

PORTLAND CITY PLANNING COMMISSION

Minutes of the Meeting of
August 11, 1987

A regular meeting of the Portland City Planning Commission was held on Tuesday, August 11, 1987 in Meeting Room 'C' of The Portland Building, 1120 S.W. Fifth Avenue, Portland, Oregon. The meeting was convened at 12:05 p.m. by President Lawretta Morris.

Planning Commission members present were: Martha Peck Andrews, Joseph Angel, Kevin Kelly, Betsy Lindsay, Lawretta Morris, Paul Williams, and David Wu. Steve Pfeiffer joined the meeting at 12:20 p.m.

Planning Commission members absent were: none.

Bureau of Planning staff members present were: Norm Abbott, Jim Claypool, Mike Hayakawa, Terry Moore, and Doug Warren.

Director's Report--Norm Abbott

Quarterly Report: Mr. Abbott noted that the report had been sent to all boards and commissions staffed by the Bureau of Planning, as well as having been distributed to members of the City Council. He reviewed the highlights of the report, which was for the last quarter of fiscal year 1986-87 and a portion of the first quarter of fiscal year 1987-88. (See attachments to these minutes.)

Bureau of Planning Mission Document: Mr. Abbott spoke briefly about the mission document process that had been undertaken by the bureau's senior staff and staff advisory committee, with the participation of Mrs. Morris and Mr. Angel of the Planning Commission and a representative of Commissioner Blumenauer's office. (See quarterly report for the complete mission statement.) The mission statement articulated a direction for the bureau, one that existed but had never been well-communicated to staff and to those working with the bureau. The mission document would also be a management tool to guide staff participation in bureau decisions and would be used to foster greater staff teamwork.

Mrs. Morris complimented the work represented by the mission statement and thought its final wording was very well done.

Work Program for FYE 1988: Mr. Abbott reported that the work program was close to completion and would be completed before the commission's next meeting.

Report of the Office of Transportation

New Employees: Mr. Dotterer reported that all vacant positions in the office had been filled: Felicia Trader had been appointed director of transportation (she had been assistant secretary of state); Goran Sparrman had been appointed traffic engineer (he had been traffic engineer for the city of Sacramento); and, Mary Nolan had been appointed director of maintenance.

Status of Revenue for Transportation: The City Council had been briefed in its informal session that morning on long-term funding needs and strategies for transportation. (See attachments to these minutes.) The projected revenue shortfall was described and the countering effects of the gasoline tax adopted by the State legislature.

With regard to funding for mass transit, the legislature had failed to adopt a bill that would have split the existing .6% payroll tax between employees and employers. The bill would have raised approximately an additional \$4 million to \$5 million for Tri-Met because public employees would have paid the tax under that system. Tri-Met was therefore still looking for \$3 million to \$4 million to maintain its current service levels. The legislature had passed a bill providing the local match for bus replacement at a rate of about 50 buses per year, and for preliminary engineering work on the Westside transitway.

Mr. Wu asked what potential sources of funding for the city's transportation system needs existed. Mr. Dotterer said possibilities included: a systems development charge that would assess each property much as was done for water and sewer usage (and would include residential assessments); additional state gas taxes; a regional gas tax to equalize the various county gas taxes, perhaps administered through Tri-Met which had authority to collect a gas tax; and, increased efficiencies in service delivery.

Report of the Portland Development Commission

Columbia South Shore Urban Renewal District Status: Steve Petersen and Chuck Olson reported on the status of the district, which the Planning Commission had approved in April, 1986. The urban renewal plan had been created to "correct some major deficiencies" needed before the area could be developed. Construction of Airport Way was scheduled to begin in the summer of 1989; FEIS approval was anticipated in September of 1987, and right-of-way acquisition/donation should be complete by the spring of 1988. The secondary drainage system plan would be completed by a consultant in December of 1987, and the primary drainage plan would be complete by March of 1988. The water quality protection plan would be completed by the bureaus of water and environmental services by December of 1987. A comprehensive regional 404 wetlands permit was being prepared by consultants and should be ready for review by December of 1987. An overall development plan (including a secondary transportation plan, recreation plan, design guidelines) would be completed by March of 1988. Following completion of the various plan elements, a financial plan would be developed for the next 16 years beginning in the spring of 1988.

Mr. Petersen noted that the PDC would return to the Planning Commission several times during the final planning for the area for review of amendments to the urban renewal plan for such things as design guidelines, property acquisition, and other things that had not been included in the original plan. He also mentioned some of the projects that had been built or were planned for the area. Mr. Rosenfeld asked if the projects being built had "first source" hiring agreements with the city. Mr. Petersen said they did, although they were now called "employment agreements" under which the PDC asked (but did not require) companies locating in the area to work through the Private Industry Council to provide jobs to Portland residents.

Mr. Wu asked if there had been any problems so far with incompatible businesses wishing to locate in the area; i.e., businesses that might cause each other difficulties due to operations with off-site impacts. Mr. Olson responded that the zoning pattern established for the area would help assure that like operations located near one another. He said no such problems had been experienced nor were any anticipated. Mr. Pfeiffer asked if any difficulties with the perceived subjective criteria of the interim SEC zone had been experienced. Mr. Olson said that, if any problems had been experienced due to environmental concerns, it was with the Army Corps' 404 fill permit process. He

felt the problems were caused in part by the unfamiliarity of developers with the process. He had not found developers having difficulty complying with the SEC overlay zone.

Consideration of Minutes

Meeting of June 23, 1987: The minutes were approved, as submitted, by unanimous consent of the commission.

Meeting of July 21/23, 1987: Mr. Angel asked that the language on the fifth line of the section entitled "Transit Overlay Zone--Amendment" state that Mr. Abbott "concurred with" rather than "approved" the suggestion of the Planning Commission. The minutes were approved, as amended above, by unanimous consent of the commission.

Meeting of July 28, 1987: Action on the minutes was deferred until their final submission for review by the commission.

Announcements

Budget Advisory Committee Liaison: Mrs. Morris asked if the commission felt it was important to have a representative on the Bureau of Planning's BAC; there had been such representation in past years. Mr. Angel commented that the position was important to communicating the budget priorities of the commission to the bureau staff, the BAC, and the City Council. Several members of the commission mentioned the importance of the position, but none volunteered time to fill it. Mr. Wu (who had been the commission's representative during the last year) thought it was important to "have someone who was convinced of the critical nature of the process" as the commission's representative. Mr. Abbott noted that Commissioner Blumenauer hoped the advisory committee process would be different than it had been in the past. It was decided to name a representative following the meeting.

Central City Plan Hearing Schedule: Mrs. Morris noted that several commission members would be absent from the final hearing scheduled for October 27, 1987. She asked that that date be moved to November 10, 1987; staff agreed to make that change. The public hearing on the HAND neighborhood plan would be rescheduled from its November 10th date. The commission also added a hearing to its schedule: the Kaiser Master Plan would be heard on October 6, 1987, beginning at 7:00 p.m.

Parks Master Plan--Briefing

Commissioner Mike Lindberg presented the briefing, following an outline describing the Park Futures Plan. (See attachments to these minutes.) The plan would eventually become a part of the city's comprehensive plan. He noted that impetus for the plan had been an unprecedented increase in requests from the public for services beyond the Parks Bureau budget and often in areas where service had not been provided in the past. Portland was also changing demographically and geographically, and the last comprehensive parks plan had been done in 1903 by the Olmstead Brothers. Other reasons for the plan were the need for a capital improvement program to maintain the city's investment in its park system and evolution of the role parks play in the city's life. David Yamashita, parks planner in charge of the project, said the Park Futures plan should be ready for Planning Commission review in mid-1988, with adoption by the City Council scheduled for the fall of 1988.

Ms. Andrews asked if the plan might be the groundwork for a parks bond issue. Mr. Lindberg thought that was a probable scenario, especially given the demands of the people living in the city compared to the deterioration of the parks facilities. Traditionally, too, the parks system had been developed with a series of special parks levies; money for parks improvements had rarely come from the city's general fund. Ms. Lindsay asked if a policy on alcohol use in the parks would be part of the plan. Mr. Lindberg said that would be a key issue, and a policy would more than likely be generated apart from the futures plan for alcohol use in all city parks. A ban on alcohol consumption in the evenings or at all times in certain parks had proven an effective way to reclaim parks for family use. Another possible solution to abusive behavior in parks was to institute some kind of "park ranger" program to provide additional security.

Mr. Williams asked how the project to extend the North Park Blocks north to Front Avenue was progressing. Mr. Lindberg thought the commission's request that the extension be made was included in the draft Central City Plan. Mr. Angel asked if the Parks Bureau had a policy relative to the vacation of public streets adjacent to city park property, and if there were a city policy to retain all park property it presently owned. If no such policies existed, he wondered if the futures plan would address those issues. Mr. Lindberg said he knew of no city policy that would allow the giving up of city park property. He thought the street vacation issue was one that should be addressed as part of the parks plan because of the potential for bringing added lands into the park system. He also complimented the commission's past diligence in the review of street vacations and other cases to development of the city's 40-Mile Loop park system.

Mr. Yamashita then reviewed in some further detail the purpose, process, and schedule for the plan. He noted that one of the plan areas was the central city and that parks planning was closely tied to development of the Central City Plan. He said that one interesting finding of the public surveys that had been done for the plan was that walking was the recreation activity mentioned most often; such public interest in walking supported the city's plans for the 40-Mile Loop trail system and trails in the Columbia South Shore urban renewal area.

Columbia South Shore: Water Quality Plan and Regional 404 Permit

Mr. Olson, PDC, presented the briefing. He noted that both the plan and permit were "regulatory in nature" and important to providing a development baseline for businesses thinking about a location in the Columbia South Shore area. The plan for assurance of water quality would be incorporated into the special design zone that would be adopted by the Planning Commission and City Council to guide all development in the area. A major thrust of the wetlands plan would allow the city to administer a regional wetland fill and excavation permit, with the state and federal agencies normally associated with such permit processes retaining ultimate authority over changes to the protected wetlands. He anticipated that the water quality plan would be prepared for commission review by October of 1987, and the wetlands plan following it.

Mr. Pfeiffer asked the status of the 404 permit process, wondering if the inventory work had been completed. Mr. Olson said wetlands areas had been identified by the various regulatory bodies involved, wetland characteristics had been evaluated, and the evaluation had been sent to the Corps of Engineers for processing. The significance of the wetlands would be rated by the agencies

once the evaluations had been returned and a consultant would prepare the permit mitigation plans by the late fall of 1988.

Washington County Segment of the Urban Services Boundary

Mr. Claypool presented the briefing from information provided in the agenda for the meeting. Annexation to Portland of areas in eastern Washington County was regarded by residents as an alternative means of receiving urban services due in large part to the county's "County 2000" plan. In developing alternative proposals for annexation of unincorporated areas, staff of the affected cities had considered several criteria: physical features determining the sewer and water flow; delivery of services such as police and fire which used major arterials; social factors like neighborhood identity and physical features which divide neighborhoods; the preference of residents to annex to one or another of the affected cities; fiscal considerations of annexation of given areas, with cities wanting some commercial or industrial lands in whatever area would be annexed; and, legal constraints against annexation like the urban growth boundary.

He outlined three major issues that had become evident in the course of development of the alternative annexation scenarios. The area of West Slope was difficult to divide in a north/south manner because of the topographical constraints on water and fire service delivery; therefore, the area would have to be annexed in its entirety by one city. Four service bureaus had pointed out that both alternatives C and D would require new costs to the city to expand fire, water, police, and park services. Several bureaus had also noted that activities related to eastern Washington County were more than mere annexation; negotiations would have to resolve special district issues, and especially issues related to the Tualatin Hills Parks and Recreation District. He hoped to have a recommended alternative ready for review by the Planning Commission by November of 1987.

Mr. Angel asked who would ultimately make the decision as to which annexation alternative was pursued by the city. Mr. Claypool said the Planning Commission would be asked to recommend a Portland urban services boundary to the City Council, just as had been done with Multnomah and Clackamas Counties. However, mere adoption of the boundary would not mean automatic annexation of the properties located within it because of the issue of special service districts. The annexations might take as long as 20 years to complete within that boundary. Mr. Williams asked what would happen to properties within both the city and Portland urban services boundary with regard to provision of services that were not available. He wondered if those property owners might be allowed to form a special service district. Mr. Abbott responded that the city's commitment was to serve those areas over time, and its public facilities plan would determine the timing of services.

Mr. Wu asked if there were a strong desire in the unincorporated areas to remain independent of both Beaverton and Portland. Mr. Claypool thought that, given a choice, the residents would prefer remaining "as is." However, the choice was not really there because of the county's County 2000 plan which made it obvious that urban services were going to cost those people more whether they remained unincorporated or annexed to a city in order to receive them. The situation was very different from that of mid-Multnomah County because sewer and water services were in, and fire and parks services were quite adequate to very good. The area was, however, experiencing a shortage of police service, and the transportation system was inadequate and failing.

Mr. Wu asked if it were within the realm of possibility that Portland might annex properties with the potential for industrial development along either side of the Sunset Highway. Mr. Claypool said the city had been working to establish a balance among the affected cities: Beaverton, Hillsboro, and Portland--, and the city's study area did go as far as the Hillsboro city boundary. However, Portland's presence was "minimal" in Washington County, and the urban service boundary had to be viewed from the perspective of the other two major cities which were also extending their services boundaries.

Macadam Avenue Transportation Study: Briefing and Request for Direction

Mr. Dotterrer reviewed information that was given the commission at the meeting, summarizing the purpose, history, and development alternatives of the Macadam Corridor Transportation Study. (See attachments to these minutes.) The information had been gathered as part of the Central City Plan process and would be used in making land use decisions as part of the plan. Transportation planning staff and its consultant had met with a study advisory group and most of the developers of larger projects in the North Macadam area to review and discuss the study, and would continue to meet with them over the next month. The report was to be complete by the end of September, 1987. He noted that the study assumed the Sellwood Bridge would not be a constraint to traffic flows; another study was addressing the very real constraint posed by that existing bridge.

Mr. Kelly voiced a concern that the study did not adequately address the fact that the Lake Oswego area was the fastest-growing city in the region at that time. He felt the number of commuters to Portland's downtown from that area would be increasing over the next decade. Mr. Dotterrer noted that the study found, with new roadway connections, that the higher levels of development could occur in the North Macadam area, and if coupled with light rail, the highest projected development levels could occur. However, both conclusions assumed that the current heavy emphasis on transit use and the downtown parking policy were continued and little growth in the real number of through-trips in the corridor was experienced.

The study had found, too, that light rail alone in the Macadam Corridor would not make a great difference in the traffic on Macadam Avenue because, despite the growth of the Lake Oswego area, a higher percentage of the trips into the Macadam Corridor area came from the north and east. A regional light rail system that would allow trips from all regions of the city to be made on light rail would probably reduce traffic in the corridor by tying eastside rail to that in the corridor. Mr. Wu hoped that the policy decision as to the future role of Macadam Avenue would be discussed, whether it would act as a high-speed thoroughfare, or would serve more as a local collector with most traffic being funneled away from it at its northern and southern ends.

Mr. Dotterrer also noted that the development that might be expected to occur in the area could not pay for the transportation improvement needed to provide both regional access to and local access in the area. Conversely, the regional transportation improvements needed to accommodate increased development in the area could not be justified based solely on that development. A regional goal would be to design improvements to the regional system to accomplish the local access objectives, which also suggested a phased approach to development in the area. The CAC had raised an additional issue for study: the role of Corbett Avenue and what happens to it under the suggested alternatives in the study. There was also not unanimity among the owners of property in the North Macadam area that the development projections were realistic; many thought those used in

the study were too high given the reality of the market for additional office and commercial space in the timeframe of the Central City Plan.

Another issue related to development of the North Macadam area was if the development should be "downtown-oriented" (in the manner of downtown core office buildings), or in the manner of suburban office buildings. Research for the Central City Plan had shown that two different and separate markets were served by the two kinds of office development, and decisions would affect whether the new development would compete with either the downtown or suburban markets, or would create a new hybrid. Mr. Kelly characterized the area as "a suburban location with downtown traffic." Mr. Williams hoped the city would work to remove traffic from the area by routing it to I-5.

Mr. Angel agreed that the connection to I-5 from the area ought to be very high on the city's capital projects list. He felt Macadam Avenue should continue to act as a commercial street, with curb cuts to the businesses along it; the through-traffic should be moved to another street. Mr. Dotterrer cautioned that the preliminary estimates suggested that only 17,000 more jobs could be created in the North Macadam area with an additional expenditure in the \$100 million range for the major traffic facilities that would be needed to create the connector roadways Mr. Angel was advocating. Given that 12,000 jobs could be accommodated with the more modest transportation improvements suggested by the study, the relative expense of the connector would be difficult to support. Mr. Kelly thought Macadam would have to retain some through function, as it was Highway 43; he hoped it would not be improved with a plethora of curb cuts as had happened along the Beaverton-Hillsdale Highway in Beaverton. Mr. Dotterrer clarified that the ASCP showed Macadam as a major city traffic street to serve primarily for access into the district from other districts.

Mr. Wu thought the city ought to be deciding if the land use decisions for the area would direct transportation improvements to support them, "within unchangeable constraints", or if the vision would be constrained by the existing transportation system. He suggested the area could be served by light rail, even if the connections to the major arterials adjacent to the area could not reasonably be built.

Mr. Dotterrer asked if the phased approach outlined by staff, which proposed basic arterial improvements in the near term along the Macadam Avenue corridor (to support development in the entire corridor) and continued study of regional improvements, was supported by the commission. Mr. Angel asked what improved connections to I-5 might be made from Macadam Avenue. Mr. Dotterrer said one possibility would tie the Corbett Avenue exit from I-5 northbound to Macadam Avenue, and build some kind of entrance to the freeway both north- and southbound. Ms. Lindsay asked that whatever study was done carefully consider the implications for adjacent neighborhoods of improvements to Moody, Front, and Macadam given the higher levels of development that might occur if the improvements were made. Mr. Kelly added that improvements to Moody and Front might create another route for traffic travelling from points south into the downtown, causing even faster breakdown in the transportation system serving new development. Mrs. Morris commented that staff had "a wonderful problem" to solve.

Mr. Rosenfeld left the meeting at this point.

V 2-87 Vacation of NE Alderwood, at NE Lombard

Mr. Hayakawa presented the staff report and recommendation of approval, as included in the agenda for the meeting. He showed slides of the area to orient the commission. Mr. Williams asked if the vacation request included part of Lombard Street, as shown in the map on page 16 of the agenda. Mr. Hayakawa said the easterly portion of Lombard, adjacent to 82nd Avenue was not presently improved; he did not know if it had ever been vacated. Mr. Angel thought the area might be one where people parked to watch airplanes. Mr. Wu wondered if the Port had "some sort of program of clearing the region of public access" because of the many vacation requests that had been submitted by the Port. Mrs. Morris cautioned that the commission had to decide if the street would be needed for future public access in making its recommendation to the city engineer. Mr. Wu thought the commission ought to review the Port's master plan to put individual vacation requests in perspective.

Mr. Hayakawa said the map on page 17 of the agenda incorrectly showed Lombard as a street connecting to 82nd Avenue; a closer look at his information showed the portion of Lombard directly west of 82nd to have "gone to the tax lots to the north and south, which indicates that it is not there." The map on page 17 should also have shown the area of Alderwood to be vacated to continue south to the "bottom of the 'Y'." Mr. Hayakawa did not think the Port had addressed specifically why the street had to be vacated to fulfill the intent of its plans for the area.

Ms. Andrews thought the street could be vacated based on the information presented to the commission; Mr. Kelly agreed. Mr. Wu felt the Port should have to show more convincing evidence that the public right-of-way had to be vacated. He did not think the Port had established any real need for the right-of-way and that such a need was as important as future public need in determining a recommendation. Mrs. Morris felt the street could be vacated because access into the area would be assured by the new road.

gMotion: Mr. Angel moved to defer action on the request until the applicant could respond to the questions raised by the commission; Ms. Andrews seconded the motion. The vote on the motion was: ayes--Andrews, Angel, Kelly, Lindsay, Pfeiffer, Williams, Wu, Morris; nays--none.

V 4-87 Vacation of SE 84th, north of SE Cora

Mr. Angel declared a potential conflict of interest in the matter because his business leased property from the applicant. He left the meeting due to the conflict.

Mr. Hayakawa presented the staff report and recommendation of approval, as included in the agenda for the meeting. He showed slides of the area to orient the commission. Ms. Andrews asked if the dwelling shown on the lot immediately to the east of the requested vacation had been removed. Mr. Hayakawa said the lot was vacant.

Lance Stout, Mackenzie/Saito & Assoc., 0690 SW Bancroft, 97201 responded to the question as project manager for development of the master plan for Eastport Plaza, applicant. He said all the lots fronting on Cora, east of the street requested for vacation, were owned by the applicant and had been cleared of their homes. In addition, the lots on the south side of Cora (except for the three immediately east of 84th and zoned R5) were owned by the applicant. The hearings officer had asked that the applicant include the entire block between Cora and Holgate in its master plan and consider the vacation of all or a part of Cora to carry out that plan. The four lots which retained R5 zoning had not

yet been purchased by the applicant. He did not anticipate vacation of 84th south of Cora, but would apply for vacation of Cora to the east once the last properties in the block had been acquired.

Mrs. Morris asked how the proposed vacations would affect traffic from the school. Mr. Stout did not think the traffic would be significantly affected as most of it came from the north and did not directly connect to Holgate through the residential area other than through the shopping center parking lot. Ms. Andrews asked if any response had been received from the owners of the properties near the street to be vacated. Mr. Stout said the purpose of the requested vacation was to allow the shopping center to "regain control of the maintenance and access" to its parking lot. The street would continue to be a major access point to the shopping center and would not be closed.

gMotion: Mr. Kelly moved adoption of the staff recommendation of approval of the requested vacation; Mr. Pfeiffer seconded the motion. The vote on the motion was: ayes--Andrews, Kelly, Lindsay, Pfeiffer, Williams, Morris; nays--Wu; abstentions--Angel.

Mr. Angel returned to the meeting at this point.

V 6-87 Vacation of NE 7th Avenue, north of NE Flanders, and NE Flanders, west of NE 7th Avenue

Mr. Hayakawa presented the staff report and recommendation of denial, as included in the agenda for the meeting. He showed slides of the area to orient the members of the commission. Mr. Wu asked why the applicant had requested the street vacation. Mr. Hayakawa said the application noted the desire to "eliminate unused land and add to their existing holdings." Ms. Andrews felt the commission's recommendation should include a demand that all the "private junk" be removed from the street right-of-way by the applicant. Mr. Pfeiffer asked if the applicant had, perhaps, received permission to use the space for storage through a revocable permit. Mr. Hayakawa said he would verify that no permits had been issued for use of the right-of-way before including the language in the report from the commission. Ms. Andrews wondered if the state were anticipating selling the land, if vacated, for a profit.

Mr. Kelly questioned Mr. Wu's perspective that the land in a right-of-way ought not be casually returned to an adjacent property owner. Mr. Kelly felt the city would not really "be giving up land" by vacating a street, but would be returning land not needed for public access to the owners of the land from which the right-of-way had been dedicated. Mr. Wu felt the city ought to guard the public's right of access because once the right were given up, the city would have to repurchase it if access were found necessary in the future. He felt streets should be vacated only if no potential future access need could be shown, and a use incompatible with access was to be built in or impeding the vacated area.

Mr. Williams thought the city could justify vacation of the portion of Flanders in the request, but he did not support vacation of 7th Avenue because of the possibility the street area would be needed to provide access across the freeway. Mr. Kelly agreed that the street area of 7th should be retained to provide the right-of-way necessary for the envisioned transit loop. Mrs. Morris agreed with the staff report that the transportation plans for the area were too uncertain to vacate any public right-of-way at that time.

gMotion: Mr. Angel moved adoption of the staff recommendation of denial of the requested vacation; Ms. Andrews seconded the motion. The vote on the motion was: ayes--Andrews, Angel, Kelly, Lindsay, Pfeiffer, Williams, Wu, Morris; nays--none.

V 7-87 Vacation of SW Grover, west of SW Moody

Mr. Hayakawa presented the staff report and recommendation of denial of the requested vacation, as included in the agenda for the meeting. He showed a series of slides to orient the commission to the area. Ms. Lindsay asked when the application had been received. Mr. Hayakawa did not know. Mr. Williams felt, given the city's "lease on the railroad tracks" and the possibility that light rail would be built to serve the area, the vacation of the street as requested was premature. Ms. Andrews agreed.

gMotion: Mr. Williams moved adoption of the staff recommendation of denial of the requested vacation; Mr. Pfeiffer seconded the motion. The vote on the motion was: ayes--Andrews, Angel, Kelly, Lindsay, Pfeiffer, Williams, Wu, Morris; nays--none.

Ms. Andrews left the meeting at this point.

Solar Access Provisions: Amendments to Titles 33 and 34

Mr. Warren presented the staff's report recommending amendments to the planning, zoning and subdivision codes of the city in order to streamline the provisions for solar setbacks and solar envelopes. (See agenda for the meeting.) Mrs. Morris commented that she had heard a lot of complaints about the city's solar and hoped that the major concerns were answered by the proposed changes. Mr. Warren thought the major concerns had been addressed, but admitted no attempt had been made to answer all concerns. His work tried to balance the "practical aspects of development with a real solar access protection code." He anticipated bringing a more thorough revision of the city's solar access protection ordinances within a year.

Mrs. Morris asked if the changes in the proposed ordinance would have answered the concerns expressed by Kristen Lee in her appeal of the planning director's interpretation of Title 33. (See minutes of meeting of March 10, 1987.) Mr. Warren said the changes did not address those concerns, which were for the how the solar access provisions were applied in the C4 zone. That issue would again be before the commission in September of 1987 on remand from the City Council. The proposed ordinance did, however, clarify that the solar access provisions did apply to the C4 zone.

Mrs. Morris called for public testimony.

Charles Hales, 15555 SW Bangy Rd., Lake Oswego, 97035 testified on behalf of the Homebuilders Assoc. of Metropolitan Portland. He supported the proposed amendments, but wanted the commission to understand that, from the perspective of the homebuilders, the solar access protection ordinance had been "one of the worst land use regulations ever adopted in terms of value received for regulatory effort expended." He offered a paraphrase of Winston Churchill, saying: "Never have so many spent so much to accomplish so little." He felt the comprehensive plan only "encouraged" the use of energy-conserving solar-access protecting measures by developers, but the city had interpreted that encouragement as a mandate that certain development techniques be used.

He felt application of the existing standards did not save energy or create more intelligent design, but often caused "perverse design" or hardship on people who had purchased lots on which they decided they could not build the house they wanted. In some instances, people had been forced to spend "significant sums of money" to redesign their homes in order to provide "little or no energy savings for their neighbor." He was a member of a task force formed by Commissioner Lindberg to produce a model solar access code that could be used in the entire metropolitan region, and which would reexamine many of the assumptions used to create Portland's solar code.

He asked that the commission recommend adoption of the proposed ordinance by the City Council, with the understanding that it was only the first in a series of "damage control steps necessary to get us through short-term until we can do something more significant", and with the goal of improving energy conservation and the prospect that solar technology would be used in housing. He felt Salem's solar access program was better than that used in Portland due to its educational rather than mandatory nature and suggested that Portland look to it in rewriting the solar access code. (The Salem program was entirely voluntary, using building plans review to suggest the best methods of achieving solar gain for a new home and its neighboring homes.)

David Hewitt, 1120 SW Fifth, 97204 testified as director of the city's Energy Office. He noted that the city had created a solar evaluation task force (which included representatives of the building industry) which was studying the difficulties that had surfaced with the city's solar access protection ordinance. The proposed short-range changes that were before the commission would resolve most of the major difficulties. Other issues such as trees and building height needed longer, more careful study before recommendations for change could be made. At the same time, some 20 communities in the metropolitan area were participating jointly in development of new, model solar access regulations. He would not speculate as to the possibility of all jurisdictions adopting the same regulations, but thought it was important for Portland to participate in that process both to learn and to offer the results of its experience.

He noted work that had been done by the Energy Office in evaluating the solar access code to prepare the proposal before the commission. Twenty-six of the people/builders who had experienced the worst problems with the existing code had been interviewed to find out what the problems had been. A survey of the building community had been done to see if any "perception problem" existed with Portland's code, in which 60% of the respondents said they had difficulty obtaining building permits in Portland. Only 10% had noted difficulty with the solar access provisions of the code. The Bureau of Planning had also collected data which showed that only 13% of the plans submitted for housing in the city had needed any kind of change to meet the solar access requirements. Problems that had been experienced were mainly with larger, more expensive homes built on steep lots that were usually quite small. The data had also shown that 86% of the builders requesting permits "had pretty good knowledge" of the requirements.

The task force had further found that over 70% of the builders were using solar access protection measures in the design of the homes, showing that the requirements were influencing how houses were designed. And, over half the respondents perceived that the requirements did provide a benefit to the community. Only about 24% said the requirements should be eliminated; one-third felt some specific changes should be made; and one-half thought the requirements were all right as written. He asked that the commission adopt the proposed

changes, and said the "fine tuning" would occur in the near future to correct all the problems with the requirements. The final report of the city's task force would be ready for Planning Commission review by December of 1987.

Mr. Wu found the 13% of all plans with problems due to the solar access protection requirements quite high and worrisome to the city. He was not convinced the city's code was working within a level of acceptable cost to developers. Mr. Hewitt noted that, within the 13%, were adjustments easily made to satisfy the solar protection requirements. Most of the significant problems that had been seen would be corrected by the proposed ordinance. He agreed that more education did have to be done by the city to inform the building community of the changes to the code that would make construction easier than it had been under the existing solar protection code. He did not think the data would show that builders were being chased out of Portland by the code.

Mr. Angel thought the city might have gotten "too far out of whack on the cost/benefit relationship" by asking for home redesign (to provide solar access) that would not save the owners the cost of the redesign in energy savings over 20 years. He supported "moving towards" the concepts of the solar access provision regulations, but did not want to make people "spend more money than they would be saving in the long run."

Tami Beth Katz, 1143 SE Umatilla, 97202 testified representing Block Brothers which had developed a subdivision on steep terrain with small lots. She urged the commission to adopt the proposed amendments because many of them responded to requests the developers had made to the city.

There was no further public testimony.

Mr. Warren assured the commission that staff was working to assemble "real objective data" on the effects of the solar access protection measures that had been used and would present that data to the commission in substantiation of any additional recommended changes that would be proffered. He cautioned that some of the "individual horror stories" that might be told, while true, would not fairly represent the real cost/benefit of the access provisions.

gMotion: Mr. Angel moved adoption of the staff recommendation, with the understanding that staff would return before the end of the year with additional recommendations related to the city's solar access protection code. Mr. Kelly seconded the motion. The vote on the motion was: ayes--Angel, Kelly, Lindsay, Pfeiffer, Williams, Wu, Morris; nays--none.

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Norman A. Abbott, Director
Bureau of Planning

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