



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF AUGUST, 1990 AT 9:30 A.M.

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

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

Commissioner Blumenauer announced that Portland has been chosen as the host for the 1994 National Recycling Congress with over 3,000 people to participate.

CONSENT AGENDA - NO DISCUSSION

Mayor J. E. Bud Clark

Cay Kershner, Clerk of the Council, noted that the asterisks used to indicate emergency ordinances were omitted in the final version of the Council agenda. The following should be noted as emergency ordinances: 1461, 1462, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476 on the Consent agenda, and 1482 and 1485 on the Regular agenda. Harry Auerbach, Deputy City Attorney, said that the agenda did not have to be republished because of the omission.

1460 Adopt City of Portland Investment Policy (Resolution)

Disposition: Resolution No. 34766. (Y-4)

***1461** Amend Contract No. 26208 with Chris Carden for IBIS budget module services (Ordinance)

Disposition: Ordinance No. 163406. (Y-4)

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- *1462** Establish new rates of compensation for the Fiscal Year beginning July 1, 1990, for certain classifications represented by the Portland Police Association, establish effective dates and provide for payment (Ordinance)

Disposition: Ordinance No. 163407. (Y-4)

Commissioner Earl Blumenauer

- 1463** Set hearing date, 9:30 AM, Wednesday, October 3, 1990, to vacate N Webster Street between N Delaware Avenue and N Greeley Avenue (Report; Petition; C-9727)

Disposition: Adopted. (Y-4)

- 1464** Adopt Report recommending proceeding with rubber-modified asphalt paving project on NE 102nd Avenue between E Burnside and NE Sandy Blvd. (Report)

Disposition: Adopted. (Y-4)

- *1465** Grant revocable permit to the Salvation Army for a fence across an alley north of N Emerson Street at 5335 N Williams Avenue (Ordinance)

Disposition: Ordinance No. 163408. (Y-4)

- *1466** Accept a sewer easement for the Fanno Creek Pressure Sewer Replacement Sewer Project, granted by Kristin Thaler, authorizing total payment of \$100 (Ordinance)

Disposition: Ordinance No. 163409. (Y-4)

- *1467** Accept three sewer easements for the SW Warrens Way west of SW Greenleaf Drive Sewer System, granted by Douglas M. Foley, Joan Alexander Foley, Hal S. Ayotte, Jane C. Ayotte and Evelyn Mills Bachman, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163410. (Y-4)

- *1468** Accept a slope and construction easement for the SW 17th Avenue south of SW Stephenson Road Street Improvement Project, granted by Michael J. Rodegerdts and Dorothy M. Rodegerdts, at no cost to

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the City (Ordinance)

Disposition: Ordinance No. 163411. (Y-4)

- *1469 Accept four sewer easements for the Englewood Sanitary Sewer System Project, granted by Jesse M. Jordan, Edwin E. Yost, Bernice L. Yost, D. G. Giddeon and Della M. Park, authorizing total payment of \$450 (Ordinance; C-9700)

Disposition: Ordinance No. 163412. (Y-4)

- *1470 Accept a sewer easement granted by Robert L. Acker, M.D. and Bonnie Jean Acker, and David J. Silver, M.D., P.C., Defined Pension Plan and release two existing sewer easements in Lot 5, Block 144, Caruther's Addition (Ordinance)

Disposition: Ordinance No. 163413. (Y-4)

- *1471 Accept three temporary construction easements for the Englewood Sanitary Sewer System Project, granted by Jeffrey C. Martin, Addie K. Benson and Frederick J. Willey, Jr., authorizing total payment of \$300 (Ordinance; C-9700)

Disposition: Ordinance No. 163414. (Y-4)

Commissioner Dick Bogle

- *1472 Authorize mutual termination of contract for fire services with Clackamas County Rural Fire Protection District No. 1 (District) (Ordinance)

Disposition: Ordinance No. 163415. (Y-4)

Commissioner Bob Koch

- *1473 Enter into a consultant contract to evaluate the need for new Emergency Communications Facilities and other facilities that may be required to serve future City service delivery needs (Ordinance)

Disposition: Ordinance No. 163416. (Y-4)

- *1474 Change agreement with Sax Associates, Architects, to increase scope of work, enter into an agreement and provide for payment (Ordinance)

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Disposition: Ordinance No. 163417. (Y-4)

- *1475** Call for bids to purchase four High Dump Municipal Street Sweepers with a three-year maintenance contract, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163418. (Y-4)**Commissioner Mike Lindberg**

- *1476** Contract with 12 arts organizations at a total cost of \$105,730 to provide public performances and/or public services to promote the arts, and provide for payment (Ordinance)

Disposition: Ordinance No. 163419. (Y-4)**City Auditor Barbara Clark**

- 1477** Update LID assessment and financing provisions, set rates, provide for full recovery of administrative costs and allow segregation of assessments (Second Reading Agenda 1455)

Disposition: Ordinance No. 163420. (Y-4)

- 1478** Approve Council Minutes for May 30, 1990 through July 25, 1990 (Report)

Disposition: Adopted.

- 1459** **TIME CERTAIN: 9:30 AM** - Establish City of Portland cable television consumer protection policy (Ordinance introduced by Commissioner Lindberg; amend Code Chapter 3.115.)

Commissioner Lindberg commended the Portland Cable Regulatory Commission for its hard work in developing customer service standards. He emphasized that city surveys have shown that cable customer service has improved in recent years and that citizens are generally satisfied with cable service in Portland.

Bill June, Chair of the Cable Regulatory Commission, said their goal was to develop service standards related to such matters as telephone contacts, service calls, outage credits, etc. He urged Council approval.

Rosemary Jane, Charter Member of the Office of Cable

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Communications and Franchise Management Bureau Advisory Committee, said the BAC will closely watch the work load of the Cable and Franchise Management Office to assess the effect of the ordinance of the work load.

Disposition: Passed to second reading.

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- 1479** Clarify guidelines for travel, entertainment and miscellaneous expenditures (Ordinance introduced by Commissioner Bogle and Auditor Clark)

Commissioner Bogle said this ordinance was the outcome of his promise to tighten guidelines for expense reporting and bring them into line with new IRS regulations. He said the new guidelines add clarity and uniformity, making the Auditor's job easier and making every city employee fully accountable for all money spent.

Rosemary Jane, Chairman of Bureau Advisory Coordinating Committee, voiced her Committee's support for the guidelines.

Hal Elston, past member of BACC and presently a member of the Bureau Advisory Committee for Emergency Communications, said he was disappointed that the BACC had not found the problem and that it had been revealed through the newspaper. He said he feels the BACC should take a closer look at line items.

Auditor Barbara Clark said this is the first time the guidelines have come before Council for revision, correcting an Oregonian report which implied otherwise.

Commissioner Lindberg commended Auditor Clark on her involvement of citizens.

Commissioner Koch moved to add an emergency clause. On a second by Commissioner Lindberg, the motion carried (Y-5).

Disposition: Ordinance No. 163421. (Y-5)

- 1480** Declare certain motor vehicles to be nuisances and subject to forfeiture to the City of Portland (Ordinance introduced by Commissioner Koch and Commissioner Blumenauer; replace

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Ordinance 162568; amend Code Chapter 14.)

Discussion: Commissioner Blumenauer said the vehicle forfeiture ordinance has already made a great difference to law enforcement officers in providing assistance in dealing with prostitution and the arrest of drunk drivers. He said this ordinance follows up on recommendations from the Citizen Monitoring Committee extending forfeiture to people who have DUII convictions for manslaughter or negligent homicide or are classified as habitual traffic offenders.

Disposition: Passed to second reading.

Mayor J. E. Bud Clark

- 1481** Report results of Tax Anticipation Notes, Series 1990 sale (Report)

Discussion: Dick Hofland, Acting Debt Manager reported that the winning bid at the August 28 bond sale had been submitted by Chemical Securities in conjunction with U.S. Bank at a true interest cost to the city of 6.069%. He said he felt this was a very good bid and noted that the par amount was \$10 million, substantially lower than last year, and a reflection of the City's ability to reduce short-term borrowing because of the increase in its reserves.

Disposition: Report adopted. (Y-5)

Commissioner Bob Koch

- *1482** Authorize the Director of the Bureau of General Services to provide free parking at the Portland Public Parking garages during the Oregon Convention Center grand opening. (Ordinance)

Discussion: Mayor Clark said Tri-Met is providing free rides on MAX on opening day and free parking will be available at the Old Town Parking Garage at the west end of the Steel Bridge.

Disposition: Ordinance No. 163422. (Y-5)

- 1483** Authorize Risk Manager to handle Fair and Moral Claims, within routine guidelines (Ordinance)

Discussion: Commissioner Koch said this ordinance establishes a policy to settle minor claims in a timely manner. He said it does not give additional discretion to Risk Management, but expedites and

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streamlines those things that over the years have become accepted policy.

Mayor Clark said he was glad to see this come forward because of the past expense and excessive time spent dealing with minor issues.

Disposition: Passed to second reading.

Commissioner Mike Lindberg

1484 Reserve East Delta Park for a Sports Complex (Resolution)

Discussion: Charles Jordan, Parks Superintendent, said he wanted to make it clear that he was not asking Council to vote on construction of a sports complex now but only for time to gather information as to its feasibility. He asked that the land be reserved for possible future construction if this study shows this to be in the City's best interest.

Commissioner Lindberg thanked the Metro Softball Association and concurred with the importance of setting aside the land while the feasibility study is being done.

Mr. Jordan stated that Parks is going to try to update the master plan for Delta Park.

Commissioner Blumenauer said he was pleased to see that all the interested field sports groups will be involved, noting the concerns of soccer players who need additional fields.

Martha Johnston, Chair of Neighbors for an Open Delta Park, said a consensus has been reached to allow the exploration of further development of public-private recreational sport uses if neighborhood representation is made a part of the land-use oversight process.

Ms. Johnston asked that the 1984 Delta Park Master Plan be declared obsolete and a new master plan prepared. Some of the issues the neighborhoods have raised are: preservation and maintenance of community open-space areas; 40-mile loop dedication and access issues; recognition of wetlands and other environmentally sensitive areas; public accessibility to any restaurants or restrooms; parking issues, and ongoing citizen involvement.

Ms. Johnston concluded with the hope that a balance can be found

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between development and open space, and between neighborhood and regional recreational sport uses.

Gordon Hunter, Chairman of the Cully Association of Neighbors, said real progress is being made in resolving the issues concerning open space and he was glad to see everyone get together to work them out.

Mayor Clark said he was pleased that there will be an overview tying together the wetlands, and believes that broader-based representation will bring excellent results to Portland.

Disposition: Resolution No. 34767. (Y-4) (Koch absent.)

- *1485 Authorize agreement between the Portland Development Commission and Bureau of Parks and Recreation for North Waterfront Park and amend the FY 90-91 Budget (Ordinance)

Disposition: Ordinance No. 163423. (Y-4) (Koch absent)

- 1486 Allow authorized ticket outlets to charge service fees (Ordinance; amend Code Section 14.36.070)

Discussion: The Clerk said a substitute had been filed. Commissioner Lindberg moved adoption. On a second by Commissioner Bogle, the motion carried. (Y-4)

Commissioner Bogle noted that several state legislatures have passed legislation calling for prior notification of concerts that use lip-sync instead of live performances and wondered if MERC had considered this.

Commissioner Lindberg said a recent article in Rolling Stone Magazine addressed this problem.

Commissioner Bogle said he thought it was reasonable to require that the customer be notified of a lip-sync performance.

Tom Keana, Vice-President of Fastixx, thanked Council for their action.

Commissioner Lindberg moved to attach an emergency clause. On a second by Commissioner Blumenauer, the motion carried. (Y-4)

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Disposition: Ordinance No. 163424 as amended. (Koch absent)

At 10:23 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF AUGUST, 1990 AT 2:00 P.M.

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

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

- 1487 TIME CERTAIN: 2:00 PM** - Appeal of Dyad Construction, lessee, against the Hearings Officer's decision to deny the application of Greater Portland Assembly of God for a revocable permit to lease property for an office and storage yard at 2151 NE 128th (Hearing; 7995R)

Discussion: Bob Glasscock, Planning, said the proposed use is classified as an industrial service activity because services are provided off-site while major equipment and materials are on-site. He said the church site is an approved conditional site use in a single-family residential zone.

He added that the approval criteria for a revocable permit in dispute in this case is whether the detriment to surrounding properties is trivial or serious.

Mr. Glasscock reviewed the history of the permit request. He said in May, 1990, the Greater Portland Assembly of God applied for a revocable permit for nine months to allow Dyad to complete construction of a sanitary sewer trunk and feeder lines in a residential area. The tentative recommendation of the Planning Bureau was to approve the permit with conditions.

After the permit was issued, neighbors complained and the Hearings Officer denied the revocable permits, citing noise, speed of vehicles, traffic safety and lack of respect by Dyad employees.

Mr. Glasscock said the appellant requests two more months to operate from the site, contending that denial will increase the cost to residents and that the company has already taken steps to reduce other negative impacts. Mr. Glasscock said Council can either deny

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the appeal on the basis that it finds that more than trivial detriment has resulted, or it can approve the permit for a fixed period of time and specify conditions for restoring the site.

Graham Wendt, Dyad Project Manager, described the steps Dyad has taken in response to neighbor complaints. He said two employees have been released and that operations are now gearing down so the impact on the neighborhood is lessening. He added that there has never been any question that Dyad intended to restore the area to a satisfactory condition.

The following individuals asked Council to deny the appeal:

David Kraley, 2130 NE 128th
Mike Stipac, 2140 NE 128th
Charles Spoonover, 12805 NE San Rafael
Ed Nix, 2208 N.E. 128th

Opponents, all neighbors living nearby, cited instances of harrassment and disrespect and complained of noise, late night hours, and hazardous truck handling.

Mr. Wendt replied to the concerns. He noted that there is bound to be a certain amount of disruption due to the sewer project and requested time to finish the project.

Commissioner Blumenauer asked what Dyad would do if permit is denied.

Mr. Wendt replied that they would have thirty days to move and would stay for two weeks in the same capacity and then spend the last two weeks cleaning up and moving. He said they are in the process of shifting to another operation site.

Commissioner Blumenauer said he thinks the concerns voiced today about the company's behavior are grounds for denial for any future city business. He personally pledged that if these problems persist and the restrictions imposed are not adhered to, he would recommend to Council that no future bid be accepted from Dyad and that the reasons why be communicated to everyone else in the metropolitan area.

Commissioner Blumenauer moved the staff recommendation which would permit Dyad to continue its operation for two months. He said

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he believed two months with restriction was a better idea than allowing the company to continue for one month without restriction.

Commissioner Koch supported Commissioner Blumenauer and said if Dyad is not willing to obey common-sense community standards on noise and traffic, then he would support cutting Dyad out as a vendor.

Commissioner Lindberg noted the burden on neighborhood residents and said he found it hard to accept moving the burden to another neighborhood.

Commissioner Blumenauer offered the possibility of having Planning staff work out an option that will impose standards that give neighbors immediate relief, and also get the job done.

Commissioner Bogle said this appeal deals basically with respect for property and respect for laws. He said he believes that whatever Dyad does or wherever it goes, it should be conditioned. He said he does not think it should continue at the present site.

Commissioner Blumenauer asked if Council members were agreeable to having staff work on a solution and then return to Council this afternoon or tomorrow morning.

Mayor Clark concurred with staff working out a plan and said the real leverage is: If Dyad does not obey the rules, it does not get any more contracts.

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

REGULAR AGENDA

- 1488** Appeal of Pacific Rim Investors, applicant, against Condition "A" and "C" imposed in approving application for a parking structure at SW Third and SW Barbur and Corbett-Terwilliger-Lair Hill Neighborhood Association against Design Commission's failure to properly process this application (Hearing; SB 2-90)

Discussion: Edgar Waehrer, Planning Bureau said this appeal was heard by the Design Commission in July and both the applicant and the Neighborhood Association have appealed the Commission's decision. The neighborhood contends that the square footage requirement for the plaza called for by the Superblock regulations has not been met. He said he had asked Pacific Rim Investors to take

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measurements of the plaza area and that their informal measurement indicated a total square footage area approximately 500 square feet short of meeting the 7400 square foot required. He said the reason why this issue has come forward is that LUBA had earlier determined the plaza square footage met the regulations. The Design Commission is now left with the dilemma of how to deal with the area requirement.

Mr. Waehrer said he had discussed with Pete Kasting, Chief Deputy City Attorney, the possibility of remanding the item back to the Design Commission and asking them to deal with the plaza requirements. He said the applicant would prefer to have Council hear the whole issue.

Mr. Kasting said that on the issue of meeting the plaza space requirement, the Code imposes a straightforward mathematical requirement on area. He said there are only two pieces of evidence relating to whether the requirement is met: (1) a statement in prior LUBA decisions that simply states the requirement is met; and (2) a drawing received by the Planning Bureau from applicants showing that the required area is not present. In order for the Council to find that the plaza requirement is met, there must be substantial evidence in the record on which to base the decision.

Commissioner Koch asked about the drawings that show the plaza measurement.

Mr. Waehrer said the recent drawing which was made by an amateur is different from the one done in 1985.

Mr. Waehrer outlined the present proposal for a three- and four-story parking structure for 417 cars. In addition, there is a request to substitute a pedestrian walkway along 3rd, to connect 3rd to Meade, for a code-required walkway between 3rd and Barbur. He said the Design Commission on July 19, had approved the Superblock with conditions, including street improvements to 3rd, addition of a sidewalk along S.W. Barbur, new stairs connecting 3rd to Meade, and a call for review of final grading and landscaping plans by the Design Commission.

Mr. Waehrer said the applicant has objected to the sidewalk requirement, contending that it would end at an unsafe area and cannot be readily extended. Applicant also contends that the Design Commission has no authority to review grading and landscaping for

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compliance with Code requirements. Mr. Waehrer said, however, that the Code gives the Design Commission the authority for reviewing the development of open-space plans.

Mr. Waehrer reviewed the appeal by the Neighborhood Association which contends that factual errors have been made in calculating open space and plazas, and that the Design Commission and the staff had incorrectly applied, or failed to apply, relevant sections of Title 33 of the Comprehensive Plan, South Auditorium Renewal Plan and other city ordinances.

Commissioner Lindberg said he did not understand where the sidewalk would be built.

Mr. Waehrer said it would be directly west of the property, and added that during the previous case there had been a great deal of discussion about where the the connection should be made.

Mr. Waehrer said there are two separate issues. The Design Commission had no objection to continuing the stairway connection to Meade as fulfilling the adjustment to the walkway connection. However, they felt that it was worthwhile to try to develop a sidewalk on the east side of Barbur from Sheridan to Hooker, and that they could help that occur by adding the sidewalk requirement on this project.

Larry Duhr, Chair of Lair Hill/Corbett-Terwilliger Neighborhood Association, said they are asking Council to reverse the Design Commission's superblock approval and alternative design adjustments and send the matter back to Design Commission. Mr. Duhr recounted neighborhood frustration with how the City has dealt with the situation over the last five years. He reviewed the history of the case since 1984, when the property owner received a permit for a surface parking lot. Then the City discovered that the Superblock regulations had not been addressed, so a stop work order was issued. Ultimately, Council granted Superblock approval with alternative design adjustments dealing with the walkway and plaza issues. They also removed the requirement that each parking space have direct access, the so-called Valet Parking Variance.

Mr. Duhr said the neighborhood association appealed that decision to LUBA, which remanded it to Council. Council reissued its approval, made some additional findings, and added a condition that all requirements had to be met within four months after the decision

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became final. If the conditions were not met, parking was to cease.

Continuing his review, Mr. Duhr said the neighborhood association then appealed that decision and on that appeal, one of the significant issues was whether there should be a walkway or a stairway. LUBA approved the Superblock application for the surface parking only, but reversed the parking variance. Mr. Duhr said that although July was the deadline, parking continues even though the landscaping conditions have not been met and the stairway has not been constructed.

Mr. Duhr said the Design Commission erred at the July hearing in not treating the application as a brand new application for a brand new use. He said this is not simply a procedural technicality but an application for a four-story parking garage next to an historically designated residential area.

He asked Council to return this appeal to the Design Commission with a clear directive to treat it as a new application and to address all the standards in the context of a four or five-story building. He also asked Council to see that the conditions placed on the existing use of the property be enforced. Finally, he asked Council not to process any further applications on the property until the previous violations are removed.

Vern Rifer, representing Pacific Rim Investors, 2525 S.W. First Ave., #201, said Pacific Rim is making a major investment in the property and that the building will play an important role in the economic health of downtown Portland by providing space with larger floors and higher parking ratios, thereby discouraging employers from moving to suburban areas.

He said superblock approval is nearly identical to that approved by Council previously for the surface parking lot. The superblock issues are the same as upheld by LUBA. The fact that the underlying use is a parking structure, a permitted use in the C-2 zone, rather than a surface lot, is simply not relevant to superblock approval standards.

He said there are only two issues in appeal now: (1) the authority of the Design Commission to impose conditions on their approval; (2) the requirement for a sidewalk to be constructed.

Susan Whitney, Attorney for Pacific Rim, 900 S.W. 5th Ave, Suite 1516, asked that Condition A be deleted or modified. She said

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Condition A requiring a sidewalk between vacated Arthur Street and Meade Street, should not be imposed because of the safety issues. She said when the City can resolve its right-of-way problems with Mr. Davis and the sidewalk can be extended to Hooker Street, then they will be glad to build their portion.

Ms. Whitney also contested the authority of the Design Commission to require, under Condition C, that applicant submit grading and landscaping plans for approval. She said the landscaping plan was unanimously approved by the Design Commission in August and that even though the condition has been complied with, they now find that the August decision is appealable and that they may, conceivably, be back before Council soon on another appeal dealing only with the landscape plan. She said the Code didn't intend this under "concurrent review" and that there should be one submission to the Design Commission, one appeal to LUBA and one appeal to the Council but now it has been bifurcated into two different issues.

Ms. Whitney suggested that since this a de novo appeal, Council should approve the landscape plan as a part of its decision on this appeal, and thereby bring the whole thing back into one case. To do that, Condition C must be removed.

Ms. Whitney said public parking is a permitted use on this property and what the Design Commission was reviewing were the Superblock amenities, not whether the parking structure could be built. She said nothing has changed except that within the Superblock context, Pacific Rim is now building a parking structure instead of a surface parking lot. Ms. Whitney explained that the Design Commission had decided there was nothing about this application that would require them to impose different superblock requirements than had been imposed in the past.

She said Pacific Rim seeks approval of the superblock as the Design Commission granted with the exception of waiting to construct the sidewalk on Barbur Boulevard and doing something to fix up the condition about the landscaping plan so there are not two cases side by side.

Mayor Clark asked for clarification about the landscaping.

Ms. Whitney said the landscaping for a parking structure is almost identical to landscaping required for a surface parking lot around the perimeter.

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In reponse to a question from Commissioner Lindberg about meeting the landscaping condition, Ms. Whitney said that until LUBA approval was known, it was not wise to go ahead and spend thousands of dollars on landscaping. In addition, the landscaping was delayed due to other factors such as the planting season, a change in property ownership, and the decision to build a parking structure instead of a surface lot.

Mr. Waehrer said the LUBA decision was March 2, 1990 and that Council had indicated that some landscaping should be in place within four months of that date, or by July 2. The application for the Superblock was already in and, following standard procedure, the Planning Bureau and the Building Bureau deferred any enforcement action while the new application was being processed. However, within the last day or two, there has been a stipulated agreement reached between the applicant and the Bureau of Buildings to go ahead and get some of the landscaping underway this fall, and complete it by April 1, 1991 if construction on the structure has not begun by that time.

Dennis Batke, architect at 1800 S.W. 1st, addressed the open plaza requirement. He said he personally measured the area several years ago and noted that the requirement involves more than just the square footage: there are requirements for open space, activity space, landscaping, all of which LUBA took into account in making its decision.

Mr. Kasting, in response to a request for clarification from Commissioner Lindberg, said the Design Commission did treat this as a new application and felt it addressed all the relevant criteria. Mr. Waehrer concurred, adding that the impact on the neighborhood is not really part of the criteria of the Superblock regulation.

Laura Campos, 3419 S.W. 1st, said she has been involved in this for six years and stated that the neighborhood association believes that this is a new application. She also disagreed about the Superblock criteria, citing City Code, 33.91.020, which calls for light and air protection for residents, and for good access.

Ms. Campos said the only reason the Design Commission did not hear the landscaping portion is because the applicant did not submit a landscaping plan. She maintained that the Design Commission was frustrated because they wished to hear everything at once.

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Regarding the walkway, Ms. Campos said the neighborhood is frustrated because it is going to be built on public land and they are confused as to how the applicant can use someone else's property to meet the plaza requirement and by the Design Commission condition calling on applicant to maintain property they do not own.

In response to questions from Council members, Ms. Campos said the neighborhood association favors the sidewalk requirement. She said no landscaping plan was presented at the second hearing and the neighborhood feels the landscaping plan is significantly less than what was approved for the surface parking.

James Davis, 338 S.W. Meade, said Title 33.90.101 specifically states that yards and open space may not be shared. He said there are two owners on the Superblock, the State of Oregon and Pacific Rim, and that apparently Pacific Rim feels it can use land owned by the state to meet its needs. He stated his belief that he will not receive a fair hearing from Council and that the time limit imposed violates his civil rights.

Jeff Champion, 3419 S.W. 1st Avenue, said he was submitting written testimony.

Robert Necker, 314 S.W. Meade, said the Design Commission is a sham and he resents the fact that big business controls the town. He said he does not see the comparison between 135 and 417 parking spaces, and called for a professional survey of the land. He said Pacific Rim is not a corporation but a tenancy in common, another word for lawyers playing games.

Mr. Necker added that he agreed with Pacific Rim and disagreed with the neighborhood about placement of the sidewalk to Barbur. He said Barbur Boulevard needs a stairway up to it from Arthur, with a light on Barbur.

Mr. Duhr returned to give rebuttal. He said he understood the Design Commission had not seen the drawings Mr. Batke submitted today. All the Design Commission had was a footprint of a building, and a statement: "We want to build a parking garage."

Mr. Waehrer confirmed they did not have the elevations.

Mr. Batke responded to Mr. Duhr's statement, stating that all the drawings have been shown both to the community and to the Design

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Commission.

Mr. Waehrer said it would be helpful to remember that this is a Superblock case, not a Design Commission case, and that the design impact on the neighborhood is not an issue in this case. He said the Superblock requirements are exactly the same whether you are building a doghouse or a 30-story building. They are not affected by the extent and scope of the development.

Commissioner Lindberg said it does not make sense to have such a structure in a residential area.

Commissioner Blumenauer said the reason this has become so difficult is because of the zoning. He said Council approved C-2 zoning here back in 1979. In so doing, the Council and the community effectively decided that a surface parking lot, or a parking structure, or an office could be put on that site. That has been approved. He added that while Council might in retrospect wish that they had done something different, they did not.

Now, he said, we have a land use action through the Design Commission that some people are using as a hook to vent their frustration because the City did not do something right ten years ago. The question now is whether the narrow provisions are met, not whether the neighborhood is frustrated, not whether people would like to have a different zoning.

Commissioner Blumenauer asked whether the open space provision required under the old provision would also be required under the new provision.

Mr. Waehrer said less open space is planned under the present proposal for the parking structure than had been for the surface parking lot, but that more open space will be provided than required by Superblock regulations.

Commissioner Blumenauer said this was not clear to him and that conflicting evidence had been submitted on the record.

Mr. Waehrer said that two different things are involved. There was an open space requirement based upon the amount of vacated street and vacated public right-of-way. No one disputes that the open space requirements are more than adequately met by both the present and earlier proposals. The point at issue is the size of the plaza and there

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is a separate plaza requirement that requires a plaza to be five percent of the overall size of the superblock including the vacated streets.

Commissioner Blumenauer questioned whether it could be conditioned regardless of conflicting evidence that nothing can be constructed that does not meet that five percent requirement.

Mr. Waehrer said one way to ensure that is to include a condition that requires an independent verification of the five percent requirement before building permits are issued.

Commissioner Koch said he would like a response regarding the issue of where Pacific Rim can draw upon for open space. Can they look to other people's property or a vacated street?

In response, Mr. Waehrer said the Planning Bureau until March of this year took the position that plazas have to go on an applicant's own property. However, in March on another case, LUBA pointed out to them that Chapter 33.91 does not say the plaza has to be on the applicant's own property; it simply says it has to be on the superblock. In this case, two different property owners share property on a single superblock.

Commissioner Koch asked if authoritative, nonconflicting information had been given that sufficient space does exist on the Superblock?

Mr. Kasting said it was up to Council to evaluate the evidence submitted.

Commissioner Lindberg asked Mr. Waehrer if he thought the requirement was met?

Mr. Waehrer said there are two pieces of evidence from the applicant: the drawing received this morning showing less than the required size for the plaza, and the drawings submitted as part of the 1985 case that show more than the required plaza size. The drawings prepared earlier were prepared by an architect and should be given more validity than those prepared by an amateur.

Commissioner Blumenauer moved to affirm the decision of the Design Commission, deny all the appeals, but add an additional requirement that the size of the plaza be verified by an independent, qualified person.

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Mr. Kasting said it would have to be a tentative decision. He suggested counsel for the applicant prepare the findings.

The motion received no second.

Commissioner Lindberg said it seemed to him that there is no room for judgment on superblocks; it is all numerical standards that are either met or not met. He asked for clarification about whether the standards were met.

Mr. Waehrer responded that the intent is to impose numerical requirements based on the size of the Superblock and the amount of the vacated street. In this case, he said, applicant could not meet the walkway regulation because the requirement calls for a walkway connecting two parallel streets to be provided as a substitute for the vacated streets. This would have required a walkway connection from 3rd to Barbur and the consensus was that this was unsafe so, as a substitute, a connection to the south was to be required. That trade-off required that an adjustment be granted and that got them back into the public hearing process.

Commissioner Lindberg referred to the testimony of Ms. Campos about references in the superblock regulations to light, air and access.

Mr. Waehrer said he disagreed with Ms. Campos about the meaning of the references to light and air.

Commissioner Bogle asked how one is protecting light and air by allowing a parking structure with several hundred more parking positions than the surface parking lot?

Commissioner Blumenauer clarified that the single issue before the Council is whether or not the superblock provisions provide some tradeoff for open space.

Commissioner Koch asked whether the open space and plaza space are treated differently.

Mr. Waehrer said yes, they are treated differently. There are two requirements. The plaza counts towards the open space, but they are two different calculations.

Mr. Waehrer added that if LUBA says the plaza can be anyplace on the Superblock, it also means that the open space can be anyplace on

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the Superblock too. He verified that this project does have sufficient open space.

Commissioner Lindberg said he was getting a lot of information about the Code and legalities which does not track with his common sense as to what ought to happen.

Mayor Clark asked about the traffic impact and what would happen if you triple the increase in parking?

Mr. Waehrer said Traffic looked at the new proposal, indicated that the traffic impacts were manageable, and recommended approval.

Commissioner Koch moved to have staff and the City Attorney work together to clarify the issues and the law and then return to Council. Commissioner Bogle seconded the motion.

Mr. Kasting said they will produce a short memorandum that discusses the new evidence that has been submitted and addresses the approval criteria.

Disposition: Continued to September 12, 1990 (Y-5)

- 1489** Tentatively grant appeal of Alan and Sharon Stutzman, applicants, and approve request to remove a condition from a previous revocable permit in order to allow expansion of the Buffalo Gap Saloon & Eatery at 0627 SW California (Findings; 7985R)

Disposition: Findings Adopted. (Y-3, Bogle and Koch absent)

At 4:20 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF AUGUST, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding (late); Commissioners Blumenauer, Bogle, Koch and Lindberg, 5. (Commissioner Koch presided until 2:23 p.m.)

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Peter Kasting, Senior Deputy City Attorney; and Officer Joe Mitcham, Sergeant at Arms.

- 1487** Appeal of Dyad Construction, lessee, against the Hearings Officer's decision to deny the application of Greater Portland Assembly of God for a revocable permit to lease property for an office and storage yard at 2151 NE 128th (Hearing; 7995R)

Discussion: Bob Glasscock, Planning, said an agreement had been reached with Dyad after a meeting with their representatives and the Bureaus of Environmental Services, Planning and Buildings. He said the new conditions will provide substantial relief, curbing the hours of operation and restricting the use of certain equipment and operations.

Two of the conditions called for, A and E, relate to church restoration of the property. Planning staff felt it was important to involve the church and clearly lay out what is expected.

Mr. Glasscock said this agreement would essentially overturn the decision of the Hearings Officer, grant the appeal with conditions, and give Dyad two months to continue its operations, with restrictions. In the meantime, any complaints would be referred and worked through the Mid-County Customer Service Center.

Commissioner Blumenauer moved to tentatively overturn the decision of the Hearings Officer and grant the appeal with the revised conditions. Commissioner Bogle seconded the motion.

Disposition: Appeal granted tentatively. (Y-3)

REGULAR AGENDA

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- 1490** Deny appeal of Secondhand Dealer Permit Application denial for C. L. International, Inc., dba Hi Ho Silver Co., 5723 SE Foster Road (Findings; Previous Agenda 1065)

Discussion: John Werneken, License Bureau, said their findings show that this applicant had a permit revoked only two years previously for numerous violations of the Code. He said Council had considered this matter earlier and tentatively voted to deny the appeal.

Commissioner Bogle moved to adopt the findings and deny the appeal. Commissioner Blumenauer seconded and the motion carried (Y-4).

Jerry Liedeker, appellant, asked for permission to speak.

Pete Kasting, Chief Deputy City Attorney, said the Code does not specifically address the right to comment on the findings, but since Mr. Liedeker was here, he should be allowed to speak.

Commissioner Bogle asked if they needed a motion to reconsider in order to put Mr. Liedeker's testimony on the record. Mr. Kasting said it was not necessary unless Council wants to take another vote.

Mr. Liedeker said he was not asking the Council to reconsider but just wanted to make a statement. He said that due to prejudicial treatment by local police and local government, he had been denied the opportunity to make a living because of restraints placed only on him. He said he did not have the clout to gain an audience with the Mayor or Chief of Police and believes the hearing had a predetermined outcome. He said his attorney fees now total over \$14,000.

Disposition: Findings adopted. (Y-4, Clark absent)

FOUR FIFTHS AGENDA

Commissioner Bogle moved to consider the 4/5ths Agenda. On a second by Commissioner Lindberg, the motion carried. (Y-4, Clark absent)

- *1492** Authorize application to the Collins Foundation for a \$35,312 grant to fund the development of a Planned Giving Program to bring financial stability to the Multnomah County Long-Term-Care Ombudsman

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Program (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163425. (Y-4)

- *1493** Authorize application to the M. J. Murdock Charitable Trust for a \$65,000 grant to fund the development of a Planned Giving Program to bring financial stability to the Multnomah County Long-Term-Care Ombudsman Program (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163426. (Y-4)

- *1494** Authorize application to the Oregon Community Foundation for a \$43,228 grant to fund the development of a Planned Giving Program to bring financial stability to the Multnomah County Long-Term-Care Ombudsman Program (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163427. (Y-4)

- *1495** Amend electrical permit and inspection fee calculation methods and fees per O.A.R. 918-26-031 (Ordinance introduced by Commissioner Bogle; amends Code Section 26.06.080)

Disposition: Ordinance No. 163428. (Y-4)

Commissioner Earl Blumenauer

- 1491** Return the recommended draft of the zoning code rewrite project and forward amendments for Council consideration (Report introduced by Commissioner Blumenauer; Previous Agenda 1413)

Discussion: Bob Stacey, Jr., Director of the Bureau of Planning, said he hoped to work through the 35 amendments that have been pulled from a consent calendar for individual consideration by Council. He said if Council was able to complete work on these amendments, he would ask for approval of the balance on consent, and then direct staff to rewrite the Code to reflect all the amendments that have been approved. He stressed the need for urgency if the project is to be completed on schedule.

AMENDMENT: Convenience Stores -1 (p. 20)

Mr. Stacey said this is a request to treat a convenience store review as a Type I instead of a Type II review. Staff recommends maintaining the review process that exists now because the standards

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for convenience stores are inherently discretionary and thus require an opportunity for an appeal hearing.

Commissioner Blumenauer moved the staff recommendation.
Commissioner Koch seconded.

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

AMENDMENT: Convenience Stores -2 (p. 21)

Ms. Pinnard said staff recommends denial of this amendment to limit litter and loitering control requirements for convenience stores but does recommend that the words "at a minimum" be added to elements of the Good Neighbor Plan where it is applicable.

Commissioner Blumenauer moved the staff recommendation.
Commissioner Lindberg seconded.

Disposition: Adopted "do-not-pass" recommendation but added language as recommended. (Y-4).

AMENDMENT: Employment and Industrial Zones -1 (p. 34)

Mr. Stacey said this relates to the Industrial Sanctuary Policy and that under the Code rewrite the 1:1 FAR would to be doubled to 2:1 for an historic building in an industrial zone, giving an additional incentive to preserve landmark structures.

Commissioner Lindberg moved the staff recommendation as modified.
Commissioner Bogle seconded.

Mr. Stacey noted that the staff recommendation has been modified orally to allow a modification beyond the 2:1 where an applicant can show that there are reasons to permit an additional commercial increment beyond 2:1, and with that modification, the staff would accept the Council's vote.

Disposition: Adopted "do-not-pass" recommendation with modification to allow an FAR of 2:1 for historic structures. (Y-4).

AMENDMENT: Hedges -1 (p. 41)

Ms. Pinnard said this is a request by the Bureau of Buildings to remove hedges from the hedge and fence regulations in the existing

Code because they do not have the staff to enforce them. Ms. Pinnard said if Council passes the amendment, there would still be regulations on hedges along corners or intersections where there are visibility problems.

Commissioner Bogle moved the staff recommendation. Commissioner Blumenauer seconded.

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

AMENDMENT: Parking -1 (p. 70)

Bob Goldie, Planning, said this deals with changing front-yard setback to prohibit parking in the first ten feet of the front property line for single-family dwellings and duplexes. He said this applies in R1 and R8 zones where there are very short front setbacks and where parking would dominate front yards.

Commissioner Bogle moved the staff recommendation. Commissioner Blumenauer seconded.

Commissioner Lindberg asked about returning thirty foot setbacks in the R10 and R20 zones.

Mr. Stacey said he believes it would be entirely workable to have the standard read: "at least 10 feet, or the setback requirement of the underlying zone, whatever is greater".

Commissioner Koch voiced concern with keeping an open feeling in different neighborhoods.

Mr. Stacey said that concern is addressed in other amendments. He said this amendment actually increases the level of front-yard protection in some of the more intense zones by prohibiting parking in the front-yard area.

Commissioner Koch asked if it were decreased in other less intensive areas.

Mr. Stacey said not if the amendment that Commissioner Lindberg has moved is passed.

Commissioner Blumenauer amended the staff recommendation to require a minimum of 10 feet or the required front setback,

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whichever is greater. Commissioner Lindberg seconded, and the motion carried. (Y-5)

Disposition: Adopted "pass" recommendation as amended. (Y-5).

AMENDMENT: Procedures -2 (p. 87)

Mr. Stacey said this was deferred at the last voting session after a split vote, with Commissioners Lindberg and Bogle voting in favor, and Commissioners Blumenauer and Koch opposed. The issue is whether to provide notice prior to staff review and a Director's decision in a Type II review. The amendment would open up the process and give more notice at the front end.

Commissioner Blumenauer said he could now support the amendment and the staff recommendation, with the caveat that it be suspended if passage of a property tax limitation measure requires a cut in staff.

Disposition: Adopted "pass" as modified recommendation. (Y-5)

AMENDMENT: Procedures -6 (p. 91)

Mr. Stacey said this is a neighborhood association request calling for applicant to give notice on Type II reviews if the City is not required to do so. He said staff believes it is unnecessary. Commissioner Bogle moved the staff recommendation.

Disposition: Adopted "do-not-pass" recommendation. (Y-5)

AMENDMENT: Residential Zones -1 (p. 101)

Ms. Pinnard said this amendment would allow the development of new duplexes on corners with restrictions to ensure that they look like single-family homes from each street. The Planning Commission opposes the recommendation; staff recommends passage.

Commissioners Lindberg and Koch said they supported the Planning Commission. Commissioner Blumenauer moved to adopt the staff recommendation to pass the amendment; Commissioner Bogle seconded.

Disposition: Adopted "pass" recommendation. (Y-3; N-2, Lindberg and Koch.

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AMENDMENT: Residential Zones -2 (p.102)

Ms. Pinnard said this would allow development of row houses with the same restrictions as the duplexes in Residential Zones-1.

Commissioner Blumenauer moved the staff recommendation. Commissioner Bogle seconded. Commissioners Lindberg and Koch said they would oppose it.

Mr. Stacey said the only difference in the proposed Code between a row house and a duplex is the form of ownership.

Commissioner Blumenauer said he believes this amendment promotes ownership.

Disposition: Adopted "pass" recommendation. (Y-3; N-2, Koch and Lindberg)

AMENDMENT: Residential Zones -3 (p. 103)

Ms. Pinnard said this is a request to reduce garage setbacks from 20 to 18 feet. The Planning Commission recommends retaining the 20-foot setback; staff recommends the 18-foot setbacks.

Commissioner Koch said he would vote no. Commissioner Lindberg moved the staff recommendation; Commissioner Blumenauer seconded.

Disposition: Adopted "pass" recommendation Y-4; N-1 Koch)

AMENDMENT: Residential Zones -13 (p. 113)

Ms. Pinnard said this would increase fence heights in side and rear setbacks from six to eight feet. She said it relates to the Hedges -1 amendment which exempted hedges from height limits.

Commissioner Blumenauer moved the staff recommendation; Commissioner Koch seconded.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Residential Zones -16 (p. 116)

Ms. Pinnard said this a request to increase the minimum front yard setback requirements in the R7 through R2 zones but does not

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specify what the setbacks are to be. Staff assumes they wish to return to the setbacks in the existing Code. She said the proposed Code calls for a reduction of front-yard setbacks to allow more flexibility in the placement of houses on residential lots.

Commissioner Koch said this goes to the heart of the openness issue. Commissioner Bogle moved the staff recommendation to deny; Commissioner Blumenauer seconded.

Mr. Stacey clarified that staff supports allowing a reduction of the front yard down to a uniform ten feet and that this amendment would require deeper front yards in some zones.

Commissioner Koch asked if this amendment would increase the setback?

Ms. Pinnard said the amendment request did not specify what the setbacks were to be and staff assumes they wish to return to the existing Code requirements. Staff recommends denial and retention of the ten foot setback for all zones.

Commissioner Lindberg wanted to know where the 10-foot setback recommendation came from.

Ms. Pinnard said it came from staff.

Commissioner Bogle asked if Council should vote against the staff recommendation if it felt ten feet was too close.

Mr. Goldie said Council could state what the setback should be.

Mr. Stacey agreed that the amendment clearly reduces the need for the number of adjustments for a front-yard setback by giving options about where a house can be placed.

Commissioner Bogle withdrew his previous motion to adopt the staff recommendation and said he would vote no.

Commissioner Koch moved a compromise of a minimum 15-foot standard setback. Commissioner Lindberg seconded.

Mr. Stacey said that will provide no relief in the R-5 and lower zones.

Commissioner Koch said he still believes that should be the

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minimum.

Commissioner Blumenauer said he thought they would still continue to process lots of exceptions.

Mr. Stacey said those zones are located in areas where development on in-fill lots already presents significant problems and where people are more interested in providing private space in the back rather than in front of the house. He predicted that if they are required to have a 15-foot front yard, they will probably come in and seek an adjustment.

Commissioner Koch said this would permit duplexes and row houses to be much closer to the sidewalk and reduce the open space in the inner-city area. He withdrew his earlier motion and moved that setbacks in the R7 should be 15 feet but that the ten feet limitation should be retained in the other zones. Commissioner Bogle seconded.

Disposition: Adopted "do-not-pass" recommendation as amended to increase setbacks to 15 feet in R7 zones. (Y-4; N-1, Blumenauer)

AMENDMENT: Signs-1 (p. 125)

Edgard Waehrer, Planning, said this amendment concerns advertising on walls and explained that what started off in the Code as a liberal allowance for wall decorations has proliferated in unforeseen ways and now needs regulation. The following sign amendments will bring painted signs on buildings clearly within the regulations that apply to other signs and yet still permit the continuation of exciting and interesting wall art.

Mr. Waehrer said the Sign -1 amendment is a housekeeping amendment to modify the definition so it is clear that all text, numbers, trademarks and logos are included under the definition of a sign.

Commissioner Bogle moved the staff recommendation; Commissioner Lindberg seconded.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Signs -2 through -5 (p. 126-129)

Mr. Waehrer said these four Sign amendments need to be considered

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as a package. Signs -2 requests that all painted areas be included as part of the signs, not just the words as the present Code specifies. Signs -3 would allow a small sign to establish sponsorship of up to 10 square feet at the top or the bottom of a wall decoration. Signs -4 specifies that painted wall signs be included with the other sign rights of a building.

Commissioner Koch moved to adopt the staff recommendations on Signs -2 through -4. Commissioner Bogle seconded.

Commissioner Blumenauer moved to table the Signs -5 amendment; Commissioner Koch seconded.

Disposition: Adopted "pass" recommendation on Signs -2 through -4. (Y-5); Tabled Signs -5 (Y-5)

AMENDMENT: Signs -6 (p. 130)

Ms Pinnard said this amendment would allow temporary cold-air balloon signs for up to 30 days a year. The new Code would prohibit them as a type of temporary sign.

Commissioner Koch asked if helium signs were treated the same as cold air balloons.

Ms. Pinnard said no balloon signs would be allowed.

Commissioner Lindberg asked about allowing cold air balloons for up to five days.

Ms. Pinnard said the request is for 30 days a year.

Commissioner Koch moved to amend the amendment to treat all balloon signs similarly (including hot air, helium, cold air, etc.). Commissioner Lindberg seconded.

Mr. Stacey said any balloon, regardless of the technology, is prohibited now.

After Commissioner Lindberg announced that seven was the maximum number of days he would approve, Commissioner Koch clarified his amendment to allow floating bill boards (balloons) to be attached to roof tops for up to one week per year in any commercial zone in the city.

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Disposition: Adopted amendment to treat all balloon signs similarly and allow for a maximum of seven days a week per year in commercial zones. (Y-3; N-2, Bogle and Blumenauer)

AMENDMENT: Use Categories -1 (p. 139)

Mr. Goldie said this is a request to add the sale of bark dust and other landscaping accessories to the retail sales, service and use category. Presently the sale of landscaping materials is considered an industrial, rather than commercial service, and staff recommends that it stay this way.

Commissioner Lindberg moved to adopt the staff recommendation; Commissioner Koch seconded.

Disposition: Adopted "do not pass" recommendation. (Y-5)

AMENDMENT: Miscellaneous -2 (p. 144)

Ms. Pinnard said this amendment calls for a Task Force to be formed to review the new Code during the first two or three years. Staff is now recommending approval but would like to specify a time frame. They believe two to three years is too long.

Commissioner Koch asked about the cost in terms of staff time.

Commissioner Blumenauer said review is one of the primary commitments of Code rewrite, and that they would like to have an orderly process for doing it. He said he would prefer a time frame of 18 months.

Commissioner Koch moved approval of the staff recommendation with a review in 12 to 18 months. Commissioner Bogle seconded.

Disposition: Adopted "pass" recommendation as amended. (Y-5).

AMENDMENT: Arterial Streets Classification Policy -1 (p. 161)

Ms. Pinnard said the following Group 2 amendments are policy level amendments that evolved out of truck-traffic problems in the West Clinton area. She said the Office of Transportation has indicated its willingness to work with the neighborhoods to develop a truck-traffic management plan.

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Mr. Stacey said this amendment was not needed if Transportation has already agreed to do this or if the adopting ordinance specified this intent.

Commissioner Blumenauer moved to table the amendment.
Commissioner Koch seconded.

Disposition: Tabled. (Y-5)

AMENDMENT: Comprehensive Plan -1 and -2 (pp.163-164)

Mr. Stacey said that at the request of Commissioner Bogle, these would be deferred until later today.

AMENDMENT: Demolition Delay -1,-2 and -3 (pp. 165-167).

Mr. Stacey reminded Council that a Demolition Task Force had been created the previous year to advise the Planning Commission on how to meet density and housing objectives and at the same time deal with concerns about the demolition of existing residential structures and its impact on neighborhoods. He said these amendments, which change demolition delay from 30 days to 150 days would provide additional opportunity for builders and neighborhoods to negotiate and find solutions.

Mr. Stacey reviewed the work of the Task Force and summarized the arguments for and against the additional time proposal. He said staff recommends extending the delay period to 150 days for residential structures in residential zones.

Commissioner Bogle said he does not feel an additional 120-day delay is necessary as there are already three delay provisions in the Code. He said he supports the Bureau of Buildings position.

Commissioner Bogle moved that DD-1 be approved; Commissioner Koch seconded.

Commissioner Blumenauer said he felt compelled to support the efforts of the Task Force, staff and the Planning Commission to make sure there is not a repetition of last year's situation with the old houses. He recommended that Council support the Demolition Delay-amendment DD-2 and not pass DD-1.

Commissioner Lindberg supported Commissioner Blumenauer.

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Commissioner Koch said he would support Commissioner Bogle's motion, adding that he does not find it persuasive to alter a system that has been working simply because of a notorious series of illegal acts that caused damage and discord.

Disposition: "Pass" recommendation failed (Y-2, Bogle, Koch; N-3)

AMENDMENT: Demolition Delay -2 (p. 166)

Commissioner Blumenauer moved approval of the amendment. Commissioner Bogle seconded.

Mr. Stacey said it provides that only recognized organizations within the area of the proposed demolition would have the authority to trigger a 120-day extension of the delay.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Demolition Delay -3 (p.167)

Mr. Stacey said this would provide that a demolition delay not be allowed unless an appeal hearing is available to terminate the delay. Staff recommends against establishment of an appeal process but if Council wishes to have such a process, staff has done some work to provide criteria to determine if bona fide negotiations are underway and if good-faith efforts are being made by the neighborhood associations.

Commissioner Blumenauer moved the staff recommendation that there be no appeal hearing; Commissioner Lindberg seconded. The motion failed. (Y-2, Blumenauer and Lindberg; N-3)

Commissioner Koch suggested that staff be directed to develop relevant criteria. Mr. Stacey described the criteria the staff had developed. He clarified that the Code Enforcement Hearings Officer would be responsible for this, not the Land Use Hearings Officer.

Commissioner Bogle moved to adopt this amendment; Commissioner Koch seconded.

Disposition: Adopted amendment with approval criteria. (Y-5)

AMENDMENT: Mapping 8-1 (p. 183)

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Ms. Pinnard said this concerns an area on the west side of Mississippi, south of Fremont, currently zoned M3. The Planning Commission recommends an EX zone designation. The property owners request a change from M3 to IG. Staff recommends denial because it is not the closest equivalent zoning as called for in the ground rules.

Commissioner Blumenauer moved the staff recommendation.
Commissioner Bogle seconded.

Disposition: Adopted "do-not-pass" recommendation. (Y-5)

AMENDMENT: Mapping 8-2 and 11-1 (pp. 184-185)

Ms. Pinnard said these concern areas in the Eliot and Kearns Neighborhoods and call for a design overlay application in EX zones. Mr. Stacey said staff recommends that the D zone be applied to sites zoned EX outside the Central City.

Commissioner Blumenauer moved the staff recommendation;
Commissioner Lindberg seconded.

Disposition: Adopted "pass" recommendation on 8-2 and 11-1. (Y-5)

AMENDMENT: Mapping 11-2 (p. 186)

Ms. Pinnard said 11-2, -3 and -4 all have similar issues and are clustered. Planning staff showed videos of the areas where mapping amendments have been requested. Staff recommends having Council set a mapping policy for the four sites. The Planning Commission is recommending non-storefront zoning, while the request is for storefront zoning.

For the N.E. Glisan area between 26th and 32nd (11-2), and for the E. Burnside area, 12th to 23rd, (11-3) the staff recommends storefront although these areas do not meet all the criteria. Mr. Stacey said these are close calls but that the storefront designation will allow the City to take advantage of transit connections and make older neighborhood commercial districts more pedestrian-friendly. Council approval of these storefront zoning requests will establish this as a policy direction.

Commissioner Koch said he was concerned that in areas with storefront designation, fifty percent of the profit comes from people who do not live there. This forces a saturation limit on growth due

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to vehicle restrictions.

Mr. Stacey said the requirement for off-street parking is removed but not prohibited and that it is always possible to put in structured parking, either on the sides or along the back of the streets, just not out front.

Commissioner Lindberg stated that storefront is an incredible attractor.

Commissioner Bogle said if there were more storefront areas it would ease the pressure on the existing ones and revitalize those neighborhoods as well.

Commissioner Koch said we do not know the effect of this kind of attractor on the economic vitality of other areas.

Regarding the mapping amendment request on Sandy (11-3), Mr. Stacey said staff also recommends approval of the storefront designation request.

Commissioner Blumenauer moved to approve 11-2. Commissioner Lindberg seconded.

Ms. Pinnard said car lots would be grandfathered in, but if there were new buildings they would have to meet storefront requirements.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Mapping 11 -3 (p. 187)

Commissioner Blumenauer moved the staff recommendation.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Mapping 11-4 (p. 188)

Commissioner Bluemauer moved the staff recommendation.

Disposition: Adopted "pass" recommendation. (Y-5).

AMENDMENT: Mapping 15-2 (p. 210)

Ms. Pinnard said this concerns a request for storefront commercial

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zoning on S.E. 17th near Tacoma.

Commissioner Koch moved the staff recommendation; Commissioner Blumenauer seconded.

Ms. Pinnard clarified that while the application requests that the intersection at Tacoma be zoned Neighborhood-Commercial-2 or CN2, they recommend designating all the area storefront so that when Tacoma is ripe for redevelopment it will match.

Disposition: Adopted "pass" recommendation (Y-5)

AMENDMENT: Mapping 13-1 (p. 196)

Ms. Pinnard said this concerns a storefront designation for S.E. Hawthorne, between 22nd and 29th. She said Safeway is asking for a general commercial designation and is concerned that if the building burnt down they would be unable to rebuild it under storefront zoning regulations.

Mr. Stacey said staff recommends designating the entire strip, CS, storefront commercial.

Commissioner Blumenauer moved the staff recommendation.

Commissioner Koch said the notion that you can have a successful large commercial enterprise with parking behind it on a high-volume street has not been proven.

Commissioner Blumenauer said he thinks people are smart enough to park behind the storefronts.

Mr. Goldie clarified City policy regarding "burndowns". He said if a building burns down for reasons beyond the control of the owner, it can be rebuilt to the same footprints.

Commissioner Koch seconded Commissioner Blumenauer's motion.

Disposition: Adopted "pass" recommendation. (Y-5)

AMENDMENT: Mapping 13-2 (p. 199)

Commissioner Koch said he will not support making this area, at SE 39th and Hawthorne, Storefront, because he can not see it as a

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pedestrian area. He noted that it is a major arterial.

Mr. Stacey said staff recommends that the storefront designation be applied to the commercial node at Hawthorne so that when new commercial development occurs, replacing residential, it will have the same character as Hawthorne.

Commissioner Koch moved to table the amendment. Commissioner Blumenauer seconded, noting that this means it reverts back to the Planning Commission's determination.

Disposition: Amendment tabled. (Y-5)

AMENDMENTS: Comprehensive Plan -1 and -2 (pp. 163-164)

Mr. Stacey said these amendments concern the no-net housing loss policy. He said the Planning Commission and staff recommend establishment of a housing pool to help implement the policy. He said this pool addresses the concerns of small business owners who may wish to expand on an existing site but lack the technical or financial wherewithal to find another piece of land and get it rezoned at the same time they may need to seek a rezone on their existing site.

Mr. Stacey said the Portland Development Commission proposed creating a pool of units that small businesses could tap to offset the loss of housing units created by a commercial expansion.

Mayor Clark asked Ann Gardner, PDC, what their position was.

Ms. Gardner said the staff has been working with the Planning Bureau and PDC is comfortable with the proposal before Council.

Commissioner Blumenauer said they have come up with a pool of 333 housing units available to handle all conceivable development over the next several years. He said he was perfectly willing to work with Council to further refine this process. He asked that Planning be allowed to incorporate this provision in their final draft while they continue to work with Council to ensure that everyone is comfortable with it.

Commissioner Blumenauer moved to adopt the Planning Commission and PDC proposal, as put forth in the memo of August 28, 1990, with a commitment to return to Council with final plans for

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implementation. Commissioner Lindberg seconded.

Disposition: Adopted "do-not-pass" recommendation on CP -1; Adopted CP -2 amendment as modified to reflect memo of August 28, 1990. (Y-3; N-2, Bogle and Koch).

Commissioner Blumenauer moved all the remaining items on the consent list. Commissioner Koch seconded.

Commissioner Bogle moved to pull Mapping Amendment 11-5 (p. 189) off the consent list. Commissioner Lindberg seconded, and the motion carried. (Y-5)

AMENDMENT: Mapping Amendment 11-5 (p. 189)

Ms. Pinnard said this is a request to rezone to neighborhood commercial the area at the intersection of 39th and Stark. It is presently zoned C2, general commercial, and the amendment would change it to CN2. Ms. Pinnard said staff is not comfortable with a change from C2 to CN1 which is a more pedestrian-oriented neighborhood commercial zone.

Commissioner Bogle said because the area is so close to Peacock Lane he believes the commercial zoning should be as restrictive as possible. He moved to rezone the area to CN1. Commissioner Lindberg seconded and asked for clarification.

Mr. Stacey said CN1 is much more restrictive.

Disposition: Motion to rezone to CN1 failed (Y-2, Bogle, Lindberg; N-3)

Commissioner Blumenauer again moved the Consent agenda. Commissioner Lindberg seconded.

Disposition: Adopted staff recommendations on all items remaining on the Consent Agenda. (Y-5).

Commissioner Blumenauer moved to approve the rewritten code and direct staff to prepare the necessary findings so it can be put into effect January 1, 1991. Commissioner Koch seconded.

Disposition: Adopted rewritten Code as amended. (Y-5)

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Commissioner Blumenauer and Mayor Clark complimented Planning Bureau staff for all their work on this project.

At 4:50 p.m., Council recessed.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

by Cay Kershner
Clerk of the Council