



**CITY OF
PORTLAND, OREGON**

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF JULY, 1999 AT 9:30 A.M.

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

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

Agenda No. 996, 999 and 1000 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 995** Accept bid of Schneider Equipment, Inc. to furnish irrigation well drilling at Cathedral and Sellwood Parks for \$89,090 (Purchasing Report - Bid 99203)

Disposition: Accepted; prepare contract.

- 997** Accept bid of Spring City Electrical to furnish ornamental street lighting for \$202,098 (Purchasing Report - Bid 991511)

Disposition: Accepted; prepare contract.

- 998** Accept bid of Coffman Excavation, Inc. to furnish the NE 158th Avenue local improvement for \$1,230,545 (Purchasing Report - Bid C-9926)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- *1001** Agreement for the continuation of the Regional Marijuana Eradication Team, also known as the Marijuana Task Force (Ordinance)

Disposition: Ordinance No. 173556. (Y-4)

- *1002** Agreement with Portland Cable Access for filming promotional video of the Police Corps Program, not to exceed \$25,000 (Ordinance)

Disposition: Ordinance No. 173557. (Y-4)

Commissioner Jim Francesconi

- 1003** Accept contract with Stride Construction for completion of the NE Precinct front desk remodel project as complete, authorize final payment and release retainage (Report; Contract No. 32114)

Disposition: Accepted.

- *1004** Amend contract with Yost Grube Hall Architects, Inc. for architectural services at 1900 SW 4th Avenue and provide for payment (Ordinance; amend Contract No. 31812)

Disposition: Ordinance No. 173558. (Y-4)

- *1005** Authorize a contract with Ikon Office Systems to rent a Canon 9120 high speed copier for \$28,188 per year for three years (Ordinance)

Disposition: Ordinance No. 173559. (Y-4)

- *1006** Authorize acquisition, then immediate sale of property near SW Kelly and Hamilton Streets to assist adjoining property owner (Ordinance)

Disposition: Ordinance No. 173560. (Y-4)

- *1007** Contract with the lowest responsible bidder(s) for the Portland Building 10th floor improvements managed by the Bureau of General Services for the Bureau of Environmental Services and provide for payment (Ordinance)

Disposition: Ordinance No. 173561. (Y-4)

- *1008** Contract with the lowest responsible bidder(s) to replace the 2nd and 3rd floor loggia roofs of the Portland Building and provide for payment (Ordinance)

Disposition: Ordinance No. 173562. (Y-4)

- *1009** Contract with the lowest responsible bidder(s) in the Sheltered Market Program to remodel remaining 4th floor space in the Portland Building for the Bureau of Information Technology and provide for payment (Ordinance)

Disposition: Ordinance No. 173563. (Y-4)

- *1010** Lease certain space in Multnomah Center to nine tenant groups from July 1, 1999 through June 30, 2000 (Ordinance)

Disposition: Ordinance No. 173564. (Y-4)

- 1011** Amend Parks SDC Code to clarify housing type definitions and to allow the Auditor's Office to cancel contracts (Second Reading Agenda 979; amend Code Section 17.13.020 and 17.13.090)

Disposition: Ordinance No. 173565. (Y-4)

Commissioner Charlie Hales

- 1012** Accept contract with All Concrete Specialties, Inc. for street improvements in the West Portland Safety project as complete, approve change orders No. 1 through 7 and make final payment (Report; Contract No. 31848)

Disposition: Accepted.

Commissioner Dan Saltzman

- 1013** Accept completion of the Inverness stormwater sediment vactor pad replacement, Project No. 5446, and authorize final payment to W.G. Moe & Sons, Inc. (Report; Contract No. 31748)

Disposition: Accepted.

- 1014** Accept completion of the PDX Post Office pump station, Project No. 5688, and authorize final payment to Triad Mechanical, Inc. (Report; Contract No. 31930)

Disposition: Accepted.

- 1015** Accept completion of the N. Foss Avenue and N. Houghton Street sanitary sewer extension project, Project No. 6252, and authorize final payment to Dunn Construction, Inc. (Report; Contract No. 31991)

Disposition: Accepted.

- 1016** Accept completion of the SE 26th Avenue and Cora Street sewer diversion and repair, Project No. 6330, and authorize final payment to James W. Fowler Co. (Report; Contract No. 32121)

Disposition: Accepted.

- *1017** Authorize a contract to Moore Excavation, Inc. for the N. Sumner/Albina emergency sewer rehabilitation project, Project No. 6350 (EPO 99-248) for \$175,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 173566. (Y-4)

- *1018** Renew agreement with Douglas P. Sowles for project management services for the pump station engineering section of the Bureau of Environmental Services (Ordinance; amend Contract No. 30712)

Disposition: Ordinance No. 173567. (Y-4)

- 1019** Consent to the transfer of Argay Disposal Service solid waste and recycling franchise to Argay Disposal LLC (Ordinance)

Disposition: Passed to Second Reading July 21, 1999 at 9:30 a.m.

- 1020** Authorize a contract with the lowest responsible bidder for the Columbia Slough consolidation conduit, construction segment 6: Interstate 5 ventilation facility and provide for payment, Project No. 6186 (Ordinance)

Disposition: Passed to Second Reading July 21, 1999 at 9:30 a.m.

Commissioner Erik Sten

- *1021** Authorize the Commissioner of Public Works to execute an Expense Agreement for the transaction between the City of Portland the Portland General Electric Company for expenses of outside counsel to assist the City in negotiating the final agreements whereby the City and PGE will pursue the decommissioning of the Bull Run hydroelectric project (Ordinance)

Disposition: Ordinance No. 173568. (Y-4)

- *1022** Agreement with Murray, Smith and Associates for professional services for \$215,000 to repair a sink hole in Washington Park (Ordinance)

Disposition: Ordinance No. 173569. (Y-4)

- *1023** Authorize a contract with Worksystems, Inc. to provide a summer work experience program (Ordinance)

Disposition: Ordinance No. 173570. (Y-4)

- *1024** Amend contract with Montgomery Watson Americas, Inc. to extend the contract term through August 31, 2000 and increase the contract amount by \$134,000 (Ordinance; Contract No. 29987)

Disposition: Ordinance No. 173371. (Y-4)

- *1025** Authorize a contract and provide payment to Fuiten Mechanical, Inc. in the amount of \$76,891 to construct the chemical piping and structural improvements at the Lusted Hill treatment facility (Ordinance)

Disposition: Ordinance No. 173572. (Y-4)

- *1026** Agreement with Ibera Water Efficiency Services for an amount not to exceed \$150,000 to perform water audits at electronics/microelectronics manufacturers and provide for payment (Ordinance)

Disposition: Ordinance No. 173573. (Y-4)

REGULAR AGENDA

- 996** Accept bid of G.T.E. Metal Erectors, Inc. to furnish Bull Run bridges maintenance and seismic strengthening for \$1,282,302 (Purchasing Report - Bid 99225)

Disposition: Returned to Bureau of Purchases.

- *999** Apply for a U.S. Department of Justice, Office of Community Oriented Policing Services, COPS in Schools Program grant for \$625,000 (Ordinance)

Discussion: Mayor Katz said the City does not have the resources to match this and the grant cited in Agenda Item 1000 but are hoping to get an extension to give them more time to find them. If they cannot get an extension, they will reapply next year.

Disposition: Placed on File for no further consideration.

- *1000** Apply for a U.S. Department of Justice, Office of Community Policing Services, COPS in Schools Program grant for \$500,000 (Ordinance)

Disposition: Placed on File for no further consideration

- 993** **TIME CERTAIN: 9:30 AM** – Report on successful efforts to place a searchable version of the City Code on the Internet (Report introduced by Auditor Blackmer)

Discussion: Gary Blackmer, City Auditor, noted that the Code is now available to the public on the Internet and on a CD Rom with a search engine that allows people to quickly find the sections they are interested in. He demonstrated how the search engine works using several examples. He thanked staff in the Auditor's Office and the Mayor's office for its help in pushing aside some of the barriers that arose as the project proceeded. He said the Internet version will be updated monthly.

Disposition: Accepted. (Y-4)

- 994** **TIME CERTAIN: 9:45 AM** – Update on Elders in Action's Program (Report introduced by Commissioner Saltzman)

Discussion: Jerry Trageser, Chair, Elders in Action Board, said the Board represents a broad spectrum of the community and has recruited many new members.

Becky Wehrli, Executive Director, Elders in Action, described what has been accomplished since the organization moved to the non-profit world, which has allowed it to build its capacity to serve older adults and diversify its funding base. As part of its mission to expand its ombudsman program, it obtained a grant from State Department of Justice to serve elder abuse victims. As of July 1, the Elders initiated a new program, the Medical Fraud Squad, to train older adults to help other older adults identify fraud in Medicare billing. The Housing Ombudsman program has also been reinstated. A new development and public relations director has been hired to seek private funding and they are building an

endowment fund. Elders in Action has also created an elder friendly business certification plan to create a national network of places where elders and their caregivers feel welcome. Their hope is to see this certification eventually become as valuable as the Good Housekeeping Seal of Approval. Ms. Wehrli explained the certification process and recognized two business owners and two additional Parks Bureaus Community Centers that have won certification as elder friendly.

Commissioner Saltzman read a proclamation declaring the week of July 15 through 21 to be Elder Friendly Week.

Commissioner Francesconi said he was surprised to read that the racial/ethnic minority population for those aged 60 and above has increased 66 percent in the last decade. He asked Ms. Wehrli what effect that will have on programs.

Ms. Wehrli said that is primarily the result of immigration from other countries and many of the older adults do not speak English, which is a real barrier in terms of accessing services. In addition, Oregon has the fourth fastest growing population for elders in the nation. Elders in Action has been working with Aging Services to make sure translations are offered to those who do not speak English and that its staff reflects diverse populations. She said about 30 percent of the member of the Elders in Action commission represent ethnic communities. She said, in general, assuring access to services for those who do not speak English is a huge issue.

Commissioner Francesconi noted that while 10 percent of elders have income below the poverty line, for children it is 23 percent. He asked what Elders in Action could do to craft some intergenerational strategies.

Ms. Wehrli said the key is to develop programs that meet the needs of both.

Commissioner Francesconi asked how Elders in Action was able to successfully move to the non-profit side.

Ms. Wehrli said it has taken boldness and a willingness to take some risks. She said it is important to get people motivated in the same direction and focus on the building blocks first.

Mayor Katz asked for the group's help in reaching the elderly regarding Y2K preparedness.

Ms. Wehlri said they are working with the Office of Neighborhood Information and others, focusing on fraud schemes.

Mayor Katz asked what Elders in Action has learned about the current policy in housing authority projects to mix elders and a younger population.

Ms. Wehrli said a number of older adults want to live with others like themselves who are quiet, although others like more diversity. She stressed the need for good facilitation and excellent staffing as elders often think the young people are just lazy, especially when they see them partying. Elders in Action does not like segregation but recognizes that more than

building management is needed if different life styles are to be successfully mixed. The elder population living in subsidized housing is becoming older and older and is very frail.

Commissioner Sten said he would like to discuss housing design for elders with the group.

Mayor Katz said intergenerational housing is now the law but the issue of how to deal with housing for elders is still a concern as she feels they would generally prefer to be with people their own age. Another issue is bringing ethnic elders together in the community. Many need to start by being together by themselves because of language and cultural barriers. She said these considerations makes it difficult to bring everyone together.

Disposition: Accepted. (Y-4)

Commissioner Charlie Hales

- 1027** Consider vacating a portion of SW Porter Street west of SW Barbur Boulevard at the request of Freda Lessler and Mark Butterfield (Hearing; Report; C-9955)

Discussion: Heidi Ware, Portland Office of Transportation (PDOT), said staff reviewed this petition to vacate a portion of SW Porter and determined that it would not be feasible to build a street in this location because of the topography. They also determined there was no public need for this portion of SW Porter and recommend approval.

Mayor Katz asked if anyone raised any objections.

Ms. Ware said no.

Brian Lessler, 264 SE 41st Court, Gresham, OR, representing Freda and Mark Butterfield, addressed the recommended conditions of approval. Regarding existing utilities as noted in recommended Condition No. 2, he asked if it would be possible to note that there are no existing utilities within SW Porter Street, in so far as it is known. Regarding Condition No. 3, they would like to add the ideas contained in the May 12, 1999 memo from Linda Williams, the permitting engineer, allowing the driveway width at a maximum of 25 feet.

Ms. Ware said, regarding the utility issue, that is the standard language used in street vacations. Regarding the driveway, she would have to check back with the staff engineer.

Mayor Katz asked Mr. Lessler if he wanted to wait.

Mr. Lessler said he thought Ms. Williams' memorandum could be entered as part of the record and conditioned at this time.

Ms. Ware said she believes PDOT can move forward with the ordinance now and work with the petitioners on the curb cuts and driveway the City will require.

Commissioner Saltzman moved approval of the report. Commissioner Francesconi seconded.

Disposition: Approved; City Engineer prepare ordinance. (Y-4)

- 1028 Consider vacating a portion of N. Alberta Street east of N. Greeley and west of N. Delaware Avenue at the request of James H. Winkler (Hearing; Report; C-9960)

Discussion: Ms. Ware described the portion of Alberta Street to be vacated. She noted that for many years this portion was part of a parking lot for the Kaiser Hospital site under a revocable permit. Transportation staff looked at the need for a road and determined it would be better to have pedestrian access along a portion of the vacated area to connect to the existing pedestrian bridge across Greeley. They also recommend that the street be vacated with the condition that a pedestrian facility be constructed along Madrona Park. With those conditions, PDOT staff recommends approval. These are considered public walkway easements connecting the residential area with a main transit street.

Mayor Katz asked what the purpose of the vacation is.

Ms. Ware said the area is part of a redevelopment proposal.

Jim Winkler, President, Winkler Development Corp., said they are developing this site on behalf of Adidas and endorse the staff report.

Commissioner Francesconi asked why this piece was needed to make the development work.

Mr. Winkler explained how Adidas, which plans to make the old Kaiser Hospital property into its headquarters, came to determine that this area was needed for development, in keeping with its decision that a series of smaller buildings would foster a village feeling. At total buildout, Adidas expects 2,000 employees to occupy this campus and this has become a much larger development than previously anticipated. When they first learned that Alberta Street would have to be built as a condition of the minor land modification they sought, they were very concerned that extending Alberta Street would create a direct connection back to the freeway and that much of the traffic would then be funneled through the neighborhood. The Overlook Neighborhood Association shared those concerns and has endorsed this street vacation.

Bruce Geist, 2405 N. Alberta, 97217, said he and his wife originally signed a petition in support based on their belief there would be no building on that lower parking lot. He said now they realize the developer wants to elevate the parking lot 17 feet and add a 42-foot structure. They believe the original petition was a misrepresentation and would like their names removed from it.

Larry Crapo, 2415 N. Alberta, said he and other neighbors feel the original petition misrepresented what is now being proposed and would like to change their votes from yes to no. He said people signed under the assumption that the purpose of the vacation was to establish permanent parking and then when the site plan showed a building rising 65 feet, they changed their minds. He said his view of the river and west hills will be lost and that is the selfish reason why he is before Council. He said he is very disturbed that the neighbors were told one thing and now hear that there will be 2,000 employees there, which will have a mass impact on the area.

Mary Lou Monroe, 2544 N. Emerson Street, member of the Overlook Neighborhood Association, said the Neighborhood Association has been involved in this process for the past two years and supports this vacation of Alberta Street. She said while change is always difficult to accept, she sees this as a very exciting and positive development. The neighborhood has been included in all discussions and apprised of any changes that have occurred during the process of developing this site.

Mr. Winkler said the project has been designed to minimize the impact on neighbors but questions about the impact on views was largely decided as part of the zoning hearing that took place in 1997 and which created a certain height limit. He said to minimize the impact on neighbors they moved all the development that will take place at this time to the Greeley Street edge, approximately 300 feet away. They have also tried to create spaces and visual corridors so that views are minimally impacted. They are reducing the upper area by 13 feet to make the site more pedestrian friendly and handicapped accessible. In the parking lot area, instead of building one taller parking structure, they are building a more horizontal one and placing a soccer field and a sports pavilion on top of it. He said the street vacation request was triggered by a City requirement that the street be improved and last September he was asked by Adidas to design a master plan for a corporate headquarters. He does not believe any misrepresentations were made to the neighborhood and said they held a whole series of meetings with neighbors about the development and have tried to keep them fully informed as the scale of the project grew larger than what was originally envisioned. Mr. Winkler said he believes this project will be the catalyst for further development and serve as an anchor for the North/Northeast area. The job numbers now predicted are much larger than what was thought possible initially.

Harry Auerbach, Deputy City Attorney, said the City Code, which follows State law, contains no expressed provision regarding people who change their minds after they sign a petition in support of a vacation. The Auditor is responsible for determining if a sufficient number of property owners and abutting property owners consent. The consent petition was valid when signed. Council will have to interpret whether the public interest was prejudiced. The City also has the authority to grant vacation on its own and the essential question concerns the City's public interest in holding on to the right-of-way for transportation purposes.

Mr. Crapo said Mr. Winkler initially had a two-thirds majority by 6,000 square feet. Now his support is well under that.

Mr. Winkler said since two-thirds is the required amount, he only went as far as he had to in order to get the support needed and had no knowledge until last night that there was any opposition.

Commissioner Francesconi moved to override any objections and accept the proposed vacation with the conditions proposed by PDOT.

Commissioner Francesconi said it is not selfish for people to want to protect their own interests. The question is whether this is needed for transportation purposes and PDOT has clearly said it is not. The neighbors do not want it for transportation either and the Parks Bureau has no interest in turning this into a park either. This development is needed in North Portland and the public good is better served by granting this vacation.

Commissioner Sten said this is a case where what helps a neighborhood as a whole may negatively impact a few neighbors. He said even without this vacation, Adidas will still develop the property and the result might not be as good without it.

Mayor Katz agreed that Council would not preclude building just by denying this vacation but, instead, by allowing additional flexibility, may get a better design. She said the City is very fortunate to have Adidas decide to locate its corporate headquarters in North Portland and she is convinced the managers will do nothing to harm the residents, especially in Overlook.

Disposition: Approved; City Engineer prepare ordinance. (Y-4)

City Auditor Gary Blackmer

- *1029** Create a local improvement district to construct street, water, sanitary and sewer improvements and install street lighting in the NE Mason Street extension Local Improvement District (Hearing; Ordinance; C-9966))

Discussion: Matt Brown, PDOT, described the project, which will provide connectivity to Airport Way and is supported by two of the three property owners. There are no waivered properties and the total cost is estimated at \$1.4 million.

Disposition: Ordinance No. 173574. (Y-4)

Communications

- 1030** Request of Trudy Jerrick to address Council about noise conditions adjoining her residence (Communication)

Discussion: Trudy Jerrick, explained her frustration with the noise she has endured because of the proximity of her residence to Arctic Sheet Metal. She said the City gave the company a revocable permit but has not done anything to enforce the conditions.

Denise Kleim, Bureau of Maintenance, Office of, said she has been working on this problem for 14 years with Mrs. Jerrick, who is in a difficult situation because her home is adjacent to commercial properties, a high school and an apartment complex. She described some of the problems Mrs. Jerrick has encountered over the years with noise, drug use, partying on her property and other cleanup issues. She said she met with Mrs. Jerrick last week and can report that at this time the sheet metal is all cleaned up and there is no noise.

Disposition: Placed on File.

At 11:15 Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 14TH DAY OF JULY, 1999 AT 2:00 P.M.

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

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

- 1031 TIME CERTAIN: 2:00 PM** – Appeal of Tim Ralston, applicant, against Hearings Officer’s decision to deny a planned unit development, major land division with variances and environmental review with adjustment, located at 7908 NW Gales Ridge Lane (Hearing; LUR 98-00882 PU SU EN)

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

Duncan Brown, Office of Planning and Development Review, said this is a proposal for the creation of two buildable lots in an area zoned Residential/Farm (RF) with both Environmental Protection (EP) and Environmental Conservation (EC) overlays. He listed the relevant approval criteria and noted that it must also meet the requirements of the Skyline Plan District. He indicated where the land division is proposed and noted that the Urban Growth Boundary is immediately east of the site. A Planned Unit Development (PUD) proposal on this property was approved in 1988 but that has now lapsed. The original approval included Condition E, the primary issue before Council today, which calls for the applicant to provide evidence of an agreement with the owner of Tax Lot 9 for future access to that property. During final approval of the plat an agreement was reached on an easement extending to the Riley ownership to the east. The easement was relocated from what was originally proposed to the north side of the property, along the drainage way. Subsequent to approval of the original proposal, environmental zones were placed on the property which now preclude the extension of a road along the easement.

Mr. Brown said the applicant proposes two small lots in the middle of a large common open area and, as part of the plan, the applicant must place 90 percent of the site in closed forest canopy. The applicant has submitted a reforestation plan to accomplish this. He said initially staff recommended denial of the proposal, based largely on environmental and stormwater considerations. The applicant then submitted a new site plan and, based on that, staff recommended approval with conditions. However, the Hearings Officer denied it based on Condition E and concluded that the owner of Lot 10 must either seek the easement’s removal or account for future development of the access road in the development of Lot 10. The Hearings Officer listed three concerns in her denial. First, she asked if the existing access easement to the Riley property met the requirements of Condition E of the original approval. Second, was the intent of Condition E to have the easement roadway constructed by the first person to build. Finally, does the Skyline Plan District requirement for 90 percent forest canopy on this proposal, which will result in 10 percent disturbance when the two homes are built, prevent road construction in the easement area. These issues need to be resolved by Council.

Mayor Katz asked why staff recommended approval after some modifications were made.

Mr. Brown said staff felt all the approval criteria were met and felt the past easement issue had been resolved during the final plat approval of the original Gales Ridge PUD when an agreement was signed between the two parties, the property owner prior to Mr. Riley and the property owner prior to the applicant. That agreement satisfied Condition E. The Hearings Officer obviously disagreed.

Commissioner Francesconi said the Hearings Officer is saying she does not know how Condition E came about because there is nothing in the record to explain its origin. He asked if, from a policy standpoint, road access is not needed.

Mr. Brown said the staff's conclusion was that the easement provided that access and the policy issue had been discussed during the original PUD approval and that resulted in Condition E.

Commissioner Francesconi said there is a statement in the conclusion that the applicant and Planning Bureau argue that access is not needed and then states that to remove access now takes a different kind of process, namely a Planned Unit Development process. For some reason, the applicant does not want to go through that process to remove an access that apparently no one thinks is needed, except one property owner. The Hearings Officer says a Type II approval cannot remove a condition approved in Type III application.

Mr. Brown and Ms. Beaumont agreed that the Hearings Officer was correct.

Commissioner Francesconi said the applicant says the very fact that there is an agreement on the easement, whether it is reasonable or unreasonable, means the condition is met. However, the Hearings Officer seems to be saying one must look beyond the agreement to see if future access can reasonably be provided. He asked the City Attorney for an interpretation.

Ms. Beaumont said she is puzzled by the Hearings Officer's decision. As she understands it, the Hearings Officer originally approved this as a two-phase subdivision and PUD, with the second phase being the division of what is now Lot 10. The appropriate division of Lot 10 did not occur within the eight year time period and the Hearings Officer concluded that phase two had now lapsed. The Hearings Officer says in her report that this is an application for a new land division and PUD which would be evaluated under the appropriate approval criteria. Ms. Beaumont said it is unclear to her how Condition E of the now lapsed prior approval would apply to this new application. She said it seems to her Council would simply be looking at the Code criteria for access as applicable to Lot 10. She is unclear about the relationship of Condition E in the original proposal to the current one and needs more time for review.

Ms. Beaumont said a requirement that Condition E is satisfied would need to be provided at the time lots within the original first phase are developed. What is unclear to her is the relationship between Condition E and separate Lot 10 and whether this is truly a separate land division.

Mr. Brown said the Hearings Officer said the proposal is a new application, not an amendment of the previously approved application. However, she also states that the prior approval is not voided and therefore Condition E still remains.

Commissioner Francesconi said his second question is whether Condition E calls for an agreement or whether it calls for access to be provided.

Ms. Beaumont said the condition appears to require evidence of an agreement on the easement before final plat approval for the first phase. It goes on to state that whoever develops first can build the roadway so it seems to be directed primarily to providing evidence that there is an agreement for the easement. The Hearings Officer's position is that Condition E still matters and if one cannot build the easement, then that condition either needs to be removed or the original PUD approval needs to be amended to move the location of the easement. She concludes that neither of those has been done and despite statements made in a prior environmental review, that was not the appropriate land use process for removal of Condition E.

Commissioner Francesconi said an agreement has been reached but it cannot provide access. Does that satisfy Condition E and how much discretion does Council have in interpreting that.

Ms. Beaumont said she is differentiating between "facial" compliance and actual compliance, which means that what is in the agreement can be fulfilled. The Hearings Officer is saying one needs actual compliance. She said she needs more time to review the relationship between the original approval and this action.

Mayor Katz said Council should continue this to clarify this matter.

Commissioner Sten said his experience with land use decisions is that if something is not clear that is what Council has to interpret. He is not sure a legal answer will solve this problem.

Ms. Beaumont noted that Commissioner Francesconi has raised a point about the extent to which Council is legally bound by Condition E.

Commissioner Saltzman asked if part of this property is outside the Urban Growth Boundary (UGB).

Mr. Brown said yes, and Council needs to consider if at some point it will be brought into UGB and then rezoned in order to subdivide.

Commissioner Sten noted that the first house built on Parcel A is legal so the question is whether the applicant can build a second house there.

Jeff Bachrach, representing applicant Tim Ralston, said in 1989 Lot 9 was legally landlocked and he assumes that may have been an issue. When Mr. Ralston purchased 54 acres in 1992 he had viable access to the south and was aware access to the north was problematic because of the additional environmental zones. Mr. Ralston moved forward on the application with the understanding that Condition E was in effect. What the Hearings

Officer says is that Condition E may mean more than it actually states – that access to the Riley property be provided. His client today requests that Council reverse the Hearings Officer's decision and approve the staff-approved recommendation to create one more lot. The simplest way out for Council here may be to find that Condition E is satisfied as there is enough evidence in the record to allow that. The Hearings Officer speculates about Condition E but does not resolve the legal issues and gives no basis for denial. What led her astray is the argument that a grave error was made in 1989. There was no such error, as Mr. Riley knew what he was buying when he purchased the property in 1992.

Tom Riley, owner of the property to the east, said after the Hearings Officer denied this, Mr. Ralston called him and asked him how much money he wanted to make the easement issue go away. He said it appears that staff concluded that the road across Mr. Ralston's lot was unnecessary because he has access elsewhere. He reviewed some of the development history of this property and said he believes the Hearings Officer was correct in her ruling about Condition E. He said even if Condition E did not exist, Section 34.50.020, regarding the future extension of streets, applies. It states that when major or minor land divisions adjoin unsubdivided land, streets which should be continued will be required to be provided to the boundary lines of the tract. He said they are trying to fix a 1988 mistake the City made and which the 1992 environmental review tried to correct because the City did not notice that the maps had changed since the original PUD approval for the easement. He also noted that this land was rejected by Metro for purchase as a conservation easement and if the property owner is required to extend the road, the land could be developed in the area. He said the street extension would serve not just his property but would provide fire safety for all the other homes on Ramsey Drive. Finally, he said this appeal cannot repeal the road maintenance agreement he has on Lot 10 so the possible outcome of a civil suit must be considered as part of the 90 percent forest canopy issue. He said his recourse is to try and enforce the road maintenance agreement he inherited when he bought the land. He always knew there was an escape clause in that agreement which said that they could build a driveway but when it became a road it had to meet certain conditions. He said without access through the Ralston property, he will have no access to 30 acres of his land on the southern portion because of the ravines. He showed a video to illustrate the topography of the land and the location of adjacent streets.

Commissioner Francesconi asked him if he needed access to develop his other lots.

Mr. Riley said yes, according to his forest plan filed with Multnomah County, he is required to have access for his commercial timber harvesting. His 54 acres is zoned commercial forest. In 1992 he was given a choice. He could build a house or divide the land into 20-acre parcels but he could not get that approval because the County wanted him to use a logging road the City said was unstable. Multnomah County thought it was an appropriate road to use but then Mr. Ralston decided to bury it and put his garage there, putting an end to his use of it.

Arnold Rochlin, Forest Park Neighborhood Association, noted that the City Attorney said she did not understand exactly why Condition E is applicable. The standard in the code is that prior conditions of land use decisions run with the property and naturally Lot 10 is no longer a part of the rest of the PUD because it was divided. But all the lots in the Gales Ridge PUD continue to be covered by the Gale Ridge conditions and one of those expressly contemplated what would be done with Lot 10 in the future. It states that the applicant shall

provide evidence of an agreement with the owner of Tax Lot 9 for future access to that property. The purpose of that condition was to provide relief to a property owner and an agreement that does not provide that access does not meet the literal terms of that condition. While nobody has yet established that it is infeasible to run the access through the bottom of an Environmental Zone and ravine, everyone knows that cannot be done. The essential point is that Condition E was never satisfied. However, the Hearings Officer did not fail to give a reason for denial. She found that Condition E of the prior application is applicable and has not been met. It was the consequences of meeting Condition E in the future that she could not answer because there was no specific plan before her. On the UGB issue, while the property is zoned 80-acre commercial forest, it is surrounded by City land and will be a prime target for development. It does not have to be put into the UGB to be rezoned and could be rezoned rural residential for five lots. Regarding policy, sometimes Planning requires access to rural land and sometimes it does not. But Mr. Riley is correct in that the law requires access to be provided to the boundary of land that is to be divided and makes no exception for land within or outside the UGB.

Commissioner Sten asked him if he believed access could be provided.

Mr. Rochlin said not through the bottom of a ravine in the Environmental Zone. The way the easement is mapped is not where it was drawn on the PUD approval for Gales Ridge in 1989.

Commissioner Sten asked if there is a place where access can be provided.

Mr. Rochlin said he believes the Gales Ridge subdivision specifically provided for access and then the line was drawn in the wrong place by the prior owners. Thus the City has to rely on the intent of Condition E which was intended to provide access to an otherwise difficult-to-access property.

Commissioner Sten asked if it is important to the Neighborhood Association that access be provided.

Mr. Rochlin said he likes this development as 90 percent of the land will remain in forest, but it does not comply with the legal requirements and so the Neighborhood Association opposes it.

Commissioner Sten noted three conditions the Neighborhood Association has listed that would be needed to win neighborhood support. He said he is not sure they have anything to do with this case. He concluded from the Neighborhood Association's letter that they are using the access argument in Condition E to raise other issues.

Mr. Rochlin said there are dozens of regulations which anyone can bring up. All the issues raised deal with approval criteria.

Commissioner Sten said if Council saw fit to grant some of the conditions requested by the Neighborhood Association, does it believe that access has to be provided before the neighborhood would be satisfied.

Mr. Rochlin said yes, they have determined Condition E is applicable.

Ray Larson, 5905 N. Commercial, 97217, said he is purchasing the property immediately adjacent to Mr. Riley's on which he hopes to develop a home. He said the topography here includes extraordinarily steep canyons with plateaus on which one can build. The logging road on this site accessed Mr. Riley's property until it was obliterated and it is easy to mitigate the access to his property by putting in a berming wall next to the garage. The question is whether it is a driveway or a road. As a future neighbor, his concern is access for emergency vehicles and it is unimaginable that the City would remove an existing fire access route, which is approximately 600 or 700 feet between the point Mr. Riley's property begins and where the driveway takes off to the right. The second concern is that this seems to preclude future use of both this property and similar ones.

In rebuttal, Mr. Bachrach said testimony about fire access is irrelevant and there are also no facts in the record showing that errors were made in 1989. The new conditions proposed by the Neighborhood Association have not been shown to the applicant and at this late date he cannot imagine that more are needed. There is a thorough basis already for approval and he would like Council to find that Condition E has been satisfied. He said there is no sound basis for denial and Mr. Ralston should be allowed to have one more house on his 13 acres. He said the staff has already imposed incredibly complex conditions on the application and he does not know what else the Neighborhood Association could want.

Commissioner Sten asked Mr. Brown if he would require access to Mr. Riley's property if the proposal came in today.

Mr. Brown said he believes so. The Environmental Protection zone extends all along the east side of the subject site so one way or another Mr. Riley would have to cross the Protection zone to get to his property. He would make every attempt to try to provide access.

Mayor Katz said the issue of Condition E may not be as critical as the purpose of it, which is to create access to some property. She asked if the City Attorney needed more time for review.

Ms. Beaumont said yes.

Commissioner Francesconi said because this is an environmentally sensitive area, he got the feeling the better policy was not to provide access. Now he is confused by hearing Mr. Brown say it is better policy to provide access.

Mr. Brown said staff has to look at alternatives and consider that Mr. Riley's property is in Multnomah County and does not have City environmental zones on it. Mr. Riley envisions harvesting timber on parts of his property, including the section he has difficulty accessing.

Commissioner Francesconi asked why Mr. Brown wants to provide access.

Mr. Brown said to provide access for reforestation and emergency vehicles

Mayor Katz noted that the record will remain open and this matter will be continued.

Ms. Beaumont noted the deadlines for keeping the record open and for responses by the various parties.

Disposition: Continued to August 11, 1999 at 2:00 p.m.

Mayor Vera Katz

- 1032** Amend the Zoning Code to add development standards aimed at improving how development fits into neighborhoods; apply standards to houses, attached houses and duplexes in all base zones that allow household living (Previous Agenda 961; amend Title 33)

Disposition: Mayor Katz said today Council will hear a response to some of the concerns raised by Council members at the June 30 hearing. An amendment will also be presented.

Susan Hartnett, Bureau of Planning, briefed Council members on the questions they had raised and staff's responses, which were set out in 10 different memos. She said the most recent one transmitted additional testimony regarding the housing cost impacts of the recommended standards, including information from Portland Community Design and Sienna Architects. Other memos responded to concerns about: incentives; the application of base zone design standards to flag lots; Covenants, Conditions and Restrictions (CC&Rs); the adjustment versus design review issue; building plans for narrow lots that meet the standards; Police Bureau data on residential burglaries; an explanation of the definition of "snout" houses and infill location capacity.

Commissioner Saltzman noted the question about residential infill versus higher density in meeting growth targets. He said the conclusion seems to be that approximately six percent of single-family housing must occur on infill sites.

Ms. Harnett said that is a generalized approximation based on numbers generated through the modeling process.

Mayor Katz said that is based on how the City defines Central City, along with regional and town centers.

Ms. Harnett said it also depends on how Metro defines an infill lot. Metro's definition is one that is three or more times larger than the minimum lot size for the zoning in which it is located. In Portland that means that the Metro model does not count all the infill that could occur on lots that are only two times the size of the minimum lots size. For example, in an R5 zone where the minimum lot size is 5,000 square feet, one can currently subdivide a 10,000 square-foot lot. Metro would not consider that an infill site until it was greater than 15,000 square feet. She said the six percent figure underestimates how much infill the City can and will see.

Commissioner Sten said he continues to be much more torn on this issue than he had expected. He is uncomfortable with the vehemence on both sides and does not believe the future of the neighborhoods depends solely on these standards or that the building industry is going to go bankrupt if they pass. He has tried to find some middle ground and he and Commissioner Saltzman have circulated a memo which attempts to accomplish that. He is

interested in continuing to work with Portland Community Design and other groups to develop plans that meet these guidelines and are available at a reasonable price. He is also interested in seeing if the City can give permitting bonuses to developers who move good ideas forward faster. He said while these amendments may not make a difference in the outcome of the vote, they are important for trying to gain more community acceptance. Philosophically, he believes that if people want to live in a house he considers ugly, that is their business and they should be able to do that. However, he also believes that when garages completely obscure the front door that presents a lot of the problems ascribed to it in the testimony. While he is willing to ban "snout" houses, he was concerned to find that half of the 30 designs being promoted for narrow lots by Livable Oregon and the State Transportation Department would be unbuildable under this law. It appeared to him the only thing that knocked out those designs was the requirement that the front door be within six feet of the longest street-facing wall of the dwelling. He concluded that the "within six feet" requirement limits some good designs and does not really gain anything in terms of what the neighborhood wants. He believes with his amendment the good designs Livable Oregon is circulating would be legal but "snout" houses would not.

Commissioner Saltzman said he would like to come away with a commitment that, even if these base zone design standards are mandated, other issues will also be addressed in housing design. Such issues as how sustainable, affordable housing and on-site stormwater retention might affect design were not much talked about. He likes the idea of having incentives for sustainable houses that look nice. The level of acrimony on this issue has not been lost on him and he would like to find ways to add incentives through the permitting process. He would also like to encourage good design using the work done by Portland Community Design and Livable Oregon and then broaden that to look at other policies Council wants to promote, such as sustainability, affordability and fast-track permitting. He also supports the amendment because he believes the Livable Oregon designs blessed by the Executive Director of the Land Conservation and Development Commission, the current commissioner of the Oregon Department of Transportation and the Homebuilders Association are pretty compelling. He finds it problematic that the City's design standards would eliminate almost half of them.

Commissioner Hales said he recalls testimony from last week that this proposal is already a compromise and doing much less might not be worth the trouble. While he might be open to adjusting the six-foot requirement, he is concerned about getting rid of it entirely. He noted that he had recently seen a site plan for row houses with doors set at a distance of 14 to 17 feet from the front of the unit, which makes them look more like "anteater" houses. He said he is ambivalent about CC&Rs that are already in place through private agreements. He also would like to discuss the effective date, especially with the move of Planning and Buildings staff to the new building, and consider a distance restriction of eight feet rather than six. He believes someone found that nine of the 15 designs in the Livable Oregon book that would not comply with the six-foot limit would comply at eight feet.

Commissioner Francesconi said he has been struggling with the affordability issue and has concluded that these standards would not make the housing much more expensive. He assumes from Commissioners Sten and Saltzman's memo that affordability is not a predominant concern.

Commissioner Sten said he is not convinced this is an affordability issue.

Commissioner Francesconi said he wants to respect the work of the Planning Commission in terms of the compromises already made and cannot support the amendments proposed by Commissioners Sten and Saltzman because he thinks they go too far. However, he was concerned about the Livable Oregon designs and, after reviewing them, found that nine of the 14 would be approved if the length was changed. He does not think that tips the balance and will propose that amendment. The City needs an expedited process for small developers and a formal monitoring process to determine what is and is not getting approved, what kind of adjustments are being requested and what kind of changes are needed. On the question of incentives, if houses with one-car garages take longer to sell, he would like to see if the process could be speeded up to compensate for that.

Ms. Harnett noted that Steve Abel had proposed an amendment last week on the exemption provision for certain subdivisions. That covers the current State law related to vesting and fills the gap between now and when the land division code rewrite is completed.

Mayor Katz asked Margaret Mahoney, Director, Bureau of Planning and Development Review, to comment on incentives for the permitting process and the effective date.

Margaret Mahoney, Director, Bureau of Planning and Development Review, said because of the move in August, they would prefer an effective date of October 1 but can live with September 3.

Mayor Katz said, assuming no objections, September 3 will be the effective date.

Ms. Mahoney reviewed the four recommendations in Commissioner Sten's and Commissioner Saltzman's memo. Providing builders with inexpensive and improved building plans, which is something the Bureau of Housing and Community Development has been working on, can be done and then the plans can be put through a Master Plan if they are not changed. Then all the Bureau needs to do is a site plan check, which is an expedited review the City offers now. She noted, however, that because of various site considerations in Portland, there is not as much replication of Master Plans as there might be in other jurisdictions where there are less complex sites. The second recommendation had to do with instituting a faster permitting process for plans that meet public goals. That issue comes up repeatedly, such as in the Green Buildings Options Study, but the difficulty arises from the broad range of public goals the City tries to meet. Under Blueprint 2000 the goal was to try to make the process predictable for all applicants. Since that has not been implemented yet, staff would prefer not to undertake another specific study until that work is finished. With respect to residential builders, the Bureau offers plan check appointments and those who take advantage of them get their plans through pretty quickly. The Permit Center is also open Thursday nights for residential builders. The goal under Blueprint 2000 is 10 working days for the building and land-use plan check although there are still stormwater and site issues. The goal for rechecks is five working days. Currently about 80 percent of the plans get through without rechecks and the Bureau is using outside review contractors for residential plan checks to keep that process going. She said they are not at 10 working days currently.

Commissioner Sten said two statements made at the last hearing concerned him greatly. The first was a statement (by Planning Commission members) that if this did not go through as

written, the City should forget the Title 34 rewrite. The second was by the neighborhoods stating that they would rally against density if the design standards did not go through. He said if the Title 34 rewrite is dependent on these standards to be workable it would be nice to see that before voting on this. It surprised him to hear that Title 34 was interdependent on this.

Ms. Mahoney said that is out of her purview. On the issue of small builders, the Bureau has an ongoing group, the Residential Contractors Communication Group, that staff meets with monthly to resolve issues those builders are facing. She agrees philosophically with Commissioner Sten's and Commissioner Saltzman's memo but is concerned about the Bureau's making a special effort on Issue No. 2 when the overall goal is to make the whole system predictable.

Commissioner Francesconi said he would like to know what the City could do to offer continuing education.

Ms. Mahoney said part of the agenda with the residential contractors group is to talk about training that would be helpful in terms of Code compliance. This issue could be added to that discussion.

Mayor Katz asked Ms. Hartnett to respond to the formal monitoring issue and the CC&Rs.

Ms. Hartnett said staff believes a formal monitoring process will be helpful to everyone so they can see what is working and what might need to be tweaked.

Mayor Katz asked if there is a way to do that without requiring additional resources.

Ms. Hartnett said they can build it into the budget but it means the Bureau will not be able to take on other projects because of the resources devoted to this effort. Regarding CC&Rs, under current State law recent subdivisions have a 10-year period of time in which they are vested under the existing regulations. Any subdivision approved after September 9, 1995 has 10 years to complete development under the existing zoning code. They do not have to meet any changes made during that time. Therefore, she is not sure going to the CC&Rs is necessary. Those are private contracts between homeowner groups and can be changed at a meeting of those groups. It would be very hard to track and would require that the Permit Center knows which subdivisions have CC&Rs and whether they are up-to-date. Finally, staff does not know if the CC&Rs address the same issues the base zone design standards attempt to do. They do not necessarily speak to things like a building's relation to the public realm. She believes trying to regulate this by the presence of a CC&R requirement for architectural review puts a huge burden on the Permit Center but does not add anything to what they are trying to accomplish.

Mayor Katz said there does not seem to be a strong interest from Council in doing anything about the CC&Rs. She asked for comment on eliminating or adjusting the front door requirement from six to eight feet.

Steve Abel, President, Portland Planning Commission, said the Commission spent a long time on these standards and he met on several occasions with the Homebuilders Association and assisted them in paring this package back to something he thought that they, the

Planning Commission and the neighborhoods could all accept. It is troubling to now be faced with additional amendments.

Commissioner Sten said he suggested this amendment, not the Homebuilders.

Commissioner Francesconi said the Homebuilders did not suggest going from six to eight either and, in fact, oppose it.

Mr. Abel said the difficulty with last minute amendments is that there is not a lot of analysis about whether they hit the mark or not. He said he can bring a stack of home plans that comply with standards proposed by the Planning Commission that many people think are ugly. He can also bring a stack many people like that do not comply. He said using examples of home plans is not the approach that should be taken. Instead, one should go back to the basic reason for these proposals, which is to create neighborhood compatibility. He said the Commission has seen a lot of acrimony from the neighborhoods because of the very issues raised with base zone standards. He said the City needs to respond in a way that gets the compatibility that is necessary and at the same time imposes the minimum amount of regulation on the building industry. He said the Commission ultimately weeded the package down to a few elements and while amendments may be appropriate they should not just respond to a narrow concern but look at the whole package. That is what the Planning Commission did but it is ultimately Council's decision to determine what it sees fit. The guiding light is whether the package ultimately adopted meets the goal of achieving compatibility while implementing Metro 2040. He said he cannot speak for the whole Planning Commission on the individual amendments.

Commissioner Saltzman asked if the Planning Commission was aware of the Livable Oregon designs and the fact that the standards would leave out over half of those.

Mr. Abel said he does not recall them specifically as they saw a lot of slides. Another way of looking at this is whether a small change in the designs would bring them into compliance. In many of the designs that were "kicked out," a very simple change would make them comply.

Rick Michaelson, Planning Commission, agreed with Mr. Abel that the recommendation the Commission forwarded should be adopted. He said he reviewed the 15 house designs that failed and found that three or four would not be approvable in Portland, principally those with garages in front. If the front door setback was increased to eight feet, nine out of the 15 would be in compliance. Therefore, a minor tweak would make more of them acceptable. However, he also found that some minor design tweaks would make 11 of the 15 comply and all would be approvable in Portland. Eliminating the front door setback entirely, however, would be a big mistake.

Commissioner Francesconi asked him if changing it to eight feet still eliminated the bad designs.

Mr. Michaelson said yes.

Ms. Harnett said project staff feel very strongly that eliminating the setback regulation is not a good idea as this is one of the few regulations that will have some positive impact on

attached (row) houses. She is concerned about changing the regulation without more deliberation. For instance, staff believes that three of the "rejected" designs subjected to Council's eyeball test already meet the regulations. At the same time she would very much like Council to make a decision.

Commissioner Sten asked what made staff decide that six feet was the right number.

Ms. Harnett said there is nothing magic about either six feet or eight feet.

Commissioner Sten said that is why he proposed getting rid of it.

Mr. Michaelson said the six feet is very important in terms of the garage setback and visibility. There is some room to change the door setback but it is pretty important to leave the garage at six feet.

Commissioner Francesconi said they are not talking about changing the garage setback.

Mayor Katz said she very much appreciates the work of the Planning Commission and the other citizen volunteers.

Kelly Ross, Homebuilders Association, said in looking at the house plans, he was struck by the fact that there was a wide line of visibility on the ones that looked good and maybe that is the standard the City should seek in terms of "eyes on the street." Council could also have a different standard for detached and attached housing.

Jane Leo, Portland Metropolitan Association of Realtors, said she has no position on either the six or eight feet, or total elimination. She said a committee will be reviewing this tomorrow and she will return with its decision. Regarding the CC&Rs, she will provide background information on those to Council.

Paul Leistner, Research Director, Portland City Club, reaffirmed the Club's support for the standards. He said he is very disturbed by some of the amendments because of the long public process that was conducted to look at these issues. There is no magic about eight versus six feet and the amendment seems to be based on Council members leafing through the booklet and making some measurements on their own.

Commissioner Saltzman asked what is wrong with that.

Mr. Leistner said a process is going on to make public policy based on good evidence and thoughtful consideration.

Commissioner Saltzman asked if all that judgment is supposed to stop prior to Council consideration.

Mr. Leistner said good public policy comes through analysis and that is why he is very supportive of the monitoring. He said this should be given a try for a year to see how it is working. If Council has ideas for amendments, he suggested that they be sent back to the Planning Commission for analysis. He said the Commission distilled these standards down to three crucial elements and the amendment would kick out one of the most important.

Ron Crutcher, Governmental Affairs Committee, Portland Metropolitan Association of Realtors, applauded Commissioner Sten's and Commissioner Saltzman's suggestions and open minded approach to incentive-based versus regulatory-based designs. They believe this is a market-related decision, as they noted before. He said he heard Commissioner Francesconi's conclusion that these regulations will not impose relatively higher costs but still would like to hear some numbers as any cost could keep a young home purchaser out of the housing market for a longer period of time. He said he is disturbed by Commissioner Francesconi's conclusion that the process should be streamlined to make up for the fact that houses with one garage will take longer to sell. If a house takes longer to sell because it is undesirable, it does not matter whether it gets on the market sooner or later. It is still an undesirable house plan.

Irwin Mandel, 1511 SW Park Avenue, 97201, said Council should beware of violating the law of unintended consequences. The Planning Commission spent years developing these new regulations for design and that process must be respected. Now that the regulations have been narrowed to three very basic ones through a long and arduous process, Council should approve them and then monitor what goes on for a year. If they prove to be onerous, they can be changed. Regarding Commissioners Sten's and Saltzman's memo, they state that in regulating design Council is entering territory that is a little new and potentially hazardous. He said there are all sorts of design requirements for multiple-family dwellings and commercial buildings. Those have worked very well and he does not understand their fears. He recommended that Council not start tinkering with the design standards at the last moment.

Wendy Grady, 9404 N. Exeter, 97203, supported Commissioner Sten's and Commissioner Saltzman's amendments. She fears these regulations, as applied to remodeling and rehabbing, will hurt the neighborhoods instead of revitalizing them, as intended.

Michael Marx, Sienna Architecture Company, said he thinks six feet is the magic number as the further the entry is moved back, especially in attached housing, the darker the hole becomes. If it is only a matter of moving the door two feet forward to make 11 of the designs to work, that seems better than getting rid of the guideline completely.

Marcy McInelly, Planning Commission member, agreed that six feet is a magic number. She said the Commission looked at that as minimum that would work with a 3' 6" door. She suspects most of the doors in the Livable Oregon book have a wider doorway opening so what one would see at eight feet would be a tunnel and that is undesirable.

Mayor Katz asked what if Chapter 33.218, the community design guidelines, could be applied in neighborhoods which wanted stricter standards than these.

Ms. Harnett said many neighborhoods have requested design overlays at various times and the City responded by creating design overlay zones in areas that are determined to be significant, either historically, architecturally or because of the nature of development desired. They have not been applied just because neighborhoods request it. The number of requests has grown over time and, when the Sellwood Neighborhood Plan came before Council, the neighborhood was quite adamant that design overlay was needed in all zones with densities of R2.5 and higher. The Planning Commission and Council agreed to that

because of the photographs the neighbors brought in to illustrate the type of infill houses being built there. The Planning Bureau believes it is not necessary to add design overlays everywhere as that adds a huge administrative burden and the fees would be passed on to developers.

Commissioner Saltzman asked if remodelling is covered under the base zone design standards. Would a remodel that did not meet those standards require an adjustment?

Ms. Hartnett said only if remodeling a portion of the house related to these regulations. They would not apply, for instance, to an addition to the back of a house. They would have to be addressed if the front is being remodeled. The Bureau does not require complete compliance but, as with most non-conforming situations, that one moves closer.

Commissioner Francesconi moved establishment and funding of a two year, formal monitoring process. Monitoring will be done of what is approved and rejected, the kind of adjustments being requested and approved, and what changes need to be made. Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Commissioner Sten said he is prepared to compromise on the front door issue and support the eight feet. He continues to be amazed at how sure everyone on both sides is that they are right. He asked people to think about the kind of design guidelines that would have been imposed if this had come up in the 1970s. He said the point of his memo is that there is a lot more to building healthy communities than just these four guidelines. He is also a little flabbergasted that people think Council should not debate amendments because there has already been a process.

Commissioner Francesconi said he waited for people to give him data on affordability and heard only from Peter Wilcox. Then today he hears from Commissioner Sten that housing affordability is not an issue, partly because it will encourage more humble housing. He respects the process but wishes the Planning Commission had looked at the Livable Oregon booklet and concluded that just by going from six to eight feet, the City gets some good house designs. He said staff and a member of the Planning Commission did the calculations on the designs, not him, and added that his amendment is an attempt to bring the community closer together.

Commissioner Francesconi moved that at least one main entrance for each structure must be within eight feet, not six feet, of the longest street-facing wall of the dwelling unit. Commissioner Saltzman seconded.

Ms. Hartnett pointed out that this standard is repeated in other sections and so all will be changed accordingly.

Hearing no objections to the amendment, the Mayor so ordered.

Mayor Katz asked if there were any objections to moving the vesting provision. Hearing none, she so ordered.

Mayor Katz reviewed the proceeding. She said there was no desire to change the CC&Rs but will hear from Ms. Leo about how the realtors feel about it. The effective date is

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September 3; there will be a formal monitoring process; incentives are already built into the process and Council will wait until Blueprint 2000 is complete before adding anything else. Finally, Council dealt with the door issue. She said Council will comment next week.

Disposition: Passed to Second Reading July 21, 1999 at 9:30 a.m.

At 4:45 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council