28126)
- Disposition:** Accepted.
- 225** Accept completion of the SW 49th Avenue improvement, approve Change Order Nos. 1 and 2 and recommend that final payment be made to Parker Northwest Paving Company (Report; C-9784)
- Disposition:** Accepted.
- *226** Approve Modification No. 1 to the City of Portland/Tri-met Westside Light Rail Design Services Agreement for design services related to the Bureau of Water Works, Bureau of Buildings and the Bureau of Planning (Ordinance; amend Contract No. 27263)
- Disposition:** Ordinance No. 166266. (Y-4)
- *227** Contract with Black and Veatch, Inc., to provide engineering services for the Pneumatic Conveyance Pilot Project at the Columbia Boulevard Wastewater Treatment Plant Composter facilities and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166267. (Y-4)
- *228** Authorize interagency agreement with the Bureau of Environmental Services and the Portland Development Commission for project management service personnel (Ordinance)
- Disposition:** Ordinance No. 166268. (Y-4)
- *229** Approve an intergovernmental agreement with Metro for the exchange of residential garbage franchise territory information (Ordinance)
- Disposition:** Ordinance No. 166269. (Y-4)

February 24, 1993

Commissioner Gretchen Kafoury

***230** Authorize grant application to support funding of historic preservation activities in the Outer Southeast Community Plan study area (Ordinance)

Disposition: Ordinance No. 166270. (Y-4)

***231** Intergovernmental agreement with Washington County for review and permit authority over the design and construction of the Westside Light Rail Tunnel (Ordinance)

Disposition: Ordinance No. 166271. (Y-4)

***232** Intergovernmental agreement with Oregon Department of Energy for an energy code compliance study (Ordinance)

Disposition: Ordinance No. 166272. (Y-4)

***233** Appoint Steven Rudman to the position of Director of the Bureau of Community Development (Ordinance)

Disposition: Ordinance No. 166273. (Y-4)

Commissioner Mike Lindberg

234 Accept contract with S-2 Contractors, Inc., as complete for 12-inch Whitwood to Springville pump main and make final payment (Report; Contract No. 28055)

Disposition: Accepted.

***235** Accept and appropriate money for the City of Chicago on behalf of the Urban Consortium Energy Task Force to print the Sustainable Energy Planning Guide (Ordinance)

Disposition: Ordinance No. 166274. (Y-4)

***236** Call for bids for the repair of roofs at reservoir gatehouses, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166275. (Y-4)

February 24, 1993

***237** Call for bids to furnish water conservation kits for the Portland Water Bureau (Ordinance)

Disposition: Ordinance No. 166276. (Y-4)

City Auditor Barbara Clark

238 Appoint Sue Porter as Citizen Advisor to Police Investigations Auditing Committee (Report)

Disposition: Confirmed.

Mayor Katz said, regarding the requests from Tribal Survival Recycling, that rather than placing a multitude of requests for hearings on the calendar, representatives have indicated they would like to sit down with individual Council members or staff to decide which ones require public hearings.

211 **TIME CERTAIN: 9:30 AM** - Transmit the Environmental Commission's natural resources data report, OUR GREEN HOME, to the City Council (Report introduced by Mayor Katz)

Discussion: Phil Thompson, Acting Director, Environmental Commission, said the mission of the Commission is to ensure that City decision makers and the public have a clear grasp of the consequences of their actions on the environment and natural resources. In this report the Commission has tried to record everything that is known today about the status of the City's environment, providing a base line against which to take future environmental measurements. In addition, the Commission has noted linkages when the City gets resources external to its borders.

Pamela Brown, Chair of the Commission, said for the first six months the Commission's goal was to reach as many people as possible. Their first project was a video on water resources involving 15 different government bureaus. The Commission expects to return soon with recommendations for an environmental policy for the City. She noted a book issued by the Commission which is available to the public at a cost of \$3.00.

The Mayor recognized other members of the Commission. She said this creates a helpful baseline, noting that there are some things the City does very well while others need a lot of work and direction.

Disposition: Placed on File.

February 24, 1993

REGULAR AGENDA

Commissioner Earl Blumenauer

239 Consider vacating a portion of NW Thompson Road, as initiated by Resolution No. 35097, at the request of Multnomah County (Hearing on Report; C-9830)

Discussion: Mayor Katz said a request has been made to continue this for two weeks.

Disposition: Continued to March 10, 1993 at 9:30 a.m.

***240** Agreement with OTAK, Inc., not to exceed \$113,127, to provide professional consulting services related to the River District Development Plan (Ordinance)

Discussion: Mayor Katz suggested that the Department of Environmental Quality should be added to page 4 of the proposed work plan as one of the agencies to be contacted to identify potential environmental issues.

Vicky Diede, Bureau of Transportation Engineering, agreed that it would be advisable to include someone at the state level. She said this is a continuation of the River View District Development Plan that has been underway for about a year.

Council agreed to the amendment suggested by the Mayor.

Disposition: Ordinance No. 166277 as amended. (Y-4)

***241** Amend agreement with Shiels & Obletz to provide additional design services for the Portland Transit Mall Extension Project (Ordinance; amend Agreement No. 28514)

Discussion: Commissioner Kafoury said there is an issue about location of the shelters and social services facilities as well as the federal building. She said the homeless shelter people should be involved in the conversations about this extension project.

Dick Schmidt, Transportation Engineering, said homeless agencies were involved in every step of the design process. As new things come along, they will take a look to see if modifications need to be made during construction.

February 24, 1993

Mayor Katz noted that a correction in the date on the ordinance (Section 1, Number 4) was needed.

Disposition: Ordinance No. 166278. (Y-4)

***242** Authorize the execution of a sole source contract with Ad Department Inc., to provide professional services for a public service campaign for the Combined Sewer Overflow Program and provide for payment (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said there had been a request to refer this back to Commissioner Blumenauer.

Disposition: Referred to Commissioner of Public Works.

***243** Contract with Kramer, Chin & Mayo, Inc., for professional engineering services and provide for payment (Ordinance)

Disposition: Ordinance No. 166279. (Y-4)

***244** Contract with Husari Engineering Incorporated for wastewater pumping station electrical control and equipment programming and start-up services (Previous Agenda 203)

Discussion: Mayor Katz said she had raised the issue of why this contract had an effective date beginning in January.

Jeff Bauman, Bureau of Environmental Services, said standard procedures were followed although there were two misunderstandings which led to \$4,400 worth of work beginning on one of the nine pump station projects prior to actual authorization. All nine pump stations were approved capital improvement projects, eight of which have not commenced because the contracts have not been signed. Confusion arose with the ninth pump station because Husari thought they were proceeding with work authorized by a Change Order on an existing contract. A second misunderstanding occurred because the Bureau did not update the dates in the contract when Husari ran into some delay about insurance and filing was delayed. He said these projects were budgeted in the capital improvement program and a consultant selection process found Husari to be the top-ranked firm of the seven competing for this work.

Commissioner Blumenauer asked if any work occurred that was not budgeted or anticipated.

February 24, 1993

Mr. Bauman said no, it was done in the incorrect belief that it was a Change Order.

Mayor Katz said Bureaus need to be mindful of not starting work before a contract is signed.

Disposition: Ordinance No. 166280. (Y-4)

Commissioner Gretchen Kafoury

245 Consent to County Animal Control ordinances applying within the City and amend City's animal control regulations (Second Reading Agenda 205)

Disposition: Ordinance No. 166281. (Y-4)

City Auditor Barbara Clark

246 Assess property for sewer system development charges through December, 1992 (Second Reading Agenda 207; Z0305 through Z0342)

Disposition: Ordinance No. 166282. (Y-4)

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

February 24, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF FEBRUARY, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, 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 Katz read a proclamation eulogizing Sheldon Hill and his contributions to the community and the civil rights movement.

247

TIME CERTAIN: 2:00 PM - Amend the fee schedule for land use and related planning services (Ordinance)

Discussion: Commissioner Kafoury said the Permit Center has seven people who field 16,500 phone calls a year and 12,500 walk-ins. And while fee revenues are down, the number of permits has jumped. She said the key issue is how to maintain and enhance the level of service. The Planning Bureau has been directed by Council to recover 70 percent of its costs and a fee schedule was developed to try to do that. However, this is not happening, which is why these fee increases are being sought. She asked Mayor Katz and Commissioner Hales to spend half an hour in the Permit Center prior to voting to see what the work load is.

Bob Stacey, Planning Bureau Director, said they are seeing fewer complex appeals and more permits in part because their new Code is working effectively. He said because of their under-recovery of revenues the Bureau is very short-handed and has inappropriate response times. He said with these increases the Bureau would recover 60 per cent of its costs, not 100 percent full recovery. He said the Planning Commission and the Bureau Advisory Committee felt maintaining competitiveness with adjoining jurisdictions and welcoming new housing development were more important than full recovery.

Mr. Stacey said they have tried very hard to increase staff efficiency and have dramatically reduced professional to clerical ratios. He said they have asked the City Auditor to schedule an audit to examine their fee structure and efficiency levels but have been unable to get on the schedule to date. The Association for Portland Progress audit, while it had policy recommendations, found that the bureau was efficiently run.

February 24, 1993

Mr. Stacey argued that the new Code is a much more reliable document where people can find answers to their questions rather than having to refer to other authorities. He acknowledged that many feel the land use regulatory process in Portland is too complex but noted the Code monitoring process which brings amendments to Council every six months to eliminate ambiguities. He said they also plan to scrutinize and clarify their environmental rules and to rewrite the subdevelopment Code. While working on these improvements, however, current rules must be followed and staff must be provided to review plans against those standards. He said a final alternative is to reassign more bureau staff to the permit center but pointed out that this makes other areas, such as long-range planning where they are eliminating two positions, very lean. Mr. Stacey said even after the fee increases, Portland will compare well with other metropolitan governments in its fees and charges.

Susan Feldman, Bureau of Planning, said they need to better serve their customers, which they will be able to do if the fee increase is approved. Their goal is to return calls within 48 hours, although now they have a backlog of four or five days. Another goal is to have a turnaround time of four to five days to do plan checks and reviews. She said they also are not currently meeting Zoning Code deadlines regarding land-use reviews which the additional staff will help them do. More staff also translates into fewer mistakes and happier customers.

Barbara Adler, Coalition of Metropolitan Property Associations of Oregon, asked to be included in establishment of an audit review committee to create a comprehensive report of the operating budget and efficiencies. She said the public should not be asked to sacrifice at a higher level than necessary.

Oskar Hess, Ditchmasters, said these fees do not encourage business growth. He said last year a zone change was raised from \$1,000 to \$4,000 for reasons he has never understood. He said thousands of new homes are being built in Portland but no property is being made available to small business with the result that many jobs are being lost. He called for the addition of a no-net job loss commitment to the no-net housing loss policy.

Sharon Fleming Barrett, Oregon Apartment Association, said the substantial increases will negatively affect the growth of housing.

Jon Chandler, attorney for Portland Home Builders, said the fees reflect good math but not good policy. He said a large part of the increases can be traced

February 24, 1993

to the complexities and cumbersomeness of the Code. He said the fee increase should be delayed until a rewrite and reexamination of the Code takes place. He said it is not enough to be competitive because of the distinct disadvantages Portland already has which make land more difficult to develop.

Dorothy Cofeld, Oregonians in Action, PO Box 230637, Tigard, 97223 said this fee increase sends the wrong message and the City needs to look at the underlying reasons why the Code is so complicated. She called for the City to work with LCDC and let them know that they cannot keep increasing the burden of work on cities. She said the land use process needs to be streamlined but that should be done first, before new fee increases are imposed.

Matthias Kemeny, 3812 N. Mississippi, 97227, said it is disheartening to talk about fee increases at a time when nationally everyone is talking about a triple tax. He asked that the fee increase be reexamined and that the 70 per cent policy be reexamined as well.

Steve Pfeiffer, 900 SW 5th, 97204, said the quality of service in Portland is very high and often provided at a lower cost than other jurisdictions. He said access is more important to most of his clients than fees and suggested that the City target the benefits that will flow from these fee increases. He said the Code is still complicated and does not provide an answer to either a lawyer or a layman on the first reading. He said too often they find that at preapplication conferences staff has to go back and revisit the intent of the Code and come back several weeks later with the answers. He said consultation fees make sense but should be carefully applied because of the public access issue.

Mary Kyle McCurdy, Chair of the Budget Advisory Committee (BAC), noted that the Bureau is currently only achieving 41 per cent cost recovery. She said they looked at each policy where cost recovery was less than 70 per cent and many times found there were sound policy reasons not to recover costs. However, the Committee is concerned that under recovery will result in continued staff reductions.

Steve Abel, 1211 SW 5th Ave., land-use attorney, called for only modest, if any, increases in the residential area although generally he supports the fee increases. He said while E-zone regulations are especially costly to comply

February 24, 1993

with for many clients, the response time is more important than the fees. The pre-application process has not generally been very valuable and the \$375 fee is not justifiable because staff is too often unprepared.

Roger Jones, 2936 SE Taylor, asked how much the fee increases would generate in revenues.

Mr. Stacey said about \$300,000 over current levels. He said for the current year it would be only \$35,000 to pay for 2-1/2 staff people from April on. He said the total cost for a planner is \$51,000 and the rest of the money would fund restoration of two positions in long range planning and code updates.

Commissioner Hales asked when preapplication reviews were required.

Mr. Stacey said for Type III applications, but generally not for Type IIs. He said an Environmental Protection zone is always a Type III regardless of the proposed use.

Commissioner Hales asked if the total cost of a residential project would require the payment of three fees.

Mr. Stacey said the pre-app does not qualify as a land-use review and fees are adjusted as other reviews are added.

Commissioner Hales noted that with the increases, fees for PUDS which were previously \$1230 plus \$50 per lot would increase to \$3,000 plus \$75 per lot for a combination PUD/subdivision. He said since most PUDs are subdivisions that would be a substantial jump.

Mr. Stacey said Staff does need to review Title 34 and try to incorporate PUD provisions in Title 33 with the subdivision provisions in Title 34. He said it does not make sense for the City to require PUDs in order to get the density and compatibility it wants and then make people go through two steps to get there.

Commissioner Hales asked about the range in the major design review fee.

Mr. Stacey said they are going from a \$4,000 to a \$15,000 maximum but the rate remains the same, one per cent of the value up to \$5,000,000. The objective is to achieve higher cost recovery from expensive projects because of the additional amount of staff and Planning Commission time they require.

Commissioner Hales remarked that design review only applies to downtown and part of the Lloyd District. He said he was surprised that the fee was graduated to top out at only \$5,000,000 rather than a higher amount.

February 24, 1993

Mr. Stacey said he was not confident staff costs would continue upwards indefinitely as the cost of the project rose. He said they did spend a lot more for the Blazer project but that was an unusual project requiring multiple reviews. He said annual review is necessary in order to assess such matters and the Bureau has proposed a new cost-of-service analysis in accordance with the new guidelines. He said multi-family development is an outright permitted use and would have exactly the same review fees as before, namely a building permit plan check.

Mayor Katz said she finds that the 70 per cent cost recovery is a sound policy but must be balanced by other issues and tradeoffs. She said she is nervous about approving this prior to preparation of the budget and before a cost-of-service and other studies are complete, including a review of environmental regulations and Title 34. She said she is also concerned about how this fits in with economic development, livable cities and affordable housing goals or a serious analysis about what in the Code needs to be reviewed, simplified or eliminated. She said until that groundwork is done she is reluctant to deal with this issue although she is sensitive to the needs of the Bureau. She said perhaps some of this groundwork needs to be subsidized by the General Fund until we have that information about how to improve the quality of the work product. She said she is prepared to look at that as an issue but she is not prepared to look at the fee increases without having all those other pieces in front of her.

Commissioner Kafoury said the problem is that to even begin to do that work, more Permit Center staff is needed. She said she would be delighted to take the money out of contingency but without some sort of revenue, they cannot do the upgrade they need at the Permit Center.

Mr. Stacey said the toll the work load is taking on staff is growing higher and higher and some kind of response is needed now because the building season is about to begin.

Commissioner Blumenauer noted differing expectations from the business community, which wants fewer regulations, and the neighborhoods, which want more. He said he believes, compared to other big cities, that our costs are reasonable and the product is very good. He called for a response to Mr. Abel's comments about pre application conferences, adding that performance is what the City should be held accountable for. He said he is convinced that the bureau has increased productivity and is concerned about having adequate staff to handle the next business cycle. He said the \$45 consulting fee may help people who want extra service, adding that other jurisdictions do charge by the hour. He said it is fair to look at the subsidy level even

February 24, 1993

though the public does not think taxpayers should subsidize developers. He said he would like to have comparable types of service so good benchmarks can be determined for turnaround time.

Commissioner Kafoury proposed to bring this item back next week to see if the objections can be narrowed so that the Bureau can move ahead and additional resources can be found to allow the Permit Center to function.

Mayor Katz summarized the issues: 1) subsidies to developers; 2) problems identified by citizens today that have merit; 3) the appropriateness of approval prior to the budget review without appropriate benchmarks. She said the benchmarks can not be achieved within the next two weeks but other pieces can be brought to closure. She said the question of whether the Bureau needs additional resources to get through the building season is a legitimate one, if there is a problem, and Council is not prepared to increase fees.

Commissioner Kafoury moved to continue the first reading one week to see if this can be resolved and what the alternatives are.

Ms. Feldman noted that some issues may never be resolved.

Mayor Katz said she realized that, but some issues need to be resolved and connected to the budget.

Commissioner Hales seconded Commissioner Kafoury's motion. Hearing no objections, the Mayor so ordered.

Disposition: Continued to March 3, 1993 at 2:00 p.m.

At 3:35 p.m., Council recessed.

February 25, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF FEBRUARY, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

REGULAR AGENDA

- 248** Appeal of Markham Neighborhood Association against Hearings Officer's decision to approve the application of Roger Edwards and John Neimeyer for a ten-lot PUD/Subdivision and Environmental Review located at SW Taylors Ferry Road, north of Stanley Court (Previous Agenda 129; 92-00435 PU SU EN)

Discussion: Tom Bizeau, Planning Bureau staff, referred to a matrix he prepared regarding the issues raised at the hearing on February 3, 1993. He cited the major issues and whether the approval criteria cited at the hearing were relevant and met. One major issue related to design, with the neighborhood questioning whether it was cohesive or comprehensive. Mr. Bizeau said he believed the proposed design was both. He said the neighborhood also questioned the gateway design and while there is no approval criteria requiring gateways the Code does give the Bureau the authority to approve them. He said he recommended a gateway approach.

Questions were also raised by the neighborhood regarding whether sufficient information had been supplied. He said what was not supplied before has now been submitted by the applicant, showing adjacent structures around the site. He said the Code does not require more detail than this. Regarding sidewalks, Mr. Bizeau said a condition requiring one needs to be added.

Mayor Katz asked if there were a policy regarding sidewalks that was not reflected in the Code.

Mr. Bizeau said private streets are governed by building codes but public streets do require sidewalks. Regarding density, he noted that the original

February 25, 1993

request has been whittled down to 10 lots, while the minimum density standard called for is 13 lots. A finding needs to be added that site constraints prevent reaching this standard.

With respect to the Environmental zone, Mr. Bizeau said lots may be in Environmental zones although buildings and housing envelopes cannot. He said Council could leave this or add a condition that all lot lines be outside the Protection zone. He said the current design shows some lot lines are within the zone. Development standards do not need to be addressed by the Hearings Officer or conditioned.

Mr. Bizeau said that a tree conservation bond, as suggested by the neighborhood, would only last through the construction period, although preservation plans added as conditions are enforceable by the City.

Finally, regarding streets and parking, Mr. Bizeau explained that street widths on private streets are approved by the Hearings Officer with the concurrence of the City Engineer. The Engineer has concurred except for some concerns about site distances. Pedestrian issues are covered in the current conditions of approval. He said the common parking section of Code did not need to be met as no common parking area was proposed. He said there are about four parking spaces per housing unit which should be sufficient.

Mr. Bizeau said this request is for preliminary plat approval, noting that a final development approval comes later and at that time neighbors may make comments. He said findings are needed and some of the conditions need to be changed.

Commissioner Kafoury moved to overrule the appeal and approve the Hearings Officer's decision with modifications. Commissioner Blumenauer seconded.

Commissioner Blumenauer said he assumed that the Hearings Officer's decision would be rewritten to reflect Council's concerns about it.

Commissioner Kafoury said she was not happy with the report either.

Commissioner Hale said he would like a condition requiring the provision of common space at the entrance to the property with landscaping in order to accomplish a gateway and buffer adjacent property.

February 25, 1993

Mayor Katz said she assumes that everyone agrees with this.

Commissioner Kafoury said she was not sure what was needed regarding the landscaping.

Mr. Bizeau said he would try to be as specific as possible regarding what kind of landscaping would occur there and also include the tract. He said he believes the language proposed for landscaping is adequate and the way it is worded now gives him enough latitude to include this.

Commissioner Kafoury suggested adding a finding that a street is not a common parking area.

Mr. Bizeau said neighbors thought the street functioned as a common parking area but Staff believes the Code does not say that so that finding would not be needed.

Commissioner Blumenauer said he would like to have specific motions for each condition.

Commissioner Hales moved to add a condition requiring a tract of land, or tracts, at the entrance that will be landscaped to provide a gateway aspect and provide screening and buffering to the adjacent property to the east. Commissioner Kafoury seconded and the motion carried.

Commissioner Kafoury moved to clarify the sidewalk requirement to place it on the western side of the private street off Stanley Court. The sidewalk should be part of right of way for maintenance.

Commissioner Hales said this is a little weak from a policy basis because there are no sidewalks in the surrounding neighborhood but there is a pathway through the project that has already been created. He asked Mr. Bizeau where he thought the sidewalk should terminate.

Mr. Bizeau said it makes sense to have the sidewalk connect all the way around to the pathway system.

Commissioner Hales suggested that would go on the western side of the cul de sac and continue to connect with the pathway.

February 25, 1993

Mayor Katz said she thought that was what the motion was.

Commissioner Hales said it was hard to know where western was. He seconded Commissioner Kafoury's motion. The motion carried. (Y-4)

Commissioner Kafoury made motions to: 1) correct findings and conditions to show that Lot 1 meets Code setbacks; 2) provide trash collection; 3) allow ten lots as indicated on the site plan; 3) eliminate conditions of approval related to (development) standards (in the EP zone); 4) continue to require tree preservation conditions and correct the lot numbers to reflect what the site plan shows on all lots; 5) rewrite the Hearings Officer's findings to reflect submitted information and findings; 6) widen Stanley Court to 33 feet to incorporate a sidewalk in the street tract; 7) establish specific approval conditions for the street (SW Taylors Ferry access); 8) change findings to reflect the changed setbacks. All were seconded and approved individually. (Y-4)

Commissioner Kafoury said there was no need to reduce the lot lines to coincide with the EP zone boundary because the Code does not require the lot lines to be outside the zone.

Mayor Katz noted that the staff position had been to keep lots out of the EP zone and have this zone strictly for use as common open space.

Mr. Bizeau said that was not a Code requirement.

Mayor Katz asked Council members if they were satisfied with leaving that alone, and not reducing the lot lines. All but Mayor Katz agreed.

Commissioner Kafoury said she hoped the Hearings Officer's vague and ambiguous findings could be corrected, as well as the typos. She moved to tentatively overrule the appeal and adopt all the conditions Council approved above. The motion carried. (Y-4)

John Niemeyer, applicant, reviewed the history of this project, which began with a pre-app meeting in October 1991. Because their plan was so well received, they went ahead and purchased the property only to run into problems with density and newly-adopted Environmental zone regulations. Because of changes in the requirements, they had to make three separate applications, each time paying sizeable fees and ending up with a staff report containing 40 recommendations. He said things should not get so complicated that no one can understand them, noting that the Hearings

February 25, 1993

Officer asked for three 30-day extensions after postponing the hearing one month, because of confusion about the rules. He said they spent \$46,000 on hard cost fees and another \$21,000 on interest, which adds \$5500 to the cost of each lot.

Disposition: Tentatively deny appeal and approve application with conditions. (Y-4) Applicant prepare findings.

At 2:40 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By **Cay Kershner**
Clerk of the Council