

ORDINANCE No. 187889

Amend Title 33, Planning and Zoning to allow limited commercial use of accessory parking within the Northwest Plan District (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The NW Plan District is a vibrant area containing a mix of commercial activities, employment and high residential densities. This mix of uses increase the demand on existing parking supply, both on the street and on private parking lots in the district.
2. The on-street parking capacity issue increases pressure to provide opportunities for making more parking available on private property. Parking issues have preoccupied and polarized NW residents and business organizations for over two decades.
3. The NW Plan District adopted in 2003 included zoning code provisions to allow accessory parking to be used as commercial parking under limited circumstances in the Residential and Central Employment zones. The provisions have not been widely used in these intervening years due in part to the types of limitations in the regulations and the delay in forming the Transportation Management Association planned to manage the provisions.
4. Progress has been made regarding the management of on-street parking issues in the area in the last several years, including the adoption of the NW Parking Management Plan (NWPMP), and the establishment of a NWPMP Stakeholder Advisory Committee (SAC). The NWPMP, currently being implemented, created a new Area Parking Program and new metered parking areas. The NWPMP-SAC meets monthly to advise Portland Bureau of Transportation (PBOT) on on-street and general parking related issues, including planning for future improvements to the plan, community stakeholder concerns, and future Transportation Demand Management tools for the area.
5. In recognition of the parking constraints in this plan district and in response to community concerns about managing parking supply and demand, and with the intention of making existing code provisions more supportive of district goals, the Bureau of Planning and Sustainability (BPS) initiated the NW Parking Update Project.
6. In an extension of their role in the NWPMP, PBOT will administer and review applications for use of the accessory parking as commercial parking provisions of the NW Plan District. Administrative Rules
7. On February 1, 2016, notice of the proposed action was mailed to the Department of Land Conservation and Development.
8. The *NW Parking Update Project: Proposed Draft* was published February 5, 2016. The proposal included two amendments to the Portland Zoning Code, specifically 1) changes to Chapter 33.562.280, Parking, to add limited minimum parking requirements for new multi-dwelling

development over 30 units and 2) changes to 33.562.290, Use of Accessory Parking for Commercial Parking, to update language, allow for short-term parking and remove restrictions on allowed users.

9. To assist in the implementation of the regulations set forth in 33.562.290, Use of Accessory Parking for Commercial Parking, PBOT developed a set of administrative rules to guide implementation and review of the provisions. PBOT will update and revise the administrative rules from time to time to assure that the intent of the provisions continues to be met and that any issues arising from the provisions are addressed as the program matures.
10. On February 5, 2016, notice was sent to all neighborhood associations, coalitions, and business associations, as well as other interested people to notify them of the Planning and Sustainability Commission (PSC) hearing on the proposed amendments to the Zoning Code.
11. On February 12, 2016 notice as required by ORS 227.186 (Measure 56) was sent to all property owners potentially affected by proposed zoning code changes in the NW Plan District area.
12. On March 8, 2016, PSC held a public hearing and heard a staff presentation and public testimony on the proposal. The PSC voted to recommend that City Council adopt an amended version of the proposal as reflected in the *NW Parking Update Project: Recommended Draft*.
 - a. Testimony was generally positive regarding allowing accessory parking to be used as commercial parking, focusing largely on administrative clarifications. Concern was expressed that the program for accessory parking to be used as commercial parking could expire with the dissolution of the NW Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC). Testifiers asked that the program continue to be administered by the city (PBOT) even without this committee. During the discussion, commission members also acknowledged the importance of creating a streamlined application process for the commercial parking program and asked that the role of the SAC be underscored as advisory only. The Commission also noted that the proposed commercial parking provisions could provide a mechanism to make the total pool of parking available to more residents.
 - b. PSC also heard testimony on the proposed minimum parking element of the proposal. PSC decided not to recommend any change to the current parking standards in the NW Plan District. PSC noted concerns about impacts on housing affordability - whether directly via building costs or indirectly by reduced supply - and the efficacy of on-street parking management tools as reasons for not supporting the proposed parking minimums in the NW Plan District.
 - c. After considering all testimony, the PSC voted to recommend Council adopt the code amendments related to use of accessory parking as commercial parking in the NW Plan District with amendments. The PSC recommendation did not include support for new minimum parking standards in the NW Plan District.
13. On June 17, 2016, *NW Parking Update Project: Recommended Draft* was published.
14. On June 21, 2016 BPS sent notice sent to individuals and organizations, including all who testified at the PSC in person or in writing; all neighborhood associations, coalitions, and business associations; and others who have requested notice. The notice was to inform them of the City Council hearing on the proposed amendments to the Zoning Code.

15. On July 6, 2016, City Council held a hearing on the *NW Parking Update Project: Recommended Draft*, including the recommendations and amendments from the PSC. Staff presented the proposal and public testimony was received.
16. On July 13, 2016, City Council voted to adopt *NW Parking Update Project: Recommended Draft* and amend the Zoning Code as shown in the *Recommended Draft*.

Findings on Statewide Planning Goals

17. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
18. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided opportunities for public involvement and is consistent with this goal as summarized below:
 - In May 2015 BPS created a project page on the BPS website to provide information for the public.
 - Staff regularly attended NW Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC) meetings from April 2015 through December 2015 to discuss the project topics and get input on code development and administration. NWPMP SAC is comprised of neighborhood association and business association representatives as well as at-large community members.
 - The February 2016 issue of the *BPS E-News* included a story about the PSC Hearing on the *NW Parking Update Project: Proposed Draft*. The E-News is sent to more than 7,000 email addresses.
 - On February 5, 2016, BPS sent notice to 571 individuals and organizations, including all neighborhood associations, coalitions, and business associations, and to other interested parties to notify them of the PSC hearing on the *NW Parking Update Project: Proposed Draft*.
 - On February 5, 2016 BPS published the *NW Parking Update Project: Proposed Draft*. Copies were available at the BPS office, and available on the project page of the BPS website.
 - On February 12, 2016 notice as required by ORS 227.186 (Measure 56) was sent to all property owners potentially affected by proposed zoning code changes in the NW Plan District area. This notice also included information about the Open House.
 - The March/April 2016 issue of the *Bureau of Development Services Plans Examiner* included a story about the NW Parking Update Project. BDS sends the Plans Examiner to more than 450 email addresses.
 - On March 2, 2016 an Open House was held at a community location in the district to provide information and an opportunity to meet with project staff.

- On March 8, 2016 the PSC held a public hearing to take testimony on and discuss the *NW Parking Update Project: Proposed Draft*. Following public testimony, the PSC recommended only support for the code amendments related to accessory parking used as commercial parking and voted to forward their recommendation to City Council.

19. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments comply with this goal because development of the recommendations followed the established City procedures for legislative action in Zoning Code Chapter 33.740. They also improve the clarity and comprehensibility of the City's codes. The amendments do not require changes to the existing land use review processes that serve as the basis for land use decisions. See also findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination, and its related policies and objectives.
20. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments comply with this goal because they provide for more efficient use of existing parking facilities in an area with high parking demand. This in turn supports economic activity in the plan district area and promotes investment in property improvements.
21. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments comply with this goal because the amendments do not change allowances for residential development. See also findings for Portland Comprehensive Plan, Goal 4, Housing.
22. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal because they provide for more efficient and economical use of existing off-street parking facilities and may provide some relief to on-street parking congestion.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility. This proposal will not have a significant effect on existing or planned transportation facilities because the amendments will result in only changes to allowed uses for existing accessory parking lots in the NW Plan District area and will not result in an increase of housing units or jobs that will significantly affect an existing parking facility.

23. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because the proposal continues to support compact urban development in an area served by frequent transit service and in proximity to a variety of neighborhood supportive services.

Findings on Metro Urban Growth Management Functional Plan

24. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the proposed accessory parking used as commercial parking code amendments in the NW Plan District.
25. **Title 1, Housing Capacity**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through a citywide analysis based on calculated capacities from land use designations.

The amendments are consistent with this title because they do not alter the development capacity of the city. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).

26. **Title 4, Industrial and Other Employment Areas**, calls for strong regional economy and providing for and protecting a supply of sites for employment by limiting the types of and scale of non-industrial uses in Regionally Significant Industrial areas, industrial and employment areas. While the amendments are applicable to land zoned Central Employment, this designation allows for a wide range of uses including residential and commercial development. The amendments are consistent with this title because they will allow for more efficient use of accessory parking facilities and do not introduce new uses that would impact the employment capacity of these Employment zoned sites.
27. **Title 6, Centers, Corridors, Station Communities and Main Streets**, calls for actions and investments to enhance the principal role of these places as centers of urban life in the region. The amendments are consistent with this title because they support the commercial, employment and residential role of the NW Plan District by providing for more efficient use of parking facilities in a parking constrained area.
28. **Title 7, Housing Choice**, calls for local governments to adopt affordable housing production goals with the intent of increasing the supply of affordable housing. The amendments are consistent with this title because they do not change where housing can be built or what type of housing can be built. They only provide more parking resources in a parking constrained area. See also Statewide Goal 10, Housing.

Findings on Portland's Comprehensive Plan Goals

29. The following goals, policies and objectives of the Portland Comprehensive Plan are relevant and applicable to the proposed accessory parking used as commercial parking code amendments in the NW Plan District.
30. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to metropolitan coordination and regional goals.
31. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments are consistent with this policy because other government agencies were notified of this proposal and given the opportunity to comment. Notified agencies included the Reynolds School District, Portland Public Schools, the Oregon Department of Transportation, Centennial School District, TriMet, City of Maywood Park, City of Tigard, the Regional Arts and Culture Council, the Port of Portland, Multnomah County Youth Commission, Portland State University, Multnomah County and Metro. No comments were received from any of these agencies.
32. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they update regulations that provide for more efficient use of off-street parking resources in the NW Plan District, a vibrant residential and commercial area.
33. **Policy 2.9, Residential Neighborhoods**, calls for allowing a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods.

The amendments are consistent with this policy because the amendments provide options for more efficient use of existing parking facilities creating the potential for reduction in on-street parking congestion as a result. Improvements to off-street parking options and on-street parking availability support livability in the NW Plan District and general neighborhood.

34. **Goal 3, Neighborhoods**, calls for preserving and reinforcing the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because the proposed amendments to allow accessory parking as commercial parking will provide new options for off-street parking in an area with limited parking resources, therein reinforcing the stability of the area while supporting increased density.
35. **Policy 3.5, Neighborhood Involvement**, calls for enabling the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The NW Parking Management Plan – Stakeholder Advisory Committee (NWPMP-SAC) is comprised of representatives from the NW District Association and Nob Hill Business Association, and community members at large. The NWPMP-SAC has been active in the development of the proposed amendments. NWPMP-SAC meetings are also public meetings with opportunity for other interested stakeholders to provide input. The project engaged the NWPMP-SAC in addressing issues and developing the proposal. In addition to this the community was invited to participate and provide input at an Open House and the PSC hearing.
36. **Policy 3.10, Northwest District Plan**, calls for promoting the livability, historic character, and economic vitality of a diverse, mixed-use urban neighborhood by including the NW District Plan as part of the Comprehensive Plan. This proposal is consistent with this policy because the project addresses policies in the NW District Plan. See additional findings in the NW District Plan policy section below.
37. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal they do not change where housing is allowed or what type of housing can be built, while providing for more efficient use of off-street parking facilities in a parking constrained area. See also the findings for Statewide Planning Goal, Goal 10, Housing.
38. **Goal 5, Economic Development**, calls for fostering a strong and diverse economy which provides a full range of employment and economic choices for people in all parts of the city. The amendments are consistent with this goal because they provide for more efficient use of existing parking facilities in an area with high parking demand. This in turn supports economic activity in the plan district area and promotes investment in property improvements. See also findings for State Goal 9, Economic Development, above.
39. **Goal 6, Transportation** calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal by providing options for more efficient use of existing parking facilities and potential for reduction in on-street parking congestion as a result. Improvements to off-street parking options and on-street parking availability support livability in the NW Plan District and general neighborhood.
40. **Policy 6.25, Parking Management**, calls for managing the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality. The amendments are consistent with this policy by providing for more efficient use of existing off-street parking facilities in an area with high parking demand. This in turn supports

economic vitality in the plan district area by providing an additional reliable parking option for residents and customers of the area.

41. **Policy 6.26, On-Street Parking Management**, calls for managing the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods. The amendments are consistent with this policy by providing options for off-street accessory parking facilities to be used as commercial facilities, reducing pressure on an already congested on-street parking situation.
42. **Policy 6.27, Off-Street Parking**, calls for regulating off-street parking to promote good urban form and the vitality of commercial and employment areas. The amendments are consistent with this policy by providing options for off-street accessory parking facilities to be used as commercial facilities, reducing pressure on an already congested on-street parking situation, and making efficient use of existing facilities. This can help create on-street parking availability to serve nearby businesses, visitors, and neighborhood residents.
43. **Policy 6.27, Objective C**, calls for limiting the development of new parking spaces to achieve land use, transportation and environmental objectives. The amendments are consistent with this objective because they allow more efficient use of existing and future off-street parking facilities, creating more capacity without necessarily creating more parking spaces.

Policy 6.39, Northwest Transportation District, calls for strengthening the multimodal transportation system in the Northwest [Transportation] District - - by increasing public transit use, encouraging transportation demand management measures and improving pedestrian and bicycle access. The Northwest Transportation District covers the NW quadrant of the city from Linnton and Forest Park neighborhoods south to West Burnside. The amendments are consistent with this goal because they will not detract from the evolution of the multimodal transportation system in this area of the District.

44. **Policy 6.39, Objective F**, calls for supporting a range of strategies in the high-density portions of the district to address parking issues, including commuter and event parking impacts. The amendments support this objective by providing opportunities to use off-street parking facilities at times when they might normally be underutilized. The changes help address parking capacity issues in this area of constrained parking resources.
45. **Goal 8, Environment**, calls for maintaining and improving the quality of Portland's air, water, and land resources, as well as protecting neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they facilitate the efficient use of land resources by allowing existing accessory parking facilities to be used in off-hours as commercial parking. See also findings for Statewide Planning Goal 6, Air, Water, and Land Resource Quality.
46. **Goal 9, Citizen Involvement**, calls for improving methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review and amendment of the Comprehensive Plan. The amendments are consistent with this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
47. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. The amendments are consistent this goal because they update implementing zoning code language and follow policy direction as shown in the findings of this ordinance.
48. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments are consistent with this

policy by providing updated and clear zoning code language to implement regulations that support the changing needs of our growing city.

49. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal by updating allowances for more efficient use of off-street parking facilities in the NW Plan District area. The amendments do not impede/are consistent with historic preservation, quality development or public improvements in the NW Plan District area.

Findings on Northwest Plan District Goals

50. The following goals, policies and objectives of the Northwest District Plan are relevant and applicable to the proposed accessory parking used as commercial parking code amendments in the NW Plan District.
51. **Policy 3, Transportation Policy**, calls for providing a full range of transportation options for moving people and goods thereby supporting neighborhood livability and commerce and reducing reliance on the automobile. The amendments are consistent with this policy because they will make access to parking more consistent in this parking-constrained area, making more efficient use of existing parking facilities and supporting livability and commerce in the NW Plan District.
52. **Policy 4, Parking**, Provide and manage parking to serve the community while protecting and enhancing the livability and urban character of the district. The amendments are consistent with this policy because they will update zoning provisions that allow accessory parking facilities to be used as commercial parking.
53. **Policy 4, Parking, Objective B**, calls for providing for efficient use of on- and off-street parking through such means as “shared use” of parking facilities and minimizing the number and size of curb cuts. The amendments are consistent with this objective because they broaden existing allowances for accessory parking to be used as commercial parking, i.e. “shared” parking.
54. **Policy 6, Business and Economic Development**, calls for fostering a healthy and prosperous business community that serves the needs of the district and retains and expands the diverse mix of businesses and jobs. The amendments are consistent with this policy because they provide an additional parking resource in this parking constrained area, there in supporting economic viability for existing and future businesses.
55. **Policy 7, Urban Design**, calls for respect of the urban design principles and architectural qualities that define the district’s human-scaled, pedestrian-oriented character. The amendments are consistent with this policy because they do not change any development standards established to support the urban design and character of the area.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *NW Parking Update Project: Recommended Draft*, dated June 17, 2016;
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *NW Parking Update Project: Recommended Draft*, dated June 17, 2016;
- c. Adopt the commentary and discussion in Exhibit A, *NW Parking Update Project: Recommended Draft*, dated June 17, 2016; as further findings and legislative intent;
- d. The Bureau of Transportation shall adopt Administrative Rules for implementation of the program to review and approve accessory parking used as commercial parking as authorized in the Title 33 amendments contained in Exhibit A and in a form substantially similar to the draft regulations shown in Exhibit B.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: JUL 13 2016

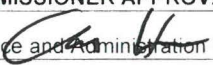
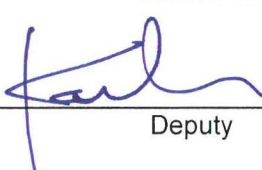
Mayor Charlie Hales
Prepared by: Joan Frederiksen
Date Prepared: June 16, 2016

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

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 Agenda No. **187889**
ORDINANCE NO.
 Title

Amend Title 33, Planning and Zoning, to allow limited commercial use of accessory parking within the Northwest Plan District. (Ordinance; Amend Title 33, Planning and Zoning)

<p>INTRODUCED BY Commissioner/Auditor: Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>JUN 28 2016</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales </p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Deborah Stein</i></p> <p>Prepared by: Joan Frederiksen Date Prepared: June 13, 2016</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>JAK</i></p> <p>Council Meeting Date July 6, 2016</p>	<p>ACTION TAKEN:</p> <p>JUL 06 2016 PASSED TO SECOND READING JUL 13 2016 9:30 A.M.</p>

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00</p> <p>Total amount of time needed: 2.5 hrs (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz</td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman</td> <td></td> </tr> <tr> <td>4. Novick</td> <td>4. Novick</td> <td></td> </tr> <tr> <td>Hales</td> <td>Hales</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz		2. Fish	2. Fish		3. Saltzman	3. Saltzman		4. Novick	4. Novick		Hales	Hales	
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