



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF AUGUST, 1990 AT 9:30 A.M.

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

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

1382 **TIME CERTAIN: 9:30 AM** - Report of Holladay District Public Safety Committee (Report introduced by Mayor Clark)

Discussion: David Knowles, Chair of the Holladay Public Safety Committee and Metro Councilor, said the Committee identified priorities and strategies and then agreed upon action items to accomplish them. He said the Lloyd District is undergoing significant development and becoming increasingly urban in nature but that these changes have not been reflected in the safety resources available to them.

Jess McKinley, Crime Prevention Specialist, NE Coalition of Neighborhood Associations, noted a number of accomplishments in the area already, including a special prosecution program, increased private security, and increased security at the Tri-Met Transit Center. He explained the troubleshooter program for merchants and employee safety programs.

Matt Klein, Pacific Development Inc., said a new neighborhood security office at the redesigned Tri-Met Center will allow a stronger police presence.

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Mike Schrunk, Multnomah County District Attorney, spoke about the special prosecutor program. He said they found the Police were not being proactive on quality-of-life crimes like car thefts and purse snatchings. He also cited a lack of communication between operators of private and public security programs with each other and with the District Attorney. Mr. Schrunk said the Committee has put together a neighborhood-based pilot project which will meld private and public safety programs.

Commissioner Lindberg asked if it was possible to go beyond the citation level for car stereo thefts if there was no jail space.

Mr. Shrunk replied that he sees a difference now that the Inverness jail is open and said the addition of new Police officers and the new policing approach are also steps in the right direction.

Mr. Klein asked the City for two actions: 1) establishment of a police facility in the neighborhood and, 2) added public safety staffing. He requested a City follow-up on these requests within the next sixty days if possible.

Commissioner Blumenauer said it was important to communicate that any commitments made will not be carried out if the property limitation measure passes.

The Mayor said a response is needed no matter what the timing is and said he has appointed Chief Walker to respond to this report.

Disposition: Adopted.

No items were pulled from Consent. On a Y- roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1383 Cash & Investment balances for July 1, 1990, through August 1, 1990 (Report; Treasurer)

Disposition: Adopted.

- 1384 Accept bid of Russell Construction, Inc., for thirteenth and first floor tenant improvements for \$171,976 (Purchasing Report - Bid 146)

Disposition: Prepare Contract.

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Mayor J. E. Bud Clark

- 1385 Recommend organizations eligible to participate in City's 1990 Charitable Campaign Committee (Resolution)

Disposition: Resolution No. 34761. (Y-5)

- * 1386 Contract with REACH Community Development, Inc., to provide support for community organizing efforts in the West Clinton focus area and provide for payment (Ordinance)

Disposition: Ordinance No. 163359. (Y-5)

- * 1387 Create four positions and establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 163360. (Y-5)

Commissioner Earl Blumenauer

- * 1388 Contract with CH2M Hill, Northwest for Sellwood Bridge replacement study (Ordinance)

Disposition: Ordinance No. 163361. (Y-5)

- * 1389 Amend the Comprehensive Plan Map and change the zone of property at N. Vancouver between N. Sumner and N. Alberta from C4 (Commercial) and R1 (Residential) to C2 (Commercial) (Ordinance)

Disposition: Ordinance No. 163362. (Y-5)

- * 1390 Release a Sewer Easement in connection with the SE Powell Valley Road east of SE Naegeli Drive Sewer Project (Ordinance)

Disposition: Ordinance No. 163363. (Y-5)

- * 1391 Modify contract with Shiels & Obletz to extend services for the NE Airport Way Project (Ordinance - Modifies Contract No. 25053)

Disposition: Ordinance No. 163364. (Y-5)

- * 1392 Grant a revocable permit to the Portland Federal Executive Board (a Federal agency) to maintain banners on street light poles from September 5, 1990, to October 5, 1990 (Ordinance)

Disposition: Ordinance No. 163365. (Y-5)

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- * 1393 Accept a public walkway and utility easement for the SW Stephenson Street and SW 31st Court Street Improvement Project, granted by David Amonson and Mary F. Amonson, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163366. (Y-5)
- * 1394 Accept two temporary construction easements for an identical parcel of land for the future widening of SW 23rd Avenue, granted by K. Nolen Tanner, Joan K. Tanner and Iona B. Tanner, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163367. (Y-5)
- * 1395 Grant a revocable permit to the City of Portland Bureau of Maintenance for fence and gate across N Monroe Street and a curb across N Albina Avenue (Ordinance)
- Disposition:** Ordinance No. 163368. (Y-5)

Commissioner Dick Bogle

- * 1396 Authorize professional services contract with Campbell Resources, Inc., in the amount of \$28,000 (Ordinance; waive City Code Section 5.68)
- Disposition:** Ordinance No. 163369. (Y-5)
- * 1397 Accept a \$150 donation from the Oregon Emergency Communications Committee for the Bureau of Fire, Rescue & Emergency Services and amend the budget (Ordinance)
- Disposition:** Ordinance No. 163370. (Y-5)

Commissioner Bob Koch

- * 1398 Call for bids to furnish and install telephone terminal equipment for the Bureau of General Services, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 163371. (Y-5)

Commissioner Mike Lindberg

- 1399 Approve Change Order No. 3, accept the project as complete and authorize the final payment with release of retainage (Report)
- Disposition:** Adopted.

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- * 1400 Authorize an application to the Meyer Memorial Trust for a grant in the amount of \$90,000 (Ordinance)

Disposition: Ordinance No. 163372. (Y-5)

- * 1401 Authorize an application to the M. J. Murdock Charitable Trust for a grant in the amount of \$90,000 (Ordinance)

Disposition: Ordinance No. 163373. (Y-5)

- * 1402 Authorize an application to the Collins Foundation for a grant in the amount of \$40,000 (Ordinance)

Disposition: Ordinance No. 163374. (Y-5)

- * 1403 Authorize the appointment of Margie Harris to the position of Administrative Services Officer II at the two-year step of the established salary range beginning August 15, 1990 (Ordinance)

Disposition: Ordinance No. 163375. (Y-5)

City Auditor Barbara Clark

- 1404 Assess improvement as a district: streets within SE Duke/97th District HCD Improvement Project and construction of sumps. (Second Reading Agenda 1367)

Disposition: Ordinance No. 163376. (Y-5)

- 1405 Assess improvement of SW Locust Street, SW 65th Avenue and SW Pomona Street. (Second Reading Agenda 1368)

Disposition: Ordinance No. 163377. (Y-5)

REGULAR AGENDA

Mayor J. E. Bud Clark

- 1406 Recommend approval of annexation case A-20-90 in the Ascot Acres area (Report)

Disposition: Adopted.

- 1407 Authorize filing annexation case A-20-90 in the Ascot Acres area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34762. (Y-5)

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- 1408 Recommend Council support for pursuing, in coordination with the Oregon Mayors Association, new local government financing mechanisms, and direct the Office of Finance and Administration and the Bureau Advisory Committees to analyze the service impacts of Ballot Measure 5.
(Resolution)

Discussion: Steve Bauer, Office of Finance and Administration, said the resolution includes an assessment of what the City would have lost this year if the measure had been approved. He said they will ask Bureaus to consider two options if the measure passes: 1) a reduction spread evenly over all bureaus and, 2) a reduction that exempts public safety budgets. He said they will ask the Bureau Advisory Committees to report back in October with recommendations as to the most appropriate reductions.

Rosemary Jane, Chair of the Bureau Advisory Coordinating Committee, said they are very concerned about the potential impact and feel Council should urge a special session of the Legislature to come up with alternatives.

Commissioner Koch asked about the effect of the limitation with Multnomah County and levies.

Mr. Bauer said the measure splits the property tax into two parts--one for schools and one for all other governments which it will limit to \$10.00 per \$1,000 assessment. If the current total is more than \$10.00, proportionate reductions will have to be made. Mr. Bauer said that it is unclear how all this will work procedurally and, if the measure passes, the Legislature may have to clarify it at the next session.

Harry Auerbach, City Attorney, said the only way to go above the \$10.00 limit is for voters to approve general obligation bonds for capital construction.

Commissioner Blumenauer said passage will take away the ability of local voters to decide what they want and what they will pay for.

Mayor Clark commented that this will give the legislature more control over local government.

Commissioner Koch said the measure is the reaction of honest citizens who are fed up and that there is a real need to reform the system in an equitable and fair way.

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Mr. Bauer said that by passing this Resolution Council is pledging to work with the Mayors to find a solution that places less reliance on a single tax source.

Commissioner Blumenauer said the public deserves better than the current limitation measure and expressed his fear that bureaus will be pitted against each other in determining what gets cut.

Commissioner Bogle said it was very important not to engage in turf battles.

Mayor Clark said the figures show that if there is no decrease in the fire and police budgets, the impacts will triple elsewhere.

Commissioner Blumenauer said he was concerned about the cost of new hires in the face of potential cuts in November and stated his belief in the importance of stating what we will do if the measure passes.

Commissioner Koch said it would be better if we could say this is a bad solution (about the proposed legislation) but here is a good alternative.

Mr. Bauer said the Mayors Conference is a good body to construct an alternative and actively advocate for it.

Commissioner Blumenauer moved to amend the Resolution by adding a fourth point directing OFA to prepare a suitable disclaimer to attach to each resolution and ordinance that is passed between now and November holding the City harmless if Measure 5 passes.

Commissioner Koch seconded, and the motion carried (Y-5)

Harry Auerbach, City Attorney, said it was all right to attach the directive suggested by Commissioner Blumenauer.

Commissioner Lindberg said he is concerned with the loss of local control especially if the City is to deal with the growth projected for this area.

Disposition: Resolution No. 34763 as Amended. (Y-5)

Commissioner Mike Lindberg

- * 1409 Authorize an Easement and Water Well Use Agreement with Northwest Equity Investments; transfer funds from Contingency to the Water Fund (Ordinance)

Disposition: Ordinance No. 163378. (Y-5)

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City Auditor Barbara Clark

- 1410 Update LID assessment and financing provisions, set rates, provide for full recovery of administrative costs, and allow segregation of assessments (Ordinance; Amends Title 17)

Discussion: Commissioner Koch moved the substitution that had been distributed. On a second by Commissioner Lindberg, the motion carried. (Y-5)

Disposition: Passed to second reading.

At 11 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF AUGUST, 1990 AT 2:00 P.M.

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

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

REGULAR AGENDA

- 1411 Appeal of Patrick M. Ryan, applicant, against Variance Committee's decision to deny application to permit one off-street parking space in the required front yard at 2326 NE Kearney (Hearing; VZ 78-90)

Discussion: Cathey Briggs, Planning, informed Council that the appellant is hearing-impaired. She said this is a request, resulting from a Zoning Code enforcement action, for a major variance to legalize an existing parking space in a front yard. She said the Variance Committee denied it on the basis that there was no hardship.

Ms. Briggs said appellant appealed that decision on the basis that he is deaf and did not hear a word at the Variance Committee hearing. She said they had not been advised ahead of time of his handicap and that at the hearing his mother was present and stated that she represented him.

Commissioner Koch said he believed the Variance Committee erred in not asking Mr. Ryan if he was represented.

Pete Kasting, City Attorney, said since a person identified as his mother said she represented him, the Committee was not wrong in thinking they were dealing with his designated representative. He said the issue here today is whether the variance application meets the approval criteria and this hearing gives him his full rights.

Pat Ryan, appellant, said he needs the off-street parking space because he has colitis and is unable at times to walk more than one block.

Commissioner Koch asked if these points were made at the hearing.

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Ms. Briggs said Mr. Ryan's mother had spoken eloquently in his behalf and the Variance Committee had suggested to him that he park behind his house or go to the Department of Motor Vehicles to get a special handicapped sign to put at the curb.

The Mayor asked Mr. Ryan why a curb cut was necessary and why he did not park in the backyard or arrange for parking with his mother.

Mr. Ryan said he could park at his mother's temporarily but not permanently and that he would like his own space.

Marjorie Newhouse, NWDA Planning Chair, asked for denial of the appeal, and said the NWDA has taken a stand against giving the neighborhood over to the automobile.

Ms. Briggs said a number of Code enforcement cases on front yard parking have been heard recently and all have been denied. She said this is the first one to be appealed.

Mary McCurdy, 2360 NW Kearney, opposed granting the variance. She said off-street parking hinders access for pedestrians and that alternatives are available to Mr. Ryan.

The Mayor said he favored denial with encouragement to get a handicapped space.

Commissioner Bogle said Mr. Ryan needs to be given clear instructions about where to go to get a permit for a parking space.

Commissioner Blumenauer said if Council is not careful what little off-street parking there is will disappear.

Commissioner Lindberg said Jan Kenwood, the handicapped coordinator for the City, had called to say the City does have a process for granting handicapped permits and suggested that Mr. Ryan see if he qualifies.

Commissioner Koch moved to deny the appeal and on a second by Commissioner Bogle the motion carried. (Y-5)

Disposition: Appeal denied.

1412 Tentatively deny appeal of Jeff Champion against decision of the Planning Commission and uphold the Planning Director's interpretation of the zoning code for the proposed apartment project at SW Second and SW Hooker (Findings; INT 5-90)

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Discussion: Doug Warren, Planning Bureau, requested one additional week to prepare the Findings. The Mayor so ordered.

Disposition: Continued to August 22, 1990.

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

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF AUGUST, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Koch, Presiding; Commissioners Blumenauer, Bogle (late) and Lindberg, 4.

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

REGULAR AGENDA

Commissioner Dick Bogle

- 1414 Liquor License application for Valentino's, Inc., dba Cafe Valentino's, 2651 East Burnside, Dispenser Class A and Package Store liquor license, favorable recommendation (Report)

Discussion: Henry Emrich, License Bureau, said the Kerns Neighborhood Association has indicated they would not oppose the license and that the Bureau found the applicant had sufficiently answered concerns expressed in two letters of opposition from neighboring businesses. The Bureau recommended forwarding a favorable endorsement to the OLCC.

Disposition: Favorable Recommendation (Y-3)

- 1415 Liquor License application for Connie Parks, dba Kims, 9501 North Lombard, Restaurant license, New Outlet, favorable recommendation (Report)

Discussion: Henry Emrich, License Bureau, said there were two questions raised concerning this operation. One was about operating hours which the applicant has agreed to limit. Another owner of a tavern objected mainly on the basis of added competition, a concern the Code does not address. The Bureau recommended forwarding a favorable endorsement to the OLCC.

Disposition: Favorable Recommendation (Y-4)

Commissioner Earl Blumenauer

- 1413 Return the recommended draft of the zoning code rewrite project and forward amendments for Council consideration (Report)

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Discussion: Council decided to deal with the least controversial topics first and agreed to put over any items which received a split vote until the Mayor could be present.

Bob Stacey, Jr. and Cary Pinnard, Planning Bureau, outlined the proposed amendments and areas where the Planning Commission and Planning Bureau staff differed in their recommendations.

The following requested amendments, taken from the Planning Bureau staff list of proposed amendments to the Recommended Draft of the Portland Zoning Code, were presented, discussed and voted upon:

AMENDMENT - Fees -1 (p. 36)

Discussion: Mr. Stacey said the issue is whether low income individuals should be allowed fee waivers on appeals. Staff recommendation is to allow low income individuals to appeal fee waivers on decisions on their own land use application but not on appeals affecting another person's property. The Planning Commission recommended another alternative which would allow free appeals for low income individuals if they live within the original notice area.

Commissioner Koch said if we adopt a policy which says low income people must go through a neighborhood association, we preclude those who do not have an active neighborhood association.

Commissioners Lindberg and Bogle said they were willing to support the Planning Commission recommendation.

Commissioner Blumenauer said someone could camp in the neighborhood and qualify under the Planning Commission recommendation. He said he believes people are using technicalities at no cost to themselves to abuse the process and that allowing people to use the neighborhood associations provides an escape valve.

Mr. Stacey said it would be possible to tie it to the length-of-stay provisions that define residential use but that such a limitation is not currently built in.

Commissioner Koch said if the amendment could preclude people who camp, he would support the Planning Commission recommendation.

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Commissioner Bogle moved to adopt the Planning Commission recommendation with an altered definition of residential use to preclude campers. Commissioner Lindberg seconded the motion.

Mr. Stacey said they would use that as guidance to work with the current definition of existing residential use.

Disposition: Adopted Planning Commission recommendation as amended above. (Y-4)

Amendment: Essential Service Provider - 1 (p.35)

Ms. Pinnard said service providers to victims of sexual and domestic violence asked to be allowed these uses by right instead of having to go through a review. The Planning Commission approved the amendment with a condition that they meet density standards for household living uses in single-family zones and multi-family or group uses in multi-family zones.

Commissioner Blumenauer moved to support the Planning Commission's recommendation and Commissioner Bogle seconded.

Disposition: Adopted Planning Commission recommendation. (Y-4)

Amendment: Shelter Beds - 1, 2, 3 (p. 123-125)

Mr. Stacey said Council action here should dispose of all three amendments on a single motion. He said they are attempting to define a set of circumstances in which severe winter weather conditions would justify emergency shelter facilities outside the cap.

Commissioner Bogle moved the amendment as clarified by the Planning Bureau's August 6 memo. Commissioner Lindberg seconded.

Disposition: Adopted. (Y-4)

AMENDMENT: Home Occupations -1 (p. 42)

Ms. Pinnard said the issue here is whether Type A home occupations, where no one comes to the site and there are no employees, should have to get home occupation permits. Staff and Bureau of Buildings recommend that they do; the Planning Commission does not.

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Planning staff explained that requiring permits was a mechanism that would allow them to track repeat offenders and those violating noise standards.

Commissioner Bogle said noise violators could be dealt with through other enforcement mechanisms.

Commissioner Blumenauer said if three people do not vote for an amendment, the policy will stay the way it is in the draft.

Mr. Stacey he would like a vote on these items today if possible.

Commissioner Bogle moved to adopt the Planning Commission's recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted Planning Commission recommendation not to require permits for Type A home occupations. Y-3; N-1 (Lindberg)

Amendment - Home Occupations -2 (p.43)

Ms. Pinnard said staff wanted to clarify that the Bureau of Buildings could refuse to reissue a permit for two years after they have revoked it.

Commissioner Blumenauer moved the adoption of the amendment with the two-year provision. Commissioner Bogle seconded.

Disposition: Adopted "pass" recommendation. Y-4)

AMENDMENT - Home Occupations -3 (p.44)

Discussion: Ms. Pinnard said staff and the Planning Commission feel the recommended draft language is clearer than what is proposed and recommend denial.

Commissioner Blumenauer moved to follow the staff and Planning Commission recommendation not to adopt the amendment. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation. (Y-4)

AMENDMENT - Home Occupations -4 (p.46)

Ms. Pinnard said the amendment would prohibit enlargements to a dwelling if used solely for home occupations. Planning Commission and staff recommend denial because it is unenforceable.

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Commissioner Bogle moved to adopt the staff and Planning Commission recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Home Occupations -5 (p.47)

Ms. Pinnard said this proposes to limit the number of hours per day and days per week for conducting a home occupation. Staff and Planning Commission recommend denial.

Commissioner Koch said this amendment would be unfair and impossible to enforce.

Commissioner Blumenauer agreed and said it does not represent the cyclical nature of some businesses and would work a hardship for caregivers who may need to work at home.

Commissioner Bogle moved to adopt the staff and Planning Commission recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT: Home Occupations -6 (p. 48)

Ms. Pinnard said staff recommends denial of this amendment which would not allow nonresident employees for Type B home occupations.

Commissioner Bogle moved to adopt the staff recommendation and Commissioner Blumenauer seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Home Occupations -7 (p. 49)

Ms. Pinnard said the amendment request would not allow adjustments to the home occupation provisions. The staff and Planning Commission recommends allowing adjustments except where the Code already uses the term "prohibited".

Commissioner Blumenauer moved to adopt the staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

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AMENDMENT - Home Occupations -8 (p. 50)

Ms. Pinnard said this is another request to go back to the existing language but that staff and the Planning Commission believe the proposed language is clearer and more objective.

Commissioner Blumenauer moved to adopt the recommendation of staff and Planning Commission. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Home Occupations -9 (p. 51)

Ms. Pinnard said this would not allow accessory retail sales. Staff and the Planning Commission recommend that they be allowed as provided in the regulations.

Commissioner Blumenauer moved to adopt the recommendation of staff and Planning Commission. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Home Occupations -10 (p. 52)

Ms. Pinnard said Staff and the Planning Commission recommend denial of this request because they cannot distinguish the content of commercial and non-commercial signs.

Commissioner Bogle moved to adopt the recommendation of Staff and Planning Commission. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" recommendation
(Y-4)

AMENDMENT - Home Occupations -11 (p. 53)

Ms. Pinnard said Staff and the Planning Commission recommend denial of this request to restrict home occupations to 500 square feet of a home.

Commissioner Lindberg moved to adopt the recommendation of Staff and Planning Commission. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation
(Y-4)

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AMENDMENT - Home Occupations -12 (p. 54)

Ms. Pinnard said this is a request to change noise regulations for home occupations and Staff recommends providing an alternative noise level of 50 dBA for all home occupations.

Commissioner Blumenauer moved to adopt the staff recommendation and reduce noise levels to 50 dBA. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation (Y-4)

AMENDMENT - Home Occupations -13 (p. 56)

Ms. Pinnard said prohibiting more than eight clients a day would make this not adjustable and staff thinks it should be adjustable on a case by case basis.

Commissioner Lindberg moved to adopt the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation (Y-4)

AMENDMENT - Home Occupations -14 (p. 57)

Ms. Pinnard said passage of this amendment would forbid the conversion of garages for home occupation uses and that staff recommends denial.

Commissioner Bogle moved to adopt the Staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" recommendation (Y-4)

AMENDMENT - Home Occupations -15 (p. 58)

Ms. Pinnard said this would require any truck to have an off-street parking space and staff recommends denial.

Commissioner Blumenauer moved approval of the Staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation (Y-4)

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AMENDMENT - Home Occupations -16 (p. 59)

Ms. Pinnard said this amendment to require that notices of home occupation permits be sent to neighborhood associations would correct an oversight and both staff and the Planning Commission recommend approval.

Commissioner Blumenauer moved approval of the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "pass" recommendation. (Y-4)

AMENDMENT - Home Occupations -17 (p. 60)

Ms. Pinnard said this request would allow some home occupation activities to be done out of doors. Staff recommendation is for denial. Under the new Code parties could request special permission for outdoor activities under Type II procedures which would be decided on a case by case basis.

Commissioner Lindberg moved approval of the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation.(Y-4)

AMENDMENT - Home Occupations -18 (p. 61)

Ms. Pinnard said another part of the Code already speaks to enforcement and staff believes this amendment is not needed.

Commissioner Lindberg moved approval of the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation.(Y-4)

AMENDMENT - Home Occupations -19 (p. 62)

Ms. Pinnard said this would clarify that the rules for hours of operation, clients and sales apply only to Type B home occupations. Staff recommends approval.

Commissioner Lindberg moved approval of the Staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "pass" recommendation (Y-4)

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AMENDMENT- Drive-Through Facilities -1 (p. 31)

Ms. Pinnard said this request would require a setback of five feet and an L/4 standard which requires a six foot wall. Staff recommends denial as they do not believe it necessary to automatically require a wall in all cases to mitigate noise.

Commissioner Bogle moved to accept the Staff recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted "do-not-pass" recommendation.
(Y-4)

AMENDMENT - Drive-Through Facilities -2 (p. 32)

Mr Stacey said staff recommends denial of this amendment. They propose adding two standards for all drive-throughs wherever they occur in the City: first, to prohibit them on local streets and neighborhood collectors in the CN2 zone but allow them on arterials and, second, to require driveways for drive-throughs to be fifty feet from the intersection in all zones. He said the Office of Transportation concurs with this recommendation.

Mr. Stacey said if Council accepted the Staff recommendation it would also dispose of the next Amendment - Drive-Through Facilities -3 which will prohibit drive-through facilities in the CN2 zone. He said their recommendation is not to prohibit drive-throughs but to impose specific standards and then grant or deny them outright.

Ms. Pinnard said Drive-Through -2 and -3 are related -- one prohibits them and one requires a review before approval.

Commissioner Blumenauer said he thinks it is stretching it to work through big-picture items like drive-throughs in the guise of Code rewrite.

Commissioner Blumenauer moved to accept the Staff recommendation not to pass the amendment (DTF-2) and add the two additional standards. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation and approved the addition of two prescriptive standards
(Y-4)

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Commissioner Koch asked Mr. Stacey whether no-net loss would be discussed today. He said no action would be asked today as staff and PDC have been holding discussions to ensure there is a pool of units in the City when the no net loss policy takes effect.

AMENDMENT - Plan Districts -5 and -6 (p. 80 & 81)

Ms. Pinnard said action on the first of these will indicate whether action is needed on the second one. These deal with drive-throughs in the Macadam Plan district and the staff recommendation is to pass.

Commissioner Lindberg moved to pass the amendment. Commissioner Blumenauer seconded.

Disposition: Adopted "pass" recommendation. (Y-4)

Ms. Pinnard said by passing this, no action was needed on Plan District -6.

AMENDMENT - Demolition Delay -1, 2, 3 (p.165-167)

Mr. Stacey said the first amendment (p. 165) requests that the proposed demolition delay regulations not be adopted. Staff recommends denial.

Commissioner Lindberg moved the do-not-pass recommendation. Commissioner Blumenauer seconded.

Disposition: The motion failed (Y-2; N-2, Bogle and Koch) and the matter was held over to the next session.

Mr. Stacey said the other two amendments relating to demolition delay should be held over as well.

PROCEDURES

Mr. Stacey said the key issue on procedures is whether Type II reviews should to be appealable to Council. He said staff believes Code interpretations, designations of historic landmarks and zoning map amendments in compliance with the Comprehensive Plan, should be changed from Type II to Type III procedures subject to appeal to Council.

Commissioner Koch said he would prefer to keep zone map amendments in compliance with the Comp Plan as Type II procedures.

Ms. Pinnard said a vote in support would also take care of the amendment - Zoning Map Amendment -1 (p. 141). Commissioner Bogle suggested voting on this first.

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AMENDMENT - Zoning Map Amendment -1 (p. 141)

Commissioner Bogle moved to adopt the staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "pass" recommendation. (Y-3; N-1 (Koch))

AMENDMENT - Procedures -1 (p. 86)

Commissioner Lindberg moved the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation. (Y-3: Koch abstained)

AMENDMENT - Procedures -2 (p. 87)

Mr. Stacey said Staff recommends adding notice to property owners within 150 feet of the site and neighborhood associations prior to staff review and the Director's decision.

Commissioners Blumenauer and Koch indicated they did not support the staff position while Commissioners Bogle and Lindberg indicated they did.

Disposition: Held over.

AMENDMENT - Procedures -3 (p. 88)

Mr. Stacey said this is a request from Commissioner Blumenauer to clarify that the Office of Transportation can require a traffic impact study at the preapplication conference stage. Staff recommends approval, as does the Planning Commission although earlier they had taken the opposite position.

Commissioner Bogle moved to adopt the staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "pass" recommendation. (Y-4)

AMENDMENT - Procedures -4 (p. 89)

Ms. Pinnard said staff feels there is no need for this amendment which would allow more time for applicant to submit additional information when an appeal is filed and would usually apply to a Type III process.

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Commissioner Bogle moved to adopt the staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Procedures -5 (p. 90)

Ms. Pinnard said this is similar to the one above where you would have a continuance. She said staff has proposed a Type III procedure that does comply with the 120 day limit and feels there is no need for this amendment.

Commissioner Blumenauer moved to adopt the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Procedures -6 (p. 91)

Ms. Pinnard suggested holding this over since it is similar to the Procedure -2 which received a tie vote. Council agreed.

Disposition: Held over.

AMENDMENT - Procedures -7 (p. 92)

Ms. Pinnard said this would increase the appeal period from 14 to 21 or 30 days. There would be enough time to do this for Type II procedures but not for Type III where they are already at the 120 day limit.

Commissioner Bogle moved to adopt the staff recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Procedures -8 (p. 93)

Ms. Pinnard said this amendment would allow pre-application conferences for Type III procedures to be voluntary instead of mandatory.

Commissioner Blumenauer moved to adopt the staff recommendation. Commissioner Lindberg seconded.

Disposition: Adopted "do not pass" staff recommendation. (Y-4)

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AMENDMENT - Procedures -9 (p. 94)

Ms. Pinnard said this would allow Type I procedures to be appealable to Council with notice. She said they believe this is a misunderstanding as the Type I process is for clear and objective plan checks and there is no need for a notice.

Commissioner Blumenauer moved to adopt the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" staff recommendation. (Y-4)

AMENDMENT - Site Review -1 (p. 130)

Commissioner Blumenauer said he was not in favor of adding another five weeks on to the process but would support trying to change state law so that site review could be reinstituted as it was when Multnomah County had it. He said he would like to include it in our legislative program and work with the neighborhoods and others to change state law back to something less onerous.

Commissioner Koch supported this.

Commissioner Lindberg asked about limiting site review to commercial and industrial zones immediately adjacent to residential.

Mr. Stacey said most commercial development would be captured by that provision because most of our present commercial zoning is in strips, with residential behind it.

In response to a question from Commissioner Lindberg, Mr. Stacey said he saw the goal of the Task Force as one of drafting and advocating legislation to authorize local governments to conduct site review without requiring notice or the opportunity for a hearing.

Commissioner Blumenauer said he wanted to form a Task Force to monitor all the Code changes to see where the glitches are and site review could be one of the things they can start work on now.

Commissioner Koch said we have to have an ongoing process and not try to achieve everything in one shot.

Commissioner Lindberg asked if any kind of automatic report by the Task Force back to Council was planned.

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Commissioner Blumenauer said we can make it clear to the Task Force that Council wants a review of the first six months of Code to see how the new objective standards are working.

Commissioner Blumenauer moved to adopt the staff recommendation. Commissioner Bogle seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

AMENDMENT - Site Review -2 (p. 131)

Mr. Stacey said this makes explicit deletion of the words "site review" from community plans.

Commissioner Bogle moved to adopt the staff recommendation. Commissioner Blumenauer seconded.

Disposition: Adopted "do not pass" recommendation.
(Y-4)

Mr. Stacey said the remaining issues and amendments where there is consensus will be heard and voted upon at the Council meeting on August 30, 1990. He said advance notice will be given of those which are going to be contested.

Disposition: Continued to August 30, 1990 at 2:00 p.m.

At 4:05 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council