



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

DUE TO THE LACK OF A QUORUM THE MEETING OF
 JUNE 20, 1990 9:30 AM
 WAS CANCELLED

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF
 PORTLAND, OREGON WAS HELD THIS 20TH DAY OF JUNE, 1990 AT
 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding;
 Commissioners Koch and Lindberg, 3.

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

REGULAR AGENDA

- 1068 Deny appeal of John C., Bess I., and John Bartels and
 approve the application of Kelly and Barbara Bruun for a
 40-lot PUD and subdivision, with variances in an R10
 zone located at SW Humphrey Blvd., near SW Humphrey
 Court (Findings; CU 121-89/S 47-89)

Discussion: Kathryn Imperati, City Attorney,
 recommended a setover of two weeks for additional work
 on the findings.

Commissioner Koch made a statement about his ex parte
 contacts with Craig Petrie, one of Kelly Bruun's
 associates, in response to letters from Herbert Anderson
 and affidavits from John and Carolyn Bartels. He said
 no substantive issue was discussed and he was disclosing
 the contact now before the final vote was taken.

Mr. Anderson, Attorney for appellants, said Commissioner
 Koch should have disclosed the contact at the hearing
 prior to his vote on June 6 and erred in failing to
 disclose his contacts until the affidavits were filed.

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Kathryn Imperati, City Attorney, said she did not agree with Mr. Anderson's interpretation of the statute on ex parte contact disclosure requirements and asked if he had any questions about the substance of Commissioner Koch's disclosure.

Mr. Anderson asked Commissioner Koch to disclose the nature of his discussions with Mr. Petrie.

Commissioner Koch said the matter discussed related to whether a tentative decision was going to be made on that date and he said he told Mr. Petrie he did not know but that he would move to try to get a tentative decision then.

Craig Petrie testified that Commissioner Koch reported their conversation to the letter.

Disposition: Continued to July 5, 1990 for findings.

1067 **TIME CERTAIN:** 2:00 PM - Adopt the recommended draft of the zoning code rewrite project (Hearing; Previous Agenda 1050)

Discussion: Commissioner Blumenauer announced that public testimony on the code rewrite would end following the two Council sessions today and that the deadline for submitting written testimony would be Friday, June 29 at 5 p.m.

The following individuals testified about aspects of the proposed code:

Barbara Haynes, 1832 NE 120th, speaking on behalf of six mid-county community groups, urged Council to honor commitments made to residents in the mid-county annexed areas and retain site review. She said site review is comparable to design review which is being retained in the new Code and said fear that there would be too many appeals was groundless given the small number that have been appealed under the current site review process.

Herb Giffin, 3030 SW 4th, #2, architect, outlined his concerns with the proposed method for determining residential building height on steep downhill lots. He said there are some holes in the current language which will cause numerous reviews and appeals if not addressed now.

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Steve Schell, Attorney at 707 SW Washington, said he is concerned about meeting the 120-day state requirement on land use proceedings. He applauded the separation of planning and permits into distinct processes and recommended this be done to the maximum extent possible. He said he was not sure the noise problem was solved in the provisions dealing with home occupations.

Jim Griffith, speaking for Disdero Lumber Company at 1504 SE Woodward, said they believe recommendations made last week to rezone Block 25 to R-2 are inappropriate due to noise problems and proximity to railroad lines. He said the company has complied with the conditions of the street vacation and also tried to accommodate neighbor concerns.

Dave Pietka, 2650 NE Alameda, Chair of the Demolition and Density Task Force, said the proposed ordinance on demolition of buildings will basically be gutted if the hearing process is put in place and/or the delay is shortened, and urged adoption of the ordinance recommended by the Planning Commission. He added that implementation of the no net loss process should be the City's responsibility, not the property owners.

Heath Silberfeld, 2336 NW Pettygrove, speaking for NWDA and the Housing Task Force on Density and Demolition, asked Council to adopt the demolition delay regulations as proposed, maintain no net loss on housing, adopt the demolition delay on historic inventory properties, and develop programs to update the inventory.

Vern Rifer, 2525 SW 1st Ave., #201, a developer on the Demolition Task Force, supported extension of the demolition delay time period from thirty to 120 days to allow for completion of all the tasks involved in moving a house. He also supported the hearing officer process as an escape valve for frivolous appeals.

Peter Fry, 733 SW 2nd, representing Central Eastside Industrial Council, supported SE Uplift's amendments on citizen participation in the development process and in allowing all Type II decisions to be appealed to Council. He said CEIC proposes three amendments which address zoning issues in vacant and underutilized properties, primarily vertical warehouses.

Blanche Schroeder, Vice President, Portland Chamber of Commerce, 221 NW 2nd, said the Chamber had been deeply involved in the project for over two years and strongly urged adoption of the new Code by Council.

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Dee Walsh, 2405 SW 11th, representing REACH, said they were concerned with the EGI zoning classification for the West Clinton area and requested a buffer zone overlay to minimize the impact of future industrial development on neighbors. They also requested that the City prepare a truck traffic management plan.

Mark Hess, 2236 NE Couch, representing Kerns Neighborhood Association, asked for five changes including a design overlay in the EX zone north of Sandy and designation of areas along NE Glisan Street, E. Burnside and NE Sandy as storefront rather than auto-oriented commercial. They also support retention of site review.

Paul White, 1025 SE 17th, representing the Buckman Community Association, said they support the SE Uplift amendment requests. They are concerned that neighborhoods will have no effective way of commenting on plans if the proposed removal of site review and building orientations in C2 zones is approved. They also support commercial storefront designations on Hawthorne and Burnside and retention of the zero tolerance level in accessory home occupations.

Stewart Reif, 1015 SE Spokane, representing SMILE, asked for remapping to CS of SE 17th and both sides of Tacoma. He also suggested that instead of describing certain areas as auto-oriented they should be designated as auto-accommodating.

Linda Bauer, 6232 SE 158th, representing the SE Uplift Land Use Committee, reviewed their list of recommendations and urged formation of a task force to monitor implementation of new Code.

Bob Elliott, 2436 SE Tamarack, representing HAND, supported formation of a buffer overlay zone in the West Clinton area and recommended a CS designation on all portions of SE Hawthorne. He said HAND was also concerned with the loss of building orientation and supported site review applied as a Type II procedure for the entire City.

Kathleen Sharp, 2748 NW Thurman, favors the proposed mixed use commercial and storefront zones but spoke against allowing front yard parking because it will decrease pedestrian access and harm the urban environment.

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Steven Wasserberger, 7405 SE Reed College Pl., a member of the Eastmoreland Land Use Committee, said adoption of the language regarding home occupation and other non-residential uses is a major threat to single-family neighborhoods.

Jocelyn Cox, 8030 SE 34th, representing the Eastmoreland Neighborhood Association, said they oppose liberalization of the home occupation regulations and recommend limiting the number of non-resident employees, hours of operation and the amount of space that can be allocated for a home occupation.

Joane Owens, 3666 SE Martins, Eastmoreland Neighborhood Land Use Committee, objected to the commercialization of the neighborhoods that will occur with adoption of the home accessories regulations and proposed three amendments regarding bed and breakfasts.

Jeanne Galick, 7005 SW Virginia, representing the Corbett-Lair Hill Neighborhood, asked for design revisions and limitations on the number and placement of row houses and said the new zoning regulations do not fulfill the intent of the original Macadam Corridor Plan.

William Cox, 0244 SW California, also speaking for CTLH Neighborhood, said they oppose drive through-facilities of any kind and asked for changes regarding right-of-way and set back requirements to protect residential zones. He also requested view corridor protection on the West side of Macadam.

Lee Perlmann, 512 NE Brazee, representing Eliot Neighborhood, said the EX designation on portions of Martin Luther King Boulevard is not appropriate. He also objected to the lack of controls on group living arrangements and asked for prior notification on Type II land reviews and the right to appeal them to Council.

Mark Bennett, 1539 W. Burnside, Obie Outdoor Advertising, asked for a limit on wallscapes to 30 percent of the wall area with a maximum of 300 square feet instead of the proposed 10 percent limit.

Ellen Vanderslice, 2951 NW Raleigh, speaking for NWDA, supported the front yard parking amendment proposed by Commissioner Blumenauer.

Laurie Morton, representing the YWCA, 1111 SW 10th, said they were unaware of the regulations regarding shelters and objected to publicizing shelter locations because of the danger to victims of domestic violence. She asked Council to temporarily delete all portions dealing with Essential Service Providers until further evaluation could be made.

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Commissioner Blumenauer said the issue of notification to neighbors has come up repeatedly in public meetings and that no one was trying to slip anything by anyone. He said she had raised a valid point and he would work to find a balance between what she wants and what the neighborhoods want.

Susan Hunter, 710 SE Grand, speaking for Prostitution Alternatives, asked Council to slow the process down to allow shelter housing providers more time for input.

Karl McCreary, 1420 SE Clinton, spoke in opposition to any rezoning to industrial in the West Clinton area because of the negative impact on the liveability of the neighborhood.

Ginny Baldino, 5136 SE 36th, speaking for the Reed Neighborhood Association, said they support site review and the positions of Eastmoreland and Sunnyside.

Florence Morford, 7408 SE 32nd, said she is concerned that the home occupancy regulations will lower property values and also the amount of taxes paid by businesses.

Cheryl Tweta, Portland Development Commission, reviewed ten comments the Commission has made about the rewrite. These include modifying some Type II reviews to become Type IIIs and eliminating site review. The Commission also requests better tools and assistance from the City to make the no net loss housing policy work and believes 120 days is too long an extension on the housing demolition delay.

David Bell, 2164 SW Park Place, opposed the demotion delay provisions on the grounds that it will just cause delay and do neither the neighborhood or the developer any good.

Disposition: Continued to June 20, 1990, 6:30 pm.

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SPECIAL COUNCIL SESSION

A SPECIAL SESSION OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF JUNE, 1990 AT 6:30 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Koch and Lindberg, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Phil Thompson, Acting Sergeant at Arms.

1067 TIME CERTAIN: 6:30 PM - Adopt the recommended draft of the zoning code rewrite project (Hearing; Previous Agenda 1050)

Barbara Clark, City Auditor, asked for an amendment to enable the Land Use Hearings Officer to make recommendations on policy as part of an annual report.

Leonard Pearlman, 7154 SW Nevada Terrace, spoke in support of the Planning Commission proposal to allow parking in the first ten feet from the property line in RH zones because the extreme competition for on-street parking restricts reasonable access to many properties in the Northwest area.

Bing Sheldon, 123 NE 2nd Ave., representing Guenther Knapp, asked for a CX zone on property at SW Jefferson and 20th Avenue because of the impact of light rail.

Mathias Kemeny, 3812 N. Mississippi, representing North/Northeast Business Boosters, said the no net loss housing policy places an unfair burden on small and medium size businesses and asked for consideration of an alternative policy.

Neil Kelly, 804 N. Alberta, North/Northeast Business Boosters, also voiced concern with no net loss and said the whole North/Northeast area needs a better study.

Roger Jauch, 2038 NE Alberta, spoke against the no net loss of housing policy which he believes will choke off business by making it impossible to expand while giving no incentive to encourage residential growth.

Peter Fry, representing North/Northeast Business Boosters, said the current R1 zones are too tightly tied around small expanding businesses and that the market does not support R1 linear zones.

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Jean DeMaster, Burnside Projects, 435 NE Glisan, objected to setting a cap on shelter beds and SRO housing in the area north of Burnside and asked for continued exclusion of emergency winter beds from the cap. She also requested additional time before the essential service provider restrictions go Citywide.

Mary Ellen Giumary, 6707 SE 34th, an Eastmoreland resident, asked that proposed Code provisions regarding the size of signs and the use of freestanding signs in residential areas be eliminated.

Peter Smith, 13230 NE Sacramento, said deletion of site review overlay zone and amendment of the five community plans of East Portland should not be considered by Council because the proper process has not been followed.

Douglas Klotz, representing Brooklyn Action Corps, requested extension of the CS zone along Powell Boulevard in the Milwaukie neighborhood and asked that the corner at SE Holgate and Milwaukie be zoned CG.

Trent Dolynuik, 5706 SE 41st, representing Woodstock Neighborhood Association, supported the proposed Code regarding storefront commercial designation along Woodstock.

The following individuals spoke about the industrial zoning designation of the property at SE 33rd and Belmont formerly occupied by the Carnation Dairy and requested a rezone to enhance the liveability of the neighborhood, one more in keeping with the residential and light commercial nature of the area:

Franklin Ault, 3652 SE Alder
Rebecca Macy, 3237 SE Morrison
James Reynolds, 3237 SE Morrison
Gwen Sinclair, 7835 SE 33rd
Brad Willard, 3244 SE Belmont
Neil Hutchins, 3429 SE Belmont

John Darling, representing Hoffman Industries, asked that property at 2355 and 2369 NW Quimby be reclassified as Storefront Commercial.

Mary Ann Schwab, 605 SE 38th, representing Sunnyside, asked that a study area be funded for all of SE 39th and reviewed their list of remapping recommendations for the area.

Katherine Anderson, 808 SE 28th, representing Sunnyside, said the neighborhood wants to reestablish less intense commercial zones on portions of SE Belmont.

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Martha Wheeler, Sunnyside, supported the SE Uplift recommendations regarding Type II reviews, drive-through facilities, commercialization of residential sites due to accessory home occupations and bed and breakfasts.

Maris Burton, 2214 SE 47th, a member of the Code Enforcement Task Force, endorsed the recommendations of the Bureau of Buildings for Code changes regarding off-site impacts and home occupations to ensure they comply with regulations and also suggested Council call for a study by the Task Force of additional zoning enforcement issues.

Gayle Preston, Richmond Neighborhood Land Use Committee, requested remapping to protect abutting residential areas from commercial zones and a study to reevaluate the appropriateness of auto-oriented zones in the area in light of the Burger King findings.

Dave Krogh, 1720 SE 44th, asked that the zoning map amendment process be changed from Type II to III. He also asked that drive-throughs be prohibited in CN2 zones and that design review and wider setbacks and buffers be required for development adjacent to residential zones.

Ky Holland, 4106 SE Lincoln, Richmond Neighborhood Chair, presented recommendations to lessen commercialization of the neighborhood and supported SE Uplift's recommendations regarding Type II procedures and home occupations.

John Vanderbout, President of Creston-Kenilworth Neighborhood Association, supported SE Uplift's recommendations and said their primary concern was the protection of older residential neighborhoods from creeping commercialism.

John Gilson, 6012 SW Kelly, a resident of Johns Landing, said their major concerns were traffic and row house development and they believe the proposed Code takes away from the Macadam Corridor Plan regarding major review procedures and drive-throughs.

John Perry, 3430 SW 1st, Corbett-Terwilliger Neighborhood Association, said the proposed zoning for the area at SW 1st between SW Hooker and Gibbs is inappropriate and asked for a CN1 designation in keeping with the residential scale and away from auto-oriented development.

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Alice Blatt, 15231 NE Holladay, Chairman, Wilkes Community Group, supported SE Uplift's recommendations particularly regarding Type II reviews and site review. She said it is not possible to replace site review with clear and objective standards in neighborhoods of such a diverse nature.

Katrin Snow, 105 NE 61st, #17, said site review is needed so that residents and not just the developers can be heard.

Mark Greenfield, 111 SW 5th, Suite 3200, a land use attorney, praised the rewrite for its clarity and simplification and recommended adoption.

Amanda Jacobson, 0245 SW Nebraska, a resident of the Corbett Lair Hill neighborhood, recommended changes in height, setback, landscaping and design requirements for rowhouses.

Maris Burton, 2219 SE 47th, a member of the Richmond and SE Uplift Boards, objected to the liberalization of home occupation rules and said a vehicle is needed to permanently revoke permits for those in violation.

Peter Fry, 733 SW 2nd, thanked staff for the good job and asked Council, in fairness to a number of his clients, to review the Planning Commission record.

At 8:25 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF JUNE, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Koch and Lindberg, 3.

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

Commissioner Blumenauer announced that the Code Rewrite report would be continued to July 18, 1990 for Council discussion and possible action.

REGULAR AGENDA

1069 Appeal of three decisions of the Noise Review Board granting variances to Sharon Tracy of Global Events, Inc. for the Historic Race, the Budweiser/GI Joe's 200 (CART) Races and the GI Joe's Gran Prix Race (Hearing)

Discussion: Paul Herman, speaking for Larry Scruggs, Chair of the Noise Review Board, said the Board considered each of the variances first as a single year event and then for multiple years but the decisions themselves were established as a unit. He said the Board retained the right to review the long-term aspect of any variance at any time. He outlined Board expectations and conditions for each of the races.

Pam Arden, Kenton Neighborhood Association Chair, said according to her measurements the ambient base levels in the neighborhood were lower than those stated at the Noise Board Review hearing and that the increase in levels occurring during races was much more noticeable than indicated. She said a mechanism other than just Board consensus needs to be in place to trigger a review.

Reena Heijemann, Portsmouth NA, read a letter from Ed Ketzal, opposing granting the variances. She said the noise level is offensive and some controls need to be placed on it.

Mike Jones, 8733 N. Tyndall, said the noise levels have sharply lowered equity values and made life miserable for nearby residents.

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Michael Vernon, 4052 N. Attu, asked Council to look at how current problems might be handled before granting more variances and said his property assessment has gone from \$53,000 to \$29,100 largely due to the presence of PIR and the noise.

Jay Waldron, speaking for The Rose Festival Association and Global Events, explained how the measurements were determined and outlined efforts to reduce noise levels and respond to neighborhood concerns.

Robert Ames, President, First Interstate, said he hoped something could be done so that appeals get to Council sooner.

Dennis Hoterie, a North Portland resident, said he did not think property values there were a direct reflection of the PIR raceway and believes the races have a positive economic impact on local businesses and that race drivers provide positive role models for youth.

Sherman Egge, 201 N. Bridgeton Road, sound judge for SDCA, said through the years the noise levels at his house have been reduced quite a bit due to 1983 legislation and the introduction of new technology.

Commissioner Blumenauer said each of the variance requests would be voted upon separately and that a no vote would deny the appeal on that particular race. The vote was N-3 on: 1) the Historic Race; 2) the Budweiser/GI Joe's 200 (CART) Races and 3) the GI Joe's Gran Prix Race.

Commissioner Lindberg said while a five year variance had been granted, constant evaluation would be going on and that neighbors will have input in deciding how the the money going into the fund for noise reduction is to be used.

Commissioner Blumenauer said he is satisfied that extraordinary efforts had been made to try to reduce noise and said he has come to understand both neighbor concerns and the wide interest in the community in this activity.

Disposition: Appeal denied.

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Mayor J. E. Bud Clark

1070 Recommend forwarding annexation case A-1-90 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

1071 Authorize the refiling of annexation case A-1-90 in South Wilkes with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34742. (Y-3)

1072 Transfer appropriations within and between certain operating bureau budgets, special appropriations, and between funds; and adjust resources and requirements in various funds (Ordinance)

Ruth Roth, Office of Finance and Administration, said this does not require a second reading but becomes effective immediately because it qualifies as an appropriation ordinance under Charter Section 2-123. She said the City Attorney's office had approved it.

Commissioner Blumenauer and Commissioner Koch asked for a written explanation of this procedure.

Kathryn Imperati, City Attorney, said the Charter section makes a distinction between emergency ordinances and these kind of ordinances and says both are effective immediately upon their passage.

Disposition: Ordinance No. 163154. (Y-3)

Commissioner Earl Blumenauer

1073 Accept the improvement of as a district: Streets within the SE Duke/97th District HCD Improvement Project, and construction of sumps, approve Change Order Nos. 1,2, and 3, make final payment and release retainage (Report)

Disposition: Adopted. Placed on file.

1074 Authorize a Storm Drain Stenciling Project to educate the public and involve volunteer student groups and adults about water quality pollution prevention (Second Reading Agenda 1060)

Disposition: Ordinance No. 163155. (Y-3)

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Commissioner Mike Lindberg

1075 Transmit report from the Office of Cable Communications and Franchise Management regarding Pacific Telecom Cable, Inc. (Report)

Discussion: Jo Zettler, Office of Cable Communications and Franchise Management, said Pacific Telecom has laid a transpacific cable from Japan and wants to come into Portland to connect with the other long distance carriers. They will be laying about five miles of cable within City limits and will be paying \$48,000 a year plus an inflation factor for ten years.

Bob Kramer, Pacific Telecom Cable, said 2100 feet of the route will be new construction with the rest going through other carriers' conduits.

Disposition: Adopted. Placed on file.

1076 Grant a franchise to Pacific Telecom Cable, Inc. for a period of ten years (Ordinance)

Disposition: Passed to second reading.

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council