



CITY OF
PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF APRIL, 1991 AT 9:30 A.M.

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

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

The Mayor declared the week of April 20-27 as Welcome the National Tour Association Week.

Agenda Nos. 568 and 595 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

567 Accept bid of Northside Ford Truck Sales for one cab and chassis with utility body for \$42,123 (Purchasing Report - Informal Quotation)

Disposition: Adopted; prepare contract.

569 Accept bid of Pneumatic Construction, Inc., for sludge bin outfeed modifications at Columbia Blvd. Wastewater Treatment Plant for \$346,700 (Purchasing Report - Bid 103)

Disposition: Adopted; prepare contract.

570 Accept bid of Petroleum Equipment Maintenance Co. for installation of air compressors, air dryers and air filters at Columbia Blvd. Wastewater Treatment Plant for \$47,515 (Purchasing Report - bid 107)

Disposition: Adopted; prepare contract.

571 Accept bid of Wentworth Chevrolet for 3 compact four wheel drive utility vehicles for \$41,814 (Purchasing Report - Bid 114)

Disposition: Adopted; prepare contract.

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572 Accept bid of Grasle Electric division of Dynalectric Company for tennis court lighting at Portland Tennis Center for \$91,190 (Purchasing Report - Bid 116)

Disposition: Adopted; prepare contract.

573 Accept bid of Grasle Electric division of Dynalectric Company for tennis court lighting at Grant Park for \$69,700 (Purchasing Report - Bid 117)

Disposition: Adopted; prepare contract.

574 Accept bids of K.F. Jacobsen and Company, Porter W. Yett Company and Lakeside Industries for furnishing asphalt concrete through March 31, 1992 (Purchasing Report - Bid 118-A)

Disposition: Adopted; prepare contract.

575 Accept bid of Northside Ford Truck Sales for two cab and chassis with utility service body and crane for \$63,400 (Purchasing Report - Bid 119)

Disposition: Adopted; prepare contract.

576 Accept bid of Brattain International for four 25,000 GVW cab and chassis with service body for \$281,252 (Purchasing Report - Bid 120)

Disposition: Adopted; prepare contract.

577 Accept bid of K. F. Jacobsen and Company for furnishing asphalt cold mix for \$28,500 (Purchasing Report - Bid 127-A)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

578 Accept construction work at Kelly Butte as complete and pay Russell Construction, Inc. (Report; Contract No. 26414)

Disposition: Adopted.

***579** Establish petty cash for the Printing and Distribution Services Fund, Bureau of General Services, in the amount of \$400 (Ordinance)

Disposition: Ordinance No. 164048. (Y-5)

***580** Authorize application for an additional \$100,000 for the Clandestine Drug Lab Grant from the U.S. Department of Justice (Ordinance)

Disposition: Ordinance No. 164049. (Y-5)

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- *581** Authorize Agreement with HealthChoice Administrators Inc. to perform retiree, self-pay and COBRA employee benefit premium administration (Ordinance; waive Code Section 5.68)

Disposition: Ordinance No. 164050. (Y-5)

Commissioner Earl Blumenauer

- 582** Accept Certificate of Completion and Change Order No. 1 for the Inverness wastewater cathodic protection system and make final payment to Automation Specialties, Inc. (Report; Contract No. 26444)

Disposition: Adopted.

- *583** Call for bids for the Columbia Boulevard Wastewater Treatment Plant composter blower system construction, provide for a contract and payment (Ordinance)

Disposition: Ordinance No. 164051. (Y-5)

- *584** Accept a deed for street purposes for the future widening of NE 185th Drive, granted by Union Pacific Land Resources Corporation, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164052. (Y-5)

- *585** Amend contract with Scientific Resources, Inc. for additional design services on the NE Airport Way wetland mitigation project (Ordinance; amend Contract No. 26452)

Disposition: Ordinance No. 164053. (Y-5)

- *586** Call for bids to complete Maintenance Oil/Gravel Project 1991, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164054. (Y-5)

- *587** Defer compliance of street vacation conditions by Eastport Plaza Shopping Center until January 20, 1993 (Ordinance; amend 160770 and 161478)

Disposition: Ordinance No. 164055. (Y-5)

Commissioner Dick Bogle

- 588** Appoint Ken Osuna to Cable Regulatory Commission (Report)

Disposition: Confirmed.

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Commissioner Gretchen Kafoury

***589** Amend the Comprehensive Plan Map and change the zone of property at 7836 NE Sandy Boulevard from R1 and R2.5, Residential, to CM, Mixed Commercial/Residential (Ordinance; LUR 91-00018 CP)

Disposition: Ordinance No. 164056. (Y-5)

***590** Apply to Collins Foundation for a \$31,554 grant to fund the "Don't Leave A Home Without One:" An ombudsman recruitment project to increase the number of volunteer ombudsmen in Multnomah County adult foster homes (Ordinance)

Disposition: Ordinance No. 164057. (Y-5)

***591** Contract with Multnomah County for \$50,000 for emergency basic needs services and provide for payment (Ordinance)

Disposition: Ordinance No. 164058. (Y-5)

***592** Contract with Home Gardening Project, Inc. for \$13,125 to construct 35 raised bed gardens for low and moderate income city residents and provide for payment (Ordinance)

Disposition: Ordinance No. 164059. (Y-5)

Commissioner Mike Lindberg

***593** Amend Section 21.04.180 (System Development Charge) of the City Code established in Ordinance 130672 (Ordinance)

Disposition: Ordinance No. 164060. (Y-5)

***594** Calls for bids for the construction of 20-inch main in NE Cornfoot Road (Ordinance)

Disposition: Ordinance No. 164061. (Y-5)

***596** Authorize agreement with Reed College to provide services to the Crystal Springs Rhododendron Garden (Ordinance)

Disposition: Ordinance No. 164062. (Y-5)

REGULAR AGENDA

568 Accept bid of Rehrig Pacific Co. for curbside recycling containers for \$735,075 (Purchasing Report - Bid 85)

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Discussion: Commissioner Blumenauer exhibited the containers that will be used in the weekly curbside recycling program to begin this fall.

Disposition: Adopted; prepare contract.

***S595** Authorize an application to the Meyer Memorial Trust for a grant in the amount of \$7,480 (Ordinance)

Discussion: The Clerk noted that a substitute changing the grant amount had been filed. Commissioner Lindberg moved the substitute. Commissioner Blumenauer seconded and the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 164063. (Y-5)

564 TIME CERTAIN: 9:30 AM - Make certain determinations and findings related to and adopt the First Amendment to the Oregon Convention Center Urban Renewal Plan (Ordinance introduced by Mayor Clark)

Items 564 and 565 were discussed together.

Discussion: Mayor Clark described his ex parte contacts with members of the Portland Development Commission staff and with Alan Peters. Council members related their briefings by the Commission. Commissioner Lindberg said he also made a visit to the site.

Ed Sullivan, attorney for Alan Peters, asked for any notes Council members might have made of their briefings.

Larry Dully, Portland Development Commission, said these two amendments to the Urban Renewal Plan adopted in May, 1989, clarify procedures regarding the acquisition of real property and authorize acquisition of four blocks of property in order to redevelop the site as a Convention Center headquarters hotel. He said this is the property recommended for the hotel site by the Mayor's Headquarters Hotel Advisory Committee in February, 1989. He said Pacific Development owns 1-2/3 blocks and Allan Peters owns approximately 1-3/4 blocks when assembled on three different blocks. Other property owners are Vince Powell and Dr. Harold Byrne.

Harold Pollen, Chair, Mayor's Headquarters Hotel Advisory Committee said the Committee found that a headquarters hotel was needed to support the new Convention Center and urged passage of the amendments. He said his committee recommended that the hotel have 700-800 rooms with a block of 500 rooms that can be used for a single convention.

Citing the economic benefits of such a hotel, Mr. Pollen said the committee recommends using public money to the minimum extent necessary to build a suitable facility. He said the committee reviewed proposals for the

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a suitable facility. He said the committee reviewed proposals for the expansion of the Red Lion Hotel at Lloyd Center and for Mr. Peters' staged hotel project. The Committee supported the Red Lion expansion but found Mr. Peters' proposal did not meet the requirements and did not feel confident that what was proposed would be completed.

Charles Ahlers, Executive Director, Portland/Oregon Visitors Association, said the lack of a sufficient number of hotel rooms adjacent to the Convention Center must be addressed if Portland is to compete for major conventions. He said one-third of their convention bookings are lost now because of this lack and stressed the need for at least 500 committable rooms, contending that 300 would be inadequate. He urged acquisition of the property and action on the hotel now.

Harry Demorest, Chair, Portland Development Commission, described the Commission's efforts, and his own, to reach an agreement with Mr. Peters on the lease of his property. He said after PDC reached an impasse he entered into direct negotiations with Mr. Peters but finally concluded that no agreement could be made on acceptable lease terms. He said he believes Mr. Peters is using every delaying tactic possible in the hope that his land will increase in value before acquisition.

Jeanne Harrison, Planning Bureau, stated Planning Commission support for both amendments. She said the Commission determined it was absolutely critical that the Convention Center succeed and that the public acquire the property for the hotel.

Ed Sullivan, attorney for Holladay Investors, Ltd., urged rejection of both amendments. He said he believes that PDC proposes to spend about \$6,000,000 to acquire a 4-block property and then spend \$20,0000 or more for improvements, hotel construction and operational subsidy. He also asked that the record be left open for further written testimony.

Mayor Clark said he would leave the record open for written testimony but would like to conclude the public testimony today. The record will be kept open until Monday, April 22, at 5 p.m.

Alan Peters, Holladay Investors, said his group has acquired two-and-one-half blocks north of the Convention Center where they intend to build a hotel without public subsidy. He said land held by Vince Powell and Dr. Byrne has been included in all the proposals as well. He said they have been attempting to vacate Third Street so that they can proceed with the first phase.

Bill Ruff, architect for Holladay Investors, described plans for phased construction of a hotel, beginning with a facility of 350-500 rooms. He said they intend to associate with a firm with extensive experience in hotel and convention center construction.

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Mr. Peters said while all parties want 700-800 rooms next to the Convention Center within the next ten years, he believes a phased development built to the market is best solution. He outlined plans for a two or three phase development which would include an American Indian Cultural Center. He said he believes 300-400 rooms will serve 90 percent of the conventions coming to Portland and avoid the large public subsidy that would be necessary to meet the remaining 10 percent demand.

Mr. Peters described his efforts to negotiate a lease with PDC and stated his belief that PDC wished to prevent him from receiving a return on his property based on the enhanced property values resulting from construction of the Convention Center. He said PDC stalled on the vacation of Third Street and attempted to block their purchase of The Professional Building.

Commissioner Kafoury asked about his financing.

Mr. Peters said he has backers willing to loan him \$57,000,000, subject to resolution of the political problems.

Commissioner Blumenauer asked him to submit that information in writing and also inform Council what the land cost and what it is worth now.

Mr. Peters said it has been costing him approximately \$35.00 per foot.

Vince Powell, representing the estate of Burgerville, supported Mr. Peters' phased development of a hotel. He appealed to Council to let private developers build it and find a better way to spend tax dollars.

Greg Howe, 715 SW Morrison, representing Dr. Harold Byrne, protested placing an additional tax on citizens without their vote. He said if a hotel with 800 rooms was essential to the Convention Center, it should have been part of it to begin with. He read a letter from Ed Whitelaw, economist, concerning uncertainties about funding sources on the bonds and whether bonded indebtedness for urban renewal districts is outside the Measure 5 limitation.

Clyde Brummell, Chairman of the Columbia River Indian Cultural Center, asked that the Center be a part of any hotel that is built. He said his organization is attempting to raise \$9,500,000 for such a center now.

Individuals speaking in support of the two amendments and for the 800 room headquarters hotel included:

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Bob Ridgely, Chair of the Convention Center Task Force
Tammy Hickel, Association for Portland Progress
Marty Brantley, Association for Portland Progress
Don McClave, Portland Chamber of Commerce
Ron Tonkin, Tri-Met Board Member
Karen Whitman, past president, Portland Convention Center
Larry Scruggs, Certified Meeting Professional, 6974 N. Villard
Larry Troyer, General Manager, Lloyd Center
David Pahl, NW Food Processors Association
Ruth Scott, President, Association for Portland Progress
Lee Fehrenkamp, General Manager, Metro E-R Commission

Supporters cited the crucial need for a headquarters hotel with a minimum of 700 rooms in order to attract conventions currently unable to come to Portland because of the lack of a large block of rooms. The majority felt such an undertaking would take the combined resources of the public and private sector.

Individuals speaking against a public subsidy of the hotel included:

Philip Peach, Oregon Lodging Association and Tri-County Lodging Association
Larry Harvey, Shilo Inns
John Bartels, President, Portland Liveability
Eric Wentland, 102 NE Fargo
Sam Allen, 13566 SE 93rd, Clackamas
Easton Cross, White, Wykoff and Cross

Opponents questioned the need for a headquarters hotel, particularly one subsidized with public funds. Mr. Cross contended that this is not a politically sound plan because of uncertainties about the effect of Measure 5 on urban renewal plan debt repayments.

Richard Levy, Holladay District Association, asked for further public discussion on the amendments. He said the need for this should be reviewed in the broader context of all the City's needs.

Commissioner Kafoury requested that PDC furnish her information about the impact of potential legislation on the financing and the amount of public funding that might be required.

Commissioner Blumenauer asked to see in writing the "last best offers" made both by PDC and by Mr. Peters in order to see specifically what PDC would give to Mr. Peters and what he in turn will commit to doing. He said he is convinced of the need for 800 hotel rooms but that no one wants a big subsidy.

Disposition: Passed to Second Reading.

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- 565** Make certain determinations and findings related to and adopt the Second Amendment to the Oregon Convention Center Urban Renewal Plan (Ordinance introduced by Mayor Clark)

Disposition: Passed to Second Reading.

Mayor Clark recessed Council at 11:45 a.m. in order to reconvene as the City's Budget Committee.

- 566** **TIME CERTAIN: 10:15 AM** - Convene Council as Budget Committee to approve FY 1991-92 proposed budget and hold State Revenue Sharing Hearing (Hearing)

Discussion: As Budget Committee Chair, Mayor Clark read a statement outlining the budget cuts that have been made, including 178 positions. He emphasized that this is a transitional budget with \$16,000,000 in one-time resources which allows them to buy some time until next year.

Tim Grewe, Director of Financial Planning, highlighted the major budget decisions and the contingencies built in to allow them to respond to uncertainties about special levies and competition among governmental entities for property taxes.

Rosemary Jane, Bureau Advisory Coordinating Committee Chair, thanked Council for its willingness to work with citizens.

Mayor Clark read a statement as part of the State Revenue Sharing Hearing and asked for testimony on both the revenue sharing and the budget in general.

Ron Behrick, President of PACE (Portland Area Community Employees Credit Union), opposed the \$.25 payroll deduction fee.

Mayor Clark said he had already gone over this issue and had agreed to the charge. Commissioner Blumenauer said, without the charge, another position would have to be cut.

Commissioner Kafoury asked about the impact of the alarm fees.

Mr. Grewe said the issue is currently being studied by the Police Bureau which will return with recommendations prior to the end of this fiscal year.

Commissioner Kafoury also asked about parttime benefit levels and Private Industry Council funding of youth programs.

Mr. Grewe said rather than amending the budget now, he would like to go on record that those amendments will be incorporated into the final budget document.

Commissioner Bogle said he was voting no on the budget because too many Fire Bureau positions have been cut.

Commissioner Kafoury promised to continue conversations with Multnomah County in the search for additional efficiencies.

Commissioner Lindberg noted this is a transition year and more cuts are likely next year.

Disposition: Approved. (Y-4; N-1, Bogle)

The Council recessed as the Budget Committee and reconvened its regular meeting.

Commissioner Earl Blumenauer

- 597** Adopt the 15th/16th Avenue Decoupling and 16th Way Transportation Improvement Corridor Design Concept as prepared by the Portland Office of Transportation, March, 1991, and direct that the next steps and approvals for development and construction of the project be implemented (Resolution)

Discussion: Ron Kleinschmidt, Office of Transportation, described the project which will provide transportation improvements in the area around the Oregon Convention Center and the Lloyd Center. As part of the ring road concept they hope to connect Lloyd Boulevard to Broadway/Weidler. Because of neighborhood concerns about parking, a phased construction program has been developed which will add more parking in the area than is currently available.

Dick Cooley, Pacific Development Corp., spoke both for himself and Dick Levy of the Holladay Neighborhood Association in support of the proposal.

Gordon Bardy, 1440 NE Broadway, called the proposed return from a one-way grid to two-way streets a 30-year step backwards.

Walter Bardy, 1440 NE Broadway, opposed the loss of on-street parking before off-street parking is available. He predicted the loss of some businesses on those streets and said his own business will lose one block of on-street parking and a loading dock.

Jim Kitchin, Sullivan's Gulch Neighborhood Association, supported the project despite concerns with parking on Broadway/Weidler and with pedestrian access to the Lloyd Center.

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Commissioner Kafoury asked for more information on the parking situation and the effect on businesses.

Mr. Kleinschmidt described possible solutions, noting that the net effect is a loss of nine parking spaces in the area. He said this is the conception phase and that his office is committed to working with area businesses to achieve the best solutions possible.

Disposition: Resolution No. 34834. (Y-5)

Commissioner Dick Bogle

- 598** Increase existing fees for certain Fire Bureau permits to provide cost recovery for specialized plan review functions (Second Reading Agenda 563)

Discussion: Commissioner Bogle asked that this be held over another week for the vote.

Mike Tate, Northwest Fire Sprinkler Contractors, said that, despite their conversation with Commissioner Bogle and the Fire Bureau, they still protest these excessive fee increases. He reviewed fee schedules for surrounding areas, noting that Portland's is far higher than any others.

Disposition: Passed to Second Reading.

- 599** Amend the Business License Law as recommended by the Business License Review Committee report (Ordinance; Amend Code Chapters 7.02, 7.04, 7.06, 7.08 and 7.10)

Discussion: Commissioner Bogle congratulated the the citizen volunteer members of this Committee for their help in identifying ways in which the City can increase its revenues by over \$1,000,000 a year.

Disposition: Passed to Second Reading.

- *600** Approve renewal of intergovernmental agreement with Multnomah County for administration of the County's Secondhand Dealer Program by the Bureau of Licenses (Ordinance)

Disposition: Ordinance No. 164064. (Y-5)

Commissioner Mike Lindberg

- *601** Settle condemnation lawsuit for the Community Water Company, authorize issuance of a warrant for the awarded amount and provide for payment (Ordinance)

Disposition: Ordinance No. 164065. (Y-5)

City Auditor Barbara Clark

602 Assess SE Reedway/57th HCD District street improvement project and construction of sumps (Second Reading Agenda 553)

Disposition: Ordinance No. 164066. (Y-5)

603 Assess property for sidewalk maintenance through November 30, 1990 (Second Reading Agenda 556)

Disposition: Ordinance No. 164067. (Y-5)

604 Assess property for sewer system development charges for the period ending January 31, 1991 (Hearing; Ordinance; Z0126, Z0130, Z0132)

Disposition: Passed to Second Reading.

***605** Create the Saratoga/Dekum District HCD Local Improvement District and provide for constructing local streets and sumps (Hearing; Ordinance; C-9742)

Discussion: Phyllis Georgeades, 566 N. Dekum, objected to having to pay for these improvements. She said the House of Lights had not done the required improvements or the landscaping that had been a part of their conditional use approval.

Commissioner Kafoury said she would be glad to follow through on that.

Michael Madias, 6942 NE Cleveland, also protested this assessment, stating his belief that the improvement should be paid out of property taxes.

Karen Rabiner, Transportation Engineering, said petitions had been received from 68% of the residents requesting this project. She said approximately 70 percent of the cost is being paid for with Housing and Community Development block grant funds.

Commissioner Blumenauer moved to overrule the objection and approve the project. Commissioner Bogle seconded and the motion carried. (Y-5)

Disposition: Ordinance No. 164068; Objection overruled.

At 12:43 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF APRIL, 1991 AT 2:00 P.M.

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

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

Mayor Clark proclaimed April as Fair Housing Month.

- 606 TIME CERTAIN: 2:00 PM** - Recognize April 22nd as annual Earth Day celebration and promote Portland as a sustainable city, meeting today's needs without compromising future generations (Resolution introduced by Mayor Clark, Commissioner Blumenauer, Commissioner Bogle, Commissioner Kafoury and Commissioner Lindberg)

Discussion: Elise Anfield, a member of Commissioner Lindberg's staff, described the concept of sustainability as a City effort to meet its current needs without compromising the environment or energy resources for future generations.

Other individuals speaking in support of City environmental efforts included:

Barbara George, Environmental Services
Bettina von Hagen, Earth Day Oregon, 923 NE Couch

Council members briefly touched on some of the accomplishments of their bureaus in meeting environmental concerns and achieving energy savings.

Disposition: Resolution No. 34835. (Y-4)

- 609** Tentatively grant appeal of Selwyn Bingham, with conditions, and overrule Variance Committee's decision to deny application to increase building height in order to build a 26-unit apartment building located at SW Market Street Drive (Findings; Previous Agenda 492)

Discussion: George Fleerlage, representing Selwyn Bingham, asked that the words "The basis for the decision is as follows" be deleted.

Pete Kasting, Senior Deputy City Attorney, said that would be no problem.

Commissioner Blumenauer moved to delete the words "and appurtenances

thereto" and substitute the language he had circulated prior to the meeting. He said this addition will prevent obstruction of the view from Vista Avenue as it specifically outlines what is permitted. He also moved to delete the words requested by Mr. Fleerlage. Commissioner Bogle seconded and the motion carried. (Y-4)

Disposition: Findings adopted as amended. (Y-3; Mayor Clark abstained)

- 610** Tentatively deny appeal of Steven Rogers et al against the Hearings Officer's decision to approve application of Volunteers of America, Inc. for a conditional use/variance for a residential care facility at 2400-2422 NE Martin Luther King Jr. Blvd. (Findings; Previous Agenda 529)

Disposition: Findings adopted. (Y-4)

- 611** Tentatively deny appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and approve, with conditions, application of GAPO, Inc. for a PUD and subdivision located at SW Viewpoint Terrace (Findings; Previous Agenda 560)

Disposition: Continued to May 8, 1991 at 2 pm.

- 607** Appeal of Ron McCarty against Hearings Officer's decision to deny application for sign adjustments/variances to increase the face and height of a freestanding sign at 1821 NE 122nd Avenue (Hearing; ADJ 36-90)

Discussion: Jessica Richman, Planning staff, said this is a request for a 20 square foot, 14 foot high sign in the front yard of a single-family house for a home occupation in an R7 zone. She said both staff and the Hearings Officer recommended denial because the west side of 122nd is solidly residential and they believe such a large sign would be detrimental to the character of the neighborhood. She said signs in this zone are for the purpose of identification, not advertising.

Ms. Richman said the Hearings Officer also found that the proposal fails to meet home occupation regulations or approval criteria and conflicts with Comprehensive Plan Goals and policies, particularly those relating to residential areas. She said Mr. McCarty stated on his appeal that staff misrepresented the facts but gave no specific information. She said some of the issues raised before the Hearings Officer are: 1) that the west side of 122nd is a commercial area; 2) that there are many large signs across 122nd and 3) that an identical sign was approved for a nearby property. Ms. Richman said the property referred to is in Multnomah County, not the City.

Ron McCarty, appellant, read a list of signs at other locations on 122nd

and nearby streets which he said are at least as large as the sign he has requested. He said all he is asking for from Council is fairness.

Commissioner Kafoury asked for clarification of the zoning.

Ms. Richman said the other side of 122nd is commercial and much of the area below Mr. McCarty's property is part of Multnomah County. He said many of the properties he refers to are also in commercial zones where larger signs are allowed.

Trudy Jones, 11923 NE Sacramento, urged denial of Mr. McCarty's request. She said no one needs a huge neon sign for a business open for 3 or four months a year, as Mr. McCarty's is, and stressed that the streets on the west side of 122nd are residential.

Judy Bouchard, 1832 NE 121st Ave., said she and her neighbors strongly support denial. She said staff did not misrepresent the facts and called a sign of that size a totally unnecessary eyesore.

Charlie Gilbert, 10626 NE Knott, supported Mr. McCarty. He said eventually all of 122nd will be commercial and said permission to erect an identical sign 6 blocks away had recently been granted.

Commissioner Blumenauer moved to tentatively deny the appeal and uphold the Hearings Officer's decision. Commissioner Bogle seconded.

Mr. Kasting said the decision did not have to be a tentative one as no new information had been introduced.

Commissioner Blumenauer withdrew the word "tentative" from his motion.

Disposition: Appeal denied. (Y-4)

- 608** Appeal of Doyle & Carol Keogh against decision to deny application for a variance to reduce the minimum lot area from the required two acres to .90 acres in order to build a single-family residence located on NW Skyline Blvd. (Hearing; VZ 213-90)

Discussion: Suzanne Searle, Planning staff, said this is a proposal for a variance to reduce the lot area in order to build a single family home. The appellants also own the adjoining lot. She said the Variance Committee denied this appeal because there were no exceptional circumstances and because the two adjacent properties are considered one lot by the zoning code even though the lots were purchased separately. Ms. Searle said appellants claim they are being unjustly denied a right to build that has been granted neighbors on similarly-sized lots and also assert that the variance would have been granted if the property had been held under separate names.

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Ken Larsen, attorney representing the appellants, said Ms. Searle told the Variance Committee that if it were not for the fact that the appellants own contiguous lots, staff would have recommended approval. He said he believes this denial is a misapplication of the Code and improper denial of his clients' rights. He noted the four to three vote by the Variance Committee and said Council had overturned a similar denial on the issue of ownership. He explained that the Keoghs plan to build in an environmentally sensitive manner and that there was no opposition in the neighborhood. He said approval of the variance will not set any precedents in the area.

Mayor Clark asked when the zone change was made.

Mr. Larson said in 1977, adding that his clients were never notified that they had lost their right to build.

Commissioner Kafoury asked Ms. Searle if this would have a negative cumulative effect on the neighborhood.

Ms. Searle said no, the area is fairly well developed and this is one of the last available lots.

Mayor Clark said it looked like most of the lots had 150 foot frontage.

Mr. Larson said a number have less, including four other lots nearby. He said they are committed to a 25 foot setback.

Commissioner Kafoury moved to tentatively overturn the Variance Committee and grant the variance. Commissioner Blumenauer seconded.

Disposition: Appeal granted tentatively; Prepare findings for May 1, 1991 at 2 p.m. (Y-4)

At 3:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

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THURSDAY, 2:00 PM, APRIL 18, 1991

**DUE TO THE LACK OF AN AGENDA
THE MEETING WAS CANCELLED**