



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF OCTOBER, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Koch, 4.

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

Commissioner Blumenauer presented water protection safety awards to the Tryon Creek and Columbia Treatment plants.

Agenda Nos. 1731, 1733 and 1734 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1728 Accept bid of American Industrial Services for laundry services for Wastewater Treatment Plants for \$26,859 (Purchasing Report - Bid 10-A))

Disposition: Adopted; prepare contract.

- 1729 Accept bid of Van Waters and Rogers, Inc., for furnishing anhydrous ammonia for \$77,200 (Purchasing Report - Bid 28-A)

Disposition: Adopted; prepare contract.

- 1730 Vacate N Webster Street between N Delaware Avenue and N Greeley Avenue, under certain conditions (Ordinance by Order of Council, C-9727)

Disposition: Passed to second reading.

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Mayor J. E. Bud Clark

- 1732 Confirm reappointment of Dorothy Piacentini to the Portland Design Commission (Report)

Disposition: Adopted.

- * 1735 Authorize a contract between the City of Portland Bradley-Angle House to provide assistance for victims of domestic violence in the amount of \$14,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 163558. (Y-4)

- * 1736 Accept a grant of \$104,282 from the Oregon Traffic Safety Commission for DUII enforcement (Ordinance)

Disposition: Ordinance No. 163559. (Y-4)

Commissioner Earl Blumenauer

- 1737 Set hearing date, 9:30 AM, Wednesday, November 28, 1990, to vacate certain portions of NW Mansfield Street, NW Midway Avenue, NW Markle Street and NW Blanding Street (Report; Petition; C-9731)

Disposition: Adopted.

- 1738 Accept improvement of NE 47th Avenue at NE Thompson and NE Brazee, a Neighborhood Traffic Management Project, by BL&B Contractors, release retainage and make final payment (Report; Contract No. 26299)

Disposition: Adopted.

- * 1739 Accept a street deed for the future widening of N Hayden Island Drive, granted by Video Only, Inc., at no cost to the City (Ordinance)

Disposition: Ordinance No. 163560. (Y-4)

- * 1740 Accept two sewer easements for an identical parcel of land for the Boyles sanitary sewer system, granted by Donald H. Meehan and the Director of Veterans' Affairs, authorizing payment of \$150 (Ordinance; C-9695)

Disposition: Ordinance No. 163561. (Y-4)

- * 1741 Grant revocable permit to Portland Mennonite Church to hang a banner across SE Hawthorne Blvd. at SE 35th Place from October 26 to November 10, 1990 (Ordinance)

Disposition: Ordinance No. 163562. (Y-4)

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Commissioner Dick Bogle

- * 1742 Extend contract with Eoff Electric Company for furnishing high pressure sodium luminaries through September 30, 1991 (Ordinance; Contract 24973)

Disposition: Ordinance No. 163563. (Y-4)

Commissioner Bob Koch

- 1743 Accept contract with A-1 Sandblasting & Steam Cleaning Co. for spot priming and painting the Emergency Communications tower at Kelly Butte as substantially complete as of September 4, 1990, waive retainage requirements and authorize payment (Report; Contract No. 26287)

Disposition: Adopted.

- * 1744 Call for bids for City Archives remodel project, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163564. (Y-4)

- * 1745 Call for bids for the construction of Police vehicle storage project, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163565. (Y-4)

Commissioner Mike Lindberg

- * 1746 Call for bids for the construction of a 16-inch main in NW Skyline Blvd., Phase II, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163566. (Y-4)

REGULAR AGENDA

- 1731 Confirm reappointments of Douglas Dunford, Eliot Allen, Leeanne MacColl, Dan Saltzman and George Tsongas to the Portland Energy Commission (Report)

Discussion: Mayor Clark said he wanted to correct the record to show that some of the appointees are new, not reappointments.

Disposition: Adopted.

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- * 1733 Issue Urban Renewal and Redevelopment bonds (Airport Way) series A and B in the amount of \$21,500,000 (Ordinance)

Discussion: The Clerk said a request had been made to continue this to the afternoon session.

Disposition: Continued to 2 p.m. October 24, 1990.

- * 1734 Accept gift of a FAX machine from Allstate Insurance to the Bureau of Police (Ordinance)

Discussion: Mayor Clark said this gift was greatly appreciated.

John Nuxoll, Territorial Claim Manager for Allstate Insurance Co., said this is a win-win situation for all parties.

Disposition: Ordinance No. 163567. (Y-4)

- 1727 **TIME CERTAIN:** 9:30 AM - Declare opposition to Ballot Measure No. 5 (Resolution)

Discussion: The following individuals testified against Ballot Measure No. 5:

Sharon Kelley, Multnomah County Commissioner
Steven Kafoury, Portland School Board Chair
Dan Moriarty, Portland Community College Chair
Jim Scherzinger, Legislative Revenue Office
Sherry Sheng, Metro Zoo Director
Mark Abrahams, Portland Planning Bureau Budget Advisory Committee

Opponents described the negative effects passage of the measure would have on their ability to maintain current levels of service to their constituents and provide for future needs.

The Mayor said passage would mean a loss of control at the local level and pointed out that if the measure passes Oregonians will pay more to the federal government as property taxes are deductible.

Commissioner Blumenauer said some of the effects of the measure are irresponsible, such as a massive cut in timber tax.

Commissioner Bogle said passage is a disaster waiting to happen and will have devastating effects.

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Commissioner Koch said there is no question about the need for tax reform, but that this measure will leave the City with decreased services, even in public safety.

Disposition: Resolution No. 23779. (Y-4)

Commissioner Earl Blumenauer

- 1747 Accept the attached Report from the Bureau of Environmental Services on the new City/Metro Agreement regarding the St. Johns landfill (Resolution)

Discussion: Sue Keil, Environmental Services, said the report recommends the transfer to Metro of 657 acres of the St. Johns Landfill and the Smith and Bybee Lakes wetlands. She said Metro has both the staff and the expertise to supervise closure of this property which is to become a regional park.

Mayor Clark asked if a reversionary clause was needed.

Pete Kasting, Chief Deputy City Attorney, said the intent of the agreement is to determine the long term rights and responsibilities of both parties. He said if either party fails to live up to it, the other party could sue regarding the specific responsibility that had not been met.

Bob Martin, Metro Solid Waste Director, said this will enhance an area which has a negative reputation. He said landfills are costly, especially if they become Superfund sites, and that this provides an opportunity to do something positive with a landfill closure.

Disposition: Resolution No. 34780. (Y-4)

The Mayor proposed to hear the item concerning Smith and Bybee Lakes next.

- 1752 Accept report on the Natural Resources Management Plan for Smith and Bybee Lakes (Report)

Discussion: Jim Sjulin, Project Supervisor, called the project the single most important step for parks expansion since Forest Park. He said the report includes a clear statement of goals and policies, calls for establishment of a 12-member Management Committee and a Trust Fund, and provides for recreational facilities. He said the General Fund will not be impacted and that E-zone regulations will assure that the goals can be accomplished. He noted that Council and Metro will hold a joint session and public hearing on November 8, 1990, at 4 p.m.

Disposition: Adopted. (Y-4)

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- 1748 Create the Oregon Convention Center Transportation Local Improvement District and provide for the construction of street and other related improvements (Hearing; Ordinance; C-9747)

Discussion: Dan Vizzini, Assessment Manager, proposed an amendment to finding No. 6 of the Ordinance to add the clause "and public park property".

Commissioner Koch moved the amendment. Commissioner Blumenauer seconded, and the motion carried. (Y-4)

Vic Rhodes, Transportation Engineering, said this is the culmination of a two-year planning effort.

The following individuals spoke in opposition to the proposed district:

Gordon Bardy, 1440 NE Broadway
Michael Hale, Elmers Flag and Banner
Humberto Reyna, Qualitytype at 1623 NE 15th
Vince Powell, area property owner

Opponents cited the detrimental effect the LID will have on small businesses in the area, particularly due to the loss of curbside parking and changes in traffic patterns. They objected to having to pay for something that will hurt rather than help them.

Individuals speaking in favor of the district included:

Larry Troyer, Lloyd Center General Manager
Harold Pollen, owner of Tony Romas restaurant
Brian Carl, Pacific Development Inc.
Allen Peters, area property owner

Proponents said this plan was needed to deal with the new construction and growth occurring in the area. The district will enhance investments already made in the area, further transportation goals through establishment of a ring road, create a pedestrian-friendly environment and bring a fresh look to the open spaces.

Don Olds, Linoleum City owner, said he favored the LID but did not feel the assessment method was fair. Mr. Peters also said it seemed unfair to assess on the basis of square footage.

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Mr. Vizzini said City assessment policy allows for three basic methods of apportioning LID costs: 1) frontage within the district; 2) property area and 3) property value. He said the Auditor's Office is reluctant to base its apportionment on property use or value. Instead it looks at permanent features such as frontage and square footage and, in this case, decided that square footage would be the most appropriate and fair method of apportionment. Mr. Vizzini noted that once LID improvements go in they tend to drive property to its highest use, causing dislocations for property owners whose current use is not at that level.

Commissioner Blumenauer asked if anyone had any questions about the the parking issues in the NE 15th and Broadway area.

Mayor Clark said he identifies with the businesses that are displaced.

Ron Kleinschmit, Transportation Engineering, outlined his office's involvement of LID affected property and business owners in resolving concerns about specific projects and identifying alternatives. He said the plan is not set in stone and that before they can move on the project they will need to turn to Council for further approval. He said they hope to return in December or January with a corridor concept that would define the project and allow further planning for development.

Mr. Rhodes noted that the LID is not assessible until completion of the NE Holliday Street Project from King Boulevard to 13th or until July, 1993, whichever is latest.

Commissioner Blumenauer said property owners would feel the full benefit of the improvements before the assessments kick in.

Disposition: Passed to second reading as amended.

Commissioner Blumenauer said there was some confusion as to property acquisition and he wished to propose an additional ordinance clarifying Council's intent under Suspension of the Rules.

Commissioner Koch called for Suspension of the Rules. Commissioner Bogle seconded and the motion carried. (Y-4)

1748-1 Clarify Program Statement for the Oregon Convention Center (OCC) Transportation Local Improvement District (Ordinance)

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Commissioner Blumenauer said this would ensure there was no ambiguity about Council policy regarding condemnation actions.

Disposition: Passed to second reading.

- * 1749 Authorize the Purchasing Agent to call for bids to furnish one Micro VAX 3400 computer system and provide for payment (Ordinance)

Disposition: Ordinance No. 163568. (Y-4)

- * 1750 Authorize the Purchasing Agent to sign a Purchase Order as a contract with Intergraph Corporation for GIS hardware and software for the Bureau of Planning at the estimate amount of \$65,000 without advertising for bids; authorize the drawing and delivery of a warrant waiving performance bond requirements (Ordinance)

Disposition: Ordinance No. 163569. (Y-4)

- * 1751 Authorize the City Attorney to continue negotiations to purchase a sewer easement for construction of the Englewood sanitary sewer system project, authorize the City Attorney to commence condemnation proceedings, if necessary, and authorize the City Attorney to obtain early possession (Ordinance; C-9700)

Disposition: Ordinance No. 163570. (Y-4)

Commissioner Mike Lindberg

- * 1753 Accept and transfer a \$12,500 grant from the Oregon Arts Commission to the Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 163571. (Y-4)

- * 1754 Accept and transfer a \$10,000 grant from the Oregon Arts Commission to the Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 163572. (Y-4)

- * 1755 Accept and transfer a \$25,000 grant from the trustees of the Collins Foundation to the Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 163573. (Y-4)

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- * 1756 Authorize amendment to Contract No. 25626 with James M. Montgomery Consulting Engineers, Inc., for \$146,384 for additional engineering services for the Water Treatment Pilot Study and provide for payment (Ordinance)

Disposition: Ordinance No. 163574. (Y-4)

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF OCTOBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Koch, 4.

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

Mayor Clark asked to hear Item 1760 first.

- 1760 Tentatively deny appeal of Corbett-Terwilliger-Lair Hill Neighborhood Association and uphold Design Commission decision to approve a parking structure at SW 3rd and SW Barbur proposed by Pacific Rim Investors, with conditions and landscaping plan. (Findings; SB 2-90; Previous Agendas 1719 and 1720)

Discussion: Cay Kershner, Clerk of the Council, said the latest version of the findings had just been distributed.

Jim Davis, 3338 SW Meade, stated several objections to the findings prepared by Pacific Rim attorneys. He said the reference to Ordinance No. 114711 does not note the height requirements and he also questioned the accuracy of the statement concerning granting of an easement by the YMCA. In addition, he asked that the site description be corrected to show that the warehouse cited is actually a storage garage.

Edgard Waehrer, Planning staff, agreed that storage garage was a more accurate description. He said the height restriction does not have an impact on the Superblock but if the description of the basic elements of the ordinance is to be complete then a reference would be desirable. Regarding the YMCA easement, he said to his knowledge it was an accurate statement.

Council suggested that Mr. Davis meet with staff and Susan Whitney, Attorney for Pacific Rim, to see if they could make these corrections and return to Council at the end of the session.

Mr. Waehrer returned later in the session to say that all the disputes had been settled and new language had been substituted to reflect the agreed-upon changes.

Disposition: Adopt findings as amended.

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- * 1733 Issue Urban Renewal and Redevelopment bonds (Airport Way) series A and B in the amount of \$21,500,000 (Ordinance)

Discussion: The Clerk said a continuance has been requested to the Thursday session.

Dick Hofland, Acting Debt Manager, said they need additional time to complete their purchase of a bond insurance policy, which will make the bonds absolutely secure in the face of the potential passage of Ballot Measure No. 5. He said the price of the insurance was in the neighborhood of \$390,000.

Disposition: Continued to October 25, 1990, at 2:00 p.m.

- 1757 **TIME CERTAIN: 2:00 PM** - Appeal of Jim Davis against Hearings Officer's decision to approve the application of Pacific Rim investors to remove conditions of a prior zone change for an area located at SW 3rd and SW Arthur (Hearing; 8002 - Note: Application has been withdrawn; appeal is moot)

The Clerk noted that Pacific Rim had withdrawn its application so the appeal was moot.

Disposition: Filed for no further consideration.

REGULAR AGENDA

- S-1758 Results of sale of \$3,000,000 General Obligation Improvement Bonds, 1990, Series B (Report)

Discussion: The Clerk said a substitute had been distributed. Commissioner Bogle moved the substitute. Commissioner Koch seconded and the motion carried (Y-4)

Disposition: Adopted. (Y-4)

- 1759 Accept report of the Landmarks Commission on the Kings Hill Historic District (Report)

Discussion: John Southgate, Planning Bureau, said there are two requests before Council. One is to recommend to the State that the district be nominated to the National Register of Historic Places. In addition, they seek Council designation of the area as a local historic district. He said such action would be tentative and would require a follow-up ordinance identifying an appropriate threshold of design review.

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Mr. Southgate said both the Landmarks Commission and staff found this district merits nomination locally and nationally. He said if Council approves the designations, they will meet with district residents to determine the appropriate level of design review.

He noted three requests for exclusion by Harry Czyzewski, the Warren and Gronquist families, and Carl and Noreen Saltveit. He said the Landmarks Commission agreed with the exclusion of the Czyzewski property but recommended inclusion of the others in the district.

Commissioner Bogle asked if information about the financial impact were available.

Mr. Southgate said they have no definitive numbers available but noted that the local designation has no financial impact, beneficial or not. Only properties on the National Register qualify for tax exclusions. He said participating properties have their true-cash values frozen for 15 years.

Mr. Southgate said a 1984 study found that the overall effect of the tax exemptions was an additional ten or eleven cents per thousand dollar valuation. He noted that of the 650 properties in the Ladd's Addition historic district, only about ten percent of those eligible took advantage of the tax break.

Commissioner Bogle asked what happens after fifteen years.

Mr. Southgate said the property returns to the tax rolls at the higher assessment. He said state regulations for historic districts sunsets in a year and the legislature will probably make changes in the provisions then.

Commissioner Bogle asked how many other projects were in the pipeline.

Mr. Southgate said possibly several other neighborhoods and about 12 individual residences. He said many neighborhoods are not interested in forming historic districts because they wish to retain local control.

Commissioner Bogle asked if applications for the tax freeze were routinely approved. He said it seems precipitous to approve this not knowing what the fiscal impact would be.

Commissioner Koch agreed.

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Commissioner Blumenauer suggested hearing testimony from those present in Council today.

Frederick Cann, President, Kings Hill Historic Association, said this project has been a long time in the making and that this is one of the most historically significant districts in the State. He said he had heard that property valuation for the district was around \$60,000,000 but much of that value is in high rise apartment buildings which would not qualify for the tax freeze. He said recent newspaper articles about the tax exclusions noted that, while evidence of abuses are missing, the benefits are obvious in preventing the tearing down of old, historic buildings. He asked Council not to reject this simply because the tax impacts are not known.

Commissioner Bogle asked why property owners would want this designation other than for the tax exemption.

Mr. Cann said owners believe this will preserve the historic character of the area and remove the threat of even higher density and development. He said it will also provide controls that will keep everyone going in the same direction.

James Hamarack, Acting Deputy, State Historic Preservation Office, said 352 properties in the City are now under special assessment. The combined frozen true cash-value is in the neighborhood of \$110,000,000, the preponderance of which is downtown commercial buildings. He said statewide there has never been a residential historic district with more than 25 percent participation. He said many people are suspicious of the freeze and never apply.

Commissioner Bogle asked if those who do not contribute are bound by the same conditions.

Mr. Hamarack said if it is a National Register designation you can do whatever you wish with your property if you are not taking advantage of the special assessment program. As for local districts, most do not regulate what happens to non-contributing properties but the guidelines could restrict anything they want.

Commissioner Koch asked what restrictions would apply to a non-contributing property owner who wanted to remodel his house.

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Mr. Southgate said the restrictions applied to making changes to a house in an historic district would depend on the threshold of design review placed on the district.

Commissioner Bogle asked if both contributing and non-contributing houses in Ladd's Addition are bound by the same criteria.

Mr. Southgate said yes but because the threshold for design review is so high in Ladd's Addition they do not review any exterior changes there.

Mayor Clark asked if the 15-year freeze was allowed for one time only.

Mr. Hamarack said yes. He said they often suggest to residential property owners that they not waste their chance at the one-time 15-year period unless they have definite plans to renovate.

Commissioner Blumenauer said when this was passed initially it was felt that a number of historically important properties would be lost if there were no tax benefit. He said he thinks there will be a free-for-all on this when it comes up at the next session of the legislature.

Kimberly Demuth, Consultant for the Kings Hill Project, said this area contains some of the best examples of architect-designed homes in Portland and has one of the highest numbers of significant buildings in any district in the State, including 64 homes built between 1882 and 1914. She showed slides to illustrate the character of the neighborhood and explained how the boundaries were determined.

Ms. Demuth said there had been a great deal of public review and the project had been funded in part by the State Historic Office with matched funding from property owners.

Commissioner Bogle asked if apartments were eligible for the tax freeze.

Ms. Lakin said yes except for those that have been modified to the extent that they are ineligible. She said the district is significant as a whole, not because of individual properties, and despite the incursion of high rises.

Other individuals testifying in support of the district included:

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Andrea Walters, 2176 SW Main
Eugene O'Neil, SW Arden
Ron Rubin, Goose Hollow Foothills League
Walter McMonies, 2675 SW Vista
Ellen Fager, 806 SW King
Bill Kovacs, 2187 SW Kings Court
John Tess, Historic Landmarks Consultant
Danita Bergseng, 1034 SW Douglas Place
John Hedland, The Hedland Co.
Bob Clay, 2375 SW Park
Don Arbitson, 4413 SW 43rd

Supporters cited the historic significance of the district, and the need for protection from commercial encroachment in order to maintain its integrity. They cited the high costs of restoring older properties and said most put far more into them than they get back.

Jack Schwartz, attorney for the Warren family which owns homes at 2355, 2365 and 2375 SW Madison, asked for exclusion from the historic designations. He read a statement from E. Kimbark MacColl stating that the properties did not merit historic designation by current criteria.

Commissioner Koch asked why they cared if they were in or out of the district.

Mr. Schwartz replied that they will keep up the property, which has been in their family for 40 years, but do not wish to be regulated.

Carl Saltveit, 2324 SW Cactus and owner of property at 839 SW Green, also asked for exclusion. He said his properties are not of historic significance and are in an area surrounded by postwar apartments. He said he had plans to develop his properties and noted such plans reinforce City goals for higher density housing in downtown residential areas.

Mr. Cann, in rebuttal, said the Association does not agree with the Warren family's request for exclusion from the National Register but can accommodate their being left out of the local district. They have more difficulty in supporting Mr. Saltveit's request but will not take a rigid position in opposition.

Commissioner Bogle asked if current zoning allowed high rises in Mr. Saltveit's area.

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Mr. Southgate said yes, any property zoned R1 or R2 will allow them. He said design regulations may change with the historic designation but the underlying zones do not.

Commissioner Blumenauer, taking special note of Kim MacColl's letter, moved to recommend exclusion of the Warren properties on SW Madison from designation as historic properties.

Commissioner Koch seconded and the motion carried (Y-4)

Mr. Southgate asked for a clarification as to whether Council intended to remove them from both the national and local designation.

Commissioner Koch said the motion removed them from any designation.

Commissioners Bogle and Koch, and the Mayor, indicated they would like more information about the financial impacts. Commissioner Bogle said he would also like an assessment of how many other projects and properties are in the pipeline.

Mr. Southgate showed slides of the Saltveit property.

Commissioner Blumenauer noted that recent designation of the Central Eastside business district as an historic area had a greater financial impact than this and said consistency was needed.

Commissioner Bogle said he would love to put the Central Eastside on hold.

Commissioner Blumenauer said to be consistent, Council should indicate its concern about the financial impact of both the Central Eastside and the King's Hill Districts to the State at their November meeting.

Commissioner Bogle said he feels a consistent approach is very important so that Council can treat those coming to it with a similar proposal in the eye and tell them equity is equity.

Commissioners Bogle and Koch indicated that they would not vote for approval of the district without the financial information.

Mayor Clark said his preference is to forward this to the State with a letter saying Council will not vote on the ordinance until it has seen the economic impact.

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Commissioner Blumenauer asked about the practical impacts of holding this up.

Mr. Southgate said the state group meets quarterly so holding off would prevent eligible King's Hill residents from applying for the special assessment this year.

Commissioner Blumenauer suggested continuing this item until next week to allow time to gather financial information and to draft a letter outlining our concerns to the State.

The Mayor said he thought it was unfair to deny historic status for this group since Council had granted it to those preceding it.

Commissioner Blumenauer said he was concerned about the impact of another year's delay on this area.

The Mayor asked if it was the consensus of Council to continue this item one week. Hearing no dissent, he so ordered.

Disposition: Continued to October 31, 1990, at 2:00 p.m., as amended.

At 4:12 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF OCTOBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Koch, 4.

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

- * S-1733 Issue Urban Renewal and Redevelopment bonds (Airport Way) series A and B in the amount of \$21,975,000 (Ordinance)

Discussion: The Clerk of the Council announced that a substitute had been filed on the Airport Way bonds that had been continued from Wednesday. The Mayor said a discussion had been held yesterday on this and asked the Clerk to go ahead and call the roll.

Disposition: Ordinance No. 163575. (Y-4)

- 1761 **TIME CERTAIN:** 2:00 PM - Adopt a new zoning code; amend portions of the Portland Comprehensive Plan, Title 34 Subdivisions and Partitions, Title 24 Building Regulations, and Title 18 Nuisance Abatement and Noise Control and apply the new zones to the City (Ordinance)

Discussion: Bob Stacey, Jr., Director of the Bureau of Planning, noted a concern raised by the Association of Portland Progress over the portion of the proposed Code dealing with landscaping requirements for surface parking lots. They have asked that these requirements be applied only on new lots, not those under three-year conditional uses. He suggested that, rather than amending the Code at this time, the Planning Commission be instructed to study the issue and make a recommendation. He said while he realized the significance of a one-page provision could be overlooked, the requirements had been the subject of a careful and deliberate process.

Commissioner Bogle asked if it were true that it would not have been picked up in the draft because the problem is with one of the definitions, which were not included in the draft.

Mayor Clark asked what was wrong with just stating Council's intent not to include them.

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Commissioner Bogle moved that City Council declare its intent that the new landscaping regulations for new surface parking lots contained in the new zoning code were not intended to apply to existing parking lots on conditional use permits.

Commissioner Koch seconded.

Mr. Stacey said the Code language clearly states that the landscaping requirements apply to both and expressed his concern about debating a substantitive issue at this time.

Commissioner Bogle read a motion calling on Council to initiate an amendment, without prejudice, to reconsider the regulations in the new zoning code for landscaping for surface parking lots that are conditional uses subject to three-year renewals. Council further directs the Planning Commission to study the issue, to hold a hearing to receive testimony from interested persons, and forward a recommendation on the amendment to City Council. The City Council shall hold a hearing and take action on the recommendation of the Planning Commission.

Commissioner Koch seconded.

Commissioner Bogle then moved to combine his first and second motions. Commissioner Koch seconded.

Commissioner Blumenauer sought clarification of the phrase "without prejudice". He said he felt it was awkward for Council to declare its intent prior to any debate or public testimony on this issue.

Commissioner Bogle said he had intended that the first motion would take effect for an interim period until the Planning Commission had completed its study.

Commissioner Blumenauer said he did support the clarification by the Planning Commission but would like to vote separately on the motions.

Ruth Spetter, Senior Deputy City Attorney, said the Code language states that the new requirements are expressly applicable to lots on conditional use permits. She said Council could adopt the section as proposed or delete it.

Commissioner Blumenauer said he never suggested surgery at this point.

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Commissioner Bogle asked what would happen if his measure passed and conditional use permits were requested prior to a Planning Commission recommendation.

Mr. Stacey said he was not sure what the appeal rights would be for an applicant who came in for a renewal prior to the Planning Commission study.

Ms. Spetter said Council had three options today: 1) ask the Planning Commission to review the issue and return with a recommendation prior to the time of the second reading; 2) go to the second reading and return with a potential amendment for adoption later; 3) do surgery and delete the regulations.

Mr. Stacey said the Planning Commission is not scheduled to meet until November 13th, and unless an emergency meeting was scheduled, it could not report back in time.

Mayor Clark suggested setting this over for one week.

Stephen Janik, attorney for Association for Portland Progress, said it was not necessary to excise anything. He suggested that Council clarify its intent as to whether the words "all surface parking areas" encompass lots already on conditional use permits or just new parking lots.

Commissioner Blumenauer wondered if there was any problem with Mr. Janik and Mr. Stacy crafting language to clarify this point.

Commissioner Koch moved to continue the first reading.

Disposition: Continued to November 1, 1990, at 2:00 p.m.

1762 **TIME CERTAIN:** 2:15 PM - Adopt Scenic Resources Inventory, ESEE Analysis, Scenic Resources Protection Plan, amend Comprehensive Plan and amend Title 33 of the City Code by adding a Scenic Resource zone, Rocky Butte plan district and amending Central City plan district height limits (Ordinance)

Discussion: Mr. Stacey introduced Martha Peck Andrews, Planning Commission President, who described the lengthy process the Commission had followed to allow all interested parties a chance to participate. She urged adoption.

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Jeanne Harrison, Planning Bureau, said this is a citizen-developed document which seeks to rank resources for inclusion in the inventory and measure them against state-required standards. Three processes are involved: an inventory of resources; a scenic resources protection plan; and regulations on scenic corridors. She described the regulations as fair and objective, involving lots of compromise.

Ms. Harrison said Transportation Engineering had requested three amendments to the Rocky Butte Plan to allow them to address operational and maintenance concerns on Rocky Butte.

Mayor Clark asked if trees were cut down to preserve views in such places as SW Terwilliger.

Ms. Harrison said it is an evolutionary process and that as development occurs, some views will open up. She said the regulations are designed to ensure a balance between views and development.

David Lewis, landscape architect at 2609 "F" Street, Vancouver, WA, and Ken Benshoof, President, Rocky Butte Preservation Society, made a presentation about the Rocky Butte Plan District and its importance in protecting this important landmark and view point.

They objected, however, to the tree preservation plan as adopted by the Planning Commission which allows the cutting of trees under eight inches in diameter. They said that after they were told no more public testimony would be taken, changes to the tree preservation portion of the plan were made by the Commission at the behest of representatives of Forest Heights Estates. They asked that Council amend the plan to require that trees removed without permission be replaced and that all trees over six inches in diameter be retained unless removal is approved by the City Forester or conforms to one or more specific standards.

Molly O'Reilly, 1414 NW 53rd Dr., also objected to the last-minute involvement of Forest Heights Estates in getting the Planning Commission to change the tree standards. She asked that maples and alders not be excepted from preservation and for a return to earlier staff recommendations.

Elaine Medoff, 6241 NW Cornell, urged adoption with the changes recommended by Ms. O'Reilly.

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For the record, Ms. Harrison said that Bob McMenamin, 621 SW Morrison, had indicated that he is satisfied with the Planning Commission clarification that the Grotto be deleted from protection.

Jerry Powell, Goose Hollow Neighborhood Association, requested that the SW Market Street Drive be retained as a scenic resource in the inventory.

Barbara Walker, 1906 SW Edgewood, urged Council to adopt the Plan but with the inclusion of the Bellrose area and of Mt. Hood scenic view areas in Waterfront Park.

Don Joyce, 226 NW Hermosa Blvd., a property owner on Skyline Boulevard, spoke in support of the plan.

Logan Ramsey, 3026 NW Skyline, said while the Plan is not onerous by itself, it becomes so in conjunction with other planning restrictions. He asked Council to open up Leif Erickson Drive and said the regulations as applied to Skyline favor the protection of trees over views.

Steve Janik, Attorney representing Forest Heights Estates, outlined three areas of concern with the Plan: 1) the 25 percent frontage limit for driveways; 2) the limitation on the linear frontage of the lot; 3) the tree preservation requirement. He said these three regulations are an attempt to dictate landscaping standards that are already addressed in the Code.

Richard Allan, 101 SW Main, #1100, 97204, representing W.R. Hoffman Co., objected to the proposed protection of the view at SW Market and 20th, based on the fact that it has not been previously reviewed or ranked.

George Crandall, Architect representing the American Institute of Architects, asked Council to protect the views of Mt. Hood from from Salmon Street Springs in Waterfront Park and two other viewpoint sites along the west bank. He said they believe there are ways to accommodate both the industrial sanctuary on the East side and preservation of the views.

Rob Dortignacq, Architect at 213 SW Ash, also supported the American Institute of Architects proposal.

Linda Dobson, Aide to Commissioner Lindberg, asked Council to amend the plan and add the Belrose Corridor.

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Commissioner Bogle said given the significance of the Belrose Corridor, he would move to add it to the Plan as a scenic corridor.

Commissioner Koch seconded and the motion carried (Y-4)

Commissioner Koch moved to adopt the amendments on the Rocky Butte Plan District proposed by the Office of Transportation Engineering in its memo of October 25, 1990. Commissioner Bogle seconded and the motion carried. (Y-4)

Commissioner Koch asked if there was anything in the plan that major Rocky Butte property owners were unaware of.

Ms. Harrison said notifications were sent to all property owners, many of whom participated in the planning process. She said there was nothing new in the current Plan.

She asked that Plan approval not be delayed since it is designed to go into effect at the same time as the new Code and because protection measures are needed in the Rocky Butte area where tree cutting is occurring right now.

Commissioner Blumenauer called for staff assistance with an amendment that would tighten the standards for tree cutting, particularly maples. He suggested allowing three weeks to allow all affected parties to be informed.

He also asked them to study ways in which the Salmon Street Springs view and the other waterfront sites could be protected and at the same time minimize adverse affects on property owners.

Commissioner Koch asked if the City Forester needed to be brought in.

Ms. Harrison said he had agreed to the language in the proposed Code outlining his involvement.

Disposition: Continued to November 15, 1990 at 2:00 p.m. as amended.

On a Y-4 vote, Council agreed to consider two items on the four-fifths agenda.

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FOUR FIFTHS AGENDA

- * 1764 Authorize a contract between the City of Portland and Raphael House to provide assistance for victims of domestic violence in the amount of \$14,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 163576. (Y-4)

- * 1765 Contract with LTK Engineering Services for transportation planning services to develop a Union Station Transportation Plan, not to exceed \$21,500, and establish the Union Station Transportation Committee (Ordinance - Waives Section 5.68 of the City Code)

Disposition: Ordinance No. 163577. (Y-4)

REGULAR AGENDA

- 1763 Tentatively grant appeal of Winkler Scrap Metals against Planning Commission's interpretation of the zoning code to deny the operation of their scrap metal recycling business at 3365 SE 17th (City Attorney Prepare Report; Int 6-90; Previous Agenda 1700)

Paul Elsner, Deputy City Attorney, said that at Council direction he had studied whether it was possible to grant the Winkler appeal based on their agreement to meet on-site standards that will go into effect with adoption of the new Code. He said he found that an interpretation does not allow for imposition of conditions.

Mayor Clark asked if they could voluntarily agree to do so.

Mr. Elsner said an independent agreement could be agreed on but that it cannot be bootstrapped onto this. He suggested directing staff to try to work out a binding agreement with Winkler.

Max Miller, Attorney for Winkler Scrap Metal, said they have proposed voluntary compliance with the noise regulations.

Doug Warren, Planning Bureau, said it would be wise to hear from the Brooklyn Action Corps to see if they would agree to a stipulation.

Commissioner Bogle suggested setting it over to allow time for a voluntary agreement to be drawn up.

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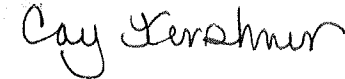
Susan Hartnutt, SE Uplift, asked Council to give John Kelly, President of the Brooklyn Action Corps, a chance to respond. She said any stipulated agreement should cite the off-site standards in the new Code.

Mayor Clark noted that the agreement has to be voluntary.

Disposition: Continued to November 21, 1990 at 2:00 p.m.

At 4:12 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council