



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF AUGUST, 1998 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

Fire Chief Robert Wall introduced the new fire inspectors and firefighter trainees.

Agenda Nos. 1217 and 1228 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1213** Accept bid of Morton International, Inc. for furnishing thermoplastic striping material for \$102,000 annually for three years (Purchasing Report - Bid 98227)

Disposition: Accepted; prepare contract.

- 1214** Accept bid of Columbia Cascade Construction, Inc. for Berkeley Park improvements for \$175,900 (Purchasing Report - Bid 98229)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 1215** Confirm reappointment of Noell Webb to the Portland Development Commission (Report)

Disposition: Confirmed.

- *1216** Approve an agreement appropriating \$35,000 for the Oregon Historical Society and specifying associated responsibilities (Ordinance)

Disposition: Ordinance No. 172600. (Y-4)

- *1218** Authorize the Mayor and Auditor to execute a labor agreement between the City of Portland and the Municipal Employees, LIUNA, Local 483, relating to terms and conditions of employment of represented recreation employees (Ordinance)

Disposition: Ordinance No. 172601. (Y-4)

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Commissioner Jim Francesconi

- *1219** Lease agreement for space at 1305 SE Martin Luther King Jr. Boulevard for the Bureau of Police (Ordinance)

Disposition: Ordinance No. 172602. (Y-4)

- *1220** Increase Purchase Order with Boucher Mouchka Larson Architects for the ticket booth/revenue control upgrade (Ordinance; amend PO No. 1020861)

Disposition: Ordinance No. 172603. (Y-4)

- *1221** Amend contract with Boucher Mouchka Larson Architects for Fourth and Yamhill garage two-floor addition project by extending completion time until January 15, 1999 (Ordinance; amend Contract No. 30606)

Disposition: Ordinance No. 172604. (Y-4)

- *1222** Contribute \$15,000 towards the purchase of the MJD Development, Inc. property at the southwestern tip of Rocky Butte Nature Park in the East Buttes regional target area (Ordinance)

Disposition: Ordinance No. 172605. (Y-4)

Commissioner Charlie Hales

- 1223** Set hearing date, 9:30 a.m., Wednesday, September 16, 1998, to vacate a portion of N. Argyle Street west of N. Albina Avenue (Report; C-9950)

Disposition: Adopted.

- 1224** Authorize the City Attorney to file an application to appear amicus curiae in Outdoor Media Dimensions, Inc. v. State of Oregon, CA A91779, SC S44590 (Resolution)

Disposition: Resolution No. 35720. (Y-4)

- *1225** Accept Wireline Crossing Agreement from the Union Pacific Railroad Company in connection with the Eastbank Convention Center Dock project and authorize payment of \$1,500 (Ordinance)

Disposition: Ordinance No. 172606. (Y-4)

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- 1226** Grant a ten-year property tax exemption to Hoyt Street Properties, LLC for new multiple-unit housing on the block bounded by NW 11th, 12th, Lovejoy and Kearney Streets (Second Reading Agenda 1179)

Disposition: Ordinance No. 172607. (Y-4)

Commissioner Erik Sten

- 1227** Accept completion of the Lymann Park sanitary sewer project, Project No. 5056, and authorize final payment to Nutter Underground Utilities Co., Inc. (Report; Contract No. 31108)

Disposition: Accepted.

- 1229** Accept completion of the SE Portland sanitary sewer extension Project No. 1, Project 5875, and authorize final payment to S-2 Contractors, Inc. (Report; Contract No. 31673)

Disposition: Accepted.

- 1230** Accept completion of the NW Germantown Road culvert rehabilitation, Project 6033, and authorize final payment to Gelco Services, Inc. (Report; Contract No. 31693)

Disposition: Accepted.

- *1231** Grant a temporary, revocable permit to WCI Cable, Inc. and establish terms and conditions (Ordinance)

Disposition: Ordinance No. 172608. (Y-4)

- *1232** Authorize a contract and provide for payment for the construction of the Vermont Creek stream restoration project (Ordinance)

Disposition: Ordinance No. 172609. (Y-4)

- 1233** Contract with TT/CMI, Inc. to supply qualified engineering, construction management, inspection and project support personnel upon request (Ordinance)

Disposition: Passed to Second Reading August 26, 1998 at 9:30 a.m.

- 1234** Contract with CMTS, Inc. to supply qualified engineering, construction management, inspection and project support personnel upon request (Ordinance)

Disposition: Passed to Second Reading August 26, 1998 at 9:30 a.m.

- *1235** Authorize the continuance of negotiations to acquire an easement needed for the NW Miller Road and NW Cornell Road regulator vault site and authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 172610. (Y-4)

- *1236** Authorize an agreement with Murray, Smith & Associates, Inc. for an amount not to exceed \$140,000 to provide engineering services for the Upper Whitwood tank replacement project and provide for payment (Ordinance)

Disposition: Ordinance No. 172611. (Y-4)

REGULAR AGENDA

- *1217** Settle the claims of Dawn Urban (Ordinance)

Disposition: Continued to September 2, 1998 at 9:30 a.m.

- 1228** Accept completion of the NE 59th Place wastewater pump station project, Project 5414, and authorize final payment to Triad Mechanical, Inc. (Report; Contract No. 31129)

Discussion: Cay Kershner, Clerk of the Council said an amended version was submitted, correcting some of the numbers.

Commissioner Francesconi moved the amendment and Commissioner Kafoury seconded. Hearing no objections, the Mayor so ordered.

Disposition: Accepted as amended.

- 1210** **TIME CERTAIN: 9:30 AM** - Transmit report on Police Bureau use of less lethal weapons (Report introduced by Mayor Katz)

Discussion: Mayor Katz said the Police Bureau wanted to keep Council and the public up to date on how officers are being trained.

Police Chief Charles Moose said this is another tool the police can use to try to solve problems. He said in August, 1997, the Bureau prepared a general order in regard to the use of less lethal weapons and began to train officers. Now that a year has passed, the Bureau wanted to report on its experience using this new tool.

Sergeant Larry Baird, Police Training Division, showed slides and described various levels of controls the police use, ranging from verbal commands to lethal weapons. The bureau now has a medium-range less lethal option, referred to generally as a "bean bag round," which is discharged from a yellow shotgun, to distinguish it from a regular shotgun. He described its range, impact and the circumstances in which it is used. He said the type of injuries that result have generally been limited to blunt, non-trauma type injuries. He stressed that this is a

less lethal weapon, not non-lethal, and that this technology is not a replacement for talk or other tactics. It will not be used against a person who is knowingly armed with a firearm. He described the two-day training program for officers and showed a video to illustrate situations when it works and when it does not. He reviewed three specific cases, two involving suicidal individuals threatening to kill themselves. A third case involved an assault where eight bean bag rounds, pepper spray and police batons did not work. He said he is convinced that the lives of a number of suspects were saved in several instances.

Captain Moose said use of these weapons has also reduced the number of injuries to police themselves.

Commissioner Francesconi asked why Police would use the bean bag instead of a baton.

Sergeant Baird said primarily because of the distance involved. Use of a baton is generally not planned for but is a defensive action. Use of the bean bag allows the police officer to stay back from the suspect.

Commissioner Kafoury asked why they were used the other night in the incident at Irving Park.

Chief Moose said it is too early to have completed a review of that decision but he can respond to that at a later date. He explained that there is a process of review, although not at the same level of scrutiny that occurs when lethal weapons are used. He noted that everyone who is struck is mandated to be transported to a hospital.

Disposition: Ordinance No. 172612. (Y-4)

***1211** **TIME CERTAIN: 10:00 AM** - Revise Graffiti Nuisance Abatement Code (Ordinance introduced by Mayor Katz; Substitute Chapter 14.140)

Discussion: Mayor Katz said graffiti is a signal that there is a breakdown in a community. After six years of a program oriented towards the use of volunteers to combat graffiti, there was a feeling that the City could do better. She noted that there is a court order prohibiting City employees, especially from the Bureau of Buildings, from entering private property without permission and that eliminated the City's ability to just go on someone's property and clean up the walls. As a result of this ruling, several changes are being made. One gives the Mayor the authority to designate graffiti-free zones in very small geographic zones where staff will seek permission slips from 100 percent of the building owners to clean up the graffiti. The goal is to clean up the area in those zones within 24 hours, weather permitting.

Sharon McCormack, Crime Prevention Program Manager, recapped prior City efforts to remove graffiti and noted that the present program reflects strategies based on citizen recommendations. One recommendation was for a graffiti coordinator and the Mayor asked that funding for that position be covered with existing resources, if possible. The City reached out to a number of groups to form partnerships to help deal with the problem and a coordinator, Hugh McDowell, has been hired. She said the new budget allocation will allow

them to do a much more coordinated job than has been done in the past.

Hugh McDowell, Graffiti Prevention Coordinator, said education, eradication and enforcement are the three keystones of the program. He discussed some of the strategies, including a graffiti hot line and use of a simpler report form. Building owners will be asked to sign a permission form, allowing crews to remove graffiti immediately and the goal is to get permission from 100 percent of those in designated graffiti zones. More volunteers will be sought to help with abatement and establishment of graffiti-free zones should also help.

Office John Kuechler, SE Precinct Neighborhood Response Team, said he looks forward to quicker clean-ups, better tracking of graffiti crimes and more neighborhood involvement, giving him more time for enforcement.

Kate Lieber, Multnomah County Deputy District Attorney, said research has shown taggers want to be seen and cleaning up their graffiti right away takes away their identity so they go elsewhere. She explained the difference between the old and new ordinances and noted that the new one makes it much easier to do graffiti cleanup faster. It enables the coordinator to send warning letters, giving building owners 10 days to get rid of graffiti themselves or permit the City to do it for them. Those who fail to do so will have their property declared a graffiti nuisance and an expedited warrant will be sought to allow the City to go onto the property to abate the nuisance. Appeal rights are also granted. She said the District Attorney's office will continue to aggressively investigate and prosecute graffiti crimes, and advocate for strong penalties.

Chuck Martin, former President, Alliance of Portland Neighborhood Business Associations, said he still thinks the best tactic is to urge business and neighborhoods associations to adopt a zero graffiti tolerance policy and then bring peer pressure against their fellow businesses and neighbors to remove the graffiti. Graffiti will probably always be a problem but at least this ordinance attempts to put a lid on it.

Val Thornycroft, Hosford Abernethy Neighborhood Association, and a volunteer in graffiti removal since 1989, stressed the need for constant vigilance in order to maintain City livability.

Mike Beam, Program Coordinator, Oregon Department of Transportation (ODOT), supported the proposed ordinance. He said as coordinator of a graffiti program for ODOT, he has found the sooner the graffiti is removed, the more it discourages the taggers.

Catherine Anderson, Crime Prevention Specialist in Southeast Portland, said small business owners are the most often affected, with a huge impact to them. She noted that the problem is never solved and that it takes away the pride of residents in their community.

Mayor Katz thanked citizens for their volunteer efforts and commitment and thanked Council for adding additional resources for this program, which costs the City \$300,000. The reason why this can be done with relatively little money is because of the volunteers. Hiring a coordinator and having the ability to declare properties as nuisances should help and, if these

steps do not work, she will return with some other ideas.

Disposition: Ordinance No. 172612. (Y-4)

1212 **TIME CERTAIN: 10:30 AM** - Accept Oregon Construction Workforce Alliance Partnership Agreement (Report introduced by Mayor Katz)

Discussion: Mayor Katz said the City's fair contracting and employment strategy focused on resolving disparities in contracting to make sure minority, women-owned and emerging small businesses received a fair share of City and other local jurisdictional contracts. This agreement addresses another issue identified in the City's recent disparity study -- the underutilization of minorities and women in construction trades apprenticeship programs. This has been a very difficult issue to deal with because so many partners had such different expectations about what apprenticeship programs should be. The City is one of those partners and the City must now implement what has been agreed to since it has now established its own apprenticeship program.

Sue Klobertanz, Manager, Contractor Development Division, Bureau of Purchases, said this partnership, the Oregon Construction Workforce Alliance (OCWA), is a key element in the fair contracting and employment strategy even though most of the strategies have focused on contracting issues. The report highlights the roles and responsibilities of over 50 organizations that have all agreed to work cooperatively to train more women and minorities for highly-skilled construction trades jobs. This partnership brings together the construction industry associations, organized labor, apprenticeship training programs and community-based organizations to resolve the issues identified in the disparity study.

Lita Colligan, Program Manager, Workforce Training Program, said this partnership is the culmination of over two years of work among the stakeholders and is an essential part of the City's workforce training and hiring program. While the workforce program drives the demand for apprentices and a diverse workforce on construction projects, the OCWA partnership seeks to address the supply side of the equation. She said over the past four years, the City, Multnomah County and the Portland Development Commission, have provided opportunities for over 450,000 hours of apprenticeship training on construction projects and through OCWA they hope to bring in many more government agencies. In order to do that an adequate, qualified and diverse pool of applicants is needed in order to fill the needs of contractors and the apprenticeship programs. OCWA also wants to build stronger relationships between those who train and those who prepare people for employment, the community-based organizations. To accomplish its goal, a more seamless system of entry, training and retention for minorities and women will be developed and community organizations will be more formally linked with the apprenticeship training programs.

Jim McKewan, Oregon Construction Workforce Alliance (OCWA), noted the growth in construction jobs and the need to train women and minorities to replace now retiring "baby boomers." He said industry projections show that in the near future 85 percent of individuals entering the construction workforce will be women or minorities. If this is true, the industry must do more to attract and prepare these individuals, primarily through apprenticeship

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programs. He said the mission of OCWA is to recruit and retain increased numbers of women and minorities in construction trade careers through state-approved apprenticeship programs. The agreement identifies the stakeholders and their responsibilities in fulfilling this mission. He listed some of accomplishments to date, including streamlining the workforce training and hiring program.

Steve Simms, Director, Oregon Apprenticeship and Training, Bureau of Labor and Industries, supported the goals and objectives of OCWA.

Jim Trapp, Goals Program, Housing Authority of Portland, said OCWA gives his organization access to both union and non-union apprenticeship programs. An OCWA subcommittee, which he chairs, will be tackling two major problems -- child care and transportation to job sites.

Ken Fry, Training Director, MICA Training Center, said of 600 apprentices enrolled in current programs, 12 percent are minorities and 11 percent are female. There is a long way to go until those numbers actually mirror the community. As a representative of the Columbia Pacific Building Trades and union apprenticeship coordinators in the Portland area, he knows that in spite of their efforts over many years to recruit and retain women and minorities, they have come up short. The OCWA agreement identifies strategies that will enable them to do a better job in the future and they support it 100 percent.

Commissioner Kafoury asked about the connection of OCWA to the new workforce development board, which is not a signatory to this.

Ms. Colligan said work on this agreement began long before the workforce board was established but OCWA has contacted it about the need to add construction to their program. She said OCWA would like to make sure that construction is part of any job growth studies the workforce board undertakes. Historically, it has not been one of the targeted industries for employment opportunities for low-income people but OCWA will try to change that.

Mayor Katz said the expansion of the Benson High School program to Jefferson High School provides a wonderful opportunity to bring young people into the construction industry with the clear understanding that they will need higher math and other skills to fill these jobs.

Mr. Trapp said Portland General Electric is a big player in the Jefferson program and industry must be involved in training the future work force.

Ms. Colligan said the City is also involved in that program and hopes to hire its graduates to fill City jobs in the Water and Parks Bureaus.

Commissioner Francesconi said it may be best to develop links to construction jobs at the middle school level, rather than at the community college level.

Ms. Colligan said OCWA has a school-to-work committee that is working on the Jefferson program and on a teacher training program.

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Commissioner Francesconi asked if technical assistance is being provided to community groups so they have the capacity to deliver.

Ms. Colligan said that is the next step and OCWA is hammering those details out now, although there is still a long way to go.

Commissioner Francesconi said he does not see many contractors on the list of partners.

Mr. Trapp agreed but said they hope to expand the number once people see that this agreement is effective.

Mayor Katz said the unmentioned issue is the unions' fear that its members will lose jobs if the economy cools down. She said cross-training for many of these apprentices will be needed. She noted the constant tension between union and non-union construction companies and also the need to develop a seamless system for young people that takes them from middle school to the promise of a job at the end of the process. That will be very hard to accomplish but this a first step.

Discussion: Accepted. (Y-4)

Commissioner Gretchen Miller Kafoury

- 1237** Amend City Code Title 13 to reflect revised Multnomah County Animal Control provisions applying within the City, subject to certain conditions; repeal Section 13.10.015, which regulates possession of certain large cats (Ordinance; amend Section 13.05.005; repeal Section 13.10.015)

Discussion: Commissioner Kafoury said this is new ordinance

Frank Hudson, Deputy City Attorney, said the most important provisions in this ordinance deal with exotic and dangerous animals. He noted that in 1993 the City agreed to abide by Multnomah County animal control regulations but retained a small number of regulations in its Code. More recently, after an incident involving a Siberian tiger, the Council passed an ordinance banning large cats. This ordinance repeals that, replacing it with the much broader County provision prohibiting dangerous exotic animals. The other changes are mostly housekeeping measures to make sure the City's small number of animal control regulations are consistent with the County's.

Hank Miggins, Director, Multnomah County Animal Control, said this ordinance creates a unified animal control ordinance for all the cities within Multnomah County. The exotic animal exemption will grandfather in those who currently have permits who are in compliance with the law at the time the ordinance is passed. It also gives people 180 days to remove exotic animals from the community. The County Board of Commissioners has asked him to

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explore the possibility of establishing some form of grandfathering for owners of boa constrictors longer than eight feet and to prepare a noise abatement ordinance study for commercial kennels.

Disposition: Passed to Second Reading August 26, 1998 at 9:30 a.m.

Commissioner Erik Sten

***1238** Authorize an extension grant agreement of \$38,000 with the International Council for Local Environmental Initiatives to promote the US EPA Climate Wise Program to local industries (Ordinance)

Discussion: Commissioner Sten said this is a program the City administers for the EPA and is one of its more successful sites. There are 34 companies working with the City on voluntary plans to reduce emissions and he expects to see this become mandatory before too long.

Disposition: Ordinance No. 172613. (Y-4)

At 10:35 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS 19TH DAY OF AUGUST, 1998 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Beaumont,
Senior Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

Commissioner Charlie Hales

- 1241** Tentatively deny appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and uphold, as amended, Design Commission's decision to approve with conditions the application of BRD Restaurants LLC and Guardian Management Corporation for design and greenway reviews for a new 7-story hotel and condominium building (Avalon Hotel) at 4640 SW Macadam Avenue (Findings; Previous Agenda 1126; 98-00177 DZ GW)

Disposition: Continued to Wednesday, August 26, 1998 at 2:00 p.m.

Commissioner Jim Francesconi

- 1240** Establish a Parks and Recreation System Development charge on new development applicable at the time of application for a building permit and adopt a new Chapter 17.13 of the City Code (Second Reading Agenda 1209; adopt Chapter 17.13)

Discussion: Commissioner Francesconi said there are still three issues that need further attention, including credit transfers on the Greenway, and he is forming a group to review them to see if any amendments are merited later.

Commissioner Kafoury said she appreciates Commissioner Francesconi's attempt to implement this without discouraging affordable housing.

Commissioner Sten said it is critical to have adequate parks space as the City continues to grow as parks are the key to its future as a place where people want to live and work.

Mayor Katz said Council members agonized with Commissioner Francesconi and his staff over how to shape the best Systems Development Charge ordinance possible. The City is fortunate to have a commissioner with such a strong commitment to parks.

Disposition: Ordinance No. 172614 as amended. (Y-4)

1239

TIME CERTAIN: 2:00 PM - Appeal of TRP Homes, applicant, against Hearings Officer's decision to deny a five-lot PUD and subdivision with environmental review and adjustments, located at 12126 SW 64th Avenue (Hearing; 97-00373 SU PU EN AD)

Discussion: Kathryn Beaumont, Senior Deputy City Attorney, outlined the procedures and guidelines to be followed in testifying.

Mayor Katz asked Council members to declare any ex parte contacts or conflicts of interest. None were declared.

Bob Haley, Bureau of Planning, described the proposal for a five-lot PUD subdivision, which included one duplex. The applicant proposes to serve the development with a 20-foot wide private, dead end street, extending from the existing dead end of Southwest 64th Avenue. The project required environmental review for the road and stormwater improvements and a request to modify the boundary of the existing environmental conservation zone. Three adjustments were requested. The first is an adjustment to the requirement that, when on-street parking is not allowed, the applicant provide one additional on-street parking space in a common parking bay. The request is to provide four of those within garages of the units and two within a common parking bay. The second adjustment requests that those two common parking spaces be located less than 20 feet from the perimeter of the proposed PUD. The third adjustment is a request to increase building coverage from the 30 percent specified in R10 to 40 percent. The Hearings Officer did not approve the two parking adjustments but did find the criteria was met for the building coverage. The site is about 66,000 square feet, over half of which is in an environmental conservation zone. The maximum density allowed is six units and the minimum is two, given the deduction of the environmentally-zoned area in the R10. The total common open space is 83 percent, including both public and private open areas. He outlined the approval criteria and noted that no lot area is within the resource area of the environmental conservation zone and the street itself is located completely outside it. He said staff recommended approval with conditions but the Hearings Officer denied the proposal for three reasons: 1) inadequacy of the existing streets to serve additional development; 2) inadequate evidence in the record for the stormwater system; and 3) the physical site constraints themselves --mainly the presence of the existing residences constructed in 1995. He said the original proposal for stormwater treatment showed a stormceptor in the street with a detention pond as a backup alternative. He said the phosphorus requirements in the Tualatin Watershed would, as it turns out, have required something other than a stormceptor and since a soils analysis had not been done for the pond, the Hearings Officer found that no evidence existed that the pond would work.

Mr. Haley said the applicant believes the Hearings Officer erroneously found that the proposal did not satisfy the approval criteria and believes she should have granted the parking adjustments because of the adequate parking being proposed. Appellant has submitted additional evidence regarding stormwater management and an additional plan for minor improvements to SW Lesser Way and SW 64th Avenue. He showed slides of the site, indicating the natural areas and condition of the streets and the existing driveway, which the developer proposes to widen to 20 feet. He said the Fire Bureau has stated that emergency access is possible, although Lesser Way is a substandard street.

Dean Alterman, attorney representing the applicant/appellant, TPR Homes, said the applicant believes this is a good use of a difficult site, next to a freeway, and that all the development problems have been addressed. Regarding access and street improvements, the Hearings Officer was caught in a Catch 22 situation because it was clearly unfair to require TPR Homes to improve all 750 feet of 64th Avenue and Lesser Way and yet she found that the improvements proposed, such as putting in turnouts, widening shoulders and agreeing to participate in a Local Improvement District (LID) were not enough. However, if the street is not adequate to serve additional development, then this property would never get developed to the minimum density of two units the Code now requires. He said the applicant has provided both adequate and safe access and a commitment to participate in future improvements. Regarding stormwater, the Hearings Officer was not persuaded that the stormceptor and pond combination would be adequate. The applicant submitted a new combination to staff, which it has approved. That combination will remove 69 percent of the phosphorus from the runoff water and does not require a detention pond.

Kristen Thomas, Randall Realty and TRP Homes, 9500 SW Barbur Boulevard, 97219, described this proposal for four homes and one duplex with access from 66th Avenue and Lesser Way. The subdivision was designed as a PUD in order to cluster the houses, preserving the conservation area and buffering the homes from the freeway. She said they were unable to extend 64th Avenue through the site and instead have proposed a hammerhead terminus to improve traffic safety and provide better emergency access. The roadway will be improved with a 20-foot width, with parking restricted on both sides and a four-foot sidewalk along one side. An upgrade in the existing water line from four to six inches will increase fire flow capacity. A second hydrant will also be added. While Transportation found the width of the street adequate to accommodate the five new units, in order to satisfy the Hearings Officer's concerns TRP has agreed to participate in a future LID and has initiated a road repair plan which adds six, level turnout areas along the road. She cited a number of unimproved roadways in the Portland area that support more homes than are proposed here. She said 20-foot-wide streets can safely accommodate emergency vehicles and noted that 64th and Lesser currently serves 13 homes and with the proposed project that will increase to 18. They believe the road is adequate to handle the additional trips associated with this project and that, with the other measures proposed, they meet the Hearings Officer's concerns and also provide the neighborhood with much improved traffic safety and better emergency access.

Darrell Smith, Randall Realty and TRP Homes, said their engineers have provided a creative design for the treatment of stormwater.

Corky Lambert, CSR Hydroconduit, 10891 Jamesway Dr., SE, Aumsville, 97325, described the proposed plan to remove phosphorus from the stormwater, which includes catch basins, a stormceptor and vegetated filter strip. He said the stormceptor meets City standards and has been approved by staff.

Greg Baker, PBS Environmental Consultants, 3104 NE 35th Place, 97212, said the site has a small spring that terminates in a culvert next to the freeway. The applicant proposes to put in a vegetated filter strip as a water treatment facility to improve water quality. The conservation zone would be impacted at a 1:2 ratio of what would be enhanced and they

propose to double the area of wildlife habitat along the shoulder of the road. Vegetation would be added to enhance that habitat, getting rid of a lot of invasive weeds.

Colleen Culbertson, Land Use Chair, Far Southwest Neighborhood Association, 12105 SW Lesser Road, said they have tried to be good neighbors and come up with good solutions but have been unable to do so or come up with any alternative designs. They do not oppose development but believe it must be done right, especially when an environmental area must be considered. She said a major problem is stormwater and noted the Hearings Officer's concerns. Also, the Hearings Officer repeatedly states that the criteria to provide a safe and attractive living environment are not met. They also agree with her findings regarding transportation and believe the parking requirement is absolute as it is not City policy to allow parking in driveways, let alone the suggested parking in garages. Ms. Culbertson said the applicant has misdrawn the environmental zone, moving it 25 feet inside the buffer area. They also question the stormwater plan as, just six months ago, a stormwater stormceptor was not allowed. They also believe the stormwater map is wrong and are unable to verify the proposed phosphorous removal level. Regarding Lot 5, no stormwater treatment is shown and no mitigation is shown for the swale. She said the stormwater treatment plan just does not add up or meet the Code, nor does the transportation plan. She said the applicant poured gravel into the environmental zone several weeks ago, probably to get rid of the non-native plants, and are now requesting that they not have to remove the non-native plants, especially the blackberries. She said a massive amount of work needs to be done here and noted that the Neighborhood Association presented an alternative design plan but never heard back. She said too much is missing, including a lack of pedestrian connections, to ensure a safe and attractive living environment.

Commissioner Francesconi asked what changes have been made since the prior application.

Regarding parking, Ms. Culbertson said the applicant proposes an eight-foot elevation change in the area where they plan to dump the gravel and the neighborhood does not understand how that will work. Because of the severe cut, the road improvements probably will not hold up or mean anything. The stormwater treatment plan does not meet the stormwater manual requirements, which they believe is the best standard to apply. She said there are a lot of little things that could be done to make this work but they are not happening here. She cited inadequate soils testing and the possibility of slides.

Commissioner Sten said she seems to be hinting that this is not an unbuildable site.

Ms. Culbertson said they do not think it is unbuildable but the builder does not want to talk to them about it. They are worried that vehicles will be parking in the environmental zone and want to see provisions for parking. They also want the stormwater to be handled correctly.

Commissioner Sten noted her references to the stormwater manual, which has not yet been adopted.

Ms. Culbertson said the neighborhoods have been trying to find something to make it work but have gotten short shrift from the developer, particularly regarding a local improvement

district or connectivity. She noted that this project has been heard twice by the Hearings Officer and been denied twice.

Amanda Fritz, 4106 SW Vacuna, 97219, said the standard is whether there are adequate public services to serve this subdivision. Staff said during the hearing that the public street serving this site is not adequate by any stretch of the imagination and the proposed improvements do not make it any less inadequate. Regarding stormwater, no water quality treatment at all is proposed for Lot 5 and neighbors would like to know how water gets from the top to bottom, through the environmental zone. A stormceptor is not an approved facility according to the latest draft of the stormwater manual and the claim that 55 percent of the phosphorous will be removed is not substantiated. She does not understand how a swale could be put on top of rock and also believes the swale is not long enough. It should be a minimum of 100 feet and this one is only 65 feet. Tom McGuire's determination of where the environmental zone line should be drawn should be accepted as the resource area is not supposed to include the transition area. The parking requirements call for six spaces for visitors and there are provisions only for two. If driveways are parking spaces, can anyone park in the driveway? There is no on-street parking except for the two bays, which will probably be used by the duplex occupant, so people will park on SW 64th, an already inadequate street, and block fire access. The subdivision needs to be rejected.

Marilyn Phelan, 1265 SW Lesser, 97219, described an incident in which a dump truck turned over, due to the inadequate road.

Ms. Fritz said she believes the Bureau of Environmental Services erred in approving the application as it does not meet current Code requirements regarding phosphorus removal.

Russell Walton, 6011 SW Haines Street, 97219, Chair, Far Southwest Neighborhood Association, opposed this based on the road condition alone. The street is pathetic and must be paved to ensure that construction equipment does not damage it further. He said he believes only several houses would be possible here. Residents on SW Lesser Way do not seem to be interested in improving it, even though it is one of the worst in the area. They just want to be left alone.

Wendy Saki, 6312 SW Lesser Way, said conditions on Lesser Road are already dangerous and access is difficult. She said she does not want to see more cars parking at the top of Lesser and does not believe five houses can be built here. She said if they are not willing to improve the road for everyone, she opposes it.

In rebuttal, Mr. Alterman said the stormwater system was revised in response to the Hearings Officer's decision and no longer includes the swale. Objections to the swale, therefore, are no longer relevant. Storm drainage from Lot 5 is dealt with in a report from PBS Environmental. The main question has to do with traffic on the road. It would be nice if the developer could afford to put in 700 feet of street for five houses, but it is willing to contribute to street improvements based on the number of housing units, not just frontage. That will require participation in a LID by the neighbors as well and the developer will agree to participate based on the use these houses will place on the road, or about one-fourth of the total. If the

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road is damaged from construction vehicles, it will occur whether one or five houses are built and can be dealt with through a condition requiring the applicant to restore the road to its present condition and make the improvements it has promised to make when construction is done. Regarding the upgrade of Lesser Way, if the road is not safe now then one is saying that no other housing that requires land-use approval can be approved unless the entire road is redone. He said his clients are willing to discuss this project with the Neighborhood Association even though they were recently told it did not want any further information from them. The one reasonable objection by opponents concerns the off-street parking issue. The applicant proposes two on-street spaces but they are not parallel or traditional on-street parking spaces. If that is Council's only objection to the project, the applicant would be willing to remove one lot (Lot 5) from the project and extend the private street into that area to provide on-street parking. Regarding stormwater drainage, the Hearings Officer did not find the system was bad. Rather, she said the applicant did not provide enough evidence to show that the stormwater system was good. Since her decision, the applicant has submitted more evidence and gained City approval of a new stormwater system proposal.

Ms. Thomas described her attempts to meet with neighbors, which were unsuccessful.

Commissioner Sten asked if it would help for both sides to get together and talk before Council votes. He asked Mr. Alterman if the truck turning over is de facto proof that the street has problems.

Mr. Alterman said it may be de facto proof that the driver had problems. He said, in any case, they propose to widen and improve the road.

Commissioner Kafoury said she is troubled by the fact that both sides claim the other side did not wish to meet with them. She also noted that there is a big gap between the neighbors, who contend that the plans to deal with traffic are inadequate, and the City bureaus which have signed off on the plans. Council has to give some credibility to the judgment of bureau staff.

Commissioner Francesconi said he tends to agree with the Hearings Officer's decision regarding parking. He asked if the concerns would be satisfied if the applicant agrees to give up one lot.

Mr. Haley said if the applicant eliminates one lot and widens the dog-leg by eight feet to provide one parallel parking space, the entire Title 33 parking requirement for a PUD is eliminated. The requirement says when on-street parking is not allowed, one additional space must be provided per resident. At that point, if one on-street parking space is provided, no adjustment would be needed and no common parking bay would be needed.

Commissioner Kafoury said Council could require more than one parking spot.

Mr. Haley said one thing limiting the parking is how much one paves into the Environmental Conservation zone to provide parking. The location of the residences themselves do not drive the criteria for the design of this roadway. It is the minimum width and configuration for a

fire truck to turn around. Because this is such a long, dead-end street, two benefits from this project are an increased water main which increases fire flow for all residents and a turnaround where none existed before.

Commissioner Francesconi read from the Hearings Officer's decision on parking, which states that the applicant may need to remove some of the housing units or provide a type of housing other than traditional, detached units. Now the applicant has agreed to scale down the number of units. Regarding stormwater, he asked if the additional adjustments made by the applicant satisfy the Hearings Officer's concerns.

Mr. Haley said the Hearings Officer did not find the stormwater system inadequate, only that there was not enough evidence to support building a pond because of the lack of information about the soils. A soils report has now been submitted and a new design, with a vegetative strip rather than a detention pond, has been proposed and reviewed by BES. The Bureau of Buildings has reviewed the additional soils information and BES is satisfied that the new proposal will remove 66 percent of the phosphorus. The Hearings Officer did not review the system before Council today but all the service bureaus are here today to testify that on the technical issues, the proposal is acceptable.

Commissioner Francesconi asked what changes have been proposed to deal with the inadequacy of the streets.

Mr. Haley said when the Hearings Officer heard this, the applicant had indicated a willingness to provide some temporary improvements along the road. However, Transportation Engineering staff is not particularly supportive of little tweaks to substandard streets because they can open up other problems. Transportation believes the existing street is adequate to provide the current level of service to the existing homes and the addition of six more units will not change the level of adequacy of that street. It is still substandard although the minor improvements will help marginally. What is different from the last hearing is that the applicants have gone from expressing a willingness to do some improvements to actually providing a plan.

Commissioner Francesconi asked for details about the plan.

Mr. Haley said three items have changed since the Hearings Officer's decision: 1) minor street improvements; 2) new stormwater management plan and soils information; and 3) a change in the environmental findings now that the pond is no longer planned. He said this information has been available for public review since November, 1997.

Commissioner Francesconi asked if Council could remand this case back to the Hearings Officer because of these changes.

Ms. Beaumont said that is not provided for in the Code and Council has done so only rarely.

Mayor Katz asked BES whether the new stormwater policy meets the City's environmental standards.

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Sun Noble, BES, said under today's policy what is proposed does meet water quality requirements, with the stormceptor and filter strip. The stormceptor is not in the current draft of the stormwater management manual but a committee is reviewing different facilities for water quality and a stormceptor is one that has just recently been adopted Citywide. Prior to that they were being approved on a case-by-case basis.

Mayor Katz reviewed Council's options in this case and asked what Council wished to do.

Commissioner Kafoury said if Council remands this back it makes holding a de novo hearing seem ridiculous as the whole point of de novo is that new evidence and modifications can be submitted.

Commissioner Sten said the developer has offered a significant concession that offers the possibility of a redesign. There is enough staff support for the current proposal that he does not believe it is fair to remand it.

Mayor Katz suggested giving both sides a short amount of time to see if they can come closer to agreement. Council agreed with this approach.

Mr. Haley requested a minimum of 30 days.

Mayor Katz requested that someone on the Planning staff act as facilitator.

Ms. Culbertson said 30 days is not a lot of time to try to get input from the neighborhood.

Mayor Katz suggested that an emergency meeting might be needed.

Commissioner Sten said if the parties can agree on any of these issues, everyone will be better off.

Disposition: Continued to September 23, 1998 at 9:30 a.m.

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

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council